

Maryland Register

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IN THIS ISSUE

Regulatory Review and Evaluation
Regulations
Errata
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 29, 2025 5 p.m.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 September 29, 2025.

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

Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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Wes Moore, Governor; **Susan C. Lee**, Secretary of State; **Gail S. Klakring**, Administrator; **Tracey A. Johnstone**, Editor, Maryland Register; **Tarshia N. Neal**, Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.
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Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register 1018

COMAR Research Aids

Table of Pending Proposals 1019

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
08 Department of Natural Resources	1024, 1028
09 Maryland Department of Labor	1030
10 Maryland Department of Health	1022, 1024,1027,1045
11 Department of Transportation	1075
12 Department of Public Safety and Correctional Services	1024
13A State Board of Education	1025
14 Independent Agencies	1025, 1076
15 Maryland Department of Agriculture	1025
20 Public Service Commission	1026
33 State Board of Elections	1026

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.

Regulatory Review and Evaluation

10 MARYLAND DEPARTMENT OF HEALTH
Health Occupations Boards
Board of Examiners of Nursing Home Administrators
Board of Pharmacy
Postmortem Examiners Commission
Board of Examiners of Psychologists
14 INDEPENDENT AGENCIES
Maryland Environmental Service

Final Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES
WILDLIFE
Wildlife Possession
10 MARYLAND DEPARTMENT OF HEALTH
BOARD OF NURSING
Delegation of Acts by an Advanced Practice Registered Nurse
BOARD OF OCCUPATIONAL THERAPY PRACTICE
Collection of Fees
12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
POLICE TRAINING AND STANDARDS COMMISSION
General Regulations
13A STATE BOARD OF EDUCATION
EDUCATOR LICENSURE
General Provisions
Specialists
Administrators and Supervisors
STATE SCHOOL ADMINISTRATION
State Superintendent of Schools
SCHOOL PERSONNEL
Disqualification Criteria for Substitute Teachers
EDUCATOR LICENSURE
Disciplinary Actions and Denials
14 INDEPENDENT AGENCIES
COMMISSION ON CRIMINAL SENTENCING POLICY
General Regulations
Criminal Offenses and Seriousness Categories
15 MARYLAND DEPARTMENT OF AGRICULTURE
PLANT PEST CONTROL
Plant Pest Control Regulations
20 PUBLIC SERVICE COMMISSION
COMMUNITY SOLAR ENERGY GENERATION SYSTEMS
Consolidated Billing
33 STATE BOARD OF ELECTIONS
CAMPAIGN FINANCING
Campaign Accounts
Campaign Accounts
Campaign Accounts
ADMINISTRATION OF PUBLIC FINANCING ACT
Eligibility Requirements and Procedures

Withdrawal of Regulations

10 MARYLAND DEPARTMENT OF HEALTH
BOARD OF MASSAGE THERAPY EXAMINERS
Fees
Handheld Tools

Proposed Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES
FISHERIES SERVICE
Fish and Regulations
Sharks

WILDLIFE
Open Seasons, Bag Limits for Game Birds and Game Animals
09 MARYLAND DEPARTMENT OF LABOR
BOARD OF COSMETOLOGISTS
General Regulations
Beauty Salons
FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM
General Provisions
Contributions
Equivalent Private Insurance Plans
Dispute Resolution
10 MARYLAND DEPARTMENT OF HEALTH
FOOD
Food and Drink Processing and Transportation
BOARD OF PHYSICIANS
Physician Assistant
BOARD OF NURSING HOME ADMINISTRATORS..... 1053
BOARD OF LONG-TERM CARE ADMINISTRATORS.. 1053
General Regulations
Licensing of Nursing Home Administrators
Licensing of Assisted Living Managers
Continuing Education Requirements
Fees
Code of Ethics
Sanctions and Disciplinary Proceedings
Compelling Purpose Disclosure
11 DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION
Registration Transfer
14 INDEPENDENT AGENCIES
COMMISSION ON CRIMINAL SENTENCING POLICY
General Regulations
Criminal Offenses and Seriousness Categories

Errata

COMAR 09.33.02

Special Documents

DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
Water Quality Certification 17-WQC-02 (R1)
SUSQUEHANNA RIVER BASIN COMMISSION
Actions Taken at the September 24, 2025 Meeting
Public Hearing

General Notices

STATE COLLECTION AGENCY LICENSING BOARD
Public Meeting
COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE
Reduction Of Bond Authorization
COMMISSIONER OF FINANCIAL REGULATION
Bank Merger
MARYLAND DEPARTMENT OF HEALTH
Pharmacy and Therapeutics (P&T) Committee public meeting

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.maryland.gov, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES THROUGH December 2026†

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2025			
October 31	October 10**	October 20	October 22
November14	October 27	November 3	November 5
December 1***	November 10	November 17	November 19
December 12	November 24	December 1	December 3
December 26	December 8	December 15	December 17
2026			
January 9	December 22	December 29	December 31
January 23	January 5	January 12	January 14
February 6**	January 16	January 26	January 28
February 20	February 2	February 9	February 11
March 6**	February 13	February 23	February 25
March 20	March 2	March 9	March 11
April 3	March 16	March 23	March 25
April 17	March 30	April 6	April 8
May 1	April 13	April 20	April 22
May 15	April 27	May 4	May 6

May 29	May 11	May 18	May 20
June 12**	May 22	June 1	June 3
June 26	June 8	June 15	June 17
July 10	June 22	June 29	July 1
July 24	July 6	July 13	July 15
August 7	July 20	July 27	July 29
August 21	August 3	August 10	August 12
September 4	August 17	August 24	August 26
September 18**	August 31	September 4	September 9
October 2	September 14	September21	September 23
October 16	September 28	October 5	October 7
October 30**	October 9	October 19	October 21
November13	October 26	November 2	November 4
November 30***	November 9	November16	November 18
December 11	November 23	November30	December 2
December 28***	December 7	December 14	December 16

† Please note that this table is provided for planning purposes and that the Division of State Documents (DSD) cannot guarantee submissions will be published in an agency's desired issue. Although DSD strives to publish according to the schedule above, there may be times when workload pressures prevent adherence to it.

* Also note that proposal deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. The due date for documents containing 8 to 18 pages is 48 hours before the date listed; the due date for documents exceeding 18 pages is 1 week before the date listed.

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

** Note closing date changes due to holidays.

*** Note issue date changes due to holidays.

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 | Subtitle | Chapter | Regulation | Section | Subsection | Paragraph | 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 and corrections pertaining to proposed regulations are listed, followed by "(err)" or "(corr)," respectively. 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

02.06.04 .01—.06 • 52:6 Md. R. 270 (3-21-25)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.24.01.01—.04 • 52:13 Md. R. 660 (6-27-25)

07 DEPARTMENT OF HUMAN SERVICES

07.02.25.01—.24 • 51:19 Md. R. 861 (9-20-24)

08 DEPARTMENT OF NATURAL RESOURCES

08.01.07.10 • 52:17 Md. R 878 (8-22-25)
08.01.10.01—.06 • 52:17 Md. R 878 (8-22-25)
08.01.11.01—.07 • 52:20 Md. R 1005 (10-03-25)
08.02.05.23, .26,.27 • 52:21 Md. R 1028 (10-17-25)
08.02.13.06 • 52:18 Md. R 925 (9-5-25)
• 52:18 Md. R 980 (9-19-25) (err)
08.02.15.07 • 52:18 Md. R 928 (9-5-25)
08.02.22.02,.03 • 52:21 Md. R 1028 (10-17-25)
08.03.03.01 • 52:21 Md. R 1030 (10-17-25)
08.07.01.25 • 52:17 Md. R 878 (8-22-25)
08.07.06.25 • 52:17 Md. R 878 (8-22-25)
08.08.05.03 • 52:7 Md. R. 326 (4-4-25)

09 MARYLAND DEPARTMENT OF LABOR

09.03.06.02,.04 • 52:1 Md. R. 27 (1-10-25)
09.03.06.02,.04 • 52:2 Md. R. 79 (1-24-25) (corr)
09.03.06.02,.06,.16 • 51:14 Md. R. 685 (7-12-24)
09.03.09.06 • 52:7 Md. R. 328 (4-4-2025)
09.10.01.07 • 52:20 Md. R 1007 (10-03-25)
09.11.07.01 • 52:12 Md. R. 600 (6-13-25)
09.15.02.04 • 52:17 Md. R 880 (8-22-25)
09.20.01.01, .02—.04, .06—.07 • 52:16 Md. R. 850 (8-8-25)
09.22.01.04, .15 • 52:6 Md. R. 273 (3-21-25)
• 52:16 Md. R. 850 (8-8-25)
09.22.01.04,.15 • 52:21 Md. R 1030 (10-17-25)
09.22.02.03, .05 • 52:6 Md. R. 273 (3-21-25)
• 52:16 Md. R. 850 (8-8-25)
09.22.02.03,.05 • 52:21 Md. R 1030 (10-17-25)
09.30.01,.01—.10 • 52:2 Md. R 371 (4-18-25)

09.32.01 .02, .03, .05, .06, .09, .09-1 .11, .12, .16, ,.16-1 .17, .23, .25, .26, • 52:15 Md. R. 814 (7-25-25)
09.34.05.02 • 52:10 Md. R. 441 (5-16-25)
09.34.06.02.—07,.14 • 52:10 Md. R. 441 (5-16-25)
09.34.07.02 • 52:10 Md. R. 441 (5-16-25)
09.34.08.01—.03,.05—.08,.10—.12 • 52:10 Md. R.441 (5-16-25)
09.34.09.02 • 52:10 Md. R. 441 (5-16-25)
09.36.07.01—.13 • 52:6 Md. R. 274 (3-21-25)
09.42.01.01—.03 • 52:21 Md. R 1031 (10-17-25)
09.42.02.01—.10 • 52:21 Md. R 1034 (10-17-25)
09.42.03.01—.10 • 52:21 Md. R 1036 (10-17-25)
09.42.04.01—.12 • 51:21 Md. R. 937 (10-18-24)
09.42.05.01—.05 • 52:21 Md. R 1040 (10-17-25)

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

Subtitle 09 (2nd volume)

10.09.02.07 • 52:5 Md. R. 241 (3-7-25) (ibr)
10.09.06.09 • 52:9 Md. R 409 (5-02-25)
10.09.07.08 • 52:7 Md. R. 333 (4-4-2025)
10.09.11.11 • 52:3 Md. R. 162 (2-7-25)
10.09.12.01,.04—.06 • 52:3 Md. R. 164 (2-7-25)
10.09.24.02,.07,.12 • 52:3 Md. R. 162 (2-7-25)
10.09.27.06 • 52:9 Md. R 410 (5-02-25)
10.09.28.04,.06 • 52:12 Md. R. 603 (6-13-25)
10.09.33.09 • 52:9 Md. R 411 (5-02-25)
10.09.37.03 • 52:5 Md. R. 242 (3-7-25)
10.09.43.10,.13 • 52:3 Md. R. 164 (2-7-25)
10.09.48.08 • 52:7 Md. R. 333 (4-4-2025)
10.09.53.04,.05 • 51:4 Md. R. 206 (2-23-24)
10.09.53.07 • 52:12 Md. R. 605 (6-13-25)
10.09.54.04, .22 • 52:12 Md. R. 606 (6-13-25)
10.09.76 .04,.05 • 52:5 Md. R. 243 (3-7-25)
10.09.80.08 • 52:12 Md. R. 607 (6-13-25)
10.09.81.41 • 52:17 Md. R 881 (8-22-25)

Subtitles 10—22 (3rd volume)

10.10.01.03 • 52:11 Md. R. 545 (5-30-25)
10.10.02.01 • 52:11 Md. R. 545 (5-30-25)
10.10.03.02—.04 • 52:11 Md. R. 545 (5-30-25)
10.10.04.01,.02 • 52:11 Md. R. 545 (5-30-25)
10.10.05.02,.04,.05 • 52:11 Md. R. 545 (5-30-25)
10.10.06.02,.07,.08,.12,.13 • 52:11 Md. R. (5-30-25)
10.10.07.07 • 52:11 Md. R. 545 (5-30-25)
10.10.08.02 • 52:11 Md. R. 545 (5-30-25)
10.10.12.02,.04,.07 • 52:11 Md. R. 545 (5-30-25)
10.15.04.15,.16 • 52:21 Md. R 1045 (10-17-25)
10.21.12.01—03, .05, .06, .08—10, .12, .14 • 52:11 Md. R. 550 (5-30-2025)
10.21.13.01—.08, .10,.12 • 52:11 Md. R. 550 (5-30-25)

Subtitles 23—36 (4th volume)

10.24.06.01—.04 • 52:19 Md. R. 958 (9-19-25)
10.25.07.02,.09—.12 • 51:24 Md. R. 1086 (12-2-24)
10.25.07.01,.02,.05,.09—.12 • 52:16 Md. R. 852 (8-8-25)
10.27.02.01 • 52:12 Md. R. 609 (6-13-25)
10.27.05.07 • 52:12 Md. R. 609(6-13-25)
10.27.10.02 • 52:16 Md. R. 856 (8-8-25)
10.27.18.01,.02 • 52:12 Md. R. 609 (6-13-25)
10.27.26.02 • 52:12 Md. R. 609 (6-13-25)
10.28.05.03 • 52:7 Md. R. 334 (4-4-25)
10.28.07.02 • 52:7 Md. R. 334 (4-4-25)
10.28.08.01—.04 • 52:7 Md. R. 334 (4-4-25)
10.28.11.04 • 52:7 Md. R. 334 (4-4-25)
10.28.12.02 • 52:7 Md. R. 334 (4-4-25)
10.32.03.01—.18 • 52:21 Md. R 1046 (10-17-25)
10.32.05.02—.06 • 52:11 Md. R. 563 (5-30-25)
10.32.25.01—.06 • 52:13 Md. R. 670 (6-27-25)
10.33.01.01—.04 • 52:21 Md. R 1053 (10-17-25)
10.33.02. .01—.14 • 52:21 Md. R 1053 (10-17-25)
10.33.03 .01—.10 • 52:21 Md. R 1053 (10-17-25)
10.33.04.01,.02 • 52:21 Md. R 1053 (10-17-25)
10.33.05.01,.02 • 52:21 Md. R 1053 (10-17-25)
10.33.06.01,.02 • 52:21 Md. R 1053 (10-17-25)
10.33.07.01—.13 • 52:21 Md. R 1053 (10-17-25)
10.33.08.01—.02 • 52:21 Md. R 1053 (10-17-25)
10.34.43.01—.03 • 52:13 Md. R. 672 (6-27-25)

Subtitles 37—52 (5th volume)

10.37.01.03 • 51:17 Md. R. 779 (8-23-24)
10.37.10.26 • 52:19 Md. R. 959 (9-19-25)
10.37.13.01—.09 • 52:19 Md. R. 959 (9-19-25)
10.42.01.02, .04, .11• 52:5 Md. R. 245 (3-7-25)
10.42.02.02,06 • 52:14 Md. R 720 (7-11-25)
10.44.01.01—.30 • 52:17 Md. R 882 (8-22-25)

Subtitles 53—69 (6th volume)

10.58.01.04 • 52:12 Md. R. 624 (6-13-25)
10.58.08.06 • 52:12 Md. R. 624 (6-13-25)
10.65.07.02 • 52:14 Md. R 721 (7-11-25)

10.65.12.01—.05 • 52:14 Md. R 721 (7-11-25)
10.67.01.01 • 52:3 Md. R. 166 (2-7-25)
10.67.06.13 • 52:3 Md. R. 166 (2-7-25)
10.69.01.01—.13 • 52:12 Md. R. 609 (6-13-25)
10.69.02.01—.06 • 52:12 Md. R. 609 (6-13-25)
10.69.03.01—.03 • 52:12 Md. R. 609 (6-13-25)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 1—10

11.04.15.01—.04 • 52:11 Md. R. 568 (5-30-25)

Subtitles 11—23 (MVA)

11.11.05.02—.04, .06 • 52:13 Md. R. 682 (6-27-25)
11.11.13.05 • 52:20 Md. R 1008 (10-03-25)
11.13.13.01—.03 • 52:2 Md. R. 126 (1-24-25) (err)
11.14.01.01—.18 • 52:14 Md. R 723 (7-11-25)
11.14.02.01—.29 • 52:14 Md. R 723 (7-11-25)
11.14.03.01—.14 • 52:14 Md. R 723 (7-11-25)
11.14.04.01—.23 • 52:14 Md. R 723 (7-11-25)
11.14.05.01—.11 • 52:14 Md. R 723 (7-11-25)
11.14.06.01—.07 • 52:14 Md. R 723 (7-11-25)
11.15.11.02, .03 • 52:21 Md. R 1075 (10-17-25)

12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

12.04.09.04,.06,.07 • 52:18 Md. R 929 (9-5-25)

13A STATE BOARD OF EDUCATION

13A.01.05.12 • 52:17 Md. R 889 (8-22-25)
13A.03.08.01—.08 • 52:14 Md. R 783 (7-11-25)
13A.05.04.01—.03 • 52:17 Md. R 889 (8-22-25)
13A.07.01,.01—.09 • 52:8 Md. R.372 (4-18-25) (ibr)
• 52:17 Md. R 891 (8-22-25)(ibr)
13A.15.01.02 • 51:25 Md. R. 1154 (12-13-24)
13A.15.04.03 • 51:25 Md. R. 1154 (12-13-24)
13A.15.13.09 • 51:25 Md. R. 1154 (12-13-24)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.02.01.07 • 52:10 Md. R. 470 (5-16-25)
13B.08.20.02—.11, .13 • 52:13 Md. R. 688 (6-27-25)
13B.08.22.02 • 52:10 Md. R. 470 (5-16-25)

14 INDEPENDENT AGENCIES

14.01.04.05 • 51:25 Md. R. 1140 (12-13-24)
14.22.01.05 • 52:6 Md. R. 288 (3-21-25)
14.22.01.09,.15 • 52:21 Md. R 1076 (10-17-25)
14.22.02.02 • 52:6 Md. R. 288 (3-21-25)
• 52:17 Md. R 893 (8-22-25)
• 52:21 Md. R 1076 (10-17-25)
14.39.02.06 • 52:17 Md. R 900 (8-22-25)
14.39.02.12 • 51:23 Md. R. 1046 (11-15-24)
14.41.01.01— 16 • 52:10 Md. R. 472 (5-16-25)

15 MARYLAND DEPARTMENT OF AGRICULTURE

15.01.22.01—.04 • 52:19 Md. R. 973 (9-19-25)

20 PUBLIC SERVICE COMMISSION

20.31.01.02 • 52:6 Md. R. 290 (3-21-25)
20.31.03.04 • 52:6 Md. R. 290 (3-21-25)
20.50.15.01—.06 • 52:18 Md. R 930 (9-5-25)
20.53.07.07 • 52:17 Md. R 901 (8-22-25)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

26.11.09.01,.07 • 52:12 Md. R. 627 (6-13-25)
26.11.43.02 • 52:19 Md. R. 974 (9-19-25) (ibr)
26.11.44.01—.06 • 52:19 Md. R. 976 (9-19-25) (ibr)

Subtitles 13—18 (Part 3)

26.13.01.03—.05 • 52:10 Md. R. 478 (5-16-25)
26.13.02.01, .04, .04-1, .04-7, .05, .06, .07, .07-1, .11, .13, .16, .19,.23 • 52:10 Md. R. 478 (5-16-25)
26.13.03.01,.01-1,.02,.03-3,.03-4,.03-5,.03-7,.05,.05-4,.06 • 52:10 Md. R. 478 (5-16-25)
26.13.04.01 • 52:10 Md. R. 478 (5-16-25)
26.13.05.01, .04, .05,.14 • 52:10 Md. R. 478 (5-16-25)
26.13.06.01, .02, .05, .22 • 52:10 Md. R. 478 (5-16-25)
26.13.07.01, .02, .02-6, ,17, .20,.20-1—.20-6 • 52:10 Md. R. 478 (5-16-25)
26.13.09.01 • 52:10 Md. R. 478 (5-16-25)
26.13.10.01, .04, .06, .08, .09-1,.14, .16-1, .17, .19, .20, .25, .32—.49 • 52:10 Md. R. 478 (5-16-25)
26.13.11.01 • 52:10 Md. R. 478 (5-16-25)

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

27.01.15.01—.06 • 52:17 Md. R 901 (8-22-25)
27.03.01.03,.04 • 52:17 Md. R 901 (8-22-25)

29 MARYLAND STATE POLICE

29.06.01.02, .05—.09, .14 • 52:3 Md. R. 172(2-7-25) (ibr)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.01.01.02 • 52:6 Md. R. 291 (3-21-25)
30.02.01.01 • 52:6 Md. R. 291 (3-21-25)
30.02.02.02—.09 • 52:6 Md. R. 291 (3-21-25)
30.03.03.03 • 52:15 Md. R. 821 (7-25-25)
30.07.01.01 • 52:12 Md. R. 630 (6-13-25)

31 MARYLAND INSURANCE ADMINISTRATION

31.04.22.03, .08 • 52:5 Md. R. 248 (3-7-25)

33 STATE BOARD OF ELECTIONS

33.01.08.01—.04 • 52:17 Md. R 904 (8-22-25)
33.03.02.01 • 52:17 Md. R 904 (8-22-25)
33.08.01.05-1,.09, .13 • 52:17 Md. R 904 (8-22-25)
33.11.01.04 • 52:17 Md. R 904 (8-22-25)
33.15.03.01—.02 • 52:17 Md. R 904 (8-22-25)
33.17.02.02 • 52:17 Md. R 904 (8-22-25)
33.05.01.04 • 52:13 Md. R. 690 (6-27-25)
33.07.11.01 • 52:13 Md. R. 690 (6-27-25)
33.14.02.14 • 52:5 Md. R. 249 (3-7-25)
33.14.02.14 • 52:15 Md. R. 821 (7-25-25)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

36.03.10.36 • 51:24 Md. R. 1118 (12-2-24)
• 52:17 Md. R 908 (8-22-25)
36.10.13.39 • 52:17 Md. R 908 (8-22-25)

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20)**. This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

Title 10
MARYLAND DEPARTMENT OF HEALTH

Subtitle 31 Health Occupations Boards

Notice of Availability of Evaluation Report

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Report concerning COMAR Title 10, Subtitle 31 Health Occupations Boards is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Office of Regulation & Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201. Information and appointments may be obtained by contacting Jordan Fisher Blotter, Director, Office of Regulation & Policy Coordination, at 410-767-0938 or by email at mdh.regs@maryland.gov.

[25-21-09]

Subtitle 33 Board of Examiners of Nursing Home Administrators

Notice of Availability of Evaluation Report

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Report concerning COMAR Title 10, Subtitle 33 Board of Examiners of Nursing Home Administrators is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Office of Regulation & Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201. Information and appointments may be obtained by contacting Jordan Fisher Blotter, Director, Office of Regulation & Policy Coordination, at 410-767-0938 or by email at mdh.regs@maryland.gov.

[25-21-10]

Subtitle 34 Board of Pharmacy

Notice of Availability of Evaluation Report

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Report concerning COMAR Title 10, Subtitle 34 Board of Pharmacy is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Office of Regulation & Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201. Information and appointments may be obtained by contacting Jordan Fisher Blotter, Director, Office of Regulation & Policy Coordination, at 410-767-0938 or by email at mdh.regs@maryland.gov.

[25-21-11]

Subtitle 35 Postmortem Examiners Commission

Notice of Availability of Evaluation Report

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Report concerning COMAR Title 10, Subtitle 35 Postmortem Examiners Commission is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Office of Regulation & Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201. Information and appointments may be obtained by contacting Jordan Fisher Blotter, Director, Office of Regulation & Policy Coordination, at 410-767-0938 or by email at mdh.regs@maryland.gov.

[25-21-12]

Subtitle 36 Board of Examiners of Psychologists

Notice of Availability of Evaluation Report

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Report concerning COMAR Title 10, Subtitle 36 Board of Examiners of Psychologists is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Office of Regulation & Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201. Information and appointments may be obtained by contacting Jordan Fisher Blotter, Director, Office of Regulation & Policy Coordination, at 410-767-0938 or by email at mdh.regs@maryland.gov.

[25-21-13]

Title 14
INDEPENDENT AGENCIES

Subtitle 27 Maryland Environmental Service

Notice of Availability of Evaluation Report

Pursuant to the Regulatory Review and Evaluation Act, State Government Article, §10-135(b)(1), Annotated Code of Maryland, and Executive Order 01.01.2003.20, notice is hereby given that the Evaluation Report regarding COMAR 14.27.02 - .04 is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Maryland Environmental Service, 259 Najoles Road, Maryland 21108, Monday through Friday, 8:00 a.m. to 4:00 p.m., except holidays. Information may be obtained by contacting Pamela Fuller, Regulations Coordinator, at 410-729-8243 or pfuller@menv.com.

[25-21-04]

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 03 WILDLIFE

08.03.09 Wildlife Possession

Authority: Natural Resources Article, §§10-206 and 10-408, Annotated Code of Maryland

Notice of Final Action

[25-170-F]

On October 7, 2025, the Secretary of Natural Resources adopted amendments to Regulation **.11** under **COMAR 08.03.09 Wildlife Possession**. This action, which was proposed for adoption in 52:17 Md. R. 880 (August 22, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

JOSH KURTZ
Secretary of Natural Resources

Title 10
MARYLAND DEPARTMENT OF HEALTH

Subtitle 27 BOARD OF NURSING

10.27.28 Delegation of Acts by an Advanced Practice Registered Nurse

Authority: Health Occupations Article, §§8-205 and 8-6A-02, Annotated Code of Maryland

Notice of Final Action

[25-160-F]

On September 24, 2025, the Secretary of Health adopted new Regulations **.01—.06** under a new chapter, **COMAR 10.27.28 Delegation of Acts by an Advanced Practice Registered Nurse**. This action, which was proposed for adoption in 52:16 Md. R. 857—859 (August 8, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

MEENA SESHAMANI, MD, PHD
Secretary of Health

Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

10.46.05 Collection of Fees

Authority: Health Occupations Article, §§10-205 and 10-206, Annotated Code of Maryland

Notice of Final Action

[25-098-F]

On September 24, 2025, the Secretary of Health adopted amendments to Regulation **.01** under **COMAR 10.46.05 Collection of Fees**. This action, which was proposed for adoption in 52:13 Md. R. 673—674 (June 27, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

MEENA SESHAMANI, MD, PHD
Secretary of Health

Title 12
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION

12.04.01 General Regulations

Authority: Public Safety Article, §§3-207 and 3-208, Annotated Code of Maryland

Notice of Final Action

[25-137-F]

On October 8, 2025, the Maryland Police Training and Standards Commission adopted amendments to Regulation **.10** under **COMAR 12.04.01 General Regulations**. This action, which was proposed for adoption in 52:17 Md. R. 888—889 (August 22, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

RICHARD H. GIBSON, JR.
Vice Chair, Maryland Police Training and Standards Commission

Title 13A
STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.02 State Superintendent of Schools

Authority: Education Article, §§*2-205*, 2-303, 5-301, 7-103, and 7-409, Annotated Code of Maryland

Notice of Final Action

[25-154-F]

On September 30, 2025, the State Board of Education adopted amendments to Regulation **.01** under **COMAR 13A.01.02 State Superintendent of Schools**. This action, which was proposed for adoption in 52:16 Md. R. 860 (August 8, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

Subtitle 07 SCHOOL PERSONNEL

13A.07.12 Disqualification Criteria for Substitute Teachers

Authority: Education Article, §2-205, Annotated Code of Maryland

Notice of Final Action

[25-161-F]

On September 30, 2025, the State Board of Education adopted amendments to Regulation **.01** under **COMAR 13A.07.12 Disqualification Criteria for Substitute Teachers**. This action, which was proposed for adoption in 52:16 Md. R. 860—861 (August 8, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

Subtitle 12 EDUCATOR LICENSURE

Notice of Final Action

[25-107-F]

On September 30, 2025, the State Board of Education adopted amendments to:
(1) Regulation .**04** under **COMAR 13A.12.01 General Provisions**;
(2) Regulation .**02** under **COMAR 13A.12.04 Specialists**; and
(3) Regulation .**02** under **COMAR 13A.12.05 Administrators and Supervisors**.
This action, which was proposed for adoption in 52:14 Md. R. 785—786 (July 11, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

13A.12.06 Disciplinary Actions and Denials

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-708; Family Law Article, §10-119.3; Annotated Code of Maryland

Notice of Final Action

[25-122-F]

On September 30, 2025, the State Board of Education adopted amendments to Regulations .**01—.04**, **.08,** and .**09** under **COMAR 13A.12.06 Disciplinary Actions and Denials**. This action, which was proposed for adoption in 52:14 Md. R. 786—788 (July 11, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

CAREY M. WRIGHT, ED.D.
State Superintendent of Schools

Title 14
INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

Notice of Final Action

[25-171-F]

On October 7, 2025, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to:
(1) Regulation .**12** under **COMAR 14.22.01 General Regulations**; and
(2) Regulation .**02** under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.
This action, which was proposed for adoption in 52:17 Md. R. 893—900 (August 22, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

DAVID A SOULE
Executive Director

Title 15
MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 06 PLANT PEST CONTROL

15.06.02 Plant Pest Control Regulations

Authority: Agriculture Article, §§5-301—5-314, Annotated Code of Maryland

Notice of Final Action

[25-135-F]

On October 6, 2025, the Maryland Department of Agriculture adopted amendments to Regulation **.06** under **COMAR 15.06.02 Plant Pest Control Regulations.** This action, which was proposed for adoption in 52:16 Md. R. 861 (August 8, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

STEVEN A. CONNELLY
Deputy Secretary

Title 20
PUBLIC SERVICE COMMISSION

Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS

20.62.06 Consolidated Billing

Authority: Public Utilities Article, §§2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

Notice of Final Action

[25-139-F]

On September 23, 2025, the Public Service Commission adopted new Regulations **.01—.04** under a new chapter, **COMAR 20.62.06 Consolidated Billing**. This action, which was proposed for adoption in 52:15 Md. R. 819—820 (July 25, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

ANDREW S. JOHNSTON
Executive Secretary

Title 33
STATE BOARD OF ELECTIONS

Subtitle 13 CAMPAIGN FINANCING

33.13.06 Campaign Accounts

Authority: Election Law Article, §2-102(b)(4) and Title 13, Subtitle 2, Part IV, Annotated Code of Maryland

Notice of Final Action

[25-140-F]

On September 25, 2025, the State Board of Elections adopted amendments to Regulation **.01** under **COMAR 33.13.06 Campaign Accounts**. This action, which was proposed for adoption in 52:14 Md. R. 790 (July 11, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

JARED DEMARINIS
Administrator

Subtitle 13 CAMPAIGN FINANCING

33.13.06 Campaign Accounts

Authority: Election Law Article, §2-102(b)(4) and Title 13, Subtitle 2, Part IV, Annotated Code of Maryland

Notice of Final Action

[25-141-F]

On September 25, 2025, the State Board of Elections adopted amendments to Regulation **.03** under **COMAR 33.13.06 Campaign Accounts**. This action, which was proposed for adoption in 52:14 Md. R. 790 (July 11, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

JARED DEMARINIS
State Administrator

Subtitle 13 CAMPAIGN FINANCING

33.13.06 Campaign Accounts

Authority: Election Law Article, §2-102(b)(4) and Title 13, Subtitle 2, Part IV, Annotated Code of Maryland

Notice of Final Action

[25-142-F]

On September 25, 2025, the State Board of Elections adopted amendments to Regulation **.05** under **COMAR 33.13.06 Campaign Accounts**. This action, which was proposed for adoption in 52:14 Md. R. 790—791 (July 11, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

JARED DEMARINIS
State Administrator

Subtitle 14 ADMINISTRATION OF PUBLIC FINANCING ACT

33.14.02 Eligibility Requirements and Procedures

Authority: Election Law Article, §§2-102(b)(4) and 15-109(b), Annotated Code of Maryland

Notice of Final Action

[25-148-F]

On September 25, 2025, the State Board of Elections adopted new Regulation **.14** under **COMAR 33.14.02 Eligibility Requirements and Procedures**. This action, which was proposed for adoption in 52:15 Md. R. 821—822 (July 25, 2025), has been adopted as proposed.

Effective Date: October 27, 2025.

JARED DEMARINIS
State Administrator

Withdrawal of Regulations

Title 10
MARYLAND DEPARTMENT OF HEALTH

Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS

Notice of Withdrawal

[25-105-W]

The Secretary of Health withdraws the proposal to:

(1) Amend Regulation **.02** under **COMAR 10.65.07 Fees**; and

(2) Adopt new Regulations **.01—.05** under a new chapter, **COMAR 10.65.12 Handheld Tools**, as published in 52:14 Md. R. 721—723 (July 11, 2025).

MEENA SESHAMANI, MD, PHD
Secretary of Health

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, 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.

Proposed Action on Regulations

Title 08
DEPARTMENT OF NATURAL RESOURCES
Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[25-187-P]

The Secretary of Natural Resources proposes to amend:
(1) Regulations **.23, .26**, and **.27** under **COMAR 08.02.05 Fish and Regulations**; and
(2) Regulations **.02** and **.03** under **COMAR 08.02.22 Sharks**.

Statement of Purpose

The purpose of this action is to: (1) remove the State reporting and tagging requirements for bluefin tuna, white marlin, blue marlin, roundscale spearfish, sailfish, swordfish, and sharks; (2) transition the reporting of highly migratory species to a federal reporting program; and (3) update the creel limit for oceanic whitetip and shortfin mako sharks.

Currently, anglers are required to report their catch through a State-run reporting and tagging program that was adopted by the Department to help with federal data collection. At the time the program was developed, there was not a federal electronic reporting system. The program requirements are often difficult, especially for shore-based anglers, and duplicative for charters and headboats. Today, however, there is a federal electronic reporting system, and it is much more efficient than the current program. Anglers will still be required to hold a valid Atlantic HMS permit to fish for or keep Atlantic tunas, billfishes, swordfish and sharks in federal and state waters. The proposed action requires reporting in accordance with the Code of Federal Regulations, which means that federal HMS angling, HMS charter/headboat and Atlantic tunas permit holders would report their landings and dead discards directly to the National Marine Fisheries Service using one of their electronic options.

The proposed action removes the requirements for completing a catch card and affixing a plastic tail tag prior to removing a bluefin tuna, white marlin, blue marlin, roundscale spearfish, sailfish, swordfish, or shark caught for recreational purposes from a boat or removing a boat containing one of those species from the water. The action also removes the requirement for shore-based anglers to tag their shark prior to moving it from the point of landing. The action establishes the requirement that anglers follow the federal rules for reporting that are described in the Code of Federal Regulations (CFR) for billfish, bluefin tuna, and swordfish caught in Maryland waters. The number of sharks caught in Maryland waters has significantly declined over the past few years and there are no longer enough landings to warrant the continuation of the reporting requirement for sharks caught in state waters. Finally, the proposed action alters the shark chapter to reflect the zero creel limits for oceanic whitetip and shortfin mako sharks.

The Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Coastal Sharks established a zero creel limit for oceanic whitetip and shortfin mako sharks. The limits have been in place by public notice (shortfin mako since 2022 and oceanic whitetip since 2024), but since they are not anticipated to change in the foreseeable future, having the limits in regulation will be clearer, since all of the rules will be in one location.

The proposed changes:
(1) provide consistency with NOAA Fisheries requirements for HMS permit holders;
(2) provide consistency with neighboring states;
(3) remove duplicate reporting requirements,
(4) comply with the Atlantic States Marine Fisheries Commission's requirements for sharks; and
(5) are expected to improve compliance because anglers will have electronic reporting options.

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 HMS Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov or complete the comment form at https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#hms. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

08.02.05 Fish

Authority: Natural Resources Article, Natural Resources Article, §§*4-206*, 4-215, and 4-2A-03, Annotated Code of Maryland

.23 Bluefin Tuna.
A.—B. (text unchanged)
[C. Before removing the bluefin tuna caught for recreational purposes from a boat or removing a boat from the water, a person shall:
(1) Immediately report to a reporting station designated by the Department; and
(2) Obtain and affix a tail tag, provided by the reporting station, between the fifth dorsal finlet and the keel.**]**
C. Reporting.
(1) A person shall maintain and submit all reports in accordance with 50 CFR 635 and 50 CFR 648.
(2) In addition to §C(1) of this regulation, any person licensed under Natural Resources Article, §§4-210 or 4-701, Annotated Code of Maryland shall report their harvest in accordance with COMAR 08.02.13.06.
D. (text unchanged)

.26 Billfish.
A.—C. (text unchanged)
[D. Before removing a landed billfish caught for recreational purposes from a boat or removing a boat containing a billfish from the water, a person shall:
(1) Immediately report to a reporting station designated by the Department;
(2) Complete a catch information form provided by the reporting station; and
(3) Affix a tail tag, provided by the reporting station, to the billfish.**]**
D. Reporting.
(1) A person shall maintain and submit all reports in accordance with 50 CFR 635 and 50 CFR 648.
(2) In addition to §D(1) of this regulation, any person licensed under Natural Resources Article, §§4-210 or 4-701, Annotated Code of Maryland shall report their harvest in accordance with COMAR 08.02.13.06.
E. (text unchanged)

.27 Swordfish.
A.—C. (text unchanged)
[D. Before removing a landed swordfish caught for recreational purposes from a boat or removing a boat containing a swordfish from the water, a person shall:
(1) Immediately report to a reporting station designated by the Department;
(2) Complete a catch information form provided by the reporting station; and
(3) Affix a tail tag, provided by the reporting station, to the swordfish.**]**
D. Reporting.
(1) A person shall maintain and submit all reports in accordance with 50 CFR 635 and 50 CFR 648.
(2) In addition to §D(1) of this regulation, any person licensed under Natural Resources Article, §§4-210 or 4-701, Annotated Code of Maryland shall report their harvest in accordance with COMAR 08.02.13.06.
E. (text unchanged)

08.02.22 Sharks

Authority: Natural Resources Article, §§4-206, *4-215,* and 4-2A-03, Annotated Code of Maryland

.02 Recreational Shark Fishery.

A. Authorized Shark Species. A recreational angler may harvest only the following species:

(1)—(11) (text unchanged)

[(12) Shortfin mako (Isurus oxyrinchus);**]**

[(13)**]** *(12)* — **[**(14)**]***(13)* (text unchanged)

[(15) Oceanic whitetip (Carcharhinus longimanus);**]**

[(16)**]** *(14)* — **[**(19)**]***(17)* (text unchanged)

B. Season Closure. A recreational angler may not harvest, possess, or transport the species listed in §A(6)—(11) and **[**(17)—(19)**]** *(15)—(17)* of this regulation from May 15 through July 15, inclusive, regardless of where the shark was caught.

C. Size Limits.

(1) (text unchanged)

(2) The minimum fork length is 4.5 feet (54 inches) for the species listed in §A(4)—**[**(16)**]***(14)* of this regulation.

(3) The minimum fork length is 78 inches for the species listed in **[**§A(17)—(19)**]***§A(15)—(17)* of this regulation.

D. Catch Limits.

(1) (text unchanged)

(2) Shore-Angler Catch Limits. Each calendar day, a recreational shore-angler may harvest:

(a) Only one shark, regardless of the species, from the species listed in §A(2)—**[**(19)**]***(17)* of this regulation;

(b)—(c) (text unchanged)

(3) Vessel-Fishing Catch Limits.

(a) A recreational fishing vessel may not harvest more than one shark, per trip, from the list in §A(2)—**[**(19)**]***(17)* of this regulation, regardless of the:

(i)—(ii) (text unchanged)

(b) (text unchanged)

E. (text unchanged)

[F. Tags and Reporting.

(1) An individual shall obtain tags and catch information forms from a reporting station designated by the Department.

(2) Before removing a landed shark from a boat or removing a boat containing a shark from the water, a person shall:

(a) Affix a tail tag, provided by the reporting station, to the shark; and

(b) Complete a catch information form provided by the reporting station.

(3) Before removing a landed shark from the point of landing if caught on shore, a person shall:

(a) Affix a tail tag, provided by the reporting station, to the shark; and

(b) Complete a catch information form provided by the reporting station.

(4) Upon landing a shark, an individual shall immediately return the catch information form to a reporting station designated by the Department.**]**

[G.**]** *F.* (text unchanged)

.03 Commercial Fishery.

A.—B. (text unchanged)

C. Catch Limits.

(1) An individual who has been issued a federal shark permit issued under 50 CFR §635 may not harvest, possess, or land more sharks than authorized by the individual's federal shark permit.

(2) The commercial catch limit for oceanic whitetip is zero.

(3) The commercial catch limit for shortfin mako is zero.

D.—E. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

Notice of Proposed Action

[25-219-P]

The Secretary of Natural Resources proposes to amend Regulation **.01** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**.

Statement of Purpose

The purpose of this action is to add Fishing Bay Wildlife Management Area, LeCompte Wildlife Management Area, Linkwood Wildlife Management Area, and Taylor's Island Wildlife Management Area in Dorchester County to the list of public lands in Maryland open to hunting wild turkey.

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 Brian Eyler, Wildlife and Heritage Service, Maryland Department of Natural Resources, 4038 Blairs Valley Road, Clear Spring, MD 21722, or call 301-842-0332, or email to brian.eyler@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.01 Bag Limits and Possession Limits.

A.—F. (text unchanged)

G. The Natural Heritage Areas, Wildlife Management Areas, Cooperative Wildlife Management Areas, State Forests, Fishery Management Areas, and other public hunting areas designated for Sunday hunting in accordance with §D of this regulation are as follows:

(1)—(8) (text unchanged)

(9) Fishing Bay WMA;

[(9)**]***(10)*—**[**(15)**]***(16)* (text unchanged)

(17) LeCompte WMA;

(18) Linkwood WMA;

[(16)**]***(19)*—**[**(28)**]***(31)* (text unchanged)

(32) Taylor's Island WMA;

[(29)**]***(33)*—**[**(30)**]***(34)* (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Title 09
MARYLAND DEPARTMENT OF LABOR

Subtitle 22 BOARD OF COSMETOLOGISTS

Notice of Proposed Action

[25-020-R-1]

The Board of Cosmetologists proposes to amend:

(1) Regulations **.04** and **.15** under **COMAR 09.22.01 General Regulations**, and

(2) Regulations **.03** and **.05** under **COMAR 09.22.02 Beauty Salons**.

This action was considered at a public meeting of the Board of Cosmetologists on June 2, 2025. Because substantive changes have been made to the original proposal as published in 52:6 Md. R. 273—274 (March 21, 2025), and as reproposed in 52:16 Md. R. 851—852. This action is being reproposed a second time.

Statement of Purpose

The purpose of this action is to implement the expanded definition of esthetic services enacted by the General Assembly in SB1044 in April 2024 by defining specific esthetic services authorized by the legislation.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

The proposed amendments will benefit businesses by allowing beauty salons to provide additional services, which may result in additional revenue.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nicole Fletcher, Executive Director, Board of Cosmetologists, 100 S. Charles St., Tower I, Baltimore, MD 21201, or call 410-230-6190, or email to barbers.cos@maryland.gov. Comments will be accepted through August 25, 2025. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.
Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Arial Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

09.22.01 General Regulations

Authority: Business Occupations and Professions Article, §5-205(a), Annotated Code of Maryland

.04 (originally proposed text unchanged)

A.—C. (originally proposed text unchanged)

D. The term "cosmetic microneedling" as used in Business Occupation and Professions Article, §5-101(o), Annotated Code of Maryland, means the use of cosmetic, non-medical devices ***|||****that pierce the skin with needles no longer than .5 mm****||| that have needles no longer than 1 mm and are used in a manner that does not penetrate the skin beyond the epidermis..*

E. (originally proposed text unchanged)

KENNETH SIGMAN
Assistant Attorney General

Subtitle 42 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

09.42.01 General Provisions

Authority: Labor and Employment Article, §§8.3-101, 401, 402 and 403, Annotated Code of Maryland

Notice of Proposed Action

[25-195-P]

The Family and Medical Leave Insurance Division of the Maryland Department of Labor proposes to adopt new Regulations **.01—.03** under a new chapter, **COMAR 09.42.01 General Provisions**, under a new subtitle, **Subtitle 42 Family and Medical Leave Insurance Program.**

At this time the Department of Labor is withdrawing a previously proposed action to this chapter which was published in 51:21 Md. R. 929—931 (October 18, 2024).

Statement of Purpose

The purpose of this action is to define terms for use throughout the entire subtitle, establish the Division, and outline required templates and forms.

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 Regan Vaughan, Chief of Policy & Public Affairs, Family and Medical Leave Insurance Division of the Maryland Department of Labor, 100 S. Charles Street Tower One, Suite 10000, Baltimore, MD 21201, or call 410-230-6071, or email to famli.policy@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Administration" means the Maryland Insurance Administration.

(2) "Adverse determination" means a disqualification of an individual or denial, in full or in part, of Family and Medical Leave Insurance (FAMLI) leave or benefits to a claimant made under the Division's reconsideration process.

(3) "Anchor date" has the meaning as defined in Labor and Employment Article, §8.3-101(a-2), Annotated Code of Maryland.

(4) "Application year" means the 12-month period beginning on the Sunday of the calendar week of which FAMLI leave begins.

(5) "Assistant Secretary" means the Assistant Secretary for the FAMLI Division established by COMAR 09.42.01.02.

(6) "Business day" means a day that the State is open for the transaction of business and begins at 12 a.m. and ends at 11:59.59 p.m.

(7) "Carrier" means an insurer authorized to sell insurance by the Administration.

(8) "Claim" means an application for FAMLI leave and benefits under Labor and Employment Article, §8.3-101 et seq., Annotated Code of Maryland.

(9) "Claimant" means an individual who applies for FAMLI leave and benefits under this subtitle.

(10) "Commercially insured EPIP" means an EPIP in which the employer purchases an insurance policy from an insurance company approved to sell paid FAMLI products by the Administration and the benefits related to the plan are administered through the insurance policy.

(11) "Continuing treatment" means any one or more of the following.

(a) Incapacity and treatment.

(b) Pregnancy or prenatal care. Any period of incapacity due to pregnancy, childbirth, miscarriage or stillbirth, or period of absence for prenatal care.

(c) Chronic conditions. Any period of incapacity or treatment for the incapacity due to a chronic serious health condition that:

(i) Requires periodic visits (defined as at least twice a year) for treatment ordered by a licensed health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) Permanent or Long-Term Conditions. A period of incapacity which is permanent or long-term due to a condition that treatment may not be effective and requires continuing supervision, but need not be receiving active treatment by, a licensed health care provider.

(e) Conditions Requiring Multiple Treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) ordered by a licensed health care provider, for:

(i) Restorative surgery after an accident or other injury; or

(ii) A condition that would likely result in a period of incapacity of more than 3 full, consecutive days in the absence of medical intervention or treatment.

(f) Absences attributable to incapacity under §B(11)(b) or (c) of this regulation qualify for FAMLI leave even though the claimant or the family member does not receive treatment from a licensed health care provider during the absence, and even if the absence does not last more than 3 full, consecutive days.

(12) "Contribution" means the payments made to the Division under Labor and Employment Article, §8.3-601 et seq., Annotated Code of Maryland and Chapter 2 of this subtitle.

(13) "Covered employee" means an employee who has worked at least 680 hours performing qualified employment located in the State over the four most recently completed calendar quarters for which quarterly reports have been required immediately preceding the anchor date.

(14) "Covered individual" means a covered employee.

(15) "Department" means the Maryland Department of Labor.

(16) "Deployment" has the meaning as defined in Labor and Employment Article, §8.3-101(g), Annotated Code of Maryland.

(17) "Division" means the FAMLI Division established by COMAR 09.42.01.02.

(18) "Domestic partner" means the person with whom someone is in a domestic partnership.

(19) "Domestic partnership" means a relationship between two individuals who:

(a) Are at least 18 years old;

(b) Are not related to each other by blood or marriage within 4 degrees of consanguinity under civil law rule;

(c) Are not married or in a civil union or a relationship described in this subsection with another individual; and

(d) Agree to be in a relationship of mutual interdependence in which each individual contributes to the maintenance and support of the other individual and the relationship, even if both individuals are not required to contribute equally to the relationship.

(20) Employee.

(a) "Employee" means an individual who performs work for compensation.

(b) "Employee" does not mean an individual who meets the following requirements:

(i) The individual who performs the work is free from control and direction over its performance both in fact and under a contract;

(ii) The individual customarily is engaged in an independent business or occupation of the same nature as that involved in the work; and

(iii) The work is outside of the usual course of business of the person for whom the work is performed or it is performed outside of any place of business of the person for whom the work is performed.

(21) Employer.

(a) "Employer" means a person or governmental entity that employs at least one individual who performs qualified employment.

(b) "Employer" does not mean:

(i) An individual who is the sole owner of a sole proprietorship, limited liability company, C Corporation or S Corporation; and

(ii) Is the only individual employed by the sole proprietorship, limited liability company, C corporation or S Corporation.

(22) "EPIP administrator" means:

(a) An employer self-administering an approved self-insured EPIP;

(b) A third-party administrator or payroll company acting on behalf of an employer to provide administration and oversight of an approved self-insured EPIP; or

(c) A carrier administering an approved commercially insured EPIP.

(23) "Equivalent-private insurance plan (EPIP)" means a Division approved commercially insured or self-insured insurance plan provided by an employer to employees that meets or exceeds the State plan, whether it is administered by the employer, a third-party administrator, or a carrier.

(24) "The Family and Medical Leave Act (FMLA)" means the Family and Medical Leave Act of 1993, 29 U.S.C. §§2601-2654.

(25) "Family leave" means leave used:

(a) To care for or bond with a child of the covered individual during the first year after the child's birth;

(b) During the process through which a child is being placed with the covered individual through foster care, kinship care, or adoption and to care for or bond with the child during the first year after the placement;

(c) To care for a family member with a serious health condition; or

(d) To care for a service member with a serious health condition for whom the covered individual is next of kin.

(26) "Family member" means:

(a) A biological child, an adopted child, a foster child, or a stepchild of the covered individual;

(b) A child for whom the covered individual has legal or physical custody or guardianship;

(c) A child for whom the covered individual stands in loco parentis, regardless of the child's age;

(d) A biological parent, an adoptive parent, a foster parent, or a stepparent of the covered individual or of the covered individual's spouse;

(e) The legal guardian of the covered individual or the ward of the covered individual or of the covered individual's spouse;

(f) An individual who acted as a parent or stood in loco parentis to the covered individual or the covered individual's spouse when the covered individual or the covered individual's spouse was a minor;

(g) The spouse of the covered individual;

(h) A domestic partner of the covered individual;

(i) A biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the covered individual;

(j) A biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the covered individual; or

(k) A biological sibling, an adopted sibling, a foster sibling, or a stepsibling of the covered individual.

(27) "FAMLI benefits" means the money payable under Labor and Employment Article, §8.3-101, et seq., Annotated Code of Maryland, and this subtitle.

(28) "FAMLI leave" means family leave, medical leave, and/or qualified exigency leave that a covered individual is entitled to under Labor and Employment Article, §8.3-101 et seq., Annotated Code of Maryland.

(29) "Incapacity" means the inability to perform at least one essential job function, attend school, or perform regular daily activities.

(30) Incapacity and Treatment.

(a) "Incapacity and treatment" means a period of incapacity of more than 3 full, consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a licensed health care provider; or

(ii) Treatment ordered by a licensed health care provider on at least one occasion, which results in a regimen of continuing treatment, including home care administered by a competent individual under the direction of a licensed health care provider.

(b) The requirement in §B(30)(a)(i) of this regulation for treatment by a licensed health care provider means an in-person visit or synchronous tele-health appointment with a licensed health care provider.

(c) The first (or only) in-person treatment visit or synchronous tele-health appointment shall take place within 7 days of the first day of incapacity.

(d) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the licensed health care provider.

(e) The term extenuating circumstances in §B(30)(a)(i) of this regulation means circumstances beyond the claimant's control that prevent the follow-up visit from occurring as planned by the licensed health care provider.

(31) "Inpatient care" means an overnight stay in a hospital, as defined in Health General Article, §19-301, Annotated Code of Maryland, or related institution, as defined in Health General Article, §19-301, Annotated Code of Maryland, or a hospice facility, as defined in Health General Article, §19-901, Annotated Code of Maryland, or any subsequent treatment in connection with inpatient care.

(32) "Kinship care" means informal kinship care as stated in the Education Article, §4-122.1(a)(2), Annotated Code of Maryland and formal kinship care as stated in the Family Law Article, §5-501(e), Annotated Code of Maryland.

(33) Licensed Health Care Provider.

(a) "Licensed health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery in a state and performing within the scope of their practice as defined under the state's law.

(b) "Licensed health care provider" means a podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist) authorized to practice in a state and performing within the scope of their practice as defined under the state's law.

(c) "Licensed health care provider" means a nurse practitioner, nurse midwife, clinical social worker, or physician assistant authorized to practice in a state and performing within the scope of their practice as defined under the state's law.

(d) "Licensed health care provider" means any health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of their practice as defined under such law.

(e) The phrase "authorized to practice in a state" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

(34) "Maximum weekly benefit amount" means the amount established under Labor and Employment Article, §8.3-703, Annotated Code of Maryland.

(35) "Medical leave" means leave taken because the covered individual has a serious health condition that results in the covered individual being unable to perform the functions of the covered individual's position.

(36) "Qualified employment" means the provision of services localized within the State under COMAR 09.42.02.04 by an employee to an employer.

(37) "Qualified exigency leave" means leave taken when a qualifying exigency as defined in Labor and Employment Article §8.3-101(m), Annotated Code of Maryland arises out of the deployment of a service member who is a family member of the covered individual.

(38) "Secretary" means the Secretary of Labor.

(39) "Self-insured EPIP" means an EPIP in which the employer offers a private plan for which the employer assumes all financial risk associated with the benefits and administration of the EPIP, whether it is administered by the employer or a third-party administrator.

(40) "Serious health condition" means an illness, injury, impairment, or physical or mental condition of a claimant or their family member that:

(a) Requires inpatient care;

(b) Requires continuing treatment by a licensed health care provider; or

(c) Involves the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

(41) "Service member's next of kin" means the nearest blood relative other than the service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under FMLA.

(a) When no such designation is made, and there are multiple family members with the same level of relationship to the service member, all such family members shall be considered the service member's next of kin and may take FAMLI leave to provide care to the service member, either consecutively or simultaneously.

(b) When such designation has been made, the designated individual shall be deemed to be the service member's only next of kin.

(42) "State plan" means the State-provided FAMLI plan including the fund from which benefits are paid.

(43) "Treatment" includes, with the exception of routine physical examinations, eye examinations, or dental examinations, examinations to determine if a serious health condition exists and evaluations of a serious health condition.

(44) "Wages" has the meaning as defined in Labor and Employment Article, §8.3-101(q), Annotated Code of Maryland.

.02 General Regulations.

A. There is a FAMLI Division within the Department.

B. The FAMLI Division shall administer the FAMLI program.

C. The Assistant Secretary has been delegated by the Secretary powers and duties reasonable and proper for the administration of Labor and Employment Article, §8.3-101, et seq., Annotated Code of Maryland and this subtitle.

.03 Required Templates and Forms.

A. The Division may mandate the use of approved templates and forms by EPIPs, employers, and claimants including:

(1) Employer notice to employee templates;

(2) Claims:

(a) Claim application form;

(b) Certification of qualifying event forms;

(c) Proof of relationship template;

(d) Good cause exemption form; and

(e) Intermittent leave use template; and

(3) Dispute Resolution:

(a) Request forms;

(b) Reconsideration scheduling template;

(c) Decision templates; and

(d) Good cause exemption form.

B. The Division shall make mandated templates and forms available for download from its website.

C. Any changes to the fields on the templates or forms mandated by the Division shall be provided to the Division no less than 30 days before the changed template or form would go into effect.

PORTIA WU
Secretary of Labor

Subtitle 42 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

09.42.02 Contributions

Authority: Labor and Employment Article, §§8.3-101, 201, and 601, Annotated Code of Maryland

Notice of Proposed Action

[25-196-P]

The Family and Medical Leave Insurance Division of the Maryland Department of Labor proposes to adopt new Regulations **.01—.10** under a new chapter, **COMAR 09.42.02 Contributions**, under a new subtitle, **Subtitle 42 Family and Medical Leave Insurance Program**.

At this time the Department of Labor is withdrawing a previously proposed action to this chapter which was published in 51:21 Md. R. 932—933 (October 18, 2024).

Statement of Purpose

The purpose of this action is to define and detail the contribution requirements, due dates, and related filings of employers and employees in the State.

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 Regan Vaughan, Chief of Policy & Public Affairs, Family and Medical Leave Insurance Division of the Maryland Department of Labor, 100 S. Charles Street, Tower One, Suite 10000, Baltimore, MD 21201, or call 410-230-6071, or email to famli.policy@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Small employer" means a person or governmental entity that meets the definition of employer and employs fewer than 15 employees, as calculated using the method under COMAR 09.42.02.06.

(2) "Social security wage base" means the maximum wage subject to tax under the Federal Insurance Contributions Act, 26 U.S.C. §3101, et seq. for any particular year, as published by the Social Security Administration.

(3) "Total rate of contribution" means the percent of wages published by the Department for any particular year, under the Division's authority under Labor and Employment Article, §8.3-601, Annotated Code of Maryland.

.02 Employer Registration Requirements.

An employer shall create and maintain an online account necessary to make required information reports, remit contribution payments, and both receive and communicate with the Division regarding reporting and contribution obligations under Labor and Employment Article, §8.3-101, et seq., Annotated Code of Maryland.

.03 Registration of New Employers After Contributions Begin.

An employer who commences operations after contributions begin shall, within 20 days of their first payment of wages to a qualified employee, create and maintain an online account necessary to make required information reports, remit contribution payments, and both receive and provide any necessary communication with the Division regarding reporting and contribution obligations under Labor and Employment Article, §8.3-101, et seq., Annotated Code of Maryland.

.04 Qualified Employment.

A. All wages paid by each employer to an employee for performing qualified employment are subject to contributions up to the amount of the social security wage base each calendar year.

B. Employment is qualified employment if:

(1) The employment obligates the employer to pay contributions to the Unemployment Insurance Fund under Labor and Employment Article, §8-101, et seq., Annotated Code of Maryland; or

(2) The employment does not obligate the employer to pay unemployment insurance fund contributions to any jurisdiction but:

(a) The employment is performed in the State, including:

(i) Employment performed on land that the United States government holds or owns; and

(ii) Employment performed in interstate commerce; or

(b) The employment is performed partly in this State and:

(i) The employment that is performed outside this State is incidental to the employment that is performed in this State, including employment that is temporary or transitory or that consists of isolated transactions; or

(ii) The employment that is performed in this State is not incidental to employment that is performed in any other state and the base of operations or the place from which the employment is controlled or directed is in this State or the employment is performed by an individual who is a resident of this State and is not performed in part in a state in which the employment is controlled or directed or in which the base of operations is located.

C. Employment is not qualified employment if the employment of an employee obligates the employer to pay unemployment insurance fund contributions to any jurisdiction other than this State for that employee and not this State.

.05 Employer Contributions.

A. Employers are responsible for remitting 100 percent of contributions due each quarter.

B. Under Labor and Employment Article, §8.3-601, Annotated Code of Maryland, an employer may withhold from the pay of an employee an amount up to 50 percent of the total rate of contribution.

C. An employer may elect to pay their employees' contribution amounts required under §B of this regulation, in whole or in part, and shall notify employees of the election to pay employee contributions or not, in writing, using the Division's template.

D. An employer shall provide written notice to all of its employees of the commencement of contribution withholding and any changes to employee contributions at least 1 pay period prior to the commencement or change.

E. Contribution payments to the Division will be applied in the following order, starting with the oldest quarter to the most recent past calendar quarter in which a balance is owed:

(1) Penalties;

(2) Interest; and

(3) Contributions.

F. Contributions from an employer whose status is changed by cessation of business are due and shall be paid within 5 days of the cessation.

.06 Employer Size.

A. The number of employees shall be counted by using the total number of employees within and without the State to whom the employer paid any wages regardless of whether the employee is performing qualified employment.

B. An annual determination of employer size shall be made by averaging the number of employees to whom the employer paid any wages each quarter for the previous calendar year.

C. Until an employer has 4 quarters of reports and contributions in 1 calendar year, employer size shall be determined quarterly by counting the total number of employees to whom the employer paid any wages in that calendar quarter.

D. The employer is only responsible for remitting 50 percent of the total rate of contribution if the employer size determined under §§A, B, and C of this regulation is below 15.

.07 Failure to Deduct from Payroll.

A. If an employer fails to make the proper deduction from an employee's pay, that employer is considered to have elected to pay the employee's portion for each pay period the employer fails to make the deduction.

B. The employer is liable to pay the portion of the employee share and may not recoup the employee share attributable to a past pay cycle on future pay cycles.

C. Notwithstanding §§A and B of this regulation, within the immediately following 6 pay cycles, an employer may recoup the employee share attributable to a past pay cycle if there are insufficient paycheck funds due to other required federal, state and local withholdings that take precedence.

.08 Wage Reporting and Payment Schedule.

A. An employer shall remit contributions for each employee every quarter equal to the total rate of contribution multiplied by the total wages up to the social security wage base paid to each employee performing qualified employment in the State. For payment of contributions, a fractional part of a cent that is less than one-half cent shall be disregarded. A fractional part of a cent that is one-half cent or more shall be increased to 1 cent.

B. Quarterly informational wage and hour reports, which shall include the amount of wages and hours worked for each employee performing qualified employment in the immediately preceding quarter, shall be due on or before the quarterly contribution payment due date.

C. If the employer wants to be considered for classification as a small employer, the informational report shall include the number of employees performing employment for the employer outside the State to whom wages were paid in the quarter.

D. If the employer fails to provide a number of employees performing employment for the employer outside the State, the employer will be deemed to not be a small employer.

E. Contributions are due and shall be paid on or before the last day of the month immediately following each calendar quarter. Payment will be considered timely if received on or before the due date. If the due date falls on a Saturday, Sunday, or legal holiday, payment will be considered timely if received on the next business day.

F. Amendments by employers to quarterly wage and hour reports shall be submitted to the Division within 1 year of the initial due date.

.09 Contribution and Wage Report Delinquencies.

A. If an employer fails to pay the required contributions in the prescribed manner, the employer shall be given 30 days to cure any deficiencies and may be required to pay interest, in the amount of 1.5 percent per month or part of a month from the date on which it is due to the Division, on unpaid contributions.

B. If contribution deficiencies are not cured, penalties under Labor and Employment Article, §8.3-903, Annotated Code of Maryland, may be imposed as follows:

(1) Assess the amount of contributions and interest, in the amount of 1.5 percent per month or part of a month from the date on which it is due to the Division;

(2) Make an additional assessment in an amount not to exceed two times the contributions delinquent to the Division, as a penalty for failure to pay the contributions due; and

(3) Order an audit of the employer for the immediately following fiscal year to investigate and determine compliance with Labor and Employment Article, §8.3-101, et seq., Annotated Code of Maryland.

C. If wage and hour report deficiencies are not cured the Division may:

(1) Use the information and knowledge available to the Division to estimate the wages paid by an employer during the contribution period or periods;

(2) The amount of wages so determined will be deemed to have been paid by the employer;

(3) Assess the employer for contributions calculated on the basis of the estimated wages;

(4) Issue a subpoena duces tecum to compel an employer to release books and records to the Division for use in obtaining the required information; and

(5) Order an audit of the employer for the immediately following fiscal year to investigate and determine compliance with Labor and Employment Article, §8.3-101, et seq., Annotated Code of Maryland.

.10 Contribution Overpayments.

A. An employer may request from the Division reimbursement of overpayment of contributions no later than 1 year from the due date of the alleged overpayment.

B. An employer who receives a reimbursement under §A of this regulation shall return employee contributions to the employees from whom they were withheld within 90 days of receipt of the reimbursement.

C. If a former employee owed reimbursed contributions from their employer cannot be located via reasonable effort, including making use of all contact information the employer has on file, within 90 days as required under §B of this regulation, the employee's contributions shall be remitted to the State for safekeeping.

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Secretary of Labor

Subtitle 42 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

09.42.03 Equivalent Private Insurance Plans

Authority: Labor and Employment Article, §§8.3-101, 403, 503, and 705, Annotated Code of Maryland

Notice of Proposed Action

[25-197-P]

The Family and Medical Leave Insurance Division of the Maryland Department of Labor proposes to adopt new Regulations **.01—.10** under a new chapter, **COMAR 09.42.03 Equivalent Private Insurance Plans**, under a new subtitle, **Subtitle 42 Family and Medical Leave Insurance Program**.

At this time the Department of Labor is withdrawing a previously proposed action to this chapter which was published in 51:21 Md. R. 933—937 (October 18, 2024).

Statement of Purpose

The purpose of this action is to detail the requirements and procedures for private commercially and self-insured insurance plans that offer equivalent or better benefits than the State plan, including temporary provisions applicable to the beginning of the program.

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 Regan Vaughan, Chief of Policy & Public Affairs, Family and Medical Leave Insurance Division of the Maryland Department of Labor, 100 S. Charles Street, Tower One, Suite 10000, Baltimore, MD 21201, or call 410-230-6071, or email to famli.policy@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Declaration of intent (DOI)" means a legally binding, signed attestation from an employer documenting the employer's intent and commitment to provide an approved EPIP with an effective date of January 1, 2028.

(2) "EPIP application" means an application submitted to the Division for approval of an EPIP in which the employer offers a private plan where the employer assumes all financial risk associated with the benefits and administration of the EPIP, whether it is administered by the employer or a third-party administrator.

(3) "Good cause" means an extraordinary circumstance which a person of ordinary business prudence and intelligence would consider reasonable cause for an extension.

(4) "Insurance producer" has the meaning as defined in Insurance Article, §1-101(u), Annotated Code of Maryland.

(5) "Seeding period" means the time during which contributions will accrue before benefits are available, January 1, 2027—December 31, 2027.

(6) "Utilization rate" means the anticipated number of approved claims in the State plan divided by the anticipated total number of workers in the State plan which shall be announced by the Division each November1 for the following calendar year based on the actuarial cost analysis performed in accordance with Labor and Employment Article, §8.3-601, Annotated Code of Maryland.

.02 General.

A. Except as explicitly provided in this chapter, the State is subject to the same EPIP requirements as all employers.

B. An employer shall participate in the State plan until the Division-approved effective date of an EPIP.

.03 EPIP Requirements.

A. An EPIP shall cover all individuals employed by the employer who perform qualified employment.

B. Benefits shall be paid to any employee who would be eligible for benefits under the State plan, had the employer chosen coverage under the State plan.

C. All forms required to be completed by an employee or healthcare provider under an EPIP shall be forms prescribed by the Division in COMAR 09.42.01.03.

D. An EPIP shall allow FAMLI benefits and leave to be taken for all purposes specified in the State plan.

E. An EPIP shall allow a covered employee to take family leave or medical leave or qualified exigency leave in an application year for periods of time equal to or longer than the duration of leave provided under the State plan.

F. An EPIP benefit calculation shall result in a weekly benefit that is equal to or greater than what the benefit would be if the employee received benefits from the State plan.

G. If an employee has less than the requisite hours needed to make a benefit determination with their current employer, the current employer shall confirm the employee's previously reported hours and benefit amount with the Division and shall account for the information from the Division to make the benefit determination.

H. An EPIP shall allow leave to be taken in the same, or less restrictive, increments or nonconsecutive periods as provided under the State plan.

I. An EPIP may not impose additional conditions, restrictions, or barriers on the use of leave beyond those explicitly authorized by the State plan and shall meet or exceed the rights, protections, and benefits provided under the State plan.

J. The amount at which employee withholdings are made to an EPIP cannot exceed the amount the same employee would contribute under the State plan.

K. An approved EPIP may not begin withholding until the policy effective date.

L. Employee withholdings received or retained under an EPIP are not considered part of an employer's assets for any purpose other than paying benefits or premiums under this subtitle.

M. An EPIP shall establish claims processing procedures under COMAR 09.42.04.

N. An EPIP shall establish reconsideration and appeal procedures under COMAR 09.42.05.

O. An employer participating in an EPIP shall be subject to the notice requirements in Labor and Employment Article, §8.3-801, Annotated Code of Maryland.

P. An employer participating in an EPIP shall use the written notices prescribed by the Division under COMAR 09.42.01.03.

Q. All EPIP documents and communications shall be subject to the same accessibility, language access, and translation requirements as the Division.

R. An employer shall ensure compliance with relevant federal and state laws regarding confidentiality of records.

S. The Division, as a result of an appeal by a covered employee, may pay benefits from the State plan to a covered employee whom an EPIP was obligated to pay, if the Division determines both of the following:

(1) Some benefits went unpaid; and

(2) It is unlikely that the covered employee will otherwise be paid the benefits.

T. An employer and/or EPIP administrator shall reimburse the State plan for the amounts and the Division may pursue all legal means to collect the amounts from the employer and/or EPIP administrator if the Division pays benefits from the State plan to a covered employee whom the EPIP was obligated to pay.

.04 Job Protection and Retaliation.

Participation in an EPIP does not negate employer obligations with respect to job protection and retaliation under Labor and Employment Article, §§8.3-706, 801(b)(2)(v), and 904, Annotated Code of Maryland.

.05 Employer Application Process.

A. The paid family and medical leave benefits offered to employees of the State pursuant to State Personnel and Pensions Article, §9–1001, et seq. Annotated Code of Maryland, are approved as an EPIP and no application by the State to the Division is required.

B. To obtain approval of an EPIP, an employer shall first submit a completed EPIP application to the Division.

C. The Division shall mandate the EPIP application form.

D. An EPIP application may be submitted at any time.

E. EPIP Application Review Process.

(1) The Division will review complete EPIP applications as they are received.

(2) Employers will be notified of deficiencies in EPIP applications.

(3) Deficiencies must be cured within 30 days of the date of the notification.

(4) If deficiencies are not cured within 30 days, the EPIP application may be denied.

F. EPIP Application Fees.

(1) For a commercially insured EPIP the application fees shall be as follows:

(a) $100 for an employer with 1—14 employees performing qualified employment at the time the EPIP application is submitted.

(b) $250 for an employer with 15—49 employees performing qualified employment at the time the EPIP application is submitted.

(c) $500 for an employer with 50—199 employees performing qualified employment at the time the EPIP application is submitted.

(d) $600 for an employer with 200—499 employees performing qualified employment at the time the EPIP application is submitted.

(e) $750 for an employer with 500—999 employees performing qualified employment at the time the EPIP application is submitted.

(f) $1,000 for an employer with 1000 or more employees performing qualified employment at the time the EPIP application is submitted.

(2) For a self-insured EPIP the application fee is $1,000.

G. An approved EPIP application becomes effective, and the employer is released from its contributions obligation on the first day of the calendar quarter following the date of approval by the Division of its EPIP application.

H. An employer's EPIP approval and release from contributions obligation expires 1 year after the effective date in §G of this regulation, and if a complete application has been timely filed and approval is pending after expiration, the Division may extend the previous approval.

I. EPIPs shall make benefits available to all covered employees.

J. An employer shall submit an EPIP application annually at least 90 days before the employer's current EPIP approval expires.

K. Special Requirements for a Self-Insured EPIP.

(1) Any employer with 50 or more employees may apply for a self-insured EPIP.

(2) Proof of Solvency.

(a) An employer desiring to establish a self-insured EPIP shall provide proof of assured funds as demonstrated by obtaining a surety bond issued by a surety company certified by the United States Treasury Department Bureau of the Fiscal Service and authorized to do business in the State.

(b) The surety bond shall be conditioned that the employer shall:

(i) Comply with all State laws and regulations governing the EPIP; and

(ii) Fulfill all obligations to pay employee claims.

(c) A surety bond shall be issued in amount equal to 1 year of expected future benefits as determined by the product of the number of employees rounded up to the nearest 50 multiplied by 12 weeks multiplied by the utilization rate multiplied by the maximum weekly benefit amount.

(d) A surety bond shall be issued on a form prescribed by the Division.

(e) A surety bond shall include a statement that the bonding company shall give 90 days notice in writing of its intent to terminate coverage to both the principal and the Division, except that if the bonding company is terminating liability because it is issuing a replacement bond, it may do so without providing prior notice.

(f) If a replacement bond is issued, the surety company and the employer shall notify the Division no later than 14 days after its effective date.

(g) A surety bond shall continue for 3 years after the later of the date on which:

(i) The bond is canceled; or

(ii) The EPIP is terminated.

(h) The liability of the surety:

(i) Shall be continuous;

(ii) May not be aggregated or cumulative, whether the bond is renewed, continued, replaced, or modified;

(iii) May not be determined by adding together the penal sum of the bond, or any part of the penal sum of the bond, in existence at any two or more points in time;

(iv) Shall be considered to be one continuous obligation, regardless of increases or decreases in the penal sum of the bond;

(v) May not be affected by the insolvency or bankruptcy of the employer, any misrepresentation, breach of warranty, failure to pay a premium, any other act or omission of the employer, or the termination of the employer's EPIP; and

(vi) May not require an administrative enforcement action by the Division as a prerequisite to liability.

(i) The Division may review the bond annually to ensure that the amount corresponds with the benefit projections and the employer:

(i) Shall provide the Division with any documentation necessary to review the bond amount;

(ii) Shall increase the bond amount if the Division determines an increase is necessary; and

(iii) May decrease the bond amount if the Division determines that the bond amount exceeds the projected benefits.

(j) A claim against the bond may be filed with the surety by the Division:

(i) Under COMAR 09.42.03.03(T);

(ii) To cover any outstanding contributions due to the Division; or

(iii) For fees and penalties owed to the Division.

(3) Separate Account.

(a) If an employer who is approved to self-insure to provide FAMLI benefits withholds from employees, the employer shall establish and maintain a separate account:

(i) Into which all employee contributions are deposited and kept; and

(ii) From which only benefits shall be paid.

(b) Funds collected from employee withholdings shall be:

(i) Held separately from all other employer funds; and

(ii) Separately accounted for.

(c) Account records shall be made available for audits by the Division.

(d) The separate fund does not represent the extent of liability of the employer.

(4) Any employer may apply to the Division for a waiver of the surety bond requirement based on its capitalization and existing bondedness under Labor and Employment Article, §8.3-705(b)(2), Annotated Code of Maryland.

(5) An employer with fewer than 50 employees may apply for a self-insured EPIP only if it provides a benefits package:

(a) To all of the employer's covered employees;

(b) That meets or exceeds the rights, protections, and benefits provided to a covered employee under Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland; and

(c) That was in effect on or before July 31, 2026 and has remained continually in effect until the date of application.

.06 Oversight of EPIPs by the Division.

A. The Division may, at any time at its sole discretion, initiate a review of an EPIP to determine whether the EPIP is compliant with Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland or this subtitle.

B. On initiation of a review by the Division, within 30 days of a request from the Division, the EPIP administrator and the employer shall provide all information and documentation requested.

C. The Division may extend the 30 day deadline under §B of this regulation once upon request from the EPIP administrator and/or the employer.

D. The Division shall ensure compliance with relevant federal and State laws regarding confidentiality of records.

E. Failure by an employer to cooperate with a Division review of an EPIP may result in the Division's termination of the employer's EPIP approval.

.07 Record Keeping Requirements.

A. An EPIP administrator or employer shall collect and maintain documentation of all of the following for a minimum of 5 years:

(1) Applications for benefits;

(2) Benefits paid, including payment dates and amounts;

(3) The outcome of internal initial applications for benefits;

(4) Internal reconsideration requests received;

(5) The outcome of internal reconsiderations;

(6) Documents, including wage data or other evidence, containing the information on which benefits determinations and reconsiderations were based; and

(7) Withholdings received from employees.

B. Within 30 days of the Division's written request, an EPIP administrator or an employer with an approved EPIP shall provide any documentation either is obligated to maintain.

C. If the employer or EPIP administrator requests an extension and provides good cause for the extension, the Division may extend the 30-day deadline.

D. If the employer or EPIP administrator does not provide the requested documentation by the deadline, the Division may terminate its approval of the EPIP.

.08 Additional Reporting Requirements for Employers who Have Selected an EPIP.

A. While an employer may authorize EPIP administrators to report on their behalf, the employer shall be responsible for the accuracy of the data and subject to any adverse actions related to inaccurate, late, or incomplete reporting.

B. All reported data shall represent totals for each approved EPIP.

C. Quarterly claims level and employer level data reports to the Division shall be submitted on or before the last day of the month immediately following the close of the previous quarter via an electronic template provided by the Division.

D. Failure to submit timely and complete reports may result in the involuntary termination of the EPIP by the Division.

E. An employer with an approved EPIP shall report wage and hour data quarterly in the same manner as an employer in the State plan.

F. The Division may extend the deadline under §C of this regulation once upon request from the employer.

.09 EPIP Termination Rules.

A. Voluntary. Provided an employer has joined the State plan or has an approved application for a different EPIP:

(1) The employer may voluntarily terminate enrollment in an EPIP provided the employer has been enrolled in the EPIP for at least 1 year.

(2) The employer shall provide the requisite notice to the Division of the voluntary termination no later than 30 days before the termination's effective date.

(3) The employer shall provide the requisite notice to employees prescribed by COMAR 09.42.01.03 of the voluntary termination no later than 30 days before the termination's effective date.

(4) The employer shall continue the approved EPIP's coverage through the termination's effective date.

(5) The voluntary termination shall become effective on the first date of the calendar quarter following the expiration of the 30 day period.

B. Involuntary. An employer's EPIP enrollment may be terminated by the Division when the Division determines that terms or conditions of the plan have been repeatedly or egregiously violated in a manner that necessitates termination.

(1) Causes for plan termination may include:

(a) Failure to pay benefits in the amount and duration required by Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland and this subtitle;

(b) Failure to make timely benefit determinations or reconsiderations;

(c) Failure to pay benefits in the amount and duration required by the EPIP, where the EPIP provides benefits in a greater amount or duration than is required by Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland and this subtitle;

(d) Failure to pay benefits within the timeframes and in the manner specified by Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland and this subtitle;

(e) Failure to maintain an adequate surety bond in accordance with this subtitle;

(f) Failure to comply with Regulation .03(L) of this chapter;

(g) Failure to submit reports or comply with other compliance requirements as required by Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland or this subtitle;

(h) Failure to otherwise comply with Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland or this subtitle;

(i) Failure to notify the Division that their plan has been cancelled by their carrier; or

(j) Failure to notify the Division that the product is no longer offered by their carrier.

(2) If the Division withdraws approval of an employer's EPIP, the Division shall issue to the employer and the EPIP administrator a notice of involuntary termination of EPIP approval with an effective date 14 days after the date of the notice.

(3) An employer may request a review under COMAR 09.42.05 of the withdrawal of EPIP approval before its effective date by filing with the Division.

(4) Involuntary terminations shall result in the establishment of past-due mandatory contribution debt in the amount that would have been owed to the State plan had the employer been in the State plan for a period of 1 year prior to the date of the notice of termination of EPIP approval.

(5) Involuntary terminations may result in civil penalties against an employer, including but not limited to execution on and collection of any bond amount.

(6) An employer shall provide the requisite notice to employees prescribed by COMAR 09.42.01.03 of the involuntary termination no later than 5 days after the termination's effective date.

C. Termination Generally.

(1) Continuation of Benefits.

(a) An EPIP shall pay or continue to pay benefits under the terms of the EPIP to an employee who filed a valid claim for benefits under the EPIP before the effective date of termination until the total amount of the benefit claim is paid, the duration of approved leave ends, or the application year ends, whichever occurs first.

(b) If the employer or EPIP administrator does not pay the benefits, the employee may seek relief with the Division under COMAR 09.42.05.

(2) Within 60 days after the effective date of the termination of an EPIP, the employer shall send to the Division all reporting requirement information on benefit claims paid and amounts of contributions collected or owing from the date of the last report provided to the Division under the EPIP reporting requirements to the date of termination.

(3) Outstanding Contributions.

(a) On receipt of the report specified in §C(2) of this regulation, the Division will provide an invoice of the contribution amounts due, if any.

(b) The contribution amount due shall be calculated based on any contributions withheld from employees' wages that remain in the possession of the employer on the effective date of the EPIP termination, minus an amount equal to the amount of any benefits due to be paid as required under §C(1) of this regulation or any premium due to a carrier for commercially insured EPIPs.

(c) Once all required benefits are paid under §C(1) of this regulation, the employer shall send to the Division the final report on any additional benefit claims paid or administrative expenses incurred after the date of the last report provided under §C(2) of this regulation within 5 business days.

(d) The Division will provide an invoice of any additional contribution amounts due.

(4) Any employer whose EPIP approval has been terminated, either voluntarily or involuntarily, shall be immediately enrolled in the State plan, with contribution obligations going back to the most recent quarter start date, unless and until the employer is approved for a new EPIP.

D. To the extent that any of the regulations in this section conflict with the Temporary Provisions applicable to EPIP termination in Regulation .10 of this chapter, the provisions in Regulation .10 of this chapter control.

.10 Temporary Provisions.

A. Declaration of Intent to Obtain Approval of EPIP.

(1) During the submission period announced by the Secretary, any employer who intends to enroll in an EPIP may submit a DOI, signed by the employer, acknowledging, attesting, and agreeing to certain requirements, including but not limited to:

(a) The employer intends to provide an EPIP to all its employees that meets or exceeds all the requirements of Labor and Employment Article, §§8.3-101, et seq., Annotated Code of Maryland and this subtitle.

(b) The employer met with an insurance producer or carrier about available commercially insured EPIPs.

(c) A signature from the insurance producer or carrier acknowledging the meeting in §A(1)(b) of this regulation.

(d) Except as provided in Ch. 363, Section 2, Acts of (2025), beginning on the effective date of a DOI and continuing until the Division has approved the EPIP application, the employer shall collect and hold all contributions from both the employer and employees that would otherwise be due to the State plan in an escrow account, provided that:

(i) The employer collects employee contributions via payroll deduction or makes contributions on behalf of the employee;

(ii) Employee contributions are withheld during the pay period for which they are being collected; and

(iii) Employee contributions are not retroactively collected.

(e) If, after the submission of a DOI, an EPIP is approved, the employer shall return employee contributions held in escrow to the employees from whom they were withheld, or if the EPIP approved is a self-insured EPIP the contributions held in escrow may be used to seed the separately accounted self-insured EPIP fund.

(f) If a former employee cannot be located, the employee's contributions shall be remitted to the State plan.

(g) The employer shall submit an EPIP application no later than the date announced by the Secretary.

(h) If, after the submission of a DOI, the employer is not approved for an EPIP before the date announced by the Secretary, the employer is liable for remitting to the State plan an amount equal to the sum of all unpaid employer and employee contribution payments due for the periods contributions were not made plus any interest and penalties for late payment.

(i) If necessary, the funds held in escrow under §A(1)(d) of this regulation shall be used to remit payment under §A(1)(h) of this regulation.

(2) The Division shall approve or deny a DOI within 15 business days of submittal.

(3) An approved DOI becomes effective on the first day of the calendar quarter following the date of approval by the Division.

(4) The Division may terminate a DOI for:

(a) Misuse of employee contributions by the employer;

(b) Failure to hold funds in escrow as required;

(c) Failure to adhere to applicable FAMLI program requirements;

(d) Excessive withholding of contributions from the pay of employees beyond the amount that would have been withheld under the State plan;

(e) Failure to respond timely to a reasonable request from the Division for information about the EPIP or DOI;

(f) Failure to submit quarterly wage and hour reports;

(g) Failure to submit an EPIP application; or

(h) Denial by the Division of an EPIP application.

(5) All DOIs expire December 31, 2027.

B. DOI and Contributions.

Any employer whose DOI is submitted within the time periods announced by the Secretary shall be exempt from contributions accrued to the Division for the seeding period.

C. Initial EPIP Enrollment.

(1) If an employer is approved to be exempt from contributions to the State plan via a DOI and their subsequent EPIP application is approved, the employer shall remain in an EPIP for a minimum of 4 calendar quarters.

(2) Failure to complete the initial EPIP enrollment shall result in the employer's automatic enrollment in the State plan and remittance to the Division an amount equal to the total contributions that would have been paid to the State plan beginning January 1, 2027 minus any contributions made to the State plan prior to approval of the EPIP plus any interest and penalties for late payment.

(3) If an employer whose DOI was approved enters into an EPIP and the EPIP is terminated before December 31, 2028, either by the employer or the Division, the employer shall remit to the Division the contributions and interest from which they were exempted as a result of the DOI.

(4) If an employer whose DOI was approved enters into an EPIP and the EPIP is terminated before December 31, 2029, either by the employer or the Division, the employer is responsible for half the contributions and interest from which they were exempted as a result of the DOI.

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Subtitle 42 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

09.42.05 Dispute Resolution

Authority: Labor and Employment Article, §§8.3-101, 403, and 906, Annotated Code of Maryland

Notice of Proposed Action

[25-199-P]

The Family and Medical Leave Insurance Division of the Maryland Department of Labor proposes to adopt new Regulations **.01—.05** under a new chapter, **COMAR 09.42.05 Dispute Resolution**, under a new subtitle, **Subtitle 42 Family and Medical Leave Insurance Program**.

At this time the Department of Labor is withdrawing a previously proposed action to this chapter which was published in 52:1 Md. R. 29—33 (January 10, 2025).

Statement of Purpose

The purpose of this action is to establish the dispute resolution processes for the FAMLI program. It details how disputes will be handled for determinations issued by the Division as well as private providers. These regulations also provide processes for employers to dispute assessed liabilities.

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 Regan Vaughan, Chief of Policy & Public Affairs, Family and Medical Leave Insurance Division of the Maryland Department of Labor, 100 S. Charles Street, Tower One, Suite 10000, Baltimore, MD 21201, or call 410-230-6071, or email to famli.policy@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Administrative Procedure Act" means State Government Article, §§10-201—10-217, Annotated Code of Maryland.

(2) "Authorized representative" means a person designated by a party to represent the party during the Division's dispute resolution process.

(3) "Contribution liability" means the amount the Division tells an employer is due each quarter, covering both the employer and employee portion.

(4) "Final order" means the final decision of the hearing officer which contains findings of fact, conclusions of law, and a disposition which grants or denies FAMLI benefits and/or FAMLI leave.

(5) "Good cause" means a demonstration by a party that a failure to timely file for EPIP denial or termination review, reconsideration, appeal, or postponement was due to:

(a) A serious health condition that resulted in an unanticipated and prolonged period of incapacity and that prevented all individuals with authority to file from filing in a timely manner;

(b) A demonstrated inability to reasonably access a means to file in a timely manner, such as due to a natural disaster, power outage, or a significant and prolonged Department system outage; or

(c) A demonstrated failure of the entity which issued the adverse determination to provide notice of dispute resolution procedures.

(6) "Hearing officer" means the individual or entity who issues the final order in a FAMLI appeal.

(7) "Party" means a claimant, an individual who has been disqualified from receiving benefits under Labor and Employment Article, §8.3-901, Annotated Code of Maryland, an EPIP administrator, or the Division, or all or some of them, as applicable.

.02 EPIP Denial or Termination Review.

A. An employer whose application to opt-out of the State plan and into an EPIP was denied or whose EPIP was involuntarily terminated may file a request for review.

B. Manner of Filing.

(1) Requests for Review shall be filed with the Division within 10 business days of the application denial or termination unless good cause for a delay can be shown.

(2) Requests for Review shall be in writing in a manner prescribed by the Division.

(3) Requests for Review shall include why the requestor believes the application denial or termination was in error.

C. Review shall be conducted by Division personnel who did not participate in the initial application denial or termination at issue.

D. The Division shall issue a decision electronically on a request for review within 20 business days.

E. The Division may schedule an informal conference to discuss the review request.

F. If the Division schedules an informal conference, it shall be held within the required time period for a decision to be issued.

.03 Claimant and Benefit Disqualification Reconsideration and Appeals.

A. Reconsideration. Any claimant is entitled to request reconsideration of any determination by the Division or an EPIP administrator.

(1) Manner of Filing.

(a) Requests for reconsideration shall be filed within 30 days, unless good cause can be shown, of a determination by the issuing entity, either the Division or EPIP administrator.

(b) Requests for reconsideration shall be in writing.

(c) Requests shall include why the requestor believes the adverse determination to be in error.

(2) Notice of Reconsideration. When a reconsideration request is filed, the Division or EPIP administrator shall notify in a timely manner all parties to the adverse determination being reconsidered and the employer.

(3) Reconsideration shall be conducted by Division or EPIP administrator personnel, as applicable, who did not participate in the adverse determination at issue.

(4) A decision on the reconsideration shall be issued within 10 business days.

(5) An informal conference to discuss the reconsideration may be held.

(6) If an informal conference is scheduled, it shall be held within the required time period for a decision to be issued.

B. Appeals. Any claimant whose claim has been denied, in part or in full, whose benefits have been underpaid, or any individual who has been disqualified from receiving benefits under Labor and Employment Article, §8.3-901, Annotated Code of Maryland, is entitled to file appeals of adverse determinations.

(1) The appeals process is available only to claimants who have completed the reconsideration process as described in §A of this regulation.

(2) The appeal shall be filed with the Division within 30 days of the adverse determination unless the claimant or individual can show good cause.

(3) The Division shall be a party to every appeal under this section regardless of which entity issued the adverse determination on appeal.

(4) Notice of Appeal. When an appeal is filed, the Division shall notify in a timely manner:

(a) All parties to the adverse determination being appealed, including the issuer of the benefits at issue; and

(b) The claimant's employer from whom the claimant requested FAMLI leave.

(5) Informal Conference. There may be an informal conference process activated at the sole discretion of the Division at the time of filing of the appeal and proceeding with it shall be at the discretion of the Division.

(6) Absent unusual circumstances, a hearing shall be held on the appeal within 30 days of filing of the appeal.

(7) Hearing Notice. Parties to appeals shall be provided with reasonable written notice of a hearing to the parties.

(a) The hearing notice shall contain:

(i) The date, time, place, and nature of the hearing;

(ii) A statement of the right to present witnesses, documents, and other forms of evidence, and the right to cross-examine witnesses of another party;

(iii) A statement of the right to request subpoenas for witnesses and evidence, specifying the costs, if any, associated with the request;

(iv) A copy of the hearing procedure;

(v) A statement of the right or restrictions pertaining to representation;

(vi) A statement that failure to appear for the scheduled hearing may result in an adverse action against that party; and

(vii) A statement that the parties may agree to the evidence and waive their right to appear at the hearing.

(b) Service of Notices, Orders, and Other Documents. Except as provided by prior agreement of the parties, the hearing officer shall serve notices, orders, and other documents to the parties in one of the following ways:

(i) Electronically; and

(ii) By personal delivery; or

(iii) By mailing a copy of the document, first class, postage prepaid, to the person's last known business or home address; and

(iv) If the person is represented by counsel, also by delivering or mailing a copy of the document, first class, postage prepaid, to the person's attorney.

(c) The hearing officer shall send the hearing notice to the parties to the appeal:

(i) At least 15 days before the hearing; or

(ii) If the parties have agreed to a date for which 15 days notice cannot be given, at the earliest time possible.

(8) Representation.

(a) A party to a proceeding may:

(i) Appear individually or, if appearance by a representative is permitted by law, through a representative; or

(ii) Be represented by an attorney authorized to practice in Maryland.

(b) Any notice, decision, or other matter required to be sent to a party may also be sent to the party's attorney of record at the attorney's address.

(c) If a party is represented by an attorney or appears through an authorized representative, then examination and cross-examination of witnesses, and objections and motions on the party's behalf shall be made solely by the attorney or the authorized representative.

(9) Failure to Appear. A hearing may proceed as scheduled in the absence of a party if the party has:

(a) Been served in accordance with §B(7) of this regulation; and

(b) Failed to obtain a postponement of the hearing from the hearing officer under these requirements.

(10) Postponement.

(a) The hearing officer may postpone a hearing only if a written request for postponement is filed with the hearing officer not later than 10 days before the date of the hearing.

(b) If a request for postponement is received later than 10 days before the date of the hearing, the hearing officer shall deny the request unless they determine that there was good cause which justified the delay.

(c) Failure to retain counsel or to timely request a subpoena may not be considered good cause under this regulation.

(d) A request for postponement based on failure to obtain service on a witness may not be granted if the party has failed to comply with the subpoena procedures set forth at COMAR 09.01.02.

(11) Discovery. There is no pre-hearing discovery.

(12) The documents used by the provider of FAMLI benefits in determining the claim shall be part of the record.

(13) Subpoenas. Subpoena procedures are governed by COMAR 09.01.02.

(14) Conduct of the Proceedings.

(a) The hearing officer may impose reasonable time limitations.

(b) The Maryland Rules of Civil Procedure may be used as a guide in resolving procedural issues governing the conduct of the hearing that are not addressed in this chapter and the Administrative Procedure Act.

(c) The hearing officer may conduct all or any part of the hearing by telephone, video conference, or other electronic means, in accordance with State Government Article, §10-211, Annotated Code of Maryland.

(d) Order of Proceedings. Absent unusual circumstances, the order of proceedings shall be as follows:

(i) Opening statements and preliminary matters may be heard;

(ii) All individuals planning to testify shall be sworn before testifying;

(iii) The claimant or individual or their attorney or authorized representative may present the claimant's or individual's case;

(iv) The EPIP administrator may present the EPIP administrator's case;

(v) The Division may present the Division's case;

(vi) The claimant or individual shall be entitled to a brief rebuttal after the conclusion of the EPIP administrator's case and/or the Division's case;

(vii) The hearing officer may hear closing arguments in the same order as the presentation of evidence; and

(viii) Dispositive motions are prohibited.

(15) Evidence.

(a) The rules of evidence under this chapter shall be under State Government Article, §10-213, Annotated Code of Maryland.

(b) Hearsay, in the form of medical records and certified forms filled out by licensed health care providers, shall be permitted at the hearing.

(c) Additional evidence may not be introduced unless the party seeking to introduce it demonstrates to the satisfaction of the hearing officer that the new evidence:

(i) Is relevant and material;

(ii) Was not discovered before the claim was filed; and

(iii) Could not have been discovered before the claim was filed with the exercise of due diligence.

(16) All hearings shall be on the record. The record shall include:

(a) All pleadings, motions, responses, correspondence, memoranda, including proposed findings of fact and conclusions of law, and requests filed by the parties;

(b) All hearing notices;

(c) All documentary and other tangible evidence received or considered;

(d) A statement of each fact officially noticed;

(e) All stipulations;
(f) All offers of proof and objections;
(g) All rulings, orders, and decisions, proposed or final;
(h) Matters placed on the record in connection with ex parte communication;
(i) The recording of the hearing, and any pre hearing proceeding, and any transcript of the recording prepared by a court reporting service; and
(j) Any other item required by law.
(17) Interpreters.
(a) If a party or witness cannot readily hear, speak, or understand the spoken or written English language, and applies to the hearing officer in advance of the hearing for the appointment of a qualified interpreter to assist that party or witness, the hearing officer shall appoint a qualified interpreter to provide assistance during the hearing.
(b) With the approval of the hearing officer, a party who intends to offer the testimony of a witness who cannot readily hear, speak, or understand the spoken or written English language, may arrange for a qualified interpreter to assist the witness.
(c) An interpreter shall take an oath or affirm that the interpreter will accurately translate.
(18) Burden of Proof.
(a) The claimant shall bear the burden of proving, by a preponderance of the evidence, that the Division or EPIP administrator erred in making the initial claim decision under dispute, given the evidence available at the time of the initial decision.
(b) The individual who has been disqualified from receiving benefits under Labor and Employment Article §8.3-901, Annotated Code of Maryland shall bear the burden of proving, by a preponderance of the evidence, that the individual should not have been disqualified.
(19) Closed Hearings. Unless otherwise provided by statute, all hearings conducted under this chapter are closed to the public.
(20) Recording.
(a) The proceedings shall be recorded.
(b) The record need not be transcribed unless requested by a party.
(c) The cost of a typewritten transcript of any proceeding or part of a proceeding shall be paid by the party requesting the transcript.
(d) Except as provided under §B(20)(a) of this regulation, cameras, tape recorders, and other electronic and photographic equipment of any type are not permitted at the hearing, unless the equipment is intended to be introduced into evidence or used to present evidence.
(21) Recusal. A hearing officer shall be recused from the review of an appeal and from participating in a hearing if the hearing officer:
(a) Has personal knowledge of the facts which gave rise to the appeal;
(b) Has a personal or business relationship with any of the parties or witnesses; or
(c) For any other reason may be unable to act impartially in the matter.
(22) Decisions. After consideration of the testimony and other evidence the hearing officer shall issue a final written order, including any penalties or fees issued under Labor and Employment Article, §8.3-101 et seq., Annotated Code of Maryland, no more than 10 business days after the conclusion of the hearing.
(23) Decision to Employer. Upon receipt of the decision by the Division, the Division shall forward a copy of the decision to the employer.
(24) Judicial Review. A party aggrieved by the final order is entitled to judicial review of the decision under State Government Article, §10-222, Annotated Code of Maryland.

.04 Contribution Liability Reconsideration and Appeals.
A. Reconsideration. An employer is entitled to request reconsideration by the Division of a determination of the employer's contribution liability.
(1) Manner of Filing:
(a) Requests for reconsideration shall be filed within 30 days, unless good cause can be shown, of notice of the contribution liability;
(b) Requests for reconsideration shall be in writing; and
(c) Requests shall include why the requestor believes the contribution liability to be in error.
(2) Reconsideration shall be conducted by Division personnel who did not participate in the contribution liability determination at issue.
(3) A decision on the reconsideration shall be issued within 30 days.
B. Appeals.
(1) The appeals process is only available to employers who have completed the reconsideration process as described in §A of this regulation.
(2) The appeal shall be filed with the Division within 30 days of the reconsideration denial unless the employer can show good cause.
(3) Absent unusual circumstances, a hearing shall be held on the appeal within 60 days of filing of the appeal.
(4) Hearing Notice. Employers shall be provided with reasonable written notice of a hearing.
(a) The hearing notice shall contain:
(i) The date, time, place, and nature of the hearing;
(ii) A statement of the right to present witnesses, documents, and other forms of evidence, and the right to cross-examine witnesses;
(iii) A statement of the right to request subpoenas for witnesses and evidence, specifying the costs, if any, associated with the request;
(iv) A copy of the hearing procedure;
(v) A statement of the right or restrictions pertaining to representation;
(vi) A statement that failure to appear for the scheduled hearing may result in an adverse action against the employer; and
(vii) A statement that the employer and Division may agree to the evidence and waive their right to appear at the hearing.
(b) Service of Notices, Orders, and Other Documents. Except as provided by prior agreement, the hearing officer shall serve notices, orders, and other documents to the employer and any other parties in one of the following ways:
(i) Electronically; and
(ii) By personal delivery; or
(iii) By mailing a copy of the document, first class, postage prepaid, to the employer's last known business or home address; and
(iv) If the employer is represented by counsel, also by delivering or mailing a copy of the document, first class, postage prepaid, to the employer's attorney.
(c) The hearing officer shall send the hearing notice to the employer:
(i) At least 15 days before the hearing; or
(ii) If the employer has agreed to a date for which 15 days notice cannot be given, at the earliest time possible.
(5) Representation.
(a) An employer may appear individually or, if appearance by an attorney or representative is permitted or required by law, through an attorney authorized to practice in Maryland.
(b) Any notice, decision, or other matter required to be sent to an employer may also be sent to the employer's attorney of record at the attorney's address.
(c) If an employer is represented by an attorney or appears through an authorized representative, then examination and cross-examination of witnesses, and objections and motions on the employer's behalf shall be made solely by the attorney or the authorized representative.
(6) Failure to Appear. A hearing may proceed as scheduled in the absence of the employer if the employer has:
(a) Been served in accordance with §B(4) of this regulation; and
(b) Failed to obtain a postponement of the hearing from the hearing officer under these requirements.
(7) Postponement.
(a) The hearing officer may postpone a hearing only if a written request for postponement is filed with the hearing officer not later than 10 days before the date of the hearing.
(b) If a request for postponement is received later than 10 days before the date of the hearing, the hearing officer shall deny the request unless they determine that there was good cause which justified the delay.
(c) Failure to retain counsel or to timely request a subpoena may not be considered good cause under this regulation.
(d) A request for postponement based on failure to obtain service on a witness may not be granted if the employer has failed to comply with the subpoena procedures set forth at COMAR 09.01.02.
(8) Discovery. There is no pre-hearing discovery.
(9) Subpoenas. Subpoena procedures are governed by COMAR 09.01.02.
(10) Conduct of the Proceedings.
(a) The hearing officer may impose reasonable time limitations.
(b) The Maryland Rules of Civil Procedure may be used as a guide in resolving procedural issues governing the conduct of the hearing that are not addressed in this chapter and the Administrative Procedure Act.
(c) The hearing officer may conduct all or any part of the hearing by telephone, video conference, or other electronic means, in accordance with State Government Article, §10-211, Annotated Code of Maryland.
(d) Order of Proceedings. Absent unusual circumstances, the order of proceedings shall be as follows:

(i) Opening statements and preliminary matters may be heard;
(ii) All individuals planning to testify shall be sworn before testifying;
(iii) The employer or their attorney or authorized representative may present the employer's case;
(iv) The Division may present the Division's case;
(v) The employer shall be entitled to a brief rebuttal after the conclusion of the Division's case;
(vi) The hearing officer may hear closing arguments in the same order as the presentation of evidence; and
(vii) Dispositive motions are prohibited.

(11) Evidence.
(a) The rules of evidence under this chapter shall be under State Government Article, §10-213, Annotated Code of Maryland.
(b) Additional evidence may not be introduced unless the party seeking to introduce it demonstrates to the satisfaction of the hearing officer that the new evidence:
(i) Is relevant and material;
(ii) Was not discovered before the contribution liability was determined; and
(iii) Could not have been discovered before the contribution liability was determined with the exercise of due diligence.

(12) The record shall include:
(a) All pleadings, motions, responses, correspondence, memoranda, including proposed findings of fact and conclusions of law, and requests filed by the employer and Division;
(b) All hearing notices;
(c) All documentary and other tangible evidence received or considered;
(d) A statement of each fact officially noticed;
(e) All stipulations;
(f) All offers of proof and objections;
(g) All rulings, orders, and decisions, proposed or final;
(h) Matters placed on the record in connection with ex parte communication;
(i) The recording of the hearing, and any pre hearing proceeding, and any transcript of the recording prepared by a court reporting service; and
(j) Any other item required by law.

(13) Interpreters.
(a) If an employer or witness cannot readily hear, speak, or understand the spoken or written English language, and applies to the hearing officer in advance of the hearing for the appointment of a qualified interpreter to assist that employer or witness, the hearing officer shall appoint a qualified interpreter to provide assistance during the hearing.
(b) With the approval of the hearing officer, an employer who intends to offer the testimony of a witness who cannot readily hear, speak, or understand the spoken or written English language, may arrange for a qualified interpreter to assist the witness.
(c) An interpreter shall take an oath or affirm that the interpreter will accurately translate.

(14) Burden of Proof. The employer shall bear the burden of proving, by a preponderance of the evidence, that the employer is entitled to a change in the contribution liability.

(15) Open Hearings. Unless otherwise provided by statute, all hearings conducted under this chapter are open to the public.

(16) Recording.
(a) The proceedings shall be recorded;
(b) The record need not be transcribed unless requested by the employer;
(c) The cost of a typewritten transcript of any proceeding or part of a proceeding shall be paid by the entity requesting the transcript; and
(d) Except as provided under §B(16)(a) of this regulation, cameras, tape recorders, and other electronic and photographic equipment of any type are not permitted at the hearing, unless the equipment is intended to be introduced into evidence or used to present evidence.

(17) Recusal. A hearing officer shall be recused from the review of an appeal and from participating in a hearing if the hearing officer:
(a) Has personal knowledge of the facts which gave rise to the appeal;
(b) Has a personal or business relationship with the employer or witnesses; or
(c) For any other reason may be unable to act impartially in the matter.

(18) Decisions. After consideration of the testimony and other evidence the hearing officer shall issue a final written order, including any penalties or fees issued under Labor and Employment Article, §8.3-101 et seq., Annotated Code of Maryland, within 90 days of the conclusion of the hearing.

(19) Judicial Review. An employer aggrieved by the final order is entitled to judicial review of the decision under State Government Article, §10-222, Annotated Code of Maryland.

.05 Special EPIP Provisions.

A. To the extent the dispute resolution procedures, including timelines and good cause, outlined in this chapter are more restrictive with respect to claimants and recipients than those dispute resolution procedures outlined by the Administration, the Administration's procedures shall control.

B. To the extent the dispute resolution procedures, including notice requirements and good cause, outlined in this chapter are less restrictive with respect to employers and carriers than those dispute resolution procedures outlined by the Administration, the Administration's procedures shall control.

PORTIA WU
Secretary of Labor

Title 10
MARYLAND DEPARTMENT OF HEALTH

Subtitle 15 FOOD

10.15.04 Food and Drink Processing and Transportation

Authority: Health-General Article, §§21-211, 21-301, 21-304, 21-308, 21-309.1, and 21-309.2; Annotated Code of Maryland

Notice of Proposed Action

[25-202-P]

The Secretary of Health proposes to amend Regulations **.15** and **.16** under **COMAR 10.15.04 Food and Drink Processing and Transportation**.

Statement of Purpose

The purpose of this action is to raise the limit on sales of covered products of On-Farm Home Food Plant license-holders, while simultaneously excluding certain products from contributing to the cap. The proposal also clarifies that a valid Mobile Farmers Market Unit license allows activities authorized by the license without requiring additional licenses or permits from a local health department.

Estimate of Economic Impact

I. Summary of Economic Impact. On-Farm Home Food Processing Plant license-holders will be able to sell an additional $10,000 of products authorized by the license, from $40,000 to $50,000, produced in a non-commercial kitchen. The proposal also exempts certain products from that total $50,000 limit, which will allow for additional sales.

II. Types of Economic Impact.

Impacted Entity	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) On-farm home food processors (Cap Exemptions)	(+)	Indeterminable
(2) On-farm home food processors (Cap Increase)	(+)	$2,090,000
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). This proposal also exempts cheese produced from dairy cows in the State that is produced out-of-state, as well as raw meat. The economic impact of this portion is indeterminable as the potential increased earning for on-farm home food processors cannot be quantified. Nevertheless, based on engagement with legislators and the affected industry, the industry wishes to and has the capacity to increase sales and revenue without changes to their food processing facilities.

D(2). There are approximately 209 licensed on-farm home food processors in the State. Assuming each farm home food processor in the State produces the maximum allowable income, the cap increase would allow for a maximum increased potential income of $10,000 each totaling a hypothetical maximum of $2,090,000 increase in income.

Economic Impact on Small Businesses

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

During the 2025 Legislative Session, the Department engaged with various legislators who represent constituents holding food processing plant licenses under the on-farm home processing allowance. The legislators and constituents indicated the desire and need to increase the $40,000 limit of allowable sales under the license. This proposal makes that alteration by raising the limit to $50,000, while also exempting from that increased $50,000 total the sales of packaged raw meat and poultry, as well as hard cheese produced out-of-State from dairy produced in-State. While concrete numbers are not possible to ascertain, affected license-holders, of which there are approximately 209 in the State, will be able to increase sales by a minimum of $10,000 annually. Considering the cap increase alone, this action could result in an economic impact of $2,090,000 annually, not including any economic benefits gained by the exemption for raw meat and poultry and certain cheese products.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.15 On-Farm Home Processing

A. The Department may issue a food processing plant license to an individual who owns*, leases, rents, or resides on* a farm to process food in a home or domestic kitchen, located on the individual's farm, as set forth in this regulation.

B. While operating with a license issued in accordance with §A of this regulation, the person-in-charge shall:

(1) (text unchanged)

(2) Limit processed food production to:

(a) An amount of food that can safely be produced in the domestic kitchen as evidenced by:

(i)—(ii) (text unchanged)

(iii) Cross-contamination control; **[**or**]** *and*

(b) **[**$40,000**]** $*50,000 or less* of sales *other than foods processed under §§E and F of this regulation*;

(3)—(6) (text unchanged)

C.—E. (text unchanged)

F. An individual licensed in accordance with this regulation may weigh, label, store, and distribute cheese that:

(1) Is made on a licensed out-of-State dairy **[**farm**]** *facility* using only the raw milk produced by the herd on the dairy farm licensed by the Department; and

(2) (text unchanged)

G.—I. (text unchanged)

.16 Producer Mobile Farmer's Market Unit.

A. The Department may issue a food processing plant license to operate a producer mobile farmer's market unit to transport for sale at a farmer's market*, public festival, or public event,* TCS food products:

(1)—(3) (text unchanged)

B. (text unchanged)

C. A local health department shall:

(1) (text unchanged)

(2) Levy fines as established in local law, ordinance, or regulation; **[**and**]**

(3) Notify the Department of any violations occurring in the county**[**.**]***; and*

(4) Accept a valid producer mobile farmer's market unit license to sell products authorized for sale under the license without requiring separate licenses or permits.

MEENA SESHAMANI, MD, PHD
Secretary of Health

Subtitle 32 BOARD OF PHYSICIANS

10.32.03 [Delegation of Duties by a Licensed Physician—]Physician Assistant

Authority: Health Occupations Article, §§1-213, 1-606, 14-205, 15-101—15-502, Annotated Code of Maryland

Notice of Proposed Action

[25-205-P]

The Secretary of Health proposes to amend Regulations **.01—.03**, repeal existing Regulations **.05** and **.12**, adopt new Regulations **.04** and **.06—.08**, amend and recodify existing Regulations **.04**, **.07**, **.08**, **.10**, **.11**, and **.13—.17** to be Regulations **.05**, **.12**, **.09**, **.11**, and **.13—.18,** and recodify existing Regulation **.09** to be Regulation **.10** under **COMAR 10.32.03 Physician Assistant**. This action was considered by the Board of Physicians at public meetings held on June 26, 2024, July 24, 2024, August 28, 2024, and April 30, 2025, notice of which was provided on the Board's website at https://www.mbp.state.md.us/ pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update current regulations to reflect the changes to State law governing the practice of physician assistants with the passage of the Physician Assistant Modernization Act of 2024 (HB 806 & SB 167).

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed update to the fees in this proposal for physician assistants includes an increase from $200 to $310 for the one-time initial application fee, and an increase from $135 to $360 for the biennial licensure renewal fee. Although there is a $110 increase for the one-time initial licensure and a $225 increase for the renewal fee, the Board is eliminating the $200 delegation agreement fee. The Board believes that, on average, this is a nominal fee increase. All PAs were required to have at least one delegation agreement to practice, and the average physician assistant has two delegation agreements. This fee change allows the costs to be more equitably spread to all PAs, regardless of the number of collaboration agreements that they have. Individual PAs who previously did not have more than one delegation agreement may see a larger impact.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Board of Physicians	(R-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	**Magnitude**
D. On regulated industries or trade groups:		
Licensees	(-)	Minimal
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. The Board anticipates a loss of revenue over the long term due to the removal of the $200 Delegation Agreement fee. The average physician assistant has 2 delegation agreements.

D. Individual PAs who previously did not have more than one delegation agreement may see a larger 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 Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.01 Scope.

A. This chapter governs the practice of physician assistants **[**and the delegation of medical acts by a physician to a physician assistant**]** and collaboration between physician assistants and one or more patient care team physicians.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Advanced duties" means medical acts that require additional *education,* training*, or experience* that is beyond the **[**basic**]** physician assistant education program required for licensure.

[(3) "Alternate supervising physician" means one or more physicians designated by the primary supervising physician to provide supervision in accordance with the delegation agreement on file with the Board.**]**

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

[(5)**]** *(4)* "Applicant" means an individual who applies to the State Board of Physicians for licensure as a physician assistant**[**, or for approval of a delegation agreement**]**.

[(6)**]** *(5)*—**[**(7)**]** *(6)* (text unchanged)

(7) "Collaborating physician" means one or more patient care team physicians who collaborate with a physician assistant under a collaboration agreement.

(8) Collaboration.

(a) "Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient which includes the degree of cooperation necessary to provide treatment and care to the patient.

(b) "Collaboration" includes:

(i) Communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments; and

(ii) The development of an appropriate plan of care including decisions regarding the health care provided, accessing and assessing appropriate additional resources, expertise, referrals, testing, or studies.

(c) "Collaboration" does not require constant, physical presence of a collaborating physician on-site in the practice setting provided that the collaborating physician is accessible by electronic means.

(9) "Collaboration agreement" means a document that outlines the relationship between a physician assistant and an individual physician or a group of physicians which is maintained at the practice level and is developed between a physician assistant and collaborating physician or physicians.

[(8)**]** *(10)*—**[**(11)**]** *(13)* (text unchanged)

[(12) "Delegation agreement" means a document that is executed by a supervising physician and a physician assistant containing the requirements of Health Occupation Article, §15-302, Annotated Code of Maryland, and this chapter.**]**

[(13)**]** *(14)* (text unchanged)

[(14) "Dispense" means to dispense starter dosages or drug samples.**]**

(15)—(16) (text unchanged)

(17) "Exempt facility" means:

(a) A hospital;

(b) An ambulatory surgical facility;

(c) A federally qualified health center as defined in Health-General Article, §24-1301(b), Annotated Code of Maryland; or

(d) Any other practice setting listed on a hospital delineation of privileges document.

[(17)**]** *(18)*—**[**(19)**]** *(20)* (text unchanged)

[(20)**]** *(21)* "On-site" means the physical presence of the **[**supervising**]** *collaborating* physician on the premises of the facility where the physician assistant performs delegated medical acts.

(22) "Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

(23) "Patient care team physician" means a licensed physician who regularly practices in the State and who provides leadership in the care of patients as part of a patient care team.

[(21)**]** *(24)* (text unchanged)

[(22)**]** *(25)* "Physician assistant" means an individual who is licensed *by the Board* to practice **[**medicine with physician supervision**]** *as a physician assistant*.

[(23) "Practice as a physician assistant" means the performance of medical acts that are:

(a) Delegated by a supervising physician to a physician assistant;

(b) Within the supervising physician's scope of practice; and

(c) Appropriate to the physician assistant's education, training, and experience.**]**

[(24)**]** *(26)* "Prescriptive authority" means the authority **[**delegated by a supervising physician to**]** *of* a physician assistant to:

(a)—(c) (text unchanged)

[(25) "Primary supervising physician" means a physician who:

(a) Completes a delegation agreement that meets the requirements under Health Occupations Article, §§15-301(d) and (e) and 15-302, Annotated Code of Maryland;

(b) Acts as the physician responsible to ensure that a physician assistant practices medicine in accordance with Health Occupations Article, Title 15, Annotated Code of Maryland and this chapter;

(c) Ensures that a physician assistant practices within the scope of practice of the primary supervising physician or a designated alternate supervising physician, as specified in Regulation .07A(4) of this chapter; and

(d) Ensures that a list of alternate supervising physicians is maintained at the practice setting, as specified in Regulation .07A(3) of this chapter.

(26) "Privileging process" means the review process used by a special facility to determine:

(a) Whether a physician assistant may practice; and

(b) Which advanced duties the physician assistant may perform in a special facility.**]**

(27) (text unchanged)

[(28) "Special facility" means a hospital or ambulatory surgical facility which meets all of the following criteria:

(a) The facility has reviewed the credentials of the supervising physician as a condition of employment, as an independent contractor, or as a member of the medical staff;

(b) The facility has reviewed the credentials of the physician assistant as a condition of employment, as an independent contractor, or as a member of the medical staff; and

(c) The governing body of the facility has reviewed and approved the physician assistant's performing of the advanced duty in accord with a privileging process.**]**

[(29)**]** *(28)* (text unchanged)

[(30) Supervision.

(a) "Supervision" means the responsibility of the physician to exercise on-site supervision or provide immediately available direction for physician assistants performing delegated medical acts.

(b) "Supervision" includes:

(i) Oversight of the physician assistant and acceptance of direct responsibility for the patient services and care rendered by the physician assistant;

(ii) Continuous availability to the physician assistant either in person, through written instructions, or by electronic means; and

(iii) Designation of one or more alternate supervising physicians.**]**

[(31)**]** *(29)* (text unchanged)

.03 Physician Assistant Advisory Committee.

A.—B. (text unchanged)

C. Vacancy. If a vacancy occurs **[**as to**]** *for* a physician or physician assistant, the Board shall appoint a new member in the same category.

D. Officers. A Committee chairperson **[**and a secretary**]** shall be **[**selected**]** *elected* every 2 years by a majority vote of the membership of the Committee.

E. Removal. Upon the recommendation of the chairman, the Board, by a majority, may vote to remove any member of the Committee for:

(1) Neglect of duty**[**;**]**, *including but not limited to:*

(a) Failure to attend two successive committee meetings without adequate reason;

(b) Failure to attend Board mandated training; or

(c) Failure to complete necessary ethics filing requirements;

(2)—(5) (text unchanged)

F. The Committee shall:

(1) (text unchanged)

(2) Review each **[**delegation agreement**]** *advanced duty* which requires prior approval by the Board and, as needed, interview each physician assistant and **[**supervising**]** *one or more patient care team physicians* to make recommendations to the Board;

(3)—(4) (text unchanged)

G. The Committee may delegate a physician member and a physician assistant member of the Committee to conduct the interview of each physician assistant and **[**supervising**]** *patient care team* physician, as permitted under §F(2) of this regulation.

.04 Scope of Practice.

A. Except as otherwise provided under Health Occupations Article, Title 15, Annotated Code of Maryland, an individual shall be licensed by the Board and notify the Board of an executed collaboration agreement before the individual may practice as a physician assistant or collaborate with a patient care team physician.

B. A physician assistant's scope of practice will be limited to medical acts that are:

(1) Appropriate to the education, training, and experience of the physician assistant;

(2) Customary to the practice of a patient care team physician; and

(3) Performed in a manner consistent with the collaboration agreement.

C. A physician assistant may delegate technical medical acts authorized under Health Occupations Article, §14-306, Annotated Code of Maryland and COMAR 10.32.12 provided the physician assistant:

(1) Has notified the Board, in a manner approved by the Board of an executed collaboration agreement; and

(2) Has completed at least 7,000 hours of clinical practice experience.

D. Prohibitions.

(1) Regardless of the setting or other factors, a patient care team physician may not delegate, and a physician assistant may not perform general anesthesia or neuraxial anesthesia, including spinal, epidural, and image-guided interventional spine procedures.

(2) Except in hospitals, detention centers, correctional facilities, and public health facilities, a patient care team physician may not collaborate with more than eight physician assistants during the same shift.

[.04] *.05* Qualifications for Licensure as a Physician Assistant.

A. (text unchanged)

B. Education.

[(1) An applicant who passed the physician assistant certifying examination administered by the National Commission on Certification of Physician Assistants before 1986 is not required to meet the education requirements specified in §B(2) or (3) of this regulation if both of the following are true:

(a) The applicant has met the continuing education requirements and recertification requirements of the National Commission on Certification of Physician Assistants on a continuous basis since passing the examination; and

(b) The applicant has been employed and practicing as a physician assistant on a continuous basis since passing the examination.

(2) Except as specified in §B(1) of this regulation, an applicant shall graduate from a physician assistant educational program that was accredited at the time of graduation by the Commission on Accreditation of Allied Health Education Programs, the Accreditation Review Commission on the Education for the Physician Assistant, or their successors.

(3) In addition to the requirement specified in §B(2) of this regulation, an applicant who graduates from a physician assistant training program after October 1, 2003, shall have one of the following:

(a) A bachelor's degree; or

(b) At least 120 credit hours of education at the college or university level.**]**

(1) An applicant who has successfully completed an educational program for physician assistants shall:

(a) Have graduated from a physician assistant program accredited by The Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), its predecessor, or its successor; and

(b) Have passed the physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants (NCCPA) or its successor.

(2) In addition to the requirement specified in §B(1) of this regulation, an applicant who has successfully completed an educational program for physician assistants after October 1st, 2003, shall have one of the following:

(a) A bachelor's degree; or

(b) At least 120 credit hours of education at the college or university level.

[C. Examination. An applicant shall pass the national certifying examination for physician assistants given by the NCCPA or its successor.**]**

[D.**]** *C.* (text unchanged)

.06 Collaboration Agreements—Core Duties.

A. Before a physician assistant may perform medical acts, the physician assistant shall:

(1) Execute a collaboration agreement between the physician assistant and one or more patient care team physicians;

(2) Notify the Board in a manner approved by the Board of the executed collaboration agreement; and

(3) Maintain a copy of the executed collaboration agreement on file at the physician assistant's primary practice location.

B. Collaboration Agreement Requirements.

(1) A collaboration agreement may only consist of one physician assistant and one or more patient care team physicians practicing at the same facility.

(2) A physician assistant shall have a separate collaboration agreement for each of the physician assistant's employers.

(3) The physician assistant has the affirmative obligation to retain the collaboration agreement and all of the documentation pertaining to the collaboration agreement for 5 years after termination of the collaboration agreement for Board inspection.

C. Contents.

(1) The collaboration agreement shall include, at minimum:

(a) Each patient care team physician's name and Maryland license number;

(b) A description of each patient care team physician's qualifications to collaborate with a physician assistant;

(c) The practice specialty of each listed patient care team physician;

(d) The physician assistant's name and Maryland license number;

(e) The primary location and settings where the physician assistant will practice;

(f) The employer of the physician assistant;

(g) A description of the settings where the physician assistant will practice;

(h) Any delegation of prescriptive authority and, if applicable, dispensing according to Regulation .08 of this chapter; and

(i) Any other information deemed necessary by the Board to carry out the provisions of Health Occupations Article, Title 15, Annotated Code of Maryland.

(2) The collaboration agreement may include a description of any provisions established by the listed patient care team physicians that:

(a) Detail the practice of the physician assistant;

(b) Limit the physician assistant's scope of practice; or

(c) Specify office procedures.

D. The physician assistant shall attest that:

(1) All medical acts performed by the physician assistant shall be:

(a) Appropriate to the education, training, and experience of the physician assistant;

(b) Customary to the practice of a patient care team physician listed on the collaboration agreement; and

(c) Performed in a manner consistent with the collaboration agreement; and

(2) Any performance of an advanced duty in collaboration with a patient care team physician shall be in accordance with Health Occupations Article, §15-302.1, Annotated Code of Maryland.

E. Each collaborating physician shall document their official acknowledgment of their understanding and status as a listed patient care team physician on the collaboration agreement with the physician assistant.

.07 Collaboration Agreements—Advanced Duties.

A. A physician assistant that has sufficient education, training, and experience in the performance of an advanced duty, may perform that advanced duty under a collaboration agreement without Board approval if:

(1) The physician assistant is practicing at an exempt facility in accordance with Health Occupations Article, §15–302.1, Annotated Code of Maryland and meets the conditions in §A(4) of this regulation;

(2) The physician assistant has previously received Board approval to perform the advanced duty; or

(3) The physician assistant has at least 7,000 hours of clinical practice experience as attested to by the physician assistant.

(4) For a physician assistant practicing at an exempt facility the following shall be met:

(a) The patient care team physician listed on the collaboration agreement has been credentialed by the exempt facility as a condition of employment;

(b) The physician assistant listed on the collaboration agreement has been credentialed by the exempt facility as a condition of employment; and

(c) The advanced duty to be delegated by the patient care team physician to the physician assistant is reviewed and approved in a process approved by the exempt facility before the physician assistant performs the advanced duty.

B. Except as provided under §A of this regulation, a physician assistant shall receive Board approval to perform an advanced duty prior to performing the advanced duty.

C. A physician assistant performing X-Ray duties in accordance with Health Occupations Article, §14–306(e), Annotated Code of Maryland, shall:

(1) Notify the Board of an executed collaboration agreement in a manner approved by the Board;

(2) Maintain a copy of the collaboration agreement on file at the practice location;

(3) Obtain Board approval for the X-Ray duty as an advanced duty if practicing at a location other than an exempt facility;

(4) Perform the X-Ray duty in the medical office of a patient care team physician; and

(5) Be limited to nonfluoroscopic X-Ray procedures of the extremities, anterior-posterior and lateral, not including the head.

D. In addition to the requirements of §C of this regulation, a physician assistant performing the advanced duty of nonfluoroscopic X-ray procedures using a mini C-arm or similar low-level radiation machine shall be required to present the Board with evidence of completion of a course that includes:

(1) Didactic instruction of at least eight hours on the following subject matters:

(a) Principles of radiography;

(b) Image acquisition;

(c) Principles of exposure;

(d) Image evaluation;

(e) Radiation safety;

(f) Equipment overview; and

(g) Documentation; and

(2) Clinical instruction, which shall:

(a) Include anterior-posterior and lateral radiographic studies of extremities, not including the head, on at least 20 separate patients; and

(b) Be under the direct supervision of the delegating physician or radiologist.

.08 Approval, Disapproval, Ineligible, or Modification of Advanced Duties.

A. Approvals of Advanced Duties.

(1) Documentation demonstrating a physician assistant's authority to perform an advanced duty under this section shall be maintained at the facility where the physician assistant is performing the advanced duty.

(2) The Board may audit and review collaboration agreements kept by the physician assistant at the primary place of business of the licensee at any time.

(3) If an advanced duty requires Board approval, the Committee:

(a) Shall review the collaboration agreement;

(b) May conduct a personal interview of the physician assistant and patient care team physicians; or

(c) May recommend to the Board that the collaboration agreement be modified to ensure conformance with the requirements of Health Occupations Article, §§15–302 and 15–302.1, Annotated Code of Maryland.

B. Modification or Disapproval of Advanced Duties.

(1) The Board may modify or disapprove the performance of advanced duties under a collaboration agreement if the physician assistant does not meet the applicable education, training, and experience requirements to perform the specified advanced duties.

(2) If the Board disapproves or modifies a request to perform an advanced duties, the Board shall:

(a) Notify the delegating patient care team physician listed in the collaboration agreement and the physician assistant in writing of the particular elements of the advanced duty approval request that were the cause for the modification or denial;

(b) Set forth the specific reasons for the modification or denial; and

(c) Give the applicant an opportunity to submit an amendment to the advanced duty or request a hearing before the Board.

(3) To request a hearing regarding modification or disapproval of advanced duties, the applicant shall make a written request for a hearing within 30 days of the receipt of the notice of modification or disapproval.

C. Physician Assistant Deemed Ineligible to Perform an Advanced Duty.

(1) A physician assistant who applies to perform an advanced duty may be deemed ineligible to perform an advanced duty if the physician assistant or patient care team physician:

(a) Fails to complete the application;

(b) Fails to provide additional information requested by the Board in connection with the application; or

(c) Submits false or misleading information to the Board in connection with the application.

(2) If a physician assistant is deemed ineligible to perform the advanced duty, the Board shall:

(a) Give written notice to the applicant; and

(b) Set forth the specific reasons for the ineligibility.

(3) A physician assistant who is deemed ineligible to perform the advanced duty shall not be authorized to perform the advanced duty except for training purposes under the direct supervision of a patient care team physician listed on the collaboration agreement.

D. Individual members of the Board are not civilly liable for actions regarding the approval, modification, or disapproval of an advanced duty under the collaboration agreement described in this regulation.

[.08] .*09* Prescriptive Authority and Dispensing Starter Dosage or Drug Samples.

A. In order for a **[**primary supervising**]** *patient care team* physician to delegate prescriptive authority, the **[**primary supervising**]** *patient care team* physician shall ensure that the **[**delegation**]** *collaboration* agreement includes:

(1)—(3) (text unchanged)

(4) An attestation that all prescriptions **[**written**]** *dispensed* include the physician assistant's name and the **[**supervising**]** *patient care team* physician's name, business address, and business telephone number legibly written or printed;

(5)—(6) (text unchanged)

B. (text unchanged)

[.10] .*11* Identification as Physician Assistant.

A. (text unchanged)

(1)—(2) (text unchanged)

(3) Maintain a copy of the physician assistant's license and **[**currently approved delegation**]** *collaboration* agreement at the **[**primary place of business of the licensee**]** *practice setting*.

B. (text unchanged)

[.07] .*12* [Supervising Physicians] *Responsibility of the Physician Assistant.*

A. A **[**primary supervising**]** physician *assistant* shall:

(1) **[**File a delegation agreement with the Board, as required under Regulations .05 and .06 of this chapter;**]** *Notify the Board in a manner approved by the Board of an executed collaboration agreement developed by the listed patient care team physician or physicians and the physician assistant;*

(2) **[**Accept responsibility for any medical acts performed by the physician assistant;

(3) Provide continuous supervision of the physician assistant by means of one or more of the following:

(a) On-site supervision;

(b) Written instructions;

(c) Electronic communication; or

(d) Assignment of one or more alternate supervising physicians by one of the following means:

(i) In any practice setting, by ensuring the documentation of alternate supervising physicians with signed confirmation that each alternate understands and accepts the role as an alternate supervising physician; and

(ii) By ensuring that the alternate supervising physician documentation is readily available, accessible, and provided to the Board upon request;

(4) Delegate only**]** *Collaborate with a patient care team physician* for medical acts that:

(a) Are **[**within the scope of practice of the primary supervising or an alternate supervising physician**]** *customary to the practice of a listed patient care team physician*; and

(b) Are suitable to be performed by the physician assistant, taking into account the physician assistant's:

(i)—(ii) (text unchanged)

(iii) **[**Level of competence**]** *Experience*;

[(5)**]** *(3)* Obtain approval for **[**the delegation of**]** any advanced duties **[**as specified in Regulation .06 C, D, or E of this chapter**]**; *and*

[(6) Except in hospitals, detention centers, correctional facilities, and public health facilities, supervise no more than four physician assistants at one time; and

(7) Report**]** *(4) Update the practitioner profile to report* the termination of a **[**delegation**]** *collaboration* agreement for any reason to the Board within 5 days, providing the following information:

(a) Name and license number of **[**primary supervising**]** *the patient care team* physician and physician assistant; and

(b) (text unchanged)

B. **[**An alternate supervising physician shall:

(1) Supervise the physician assistant according to the delegation agreement filed with the Board by the primary supervising physician and the physician assistant;

(2) Except in hospitals, detention centers, correctional facilities, and public health facilities, supervise no more than four physician assistants at one time; and

(3) Accept supervisory responsibility for periods of time not to exceed the lesser of:

(a) The time period specified in the delegation agreement; or

(b) 45 consecutive days.

C.**]** Sudden Departure of the **[**Primary Supervising**]** *Patient Care Team* Physician.

(1) In the event of the sudden departure, incapacity, or death of a **[**primary supervising physician, a designated alternate supervising physician may assume the role of primary supervising physician in order to provide continuity of care for the patients of the former supervising physician**]** *patient care team physician, or in a change in licensure status that results in a patient care team physician being unable to practice medicine in the State, the collaboration agreement will remain active and valid under the supervision of any remaining listed patient care team physicians*.

(2) **[**A physician who assumes the responsibility of primary supervising physician under §C(1) of this regulation shall submit a complete delegation agreement to the Board within 15 days of assuming the responsibility**]** *If no remaining patient care team physicians are listed on the collaboration agreement, the physician assistant may not practice until the physician assistant has executed a new collaboration agreement and provided notification to the Board.*

[.11] .*13* Prohibited Conduct.

A. The Board may deny a license, reprimand a physician assistant, place a physician assistant on probation, or suspend or revoke a license if the physician assistant:

(1)—(36) (text unchanged)

(37) By corrupt means, threats, or force, intimidates or influences, or attempts to intimidate or influence, for the purpose of causing any person to withhold or change testimony in hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings; **[**or**]**

(38) By corrupt means, threats, or force, hinders, prevents, or otherwise delays any person from making information available to the Board in furtherance of any investigation of the Board**[**.**]***;*

(39) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in hearings or proceedings before the Board, a disciplinary panel, or those otherwise delegated by the Office of Administrative Hearings;

(40) Fails to keep adequate medical records;

(41) Performs medical acts in a manner that is not consistent with the collaboration agreement;

(42) Performs medical acts which are outside the education, training, and experience of the physician assistant;

(43) Performs medical acts that are not customary to the practice of the patient care team physicians listed on the collaboration agreement;

(44) Practices as a physician assistant without first providing notice to the Board as required under Health Occupations Article, §15–302(A), Annotated Code of Maryland;

(45) Fails to complete a criminal history records check under Health Occupations Article, §14–308.1, Annotated Code of Maryland;

(46) Fails to comply with the requirements of the Prescription Drug Monitoring Program set forth in Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland; or

(47) Fails to comply with any State or federal law or regulation pertaining to the practice of a physician assistant.

B. (text unchanged)

[.13] .*14* Reports by [Employer] *Employers* and [Primary Supervising] *Patient Care Team* Physician.

A. Except as provided in §B of this regulation, a hospital, related institution, alternative health care system, and employer**[**, and primary supervising**]** physician shall file with the Board a report that the hospital, related institution, alternative health system, or employer**[**, or primary supervising**]** physician limited, reduced, otherwise changed, or terminated any licensee for any reason that might be grounds for disciplinary action under **[**Regulation .11**]** *Regulation .13* of this chapter or Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland.

B. (text unchanged)

C. Notice by Licensee.

(1) If the licensee enters, or is considering entering, an alcohol or drug treatment program that is accredited by the Joint Commission or that is certified by the Maryland Department of Health, the licensee shall notify the hospital, related institution, alternative health system, employer, or **[**primary supervising**]** *patient care team* physician of the licensee's or holder's decision to enter the treatment program.

(2) If the licensee fails to provide the notice required under §C(1) of this regulation, and the hospital, related institution, alternative health system, employer, or **[**primary supervising physicians**]** *patient care team physicians* learn that the licensee has entered a treatment program, the hospital, related institution, alternative health system, employer, or **[**primary supervising physician**]** *patient care team physician* shall report to the Board that the licensee has entered a treatment program and has failed to provide the required notice.

(3) If the licensee is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, employer, or [primary supervising physician**]** *patient care team physician* of the licensee's noncompliance.

[.14] .*15* Examination and Audit of Physician Assistant Practice.

A.—B. (text unchanged)

C. Audit.

(1) The Board's representatives may require a physician, physician assistant, or facility where the physician assistant is employed or practicing to provide *immediate* access to any records relating to the physician assistant's employment, credentialing, and practice and any medical records of patients seen by the physician assistant.

(2) (text unchanged)

(3) A physician, physician assistant, or facility who fails to comply with a Board audit in accordance with §C(1) of this regulation is subject to an administrative fine.

[.15] .*16* Practice During a Disaster.

A. A physician assistant who is licensed in this State or in any other state or who is an employee of the federal government is authorized to perform acts, tasks, or functions as a physician assistant **[**under the supervision of a physician licensed to practice medicine in Maryland**]** during a disaster within a county in which a state of disaster has been declared by the Governor, or counties contiguous to a county in which a state of disaster has been declared, in accordance with Public Safety Article, §14-107, Annotated Code of Maryland.

B. The physician assistant shall notify the Board in writing of **[**the names**]** *their name*, practice locations, and telephone numbers for the physician assistant **[**and each primary supervising physician**]** within 30 days of the first performance of medical acts, tasks, or functions as a physician assistant during the disaster.

C. A team of **[**physician or**]** physicians and physician assistants or physician assistants practicing under this regulation may not be required to maintain on-site documentation describing **[**supervisory arrangements**]** *collaboration agreements* as otherwise required in Regulation .06 of this chapter.

[.16] .*17* Fees.

The following fees are applicable to physician assistants:

A. **[**Initial application**]** *Application* fees:

(1) Initial **[**license**]** application ... **[**$200; and**]** *$310;*

(2) **[**Physician assistant rehabilitation program ... $25; and**]** *Endorsement application ... $100*

(3) Reciprocity application ... $100; and

(4) Reinstatement application ... $400;

B. Physician Assistant license fee per month until expiration of license ... $10;

[B.**]** *C.* Renewal fees:

(1) License renewal fee ... **[**$135**]** *$360;*

[(2) Physician assistant rehabilitation program ... $25; and**]**

[(3)**]** *(2)* Maryland Health Care Commission (MHCC) fee ... As determined by MHCC under COMAR 10.25.03; *and*

(3) Preceptor fee ... as determined in accordance with Health Occupations Article, §15–206(a)(2)(i), Annotated Code of Maryland;

[C. Reinstatement fees:

(1) Reinstatement of license fee ... $200; and

(2) Physician assistant rehabilitation program ... $25;**]**

[D. Delegation agreements ... $200;**]**

[E.**]** *D.* (text unchanged)

[F.**]** *E.* **[**Replacement of wall license ... $75**]** *Advanced Duty Application Fee ... $100.*

[.17] .*18* Sanctioning and Imposition of Fines.

A. General Application and Sanctioning Guidelines.

(1)—(2) (text unchanged)

(3) Ranking of Sanctions.

(a) (text unchanged)

[(b) A stayed suspension in which the stay is conditioned on the completion of certain requirements is ranked as probation.

(c) A stayed suspension not meeting the criteria for §A(3)(b) of this regulation is ranked as a reprimand.**]**

[(d)**]** *(b)*—**[**(e)**]** *(c)* (text unchanged)

(4)—(9) (text unchanged)

B.—G. (text unchanged)

MEENA SESHAMANI, MD, PHD
Secretary of Health

Subtitle 33 BOARD OF LONG-TERM CARE ADMINISTRATORS

10.33.01 General Regulations

Authority: Health-General Article, §2-104; Health Occupations Article, §§9-101—9-501; Annotated Code of Maryland

The Secretary of Health proposes to:

(1) Repeal in its entirety **COMAR 10.33 Board of Nursing Home Administrators**;

(2);

Adopt new Regulations .**01—.04** under a new chapter, **COMAR 10.33.01 General Regulations,** under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**

(3) Adopt new Regulations .**01—.14** under a new chapter, **COMAR 10.33.02 Licensing of Nursing Home Administrators**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**;

(4) Adopt new Regulations .**01—.10** under a new chapter, **COMAR 10.33.03 Licensing of Assisted Living Managers**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**;

(5) Adopt new Regulations .**01—.02** under a new chapter, **COMAR 10.33.04 Continuing Education Requirements**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**;

(6) Adopt new Regulations .**01—.02** under a new chapter, **COMAR 10.33.05 Fees**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**;

(7) Adopt new Regulations .**01—.02** under a new chapter, **COMAR 10.33.06 Code of Ethics**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**;

(8) Adopt new Regulations .**01—.13** under a new chapter, **COMAR 10.33.07 Sanctions and Disciplinary Proceedings**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**; and

(9) Adopt new Regulations .**01—.02** under a new chapter, **COMAR 10.33.08 Compelling Purpose Disclosure**, under a new subtitle, **Subtitle 33 Board of Long-Term Care Administrators**;

This action was considered by the Board of Long-Term Care Administrators at a public meeting held on June 18, 2025, notice of which was given by publication on the Board's website at https://health.maryland.gov/bonha/Pages/index.aspx pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Amend the Board name to Board of Long-Term Care Administrators pursuant to Chs. 689 and 690, Acts of 2022;

(2) Add new regulations to license assisted living managers in the State pursuant to Chs. 689 and 690, Acts of 2022; and

(3) Reorganize and add clarifying language to regulations for nursing home administrators.

Estimate of Economic Impact

I. Summary of Economic Impact. As of May 28, 2025, there are 1,625 Assisted Living Managers who are required to be licensed by July 1, 2026. This will be a new health occupation/professional for whom the Board will assume the role as regulatory authority and therefore will receive additional revenue from this group for applying and receiving a new license. The total fee amount to receive an initial license is $300.

The 1,625 Assisted Living Managers, who are estimated to become licensed as of July 1, 2026, will renew their license every 2 years, thereby generating additional revenue. The biennial fee to renew a license is $200.

The proposed increase of the reinstatement fee acknowledges the expenditure of staff resources to administer the reinstatement of a license. In FY25, there were only 15 reinstatement applications submitted by Nursing Home Administrators, which equates to approximately 3 percent of active Nursing Home Administrator licensees. Reinstatements for Assisted Living Managers will not be applicable until FY29. In FY27 and FY28 an estimated $4,500 of revenue per fiscal year will be generated from Nursing Home Administrators only. By using that percentage to estimate the revenue from reinstatement applications from Assisted Living Managers, beginning in FY29, there will be an estimated revenue increase from $4,500 in FY27 and FY28 to $19,200, which also includes the estimated revenue from Nursing Home Administrators.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Assisted Living Manager - Biennial renewal of license	(R+)	$325,000
(2) License Reinstatements	(R+)	$19,200
(3) Assisted Living Manager - Initial application and license	(R+)	$487,500
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	**Magnitude**
D. On regulated industries or trade groups:		
(1) Assisted Living Manager - Initial application and license	(-)	$487,500
(2) Assisted Living Manager - Biennial renewal of license	(-)	$325,000
(3) License Reinstatements	(-)	$19,200
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(1). The biennial renewal fee is $200. The proposed increase in fees to renew a license is: 1,625 x $200 = $325,000.

A(2). The license reinstatement fee will increase from $200 to $300. In FY25, there were only 15 reinstatement applications submitted by Nursing Home Administrators, which equates to approximately 3 percent of the active Nursing home Administrator licensees. In using that percentage to estimate the revenue from reinstatement applications beginning in FY27 at the increased fee of $300, the estimated revenue with both Assisted Living Managers at 3 percent of active licensees (49) and 3 percent of active Nursing Home Administrators licensees (15) that the estimated revenue will be $19,200 in FY29, which is 2 years after the initial licensing of Assisted Living Managers. 49 + 15 = 64 Reinstatement applications. 64 x $300 = $19,200.

A(3). As of May 28, 2025, there are 1,625 Assisted Living Managers who are required to be licensed by July 1, 2026. The fee to complete an online application to apply for an initial license is $100 and the fee to receive a license is $200. The total fee amount for an initial license is $300. The proposed increase in fees to apply and receive a license is: 1,625 x $300 = $487,500.

D(1). See A.(1).

D(2). See A.(2).

D(3). See A.(3).

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 Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

10.33.01 General Regulations

Authority: Health-General Article, §2-104; Health Occupations Article, §§9-101—9-501; Annotated Code of Maryland

.01 Scope.

This subtitle governs the licensure, practice, and discipline of nursing home administrators and assisted living managers in the State.

.02 Definitions.

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

B. Terms Defined.

(1) "Administrator-in-training (AIT)" means an applicant approved by the Board to train to practice as a nursing home administrator in a nursing home under the supervision of a preceptor pursuant to this subtitle.

(2) "Administrator-in-training (AIT) contract" means a document signed by an AIT and a preceptor which includes requirements of the AIT program.

(3) "Administrator-in-training (AIT) program" means a Board-approved program which consists of practical training and experience in nursing home administration.

(4) "Alternate assisted living manager" means an individual who is available to assume the duties of the licensed assisted living manager for a licensed assisted living program when the licensed assisted living manager is temporarily unavailable to perform the duties of an assisted living manager.

(5) "Assisted living manager" means an individual who is:

(a) Designated by an assisted living program to oversee the overall day-to-day operations of an assisted living program; and

(b) Responsible for the duties set forth under COMAR 10.07.14.15.

(6) Assisted Living Program.

(a) "Assisted living program" means a residential or facility-based program for two or more residents that provides long-term housing and supportive services, supervision, personalized assistance, health-related services, or a combination of those that meets the needs of the individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the individuals.

(b) "Assisted living program" does not include:

(i) A nursing home as defined by Health-General Article, §19-1401, Annotated Code of Maryland;

(ii) A nursing facility as defined by Health-General Article, §19-301, Annotated Code of Maryland;

(iii) A State facility, as defined under Health-General Article, §10-101, Annotated Code of Maryland;

(iv) A program licensed or approved by the Department under Health-General Article, Title 7 or Title 10, Annotated Code of Maryland;

(v) A hospice care program licensed by the Department under Health-General Article, Title 19, Annotated Code of Maryland;

(vi) Services provided by family members;
(vii) Services provided by a licensed residential service agency or licensed home health agency in an individual's own home; or
(viii) A Certified Adult Residential Environment Program that is certified by the Department of Human Services under Human Services Article, §§6-508—6-513, Annotated Code of Maryland.

(7) "Board" means the State Board of Long-Term Care Administrators.

(8) "Central Repository" means the Criminal Justice Information System Central Repository of the Maryland Department of Public Safety and Correctional Services.

(9) "Department" means the Maryland Department of Health.

(10) "Endorsement applicant" means an individual applying for a license to practice nursing home administration in the State who is licensed in another state to practice nursing home administration.

(11) "Family" means:
(a) A spouse;
(b) A child;
(c) A sibling;
(d) A parent;
(e) A grandparent;
(f) A niece or nephew; or
(g) An uncle or aunt.

(12) "Family-owned or family-operated nursing facility" means a nursing home owned or operated by any one or more of the following relatives of the AIT:
(a) A spouse;
(b) A parent;
(c) A child;
(d) A sibling;
(e) A grandparent;
(f) A grandchild;
(g) A stepparent;
(h) A stepchild;
(i) An uncle or aunt;
(j) A first cousin;
(k) A nephew or niece;
(l) A father-in-law or mother-in law;
(m) A son-in-law or daughter-in-law; or
(n) A brother-in-law or sister-in-law.

(13) "License" means, unless the context requires otherwise, official authorization issued by the Board to practice as:
(a) A nursing home administrator under Health Occupations Article, Title 9, Subtitle 3, Annotated Code of Maryland; or
(b) An assisted living manager under Health Occupations Article, Title 9, Subtitle 3A, Annotated Code of Maryland.

(14) "Licensee" means, unless the context requires otherwise, an individual licensed by the Board to practice as:
(a) A nursing home administrator; or
(b) An assisted living manager.

(15) "National Association of Long Term Care Administrator Boards (NAB)" means the organization that commissions the services of a third-party administrator of the State and national examinations for long term care administrators.

(16) "Nursing home" means a facility or institution as defined in Health Occupations Article, §9-101(i), Annotated Code of Maryland, and includes:
(a) A comprehensive care facility or extended care facility which offers non-acute inpatient care to residents who:
(i) Have a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services; and
(ii) Require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent, restorative, or rehabilitative services; and
(b) A nursing facility as defined under federal or State law.

(17) "Nursing home administrator" means an individual licensed by the Board, who:
(a) Administers, directs, manages, supervises, or is in general administrative charge of a nursing home, whether or not the individual has an ownership interest in the facility, and whether or not the individual's functions and duties are shared with one or more individuals; or
(b) Is in supervisory control over one or more nursing home administrators of one or more nursing homes and has authority to substitute the supervisor's judgment for that of the administrator of record in the day-to-day operation of the facility.

(18) "Person" means any individual, guardian, personal representative, company, corporation, partnership, limited liability company, association, representative of any kind, or non-governmental entity.

(19) "Practice of assisted living management" means the exercise of final authority of any act or the making of any decision involved in the planning, organizing, directing, or controlling of the day-to-day operation of an assisted living program.

(20) "Practice of nursing home administration" means the exercise of final authority of any act or the making of any decision involved in the planning, organizing, directing, or controlling of the day-to-day operation of a nursing home.

(21) "Preceptor" means an individual certified to serve as an instructor in an AIT program to be a nursing home administrator, pursuant to this subtitle.

(22) "State standards exam" means an examination developed by the Board based on the following chapters:
(a) COMAR 10.07.02;
(b) COMAR 10.07.09;
(c) COMAR 10.09.10;
(d) COMAR 10.09.24; and
(e) COMAR 10.15.03.

.03 General Powers of the Board.

A. The Board shall exercise the powers provided by the laws of this State pertaining to the licensure, practice, and discipline of nursing home administrators and assisted living managers.

B. Board staff and designees of the Board:
(1) May enter any nursing home and assisted living program in the State in order to carry out its functions; and
(2) Shall have access to the records related to licensure of any nursing home and assisted living program in the State in order to carry out its functions.

C. The Office of Health Care Quality may assist the Board in carrying out its functions.

D. The Board has the authority to utilize consultant experts, as needed, in areas of its concern.

E. From time to time, the Board shall make and publish regulations for the execution and enforcement of the laws related to the licensure, license renewal, and discipline of nursing home administrators and assisted living managers.

.04 Severability.

If any provision of the regulations in this subtitle is declared unconstitutional or invalid, or the application of these regulations to any person or circumstances is held invalid, the applicability of the provision to other persons and circumstances and the constitutionality or validity of every other provision of these regulations is not to be affected.

10.33.02 Licensing of Nursing Home Administrators

Authority: Health Occupations Article, §§9-205, 9-301—9-316.1, and 9-401—9-501, Annotated Code of Maryland

.01 Scope.

This chapter governs nursing home administrator applicants and licensees in the State pursuant to Health Occupations Article, Title 9, Annotated Code of Maryland.

.02 Licensure Qualifications, Applications, and Requirements.

A. Except as otherwise provided by law, to qualify for an initial license to practice nursing home administration in the State, the applicant shall:
(1) Be at least 21 years old;
(2) Be of good moral character;

(3) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §9-302.1, Annotated Code of Maryland;
(4) Obtain a passing score on the State standards exam;
(5) Obtain a passing score on the national licensure exams provided by NAB; and
(6) Except for an endorsement applicant, successfully complete the AIT program as set forth in Regulation .04 of this chapter.

B. The Board's receipt of the State and national criminal history records check from the Central Repository, as provided in Health Occupations Article, §9-302.1(c), Annotated Code of Maryland, satisfies Health Occupations Article, §9-303(3), Annotated Code of Maryland.

C. The applicant shall submit to the Board:
(1) The completed Board online application;
(2) The application fee as set forth under COMAR 10.33.05.02D;
(3) Satisfactory evidence that the applicant has a bachelor's or master's degree in:
(a) Healthcare, health administration, or healthcare management, or the equivalent, with a concentration in healthcare administration or health administration or a master's degree in business with a concentration in healthcare administration or health administration from an accredited college or university; or
(b) A field other than as described in §C(3)(a) of this regulation and has completed within the last 5 years a minimum 100-hour course approved by the Board in healthcare administration or health administration;
(4) Two letters of character reference, which are signed and dated within 3 months prior to the date of application, from individuals engaged in either business or professional work on company or business letterhead:
(a) Who shall attest to the good moral character of the applicant; and
(b) Which may not be those from current employers or members of the applicant's family; and
(5) A passport type and size photograph of the applicant, which shall have been taken within 3 months prior to the date of application.

D. Except for an endorsement applicant, an applicant may take the State standards exam and NAB exams when the applicant has completed:
(1) A minimum of 8 months of the full-time 12-month AIT program or its equivalent or 12 months of the 18-month part-time AIT program or its equivalent; and
(2) The other requirements for licensure as specified in this regulation.

E. The 100-hour course for applicants with a bachelor's or master's degree in a field other than those described in §C(3)(a) of this regulation shall:
(1) Contain the subject matter relating to healthcare or health administration set forth under Regulation .03A of this chapter; and
(2) Be taken for credit for the purpose of initial licensure and be a course that has been approved by the Board.

F. An applicant who provides satisfactory evidence to the Board that the applicant is a registered nurse and who meets the requirements of Health Occupations Article, §9-302(f)(1), Annotated Code of Maryland, is not required to have a bachelor's or master's degree.

G. An application shall be void if an applicant fails to meet all the requirements for licensure within 2 years of receipt of the application by the Board. To pursue licensure after that time, the applicant shall:
(1) Submit a new application; and
(2) Meet the requirements for licensure that are in effect at the time of reapplication.

.03 Examinations for Nursing Home Administrators.

A. Subjects for Examination. The State standards exam and the NAB exams shall include, at a minimum, the following subjects:
(1) Applicable standards of environmental health and safety;
(2) Local health and safety regulations;
(3) General administration;
(4) Psychology of patient care;
(5) Principles of medical care;
(6) Personal and social care;
(7) Therapeutic and supportive care and services in long-term care;
(8) Departmental organization and management; and
(9) Community interrelationships.

B. Scoring Examinations.
(1) The passing score for licensure examinations for a license shall be determined by the Board.
(2) The Board shall determine a method of scoring each part of the exams separately and shall apply that method uniformly to all applicants taking the exams.
(3) Minimum Passing Scores. The following apply.
(a) The NAB national exams—scale score of 113 on the:
(i) NAB CORE exam; and
(ii) NAB NHA exam; and
(b) The State standards exam—75 percent correct answers.

.04 Administrator-in-Training Program—Requirements for AIT Participation.

A. General Provisions.
(1) An AIT program is a supervised 12-month full-time, or 18-month part-time, internship during which the AIT works under the guidance and supervision of a preceptor who is a licensed administrator that meets the qualifications set forth in Regulations .05 and .06 of this chapter.
(2) The AIT program is a required phase of education consisting of both the supervised practice of nursing home administration in the environment of the nursing home, performing and participating in the day-to-day duties of each position, when legally permissible, in each of the following service areas:
(a) Administration;
(b) Business office;
(c) Nursing;
(d) Resident activities;
(e) Social services;
(f) Medical records;
(g) Dietary services;
(h) Maintenance;
(i) Environmental services, including housekeeping and laundry;
(j) Rehabilitation services; and
(k) Quality assurance.
(3) Prior to Board approval of the AIT program, the AIT applicant and preceptor shall develop an outline for the written course of instruction and dates of rotation schedule for the provision of practical training, experience, and learning situations that includes:
(a) The 11 basic service areas set forth in §A(2) of this regulation;
(b) The AIT's past experience and allocation of clinical experiences in the nursing home; and
(c) Approval by the Board.
(4) An AIT may not, during the normal working hours of the program, fill a specific, specialized position in the nursing home.
(5) The AIT shall be exposed to all shifts during the AIT program.
(6) If the AIT is a department head, notice shall be conspicuously posted in the nursing home stating who the acting department head will be while the AIT is performing training duties.
(7) If an applicant does not meet all of the requirements for licensure after having completed 12 months in the full-time or 18 months in the part-time AIT program, the preceptor and applicant have the option to work out a plan satisfactory to the Board to continue studying in the AIT program beyond the 12 or 18 months until all the requirements are met.
(8) The Board or Board committee shall interview each applicant and proposed preceptor, or preceptors, before the approval of an AIT program.
(9) After the interview, the AIT and preceptor shall sign an AIT contract and submit it to the Board for consideration of approval.
(10) The Board may approve the AIT program if it is satisfied that the background and circumstances of the applicant and preceptor, or preceptors, qualify them for the AIT program.
(11) A change of preceptor may be authorized by the Board upon submission of:
(a) Application by the proposed new preceptor;
(b) Evidence satisfactory to the Board that the proposed preceptor is certified by the Board; and
(c) A new signed AIT contract by the AIT and preceptor.

(12) If a preceptor is found by the Board to have failed to provide adequate training, the Board may cancel the preceptor's authorization to serve as a preceptor for a period of time prescribed by the Board.

(13) The AIT and preceptor shall comply with the AIT contract.

(14) An individual duly registered as an AIT whose internship is interrupted by service in the armed forces of the United States shall be permitted to resume the internship without loss of credit at any time within 1 year after the date of the AIT's separation from active service.

B. Application Requirements.

(1) The Board may approve an application for a nursing home AIT program only if it determines that the application contains satisfactory evidence that:

(a) The applicant is at least 21 years old;

(b) The applicant is of good moral character;

(c) The applicant's training will be supervised by a Board-certified preceptor; and

(d) The AIT program meets the other requirements set forth in this regulation.

(2) The training proposed to be provided to the applicant shall be satisfactory to the Board.

(3) The applicant shall participate in training provided in:

(a) A nursing home licensed in the State, as defined in COMAR 10.33.01.02B; and

(b) Not more than two licensed nursing homes in the State approved by the Board for training. If two nursing homes are utilized for training, one shall have at least 60 beds.

(4) If there are subject areas as specified in the list of subjects provided in §A(2) of this regulation that are not available in the nursing home approved by the Board for training, the Board may require training in other facilities.

C. Credit for Prior Experience.

(1) The AIT program is a minimum of 12 months for full-time programs or 18 months for part-time programs unless, upon request from the applicant to review prior work experience, the Board awards credit for prior experience within the last 5 years. The amount of credit awarded is at the discretion of the Board, based on an applicant's work experience demonstrating exposure to the core of knowledge set forth in Regulation .04A(2) of this chapter, but may not exceed;

(a) Six months for a hospital assistant administrator;

(b) Eight months for a hospital administrator;

(c) Six months for a nursing home assistant administrator;

(d) Six months for a department head;

(e) Three months for an Executive Director of a continuing care retirement community;

(f) Three months for an assisted living manager;

(g) Three months for a healthcare-related senior management official; or

(h) Three months for a non-healthcare-related senior management official.

(2) Qualifying Experience for Healthcare Related Professions in §C(1)(a)—(f) of this regulation. The minimum experience required for receiving credit towards the AIT program includes:

(a) A minimum of 18 months as a full-time employee, with line responsibility for hiring, firing, budget, and supervision of at least one department comprised of ten or more employees; and

(b) Reporting directly to the nursing home administrator or chief executive officer.

(3) Qualifying Experience for Healthcare Related or Non-Healthcare Related Senior Management Official in §C(1)(g) and (h) of this regulation. The following requirements set the minimum experience required for receiving credit:

(a) Minimum of 18 months as a full-time senior management official of a single nursing home or entity; and

(b) Administrative responsibility for the total operation of the nursing home or entity and its multiple departments, as applicable.

(4) Experience credit can be awarded on a month-to-month basis totaling 12 months for:

(a) An individual who has worked as a licensed nursing home administrator in another state;

(b) A resident or intern in a program offered by an accredited college or university for the purpose of satisfying the requirements for a baccalaureate or master's degree in healthcare administration; or

(c) An individual who has successfully completed an AIT program in another state, if the program is substantially comparable to the AIT program in the State, as determined by the Board.

.05 Requirements for AIT Program.

A. The preceptor for an AIT shall be currently certified by the Board under Regulation .06 of this chapter.

B. The preceptor may not be responsible for more than two AITs at any one time. The preceptor shall devote a minimum of 16 hours per week of direct, on-site supervision for each AIT, which may be on an individual or combined basis in the case of two AITs.

C. The preceptor may be the administrator of record of the facility in which the training is to take place, provided that the preceptor has had a minimum of 30 days of oversight in the facility where the training is to take place immediately prior to beginning the AIT program.

D. The preceptor may not be the administrator of record for a facility other than the facility designated for training.

E. A minimum of 80 percent of the training shall occur during 8 consecutive hours for full-time programs or 6 consecutive hours for part-time programs each day (except for regular days off) between the hours of 7 a.m. and 7 p.m.

F. A minimum of 40 hours per week for full-time or 30 hours per week for part-time shall be devoted to continuous, bona fide training activities which include observing and performing the day-to-day duties of each position, when legally permissible, in the service areas referred to in Regulation .04A(2) of this chapter.

G. The applicant may spend a maximum of 50 percent of the training in a family-owned or family-operated nursing home, and the remainder of the time shall be spent in another Board-approved facility.

H. An employee may not be a preceptor for their employer.

I. Required AIT Reports.

(1) The AIT and preceptor shall maintain a progress report for the training program on the forms provided by the Board for every 3 months of the training program.

(2) The report shall:

(a) Be submitted by the AIT and the preceptor to the Board's office on the dates specified by the Board; and

(b) Include the following:

(i) A detailed description of activity or area covered, or both, and dates of rotation, and, if applicable, an explanation for any changes to the Board-approved rotation schedule;

(ii) A detailed analysis of any problems observed, new experiences, insights gained, and the AIT's role in problem solutions; and

(iii) The course of instruction outline including signatures from the preceptor, AIT, and department managers to verify that the AIT trained in those departments.

(3) If the reports are not submitted to the Board's office by the date specified by the Board, the AIT shall be considered to have violated the terms of the AIT contract.

J. Discontinuance of AIT Status in a Nursing Home.

(1) The AIT and the preceptor shall report discontinuance within 10 days to the Board.

(2) Within 10 days of the date of discontinuation, the preceptor shall file a report to the Board detailing the AIT's experience and abilities.

(3) The AIT may fulfill the training requirement in no more than two licensed nursing facilities, with a lapse of no more than 90 days between the two periods of training.

.06 Certification of Preceptors.

A. The Board shall issue a certificate of qualification to be a preceptor in the AIT program if the following conditions are met:

(1) The preceptor holds and has held a license from the Board for 1 year or longer;

(2) The proposed preceptor has been satisfactorily employed in nursing home administration for a minimum of 3 years as the nursing home administrator of record;

(3) The proposed preceptor has no disciplinary action pending nor is currently under investigation by the Board;

(4) Individuals seeking certification as preceptors in the AIT program shall submit evidence of the successful completion of the preceptor training course offered by NAB; and

(5) The proposed preceptor has either been employed full time as a nursing home administrator of record for a minimum of 2 of the past 3 years immediately before application to precept or meets the following qualifications:

(a) Works on the same property as the nursing home where the AIT program will be conducted;

(b) Is able to demonstrate to the Board the proposed preceptor's active, direct, and material management and daily operations of the nursing home; and

(c) Has been actively licensed as a nursing home administrator for a minimum of 5 years immediately before application to precept.

B. If the proposed preceptor has not precepted an AIT program within the past 5 years, the proposed preceptor shall recertify as a preceptor by completing the preceptor training course offered by NAB.

C. The Board may disapprove a preceptor for a training program:

(1) If the preceptor has failed to remain in compliance with this chapter; or

(2) At any time for good cause.

.07 License by Endorsement.

A. The Board, in its discretion, may grant a license by endorsement to practice nursing home administration in the State, upon satisfactory evidence that the endorsement applicant, in addition to the requirements of this section, meets all the qualifications and requirements for a nursing home administrator license set forth in Regulation .02 of this chapter, except that the endorsement applicant is not required to:

(1) Take the NAB exams set forth under Regulation .03 of this chapter; or

(2) Participate in the AIT program that is set forth under Regulation .04 of this chapter.

B. The endorsement applicant shall:

(1) Possess a valid license as a nursing home administrator, which has not been revoked or suspended in each state from which the applicant has ever received a nursing home administrator license or reciprocal endorsement;

(2) Provide satisfactory evidence of having completed one year as the full-time nursing home administrator of record in a nursing home within the last 5 years; and

(3) Be familiar with State and local health and safety regulations related to nursing homes by evidence of a passing score on the State standards exam.

C. To be granted a State nursing home administrator license, the endorsement applicant shall possess a nursing home administrator license in other states that shall:

(1) Maintain a system and standard of qualification and examination for a license, which are substantially equivalent to those required by this State; and

(2) Give similar recognition and endorsement to nursing home administrator licenses of this State.

D. The Board may waive:

(1) The education requirements of COMAR 10.33.02.02B(3), if the endorsement applicant provides satisfactory evidence to the Board that the endorsement applicant is licensed and has practiced as a nursing home administrator for at least 3 years in another state; and

(2) The State standards examination, if the endorsement applicant provides satisfactory evidence to the Board that the endorsement applicant met the requirements of Health Occupations Article, §9-306(b), Annotated Code of Maryland.

.08 Provisional License.

A. As an exception to the licensure requirements in this chapter, a nursing home shall immediately appoint an individual not licensed to practice as a nursing home administrator to act as the interim nursing home administrator if:

(1) A licensed nursing home administrator in the State leaves or is removed from the position as a nursing home administrator by death or other unexpected cause; and

(2) A licensed nursing home administrator in the State is unavailable to fill the position.

B. The departure of the licensed nursing home administrator specified under §A of this regulation is by unexpected cause if:

(1) The departure occurred suddenly;

(2) The departure was unforeseen; and

(3) There was insufficient time for the nursing home to obtain the services of a nursing home administrator licensed in the State.

C. The appointed non-licensed individual may begin acting as the interim nursing home administrator upon appointment by the nursing home.

D. No later than 24 hours after the appointment of the non-licensed individual as interim nursing home administrator, under §A of this regulation, the nursing home shall:

(1) File an application with the Board requesting a provisional license for the non-licensed individual;

(2) Notify the Board of the circumstances involved in the departure of the licensed nursing home administrator;

(3) Notify the Board of the credentials of the non-licensed individual; and

(4) If requested, provide the Board with the acts the nursing home took, or is taking, to hire a nursing home administrator who is licensed in the State.

E. State and National Criminal History Records Check.

(1) The appointed non-licensed individual shall immediately submit to a criminal history records check, in accordance with Health Occupations Article, §9-302.1, Annotated Code of Maryland.

(2) A criminal history records check is not required if the appointed non-licensed individual is actively licensed by a health occupations board in the State who previously has completed a criminal history records check required for licensure, certification, or registration.

(3) The Board may deny approval of an appointment based on the results of a criminal history records check after consideration of the factors listed in Health Occupations Article, §9–308(b)(1), Annotated Code of Maryland.

F. Provisional License. The Board may issue a provisional license to the applicant if the Board determines that:

(1) The applicant is of good moral character;

(2) The departure of the licensed nursing home administrator was by unexpected cause; and

(3) The applicant is capable of adequately administering the nursing home for the provisional period.

G. If the Board grants the application for the provisional nursing home administrator license, the provisional license is in effect for 90 days from the date of the departure of the licensed nursing home administrator. For good cause shown, the Board may extend the provisional license period by 30 days.

H. Denial of Provisional License.

(1) If the application for a provisional license is denied by the Board, the nursing home may request a meeting with the Board to contest the denial.

(2) The nursing home shall provide the request for a meeting to the Board within 5 business days of the denial.

(3) If the nursing home requests a meeting, the appointed non-licensed individual may remain acting as the interim nursing home administrator until the Board issues a decision.

(4) If the Board denies the application for a provisional license after a meeting contesting the initial denial, the non-licensed individual shall immediately cease acting as the interim nursing home administrator upon receipt of the decision.

(5) If the nursing home does not file a timely request for a meeting with the Board, the non-licensed individual shall cease acting as the interim nursing home administrator within 5 business days of the denial.

I. If the non-licensed individual is required to cease acting as the interim nursing home administrator under §H of this regulation, and a nursing home administrator licensed in the State remains unavailable to fill the nursing home administrator position, the nursing home may appoint another non-licensed individual as set forth in this regulation.

J. As a result of §I of this regulation, if the nursing home appoints another non-licensed individual, and a provisional license is granted, the provisional license is in effect for 90 days from the date of the departure of the nursing home administrator licensed in the State, unless the Board extends the provisional license, for good cause shown, for an additional 30 days.

K. Upon request by the nursing home, for reasonable cause, the Board may extend the 24-hour time period for meeting the requirements of §D of this regulation.

.09 Renewals.

A. The Board shall send each licensee a renewal notice that states the:

(1) Date on which the current license or current registration expires;

(2) Latest date by which the renewal application and documentation can be received by the Board in order for the renewal license to be issued before the current license expires; and

(3) Amount of the renewal fee as specified in COMAR 10.33.05.02D.

B. At least 30 days before the current license expires, the Board shall send the renewal notice by electronic means to the last known electronic mail address or first-class mail to the physical address of the licensee.

C. Licensees shall satisfactorily complete the minimum continuing education requirements set forth under COMAR 10.33.04.

D. Licensees shall complete an implicit bias and structural racism training program approved by the Cultural and Linguistic Health Care Professional Competency Program in accordance with Health-General Article, §20-1306, Annotated Code of Maryland, for an applicant's first renewal after April 1, 2026.

.10 Reinstatement After License Expiration.

A. The Board shall reinstate an individual whose license has expired if the individual:

(1) Meets the renewal requirements of this chapter and Health Occupations Article, §9-312, Annotated Code of Maryland;

(2) Pays the reinstatement fee as specified under COMAR 10.33.05.02D; and

(3) Satisfactorily completes the minimum continuing education requirements set forth under COMAR 10.33.04.01.

B. A previously licensed nursing home administrator who fails to apply for licensure reinstatement within 5 years after the expiration date of the license shall meet the requirements for a new license in effect at the time of the request in order to be licensed to practice as a nursing home administrator in the State.

.11 Inactive Status and Reactivation.

A. In accordance with Health Occupations Article, §9-312.1, Annotated Code of Maryland, a request by an active licensee to transfer a license to inactive status shall be granted upon receipt of the:

(1) Completed Board-approved inactive status application; and

(2) Payment of the required, non-refundable, biennial inactive status fee set forth in COMAR 10.33.05.02D.

B. An individual:

(1) May apply for inactive status only if the individual's license is still active at the time the inactive status application request is made;

(2) Shall renew and pay the biennial inactive status fee during each renewal period; and

(3) Is not authorized to and may not practice as a nursing home administrator in the State while on inactive status.

C. Reactivation.
(1) The Board shall reactivate the license of a licensee who is on inactive status if the licensee:
(a) Completes an application form for reactivation of the license before expiration of the 2-year term of inactive status on the form required by the Board;
(b) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;
(c) Meets the continuing education requirements set by the Board;
(d) Has not practiced as a nursing home administrator in the State while on inactive status;
(e) Pays all appropriate fees set by the Board under COMAR 10.33.05.02D;
(f) Has been on inactive status for less than 5 years; and
(g) Is otherwise entitled to be licensed.
(2) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:
(a) Submit a new online application;
(b) Pay all appropriate fees set by the Board under COMAR 10.33.05.02D;
(c) Complete a 100-hour Board–approved course in healthcare administration or health administration;
(d) Pass the State standards exam for nursing home administrators; and
(e) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with Health Occupations Article, §9–302.1, Annotated Code of Maryland.
(3) A nursing home administrator whose inactive status expires before the license is reactivated shall meet the reinstatement requirements set forth in Health Occupations Article, §9-312, Annotated Code of Maryland.

.12 Incomplete Applications.
A. The Board is not required to consider an application that is incomplete.
B. The applicant shall submit to the Board any additional relevant documentation requested by the Board if the Board determines the application documentation received is incomplete or insufficient.
C. The Board may hold an incomplete application for a license for up to 1 year from the date of receipt.
D. After 1 year from the date of receipt, the Board shall close a pending application that is incomplete.
E. If an application has been closed under §D of this regulation, to obtain a license the applicant shall submit a new application fee and otherwise comply with all applicable license requirements.

.13 Display of License.
Each individual licensed as a nursing home administrator in the State shall display printed verification of licensure in a conspicuous place in the office or place of business or employment of the licensee.

.14 Change of Mailing Address, Legal Name, or Email Address.
A. A licensed nursing home administrator shall give the Board written or electronic notice within 30 days of a change of:
(1) Mailing address;
(2) Legal name; or
(3) Email address.
B. Failure to notify the Board of any change of mailing address, legal name, or email address within 30 days of the change may result in a fine as set forth under COMAR 10.33.05.02D.

10.33.03 Licensing of Assisted Living Managers

Authority: Health-General Article, §19-1809; Health Occupations Article, §§9-205, 9-3A-01—9-3A-18, and 9-401—9-501; Annotated Code of Maryland

.01 Effective Date and Scope.
A. Except as otherwise provided in this chapter, effective July 1, 2026, an individual shall be licensed by the Board before the individual may practice as an assisted living manager in the State.
B. This chapter governs assisted living managers in the State pursuant to Health Occupations Article, Title 9, Annotated Code of Maryland.

.02 Licensure Qualifications, Applications, and Requirements—Applicant I.
A. This regulation applies to applicants who have practiced as an assisted living manager in a licensed assisted living program in the State prior to July 1, 2026.
B. Except as otherwise provided by law, to qualify for an initial license to practice assisted living management in Maryland, an applicant shall:
(1) Be at least 21 years old;
(2) Be of good moral character;
(3) Submit the following to the Board:
(a) The completed Board online application;
(b) The application fee as set forth in COMAR 10.33.05.02D; and
(c) A passport type and size photograph of self, which shall have been taken within 3 months prior to the date of application;
(4) Meet, and attest on the application to meeting, the following requirements:
(a) Has obtained a high school diploma, a high school equivalency diploma, or other appropriate education as specified under COMAR 10.07.14.15; or
(b) For level 3 licensed programs, set forth under COMAR 10.07.14.05, has completed at least one of the following:
(i) A 4-year, college-level degree;
(ii) 2 years of experience in a healthcare related field and 1 year of experience as an assisted living program manager or alternate assisted living manager; or
(iii) 2 years of experience in a healthcare related field and successful completion of an 80-hour assisted living manager training course approved by the Department;
(c) Completed an 80-hour assisted living manager training course and passed the course examination as required under Health–General Article, §19–1807(a), Annotated Code of Maryland, and Health Occupations Article, §9-3A-02(a)(5)(i), Annotated Code of Maryland.
(d) Submitted to a State and national criminal history records check in accordance with Health Occupations Article, §9-302.1, Annotated Code of Maryland. The Board's receipt of the State and national criminal history records check from the Central Repository, as provided in Health Occupations Article, §9-302.1(c), Annotated Code of Maryland, satisfies Health Occupations Article, §9-3A-03(3), Annotated Code of Maryland;
(e) Is certified in:
(i) Basic first aid taught by a first aid instructor certified by a national organization, except licensed practical nurses and registered nurses licensed in this State who are not required to attest to being certified in basic first aid; and
(ii) Basic cardiopulmonary resuscitation (CPR), including a hands-on component, taught by a CPR instructor certified by a nationally recognized organization;
(f) Completed training in:
(i) Fire and life safety;
(ii) Infection control, including standard precautions;
(iii) Emergency disaster plans; and
(iv) Basic food safety.
C. Exemptions for the 80-Hour Training Course. Except as otherwise provided by law, an applicant is exempt from the 80-hour training course, pursuant to Health–General Article, §19–1807(d)(1), Annotated Code of Maryland, if the applicant meets, and attests to meeting, at least one of the following:
(1) Is employed by an assisted living program, has enrolled in the 80-hour training course, and expects to complete the course within 6 months;
(2) Has been employed as an assisted living manager in the State for 1 year prior to January 1, 2006; or
(3) Is licensed as a nursing home administrator in the State.
D. If an individual is licensed through the exemption in §C(1) of this regulation, the licensee shall:
(1) Complete the 80-hour course, which includes passing the course examination, within 6 months of enrollment in the course, in accordance with COMAR 10.07.14.16E(1); and
(2) Submit to the Board satisfactory evidence that the licensee has completed the course, within 15 days from the date the licensee was notified of their successful completion of the course.

.03 Licensure Qualifications, Applications, and Requirements—Applicant II.
A. This regulation applies to applicants who have not practiced as an assisted living manager in a licensed assisted living program in the State prior to July 1, 2026.
B. Except as otherwise provided by law, to qualify for an initial license to practice assisted living management in the State, an applicant shall:
(1) Be at least 21 years old;
(2) Be of good moral character;
(3) Provide satisfactory evidence to the Board that the applicant:
(a) Has obtained a high school diploma, a high school equivalency diploma, or other appropriate education as specified under COMAR 10.07.14.15; or
(b) For level 3 licensed programs, set forth under COMAR 10.07.14.05, has completed at least one of the following:

(i) A 4-year, college-level degree;

(ii) Two years of experience in a healthcare related field and 1 year of experience as an assisted living program manager or alternate assisted living manager; or

(iii) Two years of experience in a healthcare related field and successful completion of an 80-hour assisted living manager training course approved by the Department;

(c) Completed an 80-hour assisted living manager training course and passed the course examination as required under Health–General Article, §19–1807(a), Annotated Code of Maryland, and Health Occupations Article, §9-3A-02(a)(5)(i), Annotated Code of Maryland;

(4) Submit the following to the Board:

(a) The completed Board online application;

(b) The application fee as set forth in COMAR 10.33.05.02D; and

(c) A passport type and size photograph of self, which shall have been taken within 3 months prior to the date of application;

(5) Meet, and attest on the application to meeting, the following requirements:

(a) Submitted to a State and national criminal history records check in accordance with Health Occupations Article, §9-302.1, Annotated Code of Maryland; and

(b) Is certified in:

(i) Basic first aid taught by a first aid instructor certified by a national organization, except licensed practical nurses and registered nurses licensed in this State who are not required to attest to being certified in basic first aid; and

(ii) Basic cardiopulmonary resuscitation (CPR), including a hands-on component, taught by a CPR instructor certified by a nationally recognized organization; and

(c) Completed training in:

(i) Fire and life safety;

(ii) Infection control, including standard precautions;

(iii) Emergency disaster plans; and

(iv) Basic food safety.

C. The Board's receipt of the State and national criminal history records check from the Central Repository, as provided in Health Occupations Article, §9-302.1(c), Annotated Code of Maryland, satisfies Health Occupations Article, §9-3A-03(3), Annotated Code of Maryland.

D. The Board may require official transcripts of the educational requirements set forth in §B(3) of this regulation.

E. Exemptions for the 80-Hour Training Course. Except as otherwise provided by law, an applicant is exempt from the 80-hour training course, pursuant to Health–General Article, §19–1807(d)(1), Annotated Code of Maryland, if the applicant meets, and attests to meeting, at least one of the following:

(1) Is employed by an assisted living program and has enrolled in the 80-hour training course and expects to complete the course within 6 months; or

(2) Is licensed as a nursing home administrator in the State.

F. If an individual is licensed through the exemption in §E(1) of this regulation, the licensee shall:

(1) Complete the 80-hour course, which includes passing the course examination, within 6 months of enrollment in the course, in accordance with COMAR 10.07.14.16E(1); and

(2) Submit to the Board satisfactory evidence that the licensee has completed the course, within 15 days from the date the licensee was notified of their successful completion of the course.

.04 Provisional License.

A. As an exception to the licensure requirements in this chapter, an assisted living program shall immediately appoint an individual not licensed to practice as an assisted living manager to act as the interim assisted living manager if:

(1) An assisted living manager licensed in the State leaves or is removed from the position as an assisted living manager by death or other unexpected cause; and

(2) A licensed assisted living manager in the State is unavailable to fill the position.

B. The alternate assisted living manager is a non-licensed individual in this regulation and may be appointed as the interim assisted living manager under §A of this regulation, but another non-licensed individual may also be appointed.

C. The departure of the assisted living manager as specified in §A of this regulation, is by unexpected cause if:

(1) The departure occurred suddenly;

(2) The departure was unforeseen; and

(3) There was insufficient time for the assisted living program to obtain the services of an assisted living manager licensed in the State.

D. The appointed non-licensed individual may begin acting as the interim assisted living manager upon appointment.

E. No later than 24 hours after the appointment of the non-licensed individual as interim assisted living manager, under §A of this regulation, the assisted living program shall:

(1) File an application with the Board requesting a provisional license for the non-licensed individual;

(2) Notify the Board of the circumstances involved in the departure of the licensed assisted living manager;

(3) Notify the Board of the credentials of the non-licensed individual; and

(4) If requested, provide the Board with the actions the assisted living program took, or is taking, to hire an assisted living manager licensed in the State.

F. State and National Criminal History Records Check. The appointed non-licensed individual shall immediately submit to a criminal history records check, in accordance with Health Occupations Article, §9-302.1, Annotated Code of Maryland.

(1) A criminal history records check is not required if the appointed non-licensed individual is actively licensed by a health occupations board in the State who previously has completed a criminal history records check required for licensure, certification, or registration.

(2) The Board may deny approval of an appointment based on the results of a criminal history records check after consideration of the factors listed in Health Occupations Article, §9–3A–05(b)(1), Annotated Code of Maryland.

G. Provisional License. The Board may issue a provisional license to the applicant if the Board determines that:

(1) The applicant is of good moral character;

(2) The departure of the licensed assisted living manager was by unexpected cause; and

(3) The applicant is capable of adequately administering the assisted living program for the provisional period.

H. If the Board grants the application for the provisional assisted living manager license, the provisional license is in effect for 90 days from the date of the departure of the licensed assisted living manager. For good cause shown, the Board may extend the provisional license period by 30 days.

I. Denial of Provisional License.

(1) If the application for a provisional license is denied by the Board, the assisted living program may request a meeting with the Board to contest the denial.

(2) The assisted living program shall provide the request for a meeting to the Board within 5 business days of the denial.

(3) If the assisted living program requests a meeting, the appointed non-licensed individual may remain acting as the interim assisted living manager until the Board issues a decision.

(4) If the assisted living program does not file a timely request for a meeting with the Board, the non-licensed individual shall cease acting as the interim assisted living manager after 5 days from the denial.

(5) If the Board denies the application for a provisional license after a meeting contesting the initial denial, the non-licensed individual shall cease acting as the interim assisted living manager upon receipt of the decision.

J. If the non-licensed individual is required to cease acting as the interim assisted living manager under §I(4) and (5) of this regulation, and an assisted living manager licensed in the State remains unavailable to fill the assisted living manager position, the assisted living program may appoint another non-licensed individual set forth in this regulation.

K. As a result of §J of this regulation, if the assisted living program appoints another non-licensed individual, and a provisional license is granted, the provisional license is in effect for 90 days from the date of the departure of the assisted living manager licensed in the State, unless the Board extends the provisional license, for good cause, for an additional 30 days.

L. Upon request by the assisted living program, for reasonable cause, the Board may extend the 24-hour time period for meeting the requirements of §E of this regulation.

.05 Renewals.

A. A license expires on the second anniversary of its effective date, unless the license is renewed for a 2–year term as provided in this regulation.

B. The Board shall send each licensee a renewal notice that states the:

(1) Date on which the current license expires;

(2) Latest date by which the renewal application and documentation can be received by the Board in order for the renewal license to be issued before the current license expires; and

(3) Amount of the renewal fee as specified in COMAR 10.33.05.02D.

C. At least 30 days before the current license expires, the Board shall send the renewal notice by:

(1) Electronic means to the last known electronic mail address; or

(2) First-class mail to the physical address of the licensee.

D. Licensees shall satisfactorily complete the minimum continuing education requirements set forth under COMAR 10.07.14.16C.

E. A licensee shall complete an implicit bias and structural racism training program approved by the Cultural and Linguistic Health Care Professional Competency Program in accordance with Health-General Article, §20-1306, Annotated Code of Maryland, for an applicant's first renewal after April 1, 2026.

.06 Reinstatement After License Expiration.

A. The Board shall reinstate an individual whose license has expired if the individual:

(1) Meets the renewal requirements of this chapter and Health Occupations Article, §9-3A-09, Annotated Code of Maryland;

(2) Pays the reinstatement fee as specified under COMAR 10.33.05.02D; and

(3) Satisfactorily completes the minimum continuing education requirements set forth under COMAR 10.07.14.16C.

B. An assisted living manager who fails to apply for licensure reinstatement within 5 years after the expiration date of the license shall meet the requirements for a new license in effect at the time of the request in order to be licensed to practice as an assisted living manager in the State.

.07 Inactive Status and Reactivation.

A. In accordance with Health Occupations Article, §9-3A-10, Annotated Code of Maryland, a request by an active licensee to transfer a license to inactive status shall be granted upon receipt of the:

(1) Completed Board-approved inactive status application; and

(2) Payment of the required, non-refundable, biennial inactive status fee set forth in COMAR 10.33.05.02D.

B. An individual:

(1) May apply for inactive status only if the individual's license is still active at the time the inactive status application request is made;

(2) Shall renew and pay the biennial inactive status fee during each renewal period; and

(3) Is not authorized to and may not practice as an assisted living manager in the State while on inactive status.

C. Reactivation.

(1) The Board shall reactivate the license of a licensee who is on inactive status for less than 5 years if the licensee:

(a) Completes an application form for reactivation of the license before expiration of the 2–year term of inactive status on the form required by the Board;

(b) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;

(c) Meets the continuing education requirements set by the Board under COMAR 10.33.04.02;

(d) Has not practiced as an assisted living manager in the State while on inactive status;

(e) Pays all appropriate fees set by the Board under COMAR 10.33.05.02D; and

(f) Is otherwise entitled to be licensed.

(2) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:

(a) Submit a new online application;

(b) Pay all appropriate fees set by the Board;

(c) Complete a Board-approved assisted living manager training course; and

(d) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §9–3A-05, Annotated Code of Maryland.

(3) An assisted living manager whose inactive status expires before the license is reactivated shall meet the reinstatement requirements of Health Occupations Article, §9–3A–09, Annotated Code of Maryland.

.08 Incomplete Applications.

A. The Board is not required to consider an application that is incomplete.

B. The applicant shall submit to the Board any additional relevant documentation requested by the Board if the Board determines the application documentation received is incomplete or insufficient.

C. The Board may hold an incomplete application for a license for up to 1 year from the date of receipt.

D. After 1 year from the date of receipt, the Board shall close a pending application that is incomplete.

E. If an application has been closed under §D of this regulation, to obtain a license the applicant shall submit a new application fee and otherwise comply with all applicable license requirements.

.09 Display of License.

Each individual licensed as an assisted living manager in the State shall display printed verification of licensure in a conspicuous place in the office or place of business or employment of the licensee.

.10 Change of Mailing Address, Legal Name, or Email Address.

A. A licensed assisted living manager shall give the Board written or electronic notice within 30 days of a change of:

(1) Mailing address;

(2) Legal name; or

(3) Email address.

B. Failure to notify the Board of any change of mailing address, legal name, or email address within 30 days of the change may result in a fine as set forth under COMAR 10.33.05.02D.

10.33.04 Continuing Education Requirements

Authority: Health-General Article, §19-1807; Health Occupations Article, §§9-205 and 9-311; Annotated Code of Maryland

.01 Continuing Education Requirements for Nursing Home Administrators.

A. The approval of continuing education hours shall be at the discretion of the Board.

B. Before renewal, a nursing home administrator shall submit satisfactory evidence of having completed a minimum of 40 hours of Board approved continuing education, unless otherwise specified by State or federal law, within the 2-year period before the renewal date.

C. The Board shall audit a percentage of nursing home administrators, to be determined by the Board, for each reporting period.

D. On request by the Board, a nursing home administrator shall provide full documentation of the credit hours completed in accordance with the requirements of this regulation.

E. All continuing education shall be completed in courses approved by NAB, except as provided in §§F and G of this regulation.

F. The Board shall award 10 hours of continuing education for each completed college credit from an accredited institution that falls within the subjects outlined in COMAR 10.33.02.03A.

G. The Board shall award 1 hour of continuing education for each month a preceptor serves as an instructor in an AIT program, up to a maximum of 12 credit hours per renewal cycle.

H. A licensee suspended for disciplinary reasons is not exempt from the continuing education requirement in this regulation.

.02 Continuing Education Requirements for Assisted Living Managers.

A. The approval of continuing education hours shall be at the discretion of the Board.

B. Before renewal, an assisted living manager shall submit satisfactory evidence of having completed a minimum of 20 hours of Department approved continuing education, unless otherwise specified by State or federal law, within the 2-year period before the renewal date.

C. The Board shall audit a percentage of assisted living managers, to be determined by the Board, for each reporting period.

D. On request by the Board, an assisted living manager shall provide full documentation of the credit hours completed in accordance with the requirements of this regulation.

E. A licensee suspended for disciplinary reasons is not exempt from the continuing education requirement in this regulation.

10.33.05 Fees

Authority: Health Occupations Article, §§9-205, 9-206, 9-311—9-312.1, 9-3A-03, and 9-3A-08—9-3A-10, Annotated Code of Maryland

.01 Scope.

This chapter governs all individuals licensed or applying for licensure by the Board under this subtitle.

.02 Fees.

A. The fee for a license shall be established by the Board under this subtitle.

B. The fee shall be payable on notification by the Board that the applicant has successfully completed the requirements for licensure or renewal.

C. The license fee or license renewal fee does not include costs for participating in educational courses or for the examination.

D. Fee Schedule.

(1) Initial application — $100.

(2) License fee — $200.

(3) Biennial license renewal — $200.

(4) Reinstatement fee — $300.

(5) Inactive status fee — $100.

(6) Biennial inactive renewal — $100.

(7) Reactivation fee — $200.

(8) Fine for failure to notify Board of change in either name, home address of the licensee, or email address, or change in name or address of the employer or business connection of the licensee within 30 days of the change — $100.

(9) NAB Examinations. The National Association of Long-Term Care Administrators Boards, Inc. determines the fees for the National Licensure Examination for nursing home administrators. A fee is charged each time an applicant takes an exam.

(10) State Standards Examination. The examination service determines the fee for the State standards exam. A fee is charged each time an applicant takes the exam.

E. All fees are non-refundable.

10.33.06 Code of Ethics

Authority: Health Occupations Article, §§9-205, 9-314, and 9-3A-12, Annotated Code of Maryland

.01 Scope.

This chapter applies to all licensees of the Board.

.02 Ethical Principles.

A. A licensee shall:

(1) In all professional relationships, be honest and practice with compassion and respect for the dignity and rights of the individual, with commitment to the care, safety, and well-being of the residents being paramount;

(2) Practice in a manner consistent with the laws and standards of practice pertaining to the nursing home or assisted living program the licensee administers or manages;

(3) Provide a safe and healthy environment which shall protect the rights of the residents;

(4) Promote and enhance their profession and its standards by increasing awareness and understanding of healthcare and their profession;

(5) Be responsible for maintaining their professional competence and to continue professional development and growth through continuing education; and

(6) Safeguard the confidentiality and privacy of information regarding residents consistent with existing law and professional standards.

B. A licensee may not discriminate on the basis of race, color, sex, religion, age, national origin, disability, or other basis prohibited by State or federal law or regulation.

10.33.07 Sanctions and Disciplinary Proceedings

Authority: Health-General Article, §§2-104 and 19-1809; Health Occupations Article, §§1-602—1-609, 9-205, 9-313—9-316.1, 9-3A-11—9-3A-17, and 9-401—9-407; State Government Article, §§10-201—10-226; Annotated Code of Maryland

.01 Scope.

These regulations govern procedures for disciplinary and licensing proceedings before the Board.

.02 Definitions.

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

B. Terms Defined.

(1) "Administrative prosecutor" means the attorney assigned from the Office of the Attorney General to prosecute the Board's administrative charges on behalf of the State.

(2) "Charges" means the accusations or grounds for action that the Board alleges a respondent committed which concerns:

(a) A disciplinary action against a licensee that may result in sanctions against a licensee;

(b) Intent to deny an initial application for licensure;

(c) An action against an individual practicing nursing home administration or assisted living management without a license; or

(d) Other action authorized by law or regulation against an individual, licensee, or applicant that entitles the respondent to a contested case hearing.

(3) "Charging document" means the document that includes the charges that initiates a Board action against a respondent and gives formal notice to the respondent of an action by the Board.

(4) Complaint.

(a) "Complaint" means an allegation or report received by the Board that indicates:

(i) A Board licensee may have committed an act or omission for which the licensee may be disciplined or sanctioned;

(ii) An applicant may have committed an act or omission that could result in the denial of the applicant's application for a license; or

(iii) An individual may be practicing either nursing home administration or assisted living management without a license.

(b) "Complaint" includes, but is not limited to, the following:

(i) Consumer complaints and complaints from the public;

(ii) Reports or allegations from a government entity concerning a nursing home or assisted living program at which the licensee is or was employed;

(iii) Media reports;

(iv) Statements on Board applications for licensure;

(v) Reports from anonymous sources; or

(vi) Information from any source that warrants an investigation.

(5) "Preliminary investigation" means a review of the allegations in a complaint by the Board and the response from a respondent, if provided, that determines whether there is a sufficient basis for a formal Board investigation.

(6) "Respondent" means a licensee, applicant, or individual who:

(a) Is under investigation by the Board; or

(b) Has been charged by the Board.

.03 Complaints, Investigations, and Disposition of Complaint.

A. Complaint.

(1) Any person, government entity, public officer, association, or the Board may submit to the Board a complaint against any licensee, applicant, or individual for due cause.

(2) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges or indicates that:

(a) A licensee has failed to meet any standard governing the practice of the licensee's profession;

(b) A licensee has violated disciplinary grounds of the Board; or

(c) An unlicensed individual:

(i) Is practicing nursing home administration or assisted living management in this State without a license or proper authorization; or

(ii) Has represented to the public that the individual is authorized to practice nursing home administration or assisted living management in this State without a license or proper authorization from the Board.

(3) The Board may investigate responses in a Board licensure application that may warrant denial of the application.

B. Representation by Counsel.

(1) A respondent may be represented by counsel in any matter before the Board and at any stage of the proceedings.

(2) If the matter goes to a hearing, a respondent may be represented by:

(a) The respondent; or

(b) An attorney who is:

(i) Admitted to the Maryland Bar; or

(ii) Specially admitted to practice law pursuant to Maryland Rule 19-217.

(3) An administrative prosecutor assigned to the Board by the Office of the Attorney General shall prosecute disciplinary matters in Board proceedings.

(4) The Board may be represented by and obtain the advice of counsel assigned to it by the Office of the Attorney General in all proceedings.

C. Confidentiality of Proceedings.

(1) Except as otherwise provided by law, the proceedings of the Board are confidential. The parties may not waive the confidentiality provided by this regulation.

(2) The Office of Administrative Hearings' proceedings involving the adjudication of a Board-contested case and the administrative law judge's proposed decision are confidential. The parties may not waive the confidentiality of the proceedings or of the residents whose medical records or care are reflected in the record of the proceedings.

(3) Except as otherwise provided by law, even after a final decision is issued by the Board, the parties may not reveal the identity of any residents or patients referenced in the Board proceeding.

D. Investigation of Complaint.

(1) After receipt of a complaint, the Board staff:

(a) Shall send an acknowledgement to the complainant;

(b) Shall present the complaint to the disciplinary committee of the Board; and

(c) May forward the complaint to another regulatory agency that has jurisdiction over the matter.

(2) The Board's disciplinary committee shall:

(a) Review a complaint over which the Board has jurisdiction; and

(b) Make a recommendation to the Board on whether to open a formal investigation of a complaint. The disciplinary committee may recommend to the Board closure of the case based on a preliminary investigation of the complaint.

(3) Prior to or after a decision on whether to open a formal investigation of a complaint, the Board may send a copy of the complaint, either in its entirety or redacted, to the licensee who is the subject of the complaint to obtain a response to the allegations made in the complaint.

(4) Participation in review of complaints made to the Board is not a basis for recusal of a Board member, Board counsel, or the administrative prosecutor from further proceedings in the case.

(5) If the Board votes for a formal investigation, an investigator shall be assigned to the investigation.

(6) As part of its investigation, the Board may issue investigative subpoenas requiring the attendance and testimony of witnesses, who may have information about the complaint, the production of records, or other tangible objects. The subpoena shall be:

(a) Signed by:

(i) The Board's Executive Director; or

(ii) A Board officer;

(b) Served by:

(i) U.S. first-class mail;

(ii) Certified mail to the address the respondent is required to maintain with the Board;

(iii) Hand delivery in-person or by courier;

(iv) Delivery service for which a signature is required;

(v) Electronic means; or

(vi) A method otherwise agreed to by the person or government entity to whom the subpoena is directed or the person's counsel.

E. Subpoenas. If service of the subpoena is provided by electronic means, under §D(6)(b)(v) of this regulation, and no response or delivery receipt is obtained from the e-mail address to which service of the subpoena was provided, the Board shall serve the subpoena through other means under §D(6)(b) of this regulation.

F. Except as otherwise provided by law, Board investigations are confidential.

G. For each complaint, after a review of the complaint, pertinent investigative material, and the disciplinary committee's recommendation, the Board shall:

(1) Close the case;

(2) Close the case with a nonpublic informal advisory letter to the licensee; or

(3) Vote to take any of the following actions:

(a) Charge the licensee with a violation or violations of Health Occupations Article, §§9-314 or 9-3A-12, Annotated Code of Maryland, or a violation or violations of Regulation .06 of this chapter;

(b) Summarily suspend a license or issue a Notice of Intent to Summarily Suspend;

(c) Issue an intent to deny an application for licensure;

(d) Issue a cease and desist order; or

(e) Take any action against a respondent authorized by the subtitle or law that entitles the respondent to a contested case hearing.

H. Referral to Prosecutor.

(1) After a vote for disciplinary action or actions, the matter shall be referred to an administrative prosecutor for prosecutorial action.

(2) After the administrative prosecutor has drafted the charging document, notice, or order of the disciplinary action or actions, if acceptable, a Board officer or the Board Executive Director shall sign the charging document, notice, or order of the disciplinary action or actions and the licensee, applicant, or individual shall be served.

.04 Pre-Hearing Procedures.

A. The charging document shall:

(1) Give reasonable notice of the Board's action;

(2) Comply with State Government Article, §10-207, Annotated Code of Maryland;

(3) Notify the respondent of, if applicable:

(a) Any proceedings scheduled before the Board and the consequences of failing to appear for those proceedings; and

(b) An opportunity to request a hearing within a certain period of time and the consequences of failing to request a hearing; and

(4) Be accompanied by a letter of procedure notifying the respondent of the applicability of the Administrative Procedure Act to the Board's proceedings.

B. If the respondent does not participate in the Board proceeding without a valid reason, the Board may nevertheless proceed in adjudicating the case or issue a default order.

C. If the Board initiates an investigation or if the Board issues a notice of initial denial to an applicant for a license, the applicant may not withdraw the application without approval of the Board.

D. A notice of denial of a provisional license does not entitle the applicant, nursing home, or assisted living program to a hearing under this chapter.

E. After the administrative prosecutor has drafted the charging document, if acceptable, a Board officer or the Board Executive Director shall sign the charging document.

F. An investigation and prosecution of charges may proceed if a respondent's license expires after a Board investigation has been initiated or charges have been issued.

G. Service of the Charging Document. If the Board issues a charging document, the charging document shall be served upon the respondent at the address the respondent maintains for purposes of licensure or the respondent's last known address by:

(1) U.S. first-class mail;

(2) Certified mail;

(3) Hand delivery in person or by courier;

(4) Delivery service for which a signature is required;

(5) Electronic means; or

(6) A method otherwise agreed to by the respondent or respondent's counsel.

H. If service of the charging document is provided by electronic means, under §G(5) of this regulation, and no response or delivery receipt is obtained from the e-mail address to which service of the charging document was provided, the Board shall serve the charging document through other means under §G of this regulation.

I. Case Resolution Conference.

(1) After service of the charging document or notice of initial denial, the Board shall offer a respondent the opportunity for a case resolution conference.

(2) Matters admitted, revealed, negotiated, or otherwise discussed at a case resolution conference are confidential and without prejudice and may not be used by the respondent, administrative prosecutor, or Board in any subsequent proceedings, unless the information is otherwise discovered or available by other appropriate means.

(3) Recommendations of the case resolution conference committee are not binding on the Board, which may:

(a) Accept the proposed resolution; or

(b) Modify a proposed settlement.

(4) If the respondent and the administrative prosecutor are unable to reach an agreement for settlement that is proposed by the case resolution conference committee, or the Board, the matter shall proceed to a hearing on the charges.

(5) Participation in a case resolution conference is not a basis for recusal of a Board member, Board counsel, or Board prosecutor from further proceedings in a case.

J. Discovery.

(1) Discovery on Request. By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce copies of documents that the opposing party intends to be produced at the hearing within 30 days of service of the request.

(2) Mandatory Discovery.

(a) At least 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier, each party shall provide to the other party:

(i) The name and curriculum vitae of any expert witness who will testify at the hearing; and

(ii) A detailed written report summarizing the expert testimony, which includes the opinion offered and the factual basis and reasons underlying the opinion.

(b) Upon motion, if the Board Chair or the Board Chair's designee, who shall be a Board member, or the Office of Administrative Hearings, as appropriate, finds that the expert report is not sufficiently specific, or otherwise fails to comply with the requirements of this section, or the proposed expert is unqualified, the testimony of the expert and any report of the expert shall be excluded from the hearing.

(c) If an expert adopts a sufficiently specific charging document as the expert report, that adoption shall satisfy the requirements set forth in this section.

K. Motions and Orders for a Hearing Before the Board.

(1) Motions shall:

(a) Be in writing and filed with the Board and shall include the pertinent facts and legal authorities relied upon;

(b) Be decided by the Chair of the Board or the Chair's designee, who shall be a Board member;

(c) Be served upon the opposing party's legal counsel, if the opposing party is represented, and upon the opposing party, if not represented by legal counsel; and

(d) Contain a certificate of service.

(2) Unless shortened or extended by the presiding officer, the opposing party has 15 days from service of the motion to respond to the motion.

(3) Except as otherwise provided by this regulation, the Chair of the Board or the Chair's designee, who shall be a Board member, may decide any issues needed to facilitate Board proceedings after the charging document is issued.

(4) Parties may be notified of decisions and orders from this chapter by the Board's Executive Director, who may also sign decisions and orders on behalf of the Board or the Board decision maker.

L. Pre-Hearing Conference for Hearings Before the Board.

(1) The Board may hold a pre-hearing conference.

(2) If the Board holds a pre-hearing conference, at minimum:

(a) A Board member shall attend; and

(b) Both parties shall disclose any:

(i) Anticipated witnesses; and

(ii) Documents anticipated to be offered into evidence.

(3) Both parties have a continuing duty to supplement their disclosures of witnesses and documents.

(4) The parties shall comply with the pre-hearing conference instructions and orders.

(5) In the case of unforeseen circumstances which would otherwise impose an extraordinary hardship on a party:

(a) If a prehearing conference is scheduled, witnesses or documents may not be added to the list after the prehearing conference; or

(b) If no prehearing conference is scheduled, witnesses or documents may not be added to the list later than 15 days before the hearing.

(6) The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

(7) Failure to comply with discovery, pre-hearing conference instructions, or orders may result in the exclusion of witnesses from testifying or documents from being admitted or default.

.05 Hearings and Final Decisions.

A. Hearings shall be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(1) The Board may delegate the Board's authority to hear contested cases to the Office of Administrative Hearings on a case-by-case basis.

(2) Proceedings are not open to the public.

(3) Hearings may be held by electronic means.

B. Burden of Proof. A party asserting the affirmative of an issue bears the burden of proof regarding the issue.

C. Order of Procedure. The party with the burden of proof shall present their case first.

D. Hearings Conducted Before the Board.

(1) The Board shall notify the parties of the date, time, and place of the hearing.

(2) Each hearing shall be held before a majority of the Board.

(3) The delegation for an evidentiary hearing to an administrative law judge shall be by the Board at its discretion.

(4) Presiding Officer. For hearings before the Board, the Board Chair, or, in the Chair's absence, a member designated by the Chair shall be the presiding officer of the hearing. The presiding officer shall:

(a) Have complete charge of the hearing proceedings;

(b) Rule on any matter to facilitate the hearing;

(c) Permit the examination of witnesses;

(d) Rule on the admissibility of evidence;

(e) Admit evidence; and

(f) Adjourn or recess the hearing from time to time.

(5) The presiding officer, at the presiding officer's discretion, may set reasonable time limits on arguments and presentation of evidence.

(6) The presiding officer shall be responsible for decorum in a hearing and can suspend the proceedings as necessary to maintain decorum.

(7) Legal Advisor and Counsel for the Board. A representative of the Office of the Attorney General shall act as legal advisor and counsel to the Board.

(8) Administrative Prosecutor.

(a) The Board may request the Office of the Attorney General, Health Occupations and Prosecution Unit to participate as the administrative prosecutor in any hearing to present the case on behalf of the State.

(b) The administrative prosecutor that presents the case on behalf of the State shall have the same rights with regard to the submission of evidence, examination, cross-examination of witnesses, presentation of summation and argument, and filing of objections, exceptions, and motions as does the respondent and respondent's counsel for any party.

(9) Examination of Witnesses and Introduction of Evidence.

(a) The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §10-213, Annotated Code of Maryland.

(b) Every party has the right to call witnesses and present evidence, cross-examine every witness called on behalf of the Board or other party, and present summation and argument and file objections, exceptions, and motions.

(c) When a party is represented by counsel, all submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by counsel.

(d) The presiding officer, or any person designated by the presiding officer for that purpose, may examine any witness called to testify. Any member of the Board may examine any witness called to testify.

E. Evidentiary Hearings Conducted at the Office of Administrative Hearings.

(1) Unless specified otherwise in this chapter, hearings delegated to the Office of Administrative Hearings are governed by the Office of Administrative Hearings Rules of Procedure, pursuant to COMAR 28.02.01.

(2) Proceedings are not open to the public.

(3) The Board action concerning charges against a nursing home administrator or an assisted living manager may be consolidated for the evidentiary hearing at the Office of Administrative Hearings, with a disciplinary action against a nursing home or assisted living program, brought by the Department if:

(a) The licensed nursing home administrator or licensed assisted living manager of the Board action administered or managed the facility that is the subject of the Department's action; and

(b) The issues and facts in the cases are sufficiently similar.

(4) If a matter has been delegated to the Office of Administrative Hearings, unless otherwise specified by the Board, the administrative law judge presiding over the proceedings shall issue to the Board a proposed decision which shall include:

(a) Proposed findings of fact;

(b) Proposed conclusions of law; and

(c) A proposed sanction.

F. Exceptions and Exceptions Hearing.

(1) If a matter has been delegated by the Board to the Office of Administrative Hearings or to an individual member of the Board, a party may file exceptions to the proposed decision before the Board makes a final decision.

(2) Unless otherwise permitted by the Board, within 21 days after the issuance of the proposed decision, either party may file written exceptions with the Board.

(3) Unless otherwise permitted by the Board, a party's written exceptions may not be longer than 25 double-spaced pages and shall state with particularity the:

(a) Finding of fact;

(b) Conclusion of law or other matter excepted to; and

(c) Relevant portions of the record supporting the party's exception.

(4) Unless otherwise permitted by the Board, within 15 business days after a party's exceptions are filed with the Board, the opposing party may file an answer to exceptions.

(5) Unless otherwise permitted by the Board, a party's answer to exceptions may not be longer than 25 double-spaced pages and shall state with particularity:

(a) A response to an exception; and

(b) The relevant portions of the record supporting that response.

(6) Unless otherwise agreed to by the parties and permitted by the Board, an exceptions hearing shall be scheduled for the next meeting of the Board after receipt of the parties' exceptions and any answer to exceptions.

(7) Exceptions Hearing.

(a) An exceptions hearing shall be held before the Board.

(b) The hearing shall be a non-evidentiary hearing to provide the parties with an opportunity for oral argument on the exceptions and answers to exceptions.

(c) The Board member presiding at the hearing shall determine all procedural issues and may impose reasonable time limits on each party's oral argument.

(d) The presiding Board member shall make rulings reasonably necessary to facilitate the exceptions hearing.

(e) The respondent and the administrative prosecutor may not exceed 30 minutes to present oral argument per side, unless approved by the presiding officer.

(f) The party who filed the exceptions shall proceed first and may reserve part of the allotted time for rebuttal.

(8) Unless otherwise agreed to by the parties and permitted by the Board, in an answer to exceptions or in the hearing on exceptions, the parties may not reference any document or other evidence or offer an exhibit that is outside the record of the evidentiary hearing before the administrative law judge.

(9) If neither party files exceptions within the time specified in §C(2) of this regulation, in making the Board's final decision, the Board shall consider only the:

(a) Proposed decision of the administrative law judge; and

(b) Record of the evidentiary hearing.

G. Final Decision. After a formal hearing is conducted, the Board shall issue a written final decision to be sent to the parties upon issuance which shall include:

(1) Findings of fact;

(2) Conclusions of law;

(3) An order; and

(4) Appeal rights, if applicable.

.06 Grounds for Sanctioning and Sanctions.

A. Pursuant to Health Occupations Article, §§9-314(b)(3) or 9-3A-12(b)(3), Annotated Code of Maryland, the Board may deny a license to any applicant, suspend or revoke the license of a licensee, place on probation, reprimand, or fine a licensee after proper notice and a hearing, if the applicant or licensee:

(1) Violated any of the provisions of law or regulations pertaining to the licensing or practice of nursing home administration or assisted living management;

(2) Violated any of the provisions of the law or regulations of the:

(a) Licensing or oversight authority or agency of the State for nursing homes or assisted living programs; or

(b) Federal entity having jurisdiction over the operation of nursing homes;

(3) Is incompetent to engage in the practice of nursing home administration or assisted living management or to act as a nursing home administrator or assisted living manager;

(4) Engaged in fraud, deceit, or misrepresentation in the licensee's or applicant's capacity as a nursing home administrator or assisted living manager;

(5) Wrongfully transferred or surrendered possession of, either temporarily or permanently, an individual's license;

(6) Paid, gave, caused to be paid or given, or offered to pay or be given to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home or assisted living program patronage;

(7) Used fraudulent, misleading, or deceptive advertising;

(8) Falsely impersonated another licensee;

(9) Endangered or sanctioned the endangerment of the safety, health, or life of any resident of a nursing home or assisted living program;

(10) Violated a resident's rights or allowed a resident's rights to be violated;

(11) Failed to oversee and facilitate the nursing home's or assisted living program's quality improvement processes to the extent that the safety, health, or life of any resident has been endangered;

(12) Willfully permitted the unauthorized disclosure of information relating to a resident or the resident's records;

(13) Discriminated against residents, employees, or staff on account of race, religion, national origin, sexual orientation, or disability;

(14) Violated the Code of Ethics set forth under COMAR 10.33.06;

(15) Engaged in sexual behavior that would be considered unethical or unprofessional according to professional standards of conduct, including, but not limited to:

(a) Sexual behavior with a resident or patient in the context of a professional evaluation, treatment, procedure, or service to the resident or patient, regardless of the setting in which the professional service is rendered;

(b) Sexual behavior with a resident or patient under the pretext of diagnostic or therapeutic intent or benefit;

(c) Solicitation of a sexual relationship, whether consensual or nonconsensual, with a resident or patient;

(d) Sexual advances requesting sexual favors;

(e) Therapeutically inappropriate or intentional touching of a sexual nature;

(f) A verbal comment of a sexual nature;

(g) Physical contact of a sexual nature with a resident or patient;

(h) Discussion of unnecessary sexual matters with a resident or patient;

(i) Direct or indirect observation of a resident or patient while the resident or patient is undressing or dressing;

(j) Taking photographs or video of a resident or patient for a sexual purpose;

(k) Sexual harassment of staff, students, or volunteers;

(l) An unnecessary sensual act or comment;

(m) Sexual contact with an incompetent or unconscious client, patient, or resident; or

(n) Offering to provide services or material in exchange for sexual favors;

(16) Practiced as a nursing home administrator or assistant living manager in the State without a license from the Board or without proper authorization to practice as a nursing home administrator or assistant living manager;

(17) Falsified continuing education records; or

(18) Failed to cooperate with an investigation, proceedings, or other requirements of the Board.

B. The Board may, after due notice and an opportunity to be heard, suspend or revoke an AIT's participation in a Board-approved AIT program, upon substantial evidence that the AIT has committed any of the actions listed in §A of this regulation.

C. A licensee shall notify the Board in writing within 30 days if the licensee has been sanctioned by a licensing authority of another state for the practice as a nursing home administrator or assistant living manager.

D. On finding that there has been a violation of Health Occupations Article, Title 9, Annotated Code of Maryland, or this subtitle, and in accordance with the applicable notice and due process procedures, the Board may order that the:

(1) Licensee be fined;

(2) Licensee be reprimanded;

(3) Licensee be placed on probation with appropriate terms and conditions;

(4) Licensee's license be suspended, with or without terms and conditions; or

(5) Licensee's license be revoked.

E. The Board may order any of the sanctions listed in §A of this regulation in combination or individually as appropriate for the violations committed by the licensee.

.07 Sanctioning Guidelines.

A. If the Board concludes that a licensee has violated a ground for discipline under Health Occupations Article, §§9-314(b) or 9-3A-12(b), Annotated Code of Maryland, or under this chapter, the Board shall:

(1) Determine the applicable sanction range according to the guidelines set forth in Regulation .08 of this chapter;

(2) Consider the applicable aggravating and mitigating factors set forth in §J of this regulation to determine whether the sanction should fall outside the indicated range of sanctions; and

(3) After considering any applicable aggravating and mitigating factors, impose the appropriate sanction.

B. The Board is not required to make findings of fact with respect to any of the factors for determining the sanction indicated by the sanctioning guidelines.

C. In the event that a licensee's violation of the Board's statutes or regulation does not fall within a sanction range, the Board shall so indicate and use its best judgment to determine the appropriate sanction and consider, to the extent possible, the factors in the sanctioning guidelines.

D. If the Board deviates from the sanctioning guidelines, the Board shall state its reasons for the deviation.

E. A departure from the sanctioning guidelines is not an independent ground for an appeal or challenge of a Board action.

F. Notwithstanding this regulation, in order to resolve a disciplinary proceeding, the Board and the licensee may agree to a surrender of license or a Consent Order with terms and sanction agreed to by the Board and the licensee.

G. In a case where there are multiple and distinct violations, the Board may impose a sanction greater than the maximum indicated by the sanctioning guidelines for each individual violation.

H. If probation or suspension is imposed, the Board may impose appropriate terms and conditions for the probation or suspension. If a licensee violates the terms or conditions of the probation or suspension, the Board may take further disciplinary action against the licensee, as provided in the Board order.

I. Pursuant to Health Occupations Article, §§9-314.1 and 9-3A-13, Annotated Code of Maryland, if a civil fine is imposed, the fine may not exceed $1,000 for a first violation or $5,000 for any subsequent violation of the same provision.

J. Aggravating and Mitigating Factors.

(1) Mitigating Factors. In determining whether the sanction falls outside the indicated range of sanctions guidelines listed in Regulation .08 of this chapter, the Board may consider the following mitigating factors:

(a) Absence of a prior disciplinary record;

(b) That the licensee reported the violation to the Board;

(c) That the licensee:

(i) Voluntarily admitted violation;

(ii) Provided full disclosure to the Board; and

(iii) Cooperated during Board proceedings;

(d) That the licensee implemented remedial measures to correct or mitigate harm arising from the violation;

(e) That the licensee made a timely good-faith effort to make restitution or otherwise rectify the consequences of the violation;

(f) Evidence of the licensee's rehabilitation or potential for rehabilitation;

(g) Absence of premeditation to commit the violation;

(h) Absence of potential harm to or adverse impact on the public;

(i) That the incident was isolated and is not likely to recur; or

(j) If the licensee has worked at the nursing home or assisted living program for a limited period, and the violation was present before beginning work at the facility or program.

(2) Aggravating Factors. In determining whether the sanction of the licensee falls outside the indicated range of sanctions guidelines listed in Regulation .08 of this chapter, the Board may consider the following aggravating factors:

(a) The licensee's previous criminal or administrative disciplinary history;

(b) If the violation was committed deliberately or with gross negligence or recklessness;

(c) If the violation had the potential for, or caused, serious resident harm;

(d) If the violation was part of a pattern of detrimental conduct;

(e) If the licensee pursued the licensee's financial gain over a resident's welfare;

(f) That the resident was especially vulnerable;

(g) That the licensee attempted to:

(i) Conceal the violation;

(ii) Falsify or destroy evidence; or

(iii) Present false testimony or evidence;

(h) That the licensee failed to cooperate with the Board's investigation; or

(i) That the licensee's previous attempts at rehabilitation were unsuccessful.

.08 Guidelines for Disciplinary Sanctions.

A. Patient Safety.

Severity	Tier	Conduct	Sanction Range	
			Minimum	Maximum
Least to Greatest	1	(a) Committed a violation which resulted in no or little potential harm to a resident; or (b) Made an immediate and significant effort to remedy the violation.	Reprimand	Probation for 2 years
	2	(a) Committed a violation which resulted in moderate potential for resident harm; (b) Had been given prior warning of facility errors; (c) Made no significant or immediate attempt to remedy the facility errors; or (d) Failed to oversee a quality improvement process.	$500 fine and probation for 1 year	Maximum fine allowable under Regulation .07I of this chapter, suspension for 2 years, and probation for 3 years
	3	(a) Committed a violation resulting in actual or potentially serious harm to a resident; (b) Had been given repeated warnings of facility errors; (c) Committed a violation affecting two or more residents; or (d) Was under the influence of alcohol or drugs at the time the licensee committed the violation	Suspension for 1 year	Revocation
	4	A licensee is not competent to practice as a nursing home administrator or assisted living manager.	Suspension until the Board determines the licensee is competent	Revocation

B. Fraud, Deceit, or Misrepresentation.

Severity	Tier	Conduct	Sanction Range	
			Minimum	Maximum
Least to Greatest	1	(a) Committed a singular fraudulent or deceptive act, limited in nature; or (b) Neither achieved nor attempted to achieve personal financial or material gain from the violation.	Reprimand	Maximum fine allowable under Regulation .07I of this chapter and probation for 3 years
	2	(a) Achieved or attempted to achieve a material or financial gain as a result of the fraud, deceit, or misrepresentation; (b) Targeted or harmed residents of the facility administered by the licensee; (c) Committed multiple acts of fraud or deceit or perpetrated an elaborate scheme; involving fraud, deceit, or misrepresentation (d) Used false impersonation or identification in furtherance of the violation; or (e) Committed a violation in order to obtain a license for the licensee or another.	$500 fine, suspension for 2 years, and probation for 3 years	Revocation

C. General Misconduct.

Severity	Tier	Conduct	Sanction Range	
			Minimum	Maximum
Least to Greatest	1	(a) Made a singular inappropriate sexual comment during the licensee's practice as a nursing home administrator or assisted living manager; or (b) Committed a violation resulting in no harm or having potentially minimal harm.	Reprimand	Maximum fine allowable under Regulation .07I of this chapter and probation for 2 years
	2	(a) Has made multiple inappropriate sexual comments not rising to the level of harassment; (b) Was under the influence of alcohol or drugs at the time the licensee committed the violation; or (c) Committed a violation which resulted in a moderate potential for harm.	$500 fine, and probation for 1 year	Maximum fine allowable under Regulation .07I of this chapter, suspension for 2 years, and probation for 3 years
	3	(a) Diverted or stole drugs from a facility or a resident; (b) Committed an act of sexual misconduct involving touching, inappropriate contact, observation, recording, or harassment; (c) Committed or threatened to commit an act of violence; (d) Committed an act resulting in actual harm or the serious potential for harm; (e) Discriminated against a person; or (f) Recorded a resident or residents, without authorization from the resident or residents, using, but not limited to, a camera, phone, or video recorder.	$500 fine, suspension for 1 year, and probation for 3 years	Revocation

D. Records Violation Without Fraudulent or Deceitful Intent.

Severity	Tier	Conduct	Sanction Range	
			Minimum	Maximum
Least to Greatest	1	Licensee made limited errors in completing or maintaining a resident's or the facility's record, resulting in no harm to a resident.	Reprimand	Reprimand
	2	(a) Produced a significant pattern of inaccurate records; (b) Improperly disclosed or authorized the disclosure of confidential medical records without intent to violate the governing confidentiality laws or regulations; or (c) Committed an act of false advertising.	$500 fine, and probation for 1 year	Maximum fine allowable under Regulation .07I of this chapter, suspension for 1 year, and probation for 3 years
	3	Willfully releasing or willfully authorizing the release of confidential medical records to unauthorized recipients.	$500 fine, suspension for 1 year, and probation for 3 years	Revocation

E. Administrator-In-Training Violations by Nursing Home Administrator.

Severity	Tier	Conduct	Sanction Range	
			Minimum	Maximum
Least to Greatest	1	Licensee failed to fulfill requirements related to the supervising of an administrator-in-training but was in general compliance.	Reprimand	Maximum fine allowable under Regulation .07I of this chapter and probation for 3 years
	2	(a) Committed an act involving deliberate falsification or deceit; or (b) Failed to achieve significant compliance with regulatory requirements of the administrator-in-training program.	$500 fine, suspension for 1 year, and probation for 3 years	Revocation

.09 Surrender of License.

A. This regulation pertains to the surrender of a license when:
(1) A licensee is under investigation by the Board; or
(2) Charges have been issued by the Board against a licensee.
B. The surrender of a licensee's license may be rejected by the Board.
C. Letter of Surrender.
(1) The language of the Letter of Surrender is subject to the approval of the Board.
(2) If the Letter of Surrender is approved by the Board, it shall be signed by the respondent and the Board's Executive Director.
(3) The Letter of Surrender may include, but is not limited to:
(a) The circumstances that resulted in the surrender;
(b) The time period before the respondent may apply for reinstatement if the surrender is not permanent; and
(c) Conditions before the respondent may apply for reinstatement.
(4) The Letter of Surrender is a final order that is the result of formal discipline, and a public document, under:
(a) General Provisions Article, §4-333, Annotated Code of Maryland; and
(b) Health Occupations Article, §1-607, Annotated Code of Maryland.

.10 Summary Suspensions.

A. Pursuant to its authority under State Government Article, §10-226(c), Annotated Code of Maryland, the Board shall order the summary suspension of a license if the Board determines that the public health, safety, or welfare imperatively requires emergency action against the licensee.
B. Notice of Intent to Summarily Suspend.
(1) Based on information gathered in an investigation or otherwise provided to the Board, the Board may vote to issue a notice of intent to summarily suspend a license.

(2) If the Board votes to issue a notice of intent to summarily suspend a license or an order of summary suspension, the Board shall refer the matter to an administrative prosecutor for prosecution.

(3) A notice of intent to summarily suspend a license shall include:

(a) A proposed order of summary suspension which is unexecuted by the Board and includes:

(i) The statutory authority on which the action has been taken;

(ii) Allegations of fact that the Board believes demonstrate that the public health, safety, or welfare imperatively requires emergency action against the licensee; and

(iii) Notice to the respondent of the right to request a full hearing on the merits of the summary suspension if the Board executes the proposed order of summary suspension; and

(b) An order or summons to appear before the Board to show cause as to why the Board should not execute the order of summary suspension, which notifies the respondent of the consequences of failing to appear.

(4) Service.

(a) The Board shall serve a respondent with a notice of intent to summarily suspend a license no later than 5 days before a pre-deprivation show cause hearing is scheduled before the Board.

(b) Service of the notice of intent to summarily suspend shall be made as provided under COMAR 10.33.07.04G and H that includes proof of delivery.

(c) If the Board is unable to serve the notice of intent to summarily suspend a license upon the respondent as described in §B(4)(a) and (b) of this regulation, the Board may nevertheless proceed to prosecute the case.

C. Pre-Deprivation Opportunity to Be Heard.

(1) If the Board issues a notice of intent to summarily suspend a license, the Board shall offer the respondent the opportunity to appear before the Board to show cause as to why the respondent's license should not be suspended before the Board executes the order of summary suspension.

(2) Pre-Deprivation Show Cause Hearing Before the Board.

(a) The hearing shall be a non-evidentiary hearing to provide the parties with an opportunity for oral argument on the proposed summary suspension.

(b) The Board member presiding at the hearing shall determine all procedural issues and may impose reasonable time limits on each party's oral argument.

(c) The presiding Board member shall make rulings reasonably necessary to facilitate the effective and efficient operation of the hearing.

(d) The respondent and the administrative prosecutor may not exceed 30 minutes each to present oral argument.

(e) The respondent shall proceed first and may reserve part of the allotted time for rebuttal.

(f) The presiding officer:

(i) May allow either the respondent or the administrative prosecutor to present documents or exhibits which are relevant and material to the proceedings and which are not unduly repetitious, if the presiding Board member believes that the documents or exhibits are necessary for a fair hearing; and

(ii) May not allow testimony by any witness unless agreed to by the parties and approved by the presiding Board member in advance of the hearing.

(g) A Board member may be recognized by the presiding member to ask questions of either party appearing before the Board.

D. Post-Deprivation Opportunity to be Heard.

(1) Extraordinary Circumstances. The Board may, after consultation with Board counsel, order the summary suspension of a license without first issuing a notice of intent to summarily suspend a license or providing a respondent with an opportunity for a pre-deprivation hearing if the Board determines that:

(a) The public health, safety, or welfare imperatively requires the immediate suspension of the license; and

(b) Prior notice and an opportunity to be heard are not feasible.

(2) Time — Service and Hearing.

(a) An order of summary suspension under §D(1) of this regulation shall be served on the respondent promptly after its execution as provided by COMAR 10.33.07.04G and H that includes proof of delivery.

(b) The respondent shall be provided an opportunity for a post-deprivation hearing before the Board within 15 days after the effective date of the summary suspension, which shall provide the respondent with an opportunity to show cause as to why the Board should lift the summary suspension and reinstate the license.

(3) If the respondent requests a hearing under §B(3)(a)(iii) of this regulation, that hearing shall:

(a) Be conducted before the Board; and

(b) Provide the respondent with an opportunity to show cause as to why the Board should lift the summary suspension and reinstate the license.

E. Burdens of Production and Persuasion.

(1) In a show cause proceeding under §C of this regulation, the respondent may present argument in opposition to the allegations presented in the order for summary suspension or which otherwise demonstrate that the public health, safety, or welfare does not imperatively require the immediate suspension of a license.

(2) The administrative prosecutor bears the burden of demonstrating by a preponderance of the evidence that the health, safety, or welfare of the public imperatively requires the Board to summarily suspend the respondent's license.

F. Disposition.

(1) If the Board issues a notice of intent to summarily suspend a license before summarily suspending a license, the Board may, after the show cause hearing, vote to:

(a) Order a summary suspension;

(b) Deny the summary suspension; or

(c) Issue an order agreed to by the parties.

(2) If the Board orders a summary suspension before a show cause hearing, the Board may, at the conclusion of the hearing, vote to:

(a) Affirm its order of summary suspension;

(b) Terminate or rescind the order for summary suspension; or

(c) Issue an order agreed to by the parties.

(3) An order for summary suspension or other order issued by the Board after the initiation of summary suspension proceedings are final orders of the Board and public records under General Provisions Article, §4-333, Annotated Code of Maryland.

G. Post-Deprivation Opportunity for an Evidentiary Hearing.

(1) If the Board orders the summary suspension of a license under §§C or D of this regulation, the respondent shall have an opportunity for an evidentiary hearing before the Board, or, if the Board delegates the matter to the Office of Administrative Hearings, before an administrative law judge.

(2) The respondent may request an evidentiary hearing within 10 days after the Board issues the order of summary suspension.

(3) An evidentiary hearing may be consolidated with a hearing on charges issued by the Board that include the facts which form the basis for the summary suspension.

(4) An evidentiary hearing shall be conducted under the contested case provisions of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(5) If the Board delegates the matter to the Office of Administrative Hearings, unless otherwise specified by the Board, the administrative law judge shall issue a proposed decision to the Board with:

(a) Proposed findings of fact;

(b) Proposed conclusions of law; and

(c) A proposed disposition.

(6) If the hearing is one combined with charges, and the Board delegates the matter to the Office of Administrative Hearings, the administrative law judge's determination of the merits of the summary suspension shall be based only on the parts of the record available to the Board when the Board voted for summary suspension.

(7) The parties may file exceptions to the proposed decision, as provided in State Government Article, §10-216, Annotated Code of Maryland.

(8) An order issued by the Board after a pre-deprivation or post-deprivation hearing is a public record under:

(a) Health Occupations Article, §1-607, Annotated Code of Maryland; and

(b) General Provisions Article, §4-333, Annotated Code of Maryland.

.11 Cease and Desist Orders.

A. The Board may issue a cease and desist order to an unlicensed individual practicing nursing home administration or assisted living management without a license or authorization from the Board.

B. The cease and desist order shall be served upon the respondent as provided by COMAR 10.33.07.04G and H that includes proof of delivery.

C. The respondent is entitled to a prompt opportunity to be heard by the Board to contest the cease and desist order. This opportunity to be heard shall be conducted by argument and record evidence, without witness testimony.

D. If the Board upholds the cease and desist order under §C of this regulation, if requested, the respondent shall be entitled to an evidentiary hearing pursuant to the procedures under Regulation .05 of this chapter.

.12 Show Cause Hearings.

A. The Board may conduct a show cause hearing to determine whether a respondent violated an order of the Board.

B. An order of the Board includes, but is not limited to:

(1) Final decisions and orders;

(2) Consent orders; or

(3) Any order imposing probation, suspension, or another term or condition that the respondent is required to comply with.

C. Failure to comply with any term or condition of an order of the Board is a violation of the order of the Board.

D. Service of the show cause order shall be as provided by COMAR 10.33.07.04G and H.

E. If the Board determines there is no genuine dispute of material facts that cannot be resolved at the show cause hearing, the show cause hearing may be conducted by argument by the parties and records offered for consideration by the Board.

F. The Board, in its discretion, may allow for an evidentiary hearing if it determines there is a genuine dispute of material fact that cannot be resolved at the show cause hearing.

.13 Petitions for Reinstatement Following License Revocation or Surrender.

A. In order for a revoked or surrendered license to be reinstated, the individual whose license was revoked or surrendered shall petition the Board for reinstatement.

B. A surrendered license in this regulation means a surrender, approved by the Board, while the individual was licensed and under investigation or charges had been issued by the Board.

C. An individual who petitions the Board for reinstatement following the revocation or surrender of the individual's license may petition for reinstatement only pursuant to the terms of the Board's order revoking the license or the Letter of Surrender. The Board may set conditions precedent and a time period for petitioning for reinstatement or may permanently revoke or require permanent surrender.

D. If the Board's order revoking the license or the Letter of Surrender does not contain a time period for petitioning for reinstatement, the individual may petition for reinstatement after 3 years from revocation.

E. A petitioner for reinstatement shall comply with all reasonable requests for information by the Board.

F. The decision of the Board on whether to grant or deny the petition for reinstatement is a discretionary decision by the Board.

G. If the Board denies a petition for reinstatement, the Board may set conditions precedent and a time period for further petitions for reinstatement.

H. If the Board grants reinstatement, the Board may impose probationary conditions and restrictions along with the reinstatement.

10.33.08 Compelling Purpose Disclosure

Authority: General Provisions Article, §4-333; Health Occupations Article, §9-205; Annotated Code of Maryland

.01 Disclosure for Compelling Public Purpose.

The Board's Executive Director may find that a compelling public purpose warrants disclosure of information in a certification, licensing, or investigative file, whether or not there has been a request for the information and may disclose the information under the following circumstances:

A. The information concerns possible criminal activity and is disclosed to a federal, state, or local law enforcement or prosecutorial official or authority;

B. The information concerns a possible violation of law and is disclosed to a federal, state, or local authority that has jurisdiction over the person or government entity whose conduct may be a violation, and the information disclosed is limited to information relevant to the possible violation by that individual; or

C. The information concerns conduct by a person or government entity which the Board's Executive Director reasonably believes may pose a risk to the public health, safety, or welfare and is disclosed to a law enforcement authority, administrative official, or agency that regulates the individual, or to a hospital or other healthcare facility where the individual has privileges.

.02 Other Disclosures.

This chapter does not prevent or limit the ability of the Board to disclose general licensing information as provided in General Provisions Article, §4-333, Annotated Code of Maryland, or any information which the Board may otherwise disclose by law.

MEENA SESHAMANI, MD, PhD
Secretary of Health

Title 11
DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

11.15.11 Registration Transfer

Authority: Transportation Article, §§12-104(b), 13-410, 13-501, 13-502.1, and 13-503.1, Annotated Code of Maryland

Notice of Proposed Action

[25-180-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .**02**, repeal existing Regulation .**03,** and adopt new Regulation .**03** under **COMAR 11.15.11 Registration Transfer**.

Statement of Purpose

The purpose of this action is to allow the transfer of registration plates between vehicle classes A, E, and M and establish guidelines for the transfer of Registration plates for a surviving spouse.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will have no economic impact for a tag transfer between classes due to conforming the regulations to existing practice. However, there will be a minimal economic impact to the extent that surviving spouse customers are required to transfer tags to their name only. The current fee to transfer a tag is $20.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Maryland Vehicle Administration	(R+)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	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:		
Public	(+)	Minimal

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

A. The impact to MVA will be minimal. For illustrative purposes, if 100 customers take advantage of the tag transfer, there would be a $2,000 revenue loss to the Administration.

F. For illustrative purposes, if 100 customers take advantage of the tag transfer, there would be a $2,000 revenue loss to the Administration.

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 Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 102, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.maryland.gov. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

.02 Transfer of Registration Plates [— Same Class Vehicles Only].

A. Registration plates **[**acquired by any person, for any vehicle owned by that person,**]** may be transferred to a newly acquired vehicle *within the same classification* provided:

(1) Except as provided in Transportation Article, §13-503.1(b)(5), Annotated Code of Maryland, the ownership of the newly acquired vehicle has not changed from the name in which the plates are currently issued; *and*

[(3)**]***(2)* (texted unchanged)

B. Registration plates may be transferred to a newly acquired vehicle outside of the same classification provided:

(1) Except as provided in Transportation Article, § 13-503.1(b)(5), Annotated Code of Maryland, the ownership of the newly acquired vehicle has not changed from the name in which the plates are currently issued;

(2) The vehicle classification of the newly acquired vehicle is class A, E, or M;

(3) The vehicle classification of the vehicle to which the plates are currently issued is class A, E, or M; and

(4) The registration and transfer fee as set forth in COMAR 11.11.05.04 is paid in full.

[B.**]***C.*—**[**C.**]***D.* (text unchanged)

.03 Transfer of Registration Plates—Surviving Spouse.

A. Registration plates may be transferred to a surviving spouse upon completion of a title transfer pursuant to COMAR 11.15.14.05.

B. The Administration shall not impose a tag transfer fee if the vehicle is being transferred to a surviving spouse.

CHRISTINE NIZER
Administrator

Title 14
INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

Notice of Proposed Action

[25-220-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend:

(1) Regulations **.09** and **.15** under **COMAR 14.22.01 General Regulations**, and;

(2) Regulation **.02** under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.

Statement of Purpose

The purpose of this action is to expand the definition of psychological victim injury (part C of the offense score). The proposed revisions to Regulation .09 also reorder the instructions for scoring victim injury so that physical injury is addressed first, followed by psychological injury.

Additionally, the purpose of this action is to modify Regulation .15 under COMAR 14.22.01 to instruct that when an individual is being sentenced for multiple violations, including contemporaneous violations, of Criminal Law Article,§4-204, Annotated Code of Maryland (use of a firearm in the commission of a crime of violence or any felony) or Criminal Law Article, §4-306, Annotated Code of Maryland (use of an assault weapon in the commission of a felony or crime of violence), the guidelines for all but the first violation of each offense shall be calculated pursuant to Criminal Law Article, §4-204(c)(2), Annotated Code of Maryland, or Criminal Law Article, §4-306(b)(3), Annotated Code of Maryland, respectively, both of which provide penalties for subsequent violations.

The proposed revisions to Regulation .15 also include the addition of existing instructions for calculating the guidelines for subsequent offenses, including subsequent drug offenses, subsequent crimes of violence, and other subsequent offenses. To note, the guidelines calculation rules described in these instructions are not new and are presently provided in Chapter 8.6 of the Maryland Sentencing Guidelines Manual.

Lastly, the purpose of this action is to modify Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories to reflect: (1) revised seriousness categories for two offenses; and (2) minor edits to the table, including the removal of old CJIS Codes.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David A Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd, Suite 309, College Park, MD 20740, or call 3016512912, or email to david.a.soule@gmail.com. Comments will be accepted through November 17, 2025. A public hearing has not been scheduled.

14.22.01 General Regulations

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

.09 Offense Score.

A. (text unchanged)

B. Elements of the Offense Score.

(1)—(2) (text unchanged)

(3) Victim Injury.

(a) Victim injury, whether physical or psychological, shall be based on reasonable proof. **[**Psychological injury shall be based on confirmed medical diagnosis or psychological counseling or treatment. Rape crisis hotlines, clergy conferences, and other similar services are considered psychological counseling or treatment, but the contact with a counselor must be confirmed in writing or otherwise by the counseling or treatment provider. Psychological injury is presumed not permanent unless otherwise demonstrated.**]** Physical injury shall be more than minimal. Physical injuries such as lasting muscle damage or amputation are permanent. *Proof of psychological injury shall be based on confirmed medical diagnosis or psychological counseling or treatment, or other forms of reasonable proof. Rape crisis hotlines, clergy conferences, educational counseling, and other similar services are considered psychological counseling or treatment. Permanent psychological injury shall be based on proof of a substantial impairment likely to be of an extended or continuous duration.* Offenses involving photographic or video evidence of child pornography shall be scored as permanent victim injury.

(b)—(e) (text unchanged)

(4)—(5) (text unchanged)

C. (text unchanged)

.15 Subsequent Offenses.

A. In General. Enhanced punishment law for subsequent **[**offenders**]***offenses* takes precedence over guidelines ranges if not otherwise provided for in these regulations. *If sentencing is pursuant to an enhanced punishment statute, the individual completing the worksheet shall specify the statute.*

B. Subsequent Drug Offense. When the statutory penalty for a drug offense is doubled under Criminal Law Article, §5-905, Annotated Code of Maryland, the guidelines range for that offense is also doubled. **[**The guidelines sentence is determined by doubling the appropriate sentence from the drug offense sentencing matrix except when the mandatory minimum sentence is invoked and takes precedence. If sentencing is pursuant to an enhanced punishment statute, the individual completing the worksheet shall mark the worksheet and specify the statute.**]** *If the upper limit of the calculated*

guidelines range exceeds the doubled statutory maximum for the offense, the doubled statutory maximum is the upper limit of the guidelines range. Likewise, if the lower limit of the calculated guidelines range exceeds the doubled statutory maximum for the offense, the doubled statutory maximum is the lower and upper limit of the guidelines range.

C. Subsequent Crime of Violence. When a non-suspendable mandatory minimum sentence for a crime of violence has been invoked pursuant to Criminal Law Article, §14-101, Annotated Code of Maryland, that mandatory minimum takes precedence over the lower limit and, possibly, the upper limit of the guidelines range, if the mandatory minimum exceeds the calculated lower or upper limit of the range. In this scenario, the lower limit of the range (and possibly the upper limit of the range) is replaced by the mandatory minimum.

D. Subsequent Violation of Use of a Firearm or Assault Weapon in the Commission of a Felony or Crime of Violence. When an individual is being sentenced for multiple violations, including contemporaneous violations, of Criminal Law Article, §4-204, Annotated Code of Maryland (use of a firearm in the commission of a crime of violence or any felony) or Criminal Law Article, §4-306, Annotated Code of Maryland (use of an assault weapon in the commission of a felony or crime of violence), the guidelines for all but the first violation of each offense shall be calculated pursuant to Criminal Law Article, §4-204(c)(2), Annotated Code of Maryland, or Criminal Law Article, §4-306(b)(3), Annotated Code of Maryland, respectively, both of which provide penalties for subsequent violations.

E. Other Subsequent Offenses. When an enhanced penalty for any other subsequent offense has been invoked, providing for an enhanced statutory maximum and/or mandatory minimum, the guidelines shall be calculated according to the rules set forth in these regulations with respect to the offense's statutory maximum and/or any applicable mandatory minimum.

14.22.02 Criminal Offenses and Seriousness Categories

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

.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—30-5 (text unchanged)									
31	**Assault Weapons** Use of assault weapon, rapid fire activator, or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, **subsequent**	3-5260	CR, §4-306(b)(3)	Misd.	20Y	10Y	Person	**[**II**]** *III*	
32—101 (text unchanged)									
102	**Counterfeiting** Counterfeiting of private instruments **[**and**]***or* documents	1-2502	CR, §8-601(c)(1)	Felony	10Y		Property	V	$1,000
102-1	**Counterfeiting** Possession of counterfeit private instruments **[**and**]***or* documents	1-1502	CR, §8-601(c)(2)	Misd.	3Y		Property	VII	$1,000
102-2	**Counterfeiting** Counterfeiting of private instruments **[**and**]***or* documents, not covered by CR, §8-601 *or another statute*	*6-1313*	Common Law	Misd.	LIFE		Property	V	
103 (text unchanged)									
103-1	**Counterfeiting** Counterfeiting of public documents, not covered by CR, §8-605 *or another statute*	*6-1313*	Common Law	Misd.	LIFE		Property	V	
104—105 (text unchanged)									
106	**Counterfeiting** Issuing counterfeit private instruments **[**and**]***or* documents	1-2513	CR, §8-602	Felony	10Y		Property	V	$1,000
106-1	**Counterfeiting** Issuing counterfeit private instruments **[**and**]***or* documents, not covered by CR, §8-602 *or another statute*		Common Law	Misd.	LIFE		Property	V	
107—347 (text unchanged)									
348	**Sexual Crimes** Rape, 1st degree	**[**1-1102**]** 1-1812 1-1813 1-1814 1-1815 1-1816	CR, §3-303(d)(1)	Felony	LIFE ♦		Person	I	
348-1	**Sexual Crimes** Rape, 1st degree, in conjunction with kidnapping child younger than 16 years old	**[**1-1102**]** 1-1817	CR, §3-303(d)(2)	Felony	LIFE without Parole ♦		Person	I	
348-2	**Sexual Crimes** Rape, 1st degree, **subsequent**	**[**1-1102**]** 1-1812 1-1813 1-1814 1-1815 1-1816 1-1817	CR, §3-303(d)(3)	Felony	LIFE without Parole ♦		Person	I	
348-3	**Sexual Crimes** Rape, 1st degree, adult offender with victim younger than 13 years old	**[**1-1102**]** 1-1818	CR, §3-303(d)(4)	Felony	LIFE without Parole ♦	MM*=25Y	Person	I	
349—351 (text unchanged)									
352	**Sexual Crimes** Rape, 2nd degree	1-1819 1-1820 1-1821 **[**2-1103**]**	CR, §3-304(c)(1)	Felony	20Y ♦		Person	II	

352-1	**Sexual Crimes** Rape, 2nd degree, adult offender with victim younger than 13 years old	1-1822 1-1823 **[**2-1103**]**	CR, §3-304(c)(2)	Felony	LIFE ♦	MM*=15Y	Person	II	
353—356 (text unchanged)									
356-1	**Sexual Crimes** Sex Offense, 3rd degree (a)(1) employ or display a dangerous weapon, etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual	1-1824 1-1825 1-1826 1-1827 1-1828 **[**3-3600**]**	CR, §3-307(a)(1) CR, §3-307(a)(2)	Felony	10Y		Person	IV	
357	**Sexual Crimes** Sex Offense, 3rd degree (a)(3), (a)(4), (a)(5) —age based elements	1-1829 1-1830 1-1831 **[**3-3600**]**	CR, §3-307(a)(3) CR, §3-307(a)(4) CR, §3-307(a)(5)	Felony	10Y		Person	IV	
358—392-1 (text unchanged)									
392-2	**Weapons Crimes—In General** Unlawful use of firearm in commission of felony or crime of violence, **subsequent**	1-5299	CR, §4-204(c)(2)	Misd.	20Y ♦	MM*=5Y	Person	**[**II**]** *III*	
392-3—421 (text unchanged)									

Footnotes (text unchanged)
General Rules: (text unchanged)

DAVID A SOULE

Executive Director

Errata

COMAR 09.33.02

At 52:12 Md. R. 602 (June 13, 2025), column 1, lines 5 and 6 from the bottom:

For: **[**(a) Made by telephone;**]**
(*a) Consider confidential, commercial, and financial information*

Read: **[**(a) Made by telephone;
(b) Confidential;**]**
(*a) Considered confidential, commercial, and financial information*

Special Documents

DEPARTMENT OF THE ENVIRONMENT

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 17-WQC-02 (R1)

Constellation Energy Generation LLC - Conowingo Hydroelectric Plant
2569 Shures Landing Road,
Darlington, Maryland 21034

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of revised Water Quality Certification 17-WQC-02 (R1).

Location: Conowingo Hydroelectric Project/FERC Project No. P-405 Susquehanna River, at river mile 10 in Maryland, spanning the river between Cecil and Harford Counties, Maryland. The lowermost six miles of the Project's reservoir lie within Maryland, while the remaining eight miles extend into York and Lancaster counties, Pennsylvania.

The Project is a peaking hydroelectric facility that includes: (1) the Dam, (2) a spillway, (3) the Reservoir, (4) an intake and powerhouse, (5) the West Fish Lift and the East Fish Lift, and (6) an Eel passage facility on the west side, all of which are located on the River approximately 10 miles north of the River's confluence with the Chesapeake Bay. The West Fish Lift, adjacent to the Dam's right abutment, is currently operated under an agreement with USFWS for Shad egg production and other research purposes. The newer East Fish Lift, located near the midpoint of the Dam, is used primarily to pass Shad, Herring, and other migratory fish during the March-June migration season. The Reservoir serves as the lower reservoir for the Muddy Run Pumped Storage Project. It also serves as the source of cooling water for Peach Bottom Atomic Power Station and the York Energy Center. The Reservoir is also a public water supply source, with the City of Baltimore and Chester Water Authority (in Pennsylvania) having permitted withdrawals of 250 million gallons per day and 30 million gallons a day, respectively. The powerhouse is integrated with the Dam. There are 13 turbine-generator units, associated draft tubes, and transformer bays. Water flowing through the turbines is discharged via the draft tubes into the Tailrace.

A Public Notice for the Certification request was issued on July 10, 2017, and a Public Hearing for the Certification request was held on Tuesday, December 5, 2017 at the Harford Community College in Bel Air, Maryland. The Department issued an initial decision on the Certification request on April 27, 2018. After administrative reconsideration requested by the Certification Holder and Lower Susquehanna Riverkeeper Association and Waterkeepers Chesapeake, the Department issued a revised Certification (17-WQC-02(R1)) on October 2, 2025.

The revised Certification and its attachments may be viewed at https://mde.maryland.gov/programs/water/wetlandsandwaterways/pages/exelonmd-conowingo-wqcapp.aspx or: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx.

Contact: Danielle Spendiff at danielle.spendiff1@maryland.gov or 410-537-4023.

[25-21-15]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at the September 24, 2025 Meeting

AGENCY: Susquehanna River Basin Commission

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 24, 2025 in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects and took additional actions, as set forth in the Supplementary Information below.

DATE: September 25, 2025.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.
FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.gov. Regular mail inquiries may be sent to the above address. See also the Commission website at www.srbc.gov.

SUPPLEMENTARY INFORMATION: The Commission took the following actions at its September 24, 2025 business meeting: (1) adopted the preliminary Fiscal Year 2027 budget; (2) unanimously adopted the member jurisdiction allocation requests for Fiscal Year 2027; 3) approved a grant amendment with the PA Department of Environmental Protection; 4) approved two settlements of regulatory violations; and (5) approved 21 regulatory program projects and tabled one project as listed below.

Project Applications Approved:

1. Project Sponsor and Facility: Blackhill Energy LLC (Chemung River), Athens Township, Bradford County, Pa. Application for renewal with modification of surface water withdrawal of up to 1.999 mgd (peak day) (Docket No. 20220903).
2. Project Sponsor: Calpine Mid Merit, LLC. Project Facility: York Energy Center 1, Peach Bottom Township, York County, Pa. Application for consumptive use of up to 4.900 mgd (peak day).
3. Project Sponsor: Calpine Mid Merit, LLC. Project Facility: York Energy Center 2 (Susquehanna River), Peach Bottom Township, York County, and Drumore Township, Lancaster County, Pa. Modification to surface water withdrawal of up to 19.010 mgd (peak day) and consumptive use of up to 5.800 mgd (peak day) (Docket No. 20060308).
4. Project Sponsor and Facility: City of Lock Haven, Wayne Township, Clinton County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.720 mgd from the Matz Well and 0.720 mgd from the Quaker Hill Well.
5. Project Sponsor and Facility: Coterra Energy Inc., Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawals of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1, 2, and 3) (Docket No. 20200903).
6. Project Sponsor and Facility: Expand Operating LLC (Susquehanna River), Standing Stone Township, Bradford County, Pa. Application for surface water withdrawal of up to 4.000 mgd (peak day).
7. Project Sponsor and Facility: Expand Operating LLC (Susquehanna River), Wilmot Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20200905).
8. Project Sponsor and Facility: Expand Operating LLC (Susquehanna River), Windham Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20200906).
9. Project Sponsor and Facility: Expand Operating LLC (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20200907).
10. Project Sponsor: Graymont (PA) Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.050 mgd (30-day average) from the Plant Make-Up Well(Docket No. 20100307).
11. Project Sponsor and Facility: Green Leaf Water LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20200908).
12. Project Sponsor and Facility: Greylock Production, LLC (Pine Creek), Gaines Township, Tioga County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).
13. Project Sponsor and Facility: Hanover Foods Corporation, Penn and Heidelberg Townships, York County, Pa. Applications for renewal of consumptive use of up to 0.499 mgd (peak day) and groundwater withdrawals (30-day averages) of up to 0.072 mgd from Well PW-3, 0.144 mgd from Well PW-4, and 0.231 mgd from Well PW-5 (Docket Nos. 19980503 and 19991104).
14. Project Sponsor and Facility: Hegins-Hubley Authority, Hegins Township, Schuylkill County, Pa. Application for renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Well 6 (Docket No. 19981204).
15. Project Sponsor: Hillandale-Gettysburg, L.P. Project Facility: Site 3, Tyrone Township, Adams County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.019 mgd from Well 1, 0.035 mgd from Well 2, 0.035 mgd from Well 3, and 0.060 mgd from Well 4.
16. Project Sponsor and Facility: Lykens Borough Authority, Wiconisco Township, Dauphin County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.393 mgd from Well 2 and 0.035 mgd from Well 3.
17. Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (Muncy Creek), Shrewsbury Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).
18. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Sheshequin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20200913).
19. Project Sponsor and Facility: Sabre Energy Development LLC (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.700 mgd (peak day).
20. Project Sponsor and Facility: Sabre Energy Development LLC (Muncy Creek), Penn Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.700 mgd (peak day).
21. Project Sponsor: York Haven Power Company, LLC. Project Facility: York Haven Hydroelectric Project, Londonderry Township, Dauphin County; Conoy Township, Lancaster County; and York Haven Borough and Newberry Township, York County, Pa., Modification to the design of the nature-like fishway (Docket No. 20200308).

Project Tabled:

22. Project Sponsor: Veolia Water Pennsylvania, Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.121 mgd (30-day average) from the Paddletown Well (Docket No. 20090917).

Authority: Public Law 91-575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.
Dated: September 25, 2025

JASON E. OYLER
General Counsel and Secretary to the Commission

[25-21-03]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on October 29, 2025. The Commission will hold this hearing in person and telephonically. At this public hearing, the Commission will hear testimony on the projects and actions listed in the Supplementary Information section of this notice. Such projects and actions are intended to be scheduled for Commission action at its next business meeting, scheduled for December 4, 2025, which will be noticed separately. The public should note that this public hearing will be the only opportunity to offer oral comments to the Commission for the listed projects and actions. The deadline for the submission of written comments is November 10, 2025.

DATES: The public hearing will convene on October 29, 2025, at 6:00 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for submitting written comments is Monday, November 10, 2025.

ADDRESSES: This public hearing will be conducted in person and telephonically. You may attend in person at Susquehanna River Basin Commission, 4423 N. Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1-877-304-9269 and then enter the guest passcode 2619070 followed by #.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.gov.
Information concerning the project applications is available at the Commission's Water Application and Approval Viewer at https://www.srbc.gov/waav. The proposed regulatory fee schedule is available on the Commission's website at https://www.srbc.gov/regulatory/public-participation/. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.gov/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover a proposed regulatory program fee schedule intended to become effective on January 1, 2026. The proposed changes to the fee schedule would apply an inflation-based cost of living adjustment to the many of the Commission's regulatory fees. The public hearing will also cover the following projects:

Projects Scheduled for Action:
1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor System, Monroe Township, Snyder County, Pa. Application for renewal of groundwater withdrawal of up to 0.392 mgd (30-day average) from Well 6 (Docket No. 20101202).
2. Project Sponsor and Facility: Aquaport, LLC, Old Lycoming Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.250 mgd (30-day average) from Well 1.
3. Project Sponsor and Facility: College Township Water Authority, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.800 mgd (30-day average) from Spring Creek Park Well 1 (Docket No. 19990302).
4. Project Sponsor and Facility: Coterra Energy Inc. (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20201201).
5. Project Sponsor and Facility: Elizabethville Area Authority, Elizabethville Borough and Washington Township, Dauphin County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.038 mgd from Well 3, 0.031 mgd from Well 4, and 0.036 mgd from Well 5 (Docket Nos. 19930907 and 19981203).
6. Project Sponsor: Essential Power Rock Springs, LLC. Project Facility: Rock Springs Generation Facility, Oakwood District, Cecil County, Md. Application for renewal of consumptive use of up to 0.262 mgd (peak day) (Docket No. 20001203).
7. Project Sponsor and Facility: Expand Operating LLC (Towanda Creek), Monroe Township and Monroe Borough, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20201202).
8. Project Sponsor and Facility: Expand Operating LLC (Wyalusing Creek), Rush Township, Susquehanna County, Pa. Application for renewal with modification of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20220604).
9. Project Sponsor and Facility: Indian Trail Mountain Spring Water, Gratz Borough, Dauphin County, Pa. Application for renewal of consumptive use of up to 0.092 mgd (peak day) (Docket No. 20001205).
10. Project Sponsor and Facility: Moccasin Run Golf Club, Inc., West Fallowfield Township, Chester County, Pa. Application for renewal with modification of consumptive use of up to 0.249 mgd (30-day average) (Docket No. 20001204).
11. Project Sponsor: Mott's LLP. Project Facility: Aspers Plant, Menallen Township, Adams County, Pa. Request for extension and continued temporary operation under Emergency Certificate Modification issued July 18, 2025, authorizing temporary operational changes due to dry conditions. Considering extension of authorization term until future Commission action on pending applications for facility consumptive use and groundwater withdrawals from Wells 7, 9, 10, and 11.
12. Project Sponsor and Facility: Pennsylvania Grain Processing LLC, Clearfield Borough, Clearfield County, Pa. Application for groundwater withdrawal of up to 0.259 mgd (30-day average) from Well GW-1, and modification to add a source (Well GW-1) for consumptive use (Docket No. 20220909).
13. Project Sponsor and Facility: RES Coal LLC, Boggs Township, Clearfield County, Pa. Application for renewal with modification of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20120613).
14. Project Sponsor: Schuylkill County Municipal Authority. Project Facility: Tremont Service Area, Tremont Borough and Tremont Township, Schuylkill County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.194 mgd from Well 4 and 0.087 mgd from Well 15 (Docket Nos. 19950103 and 19990902).
15. Project Sponsor and Facility: State College Borough Water Authority, Benner Township, Centre County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 1.440 mgd from Well 71, 1.224 mgd from Well 73, 1.584 mgd from Well 78, and 0.576 mgd from Well 79 (Docket No. 19940903).

Opportunity to Appear and Comment:
Interested parties may appear or call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.gov before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing via telephone will begin at 5:45 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.gov, before the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through https://www.srbc.gov/meeting-comment/default.aspx?type=2&cat=7. Comments mailed or electronically submitted must be received by the Commission on or before Monday, November 10, 2025.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.
Dated: September 30, 2025

JASON E. OYLER,
General Counsel and Secretary to the Commission

[25-21-07]

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 COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting
Date and Time: November 13, 2025, 3—4 p.m. Thereafter, the public meetings will take place the second Tuesday of every month, accessed via the Google Meet information below.
Place: Google Meet joining info:
Video call link: https://meet.google.com/ahz-mgnk-jsu
Or dial: ‪(US) +1 530-738-1353‬ PIN: ‪815 799 863‬#
More phone numbers: https://tel.meet/ahz-mgnk-jsu?pin=1097700804795
Add'l. Info: If necessary, the Board will convene in a closed session to seek the advice of counsel or review confidential materials, pursuant to General Provisions Article, Maryland Annotated Code §3-305.
Contact: Ayanna Daugherty 410-230-6019

[25-21-02]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Add'l. Info: Reduction of Bond Authorization Announcement

Pursuant to Section 8-128 of the State Finance and Procurement Article, 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 one year.

Therefore, with Board of Public Works approval of item, 19-CGL CGL DEPARTMENT OF GENERAL SERVICES Agenda Item, August 27, 2025, we submit for publication the following cancellation of bond authorization(s) in accordance with the above referenced articles:

Fort Washington Medical Center, MHA:

Chapter 488, Acts of 2007 amended by Chapter 463, Acts of 2014, Chapter 27, Acts of 2016 and Chapter 9, Acts of 2018; $2,972.45; authorized the funds for the planning, design, renovation, expansion, repair, construction and capital equipping of the emergency department and operation room theater at Fort Washington Medical Center, located in Fort Washington. Mattie B. Uzzle Outreach Center, LSI:

Chapter 424, Acts of 2013 amended by Chapter 495, Acts of 2015; $15,732; authorized the funds for the repair, renovation, reconstruction and capital equipping of the Mattie B. Uzzle Outreach Center, including site improvements and site work related to the center's parking lot and sidewalks located in Baltimore City. Perry Hall High School Stadium Scoreboard, LSI:

Chapter 424, Acts of 2013; $2,450; authorized the funds for the acquisition, planning, design, construction, and capital equipping of the Perry Hall School Stadium Scoreboard located in Baltimore County.Lake Arbor Center Water and Sewage Project, LSI:

Chapter 424, Acts of 2013; 19,396.94; authorized the funds for the planning, design, construction, repair, renovation, reconstruction of the Lake Arbor Center Water and Sewage Connection Project, including connecting the community clubhouse to public water and sewage located in Prince George's County. Digital Harbor Foundation Technical Center, LSI:

Chapter 463 Acts of 2014; $15,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction and capital equipping of the Digital Harbor Foundation Tech Center located in Baltimore City.New Carrolton Playground and Open Space Project, LSI:

Chapter 463, Acts of 2014, amended by Chapter 27 Acts of 2016; $4,919; authorized the funds for the acquisition planning, design, construction, repair, renovation, reconstruction and capital equipping of the New Carrollton Playground and related open space located in Prince George's County.

Ripken Stadium Improvements, MISC:

Chapter 495, Acts of 2015; $6,410, authorized the funds for the design, construction, renovation, and capital equipping of improvements to Ripken Stadium located in Harford County. Harambee House Community Outreach Center, LHI:

Chapter 495, Acts of 2015; $26.00, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Harambee House Community Outreach Center, located in Anne Arundel County. Northwest Trek Conservation and Education Center, LSI:

Chapter 495, Acts of 2015; $18,198.32, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Northwest Trek Conservation and Education Center, located in Frederick County.

Silver Spring Learning Center Expansion, LSI:

Chapter 495, Acts of 2015 amended by Chapter 626, Acts of 2022; $99,468.50, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Silver Spring Learning Center, located in Montgomery County.

Chesapeake Bay Maritime Museum, MISC:

Chapter 27, Acts of 2016; $96.17, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Chesapeake Bay Maritime Museum located in Talbot County. Tabernacle Church of Laurel Gymnasium, LSI:

Chapter 27, Acts of 2016; $25,000, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the gymnasium at the Tabernacle Church of Laurel, located in Prince George's County.Girl Scouts of Central Maryland- Urban Program and STEM Center, LSI:

Chapter 27, Acts of 2106; $553.13, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Girl Scouts of Central Maryland Urban Program and STEM Center, including repairs to the building's roof, landscaping, and site improvements to the building's grounds, parking lots and sidewalks, located in Baltimore City. Wayside Cross Project:

Chapter 27, Acts of 2016 amended by Chapter 9, Acts of 2018; $25,000, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Wayside Cross Project, located in Baltimore County. Maryland Council for Special Equestrians, LHI:

Chapter 22, Acts of 2017; $974.00, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Council for Special Equestrians facility, including repairs to the facility's roof and a new pavilion, located in Baltimore County. St. Luke's Preschool, LHI:

Chapter 22, Acts of 2017; $8,655.50, authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of playground equipment for St. Luke's Preschool, located in Talbot County.

Contact: Re Rentuma 410-260-7909

[25-21-05]

COMMISSIONER OF FINANCIAL REGULATION

Subject: Bank Merger

Place: Baltimore, MD

Add'l. Info: On September 26, 2025, ENB Financial Corp, a Pennsylvania corporation, filed an application with the Office of Financial Regulation (the "Office"), pursuant to Financial Institutions Article, §5-904, Annotated Code of Maryland, for approval of the merger of Cecil Bancorp, Inc., a Maryland corporation and registered bank holding company with and into ENB Financial Corp, a Pennsylvania corporation, and registered bank holding company.

In accordance with Financial Institutions Article, §3-703, Annotated Code of Maryland, ENB Financial Corp, and its subsidiary bank, Ephrata National Bank, a national bank located in Ephrata, Pennsylvania that is a member of the Federal Reserve System, also filed an application with the Office to merge Cecil Bank, a Maryland state-chartered bank located in Elkton, Maryland that is a member of the Federal Reserve System, with and into Ephrata National Bank, a national bank and a wholly-owned subsidiary of ENB Financial Corp, with Ephrata National Bank being the surviving entity.

These applications are on file at the Office of Financial Regulation, 100 S. Charles Street, Suite 5300, Baltimore, MD 21201. Comments regarding this application must be submitted in writing and must be received by the Office within 20 calendar days of the date of publication of this notice in the Maryland Register. For further information, contact Stephen J. Clampett, Assistant Commissioner at (410) 230-6104.

Contact: Stephen J. Clampett 410-230-6104

[25-21-06]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting

Date and Time: November 6, 2025, 9 a.m—1p.m

Place: Virtual meeting—please see details below.,

Add'l. Info: Please be advised that the Nov 6, 2025, Pharmacy and Therapeutics (P&T) Committee public meeting will be conducted virtually via a Webinar.

As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and procedure to register to attend the virtual meeting will be posted on the Maryland Pharmacy Program website at: https://health.maryland.gov/mmcp/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx.

Submit questions to mdh.marylandpdlquestions@maryland.gov

Contact: Sierra Roberson (410) 767-1455

[25-21-01]