

Maryland Register

Issue Date: September 27, 2019

Volume 46 • Issue 20 • Pages 833—884

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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 9, 2019, 5 p.m.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 9, 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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Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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

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

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

Availability of Monthly List of Maryland Documents

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

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

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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 11	September 23	September 30	October 2
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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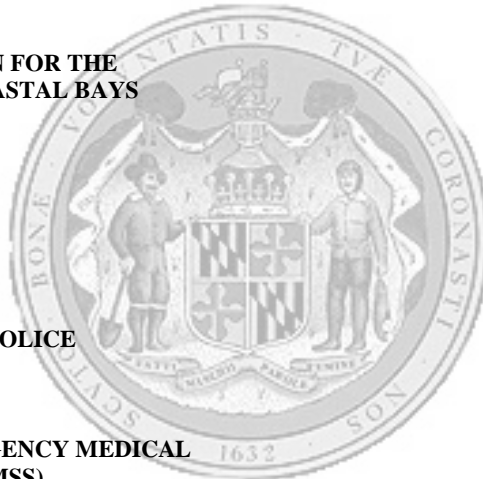
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The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated August 21, 2019, **EDWARD DORSEY ELLIS ROLLINS, III** (CPF # 8011010322), 60 Grandview Avenue, North East, Maryland 21901, has been suspended by consent for sixty (60) days, effective September 1, 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 August 12, 2019, **THANASIOS THEODORE TSIMPEDES** (CPF # 9606050448), 7217 Longwood Drive, Bethesda, Maryland 20817, has been indefinitely suspended by consent, effective September 1, 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 3, 2019, **NICHOLAS PETER PANTELEAKIS** (CPF # 9812160305), 516 N. Charles Street, Suite 412, Baltimore, Maryland 21201, has been disbarred by consent, effective September 3, 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 4, 2019, **SCOTT GREGORY ADAMS** (CPF # 9009040001), P.O. Box 520, East Boothbay, Maine 04544, has resigned from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-735(e)).

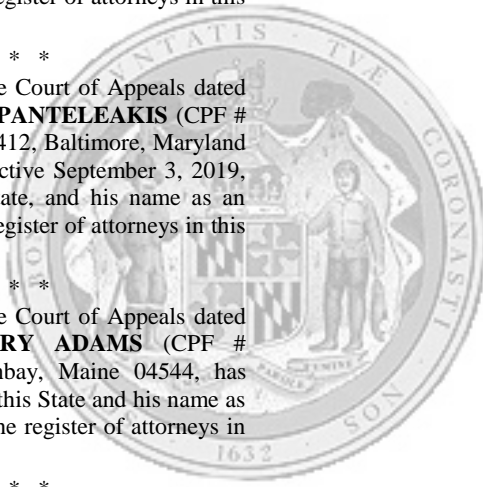
* * * * *

This is to certify that by an Order of the Court of Appeals dated September 5, 2019, **ALEX BENEDICT LEIKUS** (CPF # 9812160142), 10 Old Elm Court, Lutherville, Maryland 21093, has been replaced upon the register of attorneys in the Court of Appeals as of September 5, 2019. Notice of this action is certified in accordance with Maryland Rule 19-761.

* * * * *

This is to certify that by an Order of the Court of Appeals dated September 11, 2019, **STEVEN COCHARIO ANTHONY** (CPF # 8212010008), 11651 Nebel Street, Rockville, Maryland 20852, has been disbarred 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).

[19-20-23]



Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 10 LABORATORIES

10.10.09 [Law Enforcement] *Forensic* Laboratories — Personnel Certification and Approval of Laboratory Procedures

Authority: Courts and Judicial Proceedings Article, §10-1001; Health-General Article, [§17-202] §17-2A-02; Annotated Code of Maryland

Notice of Emergency Action [19-185-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .03 under **COMAR 10.10.09 Forensic Laboratories — Personnel Certification and Approval of Laboratory Procedures**.

Emergency status began: September 10, 2019.

Emergency status expires: March 7, 2020.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on page 849 of this issue, referenced as [19-185-P].

ROBERT R. NEALL
Secretary of Health

Final Action on Regulations

Symbol Key

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

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 13 NEIGHBORHOOD BUSINESS DEVELOPMENT

05.13.01 Business Development Program

Authority: Housing and Community Development Article, §6-308(a)(2),
Annotated Code of Maryland

Notice of Final Action

[19-135-F]

On September 5, 2019, the Secretary of Housing and Community Development adopted the repeal of existing Regulations **.01—**~~.19~~ and adopted new Regulations **.01—**~~.14~~ under **COMAR 05.13.01 Business Development Program**. This action, which was proposed for adoption in 46:15 Md. R. 657—662 (July 19, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

KENNETH C. HOLT
Secretary of Housing and Community Development

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215 and 4-1012, Annotated Code of Maryland

Notice of Final Action

[19-144-F]

On September 17, 2019, the Secretary of Natural Resources adopted amendments to Regulations **.01**, **.08**, and **.12** under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 46:16 Md. R. 690—693 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-2A-03, and 4-1009.1,
Annotated Code of Maryland

Notice of Final Action

[19-145-F]

On September 17, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.14** under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 46:16 Md. R. 694 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §§4-215 and 4-736, Annotated Code of Maryland

Notice of Final Action

[19-152-F]

On September 17, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.08** under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 46:16 Md. R. 694—695 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §§4-221 and 4-701.2, Annotated Code of Maryland

Notice of Final Action

[19-151-F]

On September 17, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.06** under **COMAR 08.02.25 Gear**. This action, which was proposed for adoption in 46:16 Md. R. 695 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.02 Physicians' Services

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

Notice of Final Action

[19-125-F-I]

On September 5, 2019, the Secretary of Health adopted amendments to Regulation .07 under **COMAR 10.09.02 Physicians' Services**. This action, which was proposed for adoption in 46:14 Md. R. 625—626 (July 5, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.49 Telehealth Services

Authority: Health-General Article, §15-105.2(b), Annotated Code of Maryland

Notice of Final Action

[19-105-F]

On September 5, 2019, the Secretary of Health adopted amendments to Regulation .02, the repeal of Regulation .03, amendments to and the recodification of existing Regulations .04, .05, .07, .10, and .11 to be Regulations .03, .04, .06, .09, and .10, respectively, and the recodification of existing Regulations .06, .08, and .09 to be Regulations .05, .07, and .08, respectively, under **COMAR 10.09.49 Telehealth Services**. This action, which was proposed for adoption in 46:12 Md. R. 551—552 (June 7, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

ROBERT R. NEALL
Secretary of Health

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.10 Teletherapy

Authority: Health Occupations Article, §§1-901—1-903, Annotated Code of Maryland

Notice of Final Action

[19-119-F]

On September 5, 2019, the Secretary of Health adopted new Regulations .01—.06 under **COMAR 10.42.10 Teletherapy**. This action, which was proposed for adoption in 46:13 Md. R. 600—601

(June 21, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 7, 2019.

Attorney General's Certification

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

Regulation .01: These changes were made to clarify the specific license categories that are permitted to use teletherapy. The License Certified Social Worker (LCSW) category was added to accurately reflect all of the appropriate social work license categories subject to this chapter.

Regulations .02, .03, and .06: These changes were made to ensure that all references to licensure categories are consistent throughout the chapter.

Regulation .04: These changes were made to clarify the definition of teletherapy. The term psychotherapy gives practitioners more precise parameters for the use of teletherapy. Language was added to ensure all references to licensure categories are consistent throughout the chapter.

Regulation .05: These changes were made to ensure that certain aspects of the evaluation are consistent with standards used by behavior health professions.

.01 Scope.

This chapter:

A. *Applies to a* [[licensed]]:

(1) Licensed certified social worker-clinical (LCSW-C) [[, or a licensed]];

(2) Licensed certified social worker (LCSW) under the supervision of an LCSW-C; or

(3) Licensed masters social worker (LMSW) under the supervision of an LCSW-C [[, who may provide behavioral health services using teletherapy in Maryland]].

B. *Does not prohibit the following from using electronic means as defined under Regulation .02B(4)(a) within their scope of practice:*

(1) A licensed bachelor social worker (LBSW) under supervision;

(2)—(4) (proposed text unchanged)

.02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(3) (proposed text unchanged)

(4) *Teletherapy.*

(a) *“Teletherapy” means the use of interactive audio, video,*

or other telecommunications or electronic media by a licensed social worker to deliver [[social work services]] psychotherapy;

(i) *Within the scope of practice of an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW[[,]] under the supervision of an LCSW-C; and*

(ii) (proposed text unchanged)

(b) *“Teletherapy” does not include:*

(i) *An audio-only telephone conversation between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW[[,]] under the supervision of an LCSW-C, and a client;*

(ii) *An electronic mail message between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW[[,]] under the supervision of an LCSW-C, and a client;*

(iii) *A facsimile transmission between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW[[,]] under the supervision of an LCSW-C, and a client; or*

(iv) A text message or other type of message sent between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW[.] under the supervision of an LCSW-C, and a client by a short message service or multimedia messaging service.

.03 Licensure.

The following Board-approved licensees may provide psychotherapy using teletherapy if the client is in Maryland:

A. An LCSW-C [[or an]];

B. An LCSW under the supervision of an LCSW-C; or

C. An LMSW[.] under the supervision of an LCSW-C[[, licensed in Maryland may provide social work services using teletherapy if one or both of the following occurs:

A. The individual practicing teletherapy is physically located in Maryland; or

B. The client is in Maryland]].

.04 Standards of Practice for Teletherapy.

[[A.]] Before providing teletherapy services, [[an LCSW-C or an LMSW, under the supervision of an LCSW-C,]] a licensee who is permitted to use teletherapy under this chapter [[shall develop]]:

A. Shall:

(1) Develop and follow a procedure to:

[[(1)]] (a)—[[(4)]] (d) (proposed text unchanged)

[[(5)]] (e) Ensure that the teletherapy practitioner provides a secure and private teletherapy connection and complies with federal and State privacy laws; [[and]]

[[(6)]] (f) Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the client's location[.];

[[B. An LCSW-C or an LMSW, under the supervision of an LCSW-C, shall:]]

[[(1)]] (g)—[[(2)]] (h) (proposed text unchanged)

[[(3)]] (i) For an initial teletherapy interaction only, disclose the name, location, Maryland license number, and contact information of the LCSW-C, the LCSW, or the LMSW; and

[[(4)]] (j) (proposed text unchanged)

[[(5)]] (2) Be held to the same standards of practice and documentation as those applicable for in-person sessions[.]; and

[[C.]] B. [[An LCSW-C or an LMSW, under the supervision of an LCSW-C, may]] May not treat a client based solely on an online questionnaire.

.05 Client Evaluation.

A. [[An LCSW-C or an LMSW, under the supervision of an LCSW-C,]] A licensee who is permitted to use teletherapy under this chapter shall perform a client evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to [[teletherapy]] recommended treatment options before providing [[the]] subsequent teletherapy [[service]] services.

B. If the evaluation is adequate to comply with §A of this regulation, a licensee who is permitted to use teletherapy under this chapter may use:

(1) Live synchronous audio-visual communication;

(2) Other methods of performing social work remotely; or

(3) A social work evaluation performed by another licensee who is permitted to use teletherapy under this chapter providing coverage.

.06 Discipline.

A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining [[an LCSW-C or an LMSW, under the supervision of an LCSW-C, who practices teletherapy]] a licensee who is permitted to use teletherapy under this chapter as it would use for [[an LCSW-C or an LMSW, under the supervision of an LCSW-C,]] a licensee who is permitted to use

teletherapy under this chapter who does not use teletherapy technology.

B. The failure of [[an LCSW-C or an LMSW, under the supervision of an LCSW-C,]] a licensee who is permitted to use teletherapy under this chapter to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board in accordance with COMAR 10.42.09.

ROBERT R. NEALL
Secretary of Health

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

10.47.08 Overdose Response Program

Authority: Health-General Article, Title 13, Subtitle 31, Annotated Code of Maryland

Notice of Final Action

[19-015-F]

On September 5, 2019, the Secretary of Health adopted amendments to Regulations .01—.04, the repeal of Regulations .05 and .09, and amendments to and the recodification of existing Regulations .06—.08 and .10—.12 to be Regulations .05—.07 and .08—.10, respectively, under **COMAR 10.47.08 Overdose Response Program**. This action, which was proposed for adoption in 46:2 Md. R. 73—76 (January 18, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

ROBERT R. NEALL
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.12 Program in Mathematics

Authority: Education Article, §§2-205(c) and (h) and 7-205.1, Annotated Code of Maryland

Notice of Final Action

[19-123-F]

On August 27, 2019, the Maryland State Board of Education adopted amendments to Regulation .02 under **COMAR 13A.04.12 Program in Mathematics**. This action, which was proposed for adoption in 46:13 Md. R. 601—602 (June 21, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 7, 2019.

Attorney General's Certification

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

The changes made in Regulation .02A and B(1), (2), and (3) are all nonsubstantive edits to correct punctuation and style.

.02 Certification Procedures.

A. By September 1, 2020 and thereafter, upon adoption of new State standards, local school system *[[curriculum]] curricula*, or curriculum support materials, each local superintendent of schools or chief executive officer shall certify to the State Superintendent of Schools that the instructional programming for mathematics courses aligned to the Maryland College and Career Ready Standards meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

B. The superintendent or chief executive officer shall provide evidence of meeting the requirements. Acceptable forms of evidence include:

(1) A Maryland State Department of Education Curriculum Vetting Report demonstrating that the reviewed curriculum has earned an acceptable rating as determined by the agency on all sections for mathematics for the identified grade level(s) or course(s)*[[.]]*;

(2) A curriculum vetting report produced by a nationally recognized external party that demonstrates alignment to Maryland College and Career Ready Standards for the identified grade level(s) or course(s)*[[.]]*; *or*

(3) Documentation of national ratings to demonstrate an alignment to Maryland College and Career Ready Standards and strong (level 1) or moderate (level 2) evidence, as defined under §8101(21)(A)(i)(I) and §8101(21)(A)(i)(II) of the Every Student Succeeds Act, for all third-party *[[curriculum]] curricula* and curriculum support materials in use.

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

Subtitle 04 SPECIFIC SUBJECTS

13A.04.14 Program in English Language Arts/Literacy

Authority: Education Article, §§2-205(c) and (h), 7-202, and 7-205.1, Annotated Code of Maryland

Notice of Final Action
[19-122-F]

On August 27, 2019, the Maryland State Board of Education adopted amendments to Regulation .02 under **COMAR 13A.04.14 Program in English Language Arts/Literacy**. This action, which was proposed for adoption in 46:13 Md. R. 602—603 (June 21, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 7, 2019.

Attorney General's Certification

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

The changes made in Regulation .02A and B(1), (2), and (3) are all nonsubstantive edits to correct punctuation and style.

.02 Certification Procedures.

A. By September 1, 2020 and thereafter, upon adoption of new State standards, local school system *[[curriculum]] curricula*, or curriculum support materials, each local superintendent of schools or chief executive officer shall certify to the State Superintendent of Schools that the instructional programming for English language

arts meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

B. The superintendent or chief executive officer shall provide evidence of meeting requirements. Acceptable forms of evidence include:

(1) Maryland State Department of Education Curriculum Vetting Report demonstrating that the reviewed curriculum has earned an acceptable rating as determined by the agency on all sections for English language arts for the identified grade level(s) or course(s)*[[.]]*;

(2) A curriculum vetting report produced by a nationally recognized external party that demonstrates alignment to Maryland College and Career Ready Standards for the identified grade level(s) or course(s)*[[.]]*; *or*

(3) Documentation of national ratings to demonstrate an alignment to Maryland College and Career Ready Standards and strong (level 1) or moderate (level 2) evidence, as defined under §8101(21)(A)(i)(I) and §8101(21)(A)(i)(II) of the Every Student Succeeds Act, for all third-party *[[curriculum]] curricula* and curriculum support materials in use.

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

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.04 Legal Representation and Fees

Authority: Labor and Employment Article, §§9-309, 9-721, and 9-731, Annotated Code of Maryland

Notice of Final Action
[19-092-F]

On September 12, 2019, the Workers' Compensation Commission adopted amendments to Regulation .03 under **COMAR 14.09.04 Legal Representation and Fees**. This action, which was proposed for adoption in 46:12 Md. R. 566 (June 7, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Title 22

STATE RETIREMENT AND PENSION SYSTEM

Subtitle 01 GENERAL REGULATIONS

22.01.06 Payment of *Benefits*

Authority: State Personnel and Pensions Article, §§21-110 and 21-501, Annotated Code of Maryland

Notice of Final Action

[19-138-F]

On September 17, 2019, the Board of Trustees for the State Retirement and Pension System adopted new Regulations **.01** and **.06** and amendments to and the recodification of existing Regulations **.01—04** to be Regulations **.02—05** and under **COMAR 22.01.06 Payment of Benefits**. This action, which was proposed for adoption in 46:16 Md. R. 702—704 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Subtitle 01 GENERAL REGULATIONS

22.01.10 Transfer of Membership to the Pension System

Authority: State Personnel and Pensions Article, §§21-110 and 21-212, Annotated Code of Maryland

Notice of Final Action

[19-137-F]

On September 17, 2019, the Board of Trustees for the State Retirement and Pension System adopted the repeal in their entirety of Regulations **.01—06** under **COMAR 22.01.10 Transfer of Membership to the Pension System**. This action, which was proposed for adoption in 46:16 Md. R. 704 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

Title 29

DEPARTMENT OF STATE POLICE

Subtitle 06 FIRE PREVENTION COMMISSION

29.06.01 Fire Prevention Code

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

Notice of Final Action

[19-148-F-I]

On September 17, 2019, the Secretary of State Police adopted amendments to Regulations **.02**, **.06—10**, and **.14** under **COMAR 29.06.01 Fire Prevention Code**. This action, which was proposed for adoption in 46:16 Md. R. 705—708 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

WILLIAM M. PALLOZZI
Secretary of State Police

Subtitle 06 FIRE PREVENTION COMMISSION

29.06.05 Fire Sprinkler Contractor Licensing Regulations

Authority: Public Safety Article, §§6-206 and 9-901—9-905, Annotated Code of Maryland

Notice of Final Action

[19-149-F]

On September 17, 2019, the Secretary of State Police adopted amendments to Regulation **.03** under **COMAR 29.06.05 Fire Sprinkler Contractor Licensing Regulations**. This action, which was proposed for adoption in 46:16 Md. R. 708 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

WILLIAM M. PALLOZZI
Secretary of State Police

Title 36

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Notice of Final Action

[19-141-F]

On September 16, 2019, the Maryland State Lottery and Gaming Control Agency adopted amendments to:

(1) Regulations **.20, .26—,28, and .38** under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;**

(2) Regulations **.12, .21, and .31** under **COMAR 36.04.01 Video Lottery Technical Standards;**

(3) Regulation **.02** under **COMAR 36.05.03 Table Games Procedures;**

(4) Regulation **.01** under **COMAR 36.08.02 Registration;** and

(5) Regulations **.06, .07, .09, .11, and .13** under **COMAR 36.09.01 Fantasy Competition.**

This action, which was proposed for adoption in 46:16 Md. R. 709-713 (August 2, 2019), has been adopted as proposed.

Effective Date: October 7, 2019.

GORDON MEDENICA
Director

Maryland State Lottery and Gaming Control Agency



Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.
Symbol Key <ul style="list-style-type: none"> • Roman type indicates existing text of regulation. • <i>Italic type</i> indicates proposed new text. • [Single brackets] indicate text proposed for deletion.
<p style="text-align: center;">Promulgation of Regulations</p> <p>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.</p> <p>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.</p> <p>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.</p>

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 10 LABORATORIES

10.10.09 [Law Enforcement] *Forensic* Laboratories — Personnel Certification and Approval of Laboratory Procedures

Authority: Courts and Judicial Proceedings Article, §10-1001; Health-General Article, [§17-202] §17-2A-02; Annotated Code of Maryland

Notice of Proposed Action [19-185-P]

The Secretary of Health proposes to amend Regulation .03 under **COMAR 10.10.09 Forensic Laboratories — Personnel Certification and Approval of Laboratory Procedures**.

Statement of Purpose

The purpose of this action is to add State licensed forensic laboratories as permitted employers of certified analysts in an effort to allow these analysts to provide testing services for State law enforcement agencies.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

The proposed action will enable small businesses (i.e., private forensic laboratories) to certify forensic analysts to provide CDS testing services for Maryland law enforcement agencies.

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 October 28, 2019. A public hearing has not been scheduled.

.03 Employment, Employment Certification, and Automatic Decertification.

A. Employment. An individual applying for certification under this chapter shall be currently employed by [the]:

- (1) *The* Department;
- (2) *The* Maryland State Police;
- (3) *The* Baltimore City Police Department; [or]
- (4) *The* police department of a municipality or county in this State; or

(5) *A private forensic laboratory licensed by the Maryland Department of Health that has a contract with a Maryland law enforcement agency to provide testing services for controlled dangerous substances.*

B.—C. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 22 DEVELOPMENTAL DISABILITIES

Notice of Proposed Action

[19-186-P]

The Secretary of Health proposes to amend:

- (1) Regulations ~~.06—~~.08 under **COMAR 10.22.17 Fee Payment System for Licensed Residential and Day Programs**; and
- (2) Regulation ~~.04~~ under **COMAR 10.22.18 Community Supported Living Arrangements Payment System**.

Statement of Purpose

The purpose of this action is to establish the FY20 reimbursement rates for licensed residential and day programs and personal support services as part of community supported living arrangements (CSLA) services in accordance with Health-General Article, §7-307(d), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action increases the rate paid to providers. The proposed action includes a 3.5 percent COLA for providers. The total impact of this increase for the agency and the regulated industry equals \$42,531,483.

II. Types of Economic Impact.

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
-----------------	---------------------	-----------

- A. On issuing agency: (E+) \$42,531,483
- B. On other State agencies: NONE
- C. On local governments: NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$42,531,483
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. A 3.5 percent increase in rates will cause the expenditures of the Developmental Disabilities Administration (DDA) for community services to increase by an estimated \$42,531,483 in total funds. The total general funds impact of these changes is \$22,512,389.

D. Regulated provider agencies will benefit from increases to rates by an estimated \$42,531,483 in total funds (\$22,512,389 in general funds).

Economic Impact on Small Businesses

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

The proposed action has a meaningful economic impact on small businesses because the higher reimbursement rates infuse dollars into provider agency entities that provide these services in the community.

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 October 28, 2019. A public hearing has not been scheduled.

10.22.17 Fee Payment System for Licensed Residential and Day Programs

Authority: Health-General Article, §§2-104(b), 7-306.1, 7-910(c), 15-105, 15-107, and 16-201, Annotated Code of Maryland

.06 Determination of Individual Component.

- A.—F. (text unchanged)
- [G.] (proposed for repeal)

G. *Table of Individual Components Effective July 1, 2019.*
(1) *Residential Programs.*

Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)						
Health/Medical Level	Supervision/Assistance Level					
	1	2	3	4	5	
1	\$22.00	\$39.38	\$67.14	\$108.76	\$155.95	
2	\$24.06	\$41.45	\$69.22	\$110.83	\$158.00	
3	\$27.39	\$44.77	\$72.51	\$114.15	\$161.32	
4	\$31.88	\$49.27	\$77.00	\$118.64	\$165.81	
5	\$35.82	\$53.21	\$80.98	\$122.60	\$169.76	

<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$23.74	\$42.49	\$72.44	\$117.34	\$168.25
	<i>2</i>	\$25.96	\$44.72	\$74.68	\$119.57	\$170.47
	<i>3</i>	\$29.55	\$48.30	\$78.23	\$123.16	\$174.05
	<i>4</i>	\$34.40	\$53.16	\$83.08	\$128.00	\$178.89
<i>5</i>	\$38.65	\$57.41	\$87.37	\$132.27	\$183.15	
<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.00	\$39.38	\$67.14	\$108.76	\$155.95
	<i>2</i>	\$24.06	\$41.45	\$69.22	\$110.83	\$158.00
	<i>3</i>	\$27.39	\$44.77	\$72.51	\$114.15	\$161.32
	<i>4</i>	\$31.88	\$49.27	\$77.00	\$118.64	\$165.81
<i>5</i>	\$35.82	\$53.21	\$80.98	\$122.60	\$169.76	
<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.00	\$39.38	\$67.14	\$108.76	\$155.95
	<i>2</i>	\$24.06	\$41.45	\$69.22	\$110.83	\$158.00
	<i>3</i>	\$27.39	\$44.77	\$72.51	\$114.15	\$161.32
	<i>4</i>	\$31.88	\$49.27	\$77.00	\$118.64	\$165.81
<i>5</i>	\$35.82	\$53.21	\$80.98	\$122.60	\$169.76	
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$23.38	\$41.86	\$71.36	\$115.60	\$165.76
	<i>2</i>	\$25.57	\$44.06	\$73.57	\$117.80	\$167.94
	<i>3</i>	\$29.11	\$47.59	\$77.07	\$121.33	\$171.47
	<i>4</i>	\$33.89	\$52.37	\$81.84	\$126.10	\$176.24
<i>5</i>	\$38.07	\$56.56	\$86.07	\$130.31	\$180.44	
<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.00	\$39.38	\$67.14	\$108.76	\$155.95
	<i>2</i>	\$24.06	\$41.45	\$69.22	\$110.83	\$158.00
	<i>3</i>	\$27.39	\$44.77	\$72.51	\$114.15	\$161.32
	<i>4</i>	\$31.88	\$49.27	\$77.00	\$118.64	\$165.81
<i>5</i>	\$35.82	\$53.21	\$80.98	\$122.60	\$169.76	

(2) Day Programs.

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$24.24	\$28.97	\$38.16	\$47.60	\$66.28
	<i>2</i>	\$26.76	\$31.47	\$40.70	\$50.15	\$68.81
	<i>3</i>	\$30.85	\$35.59	\$44.77	\$54.23	\$72.88
	<i>4</i>	\$36.38	\$41.07	\$50.28	\$59.75	\$78.40
<i>5</i>	\$41.24	\$45.93	\$55.13	\$64.59	\$83.25	

PROPOSED ACTION ON REGULATIONS

<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 4 — Pittsburgh Metro (Allegheny)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$23.88	\$28.54	\$37.59	\$46.90	\$65.29
	<i>2</i>	\$26.36	\$31.00	\$40.09	\$49.40	\$67.79
	<i>3</i>	\$30.39	\$35.07	\$44.11	\$53.42	\$71.80
	<i>4</i>	\$35.84	\$40.46	\$49.53	\$58.86	\$77.24
<i>5</i>	\$40.62	\$45.25	\$54.31	\$63.64	\$82.01	
<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

(3) Supported Employment Programs.

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$24.24	\$28.97	\$38.16	\$47.60	\$66.28
	<i>2</i>	\$26.76	\$31.47	\$40.70	\$50.15	\$68.81
	<i>3</i>	\$30.85	\$35.59	\$44.77	\$54.23	\$72.88
	<i>4</i>	\$36.38	\$41.07	\$50.28	\$59.75	\$78.40
<i>5</i>	\$41.24	\$45.93	\$55.13	\$64.59	\$83.25	
<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$23.88	\$28.54	\$37.59	\$46.90	\$65.29
	<i>2</i>	\$26.36	\$31.00	\$40.09	\$49.40	\$67.79
	<i>3</i>	\$30.39	\$35.07	\$44.11	\$53.42	\$71.80
	<i>4</i>	\$35.84	\$40.46	\$49.53	\$58.86	\$77.24
<i>5</i>	\$40.62	\$45.25	\$54.31	\$63.64	\$82.01	
<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

(4) Community Learning Services.

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$24.24	\$28.97	\$38.16	\$47.60	\$66.28
	<i>2</i>	\$26.76	\$31.47	\$40.70	\$50.15	\$68.81
	<i>3</i>	\$30.85	\$35.59	\$44.77	\$54.23	\$72.88
	<i>4</i>	\$36.38	\$41.07	\$50.28	\$59.75	\$78.40
<i>5</i>	\$41.24	\$45.93	\$55.13	\$64.59	\$83.25	
<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	
<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

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<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$23.88	\$28.54	\$37.59	\$46.90	\$65.29
	<i>2</i>	\$26.36	\$31.00	\$40.09	\$49.40	\$67.79
	<i>3</i>	\$30.39	\$35.07	\$44.11	\$53.42	\$71.80
	<i>4</i>	\$35.84	\$40.46	\$49.53	\$58.86	\$77.24
<i>5</i>	\$40.62	\$45.25	\$54.31	\$63.64	\$82.01	

<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

(5) *Employment Discovery and Customization.*

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$24.24	\$28.97	\$38.16	\$47.60	\$66.28
	<i>2</i>	\$26.76	\$31.47	\$40.70	\$50.15	\$68.81
	<i>3</i>	\$30.85	\$35.59	\$44.77	\$54.23	\$72.88
	<i>4</i>	\$36.38	\$41.07	\$50.28	\$59.75	\$78.40
<i>5</i>	\$41.24	\$45.93	\$55.13	\$64.59	\$83.25	

<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

<i>Region 4 — Pittsburgh Metro (Allegheny)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	<i>2</i>	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	<i>3</i>	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	<i>4</i>	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
<i>5</i>	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$23.88	\$28.54	\$37.59	\$46.90	\$65.29
	<i>2</i>	\$26.36	\$31.00	\$40.09	\$49.40	\$67.79
	<i>3</i>	\$30.39	\$35.07	\$44.11	\$53.42	\$71.80
	<i>4</i>	\$35.84	\$40.46	\$49.53	\$58.86	\$77.24
<i>5</i>	\$40.62	\$45.25	\$54.31	\$63.64	\$82.01	

Region 6 — Hagerstown Metro (Washington)						
Health/Medical Level	Supervision/Assistance Level					
		1	2	3	4	5
	1	\$22.47	\$26.85	\$35.37	\$44.12	\$61.43
	2	\$24.80	\$29.17	\$37.72	\$46.48	\$63.78
	3	\$28.59	\$32.99	\$41.50	\$50.26	\$67.55
	4	\$33.72	\$38.07	\$46.60	\$55.38	\$72.67
5	\$38.22	\$42.57	\$51.10	\$59.87	\$77.16	

.07 Provider Components.

Effective July 1, [2018] 2019, the provider components for all regions are as follows:

A. The residential program provider component is [\$68.51] \$70.91; and

B. The day habilitation, vocational, supported employment, community learning services, and employment discovery and customization program provider component is [\$37.93] \$39.26.

.08 Add-On Component.

A.—I. (text unchanged)

J. Reimbursement for Add-On Components.

(1) (text unchanged)

(2) Effective July 1, [2018] 2019, the amount per unit of service for residential programs is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$20.47] \$21.19;

(b) In Cecil County — [\$21.55] \$22.31; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$21.82] \$22.59.

(3) Effective July 1, [2018] 2019, the amount per unit of service for day habilitation and community learning services is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard,

Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$22.88] \$23.68;

(b) In Cecil County — [\$23.96] \$24.80; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$24.24] \$25.09.

(4) Effective July 1, [2018] 2019, the amount per unit of service for supported employment and employment discovery and customization is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$22.88] \$23.68;

(b) In Cecil County — [\$23.96] \$24.80; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$24.24] \$25.09.

(5) Effective July 1, [2018] 2019, the amount per unit of service per individual for professional services is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$33.75] \$34.93;

(b) In Cecil County — [\$35.65] \$36.89; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$36.12] \$37.39.

10.22.18 Community Supported Living Arrangements Payment System

Authority: Health-General Article, §§2-104(b), 7-306.1, 7-307, 7-714, 7-910(c), 15-105, 15-107, and 16-201, Annotated Code of Maryland; Ch. 102, Acts of 2001

.04 Rates.

A.—H. (text unchanged)

[I.]—[K.] (proposed for repeal)

I. Fiscal Year 2020 Tables for CSLA's Personal Supports Hourly Rates.

(1) State Fiscal Year 2020 CSLA's Personal Supports Rates: Table for One Individual in a Dwelling Receiving CSLA Services.

Hours of Service per Week	Hourly Rate per Individual		
	Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties	Cecil County	Calvert, Charles, Frederick, Montgomery, and Prince George's Counties
1—19	\$32.14	\$33.27	\$33.55
20—22	\$30.73	\$31.81	\$32.08
23—24	\$29.70	\$30.74	\$31.01
25	\$28.75	\$29.76	\$30.01
26	\$27.84	\$28.81	\$29.06
27	\$27.01	\$27.96	\$28.20
28—82	\$26.62	\$27.55	\$27.79

PROPOSED ACTION ON REGULATIONS

(2) State Fiscal Year 2020 CSLA's Personal Supports Rates: Table for Two Individuals in a Dwelling Receiving CSLA Services.

Hours of Service per Week	Hourly Rate per Individual		
	Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties	Cecil County	Calvert, Charles, Frederick, Montgomery, and Prince George's Counties
1—19	\$29.90	\$30.95	\$31.22
20—22	\$28.81	\$29.82	\$30.08
23—24	\$27.84	\$28.81	\$29.06
25	\$26.94	\$27.88	\$28.13
26	\$26.09	\$27.00	\$27.24
27	\$25.32	\$26.21	\$26.43
28—82	\$24.95	\$25.82	\$26.05

(3) State Fiscal Year 2020 CSLA's Personal Supports Rates: Table for Three Individuals in a Dwelling Receiving CSLA Services.

Hours of Service per Week	Hourly Rate per Individual		
	Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties	Cecil County	Calvert, Charles, Frederick, Montgomery, and Prince George's Counties
1—19	\$23.96	\$24.80	\$25.01
20—22	\$23.08	\$23.89	\$24.10
23—24	\$22.29	\$23.07	\$23.27
25	\$21.59	\$22.35	\$22.54
26	\$20.92	\$21.65	\$21.84
27	\$20.28	\$20.99	\$21.17
28—82	\$20.00	\$20.70	\$20.88

J. State Fiscal Year 2020 CSLA's Personal Supports Rates: Table for 1:1 Support or Not More than 8 Hours of Awake-Overnight Support per Residence for Individuals Receiving CSLA Services Regardless of the Number of Individuals in a Dwelling.

Hours of Service per Week	Hourly Rate per Individual		
	Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties	Cecil County	Calvert, Charles, Frederick, Montgomery, and Prince George's Counties
Hours in Excess of 82	\$20.00	\$20.70	\$20.88

K. State Fiscal Year 2020 CSLA's Personal Supports Rates: Table for Professional Services for Individuals Receiving CSLA Services Regardless of the Number of Individuals in a Dwelling.

Hours of Service per Week	Hourly Rate per Individual		
	Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties	Cecil County	Calvert, Charles, Frederick, Montgomery, and Prince George's Counties
As Preauthorized and Approved	\$34.93	\$36.15	\$36.47

ROBERT R. NEALL
Secretary of Health

**Subtitle 62 NATALIE M. LAPRADE
MEDICAL CANNABIS COMMISSION**

Notice of Proposed Action

[19-187-P]

The Secretary of Health proposes to:

- (1) Amend Regulations .06 and .10 under **COMAR 10.62.08 Medical Cannabis Grower License**;
- (2) Amend Regulations .05 and .09 under **COMAR 10.62.19 Medical Cannabis Processor License**;
- (3) Amend Regulation .10 under **COMAR 10.62.25 Medical Cannabis Dispensary License**;
- (4) Adopt new Regulation .08 under **COMAR 10.62.34 Discipline and Enforcement**;
- (5) Amend Regulation .01 under **COMAR 10.62.35 Fee Schedule**; and
- (6) Adopt new Regulations .01—.06 under a new chapter, **COMAR 10.62.36 Academic Research**.

Statement of Purpose

The purpose of this action is to:

- (1) Authorize the Maryland Medical Cannabis Commission (MMCC) to award up to 22 medical cannabis grower licenses;
- (2) Authorize the MMCC to award up to 28 medical cannabis processor licenses;
- (3) Establish an initial licensing period of up to 6 years for medical cannabis growers, processors, and dispensaries;
- (4) Require the MMCC to establish enforcement procedures for newly codified advertising restrictions; and
- (5) Establish a registration process for academic research institutions to obtain medical cannabis for bona fide research projects.

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 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 October 28, 2019. A public hearing has not been scheduled.

10.62.08 Medical Cannabis Grower License

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

.06 Pre-Approval of License Application.

A. [Limitation on Number of Licenses.

(1) The Commission may issue pre-approval of up to [15] 22 licenses[

(a) Until May 31, 2018, in accordance with Health General Article, §13-3306(a)(2), Annotated Code of Maryland; and

(b) In consideration of the ranking of the applications in accordance with Regulation .05 of this chapter.

(2) Beginning June 1, 2018, the Commission may issue the number of pre-approvals of a license necessary to meet the demand for medical cannabis by qualifying patients in an affordable, accessible, secure and efficient manner].

B.—E. (text unchanged)

.10 Renewal of License.

A. A [licensee is eligible to apply to renew a] *medical cannabis grower license [every 2 years.] is valid for:*

- (1) 6 years on initial licensure; and
- (2) 4 years on renewal.

B.—H. (text unchanged)

10.62.19 Medical Cannabis Processor License

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

.05 Pre-Approval of License Application.

A. The Commission [shall pre-approve a number of licenses for licensed processors sufficient to supply the demand for medical cannabis concentrates and medical cannabis-infused products in a range of routes of administration desired by qualifying patients] *may issue pre-approval of up to 28 licenses.*

B.—E. (text unchanged)

.09 Renewal of License.

A. A [licensee is eligible to apply to renew a] *medical cannabis processor license [every 2 years.] is valid for:*

- (1) 6 years on initial licensure; and
- (2) 4 years on renewal.

B.—H. (text unchanged)

10.62.25 Medical Cannabis Dispensary License

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

.10 Renewal of License.

A. A [licensee is eligible to apply to renew a] *medical cannabis dispensary license [every 2 years.] is valid for:*

- (1) 6 years on initial licensure; and
- (2) 4 years on renewal.

B.—H. (text unchanged)

10.62.34 Discipline and Enforcement

Authority: Health-General Article, §13-3313.1, Annotated Code of Maryland

.08 Advertising Restrictions.

A. *All advertisements for medical cannabis, medical cannabis products, edible cannabis products, and medical cannabis-related services shall comply with the requirements of Health-General Article, §13-3313.1, Annotated Code of Maryland.*

B. *A licensee, registrant, agent, or employee who violates §A of this regulation:*

(1) *Is subject to a fine not exceeding:*

- (a) \$500 for a first violation;
- (b) \$1,000 for a second violation occurring within 24 months after the first violation; and
- (c) \$5,000 for each subsequent violation occurring within 24 months after the preceding violation; and

(2) *May elect to:*

- (a) *Pay the imposed fine; or*

(b) Request a hearing not later than 30 days after receipt of notice of the fine.

C. In accordance with the hearing provisions of Regulation .05 of this chapter, the Commission may deny, suspend, or revoke the license or registration of a licensee, registrant, agent, or employee who violates §A of this regulation.

D. A person may voluntarily submit an advertisement to the Commission for an advisory opinion on whether the advertisement complies with the requirements of Health-General Article, §13-3313.1, Annotated Code of Maryland.

E. The Commission shall:

(1) Review a copy of any advertisement submitted in the form prescribed by the Commission; and

(2) Provide an advisory opinion on whether the advertisement complies with Health-General Article, §13-3313.1, Annotated Code of Maryland, within 30 days of receipt of the request.

10.62.35 Fee Schedule

Authority: Health-General Article, §13-3303(i), Annotated Code of Maryland

.01 Fees.

The following fees are established by the Commission:

A.—H. (text unchanged)

I. Independent Testing Laboratory Employee fees:

(1) (text unchanged)

(2) Replacement identification card fee — \$100; [and]

J. Academic Research Institution fees:

(1) Academic research institution:

(a) Registration fee — \$1,000; and

(b) Renewal fee for each subsequent or modified research project — \$500;

(2) Academic research representative registration fee — \$100; and

(3) Academic research representative card replacement fee — \$100; and

[J.] K. (text unchanged)

10.62.36 Academic Research

Authority: Health-General Article, §13-3304.1, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1) “Academic research institution” means an institution of higher education, a related medical facility, or an affiliated biomedical research firm that filed a registration with the Commission under Health-General Article, §13-3304.1, Annotated Code of Maryland, to purchase medical cannabis for the purpose of conducting a bona fide research project.

(2) “Academic research representative” has the meaning stated in Health-General Article, §13-3301, Annotated Code of Maryland.

(3) Institution of Higher Education.

(a) “Institution of higher education” means an institution of postsecondary education lawfully operating in the State that generally limits enrollment to graduates of secondary schools, and awards degrees at the associate, baccalaureate, or graduate level.

(b) “Institution of higher education” includes public, independent, and private nonprofit and for-profit institutions of higher education.

(4) “Research protocol” means a written plan for conducting a bona fide research project relating to the health effects, medical uses,

properties, or composition of medical cannabis that includes the following information:

(a) Name, address, date of birth, Social Security number, institutional affiliation, and qualifications, including a curriculum vitae and list of publications, for the primary researcher;

(b) Title, expected duration, primary objectives, statement of purpose, and description of the bona fide research project;

(c) Type and amount of medical cannabis or medical cannabis products, and the dosage, route, and method of administration necessary to conduct the bona fide research project; and

(d) Standard operating procedures for the safe and secure receipt, storage, packaging, labeling, handling, tracking, and dispensing of products containing medical cannabis and medical cannabis waste.

.02 Academic Research Institution Registration.

A. An academic research institution shall register with the Commission in order to purchase, through an academic research representative, medical cannabis from a licensed grower, processor, or dispensary in Maryland.

B. To register, an academic research institution shall submit:

(1) The academic research institution registration fee specified in COMAR 10.62.35; and

(2) A completed academic research institution registration form provided by the Commission, including a research protocol.

C. This chapter may not limit an academic research institution from partnering with a licensed grower, processor, or dispensary to conduct a bona fide research project.

.03 Academic Research Representative Registration and Criminal History Record.

A. An academic research representative shall be registered with the Commission before the representative may purchase medical cannabis for a registered academic research institution.

B. A registered academic research institution shall apply to register an academic research representative by submitting to the Commission:

(1) The academic research institution representative fee specified in COMAR 10.62.35 for each academic research representative; and

(2) A completed academic research representative registration form provided by the Commission.

C. Criminal History Record.

(1) An academic research institution shall submit to the Commission:

(a) The name, address, date of birth, and Social Security number of an academic research representative;

(b) Documentation of the submission of fingerprints of the prospective academic research representative to the Central Registry; and

(c) The request for the criminal history record information of the prospective academic research representative to be forwarded to the Commission.

(2) A prospective academic research representative may not be registered if the prospective academic research representative has ever been convicted of a felony drug offense, except as provided in Health-General Article, §13-3310(d), Annotated Code of Maryland.

(3) The Commission, after review of the criminal history record information, may disqualify from registration any prospective academic research representative who has been convicted of or has pleaded nolo contendere to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

D. Identification Cards.

(1) The Commission shall issue each registered academic research representative:

- (a) A unique identifier; and
- (b) An identification card.

(2) The identification card shall be valid for the expected duration of the research project stated in the research protocol or 3 years from the date the card is issued, whichever is earlier.

(3) If a registered academic research representative's identification card is lost, destroyed, or stolen, the academic research institution, within 72 hours of being notified, shall:

- (a) Report the loss, destruction, or theft to the Commission;
- (b) Apply for a replacement card; and
- (c) Pay the replacement card fee specified in COMAR 10.62.35.

(4) An identification card remains the property of the Commission, and the Commission may order the return or seizure of an identification card if the registration is revoked or expires.

(5) If a registered academic research representative's card is lost, destroyed, or stolen, a copy of the notification to the Commission shall be evidence of registration until a new card is obtained from the Commission.

E. Termination.

(1) As soon as possible upon termination of a registered academic research representative's association with a registered academic research institution, the registered academic research institution shall:

- (a) Take custody of the terminated registered academic research representative's identification card;
- (b) Obtain any keys or other entry devices from the terminated registered academic research representative; and
- (c) Ensure the terminated registered academic research representative can no longer gain access to the premises of the registered academic research institution where the medical cannabis is stored.

(2) Within 5 business days of the termination of a registered academic research representative's association with a registered academic research institution, the institution shall:

- (a) Notify the Commission of the termination and the circumstances of a termination; and
- (b) Initiate delivery of the terminated registered academic research representative's identification card to the Commission.

.04 Purchase of Medical Cannabis.

A. The Commission-issued identification card allows a registered academic research representative to purchase the type and amount of medical cannabis specified in the research protocol from a licensed grower, processor, or dispensary.

B. Prior to obtaining the medical cannabis, the registered academic research representative shall submit to the Commission for approval a copy of a written authorization from the academic research institution to purchase medical cannabis for the purpose of conducting a bona fide research project.

C. The written authorization shall include:

- (1) The period that the authorization to possess the medical cannabis remains in effect;
- (2) The quantity of the medical cannabis requested; and
- (3) Any other special requirements.

D. Upon Commission approval, a licensed dispensary may dispense medical cannabis to a registered academic research representative in accordance with COMAR 10.62.30.06.

E. An academic research representative may only purchase medical cannabis that:

- (1) Is from a licensed grower, processor, or dispensary; and

(2) Has met the testing requirements established in COMAR 10.62.15 or COMAR 10.62.23.

.05 Inspection and Reporting Requirements.

A. Submission of a registration form under Regulation .02 of this chapter gives the Commission consent to conduct at least two inspections per year, one announced and one unannounced, to ensure compliance with State law and regulations.

B. The Commission may inspect all premises of a registered academic research institution used to conduct research relating to medical cannabis to determine that:

- (1) The research using medical cannabis is ongoing and consistent with the associated research protocol;
- (2) The academic research institution provides for the safe, secure storage of the medical cannabis; and
- (3) There is written documentation of the chain of custody of the medical cannabis.

C. Failure by a registered academic research institution to provide the Commission with prompt access to any part of a premises or to any requested material, information, or employee as part of an inspection may result in the imposition of a civil fine, suspension of registration, or revocation of registration.

D. Reporting Requirements.

- (1) The registrant shall submit to the Commission:
 - (a) An annual report on the progress and status of any research project; and
 - (b) A final report of the findings of the research project to the Commission within 365 days of the completion of the research project.
- (2) The final report shall provide a brief summary of the research findings.
- (3) A published article or document on the research project may serve as the final report.

.06 Term and Renewal.

A. The registration is valid for the term indicated on the registration form approved by the Commission.

B. The registrant may apply for an extension of the registration beginning 90 days before the expiration of the registration.

C. The registration shall remain valid unless:

- (1) There is a change in the research project; or
- (2) The academic research institution withdraws the registration.

D. A change in the research project occurs if the registered academic research institution:

- (1) Substantially deviates or demonstrates a pattern of deviation from the research protocol or the terms set forth in the registration;
- (2) Diverts or contaminates medical cannabis, or otherwise risks the health of a patient or any other individual; or
- (3) Fails to comply with this chapter.

ROBERT R. NEALL
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.05 Appeals to the State Board of Education

Authority: Education Article, §§2-205, 4-205, 6-202, 7-305, and 23-406; State Government Article, §§10-122 and 10-201 et seq.; Annotated Code of Maryland

Notice of Proposed Action [19-179-P]

The Maryland State Board of Education proposes to amend Regulation .06 under **COMAR 13A.01.05 Appeals to the State Board of Education**. This action was considered by the State Board of Education at their meeting held on July 23, 2019.

Statement of Purpose

The purpose of this action is to establish a standard of review for the State Board of Education to use when deciding student transfer appeals.

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 Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0472 (TTY 410-333-6442), or email to mary.gable@maryland.gov, or fax to 410-333-8148. Comments will be accepted through October 28, 2019. A public hearing has not been scheduled.

Open Meeting

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

.06 Standard of Review.

A.—G. (text unchanged)

H. *Appeals of School Transfer Decisions.*

(1) *For an appeal of a denial of a request to transfer to a different school, the local board's decision shall be considered prima facie correct, and the State Board may not substitute its judgment for that of the local board unless the decision fails to address with particularity the best interests of the student, including, when appropriate, how denying the transfers reasonably meets:*

- (a) *The educational needs of the student;*
- (b) *The physical or emotional needs of the student; or*
- (c) *The safety needs of the student.*

(2) *If there are barriers that negatively impact the transfer request, such as school capacity, course availability, transportation, or other barriers, even if the transfer is in the best interests of the student, the State Board may substitute its judgment for that of the local board if the decision fails to explain with particularity why the barriers could not be overcome.*

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

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

Notice of Proposed Action [19-183-P]

The Secretary of the Environment proposes to amend Regulations .09 and .09-1 under **COMAR 26.08.04 Permits**.

Statement of Purpose

The purpose of this action is to amend regulations regarding the requirements for a concentrated animal feeding operation (CAFO) applying for or continuing coverage under a discharge permit for animal feeding operations (AFOs), in conformance with statutory changes. The Maryland Department of the Environment (the Department) issues a 5-year general discharge permit (GD permit) for AFOs and, upon the discretion of the Department, an individual discharge permit for AFOs. The next GD Permit will become effective on December 1, 2019.

Beginning October 1, 2019, Ch. 760, Acts of 2019, requires a person to hold a discharge permit for AFOs before beginning construction on any part of a new CAFO, prohibits the Department from waiving discharge permit fees for CAFOs, and requires the Department to collect specified permit application and annual fees from CAFOs with a house capacity of 350,000 square feet or more.

The proposed action establishes permit application fees that are based on a CAFO's size category, repeals the existing annual permit fees in regulation, and adopts the permit application and annual fees for CAFOs with a house capacity of 350,000 square feet or more established under Ch. 760, Acts of 2019. This action also, in conformance with Ch. 760, Acts of 2019, requires a person to hold a discharge permit before beginning construction on any part of a new CAFO.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Relative to the existing regulations, the proposed action reduces discharge permit fees for CAFOs by an estimated average of \$425,708 annually over the 2019 GD permit term. Specifically, this proposed action would result in a \$425,708 average annual reduction of 1) revenue to the Department's Maryland Clean Water Fund, and 2) permit fees paid by Maryland CAFOs industry-wide. This economic impact estimate may fluctuate depending on how changes in the market demand for animal products

affect the quantity of CAFOs applying for and continuing coverage under a GD permit.

The fees for the discharge permit for AFOs were established by regulation in 2009 as annual permit fees based on the size category (small, medium, or large) of a CAFO as defined in Table 1 under COMAR 26.08.03.09A(3). The current annual permit fees in regulation are \$120, \$600 and \$1,200 for small, medium, and large CAFOs, respectively. These annual permit fees were revised in the GD permit effective December 1, 2014, to \$60, \$300 and \$800 for small, medium, and large CAFOs, respectively. Since 2009, the Department has suspended the collection of the AFO Permit fees to 1) encourage the regulated community to come into compliance at the outset of the AFO program, and 2) to gain a better sense of the resource needs to operate the AFO program before beginning fee collection. However, Ch. 760, Acts of 2019, prohibits the Department from waiving discharge permit fees for CAFOs.

The proposed action would repeal the existing annual permit fees and establish application fees of \$60, \$300, and \$800 for small, medium, and large CAFOs, respectively, due upon submission of the Notice of Intent (NOI) once every 5-year permit term. The proposed action, as required under Ch. 760, Acts of 2019, would also establish the following fees for a CAFO with a house capacity of 350,000 square feet or more: a one-time application fee of \$2,000 due upon submission of an NOI for a proposed new CAFO with a house capacity of 350,000 square feet or more or an existing CAFO expanding its house capacity to 350,000 square feet or more; and an annual fee of \$1,200 to continue coverage under a discharge permit. Relative to the annual fees in the existing regulations, the fee amounts paid by each small, medium, or large CAFO would be reduced by \$540, \$2,700, and \$5,200, respectively, per 5-year permit term. The annual fee amount paid by each existing CAFO with a house capacity of 350,000 square feet or more would remain unchanged; however, a proposed new CAFO with a house capacity of 350,000 square feet or more or an existing CAFO expanding its house capacity to 350,000 square feet or more would experience a one-time fee increase of \$800.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	\$425,708 annually
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	\$425,708 annually
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. There are currently 576 CAFOs registered under the GD permit for AFOs. Presently there are 1 small, 343 medium, and 227 large CAFOs, and 5 CAFOs with a house capacity of 350,000 square feet

or more. The Department assumes these existing CAFOs will apply for coverage under the new GD permit, effective December 1, 2019, and would pay their applicable permit fees. The Department also assumes that 2 new CAFOs per fiscal year (10 total) will apply for coverage under the GD permit; or, 0 small CAFOs, 1 medium CAFO, 1 large CAFO, and 0 CAFOs with a house capacity of 350,000 square feet or more will apply for coverage each fiscal year.

For a CAFO with a house capacity of less than 350,000 square feet, under the proposed action, the Department would only collect an application fee once every 5-year permit term instead of collecting a fee annually. In conformance with Ch. 760, Acts of 2019, the Department would collect a one-time application fee from a proposed new CAFO with a house capacity of 350,000 square feet or more or an existing CAFO expanding its house capacity to 350,000 square feet or more. The Department would annually collect a fee from existing CAFOs with a house capacity of 350,000 square feet or more for as long as they continue coverage under a discharge permit.

D. Using the same assumptions and analysis as under A, a CAFO with a house capacity of less than 350,000 square feet would pay an application fee once every 5-year permit term instead of an annual fee. As required under Ch. 760, Acts of 2019, a proposed new CAFO with a house capacity of 350,000 or more or an existing CAFO expanding its house capacity to 350,000 square feet or more will pay a one-time application fee. An existing CAFO with a house capacity of 350,000 square feet or more will pay an annual fee for as long as they continue coverage under a discharge permit.

Economic Impact on Small Businesses

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

The proposed action will reduce discharge permit fees for CAFOs by an estimated average of \$425,708 annually over the 5-year 2019 GD Permit term. Relative to the annual fees in the existing regulations, the fee amounts paid by each small, medium, or large CAFO would be reduced by \$540, \$2,700, and \$5,200, respectively, per permit term. The annual fee amount paid by each existing CAFO with a house capacity of 350,000 square feet or more would remain unchanged; however, a proposed new CAFO with a house capacity of 350,000 square feet or more or an existing CAFO expanding its house capacity to 350,000 square feet or more would experience a one-time fee increase of \$800.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to John Sullivan, Resource Management Program Manager, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call (410) 537-3314, or email to john.sullivan1@maryland.gov, or fax to 410-537-3842. Comments will be accepted through October 28, 2019. A public hearing on the proposed action will be held on October 21, 2019, beginning at 4 p.m., at the Wicomico Youth & Civic Center, 500 Glen Avenue, Salisbury, Maryland 21804.

.09 General Discharge Permits.

- A.—M. (text unchanged)
- N. General Discharge Permit for Animal Feeding Operations.
 - (1)—(2) (text unchanged)
 - (3) *In accordance with Environment Article, §9-323(a)(2), Annotated Code of Maryland, a person shall have coverage under a CAFO discharge permit before the person may begin construction on any part of a new CAFO.*

[(3)] (4) Public Process for CAFOs and MAFOs.

(a)—(i) (text unchanged)

(j) The Department shall publish public notice of a preliminary approval of the required plans in accordance with [§N(3)(c)] §N(4)(c) of this regulation. The notice shall provide for a period of 30 days for public comment and shall specify how to review and copy the preliminary approval, NOI, and the required plans. For a CAFO, the notice shall also specify the procedure for making a written request for a public hearing regarding the preliminary approval of the terms of the required plans.

(k)—(n) (text unchanged)

(o) Interested Persons.

(i)—(ii) (text unchanged)

(iii) The Department shall provide a copy of the public notice of the preliminary approval in [§N(3)(i)] §N(4)(i) of this regulation to interested persons and provide them access to a copy of the preliminary approval via electronic mail or U.S. mail or through providing a link to the Department's website.

(iv) (text unchanged)

(p)—(q) (text unchanged)

O.—P. (text unchanged)

.09-1 Fees for General Discharge Permits.

A.—I. (text unchanged)

J. Fee for Discharges from Concentrated Animal Feeding Operations.

[(1) A CAFO shall pay an annual permit fee. The first annual fee payment shall be submitted to the Department with the NOI form. The Department will bill the permittee annually, and the fee shall be paid annually not later than the anniversary of the effective date of the permit. The following permit fees shall be collected based on the size category of the facility defined in Table 1 under Regulation 26.08.03.09A(3):

Size Category	Large	Medium	Small
Annual Permit Fee	\$1200	\$600	\$120]

(1) A CAFO with a total house capacity of 350,000 square feet or more shall pay fees to the Department in accordance with the following requirements:

(a) The CAFO shall pay to the Department an application fee of \$2,000 with the NOI form if the operation is:

(i) A proposed new CAFO; or

(ii) A modification of an existing CAFO to expand the total house capacity of the facility to 350,000 square feet or more; and

(b) A CAFO that holds a discharge permit and has a total house capacity of 350,000 square feet or more shall pay to the Department an annual permit fee of \$1,200 no later than 1 year after the date of renewed coverage under a discharge permit, and pay a \$1,200 permit fee for every year thereafter.

(2) Except as provided under §J(1) of this regulation, a CAFO shall pay to the Department an application fee with the NOI form that is based on the size category of the CAFO defined in Table 1 under COMAR 26.08.03.09A(3), in the accordance with the following schedule:

Size Category	Large	Medium	Small
Application Fee	\$800	\$300	\$60

(3) There is no annual fee for a CAFO with a total house capacity of less than 350,000 square feet.

[(2)] (4) (text unchanged)

K. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

Notice of Proposed Action

[19-190-P]

The Secretary proposes to amend Regulations .01 and .10 under **COMAR 26.11.08 Control of Incinerators.**

Statement of Purpose

The purpose of this action is to amend nitrogen oxide (NO_x) reasonable available control technology (RACT) requirements under COMAR 26.11.08.01 and COMAR 26.11.08.10 for large municipal waste combustors (Large MWCs). In order to satisfy the Environmental Protection Agency's (EPA) updated startup, shutdown, and malfunction (SSM) policy (80 Fed. Reg. 33840), NO_x emission limits shall be extended to cover periods when a Large MWC is combusting only fossil fuel, as a means to warm up the furnace and other critical components prior to municipal solid waste being fed to the combustor. Additional amendments are being made to clarify how the 24-hour block average emission rates and 30-day rolling average emission rates are to be calculated.

The amendments will be submitted to the U.S. Environmental Protection Agency for approval as part of Maryland's State Implementation Plan (SIP).

Background

On December 6, 2018, the Maryland Department of the Environment (MDE) adopted updates to NO_x RACT for Large MWCs with a capacity greater than 250 tons per day. New regulation COMAR 26.11.08.10 requires that Maryland's two Large MWCs shall meet specific NO_x 24-hour block average emission rates by May 1, 2019, and NO_x 30-day rolling average emission rates by May 1, 2020, except during periods of startup and shutdown.

During periods of startup and shutdown, additional ambient air is introduced into the furnace making concentration-based emission limits not practical during these times. The excess ambient air makes it technically infeasible for MWCs to comply with the emission rates due to the "7 percent oxygen correction factor" that is required to be applied to the NO_x 24-hour block rates. Therefore, an equivalent mass-based emission limit is required during startup and shutdown. In addition to the mass-based emission limit, the NO_x 24-hour block average emission rate will apply for the 24-hour period after startup is completed and before shutdown commences, as applicable.

EPA informed MDE that since the definition of "startup" excludes warm-up periods, the regulations present a period of time when no NO_x emission limits are in place. As is the case with startup and shutdown, warm-up periods require excess ambient air to be introduced into the furnace, making concentration-based emission limits not practical. Therefore, an equivalent mass-based emission limit will be required during warm-up periods.

Large MWCs operate solely on natural gas during warm-up periods. Input to natural gas burners and corresponding furnace temperatures are increased gradually to ensure safe operations and integrity of incinerator components. Warm-up periods may run from 3 hours to 16 hours depending upon a number of variables, such as ambient temperatures, duration of unit shutdown, furnace temperature, etc. The warm-up period ends when startup begins, which entails municipal solid waste being fed to the combustor. By definition, under COMAR 26.11.08 periods of startup and shutdown are limited to 3 hours in duration.

This regulatory action proposes NO_x RACT standards for Large MWCs during warm-up periods. There is no equivalent federal RACT standard for Large MWCs. Maryland's existing NO_x RACT for Large MWCs is based upon 40 CFR 60, Subpart Ea — Standards of Performance for Municipal Waste Combustors for Which Construction Is Commenced After December 20, 1989, and On or Before September 20, 1994, 40 CFR 60, Subpart Eb — New Source Performance Standards for Large Municipal Waste Combustors constructed after September 20, 1994, and 40 CFR 60, Subpart Cb — Emission Guidelines and Compliance Times for Large Municipal Waste Combustors constructed on or before September 20, 1994.

Sources Affected and Location

There are two large MWCs in Maryland, Wheelabrator Baltimore, L.P. (Wheelabrator), and Montgomery County Resource Recovery Facility (MCRRF).

Requirements

Warm-up Period

This action establishes warm-up period NO_x RACT emission limitations and related requirements for large MWCs with a capacity greater than 250 tons per day. The amendments to COMAR 26.11.08.10 will require that as of January 1, 2020, Maryland's two Large MWCs shall meet mass-based emission limits during warm-up periods. During periods of warm-up the Montgomery County Resource Recovery Facility shall meet a facility wide NO_x emission limit of 202 lbs/hr timed average mass loading averaged over the hours operated in warm-up period and the Wheelabrator Baltimore, Inc., facility shall meet a unit specific NO_x emission limit of 84 lbs/hr timed average mass loading averaged over the hours operated in warm-up period.

The startup, shutdown, and warm-up period mass emission limits are based upon the 24-hour block average NO_x RACT rates applicable to each Large MWC (incorporating the NO_x 24-hour block average emission rates of COMAR 26.11.08.10B into the calculation) and provide equivalent stringency to the concentration limits that apply at all other times. Mass-based emission calculations are derived utilizing 40 CFR 60.1460 (Concentration correction to 7 percent oxygen) or 40 CFR 60.45 (Conversion procedures to convert CEM data into applicable standards). EPA Method 19 may also be utilized to determine NO_x emission rates based upon oxygen concentrations. Facility average flue gas flow rates are also utilized in the calculations. The calculation methodology for the mass emission limits is based upon the Prevention of Significant Deterioration (PSD) Approval for each affected facility.

The NO_x RACT amendments further specify that Large MWCs shall minimize NO_x emissions during warm-up periods by operating and optimizing the use of all installed pollution control technology and combustion controls consistent with the technological limitations, manufacturers' specifications, good engineering and maintenance practices, and good air pollution control practices for minimizing emissions (as defined in 40 CFR §60.11(d)) for such equipment and the unit at all times the unit is in operation. These requirements are currently in place for normal operations and periods of startup and shutdown. Quarterly reporting requirements which demonstrate compliance with the NO_x RACT emission rates and NO_x mass loading emission limits are amended to include warm-up periods. The reports shall now include flagging of periods of warm-up and exceedance of warm-up period emission rates.

NO_x Emission Rate Calculations

The existing definition for "30-day rolling average emission rate" under COMAR 26.11.08.01 inadvertently required the summation of the total hourly ppmv NO_x in a 30-day period and then dividing by 30 days to determine the 30-day rolling average emission rate. The

proposed amendment now clarifies that the 30-day rolling average emission rate is to be calculated by summing the total hourly ppmv of NO_x averages for the 30-day period and then dividing by the total number of hourly averages in the 30-day period. Total hourly ppmv NO_x averages are to exclude periods of warm-up, startup, and shutdown.

The following scenarios demonstrate the applicable NO_x emission limits for Large MWCs:

- For any operating day that does not include a warm-up, startup, or shut down event, each operating unit of a Large MWC must meet the applicable NO_x emission limits of COMAR 26.11.08.10B, corrected to 7% oxygen, for the 24-hour block average that occurs from midnight to midnight. [COMAR 26.11.08.10B]

- For any operating day which includes a warm-up event, the following emission limit must be met:

A NO_x mass loading emission limitation of either COMAR 26.11.08.10D(5) or (6), respectively, shall be met during the hours of the warm-up period. For example, if Unit 1 begins to warm-up at 5 p.m. on a Friday, then from 5 p.m. that Friday until startup is commenced (i.e., the unit begins the continuous burning of municipal solid waste), the facility or unit, respectively, will need to meet the NO_x mass loading emission limit averaged over the hours the unit was performing the warm-up. [COMAR 26.11.08.10D (5) and (6)]

- For any operating day which includes a startup event, the following emission limits must be met:

- (i) The facility wide NO_x mass loading emission limit of COMAR 26.11.08.10D(1) or (2), respectively, over a 24-hour period beginning when startup commences. For example, if Unit 1 starts up at 5 p.m. on a Friday, then from 5 p.m. that Friday to 5 p.m. the following Saturday the facility will need to meet the 24-hour mass loading emission limit. [COMAR 26.11.08.10D (1) or (2)]

- (ii) The unit that commenced startup will also need to meet the respective 24-hour block average emission limit of COMAR 26.11.08.10B, corrected to 7% oxygen, beginning after the 3-hour startup period ends. For example, if Unit 1 starts up at 5 p.m. on a Friday, then from 8 p.m. on that Friday to 8 p.m. the following Saturday the unit will need to meet their respective NO_x 24-hour block average emission rate, corrected to 7% oxygen. [COMAR 26.11.08.10D(3)]

- (iii) The NO_x 24-hour block average emission rate of COMAR 26.11.08.10B shall begin to be calculated anew at midnight following initiation of a startup event. [COMAR 26.11.08.10B]

- For any operating day which includes a shutdown event, the following emission limits must be met:

- (i) The facility wide NO_x mass loading emission limit of COMAR 26.11.08.10D(1) or (2), respectively, over a 24-hour period prior to the end of shutdown. For example, if Unit 1 commences shutdown at 2 p.m. on a Friday, then by definition shutdown is complete at 5 p.m. on that Friday. Accordingly, the facility must meet the 24-hour mass loading emission limit for the time period covering 5 p.m. that Friday to 5 p.m. the prior Thursday. [COMAR 26.11.08.10D(2)]

- (ii) The unit that shutdown will also need to meet the respective 24-hour block average emission limit of COMAR 26.11.08.10B, corrected to 7% oxygen, prior to the commencement of shutdown. For example, if Unit 1 commences shutdown at 2 p.m. on a Friday, then the unit must meet the 24-hour block average emission limit, corrected to 7% oxygen limit, for the time period covering 2 p.m. on that Friday to 2 p.m. the prior Thursday. [COMAR 26.11.08.10D(4)]

- (iii) The NO_x 24-hour block average emission rate of COMAR 26.11.08.10B shall be calculated up to and including the previous midnight prior to a shutdown event. [COMAR 26.11.08.10B]

• Excluding periods of warm-up, startup, or shutdown, each operating unit of a Large MWC must meet the applicable NO_x emission limits of COMAR 26.11.08.10C, corrected to 7% oxygen, for the 30-day rolling average. [COMAR 26.11.08.10C]

This process ensures that during all hours of operation there is an applicable NO_x emission standard in place, as is required by EPA's 2015 SSM policy.

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

The Department of the Environment will hold a public hearing on the proposed action on October 29, 2019, at 1 p.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or email to randy.mosier@maryland.gov. Comments must be received no later than 5 p.m. on October 29, 2019, or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (60) (text unchanged)

(61) "30-day rolling average emission rate" means a value of NO_x emissions in ppmv, corrected to 7 percent oxygen, calculated by:

(a) Summing the total hourly ppmv of NO_x averages emitted from the unit during the current operating day and all hourly NO_x ppmv averages for the previous 29 operating days, excluding periods of warm-up, startup, and shutdown; and

(b) Dividing the total hourly ppmv of NO_x emitted from the unit during the 30 operating days summed in §B(61)(a) of this regulation by [30] the total number of hourly averages in the 30-day period.

(62) "24-hour block average emission rate" means a value of NO_x emissions in ppmv, corrected to 7 percent oxygen, calculated by:

(a) Summing the hourly average ppmv of NO_x emitted from the unit during 24 hours between midnight of one day and ending the following midnight, excluding periods of warm-up, startup, and shutdown; and

(b) Dividing the total sum of hourly NO_x ppmv values emitted during 24 hours between midnight of one day and ending the following midnight by 24, excluding periods of warm-up, startup, and shutdown.

(63) "Warm-up period" means a period of time that:

(a) Commences when a unit at a Large MWC is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor; and

(b) Ends for a unit at a Large MWC when municipal solid waste is being fed to the combustor.

[(63)] (64) (text unchanged)

.10 NO_x Requirements for Large Municipal Waste Combustors.

A. The owner and operator of a Large MWC shall minimize NO_x emissions by operating and optimizing the use of all installed pollution control technology and combustion controls consistent with the technological limitations, manufacturers' specifications, good engineering and maintenance practices, and good air pollution control practices for minimizing emissions (as defined in 40 CFR §60.11(d)) for such equipment and the unit at all times the unit is in operation, including periods of startup, [and] shutdown, and warm-up.

B. As of May 1, 2019, the owner or operator of a Large MWC shall meet the following applicable NO_x emission rates, except for periods of startup, [and] shutdown, and warm-up:

(table unchanged)

C. As of May 1, 2020, the owner or operator of a Large MWC shall meet the requirements of §B of this regulation and the following applicable NO_x emission rates, except for periods of startup, [and] shutdown, and warm-up:

(table unchanged)

D. Startup, [and] Shutdown, and Warm-Up NO_x Emission Limitations.

(1) — (4) (text unchanged)

(5) As of January 1, 2020, a facility-wide NO_x emission limit of 202 lbs/hr timed average mass loading over the warm-up period shall apply for the Montgomery County Resource Recovery Facility.

(6) As of January 1, 2020, a unit-specific NO_x emission limit of 84 lbs/hr timed average mass loading over the warm-up period shall apply for Wheelabrator Baltimore Inc.

E. Additional NO_x Emission Control Requirements.

(1) — (2) (text unchanged)

(3) Not later than January 1, 2020, based upon the results of the feasibility analysis as required under §E(1) of this regulation, the owner or operator of Wheelabrator Baltimore Inc. shall propose and submit a NO_x 24-hour block average emission rate, NO_x 30-day rolling average emission rate, and NO_x mass loading emission limitation for periods of startup, shutdown, [and] malfunction, and warm-up.

F. (text unchanged)

G. Not later than 45 days after the effective date of this regulation, the owner or operator of a Large MWC shall submit a plan to the Department and EPA for approval that demonstrates how the Large MWC will operate installed pollution control technology and combustion controls to meet the requirements of §A of this regulation. The plan shall summarize the data that will be collected to demonstrate compliance with §A of this regulation. The plan shall cover all modes of operation, including but not limited to normal operations, startup, [and] shutdown, and warm-up.

H. Beginning July 1, 2019, the owner or operator of a Large MWC shall submit a quarterly report to the Department containing:

(1) (text unchanged)

(2) Data, information, and calculations, including NO_x continuous emission monitoring data and stack flow data, which demonstrate compliance with the startup, [and] shutdown, and warm-up mass NO_x emission limits as required in §D of this regulation;

(3) Flagging of periods of startup, [and] shutdown, and warm-up and exceedances of emission rates;

(4) (text unchanged)

(5) Documented actions taken during periods of startup, [and] shutdown, and warm-up in signed, contemporaneous operating logs.

I. — K. (text unchanged)

L. Compliance with the NO_x Mass Loading Emission Limitation for the Montgomery County Resource Recovery Facility.

(1) — (2) (text unchanged)

(3) Compliance with the NO_x mass loading emission limitations for warm-up periods in §D(5) of this regulation shall be demonstrated by calculating the average of all hourly average NO_x

emission concentrations during the warm-up period from continuous emission monitoring systems.

(4) The calculations in §L(3) of this regulation shall utilize stack flow rates derived from flow monitors, for all the hours during the warm-up period.

M. Compliance with the NO_x Mass Loading Emission Limitation for the Wheelabrator Baltimore Inc.

(1) — (2) (text unchanged)

(3) Compliance with the NO_x mass loading emission limitations for warm-up periods in §D(6) of this regulation shall be demonstrated by calculating the average of all hourly average NO_x emission concentrations during the warm-up period from continuous emission monitoring systems.

(4) The calculations in §M(3) of this regulation shall utilize the applicable Prevention of Significant Deterioration calculation methodology, for all the hours during the warm-up period.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

Notice of Proposed Action [19-189-P]

The Secretary of the Environment proposes to amend Regulation .04 under COMAR 26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications.

Statement of Purpose

The purpose of this action is to amend COMAR 26.11.17.04 to remove the Environmental Protection Agency (EPA) from the submittal and approval process for interprecursor trading (IPT).

The amendments will be submitted to the U.S. Environmental Protection Agency for approval as part of Maryland's State Implementation Plan (SIP).

Sources Affected and Location

Although these regulations will be particularly beneficial to new major stationary sources and major modifications at existing major stationary sources locating in the Baltimore metropolitan 8-hour ozone nonattainment area, the proposed amendments will apply throughout the entire State of Maryland. All areas of the State of Maryland are located either in an ozone nonattainment area or in the Ozone Transport Region and are, therefore, subject to nonattainment New Source Review (NSR) requirements.

Background

On April 9, 2018, the Department adopted new amendments to specifically address the nonattainment NSR requirement to offset new emissions with creditable emission reductions. The amendments allowed interprecursor trading for the ozone precursors—NO_x and VOC. In accordance with COMAR 26.11.17, new or modified major air emission sources of ozone precursors must obtain emission reduction credits (ERCs) to offset emission increases. The ERC program ensures that emission increases from the operation of relocated sources or from the operation of new or modified sources does not impede the progress of attaining the National Ambient Air Quality Standards (NAAQS). The amendments to the ERC regulations of COMAR 26.11.17.04 were adopted at the time in

accordance with EPA guidance contained in EPA's proposed 2008 and 2015 Ozone Implementation Rules.

On December 6, 2018, EPA finalized their nonattainment area and ozone transport region (OTR) implementation requirements for the 2015 ozone NAAQS that were promulgated on October 1, 2015. In response to comments, EPA amended the final rule to include the following: "... air agencies will not be required to obtain EPA approval of IPT ratios when implementing a case-specific IPT program.... The EPA acknowledges, based on comments received, that the requirement of EPA approval of IPT ratios could impose additional burdens and result in permit delays. Hence, in the final rule, the EPA is eliminating this approval requirement for the case-specific ratios.... Finally, the EPA, will, of course, also have an opportunity to review and comment on the application of any IPT ratio (default or case-specific) to a particular source or location during the public comment period afforded as part of the NNSR [Nonattainment New Source Review] permitting process."

There are no expected economic impacts from this action. There will be no impact on the Department or other state agencies or local government as a result of this action.

Projected Emission Reductions

There are no emission reductions from these amendments.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on October 29, 2019, at 1 p.m., at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or email to randy.mosier@maryland.gov. Comments must be received no later than 5 p.m. on October 29, 2019 or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

.04 Creating Emission Reduction Credits (ERCs).

A. — E. (text unchanged)

F. Interprecursor Trading.

(1) Provided that the other requirements for such offsets are satisfied, the offset requirements of COMAR 26.11.17.03B(3) for emissions of NO_x and VOC may be satisfied through interprecursor trading by offsetting reductions of emissions of either NO_x or VOC, by submitting to the Department [and EPA] for written approval the following information:

(a) — (c) (text unchanged)

(2) Approvals of precursor substitutions shall be made by the Department [and EPA] on a case-by-case basis and are permit specific.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 30
MARYLAND INSTITUTE
FOR EMERGENCY
MEDICAL SERVICES
SYSTEMS (MIEMSS)

Subtitle 01 GENERAL

30.01.02 Documents Incorporated by Reference

Authority: Education Article, §13-516, Annotated Code of Maryland

Notice of Proposed Action
 [19-180-P-I]

The State Emergency Medical Services Board proposes to amend Regulation .01 under **COMAR 30.01.02 Documents Incorporated by Reference**. This action was considered and approved by the State Emergency Medical Services Board at its regular meeting on August 13, 2019, notice of which was given by publication on the Maryland Institute for Emergency Medical Services website, www.miemss.org, from September 1, 2015, through August 13, 2019, under General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services Providers.

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 E. Fremont Magee, Assistant Attorney General, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, MD 21201, or call 410-706-8531, or email to fmagee@miemss.org, or fax to 410-706-2138. Comments will be accepted through October 28, 2019. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS July 1, 2019 Edition) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) "Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS July 1, [2018] 2019 Edition)". This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).

(2)—(4) (text unchanged)

THEODORE R. DELBRIDGE, M.D., M.P.H.
 Executive Director

Title 34
DEPARTMENT OF
PLANNING
Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS

34.04.07 [Heritage Structure Rehabilitation]
Historic Revitalization Tax Credit Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

Notice of Proposed Action
 [19-184-P]

The Maryland Department of Planning proposes to amend Regulations .01—.06 and .08 under **COMAR 34.04.07 Historic Revitalization Tax Credit Certifications**

Statement of Purpose

The purpose of this action is to make changes to the Tax Credit regulations as necessary to (1) implement statutory changes made during the 2019 Session and (2) bring the regulations into conformance with current agency practices or to support better management of the Program.

As required by Ch. 211, Acts of 2019, these amendments:

(1) Change the name of the program from the Heritage Structure Rehabilitation Tax Credit to the Historic Revitalization Tax Credit.

(2) Add an additional 5 percent credit and 7.5 percent credit for a Small Commercial and Competitive Commercial project that results in, respectively, a level 1 opportunity zone project or a level 2 opportunity zone project.

(3) Change the qualification standards for the Small Commercial Tax Credit by: (i) eliminating the requirement that a project result in a structure that is not more than 75 percent rental residential; (ii) adding rehabilitations of residential units located within a series of similar residential units that are undertaken by a developer and then sold for residential purposes; (iii) adding rehabilitations of agricultural structures and post-World War II structures as defined. The amendments also add a definition for "agricultural structure" that is consistent with how the Maryland Department of Agriculture generally defines the term.

Other programmatic changes made by the amendments:

(1) Establish that for the Homeowner Tax Credit, a Part 2 application must be filed by an individual who owns the structure at the time of the application and either presently occupies the structure or will occupy the structure following completion of the project as the individual's primary or secondary residence. This change

eliminates what has come to be known as the “developer pass-through option.” Under the current regulations, a developer can submit a Part 2 for residential property that the developer intends to rehabilitate for sale to a residential owner. Since only a residential homeowner can claim the Homeowner Tax Credit, in such instances the developer will often sell the property at a reduced price before the Part 3 is submitted and enter into an agreement with the homeowner that the homeowner will file for and claim the tax credit and then remit the credit to the developer. These arrangements have created program management difficulties for the Maryland Historical Trust (MHT); Chapter 211’s creation of a developer option within the Small Commercial Tax Credit as describes above eliminates the need for the developer pass-through option.

(2) For the Small Commercial Tax Credit, create a fee structure that mirrors the Competitive Commercial Tax Credit structure by requiring that the 3 percent application fee be paid at the Part 2 stage before issuance by MHT of an initial credit certificate. Currently, the balance of the fee for a Small Commercial project is due at the Part 3 stage.

(3) For the Homeowner Tax Credit and Small Commercial Tax Credit, allow for an additional year for an applicant to file a Part 3 application following completion of a rehabilitation.

(4) Add a requirement that for Competitive Commercial Tax Credits, and for Small Commercial Tax Credits that claim qualified rehabilitation expenditures of \$100,000 or more, a Part 3 application must be accompanied by audited financial statements that demonstrate that the claimed expenses were, in fact, expenses attributed to the rehabilitation. Currently, MHT only requires audited statements for Competitive Commercial projects.

(5) Eliminate as unnecessary and confusing references to the “Criteria for Listing” and “Standards for Evaluating Significance” from the Part 1 review process for certification of historic structures. The regulation is simplified by stating that a structure will qualify for tax credit purposes if it is a “certified historic structure,” as specifically defined in the regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

The proposed action will have a positive economic impact on small businesses by (1) providing enhanced tax credit incentives for historic structure rehabilitation projects, particularly within areas identified as Opportunity Zones and (2) qualifying residential development projects for the Small Commercial Tax Credit.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Collin Ingraham, Chief, Office of Preservation Services, Maryland Historical Trust, 100 Community Place, 3rd Fl., Crownsville, MD 21032, or call 410-697-9558, or email to collin.ingraham@maryland.gov, or fax to 410-697-9616. Comments will be accepted through October 28, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter establishes procedures for certification [of heritage structure rehabilitations] by the Director of the Maryland Historical Trust of the rehabilitation of a certified historic structure. Certification of [a heritage] the rehabilitation of a certified historic

structure is an eligibility requirement for a taxpayer to claim a [heritage structure rehabilitation] historic revitalization tax credit.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) “Agricultural structure” means a certified historic structure that is used or ever was used to directly contribute to the production, conversion, processing, storage, sale, or management of agricultural products such as livestock, horses, poultry, crops, trees, shrubs, plants, other vegetation, or aquaculture.

[(3)] (4) — [(4)] (5) (text unchanged)

[(5)] (6) “Certified rehabilitation” means [a completed] the rehabilitation of a certified historic structure that the Director determines was completed in conformance with the Standards for Certified Historic Structure Rehabilitation.

[(6)] “Criteria for Listing” means the Secretary of the Interior’s Criteria for Listing in the National Register of Historic Places, 36 CFR §§60.3 and 60.4, as amended, or successor criteria.]

(7) (text unchanged)

[(8)] Disposition.

(a) “Disposition” means the transfer of legal title in real property or, in the case of a leasehold, the transfer of a leasehold interest in the property, or any portions thereof, and includes, without limitation, a sale-and-leaseback transaction, a transfer on the foreclosure of a security interest, or a transfer by gift.

(b) “Disposition” does not include a transfer of title or of a leasehold interest to a creditor on creation of a security interest lien, mortgage, or deed of trust.

(9) “Disqualifying work” means work performed at any time prior to the expiration of the recapture period for a certified rehabilitation that, if performed during the rehabilitation would have made the rehabilitation ineligible for certification as a certified rehabilitation.]

[(10)] (8) — [(11)] (9) (text unchanged)

(10) “Level 1 opportunity zone project” means a project that qualifies for either the Small Commercial Tax Credit or the Competitive Commercial Tax Credit under Regulation .03 of this chapter and is completed by a qualified opportunity zone business if, at the time of the Part 3 application under Regulation .06 of this chapter, the applicant includes in the application:

(a) The date of the qualified opportunity fund’s investment in the opportunity zone project and the amount of the investment;

(b) The total project or business investment, including leverage;

(c) The address and census tract for both the qualified opportunity zone business and the qualified opportunity fund; and

(d) An impact report that includes:

(i) Both qualitative and quantitative data on the qualified opportunity fund’s investment in the opportunity zone project; and

(ii) The progress of the qualified opportunity fund’s investment.

(11) “Level 2 opportunity zone project” means a project that qualifies for either the Small Commercial Tax Credit or the Competitive Commercial Tax Credit under Regulation .03 of this chapter and is completed by a qualified opportunity zone business if, at the time of the Part 3 application under Regulation .06 of this chapter, the applicant includes in the application:

(a) The date of the qualified opportunity fund’s investment in the opportunity zone project and the amount of the investment;

(b) The total project or business investment, including leverage;

(c) The address and census tract for both the qualified opportunity zone business and the qualified opportunity fund;

- (d) *An impact report that includes:*
 - (i) *Both qualitative and quantitative data on the qualified opportunity fund's investment in the opportunity zone project; and*
 - (ii) *The progress of the qualified opportunity fund's investment;*
- (e) *Information demonstrating that:*
 - (i) *Accountability to residents of the communities within the qualified opportunity zone is maintained through representation on any governing or advisory board of the qualified opportunity zone business; or*
 - (ii) *A community benefits agreement has been negotiated and agreed to by and between the qualified opportunity zone business and community groups or strategic industry partnerships, as defined by Labor and Employment Article, §11-701, Annotated Code of Maryland, within the qualified opportunity zone that specifies a range of community benefits that the qualified opportunity zone business agrees to provide as part of the development project; and*
- (f) *For an opportunity zone project:*
 - (i) *Located within a municipal corporation, a resolution or letter of the municipal corporation that demonstrates the municipality's approval of the provision within the municipality of the tax credit; or*
 - (ii) *Not located within a municipal corporation, a resolution or letter of the county that demonstrates the county's approval of the provision within the county of the tax credit.*
- (12) (text unchanged)
- (13) *"Opportunity zone project" means a certified rehabilitation that is located within a geographic area of the State designated and in effect as a qualified opportunity zone in the State under §1400Z-1 of the Internal Revenue Code.*
- [(13)](14) (text unchanged)
- [(14)](15) *"Program" means the [Heritage Structure Rehabilitation] Historic Revitalization Tax Credit Program established under Regulation .03 of this chapter and authorized by the Act.*
- (16) *"Post-World War II structure" mean a certified historic structure that was built after December 31, 1944, but before January 1, 1970.*
- (17) *"Qualified opportunity fund" has the meaning stated in Economic Development Article, §6-1001, Annotated Code of Maryland.*
- (18) *"Qualified opportunity zone" has the meaning stated in Economic Development Article, §6-1001, Annotated Code of Maryland.*
- (19) *"Qualified opportunity zone business" has the meaning stated in Economic Development Article, §6-1001, Annotated Code of Maryland.*
- [(15)] (20) (text unchanged)
- [(16)] *"Recapture period" means the taxable year in which a rehabilitation is certified by the Director as a certified rehabilitation under Regulation .06 of this chapter (Part 3) and the next 4 taxable years that succeed that taxable year.]*
- [(17)] (21) *"Rehabilitation" means the process of returning a structure to a state of utility, through repair or alteration, which makes possible an efficient use while preserving those portions and features of the structure and its site and environment which make the structure and its site and environment historically, architecturally, or culturally significant, [but] and excludes alteration which is primarily remodeling, landscaping, or interior décor.*
- [(18)] (22) — [(21)] (25) (text unchanged)
- [(22)] *"Standards for Evaluating Significance" means the Secretary of the Interior's Standards for Evaluating Significance within Registered Historic Districts, 36 CFR §67.5, as amended, or successor standards.]*
- [(23)] (26) — [(24)] (27) (text unchanged)

.03 The [Heritage Structure Rehabilitation] Historic Revitalization Tax Credit Program.

- A. There is a [Heritage Structure Rehabilitation] *Historic Revitalization Tax Credit Program* in the Trust that includes three separate tax credits for certified rehabilitations known as:
 - (1) — (3) (text unchanged)
 - B. To claim a [Heritage Structure Rehabilitation] *Historic Revitalization Tax Credit*, a business entity or individual shall:
 - (1) — (3) (text unchanged)
 - C. (text unchanged)
 - D. The Small Commercial Tax Credit.
 - (1) A rehabilitation will qualify as a certified rehabilitation eligible for the Small Commercial Tax Credit if:
 - (a) — (c) (text unchanged)
 - (d) [Upon completion of the rehabilitation, the] *The structure:*
 - (i) Is [not solely a principal residence], *immediately following completion of the rehabilitation, primarily used for commercial, income-producing purposes;*
 - (ii) [Is primarily used for income-producing purposes] *After completion of the rehabilitation, is a residential unit located within a consecutive series of similar residential units that are arranged side by side in a row and has been sold by a developer who undertook the rehabilitation to an individual or individuals for residential use; [and] or*
 - (iii) [Has no greater than 75 percent of its habitable interior square footage used or configured for rental residential purposes] *Is either an agricultural structure or a post-World War II structure; and*
 - (e) (text unchanged)
 - (2) The Small Commercial Tax Credit: [shall equal the lesser of:
 - (a) 20 percent of the qualified rehabilitation expenditures incurred by the applicant;
 - (b) 20 percent of estimated qualified rehabilitation expenditures identified in the Part 2 application; or
 - (c) \$50,000.]
 - (a) *Shall equal the sum of:*
 - (i) *The lesser of 20 percent of the qualified rehabilitation expenditures either incurred by the applicant or as identified in the Part 2 application for the rehabilitation; and*
 - (ii) *If applied for in the Part 2 application, an additional 5 percent of those qualified rehabilitation expenditures if the certified rehabilitation results in a project that qualifies as a level 1 opportunity zone project or an additional 7.5 percent of the qualified rehabilitation expenditures if the certified rehabilitation results in a project that qualifies as a level 2 opportunity zone project; and*
 - (b) *May not exceed:*
 - (i) *\$50,000 for a project other than a project that qualifies as either a level 1 or level 2 opportunity zone project;*
 - (ii) *\$55,000 for a project that qualifies as a level 1 opportunity zone project; or*
 - (iii) *\$60,000 for a project that qualifies as a level 2 opportunity zone project.*
 - (3) (text unchanged)
- E. The Competitive Commercial Tax Credit.
 - (1) A rehabilitation will qualify as a certified rehabilitation for the Competitive Commercial Tax Credit if:
 - (a) — (c) (text unchanged)
 - (d) During a continuous 24-month period selected by the applicant that ends during the taxable year in which the applicant claims the tax credit, the qualified rehabilitation expenditures exceed the [lesser] *greater of:*
 - (i) — (ii) (text unchanged)
 - (e) (text unchanged)

(2) The Commercial Tax Credit[:

(a) Shall] *shall* equal the sum of:

[(i)] (a) The lesser of 20 percent of the qualified rehabilitation expenditures *either* incurred by the applicant or [the estimated qualified rehabilitation expenditures] *as* identified in the Part 2 application *for the rehabilitation*; and

[(ii)] (b) If applied for in the Part 2 application[.]:

(i)[an additional] 5 percent of those qualified rehabilitation expenditures if the certified rehabilitation results in [either] a high performance building [or], a project that qualifies as affordable housing[; and], *or a project that qualifies as a level 1 opportunity zone project; or*

(ii) 7.5 percent of the qualified rehabilitation expenditures *if the certified rehabilitation results in a project that qualifies as a level 2 opportunity zone project.*

[(b)] (3) [May] *The Commercial Tax Credit may not exceed:*

(a) \$3,000,000[.] *for any project that does not qualify as either a level 1 or level 2 opportunity zone project;*

(b) \$3,150,000 *for a project that qualifies as a level 1 opportunity zone project; or*

(c) \$3,300,000 *for a project that qualifies as a level 2 opportunity zone project.*

.04 Certification of Structures as Certified Historic Structures (Part 1).

A. — B. (text unchanged)

C. Upon receipt of a complete Part 1 application, the Director shall:

(1) Determine whether the structure [meets either the Criteria for Listing or the Standards for Evaluating Significance] *is a certified historic structure;*

(2) Approve the application if the structure [meets the Criteria for Listing or Standards for Evaluating Significance] *is a certified historic structure;*

(3) Deny the application if the structure [does] *is not* [meet the Criteria for Listing or Standards for Evaluating Significance] *a certified historic structure;* and

(4) (text unchanged)

.05 Procedures for Application for and Review of Certifications of Eligibility of Certified Historic Structure Rehabilitations (Part 2).

A. Part 2 Application Process.

(1) A business entity or individual may file a Part 2 application with the Director requesting the Director to determine that a [proposed] rehabilitation of a certified historic structure *proposed by the applicant will*, if completed in accordance with the requirements of the Program, [shall] *qualify as a certified rehabilitation.*

(2) — (5) (text unchanged)

B. Homeowner Tax Credit.

(1) *A Part 2 application for the Homeowner Tax Credit must be filed by the individual or individuals who, with respect to the structure or portion thereof that is the subject of the proposed rehabilitation:*

(a) *Is either:*

(i) *The owner; or*

(ii) *Lessee for purposes of Regulation 02B(24)(b) of this chapter; and*

(b) *Occupies the structure at the time of the application, or will occupy the structure upon completion of the rehabilitation, as a primary or secondary residence.*

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

[(2)] (3) The Director shall approve the Part 2 application or amendment and promptly send written notice of the approval to the

applicant if the Director determines that each of the criteria set forth in [§B(1)] §B(2) of this regulation is satisfied.

[(3)] (4) The Director shall deny the Part 2 application or amendment and promptly send written notice of the denial to the applicant if the Director determines that any of the criteria set forth in [§B(1)] §B(2) of this regulation is not satisfied.

C. Small Commercial Tax Credit.

(1) *In addition to information required under §A(3) of this regulation, a Part 2 application for the Small Commercial Tax Credit shall include a request that the rehabilitation be eligible for:*

(a) *The additional 5 percent tax credit available under Regulation .03E(2)(a)(ii) of this chapter if the applicant anticipates at the time of the application that the rehabilitation will result in a project that qualifies as a level 1 opportunity zone project; or*

(b) *The additional 7.5 percent tax credit available under Regulation .03E(2)(a)(iii) of this chapter if the applicant anticipates at the time of the application that the rehabilitation will result in a project that qualifies as a level 2 opportunity zone project.*

[(1)] (2) Upon receipt of either a complete Part 2 application or an amendment to an application for the Small Commercial Tax Credit, the Director shall review the application or amendment and determine whether:

(a) — (b) (text unchanged)

(c) [The estimated qualified rehabilitation expenditures will exceed \$5,000 but not exceed \$500,000] *If requested in the application, the structure is either an agricultural structure or a post-World War II structure.*

[(2)] (3) If the Director determines that [each of] the criteria set forth in [§C(1)] §C(2)(a) and (b) of this regulation [is] *are* satisfied, the Director shall:

(a) [Approve the Part 2 application or amendment] *Determine the allowable qualified rehabilitation expenditures for the proposed rehabilitation, which must exceed \$5,000 and cannot exceed \$500,000;*

(b) [Issue an initial credit certificate to the applicant in an amount equal to the lesser of 20 percent of the estimated qualified rehabilitation expenditures or \$50,000, which shall be the maximum amount of tax credit approvable under Regulation .06 of this chapter] *Determine the maximum amount for an award of an initial credit certificate for the rehabilitation based upon the limitations established under Regulation .03D(2) of this chapter;*

(c) *Reserve an award of an initial credit certificate for the rehabilitation;*

(d) *Send written notification to the applicant:*

(i) *Informing of the reservation of the award of an initial credit certificate and the maximum amount of the award;*

(ii) *Charging the applicant an administrative fee in an amount equal to 3 percent of the maximum amount of the award, less the \$10 paid with the Part 2 application; and*

(iii) *Informing the applicant that if the fee is not received by the Trust within the 90 days of notice of the fee the Director will not issue the initial credit certificate for the rehabilitation; and*

[(c)] (e) Promptly after the on-time receipt from an applicant of the administrative fee send [written notice of the approval and] the initial credit certificate to the applicant.

[(3)] (4) If the Director determines that any of the criteria set forth in [§C(1)] §C(2)(a) and (b) of this regulation is not satisfied, the Director shall deny the Part 2 application or amendment and promptly send written notice of the denial to the applicant.

[(4)] (5) The Director may not approve any Part 2 application or amendment and may not issue any initial credit certificates for:

(a) [a] A Small Commercial Tax Credit *project* after the aggregate amount of *all* initial credit certificates for the Small Commercial Tax Credit issued by the Director [on or after January 1, 2015.] totals \$4,000,000;

(b) *The rehabilitation of an agricultural structure after the aggregate amount of all initial credit certificates issued by the Director for the rehabilitation of agricultural structures totals \$1,000,000; or*

(c) *The rehabilitation of a post-World War II structure after the aggregate amount of all initial credit certificates issued by the Director for the rehabilitation of post-World War II structures totals \$1,000,000.*

D. Competitive Commercial Tax Credit.

(1) (text unchanged)

(2) [Information required by the Trust as part of] *In addition to information required under §A(3) of this regulation, a Part 2 application for the Competitive Commercial Tax Credit shall include:*

(a) — (b) (text unchanged)

(c) A statement from the applicant that:

(i) (text unchanged)

(ii) Upon completion of the rehabilitation, a sign or marker will be located on the property either external or internal to the rehabilitated structure identifying the structure as having been rehabilitated with funds provided by the Program; [and]

(d) A request that the rehabilitation be eligible for the additional 5 percent tax credit available under Regulation .03E(2)(a)(ii) of this chapter if the applicant anticipates at the time of the application that the rehabilitation will result in [either]:

(i) A high performance building; [or]

(ii) A project that qualifies as affordable housing[.]; or

(iii) *A project that qualifies as a level 1 opportunity zone project; and*

(e) *A request that the rehabilitation be eligible for the additional 7.5 percent tax credit available under Regulation .03E(2)(a)(iii) of this chapter if the applicant anticipates at the time of the application that the rehabilitation will result in a project that qualifies as a level 2 opportunity zone project.*

(3) — (6) (text unchanged)

(7) The maximum amount of an award of an initial credit certificate for a rehabilitation under §D(6) of this regulation may not exceed the lesser of:

(a) The sum of:

(i) 20 percent of the estimated qualified rehabilitation expenditures identified in the Part 2 application; and[.]

(ii) [if] *If requested in the application, either the additional 5 percent credit for achieving a high performance building [or], a project that qualifies as affordable housing [credit], or a project that qualifies as a level 1 opportunity zone project, or the additional 7.5 percent credit for achieving a project that qualified as a level 2 opportunity zone project; or*

(b) [\$3,000,000] *The limits established under Regulation 03E(2)(b) of this chapter.*

(8) For purposes of calculating the limitation on the credit for qualified rehabilitation expenditures under §D(7) of this regulation, a rehabilitation project shall include:

(a) (text unchanged)

(b) Rehabilitation of multiple certified historic structures located on a single property; or

(c) Separate rehabilitations of different components of a single certified historic structure[.]; or

(d) The rehabilitation of multiple certified historic structures that are functionally related to serve an overall purpose[.].

(9) Following the selection of an award of an initial credit certificate under §D(6)(a) of this regulation, the Director shall:

(a) Charge the applicant an administrative fee in an amount equal to 3 percent of the amount of the award of the initial credit certificate, less *the \$250 paid with the Part 2 application;*

(b) Send written notice to the applicant of the amount of the administrative fee; and

[(c) Notify the applicant that within 90 days of the fee notice the Trust must receive from the applicant the administrative fee payable to the Trust; and]

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

(10) Promptly after [receiving] *the on-time receipt from an applicant of the administrative fee charged under §D(9) of this regulation [from an applicant], the Director shall issue to the applicant an initial credit certificate for the rehabilitation project in the amount awarded for the rehabilitation under §D(6) of this regulation.*

(11) — (13) (text unchanged)

.06 Procedures for Certification of Completed Rehabilitation (Part 3).

A. (text unchanged)

B. A Part 3 application shall be filed:

(1) For either the Homeowner Tax Credit or the Small Commercial Tax Credit, not later than the end of the *second* calendar year that follows the calendar year during which the rehabilitation was completed; and

(2) (text unchanged)

C. A Part 3 application shall:

(1) (text unchanged)

(2) Include:

(a) [a] A statement made under oath by the applicant that the amount of the qualified rehabilitation expenditures as stated in the [Part 3] application is true and correct; and

(b) *Financial statements, in form and content satisfactory to the Director, certified by a certified public accountant that demonstrate that the qualified rehabilitation expenditures stated in the application were expended on the rehabilitation approved by the Director under Part 2, if the application is for:*

(i) *A Competitive Commercial Tax Credit; or*

(ii) *A Small Commercial Tax Credit that is based on qualified rehabilitation expenditures of \$100,000 or more; and*

(3) For [either] the Homeowner Tax Credit [or the Small Commercial Tax Credit], include an administrative fee in an amount that is equal to the greater of 0.6 percent of either the estimated cost of rehabilitation stated in the Part 2 application for the rehabilitation or the qualified rehabilitation expenditures stated in the Part 3 application, less \$10 paid with the Part 2 application.

D. The Director may not accept or review a Part 3 application until the Trust receives *the administrative fee, if applicable, and all information required by the application form [and the administrative fee].*

E. Upon receipt of a timely filed and complete Part 3 application, the Director:

(1) (text unchanged)

(2) Shall:

(a) (text unchanged)

(b) As may be appropriate for [a competitive commercial rehabilitation] *an application for the Competitive Commercial Tax Credit, determine whether the rehabilitation resulted in either;*

(i) — (ii) (text unchanged)

(c) *As may be appropriate for an application for either the Small Commercial Tax Credit or the Competitive Commercial Tax Credit, determine whether the rehabilitation resulted in either:*

(i) *A level 1 opportunity zone project; or*

(ii) *A level 2 opportunity zone project;*

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

F. An applicant that has completed a competitive commercial rehabilitation approved under Part 2 may file a second Part 3 application for a determination by the Director of the applicant’s qualification for *either* the additional 5 percent tax credit available under Regulation .03E(2)(a)(ii) of this chapter *or the additional 7.5 percent credit available under Regulation .03E(2)(a)(iii) of this chapter* if:

- (1) (text unchanged)
- (2) The additional 5 percent tax credit *or 7.5 tax credit* was not included within the tax credit amount determined by the Director under §E(2)(c) of this regulation; and
- (3) (text unchanged)

.08 Determining Disqualifying Work; Recapture of Tax Credits.

A. Definitions.

(1) *In this regulation, the following words have the meanings indicated.*

(2) Defined Terms.

(a) Disposition.

(i) *“Disposition” means the transfer of legal title in real property or, in the case of a leasehold, the transfer of a leasehold interest in the property, or any portions thereof, and includes, without limitation, a sale-and-leaseback transaction, a transfer on the foreclosure of a security interest, or a transfer by gift.*

(ii) *“Disposition” does not include a transfer of title or of a leasehold interest to a creditor on creation of a security interest lien, mortgage, or deed of trust.*

(b) *“Disqualifying work” means work performed at any time prior to the expiration of the recapture period for a certified rehabilitation that, if performed during the rehabilitation would have made the rehabilitation ineligible for certification as a certified rehabilitation.*

(c) *“Recapture period” means the taxable year in which a rehabilitation is certified by the Director as a certified rehabilitation under Regulation .06 of this chapter (Part 3) and the next 4 taxable years that succeed that taxable year.*

[A.] B. (text unchanged)

[B.] C. A tax credit awarded and claimed through the Program shall be recaptured if during either the rehabilitation or the recapture period:

- (1) (text unchanged)
- (2) For a certified rehabilitation awarded [either a Small Commercial Tax Credit or] a Competitive Commercial Tax Credit, there is a disposition of the structure that was the object of the certified rehabilitation.

[C.] D. —[D.] E. (text unchanged)

ROBERT McCORD
Secretary of Planning

Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY

Subtitle 02 LOTTERY PROVISIONS

Notice of Proposed Action

[19-182-P]

The Maryland State Lottery and Gaming Control Agency proposes to:

- (1) Amend Regulation .01 under **COMAR 36.02.01 General**;
- (2) Adopt new Regulation .04, recodify existing Regulations .04, .05, .07, .09, and .10 to be Regulations .05, .06, .08, .10, and .11, respectively, and amend and recodify existing Regulations .06, .08, and .11 to be Regulations .07, .09, and .12, respectively, under **COMAR 36.02.03 Retailer Requirements**;
- (3) Amend Regulations .02 and .04 under **COMAR 36.02.04 Common Provisions for All Lottery Games**;
- (4) Amend Regulation .01, adopt new Regulation .02, and recodify existing Regulations .02 and .03 to be Regulations .03 and .04, respectively, under **COMAR 36.02.05 Specific Game Provisions**;
- (5) Amend Regulations .04 and .08, adopt new Regulation .09, recodify existing Regulations .09, .10, and .13—.18 to be Regulations .10, .11, and .14—.19, respectively, and amend and recodify existing Regulations .11 and .12 to be Regulations .12 and .13, respectively, under **COMAR 36.02.06 Claims Procedures**; and
- (6) Amend Regulation .01 under **COMAR 36.02.07 Unclaimed Lottery Prizes**.

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on August 22, 2019, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Under COMAR 36.02.01, correct references to the statute, use the term “subtitle” in place of “title”, and add a definition of “coupon” as used in lottery retailer locations;
- (2) Under COMAR 36.02.01, add a definition of “Fast Play game”, a new type of lottery terminal printed game, remove the definition of “instant ticket vending machine”, which is now obsolete, and add a definition of “progressive jackpot” for Fast Play games which allows different methods of awarding prizes;
- (3) Under COMAR 36.02.03, describe Fast Play as a new lottery terminal printed game introduced by the Agency, and add a section addressing expiration of Fast Play tickets;
- (4) Under COMAR 36.02.04, add requirements for cashing Fast Play tickets, and specify that Fast Play tickets may not be cancelled;
- (5) Under COMAR 36.02.05, clarify and update drawing and ticket scanning information, and describe ticket information included on a Fast Play ticket;
- (6) Under COMAR 36.02.06, align with current practice to describe when a claim form may be required, and add the use of winning symbols as a means to visually determine if a ticket is entitled to a prize;
- (7) Under COMAR 36.02.06, explain validating and paying winning Fast Play tickets, add a Fast Play prize payout description, and permit the sale of Fast Play games with progressive prize; and

(8) Under COMAR 36.02.07, identify when Fast Play game prizes may no longer be claimed.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed amendments to COMAR 36.02.01.01; 36.02.03.04; and 36.02.05.02 should have a positive economic impact on lottery revenues with the introduction of the new Fast Play game and the progressive jackpot feature.

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

	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Fast Play game	(+)	Indeterminable

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

F. A projected positive economic impact on lottery revenues.

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 James B. Butler, Managing Director, Organizational Compliance, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov, or fax to 410-230-8727. Comments will be accepted through October 28, 2019. A public hearing has not been scheduled.

36.02.01 General

Authority: State Government Article, §§9-103, 9-104, 9-109 – 9-111, and 9-122, Annotated Code of Maryland

.01 Definitions.

A. In [this title] addition to the terms defined in State Government Article, §9-101, Annotated Code of Maryland, and in COMAR 36.01.01.01, which have the same meanings in this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1)—(6) (text unchanged)

(7) “Coupon” means an instrument that a player may use to obtain a lottery ticket at reduced or no cost.

[(7)] (8)—[(13)] (14) (text unchanged)

(15) *Fast Play Game*.

(a) “Fast Play game” means a game produced by a lottery terminal where predetermined game results are obtained from a finite pool of randomly generated results for that specific game and are printed on a ticket.

(b) “Fast Play game” does not include games where players select their numbers or symbols and there is a drawing to determine a winning number or symbol.

[(14)] (16)—[(15)] (17) (text unchanged)

(16) “Instant ticket vending machine” or “ITVM” means a machine from which an instant ticket may be purchased directly, without an individual receiving payment and delivering the ticket.]

[(17)] (18)—[(28)] (29) (text unchanged)

(30) “Progressive jackpot” means a jackpot offered by a lottery game that may increase uniformly in value based on sales of that game.

[(29)] (31)—[(34)] (36) (text unchanged)

36.02.03 Retailer Requirements

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.04 Sale of Lottery Tickets — Fast Play Game Ticket Procedure.

A. *Retailer Assisted Purchase Procedure.*

(1) If a player wishes to purchase a Fast Play game ticket, the player shall indicate to the retailer the name of the Fast Play game desired.

(2) The retailer shall make the selection and issue the ticket through the terminal and deliver it to the player.

B. *Player-Activated Terminal.*

(1) If a player wishes to purchase a ticket using a PAT, the player may purchase the ticket by selecting the icon for the desired Fast Play game on the terminal screen.

(2) The PAT shall generate and dispense the ticket.

[.06] .07 Payment of Prizes.

A.—C. (text unchanged)

D. *Multiple Claims.* A retailer shall:

(1)—(2) (text unchanged)

E. *Validated and Paid Tickets.* Unless a ticket is cashed at a PAT, after a ticket is validated and paid, the retailer:

(1)—(2) (text unchanged)

F. *Cashing Period.* A retailer or Agency claim center may not cash or otherwise process a winning ticket more than 182 days after the:

(1) Draw date;

(2) Date of sale of a Fast Play game ticket; or

(3) [announced] Announced end of the game.

[.08] .09 Payments to Agency.

A. A retailer shall:

(1) Be financially responsible to the Agency for all:

(a)—(b) (text unchanged)

(c) Except for tickets [that the retailer] cashed through a PAT, tickets that the retailer cashed or cancelled which are later submitted to the Agency for payment;

(2)—(6) (text unchanged)

B.—D. (text unchanged)

[.11] .12 Prohibited Acts.

A.—E. (text unchanged)

F. All instant ticket and Fast Play game ticket sales are final and may not be cancelled once sold.

G.—I. (text unchanged)

36.02.04 Common Provisions for All Lottery Games

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.02 Ticket Purchaser Responsibilities.

A.—B. (text unchanged)

C. To receive a prize, a person holding a winning ticket shall submit to an authorized claiming location the ticket and all necessary documentation for claiming within 182 days after the date of the drawing, *the date of sale of a Fast Play game ticket*, or the announced end of an *instant ticket game*.

.04 Cancellation of Tickets.

A.—B. (text unchanged)

C. *Fast Play Games.* A *Fast Play game ticket may not be cancelled.*

36.02.05 Specific Game Provisions

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.01 Draw Games.

A. Drawings.

(1) Except for multi-jurisdictional games, *monitor games*, and raffles, draw game drawings shall be open to the public and shall occur at least once a week.

(2)—(4) (text unchanged)

B. Draw Game Tickets.

(1) (text unchanged)

(2) The draw game ticket shall include the:

(a)—(b) (text unchanged)

(c) Ticket serial number; [and]

(d) *Barcode with an encoded serial number and data to permit scanning of the ticket; and*

[(d)] (e) (text unchanged)

C.—E. (text unchanged)

.02 Fast Play Games.

A. *Fast Play Game Tickets.*

(1) *A Fast Play game ticket shall be generated through the use of a terminal.*

(2) *The Fast Play game ticket shall include the:*

(a) *Graphic rendering of symbols or numbers that allow for visual inspection to determine if the ticket is entitled to a prize;*

(b) *Amount played;*

(c) *Ticket serial number;*

(d) *Barcode with an encoded serial number and data to permit scanning of the ticket; and*

(e) *Date and time of sale.*

B. *Consumer Game Information.*

(1) *The Agency shall provide information about Fast Play games.*

(2) *As determined by the Agency, consumer game information shall explain the:*

(a) *Game;*

(b) *Game play; and*

(c) *Play of any optional features.*

(3) *The Agency may provide consumer game information on its website or in any other location.*

C. *To determine if a Fast Play game ticket is a winning ticket, a player may present the ticket to a retailer, a PAT, or the Agency.*

36.02.06 Claims Procedures

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.04 Prize Claiming Locations.

A. (text unchanged)

B. Subscription Winner.

(1) The Agency may [decide whether to pay a subscription winner by check or to require a claim form to be submitted] *require a claim form to be submitted prior to issuing a check to a subscription winner.*

(2)—(3) (text unchanged)

.08 Ticket Validation — Draw Tickets.

A.—C. (text unchanged)

D. The draw ticket validation number shall:

(1) (text unchanged)

(2) Correspond, using the computer validation file, to the:

(a) Selected playable *symbols or numbers*; and

(b) (text unchanged)

E. (text unchanged)

F. The official file of winning draw tickets shall match the information that appears on the winning draw ticket, including the:

(1) Playable *symbols or numbers*;

(2)—(3) (text unchanged)

.09 Ticket Validation — Fast Play Game Tickets.

A. *In addition to the requirements of Regulation .07 of this chapter, for a winning Fast Play game ticket submitted to the Agency to be validated, the Fast Play game ticket shall satisfy all of the conditions of this regulation.*

B. *The Fast Play game ticket purchased with that exact date and time and ticket data may not have been previously paid.*

C. *The Fast Play game ticket shall have been generated:*

(1) *From an Agency ticket terminal or PAT; and*

(2) *By the Agency through a licensed retailer.*

D. *The Fast Play game ticket validation number shall:*

(1) *Be submitted in its entirety; and*

(2) *Correspond, using the computer validation file, to the:*

(a) *Printed symbols or numbers on the ticket; and*

(b) *Date and time printed on the game ticket.*

E. *The ticket data on the Fast Play game ticket shall:*

(1) *Be recorded in the Agency's central computer system; and*

(2) *Match the computer record in every respect.*

F. *The ticket validation number and date of sale shall match in their entirety and correspond to the information stored on the Agency's central computer system.*

[.11] .J2 Payment of a Lottery Prize.

A.—D. (text unchanged)

E. *Fast Play Game Ticket.* The owner of a winning *Fast Play game ticket shall:*

(1) *Win as specified in the consumer game information for that game; and*

(2) *Be paid the appropriate amount won.*

[.12] .J3 Prizes.

A.—B. (text unchanged)

C. The probability or odds of winning governs the determination of when a prize [winners] is won and [prizes] a prize is paid.

D. *Progressive Jackpot Games.* The Agency may offer progressive jackpot *Fast Play games.*

36.02.07 Unclaimed Lottery Prizes

Authority: State Government Article, §§9-103, 9-104, 9-109—9-111, and 9-122, Annotated Code of Maryland

.01 Prize Claiming Period.

A. Unclaimed Monetary Award.

(1) The Director shall retain an unclaimed monetary award for 182 days after the date of the:

(a) Drawing in which the prize was won; [or]

(b) *Date the Fast Play game ticket was sold; or*

[(b)] (c) (text unchanged)

(2) (text unchanged)

B.—C. (text unchanged)

GORDON MEDENICA
Director
State Lottery and Gaming Control Agency



Special Documents

MARYLAND HEALTH CARE COMMISSION

GROSS, NET, AND EFFECTIVE BED NEED PROJECTIONS FOR COMPREHENSIVE CARE FACILITY OR NURSING HOME BEDS, TARGET YEAR 2022

In accordance with COMAR 10.24.20.06, the Maryland Health Care Commission (MHCC) publishes the following notice of jurisdictional gross, net, and effective bed need. These projections update and supersede the projections published in the Maryland Register on April 29, 2016. The effective bed need projection will apply in the review of Certificate of Need applications acted on by MHCC after the date of their publication. Published projections of gross bed need remain in effect until MHCC publishes updated bed need projections. Projections of net bed need and effective bed need can change during the interim period between publication of bed need projections as a result of changes in the bed inventory, changes in average bed occupancy, or changes needed to correct errors in the data or computation of the bed need projections.

Jurisdiction/ REGION	Bed Inventory as of September 1, 2019					2022 Projected Bed Need			
	Licensed Beds	CON- Approved Beds	“Waiver” Beds [1]	Temporarily Delicensed Beds	Total Bed Inventory	Gross Bed Need	Net Bed Need	Average Bed Occupancy 2016-17	Effective Bed Need [2]
WESTERN MARYLAND	4,235	0	0	131	4,366				
Allegany	908	0	0	0	908	761	-147	85.9%	0
Carroll	921	0	0	0	921	888	-33	88.3%	0
Frederick	1,082	0	0	0	1,082	1,052	-30	88.0%	0
Garrett	317	0	0	0	317	286	-31	88.1%	0
Washington	1,007	0	0	131	1,138	1,005	-133	88.0%	0
MONTGOMERY COUNTY	4,562	0	5	0	4,567				
Montgomery	4,562	0	5	0	4,567	4,035	-532	86.9%	0
SOUTHERN MARYLAND	4,303	0	62	8	4,373				
Calvert	292	0	0	0	292	311	19	80.2%	0
Charles	495	0	12	0	507	516	9	91.4%	9
Prince George’s	2,953	0	10	0	2,963	2,995	32	92.0%	32
St. Mary’s	563	0	40	8	611	581	-30	93.1%	0
CENTRAL MARYLAND	12,114	96	0	130	12,340				
Anne Arundel	1,764	20	0	0	1,784	1,692	-92	89.0%	0
Baltimore City	3,717	0	0	110	3,827	3,379	-448	90.8%	0
Baltimore County	5,288	0	0	20	5,308	4,781	-527	88.2%	0
Harford	769	48	0	0	817	777	-40	90.8%	0
Howard	576	28	0	0	604	617	13	90.2%	13
EASTERN SHORE	2,599	0	6	48	2,653				
Caroline	187	0	6	0	193	153	-40	83.4%	0
Cecil	431	0	0	23	454	432	-22	85.3%	0
Dorchester	233	0	0	25	258	213	-45	84.4%	0
Kent	228	0	0	0	228	202	-26	81.1%	0
Queen Anne’s	120	0	0	0	120	115	-5	81.0%	0
Somerset	211	0	0	0	211	192	-19	89.1%	0
Talbot	269	0	0	0	269	228	-41	83.1%	0
Wicomico	613	0	0	0	613	538	-75	80.9%	0
Worcester	307	0	0	0	307	266	-41	81.6%	0

Notes: [1] “Waiver” beds are small increments of beds that nursing homes may add, under specific conditions, without CON approval. These additions must be implemented within one year after authorization.

[2] Bed need is identified as zero if the current bed inventory exceeds gross bed need or if the two-year average bed occupancy rate is below 90%.

[19-20-18]

**AVERAGE ANNUAL BED OCCUPANCY RATE AND AVERAGE ANNUAL
NUMBER OF LICENSED NURSING HOME BEDS BY JURISDICTION AND
REGION: MARYLAND, FISCAL YEARS 2015 — 2017**

Region/Jurisdiction		Average Annual Bed Occupancy Rate (%)*			Average Annual Number of Licensed Nursing Home Beds **		
		FY 2015	FY 2016	FY 2017	FY 2015	FY 2016	FY 2017
Western Maryland		89.7	87.9	87.2	4,329	4,362	3,954
	Allegany County	88.8	86.8	85.0	903	907	840
	Carroll County	88.7	87.1	89.7	921	921	831
	Frederick County	89.1	88.6	87.4	1,064	1,080	1,020
	Garrett County	95.7	89.8	86.3	309	316	316
	Washington County	90.3	88.1	87.0	1,133	1,138	947
Montgomery County		87.1	87.0	86.5	4,506	4,456	4,520
Southern Maryland		91.4	91.6	90.8	4,137	4,020	4,190
	Calvert County	92.0	83.4	77.2	302	302	309
	Charles County	88.1	91.5	91.4	482	489	492
	Prince Georges County	91.6	92.2	91.7	2,790	2,666	2,826
	St Mary's County	92.8	92.9	93.3	563	563	563
Central Maryland		89.9	89.8	88.8	12,237	12,053	12,160
	Anne Arundel County	88.6	89.7	88.3	1,758	1,760	1,768
	Baltimore City	90.5	90.3	90.8	3,749	3,643	3,711
	Baltimore County	89.9	89.2	87.2	5,393	5,315	5,345
	Harford County	91.4	91.2	90.4	769	769	769
	Howard County	89.1	89.6	90.9	568	566	567
Eastern Shore		83.4	83.8	82.5	2,605	2,552	2,544
	Caroline County	82.2	85.4	81.5	187	187	187
	Cecil County	78.6	81.7	89.6	454	454	376
	Dorchester County	86.7	87.3	81.4	240	240	239
	Kent County	80.0	80.4	81.7	228	228	228
	Queen Anne's County	88.7	82.3	79.7	120	120	120
	Somerset County	86.4	88.6	89.6	211	211	211
	Talbot County	89.7	86.6	79.7	260	260	269
	Wicomico County	80.6	82.0	80.0	613	550	608
	Worcester County	87.6	83.5	79.7	292	302	307
MD Total		89.0	88.7	87.9	27,814	27,443	27,369

* The average annual bed occupancy rate is the ratio of total patient days to total available licensed nursing home days, which excludes days associated with temporarily delicensed beds.

** Average annual number of licensed nursing home beds is calculated by dividing the total available days by 365 in FY 2015 and FY 2017 and by 366 in the FY 2016 leap year.

Source: Maryland Health Care Commission, 2015-2017 Long Term Care Survey; 2015-2017 Nursing Home Inventory Records; Maryland Medical Assistance Program, unaudited 2015- 2017 cost reports.

[19-20-19]

**REQUIRED MARYLAND MEDICAL ASSISTANCE (MEDICAID)
PARTICIPATION RATES FOR NURSING HOMES BY REGION AND
JURISDICTION: FISCAL YEAR 2017**

Region/Jurisdiction	Required Medicaid Participation Rate (Minimum Percentage of Medicaid Patient Days)*
Western Maryland	49.69
Allegany County	60.10
Carroll County	46.90
Frederick County	41.94
Garrett County	60.89
Washington County	47.69
Montgomery County	42.27
Southern Maryland	44.04
Calvert County	46.97
Charles County	54.31
Prince Georges County	41.92
St Mary's County	44.40
Central Maryland	49.66
Anne Arundel County	40.20
Baltimore City	59.71
Baltimore County	45.39
Harford County	49.99
Howard County	50.34
Eastern Shore	54.99
Caroline County	56.64
Cecil County	46.39
Dorchester County	62.63
Kent County	46.90
Queen Anne's County	58.95
Somerset County	61.15
Talbot County	53.77
Wicomico County	58.77
Worcester County	53.13
MD Total	48.03

[19-20-17]

SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need (“CON”) review and approval. Not every type of project subject to the requirements of CON review and approval is included in this review schedule. In these cases, persons seeking CON approval for a project may file a letter of intent at any time. (See COMAR 10.24.01.07 and .08 for additional information on CON application filing and project review.)

The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards, policies and criteria.

This Certificate of Need review schedule updates the schedule published in the *Maryland Register*, Volume 45, Issue 20, pages 955-958 (September 28, 2018) and *Maryland Register*, Volume 46, Issue 1, page 31 (January 4, 2019). This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in and of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission. Letters of intent for projects not covered by this review schedule may be filed at any time.

For further information about review schedules or procedures, call Kevin McDonald, Chief, Certificate of Need, at (410) 764-5982.

The Commission will use the following regional configuration of jurisdictions for the General Hospital Project, Special Hospital Project, Freestanding Ambulatory Surgical Facility Project, and Schedule Two Comprehensive Care Facility Project Review Schedules:

<u>Western Maryland:</u> Allegany, Frederick, Garrett, and Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore City, Baltimore County, Carroll, Harford, and Howard
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester	<u>Montgomery & Southern Maryland:</u> Calvert, Charles, Montgomery, Prince George's, and St. Mary's

General Hospital Projects

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by general hospitals, for projects that involve: (1) capital expenditures by or on behalf of general hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity or operating room capacity at existing hospitals; (3) the relocation of a general hospital; and/or (4) a change in the type or scope of any health care service offered by a general hospital, as specified at COMAR 10.24.01.02A, except for neonatal intensive care. Please note that the following schedule does not apply to a project to establish a new general hospital.

Schedule One All General Hospital Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 1, 2019	November 13, 2019	January 3, 2020
Central Maryland	December 6, 2019	December 18, 2019	February 7, 2020
Eastern Shore	January 3, 2020	January 15, 2020	March 6, 2020
Montgomery & Southern Maryland	February 7, 2020	February 19, 2020	April 10, 2020

Schedule Two

All General Hospital Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 8, 2020	May 20, 2020	July 10, 2020
Central Maryland	June 5, 2020	June 17, 2020	August 7, 2020
Eastern Shore	July 10, 2020	July 22, 2020	September 11, 2020
Montgomery & Southern Maryland	August 7, 2020	August 19, 2020	October 9, 2020

Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by special hospitals, for projects that involve: (1) capital expenditures by or on behalf of special hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity at existing hospitals; (3) the relocation of a special hospital; and/or (4) a change in the type or scope of any health care service offered by a special hospital, as specified at COMAR 10.24.01.02A. Please note that the following schedule does not apply to a project to establish a new special hospital.

Schedule One
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 1, 2019	November 13, 2019	January 3, 2020
Central Maryland	January 3, 2020	January 15, 2020	March 6, 2020
Eastern Shore	February 7, 2020	February 19, 2020	April 10, 2020
Montgomery & Southern Maryland	March 6, 2020	March 18, 2020	May 8, 2020

Schedule Two
Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 8, 2020	May 20, 2020	July 10, 2020
Central Maryland	June 5, 2020	June 17, 2020	August 7, 2020
Eastern Shore	July 10, 2020	July 22, 2020	September 11, 2020
Montgomery & Southern Maryland	August 7, 2020	August 19, 2020	October 9, 2020

Freestanding Ambulatory Surgical Facility Projects

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by or on behalf of a freestanding ambulatory surgical facility that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

Schedule One
Freestanding Ambulatory Surgical Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	October 4, 2019	October 16, 2019	December 6, 2019
Eastern Shore	November 1, 2019	November 13, 2019	January 3, 2020
Montgomery & Southern Maryland	December 6, 2019	December 18, 2019	February 7, 2020
Western Maryland	January 3, 2020	January 15, 2020	March 6, 2020

Schedule Two
Freestanding Ambulatory Surgical Facility Projects

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	April 3, 2020	April 15, 2020	June 5, 2020
Eastern Shore	May 8, 2020	May 20, 2020	July 10, 2020
Montgomery & Southern Maryland	June 5, 2020	June 17, 2020	August 7, 2020
Western Maryland	July 10, 2020	July 22, 2020	September 11, 2020

Comprehensive Care Facility/Nursing Home Projects

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities (“CCFs”) or nursing homes. Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent bed need projection published in the *Maryland Register* identifies a net need for beds in the forecast year and for which no letters of intent or applications have been filed. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects that do not involve an increase in CCF bed capacity in the jurisdiction in which the project is located. These include projects that involve a proposed capital expenditure for new construction or renovation at an existing CCF, the relocation of an existing facility, or the proposed relocation of some or all of the CCF bed capacity from an existing facility to a new site within the same jurisdiction.

**Schedule One
Projects Proposing New Comprehensive Care Facility Beds**

Jurisdiction	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Charles County	December 6, 2019	December 18, 2019	February 7, 2020
Prince George’s County	March 6, 2020	March 18, 2020	May 8, 2020
Howard County	June 5, 2020	June 17, 2020	August 7, 2020

**Schedule Two
A: Other Comprehensive Care Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	November 1, 2019	November 13, 2019	January 3, 2020
Western Maryland	December 6, 2019	December 18, 2019	February 7, 2020
Central Maryland	January 3, 2020	January 15, 2020	March 6, 2020
Montgomery & Southern Maryland	February 7, 2020	February 19, 2020	April 10, 2020

**Schedule Two
B: Other Comprehensive Care Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 8, 2020	May 20, 2020	July 10, 2020
Central Maryland	June 5, 2020	June 17, 2020	August 7, 2020
Eastern Shore	July 10, 2020	July 22, 2020	September 11, 2020
Montgomery & Southern Maryland	August 7, 2020	August 19, 2020	October 9, 2020

Freestanding Medical Facility Projects

The Commission hereby publishes the following statewide schedule for Certificate of Need review of proposed projects by general hospitals to establish or relocate freestanding medical facilities (FMFs) and proposed capital expenditures by or on behalf of FMFs that require CON review and approval. Please note that these schedules do not apply to the filing of a request for an Exemption from Certificate of Need by a general hospital seeking to convert to a freestanding medical facility.

**Schedule One
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
December 6, 2019	December 18, 2018	February 7, 2020

**Schedule Two
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
June 5, 2020	June 17, 2020	August 7, 2020

Cardiac Surgery Services

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Need (“CON”) by general hospitals seeking to introduce cardiac surgery services. An applicant must demonstrate that the proposed project is consistent with the general criteria for CON review set fourth at COMAR 10.24.01.08G(3). This review schedule is not a solicitation by the Commission for CON applications, and it does not indicate that additional capacity is needed or that CON applications submitted will be approved by the Commission. Applicants are encouraged to discuss their development plans and projects with the Commission staff prior to filing Letters of Intent or applications.

Region Definitions

Eastern (Lower Shore) Region: Dorchester, Somerset, Wicomico, and Worcester.

Metropolitan Washington Region: Calvert, Charles, Frederick, Montgomery, Prince George’s, and St. Mary’s.

Western Region: Allegany, Garrett, and Washington.

**Schedule One
Cardiac Surgery Services**

Health Planning Region	Letter of Intent Due Date	Pre-Application Date	Conference	Application Submission Date
Metropolitan Washington	February 7, 2020	February 19, 2020		April 10, 2020
Eastern (Lower Shore)	March 6, 2020	March 18, 2020		May 8, 2020
Western	April 3, 2020	April 15, 2020		June 5, 2020

**Schedule Two
Cardiac Surgery Services**

Health Planning Region	Letter of Intent Due Date	Pre-Application Date	Conference	Application Submission Date
Metropolitan Washington	September 4, 2020	September 16, 2020		November 6, 2020
Eastern (Lower Shore)	October 2, 2020	October 14, 2020		December 4, 2020
Western	November 6, 2020	November 18, 2020		January 8, 2021

[19-20-16]



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.

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 10, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: Review of Tax-Supported Debt and the Size and Condition of Debt of Higher Education Institutions.
Contact: Christian Lund (410) 260-7920
 [19-20-05]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 17, 2019, 9:30—11:30 a.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114-116, Annapolis, MD
Add'l. Info: Recommendation of General Obligation Bond Authorizations.
Contact: Christian Lund (410) 260-7920
 [19-20-06]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: October 8, 2019, 9 a.m. — 11 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month. Part of the meeting may include closed session.
Contact: Leandra Gilliam (410) 706-4449
 [19-20-10]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: October 24, 2019, 9:30 a.m.
Place: Laurel Municipal Building, 8103 Sandy Spring Rd., Council Chambers, Laurel, MD
Add'l. Info: Portions of the meeting may be held in closed session. If public schools in Prince George's County are CLOSED due to inclement weather, the meeting and any appeals will be rescheduled.

Contact: Heidi Ritchie (877) 890-0199
 [19-20-12]

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
 [19-20-08]

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
 [19-20-20]

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
 [19-20-04]

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 to 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

[19-20-15]

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
[19-20-11]**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
[19-20-13]**MARYLAND HEALTH CARE COMMISSION****Subject:** Exemption from Certificate of Need**Add'l. Info:** The Maryland Health Care Commission has received a request from:

LifeBridge Health, Inc. ("LBH") and its subsidiaries Sinai Hospital of Baltimore, Inc. ("Sinai"), and Northwest Hospital Center, Inc. ("Northwest" and, collectively, the "Joint Applicants") have submitted a request for an exemption from Certificate of Need ("CON") review. The projects for which an exemption is requested are the addition of bed capacity for acute adult psychiatric services at Sinai (24 beds) and Northwest (12 beds). The addition of these 36 beds is to be implemented in conjunction with eliminating the provision of acute adult psychiatric hospital services at Bon Secours Hospital Baltimore, Inc. ("Bon Secours"), pursuant to an acquisition of Bon Secours by LBH. This acquisition is anticipated to be finalized on or about November 1, 2019. Bon Secours is currently licensed for 27 acute psychiatric beds.

This exemption request seeks authorization for two capital projects, at Sinai and Northwest, respectively, involving the renovation of existing building space to accommodate the addition of the acute psychiatric beds. Approximate cost estimates of \$5 million for the Sinai project and \$2 million for the Northwest project were provided.

Under this proposal, it is anticipated that the provision of inpatient medical/surgical care, the other acute inpatient care service provided by Bon Secours, will be discontinued, following completion of the acquisition, except for medical/surgical

inpatient care provided under a contract with the Maryland Department of Corrections to incarcerated persons.

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

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

Contact: Ruby Potter (410) 764-3276
[19-20-21]**MARYLAND HEALTH CARE COMMISSION****Subject:** Exemption from Certificate of Need**Add'l. Info:** The Maryland Health Care Commission has received a request from:

UM-Shore Medical Center-Dorchester and UM-Shore Medical Center at Chestertown — 19-14-EX012.

Relocation of 12 psychiatric beds from UM-Shore Medical Center at Dorchester to UM-Shore Medical Center at Chestertown, which will modify a previously authorized Exemption determination for UM-Shore Medical Center at Easton and UM-Shore Medical Center at Dorchester — 18-20-EX007.

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

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

Contact: Ruby Potter (410) 764-3276
[19-20-22]**DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES****Subject:** Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification — Effective 9/3/19

Add'l. Info: The Secretary of the Maryland Department of Natural Resources pursuant to the COMAR 08.02.15.12H announces the opening of the 2019 commercial striped bass common pool hook and line fishery on Tuesday, September 3, 2019 one hour before sunrise, with a catch limit of 250 lbs/permittee/week and 500 lbs/vessel/day. The common pool hook and line fishery

will close on Wednesday, September 4, 2019 one hour before sunset.

This rule affects commercial harvesters permitted to participate in the striped bass common pool hook and line fishery in the Chesapeake Bay. The rule is necessary to ensure Maryland's compliance with the Atlantic State Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass.

For further information contact: Fishing and Boating Services at 410-260-8293

Jeannie Haddaway-Riccio

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[19-20-14]

BOARD OF OCCUPATIONAL THERAPY PRACTICE**Subject:** Public Meeting**Date and Time:** October 18, 2019, 9 a.m. — 12 p.m.**Place:** 55 Wade Ave., Tuerk Building, Catonsville, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255. The meeting may take place by teleconference. Please call the office to confirm.

Contact: Jo-Ann Lane (410) 402-8552
[19-20-02]**RACING COMMISSION****Subject:** Public Meeting**Date and Time:** October 24, 2019, 1 — 2 p.m.**Place:** Laurel Park, Laurel, MD**Contact:** J. Michael Hopkins (410) 296-9682

[19-20-09]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE**Subject:** Public Meetings**Dates and Times:**

October 2, 2019 8:30 a.m. — 5:00 p.m.

October 16, 2019 8:30 a.m. — 5:00 p.m.

October 30, 2019 8:30 a.m. — 5:00 p.m.

November 13, 2019 8:30 a.m. — 5:00 p.m.

November 27, 2019 8:30 a.m. — 5:00 p.m.

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December 4, 2019 8:30 a.m. — 5:00 p.m.

December 18, 2019 8:30 a.m. — 5:00 p.m.

Place: Maryland Department of Transportation, 7201 Corporate Center Dr., Hanover, MD

Contact: Sabrina Bass (410) 865-1240

[19-20-07]

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

[19-20-01]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: October 24, 2019, 9:30 — 11 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Amy S. Lackington (410) 864-5300

[19-20-03]



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| <b>Title 05</b>                            | Department of Housing and Community Development                  | \$78               | \$50                      | _____         | _____ |
| <b>Title 07</b>                            | Department of Human Services                                     | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Department of Natural Resources                                  | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Maryland Department of Labor                                     | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      | _____         | _____ |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      | _____         | _____ |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      | _____         | _____ |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      | _____         | _____ |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      | _____         | _____ |
| <b>Title 12</b>                            | Department of Public Safety and Correctional Services            | \$67               | \$43                      | _____         | _____ |
| <b>Title 13A</b>                           | Maryland Department of Education                                 | \$63               | \$42                      | _____         | _____ |
| <b>Title 13B</b>                           | Maryland Higher Education Commission                             | \$25               | \$15                      | _____         | _____ |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      | _____         | _____ |
| <b>Title 15</b>                            | Maryland Department of Agriculture                               | \$48               | \$30                      | _____         | _____ |
| <b>Title 16</b>                            | Department of Juvenile Service                                   | \$23               | \$15                      | _____         | _____ |
| <b>Title 17</b>                            | Department of Budget and Management                              | \$28               | \$16                      | _____         | _____ |
| <b>Title 18</b>                            | Department of Assessments and Taxation                           | \$20               | \$12                      | _____         | _____ |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      | _____         | _____ |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      | _____         | _____ |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      | _____         | _____ |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      | _____         | _____ |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
| <b>Title 24</b>                            | Department of Commerce                                           | \$34               | \$20                      | _____         | _____ |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       | _____         | _____ |
| <b>Title 26</b>                            | Department of Environment (All parts) **                         | \$189              | \$125                     | _____         | _____ |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      | _____         | _____ |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      | _____         | _____ |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      | _____         | _____ |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      | _____         | _____ |
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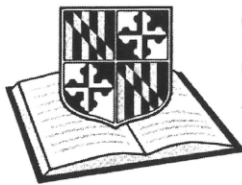
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