

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 23, 2019, 5 p.m.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 23, 2019.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

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Illustrations by Carolyn Anderson, Dept. of General Services

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

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

Availability of Monthly List of Maryland Documents

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

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

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CLOSING DATES AND ISSUE DATES THROUGH JULY 2020

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
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October 25	October 7	October 11**	October 16
November 8	October 21	October 28	October 30
November 22	November 4	November 8**	November 13
December 6	November 18	November 25	November 27
December 20	December 2	December 9	December 11
2020			
January 3	December 16	December 23	December 24**
January 17	December 30	January 6	January 8
January 31	January 13	January 17**	January 22
February 14	January 27	February 3	February 5
February 28	February 10	February 14**	February 19
March 13	February 24	March 2	March 4
March 27	March 9	March 16	March 18
April 10	March 23	March 30	April 1
April 24	April 6	April 13	April 15
May 8	April 20	April 27	April 29
May 22	May 4	May 11	May 13
June 5	May 18	May 22**	May 27
June 19	June 1	June 8	June 10
July 6***	June 15	June 22	June 24
July 17	June 29	July 6	July 8
July 31	July 13	July 20	July 22

* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; 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.

*** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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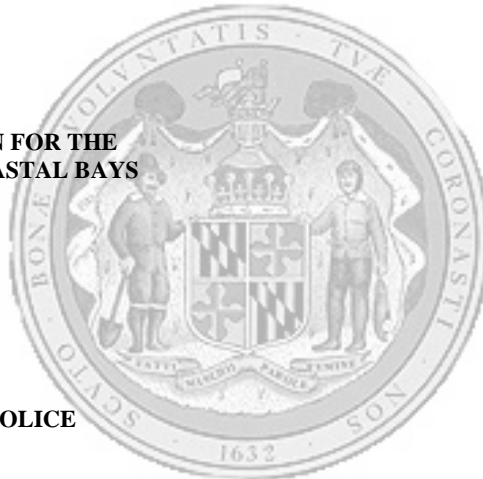
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The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated August 19, 2019, **JANE TOLAR** (CPF # 7512010324), 10 Glenwood Avenue, Easton, Maryland 21601, has been suspended by consent for sixty (60) days, effective September 20, 2019, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Opinion & Order of the Court of Appeals dated August 26, 2019, **EUGENE IGNATIUS KANE, JR.** (CPF # 8312010234), 6701 Democracy Boulevard, Suite 300, Bethesda, Maryland 20817, has been indefinitely suspended by consent, effective September 25, 2019, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated September 26, 2019, **BREON LAMAR JOHNSON** (CPF # 1312180050), P.O. Box 72158, Rosedale, Maryland 21237, has been placed on inactive status by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

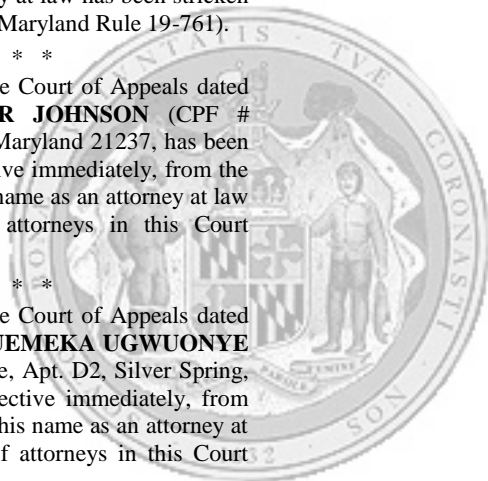
* * * * *

This is to certify that by an Order of the Court of Appeals dated September 27, 2019, **PHRAIM CHUKWUEMEKA UGWUONYE** (CPF # 9906240416), 11353 Columbia Pike, Apt. D2, Silver Spring, Maryland 20904, has been suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated September 27, 2019, **EDWARD GONZALEZ** (CPF # 0702090002), 1019 Duke Street, Alexandria, Virginia 22314, has been suspended by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[19-21-27]



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 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[19-126-F]

On September 19, 2019, the Maryland Racing Commission adopted new Regulation **.90** under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 46:14 Md. R. 624—625 (July 5, 2019), has been adopted as proposed.

Effective Date: October 21, 2019.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 02 POWERS AND DUTIES — HEARINGS

31.02.01 Hearings

Authority: Insurance Article, §§2-109 and 2-205—2-215; State Government Article, §10-206; Annotated Code of Maryland

Notice of Final Action

[19-147-F]

On September 19, 2019, the Insurance Commissioner adopted amendments to Regulations **.06—08** under **COMAR 31.02.01 Hearings**. This action, which was proposed for adoption in 46:16 Md. R. 708—709 (August 2, 2019), has been adopted as proposed.

Effective Date: October 21, 2019.

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 13A

STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials*

Authority: Education Article, §§2-205, 7-910, and 8-408, Annotated Code of Maryland; 34 CFR §§300.210 and 300.172(e)(1)(i)

Notice of Final Action

[19-150-F-I]

On September 24, 2019, the Maryland State Board of Education adopted the repeal of existing Regulation **.01** under **COMAR 13A.06.05 School Supplies and Equipment** and adopted new Regulations **.01—06** under a new chapter, **COMAR 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials**. This action, which was proposed for adoption in 46:16 Md. R. 699—701 (August 2, 2019), has been adopted as proposed.

Effective Date: October 21, 2019.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 20 BOARD OF PLUMBING

09.20.01 State Plumbing Code

Authority: Business Occupations and Professions Article, §§12-205 and 12-207, Annotated Code of Maryland

Notice of Proposed Action

[19-200-P-I]

The Board of Plumbing proposes to amend Regulation .01, repeal existing Regulation .02, adopt new Regulations .02, .03, and .06, recodify existing Regulation .03 to be Regulation .05, and amend and recodify existing Regulation .05 to be Regulation .07 under **COMAR 09.20.01 State Plumbing Code**. This action was considered at a public meeting of the Board of Plumbing held on June 20, 2019, notice of which was given by posting on the Board of Plumbing's website, pursuant to General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to reflect the Board of Plumbing's adoption of the 2018 editions of the International Plumbing Code, certain chapters of the International Residential Code, the International Fuel Gas Code, and the 2017 edition of the Liquefied Petroleum Gas Code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Mechanical Boards, Department of Labor, 500 North Calvert Street 4th Floor, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Plumbing during a public meeting to be held on September 19, 2019, at 500 North Calvert Street, 3rd Floor, Baltimore, MD 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2018 International Fuel Gas Code and the Liquefied Petroleum Gas Code, NFPA 58, 2017 Edition have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference, as modified by [Regulation .02] *Regulations .02—.06*.

B. Documents Incorporated.

(1) [2015 National Standard Plumbing Code Illustrated (National Association of Plumbing-Heating-Cooling Contractors)] 2018 International Plumbing Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001), which has been incorporated by reference in COMAR 09.12.50.02-1B(2).

(2) [National Fuel Gas Code, ANSI Z223.1, NFPA 54, 2015 Edition] 2018 *International Residential Code*, (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001), Chapters 20–22, 24, 26–33, and 44 and Appendices A–E, I, and P, which has been incorporated by reference in COMAR 09.12.51.04A(2).

(3) 2018 *International Fuel Gas Code* (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

[(3)] (4) Liquefied Petroleum Gas Code, NFPA 58, [2014] 2017 Edition.

.02 Modifications to the International Plumbing Code.

A. Chapter 1, SCOPE AND ADMINISTRATION, omit PART 2—ADMINISTRATION AND ENFORCEMENT in its entirety.

B. Chapter 2 DEFINITIONS.

(1) Insert a new definition after the definition of “NONPOTABLE WATER”. The new defined terms is: “NSF. The standards of the National Sanitation Foundation.”

(2) Delete the definition of “Vent Stack” and replace it with: “Vent Stack. A device to provide positive pressure relief from the base of individual drain stacks having five or more branch intervals.”

C. Chapter 6 WATER SUPPLY AND DISTRIBUTION.

(1) In Section 603 WATER SERVICE, add new subsection 603.3 as follows:

“(a) Underground non-metallic water service piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

(i) The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, and color-coded blue. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.

(b) Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance.”

(2) In Section 605 WATER SERVICE PIPE:

(a) In Table 605.3, under “Materia,” delete “Type M” from “Copper or copper-alloy tubing”.

(b) In subsection 605.4 in the second sentence, add the words “and cold” after “hot”.

(c) In subsection 605.5, after the last sentence, add: “Push-Fit joints shall not be installed below grade.”

(3) In Section 606 INSTALLATION OF THE BUILDING WATER DISTRIBUTION SYSTEM, in subsection 606.2, number 2, after “sillcock”, add “hose bibb”.

(4) In Section 607 HOT WATER SUPPLY SYSTEM:

(a) In subsection 607.2, in the first sentence, delete “50” and replace with “75”.

(b) In subsection 607.3, add exceptions as follows:

Exception:

Instantaneous water heaters according to manufacturer’s instructions.

Hot water supply systems with water pressure tanks.

(5) In Section 608 ORITECTON OF POTABLE WATER SUPPLY, after Section 608.3.1, add new subsections as follows:

“(a) Connection to the potable water supply system for the following shall be protected against backflow:

(i) Operating, dissection, embalming and mortuary tables or similar equipment; in these installations, the hose used for water

supply shall terminate at least 12 inches away from every point of the table or attachments;

(ii) Water closets equipped with flushometer valves or with flushing tanks with submerged float operated ball-cocks;

(iii) Seat-acting water closets;

(iv) Bed pan washers;

(v) Bidets;

(vi) Sterilizers with water supply connections;

(vii) Therapeutic baths with inlets below the rim of the

fixture;

(viii) Water operating waste ejectors, such as used by dentists, undertakers and those who practice colonic irrigation;

(ix) Bathtubs with inlets below the rim of the fixture;

(x) Wash basins with inlets below the rim of the fixture;

(xi) Bar, soda fountain, or other sinks with submerged

inlets;

(xii) Laundry trays with faucets below the rim;

(xiv) Sinks with faucets or water inlets below the rim and sinks with loose hose connections;

(xv) Dishwashing sinks or machines with water inlets below the rim;

(xvi) Cuspidors with water supply connections;

(xviii) Dental cuspidors with water supply connections;

(xix) Hospital appliances generally, such as sterilizers, condensers, filters, stills, pipette washers, aspirators, and washers;

(xx) Frostproof hydrants with underground bleed or automatic livestock watering devices;

(xxi) Industrial vats, tanks, etc. of any description which have an inverted water supply connection, or a water supply connection below the top of the spill rim, or in which a hose filler is used;

(xxii) Industrial water supplied process appliances with direct water connections;

(xxiii) A rubber hose with hand control or self-closing faucets attached, as used in connection with baths, industrial vats, tanneries, etc.;

(xxiv) Pressure water supplied sealing rings on sewage and sludge pumps;

(xxv) Water supply for priming connections;

(xxvi) Water supply (hot or cold) to laundry equipment;

(xxvii) Condenser cooling connections for refrigeration and air conditioning machinery;

(xxviii) Drains from fire sprinklers connected directly to sewers or wastes;

(xxviii) Steam tables;

(xxix) Condensers;

(xxx) Stills;

(xxxi) Aspirators;

(xxxii) Chlorinators;

(xxxiii) Photographic developing tanks;

(xxxiv) Laboratory water faucets and cocks with serrated nipples or hose connections; and

(xxxv) Any other fixture or installation creating a similar hazard.

(b) Fixture inlets or valved outlets with hose attachments which may constitute a cross-connection shall be protected by an approved vacuum breaker installed at least 6 inches above the highest point of usage and located on the discharge side of the last valve. Fixtures with integral vacuum breakers manufactured as a unit may be installed in accordance with their approval requirements.”

D. Chapter 7 SANITARY DRAINAGE.

(1) In Section 703 BUILDING SEWER, add new subsections that read as follows:

“(a) Building Sanitary Sewer Tracer Wiring. Underground building sanitary sewer non-metallic piping shall be made detectable

by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

(b) The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, and color-coded green. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.

(c) Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance."

(2) In Table 710.1(2), replace the language of note "b." with "The size of the drain stack should be maintained full-size to its stack vent to provide the air associated with the high velocity drain flow that the vent stack is relieving at its base."

E. Chapter 8 INDIRECT/SPECIAL WASTE. In Section 802 INDIRECT WASTES, subsection 802.1.4, after final sentence, add "No outside deck drain or surface water drain shall enter sanitary sewer."

F. Chapter 9 VENTS.

(1) In Section 904 OUTDOOR VENT EXTENSIONS, subsection 904.3, after "outdoors", delete the remainder of the sentence.

(2) In Section 905 VENT CONNECTIONS AND GRADES, subsection 905.1, substitute the following text:

"Individual vents, common vents, branch vents, and circuit vents should not be connected to vent stacks. They should connect to stack vents, other atmospheric vent piping, or be extended to an outdoor vent terminal. Air admittance valves may be used where permitted as set forth in Section 918."

(3) In Section 918 AIR ADMITTANCE VALVES:

(a) In subsection 918.3, omit second sentence;

(b) Omit subsection 918.3.1 in its entirety.

(c) In subsection 918.3.2, after "vent terminal for" omit, "vent stacks or"; and

(d) In subsection 918.8, omit the third sentence: "Air admittance valves shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer." The revised paragraph should read as follows:

"Air admittance valves shall not be installed in nonneutralized special waste systems as described in Chapter 8 except where such valves are in compliance with ASSE 1049, are constructed of materials approved in accordance with section 702.5 and are tested for chemical resistance in accordance with ASTM F1412. Air admittance valves shall not be located in spaces utilized as supply or return air plenums. Air admittance valves shall not be installed on outdoor vent terminals for the sole purpose of reducing clearances to gravity air intakes of mechanical air intakes."

G. Chapter 11 STORM DRAINAGE. In Section 1101 GENERAL, add new subsection 1101.10 as follows:

"(a) Building Storm Sewer Tracer Wiring. Underground building storm sewer non-metallic piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

(b) The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, and color-coded green. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served,

at or above grade, accessible for use, and resistant to physical damage.

(c) Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance."

H. Chapter 12 STORAGE PIPING AND STORAGE SYSTEMS. In Section 1202 MEDICAL GASES, subsection 1202.1, omit Exception 2.

.03 Modifications to the International Residential Code.

A. Chapter 1, SCOPE AND ADMINISTRATION, omit PART 2—ADMINISTRATION AND ENFORCEMENT in its entirety.

B. Chapter 2 DEFINITIONS. Insert a new definition after the definition of "NOSING". The new defined terms is: "NSF. The standards of the National Sanitation Foundation."

C. Chapter 29 WATER SUPPLY AND DISTRIBUTION.

(1) In Table P2906.4, omit "Type M" under "copper or copper-alloy tubing".

(2) In subsection P2906.4, add new subsection that reads as follows:

"P2906.4.2 Underground non-metallic water service piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

P2906.4.2.1 The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, and color-coded blue. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.

P2906.4.2.2 Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance."

(3) In subsection P2906.21, after the last sentence add, "Push-fit joints shall not be installed below grade."

(4) Create new section P2914, PRIVATE POTABLE WATER SUPPLY SYSTEMS, that reads as follows:

"(a) 2914.1 General Requirements. Water well construction in the State of Maryland is regulated under authority of Title 9, Subtitle 13, of the Environment Article of the Annotated Code of Maryland and Chapter 26.04.04 of the Code of Maryland Regulations (COMAR). Additionally, non-community potable water systems are governed by COMAR Chapter 26.04.02. These regulations are herein adopted by reference.

(b) 2914.2 Quantity of Water Required.

(i) The quantity of water required shall be subject to the requirements in COMAR 26.04.04, which are adopted herein by reference.

(c) 2914.3 Secondary Water Supply Sources. Where the available primary source of water meets the requirement of subsection P2914(1)(a), one of the following secondary water supply sources shall be provided:

(i) a pressure storage tank of sufficient size; or

(ii) a gravity storage tank of sufficient size and a pressure booster pump system.

(d) 2914.4 Well Terminals. Well terminals shall be subject to the requirements of COMAR 26.04.04, which are adopted herein by reference.

(e) 2914.5 Interconnections.

(i) There shall be no connections between a private potable water supply system and a public water supply system.

(ii) *No private water supply system shall serve more than one property unless approved by the Authority Having Jurisdiction.*"

D. Chapter 30 SANITARY DRAINAGE.

(1) *In Section P3003 MATERIALS, subsection P3002.2, add new subsections as follows:*

"(a) *Building Sanitary Sewer Tracer Wiring. Underground building sanitary sewer non-metallic piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.*

(b) *The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, and color-coded green. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.*

(c) *Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance."*

E. Chapter 31 VENTS. *In Section P3114 AIR ADMITTANCE VALVES, subsection P3114.8, omit the first sentence.*

F. Chapter 32 TRAPS. *In Section P3201 FIXTURE TRAPS, subsection P3201.2, omit subsection P3201.2.1.4 Barrier-type trap seal protection device.*

.06 Modifications to the 2018 International Fuel Gas Code.

Chapter 1, SCOPE AND ADMINISTRATION, omit PART 2—ADMINISTRATION AND ENFORCEMENT in its entirety.

[.05] .07 Modifications to the Liquefied Petroleum Gas Code, NFPA 58.

A. Chapter 1, SCOPE AND ADMINISTRATION, omit PART 2—ADMINISTRATION AND ENFORCEMENT in its entirety.

[A.] B.—[C.] D. (text unchanged)

[D.] E. Chapter 4 GENERAL REQUIREMENTS.

(1) [On page 58-14, under] *Under Section 4.4 Qualification of Personnel, add new subsection 4.4.5 as indicated below:*

"4.4.5 *Persons installing LP-Gas service within the scope of this Code shall be qualified for the installation and operation of the containers, piping, and associated equipment for delivering LP-Gas to a building or structure for use as its fuel gas by being certified for Certification Areas 1.0, 4.1, and 4.2 of the Certified Employee Training Program (CETP) of the National Propane Gas Association."*

MICHAEL J. KASTNER, JR.
Chair

Subtitle 26 BOARD OF PILOTS

09.26.02 Pilots-in-Training, and Limited and Unlimited Licensed Pilots

Authority: Business Occupations and Professions Article, §§11-205, 11-403, 11-406 and 11-406.1, Annotated Code of Maryland

Notice of Proposed Action

[19-201-P]

The State Board of Pilots proposes to amend Regulation .06 under COMAR 09.26.02 Pilots-in-Training, and Limited and Unlimited Licensed Pilots. This action was considered by the Board of Pilots at a meeting held on July 11, 2019, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the continuing education regulations for licensed pilots by removing certain obsolete portions of the requirements and substituting them with the updated subject matter areas to ensure proper alignment with the recent U.S. Coast Guard regulatory changes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Joseph Cullingford, Executive Director, State Board of Pilots, Maryland Department of Labor, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to joseph.cullingford@maryland.gov, or fax to 410-962-8483. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Board of Pilots during a public meeting to be held on January 24, 2020, at 10:30 a.m., at 500 North Calvert Street, Baltimore, MD 21202.

.06 Continuing Education.

A. Once every 5 years, a licensed pilot shall satisfactorily complete a course approved by the Board or a course offered at an institute approved by the Board in each of the following subject areas:

- [(1) Automatic Radar Piloting Aids;
- (2) Radar Operator Renewal;]
- [(3)] (1) Bridge Resource Management for Pilots [(BRMP)];
- [(4)] (2) Differential Global Positioning System [(DGPS)];

[and]

- [(5)] (3) E-Navigation[.];
- (4) *Current and emerging marine navigation, steering, and propulsion technologies; and*
- (5) *Any other subject areas that are or may be designated by the United States Coast Guard or the Board.*

B.—C. (text unchanged)

DENNIS MCCOY, ESQ.
Chairman

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.06 Adult Residential Substance Use Disorder Services

Authority: Health-General Article, §§2-104(b), 7.5-204(c), 7.5-205(d) and 15-105(b), Annotated Code of Maryland

Notice of Proposed Action

[19-197-P]

The Secretary of Health proposes to amend Regulations .07 and .09 under COMAR 10.09.06 Adult Residential Substance Use Disorder Services.

Statement of Purpose

The purpose of this action is to align with the Department’s §1115 waiver by clarifying that the Program covers ASAM Level 1 services for individuals who are simultaneously receiving clinically managed low-intensity residential services. Additionally, this action implements a 3.5 percent rate increase, effective July 1, 2019, for residential substance use disorder services levels of care 3.3, 3.5, 3.7, and 3.7-WM as provided in the Fiscal Year 2020 budget.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Fiscal Year (FY) 2020 budget includes a 3.5 percent rate increase for residential substance use disorder services levels of care 3.3, 3.5, 3.7, and 3.7-WM. The total impact for FY 2020 is \$1,747,175.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$1,747,175
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$1,747,175
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) Effective July 2017, the Program administered 3.3, 3.5, 3.7, and 3.7-WM services for medically eligible, Medicaid-enrolled adults. Effective January 2018, the Program also administered 3.3, 3.5, 3.7, and

3.7-WM services for specialty populations (court-ordered, pregnant women and women with children, substance-exposed newborns, and child welfare involved families). The program was fully implemented beginning January 2018, so the FY 2020 projection is equal to twice the amount reimbursed for 3.3, 3.5, 3.7, and 3.7-WM services from 1/1/2018—6/30/2018, plus 3.5 percent.

(2) Estimated impacts are based on utilization in the second half of FY 2018. Utilization for these services is expected to remain consistent.

(3) In FY 2020, the total impact of the rate increase on Medicaid expenditures for adult residential substance use disorder services levels of care 3.3, 3.5, 3.7, and 3.7-WM will be equal to the difference between projected FY 2020 expenditures (\$51,666,467) and FY 2018 expenditures (\$49,919,292).

(4) This amount is subject to 61.49 percent blended federal match (\$1,074,338 federal funds, \$672,837 general funds).

(5) The impact of the rate increase on Behavioral Health Administration (BHA) State-only funds for room and board and treatment costs is \$1,859,660.

D. See A above.

Economic Impact on Small Businesses

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

Small businesses enrolled as Maryland Medicaid residential substance use disorder providers will benefit from increased reimbursement.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 TTY 800-735-2258, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

.07 Limitations.

The program does not cover the following in a residential substance use disorder treatment facility for adults:

- A. (text unchanged)
- B. ASAM Level [1 or] 2 services by any provider;
- C. *Except for services rendered to individuals in a residential, low-intensity program, ASAM Level 1 services by any provider;*
- [C.] D.—[H.] I. (text unchanged)

.09 Payment Procedures.

A.—B. (text unchanged)
C. Effective July 1, [2017] 2019, rates for the services outlined in this chapter shall be as follows:

- (1) (text unchanged)
- (2) For ASAM Level 3.3, the provider shall receive [\$189.44] \$196.07 per diem;
- (3) For ASAM Level 3.5, the provider shall receive [\$189.44] \$196.07 per diem;
- (4) For ASAM Level 3.7, the provider shall receive [\$291.65] \$301.86 per diem; and
- (5) For ASAM Level 3.7-WM, the provider shall receive [\$354.67] \$367.08 per diem.

D. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 15 FAMILY CHILD CARE

Notice of Proposed Action

[19-193-P]

The Maryland State Board of Education proposes to:

- (1) Amend Regulation **.02** under **COMAR 13A.15.01 Scope and Definitions**;
- (2) Amend Regulations **.01—, .03, .07, and .08** under **COMAR 13A.15.02 Registration Application and Maintenance**;
- (3) Amend Regulations **.02—.05** under **COMAR 13A.15.03 Management and Administration**;
- (4) Amend Regulation **.04** under **COMAR 13A.15.04 Operational Requirements**;
- (5) Amend Regulations **.02, .05, and .06** under **COMAR 13A.15.05 Home Environment and Equipment**;
- (6) Amend Regulations **.02—.05** under **COMAR 13A.15.06 Provider Requirements**;
- (7) Amend Regulation **.04** under **COMAR 13A.15.07 Child Protection**;
- (8) Amend Regulation **.01**, repeal existing Regulation **.03**, and recodify existing Regulations **.04** and **.05** to be Regulations **.03** and **.04** under **COMAR 13A.15.08 Child Supervision**;
- (9) Amend Regulations **.01, .04, and .06** under **COMAR 13A.15.10 Child Safety**;
- (10) Amend Regulations **.03, .04, and .06** under **COMAR 13A.15.11 Health**;
- (11) Amend Regulation **.01** under **COMAR 13A.15.12 Nutrition**;
- (12) Amend Regulations **.02** and **.05—.09** under **COMAR 13A.15.13 Inspections, Complaints, and Enforcement**;
- (13) Amend Regulations **.01, .03, and .04** under **COMAR 13A.15.14 Administrative Hearings**; and
- (14) Amend Regulations **.03** and **.04** under **COMAR 13A.15.15 Public Access to Licensing Records**.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to amend **COMAR 13A.15 Family Child Care** that was published in 46:4 Md. R. 227—237 (February 15, 2019).

This action was considered by the Maryland State Board of Education at its April 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to clarify certain requirements pertaining to the registration and operation of family child care homes and establish requirements for criminal background checks, swimming pool security, length of time for taking the basic health and safety training, and medical information being provided.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of the proposed amendments is to implement the requirements of the Child Care and Development Block Grant Act, as amended (42 U.S.C. 9858 et seq.), along with Section 418 of the Social Security Act (42 U.S.C. 618). Consistent throughout all four subtitles of regulations, the proposed amendments include statutory requirements of the Child Care and

Development Fund reauthorization, modifications to provide clarity and more consistency between all subtitles, and corrections to the previous publication. The State reimbursed the cost to child care providers for the cost of fingerprinting to meet the new requirement. <http://earlychildhood.marylandpublicschools.org/fingerprinting>

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Actual \$1,000,000
B. On other State agencies:	(R+)	Approximately \$10,542
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) Family child care home cost of fingerprinting	(+)	Actual \$1,000,000
(2) Swimming pool security	(+)	Approximately \$1,000,000
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.)

A. Background Clearances: The State has processed fingerprint reimbursement requests for 1953 family child care providers for a total of \$1,007,860 in obligations. The State has provided a one-time reimbursement for fingerprinting costs to family child care providers.

B. Maryland Department of Public Safety and Correctional Services (DPSCS) Criminal Justice Information System is allowed to keep \$2 from the FBI background check. The State estimates there are approximately 5,271 providers going through the fingerprinting process. Therefore, revenue to the DPSCS is estimated to be \$10,542 annually.

D(1). Background Clearances: Family child care providers and staff will incur up-front costs for meeting fingerprinting requirements. Cost for fingerprinting ranges from \$35 to \$75 per person. The State reimbursed the cost of fingerprinting for providers meeting the new requirement. If the provider does not request reimbursement from the State, they would incur the cost of the fingerprinting.

D(2). Swimming Pool Security: Family child care providers will be required to have secure, safe fencing around any pool in their home. Each fence would cost an estimated \$3,000 to \$5,000 depending on the size of the pool and the outdoor space. Using estimates from January 2018 regional office survey, 244 pool owners (family child care providers) would spend an average of \$4,000 per fence for a total of \$975,000 to bring all facilities into compliance. This is a one-time-only cost. All new applicants would need to meet this requirement prior to becoming licensed.

Economic Impact on Small Businesses

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

Intended Beneficiaries

Background Clearances/Fingerprinting: To comply with the Child Care and Development Block Grant (CCDBG) Act referenced in Part A, the State has provided reimbursement to family child care homes for the cost of staff fingerprinting. While these facilities/staff incurred the up-front cost for fingerprinting, the State reimbursed that cost, thereby alleviating the economic impact to child care facilities who request reimbursement.

Health and Safety Training: To comply with the CCDBG Act referenced in Part A, the State utilized the Maryland State Department of Education’s Learning Management System to develop and deliver the online Health and Safety training at no cost to child care providers. The State did not incur any direct costs for the development of the training. For those providers who choose not to take the free online training, or who fail both online attempts, the training can be obtained in a face-to-face setting for an average cost of \$35. This cost is reimbursable to providers who hold a Maryland Child Care Credential at Level 2 or higher. Family child care providers can obtain the training in Spanish from Penn State Better Kid Care for \$5. This training is also eligible for reimbursement through the Maryland Credentialing Program. MSDE is currently having a new online health and safety training developed that will be asynchronous and allow providers to take the training anytime. The new training is built on a better platform that is easy to maneuver and will test providers as they proceed through the training. This will also be available at no cost to providers or their staff.

Intended Beneficiaries: Households

Families with children enrolled in a registered family child care home will benefit because their children will receive care and education services from staff and administration who have met higher standards for criminal background checks and health and safety training and whose facilities will meet requirements for protecting children from swimming pool dangers.

Intended Beneficiaries: Businesses

The amendments are not expected to have an impact on any businesses beyond the child care businesses that comply with the new requirements.

Other Direct or Indirect Impacts: Adverse

Background clearances: Facilities who incur the cost of fingerprinting (\$35—\$75 per person) and choose not to request reimbursement did not benefit from the alleviation of those costs by the State.

Swimming Pool Security: An estimated 244 pool owners who are registered family child care home programs would spend an average of \$4,000 per facility, as a one-time cost, to come into compliance with swimming pool security requirements. New applicants for family child care home registration would need to meet this requirement prior to becoming licensed. An adverse impact could be that family child care providers have to raise their fees to help cover the cost.

Other Direct or Indirect Impacts: Positive

Improving the quality of child care and early education in Maryland is expected to enhance the overall reputation of Maryland’s early care and education industry, and this may help attract businesses to Maryland. Higher-quality child care and early education services for children may result in those children more effectively developing the skills they will need to succeed in school and in life and may positively affect the State workforce in the years to come. Maryland’s compliance with the federal CCDBG Act ensures that federal funding continues, which in turn supports working families in Maryland through the Child Care Subsidy

program and other quality initiatives to improve long-term benefits to children.

Long-Term Impacts

No long-term effects on Maryland small businesses are anticipated which may differ from, compound, mitigate, or offset the initial effects described above.

Estimates of Economic Impact

(1) Cost of providing goods and services:

Some family child care providers who incur costs related to the amendments may charge higher fees to families for their services. Because child care fees are determined independently by each provider, the overall change, if any, in those expenses cannot be determined.

(2) Effect on the workforce:

Families in Maryland’s workforce with young children and school-age children using family child care services will have the ability to choose from registered facilities that are meeting higher standards for: criminal background checks, health and safety training, and, if applicable, fencing requirements for swimming pools. Access to this information will enable families to make informed decisions when choosing a program for their children; and may be seen as a benefit for business growth in Maryland.

(3) Capital investment, taxation, competition, and economic development:

These proposals are not expected to have any direct effect on capital investment, taxation, competition, or economic development. However, as noted above, they may help provide a more attractive environment for business growth.

(4) Consumer choice:

Consumer choice is expected to be affected positively by making higher quality child care services available to families seeking those services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tara Bartosz, Assistant to the Director, Office of Child Care, Division of Early Childhood, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-7806 (TTY 410-333-6442), or email to earlychildhoodregs.msde@maryland.gov, or fax to 410-333-6226. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 3, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.15.01 Scope and Definitions

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-557.1 and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617; Article 88A, §6(b);] Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(12) (text unchanged)

(13) Employee.
 (a) “Employee” means an individual who [for compensation] is employed to work in a family child care home and who:

(i)—(ii) (text unchanged)

(b) “Employee” includes a [paid] substitute.

(c) (text unchanged)

(d) For the purpose of applying the criminal background check requirements and the child and adult abuse and neglect record review requirements set forth in this subtitle, “employee” includes an individual who:

[(i) Is compensated by the provider or a resident to perform a service at the family child care home;]

(i) Meets the definition of an employee as set forth in this subsection; and

[(ii) Has access to children in care; and]

[(iii)] (ii) (text unchanged)

(14) “Family child care” has the same meaning as family [day] child care as defined in [Family Law Article, §5-501(e)] *Education Article, §9.5-301(d)*, Annotated Code of Maryland, and means the care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child’s residence, for which the provider is paid in cash or in kind.

(15)—(17) (text unchanged)

(18) “Identified as responsible for child abuse or neglect” means being determined by a local department of *social services or other state agency* to be responsible for indicated child abuse or neglect, or awaiting the local department’s appeal hearing after the determination.

(19)—(19-1) (text unchanged)

(20) “Injurious treatment” means:

(a) [Deliberate infliction in any manner of any type of physical pain] *Physical discipline*, including *but not limited to* spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain;

(b) (text unchanged)

(c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, *threatening*, or ridiculing; and

(d) (text unchanged)

(21)—(25) (text unchanged)

(26) *Potentially Hazardous Food*.

(a) “Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients capable of supporting rapid and progressive growth of infectious, toxigenic microorganisms.

(b) “Potentially hazardous food” does not include clean, whole, uncracked, odor-free shell eggs.

[(26)] (27)—[(35)] (36) (text unchanged)

13A.15.02 Registration Application and Maintenance

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.01 Registration—General Requirements.

A.—E. (text unchanged)

F. Except as provided under §G of this regulation, a residence approved for use under a family child care registration may not also be used to operate a:

(1) (text unchanged)

(2) Child care program that is subject to the requirements of COMAR 13A.16 [or], 13A.17, or 13A.18.

G—H. (text unchanged)

.02 Initial Registration.

A. (text unchanged)

B. [An] *Except as set forth at §C of this regulation, an applicant for an initial registration shall:*

(1)—(2) (text unchanged)

(3) Submit a medical evaluation for the applicant and each resident in the home that:

(a) (text unchanged)

(b) Was conducted by a practicing physician, certified nurse practitioner, or registered physician’s assistant; [and]

(c) *Includes verification that the individual:*

(i) *Is free of communicable tuberculosis, if indicated; and*

(ii) *If the applicant is capable of performing the duties of the position; and*

[(c)] (d) (text unchanged)

(4) (text unchanged)

(5) Ensure that an application for a federal and State criminal background check is made at a designated office in the State by each:

(a) (text unchanged)

(b) Individual [paid] to serve as the provider’s substitute; and

(c) [Paid employee] *Employee or volunteer* of the family child care home who is [14] 18 years old or older;

(6)—(7) (text unchanged)

(8) Submit documentation that the applicable training requirements specified in COMAR 13A.15.06.02 have been met; [and]

(9) Submit documentation showing that the home has met all applicable lead-safe environment requirements set forth in COMAR 13A.15.05.02[.]; and

(10) *If the family child care home is located in an apartment or at another property that is rented or leased by the applicant, submit written authorization from the lessor, owner, or landlord permitting child care to be provided at that location.*

C. *Non-Maryland State Criminal Background Check. If an individual subject to the requirements of §B(4) or (5) of this regulation currently resides or has resided in a state other than Maryland within 5 years before the date of application for registration, the individual shall:*

(1) *Apply for a state criminal background check to be performed by a duly authorized entity within that state; and*

(2) Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.

[C.] D. (text unchanged)

.03 Continuing Registration.

A. Application for Continuing Registration. To obtain a continuing registration, a provider shall submit to the office before expiration of the initial registration:

(1)—(3) (text unchanged)

(4) A completed and notarized release of information form that permits the office to examine records of abuse and neglect of children and adults for:

(a)—(d) (text unchanged)

(e) If required by the office, any other individual with regular access to the child care area during the approved hours of operation, including volunteers.

(5) Documentation that the family child care home has passed the most recent fire inspection required by the local fire authority having jurisdiction; [and]

(6) If the family child care home is located in an apartment or at another property that is rented or leased by the applicant, written authorization from the lessor, owner, or landlord permitting the provider to continue providing child care in the home; and

[(6)] (7) (text unchanged)

B. Maintenance of Continuing Registration.

(1) (text unchanged)

(2) By the end of each 24-month period after the date of issuance of a continuing registration, the provider shall submit to the office the items specified in §A(3)—[(6)] (7) of this regulation.

.07 Denial of a Registration Application.

A. The office may deny a certificate of registration if:

(1) (text unchanged)

(2) An evaluation of the application or documents required by the office reveals that the applicant, regardless of intent, reported false information;

(3)—(6) (text unchanged)

(7) An evaluation of the medical report or other information about the applicant, a coprovider, or a resident indicates that the:

(a) Physical or mental health of the applicant, coprovider, or resident may pose a risk to children; [or]

(b) Applicant or coprovider is unable to care for children; or

(c) Applicant, regardless of intent, submitted false or altered medical documentation for the applicant, resident, coprovider, or additional adult for consideration by the office;

(8) In addition to the requirements set forth at §B of this regulation, an evaluation of the criminal record of the applicant, a [paid] coprovider, an additional adult, a [paid] substitute, a volunteer, or a resident in the home reveals that the individual has a criminal conviction, probation before judgment disposition, or not criminally responsible disposition, or is awaiting a hearing for a criminal charge that indicates other behavior harmful to children;

(9) An evaluation of the information provided in records of abuse and neglect of children and adults reveals that the applicant, a coprovider, an additional adult, a substitute, a volunteer, or a resident is identified as responsible for abuse or neglect of children or adults, or is currently under investigation for alleged acts of abuse or neglect of children or adults;

(10)—(11) (text unchanged)

B. The office shall deny a certificate of registration [to] if an applicant [who] or resident has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

(1)—(2) (text unchanged)

(3) A violent crime classified as a felony, including physical assault or battery;

(4)—(11) (text unchanged)

C. The office shall deny a certificate of registration if an applicant or resident has received a felony conviction for:

(1) Murder;

(2) Spousal abuse; or

(3) Arson.

D. The office shall deny a certificate of registration upon notification that the applicant is in noncompliance with Child Support Enforcement requirements pursuant to Family Article Law, §10-119.3, Annotated Code of Maryland.

[C.] E. (text unchanged)

[D.] F. If an evaluation of criminal records or records of abuse and neglect of children or adults reveals that a coprovider, substitute, volunteer, or [an] additional adult designated by the applicant may pose a risk to children in care, the office, instead of denying the registration certificate, may require the provider to designate another coprovider, substitute, volunteer, or additional adult.

[E.] G. Denial Before Complete Application.

(1) The office may deny an application for registration at any point during the application process if, following evaluation of information received to that point, the office determines that a basis for denial exists as set forth in §A [or], B, C, or D of this regulation.

(2) (text unchanged)

.08 Voluntary Surrender of Registration.

A. A provider may voluntarily surrender a family child care registration at any time by notifying the office in writing.

B. (text unchanged)

13A.15.03 Management and Administration

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.02 Admission to Care.

A. (text unchanged)

B. If a child is younger than 6 years old at the time of admission to the home, the provider may not allow the child to remain in care at the home if the parent does not, within 30 days after the child's admission, submit evidence to the provider on a form supplied or approved by the office that the child has received an appropriate lead screening or test in accordance with applicable State or local requirements.

C. (text unchanged)

D. Temporary Admission.

(1) (text unchanged)

(2) For a child to be temporarily admitted or retained in care, the parent or guardian shall present evidence of the child's appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening or test;

(b)—(d) (text unchanged)

(3)—(4) (text unchanged)

.03 Program Records.

The provider shall:

A.—B. (text unchanged)

C. Maintain a record of each day on which a substitute provides care [for more than 2 hours];

D. If applicable, maintain a record of each volunteer in the family child care program that includes:

- (1) (text unchanged)
- (2) If [the] *a* volunteer is present at the home [more than once per week]:
 - (a) (text unchanged)
 - (b) [A] *And if present more than once per week, a medical evaluation of the volunteer that was completed within 12 months before the start of the volunteer's duties;*

E. Document that, on or before the date of a child's admission to care, the child's parent was given, or was advised how to obtain, information that is supplied by the office concerning:

- (1) (text unchanged)
- (2) How to file a complaint with the office against a child care provider[.];

F. Record the date and time of each fire evacuation drill and emergency and disaster drill required by this subtitle; [and]

G. *Document that the health and safety training, specified at COMAR 13A.15.06.02A(4) and B(1), was completed by the end of each 12-month period, measured from the date of initial registration; and*

[G.] H. (text unchanged)

.04 Child Records.

- A. (text unchanged)
- [A-1.] B. (text unchanged)

[B.] C. During the period of a child's enrollment and for 2 years after the child's disenrollment, a provider shall maintain a file for each child that includes records of:

- (1) (text unchanged);
- (2) The child's health assessment, immunizations, and allergies, if any, to include:
 - (a) [If the child is younger than 6 years old, evidence that the child has received an appropriate lead screening as] *As required by State or local law, evidence that the child has received[; and]:*
 - (i) *An appropriate lead screening, if the child is younger than 6 years old and was born before January 1, 2015; or*
 - (ii) *A lead test when the child is 12 months old and again when the child is 24 months old, regardless of where the child resides, if the child was born on or after January 1, 2015; and*

- (b) (text unchanged)
- (3)—(6) (text unchanged)

[C.] D. A medical evaluation and, if applicable, documentation of an appropriate lead screening *or test* that are transferred directly from another registered family child care home, a licensed child care center, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of [§B(2)] §C(2) of this regulation.

.05 Notifications.

The provider or substitute shall:

- A.—C. (text unchanged)
- D. Within 5 working days after an existing resident becomes 18 years old, or after there is a new resident in the home who is 18 years old or older:
 - (1) Submit to the office a signed and notarized release form giving the office permission to examine records of abuse and neglect of children and adults for information about the resident *pursuant to COMAR 13A.15.02.02B(6); and*
 - (2) Ensure that the resident applies for a federal and State criminal background check *pursuant to COMAR 13A.15.02.02B(5) and C;*

E. Within 15 working days after notifying the office of a new resident, submit to the office:

- (1) A medical report on the resident, on a form supplied or approved by the office, that is based on a medical evaluation completed within the previous 12 months; or

(2) Evidence that a medical evaluation of the resident has been scheduled; [and]

F. When the provider plans a temporary absence of more than 2 hours, notify the parents of the children in care in advance that a substitute will be caring for the children during the provider's absence[.]; *and*

G. (text unchanged)

13A.15.04 Operational Requirements

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-557.1 and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617; Article 88A, §6(b);] Annotated Code of Maryland*

Agency Note: *Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.04 Restriction of Operations.

- A. (text unchanged)
- B. The office may base a restriction or reduction under §A of this regulation on any of the following factors:

- (1)—(5) (text unchanged)
- (6) Failure by a provider approved for a capacity of up to four children younger than 2 years old to meet the infant-toddler training requirement specified at COMAR [13A.15.06.02G] *13A.15.06.02E;* or
- (7) (text unchanged)

C. A provider may appeal a restriction or reduction pursuant to §A of this regulation by filing a request for hearing:

- (1) (text unchanged)
- (2) In the case of an emergency reduction in capacity, [within 72 hours of] *not later than 30 calendar days after the notification by the office of its decision to immediately reduce the number of children in care.*

13A.15.05 Home Environment and Equipment

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*

Agency Note: *Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Lead-Safe Environment.

- A. (text unchanged)
- B. If the home is a residential rental property constructed before [1950] 1978, which is an affected property as defined in Environment Article, §6-801(b), Annotated Code of Maryland, the provider shall submit a copy of the current lead risk reduction or lead-free certificate.
- C.—D. (text unchanged)

.05 Outdoor Activity Area.

- A.—B. (text unchanged)
- C. *Any pool on the premises of the facility shall be made inaccessible to children in care and have security features, including but not limited to a:*
 - (1) *Fence that surrounds the pool at least 4 feet in height;*
 - (2) *Self-closing and self-latching mechanism on the gate, door, or access to the pool;*
 - (3) *Lock that is operable and secured; and*
 - (4) *Sensor or alarm in the pool and on the access door.*

.06 Rest Furnishings.

A.—G. (text unchanged)

H. *A child under 12 months who falls asleep in a furnishing other than a crib shall be immediately moved to an approved sleeping arrangement specified at §C(1) of this regulation.*

13A.15.06 Provider Requirements

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Training Requirements.

A. Preservice Training. An individual who applies for an initial registration shall:

(1) Hold a current certificate indicating successful completion of training in approved:

(a) (text unchanged)

(b) Cardiopulmonary resuscitation (CPR) through the American Heart Association, or a program with equivalent standards, appropriate for each age group approved for care in the home;

(c) If requesting approval to provide care for children younger than 24 months old, present evidence of having successfully completed, within 5 years before the date of the request, approved training in Sudden Infant Death Syndrome; and]

(2) Provide documentation of having successfully completed:

(a) (text unchanged)

(b) The 90 clock hour course, or its approved equivalent, that satisfies the preservice training requirement for a child care teacher or child care center director under COMAR 13A.16.06.05B(4), [.09A(1)(b), or .10B(1)(a)] COMAR 13A.16.06.09A(3), or COMAR 13A.16.06.10B(1)(a), as applicable;

(c)—(g) (text unchanged)

(3) Complete approved training on emergency and disaster planning; [and]

(4) *Effective January 1, 2020, complete approved basic health and safety training within 90 days of initial registration; and*

[(4)] (5) [If applying on or after January 1, 2016, complete] Complete:

(a)—(c) (text unchanged)

B. Continued Training. A provider shall successfully complete:

(1) *The health and safety training, as required by the office, by the end of each 12-month period measured each calendar year;*

[(1)] (2)—[(2)] (3) (text unchanged)

[C. Emergency and Disaster Planning Training.

(1) The office shall not approve an initial registration application unless the applicant has completed approved training on emergency and disaster planning.

(2) To maintain an initial registration or a continuing registration approved before July 1, 2010, a provider shall complete approved training on emergency and disaster planning as directed by the office, if the provider has not already completed that training.]

[D.] C.—[E.] D. (text unchanged)

[F. Sudden Infant Death Syndrome (SIDS) Training.

(1) The office may not approve a request by an applicant or a provider to provide care for children younger than 24 months old unless the applicant or provider has met the requirements of §A(1)(c) of this regulation.

(2) SIDS training may not be used to satisfy the continued training requirements set forth in §B of this regulation.]

[G.] E. Infant-Toddler Training.

(1) [Effective July 1, 2010, the] *The office may not approve a request by an applicant or a provider for an infant-toddler capacity of more than two children younger than 2 years old unless the individual has completed 3 semester hours or 45 clock hours of approved training, or the equivalent, related [exclusively] to the care of children younger than 2 years old.*

[(2)] A provider approved before July 1, 2010, for an infant-toddler capacity of more than two children younger than 2 years old shall complete, by December 31, 2010, 3 semester hours or 45 clock hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old in order to maintain that approval.]

(2) *Sudden Infant Death Syndrome (SIDS) Training.*

(a) *The office may not approve a request by an applicant or a provider to provide care for a child younger than 24 months old unless the applicant or provider presents evidence of having successfully completed, within 5 years before the date of the request, approved SIDS training.*

(b) *SIDS training may not be used to satisfy the continued training requirements set forth in §B of this regulation.*

[H.] F. [Medication Administration Training. Effective January 1, 2016:]

[(1)] The office may not approve an application for an initial registration or a continuing registration unless the applicant has completed [medication administration training approved by the office; and]:

(1) *Approved training in:*

(a) *Supporting breastfeeding practices; and*

(b) *Medication administration; and*

(2) *3 clock hours of approved training in complying with the Americans with Disabilities Act.*

[(2)] G. A currently registered provider shall have completed [medication administration] approved training [approved by the office] as specified in §F of this regulation.

.03 Provider Substitute.

A. The provider shall designate at least one substitute who is available on short notice to care for the children *at the provider's registered family child care home.*

B. Approval by Office.

(1)—(2) (text unchanged)

(3) *The office shall notify the provider of its decision to approve or disapprove a substitute within 30 days of the request being submitted.*

C. (text unchanged)

D. A substitute shall:

(1) (text unchanged)

(2) Be familiar with *the requirements of this subtitle;*

(3) Complete, sign, and submit to the office the required forms for substitutes, [which include permission to examine records of abuse and neglect of children and adults;] *including:*

(a) *A medical evaluation completed within the past 12 months; and*

(b) *Permission to examine records of abuse and neglect of children and adults;*

(4) [If paid, apply] *Apply for a federal and State criminal background check at a designated law enforcement office in the State; [and]*

(5) *If residing or having resided in a state other than Maryland within 5 years before being hired as a substitute:*

(a) *Apply for a state criminal background check to be performed by a duly authorized entity within that state; and*

(b) Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency; and

[(5)] (6) (text unchanged)

E.— F. (text unchanged)

.04 Additional Adult.

A. Except as set forth in §B of this regulation, before an individual may be used as an additional adult, the provider shall ensure that the individual:

(1)—(3) (text unchanged)

(4) [If the individual will be paid, applies] *Applies* for a federal and State criminal background check at a designated office in the State;

(5) *If residing or having resided in a state other than Maryland within 5 years before being hired as an additional adult:*

(a) *Applies for a state criminal background check to be performed by a duly authorized entity within that state; and*

(b) *Requests the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency;*

[(5)] (6)—[(6)] (7) (text unchanged)

B. (text unchanged)

.05 Volunteers.

A. Before permitting an individual to begin volunteer duties at the family child care home, the provider shall:

(1) Ensure that the individual presents no risk to the health, safety, or welfare of children; [and]

(2) Conduct a child health and safety orientation for the individual that meets the requirements set forth in Regulation .03E of this chapter[.];

(3) *Ensure that the individual has applied for a federal and State criminal background check at a designated office in the State; and*

(4) *Ensure that the individual, if residing or having resided in a state other than Maryland within 5 years before being hired as an additional adult:*

(a) *Applies for a state criminal background check to be performed by a duly authorized entity within that state; and*

(b) *Requests the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.*

B.—C. (text unchanged)

13A.15.07 Child Protection

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-557.1, and 5-560; General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617; Article 88A, §6(b);] Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.04 Child Discipline.

A. (text unchanged)

B. The provider or substitute may not:

(1) (text unchanged)

(2) Punish a child for refusing to eat or drink; [or]

(3) Withhold food or beverages as punishment[.]; or

(4) *Spank, hit, shake, or use any other means of physical discipline.*

13A.15.08 Child Supervision

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 General Supervision.

A. (text unchanged)

B. Except as provided in Regulation .02C and D of this chapter, when a child is in attendance, the individual responsible for supervising the child shall at all times:

(1)—(4) (text unchanged)

(5) Provide supervision that is appropriate to the individual age, needs, capabilities, activities, and location of the child [and], *which* may include, but not be limited to:

(a) Making reasonable accommodations for a child with [special needs in accordance with applicable federal and State laws] *a disability*; and

(b) If applicable, allowing an adult who provides specialized services to a child in care [having special needs] to provide those services at the home in accordance with the child’s individualized education plan, individualized family services plan, or written behavioral plan.

C. (text unchanged)

D. *If the home has more than one residential level that is approved for child care:*

(1) *The provider or substitute shall ensure that, when awake, active, and indoors at the home, each child younger than 6 years old remains on the same level of the home as the provider or substitute; and*

(2) *A child 6 years old or older may be on a different level of the home from the provider or substitute if:*

(a) *The child’s status is checked by the provider or substitute often enough to ensure the child’s health, safety, and welfare, but at least every 15 minutes;*

(b) *The provider has informed the child’s parent that the child is permitted to be on a different level of the home; and*

(c) *The different home level is approved by the office for child care use and meets the applicable fire code requirements.*

[D.] E. Supervision of Resting Children.

(1) If a resting or napping child is younger than 2 years old, the provider or substitute shall:

(a) *Remain on the same level as the child;*

[(a)] (b)—[(b)] (c) (text unchanged)

(2) If a resting or napping child is 2 years old or older, the child:

(a) (text unchanged)

(b) Shall be observed by the provider or substitute to ensure the child’s safety and comfort at intervals [appropriate to the child’s age and individual need] *of at least every 15 minutes.*

[(3) If a resting or napping child is in a different room from the provider or substitute and that room can be closed off from the rest of the home by a door, screen, or similar furnishing, the provider or substitute shall ensure that the door, screen, or similar furnishing remains open so that the view into the room is unobstructed.]

[E.] F. The provider may use a video and sound monitoring system to meet the sound and sight requirement in [§D(1)(a)] *§E(1)(b)* of this regulation.

[F.] G. (text unchanged)

13A.15.10 Child Safety

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] *General Provisions Article, §4-333*; *Human Services Article, §1-202*; [State Government Article, §10-617; Article 88A, §6(b);] *Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.01 Emergency Safety.

The provider or substitute shall:

A.—C. (text unchanged)

D. Train each substitute and, if applicable, the additional adult on the contents of the written emergency and disaster plan required at [§B] §A of this regulation;

E. (text unchanged)

F. During an emergency evacuation or practice, take attendance records and *emergency cards* out of the home and verify the presence of each child currently in attendance;

G.—H. (text unchanged)

.04 Water Safety.

A. (text unchanged)

B. *An above-ground swimming pool:*

(1) *May not be used for swimming activities; and*

(2) *Shall be made inaccessible to children in care.*

[B.] C. A child in care may not use a pool, such as a fill-and-drain molded plastic or inflatable pool[, that does not have an operable circulation system approved by the local health department].

.06 Rest Time Safety.

A. (text unchanged)

B. Unless the need for a positioning device that restricts a child's movement while the child is resting is specified in writing by the child's physician, an object or device, including, but not limited to, a strap, wedge, [or] roll, *or swaddling*, that restricts movement may not be used with a child in a crib, portable crib, playpen, cot, bed, mat, or other rest furnishing.

13A.15.11 Health

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] *General Provisions Article, §4-333*; *Human Services Article, §1-202*; [State Government Article, §10-617;] *Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.03 Infectious and Communicable Diseases.

A provider or substitute may not knowingly care for a child who has a serious transmissible infection or communicable disease during the period of exclusion for that infection or disease shown [on a list provided by the office] *in the Communicable Disease Summary, as published by the Maryland Department of Health.*

.04 Medication Administration and Storage.

A.—F. (text unchanged)

G. Effective January 1, 2016, medication may be administered to a child in care only by an individual who has completed approved medication *administration* training, unless:

(1)—(2) (text unchanged)

.06 Consumption of Alcohol and Drugs.

A provider, substitute, *volunteer*, or additional adult may not consume an alcoholic beverage or an illegal or nonprescribed controlled dangerous substance while:

A.—B. (text unchanged)

13A.15.12 Nutrition

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] *General Provisions Article, §4-333*; *Human Services Article, §1-202*; [State Government Article, §10-617;] *Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.01 Nutrition and Food Served.

A. (text unchanged)

B. [For children in care] *Unless provided by the child's parent*, the provider shall furnish:

(1)—(2) (text unchanged)

C.—G. (text unchanged)

13A.15.13 Inspections, Complaints, and Enforcement

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-515, 5-550, 5-551, 5-554, 5-557, 5-557.1, and 5-560;] *Human Services Article, §1-202*; *General Provisions Article, §4-333*; [State Government Article, §10-617; Article 88A, §6(b);] *Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.02 Complaints.

The office shall investigate:

A. (text unchanged)

B. Complaints of *providing or advertising* unregistered family child care.

.05 Nonemergency Suspension.

A. (text unchanged)

B. *The office shall suspend the certificate of registration upon notification that the provider is in noncompliance with Child Support Enforcement requirements pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland.*

[B.] C.—[D.] E. (text unchanged)

.06 Emergency Suspension.

A. (text unchanged)

B. The office shall hand deliver a written notice to the provider informing the provider of the emergency suspension, giving the reasons for the action, and notifying the provider of the right to request, within 30 days of the delivery of the notice, a hearing before the [Superintendent's designee] *Office of Administrative Hearings.*

C. *If unable to hand deliver a written notice to the provider, the Office may send the notice by regular and certified mail to the provider's address.*

[C.] D. (text unchanged)

[D.] E. If a hearing is requested by the provider, the [Superintendent's designee] *Office of Administrative Hearings* shall hold a hearing within 7 calendar days of the date of the request.

[E.] F. Within 7 calendar days of the hearing, a decision concerning the emergency suspension shall be made by the [Superintendent's designee] *Office of Administrative Hearings.*

[F.] G.—[G.] H. (text unchanged)

.07 Revocation.

A. The office may revoke a certificate of registration if the:

- (1) (text unchanged)
- (2) Provider, *regardless of intent*, misrepresented or offered false information on the application or on any form or report required by the office;
- (3)—(7) (text unchanged)
- (8) Provider, an additional adult, a substitute, *a volunteer*, or a resident is identified as responsible for abuse or neglect of children or adults;
- (9) Provider, an additional adult, a substitute, *a volunteer*, or a resident has a criminal conviction, *a probation before judgment disposition*, or a not criminally responsible disposition, or is awaiting a hearing on a charge for a crime that:

- (a) Is listed at COMAR [13A.15.02.07B(1)—(11)] 13A.15.02.07B or C; or
- (b) (text unchanged)
- (10)—(13) (text unchanged)
- (14) [The family] *Family* child care home is no longer the primary residence of the provider.

B. If the office decides to revoke a certificate of registration, the office shall notify the provider in writing at least 20 calendar days in advance of the revocation, stating:

- (1)—(4) (text unchanged)
 - (5) That the provider is entitled to a hearing if requested in writing within 20 calendar days of the [delivery] *date* of the notice;
 - (6)—(8) (text unchanged)
- C. (text unchanged)

.08 Penalties.

A. An individual found to be operating a family child care home[, or advertising a family child care service,] without a valid family child care registration is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

- (1)—(2) (text unchanged)
- B. (text unchanged)

.09 Civil Citations.

A. The office may issue a civil citation imposing a civil penalty to an individual who provides *or advertises* unregistered family child care in violation of the requirements of this subtitle.

B.—D. (text unchanged)

13A.15.14 Administrative Hearings

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article §§5-515—5-517 and 5-554;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-204;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact [on] family child care registrations, such as registration denials, revocations, *and* suspensions, reductions in capacity, [or] limitations on the ages or numbers of children who may be admitted to a family child care home, *and the imposition of civil penalties for providing or advertising unregistered family child care services without a valid family child care certificate of registration.*

B. (text unchanged)

.03 Hearing Requests.

A. A hearing shall be held when [an applicant or provider requests a hearing to contest]:

- (1) *An applicant or provider requests a hearing to contest:*
 - [(1)] (a)—[(2)] (b) (text unchanged)
 - [(3)] (c) Any other action that adversely impacts [on] registration, including, but not limited to:
 - [(a)] (i)—[(b)] (ii) (text unchanged)
 - [(c)] (iii) A limitation on the ages or numbers of children who may be admitted to the family child care home[.]; *or*
- (2) *An individual requests a hearing to contest the imposition of civil penalties for providing unregistered child care or advertising family child care services without a valid family child care certificate of registration.*

B. Non-emergency Action Hearing Requests.

(1) All non-emergency action hearing requests shall be forwarded in writing to the Office and shall state the name and address of the provider *or the individual contesting the imposition of a civil penalty*, and the effective date and nature of the action appealed from.

- (2)—(5) (text unchanged)
- C. (text unchanged)

.04 Preliminary Conference.

A. [The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action] *A preliminary conference may be held before a hearing on an action if an appellant requests the conference.*

B.—D. (text unchanged)

13A.15.15 Public Access to Licensing Records

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-550, 5-557.1 and 5-560;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617; Article 88A, §6(b);] Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.03 Request for Information from Licensing Records.

- A. (text unchanged)
 - B. The written request shall:
 - (1) Contain the applicant’s name, address, and telephone number; *and*
 - [(2)] Be signed by the applicant; *and*
 - [(3)] (2) (text unchanged)
 - [C. A request may be made in any form or format if it does not involve:
 - (1) Physical inspection of licensing records; *or*
 - (2) Preparation of a written or electronic:
 - (a) Copy of licensing records; *or*
 - (b) Report of information from licensing records.]
- [D.] C. (text unchanged)

.04 Compelling Public Purpose.

A compelling public purpose shall exist for the custodian of record to permit inspection of licensing records other than the records specified under [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 16 CHILD CARE CENTERS

Notice of Proposed Action

[19-194-P]

The Maryland State Board of Education proposes to:

(1) Amend Regulations .01 and .02 under COMAR 13A.16.01

Scope and Definitions;

(2) Amend Regulations .01—.04 and .06 under COMAR 13A.16.02 License Application and Maintenance;

(3) Amend Regulations .01—.06 and adopt new Regulation .09 under COMAR 13A.16.03 Management and Administration;

(4) Amend Regulations .05, .12, and .13 under COMAR 13A.16.05 Physical Plant and Equipment;

(5) Amend Regulations .03—.06 and .09—.13 under COMAR 13A.16.06 Staff Requirements;

(6) Amend Regulations .02, .03, and .06 under COMAR 13A.16.07 Child Protection;

(7) Amend Regulations .01, .03, and .06 under COMAR 13A.16.08 Child Supervision;

(8) Amend Regulation .04 under COMAR 13A.16.09 Program Requirements;

(9) Amend Regulations .02 and .05 under COMAR 13A.16.10 Safety;

(10) Amend Regulations .02—.04 and .06 under COMAR 13A.16.11 Health;

(11) Amend Regulation .01 under COMAR 13A.16.12 Nutrition;

(12) Amend Regulation .02 under COMAR 13A.16.13 Centers for Children with Acute Illness;

(13) Amend Regulation .01 under COMAR 13A.16.14 Adolescent Centers;

(14) Amend Regulation .03 under COMAR 13A.16.15 Drop-In Centers;

(15) Amend Regulations .02—.04 under COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools;

(16) Amend Regulation .01, adopt new Regulation .03, recodify existing Regulation .03 to be Regulation .04, and amend and recodify existing Regulations .04—.07 to be Regulations .05—.08 under COMAR 13A.16.17 Inspections, Complaints, and Enforcement;

(17) Amend Regulations .01—.05 under COMAR 13A.16.18 Administrative Hearings; and

(18) Amend Regulation .03 and .04 under COMAR 13A.16.19 Public Access to Licensing Records.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to amend COMAR 13A.16 Child Care Centers that was published in 46:4 Md. R. 237—248 (February 15, 2019).

This action was considered by the Maryland State Board of Education at its April 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to clarify certain requirements pertaining to the registration and operation of child care centers and establish requirements for criminal background checks, swimming pool security, length of time for taking the basic health and safety training, and medical information being provided.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of the proposed amendments is to implement the requirements of the Child Care and Development Block Grant Act, as amended (42 U.S.C. 9858 et seq.),

along with Section 418 of the Social Security Act (42 U.S.C. 618). Consistent throughout all four subtitles of regulations, the proposed amendments include statutory requirements of the Child Care and Development Fund reauthorization, modifications to provide clarity and more consistency between all subtitles, and corrections to the previous publication. The State reimbursed the cost to child care providers for the cost of fingerprinting to meet the new requirement.

<http://earlychildhood.marylandpublicschools.org/fingerprinting>

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	Actual \$465,166
B. On other State agencies:	(R+)	Approximately \$5,004
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Centers up-front cost of fingerprinting	(+)	Actual \$465,166
(2) Medical information	(+)	Approximately \$805,500
(3) Swimming pool security	(+)	Approximately \$450,000
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.)

A. Background Clearances: The State has processed fingerprint reimbursement requests for 901 child care centers for a total of \$465,166 in obligations. The count for reimbursement to child care centers does not include all of the staff printed for each location—only the center itself. The total number of associated staff is not captured completely, but there were approximately 210,000 associated staff fingerprinted overall. The cost to date for reimbursement of fingerprinting costs for FY 18 is \$155,068 and for FY 19 is \$310,098, for a total cost to the State of \$465,166 over FY 18 and FY 19. The State is providing a one-time reimbursement for fingerprinting costs to child care centers for the associated staff.

B. Maryland Department of Public Safety and Correctional Services (DPSCS) Criminal Justice Information System is allowed to keep \$2 from the FBI background check. The State estimates there are approximately 2502 providers going through the fingerprinting process. Therefore, revenue to the DPSCS is estimated to be \$5,004 annually.

D(1). Background Clearances: Child Care Centers and staff incurred up-front costs for meeting fingerprinting requirements. Cost for fingerprinting ranges from \$35 to \$75 per person. The State reimbursed one time only the cost of fingerprinting for providers meeting the new requirement. If the provider/center did not request reimbursement from the State, they would incur the cost of the fingerprinting. In the future, this will be a cost for child care providers.

D(2). Medical Information for Child Care Centers and Staff of Child Care Centers: Medicals will be completed by child care center associated staff every 5 years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, etc. Using these estimates, approximately 16,110 people will be spending \$100 for a medical every 5 years, which would be an approximate cost of \$805,500 every 5 years.

D(3). Swimming Pool Security: Maryland estimates that half of the pools already meet fencing requirements and would not incur additional costs. Each fence would cost an estimated \$3,000 to \$5,000 depending on the size of the pool and the outdoor space. Using these estimates, 112 pool owners would spend an average of \$4,000 per fence for a total of \$448,000 to bring all facilities into compliance. This is a one-time-only cost. All new applicants would need to meet this requirement prior to becoming licensed.

Economic Impact on Small Businesses

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

Intended Beneficiaries

Background Clearances/Fingerprinting: To comply with the Child Care and Development Block Grant (CCDBG) Act referenced in Part A, the State is providing reimbursement to child care centers for the cost of staff fingerprinting. While these child care centers/staff incurred the up-front cost for fingerprinting, the State did reimburse that cost, thereby alleviating the economic impact to child care facilities who request reimbursement.

Health and Safety Training: To comply with the CCDBG Act referenced in Part A, the State utilized the Maryland State Department of Education’s Learning Management System to develop and deliver the online Health and Safety training at no cost to child care providers. The State did not incur any direct costs for the development of the training. For those providers who choose not to take the free online training, or who fail both online attempts, the training can be obtained in a face-to-face setting for an average cost of \$35. This cost is reimbursable to providers who hold a Maryland Child Care Credential at Level 2 or higher. Child care providers can obtain the training in Spanish from Penn State Better Kid Care for \$5. This training is also eligible for reimbursement through the Maryland Credentialing Program. MSDE is currently having a new online Health & Safety training developed that will be asynchronous and allow providers to take the training anytime. The new training is built on a better platform that is easy to maneuver and will test providers as they proceed through the training. This will also be available for no cost to providers or their staff.

Intended Beneficiaries: Households

Families with children enrolled in a licensed child care facility will benefit because their children will receive care and education services from staff and administration who have met higher standards for criminal background checks, health and safety training, and updated staff medical information, and whose facilities will meet requirements for protecting children from swimming pool dangers.

Intended Beneficiaries: Businesses

The amendments are not expected to have an impact on any businesses beyond the child care businesses that comply with the new requirements.

Other Direct or Indirect Impacts: Adverse

Background clearances: Facilities who incurred the cost of fingerprinting (\$35—\$75 per person) and choose not to request reimbursement did not benefit from the alleviation of those costs by the State. Future fingerprinting costs will range from \$35—\$75 per

person and will be completed every 5 years from the initial fingerprinting date.

Medical information for child care providers and staff of child care centers: Individuals working in child care centers will incur the cost of medicals every 5 years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, and other variables.

Swimming Pool Security: An estimated 112 pool owners who are licensed child care centers would spend an average of \$4,000 per facility, as a one-time cost, to come into compliance with swimming pool security requirements. New applicants for child care licensure/registration would need to meet this requirement prior to becoming licensed. This additional cost may encourage some child care providers to raise the fees they charge to families.

Other Direct or Indirect Impacts: Positive

Improving the quality of child care and early education in Maryland is expected to enhance the overall reputation of Maryland’s early care and education industry, and this may help attract businesses to Maryland. Higher-quality child care and early education services for children may result in those children more effectively developing the skills they will need to succeed in school and in life and may positively affect the State workforce in the years to come. Maryland’s compliance with the federal CCDBG Act ensures that federal funding continues, which in turn supports working families in Maryland through the Child Care Subsidy program and other quality initiatives to improve long-term benefits to children.

Long-Term Impacts

No long-term effects on Maryland small businesses are anticipated which may differ from, compound, mitigate, or offset the initial effects described above.

Estimates of Economic Impact

(1) Cost of providing goods and services:

Some child care providers who incur costs related to the amendments may charge higher fees to families for their services. Because child care fees are determined independently by each provider, the overall change, if any, in those expenses cannot be determined.

(2) Effect on the workforce:

Families in Maryland’s workforce with young children and school-age children using child care center services will have the ability to choose from licensed child care programs that are meeting higher standards for: criminal background checks, health and safety training, staff medicals, and, if applicable, fencing requirements for swimming pools. Access to this information may enable families to make informed decisions when choosing a program for their children; and may be seen as a benefit for business growth in Maryland.

(3) Capital investment, taxation, competition, and economic development:

These proposals are not expected to have any direct effect on capital investment, taxation, competition, or economic development. However, as noted above, they may help provide a more attractive environment for business growth.

(4) Consumer choice:

Consumer choice is expected to be affected positively by making higher quality child care services available to families seeking those services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tara Bartosz, Assistant to the Director, Office of Child Care, Division of Early Childhood, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-7806 (TTY 410-333-6442), or email to earlychildhoodregs.msde@maryland.gov, or fax to 410-333-6226. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 3, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.16.01 Scope and Definitions

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-502, 5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Scope.

- A. (text unchanged)
- B. Exemptions. This subtitle does not apply to:
 - (1)—(2) (text unchanged)
 - (3) A youth camp, as defined by Health-General Article, [§14-401(j)] §14-401(o), Annotated Code of Maryland;
 - (4)—(11) (text unchanged)

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(3) (text unchanged)
 - (4) “Adolescent center” means a child care center that offers programs exclusively to children in middle school [and junior high school].
 - (5)—(10) (text unchanged)
 - (11) Assistant Child Care Teacher.
 - (a) (text unchanged)
 - (b) “Assistant child care teacher” includes a staff member known before [December 17, 2008] *July 1, 2008*, as an assistant group leader.
 - (12)—(15) (text unchanged)
 - (16) Child Care Teacher.
 - (a) (text unchanged)
 - (b) “Child care teacher” includes a staff member known before [December 17, 2007] *July 1, 2008*, as:
 - (i)—(ii) (text unchanged)
 - (17)—(24) (text unchanged)
 - (25) Employee.
 - (a) “Employee” means an individual:
 - (i) Who [for compensation] is employed by the center operator to work at or for the center; and
 - (ii) (text unchanged)
 - (b) (text unchanged)
 - (c) For the purpose of applying the criminal background check requirements and the child and adult abuse and neglect record review requirements set forth in this subtitle, “employee” includes any individual who:
 - (i) [Is compensated by the operator to perform a service at the center] *Meets the definition of an employee as set forth in this subsection; and*
 - (ii) Has access to children in care; and]

[(iii) (ii) Does not clearly meet, or is not excluded from, the definition of independent contractor set forth in [§B(29)] §B(30) of this regulation.

(26) “Family child care” means the care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old, in place of parental care for less than 24 hours a day, in a residence other than the child’s residence and for which the provider is paid, in accordance with [Family Law Article, §§5-550—5-557.1] *Education Article, §9.5-301(d)*, Annotated Code of Maryland.

- (27)—(28) (text unchanged)
- (29) “Identified as responsible for child abuse or neglect” means being determined by a local department of *social services or other state agency* to be responsible for indicated child abuse or neglect, or awaiting the local department’s appeal hearing after the determination.
- (30)—(32) (text unchanged)
- (33) “Injurious treatment” means:

- (a) [Deliberate infliction in any manner of any type of physical pain] *Physical discipline*, including but not limited to spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain;
- (b) (text unchanged)
- (c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, *threatening*, or ridiculing; and
- (d) (text unchanged)
- (34)—(42) (text unchanged)
- (43) “Operated by a tax-exempt religious organization” means that the operator *is a church or bona fide house of worship or has submitted a copy of the determination letter from the Internal Revenue Service which recognizes the organization as [a bona fide church organization] exempt from taxation under the Internal Revenue Code of 1954, 26 U.S.C. §501(c)(3).*
- (44)—(60) (text unchanged)

13A.16.02 License Application and Maintenance

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 License—General Requirements.

- A.—B. (text unchanged)
- C. Approved Montessori School.
 - (1) (text unchanged)
 - (2) The following regulations under this subtitle do not apply to an approved Montessori school:
 - (a) COMAR [13A.16.02.03(4)] *13A.16.02.03C(4)* concerning an annual fire inspection, if the school has documentation verifying compliance with fire safety regulations applicable to a nonpublic nursery school pursuant to COMAR 13A.09.09.11A;
 - (b) COMAR [13A.16.06.05.B(4)] *13A.16.06.05B(4)* concerning the preservice training requirement for directors;
 - (c) COMAR [13A.16.06.09.A(1)(b)] *13A.16.06.09A(3)* concerning qualification requirements for a child care teacher in a preschool center;
 - (d) COMAR [13A.16.06.09.B(1)(a)] *13A.16.06.09C(1)* concerning the core of knowledge completion requirement for continued training;

(e) COMAR [13A.16.06.10.B(1)(a)] *13A.16.06.10B(1)(a)* concerning the requirement for preservice training; and

(f) (text unchanged)

D.—H. (text unchanged)

I. *The operator may not allow an employee, staff member, substitute, or volunteer to:*

(1) *Be assigned to a group of children or have access to a child in care until the individual has successfully passed the child abuse and neglect clearance and a federal or State criminal background check; or*

(2) *Be alone with a child or group of children until all checks have been successfully passed.*

.02 Initial License.

A. An individual or organization not currently licensed and wanting to operate a child care center shall:

(1)—(3) (text unchanged)

(4) Ensure that an application for a federal and Maryland State criminal background check is submitted for:

(a)—(b) (text unchanged)

(c) Each employee, including [paid] substitutes and volunteers; and

(d) Each individual [14] 18 years old or older living on the child care center premises.

B. Before the proposed opening date, the applicant shall submit the following items to the office, if not submitted at the time the written application form was submitted:

(1) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about:

(a) (text unchanged)

(b) Each employee, including substitutes and volunteers;

(c)—(e) (text unchanged)

(2)—(12) (text unchanged)

C. *Non-Maryland State Criminal Background Check. If an individual subject to the requirements of §A(4) of this regulation currently resides or has resided in a state other than Maryland within 5 years before the date of application for a child care center license, the individual shall:*

(1) *Apply for a state criminal background check to be performed by a duly authorized entity within that state; and*

(2) *Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.*

.03 Continuing License.

A.—B. (text unchanged)

C. Maintaining a Continuing License.

(1) (text unchanged)

(2) By the end of each 12-month period after the date of issuance of a continuing license, the operator shall provide to the office documentation of compliance with applicable continued training requirements set forth at COMAR [13A.16.06] *13A.16.06.05—12.*

(3)—(4) (text unchanged)

.04 Provisional and Conditional Status.

A. (text unchanged)

B. Conditional Status.

(1)—(2) (text unchanged)

(3) Immediately upon receipt of the revised license, the operator shall:

(a) (text unchanged)

(b) Display the revised license as required by Regulation [01D] .01E of this chapter.

(4)—(5) (text unchanged)

.06 Denial of License.

A. An office may deny an application for an initial license or a continuing license if:

(1) (text unchanged)

(2) An evaluation of the application form, *medical documents, or any documents required* by the office reveals that the applicant, *regardless of intent*, reported false information;

(3)—(7) (text unchanged)

B.—C. (text unchanged)

13A.16.03 Management and Administration

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Multi-Site Centers.

A child care center may have more than one location and may be treated as one center for purposes of this [chapter] *subtitle* only if:

A.—B. (text unchanged)

.02 Admission to Care.

A.—D. (text unchanged)

E. If a child is younger than 6 years old at the time of admission, the operator may not allow the child to remain in care if the parent does not, within 30 days after the child's admission, submit evidence to the operator on a form supplied or approved by the office that the child has received an appropriate lead screening *or test* in accordance with applicable State or local requirements.

F. Temporary Admission to Care.

(1) (text unchanged)

(2) For a child to be temporarily admitted or retained in care, the parent shall present evidence of the child's appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening *or test*;

(b)—(d) (text unchanged)

(3)—(4) (text unchanged)

.03 Program Records.

The operator shall:

A. (text unchanged)

B. Maintain:

(1)—(2) (text unchanged)

(3) Records of food actually served by the center for the most recent 4 weeks as required by COMAR [13A.16.12.01G] *13A.16.12.01E*;

(4)—(5) (text unchanged)

C.—D. (text unchanged)

.04 Child Records.

A.—D. (text unchanged)

E. [If the child is younger than 6 years old, there shall be documentation that the child has received an appropriate lead screening as required by State or local law, unless the child is a school-age child who attends a school-age program located in the child's school.] *The operator shall maintain documentation that, as required by State or local law, each child admitted to, or continuing in, care has received:*

(1) *An appropriate lead screening, if the child is younger than 6 years old and was born before January 1, 2015; or*

(2) A lead test when the child is 12 months old and again when the child is 24 months old, regardless of where the child resides, if the child was born on or after January 1, 2015.

F. A medical evaluation and, if applicable, documentation of an appropriate lead screening or test that are transferred directly from a registered family child care home, another licensed child care center, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of §§D(3) and E of this regulation.

G.—K. (text unchanged)

.05 Staff Records.

The operator shall:

A.—B. (text unchanged)

C. During an individual’s employment at the center and for 2 years after the date of the individual’s last employment there, maintain a record for each individual that includes:

(1) The individual’s:

(a) Training, including initial and yearly basic health and safety training, if required under this [chapter] subtitle;

(b) Experience, if required under this [chapter] subtitle; and

(c) (text unchanged)

(2)—(5) (text unchanged)

D.—E. (text unchanged)

.06 Notifications.

The operator shall:

A. Within 5 working days of its occurrence, provide written notification to the office about the:

(1) Addition of a new employee or staff member that includes:

(a) (text unchanged)

(b) Information about the individual’s work assignment; [and]

(c) Proof of compliance with the laws and regulations pertaining to criminal background checks; and

[c] (d) (text unchanged)

(2) Ending of employment, for whatever reason, of an individual that includes the:

(a) (text unchanged)

(b) Date of the individual’s last day of employment[.];

B. Within 15 working days of adding the new employee or staff member, provide to the office[.]:

[(1) If applicable,] documentation that the individual meets the requirements of this chapter for the assignment, unless documentation already is on file in the office; [and]

[(2) If the individual is paid by the center operator, proof of compliance with the laws and regulations pertaining to criminal background checks;]

C.—D. (text unchanged)

E. Immediately notify the office of:

(1) An employee or individual living on the child care premises who is under investigation for:

(a)—(b) (text unchanged)

(2) (text unchanged)

F. Within 5 working days after there is a new [resident] individual living on the child care premises who is 18 years old or older:

(1) Submit to the office a signed and notarized release form giving the office permission to examine records of abuse and neglect of children and adults for information about [the resident] an individual living on the child care premises; and

(2) Direct the [resident] individual living on the child care premises to apply for a federal and State criminal background check pursuant to COMAR 13A.16.02.02A(4) and C; and

G. (text unchanged)

.09 Advertisement.

A. An operator may not advertise child care services unless the center holds a current license issued by the office.

B. An advertisement of the center shall:

(1) Specify that the center is licensed; and

(2) Include the license number issued to the center by the office.

13A.16.05 Physical Plant and Equipment

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.05 Lead-Safe Environment.

A. (text unchanged)

B. If the child care center is a residential rental property constructed before [1950] 1978, which is an affected property as defined by Environment Article, §6-801(b), Annotated Code of Maryland, the operator shall submit a copy of the current lead risk reduction or lead free certificate.

C.—D. (text unchanged)

.12 Outdoor Activity Area.

A.—E. (text unchanged)

F. Any pool on the premises of the facility shall be made inaccessible to children in care and have security features, including but not limited to a:

(1) Fence that surrounds the pool at least 4 feet in height;

(2) Self-closing and self-latching mechanism on the gate, door, or access to the pool;

(3) Lock that is operable and secured; and

(4) Sensor or alarm in the pool and on the access door.

.13 Swimming Facilities.

A. (text unchanged)

B. An above-ground swimming pool [may not be used for swimming activities.]:

(1) May not be used for swimming activities; and

(2) Shall be made inaccessible to children in care.

C. A child in care may not use a pool, such as a fill-and-drain molded plastic or inflatable pool.

13A.16.06 Staff Requirements

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.03 Suitability for Employment.

A. A child care center operator may not employ an individual who[, as reported on or after October 1, 2005,] has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

(1)—(2) (text unchanged)

(3) A violent crime classified as a felony, including physical assault or battery;

- (4)—(9) (text unchanged)
- (10) Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; [or]
- (11) Reckless endangerment[.]; or
- (12) *The felony of:*
 - (a) *Murder;*
 - (b) *Spousal abuse; or*
 - (c) *Arson.*

B. If[, as reported on or after October 1, 2005,] an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included in §A of this regulation, the office:

- (1)—(2) (text unchanged)
- C.—F. (text unchanged)

.04 Staff Health.

A. Medical Evaluation.

(1) An operator shall obtain a medical evaluation[, including a tuberculosis screen, if indicated], *conducted by a practicing physician, certified nurse practitioner, or registered physician's assistant*, on a form supplied or approved by the office, that has been completed within 6 months before the individual begins work in the center, from each prospective:

- (a)—(b) (text unchanged)
- (2) *The medical evaluation shall be signed by the individual who conducted the evaluation and include verification that the staff member:*
 - (a) *Is free of communicable tuberculosis, if indicated; and*
 - (b) *Has the capability to perform the duties of the staff member's position.*

[(2)] (3) The medical evaluation may transfer directly from one center to another [when there has been no gap in employment longer than 3 months] *if the evaluation was completed within 24 months before the transfer.*

(4) *The medical evaluation shall be updated every 5 years, measured from the individual's previous medical evaluation date.*

B. Exclusion from Work. Except with the approval of the office and the health officer, an operator may not permit an individual with a serious transmissible infection or communicable disease listed [on a chart supplied by the office] *in the Communicable Diseases Summary, as published by the Maryland Department of Health*, to work at [a] *the child care center* during the period of exclusion from child care recommended [on the chart for that infection or disease] *by the Summary.*

.05 Directors of All Child Care Centers—General Requirements.

A. (text unchanged)

B. To qualify as a director of a center, an individual shall:

- (1)—(2) (text unchanged)
- (3) Have successfully completed:
 - (a)—(b) (text unchanged)
 - (c) [Effective January 1, 2016,] 3 clock hours of approved training in complying with the Americans with Disabilities Act;
 - (4) Have successfully completed 6 semester hours or 90 clock hours, or their equivalent, of approved preservice training, or hold the Child Development Associate National Credential that is issued by the Council for Professional Recognition; [and]
 - (5) *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment; and*
- [(5)] (6) (text unchanged)

C. A director shall:

(1) According to the individual's professional development plan, complete approved continued training, at the rate of at least 12

clock hours per full year of employment as a director, that consists of a:

- (a) (text unchanged)
- (b) Maximum of 6 clock hours of elective training; [and]
- (2) Document completion of the continued training on the professional development plan[.]; and
- (3) *Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.*

.06 Directors of Preschool Centers—Specific Requirements.

A. In a preschool center with infants or toddlers in care, a director, in addition to meeting the requirements of §§B—[D] F of this regulation, as applicable, shall have:

- (1) 3 semester hours of approved training, or the equivalent, related [exclusively] to the care of infants and toddlers; and
- (2) [Effective January 1, 2016, approved] *Approved* training in supporting breastfeeding practices.

B.—F. (text unchanged)

.09 Child Care Teachers in Preschool Centers.

A. To qualify *or continue to qualify* as a child care teacher in a preschool center, an individual shall [be 19 years old or older, and meet one of the following criteria]:

- [(1)] (1) The individual holds or has successfully completed:
 - (a) A high school diploma, a certificate of high school equivalence, or courses for credit from an accredited college or university;
 - (b) 6 semester hours or 90 clock hours or their equivalent of approved pre-service training, or hold the Child Development Associate Credential issued by the Child Development Associate National Credentialing Program;
 - (c) 9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit;
 - (d) Effective January 1, 2016, 3 clock hours of approved training in complying with the Americans with Disabilities Act; and
 - (e) At least one of the following:
 - (i) 1 year of experience working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting, or as a registered family child care provider caring for preschoolers; or
 - (ii) 1 year of college, or a combination of experience and college that together are equivalent to 1 year;
- (2) The individual holds an associate's or higher degree with approved courses in early childhood education;
- (3) The individual qualified before July 1, 2008, as a child care teacher in a preschool center and has been continuously employed since that time at the same or another preschool center; or
- (4) The individual:
 - (a) Has been approved as a teacher by the Department for early childhood in nursery school through third grade; or
 - (b) Is certified by the Department or by any other state for early childhood in nursery school through third grade.]

(1) *Be 19 years old or older;*

(2) *Have a high school diploma, a certificate of high school equivalence, or courses for credit from an accredited college or university;*

(3) *Have successfully completed 6 semester hours or 90 clock hours or their equivalent of approved preservice training, or hold the Child Development Associate Credential issued by the Child Development Associate National Credentialing Program;*

(4) *Have completed 3 clock hours of approved training in complying with the Americans with Disabilities Act;*

(5) *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment;*

(6) *Have 9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit; and*

(7) *Have at least:*

(a) *1 year of experience working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting, or as a registered family child care provider caring for preschoolers; or*

(b) *1 year of college, or a combination of experience and college that together are equivalent to 1 year and meet one of the criteria set forth at §A(6) of this regulation.*

B. *An individual meets the requirements of §A(3) of this regulation if the individual:*

(1) *Holds an associate's or higher degree with approved courses in early childhood education;*

(2) *Has been qualified before July 1, 2008, as a child care teacher in a preschool center and has been continuously employed since that time at the same or another preschool center;*

(3) *Has been approved as a teacher by the Department for early childhood in nursery school through third grade; or*

(4) *Is certified by the Department or by any other state for early childhood in nursery school through third grade.*

[B.] **C.** *A child care teacher in a preschool center shall:*

(1) *According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a child care teacher, that consists of a:*

(a) *(text unchanged)*

(b) *Maximum of 6 clock hours of elective training; [and]*

(2) *Document completion of the continued training on the professional development plan[.]; and*

(3) *Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.*

[C.] **D.** *A child care teacher wishing to supervise a group of infants or toddlers shall:*

(1) *Unless qualified by the office before July 1, 2008, to supervise a group of infants or toddlers:*

(a) *Meet the requirements of §A of this regulation and have completed 3 semester hours of approved training, or the equivalent, related [exclusively] to the care of infants and toddlers; or*

(b) *Meet the requirements of [§A(1)(a), (c), and (d)] §A(1), (2), and (4)—(7) of this regulation and have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; and*

(2) *[Effective January 1, 2016, have] Have completed approved training in supporting breastfeeding practices.*

.10 Child Care Teachers in School Age Centers.

A. *To qualify as a child care teacher in a school age center, an individual shall:*

(1) *(text unchanged)*

(2) *Hold a high school diploma or a certificate of high school equivalence or have successfully completed courses for credit from an accredited college or university; [and]*

(3) *Have completed 3 clock hours of approved training in Americans with Disabilities Act compliance;*

(4) *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment; and*

[(3)] (5) *Meet [the] one of the criteria set forth in §B of this regulation.*

B. *The individual shall meet one of the following:*

(1) *The individual has successfully completed:*

(a) *(text unchanged)*

(b) *9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit; and*

[(c)] *Effective January 1, 2016, 3 clock hours of training in ADA compliance; and]*

[(d)] *(c) (text unchanged)*

(2)—(4) *(text unchanged)*

C. *A child care teacher in a school age center shall:*

(1) *According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a child care teacher, that consists of a:*

(a) *(text unchanged)*

(b) *Maximum of 6 clock hours of elective training; [and]*

(2) *Document completion of the continued training on the professional development plan[.]; and*

(3) *Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.*

.11 Assistant Child Care Teacher.

A. *To qualify as an assistant child care teacher in a school age center, an individual shall:*

(1)—(2) *(text unchanged)*

(3) *Have completed 9 clock hours of approved preservice training in communicating with staff, parents, and the public, or have completed at least one academic college course for credit; [and]*

(4) *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment; and*

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

B. *(text unchanged)*

C. *An assistant child care teacher in a school age center shall:*

(1) *According to the individual's professional development plan, complete approved continued training, at the rate of at least 6 clock hours per full year of employment as an assistant child care teacher, that consists of a:*

(a) *(text unchanged)*

(b) *Maximum of 3 clock hours of elective training; [and]*

(2) *Document completion of the continued training on the professional development plan[.]; and*

(3) *Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.*

D.—E. *(text unchanged)*

.12 Aides.

A. *An aide shall:*

(1) *(text unchanged)*

(2) *Work under the direct supervision of the staff person in charge of the group of children to whom the aide is assigned; and*

(3) *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment.*

B. *An aide in a child care center shall:*

[(3)] (1) *According to the individual's professional development plan, complete approved continued training, at the rate of at least 6 clock hours per full year of employment as a child care aide, that consists of a:*

(a) *(text unchanged)*

(b) *Maximum of 3 clock hours of elective training; [and]*

[(4)] (2) *Document completion of the continued training on the professional development plan[.]; and*

(3) *Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.*

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

.13 Substitutes.

A.—E. (text unchanged)

F. Approval by Office.

(1) An individual designated as a substitute may not be used in that capacity unless the office has approved the individual.

(2) If information received by the office indicates that an individual designated as a substitute may present a risk to the health, safety, or welfare of children in care, the office may disapprove the use of that substitute.

(3) The office shall notify the operator of its decision to approve or disapprove a substitute upon evaluation of all criminal background check information and child protective services clearances.

13A.16.07 Child Protection

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.02 Abuse/Neglect Reporting.

A. An operator, [or] employee, substitute, or volunteer who has reason to believe that a child has been:

(1)—(2) (text unchanged)

B.—C. (text unchanged)

D. An operator may not require an employee, substitute, or volunteer to report through the operator or director, rather than directly to the local department or a law enforcement agency, when the employee has reason to believe that a child has been abused or neglected.

.03 Child Discipline.

A. (text unchanged)

B. The operator, employee, substitute, or volunteer may not:

(1) (text unchanged)

(2) Punish a child for refusing to eat or drink; [or]

(3) Withhold food or beverages as punishment[.]; or

(4) Spank, hit, shake, or use any other means of physical discipline.

C. The operator shall:

(1)—(2) (text unchanged)

(3) Ensure that the child discipline policy is followed by each employee, substitute, volunteer, and other individual connected with the center.

.06 Child Security.

A.—B. (text unchanged)

C. Unless an employee or staff member has successfully passed federal and State criminal background checks and[, if hired on or after October 1, 2005,] a review of child and adult abuse and neglect records, the individual may not be alone with an unrelated child in care.

D. An employee or staff member who has successfully passed federal and State criminal background checks and[, if hired on or after October 1, 2005,] a review of child and adult abuse and neglect records shall:

(1)—(2) (text unchanged)

E. (text unchanged)

13A.16.08 Child Supervision

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.01 Individualized Attention and Care.

An operator shall ensure that:

A. Each child receives:

(1) Attention to the child’s individual needs, including but not limited to:

(a) Making reasonable accommodations for a child with [special needs in accordance with applicable federal and State laws] a disability; and

(b) Allowing an adult who provides specialized services to a child [with special needs access] in care to provide those services on the facility premises as specified in the child’s individualized education plan, individualized family service plan, or written behavioral plan; and

(2) (text unchanged)

B.—E. (text unchanged)

.03 Group Size and Staffing.

A. Assignment of Staff. One or more child care teachers shall be assigned to each group of children as needed to meet the requirements for group size and staffing set forth at §§C—[G] E of this regulation.

B. (text unchanged)

C. Same-Age Groups. [In a group of children of the same age, the following staff/child ratio and maximum group size requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 10	20
5 years old and older	1 to 15	30

(1) In a group of children in which each child is younger than 2 years old, the following staff/child ratio and maximum group size requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
Infants	1 to 3	6
Toddlers	1 to 3	9
Infants and toddlers, with 1 or 2 infants in the group	1 to 3	9
Infants and toddlers, with 3 or more infants in the group	1 to 3	6

(2) In a group of children of the same age who are 2 years old or older, the following staff/child ratio and maximum group size requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 10	20
5 years old and older	1 to 15	30

D. (text unchanged)

E. Group Size and Staffing in Approved Educational Programs.

(1) (text unchanged)

(2) A nursery school may not exceed a staff/child ratio or group size requirement set forth at [§G(1)] §E(1) of this regulation, except that a Montessori school that has been approved by the Department may exceed a staff/child ratio or group size requirement by no more than 1/3.

(3) (text unchanged)

.06 Supervision During Transportation.

When child transportation is conducted to or from:

A. The center by the center operator, there shall be at least one adult, *who has successfully passed federal and State criminal background checks and a review of child and adult abuse and neglect records pursuant to COMAR 13A.16.07.06D*, other than the driver present in the vehicle if:

(1)—(2) (text unchanged)

B. (text unchanged)

13A.16.09 Program Requirements

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.04 Rest Furnishings.

A.—F. (text unchanged)

G. *A child under 12 months who falls asleep in a furnishing other than a crib shall be moved immediately to an approved sleeping arrangement specified at §A of this regulation.*

13A.16.10 Safety

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 First Aid and CPR.

A.—B. (text unchanged)

C. Whenever a child in care is being transported under center auspices to or from the center, there shall be at least one adult present in the vehicle who is currently certified in approved CPR and first aid. This requirement may be met by the driver of the vehicle *if the driver is an employee of the center.*

D.—E. (text unchanged)

.05 Rest Time Safety.

A. (text unchanged)

B. Unless the need for a positioning device is specified in writing by a child’s physician, a restricting device of any type, *including swaddling*, may not be applied to a resting child.

13A.16.11 Health

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Infectious and Communicable Diseases.

A. (text unchanged)

B. Except in centers for children with acute illness, an operator may not knowingly admit to care or retain in care a child with a transmissible infection or a communicable disease during the period of exclusion recommended for that infection or disease as shown [on a chart provided by the office] *in the Communicable Disease Summary, as published by the Maryland Department of Health*, unless the health officer grants approval for the child to attend child care during that period.

.03 Preventing Spread of Disease.

A. (text unchanged)

B. Hands shall be washed according to the posted approved procedure by a center employee, *substitute*, volunteer, or child in care at least:

(1)—(3) (text unchanged)

C. (text unchanged)

.04 Medication Administration and Storage.

A.—E. (text unchanged)

F. [Effective July 1, 2011:] *Medication Administration Training.*

(1) (text unchanged)

(2) Medication may be administered to a child in care only by an employee who has completed approved medication *administration* training.

G.—H. (text unchanged)

.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of illegal or nonprescribed controlled dangerous substances:

A. (text unchanged)

B. By an employee, *a substitute*, or a volunteer during an off-site program activity.

13A.16.12 Nutrition

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Food Service.

A. Food and Beverages.

(1) (text unchanged)

(2) For children in care, *unless provided by the child’s parent*, the operator shall furnish:

(a)—(b) (text unchanged)

(3)—(6) (text unchanged)

B.—E. (text unchanged)

13A.16.13 Centers for Children with Acute Illness

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Applicability of Subtitle.

An applicant for a center offering care under this chapter shall meet the requirements of this subtitle with the exception of:

- A.—D. (text unchanged)
- E. COMAR [13A.16.10.01A(2)(c)] 13A.16.10.01A(3)(c) concerning emergency evacuation and disaster drills for children; and
- F. (text unchanged)

13A.16.14 Adolescent Centers

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Requirements for Approval.

An applicant for a center offering care to children attending a middle school [or a junior high school] shall:

- A.—B. (text unchanged)

13A.16.15 Drop-In Centers

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.03 Applicability of Subtitle.

An applicant for a drop-in center license shall meet the requirements of this subtitle with the exception of:

- A.—D. (text unchanged)
- E. COMAR [13A.16.10.01A(2)(c)] 13A.16.10.01A(3)(c) concerning emergency evacuation and disaster drills for children; and
- F. (text unchanged)

13A.16.16 Educational Programs in Nonpublic Nursery Schools

Authority: *Education Article, [§§2-206 and 2-303] §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-570, 5-573, and 5-577;] General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Definitions.

- A. (text unchanged)

B. Terms Defined.

- (1)—(16) (text unchanged)
- (17) “Teacher” means an individual who:
 - (a) (text unchanged)
 - (b) Meets the requirements of Regulation [.06B] .06C of this chapter.

.03 Approval to Operate an Educational Program — General Requirements.

- A. (text unchanged)
- B. A bona fide church organization may be approved to operate an educational program without holding a child care center license or a letter of compliance *if child care is not a component of the program.*
- C.—H. (text unchanged)

.04 Approval to Operate an Educational Program — Specific Requirements.

- A.—D. (text unchanged)
- E. An operator may not seek approval of a change in the terms of the approval under any one or combination of the following circumstances:
 - (1)—(2) (text unchanged)
 - (3) The office is implementing a sanction or an enforcement action against the child care center license, the letter of compliance, or other approval document, as applicable, pursuant to COMAR [13A.15] 13A.16, COMAR 13A.17, or COMAR [13A.16] 13A.18; or
 - (4) (text unchanged)
- F.—H. (text unchanged)

13A.16.17 Inspections, Complaints, and Enforcement

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*
 Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Complaints.

[The office shall investigate both written and oral complaints that relate to a violation of a regulation, including anonymous complaints, and prepare a written report of the findings.]

The office shall investigate:

- A. *Both written and oral complaints that relate to a potential violation of a regulation under this subtitle, including anonymous complaints; and*
- B. *Complaints of providing or advertising unlicensed child care.*

.03 Warnings.

If an investigation of a complaint or an inspection of a child care center indicates a violation of this subtitle that does not present an immediate threat to the health, safety, and welfare of a child in care, the office may issue a warning in writing, on an inspection report or by separate letter, that states:

- A. *The violation found, citing the regulation;*
- B. *The time period for correcting the violation; and*
- C. *That failure to correct the violation may result in sanctions being imposed or in suspension or revocation of the license.*

[.04] .05 Suspension.

- A. (text unchanged)

B. The office shall notify the operator in writing of the license suspension by certified mail 20 calendar days in advance, and the notice shall specify:

(1)—(6) (text unchanged)

(7) That, if the suspension is upheld by the [Superintendent] *Office of Administrative Hearings* following the hearing, the operator shall cease providing child care until the office determines that the health, safety, or welfare of a child in the center no longer is threatened;

(8)—(9) (text unchanged)

C.—D. (text unchanged)

[.05].06 Emergency Suspension.

A. (text unchanged)

B. The office shall hand deliver written notice of the emergency suspension to the operator stating:

(1)—(2) (text unchanged)

(3) That the operator is entitled to a hearing before the [Superintendent] *Office of Administrative Hearings* within 7 calendar days of the operator’s request for a hearing;

(4) That the [Superintendent] *Office of Administrative Hearings* shall issue a decision concerning the emergency suspension within 7 calendar days of the hearing;

(5)—(7) (text unchanged)

C. *If unable to hand deliver a written notice to the operator, the Office may send notice by regular and certified mail to the operator’s address.*

[C.] D. (text unchanged)

[.06].07 Revocation.

A. The office may revoke a license if:

(1) (text unchanged)

(2) An operator, *regardless of intent*, misrepresented or offered false information on the application or on any form or report required by the office;

(3) (text unchanged)

(4) The operator fails to comply with the:

(a) Prohibitions on the use of an individual as an employee, a substitute, or a volunteer as set forth in COMAR 13A.16.06.03A and B [and .15C], *COMAR 13A.16.06.13F, or COMAR 13A.16.06.15B*; or

(b) (text unchanged)

(5) (text unchanged)

(6) Violations required to be corrected during a period of suspension have not been corrected and the period has ended; [or]

(7) The license is a continuing license that was placed on conditional status, and the:

(a) (text unchanged)

(b) Operator has failed to meet the requirements for reinstatement of the continuing license[.]; *or*

(8) *Evaluation of information provided to, or acquired by, the office indicates that the operator is unable to provide for the welfare of children.*

B. If the office decides to revoke a license, the office shall notify the operator in writing 20 calendar days before the effective date of the revocation, stating:

(1)—(6) (text unchanged)

(7) That, if the revocation is upheld by the [Superintendent] *Office of Administrative Hearings* following the hearing, the operator shall cease providing child care; and

(8) (text unchanged)

C. (text unchanged)

[.07].08 Penalties.

A. (text unchanged)

B. Civil Penalty.

(1) A person who maintains and operates a child care center *or advertises child care services* without a license, or who violates any regulation in this subtitle, is subject to a civil penalty imposed in a civil action of not more than \$1,000 for each violation.

(2)—(3) (text unchanged)

C. *An individual against whom a civil penalty has been imposed under this regulation shall pay the full amount of the penalty promptly to the Department, as instructed by the civil citation or as otherwise directed by the office.*

D. Appeals.

(1) *An individual may appeal the imposition of a civil penalty under this regulation by filing an appeal with the office as instructed by the civil citation or as otherwise directed by the office.*

(2) *Appeals are conducted in accordance with the provisions of COMAR 13A.16.18.*

13A.16.18 Administrative Hearings

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-573 and 5-580;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-204;] Annotated Code of Maryland*

Agency Note: *Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact child care center licenses and letters of compliance. These actions include denials, suspensions, or revocations of licenses or letters of compliance, reductions in capacity [or], limitations on the ages or numbers of children who may be admitted to the child care center, *the imposition of civil penalties for providing or advertising unlicensed child care services without a valid child care license*, and employment exclusions pursuant to COMAR 13A.16.06.03A or B.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

[(10)] “Letter of compliance” means a letter issued by the Department to a religious organization which meets the requirements of Family Law Article, §5-573, Annotated Code of Maryland.]

[(11)] [(10)]—[(16)] [(15)] (text unchanged)

.03 Hearing Requests.

A. A hearing shall be held when [an applicant, licensee, or holder of a letter of compliance requests a hearing to contest]:

(1) *An applicant or licensee requests a hearing to contest:*

[(1)] (a) The denial of an application for a license [or letter of compliance];

[(2)] (b) A revocation or suspension of a license [or letter of compliance]; or

[(3)] (c) Any other action that adversely impacts on the licensee [or holder of the letter of compliance], including, but not limited to:

[(a)] (i)—[(b)] (ii) (text unchanged)

[(c)] (iii) A limitation on the ages or numbers of children who may be admitted to the child care center[.];

(2) *An individual requests a hearing to contest the imposition of civil penalties for providing unlicensed child care or advertising child care services without a valid license; or*

(3) *An individual requests a hearing to contest the prohibition of employment at a child care center.*

B. Nonemergency Action Hearing Requests.

(1) All nonemergency action hearing requests shall be forwarded in writing to the Office and shall state the name and address of the licensee or [holder of the letter of compliance] *the individual contesting the imposition of a civil penalty*, and the effective date and nature of the action appealed from.

(2)—(5) (text unchanged)

C. (text unchanged)

.04 Preliminary Conference.

A. [The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action.] *A preliminary conference may be held before a hearing on an action if an appellant requests the conference.*

B.—D. (text unchanged)

.05 Denial or Dismissal of a Hearing Request.

A. The Office of Administrative Hearings may deny a request for a hearing if:

(1) The issue appealed is not one which adversely affects the licensee [or holder of the letter of compliance]; or

(2) (text unchanged)

B. (text unchanged)

13A.16.19 Public Access to Licensing Records

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] *Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.03 Request for Information from Licensing Records.

A. (text unchanged)

B. The written request shall:

(1) Contain the applicant's name, address, and telephone number; *and*

[(2) Be signed by the applicant; and]

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

[C. A request may be made in any form or format if it does not involve:

(1) Physical inspection of licensing records; or

(2) Preparation of a written or electronic:

(a) Copy of licensing records; or

(b) Report of information from licensing records.]

[D.] C. (text unchanged)

.04 Compelling Public Purpose.

A compelling public purpose shall exist for the custodian of record to permit inspection of licensing records other than the records specified under [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland.

KAREN B. SALMON, Ph.D.
State Superintendent of School

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

Notice of Proposed Action

[19-191-P]

The Maryland State Board of Education proposes to:

(1) Amend Regulation **.02** under **COMAR 13A.17.01 Scope and Definitions**;

(2) Amend Regulations **.01**, **.02**, **.05**, and **.06** under **COMAR 13A.17.02 Letter of Compliance Application and Maintenance**;

(3) Amend Regulations **.02—06** and adopt new Regulation **.09** under **COMAR 13A.17.03 Management and Administration**;

(4) Amend Regulations **.05**, **.12**, and **.13** under **COMAR 13A.17.05 Physical Plant and Equipment**;

(5) Amend Regulations **.02—05** under **COMAR 13A.17.06 Staff Requirements**;

(6) Amend Regulations **.02**, **.03**, and **.06** under **COMAR 13A.17.07 Child Protection**;

(7) Amend Regulation **.06** and adopt new Regulation **.08** under **COMAR 13A.17.08 Child Supervision**;

(8) Amend Regulations **.01** and **.02** under **COMAR 13A.17.10 Safety**;

(9) Amend Regulations **.02—04** and **.06** under **COMAR 13A.17.11 Health**;

(10) Amend Regulation **.01** under **COMAR 13A.17.12 Nutrition**;

(11) Amend Regulation **.01** under **COMAR 13A.17.13 Adolescent Facilities**;

(12) Amend Regulations **.02** and **.03** under **COMAR 13A.17.14 Educational Programs in Nonpublic Nursery Schools**;

(13) Amend Regulation **.01**, adopt new Regulation **.03**, recodify existing Regulation **.03** to be Regulation **.04**, and amend and recodify existing Regulations **.04—07** to be Regulations **.05—08** under **COMAR 13A.17.15 Inspections, Complaints, and Enforcement**;

(14) Amend Regulations **.01—05** under **COMAR 13A.17.16 Administrative Hearings**; and

(15) Amend Regulations **.03** and **.04** under **COMAR 13A.17.17 Public Access to Licensing Records**.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to amend **COMAR 13A.17 Child Care—Letters Of Compliance** that was published in 46:4 Md. R. 249—257 (February 15, 2019).

This action was considered by the Maryland State Board of Education at its April 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to clarify certain requirements pertaining to the operation of child care programs operated by tax exempt religious organizations and establish requirements for criminal background checks, swimming pool security, length of time for taking the basic health and safety training, and medical information being provided.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of the proposed amendments is to implement the requirements of the Child Care and Development Block Grant Act, as amended (42 U.S.C. 9858 et seq.), along with Section 418 of the Social Security Act (42 U.S.C. 618). Consistent throughout all four subtitles of regulations, the proposed amendments include statutory requirements of the Child Care and

Development Fund reauthorization, modifications to provide clarity and more consistency between all subtitles, and corrections to the previous publication. The State will reimburse the cost to child care providers for the cost of fingerprinting to meet the new requirement.

<http://earlychildhood.marylandpublicschools.org/fingerprinting>

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Actual \$46,516
B. On other State agencies:	(R+)	Approximately \$428
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) Letters of compliance (LOC) programs	(+)	Approximately \$46,516
(2) Medical information	(+)	Approximately \$80,550
(3) Swimming pool security	(+)	Approximately \$45,000
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.)

A. Background Clearances: The State has processed fingerprint reimbursement requests for 90 letters of compliance programs (3% of the 3,006 payment are child care programs with Letters of Compliance) for a total of \$46,516 in obligations. The count for reimbursement to LOC child care programs does not include all of the staff printed for each location—only the center itself. The cost to date for reimbursement of fingerprinting costs for FY 18 is \$15,507 and for FY 19 is \$31,010, for a cost to the State of \$46,516 over FY 18 and FY 19. The State provided a one-time reimbursement for fingerprinting costs to child care providers.

B. Maryland Department of Public Safety and Correctional Services (DPSCS) Criminal Justice Information System is allowed to keep \$2 from the FBI background check. The State estimates there are approximately 214 providers going through the fingerprinting process. Therefore, revenue to the DPSCS is estimated to be \$428 annually.

D(1). Background Clearances: LOC programs and staff incurred up-front costs for meeting fingerprinting requirements. Cost for fingerprinting ranges from \$35 to \$75 per person. The State reimbursed one time only the cost of fingerprinting for providers meeting the new requirement. If the provider/center did not request reimbursement from the State, they would incur the cost of the fingerprinting. In the future, this will be a cost for child care providers.

D(2). Medical Information for LOC Programs and Staff: Medicals will be completed by LOC programs and associated staff every 5

years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, etc. Using these estimates, approximately 1,611 people (3% of the 53,700 people are in child care with letter of compliance) will be spending \$100 for a medical every 5 years, which would be an approximate cost of \$80,550 every 5 years.

D(3). Swimming Pool Security: Maryland estimates that half of the pools already meet fencing requirements and would not incur additional costs. Each fence would cost an estimated \$3,000 to \$5,000 depending on the size of the pool and the outdoor space. Using these estimates, 11 pools owners (3% of the 375 are in child care with letter of compliance) would spend an average of \$4,000 per fence for a total of \$45,000 to bring all facilities into compliance. This is a one-time only cost. All new applicants would need to meet this requirement prior to becoming licensed.

Economic Impact on Small Businesses

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

Intended Beneficiaries

Background Clearances/Fingerprinting: To comply with the Child Care and Development Block Grant (CCDBG) Act referenced in Part A, the State is providing reimbursement to child care centers and family child care homes for the cost of staff fingerprinting. While these LOCs/staff incurred the up-front cost for fingerprinting, the State did reimburse that cost, thereby alleviating the economic impact to LOCs who requested reimbursement.

Health and Safety Training: To comply with the CCDBG Act referenced in Part A, the State utilized the Maryland State Department of Education’s Learning Management System to develop and deliver the online health and safety training at no cost to child care providers. The State did not incur any direct costs for the development of the training. For those providers who choose not to take the free online training, or who fail both online attempts, the training can be obtained in a face-to-face setting for an average cost of \$35. This cost is reimbursable to providers who hold a Maryland Child Care Credential at Level 2 or higher. Child care providers can obtain the training in Spanish from Penn State Better Kid Care for \$5. This training is also eligible for reimbursement through the Maryland Credentialing Program. MSDE is currently having a new online Health & Safety training developed that will be asynchronous and allow providers to take the training anytime. The new training is built on a better platform that is easy to maneuver and will test providers as they proceed through the training. This will also be available for no cost to providers or their staff.

Intended Beneficiaries: Households

Families with children enrolled in a LOC program will benefit because their children will receive care and education services from staff and administration who have met higher standards for criminal background checks, health and safety training, and updated staff medical information, and whose facilities will meet requirements for protecting children from swimming pool dangers.

Intended Beneficiaries: Businesses

The amendments are not expected to have an impact on any businesses beyond the child care businesses that comply with the new requirements.

Other Direct or Indirect Impacts: Adverse

Background clearances: Facilities who incurred the cost of fingerprinting (\$35—\$75 per person) and choose not to request reimbursement will not benefit from the alleviation of those costs by the State. Future fingerprinting costs will range from \$35 to \$75 per

person and will be completed every 5 years from the initial fingerprinting date.

Medical information for LOC programs and staff: Individuals working in child care centers will incur the cost of medicals every 5 years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, and other variables.

Swimming Pool Security: An estimated 11 pool owners who are LOC programs would spend an average of \$4,000 per facility, as a one-time cost, to come into compliance with swimming pool security requirements. New applicants for LOC licensure would need to meet this requirement prior to becoming licensed. This additional cost may encourage some child care providers to raise the fees they charge to families.

Other Direct or Indirect Impacts: Positive

Improving the quality of child care and early education in Maryland is expected to enhance the overall reputation of Maryland’s early care and education industry, and this may help attract businesses to Maryland. Higher-quality child care and early education services for children may result in those children more effectively developing the skills they will need to succeed in school and in life and may positively affect the State workforce in the years to come. Maryland’s compliance with the federal CCDBG Act ensures that federal funding continues, which in turn supports working families in Maryland through the Child Care Subsidy program and other quality initiatives to improve long-term benefits to children.

Long-Term Impacts

No long-term effects on Maryland small businesses are anticipated which may differ from, compound, mitigate, or offset the initial effects described above.

Estimates of Economic Impact

(1) Cost of providing goods and services:

Some LOC programs who incur costs related to the amendments may charge higher fees to families for their services. Because child care fees are determined independently by each provider, the overall change, if any, in those expenses cannot be determined.

(2) Effect on the workforce:

Families in Maryland’s workforce with young children and school-age children using child care services will have the ability to choose from LOC programs that are meeting higher standards for: criminal background checks, health and safety training, staff medicals, and, if applicable, fencing requirements for swimming pools. Access to this information may enable families to make informed decisions when choosing a program for their children; and may be seen as a benefit for business growth in Maryland.

(3) Capital investment, taxation, competition, and economic development:

These proposals are not expected to have any direct effect on capital investment, taxation, competition, or economic development. However, as noted above, they may help provide a more attractive environment for business growth.

(4) Consumer choice:

Consumer choice is expected to be affected positively by making higher quality child care services available to families seeking those services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tara Bartosz, Assistant to the Director, Office of Child Care, Division of Early Childhood, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD

21201, or call 410-767-7806 (TTY 410-333-6442), or email to earlychildhoodregs.msde@maryland.gov, or fax to 410-333-6226. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 3, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.17.01 Scope and Definitions

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-502, 5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Adolescent facility” means a child care facility that offers programs exclusively to children in middle school [and junior high school].

(4)—(6) (text unchanged)

(7) “Capacity” means the total number of children, specified by the letter of compliance [of the facility], who may be in care at any one time.

(8)—(16) (text unchanged)

(17) Employee.

(a) “Employee” means an individual:

(i) Who [for compensation] is employed by the facility operator to work at or for the facility; and

(ii) (text unchanged)

(b) (text unchanged)

(c) For the purpose of applying the criminal background check requirements and the child and adult abuse and neglect record review requirements set forth in this subtitle, “employee” includes any individual who:

(i) [Is compensated by the operator to perform a service at the facility;] *Meets the definition of an employee as set forth in this subsection; and*

[(ii) Has access to children in care; and]

[(iii) (i) (text unchanged)]

(18)—(19) (text unchanged)

(20) “Identified as responsible for child abuse or neglect” means being determined by a local department of social services or other state agency to be responsible for indicated child abuse or neglect, or awaiting the local department’s appeal hearing after the determination.

(21) (text unchanged)

(22) “Injurious treatment” means:

(a) [Deliberate infliction in any manner of any type of physical pain] *Physical discipline*, including but not limited to spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain;

(b) (text unchanged)

(c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, *threatening*, or ridiculing; and

(d) (text unchanged)

(23)—(24) (text unchanged)

(25) “Letter of compliance” means a letter issued by the Department to a tax-exempt religious organization that meets the requirements under [Family Law Article, §5-574] *Education Article*, §§9.5-401—9.5-420, Annotated Code of Maryland.

(26)—(30) (text unchanged)

(31) “Operated by a tax-exempt religious organization” means that a letter holder *is a church or bona fide house of worship* or has submitted a copy of the determination letter from the Internal Revenue Service that recognizes the organization as [a bona fide church organization] exempt from taxation under the Internal Revenue Code of 1954, 26 U.S.C. §501(c)(3).

(32)—(46) (text unchanged)

13A.17.02 Letter of Compliance Application and Maintenance

Authority: *Education Article*, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; *Human Services Article*, §1-202;

[State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.01 Letter of Compliance — General Requirements.

A.—B. (text unchanged)

C. *The operator may not allow an employee, staff member, substitute, or volunteer to:*

(1) *Be assigned to a group of children or have access to a child in care until the individual has successfully passed the child abuse and neglect clearance and a federal or State criminal background check; or*

(2) *Be alone with a child or group of children until all checks have been successfully passed.*

.02 Initial Letter of Compliance.

A. Application Requirements. An individual or organization that does not currently hold a letter of compliance and wishes to operate a nursery school or child care program under this subtitle shall:

(1)—(2) (text unchanged)

(3) Ensure that an application for a federal and State criminal background check is submitted for:

(a)—(b) (text unchanged)

(c) Each employee, including [paid] substitutes and volunteers; and

(d) Each individual [14] 18 years old or older living on the child care facility premises.

B. Before the proposed opening date, the applicant shall submit the following items to the office, if not submitted at the time the written application form was submitted:

(1) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about:

(a) (text unchanged)

(b) Each employee, including substitutes and volunteers;

(c)—(e) (text unchanged)

(2)—(12) (text unchanged)

C. *Non-Maryland State Criminal Background Check. If an individual subject to the requirements of §A(3) of this regulation currently resides or has resided in a state other than Maryland within 5 years before the date of application for registration, the individual shall:*

(1) *Apply for a state criminal background check to be performed by a duly authorized entity within that state; and*

(2) *Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.*

.05 Response of the Office to Application.

A. (text unchanged)

B. Except as specified at §C of this regulation, the office shall, within 30 days after completing the procedures in §A of this regulation, promptly:

(1) (text unchanged)

(2) For a continuing [license] *letter of compliance* application, issue or deny a continuing [license] *letter of compliance*.

C. (text unchanged)

.06 Denial of Letter of Compliance.

A. An office may deny an application for an initial letter of compliance or a continuing letter of compliance if:

(1) (text unchanged)

(2) An evaluation of the application form, *medical documents, or any documents required* by the office reveals that the applicant, *regardless of intent*, reported false information;

(3)—(7) (text unchanged)

B.—C. (text unchanged)

13A.17.03 Management and Administration

Authority: *Education Article*, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; *Human Services Article*, §1-202;

[State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.02 Admission to Care.

A.—C. (text unchanged)

D. If a child is younger than 6 years old at the time of admission, the operator may not allow the child to remain in care if the parent does not, within 30 days after the child’s admission, submit evidence to the operator on a form supplied or approved by the office that the child has received an appropriate lead screening *or test* in accordance with applicable State or local requirements.

E. Temporary Admission to Care.

(1) (text unchanged)

(2) For a child to be temporarily admitted or retained in care, the parent shall present evidence of the child’s appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening *or test*;

(b)—(d) (text unchanged)

(3)—(4) (text unchanged)

.03 Program Records.

The operator shall:

A. (text unchanged)

B. Maintain:

(1)—(2) (text unchanged)

(3) Records of food actually served by the facility for the most recent 4 weeks as required by COMAR [13A.17.12.01G] 13A.17.12.01E;

(4) (text unchanged)

(5) A current copy of [Family Law Article, §5-570] *Education Article*, §§9.5-401—9.5-420 et seq., Annotated Code of Maryland, and this subtitle on the premises and make them available to parents upon request.

.04 Child Records.

A.—D. (text unchanged)

E. [If the child is younger than 6 years old, there shall be documentation that the child has received an appropriate lead screening as required by State or local law.] *The operator shall maintain documentation that, as required by State or local law, each child admitted to, or continuing in, care has received:*

(1) *An appropriate lead screening, if the child is younger than 6 years old and was born before January 1, 2015; or*

(2) *A lead test when the child is 12 months old and again when the child is 24 months old, regardless of where the child resides, if the child was born on or after January 1, 2015.*

F. A medical evaluation and, if applicable, documentation of an appropriate lead screening or test that are transferred directly, without a gap in time longer than 3 months, from a registered family day care home, a licensed child care center, another facility operating under a letter of compliance, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of §§D(3) and E of this regulation.

G.—H. (text unchanged)

I. The operator shall record or maintain on file:

(1) (text unchanged)

(2) Each injury or accident required by Regulation [.06B and C].06D and E of this chapter to be reported;

(3)—(6) (text unchanged)

J. (text unchanged)

.05 Staff Records.

The operator shall:

A. Maintain [for review] and, upon request by the office, submit a current and complete:

(1)—(2) (text unchanged)

B. During an individual's employment at the facility and for 2 years after the date of the individual's last employment there, maintain a record for each individual that includes:

(1) *Training, including basic health and safety training and yearly updates, if required under this subtitle;*

[(1)] (2)—[(4)] (5) (text unchanged)

C. —D. (text unchanged)

.06 Notifications.

The operator shall:

A. Within 5 business days of its occurrence, provide written notification to the office about the:

(1) Addition of a new employee or staff member that includes:

(a) (text unchanged)

(b) Information about the individual's work assignment; [and]

(c) *Proof of compliance with the laws and regulations pertaining to criminal background checks; and*

[(c)] (d) (text unchanged)

(2) (text unchanged)

B. *Within 15 working days of adding the new employee or staff member, provide to the office, if applicable, documentation that the individual meets the requirements of this chapter for the assignment, unless documentation already is on file in the office;*

[B.] C. Have on file in the nursery school or child care program the following information about each employee or staff member:

(1)—(2) (text unchanged)

(3) [If the individual is paid, proof] *Proof of compliance with laws and regulations pertaining to criminal background checks;*

[C.] D.—[D] E. (text unchanged)

[E.] F. Immediately notify the office of:

(1) *An employee or an individual on the child care facility premises who is under investigation for:*

(a)—(b) (text unchanged)

(2) (text unchanged)

[F.] G. Within 5 working days after there is a new [resident on the] *individual living on the child care facility premises who is 18 years old or older:*

(1) Submit to the office a signed and notarized release form giving the office permission to examine records of abuse and neglect of children and adults for information about the [resident] *individual living on the child care facility premises;* and

(2) Direct the [resident] *individual living on the child care facility premises to apply for a federal and State criminal background check pursuant to COMAR 13A.17.02.02A(3) and C; and*

[G.] H. (text unchanged)

.09 Advertisement.

A. *An operator may not advertise child care services unless the facility holds a current letter of compliance issued by the office.*

B. *An advertisement of the facility shall:*

(1) *Specify that the facility holds a letter of compliance; and*

(2) *Include the letter of compliance number issued to the facility by the office.*

13A.17.05 Physical Plant and Equipment

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202;*

[State Government Article, §10-617;] *Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.05 Lead-Safe Environment.

A. (text unchanged)

B. If the child care facility is a [pre-1950] *pre-1978 residential rental property, which is an affected property as defined by the Environment Article, §6-801(b), Annotated Code of Maryland, the operator shall submit a copy of the current lead risk reduction or lead free certificate.*

C.—D. (text unchanged)

.12 Outdoor Activity Area.

A.—E. (text unchanged)

F. *Any pool on the premises of the facility shall be made inaccessible to children in care and have security features, including but not limited to a:*

(1) *Fence that surrounds the pool at least 4 feet in height;*

(2) *Self-closing and self-latching mechanism on the gate, door, or access to the pool;*

(3) *Lock that is operable and secured; and*

(4) *Sensor or alarm in the pool and on the access door.*

.13 Swimming Facilities.

A. (text unchanged)

B. An above-ground swimming pool [may not be used for swimming activities.]:

(1) *May not be used for swimming activities; and*

(2) *Shall be made inaccessible to children in care.*

C. *A child in care may not use a pool, such as a fill-and-drain molded plastic or inflatable pool.*

13A.17.06 Staff Requirements

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585.] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.02 Staff Orientation and Training.

On or before assignment, an operator shall document that each employee and staff member has been informed in writing about all areas pertinent to the health and safety of the children, including:

- A.—I. (text unchanged)
- J. The content of the most current regulations in this subtitle; [and]
- K. The community resources available to the family of a child who may have special needs[.];
- L. *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment; and*
- M. *Basic health and safety is completed by each staff member by the end of each 12-month period, measured each calendar year.*

.03 Suitability for Employment.

A. A child care facility operator may not employ an individual who[, as reported on or after October 1, 2005,] has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

- (1)—(2) (text unchanged)
- (3) A violent crime classified as a felony, *including physical assault or battery*;
- (4)—(9) (text unchanged)
- (10) Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; [or]
- (11) Reckless endangerment[.]; *or*
- (12) *The felony of:*
 - (a) *Murder*;
 - (b) *Spousal abuse*; *or*
 - (c) *Arson*.

B. If[, as reported on or after October 1, 2005,] an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included in the list set forth at §A of this regulation, the office:

- (1)—(2) (text unchanged)
- C.—E. (text unchanged)

.04 Staff Health.

A. Medical Evaluation.

(1) An operator shall obtain a medical evaluation[, including a tuberculosis screen, if indicated], *conducted by a practicing physician, certified nurse practitioner, or registered physician's assistant, on a form supplied or approved by the office, that has been completed within 6 months before the individual begins work in the center, from each prospective:*

- (a)—(b) (text unchanged)
- (2) *The medical evaluation shall be signed by the individual who conducted the evaluation and include verification that the staff member:*
 - (a) *Is free of communicable tuberculosis, if indicated; and*
 - (b) *Has the capability to perform the duties of the staff member's position.*

[(2)] (3) The medical evaluation may transfer directly from one nursery school or child care program to another when [there has been

no gap in employment longer than 3 months] *the evaluation was completed within the previous 24 months of the transfer.*

(4) *The medical evaluation shall be updated every 5 years, measured from the individual's previous medical evaluation date.*

B. Exclusion from Work. Except with the approval of the office and the health officer, an operator may not permit an individual with a serious transmissible infection or communicable disease listed [on a chart supplied by the office] *in the Communicable Diseases Summary, as published by the Maryland Department of Health, to work at a nursery school or child care program during the period of exclusion from child care shown [on the chart for that infection or disease] by the Summary.*

.05 Substitutes.

- A.—B. (text unchanged)
- C. *Approval by Office.*
 - (1) *An individual designated as a substitute may not be used in that capacity unless the office has approved the individual.*
 - (2) *If information received by the office indicates that an individual designated as a substitute may present a risk to the health, safety, or welfare of children in care, the office may disapprove the use of that substitute.*
 - (3) *The office shall notify the operator of its decision to approve or disapprove a substitute upon evaluation of all criminal background check information and child protective services clearances.*

13A.17.07 Child Protection

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585.] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.02 Abuse/Neglect Reporting.

- A. An operator [or], staff member, *employee, substitute, or volunteer* who has reason to believe that a child has been:
 - (1)—(2) (text unchanged)
 - B.—C. (text unchanged)
 - D. An operator may not require a staff member, *employee, substitute, or volunteer* to report through the operator or director, rather than directly to the local department or a law enforcement agency, when the staff member has reason to believe that a child has been abused or neglected.

.03 Child Discipline.

- A. (text unchanged)
- B. The operator, *staff member, employee, substitute, or volunteer* may not:
 - (1) (text unchanged)
 - (2) Punish a child for refusing to eat or drink; [or]
 - (3) Withhold food or beverages as punishment[.]; *or*
 - (4) *Spank, hit, shake, or use any other means of physical discipline.*
- C. The operator shall:
 - (1)—(2) (text unchanged)
 - (3) Ensure that the child discipline policy is followed by each employee, *substitute, volunteer, and other individual connected with the facility.*

.06 Child Security.

- A. (text unchanged)

B. Unless an employee or staff member has successfully passed federal and State criminal background checks and[, if hired on or after October 1, 2005,] a review of child and adult abuse and neglect records, the individual may not be alone with an unrelated child in care.

C. A facility employee or staff member who has successfully passed federal and State criminal background checks and[, if hired on or after October 1, 2005,] a review of child and adult abuse and neglect records shall:

(1)—(2) (text unchanged)

13A.17.08 Child Supervision

Authority: *Education Article*, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.06 Supervision During Transportation.

When child transportation is conducted to or from:

A. The child care facility by the facility operator, there shall be at least one adult, who has successfully passed federal and State criminal background checks and a review of child and adult abuse and neglect records pursuant to COMAR 13A.17.07.06C, other than the driver present in the vehicle if:

(1)—(2) (text unchanged)

B. (text unchanged)

.08 Rest Time Supervision.

During a rest period for a group of children:

A. The required staff/child ratio applicable to that group shall be maintained until all the children are resting quietly; and

B. Once all the children in the group are resting quietly:

(1) At least one staff member assigned to the group shall continue to remain in the room with the children; and

(2) Other staff members, if any, assigned to the group may leave the room but shall remain on the premises and within hearing range.

13A.17.10 Safety

Authority: *Education Article*, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.01 Emergency Safety Requirements.

A. (text unchanged)

B. If the child care facility is included within a comprehensive emergency and disaster plan, the facility operator shall ensure that:

(1) The comprehensive plan contents meet all emergency and disaster plan requirements set forth at [§A(2)(a)] §A(3)(a) and (b) of this regulation; and

(2) (text unchanged)

C. (text unchanged)

.02 First Aid and CPR.

A.—B. (text unchanged)

C. Whenever a child in care is being transported under child care facility auspices to or from the facility, there shall be at least one adult present in the vehicle who is currently certified in approved CPR and first aid. This requirement may be met by the driver of the vehicle if the driver is an employee of the center.

D.—E. (text unchanged)

13A.17.11 Health

Authority: *Education Article*, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.02 Infectious and Communicable Diseases.

A. (text unchanged)

B. Except in facilities for children with acute illness, an operator may not knowingly admit to care or retain in care a child with a transmissible infection or a communicable disease during the period of exclusion recommended for that infection or disease as shown [on a chart provided by the office] in the *Communicable Disease Summary*, as published by the Maryland Department of Health, unless the health officer grants approval for the child to attend child care during that period.

.03 Preventing Spread of Disease.

A. (text unchanged)

B. Hands shall be washed according to the posted approved procedure by a facility employee, substitute, volunteer, or child in care at least:

(1)—(3) (text unchanged)

C. (text unchanged)

.04 Medication Administration and Storage.

A.—E. (text unchanged)

F. [Effective July 1, 2011:] *Medication Administration Training*.

(1) (text unchanged)

(2) Medication may be administered to a child in care only by an employee who has completed approved medication administration training.

G.—H. (text unchanged)

.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of illegal or nonprescribed controlled dangerous substances:

A. (text unchanged)

B. By an employee, a substitute, or a volunteer during an off-site program activity.

13A.17.12 Nutrition

Authority: *Education Article*, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.01 Food Service.

A. Food and Beverages.

(1) (text unchanged)

(2) For children in care, *unless provided by the child's parent*, the operator shall furnish:

- (a)—(b) (text unchanged)
- (3)—(6) (text unchanged)
- B.—E. (text unchanged)

13A.17.13 Adolescent Facilities

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.01 Requirements for Approval.

An applicant for a child care program offering care to children attending a middle school [or a junior high school] shall:

- A.—B. (text unchanged)

13A.17.14 Educational Programs in Nonpublic Nursery Schools

Authority: *Education Article, [§§2-206 and 2-303] §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-570 and 5-573;] *General Provisions Article, §4-333*; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(7) (text unchanged)
 - (8) “Letter of compliance” means a document issued by the Department pursuant to [COMAR 13A.16] *this subtitle* that authorizes the recipient to operate a letter of compliance facility.
 - (9)—(14) (text unchanged)

.03 Approval to Operate an Educational Program — General Requirements.

- A. (text unchanged)
- B. A bona fide church organization may be approved to operate an educational program without holding a child care center license or a letter of compliance *if child care is not a component of the program*.
- C.—G. (text unchanged)

13A.17.15 Inspections, Complaints, and Enforcement

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.01 Complaints.

[The office shall investigate both written and oral complaints that relate to a violation of a regulation, including anonymous complaints, and prepare a written report of the findings.]

The office shall investigate:

- A. *Both written and oral complaints that relate to a potential violation of a regulation under this subtitle, including anonymous complaints; and*
- B. *Complaints of providing child care or advertising child care services without a valid letter of compliance.*

.03 Warnings.

If an investigation of a complaint or an inspection of a facility indicates a violation of this subtitle that does not present an immediate threat to the health, safety, and welfare of a child in care, the office may issue a warning in writing, on an inspection report or by separate letter, that states:

- A. *The violation found, citing the regulation;*
- B. *The time period for correcting the violation; and*
- C. *That failure to correct the violation may result in sanctions being imposed or in suspension or revocation of the letter of compliance.*

[.04] .05 Suspension.

- A. (text unchanged)
- B. The office shall notify the operator in writing of the suspension by certified mail 20 calendar days in advance, and the notice shall specify:

- (1)—(6) (text unchanged)
- (7) That, if the suspension is upheld by the [Superintendent’s designee] *Office of Administrative Hearings* following the hearing, the operator shall cease providing child care until the office determines that the health, safety, or welfare of a child in the facility no longer is threatened;
- (8)—(9) (text unchanged)
- C.—D. (text unchanged)

[.05] .06 Emergency Suspension.

- A. (text unchanged)
- B. The office shall hand deliver written notice of the emergency suspension to the operator stating:

- (1)—(2) (text unchanged)
- (3) That the operator is entitled to a hearing before the [Superintendent] *Office of Administrative Hearings* within 7 calendar days of the operator’s request for a hearing;
- (4) That the [Superintendent] *Office of Administrative Hearings* shall issue a decision concerning the emergency suspension within 7 calendar days of the hearing;
- (5)—(7) (text unchanged)

C. *If unable to hand deliver a written notice to the operator, the Office may send notice by regular and certified mail to the operator’s address.*

- [C.] D. (text unchanged)

[.06] .07 Revocation.

- A. The office may revoke a letter of compliance if:
 - (1) (text unchanged)
 - (2) The operator, *regardless of intent*, misrepresented or offered false information on the application or on any form or report required by the office;
 - (3) (text unchanged)
 - (4) The operator fails to comply with the:
 - (a) Prohibitions on the use of an individual as an employee, substitute, or [as a] volunteer as set forth, respectively, in COMAR 13A.17.06.03A and B [and .07C], *COMAR 13A.17.06.05C, and COMAR 13A.17.06.07B*; or
 - (b) (text unchanged)
 - (5) (text unchanged)
 - (6) Violations required to be corrected during a period of suspension have not been corrected and the period has ended; [or

(7) The letter of compliance is a continuing letter of compliance that was replaced by a conditional letter of compliance, and the:

(a) (text unchanged)

(b) Operator has failed to meet the requirements for reinstatement of the continuing letter of compliance[.]; or

(8) *The evaluation of information provided to or acquired by the office indicates that the operator is unable to care for the welfare of children.*

B. If the office decides to revoke a letter of compliance, the office shall notify the operator in writing 20 calendar days before the effective date of the revocation, stating:

(1)—(6) (text unchanged)

(7) That, if the revocation is upheld by the [Superintendent] *Office of Administrative Hearings* following the hearing, the operator shall cease providing child care; and

(8) (text unchanged)

C. (text unchanged)

[.07].08 Penalties.

A. (text unchanged)

B. Civil Penalty.

(1) A person who maintains and operates a nursery school or child care program *or advertises a child care program* without a [license or] letter of compliance, or who violates any regulation in this subtitle, is subject to a civil penalty imposed in a civil action of not more than \$1,000 for each violation, and each day a violation occurs or the facility operates illegally is considered a separate violation.

(2) (text unchanged)

C. *An individual against whom a civil penalty has been imposed under this regulation shall pay the full amount of the penalty promptly to the Department, as instructed by the civil citation or as otherwise directed by the office.*

D. Appeals.

(1) *An individual may appeal the imposition of a civil penalty under this regulation by filing an appeal with the office as instructed by the civil citation or as otherwise directed by the office.*

(2) *Appeals are conducted in accordance with the provisions of COMAR 13A.17.16.*

13A.17.16 Administrative Hearings

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-573 and 5-580; State Government Article, §10-204;] General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland*

Agency Note: *Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact [on] child care center licenses and letters of compliance. These actions include denials, suspensions, [or] *and* revocations of licenses or letters of compliance, as well as reductions in capacity [or], limitations on the ages or numbers of children who may be admitted to the child care center, *the imposition of civil penalties for providing or advertising child care services without a valid letter of compliance, and employment exclusions pursuant to COMAR 13A.17.06.03A or B.*

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) Emergency Action.

(a) (text unchanged)

(b) “Emergency action” may include an emergency suspension, an immediate reduction in capacity, an immediate limitation on the ages or numbers of children who may be admitted to care, and an [appeal filed by an individual] *employment exclusion* pursuant to COMAR [13A.16.06.03D or 13A.17.06.03D] *13A.17.06.03A or B.*

(8)—(9) (text unchanged)

(10) “Letter of compliance” means a letter issued by the Department to a religious organization which meets the requirements of [Family Law Article, §5-573] *Education Article, §9.5-404, Annotated Code of Maryland.*

(11)—(16) (text unchanged)

.03 Hearing Requests.

A. A hearing shall be held when [an applicant, licensee, or holder of a letter of compliance requests a hearing to contest]:

(1) *An applicant or holder of a letter of compliance requests a hearing to contest:*

[(1)] (a) The denial of an application for a [license or] letter of compliance;

[(2)] (b) A revocation or suspension of a [license or] letter of compliance; or

[(3)] (c) Any other action that adversely impacts [on] the [licensee or] holder of the letter of compliance, including, but not limited to:

[(a)] (i)—[(b)] (ii) (text unchanged)

[(c)] (iii) A limitation on the ages or numbers of children who may be admitted to the child care center[.];

(2) *An individual requests a hearing to contest the imposition of civil penalties for providing child care or advertising child care services without a valid letter of compliance; or*

(3) *An individual requests a hearing to contest the prohibition of employment at a facility holding a letter of compliance.*

B. Non-emergency Action Hearing Requests.

(1) All non-emergency action hearing requests shall be forwarded in writing to the Office and shall state the name and address of the [licensee or] holder of the letter of compliance *or the individual contesting the imposition of a civil penalty*, and the effective date and nature of the action appealed from.

(2)—(5) (text unchanged)

C. (text unchanged)

.04 Preliminary Conference.

A. [The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action.] *A preliminary conference may be held before a hearing on an action if an appellant requests the conference.*

B.—D. (text unchanged)

.05 Denial or Dismissal of a Hearing Request.

A. The Office of Administrative Hearings may deny a request for a hearing if:

(1) The issue appealed is not one which adversely affects the [licensee or] holder of the letter of compliance; or

(2) (text unchanged)

B. (text unchanged)

13A.17.17 Public Access to Licensing Records

Authority: *Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585.] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.03 Request for Information from Licensing Records.

- A. (text unchanged)
- B. The written request shall:
 - (1) Contain the applicant’s name, address, and telephone number; *and*
 - [(2) Be signed by the applicant; and]
 - [(3)] (2) (text unchanged)
- [C. A request may be made in any form or format if it does not involve:
 - (1) Physical inspection of licensing records; or
 - (2) Preparation of a written or electronic:
 - (a) Copy of licensing records; or
 - (b) Report of information from licensing records.]
- [D.] C. (text unchanged)

.04 Compelling Public Purpose.

A compelling public purpose shall exist for the custodian of record to permit inspection of licensing records other than the records specified under [State Government Article, §10-617(h)(2).] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Notice of Proposed Action

[19-192-P]

The Maryland State Board of Education proposes to amend:

- (1) Regulation **.02** under **COMAR 13A.18.01 Scope and Definitions**;
- (2) Regulations **.01—08** under **COMAR 13A.18.02 Registration Application and Maintenance**;
- (3) Regulations **.02—06** under **COMAR 13A.18.03 Management and Administration**;
- (4) Regulation **.04** under **COMAR 13A.18.04 Operational Requirements**;
- (5) Regulations **.05, .12, and .13** under **COMAR 13A.18.05 Home Environment and Equipment**;
- (6) Regulations **.03—08 and .10** under **COMAR 13A.18.06 Provider and Staff Requirements**;
- (7) Regulations **.02 and .03** under **COMAR 13A.18.07 Child Protection**;
- (8) Regulations **.01, .02, .06, and .08** under **COMAR 13A.18.08 Child Supervision**;
- (9) Regulation **.04** under **COMAR 13A.18.09 Program Requirements**;
- (10) Regulation **.01** under **COMAR 13A.18.10 Safety**;
- (11) Regulations **.02—04** under **COMAR 13A.18.11 Health**;
- (12) Regulations **.01 and .06** under **COMAR 13A.18.12 Nutrition**;
- (13) Regulations **.02 and .05—09** under **COMAR 13A.18.14 Inspections, Complaints and Enforcement**;

(14) Regulations **.01, .03, and .04** under **COMAR 13A.18.15 Administrative Hearings**; and

(15) Regulations **.03 and .04** under **COMAR 13A.18.16 Public Access to Licensing Records**.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to amend **COMAR 13A.18 Large Family Child Care Homes** that was published in 46:4 Md. R. 258—269 (February 15, 2019).

This action was considered by the Maryland State Board of Education at its April 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to clarify certain requirements pertaining to the registration and operation of large family child care homes and establish requirements for criminal background checks, swimming pool security, length of time for taking the basic health and safety training, and medical information being provided.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of the proposed amendments is to implement the requirements of the Child Care and Development Block Grant Act, as amended (42 U.S.C. 9858 et seq.), along with Section 418 of the Social Security Act (42 U.S.C. 618). Consistent throughout all four subtitles of regulations, the proposed amendments include statutory requirements of the Child Care and Development Fund reauthorization, modifications to provide clarity and more consistency between all subtitles, and corrections to the previous publication. The State reimbursed the cost to large family child care home providers for the cost of fingerprinting to meet the new requirement.

<http://earlychildhood.marylandpublicschools.org/fingerprinting>

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Actual \$31,011
B. On other State agencies:	(R+)	Approximately \$275
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Large family child care homes	(+)	Actual \$31,011
(2) Medical information	(+)	Approximately \$53,700
(3) Swimming pool security	(+)	Approximately \$30,000
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.)

A. Background Clearances: The State has processed fingerprint reimbursement requests for 60 large family child care home (LFCCH) providers (2% of the 2965 payment is in LFCCH) as of January 31, 2019, for a total of \$31,011 in obligations. The cost to date for reimbursement of fingerprinting costs for FY 18 is \$10,400 and for FY 19 is \$19,950 (July 1, 2018 through January 31, 2019). It is estimated that the 2019 is \$20,673 for a total cost for FY 19 of \$20,000. Therefore, the total estimated cost to the State is \$31,011 over FY 18 and FY 19. The State provided a one-time reimbursement for fingerprinting costs to LFCCH providers.

B. Maryland Department of Public Safety and Correctional Services (DPSCS) Criminal Justice Information System is allowed to keep \$2 from the FBI background check. The State estimates there are approximately 137 providers going through the fingerprinting process. Therefore, estimated revenue to the DPSCS is estimated to be \$274 annually.

D(1). Background Clearances: LFCCH and their staff incurred up-front costs for meeting fingerprinting requirements. Cost for fingerprinting ranges from \$35 to \$75 per person. The State reimbursed one time only the cost of fingerprinting for providers meeting the new requirement. If the LFCCH provider did not request reimbursement from the State, they would incur the cost of the fingerprinting.

D(2). Medical information for child care providers and staff of LFCCH: The current number of Statewide personnel in child care centers, letter of compliance facilities, and LFCCH is 43,000 staff. There are 10,700 substitutes in family child care who would be affected by the requirement to have medicals every 2 years. This is approximately 53,700 people needing bi-annual medicals, assuming they all remain employed for the 2-year period. Many will transfer to other sites but will remain employed in Maryland child care. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, etc. Using these estimates, approximately 1,074 people (2% of the 53,700 people are in LFCCH) will be spending \$100 for a medical every 2 years, which would be an approximate cost of \$53,700 per year.

D(3). Swimming Pool Security: LFCCH will be required to have secure, safe fencing around any pool in their home. Each fence would cost an estimated \$3,000 to \$5,000 depending on the size of the pool and the outdoor space. Using these estimates, seven pool owners would spend an average of \$4,000 per fence for a total of \$30,000 to bring all facilities into compliance. This is a one-time-only cost. All new applicants would need to meet this requirement prior to becoming licensed.

Economic Impact on Small Businesses

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

Intended Beneficiaries

Background Clearances/Fingerprinting: To comply with the Child Care and Development Block Grant (CCDBG) Act referenced in Part A, the State provided reimbursement to large family child care homes for the cost of fingerprinting. While these large family child care homes and staff incurred the up-front cost for fingerprinting, the State reimbursed that cost, thereby alleviating the economic impact to child care facilities who request reimbursement.

Health and Safety Training: To comply with the CCDBG Act referenced in Part A, the State utilized the Maryland State Department of Education’s Learning Management System to develop and deliver the online Health and Safety training at no cost to child

care providers. The State did not incur any direct costs for the development of the training. For those providers who choose not to take the free online training, or who fail both online attempts, the training can be obtained in a face-to-face setting for an average cost of \$35. This cost is reimbursable to providers who hold a Maryland Child Care Credential at Level 2 or higher. Child care providers can obtain the training in Spanish from Penn State Better Kid Care for \$5. This training is also eligible for reimbursement through the Maryland Credentialing Program. MSDE is currently having a new online Health & Safety training developed that will be asynchronous and allow providers to take the training anytime. The new training is built on a better platform that is easy to maneuver and will test providers as they proceed through the training. This will also be available for no cost to providers and their staff.

Intended Beneficiaries: Households

Families with children enrolled in a large family child care home will benefit because their children will receive care and education services from staff and administration who have met higher standards for criminal background checks, health and safety training, and updated staff medical information, and whose facilities will meet requirements for protecting children from swimming pool dangers.

Intended Beneficiaries: Businesses

The amendments are not expected to have an impact on any businesses beyond the child care businesses that comply with the new requirements.

Other Direct or Indirect Impacts: Adverse

Background clearances: Large family child care homes who incurred the cost of fingerprinting (\$35—\$75 per person) and chose not to request reimbursement did not benefit from the alleviation of those costs by the State. Future fingerprinting costs will range from \$35—\$75 per person and will be completed every 5 years from the initial fingerprinting date.

Medical information for child care providers and staff of child care centers: Individuals working in family child care or child care centers will incur the cost of medicals every 2 years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, and other variables.

Swimming Pool Security: An estimated seven pool owners who are licensed large family child care homes would spend an average of \$4,000 per large family child care home, as a one-time cost, to come into compliance with swimming pool security requirements. New applicants for child care licensure/registration would need to meet this requirement prior to becoming licensed. This additional cost may encourage some child care providers to raise the fees they charge to families.

Other Direct or Indirect Impacts: Positive

Improving the quality of child care and early education in Maryland is expected to enhance the overall reputation of Maryland’s early care and education industry, and this may help attract businesses to Maryland. Higher-quality child care and early education services for children may result in those children more effectively developing the skills they will need to succeed in school and in life and may positively affect the State workforce in the years to come. Maryland’s compliance with the federal CCDBG Act ensures that federal funding continues, which in turn supports working families in Maryland through the Child Care Subsidy program and other quality initiatives to improve long-term benefits to children.

Long-Term Impacts

No long-term effects on Maryland small businesses are anticipated which may differ from, compound, mitigate, or offset the initial effects described above.

Estimates of Economic Impact

(1) Cost of providing goods and services:

Some large family child care homes who incur costs related to the amendments may charge higher fees to families for their services. Because child care fees are determined independently by each provider, the overall change, if any, in those expenses cannot be determined.

(2) Effect on the workforce:

Families in Maryland’s workforce with young children and school-age children using large family child care homes will have the ability to choose from regulated facilities that are meeting higher standards for: criminal background checks, health and safety training, staff medicals, and, if applicable, fencing requirements for swimming pools. Access to this information may enable families to make informed decisions when choosing a program for their children; and may be seen as a benefit for business growth in Maryland.

(3) Capital investment, taxation, competition, and economic development:

These proposals are not expected to have any direct effect on capital investment, taxation, competition, or economic development. However, as noted above, they may help provide a more attractive environment for business growth.

(4) Consumer choice:

Consumer choice is expected to be affected positively by making higher quality child care services available to families seeking those services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tara Bartosz, Assistant to the Director, Office of Child Care, Division of Early Childhood, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-7806 (TTY 410-333-6442), or email to earlychildhoodregs.msde@maryland.gov, or fax to 410-333-6226. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 3, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.18.01 Scope and Definitions

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505—5-557.1, and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(14) (text unchanged)

(15) Employee.

(a) “Employee” means an individual who [for compensation] is employed to work in a child care home and who:

(i)—(ii) (text unchanged)

(b) “Employee” includes a [paid] substitute or volunteer.

(c) “Employee” does not include an individual who is:

(i) (text unchanged)

(ii) A [registered] licensed or certified health care professional who is compensated by the provider or the parent of a child in care to provide a specified health care service to the child.

(d) For the purpose of applying the criminal background check requirements and the child and adult abuse and neglect record review requirements set forth in this subtitle, “employee” includes an individual who:

(i) [Is compensated by the provider or a resident to perform a service at the child care home] *Meets the definition of an employee as set forth in this subsection; and*

[(ii) Has access to children in care; and]

[(iii) (i) (text unchanged)]

(16) “Family child care” [means the care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child’s residence, for which the provider is paid in cash or in kind] *has the meaning stated in Education Article, §9.5-301, Annotated Code of Maryland.*

(17) “Family child care teacher” means a staff member who:

(a) (text unchanged)

(b) Meets the professional requirements of COMAR [13A.18.05.06] *13A.18.06.06.*

(18)—(19) (text unchanged)

(20) “Identified as responsible for child abuse or neglect” means being determined by a local department of social services or other state agency to be responsible for child abuse or neglect, or awaiting the local department’s appeal hearing after the determination.

(21)—(22) (text unchanged)

(23) “Injurious treatment” means:

(a) [Deliberate infliction in any manner of any type of physical pain] *Physical discipline*, including *but not limited to* spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain;

(b) (text unchanged)

(c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, *threatening*, or ridiculing; and

(d) (text unchanged)

(24)—(43) (text unchanged)

(44) Staff Member.

(a) “Staff member” means an individual 16 years old or older, whether paid or not, who is assigned responsibility for child care in a child care home [and whose assignment helps to maintain the staff/child ratios required by COMAR 13A.18.08.03].

(b) (text unchanged)

(45) “Successfully passed” means, when used in connection with a criminal background check or a review of records of abuse and neglect of children or adults conducted on an individual, that the individual:

[(a) A criminal background check, that an individual:

(i) Has not received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime listed at COMAR 13A.18.06.03A; or

(ii) If having received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a

crime not listed at COMAR 13A.18.06.03A, has been assessed by the office as suitable for employment pursuant to COMAR 13A.18.06.03B; or

(b) A review of records of abuse and neglect of children or adults, that if an individual is:

(i) An employee of, or applying for employment by, the provider, the individual has been assessed by the office as being suitable for employment, pursuant to COMAR 13A.18.06.03B; or

(ii) An independent contractor, the individual has not been identified as responsible for the abuse or neglect of a child.]

(a) Does not have a disposition listed at COMAR 13A.18.02.07B or C;

(b) Does not have other behavior deemed harmful to children; or

(c) Has not been identified as responsible for the abuse or neglect of a child or an adult.

(46)—(48) (text unchanged)

(49) “Volunteer” means an individual who:

(a) (text unchanged)

(b) Works in the child care home but is not a compensated employee; [and]

(c) Is not enrolled as a child in care at the child care home[.]; and

(d) Is not an additional adult or a substitute.

13A.18.02 Registration Application and Maintenance

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Registration — General Requirements.

A. Requirement to Be Registered.

(1) (text unchanged)

(2) A large family child care home is not required to be registered if the provider:

(a) Is a relative of each child;

(b) Is a friend of each child’s parent or legal guardian and the care is provided on a nonregular basis of less than 20 hours a month; or

(c) Has received the care of the child from a child placement agency licensed by the Department of Human Services.

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

B.—E. (text unchanged)

F. Except as provided under §G of this regulation, a residence approved for use as a child care home may not also be used to operate a:

(1) (text unchanged)

(2) Child care program that is subject to the requirements of COMAR 13A.15, COMAR 13A.16, or COMAR 13A.17.

G.—H. (text unchanged)

I. The provider may not allow an employee, staff member, substitute, or volunteer to:

(1) Be assigned to a group of children or have access to a child in care until the individual has successfully passed the child abuse and neglect clearance and a federal or State criminal background check; or

(2) Be alone with a child or group of children until all checks have been successfully passed.

.02 Initial Registration.

A.—B. (text unchanged)

C. Before the proposed opening date of the child care home, an applicant for initial registration shall:

(1) Ensure that an application for a federal and State criminal background check is submitted for:

(a) (text unchanged)

(b) Each employee, including [paid] substitutes and volunteers; and

(c) Each resident in the home who is 18 years old or older; and

(2) [Submit the following items to the office, if not submitted at the time the written application form was submitted] Submit to the office each item specified under §D of this regulation that was not submitted at the time the written application form was submitted.

[(a) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about:

(i) The applicant;

(ii) Each employee;

(iii) Each substitute, whether paid or unpaid;

(iv) Each resident in the home who is 18 years old or older; and

(v) If required by the office, any other individual with regular access to the child care area during the approved hours of operation;

(b) A medical evaluation for the applicant and each resident in the home that:

(i) Was completed within 12 months before the date of application for registration;

(ii) Was conducted by a practicing physician, certified nurse practitioner, or registered physician’s assistant; and

(iii) Is signed or verified by the individual who conducted the evaluation;

(c) Evidence of compliance with all applicable zoning and building codes;

(d) A written plan of operation;

(e) An emergency and disaster plan that meets the requirements of COMAR 13A.18.10.01A(3)(a) and (b);

(f) Workers’ Compensation insurance information;

(g) A complete personnel list, on a form supplied or approved by the office, and all related supporting documentation required by the office;

(h) A complete staffing pattern, on a form supplied or approved by the office, which specifies by staff name all child care assignments;

(i) Documentation that all applicable training requirements set forth at COMAR 13A.18.06.05—.06 have been met by the applicant and each staff member;

(j) A 4-week menu of food to be served to children in care at the child care home;

(k) A written child discipline policy;

(l) If the child care home is located in a condominium or residence which requires homeowners’ association membership, written proof of homeowner’s liability insurance coverage as required by Maryland law; and

(m) Documentation that the home has met all lead safety requirements, as applicable, set forth in COMAR 13A.18.05.05; and

(n) All other documentation required by law or regulation, including but not limited to:

(i) Proof of an on-site inspection and approval by the local fire authority having jurisdiction;

(ii) A building use and occupancy permit, if applicable; and

(iii) Workers’ Compensation insurance, if applicable.]

D. The applicant shall submit:

(1) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about:

- (a) The applicant;
- (b) Each employee;
- (c) Each substitute;
- (d) Each volunteer;
- (e) Each resident in the home who is 18 years old or older;

and

(f) If required by the office, any other individual with access to the child care area during the approved hours of operation;

(2) A medical evaluation for the applicant, each resident in the home, and each employee or staff member as specified under COMAR 13A.18.06.04 that:

- (a) Was completed within 12 months before the date of application for registration;
- (b) Was conducted by a practicing physician, certified nurse practitioner, or registered physician's assistant;
- (c) Includes verification that the individual:
 - (i) Is free of communicable tuberculosis, if indicated; and
 - (ii) If the applicant, is capable of performing the duties of their position; and
- (d) Is signed or verified by the individual who conducted the evaluation;

(3) Evidence of compliance with all applicable zoning and building codes;

(4) A written plan of operation;

(5) An emergency and disaster plan that meets the requirements of COMAR 13A.18.10.01A(3)(a) and (b);

(6) Workers' compensation insurance information;

(7) A complete personnel list, on a form supplied or approved by the office, and all related supporting documentation required by the office;

(8) A complete staffing pattern, on a form supplied or approved by the office, which specifies by staff name all child care assignments;

(9) Documentation that all applicable training requirements set forth at COMAR 13A.18.06.05—.07 have been met by the applicant and each staff member;

(10) A 4-week menu of food to be served to children in care at the child care home;

(11) A written child discipline policy;

(12) If the child care home is located in a condominium or residence which requires homeowners' association membership, written proof of homeowner's liability insurance coverage as required by Maryland law;

(13) Documentation that the home has met all lead safety requirements, as applicable, set forth in COMAR 13A.18.05.05;

(14) If the home is located in an apartment or other property that is rented or leased by the applicant, written authorization from the lessor, owner, or landlord permitting child care in the home; and

(15) All other documentation required by law or regulation, including but not limited to:

- (a) Proof of an on-site inspection and approval by the local fire authority having jurisdiction; and
- (b) A building use and occupancy permit, if applicable.

[D.] E. (text unchanged)

F. Non-Maryland State Criminal Background Check. If an individual subject to the requirements of §C(1) of this regulation currently resides or has resided in a state other than Maryland within 5 years before the date of application for registration, the individual shall:

(1) Apply for a state criminal background check to be performed by a duly authorized entity within that state; and

(2) Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.

.03 Continuing Registration.

A. Application for Continuing Registration. To obtain a continuing registration, a provider shall submit to the office before expiration of the initial registration:

(1)—(2) (text unchanged)

(3) A medical evaluation that meets the requirements of Regulation [.02C(2)(b)] .02D(2) of this chapter for:

(a) (text unchanged)

(b) Each resident in the home who has child care responsibilities; [and]

(c) Each volunteer; and

[(c)] (d) (text unchanged)

(4) A completed and notarized release of information form that permits the office to examine records of abuse and neglect of children and adults for:

(a)—(c) (text unchanged)

(d) Each volunteer;

[(d)] (e)—[(e)] (f) (text unchanged)

(5) Documentation that the child care home has passed the most recent fire inspection required by the local fire authority having jurisdiction; [and]

(6) If the home is located in an apartment or other property that is rented or leased by the applicant, written authorization from the lessor, owner, or landlord permitting the provider to continue providing child care in the home; and

[(6)] (7) (text unchanged)

B. Maintenance of Continuing Registration.

(1) (text unchanged)

(2) By the end of each 24-month period after the date of issuance of a continuing registration, the provider shall make available to the office the items specified in §A(2)—[(6)] (7) of this regulation.

.04 Provisional Status and Conditional Registration.

A. Provisional Status.

(1) (text unchanged)

(2) An initial registration may not be approved if the office has not yet received evidence that the applicant and, as applicable, each individual specified in Regulation .02C(1) and [(2)(a)] D(1) of this chapter has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records.

(3)—(4) (text unchanged)

B. (text unchanged)

.05 Resumption of Service.

A. (text unchanged)

B. The application to resume service shall meet all initial registration application requirements, except that:

(1) (text unchanged)

(2) The office may accept as applicable to the new application the:

(a)—(b) (text unchanged)

(c) Results of the original criminal background checks conducted pursuant to Regulation [.02B(1)] .02C(1) of this chapter;

(d) Results of the original child and adult abuse and neglect clearances conducted pursuant to Regulation [.02C(2)(a)] .02D(1) of this chapter, if the clearances were completed within 12 months of the application; and

(e) (text unchanged)

.06 Response of the Office to Application.

A.—B. (text unchanged)

C. Within 30 days of receipt of a completed application for conversion of a small center license to a large family child care home registration pursuant to Regulation [02D] .02 of this chapter, the office shall issue a certificate of registration to the applicant.

.07 Denial of a Registration Application.

A. The office may deny a certificate of registration if:

(1) (text unchanged)

(2) An evaluation of the application *or any documents required* by the office reveals that the applicant, *regardless of intent*, reported false information;

(3)—(6) (text unchanged)

(7) An evaluation of the medical report or other information about the applicant or a resident indicates that the:

(a) Physical or mental health of the applicant or resident may pose a risk to children; [or]

(b) Applicant is unable to care for children; or

(c) Applicant, *regardless of intent submitted false or altered medical documentation for the applicant, resident, substitute, or employee for consideration by the office;*

(8) [An] *In addition to the requirements set forth at §B of this regulation, an evaluation of the criminal record of the applicant, an employee including a [paid] substitute, volunteer, or a resident in the home reveals that the individual has a criminal conviction, probation before judgment disposition, or not criminally responsible disposition, or is awaiting a hearing for a criminal charge that indicates behavior harmful to children;*

(9) An evaluation of the information provided in records of abuse and neglect of children and adults reveals that the applicant, a staff member including a substitute, a volunteer, or a resident is identified as responsible for abuse or neglect of children or adults, or is currently under investigation for alleged acts of abuse or neglect of children or adults;

(10)—(11) (text unchanged)

B. *The office shall deny a certificate of registration if an applicant or resident has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:*

(1) *A crime involving:*

(a) *A child;*

(b) *Cruelty to animals;*

(c) *Domestic violence; or*

(d) *A weapons or firearms violation of federal or state laws;*

(2) *A sex offense;*

(3) *A violent crime classified as a felony, including physical assault or battery;*

(4) *Abduction or kidnapping;*

(5) *Abuse of a child or an adult;*

(6) *Confinement of an unattended child;*

(7) *Manufacturing, distributing, or dispensing a controlled dangerous substance;*

(8) *Perjury;*

(9) *A crime involving pornography;*

(10) *Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; or*

(11) *Reckless endangerment.*

C. *The office shall deny a certificate of registration if an applicant or resident has received a felony conviction for:*

(1) *Murder;*

(2) *Spousal abuse; or*

(3) *Arson.*

D. *The office shall deny a certificate of registration upon notification that the applicant is in noncompliance with Child*

Support Enforcement requirements pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland.

[B.] E.—[C.] F. (text unchanged)

[D.] G. Denial Before Complete Application.

(1) The office may deny an application for registration at any point during the application process if, following evaluation of information received to that point, the office determines that a basis for denial exists as set forth in §A, B, C, or D of this regulation.

(2) (text unchanged)

.08 Voluntary Surrender of Registration.

A. A provider may voluntarily surrender a child care home registration at any time by notifying the office *in writing*.

B. (text unchanged)

13A.18.03 Management and Administration

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Admission to Care.

A.—C. (text unchanged)

D. If a child is younger than 6 years old at the time of admission, the provider may not allow the child to remain in care if the parent does not, within 30 days after the child's admission, submit evidence to the provider on a form supplied or approved by the Office that the child has received an appropriate lead screening *or test* in accordance with applicable State or local requirements.

E. (text unchanged)

.03 Program Records.

The provider shall:

A. (text unchanged)

B. Maintain:

(1)—(2) (text unchanged)

(3) Records of food actually served by the provider for the most recent 4 weeks as required by COMAR [13A.18.12.01G] 13A.18.12.01I(2);

(4)—(5) (text unchanged)

C. Negotiate and maintain a written agreement with the child's parent that specifies:

(1)—(4) (text unchanged)

(5) If overnight care is to be provided to the child, the sleeping arrangements approved by the parent; [and]

D. Give, or advise the parent how to obtain, information supplied by the office concerning:

(1) (text unchanged)

(2) How to file a complaint with the office against a child care provider[.]; and

E. *Document that the health and safety training, as required by the office, was updated by the end of each 12-month period, measured from the date of initial registration.*

.04 Child Records.

A.—D. (text unchanged)

E. [If the child is younger than 6 years old, there shall be documentation that the child has received an appropriate lead screening as] *As required by State or local law[.], there shall be evidence that the child has received:*

(1) *An appropriate lead screening for a child younger than 6 years old and born prior to January 1, 2015; or*

(2) A lead test at age 12 months and again when the child is 24 months regardless of where the child resides, for any child born on or after January 1, 2015.

F. A medical evaluation and, if applicable, documentation of an appropriate lead screening *or test* that are transferred directly from another registered child care home, a licensed child care center, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of §§D(3) and E of this regulation.

G.—K. (text unchanged)

L. Temporary Admission.

(1) (text unchanged)

(2) For a child to be temporarily admitted or retained in care, the parent or guardian shall present evidence of the child’s appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening *or test*;

(b)—(d) (text unchanged)

(3)—(4) (text unchanged)

.05 Staff Records.

The provider shall:

A.—E. (text unchanged)

F. If using volunteers in the child care program, maintain a record for each volunteer that includes:

(1) The date on which the volunteer received the child health and safety orientation required by COMAR 13A.18.06.02; [and]

[(2) If the volunteer is present at the child care home more than once per week:]

[(a)] (2)—[(b)] (3) (text unchanged)

.06 Notifications.

The provider shall:

A. Within 5 working days of its occurrence, provide written notification to the office about the:

(1) Addition of a new staff member, that includes:

(a) (text unchanged)

(b) Information about the individual’s work assignment;

[and]

(c) *Proof of compliance with the laws and regulations pertaining to criminal background checks; and*

[(c)] (d) (text unchanged)

(2) Ending of employment, for whatever reason, of an individual that includes the:

(a) (text unchanged)

(b) Date of the individual’s last day of employment[.];

B.—D. (text unchanged)

E. Immediately notify the office of:

(1) [An] *The provider, a resident of the home, or an employee who is under investigation for:*

(a)—(b) (text unchanged)

(2) (text unchanged)

F. Within 5 working days after there is a new resident who is 18 years old or older:

(1) Submit to the office a signed and notarized release form giving the office permission to examine records of abuse and neglect of children *or adults* for information about the resident *pursuant to COMAR 13A.18.02.02D(1)*; and

(2) Ensure that the resident applies for a federal and State criminal background check *pursuant to COMAR 13A.18.02.02C(1) and F*; and

G. (text unchanged)

13A.18.04 Operational Requirements

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563]; *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.04 Restriction of Operations.

A. (text unchanged)

B. The office may base a restriction or reduction under §A of this regulation on any of the following factors:

(1)—(5) (text unchanged)

(6) Failure to comply with group size and staffing requirements set forth at [Chapter 08.03 of this subtitle] *COMAR 13A.18.08.03*; or

(7) (text unchanged)

C. A provider may appeal a restriction or reduction pursuant to §B of this regulation by filing a request for hearing:

(1) (text unchanged)

(2) In the case of an emergency reduction in capacity, [within 72 hours of] *not later than 30 calendar days after the notification* by the office of its decision to immediately reduce the number of children in care.

13A.18.05 Home Environment and Equipment

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act, §418 (42 U.S.C. 618)*

.05 Lead-Safe Environment.

A. (text unchanged)

B. If the child care home is a residential rental property constructed before [1950] 1978, which is an affected property as defined by Environment Article, §6-801(b), Annotated Code of Maryland, the provider shall submit a copy of the current lead risk reduction or lead free certificate.

C.—D. (text unchanged)

.12 Outdoor Activity Area.

A.—I. (text unchanged)

J. *Any pool on the premises of the facility shall be made inaccessible to children in care and have security features, including but not limited to a:*

(1) *Fence that surrounds the pool at least 4 feet in height;*

(2) *Self-closing and self-latching mechanism on the gate, door, or access to the pool;*

(3) *Lock that is operable and secured; and*

(4) *Sensor or alarm in the pool and on the access door.*

.13 Swimming Facilities.

A.—B. (text unchanged)

C. A child in care may not use a pool, such as a fill-and-drain molded plastic or inflatable pool[, that does not have an operable circulation system approved by the local health department].

13A.18.06 Provider and Staff Requirements

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-502, 5-505, 5-550—5-557.1, and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland*

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.03 Suitability for Employment.

A. A provider may not employ an individual who has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

- (1)—(2) (text unchanged)
- (3) A violent crime classified as a felony, *including physical assault or battery;*
- (4)—(9) (text unchanged)
- (10) Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; [or]
- (11) Reckless endangerment[.]; *or*
- (12) *The felony of:*
 - (a) *Murder;*
 - (b) *Spousal abuse; or*
 - (c) *Arson.*

B.—F. (text unchanged)

.04 Staff Health.

A. Medical Evaluation.

(1) A provider shall obtain a medical evaluation[, including a tuberculosis screen, if indicated,] on a form supplied or approved by the office, that has been completed within 6 months before the individual begins work in the child care home, from each prospective:

- (a)—(b) (text unchanged)
- (2) *The medical evaluation shall include verification that the individual:*
 - (a) *Is free of communicable tuberculosis, if indicated; and*
 - (b) *If the applicant or a staff member, is capable of performing the duties of their position.*

[(2)] (3) The medical evaluation may transfer directly from one child care home to another, or from a licensed child care center to the child care home, if the evaluation was completed within the previous [12] 24 months of the transfer.

(4) *The medical evaluation shall be updated every 2 years.*

B. (text unchanged)

.05 Child Care Home Directors.

A.—D. (text unchanged)

E. Except as set forth at §F of this regulation, to qualify as a director in a large family child care home, an individual shall:

- (1)—(2) (text unchanged)
- (3) Have successfully completed:
 - (a) (text unchanged)
 - (b) 3 semester hours or their equivalent of approved administrative training; [and]
 - (c) Effective January 1, 2016:
 - (i) (text unchanged)
 - (ii) Approved training in supporting breastfeeding practices[.]; *and*
 - (d) *Effective January 1, 2020, approved basic health and safety training within 90 days of employment;*
 - (4) (text unchanged)

(5) Unless previously approved by the office to direct a child care program serving children younger than 2 years old, have completed 3 semester hours of approved training, or the equivalent, related [exclusively] to the care of children younger than 2 years old; and

(6) (text unchanged)

F. An individual is considered qualified as a director when that individual has:

(1) *Completed training specified at §E(3)(c) and (d) of this regulation;*

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

[(2)] (3) Completed 3 semester hours of approved training, or the equivalent, related [exclusively] to the care of children younger than 2 years old.

G. A director shall:

- (1) (text unchanged)
- (2) According to the professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of service as a director, that consists of a:
 - (a) (text unchanged)
 - (b) Maximum of 6 clock hours of elective training; [and]
- (3) Document completion of the continued training on the professional development plan[.]; *and*
- (4) *Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.*

.06 Family Child Care Teachers.

A. (text unchanged)

B. [Except as set forth at §C of this regulation, to] *To qualify or continue to qualify* as a family child care teacher, an individual:

- (1) Shall hold or have successfully completed:
 - (a) (text unchanged)
 - (b) [Either] 9 clock hours of approved preservice training in communicating with staff, parents, and the public or at least one academic college course for credit; [and]
 - (c) [Either] *Approved preservice training in child development and curriculum documented by:*
 - (i) 6 semester hours or 90 clock hours or their equivalent [of approved pre-service training];
 - (ii) (text unchanged)
 - (iii) Accreditation by the National Association for Family Child Care as a family child care provider; [and]
 - (d) *3 clock hours of approved training in complying with the Americans with Disabilities Act; and*
 - (e) *Effective January 1, 2020, approved basic health and safety training within 90 days of employment; and*
- (2) Shall have completed at least one of the following:
 - (a)—(b) (text unchanged)
 - (c) 1 year of college, or a combination of experience and college that together are equivalent to 1 year[.];

C. An individual shall qualify as a family child care teacher if the individual *has met the requirements of §B of this regulation and:*

(1)—(4) (text unchanged)

D. A family child care teacher in a child care home shall:

- (1) According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a child care teacher, that consists of a:
 - (a) (text unchanged)
 - (b) Maximum of 6 clock hours of elective training; [and]
- (2) Document completion of the continued training on the professional development plan[.]; *and*

(3) Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.

E. Before a family child care teacher may supervise a child younger than 2 years old, the individual shall[, unless previously qualified by the office to supervise an infant or a toddler]:

[(1) Meet the requirements of §§A—B of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old; or

(2) Be 19 years old or older and:

(a) Meet the requirements of §B(1)(a) and (b) and §B(2) of this regulation; and

(b) Have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old.]

(1) Effective January 1, 2016, complete approved training in supporting breastfeeding practices; and

(2) Unless previously qualified by the office to supervise an infant or a toddler:

(a) Meet the requirements of §§A and B of this regulation and have completed 3 semester hours of approved training, or the equivalent, related to the care of children younger than 2 years old; or

(b) Be 19 years old or older and:

(i) Meet the requirements of §B(1)(a), (b), (d), and (e) and (2) of this regulation; and

(ii) Have completed 6 semester hours of approved training, or the equivalent, related to the care of children younger than 2 years old.

.07 Aides.

A. An aide shall:

(1)—(2) (text unchanged)

(3) Effective January 1, 2020, complete the approved basic health and safety training within 90 days of employment;

[(3)] (4) According to the individual’s professional development plan, complete approved continued training, at the rate of at least 6 clock hours per full year of employment as a child care aide, that consists of a:

(a) (text unchanged)

(b) Maximum of 3 clock hours of elective training; [and]

[(4)] (5) Document completion of the continued training on the professional development plan[.]; and

(6) Document that the health and safety training, as required by the office, is completed by each staff member by the end of each 12-month period, measured each calendar year.

B.—C. (text unchanged)

.08 Substitutes.

A. (text unchanged)

B. A substitute shall:

(1)—(3) (text unchanged)

(4) [If paid, apply] Apply for a federal and State criminal background check at a designated law enforcement office in the State; and

(5) (text unchanged)

C.—D. (text unchanged)

E. *Non-Maryland State Criminal Background Check.* If an individual subject to the requirements of §B(4) of this regulation currently resides or has resided in a state other than Maryland within 5 years before the date of application for registration, the individual shall:

(1) Apply for a state criminal background check to be performed by a duly authorized entity within that state; and

(2) Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.

F. Approval by Office.

(1) An individual designated as a substitute may not be used in that capacity unless the office has approved the individual.

(2) If information received by the office indicates that an individual designated as a substitute may present a risk to the health, safety, or welfare of children in care, the office may disapprove the use of that substitute.

(3) The office shall notify the provider of its decision to approve or disapprove a substitute within 30 days of the request being submitted.

.10 Volunteers.

A. (text unchanged)

B. The provider may not use as a volunteer an individual who has [been prohibited, or automatically would be prohibited, from employment at the child care home pursuant to Regulation .03A or B of this chapter] not successfully passed a criminal background check or a review of records of abuse and neglect of children or adults pursuant to COMAR 13A.18.02.02C or D(1).

13A.18.07 Child Protection

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1 and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)

.02 Abuse/Neglect Reporting.

A. A provider, employee, [or] substitute, or volunteer who has reason to believe that a child has been:

(1)—(2) (text unchanged)

B.—C. (text unchanged)

D. A provider may not require an employee [or], substitute, or volunteer to report through the provider, rather than directly to the local department or a law enforcement agency, when the employee [or], substitute, or volunteer has reason to believe that a child has been abused or neglected.

.03 Child Discipline.

A. (text unchanged)

B. The provider, an employee, substitute, volunteer, or other individual connected to the child care home may not:

(1) (text unchanged)

(2) Punish a child for refusing to eat or drink; [or]

(3) Withhold food or beverages as punishment[.]; or

(4) Spank, hit, shake, or use any other means of physical discipline.

C. (text unchanged)

13A.18.08 Child Supervision

Authority: *Education Article*, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563;] *General Provisions Article*, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.01 Individualized Attention and Care.

A provider shall ensure that:

A. Each child receives:

(1) Attention to the child’s individual needs, including but not limited to:

(a) Making reasonable accommodations for [children] a child with [special needs in accordance with applicable federal and State laws] a disability; and

(b) Allowing an adult who provides specialized services to a child [with special needs] access to provide those services on the facility premises as specified in the child’s individual education plan, individual family service plan, or written behavioral plan; and

(2) (text unchanged)

B.—E. (text unchanged)

.02 Supervision by Qualified Staff.

A. (text unchanged)

B. The provider shall assign qualified family child care teachers to each group of children as needed to meet the requirements for group size and staffing set forth at Regulation .03 of this chapter.

C.—D. (text unchanged)

.06 Supervision During Transportation.

When child transportation is conducted to or from:

A. (text unchanged)

B. An off-site activity by an independent contractor and at least one child in care is being transported, the provider shall ensure that there is at least one adult, other than the driver present in the vehicle, who has successfully passed federal and state criminal background checks and a review of child and adult abuse and neglect records pursuant to COMAR 13A.18.07.06D.

.08 Rest Time Supervision.

A. (text unchanged)

B. During a rest period for a group of children who are 2 years old or older:

(1) (text unchanged)

(2) Once all the children in the group are resting quietly:

(a) At least one family child care teacher or aide assigned to the group shall continue to remain in the room with the children; and

(b) (text unchanged)

C. To determine if a resting child is safe, breathing normally, and in no physical distress:

(1) Each resting child shall be observed at intervals [appropriate to the child’s age and individual needs] of at least every 15 minutes; and

(2) (text unchanged)

13A.18.09 Program Requirements

Authority: *Education Article*, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1 and 5-560—5-563;] *General Provisions Article*, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.04 Rest Furnishings.

A.—F. (text unchanged)

G. A child under 12 months who falls asleep in a furnishing other than a crib shall be moved immediately to an approved sleeping arrangement specified at §A(4) of this regulation.

13A.18.10 Safety

Authority: *Education Article*, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1 and 5-560—5-563;] *General Provisions Article*, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.01 Emergency Safety Requirements.

A. Emergency and Disaster Plan.

(1)—(6) (text unchanged)

(7) During an emergency evacuation or practice, a staff member shall take attendance records and emergency cards out of the child care home and determine the presence of each child currently in attendance.

B. If the child care home is included within a comprehensive emergency and disaster plan, the provider shall ensure that:

(1) The comprehensive plan contents meet all emergency and disaster plan requirements set forth at [§A(2)(a) and (b)] §A(3)(a) and (b) of this regulation; and

(2) (text unchanged)

C. (text unchanged)

13A.18.11 Health

Authority: *Education Article*, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1, 5-560—5-564 and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); *Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.)*; *Social Security Act*, §418 (42 U.S.C. 618)

.02 Infectious and Communicable Diseases.

A. (text unchanged)

B. A provider may not knowingly admit to care or retain in care a child with a transmissible infection or a communicable disease during the period of exclusion recommended for that infection or disease as shown [on a chart provided by the office] in the *Communicable Disease Summary*, as published by the Maryland Department of Health, unless the health officer grants approval for the child to attend child care during that period.

.03 Preventing Spread of Disease.

A. (text unchanged)
 B. Hands shall be washed according to the posted approved procedure by the provider, each staff member, each volunteer, *each substitute*, and each child in care at least:

(1)—(3) (text unchanged)

C. (text unchanged)

.04 Medication Administration and Storage.

A.—E. (text unchanged)

F. Medication Administration Training.

(1) (text unchanged)

(2) Medication may be administered to a child in care only by a staff member who has completed approved medication *administration* training.

G.—H. (text unchanged)

13A.18.12 Nutrition

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1 and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Food Service.

A. (text unchanged)

B. [For children in care] *Unless provided by the child’s parent*, the provider shall furnish:

(1)—(2) (text unchanged)

C.—I. (text unchanged)

.06 Feeding Infants and Toddlers.

A.—C. (text unchanged)

D. Only whole, pasteurized milk will be served to a child younger than 2 years old who is not receiving formula or breast milk, except that skim milk, reconstituted nonfat dry milk, or 1[—] or 2 percent milk may be served upon the written prior approval of the child’s parent and health care provider.

E. (text unchanged)

13A.18.14 Inspections, Complaints, and Enforcement

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.02 Complaints.

The office shall investigate:

A. (text unchanged)

B. Complaints of *providing or advertising* unregistered family child care.

.05 Nonemergency Suspension.

A. (text unchanged)

B. *The office shall suspend the certificate of registration upon notification that the provider is in noncompliance with Child Support Enforcement requirements pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland.*

[B.] C.—[D.] E. (text unchanged)

.06 Emergency Suspension.

A. (text unchanged)

B. The office shall hand deliver a written notice to the provider informing the provider of the emergency suspension, giving the reasons for the action, and notifying the provider of the right to request, within 30 days of the delivery of the notice, a hearing before the [Superintendent’s designee] *Office of Administrative Hearings*.

C. *If unable to hand deliver a written notice to the provider, the Office may send notice by regular and certified mail to the provider’s address.*

[C.] D. (text unchanged)

[D.] E. If a hearing is requested by the provider, the [Superintendent’s designee] *Office of Administrative Hearings* shall hold a hearing within 7 calendar days of the date of the request.

[E.] F. Within 7 calendar days of the hearing, a decision concerning the emergency suspension shall be made by the [Superintendent’s designee] *Office of Administrative Hearings*.

[F.] G.—[G.] H. (text unchanged)

.07 Revocation.

A. The office may revoke a certificate of registration if the:

(1) (text unchanged)

(2) Provider, *regardless of intent*, misrepresented or offered false information on the application or on any form or report required by the office;

(3)—(7) (text unchanged)

(8) [The provider] *Provider* fails to comply with the:

(a) Prohibitions on the use of an individual as an employee, a *substitute*, or a volunteer as set forth in COMAR 13A.18.06.03A, B, and F, [and .10B] *COMAR 13A.18.06.08F, or COMAR 13A.18.06.10B*; or

(b) (text unchanged)

(9)—(10) (text unchanged)

(11) Provider admits a child for treatment foster care in the home, unless the child is placed in the home in a preadoptive capacity; [or]

(12) [The child] *Child* care home is no longer the primary residence of the provider[.];

(13) *Provider or a resident is identified as responsible for abuse or neglect of children or adults; or*

(14) *Provider or a resident has a criminal conviction, a probation before judgment disposition, or a not criminally responsible disposition, or is awaiting a hearing on a charge for a crime that:*

(a) *Is listed at COMAR 13A.18.02.07B or COMAR 13A.18.02.07C; or*

(b) *Indicates behavior harmful to children.*

B. If the office decides to revoke a certificate of registration, the office shall notify the provider in writing at least 20 calendar days in advance of the revocation, stating:

(1)—(4) (text unchanged)

(5) That the provider is entitled to a hearing if requested in writing within 20 calendar days of [the delivery of] *the date of the notice*;

(6)—(8) (text unchanged)

C. (text unchanged)

.08 Penalties.

A. An individual found to be operating a child care home[, or advertising a family child care service,] without a valid family child care registration is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(1)—(2) (text unchanged)

B. (text unchanged)

.09 Civil Citations.

A. The office may issue a civil citation imposing a civil penalty to an individual who provides unregistered family child care or advertises a family child care home in violation of the requirements of this subtitle.

B.—D. (text unchanged)

13A.18.15 Administrative Hearings

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-515—5-517 and 5-554;] *General Provisions Article, §4-333*; *Human Services Article, §1-202*; [State Government Article, §10-204;] *Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact [on] child care home registrations, such as registration denials, revocations, and suspensions, reductions in capacity, limitations on the ages or numbers of children who may be admitted to a child care home, the imposition of civil penalties for providing or advertising unregistered family child care services without a valid large family child care certificate of registration, [or] and employment exclusions pursuant to COMAR 13A.18.06.03A or B of this subtitle.

B. (text unchanged)

.03 Hearing Requests.

A. A hearing shall be held when [an applicant or provider requests a hearing to contest]:

(1) *An applicant or provider requests a hearing to contest:*

[(1)] (a)—[(2)] (b) (text unchanged)

[(3)] (c) Any other action that adversely impacts on registration, including, but not limited to:

[(a)] (i)—[(b)] (ii) (text unchanged)

(c) A limitation on the ages or numbers of children who may be admitted to the child care home[.];

(2) *An individual requests a hearing to contest the imposition of civil penalties for providing unregistered child care or advertising family child care services without a valid large family child care certificate of registration; or*

(3) *An individual requests a hearing to contest the prohibition of employment at a large family child care home.*

B. Nonemergency Action Hearing Requests.

(1) All nonemergency action hearing requests shall be forwarded in writing to the Office and shall state the name and address of the provider or the individual contesting the imposition of a civil penalty, and the effective date and nature of the action appealed from.

(2)—(5) (text unchanged)

C. (text unchanged)

.04 Preliminary Conference.

A. [The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action] *A preliminary conference may be held before a hearing on an action if an appellant requests the conference.*

B.—D. (text unchanged)

13A.18.16 Public Access to Licensing Records

Authority: *Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321*; [Family Law Article, §§5-501, 5-505, 5-550—5-557.1 and 5-560—5-563;] *General Provisions Article, §4-333*; *Human Services Article, §1-202*; [State Government Article, §10-617;] *Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act, §418 (42 U.S.C. 618)*

.03 Request for Information from Licensing Records.

A. (text unchanged)

B. The written request shall:

(1) Contain the applicant’s name, address, and telephone number; and

[(2) Be signed by the applicant; and]

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

[C. A request may be made in any form or format if it does not involve:

(1) Physical inspection of licensing records; or

(2) Preparation of a written or electronic:

(a) Copy of licensing records; or

(b) Report of information from licensing records.]

[D.] C. (text unchanged)

.04 Compelling Public Purpose.

A compelling public purpose shall exist for the custodian of record to permit inspection of licensing records other than the records specified under [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, *Annotated Code of Maryland.*

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

**Title 15
MARYLAND DEPARTMENT
OF AGRICULTURE
Subtitle 18 STATE CHEMIST**

15.18.03 Commercial Fertilizer and Soil Conditioner

Authority: *Agriculture Article, §6-203, Annotated Code of Maryland; Chs. 484 and 485, §8, Acts of 2011*

Notice of Proposed Action

[19-195-P]

The Maryland Department of Agriculture proposes to amend Regulation .01 under **COMAR 15.18.03 Commercial Fertilizer and Soil Conditioner.**

Statement of Purpose

The purpose of this action is to amend the definition of the term “soil conditioner” in COMAR 15.18.03.01B(21) to implement Ch. 367, Acts of 2019.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas Phillips, State Chemist, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call (410) 841-2713, or email to tom.phillips@maryland.gov, or fax to 410-841-5835. Comments will be accepted through November 12, 2019. A public hearing will be held on October 24, 2019, 2—4 p.m., at the Maryland Department of Agriculture.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(20) (text unchanged)

(21) Soil Conditioner.

(a) (text unchanged)

(b) “Soil conditioner” includes, but is not limited to, microorganisms and materials such as compost, peat, vermiculite, [or] perlite, or digestate produced by anaerobic digestion that are incorporated into the soil.

(22) (text unchanged)

JULIANNE A. OBERG
Deputy Secretary of Agriculture

Subtitle 18 STATE CHEMIST

15.18.04 Compost

Authority: Agriculture Article, §§6-203 and 6-221, Annotated Code of Maryland

Notice of Proposed Action

[19-196-P]

The Maryland Department of Agriculture proposes to amend Regulations .01 and .07 under **COMAR 15.18.04 Compost**.

Statement of Purpose

The purpose of this action is to amend the definition of the term “soil conditioner” in COMAR 15.18.04.01B(26), and the fee provision in COMAR 15.18.04.07 to implement Chs. 178 and 367, Acts of 2019.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas Phillips, State Chemist, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call (410) 841-2713, or email to tom.phillips@maryland.gov, or fax to (410) 841-5835. Comments will be accepted through November 12, 2019. A public hearing will

be held on October 24, 2019, 2—4 p.m., at the Maryland Department of Agriculture.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(25) (text unchanged)

(26) Soil Conditioner.

(a) (text unchanged)

(b) “Soil conditioner” includes, but is not limited to, materials such as compost, peat, vermiculite, [or] perlite, or digestate produced by anaerobic digestion that are incorporated into the soil.

(27)—(29) (text unchanged)

.07 Compost Tonnage Reporting.

A. Tonnage Reporting Statement.

(1) The registrant of each compost product shall submit to the Department:

(a) (text unchanged)

(b) [An] *Except as provided in §A(3) of this regulation, an inspection fee of 25 cents for each ton distributed.*

(2) This statement and inspection fee shall include each sale for the periods of January 1 through June 30 and July 1 through December 31 of each year.

(3) *Through September 30, 2022, if the registrant is a private entity, the registrant is exempt from submitting an inspection fee of 25 cents for each ton of commercial compost distributed in this State.*

B. (text unchanged)

JULIANNE A. OBERG
Deputy Secretary of Agriculture

Title 30

**MARYLAND INSTITUTE
FOR EMERGENCY
MEDICAL SERVICES
SYSTEMS (MIEMSS)**

**Subtitle 08 DESIGNATION OF
TRAUMA AND SPECIALTY
REFERRAL CENTERS**

Notice of Proposed Action

[19-202-P]

The State Emergency Medical Services Board proposes to:

(1) Amend Regulation .02 under **COMAR 30.08.01 General Provisions**;

(2) Amend Regulation .10 under **COMAR 30.08.02 Designation of Trauma and Specialty Referral Centers**; and

(3) Repeal existing Regulations .01—18 and adopt new Regulations .01—21 under **COMAR 30.08.06 Adult and Pediatric Burn Center Standards**.

This action was considered at the Board’s regular meeting on May 14, 2019.

Statement of Purpose

The purpose of this action is to update standards for designation of pediatric and adult burn centers in Maryland to reflect current practices.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Carole Mays, RN, MS, Director, Trauma and Injury Specialty Care Program, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, MD 21201, or call (410)706-3932, or email to cmays@miemss.org, or fax to (410)706-4768. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

30.08.01 General Provisions

Authority: Education Article, §13-509, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(1-1) "Adult trauma center" means:

(a) An in-State hospital designated by MIEMSS and approved by the EMS Board to provide comprehensive trauma services to trauma patients 15 years old and older; or

(b) An out-of-State hospital that has entered into an agreement with MIEMSS and that has been approved by the EMS Board to provide comprehensive trauma treatment services to trauma patients 15 years old and older.

(2)—(51) (text unchanged)

(51-1) "National Trauma Data Bank (NTDB)" means [is an] the American College of Surgeons (ACS) [is an] aggregated trauma registry of standardization of key trauma data elements for research and improving care for the surgical patient.

(52)—(54) (text unchanged)

(54-1) "Neurotrauma center" means an in-State hospital designated by MIEMSS and approved by the EMS Board to provide specialized care of traumatic brain injured and spinal cord injured patients.

(55)—(66) (text unchanged)

(66-1) "Pediatric burn center" means:

(a) An in-State hospital designated by MIEMSS and approved by the EMS Board to provide comprehensive burn treatment services to burn patients [younger than 15 years old] that have not reached their fifteenth (15th) birthday; or

(b) An out-of-State hospital that has entered into an agreement with MIEMSS and that has been approved by the EMS Board to provide comprehensive burn treatment services to burn patients [younger than 15 years old] that have not reached their fifteenth (15th) birthday.

(66-2) "Pediatric trauma center" means:

(a) An in-State hospital designated by MIEMSS and approved by the EMS Board to provide comprehensive trauma services to trauma patients who have not reached their fifteenth (15th) birthday; or

(b) An out-of-State hospital that has entered into an agreement with MIEMSS and that has been approved by the EMS

Board to provide compressive trauma treatment services to trauma patients who have not reached their fifteenth (15th) birthday.

(67)—(97) (text unchanged)

30.08.02 Designation of Trauma and Specialty Referral Centers

Authority: Education Article, §13-509, Annotated Code of Maryland

.10 Reverification of Trauma or Specialty Referral Center Designation.

A. A designated trauma or specialty referral center, other than a designated adult or pediatric burn center, shall repeat the designation process, as set forth in this chapter, every 5 years.

B. A designated adult or pediatric burn center shall:

(1) Complete the reverification process every 3 years; and

(2) If verified by the American Burn Association:

(a) Concurrently submit to MIEMSS the application submitted to the American Burn Association, along with such supplements as may be required by MIEMSS to demonstrate compliance with COMAR 30.08.06; and

(b) Notify MIEMSS immediately of any change in their verification status.

[B]. C.—[D] E. (text unchanged)

30.08.06 Adult and Pediatric Burn Center Standards

Authority: Education Article, §13-509, Annotated Code of Maryland

.01 Burn Center Organization.

A. A Burn center shall:

(1) Maintain a designated unit or units for specialized acute burn care;

(2) Be a hospital designated as a Level II or higher trauma center;

(3) If an in-State hospital, have one of the following issued by the Maryland Health Care Commission:

(a) A certificate of need; or

(b) An exception from the requirement for a certificate of need;

(4) Demonstrate commitment to the optimal care of the hospital's burn injured patients by the hospital's board of directors, administration, medical staff, and nursing staff by formulating a board of director's resolution, updated yearly, stating that:

(a) The hospital agrees to meet the burn center designation standards;

(b) The hospital has a commitment to the infrastructure and the financial, human, and physical resources necessary to support the hospital's burn center designation; and

(c) The hospital has a commitment to the quality management (QM) process of the burn patient;

(5) Complete transfers to in-State hospitals, or to out-of-State hospitals listed in the Maryland Emergency Medical Services Interhospital Transfer Resource Manual, in accordance with the guidelines contained in the Maryland Emergency Medical Services Interhospital Transfer Resource Manual without the need for separate transfer agreements;

(6) Have a written transfer agreement in place for transfer of a patient to an out-of-State hospital not listed in the Maryland Emergency Medical Services Interhospital Transfer Resource Manual, if the hospital transfers to such out-of-State hospital more than five times a year;

(7) Have a written transfer agreement in place for transfer of a patient to a rehabilitation hospital if the hospital transfers to such a rehabilitation hospital more than two times a year;

(8) Have and maintain current accreditation by the Joint Commission;

(9) Use the resources of the burn center for patients with burn injuries and those suffering from burn-like diseases; and

(10) Have administrative and budgetary commitment in order to support the needs of the burn center, inclusive of clerical and clinical nursing personnel, that helps fulfill needs of the concurrent PI, outreach, injury prevention, and research.

B. Prehospital Care. A burn center shall:

(1) Maintain access to an EMS system for the transport of patients (public safety and commercial services) with burns from referral sources within the geographic service area;

(2) Participate in regional or State EMS committees and councils at least three times per year;

(3) Have a written hospital emergency preparedness/multiple casualty incident (MCI) plan for the triage and early treatment of adult and pediatric patients burned in an MCI;

(4) Ensure that the MCI plan for the geographic service area is reviewed and updated on an annual basis by the hospital Emergency Preparedness Committee and EMS liaisons and drill inclusive of burn patients annually; and

(5) Provide education on the current concepts in triage and burn care treatment to prehospital and hospital care providers within its geographic service area.

.02 Organizational Structure.

A. Documentation of Policies and Procedures.

(1) A burn center shall formally establish and maintain an organized burn service that is responsible for coordinating the care of the burn patient.

(2) A burn center shall maintain an organizational chart relating personnel within the burn unit to other hospital staff; a combined leadership model for trauma and burn center is acceptable.

(3) A burn center shall maintain an appropriate policy and procedure manual that:

(a) Is reviewed annually by the burn center director and the burn nursing leader; and

(b) Addresses:

(i) Administration of the burn center;

(ii) Staffing and programs of the burn center;

(iii) Criteria for admission to the burn unit by the burn

service;

(iv) Usage of the burn unit beds by other medical or surgical services;

(v) Criteria for discharge and follow-up care;

(vi) Availability of beds and the transfer of burn patients to other medical or surgical units within the hospital; and

(vii) Care of patients with burns in areas of the burn center other than the burn units.

B. Consistency of Data Collected and Reported.

(1) The burn center shall participate in the State Burn Registry for burn patients, both inpatient and outpatient modules.

(2) The State Burn Registry shall include all patients who are treated at the burn center inclusive of outpatient and inpatient venues for burn care treatment.

C. Minimum Volume for the Burn Center.

(1) A burn center shall treat an average of 100 or more unique inpatients and outpatients (ED treat and discharge and first clinic visit) with acute burn injuries annually.

(2) A burn center shall admit at least 60 patients annually who meet the referral criteria in Regulation .17 of this chapter.

.03 Burn Center Director.

A. General.

(1) A burn center director is authorized to direct and coordinate all medical services for patients admitted to the burn service.

(2) Medical care for patients in the burn center shall be provided by the burn center director or qualified physicians approved by the director and shall conform to burn center care protocols.

(3) Privileges for physicians participating in the burn service shall be approved by the burn center director and determined by the medical staff credentialing process.

B. Qualifications and Activities of a Burn Center Director.

(1) A burn center shall appoint a qualified burn center director to oversee the care of patients in the burn service.

(2) A burn center director shall meet the requirements in Regulation .05 of this chapter.

C. Responsibilities of a Burn Center Director. The responsibilities of a burn center director are identified in a job description and include but are not limited to:

(1) Creation of policies and procedures within the burn center that specify the care of burn patients and ensures that medical care conforms to burn center protocols;

(2) Creation of policies and protocols for use throughout the burn care system for initial care, triage, and transport of burn patients;

(3) Cooperation with regional EMS authorities in regard to all aspects of burn treatment;

(4) Communication with physicians and other authorities regarding patients who have been referred and admitted for follow-up and/or feedback;

(5) Direction of a burn center's administrative functions;

(6) Direction and active participation in a burn center quality management program;

(7) Acting as liaison between adjacent and regional burn centers;

(8) Development of and participation in both internal and external continuing medical education programs in the care of burn injuries;

(9) Maintaining current ABLIS®; and

(10) Oversight of the burn prevention program and initiatives.

.04 Appointment and Qualifications of Attending Burn Staff Surgeons.

A. A burn center director may appoint qualified attending burn staff surgeons to participate in the care of patients in the burn service.

B. An attending burn staff surgeon shall meet the requirements in Regulation .05 of this chapter.

C. The burn medical director shall serve on the medical staff as the burn chief of service.

.05 Qualifications for Burn Center Director and Surgeons.

	Director	Surgeon
A. Certification. Certification qualifications are as follows:		
(1) Board certified or board eligible in general or plastic surgery;	E	E
(2) Board certification of special qualification in critical care; and	D	D
(3) For the pediatric burn center, the pediatric burn medical director and the burn surgeons have Board certification or Board eligibility in pediatric surgery, plastic surgery, and general/acute care surgery.	E	E

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B. Training. Training qualifications are as follows:		
(1) 2 or more years of burn care experience during the previous 5 years; and	E	D
(2) Either:		
(a) Completion of a fellowship in burn treatment or training; or	E	E
(b) Completion of a general surgical residency.		
C. Clinical Activity. The clinical activity qualification requires participation in the care of 35 or more acutely burned patients annually who meet regulation criteria in Regulation.17 of this chapter.	E	E
D. Have at least one full-time equivalent (FTE) attending burn staff surgeon involved in the management of burn patients for the equivalent of 200 acute inpatient admissions annually, with five new unique outpatients equating to one inpatient.	E	E
E. Have an attending burn staff surgeon available on call 24 hours a day, who shall be at the bedside within 30 minutes after emergent consultation has been requested based on institution-specific criteria.	E	E
F. Have an in-house physician assigned to the burn service on call and available at the patient's bedside available within 15 minutes of the call for the burn units.	E	E
G. Continuing Medical Education (CME). The CME qualification requires annual participation in 16 hours or more of burn-related CME.	E	E
H. Research Participation. The research participation qualification is to demonstrate a commitment to clinical or basic science burn care research, which can be met by:		
(1) Submission of an abstract at least every 5 years to a national meeting dealing with burns, emergency medicine, or trauma; or	E	D
(2) Research projects, completed or in progress.	E	D
I. Community Education and Burn Prevention. The community education and burn preventions qualification is:		
(1) Participation in:	E	D
(a) The development or revision of community or EMS burn treatment protocols; or	D	D
(b) Representation on a State or regional EMS or trauma committee; and	D	D
(2) At least 1 of the following:	E	D
(a) Annual participation in one or more prehospital training/certification courses in burn care which can be met by prehospital basic life support or advanced life support courses or equivalent courses (ABLS®, ATLS®);		
(b) Annual development of presentation of acute burn care courses or lectures which can be met by prehospital basic life support or advanced life support courses or equivalent courses; or		

(c) Participation in a burn prevention program.		
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Note: E = Essential; D = Desired

.06 Provider Coverage for Burn Care.

A. Emergency department attending physicians may provide coverage for acute resuscitation when the burn surgeon is not on-site. In the absence of the burn surgeon, the emergency department physician shall have the authority to provide initial resuscitation and treatment of the burn injured patient.

B. Burn unit coverage (i.e., hospitalists, intensivists, etc.) shall:

- (1) Be assigned to the burn service;
- (2) Be available within 15 minutes, 24 hours a day;
- (3) For the adult burn center, be current in ATLS® or ABLIS®;

and

(4) Have a liaison to the burn QM program with 50 percent attendance.

C. The burn center shall maintain an on-call schedule and back-up call list for residents and attending burn staff surgeons who are assigned to the burn service.

D. Advanced practice professionals (APPs) providing initial resuscitation to the burn patient shall have:

- (1) For the adult burn center, be current in ATLS® or ABLIS®;

and

(2) A liaison to the burn QM program with 50 percent attendance.

E. The following surgical specialties shall be on call and available 24 hours a day and shall be at the bedside within 30 minutes after emergent consultation has been requested by the surgical trauma team leader based on institution-specific criteria:

- (1) General surgery/pediatric surgery;
- (2) Thoracic surgery;
- (3) Neurologic surgery;
- (4) Obstetrics/gynecology;
- (5) Ophthalmology;
- (6) Orthopedic surgery;
- (7) Otorhinolaryngology;
- (8) Plastic surgery;
- (9) Urology; and
- (10) Vascular.

F. The following nonsurgical specialties shall be on call and available 24 hours a day and shall be at the bedside within 30 minutes after emergent consultation has been requested by the surgical trauma team leader based on institution-specific criteria:

- (1) Anesthesiology;
- (2) Critical care medicine;
- (3) Pediatrics;
- (4) Psychiatry;
- (5) Interventional radiology (perform complex imaging studies or interventional procedures); and
- (6) Interventional angiography.

G. The following nonsurgical specialties shall be on call and available 24 hours a day and shall be at the bedside within 60 minutes after emergent consultation has been requested by the burn attending team leader based on institution-specific criteria:

- (1) Cardiology;
- (2) Patient protection service (adult or child);
- (3) Gastroenterology;
- (4) Hematology;
- (5) Infectious disease;
- (6) Nephrology;
- (7) Neurology;
- (8) Pathology; and
- (9) Pulmonology.

H. The following nonsurgical specialties shall be on call and available for consultation 24 hours a day based on institution-specific criteria:

- (1) Psychology; and
- (2) Psychiatry.

.07 Nursing Personnel.

A. Clinical Nurse Managers for Burn Units.

(1) A burn center shall have a clinical nurse manager who is administratively responsible for the burn unit.

(2) A nurse manager shall:

- (a) Be a registered nurse;
- (b) Have a baccalaureate or higher degree in nursing;
- (c) Have at least two of the following qualifications:
 - (i) An active role in burn QM program and processes;
 - (ii) An active role in nursing research;
 - (iii) An active role in burn prevention;
 - (iv) 12 months or more of experience in acute burn care;
 - (v) 2 years or more of experience in intensive care unit or surgical care unit appropriate to the specific unit; or
 - (vi) 6 months or more managerial experience; and
- (d) Participate in QM, burn research, and burn prevention.

(3) A burn center shall have an organizational chart relating the nurse manager to the burn service and other members of the burn team.

B. Nursing Staff. A burn center shall:

- (1) Have qualified nurses to take care of burn patients;
- (2) Have a plan to determine staffing and overall care including:
 - (a) Nurse staffing for each patient in the burn unit; and
 - (b) Daily staffing, including for surge and capacity needs;
- (3) Have a burn unit orientation program that documents nursing competencies specific to care and treatment of burn patients, including critical care, wound care, psychosocial, and rehabilitation, inclusive of a basic trauma course;
- (4) Require each new staff nurse hired for the burn units to complete the orientation program before assuming independent practice in the burn units; and
- (5) Provide burn center staff with a minimum of continuing education annually of:
 - (a) 8 hours divided annually between burn care and trauma care, including a minimum of 2 hours of burn specific content for ED, OR, PACU, and critical care nurses;
 - (b) 4 hours divided between burn care and trauma care, including a minimum of 1 hour of burn specific content for other acute care nurses; and
 - (c) For the adult burn center, within 2 years of the completion of burn orientation, an RN shall have current ABLIS®.

(3) Have a burn unit orientation program that documents nursing competencies specific to care and treatment of burn patients, including critical care, wound care, psychosocial, and rehabilitation, inclusive of a basic trauma course;

(4) Require each new staff nurse hired for the burn units to complete the orientation program before assuming independent practice in the burn units; and

(5) Provide burn center staff with a minimum of continuing education annually of:

(a) 8 hours divided annually between burn care and trauma care, including a minimum of 2 hours of burn specific content for ED, OR, PACU, and critical care nurses;

(b) 4 hours divided between burn care and trauma care, including a minimum of 1 hour of burn specific content for other acute care nurses; and

(c) For the adult burn center, within 2 years of the completion of burn orientation, an RN shall have current ABLIS®.

.08 Rehabilitation Personnel.

A burn center shall:

A. Have a rehabilitation program, including physical therapy, occupational therapy, and speech therapy, that is designed for the burn patient and identifies specific goals;

B. Require therapists to be appropriately licensed or registered in their specific disciplines;

C. Base staffing upon both inpatient and outpatient activity with at least one full-time equivalent (FTE) burn therapist for the burn unit;

D. Assign a therapist to the burn center for both inpatients and outpatients, either:

- (1) Permanently; or
- (2) On a rotating basis for at least 1 year;

E. Provide therapists with regular supervision from individuals with at least 1 year of experience in the treatment of burn patients;

F. Provide a competency-based burn therapy orientation program for all new therapists assigned to the burn unit; and

G. Provide burn unit therapists with a minimum of two burn-related continuing education opportunities annually.

.09 Other Personnel.

A. A burn center shall:

(1) Have a social service consultation available to the burn service; and

(2) Assign a social worker to the burn center for both inpatients and outpatients, either:

- (a) Permanently; or
- (b) On a rotating basis for at least 1 year.

B. A burn center shall have a licensed dietician available daily for consultation.

C. A burn center shall have the following personnel available 24 hours a day:

- (1) A pharmacist available for consultation;
- (2) A respiratory therapist to assess and manage patients on the burn service; and
- (3) For pediatric burn centers, a child life specialist.

.10 Quality Management (QM) Program.

A. Policies and Procedures.

(1) A burn service shall have a QM program that is multidisciplinary.

(2) A burn center director is responsible for the QM program.

(3) A burn unit multidisciplinary committee shall:

- (a) Oversee the QM program;
- (b) Meet at least monthly; and
- (c) Maintain sufficient documentation to:
 - (i) Verify problems;
 - (ii) Identify opportunities for improvement;
 - (iii) Take corrective actions; and
 - (iv) Demonstrate evidence of loop closure.

B. Weekly Patient Care Conferences.

(1) A burn center shall hold patient care conferences at least weekly to review and evaluate the status of each patient admitted to the burn center.

(2) Each clinical discipline shall be represented to appropriately contribute to the treatment plan for each patient.

(3) Patient care conferences shall be documented in the progress notes of each patient or in minutes of the conferences.

C. A burn center shall:

(1) Hold morbidity and mortality conferences at least monthly; and

(2) Maintain appropriate documentation of morbidity and mortality conferences.

D. A burn center shall conduct focused quality reviews at least annually that shall include:

- (1) Severity of burns;
- (2) Mortality;
- (3) Incidence of complications;
- (4) Length of hospitalizations; and
- (5) Hospital charges for care.

.11 Other Programs.

A. Medical Staff Education.

(1) A burn center shall have an educational program for the medical staff.

(2) If residents rotate on the burn service, a burn service director or the director's designee shall provide an orientation program for new residents.

B. Infection Control Program.

(1) A burn center shall have effective means of isolation that are consistent with principles or universal precautions and barrier techniques to decrease the risk of cross-infection and cross-contamination.

(2) A burn center shall:

(a) Provide ongoing review and analysis of nosocomial infection data and risk factors that relate to infection prevention and control for burn patients; and

(b) Make these data available to the burn service in order to assess infection risk for burn unit patients.

C. Continuity of Care Program. A burn center shall have access to the following services:

(1) Recreational or child-life therapy;

(2) Psychosocial support for family members or other significant persons;

(3) Availability for continuing age appropriate academic courses for the patient;

(4) Coordinated discharge planning;

(5) Follow-up after hospital discharge;

(6) Access to community resources;

(7) Evaluation of the patient's physical, psychological, developmental, and vocational status; and

(8) Planning for future rehabilitative and reconstructive needs.

.12 Equipment.

A burn unit shall have:

A. At least four burn unit beds with critical care capacity; and

B. The following equipment in the adult burn center:

(1) Weight measurement devices for kilogram measurement;

(2) Difficult airway equipment capable for surgical intervention;

(3) Emergency carts with age-appropriate equipment; and

(4) Temperature control/measurement devices for:

(a) The patient;

(b) Intravenous fluids; and

(c) Blood products.

.13 Other Services.

A burn center shall have available the following services for burn patients 24 hours a day:

A. Renal dialysis;

B. Radiographs;

C. Angiography;

D. Ultrasonography;

E. Nuclear medicine scanning;

F. CT scanning;

G. Clinical laboratory services; and

H. Blood bank services.

.14 Operating Rooms.

A burn center shall have an operating room available to the burn service 24 hours a day for appropriate and timely treatment.

.15 Emergency Services.

An emergency department shall have written protocols for treating acutely burned patients that are consistent with the burn treatment protocols.

.16 Allograft Service.

A burn center shall:

A. Maintain a written policy stating:

(1) That allograft tissues are to be obtained only from those tissues banks that adhere to the standards of the American Association of Tissue Banks, if applicable; and

(2) Compliance with U.S. Food and Drug Administration regulations published in 21 CFR Part 1270 Human Tissue Intended for Transplantation;

B. Develop and implement policies and procedures related to obtaining, storing, and handling of homograft and heterograft skin, if the use of biological membranes is a component of care provided by

the burn center in compliance with the Joint Commission standards; and

C. Ensure that the operative notes and record support the documentation of all allograft transplants.

.17 Burn Center Referral Criteria.

A burn injury requiring referral to a burn center includes:

A. A partial thickness or full thickness burn greater than 10 percent total body surface area (TBSA) in patients younger than 10 years old;

B. A partial thickness or full thickness burn greater than 20 percent TBSA in other age groups;

C. A partial thickness or full thickness burn that involves the face, hands, feet, genitalia, perineum, and major joints;

D. All full thickness burns greater than 5 percent TBSA in any age group;

E. An electrical/lightening injury;

F. A chemical injury;

G. An inhalation injury;

H. Frostbite and cold injury;

I. A burn injury in patients with preexisting medical disorders that could:

(1) Complicate management;

(2) Prolong recovery; and

(3) Affect mortality;

J. A burn injury with concomitant trauma, such as a fracture, in which the burn injury poses the greatest risk of morbidity in accordance with the following considerations:

(1) If trauma poses the greater immediate risk, the patient may be treated initially in the trauma center until stable before being transferred to a burn center; and

(2) Physician judgment is necessary in these situations and shall be in concert with the regional medical control plan and triage protocols;

K. A burn injury in a child who has not reached their fifteenth (15th) birthday, who shall be treated in a pediatric burn center designated by MIEMSS; and

L. A burn injury in patients who will require special social, emotional, or long-term rehabilitative support including cases involving suspected child abuse or substance abuse.

.18 Injury Prevention and Public Education.

The burn center shall:

A. Collaborate closely with MIEMSS and other State agencies in developing, monitoring, and evaluating the effectiveness of prevention and public education programs;

B. Conduct epidemiology research concerning burn injury control;

C. Collaborate with other hospitals, MIEMSS, or other agencies in burn injury prevention initiatives and research;

D. Have an organized and effective approach to burn injury prevention that prioritizes those efforts based on burn registry and epidemiologic data;

E. Have a designated burn injury prevention coordinator, separate from the BPM position, who, in conjunction with the BPM, facilitates outreach and injury prevention strategies specific to the population of the burn center; and

F. Collaborate with existing national, regional, State and local programs.

.19 Burn Research.

A burn center shall have:

A. An organized burn-related research program with a designated physician director;

B. A written research plan developed and reviewed yearly;

A. An organized burn-related research program with a designated physician director;	E
B. A written research plan developed and reviewed yearly;	E

C. A dedicated master's prepared researcher, separate from the BPM;	D
D. Regular meetings of the research group;	E
E. Evidence of productivity through peer review;	E
F. Proposals reviewed by an institutional review board;	E
G. Presentations at local, regional, or national meetings; and	E
H. Publications in three or greater peer-reviewed journals.	E

Note: E = Essential; D = Desired

.20 Burn Program Manager.

A. There shall be a burn program manager (BPM) who is a registered nurse and is responsible for the organization of services and systems necessary for a multidisciplinary approach to providing care to the injured patient in collaboration and conjunction with the burn medical director (BMD).

B. This shall be a full-time (1.0 FTE) position dedicated to the management of the burn center.

C. Where the burn center has 1.0 FTE for the burn and trauma manager, it shall have a dedicated 1.0 FTE QM nurse coordinator.

D. The institution's organization shall define the structural role of the BPM to include responsibility, accountability, and authority as reflected in the organizational chart.

E. The BPM shall:

(1) Provide evidence and maintenance of qualifications including academic and burn-related education and clinical experience;

(2) Comply with a job description developed by the hospital that reflects the role and responsibilities as defined by COMAR, and an organizational chart depicting the relationship between the BPM and other services, including the Department of Nursing/Trauma and Burn Nursing;

(3) Ensure participation in local, State, and national burn-related activities, including but not limited to EMS Advisory Councils, State burn-related committees and events, and national burn-related activities and events;

(4) Participate in burn educational activities external to the institution's staff development programs;

(5) Maintain and provide evidence of 8 hours annually of internal and 8 hours external burn-related CE; and

(6) Supervise burn registry staff, burn clinical performance improvement staff, injury prevention staff, and outreach staff.

.21 State Burn Registry.

A. The burn center shall maintain the State Burn Registry (BR).

B. The State Burn Registry shall include, at a minimum, all of the data elements compliant with the Maryland Trauma Registry Data Dictionary for Burn Registry and American Burn Association National Burn Repository (NBR), including:

(1) Demographic data;

(2) Injury data;

(3) Hospital data;

(4) Description of injury;

(5) Diagnosis;

(6) Comorbidities;

(7) Procedure codes;

(8) Complications;

(9) Outcome; and

(10) Outpatient module, which includes outpatient information, Lund and Browder, treatment, complications, and comorbidities.

C. The BR shall support the burn center with evidence of active interface with the institution and State QA/QI process to improve the

care of the injured patient across the continuum from injury prevention to outcomes measurement.

D. The BR content staff shall be under the direct supervision of the BPM/BMD.

E. The BPM shall have the authority, responsibility, accountability, and oversight of the BR, inclusive of data submission (i.e., ED treat and release, admission, clinic and outpatient) as required by MIEMSS.

F. The BR shall have one burn registrar (1.0 FTE) dedicated to the burn center for every 500—750 MIEMSS defined encounters per year.

G. All discharged burn patient records, with the minimum quarterly and annual data elements with the number of patients, shall be verified no later than 6 weeks after the end of the quarter, as required by MIEMSS.

H. Within 60 days of patient discharge, all records shall be completed, validation and NBR checks shall be done, and the records shall be closed. An exception to the completeness of the BR record is with Medical Examiner (ME) cases where an autopsy is unavailable for registry record abstraction.

I. There shall be a plan to ensure inter-rater reliability of the data entered into the BR at the individual burn centers. Ongoing review and evaluation shall ensure the quality, reliability, and validity of the institution's BR data.

J. Burn center data shall be submitted to the National Burn Registry Repository per the annual call for data.

K. The BR staff shall have a core set of skill requirements including:

(1) Anatomy and physiology; and

(2) Medical terminology.

L. Education to be completed within 1 year of hire includes the American Trauma Society Trauma Registrar Course.

M. Education to be completed within 1 year of hire includes an International Classification of Diseases Coding Course (most recent version).

N. Job responsibilities include:

(1) Ensuring assigned cases are compliant with MD Data Dictionary Inclusion Criteria or other burn center self-defined criteria;

(2) Compiling abstracted data for BR case from various sources; and

(3) Appropriately coding injuries, complications, and procedures.

O. A job description developed by the hospital to reflect the role and responsibilities as defined by COMAR.

THEODORE DELBRIDGE

Executive Director

Title 33 STATE BOARD OF ELECTIONS

Subtitle 02 MEETINGS AND TRAINING

33.02.04 Election Day Page Program

Authority: Election Law Article, §§2-102(b)(4) and 2-202(b), and 10-402(c),
Annotated Code of Maryland

Notice of Proposed Action

[19-199-P]

The State Board of Elections proposes to adopt new Regulations .01—.08 under a new chapter, **COMAR 33.02.04 Election Day Page Program**. This action was considered by the State Board of Elections at its August 22, 2019 meeting, notice of which was given in accordance with the General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) Bring the regulations into line with recent statutory enactments, specifically §10-401 through 405 of the Election Law Article (Chapter 468 of the Laws of 2019); (2) Define the terms “page” and “program” as described in Election Law Article, §10-401, Annotated Code of Maryland; (3) Clarify the purpose of the program as described in Election Law Article, §10-402, Annotated Code of Maryland; (4) Specify the responsibilities of the State Administrator to the program, as described in Election Law Article, §10-402, Annotated Code of Maryland; (5) Clarify that local boards have the option to participate, and the steps required to participate or to request a waiver, as described in Election Law Article, §10-403, Annotated Code of Maryland; (6) Specify the requirements of local boards to implement the program, as described in Election Law Article, §10-403, Annotated Code of Maryland; (7) Specify the qualifications an individual shall meet to qualify as a page in the program as described in Election Law Article, §10-404, Annotated Code of Maryland; (8) Specify responsibilities of a page as described in Election Law Article, §§10-404 and 10-405, Annotated Code of Maryland; and (9) Specify activities that are prohibited from the program, as described in Election Law Article, §10-404, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey Hartman, Director of Special Projects, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401, or call 410-269-2931, or email to traceye.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) “Page” means a student selected by a local board participating in the program to assist the local board and election judges in performing duties in a polling place on election day.

(2) “Program” means the election day page program.

.02 Purpose.

The purpose of the program is to provide assistance to election judges in the polling places on election day.

.03 Administrator to Develop and Issue.

The State Administrator shall develop and issue for local boards:

A. A page’s training manual;

B. Instruction sheets summarizing certain procedures relating to the program;

C. The curriculum for training pages; and

D. A combined oath and commission.

.04 Local Board Participation.

A. Participation. A local board is not required to participate in the program.

B. Notice of Participation. If a local board decides to participate in the program, the local board shall:

(1) At least four months prior to election day, notify the State Administrator of its participation in the program; and

(2) Except as provided in §C of this regulation, implement the page training program developed by the State Administrator under COMAR 33.02.04.03.

C. Waiver. A local board may request from the State Administrator a waiver of a program requirement. The State Administrator shall respond to a request for a waiver within 5 days of receipt of the waiver.

.05 Program Requirements.

A. Local Board Requirement. A local board participating in the program shall:

(1) Ensure each page received the required training before election day;

(2) Encourage individuals at least 16 years old who apply to the program to serve as an election judge in accordance with Election Law Article, § 10-202, Annotated Code of Maryland;

(3) Certify community service hours for those participants that complete their service;

(4) Use the combined oath and commission required by Regulation .03 of this chapter; and

(5) Remove any individual who is unfit or incompetent for the program, at the discretion of the local board, and the individual may not receive community service hours.

B. Collaboration with School Boards. The local board:

(1) Shall work with the local board of education to obtain appropriate access to the local schools and home-schooled programs to present the program;

(2) Shall inform the local board of education that a student may obtain community service hours for participating in the program, and that any form used by the local board of education or local schools to certify community service hours should include space for the collection of the following information:

(a) Name of page;

(b) Signature of page’s parent or guardian;

(c) Signature of local school administrator;

(d) Number of hours worked;

(e) Signature of a chief judge assigned to the same polling place as the page; and

(f) Signature of Election Director or designee.

C. Allow the State Administrator or designee and/or a representative from the local school system to observe the training program.

.06 Qualifications.

To qualify as a page, an individual shall:

- A. Apply to the local board in the individual’s county of residence;
- B. Be at least 14 years old by election day;
- C. Be able to speak, read, and write the English language;
- D. Be available to work at least one full 4-hour shift on election day;
- E. Complete the required training provided by the local board before election day;
- F. Take and subscribe to a written oath; and
- G. Be enrolled in a public, private, independent, or religious school or be home-schooled.

.07 Responsibilities.

A page:

- A. May work up to two 4-hour shifts at a polling place on election day;
- B. Shall serve under the direct supervision of the chief election judges for the assigned polling place; and
- C. Shall assist election judges with election day duties as directed.

.08 Prohibitions.

During service on election day, a page may not:

- A. Engage in any partisan activity while serving as a page at a polling place;
- B. Handle or touch a marked ballot or voting equipment at any time;
- C. Use electronic devices inside the polling room; or
- D. Work on election day unless the individual has completed the training provided by the local board.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 08 CANVASSING

33.08.05 Post Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, 11-201, and 11-309, Annotated Code of Maryland

Notice of Proposed Action

[19-181-P]

The State Board of Elections proposes to amend Regulations .01, .09, and .10 under **COMAR 33.08.05 Post Election Verification and Audit**. This action was considered by the State Board of Elections at its November 29, 2018 meeting, notice of which was given in accordance with the General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) Define terms related to post-election audits; (2) Require local boards of election to provide notice of the post-election manual tabulation audit; (3) Define the process for selecting the early voting center and the scanner from that early voting center whose ballots will be manually audited and how the selected ballots shall be stored; (4) Explain how the manual tabulation will be conducted and generally how to prepare for and conduct the audit; (5) Explain how a local board would use the “sort” method to audit a “vote for one” contest; (6) Explain how a local board would use the “tally” method to audit a “voter for more than one” contest; and (7) Explain the post-audit reporting requirements.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey Hartman, Director of Special Projects, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401, or call 410-269-2931, or email to traceye.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Automated software audit” is a software audit performed by an entity other than the vendor of the certified voting system.

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

[(3)] (4) “Precinct” includes an early voting center in Regulations .02—.06 of this chapter.

[(4)] (5) — [(5)] (6) (text unchanged)

.09 Post-Election Audit — Ballot Tabulation Audit — Manual Audit.

A. In General.

(1) A local board shall [allow, to the extent practicable, for public observation of each part of the manual audit process.]:

(a) At least 10 days before the manual audit starts, provide notice of the manual audit by:

(i) Sending the notice via mail to the chairman of the county central committee for each political party, each candidate for the contest to be audited who is not a candidate of a political party, and the State Administrator;

(ii) Posting the notice on its website; and

(iii) Posting the notice in a prominent and publicly accessible location at its office; and

(b) Allow, to the extent practicable, for public observation of each part of the manual audit process.

(2) (text unchanged)

B. (text unchanged)

C. General Election Audit.

(1) (text unchanged)

(2) [Within 15 days after the election, the] The State Board shall select the contest to be manually audited and randomly select the early voting center and precincts to be manually audited[, and may exclude certain precincts based on the number of registered voters in that county before randomly selecting precincts.], as follows:

(a) Within 3 days before the start of early voting, the Chair of the State Board or designee shall randomly select 1 early voting center in each county from which a scanner with voted ballots will be manually audited;

(b) After 7 pm on the first day of early voting or at the end of the day when the minimum number of ballots to audit is met, a representative of the local board and the chief judges shall select the scanner with the ballots that will be audited;

(c) The State Board shall select the precincts and contest to be manually audited within 15 days after the election; and

(d) *The State Board may exclude certain precincts based on the number of registered voters in that precinct in each county before randomly selecting precincts.*

(3) [A] *The local [board] boards shall conduct a manual audit of voter-verifiable paper records cast during the election, as follows:*

(a) *For voter-verifiable paper records cast during early voting, [the] each local board shall manually audit a number equal to at least 1 percent of the total of early votes cast in the previous comparable election;*

(b) *For voter-verifiable paper records cast on election day, [the] each local board shall manually audit at least one randomly chosen precinct in the county and any other precinct selected by the State Board;*

(c) *For voter-verifiable paper records canvassed during the absentee canvasses, [the] each local board shall audit a number equal to at least 1 percent of the [Statewide] total of absentee ballots cast in the local board's jurisdiction from the previous comparable general election; and*

(d) *For voter-verifiable paper records canvassed during the provisional canvasses, [the] each local board shall audit a number equal to at least 1 percent of the [Statewide] total of provisional ballots cast in the local board's jurisdiction from the previous comparable general election.*

(4) *A local board shall keep the ballots to be audited in secure but separate containers than all other ballots.*

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

D. Conducting the Manual Audit—In General.

(1) *The election director shall determine the appropriate audit method, as follows:*

(a) *If the contest to be audited is a "Vote for One" contest, the election director shall use the sort method as specified in §E of this regulation; and*

(b) *For all other contests, the election director shall use the tally method as specified in §F of this regulation.*

(2) *To prepare for the manual audit, the election director shall:*

(a) *Assemble all materials to conduct the audit;*

(b) *Create batches of a controllable number of ballots, for example, 25; and*

(c) *Appoint the teams to conduct the audit, assigning a team identifier to each team, for example, "Team A", "Team B".*

(3) *To conduct the manual audit, the election director shall:*

(a) *Issue the teams batches of ballots; and*

(b) *Record in the audit log:*

(i) *The team identifier;*

(ii) *The ballots issued to the team; and*

(iii) *Later, the ballots returned by the team.*

(4) *If ballots from more than one precinct are being audited, each team may be issued the ballots of only one precinct at a time.*

(5) *If team members do not agree on how a vote should be counted:*

(a) *The team shall refer the ballot to the election director; and*

(b) *The election director shall determine how the vote shall be counted.*

E. Conducting the Manual Audit—Sort Method.

(1) *One team member shall sort and the other team member shall watch to ensure accuracy.*

(2) *The ballots shall be sorted as follows:*

(a) *A batch for each candidate or ballot question response selected by the voter;*

(b) *A batch for ballots without a vote for a contest being tabulated;*

(c) *A batch for ballots for each officially filed write-in candidates; and*

(d) *A batch for all other write-in votes.*

(3) *Once all of the ballots have been sorted, each team member shall independently count the ballots in each batch.*

(4) *If the team members' results are not identical, they shall retabulate the ballots until they obtain identical results.*

(5) *When the team members' results are identical, they shall:*

(a) *Record the vote totals on the batch tally sheet;*

(b) *Sign the batch tally sheet; and*

(c) *Give the batch tally sheet and the ballots to the election director.*

(6) *The election director shall:*

(a) *Enter the vote totals on the consolidated tally sheets;*

(b) *Compare the results of the manual audit against the voting system results for that precinct; and*

(c) *If there are any unexplainable discrepancies, retabulate the ballots where the discrepancy exists.*

F. Conducting the Manual Audit—Tally Method.

(1) *Each team shall include one caller, two tally clerks, and one watcher.*

(2) *When practicable, the caller and watcher shall be of different party affiliations.*

(3) *For each ballot:*

(a) *The caller shall call the votes cast in the contest being recounted;*

(b) *The watcher shall ensure the accuracy of the calling; and*

(c) *The two tally clerks shall each independently record the votes as they are called.*

(4) *Periodically, the tally clerks shall compare their results to make sure they are identical.*

(5) *If the results are not identical, the team shall retabulate the ballots, beginning with the point of the last successful comparison check, until the two tally clerks obtain identical results.*

(6) *When all votes in the precinct have been tallied, the tally clerks shall:*

(a) *Record the vote totals on the batch tally sheet;*

(b) *Sign the batch tally sheet; and*

(c) *Give the batch tally sheet and the ballots to the election director.*

(7) *The election director shall:*

(a) *Enter the vote totals on the consolidated tally sheets;*

(b) *Compare the results of the manual audit against the voting system results for that precinct; and*

(c) *If there are any unexplainable discrepancies, retabulate the ballots where the discrepancy exists.*

G. Post-Manual Audit Activities. *After all ballots have been manually audited, the election director shall:*

(1) *Complete and sign the contest tally sheet;*

(2) *With 2 days of completing the audit, submit to the State Administrator the results of the manual audit and any suggestions to improve the voting system and voting process; and*

(3) *Present at the next meeting of the local board of elections the results of the manual audit.*

.10 Post-Election Audit —Ballot Tabulation Audit—Automated Audit.

A. *The State Administrator shall complete the automated audit of:*

[A.] (1)— [B.] (2) text unchanged

B. *The State Administrator shall not provide the entity performing the automated audit software with detailed results from the voting system until the entity provides the State Administrator with the results generated by the audit.*

LINDA H. LAMONE
State Administrator

Subtitle 11 ABSENTEE BALLOTS

Notice of Proposed Action

[19-198-P]

The State Board of Elections proposes to:

(1) Amend Regulation **.01** under **COMAR 33.11.01**

Definitions: General Provisions; and

(2) Amend Regulations **.06** and **.08** under **COMAR 33.11.03 Issuance and Return.**

This action was considered by the State Board of Elections at its August 22, 2019 meeting, notice of which was given in accordance with the General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) Amend the regulation to include the definition of absentee ballot bag; (2) Amend the regulation to include instructions for a chief judge or designee upon receiving a voted absentee ballot at an early voting center or polling place; and (3) Amend the regulation to clarify when a voted absentee ballot is considered to be received as timely.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

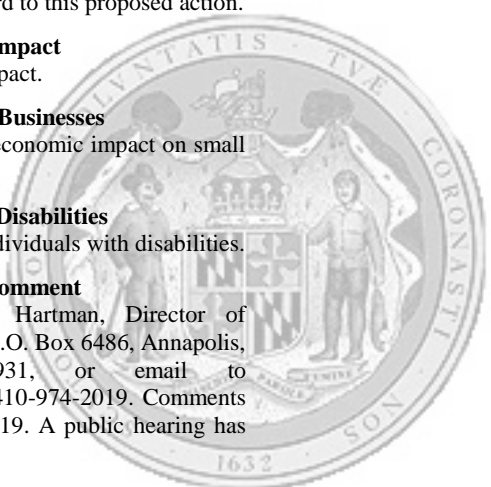
The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey Hartman, Director of Special Projects, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401, or call 410-269-2931, or email to traceye.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.



(2) *Ensure the security of the absentee ballot bag; and*
 (3) *Return the absentee ballot bag to the local board of elections at the end of voting hours each day of early voting and on election day.*

.08 When Ballots Are Timely.

A. (text unchanged)

B. In General. An absentee ballot is considered to have been timely received only if:

(1) The ballot is received by the local board office before the polls close on election day; [or]

(2) *The ballot is received by a polling place before the polls close at that polling place on election day; or*

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

C. (text unchanged)

LINDA H. LAMONE
 State Administrator of Elections

33.11.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) *“Absentee ballot bag” means the bag designated by the State Administrator for the collection of absentee ballots at an early voting center or polling place.*

[(1)] (2) —[(7)] (8) (text unchanged)

33.11.03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 9-310, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.06 Return of Ballot.

A.—D. (text unchanged)

E. *Ballots Returned at an Early Voting Center or Polling Place. Whenever an absentee ballot is received at an early voting center or polling place, a chief judge or designee shall:*

(1) *Instruct the voter to put the voted absentee ballot into the absentee ballot bag;*

Errata

COMAR 10.09.89

Note: The erratum that follows was first printed in 46:18 Md. R. 801 (August 30, 2019), but contained an error to the Maryland Register volume number, which has been corrected in the version that appears below.

At 46:12 Md. R. 556 (June 7, 2019), column 1, line 7 from the bottom:

For: recodify existing Regulations **.12** and **.16—20** to be Regulations **.11**

Read: recodify existing Regulations **.10**, **.12**, and **.16—20** to be Regulations **.09**, **.11**,

[19-21-22]

COMAR 14.39.02.02

At 46:17 Md. R. 746 (August 16, 2019), column 1, line 23 from the top:

For: (3) Repeal Regulations **.01** and **.10**, amend Regulations **.03**,

Read: (3) Repeal Regulations **.01** and **.10**, amend Regulations **.02**, **.03**,

[19-21-26]

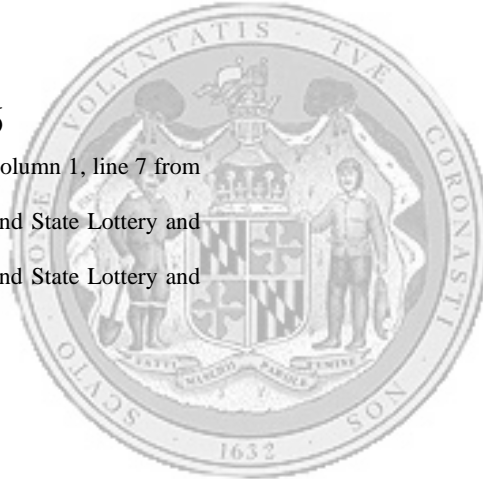
COMAR Title 36

At 46:20 Md. R. 848 (September 27, 2019), column 1, line 7 from the top:

For: On September 16, 2019, the Maryland State Lottery and Gaming

Read: On September 17, 2019, the Maryland State Lottery and Gaming

[19-21-21]



Special Documents

MARYLAND DEPARTMENT OF THE ENVIRONMENT

LAND AND MATERIALS ADMINISTRATION

Extended Comment Period for the Tentative Determination to Re-Issue Permit

General Discharge Permit for Animal Feeding Operations

The Maryland Department of the Environment (MDE) made a tentative determination to renew, with modifications, the General Discharge Permit for Animal Feeding Operations, NPDES # MDG01, State Discharge Permit #14AF (AFO Permit). The full notice of tentative determination was published in Volume 46, Issue 19 of the Maryland Register on September 13, 2019.

MDE has extended the public comment period on the tentative determination by 60 days in response to a request by the public in accordance with Environment Article, § 1-606(d), Annotated Code of Maryland. The public comment period will now conclude on December 27, 2019.

Written comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to MDE, to the attention of Mr. John Sullivan at Maryland Department of the Environment, Land and Materials Administration, 1800 Washington Blvd., Suite 610, Baltimore, Maryland 21230-1719 Attn: Mr. John Sullivan, or by email at john.sullivan1@maryland.gov. The submittal must include the name, address and telephone number (home and work) of the person making the comments and the party whom the person making the comments may represent. Please include the AFO Permit number (19AF; MDG01) on the comment document. Comments must be submitted no later than December 27, 2019.

NOTE: The two public hearings on the tentative determination are scheduled:

Location	Address	Time
Thurmont Regional Library, Community Room	76 East Moser Road, Thurmont, Maryland 21788	October 15, 2019 6:00—7:30 PM
Wicomico Youth and Civic Center Flanders Rooms 1-3	500 Glen Avenue, Salisbury, Maryland 21804	October 21, 2019 6:00—7:30 PM

The fact sheet for the tentative determination and a copy of the renewal AFO Permit may be viewed on the MDE website, www.mde.maryland.gov. Persons may also review the supporting documentation by contacting Mr. Gary Kelman at 410-537-3314 or gary.kelman@maryland.gov to make an appointment or by written request to Mr. Kelman at the above address. Copies of documents may be obtained at a cost of \$0.36 per page.

[19-21-30]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: July 1—31, 2019.

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

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

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

Water Source Approvals Issued Under 18 CFR 806.22(f)(13):

Chesapeake Appalachia, L.L.C.; Pad ID: Deremer; ABR-201407001.R1; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 1, 2019.

Epsilon Energy USA, Inc.; Pad ID: Devine Ridge Pad; ABR-201907001; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Deer Park; ABR-201907003; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2019.

Chief Oil & Gas, LLC; Pad ID: SGL-12 A Drilling Pad; ABR-201407007.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: White SUS; ABR-201407008.R1; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: McDonough; ABR-201407009.R1; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

Inflection Energy (PA), LLC; Pad ID: Hamilton Well Site; ABR-201403010.R1; Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2019.

ARD Operating, LLC; Pad ID: COP Tract 653 Pad A; ABR-20090405.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

ARD Operating, LLC; Pad ID: COP Tract 289 Pad A; ABR-20090410.R2; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

ARD Operating, LLC; Pad ID: Larry's Creek F&G Pad A; ABR-20090411.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019

ARD Operating, LLC; Pad ID: COP Tract 653 Pad B; ABR-20090414.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

ARD Operating, LLC; Pad ID: COP Tract 653 Pad C; ABR-20090415.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

ARD Operating, LLC; Pad ID: Larry's Creek F&G Pad B; ABR-20090416.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

Greylock Production, LLC.; Pad ID: Whitetail Gun & Rod Club #1; ABR-20090418.R2; Goshen Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Gerbino #1; ABR-20140710.R2; Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Warren #1; ABR-20140711.R2; Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

XTO Energy, Inc.; Pad ID: Marquardt; ABR-20090712.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

XTO Energy, Inc.; Pad ID: Jenzano; ABR-20090713.R2; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

XTO Energy, Inc.; Pad ID: Temple; ABR-20090714.R2; Moreland Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019

Seneca Resources Company, LLC; Pad ID: J. Pino Pad G; ABR-20190717.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: Jul 23, 2019.

Seneca Resources Company, LLC; Pad ID: PHC 11V; ABR-20190720.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 0.9999 mgd; Approval Date: July 23, 2019.

Seneca Resources Company, LLC; Pad ID: PHC 6H; ABR-20190721.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

Seneca Resources Company, LLC; Pad ID: PHC 7H; ABR-20190722.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

Seneca Resources Company, LLC; Pad ID: PHC 8H; ABR-20190723.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Kent; ABR-20090726.R2; Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

Chesapeake Appalachia, L.L.C.; Pad ID: Hershberger; ABR-20090739.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 29, 2019.

Chief Oil & Gas, LLC; Pad ID: Dacheux B Drilling Pad; ABR-201407013.R1; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 29, 2019.

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

Dated: August 20, 2019.

JASON E. OYLER

General Counsel and Secretary to the Commission

[19-21-15]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: August 1—31, 2019.

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

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

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

Approvals By Rule – Issued Under 18 CFR 806.22(e):

Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Middlesex Township Municipal Authority); ABR-201908015; Various Municipalities Located In Berks, Cumberland, Dauphin, Lebanon, and York Counties, Pa.; Consumptive Use of Up to 0.288 mgd; Approval Date: August 16, 2019.

Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Altoona Water Authority); ABR-201908016; Various Municipalities Located In Blair and Huntingdon Counties, Pa.; Consumptive Use of Up to 0.200 mgd; Approval Date: August 27, 2019.

Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Mount Union Municipal Authority); ABR-201908017; Various Municipalities Located In Blair, Huntingdon, Juniata, and Perry Counties, Pa.; Consumptive Use of Up to 0.200 mgd; Approval Date: August 27, 2019.

- Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (PA American Water Company - Hershey District); ABR-201908018; Various Municipalities Located In Dauphin, Lebanon, and Berks Counties, Pa.; Consumptive Use of Up to 0.288 mgd; Approval Date: August 27, 2019.
- Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (PA American Water Company – Mechanicsburg District); ABR-201908019; Various Municipalities Located In Cumberland, York, and Dauphin Counties, Pa.; Consumptive Use of Up to 0.266 mgd; Approval Date: August 27, 2019.
- Sunoco Pipeline L.P.; Mariner East 2 Pipeline Project (Elverson Water Company, Inc.); ABR-201908020; Various Municipalities Located In Dauphin, Lebanon, Berks, and Chester Counties, Pa.; Consumptive Use of Up to 0.070 mgd; Approval Date: August 29, 2019.
- Water Source Approvals Issued Under 18 CFR 806.22(f):
- ARD Operating, LLC; Pad ID: COP Tract 289 Pad A; ABR-20090409.R2; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 2, 2019.
- Chief Oil & Gas, LLC; Pad ID: Reibson Drilling Pad; ABR-201407014.R1; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: August 2, 2019.
- Inflection Energy (PA), LLC; Pad ID: Reynolds Well Site; ABR-201908002; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 2, 2019.
- Chesapeake Appalachia, L.L.C.; Pad ID: Hunter, ABR-201408001.R1; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 8, 2019.
- Seneca Resources Company, LLC; Pad ID: CRV Pad C09-G; ABR-201408002.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 12, 2019.
- Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 729 Pad-A; ABR-200908003; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 12, 2019.
- Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad-A; ABR-201908004; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 12, 2019.
- Chesapeake Appalachia, L.L.C.; Pad ID: Eileen, ABR-20090806.R2; Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.
- Chesapeake Appalachia, L.L.C.; Pad ID: Claudia, ABR-20090807.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.
- Chesapeake Appalachia, L.L.C.; Pad ID: Fitzsimmons, ABR-20090809.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.
- Chesapeake Appalachia, L.L.C.; Pad ID: Bacorn, ABR-201408003.R1; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 15, 2019.
- EXCO Resources (PA), LLC; Pad ID: Litke 1H, 2H; ABR-20090425.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2019.
- EXCO Resources (PA), LLC; Pad ID: Litke (7H & 8H); ABR-20090426.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2019.
- EXCO Resources (PA), LLC; Pad ID: Litke (14H, 15H, 16H); ABR-20090431.R2; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.
- EXCO Resources (PA), LLC; Pad ID: Barto Unit #1H, #2H; ABR-20090514.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.
- Chief Oil & Gas, LLC; Pad ID: Phelps Unit #1H; ABR-20090813.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.
- Seneca Resources Company, LLC; Pad ID: T. Wivell Horizontal Pad; ABR-20090814.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 19, 2019.
- Chief Oil & Gas, LLC; Pad ID: PA Woodlands Drilling Pad; ABR-201408006.R1; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: August 19, 2019.
- Cabot Oil & Gas Corporation; Pad ID: DiazM P2; ABR-201908001; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.
- EXCO Resources (PA), LLC; Pad ID: Zinck Unit #1 Pad; ABR-201908014; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.
- Cabot Oil & Gas Corporation; Pad ID: BrooksW P2; ABR-201908009; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 22, 2019.
- Cabot Oil & Gas Corporation; Pad ID: ChudleighW P1; ABR-201908005; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.
- Cabot Oil & Gas Corporation; Pad ID: Elk Lake School District P1; ABR-201908006; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.
- Cabot Oil & Gas Corporation; Pad ID: BrooksJ P1; ABR-201908007; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.
- Cabot Oil & Gas Corporation; Pad ID: PowersN P2; ABR-201908008; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.
- Cabot Oil & Gas Corporation; Pad ID: HunsingerA P1; ABR-201908010; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.
- SWN Production Company, LLC; Pad ID: RU-72-FOLKWARD-PAD; ABR-201908011; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 26, 2019.
- SWN Production Company, LLC; Pad ID: PU-BB-Price-Pad; ABR-201908012; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 26, 2019.

SWN Production Company, LLC; Pad ID: WR-22-Five E's-Pad; ABR-201908013; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 26, 2019.

EQT Production Company; Pad ID: Hurd; ABR-20090802.R2; Ferguson Township, Clearfield County, Pa.; ConsuAuthority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808.

Dated: September 12, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-21-14]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: July 1—31, 2019.

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

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

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR Part 806, Subpart E

Borough of Adamstown, GF Certificate No. GF-201907036, Adamstown Borough, Lancaster County, Pa.; Wells 2 and 3; Issue Date: July 10, 2019.

New Holland Borough Authority, GF Certificate No. GF-201907037, Earl Township, Lancaster County, Pa.; Well 1; Issue Date: July 10, 2019.

West Manchester Township Authority, GF Certificate No. GF-201907038, West Manchester Township, York County, Pa.; Wells 2, 3, 4, 5, and 6; Issue Date: July 10, 2019.

Village of Greene, GF Certificate No. GF-201907039, Village of Greene, Chenango County, N.Y.; Wells 1 and 2; Issue Date: July 29, 2019.

Selinsgrove Municipal Authority, GF Certificate No. GF-201907040, Selinsgrove Borough, Snyder County, Pa.; Wells 1 and 2; Issue Date: July 29, 2019.

Shrewsbury Borough, GF Certificate No. GF-201907041, Shrewsbury Borough and Shrewsbury Township, York County, Pa.; the Thompson Well and the Lutheran Home Well; Issue Date: July 29, 2019..

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

Dated: August 20, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-21-12]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: August 1—31, 2019.

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

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

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E

Gratz Borough Water Revenue Fund – Gratz Borough Water Company, GF Certificate No. GF-201908042, Gratz Borough, Dauphin County, Pa.; Well 1, Bower Spring, and Cold Spring; Issue Date: August 20, 2019.

Carlisle Borough Municipal Authority, GF Certificate No. GF-201908043, North Middleton Township, Cumberland County, Pa.; Conodoguinet Creek; Issue Date: August 20, 2019.

Afton Golf Course, Inc – Afton Golf Club, GF Certificate No. GF-201908044, Town of Afton, Chenango County, N.Y.; Pond 7; Issue Date: August 20, 2019.

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

Dated: September 12, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-21-11]

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Parts 806 — Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed rulemaking; notice of public hearing.

SUMMARY: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) dealing with the mitigation of consumptive uses. These rules are designed to enhance and improve the Commission's existing authorities to manage the water resources of the basin.

DATES: The Commission will hold an informational webinar explaining the proposed rulemaking on October 1, 2019. Instructions for registration for the webinars will be posted on the Commission's website.

Comments on the proposed rulemaking may be submitted to the Commission on or before November 12, 2019. The Commission has scheduled a public hearing on the proposed rulemaking to be held on October 31, 2019 in Harrisburg, PA. The location of the public hearing is listed in the ADDRESSES section of this document.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788, or by e-mail to regcomments@srbc.net. The public hearing location is at the Commission Headquarters at the above address.

Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular address listed above or electronic address given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's website at <http://www.srbc.net>.

SUPPLEMENTARY INFORMATION: The Commission undertook a more comprehensive overhaul of its regulations that were proposed in September of 2016 and adopted as final in June of 2017. As a part of that final rulemaking, the Commission reserved the changes it had proposed pertaining to its regulation of the consumptive use of water. It had also proposed a draft Consumptive Use Mitigation Policy as a companion to that rulemaking, which was also reserved. The Commission has performed a more comprehensive analysis of the comments received on that rulemaking and policy, and changes to the consumptive use regulation are proposed herein as a follow up to that effort. In addition, as a companion to this rulemaking, the Commission is also releasing a revised draft policy for Consumptive Use Mitigation to be open for public comment simultaneously with this proposed rulemaking.

Standards for Consumptive Uses of Water—18 CFR § 806.22

Section 806.22 (regarding standards for consumptive uses of water) will be revised. The proposed revisions in § 806.22(b)(1) and (2) lower the 90-day standard for consumptive use mitigation to 45 days and require that any alternative water source or storage will not likely impact nearby surface waters. The purpose of these changes is to reduce the barriers to project sponsors providing their own mitigation. Analysis of the past 100 plus years of river flow records show that the overwhelming majority of low flow events in the Basin are adequately covered by a continuous 45-day consumptive use

mitigation standard. Further, the prior standard that alternative supplies or storage have no impact was too rigid for projects to find suitable alternative supplies.

Section 806.22(b) is also revised to clarify that discontinuance includes reduction of water consumption to less than 20,000 gallons per day (gpd). This was the Commission's policy from 1992 until 2006 when the present rule was adopted. In practice, complete discontinuance was found to be impractical and unrealistic for many projects; however, some projects have demonstrated the ability to reduce usage to 20,000 gallons per day when necessary. This practice allows continued operations at a locally *de minimis* consumptive use level while reducing mitigation demand on either the project or the Commission. Accordingly, this change is designed to increase the feasibility of projects being able to select discontinuance as a mitigation option. Discontinuance of use is the most effective method of mitigation because it reduces and/or eliminates the water use during Commission designated low flows periods and does not depend on any further action by the Commission or project sponsor to be effectuated.

Section 806.22(e) is amended to allow a project sourced by reuse of stormwater, wastewater or other reused or recycled water to be eligible for an Approval by Rule for consumptive use.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

1. The authority citation for part 806 continues to read as follows: Authority: Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. Amend § 806.22 by revising paragraphs (b)(1) and (e)(1) to read as follows:

§ 806.22 Standards for consumptive use of water.

(b) ***

(1) During low flow periods as may be designated by the Commission for consumptive use mitigation.

(i) Reduce withdrawal from the approved source(s), in an amount equal to the project's consumptive use, and withdraw water from alternative surface water storage or aquifers or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(ii) Release water for flow augmentation, in an amount equal to the project's consumptive use, from surface water storage or aquifers, or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(iii) Discontinue the project's consumptive use, which may include reduction of the project sponsor's consumptive use to less than 20,000 gpd during periods of low flow. In any case of failure to provide the specified discontinuance, such project shall provide mitigation in accordance with paragraph (b)(3) of this section, for the calendar year in which such failure occurs, after which the Commission will reevaluate the continued acceptability of the discontinuance.

(e) * * *

(1) *General rule.* Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project that is solely supplied water for consumptive use by public water supply, stormwater, wastewater, or other reused or recycled water, or any combination thereof, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule.

* * * * *

Dated: September 9, 2019.

JASON E. OYLER

General Counsel and Secretary to the Commission

[19-21-13]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September 6, 2019, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 6, 2019, in Big Flats, New York, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: September 6, 2019.

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.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) informational presentation of interest to the upper Susquehanna River region; (2) proposed rulemaking on consumptive use regulation; (3) approval of three grant agreements; (4) a report on delegated settlements; (5) an emergency certificate extension (6) Regulatory Program projects; and (7) approval of a settlement with Sunoco Pipeline, L.P.

Project Applications Approved:

The Commission approved the following project applications:

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Eagle Rock Utilities Water System, North Union Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.163 mgd (30-day average) from Well ER-8.

Project Sponsor and Facility: Chief Oil & Gas LLC (Loyalsock Creek), Forksville Borough, Sullivan County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150903).

Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 4.

Project Sponsor: Dover Township. Project Facility: Dover Township Water Department, Dover Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.350 mgd (30-day average) from Well 9 (Docket No. 19880205).

Project Sponsor and Facility: Duncannon Borough, Penn Township, Perry County, Pa. Application for groundwater withdrawal of up to 0.037 mgd (30-day average) from Well 7.

Project Sponsor and Facility: Elk Mountain Ski Resort, Inc. (Unnamed Tributary to East Branch Tunkhannock Creek), Herrick Township, Susquehanna County, Pa. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031003).

Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (Loyalsock Creek), Plunketts Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wappasening Creek), Windham Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20150910).

Project Sponsor and Facility: Rockdale Marcellus, LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

Project Sponsor and Facility: Seneca Resources Company, LLC (Marsh Creek), Delmar Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20150908).

Project Sponsor and Facility: XTO Energy Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20150911).

Project Applications Tabled

Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of consumptive use of up to 2.622 mgd (peak day) (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-33 (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.678 mgd (30-day average) from Well UN-34 (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-35 (Docket No. 19890106).

Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

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

Dated: September 12, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-21-10]

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 31, 2019, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a proposed rulemaking and consumptive use mitigation policy, as well as proposals to amend its Regulatory Program Fee Schedule. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 5, 2019, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is November 12, 2019.

DATES: The public hearing will convene on October 31, 2019, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 12, 2019.

ADDRESSES: The public hearing will be conducted at the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover a proposed rulemaking and consumptive use mitigation policy, as well as proposed amendments to the Commission's Regulatory Program Fee Schedule as posted on the SRBC Public Hearing web page at <https://www.srbc.net/about/meetings-events/public-hearing.html>. The public hearing will also cover the following projects.

Projects Scheduled for Action:

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20151201).

Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for consumptive use of up to 60.000 mgd (peak day).

Project Sponsor and Facility: Town of Cortlandville, Cortland County, N.Y. Application for groundwater withdrawal of up to 1.300 mgd (30-day average) from Lime Hollow Well 2.

Project Sponsor and Facility: Town of Cortlandville, Cortland County, N.Y. Application for groundwater withdrawal of up to 1.300 mgd (30-day average) from Lime Hollow Well 7.

Project Sponsor and Facility: Town of Cortlandville, Cortland County, N.Y. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from the Terrace Road Well.

Project Sponsor: Graymont (PA) Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, Pa. Modification to increase consumptive use by an additional 0.098 mgd (30-day average), for a total consumptive use of up to 0.720 mgd (30-day average), and change limits from peak day to 30-day average (Docket No. 20050306).

Project Sponsor: Hazleton City Authority. Project Facility: Hazleton Division, Hazle Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.354 mgd (30-day average) from Barnes Run Well 3.

Project Sponsor and Facility: Leola Sewer Authority (will be issued to Upper Leacock Township Municipal Authority), Upper Leacock Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.263 mgd (30-day average) from Well 16 (Docket No. 19890702).

Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.860 mgd (30-day average) from Well 5.

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of consumptive use of up to 2.622 mgd (peak day) (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-33 (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.678 mgd (30-day average) from Well UN-34 (Docket No. 19890106).

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-35 (Docket No. 19890106).

Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (Codorus Creek – New Filter Plant Intake), Spring Grove Borough, York County, Pa. Applications for consumptive use of up to 3.650 mgd (peak day) and surface water withdrawal of up to 19.800 mgd (peak day).

Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (Codorus Creek – Old Filter Plant Intake), Spring Grove Borough, York County, Pa. Application for surface water withdrawal of up to 6.000 mgd (peak day).

Project Sponsor: Pixelle Specialty Solutions LLC. Project Facility: Spring Grove Mill (unnamed tributary to Codorus Creek – Kessler Pond Intake), Spring Grove Borough, York County, Pa. Application for surface water withdrawal of up to 0.750 mgd (peak day).

Project Sponsor and Facility: Sugar Hollow Water Services LLC (Susquehanna River), Eaton Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20151204).

Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20151205).

Projects Scheduled for Action Involving A Diversion

Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modifications to extend the approval term of the consumptive use, surface water withdrawal, and out-of-basin diversion approval (Docket No. 20021210) to allow additional time for evaluation of the continued use of the source for the Aberdeen Proving Ground-Aberdeen Area.

Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, Pa. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

Project Sponsor and Facility: New York State Canal Corporation (Middle Branch Tioughnioga Creek), Towns of DeRuyter and Cazenovia, Madison County, and Town of Fabius, Onondaga County, N.Y. Applications for surface water withdrawal of up to 4.300 mgd (peak day), consumptive use of up to 4.300 mgd (peak day), and out-of-basin diversion of up to 4.300 mgd (peak day) from Middle Branch Tioughnioga Creek.

Project Sponsor: Seneca Resources Company, LLC. Project Facility: Impoundment 1, receiving groundwater from various sources, Sergeant and Norwich Townships, McKean County, Pa. Application for into-basin diversion from the Ohio River Basin of up to 2.517 mgd (peak day) (Docket No. 20141216).

Commission Initiated Project Approval Modifications

Project Sponsor and Facility: Bucknell University, East Buffalo Township, Union County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.046 mgd (30-day average) from Well 2 and up to 0.116 mgd (30-day average) from Well 3 (Docket No. 20021008).

Project Sponsor and Facility: Manada Golf Club, Inc., East Hanover Township, Dauphin County, Pa. Conforming the grandfathered amount with the forthcoming determination for a withdrawal of up to 0.071 mgd (30-day average) from the 4th Tee Well, up to 0.036 mgd (30-day average) from the 5th Tee Well, and up to 0.036 mgd (30-day average) from the Barn Well (Docket No. 20020614).

Project Sponsor: Pennsylvania Fish & Boat Commission. Project Facility: Pleasant Gap State Fish Hatchery, Benner Township, Centre County, Pa. Conforming the grandfathering amount with the forthcoming determination for a withdrawal of up to 5.056 mgd (30-day average) from Blue and East Springs, up to 0.930 mgd (30-day average) from Hoy and Shugert Springs, and up to 1.000 mgd (30-day average) from Logan Branch (Docket No. 20000601).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing room will begin at 2:00 p.m. and Commission staff will be available for questions prior to the commencement of the hearing. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to 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 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.net/regulatory/public-comment/> . Comments mailed or electronically submitted must be received by the Commission on or before November 12, 2019, to be considered.

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

Dated: September 27, 2019.

JASON E. OYLER
General Counsel and Secretary to the Commission
[19-21-28]

WATER AND SCIENCE ADMINISTRATION

Notice of Tentative Determination and Public Hearing General Permit for Discharges from the Application of Pesticides

The Department proposes to reissue the State/NPDES (National Pollution Discharge Elimination System) 11PE (NPDES No. MDG87) General Discharge Permit from the Application of Pesticides with the renewal designation of 17PE. The 17PE permit applies to discharges to Waters of this State from the application of biological pesticides, chemical pesticides that leave a residue, or colorants, when the application of pesticides or colorants is for Mosquito and Other Flying Insect Pest Control, Weed and Algae Control, Nuisance Animal Control or Forest Canopy Pest Control.

The permit requires specific control measures and limitations at the application area based on the pattern of discharge. When the permit is formally adopted, decision-makers currently covered by the 11PE permit and existing toxic material permits (TMPs) will have 6 months to file a notice of intent (NOI) with the Department to obtain coverage under the reissued permit, if the area of application is over specific size thresholds specified in the permit, or if it will potentially impact desirable species, or if it is for SAVs in tidal waters.

The proposed permit continues the 11PEs narrative standards which had been established for each specific type of discharge regulated, in addition to specific water quality based limits for copper based products. The permit also relies on protections provided under FIFRA (The Federal Insecticide, Fungicide, and Rodenticide Act), which are regulated in Maryland by the Maryland Department of Agriculture, including the licensing of applicators.

The permit also requires a Pesticide Discharge Management Plan (PDMP) for Large Entities. It contains reporting and record keeping requirements for both Decision-makers and Applicators including adverse incidents.

Significant Revisions

- * Incorporated the requirements under COMAR 26.08.03.02 (TMP requirements), which provide for certain restrictions for "Use of Toxic Substances for Aquatic Life Management Purposes".
- * Added requirements for both the Applicator and the Decision-maker regarding the use of products.
- * Added a definition and process for consideration of "Desirable Species" when issuing the permit registration.
- * Filing a Notice of Intent (NOI) is (a) required for the Decision-maker, replacing the process of filing the "Request to Use Toxic Substances for Aquatic Life Management Purposes"; and (b) based on several criteria, including size of the application area, type of Decision-maker, existence of Desirable Species in the application area and when treatment is for submerged aquatic vegetation (SAV) in tidal waters.

- * Copper limits have been modified to include an assurance plan and clarification on requirements for reservoirs vs smaller impoundments.
- * MCL based limits are included for Aquathol (100 ug/l), Diquat (20 ug/l), Endothall (100 ug/l), 2,4-D (70 ug/l) and Glyphosate (700 ug/l), for use of products in waters that are potential sources of drinking water (classified as “-P”). For other pesticides with no MCL, the permittee must still consider limits based on human health standards. Operators with specific numeric limits are subject to electronic reporting.
- * The permit provides an alternative to numeric limits when the registrant can verify that the application will not impact human health with a documented assurance plan.
- * Added non-numeric limits for colorants which have the potential to impact receiving waters.
- * Certain Large Entities will be required to send Annual Reports to the Department.
- * Specific signage requirements are included in the permit consistent with state regulations and FIFRA labels.
- * Certain information must be available from the Applicator in cases where the public makes requests.
- * Appendix additions are provided for pesticide discharge evaluation, adverse incidents, annual reporting.
- * Miscellaneous Changes - The permit also includes several clarifications on the types of eligible discharges authorized by the permit and updates various permit conditions, requirements to obtain coverage under an individual permit, as necessary; termination of coverage under a permit; continuation of an expired general permit; the definitions of relevant terms; facility operation

and maintenance requirement; permit modification conditions; and civil penalties for violations of permit conditions.

The other requirements of the 17PE remain unchanged from the 11-PE.

The Department will hold a public hearing concerning the tentative determination on **November 21, 2019, from 10 a.m.-12 p.m., in the Terra/Aqua/Aeris Conference Rooms at the Maryland Department of the Environment, 1800 Washington Boulevard Baltimore, MD 21230.**

Any hearing impaired person may request an interpreter at the hearing by contacting Office of Fair Practices, at (410) 537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165. Written comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to the Department at the below address, on or before **November 26, 2019**. The draft permit is available on MDE’s website and can be found at <https://mdewwp.page.link/PEGP> during the above comment period. Any questions should be directed to **Maryland Department of the Environment, Water Management Administration, 1800 Washington Blvd., Ste. 455, Baltimore, MD 21230-1708, Attn: Paul Hlavinka, Industrial Permits Division,** at paul.hlavinka@maryland.gov, or by telephone at 410-537-3323 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Copies of the document may be obtained at a cost of \$0.36 per page.

[19-21-29]

DEPARTMENT OF STATE POLICE HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland, and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after October 11, 2019. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Rachel Rosenberg, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Baltimore, Maryland 21208 (Phone: 410-653-4247).

Make	Model	Model No.	Caliber	Additional Comments
Standard Manufacturing Co	1911 Case Colored #1 Engraved	1911CCE	45 ACP	
Patriot Ordnance Factory	Revolution .305 CMR	01392	308	
Springfield Armory	911	PG9109TN	308 ACP	Model number addition
Smith & Wesson	M&P 9 Shield M2.0	Performance Center #11867	9 MM	Model number addition
Colt/Colts Mfg. Co., Inc.	1911 Commander Series	04040WC	45 ACP	Model number addition
Taurus S.A. Forjas	Raging Hunter	2-454061RH	454 CASULL	Model and caliber addition
Taurus S.A. Forjas	Raging Hunter	2-454051RH	454 CASULL	Model and caliber addition
Taurus S.A. Forjas	Raging Hunter	2-454081RH	454 CASULL	Model and caliber addition
Taurus S.A. Forjas	Raging Hunter	2-454066RH	454 CASULL	Model and caliber addition
Taurus S.A. Forjas	Raging Hunter	2-454085RH	454 CASULL	Model and caliber addition
Taurus S.A. Forjas	Raging Hunter	2-440085RH	44 Mag	Model number addition
Taurus	TH40c	1-th40c031,	40 S&W	

SPECIAL DOCUMENTS

Make	Model	Model No.	Caliber	Additional Comments
		1-th40c031b, 1-th40c031g, 1-th40c031o		
Taurus	TH40	1-th40041, 1-th40041b, 1-th40041g, 1-th40041o, 1-th40041t	40 S&W	Model addition
Sturm Ruger	Wrangler	N/A	22 LR	
Bond Arms	The Texan	BATX 45/410	45/410	
Bond Arms	Wicked	BAJW – Package	9 mm – 45/410	
Sturm Ruger	New Vaquero	5162	357 MAG	Model number addition
Dikar	Scout V2	CP709S	6.5 Creedmore	Model and caliber addition
Henry	Mare’s Leg	H001MML	22 Mag	Model and caliber addition
Glock	45	45 MOS	9 mm	Model number addition
Colt/Colts Mfg. Co., Inc.	1911 Government Model Classic	01911C	45 ACP	Model addition
Nova Modul (Century Arms)	Drako NAK9X	HG4900-n, N/A	9mm, N/A	Model number addition
Sturm Ruger	GP100	1770	44 Spl	Model number addition
Sturm Ruger	SR1911	6709	45 ACP	Model number addition
Sig Sauer	P365 XL	365XL-9BXR3	9 mm	Model addition
Sig Sauer	1911	1911R-45-SEL	45 Auto	Model number addition
Smith @ Wesson	M&P 40 M2.0	12483	40 S&W	Model number addition
Smith @ Wesson	M&P 40 M2.0	12484	40 S&W	Model number addition
Smith @ Wesson	M&P 45 M2.0	12103	45 Auto	Model number addition
Smith @ Wesson	M&P 45 M2.0	12104	45 Auto	Model number addition
Mossberg	MC1	89002	9 MM	Model number addition
Aldo Uberti	Man With No Name	MP410SSI01	45 Colt	
Sturm Ruger	SP101	05707 (SPNY)	38 Spl	
Kahn	Honcho Tactical Pump	CF930-155	12 gauge	
Kahn	Honcho Tactical Pump	CF930-156	20 gauge	Model and caliber addition
Citadel	M1911 A1-FS	CITC45FUSAAC	45 AP	
Citadel	M1911 A1-FS	CITC45FSPUSA	45 AP	Model number addition
Springfield Armory	911	PG9119S	9 mm	Model and caliber addition
Maxim Defense	PDX	N/A	7.62X39	
STI International	Combat Master	N/A	9 MM	
Nighthawk Custom	Firehawk	N/A	9 MM	
Sturm Ruger	New Vaquero	5163	45 Colt	Model number addition
Traditions (Chiappa Firearms)	Rawhide Rancher	SAT73-22250	22 LR	
Sig Sauer	P320	320X5-9-Legion	9 mm	Model number addition
Colt/Colts Mfg. Co., Inc.	1911 Government	O1070BSTS	38 Super, 45 ACP	Model number addition
Taurus S.A. Forjas	Raging Hunter	2-440061RH	44 Mag	
Sig Sauer	P226	MK RX	9 mm	Model number addition
F4 Defense, LLC	PDW	F4-15	.223, .223 Wylde, 300 Blackouk, 5.56	
Shadow Systems Corp	MR918	N/A	9 mm	
Taurus S.A. Forjas	692 Tracker	2-692069	9 mm, 38 Spl, 357	

Make	Model	Model No.	Caliber	Additional Comments
			Mag	
Taurus S.A. Forjas	692 Tracker	2-692061	9 mm, 38 Spl, 357 Mag	Model number addition
Taurus S.A. Forjas	692 Tracker	2-692039	9 mm, 38 Spl, 357 Mag	Model number addition
Taurus S.A. Forjas	692 Tracker	2-692061	9 mm, 38 Spl, 357 Mag	Model number addition
Sig Sauer	P220	Emperor Scorpion	10 mm. 45 Auto	Model number addition
Sturm Ruger	AR 556	08571	350 Legend	
Sturm Ruger	AR 556	08570	5.56 NATO	Model and caliber addition
Sturm Ruger	AR 556	08572	300 Blackout	Model and caliber addition
Sturm Ruger	AR 556	08373	5.56 NATO	Model and caliber addition
Radical Firearms	RfF15	N/A	7.62X39	
Steyr Arms	L9-A2 MF	N/A	9x19	
Nighthawk Custom	Heine Signature Custom	NMN	9 mm, 10, mm, 45 ACP	
Nighthawk Custom	VIP	VIP, VIP Black, Turnbull VIP1, Turnbull VIP2	9 mm, 10 mm, 45 ACP	
Girsan	MC 1911 Match	NMN	45 ACP	
Kimber	Rapide	NMN	9mm, 10mm, 45 ACP	
STI International	2011	Tactical 5.0	40 S&W	
Diamondback	DB10	DB10PTG13	308 Win, 7.62X51 NATO	
Kalashnikov	KS 12	Komrad	12 GA	
Sig Sauer	1911	Spartan II Carry	45 ACP	Model number addition
PTR Industries	9KT	NMN	9 MM	
F.LLI Pietta	Rawhide 1873	SAT73-262	45 LC	
Arcus	94	KA MKIII	9 mm	Model number addition
Korth	Super Sport	NMN	357 Mag, 9 mm	
Springfield Armory	Saint Victor	STV909300B	300 Blackout	
Black Aces Tactical	Pro Series S	702706998512	12 GA	
Panda Tactical	PT9	PT9	9 mm	
Panda Tactical	PT15	PT15	5.56 NATO	
Panda Tactical	PT15	PT15	300 Blackout	Caliber addition
Panda Tactical	PT15	PT15	.223 Wylde	Caliber addition
Daniel Defense	DDM4 V7P	02-128-09263	300 Blackout	Model and caliber addition
Smith @Wesson	M&P 9 M2.0	11820	9 mm	Model number addition
Kimber	Micro 9	Micro 9 ESV (NWTF)	9 mm	Model number addition
Nighthawk Custom	Firehawk	NMN	45 ACP	Caliber addition
Sig Sauer	P320	X Five Legion	9 mm	Model number addition

[19-21-17]

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: October 15, 2019, 2 p.m.

Place: Office of the Commissioner of Financial Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Devki Dave (410) 230-6019

[19-21-25]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Announcement

Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that, if within 2 years after the date of an authorization of State debt no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item, #17-CGL CGL DEPARTMENT OF GENERAL SERVICES Agenda Item, September 18, 2019, we submit for publication the following cancellation of bond authorization(s) in accordance with the above referenced articles:

Tau Pi Mentoring Program: Ch. 22, Acts of 2017; \$25,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Tau Pi Mentoring Program facility, located in Howard County.

Contact: Re Rentuma (410) 260-7909

[19-21-16]

COMMISSIONER OF FINANCIAL REGULATION

Subject: Bank Merger

Add'l. Info: On August 27, 2019, Wesbanco, Inc., a West Virginia corporation, filed an application pursuant to Financial Institutions Article, §5-903,

Annotated Code of Maryland, for approval to acquire Old Line Bank, a Maryland-chartered commercial bank located in Bowie, Maryland.

Wesbanco, Inc., and its subsidiary bank, Wesbanco Bank, Inc., a West Virginia-chartered bank located in Wheeling, West Virginia, also filed an application to merge Old Line Bank with and into Wesbanco Bank, Inc., with Wesbanco Bank, Inc., being the surviving entity.

This application is on file at the Office of the Commissioner of Financial Regulation, 500 North Calvert Street, Suite 402, Baltimore, MD 21202. Comments regarding this application must be submitted in writing and must be received by the Commissioner within 15 calendar days of the date of publication of this notice in the Maryland Register.

For further information, contact Teresa M. Louro, Deputy Commissioner, at (410)-230-6022.

Contact: Teresa Louro (410) 230-6022

[19-21-19]

COMMISSIONER OF FINANCIAL REGULATION

Subject: Bank Merger

Add'l. Info: On September 12, 2019, ACNB Corporation (“ACNB”), a Pennsylvania financial holding company, filed an application pursuant to Financial Institutions Article, §5-903, Annotated Code of Maryland, for approval to acquire Frederick County Bank, a Maryland-chartered commercial bank located in Frederick, Maryland.

ACNB and its subsidiary bank, ACNB Bank, a Pennsylvania-chartered bank and trust company located in Gettysburg, Pennsylvania, also filed an application to merge Frederick County Bank with and into ACNB Bank, with ACNB Bank being the surviving entity.

This application is on file at the Office of the Commissioner of Financial Regulation, 500 North Calvert Street, Suite 402, Baltimore, MD 21202. Comments regarding this application must be submitted in writing and must be received by the Commissioner within 15 calendar days of the date of publication of this notice in the Maryland Register.

For further information, contact Teresa M. Louro, Deputy Commissioner, at (410) 230-6022.

Contact: Teresa Louro (410) 230-6104

[19-21-18]

HALL OF RECORDS COMMISSION

Subject: Public Meeting

Date and Time: November 14, 2019, 12 — 1:30 p.m.

Place: Maryland State Archives, Annapolis, MD

Contact: Liz Coelho (410) 260-6401

[19-21-06]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing

Date and Time: November 7, 2019, 9 a.m. — 1 p.m.

Place: Best Western Plus Hotel and Conference Center, 5625 O'Donnell St., Baltimore, MD 21224

Add'l. Info: As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and driving directions to meeting location will be posted on the Maryland Pharmacy Program website at:

<https://mmcp.health.maryland.gov/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>

Submit questions to:

mdh.marylandpdlquestions@maryland.gov

Contact: Shawn Singh (410) 767-6896

[19-21-04]

HEALTH SERVICES COST REVIEW COMMISSION

Subject: Public Meeting

Date and Time: October 16, 2019, 1 — 4 p.m.

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

Contact: LaTonya Hamilton (410) 764-3451

[19-21-09]

**STATE COMMUNITY HEALTH
WORKER ADVISORY COMMITTEE
MEETINGS**

Subject: Public Meeting
Date and Time: October 28, 2019, 1 — 3 p.m.
Place: MDH, 201 W. Preston St., Conf. Rm. L3, Baltimore, MD
Contact: Kimberly Hiner (410) 767-2301
[19-21-02]

**MARYLAND INSURANCE
ADMINISTRATION**

Subject: Public Hearing
Date and Time: November 7, 2019, 9 a.m. — 12 p.m.
Place: Maryland Insurance Administration, 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD
Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain long-term care insurance carriers operating in Maryland. The hearing will focus on several rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, these include requests from American General Life Insurance Company, Lincoln National Life Insurance Company, Metropolitan Life Insurance Company, TIAA-CREF Life Insurance Company, Teachers Insurance and Annuity Association of America, Union Security Insurance Company, Time Insurance Company II, and Bankers Life and Casualty Company. The purpose of the hearing is for insurance company officials to explain their reasons for the rate increases. Interested stakeholders will also have the opportunity to provide comments at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website.

If you plan on attending, please RSVP to Nancy Muehlberger. If you will be dialing into the public hearing, and wish to provide oral testimony, please RSVP to Nancy Muehlberger. Testimony will only be heard via the telephone by those who have RSVP'd in advance of the public hearing. Written comments and RSVPs should be sent to Nancy Muehlberger by October 31, 2019, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, Md. 21202, or by fax to 410-468-2038.

Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by October 31, 2019, by email to Nancy.Muehlberger@maryland.gov.

For more information on the hearing please see the following link:

<https://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-November-7-2019.aspx>

Contact: Adam Zimmerman (410) 468-2048

[19-21-08]

**MARYLAND STATE LOTTERY AND
GAMING CONTROL COMMISSION**

Subject: Public Meeting
Date and Time: October 24, 2019, 10 a.m. — 12 p.m.
Place: Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Kathy Lingo (410) 230-8790
[19-21-05]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: October 17, 2019, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
[19-21-07]

**MARYLAND HEALTH CARE
COMMISSION**

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

University of Maryland Medical Center — Cancer Center — Docket No. 19-24-2438; New construction and renovation to the existing hospital located at 22 South Green Street and the expansion of cancer center services. Proposed Cost: \$194,368,000.

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than

close of business November 12, 2019. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

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

Contact: Ruby Potter (410) 764-3276
[19-21-23]

**MARYLAND HEALTH CARE
COMMISSION**

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

UM-Upper Chesapeake Medical Campus Behavioral Health Pavilion — Docket No. 18-12-2436

Establish a new psychiatric hospital, which includes a 40-bed adult psychiatric inpatient unit to serve male and female patients. Twenty five beds will be adult nongeriatric psychiatric beds and 15 beds will be principally dedicated to geriatric psychiatry. To be located at 32 acre parcel located at 635 McHenry Road, Aberdeen. Proposed Cost: \$106,612,933.

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business November 12, 2019. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

GENERAL NOTICES

966

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

Contact: Ruby Potter (410) 764-3276
[19-21-24]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Spanish Mackerel Commercial Fishery Catch Limit — Effective 9/26/2019

Add'l. Info: The Secretary of the Maryland Department of Natural Resources announces a change to the commercial catch limit for Spanish mackerel.

Not more than 250 pounds of Spanish mackerel may be landed per vessel per day or trip, whichever is longer, regardless of the number of licensees on board the vessel.

Commercial landings have reached the commercial quota for the Atlantic migratory group Spanish mackerel northern zone. This step must be taken to prevent the quota from being further exceeded, while allowing a minimal bycatch amount of Spanish mackerel to be landed to avoid dead discards.

This closure applies to all individuals who catch Spanish mackerel commercially.

The catch limit is effective at 12:01 a.m. September 26, 2019, and will remain in effect through and including February 29, 2020.

COMAR 08.02.05.14C

Jeannie Haddaway-Riccio

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[19-21-20]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meetings

Dates and Times:

October 16, 2019 8:30 a.m. — 5 p.m.

October 30, 2019 8:30 a.m. — 5 p.m.

November 13, 2019 8:30 a.m. — 5 p.m.

November 27, 2019 8:30 a.m. — 5 p.m.

December 4, 2019 8:30 a.m. — 5 p.m.

December 18, 2019 8:30 a.m. — 5 p.m.

Place: Maryland Dept. of Transportation,
7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[19-21-03]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: October 23, 2019, 9 a.m. — 1 p.m.

Place: 1800 Washington Blvd., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Elaine Nolen (410) 537-4466
[19-21-01]



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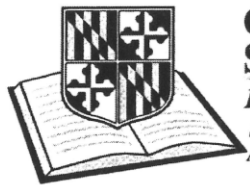
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