

# Maryland Register

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Volume 42 • Issue 25 • Pages 1533—1582

## IN THIS ISSUE

Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 20, 2015, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of November 20, 2015.

Brian Morris  
Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

## CITATION TO THE MARYLAND REGISTER

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

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

## CODE OF MARYLAND REGULATIONS (COMAR)

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

## CITATION TO COMAR REGULATIONS

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

## DOCUMENTS INCORPORATED BY REFERENCE

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

## HOW TO RESEARCH REGULATIONS

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

## SUBSCRIPTION INFORMATION

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

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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# Contents

	1535
<b>Closing Dates for the Maryland Register</b>	
Schedule of Closing Dates and Issue Dates for the Maryland Register .....	1537
<b>COMAR Research Aids</b>	
Table of Pending Proposals .....	1538
<b>Index of COMAR Titles Affected in This Issue</b>	
<b>COMAR Title Number and Name</b> .....	<b>Page</b>
05 Department of Housing and Community Development .....	1542
08 Department of Natural Resources .....	1548
10 Department of Health and Mental Hygiene .....	1542, 1549
11 Department of Transportation .....	1544
13B Maryland Higher Education Commission .....	1545
14 Independent Agencies .....	1546
18 Department of Assessments and Taxation .....	1546
20 Public Service Commission .....	1556
26 Department of the Environment .....	1547
29 Department of State Police .....	1547
34 Department of Planning .....	1568
<b>PERSONS WITH DISABILITIES</b>	
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.	
<b>The Judiciary</b>	
COURT OF APPEALS OF MARYLAND	
DISCIPLINARY PROCEEDINGS .....	1541
<b>Final Action on Regulations</b>	
<b>05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT</b>	
NEIGHBORHOOD AND COMMUNITY ASSISTANCE PROGRAM	
Endow Maryland .....	1542
<b>10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE PROCEDURES</b>	
Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs .....	1542
<b>FREESTANDING AMBULATORY CARE FACILITIES</b>	
Freestanding Ambulatory Surgical Facilities .....	1542
<b>HOSPITALS</b>	
Health Care Staff Agencies .....	1542
Residential Service Agencies .....	1543
<b>LABORATORIES</b>	
Medical Laboratories—Fees .....	1543
<b>ADULT HEALTH</b>	
Day Care for the Elderly and Adults with a Medical Disability .....	1543
<b>BOARD OF ACUPUNCTURE</b>	
Fee Schedule .....	1543
<b>BOARD OF PHARMACY</b>	
Fees .....	1543
<b>HEALTH SERVICES COST REVIEW COMMISSION</b>	
Uniform Accounting and Reporting System for Hospitals and Related Institutions .....	1543
Rate Application and Approval Procedures .....	1544
Rate Application and Approval Procedures .....	1544
<b>BOARD OF DENTAL EXAMINERS</b>	
Dental Radiation Technologist .....	1544
<b>11 DEPARTMENT OF TRANSPORTATION</b>	
<b>MARYLAND TRANSPORTATION AUTHORITY</b>	
Public-Private Partnership Program .....	1544
Electronic Toll Collection and Toll Violation Enforcement .....	1544
<b>MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION</b>	
Certificates of Title .....	1545
<b>13B MARYLAND HIGHER EDUCATION COMMISSION</b>	
<b>ACADEMIC REGULATIONS</b>	
Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland .....	1545
Approval and Oversight of In-State SARA Institutions ..	1545
<b>FULLY ONLINE PROGRAMS</b>	
Registration .....	1545
<b>14 INDEPENDENT AGENCIES</b>	
<b>NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY</b>	
Procurement Procedures .....	1546
<b>18 DEPARTMENT OF ASSESSMENTS AND TAXATION</b>	
<b>UNIFORM COMMERCIAL CODE</b>	
General Provisions .....	1546
<b>26 DEPARTMENT OF THE ENVIRONMENT</b>	
<b>WATER POLLUTION</b>	
Permits .....	1547
<b>OIL POLLUTION AND TANK MANAGEMENT</b>	
Underground Storage System Technician, Remover, and Inspector Certification .....	1547
<b>AIR QUALITY</b>	
Control of Asbestos .....	1547
<b>29 DEPARTMENT OF STATE POLICE</b>	
<b>OFFICE OF THE SECRETARY</b>	
Public Information Requests .....	1547
<b>Proposed Action on Regulations</b>	
<b>08 DEPARTMENT OF NATURAL RESOURCES</b>	
<b>FISHERIES SERVICE</b>	
General .....	1548
<b>10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE</b>	
<b>MEDICAL CARE PROGRAMS</b>	
Hospital Services .....	1549
Maryland Medicaid Managed Care Program:	
Definitions .....	1549
Maryland Medicaid Managed Care Program: Eligibility and Enrollment .....	1549
Maryland Medicaid Managed Care Program: Managed Care Organizations .....	1549
Maryland Medicaid Managed Care Program: Access .....	1549
Medical Day Care Services .....	1550
Therapeutic Behavioral Services .....	1551
Medical Day Care Services Waiver .....	1552
<b>BOARD OF MORTICIANS AND FUNERAL DIRECTORS</b>	
Hearing Procedures .....	1552
<b>20 PUBLIC SERVICE COMMISSION</b>	
<b>DISPUTE PROCEDURES</b>	
Dispute Regulations .....	1556
<b>COMPETITIVE ELECTRICITY SUPPLY</b>	
General .....	1558
Pre-Enrollment Information .....	1558
Transfers of Service .....	1558

# Contents

1536

Supplier-Utility Coordination and Utility Consolidated Billing .....	1558
Residential Customer Protection .....	1558
Supplier Agent Relations .....	1558
<b>COMPETITIVE GAS SUPPLY</b>	
General .....	1563
Pre-Enrollment Information .....	1563
Transfers of Service .....	1563
Utility Consolidated Billing .....	1563
Residential Customer Protection .....	1563
Supplier Agent Relations .....	1563

## 34 DEPARTMENT OF PLANNING

<b>HISTORICAL AND CULTURAL PROGRAMS</b>	
Maryland Historical Trust African American Heritage Preservation Program .....	1568

## Special Documents

<b>DEPARTMENT OF THE ENVIRONMENT</b>	
<b>SUSQUEHANNA RIVER BASIN COMMISSION</b>	
Commission Meeting .....	1573
Projects Rescinded for Consumptive Uses of Water ....	1573
Projects Approved for Consumptive Uses of Water ....	1574
Projects Approved for Consumptive Uses of Water ....	1576
<b>MARYLAND HEALTH CARE COMMISSION</b>	
<b>NUMBER OF CHRONIC HOSPITAL BEDS AND PATIENT DAYS AND PERCENT OCCUPANCY, BY FACILITY: MARYLAND, FY 2014 .....</b>	<b>1579</b>

## General Notices

<b>ATHLETIC COMMISSION</b>	
Public Meeting .....	1580
<b>STATE COUNCIL ON CHILD ABUSE &amp; NEGLECT</b>	
Public Meeting .....	1580
<b>COMMERCE SUBCABINET</b>	
Public Meeting .....	1580
<b>ELEVATOR SAFETY REVIEW BOARD</b>	
Public Meeting .....	1580
<b>DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE</b>	
Call for Physician, Pharmacist, and Consumer Nominations for the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee .....	1580
<b>STATE ADVISORY BOARD FOR JUVENILE SERVICES</b>	
No Meeting Notice .....	1580
<b>MARYLAND HEALTH CARE COMMISSION</b>	
Public Meeting .....	1580
Public Meeting .....	1580
Public Meeting .....	1581
Formal Start of Review .....	1581
<b>GOVERNOR'S COMMISSION ON MARYLAND MILITARY MONUMENTS</b>	
Public Meeting .....	1581
<b>BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS</b>	
Public Meeting .....	1581
<b>BOARD OF PLUMBING</b>	
Public Meeting .....	1581
<b>BOARD OF PODIATRIC MEDICAL EXAMINERS</b>	
Public Meeting .....	1581
Public Meeting .....	1581

<b>BOARD OF PUBLIC ACCOUNTANCY</b>	
Public Meeting .....	1581
<b>STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE</b>	
Public Meeting .....	1581
<b>BOARD OF REVENUE ESTIMATES</b>	
Public Meeting .....	1581
<b>DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION</b>	
Public Meeting .....	1581
<b>NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY</b>	
Public Meetings Notice Procedure .....	1581
<b>BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS</b>	
Public Meeting .....	1581

## COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://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](http://www.dsd.state.md.us).

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

## Availability of Monthly List of Maryland Documents

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

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

## CLOSING DATES AND ISSUE DATES through JULY 22, 2016

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

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

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

\*\* Note closing date changes

\*\*\* Note issue date and closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

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

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

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

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

## Table of Pending Proposals

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

### 02 OFFICE OF THE ATTORNEY GENERAL

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

### 07 DEPARTMENT OF HUMAN RESOURCES

**07.01.06.02—.06** • 41:25 Md. R. 1489 (12-12-14)

**07.02.07.01—.26** • 42:2 Md. R. 148 (1-23-15)

**07.02.26.01—.15** • 42:2 Md. R. 159 (1-23-15)

**07.07.08.03** • 42:21 Md. R. 1304 (10-16-15)

**07.07.09.05** • 42:21 Md. R. 1305 (10-16-15)

### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.01.05** • 42:25 Md. R. 1548 (12-11-15)

**08.02.04.13** • 42:16 Md. R. 1059 (8-7-15)

**08.02.04.15** • 42:24 Md. R. 1509 (11-30-15)

**08.02.05.03** • 42:24 Md. R. 1510 (11-30-15)

**08.02.11.01,.04,.06** • 42:23 Md. R. 1438 (11-13-15)

**08.02.14.13** • 42:24 Md. R. 1510 (11-30-15)

**08.07.01.01,.02** • 42:24 Md. R. 1510 (11-30-15)

**08.07.02.02,.02-1** • 42:24 Md. R. 1510 (11-30-15) (ibr)

**08.07.03.01—.03** • 42:21 Md. R. 1305 (10-16-15)

**08.07.04.01,.03** • 42:24 Md. R. 1511 (11-30-15)

**08.07.05.02,.04** • 42:24 Md. R. 1512 (11-30-15)

**08.07.08.05** • 42:21 Md. R. 1306 (10-16-15)

### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**09.03.06.02,.24,.25** • 42:2 Md. R. 170 (1-23-15)

**09.03.06.23** • 42:21 Md. R. 1307 (10-16-15)

**09.03.09.07** • 42:21 Md. R. 1308 (10-16-15)

**09.03.12.09** • 42:21 Md. R. 1309 (10-16-15)

**09.09.02.01** • 41:25 Md. R. 1500 (12-12-14)

**09.10.01.17** • 42:22 Md. R. 1382 (10-30-15)

**09.10.03.01-1** • 42:23 Md. R. 1440 (11-13-15)

**09.11.09.02** • 42:21 Md. R. 1310 (10-16-15)

**09.12.44.01,.02** • 42:1 Md. R. 25 (1-9-15)

**09.12.81.01-1,.04-1** • 42:2 Md. R. 173 (1-23-15)

**09.14.04.01,.02,.04** • 42:1 Md. R. 26 (1-9-15)

**09.23.04.03** • 41:25 Md. R. 1500 (12-12-14)

**09.39.01.01** • 42:21 Md. R. 1311 (10-16-15)

### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitles 01—08 (1st volume)

**10.01.08.04** • 41:25 Md. R. 1504 (12-12-14)

**10.03.01.03** • 42:22 Md. R. 1382 (10-30-15)

**10.05.02.04—.12** • 42:24 Md. R. 1512 (11-30-15)

**10.06.02.02** • 42:24 Md. R. 1513 (11-30-15)

**10.07.04.11** • 42:24 Md. R. 1513 (11-30-15)

**10.07.11.04** • 42:24 Md. R. 1518 (11-30-15)

#### Subtitle 09 (2nd volume)

**10.09.06.01,.03** • 42:25 Md. R. 1549 (12-11-15)

**10.09.07.01,.03—.08** • 42:25 Md. R. 1550 (12-11-15)

**10.09.10.07-2,.10-1,.12-1,.13,.15-1,.16-1,**

**.28** • 42:23 Md. R. 1441 (11-13-15)

**10.09.20.01—.20** • 42:23 Md. R. 1443 (11-13-15)

**10.09.23.07** • 42:23 Md. R. 1448 (11-13-15)

**10.09.24.08-1** • 42:23 Md. R. 1449 (11-13-15)

**10.09.26** • 42:4 Md. R. 443 (2-20-15) (err)

42:6 Md. R. 546 (3-20-15) (err)

**10.09.26.01—.53** • 42:3 Md. R. 328 (2-6-15)

**10.09.34.02,.06** • 42:25 Md. R. 1551 (12-11-15)

**10.09.36.03** • 42:23 Md. R. 1450 (11-13-15)

**10.09.61.01,.03** • 42:25 Md. R. 1552 (12-11-15)

**10.09.62.01** • 42:25 Md. R. 1549 (12-11-15)

**10.09.63.01** • 42:25 Md. R. 1549 (12-11-15)

**10.09.65.02** • 42:25 Md. R. 1549 (12-11-15)

**10.09.66.09** • 42:25 Md. R. 1549 (12-11-15)

**Subtitles 10 — 22 (3rd Volume)**

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

**Subtitles 23 — 36 (4th Volume)**

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

**Subtitles 37—63 (5th Volume)**

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

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 01—10**

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

**Subtitles 11—22 (MVA)**

11.11.05.02.,03.,05.,06 • 42:21 Md. R. 1323 (10-16-15)  
 11.15.33.08 • 42:21 Md. R. 1326 (10-16-15)

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

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

**13A STATE BOARD OF EDUCATION**

13A.02.06.02 • 42:14 Md. R. 912 (7-10-15)  
 42:23 Md. R. 1460 (11-13-15)  
 13A.04.02.01—,06 • 42:19 Md. R. 1238 (9-18-15)  
 13A.06.03.03 • 42:19 Md. R. 1240 (9-18-15)  
 13A.08.01.01 • 42:14 Md. R. 912 (7-10-15)  
 42:23 Md. R. 1460 (11-13-15)  
 13A.08.02.01 • 42:14 Md. R. 912 (7-10-15) (ibr)  
 42:23 Md. R. 1460 (11-13-15) (ibr)  
 13A.08.07.06 • 42:8 Md. R. 614 (4-17-15)  
 42:20 Md. R. 1270 (10-2-15)  
 13A.10.01.01.,03.,05 • 42:23 Md. R. 1461 (11-13-15)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

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

**14 INDEPENDENT AGENCIES**

14.09.12.02 • 42:21 Md. R. 1327 (10-16-15)  
 14.22.02.02 • 42:23 Md. R. 1462 (11-13-15)  
 14.31.10.01—,08 • 41:25 Md. R. 1523 (12-12-14)

**15 DEPARTMENT OF AGRICULTURE**

15.14.12.02 • 42:21 Md. R. 1327 (10-16-15)  
 15.15.01.10 • 41:25 Md. R. 1530 (12-12-14)  
 15.20.05.02—,04.,06—,10 • 42:19 Md. R. 1241 (9-18-15)

**20 PUBLIC SERVICE COMMISSION**

20.08.01.01—,08 • 42:11 Md. R. 733 (5-29-15)  
 42:22 Md. R. 1401 (10-30-15)  
 20.32.01.01—,04 • 42:25 Md. R. 1556 (12-11-15)  
 20.50.12.02 • 42:21 Md. R. 1328 (10-16-15)  
 20.53.01.02 • 42:25 Md. R. 1558 (12-11-15)  
 20.53.03.02 • 42:25 Md. R. 1558 (12-11-15)  
 20.53.04.02—,04 • 42:25 Md. R. 1558 (12-11-15)  
 20.53.05.06 • 42:25 Md. R. 1558 (12-11-15)  
 20.53.07.05.,07—,13 • 42:25 Md. R. 1558 (12-11-15)  
 20.53.08.01—,06 • 42:25 Md. R. 1558 (12-11-15)  
 20.59.01.02 • 42:25 Md. R. 1563 (12-11-15)  
 20.59.03.02 • 42:25 Md. R. 1563 (12-11-15)  
 20.59.04.02—,04 • 42:25 Md. R. 1563 (12-11-15)  
 20.59.05.03 • 42:25 Md. R. 1563 (12-11-15)  
 20.59.07.05.,07—,13 • 42:25 Md. R. 1563 (12-11-15)  
 20.59.08.01—,06 • 42:25 Md. R. 1563 (12-11-15)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 08—12 (Part 2)**

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

**Subtitles 13—18 (Part 3)**

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

**Subtitles 19—27 (Part 4)**

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

**29 DEPARTMENT OF STATE POLICE**

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

**31 MARYLAND INSURANCE ADMINISTRATION**

**31.01.02.02—.04,.07** • 42:23 Md. R. 1468 (11-13-15)  
42:24 Md. R. 1527 (11-30-15) (err)  
**31.02.01.02** • 42:23 Md. R. 1471 (11-13-15)  
**31.02.05.01—.04,.06,.08,.09** • 42:22 Md. R. 1403 (10-30-15)  
**31.03.05** • 42:18 Md. R. 1213 (9-4-15) (err)  
**31.03.05.01—.14** • 42:16 Md. R. 1085 (8-7-15)  
42:23 Md. R. 1471 (11-13-15)  
**31.10.27.01—.03** • 42:24 Md. R. 1527 (11-30-15)  
**31.15.06.01** • 42:23 Md. R. 1472 (11-13-15)  
**31.15.07.02** • 42:23 Md. R. 1472 (11-13-15)  
**31.15.08** • 42:23 Md. R. 1472 (11-13-15)  
**31.15.10.04** • 42:23 Md. R. 1472 (11-13-15)  
**31.15.11.07** • 42:23 Md. R. 1472 (11-13-15)  
**31.16.01** • 42:24 Md. R. 1528 (11-30-15)  
**31.16.04** • 42:24 Md. R. 1528 (11-30-15)  
**31.16.05.01** • 42:24 Md. R. 1528 (11-30-15)  
**31.16.06** • 42:24 Md. R. 1528 (11-30-15)  
**31.16.07.01—.09** • 42:24 Md. R. 1528 (11-30-15)

**32 MARYLAND DEPARTMENT OF AGING**

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

**33 STATE BOARD OF ELECTIONS**

**33.01.01** • 42:22 Md. R. 1412 (10-30-15) (err)  
**33.01.01.01** • 42:21 Md. R. 1335 (10-16-15)  
**33.02.03.04** • 42:23 Md. R. 1473 (11-13-15)  
**33.03.01.04,.05,.08** • 42:23 Md. R. 1474 (11-13-15)  
**33.04.01.02,.07,.09** • 42:23 Md. R. 1474 (11-13-15)  
**33.05.04.01—.07** • 42:21 Md. R. 1335 (10-16-15)  
**33.07.01.01,.02** • 42:23 Md. R. 1475 (11-13-15)  
**33.07.04.02** • 42:23 Md. R. 1475 (11-13-15)  
**33.07.05.02** • 42:23 Md. R. 1475 (11-13-15)  
**33.07.09.03,.06** • 42:23 Md. R. 1475 (11-13-15)  
**33.07.10.01,.02** • 42:23 Md. R. 1475 (11-13-15)  
**33.08.01.02,.05,.08** • 42:23 Md. R. 1476 (11-13-15)  
**33.08.02.02** • 42:23 Md. R. 1476 (11-13-15)  
**33.08.04.03,.04,.07,.08** • 42:23 Md. R. 1476 (11-13-15)  
**33.08.05.04—.07** • 42:23 Md. R. 1476 (11-13-15)  
**33.09.01.01,.03** • 42:23 Md. R. 1478 (11-13-15)  
**33.11.03.07** • 42:23 Md. R. 1478 (11-13-15)  
**33.11.05.01,.03** • 42:23 Md. R. 1478 (11-13-15)  
**33.12.01.02** • 42:23 Md. R. 1479 (11-13-15)  
**33.12.03.04** • 42:23 Md. R. 1479 (11-13-15)  
**33.12.04.06** • 42:23 Md. R. 1479 (11-13-15)  
**33.12.05.02,.03** • 42:23 Md. R. 1479 (11-13-15)  
**33.12.07.02,.04** • 42:23 Md. R. 1479 (11-13-15)  
**33.13.01.01** • 42:21 Md. R. 1336 (10-16-15)  
**33.13.02.02** • 42:21 Md. R. 1337 (10-16-15)  
**33.13.06.06** • 42:21 Md. R. 1338 (10-16-15)  
**33.13.08.02,.03** • 42:21 Md. R. 1338 (10-16-15)  
**33.13.09.02,.03** • 42:21 Md. R. 1339 (10-16-15)  
**33.13.10.01—.03** • 42:21 Md. R. 1340 (10-16-15)  
**33.13.12.03,.04** • 42:21 Md. R. 1341 (10-16-15)  
**33.13.15.06** • 42:21 Md. R. 1341 (10-16-15)  
**33.13.18.01—.04** • 42:21 Md. R. 1342 (10-16-15)  
**33.14.01.02** • 42:21 Md. R. 1343 (10-16-15)  
**33.14.02.03,.06,.09,.10,.12** • 42:21 Md. R. 1343 (10-16-15)

**33.14.03.04—.08** • 42:21 Md. R. 1344 (10-16-15)  
**33.15.03.01,.03—.08** • 42:23 Md. R. 1480 (11-13-15)  
**33.16.02.01,.03—.06** • 42:21 Md. R. 1345 (10-16-15)  
**33.16.03.01** • 42:21 Md. R. 1346 (10-16-15)  
**33.16.04.02** • 42:21 Md. R. 1346 (10-16-15)  
**33.16.05.03** • 42:21 Md. R. 1347 (10-16-15)  
**33.17.07.04** • 42:23 Md. R. 1481 (11-13-15)  
**33.18.01.03,.04** • 42:21 Md. R. 1348 (10-16-15)  
**33.18.02.01—.03** • 42:21 Md. R. 1348 (10-16-15)  
**33.19.01.01,.02** • 42:21 Md. R. 1349 (10-16-15)  
**33.19.02.01** • 42:21 Md. R. 1349 (10-16-15)  
**33.19.03.01—.04** • 42:21 Md. R. 1350 (10-16-15)  
**33.19.04.01—.03** • 42:21 Md. R. 1351 (10-16-15)  
**33.20.01.01** • 42:21 Md. R. 1351 (10-16-15)  
**33.20.02.02,.03** • 42:21 Md. R. 1352 (10-16-15)  
**33.20.04.01—.03** • 42:21 Md. R. 1353 (10-16-15)  
**33.20.05.01—.03** • 42:21 Md. R. 1353 (10-16-15)  
**33.20.06.01,.02** • 42:23 Md. R. 1481 (11-13-15)  
**33.20.07.01—.03** • 42:21 Md. R. 1354 (10-16-15)  
**33.20.08.01** • 42:21 Md. R. 1355 (10-16-15)

**34 DEPARTMENT OF PLANNING**

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

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

**36.01.03.03** • 42:23 Md. R. 1482 (11-13-15)  
**36.02.01.01** • 42:22 Md. R. 1405 (10-30-15)  
**36.02.03.02** • 42:22 Md. R. 1405 (10-30-15)  
**36.02.04.03,.06** • 42:22 Md. R. 1405 (10-30-15)  
**36.02.05.01** • 42:22 Md. R. 1405 (10-30-15)  
**36.02.06.11** • 42:22 Md. R. 1405 (10-30-15)  
**36.03.06.03** • 42:22 Md. R. 1406 (10-30-15)  
**36.03.08.04** • 42:22 Md. R. 1406 (10-30-15)  
**36.03.10.08,.10,.16,.21,.28,.38,.42,  
.43** • 42:22 Md. R. 1406 (10-30-15)  
**36.03.11.04** • 42:22 Md. R. 1408 (10-30-15)  
**36.04.01.11,.30** • 42:22 Md. R. 1408 (10-30-15)  
**36.05.02.01,.06,.15,.16** • 42:22 Md. R. 1409 (10-30-15)  
**36.05.03.11,.12** • 42:22 Md. R. 1409 (10-30-15)  
**36.05.06.05** • 42:22 Md. R. 1409 (10-30-15)  
**36.06.01—.03** • 42:14 Md. R. 930 (7-10-15)  
**36.06.02.01,.02** • 42:14 Md. R. 930 (7-10-15)  
**36.06.03.01—.08** • 42:14 Md. R. 930 (7-10-15)  
**36.06.04.01—.04** • 42:14 Md. R. 930 (7-10-15)  
**36.06.05.01—.06** • 42:14 Md. R. 930 (7-10-15)  
**36.06.06.01** • 42:14 Md. R. 930 (7-10-15)  
**36.08.01.01,.02** • 42:14 Md. R. 936 (7-10-15)  
**36.08.02.01** • 42:14 Md. R. 936 (7-10-15)  
**36.08.03.01** • 42:14 Md. R. 936 (7-10-15)



# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated November 3, 2015, **EUGENE ALAN SHAPIRO**, 14 W. St. Georges Road, Baltimore, Maryland 21210, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of the Court of Appeals dated November 6, 2015, **TAMARA RENEE GOOD**, 16 Grace Ridge Court, Monkton, Maryland 21111, has been disbarred, effective immediately, from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of the Court of Appeals dated November 10, 2015, **C. TRENT THOMAS**, 67 Prospect Square, Cumberland, Maryland 21502, has been disbarred, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated November 19, 2015, **TAKISHA VERA BROWN**, 4828 Kansas Avenue, NW, Washington, DC 20036, has been disbarred, effective immediately, from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated November 19, 2015, **KEVIN TRENT OLSZEWSKI**, 113 Glenmore Court, Bel Air, Maryland 21014, has been replaced upon the register of attorneys in the Court of Appeals as of November 19, 2015. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated November 20, 2015, **ANTOINE I. MANN**, 3 West All Saints Street, P.O. Box 831, Frederick, Maryland 21705, has been replaced upon the register of attorneys in the Court of Appeals as of November 20, 2015. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated November 20, 2015, **RONALD JAMES GROSS**, 1129 Smallbrook Lane, York, Pennsylvania 17403, has been indefinitely suspended, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

[15-25-29]

# 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 14 NEIGHBORHOOD AND COMMUNITY ASSISTANCE PROGRAM

#### 05.14.02 Endow Maryland

Authority: Tax-General Article, §10-736, Annotated Code of Maryland

#### Notice of Final Action

[15-245-F]

On November 15, 2015, the Secretary of Housing and Community Development adopted new Regulations.01—.11 under a new chapter, **COMAR 05.14.02 Endow Maryland**. This action, which was proposed for adoption in 42:18 Md. R. 1181—1184 (September 4, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

KENNETH C. HOLT  
Secretary of Housing and Community Development

which was proposed for adoption in 42:21 Md. R. 1312—1314 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

### Subtitle 05 FREESTANDING AMBULATORY CARE FACILITIES 10.05.05 Freestanding Ambulatory Surgical Facilities

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

#### Notice of Final Action

[15-315-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .03 under **COMAR 10.05.05 Freestanding Ambulatory Surgical Facilities**. This action, which was proposed for adoption in 42:21 Md. R. 1314 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 01 PROCEDURES

#### 10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs

Authority: Health-General Article, §§2-104, 21-301, 21-308, 21-309, 21-309.1, 21-403, 21-412, 21-808, and 21-812, Annotated Code of Maryland

#### Notice of Final Action

[15-319-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .02 under **COMAR 10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs**. This action,

### Subtitle 07 HOSPITALS 10.07.03 Health Care Staff Agencies

Authority: Health-General Article, §19-2001, Annotated Code of Maryland

#### Notice of Final Action

[15-314-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .05 under **COMAR 10.07.03 Health Care Staff Agencies**. This action, which was proposed for adoption in 42:21 Md. R. 1314—1315 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 07 HOSPITALS

### 10.07.05 Residential Service Agencies

Authority: Health-General Article, Title 19, Subtitle 4A, Annotated Code of Maryland

#### Notice of Final Action

[15-313-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .04 under **COMAR 10.07.05 Residential Service Agencies**. This action, which was proposed for adoption in 42:21 Md. R. 1315-1316 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 10 LABORATORIES

### 10.10.04 Medical Laboratories—Fees

Authority: Health-General Article, §§17-202, 17-204, 17-205, 17-207, 17-209, 17-502, 17-503, and 17-506, Annotated Code of Maryland

#### Notice of Final Action

[15-310-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .02 under **COMAR 10.10.04 Medical Laboratories—Fees**. This action, which was proposed for adoption in 42:21 Md. R. 1316 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 12 ADULT HEALTH

### 10.12.04 Day Care for the Elderly and Adults with a Medical Disability

Authority: Health-General Article, §§2-104, 14-206, and 14-304, Annotated Code of Maryland

#### Notice of Final Action

[15-312-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .04 under **COMAR 10.12.04 Day Care for the Elderly and Adults with a Medical Disability**. This action, which was proposed for adoption in 42:21 Md. R. 1317 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 26 BOARD OF ACUPUNCTURE

### 10.26.01 Fee Schedule

Authority: Corporations and Associations Article, §§5-101—5-131; Health Occupations Article, §§1A-205, 1A-206, 1A-302; Annotated Code of Maryland

#### Notice of Final Action

[15-311-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .03 under **COMAR 10.26.01 Fee Schedule**. This action, which was proposed for adoption in 42:21 Md. R. 1321 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 34 BOARD OF PHARMACY

### 10.34.09 Fees

Authority: Health Occupations Article, §§12-205, 12-206, 12-302, 12-303, 12-305, 12-308, 12-310, 12-404, 12-407, 12-601, 12-6B-02, 12-6B-03, 12-6B-04, 12-6B-07, 12-6C-03, 12-6C-04, 12-6C-05, 12-6C-06, 12-6D-05, 12-6D-06, and 12-6D-09, Annotated Code of Maryland

#### Notice of Final Action

[15-331-F]

On December 2, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .02 and the repeal of Regulation .04 under **COMAR 10.34.09 Fees**. This action, which was proposed for adoption in 42:21 Md. R. 1321—1322 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

### 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions

Authority: Health-General Article, §§19-207, 19-212, and 19-215, Annotated Code of Maryland

#### Notice of Final Action

[15-264-F]

On November 18, 2015, the Health Services Cost Review Commission adopted amendments to Regulation .02 under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action, which was proposed for adoption in 42:20 Md. R. 1268 (October 2, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

JOHN M. COLMERS  
Chairman

## Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

### 10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-201 and 19-207, Annotated Code of Maryland

#### Notice of Final Action

[15-262-F]

On November 18, 2015, the Health Services Cost Review Commission adopted amendments to Regulation **.07-1** under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action, which was proposed for adoption in 42:20 Md. R. 1268—1269 (October 2, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

JOHN M. COLMERS  
Chairman

## Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

### 10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-207, 19-219 and 19-222, Annotated Code of Maryland

#### Notice of Final Action

[15-263-F]

On November 18, 2015, the Health Services Cost Review Commission adopted amendments to Regulation **.10** under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action, which was proposed for adoption in 42:20 Md. R. 1269 (October 2, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

JOHN M. COLMERS  
Chairman

## Subtitle 44 BOARD OF DENTAL EXAMINERS

### 10.44.19 Dental Radiation Technologist

Authority: Health Occupations Article, §4-505, Annotated Code of Maryland

#### Notice of Final Action

[15-257-F]

On November 24, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.05**, new Regulation **.06**, and the recodification of existing Regulations **.06—11** to be Regulations **.07—12** under **COMAR 10.44.19 Dental Radiation Technologist**. This action, which was proposed for adoption in 42:19 Md. R. 1237—1238 (September 18, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Title 11 DEPARTMENT OF TRANSPORTATION

### Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

#### 11.07.06 Public-Private Partnership Program

Authority: State Finance and Procurement Article, §§10A-101 et seq., 10A-201 et seq., 10A-301 et seq., 10A-401 et seq., and 11-203(h), Annotated Code of Maryland

#### Notice of Final Action

[15-234-F]

On October 29, 2015, the Executive Director of the Maryland Transportation Authority adopted the repeal of existing Regulations **.01—.14** under **COMAR 11.07.06 Transportation Public-Private Partnerships** and adopted new Regulations **.01—.10** under a new chapter, **COMAR 11.07.06 Public-Private Partnership Program**. This action, which was proposed for adoption in 42:17 Md. R. 1131—1137 (August 21, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

MILTON CHAFFEE  
Executive Director

### Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

#### 11.07.07 Electronic Toll Collection and Toll Violation Enforcement

Authority: Courts and Judicial Proceedings Article, §§7-301 and 7-302; Transportation Article, §§4-205, 4-312, 21-1414, 21-1415, 26-401, and 27-110; Annotated Code of Maryland

#### Notice of Final Action

[15-233-F]

On October 29, 2015, the Executive Director of the Maryland Transportation Authority adopted amendments to Regulations **.02**, **.04**, **.06**, **.08**, and **.09** under **COMAR 11.07.07 Electronic Toll Collection and Toll Violation Enforcement**. This action, which was proposed for adoption in 42:17 Md. R. 1138—1140 (August 21, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

MILTON CHAFFEE  
Executive Director

# Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

## 11.15.14 Certificates of Title

Authority: Transportation Article, §§12-104(b), 13-106, and 13-110, Annotated Code of Maryland

### Notice of Final Action

[15-242-F]

On October 20, 2015, the Administrator of the Motor Vehicle Administration adopted amendments to Regulations .02—.15 under COMAR 11.15.14 Certificates of Title. This action, which was proposed for adoption in 42:18 Md. R. 1191—1193 (September 4, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 21, 2015.**

### 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:

Regulations .03C(4)—(5), .04C(4)—(5), .05B(4)—(5), and .09B(4)—(5): Change the words “If a” to “A” to remove unnecessary language and delete “,” and replace with “and” for clarification.

Regulation .08A(2): Add “,” after the word owner, replace the word “and” after auctioneer with “including”, and remove the word “certification” after disclosure.

These changes are purely grammatical.

### .03 New Vehicles.

A.—B. (proposed text unchanged)

C. The Administration shall refuse to issue a certificate of title if:

(1)—(3) (proposed text unchanged)

(4) *[[If a]] A transaction involves a bankruptcy[[.]] and a copy of the court appointment for the bankruptcy trustee is not furnished;*

(5) *[[If a]] A transaction involves a legal dependent[[.]] and a copy of a court appointment for the legal guardian is not furnished;*

(6)—(15) (proposed text unchanged)

### .04 Used Vehicles Sold by a Dealer.

A.—B. (proposed text unchanged)

C. The Administration shall refuse to issue a certificate of title if:

(1)—(3) (proposed text unchanged)

(4) *[[If a]] A transaction involves a bankruptcy[[.]] and a copy of the court appointment for the bankruptcy trustee is not furnished;*

(5) *[[If a]] A transaction involves a legal dependent[[.]] and a copy of a court appointment for the legal guardian is not furnished;*

(6)—(17) (proposed text unchanged)

### .05 Used Vehicles Sold or Transferred from Someone Other Than a Dealer.

A. (proposed text unchanged)

B. The Administration shall refuse to issue a certificate of title if:

(1)—(3) (proposed text unchanged)

(4) *[[If a]] A transaction involves a bankruptcy[[.]] and a copy of the court appointment for the bankruptcy trustee is not furnished;*

(5) *[[If a]] A transaction involves a legal dependent[[.]] and a copy of a court appointment for the legal guardian is not furnished;*

(6)—(22) (proposed text unchanged)

### .08 Vehicles Being Titled Because of Mechanic's Lien.

A. An applicant for a *certificate of title* for a vehicle being titled due to a mechanic's lien shall provide the Administration with:

(1) (proposed text unchanged)

(2) A certification by the garage owner, or the person having the lien, and the auctioneer, *[[and]] including the odometer disclosure [[certification]] as required by COMAR 11.13.06*, on a form provided by the Administration, that the auction was held in compliance with Commercial Law Article, Title 16, Annotated Code of Maryland;

(3)—(8) (proposed text unchanged)

B. (proposed text unchanged)

### .09 Vehicles Being Titled Due to a Sheriff's Sale.

A. (proposed text unchanged)

B. The Administration shall refuse to issue a certificate of title if:

(1)—(3) (proposed text unchanged)

(4) *[[If a]] A transaction involves a bankruptcy[[.]] and a copy of the court appointment for the bankruptcy trustee is not furnished;*

(5) *[[If a]] A transaction involves a legal dependent[[.]] and a copy of a court appointment for the legal guardian is not furnished;*

(6)—(14) (proposed text unchanged)

CHRISTINE NIZER  
Administrator

# Title 13B MARYLAND HIGHER EDUCATION COMMISSION

### Notice of Final Action

[15-267-F]

On November 18, 2015, the Maryland Higher Education Commission adopted:

(1) Amendments to Regulations .02, .03, and .04-1 and new Regulation .07-1 under COMAR 13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland;

(2) New Regulations .01—.09 under a new chapter, COMAR 13B.02.05 Approval and Oversight of In-State SARA Institutions; and

(3) Amendments to Regulations .01 and .02 under COMAR 13B.05.01 Registration.

This action, which was proposed for adoption in 42:20 Md. R. 1272—1276 (October 2, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 21, 2015.**

### 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:

(1) In three instances, language making the regulations effective, “[i]f the State is a member of SARA”, have been removed. This language was removed because it is unnecessary and potentially confusing.

(2) Under Regulation 13B.02.05.02, the definition of “in-State institution” has been amended for consistency with Regulation 13B.02.01.03B(10-1).

(3) Under 13B.02.05.02, the definition of “SARA” has been corrected consistency throughout the regulations.

(4) Under Regulation 13B.02.05.08, language was added to clarify that the Secretary may issue a decision on whether to terminate an institution's SARA membership, regardless of whether the institution submitted written objections within a specified timeframe.

## Subtitle 02 ACADEMIC REGULATIONS

### 13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland

Authority: Education Article, §§11-105(u), 11-202, and 11-202.2, Annotated Code of Maryland

#### .02 Scope.

A.—D. (proposed text unchanged)

E. *Application of Chapter to Out-of-State SARA Institutions.*

(1) *[[If the State is a member of SARA,]] Regulations .04-1—,22 of this chapter do not apply to out-of-State SARA institutions that do not operate in Maryland.*

(2) (proposed text unchanged)

#### .07-1. *Operation of Out-of-State SARA Institutions in the State.*

A. *[[ If the State is a member of SARA, an]] An out-of-State SARA institution that does not operate in Maryland may provide SARA distance education in the State.*

B.—D. (proposed text unchanged)

### 13B.02.05 Approval and Oversight of In-State SARA Institutions.

Authority: Education Article, §§11-105(u), 11-202, and 11-202.2, Annotated Code of Maryland

#### .02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(4) (proposed text unchanged)

(5) *“In-State institution” means an institution of higher education [[whose authority to grant degrees is conferred by Maryland]] that holds its legal domicile in the State.*

(6) (proposed text unchanged)

(7) *“SARA” means [[the]] a State Authorization Reciprocity Agreement [[of which the State is a member]] overseen by the National Council for State Authorization Reciprocity Agreements and administered by the Southern Regional Education Board, the New England Board of Higher Education, the Midwestern Higher Education Compact, or the Western Interstate Commission for Higher Education.*

(8)—(9) (proposed text unchanged)

#### .08 Termination of an In-State Institution's Participation in SARA.

A.—B. (proposed text unchanged)

C. *Within 20 days of receipt of the institution's written response to the notice of deficiencies, or if the Secretary receives no written response, the Secretary shall issue a decision on whether to terminate the institution's participation in SARA.*

D. (proposed text unchanged)

## Subtitle 05 FULLY ONLINE PROGRAMS

### 13B.05.01 Registration

Authority: Education Article, §§11-105(u), 11-202, and 11-202.2, Annotated Code of Maryland

#### .02 Scope.

This chapter does not apply to an online program that:

A—B. (proposed text unchanged)

C. *Is offered by an institution approved by its state authority to participate in SARA[[, if Maryland is a member of SARA]].*

JENNIE C. HUNTER-CEVERA, Ph.D.  
Acting Secretary of Higher Education

## Title 14 INDEPENDENT AGENCIES

### Subtitle 13 NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

#### 14.13.01 Procurement Procedures

Authority: Natural Resources Article, §§3-905(b) and 3-921, Annotated Code of Maryland

#### Notice of Final Action

[15-209-F]

On November 17, 2015, the Northeast Maryland Waste Disposal Authority adopted amendments to Regulations .02, .03, and .06 under **COMAR 14.13.01 Procurement Procedures**. This action, which was proposed for adoption in 42:16 Md. R. 1082 — 1083 (August 7, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

CHRISTOPHER SKAGGS  
Executive Director

## Title 18 DEPARTMENT OF ASSESSMENTS AND TAXATION

### Subtitle 14 UNIFORM COMMERCIAL CODE

#### 18.14.01 General Provisions

Authority: Commercial Law Article, §§9-501.1 and 9-526; Corporations and Associations Article, §§1-203(8) and 1-203.2; Annotated Code of Maryland

#### Notice of Final Action

[15-266-F]

On November 19, 2015, the Director of the State Department of Assessments and Taxation adopted amendments to Regulation .05 under **COMAR 18.14.01 General Provisions**. This action, which was proposed for adoption in 42:20 Md. R. 1281 (October 2, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 21, 2015.**

**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 .05C: Affidavit form was added to regulation text.

**.05 Forms.**

A. — B. (proposed text unchanged)

C. Affidavit Form.

**NOTE: This form appears at the end of the Final Action on Regulations section of this issue of the Maryland Register.**

SEAN P. POWELL

Director of Assessments and Taxation

**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 Final Action**

[15-326-F]

On December 1, 2015, the Secretary of the Environment adopted amendments to Regulation **.09-1** under **COMAR 26.08.04 Permits**. This action, which was proposed for adoption in 42:21 Md. R. 1330—1331 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 10 OIL POLLUTION AND TANK MANAGEMENT****26.10.06 Underground Storage System Technician, Remover, and Inspector Certification**

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-407, 4-408, 4-409, 4-410, 4-411, 4-411.1, 4-411.2, 4-415.1, 4-417, 4-701 et seq., and 7-201 et seq., Annotated Code of Maryland

**Notice of Final Action**

[15-325-F]

On December 1, 2015, the Secretary of the Environment adopted amendments to Regulations **.02—, .05, .09, and .12** under **COMAR 26.10.06 Underground Storage System Technician, Remover, and Inspector Certification**. This action, which was proposed for adoption in 42:21 Md. R. 1331—1333 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 11 AIR QUALITY****26.11.21 Control of Asbestos**

Authority: Environment Article, §§6-411 and 6-413, Annotated Code of Maryland

**Notice of Final Action**

[15-309-F]

On December 1, 2015, the Secretary of the Environment adopted amendments to Regulation **.10** under **COMAR 26.11.21 Control of Asbestos**. This action, which was proposed for adoption in 42:21 Md. R. 1333—1334 (October 16, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Title 29****DEPARTMENT OF STATE POLICE****Subtitle 01 OFFICE OF THE SECRETARY****29.01.02 Public Information Requests**

Authority: *General Provisions Article, §§4-201, 4-206, and 4-205; Public Safety Article, §2-205, Annotated Code of Maryland*

**Notice of Final Action**

[15-265-F]

On November 24, 2015, the Secretary of the State Police adopted amendments to Regulation **.13** under **COMAR 29.01.02 Public Information Requests**. This action, which was proposed for adoption in 42:20 Md. R. 1281—1282 (October 2, 2015), has been adopted as proposed.

**Effective Date: December 21, 2015.**

WILLIAM M. PALLOZZI  
Secretary of State Police

Filing Number of Financing Statement: \_\_\_\_\_  
Date of Filing: \_\_\_\_\_

**AFFIDAVIT REGARDING FINANCING STATEMENT  
UNDER MARYLAND COMMERCIAL LAW ARTICLE, §9-501.1**

I, \_\_\_\_\_, hereby certify that:

1. I am eighteen years of age or older, have personal knowledge and sufficient experience to testify to the matters stated herein and am competent to be a witness in a legal proceeding.

2. I am the person identified in the above-referenced Financing Statement as the (check one):

☐ Secured Party

☐ Debtor

☐ Submitter (check **only** if different from the person identified as the Secured Party)

3. I believe that the above-referenced Financing Statement (check one):

☐ **is not** a prohibited filing under Commercial Law Article, §9-501.1(c)

☐ **is** a prohibited filing under Commercial Law Article, §9-501.1(c)

4. The factual basis for my belief indicated above is as follows (continue on back if necessary):

a.

b.

c.

d.

e.

5. ☐ Documents are attached which support the factual basis for my belief indicated above.

**I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this Affidavit are true.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Alternative Oath:**

**I solemnly affirm under the penalties of perjury that the contents of this Affidavit are true to the best of my information, knowledge and belief.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**





# Proposed Action on Regulations

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

## Symbol Key

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

## Promulgation of Regulations

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

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

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

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.01 General

Authority: Natural Resources Article, §4-701, Annotated Code of Maryland

#### Notice of Proposed Action

[15-394-P]

The Secretary of Natural Resources proposes to amend Regulation **.05** under **COMAR 08.02.01 General**.

#### Statement of Purpose

The purpose of this action is to modify the number of commercial fishing license authorization targets. The proposed action makes modifications to the authorization targets to reflect the number of tidal fish license conversions made in the 2014—2015 license year. The law allows the conversion (downgrade) of an unlimited tidal fish license (UTFL) into its individual component authorizations. Downgrading a UTFL decreases the UTFL target and increases the target of each license type that is included in a UTFL (resident fishing guide (FGR), unlimited finfish harvester (FIN), crab harvester 300 pot (CB3), clam harvester (CLM), oyster harvester (OYH), oyster dredge boat (ODB), and conch turtle lobster (CTL)). The number and type of authorizations involved in a downgrade of a UTFL provide the basis for changes to the license authorization target levels.

During the 2014/2015 license renewal period, four individuals downgraded their UTFLs. Applicants could choose which license components of the UTFL they wanted to retain. In summary, the UTFL number is decreased by four and the number for FGR, FIN, CB3, CLM, OYH, ODB, and CTL is increased by four each.

The proposed action shows the target number for each authorization available after all of the additions and subtractions. The targets are correct as of July 1, 2015. The Tidal Fisheries Advisory

Commission was consulted regarding these changes at their July 2015 meeting and did not have any questions or concerns.

#### 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 Commercial License Targets, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to [fisheriespubliccomment.dnr@maryland.gov](mailto:fisheriespubliccomment.dnr@maryland.gov), or fax to 410-260-8310. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

### .05 Targets for the Number of Tidal Fish License Authorizations and Apprenticeship Permits.

A. The targets for the number of tidal fish license authorizations issued by the Department are the number of authorizations issued between September 1, 1998, and March 31, 1999, including adjustments made annually according to specifications listed in §B of this regulation, listed by the following categories:

Abbreviation	Authorization	Number
FGR	Fishing Guide Resident	[471] 475
FGN — HLI	(text unchanged)	
FIN	Unlimited Finfish Harvester	[253] 257
LCC — LCCM	(text unchanged)	2,598
CB3	Crab Harvester—300 Pots	[252] 256

CB6 — CB9	(text unchanged)	
CLM	Clam Harvester	[21] 25
OYH	Oyster Harvester	[686] 690
ODB	Oyster Dredge Boat	[13] 17
CTL	Conch, Turtles, and Lobster Harvester	[20] 24
TFL	Unlimited Tidal Fish	[2,110] 2106

B. — C. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

# Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## Subtitle 09 MEDICAL CARE PROGRAMS

### Notice of Proposed Action

[15-398-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend Regulations .01 and .03 under **COMAR 10.09.06 Hospital Services**;
- (2) Amend Regulation .01 under **COMAR 10.09.62 Maryland Medicaid Managed Care Program: Definitions**;
- (3) Amend Regulation .01 under **COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment**;
- (4) Amend Regulation .02 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**; and
- (5) Adopt new Regulation .09 under **COMAR 10.09.66 Maryland Medicaid Managed Care Program: Access**.

### Statement of Purpose

The purpose of this action is to:

- (1) Add the definition of a medically underserved area;
- (2) Require hospitals that are the sole hospital in a county that is medically underserved to contract with any willing MCO;
- (3) Add language to exclude individuals who are 64-1/2 years old or older from being eligible for enrollment in the Managed Care Program;
- (4) Update the authority under which the Patient Centered Medical Home Program operates; and
- (5) Require MCOs whose service area includes medically underserved counties where there is only one hospital to include the hospital in its network.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Economic Impact on Small Businesses

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

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

## 10.09.06 Hospital Services

Authority: Health-General Article, §§2-104(b), 15-102.8, 15-103, and 15-105, Annotated Code of Maryland

### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(21-1) (text unchanged)

(21-2) “*Medically Underserved Area*” means an area designated by the Health Resources and Services Administration (HRSA) as having shortages of primary care, dental care, or mental health providers.

(22)—(47) (text unchanged)

### .03 Conditions for Participation.

A. (text unchanged)

B. Specific requirements for participation in the Program as a hospital services provider require that the provider:

(1)—(7) (text unchanged)

(8) If an out-of-State or District of Columbia hospital, shall:

(a)—(b) (text unchanged)

(c) Allow all HealthChoice managed care organizations to pay no more than the reimbursement rates established in COMAR 10.09.06.09A(7)(a)—(f); [and]

(9) If a District of Columbia hospital, shall allow all HealthChoice managed care organizations to pay no more and no less than the reimbursement rates in COMAR 10.09.06.15B(3) and COMAR 10.09.06.15-1A(3) unless the parties mutually agree to an alternative arrangement in a contract on or after July 1, 2011[.]; and

(10) If the sole hospital in a county designated as a medically underserved area, contract with any willing HealthChoice managed care organization.

C. (text unchanged)

## 10.09.62 Maryland Medicaid Managed Care Program: Definitions

Authority: Health-General Article, §15-101, Annotated Code of Maryland

### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(96) (text unchanged)

(97) “*Local access area*” means the local geographical area, as identified by the zip code groupings in COMAR [10.09.66.06E] 10.09.66.06D, that is located within the relevant MCO’s service area and in which the relevant enrollee resides.

(98)—(115) (text unchanged)

(115-1) “*Medically underserved area*” means an area designated by the Health Resources and Services Administration (HRSA) as having shortages of primary care, dental care, or mental health providers.

(116)—(174) (text unchanged)

(175) “*Systems performance review (SPR)*” means an assessment, as a component of the [annual] quality assurance (QA) audit, of quality assurance operations taking place in the MCO.

(176)—(181) (text unchanged)

### 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment

Authority: Health-General Article, §15-103(b)(3), (4), and (6), Annotated Code of Maryland

#### .01 Eligibility.

A. Criteria. Except as provided in §B of this regulation, a Program recipient shall be enrolled in the Maryland Medicaid Managed Care Program, described in this chapter, if the recipient is eligible for receipt of Medical Assistance benefits by qualifying:

(1) As categorically needy or medically needy under COMAR 10.09.24, unless the recipient is:

(a) [65] 64-1/2 years old or older;

(b)—(d) (text unchanged)

(2)—(3) (text unchanged)

B. (text unchanged)

### 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

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

#### .02 Conditions for Participation.

A. — BB. (text unchanged)

CC. Effective July 1, 2011, MCOs shall participate in the Maryland Health Care Commission's Patient Centered Medical Home Program [as described in] *authorized under* Health-General Article, [§§19-1A-02—19-1A-05] §§19-103 and 19-109, Annotated Code of Maryland, and follow the policies and procedures established by the Maryland Health Care Commission.

DD.—EE. (text unchanged)

### 10.09.66 Maryland Medicaid Managed Care Program: Access

Authority: Health-General Article, §§15-102.1(b)(10) and 15-103(b), Annotated Code of Maryland

#### .09 Access: Hospitals.

*If an MCO's service area includes a county that is designated as a medically underserved area and there is only one hospital in the county, the MCO shall include the hospital in its network.*

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.07 Medical Day Care Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-111, Annotated Code of Maryland

#### Notice of Proposed Action

[15-395-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01 and .03—.08 under COMAR 10.09.07 Medical Day Care Services.

#### Statement of Purpose

The purpose of this action is to amend and add language to:

(1) Align COMAR 10.09.07 with the licensing regulations specified in COMAR 10.12.04 Day Care for the Elderly and Adults with a Medical Disability; and

(2) Clarify existing language.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Adult Day Care Assessment and Planning System (ADCAPS)" means a [comprehensive assessment of a participant's strengths, needs, and abilities] *system that is comprised of a comprehensive assessment completed by a registered nurse, which is designed to evaluate the participant's strengths and needs, and to facilitate the development of a problem list, service plan, and plan of care.*

(2)—(5) (text unchanged)

(6) "Home and [Community Based Services (HCBS) Waiver] *community based services waiver*" means a program implemented by the Department and approved by the Secretary of Health and Human Services, which authorizes the waiver of certain specified federal statutory requirements limiting coverage for home and community based services under the Maryland Medical Assistance Program.

(7)—(15) (text unchanged)

(16) "Multidisciplinary team" means the group consisting of [appropriate] members of the medical day care center's professional staff, [and] the participant [or], *the participant's* authorized representative, [or both,] *health care professionals, and waiver case managers, as appropriate,* that establishes and updates the *participant's* service plan and [the] plan of care [and assesses the appropriateness of the services provided to the participant by the medical day care center].

(17)—(18) (text unchanged)

(19) "Participant" means an individual:

(a) (text unchanged)

(b) Who is enrolled in [an HCBS] *a home and community based services* waiver that includes medical day care as a waiver service; and

(c) Whose disabilities and needs cannot be satisfactorily and totally met in an episodic ambulatory care setting but require participation at least 1 day a week in a day-long rehabilitative or maintenance ambulatory care program which provides a mix of medical and social services and is authorized in the participant's [HCBS] *home and community based services* waiver service plan.

(20)—(22) (text unchanged)

(23) “Plan of care” means a written plan established by the multidisciplinary team in accordance with *COMAR 10.12.04.22, based upon a physician order and an assessment of the participant’s health status and [all of the participant’s] special care requirements[, including all services or interventions necessary to maintain the participant at, or to restore the participant to, optimal capability for self care].*

(24)—(32) (text unchanged)

(33) “*Significant change in condition*” means a change in the participant’s physical, mental, or psychological status as identified by the comprehensive assessment performed by a registered nurse.

[(33)] (34)—[(34)] (35) (text unchanged)

### **.03 Conditions for Participation.**

Requirements for providing medical day care services are that the providers shall:

A.—G. (text unchanged)

H. Maintain medical records for each participant which shall include, as a minimum, the following:

(1)—(2) (text unchanged)

(3) The current [HCBS] *home and community based services* waiver service plan or the approved medical day care preauthorization form for the participant;

(4)—(6) (text unchanged)

(7) The initial social history, [quarterly] ADCAPS assessment, and, when needed, social service and activity progress notes;

I.—L. (text unchanged)

M. Establish a multidisciplinary team who shall:

(1) (text unchanged)

(2) Determine the medical, psychosocial, and functional status of each participant by:

(a) (text unchanged)

(b) Completing the assessment with an initial plan of care within 30 days, after which the ADCAPS evaluations shall be conducted [quarterly] *every 4 months*;

(3) (text unchanged)

(4) Review and update with the participant or participant’s representative, the individual plan of care semi-annually or more frequently when [there is a] *a significant change in [the participant’s] condition is identified or reported*;

N.—O. (text unchanged)

### **.04 Staffing Requirements.**

A. The medical day care center shall have adequate staffing capability to monitor the participants at all times. The composition of the staff depends in part on the needs of the participants and on the number of participants the medical day care center serves. At a minimum, the medical day care center shall meet the requirements of *COMAR [10.12.04.13] 10.12.04.14.*

B.—C. (text unchanged)

### **.05 Covered Services.**

A. The Program reimburses for a day of care which includes the following services:

(1)—(5) (text unchanged)

(6) Nutrition services which include the following:

(a) Meals and snacks as specified under *COMAR [10.12.04.19] 10.12.04.20*;

(b) Therapeutic diets as specified under *COMAR [10.12.04.19] 10.12.04.20*; and

(c) (text unchanged)

(7) (text unchanged)

(8) Activity programs in accordance with *COMAR [10.12.04.14C] 10.12.04.15C*; and

(9) Transportation services that:

(a) *Are in accordance with COMAR 10.12.04.27*;

[(a)] (b)—[(h)] (i) (text unchanged)

B. (text unchanged)

### **.06 Limitations.**

A. (text unchanged)

B. Covered services do not include:

(1) Days of service in excess of the frequency specified in the participant’s [HCBS] *home and community based services* waiver service plan;

(2)—(4) (text unchanged)

### **.07 Authorization Requirements.**

The provider is entitled to reimbursement from the Program when:

A. The participant is enrolled in [an HCBS] *a home and community based services* waiver; and

B. The service is specified in the participant’s [HCBS] *home and community based services* waiver service plan.

### **.08 Payment Procedures.**

A. (text unchanged)

B. Payment to a provider shall be limited to the number of days each participant attends the medical day care center, as authorized by a participant’s [HCBS] *home and community based services* waiver service plan.

C.—E. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

## **Subtitle 09 MEDICAL CARE PROGRAMS**

### **10.09.34 Therapeutic Behavioral Services**

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

#### **Notice of Proposed Action**

[15-392-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.02** and **.06** under **COMAR 10.09.34 Therapeutic Behavioral Services**.

#### **Statement of Purpose**

The purpose of this action is to update the reimbursement rates to reflect the 2 percent rate increase for behavioral health providers that became effective on January 1, 2015.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

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

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to

dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

**.02 Conditions for Provider Participation.**

A. A therapeutic behavioral service provider shall:

(1)—(2) (text unchanged)

(3) Provide a written progress note that is completed for each time period that a therapeutic behavioral aide spends with the recipient and includes:

(a) The location, date, [end and] start *time, and end* time of the service;

(b)—(e) (text unchanged)

B. (text unchanged)

**.06 Payment Procedures.**

A.—B. (text unchanged)

C. Reimbursement for services covered under this chapter is as follows:

(1) Initial therapeutic assessment[, by report] *at a rate of \$26.91 per 15 minutes, with a maximum of 60 minutes;*

(2) Review of behavioral plan at a rate of [\$94] *\$25.29 per 15 minutes, with a maximum of 60 minutes;* and

(3) Therapeutic behavioral services at a rate of [\$5 for] *\$5.50 per 15 minutes.*

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.61 Medical Day Care Services Waiver

Authority: Health-General Article, §§2-104(b), 15-103, and 15-111, Annotated Code of Maryland

**Notice of Proposed Action**

[15-393-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01 and .03 under **COMAR 10.09.61 Medical Day Care Services Waiver**.

**Statement of Purpose**

The purpose of this action is to update current Medical Day Care Program regulations to align with licensing regulations under COMAR 10.12.04 and to clarify existing language regarding multidisciplinary teams and plans of care.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

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

be accepted through January 11, 2016. A public hearing has not been scheduled.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

(10) “Multidisciplinary team” means the group consisting of [appropriate] members of the medical day care center’s professional staff, [and] the participant [or], *the participant’s* authorized representative, [or both,] *healthcare professionals, and waiver case managers, as appropriate,* that establishes and updates the *participant’s* service plan and [the] plan of care [and assesses the appropriateness of the services provided to the participant by the medical day care center].

(11)—(13) (text unchanged)

(14) “Plan of care” means a written plan established by the multidisciplinary team in accordance with:

(a) A signed physician order; and

(b) An assessment of the participant’s health status and all of the participant’s special care requirements necessary to maintain the participant at, or to restore the participant to, optimal capability for self care] *COMAR 10.12.04.22 and based on:*

(a) *A physician order; and*

(b) *An assessment of the participant’s health status and special care requirements.*

(15)—(23) (text unchanged)

**.03 Participant Eligibility.**

A. (text unchanged)

B. Technical Eligibility. An individual shall be determined by the Department or its designee to be eligible for waiver services if the individual:

(1)—(2) (text unchanged)

(3) Has a service plan that:

(a)—(b) (text unchanged)

(c) Is developed and signed by [the]:

(i) *The participant or authorized representative[.]; and [an appropriately constituted]*

(ii) *Appropriate members of the multidisciplinary team[, and approved by the Department or its designee];*

(d) Is revised as necessary [by the participant or authorized representative, and the multidisciplinary team] due to a significant change in the participant’s condition or service needs[, with the revisions approved by the Department or its designee];

(e) (text unchanged)

(4)—(7) (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

## Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

### 10.29.01 Hearing Procedures

Authority: Health Occupations Article, §§1-606, 7-205(a)(1) and (c), 7-316, and 7-604, Annotated Code of Maryland

**Notice of Proposed Action**

[15-396-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulation .01, adopt new Regulations .01 and .10, and recodify existing Regulations .10—,12 to be Regulations .11—,13 under **COMAR 10.29.01 Hearing Procedures**. This action was considered at a public meeting on September 9, 2015, notice

of which was given on the Board's website at <http://dhmh.maryland.gov/bom/SitePages/Home.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to establish sanctioning guidelines for the Board to use when imposing discipline on a respondent for violating the Maryland Morticians and Funeral Directors Act or COMAR 10.29.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

**.01 Scope.**

A. This chapter governs procedures for disciplinary matters and hearings before the Maryland State Board of Morticians and Funeral Directors and establishes the standards for use as a guide for the imposition of disciplinary sanctions against any of the following under jurisdiction of the Board:

(1) A licensed mortician, funeral director, apprentice, surviving spouse, funeral establishment, corporation, crematory supervisor, or executor;

- (2) A courtesy card holder;
- (3) A holder of a permit to operate a crematory;
- (4) A certified crematory operator or crematory technician;
- (5) A holder of a mortuary transport permit; and
- (6) A registered transporter.

B. If, after a hearing, the Board finds that there are grounds under Health Occupations Article, §7-316 or 7-604, Annotated Code of Maryland, to sanction any person listed in §A of this regulation by way of probation, reprimand, suspension, fine, or revocation, the Board may consider aggravating and mitigating factors in determining sanctions.

**.10 Sanctioning Guidelines.**

**A. General Application.**

(1) This regulation shall be used by the Board as a guide for sanctioning pursuant to the Board's authority under Health Occupations Article, §§7-205, 7-316, and 7-604, Annotated Code of Maryland, for violations of the Morticians and Funeral Directors Act and the Board's regulations.

(2) The Board is not required to make findings of fact with respect to any of the factors for determining the sanction indicated by the sanctioning guidelines.

(3) A departure from the sanctioning guidelines alone is not a ground for any hearing or appeal of a Board action.

(4) Notwithstanding these sanctioning guidelines, in order to resolve a disciplinary matter, the Board and the offending person may agree to surrender a license, courtesy card, permit, or certificate, or agree to a consent order with terms, conditions, and sanctions agreed upon.

(5) In a case where there are multiple and distinct violations, the Board may impose a sanction greater than the maximum indicated by the sanctioning guidelines for each individual violation.

(6) If probation is imposed, the Board may impose appropriate terms and conditions of probation. Violations of the terms or conditions may cause the Board to take further disciplinary action.

(7) In the event a violation does not fall within the sanction range, the Board shall so indicate and use its best judgment to determine the appropriate sanction and consider, to the extent possible, the factors in the sanctioning guidelines.

**B. Range of Sanctions.**

VIOLATION	MINIMUM SANCTION	MAXIMUM SANCTION	MINIMUM PENALTY	MAXIMUM PENALTY
(1) Fraudulently or deceptively obtains or attempts to obtain a license, permit, or registration for the applicant or licensee, permit holder, or registration holder or for another	Reprimand	Revocation/denial	\$0	\$5,000
(2) Fraudulently or deceptively uses a license, permit, or registration	Active suspension for 1 year	Revocation	\$0	\$5,000
(3) Commits fraud or misrepresentation: (a) In the practice of mortuary science; or (b) While removing or transporting human remains	Active suspension for 1 year	Revocation	\$0	\$5,000
(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude	Probation for 1 year	Revocation/denial	\$0	\$5,000

**PROPOSED ACTION ON REGULATIONS**

**1554**

(5) Aids or abets an unauthorized person in the practice of mortuary science specifically: (a) In embalming without a license; (b) In making arrangements; (c) In the cremation of human remains; or (d) In the transporting or removal of human remains	Active suspension for 90 days	Revocation	\$0	\$5,000
(6) Advertises falsely or in a misleading manner	Reprimand	Active suspension for 60 days	\$0	\$500
(7) Solicits mortuary science business: (a) Either personally or by an agent, from a dying individual; or (b) To remove or transport human remains	Active suspension for 30 days	Active suspension for 1 year	\$0	\$1,500
(8) Directly or indirectly pays or offers to pay to obtain: (a) Mortuary science business; or (b) Business to remove or transport human remains	Active suspension for 30 days	Active suspension for 1 year	\$0	\$1,500
(9) Solicits or accepts any payment or rebate for recommending any crematory, mausoleum, or cemetery or causing a dead human body to be disposed of there	Reprimand	Active suspension for 30 days	\$0	\$500
(10) Refuses to surrender custody of a human remains on the demand of a person who is entitled to its custody	Active suspension for 30 days	Revocation	\$2,500	\$5,000
(11) Sells or offers to sell any share, certificate, or interest, with a promise to offer to perform services to the buyer at a cost less than that offered to the general public, in: (a) A mortuary science business; or (b) A mortuary transport service	Reprimand	Revocation	\$0	\$2,500
(12) Fails, after proper demand, to refund promptly any payments received under a pre-need contract with interest	Active suspension for 30 days	Revocation	\$1,000	\$5,000
(13) At the time funeral arrangements are made, fails to give the contract required by Health Occupations Article, §7-404, Annotated Code of Maryland	Reprimand	Active suspension 15 days	\$0	\$250
(14) Violates any State, municipal, or county law, rule, or regulation on the handling, custody, care, or transportation of human remains or the disposal of instruments, materials, and wastes relevant to preparation of human remains for final disposition	Reprimand	Active suspension for 1 year	\$0	\$5,000
(15) Does one of the following: (a) Practices mortuary science under a name other than the name that appears on the license of that person or the name of a partnership in accordance with Health Occupations Article, §7-401, Annotated Code of Maryland; or	Reprimand	Probation	\$0	\$500



<i>(b) Removes and transports human remains under a name other than the name that appears on the permit or registration of that person</i>				
<i>(16) Violates any provision of this title, of the laws relating to cremation, or any other law relating to removing and transporting of human remains</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(17) Is disciplined by a licensing or disciplinary authority of any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(18) Willfully makes or files a false report or record: (a) In the practice of mortuary science; or (b) For a mortuary transport service</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(19) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(20) Submits a false statement to collect a fee</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(21) Provides professional services while under the influence of alcohol or using any narcotic or controlled dangerous substance, or other drug that is in excess of therapeutic amounts or without valid medical indication</i>	<i>Probation</i>	<i>Revocation</i>	<i>\$250</i>	<i>\$5,000</i>
<i>(22) Violates any rule, or regulation adopted by the Board</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(23) Is professionally, physically, or mentally incompetent</i>	<i>Active suspension for 30 days</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(24) Commits an act of unprofessional conduct: (a) In the practice of mortuary science; or (b) While removing and transporting human remains</i>	<i>Probation</i>	<i>Revocation</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(25) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the person is licensed, permitted, or registered and qualified to render because the individual is HIV positive;</i>	<i>Probation</i>	<i>Active suspension for 30 days</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(26) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with CDC guidelines on universal precautions</i>	<i>Reprimand</i>	<i>Active suspension for 30 days</i>	<i>\$0</i>	<i>\$5,000</i>
<i>(27) Fails to allow an inspection under Health Occupations Article, §7-205, Annotated Code of Maryland</i>	<i>Probation</i>	<i>Active suspension for 30 days</i>	<i>\$0</i>	<i>\$2,500</i>
<i>(28) Fails to comply with inspection requirements in the time specified by the Board</i>	<i>Reprimand</i>	<i>Probation</i>	<i>\$0</i>	<i>\$500</i>

(29) Fails to comply with laws or regulations relating to Health-General Article, §5-513, Annotated Code of Maryland	Probation	Active suspension for 30 days	\$250	\$5,000
(30) Removes human remains from a death scene, mortuary transport services, funeral establishment, or crematory, without the authorization of the entity in custody of the human remains	Reprimand	Revocation	\$250	\$5,000

*C. Mitigating and Aggravating Factors. Depending on the facts and circumstances of each case, and to the extent that they apply, the Board may consider the following mitigating and aggravating factors in determining whether the sanction in a particular case should fall outside of the range of sanctions established by the guidelines. These factors may include, but are not limited to the following:*

- (1) *Mitigating Factors:*
- (a) *Absence of a prior disciplinary record;*
  - (b) *The respondent reported the violation to the Board;*
  - (c) *The respondent voluntarily admitted violation, provided full disclosure to the Board, and cooperated during Board proceedings;*
  - (d) *The respondent implemented remedial measures to correct or mitigate harm arising from the violation;*
  - (e) *The respondent made a timely good-faith effort to make restitution or otherwise rectify the consequences of the violation;*
  - (f) *Evidence of rehabilitation or potential for rehabilitation;*
  - (g) *Absence of premeditation to commit the violation;*
  - (h) *Absence of potential harm to or adverse impact on the public or adverse impact on the public;*
  - (i) *Isolated incident and not likely to recur; and*
  - (j) *The respondent's prior community service and present value to the community.*
- (2) *Aggravating Factors:*
- (a) *Previous criminal or administrative disciplinary history;*
  - (b) *The violation was committed deliberately or with gross negligence or recklessness;*
  - (c) *The violation had the potential for, or caused, serious harm;*
  - (d) *The violation was part of a pattern of detrimental conduct;*
  - (e) *The respondent was motivated to perform the violation by the respondent's financial gain;*
  - (f) *The vulnerability of the bereaved;*
  - (g) *The respondent attempted to conceal the violation, falsified or destroyed evidence, or presented false testimony or evidence;*
  - (h) *The respondent failed to cooperate with the Board's investigation; and*
  - (i) *Previous attempts at rehabilitation were unsuccessful.*

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Title 20 PUBLIC SERVICE COMMISSION

### Subtitle 32 DISPUTE PROCEDURES

#### 20.32.01 Dispute Regulations

Authority: Public Utilities Article, §§2-112, 2-113, 2-121, and 3-102,  
Annotated Code of Maryland

#### Notice of Proposed Action

[15-389-P]

The Public Service Commission proposes to amend Regulations .01—.04 under **COMAR 20.32.01 General**. This action was considered at a scheduled rule making meeting on October 1, 2015, notice of which was given under General Provisions Article, §3-302(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to clarify that the Commission's Office of External Relations ("OER") may entertain complaints involving retail energy suppliers, including brokers, in the same way that it handles complaints involving utilities, to expand OER's investigative authority to include complaints regarding solicitations from retail suppliers; and to provide for the institution of investigations by OER that are referred by the Commission, Commission Staff, or customers, or initiated directly by OER. OER's investigations could include consultation with Commission Staff, the Maryland Office of Attorney General, and the Office of People's Counsel. Upon closing of an OER investigation, the summary of its findings and conclusions shall be treated as an appeal under COMAR 20.32.04. Additionally, the action restricts a utility from pursuing recovery through third party collections efforts of any charges or fees billed to the customer but not purchased by the utility.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-806, or fax to 410-333-6495. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

#### .01 Applicability.

A. This subtitle applies to all electric companies, gas companies, combination gas and electric companies, telephone companies, *licensed suppliers, licensed brokers*, and water companies under the jurisdiction of the Public Service Commission.

B. (text unchanged)

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Customer" means any person, association, partnership, corporation, or governmental agency who has applied for utility service, [or] in whose name a utility service account is maintained[.], *or has been solicited by a supplier to purchase energy supply.*

(3)—(7) (text unchanged)

(8) "Supplier" *has the meaning defined in COMAR 20.54.01.02B(9) and 20.51.01.02B(10).*

[(8)](9)— [(9)](10) (text unchanged)

#### .03 Inquiry to Utility.

A. A customer shall initially submit any inquiry or dispute directly to a utility *or supplier* for resolution.

B. A utility *or supplier* shall investigate a customer dispute or inquiry, and *propose a resolution of the dispute to the customer or report its findings to the customer. In responding to a customer inquiry about price and service, a utility may provide information about its SOS and Sales service rates and may refer the customer to the website of the Commission or the Office of People's Counsel for additional information.*

C.—G. (text unchanged)

#### .04 Inquiry to Public Service Commission.

A. If a customer disputes a [utility's] *utility or a supplier's* determination under Regulation .03 of this chapter, the customer may submit an inquiry to the Commission within 7 days of receipt of the [utility's] determination.

B. If a customer contacts the Commission or its staff before contacting a utility *or the supplier*, the customer shall be advised of Regulation .03 of this chapter and referred to the utility *or supplier*.

C. [An] *The Office of External Relations may review and investigate an inquiry [may be] referred by the Commission, [or] its staff , or a customer. [to the Office of External Relations for review and investigation.]*

(1) *If the OER initiates an investigation, it shall:*

(a) *Inform the utility or supplier in writing that an investigation shall be opened; and*

(b) *Request information from the utility or supplier to review the inquiry.*

(2) *When engaging in an investigation, the OER may consult with other agencies including the Commission staff, the Attorney General's Office or the Office of People's Counsel.*

(3) *The OER shall close its investigation in writing if:*

(a) *The OER determines that no further investigation is necessary or warranted;*

(b) *The OER determines that the Commission has no jurisdiction to pursue an investigation;*

(c) *A satisfactory resolution to the inquiry is reached; or*

(d) *Any reason that requires closure of the investigation.*

(4) *The OER may submit a summary of its written findings and conclusions to the Commission if no resolution is reached.*

(5) *The summary of written findings and conclusions shall be treated as an appeal under COMAR 20.32(M).*

D. (text unchanged)

E. A written inquiry shall include:

(1) (text unchanged)

(2) *The name of the utility and supplier, if there is one;*

(3) (text unchanged)

(4) *A summary of the customer's efforts to resolve the inquiry or dispute with the utility or supplier; and*

(5) (text unchanged)

F. After receipt of an inquiry, OER shall initiate a review and an investigation to resolve the matter that includes but is not limited to:

(1) *Obtaining information from the utility or supplier and customer;*

(2)—(3) (text unchanged)

G. Both a utility, *a supplier* and a customer *may* [shall] be given an opportunity to respond to the position or information provided to OER by the other party.

H. A utility *and a supplier* shall respond to an OER request for investigation or information and shall make a good faith attempt to do so within 7 working days of its receipt.

I. An inquiry or dispute brought under this subtitle may be closed if OER determines in the course of its investigation that the:

(1) *Customer has not dealt with the utility or the supplier in good faith;*

(2) (text unchanged)

(3) *Utility or supplier has complied with Public Utilities Article, Annotated Code of Maryland, the Commission's regulations and orders, and the utility's own tariff.*

J. OER shall provide the utility, *supplier if there is one*, and the customer with a written summary of its findings and conclusions on completion of its investigation.

K. (text unchanged)

L. Request for Further Review.

(1) Parties may request further review of an inquiry or dispute by filing a written request with the Assistant [Manager] *Director* of OER within 10 days after receiving OER's summary of its findings or conclusions, or notice that a file has been closed.

(2) (text unchanged)

(3) The Assistant [Manager] *Director* may further investigate, as warranted, or convene an informal conference among the parties, to mediate or resolve the dispute.

(4) The Assistant [Manager] *Director* shall advise the utility and the customer of the disposition of the request for further review.

M. The Assistant [Manager's] *Director's* disposition may be appealed to the Commission within 10 days of its receipt by filing a complaint under Public Utilities Article, §3-102, Annotated Code of Maryland, and COMAR 20.07.03.

N. Pending the disposition of a customer's inquiry or dispute by the Public Service Commission, a utility:

(1) (text unchanged)

(2) *May not terminate a customer's service or pursue recovery through third party collection efforts of any charges or fees billed to the customer but not purchased by the utility, except for reasons permissible under COMAR 20.31.02.03.*

DAVID J. COLLINS  
Executive Secretary

## Subtitle 53 COMPETITIVE ELECTRICITY SUPPLY

### Notice of Proposed Action

[15-390-P]

The Public Service Commission proposes to:

- (1) Amend Regulation .02 under **COMAR 20.53.01 General**;
- (2) Amend Regulation .02 under **COMAR 20.53.03 Pre-Enrollment Information**;
- (3) Amend Regulation .02, repeal existing Regulation .03, amend and recodify existing Regulation .04 to be Regulation .03, and adopt new Regulation .04 under **COMAR 20.53.04 Transfers of Service**;
- (4) Amend Regulation .06 under **COMAR 20.53.05 Supplier-Utility Coordination and Utility Consolidated Billing**;
- (5) Amend Regulations .05 and .07—.11 and adopt new Regulations .12 and .13 under **COMAR 20.53.07 Residential Consumer Protection**; and
- (6) Adopt new Regulations .01—.06 under a new chapter, **COMAR 20.53.08 Supplier Agent Relations**.

This action was considered at a scheduled rule making meeting on October 1, 2015, notice of which was given under General Provisions Article, §3-302(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to increase consumer protections for residential and nonresidential customers of retail electricity suppliers. This is accomplished by clarifying who may legally exercise authority over an energy supply contract, strengthening the definition of consent, introducing the use of a contract summary, increasing the ease and frequency with which customers of retail electricity suppliers may switch from an incumbent retail supplier to another supplier or to standard offer service, and introducing a customer-initiated drop performed by the electric company under certain circumstances, instituting provisions requiring notice to customers of a change in rate under certain circumstances, and establishing standards applicable to agents of retail electricity suppliers. The extent of refunds that may be ordered by the Commission's Office of External Relations upon proof of unauthorized enrollment and the treatment of the refund under a purchase of receivable regime is clarified. The requirements of certain orders and existing practices are recognized by regulation.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

**I. Summary of Economic Impact.** In order to shorten the time period required to enroll with, drop from, or switch between retail electricity suppliers, at least one electronic (EDI) transaction will need to be developed or modified, and each of the electric companies offering choice programs will need to develop a procedure by which it will process customer initiated drops. The economic impact of providing a contract summary is expected to be de minimus. To the extent the Contract Summary avoids confusion, it may save customers money over time. However, the savings are unquantifiable.

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

Benefit (+)  
Cost (-)      Magnitude

D. On regulated industries or trade groups: (+)      \$2,500.00

E. On other industries or trade groups:      NONE

F. Direct and indirect effects on public: (+)      Unquantifiable

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

A. The proposed regulations are not expected to generate any additional workload for the Commission or any other State agency or local government. It is possible that the revised regulations will decrease the number of complaints filed with the Commission's Office of External Relations.

B. The proposed regulations are not expected to generate any additional workload for the Commission or any other State agency or local government. It is possible that the revised regulations will decrease the number of complaints filed with the Commission's Office of External Relations.

C. The proposed regulations are not expected to generate any additional workload for the Commission or any other State agency or local government. It is possible that the revised regulations will decrease the number of complaints filed with the Commission's Office of External Relations.

D. Based on communications with utilities and retail suppliers, an amended EDI transaction to accommodate expedited switching and a method to accommodate customer drops through the utility would be required. The EDI transaction is a one-time cost that will be recovered through the purchase of receivable discount rate, which is paid by suppliers, over at least two years. The retail suppliers do not anticipate that they will incur additional costs.

E. After the Polar Vortex of 2014, 1,695 complaints were filed with the Office of External Relations involving retail suppliers. Assuming, conservatively, that half of those complaints were the result of sudden increases of \$0.10 per kWh in variable rate contracts held by residential customers using average amounts of electricity (1,000 kWh per month) and the customer was unable to switch for three months, the amount paid by the customer that could have been avoided by a switch to standard offer service would have been \$254,250. Due to their increased usage, commercial and industrial customers would have experienced much higher bills. If this same analysis is applied to half of residential customers on variable rate contracts, the assumption being that only half of these customers saw an increase in rates of \$0.10 per kWh and wanted to change suppliers the amount of payment that could have been avoided over a three month period would have been \$55,028,400 for residential customers alone.

The shortened time period for a switch in combination with off cycle switching and the ability to implement a switch through the utility, should the supplier be unresponsive, is expected to ameliorate the problem of a customer remaining with a supplier whose price has suddenly increased to the customer's detriment. New provisions requiring notice of a change in rate will also help customers to proactively assess whether to remain with the supplier, change suppliers, or return to standard offer service. Accelerated switching in such circumstances not only protects the affected customer but avoids complaints and may positively affect suppliers who follow better business practices.

### Economic Impact on Small Businesses

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

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

## 20.53.01 General

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, [and] 7-507, and 7-603, Annotated Code of Maryland

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) *Agent*.

(a) “Agent” means a person who conducts marketing or sales activities, or both, on behalf of a licensed supplier or broker.

(b) “Agent” includes:

(i) An employee;

(ii) A representative;

(iii) An independent contractor;

(iv) A vendor;

(v) Subcontractors;

(vi) Employees;

(vii) Vendors; and

(viii) Representatives not directly contracted by the supplier who conduct marketing or sales activities on behalf of the supplier.

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

[(2)] (3) “Consent” means an agreement with an action communicated by [a written document, electronic document, or voice recording.]the following:

(a) A written document with customer signature;

(b) An electronic document with electronic signature; or

(c) A voice recording only if the agreement is exempt under the Maryland Telephone Solicitations Act.

[(3)] (4) “Consumer” or “customer” [has the meaning stated in Public Utilities Article, §7-501, Annotated Code of Maryland.] means the regulated utility retail electric customer account holder.

(5) “Contract Summary” means a summary of the material terms and conditions of a retail energy supply contract, on a form provided by the Commission.

[(4)] (6)—[(11)] (13) (text unchanged)

(14) “Public event” means an event open to the public, which may facilitate retail electricity sales and marketing activities or may result in an electricity customer enrollment transaction.

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

(16) “Third party verification (TPV)” means consent from the customer agreeing to each of the below-listed material contract terms that is recorded by an independent person not party to the agreement or that may be performed by an automated, computerized system. To be valid, the TPV must occur without the presence of the sales agent, and at the outset must describe how the customer can cancel the TPV at any time prior to completion. The consent from the customer must include an acknowledgement:

(a) That he or she is voluntarily choosing to enroll with a supplier;

(b) Of the type of product offered (variable, fixed, a combination of both);

(c) Of the price and duration of the contract;

(d) Of the amount of an early termination fee (if applicable);

(e) That the customer is authorized to make the switch;

(f) Of the contract renewal procedures;

(g) That the customer may access future pricing information; and

(h) That the customer has received the supplier’s customer support contact information.

[(13)] (17)—[(15)] (19) (text unchanged)

## 20.53.03 Pre-Enrollment Information

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, [and] 7-507, and 7-603, Annotated Code of Maryland

### .02 Pre-Enrollment Information.

A. On request of a supplier, a utility shall provide the following applicable customer information:

(1)—(3) (text unchanged)

(4) Utility account number and any other number designated by the utility as necessary to process an enrollment;

(5)—(18) (text unchanged)

B. (text unchanged)

## 20.53.04 Transfers of Service

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, [and] 7-507, and 7-603, Annotated Code of Maryland

### .02 Supplier Enrollment and Drops.

A. A supplier may enroll or drop a customer by sending the appropriate electronic enrollment or drop transaction to the utility.

[A.] B. Effective Dates. A utility shall process an electronic enrollment or drop from a supplier to be effective within 3 business days after receipt of the electronic transaction.

[(1) Except as provided under §A(2) of this regulation, a utility shall process an electronic transaction for enrollment from a supplier to be effective on the customer’s next scheduled meter reading date.

(2) An electronic transaction for enrollment from a supplier received by a utility less than 12 days before the customer’s next scheduled meter reading date shall take effect on the customer’s subsequent scheduled meter reading date.]

[B.] C. The utility shall drop a customer from its current supplier when another supplier enrolls the customer. A utility shall assign a customer who has been dropped by a supplier and not enrolled by a supplier to SOS.

D. A utility shall not be required to process more than two enrollments and two drops per customer per bill cycle.

E. A supplier may not require that a customer provide it with advance notice, written or otherwise, before the customer switches to another supplier or to SOS.

### [.04] .03 Transaction Error Handling.

A. This regulation applies to enrollment or drop transaction errors that are identified not later than [5]2 business days after the transaction is initiated by a supplier.

B. A supplier shall notify a utility of a drop error or enrollment error by an electronic cancel transaction not later than [5] 2 business days after the enrollment or drop is initiated by the supplier.

C.—E. (text unchanged)

**.04 Customer Initiated Drops.**

**A. Customer Cancellation.**

(1) A customer that wants to cancel a supplier contract shall first attempt to cancel the contract according to the terms of the contract.

(2) If a customer attempts to cancel a contract by contacting the utility first, the utility shall direct the customer to contact the supplier through the means detailed in the supplier contract, terms and conditions or may direct the customer to contact the supplier through use of contact information on the Commission's website.

(3) If a customer's cancellation request has not been received by the utility from the customer's supplier, and the customer confirms that more than three days have passed since the customer cancelled the contract with the supplier, the utility shall process a cancellation.

(4) Customer initiated drops shall be processed in accordance with the provisions of COMAR 20.53.04.02.

C. A supplier may not include cancellation provisions in its contract for service that would limit or waive this provision.

D. A customer that initiates a drop with the utility must switch back to SOS as described in Regulation .02 of this chapter.

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

**20.53.05 Supplier-Utility Coordination and Utility Consolidated Billing**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, [and] 7-507, and 7-603, Annotated Code of Maryland

**.06 Utility Purchased Receivables or Prorated Payments.**

A.—B. (text unchanged)

C. If the utility chooses the option of purchasing supplier receivables, supplier receivables shall be purchased with full and timely cost recovery for the utility under terms and conditions approved by the Commission. *An early termination fee is not considered a commodity and is not subject to purchase as a receivable by the utility.*

D.—F. (text unchanged)

**20.53.07 Residential Customer Protection**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, [and] 7-507, and 7-603, Annotated Code of Mar

**.05 Unauthorized Enrollment or Service.**

A. (text unchanged)

[B. The customer's choice of electricity supplier is the electricity supplier with the last enrollment of the customer received by the utility 12 days before the customer's next meter reading date.]

[C.] B. (text unchanged)

[D.] C. Enrollment Disputes.

(1) (text unchanged)

(2) Upon proof of the allegations, [the customer's remedy through] *that an enrollment was unauthorized*, the Commission's Office of External Relations (OER) [is limited to] *may order the supplier to issue a refund to the customer in an amount, determined by OER, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred.* [a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized enrollment.]

(a) *If the charges have been billed by and the receivable purchased by the utility, the refund determined by OER shall be remitted to the utility by the supplier. The refund determined by OER shall be applied to the customer's utility account current balance and the excess returned to the customer upon request. If the customer is*

*no longer served by the utility, then the refund shall be returned to the customer.*

(b) *Upon purchase of any receivable under this section, the utility shall be entitled to collect from the customer, and the customer shall be responsible to pay the utility the total amount billed less any refund determined by OER.*

[E.]D. (text unchanged)

**.07 Advertising and Solicitations.**

A. (text unchanged)

B. Disclosures.

(1) [A supplier's] *All supplier marketing or solicitation information, including that used by its agents or employees, shall include the supplier's Maryland license number in a clear and conspicuous manner.*

(2) (text unchanged)

C. Internet. [Advertising. A supplier shall post on the Internet readily understandable information about its services, prices, and emissions disclosures.]

(1) *Internet Advertising. A supplier shall post on the Internet readily understandable information about its services, prices, and emissions.*

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

D. (text unchanged)

**.08 Supplier Contracts.**

A. Minimum Contract Requirements.

(1) (text unchanged)

(2) A supplier contract shall contain all material terms and conditions, including:

(a)—(c) (text unchanged)

(d) *A clear and concise price description of each service, including, [all fixed and variable costs] but not limited to, any condition of variability or limits on price variability;*

(i) *if there is a limit on price variability, such as a specific price cap, a maximum percentage increase in price between billing cycles or minimum/maximum charges per kilowatt-hour for electricity during the term of the contract, the supplier shall clearly explain applicable limits;*

(ii) *if there is not a limit on price variability, the supplier shall clearly and conspicuously state that there is not a limit on how much the price may change from one billing cycle to the next.*

(e)—(j) (text unchanged)

(k) A statement that the supplier may terminate the contract early, including the:

(i)—(ii) (text unchanged)

(iii) *Duration of the notice period before early supplier cancellation; and*

(iv) (text unchanged)

(l)—(m) (text unchanged)

(n) *A statement describing how the customer may access future pricing information;*

[(n)] (o)— [(o)] (p) (text unchanged)

B. Contract Summary.

(1) *At the time of completion of the contracting process, a supplier shall provide the customer a copy of the executed contract and completed Contract Summary on the form provided by the Commission.*

(2) *If the contract is completed through telephone solicitation, the supplier shall send the Contract Summary to the customer along with the contract that must be signed by the customer and returned as required by the Maryland Telephone Solicitations Act. If the contract is exempt from the Maryland Telephone Solicitations Act, the supplier shall send the Contract Summary with the contract to the customer.*

(3) *If the contract is completed through the Internet, the Contract Summary shall be:*

(a) *Available online and made available for download by the customer at the time of contracting; and*

(b) *Shall be transmitted to the customer by the supplier by mail or by email if the customer consents to receipt of email disclosures.*

(4) *If the contract is completed in person, the contract and the Contract Summary shall be reviewed with and provided to the customer by the supplier in hard copy or electronically, and the executed contract and Contract Summary provided to the customer at the time of contracting in hard copy or electronically if the customer consents to electronic disclosures.*

[B.] C. (text unchanged)

[C.] D. Evergreen Contracts.

(1) (text unchanged)

(2) The supplier notice required under §C(1) of this regulation shall:

(a) (text unchanged)

(b) Inform the customer how to terminate the contract without penalty; [and]

(c) Inform the customer that terminating the evergreen contract without selecting another supplier will return the customer to utility commodity service[.]; and

(d) *Inform the customer how to access the customer's rate for the next billing cycle in accordance with 20.53.07.13.*

(3) *A clear and concise price description of each service, including, but not limited to, any condition of variability or limits on price variability.*

(a) *If there is a limit on price variability, such as a specific price cap, a maximum percentage increase in price between billing cycles or minimum/maximum charges per kilowatt-hour for electricity during the term of the contract, the supplier shall clearly explain applicable limits.*

(b) *If there is not a limit on price variability, the supplier shall clearly and conspicuously state that there is not a limit on how much the price may change from one billing cycle to the next.*

#### **.09 Customer Disclosure.**

A. Price Information.

(1) The supplier's price description for service shall include, but not be limited to, all fixed and variable components.

(2) (text unchanged)

B. (text unchanged)

#### **.10 Notice of Contract Expiration or Cancellation.**

A. Notice. A supplier shall provide the customer with notice [45] at least 30 days before expiration or cancellation of a supply contract.

B.—C. (text unchanged)

#### **.11 Rescission Period.**

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

#### **.12 Assignment of Contract.**

A. At least 30 days prior to the effective date of any assignment or transfer of a supplier contract from one supplier to another, the suppliers shall jointly provide written notice to the customers of the supplier, the Commission, the utility and the Office of People's Counsel of the assignment or transfer.

(1) *Notice to Customer. The suppliers shall jointly send a letter to the customer informing them of the assignment or transfer. The letter shall include:*

(a) *A description of the transaction in clear and concise language including the effective date of the assignment or transfer;*

(b) *Customer service contact information for the assignee; and*

(c) *A statement that the terms and conditions of the customer's contract at the time of assignment shall remain the same for the remainder of the contract term.*

(2) *The suppliers shall file a notice with the Commission, with a copy to the Office of People's Counsel and the utility, of the assignment or transfer of the customer contracts and include a copy of the letter sent to customers.*

B. *Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned contracts. Records shall be maintained for a period of 3 years or until the contracts are expired, whichever is longer.*

C. *An assignment or transfer of a supplier contract from one supplier to another is not an enrollment or drop.*

#### **.13 Notice of Change in Rate.**

A. *When a customer's rate changes, a supplier shall make available to a customer his or her rate for the next billing period:*

(1) *The rate shall be made available at least 12 days prior to close of the customer's billing period;*

(2) *The rate shall be made available in a clear, easy to access format prescribed by the supplier;*

(3) *The supplier shall promptly provide the customer written directions on how to access the rate:*

(a) *At the time of contracting;*

(b) *In the Contract Summary;*

(c) *When sending any notice as required in this title;*

(d) *Upon request; or*

(e) *If the supplier changes the directions for accessing the rate.*

B. *A supplier may provide an estimated rate for the customer's next billing period, provided the estimated rate is made available at least 12 days prior to the close of the customer's billing period. If the supplier provides an estimated rate for the customer, the supplier shall not use a rate for billing purposes that is higher than the estimate.*

C. *Written Notice Requirement.*

(1) *If a contract with a fixed rate for three or more billing cycles changes to a variable month-to-month price and a change in the contract rate will be equal to or exceed 30 percent of the supplier's current supply rate, the supplier shall provide written notice of the new rate to the customer at least 12 days prior to the close of the customer's billing period.*

(2) *The written notice shall be provided by mail, or with the mutual consent of the supplier and customer, by email, text, automated phone message or other manner.*

(3) *The supplier shall maintain records that such notice was provided to the customer.*

D. *Neither a supplier nor a customer may limit or waive this provision.*

### **20.53.08 Supplier Agent Relations**

Authority: Public Utilities Article, §§ 2-113, 2-121, 5-101, 7-507, and 7-603, Annotated Code of Maryland

#### **.01 Suppliers Responsible for its Agent.**

A. *A supplier may use an agent to conduct marketing or sales activities.*

B. *A supplier is responsible for any fraudulent, deceptive, or other unlawful marketing acts performed by its agent in the conduct of marketing or sales activities on behalf of a supplier.*



**.02 Agent Qualifications and Standards.**

A. A supplier shall develop standards and qualifications for individuals it chooses to hire as its agents. A supplier may not permit an individual to be hired if an individual fails to meet its standards. The standards shall ensure to the fullest extent practicable that the agent's qualifications, and for door-to-door agents the results of the criminal history record check, safeguard potential customers with whom the agent may make contact.

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

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

D. A supplier shall audit at least every 12 months whether the criminal background checks completed by its independent contractor or vendor have been completed in accordance with this section. A supplier shall provide the Commission notice within 30 days if the audit results demonstrate that the criminal background checks were not completed by the independent contractor or vendor in accordance with this section.

**.03 Agent Training.**

A. A supplier shall ensure the training of its agents on the following subjects:

- (1) Local, State, and federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales as applicable to the types of marketing and jurisdiction in which the agent shall engage or operate;
- (2) Responsible and ethical sales practices;
- (3) The supplier's products and services;
- (4) The supplier's rates, rate structures and payment options;
- (5) The customer's right to rescind and cancel contracts;
- (6) The applicability of an early termination fee for contract cancellation when the supplier has one;
- (7) The necessity of adhering to the script and knowledge of the contents of the script if one is used;
- (8) The proper completion of transaction documents;
- (9) The supplier's Contract Summary;
- (10) Terms and definitions related to energy supply, transmission and distribution service as found online at the Commission's website;
- (11) Information about how customers may contact the supplier to obtain information about billing, disputes, and complaints; and
- (12) The confidentiality and protection of customer information.

B. A supplier shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.

C. A supplier shall make training materials and training records available to the Commission and the Office of People's Counsel upon request. Any such material shall be treated as confidential.

D. When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided supplier-approved training to agents and independent contractors in accordance with this section.

E. The supplier shall monitor telephonic and door-to-door marketing and sales calls to:

- (1) Evaluate the supplier's training program; and
- (2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations, and providing courteous service to customers.

**.04 Agent Identification; Misrepresentation.**

A. A supplier shall issue an identification badge to agents to be worn when conducting door-to-door activities or appearing at public events on behalf of a supplier. The badge shall:

- (1) Accurately identify the supplier, its trade name and logo;
- (2) Display the agent's photograph;
- (3) Display the agent's full name;
- (4) Be prominently displayed; and
- (5) Display a customer service phone number for the supplier.

B. Upon first contact with a customer, an agent shall:

- (1) Identify the supplier that he represents; and
- (2) State that he is not working for and is independent of the customer's local distribution company.

C. When conducting door-to-door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that suggests a relationship that does not exist with a utility, government agency, or another supplier.

D. A supplier may not use the name, bills, marketing materials, or consumer education materials of another supplier, regulated utility, or government agency in a way that suggests a relationship that does not exist.

E. A supplier or supplier agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

**.05 Door-to-Door Sales.**

The following provisions do not preempt the Maryland Door to Door Sales Act.

A. A supplier and its agents shall comply with state and local government ordinances regarding door-to-door marketing and sales activities.

B. A supplier's agent shall:

- (1) Prominently display an identification badge; and
- (2) Offer a business card or other material that lists:
  - (a) The supplier's name and contact information, including telephone number;
  - (b) The supplier's Commission license number; and
  - (c) The agent's name and any other identification numbers provided to the sales agent by the supplier or agent.

C. A supplier shall establish a policy that requires an agent to terminate contact with a customer if the customer is incapable of understanding and responding to the information being conveyed by the agent.

D. When an agent completes a transaction with a customer, the agent shall provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent and the customer leave each other's presence.

E. An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises, or if the customer does not express an interest in what the agent is attempting to sell.



**.06 Notification Regarding Door-to-Door Activity.**

A. When a supplier engages in door-to-door activity, the supplier shall notify OER no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

B. A supplier shall provide the utility with general, nonproprietary information about the door-to-door activity that caused the supplier to provide notice to the Commission. The supplier shall provide this general information to the utility no later than the morning of the day that the sales and marketing activities begin. The utility shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may address customer inquiries knowledgeably. A utility may not use the information for other purposes.

DAVID J. COLLINS  
Executive Secretary

## Subtitle 59 COMPETITIVE GAS SUPPLY

### Notice of Proposed Action

[15-391-P]

The Public Service Commission proposes to:

- (1) Amend Regulation .02 under **COMAR 20.59.01 General;**
- (2) Amend Regulation .02 under **COMAR 20.59.03 Pre-Enrollment Information;**
- (3) Amend Regulations .02 and .03 and adopt new Regulation .04 under **COMAR 20.59.04 Transfers of Service;**
- (4) Amend Regulation .03 under **COMAR 20.59.05 Utility Consolidated Billing;**
- (5) Amend Regulations .05 and .07—.11 and adopt new Regulations .12 and .13 under **COMAR 20.59.07 Residential Consumer Protection;** and
- (6) Adopt new Regulations .01—.06 under a new chapter, **COMAR 20.59.08 Supplier Agent Relations.**

This action was considered at a scheduled rule making meeting on October 1, 2015, notice of which was given under General Provisions Article, §3-302(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to increase consumer protections for residential and nonresidential customers of retail natural gas suppliers. This is accomplished by clarifying who may legally exercise authority over an energy supply contract, strengthening the definition of consent, introducing the use of a contract summary, increasing the time period during which customers of retail natural gas suppliers may switch from an incumbent retail supplier to another supplier or to standard offer service, introducing a customer-initiated drop performed by the natural gas company under certain circumstances, instituting provisions requiring notice to customers of a change in rate under certain circumstances, and establishing standards applicable to agents of retail natural gas suppliers. The extent of refunds that may be ordered by the Commission's Office of External Relations upon proof of unauthorized enrollment and the treatment of the refund under a purchase of receivable regime is clarified. The requirements of certain orders and existing practices are recognized by regulation.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

**I. Summary of Economic Impact.** In order to shorten the time period required to enroll with, drop from, or switch between retail gas suppliers at least one electronic (XML) transaction will need to be developed or modified, and each of the gas companies offering choice programs will need to develop a procedure by which it will process residential customer initiated drops. The economic impact of providing a contract summary is expected to be de minimis. To the extent the Contract Summary avoids confusion, it may save customers money over time. However, the savings are unquantifiable.

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

	Benefit (+) Cost (-)	
		Magnitude
D. On regulated industries or trade groups: (+)		\$1,100,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public: (+)		Unquantifiable

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

A. The proposed regulations are not expected to generate any additional workload for the Commission or any other State agency or local government. It is possible that the revised regulations will decrease the number of complaints filed with the Commission's Office of External Relations.

B. The proposed regulations are not expected to generate any additional workload for the Commission or any other State agency or local government. It is possible that the revised regulations will decrease the number of complaints filed with the Commission's Office of External Relations.

C. The proposed regulations are not expected to generate any additional workload for the Commission or any other State agency or local government. It is possible that the revised regulations will decrease the number of complaints filed with the Commission's Office of External Relations.

D. Based on communications with utilities and retail suppliers, an amended XML transaction to accommodate expedited switching and a method to accommodate customer drops through the utility would be required. These are one-time costs that will be recovered through the purchase of receivable discount rate paid by suppliers over at least 2 years. The retail suppliers do not anticipate that they will incur additional costs.

F. After the Polar Vortex of 2014, 1,695 complaints were filed with the Office of External Relations involving retail suppliers. Assuming, conservatively, that half of those complaints were the result of sudden increases of \$0.10 per therm in variable rate contracts held by residential customers using average amounts of gas (50 therms per month) and the customer was unable to switch for

three months, the amount paid by the customer that could have been avoided by a switch to sales service would have been \$12,712.50. Due to their increased usage, commercial and industrial customers would have experienced much higher bills. If this same analysis is applied to 10 percent of residential customers using a gas retail supplier on the assumption that only ten percent of these customers had a variable rate contract, saw an increase in rates of \$0.10 per therm and wanted to change suppliers, the amount of payment that could have been avoided over a 3-month period would have been \$358,720.50 for residential customers alone.

The shortened time period for a switch in combination with the ability to implement a switch through the utility, should the supplier be unresponsive, is expected to ameliorate the problem of a customer remaining with a supplier whose price has suddenly increased to the customer's detriment. Accelerated switching in such circumstances not only protects the affected customer but avoids complaints and may positively affect suppliers who follow better business practices.

#### **Economic Impact on Small Businesses**

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

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

### **20.59.01 General**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606, Annotated Code of Maryland

#### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) *Agent.*

(a) *"Agent" means a person who conducts marketing or sales activities, or both, on behalf of a licensed supplier or broker.*

(b) *"Agent" includes:*

(i) *An employee;*

(ii) *A representative;*

(iii) *An independent contractor;*

(iv) *A vendor;*

(v) *Subcontractors;*

(vi) *Employees;*

(vii) *Vendors; and*

(viii) *Representatives not directly contracted by the supplier who conduct marketing or sales activities on behalf of the supplier.*

[(1)] (2)— [(2)] (3) (text unchanged)

[(3)] (4) *"Consent" means an agreement with an action communicated by [a written document, electronic document, or voice recording.] the following:*

(a) *A written document with customer signature;*

(b) *An electronic document with electronic signature; or*

(c) *A voice recording only if the agreement is exempt under the Maryland Telephone Solicitations Act.*

[(4)] (5) *"Consumer" or "customer" [has the meaning stated in Public Utilities Article, §7-601, Annotated Code of Maryland.] means the regulated utility retail natural gas customer account holder.*

(6) *"Contract Summary" means a summary of the material terms and conditions of a retail energy supply contract, on a form provided by the Commission.*

[(5)] (7)— [(13)] (15) (text unchanged)

(16) *"Public event" means an event open to the public, which may facilitate retail natural gas sales and marketing activities or may result in a natural gas customer enrollment transaction.*

(17) *"Third party verification or TPV" means consent from the customer agreeing to each of the below-listed material contract terms that is recorded by an independent person not party to the agreement or may be performed by an automated, computerized system. To be valid, the TPV must occur without the presence of the sales agent, and at the outset must describe how the customer can cancel the TPV at any time prior to completion. The consent from the customer must include an acknowledgement:*

(a) *That he or she is voluntarily choosing to enroll with a supplier;*

(b) *Of the type of product offered such as variable, fixed, a combination of both;*

(c) *Of the price and duration of the contract;*

(d) *Of the amount of an early termination fee if applicable;*

(e) *That the customer is authorized to make the switch;*

(f) *Of the contract renewal procedures;*

(g) *That the customer may access future pricing information; and*

(h) *That the customer has received the supplier's customer support contact information.*

[(14)] (18)— [(16)] (20) (text unchanged)

### **20.59.03 Pre-Enrollment Information**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606, Annotated Code of Maryland

#### **.02 Pre-Enrollment Information.**

A. On request of a supplier, a utility shall provide the following applicable customer information:

(1)—(3) (text unchanged)

(4) *Utility account number and any other number designated by the utility as necessary to process an enrollment;*

(5)—(7) (text unchanged)

B. (text unchanged)

### **20.59.04 Transfers of Service**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606, Annotated Code of Maryland

#### **.02 Enrollment.**

A. *Effective Dates.*

(1) (text unchanged)

(2) *An electronic transaction for enrollment from a supplier received by a utility less than [12] 7 days before the first day of the next month shall take effect on the first day of the next subsequent month.*

(3) (text unchanged)

B.—D. (text unchanged)

E. *A supplier may not require that a customer provide it with advance notice, written or otherwise, before the customer switches to another supplier or to sales service.*

#### **.03 Supplier Drops.**

A. (text unchanged)

B. *Drop Effective Date.*

(1) (text unchanged)

(2) A drop received by a utility less than [12] 7 days before the first day of the next month shall take effect on the first day of the next subsequent month.

C. (text unchanged)

#### **.04 Customer Initiated Drops.**

A. A customer that wants to cancel a supplier contract shall first attempt to cancel the contract according to the terms of the contract.

B. If a customer attempts to cancel a contract by contacting the utility first, the utility shall direct the customer to contact the supplier through the means detailed in the supplier contract, terms and conditions or may direct the customer to contact the supplier through use of contact information on the Commission's website.

C. If a customer's cancellation request has not been received by the utility from the customer's supplier, and the customer confirms that more than 3 days have passed since the customer cancelled the contract with the supplier, the utility shall process a cancellation.

D. Customer initiated drops shall be processed in accordance with the provisions of COMAR 20.59.04.03.

E. A supplier may not include cancellation provisions in its contract for service that would limit or waive this provision.

F. A customer that initiates a drop with the utility must switch back to sales service as described in Regulation .03 of this chapter.

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

### **20.59.05 Utility Consolidated Billing**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606, Annotated Code of Maryland

#### **.03 Utility Purchased Receivables or Prorated Payments.**

A.—B. (text unchanged)

C. If the utility chooses the option of purchasing supplier receivables, supplier receivables shall be purchased with full and timely cost recovery for the utility under terms and conditions approved by the Commission. An early termination fee is not considered a commodity and is not subject to purchase as a receivable by the utility.

D.—F. (text unchanged)

### **20.59.07 Residential Customer Protection**

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606, Annotated Code of Maryland

#### **.05 Unauthorized Enrollment or Service.**

A. (text unchanged)

[B. A customer's choice of gas supplier is the gas supplier with the first enrollment of the customer received by the utility during any given month.]

[C.] B. (text unchanged)

[D.] C. Enrollment Disputes.

(1) (text unchanged)

(2) Upon proof of the allegations [the customer's remedies through] that an enrollment was unauthorized, the Commission's Office of External Relations (OER) [is limited to] may order the supplier to issue a refund to the customer in an amount, determined by OER, intended to hold the customer harmless relative to the price the customer would have paid had the unauthorized enrollment not occurred. [a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized enrollment.]

(a) If the charges have been billed by and the receivable purchased by the utility, the refund determined by OER shall be remitted to the utility by the supplier. The refund determined by OER shall be applied to the customer's utility account current balance and

the excess returned to the customer upon request. If the customer is no longer served by the utility, then the refund shall be returned to the customer.

(b) Upon purchase of any receivable under this section, the utility shall be entitled to collect from the customer, and the customer shall be responsible to pay the utility the total amount billed less any refund determined by OER.

[E.] D. (text unchanged)

#### **.07 Advertising and Solicitations.**

A. (text unchanged)

B. Disclosures.

(1) [A supplier's] All supplier marketing or solicitation information, including that used by its agents or employees, shall include the supplier's Maryland license number in a clear and conspicuous manner.

(2) (text unchanged)

C. Internet. [Advertising. A supplier shall post on the Internet readily understandable information about its services and prices.]

(1) Internet Advertising. A supplier shall post on the Internet readily understandable information about its services and prices.

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

D. (text unchanged)

#### **.08 Supplier Contracts.**

A. Minimum Contract Requirements.

(1) (text unchanged)

(2) A supplier contract shall contain all material terms and conditions, including:

(a)—(c) (text unchanged)

(d) A clear and concise price description of each service, including [all fixed and variable costs] but not limited to any condition of variability or limits on price variability;

(i) If there is a limit on price variability, such as a specific price cap, a maximum percentage increase in price between billing cycles or minimum/maximum charges per therm for natural gas during the term of the contract, the supplier shall clearly explain applicable limits;

(ii) If there is not a limit on price variability, the supplier shall clearly and conspicuously state that there is not a limit on how much the price may change from one billing cycle to the next.

(e)—(j) (text unchanged)

(k) A statement that the supplier may terminate the contract early, including the:

(i)—(ii) (text unchanged)

(iii) Duration of the notice period before early supplier cancellation; and

(iv) (text unchanged)

(l)—(m) (text unchanged)

(n) A statement describing how the customer may access future pricing information;

[(n)] (o)—[(o)] (p) (text unchanged)

B. Contract Summary.

(1) At the time of completion of the contracting process, a supplier shall provide the customer a copy of the executed contract and completed Contract Summary on the form provided by the Commission.

(2) If the contract is completed through telephone solicitation, the supplier shall send the Contract Summary to the customer along with the contract that must be signed by the customer and returned as required by the Maryland Telephone Solicitations Act. If the contract is exempt from the Maryland Telephone Solicitations Act, the supplier shall send the Contract Summary with the contract to the customer.

(3) If enrollment is completed through the internet, the Contract Summary shall be:

(a) Available online and made available for download by the customer at the time of contracting; and

(b) Shall be transmitted to the customer by the supplier by mail or by email if the customer consents to receipt of email disclosures.

(4) If the contract is completed in person, the contract and the Contract Summary shall be reviewed with and provided to the customer by the supplier in hard copy or electronically, and the executed contract and Contract Summary provided to the customer at the time of contracting in hard copy or electronically if the customer consents to electronic disclosures.

[B.] C. (text unchanged)

[C.] D. Evergreen Contracts.

(1) (text unchanged)

(2) The supplier notice required under §C(1) of this regulation shall:

(a) (text unchanged)

(b) Inform the customer how to terminate the contract without penalty; [and]

(c) Inform the customer that terminating the evergreen contract without selecting another supplier will return the customer to utility commodity service[.]; and

(d) Inform the customer how to access the customer's rate for the next billing cycle in accordance with 20.59.07.13.

(3) A clear and concise price description of each service, including, but not limited to, any condition of variability or limits on price variability.

(a) If there is a limit on price variability, such as a specific price cap, a maximum percentage increase in price between billing cycles or minimum/maximum charges per therm of natural gas during the term of the contract, the supplier shall clearly explain applicable limits.

(b) If there is not a limit on price variability, the supplier shall clearly and conspicuously state that there is not a limit on how much the price may change from one billing cycle to the next.

#### **.09 Customer Disclosure.**

##### **A. Price Information.**

(1) A supplier's price for service shall include, but not be limited to, all fixed and variable components.

(2) (text unchanged)

##### **B. (text unchanged)**

#### **.10 Notice of Contract Expiration or Cancellation.**

A. Notice. A supplier shall provide the customer with notice [45] at least 30 days before expiration or cancellation of a supply contract.

B. (text unchanged)

C. Early Cancellation.

(1)—(2) (text unchanged)

(3) Except as provided in COMAR 20.59.04.04 and .05, or in a tariff providing for a supplier default, a utility may remove a customer from supplier services only if directed by a supplier, subject to applicable bankruptcy law.

(4)—(5) (text unchanged)

#### **.11 Rescission Period.**

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

#### **.12 Assignment of Contract.**

A. At least 30 days prior to the effective date of any assignment or transfer of a supplier contract from one supplier to another, the suppliers shall jointly provide written notice to the customers of the

supplier, the Commission, the utility and the Office of People's Counsel of the assignment or transfer.

(1) Notice to Customer. The suppliers shall jointly send a letter to the customer informing them of the assignment or transfer. The letter shall include:

(a) A description of the transaction in clear and concise language including the effective date of the assignment or transfer; and

(b) Customer service contact information for the assignee.

(2) The terms and conditions of the customer's contract at the time of assignment shall remain the same for the remainder of the contract term; and

(3) The suppliers shall file a notice with the Commission, with a copy to the Office of People's Counsel and the utility, of the assignment or transfer of the customer contracts and include a copy of the letter sent to customers.

B. Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned contracts. Records shall be maintained for a period of three years or until the contracts are expired, whichever is longer.

C. An assignment or transfer of a supplier contract from one supplier to another is not an enrollment or drop.

#### **.13 Notice of Change in Rate.**

A. When a customer's rate changes, a supplier shall make available to a customer his or her rate for the next billing period;

(1) The rate shall be made available at least 12 days prior to close of the customer's billing period;

(2) The rate shall be made available in a clear, easy to access format prescribed by the supplier;

(3) The supplier shall promptly provide the customer written directions on how to access the rate:

(a) At the time of contracting;

(b) In the Contract Summary;

(c) When sending any notice as required in this title;

(d) Upon request; or

(e) If the supplier changes the directions for accessing the rate.

B. A supplier may provide an estimated rate for the customer's next billing period, provided the estimated rate is made available at least twelve days prior to the close of the customer's billing period. If the supplier provides an estimated rate for the customer, the supplier shall not use a rate for billing purposes that is higher than the estimate.

##### **C. Written Notice Requirement.**

(1) If a contract with a fixed rate for three or more billing cycles changes to a variable month-to-month price and a change in the contract rate will be equal to or exceed 30 percent of the supplier's current supply rate, the supplier shall provide written notice of the new rate to the customer at least 12 days prior to the close of the customer's billing period.

(2) The written notice shall be provided by mail, or with the mutual consent of the supplier and customer, by email, text, automated phone message or other manner.

(3) The supplier shall maintain records that such notice was provided to the customer.

D. Neither a supplier nor a customer may limit or waive this provision.

## 20.59.08 Supplier Agent Relations

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, 7-603, 7-604(b), and 7-606, Annotated Code of Maryland

### **.01 Suppliers Responsible for its Agent.**

A. A supplier may use an agent to conduct marketing or sales activities.

B. A supplier is responsible for any fraudulent, deceptive or other unlawful marketing acts performed by its agent in the conduct of marketing or sales activities on behalf of a supplier.

### **.02 Agent Qualifications and Standards.**

A. A supplier shall develop standards and qualifications for individuals it chooses to hire as its agents. A supplier may not permit an individual to be hired if an individual fails to meet its standards. The standards shall ensure to the fullest extent practicable that the agent's qualifications, and for door-to-door agents the results of the criminal history record check, safeguard potential customers with whom the agent may make contact.

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

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

D. A supplier shall audit at least every 12 months whether the criminal background checks completed by its independent contractor or vendor have been completed in accordance with this section. A supplier shall provide the Commission notice within 30 days if the audit results demonstrate that the criminal background checks were not completed by the independent contractor or vendor in accordance with this section.

### **.03 Agent Training.**

A. A supplier shall ensure the training of its agents on the following subjects:

- (1) Local, State, and federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales as applicable to the types of marketing and jurisdiction in which the agent shall engage or operate;
- (2) Responsible and ethical sales practices;
- (3) The supplier's products and services;
- (4) The supplier's rates, rate structures and payment options;
- (5) The customer's right to rescind and cancel contracts;
- (6) The applicability of an early termination fee for contract cancellation when the supplier has one;
- (7) The necessity of adhering to the script and knowledge of the contents of the script if one is used;
- (8) The proper completion of transaction documents;
- (9) The supplier's Contract Summary;

(10) Terms and definitions related to energy supply, transmission and distribution service as found online at the Commission's website;

(11) Information about how customers may contact the supplier to obtain information about billing, disputes and complaints; and

(12) The confidentiality and protection of customer information.

B. A supplier shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.

C. A supplier shall make training materials and training records available to the Commission and the Office of People's Counsel upon request. Any such material shall be treated as confidential.

D. When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided supplier-approved training to agents and independent contractors in accordance with this section.

E. The supplier shall monitor telephonic and door-to-door marketing and sales calls to:

(1) Evaluate the supplier's training program.

(2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

### **.04 Agent Identification; Misrepresentation.**

A. A supplier shall issue an identification badge to agents to be worn when conducting door-to-door activities or appearing at public events on behalf of a supplier. The badge shall:

- (1) Accurately identify the supplier, its trade name and logo;
- (2) Display the agent's photograph;
- (3) Display the agent's full name;
- (4) Be prominently displayed; and
- (5) Display a customer service phone number for the supplier.

B. Upon first contact with a customer, an agent shall:

- (1) Identify the supplier that he represents; and
- (2) State that he is not working for and is independent of the customer's local distribution company.

C. When conducting door-to-door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that suggests a relationship that does not exist with a utility, government agency, or another supplier.

D. A supplier may not use the name, bills, marketing materials or consumer education materials of another supplier, regulated utility, or government agency in a way that suggests a relationship that does not exist.

E. A supplier or supplier agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

### **.05 Door-to-Door Sales.**

The following provisions do not preempt the Maryland Door to Door Sales Act.

A. A supplier and its agents shall comply with state and local government ordinances regarding door-to-door marketing and sales activities.

B. A supplier's agent shall:

- (1) Prominently display an identification badge; and
- (2) Offer a business card or other material that lists:

- (a) The supplier's name and contact information, including telephone number;
- (b) The supplier's Commission license number; and
- (c) The agent's name and any other identification numbers provided to the sales agent by the supplier or agent.

C. A supplier shall establish a policy that requires an agent to terminate contact with a customer if the customer is incapable of understanding and responding to the information being conveyed by the agent.

D. When an agent completes a transaction with a customer, the agent shall provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent and the customer leave each other's presence;

E. An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises, or if the customer does not express an interest in what the agent is attempting to sell.

**.06 Notification Regarding Door-to-Door Activity.**

A. When a supplier engages in door-to-door activity, the supplier shall notify OER no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

B. A supplier shall provide the utility with general, nonproprietary information about the door-to-door activity that caused the supplier to provide notice to the Commission. The supplier shall provide this general information to the utility no later than the morning of the day that the sales and marketing activities begin. The utility shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may address customer inquiries knowledgeably. A utility may not use the information for other purposes.

DAVID J. COLLINS  
Executive Secretary

# **Title 34 DEPARTMENT OF PLANNING**

## **Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS**

### **34.04.09 Maryland Historical Trust African American Heritage Preservation [Grant] Program**

Authority: State Finance and Procurement Article, §5A-330, Annotated Code of Maryland

#### **Notice of Proposed Action [15-397-P]**

The Maryland Department of Planning proposes to repeal existing Regulations .01—,11 and adopt new Regulations .01—,11 under COMAR 34.04.09 Maryland Historical Trust African American Heritage Preservation Program.

#### **Statement of Purpose**

The purpose of this action is to incorporate into the regulations statutory changes made during the 2015 Session applicable to the procedural implementation of the African American Heritage Preservation Program (AAHPP), and to make various stylistic changes and minor edits to the regulations for the African American Heritage Preservation Program to provide greater clarity and to conform with existing agency processes.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

**I. Summary of Economic Impact.** The African American Heritage Preservation Program, which has been awarding grants since 2011, will assist local governments, nonprofit organizations, business entities, and private individuals with acquisition, construction, and rehabilitation of buildings, sites, and communities important to the African American experience in Maryland. Since its inception, the economic impacts of the Program have included stimulating economic expansion within those communities where properties highlight African American history and culture, and improving real property in communities assisted by Program grants.

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

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

- B. State agencies are eligible to receive grants under the Program.
- C. Local governments are eligible to receive grants under the Program.
- E. Nonprofits and other businesses are eligible to receive grants from the Program.
- F. The public will benefit from projects funded by the Program which will assist with the identification and preservation of buildings, sites, and communities of historical and cultural importance to the African American experience in Maryland.

#### **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 Elizabeth Hughes, Director, Maryland Historical Trust, Maryland Department of Planning, 100 Community Place, 3rd Fl., Crownsville, MD 21032, or call 410-514-7604, or email to elizabeth.hughes@maryland.gov, or fax to 410-514-7678. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

**.01 General.**

These regulations prescribe the policies, procedures, and authorizations for administering the African American Heritage Preservation Program, a joint partnership of the Maryland Historical Trust and the Maryland Commission on African American History and Culture.

**.02 Objective.**

The objective of the Program is to provide a source of grant funding to the political subdivisions of the State, nonprofit organizations, business entities, and individuals, to assist efforts to identify and preserve, through acquisition, construction, or improvements, buildings, communities, and sites of historical and cultural importance to the African American experience in Maryland.

**.03 Definitions.**

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

**B. Terms Defined.**

(1) "Acquisition" means the act or process of acquiring fee title or an interest other than fee title to historic property, including the purchase or acquisition of preservation easements, leasehold estates subject to ground rents, development rights, or remainder interests.

(2) "Act" means State Finance and Procurement Article, §5A-330, Annotated Code of Maryland, as amended.

(3) "African American Heritage Preservation Project" or "project" means a capital project that:

(a) Preserves a building, site, or community of historical or cultural importance to the African American experience in Maryland;

(b) Is for the acquisition, construction, or improvement of land or buildings; and

(c) Has an expected useful life of at least 15 years.

(4) "Board of Trustees" or "Trustees" means the Board of Trustees of the Maryland Historical Trust.

(5) "Business entity" means a corporation, association, partnership, joint venture, or other legally organized entity.

(6) "Commission" means the Commission on African American History and Culture.

(7) "Construction or improvement" means:

(a) Planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping; and

(b) Includes archeology and other predevelopment costs necessary for preparation of plans, designs, or engineering.

(8) "County" means any of the 23 counties of the State or the City of Baltimore.

(9) "Department" means the Maryland Department of Planning.

(10) "Director" means the Director of the Maryland Historical Trust.

(11) "Grant" means an award of financial assistance from the Grant Fund.

(12) "Grant documents" means the grant agreement and other documents between a grantee and the Trust which establish the terms and conditions of a grant.

(13) "Grant Fund" means the African American Heritage Preservation Grant Fund of the Trust as established by the Act.

(14) "Grantee" means the recipient of a grant.

(15) "Historic property" means a district, site, building, structure, monument, or object significant in the prehistory, history, upland and underwater archaeology, architecture, engineering, and culture of the State, which is listed in or is eligible for listing in the Maryland Register of Historic Properties.

(16) "Maryland Register of Historic Properties" means the register of historic properties in Maryland which is established by the Trust under State Finance and Procurement Article, §5A-323, Annotated Code of Maryland.

(17) "Municipality" means a municipal corporation in Maryland that is subject to the provisions of Article XI-E of the Maryland Constitution.

(18) "Nonprofit organization" means a corporation, foundation, governmental entity, or other legal entity, no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in such entity.

(19) "Political subdivision" means any county or municipality and any duly authorized agency or instrumentality of a county or municipality.

(20) "Program" means the African American Heritage Preservation Program of the Trust established by the Act.

(21) "Rehabilitation" means the act or process of returning an historic property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features which are significant to its historical and cultural values.

(22) "Restoration" means the act or process of applying measures to sustain the existing form, integrity, and material of an historic property or of accurately recovering the form and details of an historic property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(23) "Secretary" means the Secretary of the Maryland Department of Planning.

(24) "Trust" means the Maryland Historical Trust, an agency within the Division of Historical and Cultural Programs of the Department.

**.04 Eligible Grantees.**

A. Subject to §B of this regulation, the following are eligible for grants under the Program, subject to meeting the grant selection criteria of Regulation .06B of this chapter:

(1) A nonprofit organization;

(2) A political subdivision;

(3) An individual; and

(4) A business entity.

B. To be eligible for a grant, a nonprofit organization or a business entity shall be in good standing, qualified to do business in Maryland, and have the legal capacity and all necessary legal authority to incur the obligations and requirements of the grant.

**.05 Eligible Projects.**

A. Subject to §C of this regulation, and except as provided in §B of this regulation, the Trust may provide a grant from the Grant Fund to any eligible grantee for completion of an African American Heritage Preservation Project.

B. A grant from the Grant Fund may not be used to assist a project that includes restoration, rehabilitation, or other construction or improvement to a historic property if:

(1) The project does not meet the Secretary of the Interior's Standards for Treatment of Historic Properties; or

(2) Any acquisition, rehabilitation, restoration, or other construction or improvement of the property for which grant funds are sought is already under way or completed at the time a grant application is submitted.

C. To be eligible for a grant, a project must have as the applicant an eligible grantee who:

(1) Owns the property where the project is located; or

(2) Has a leasehold interest, contract, option, or other written agreement or instrument, acceptable to the Trust, that gives the applicant the legal right to carry out the project on the property.



**.06 Grant Allocation Procedures.**

**A. Annual Application Solicitation and Submission.**

(1) Once during each fiscal year for which funds are available in the Grant Fund for the award of grants, the Trust and the Commission shall jointly:

(a) Solicit applications for the award of grants under the Program by issuing a public announcement regarding the availability of grant funds under the Program that:

- (i) Includes a description of the application process;
- (ii) States the total anticipated funding available;
- (iii) Identifies criteria for eligible grantees and projects;
- (iv) Provides a deadline date for submission of grant applications;

(v) Provides an estimated timeline for project selection and grant award; and

(vi) As appropriate, includes suggested recommendations on the types of projects to which the Trust and the Commission intend to give special consideration for funding;

(b) Send the public announcement by email to African American heritage preservation organizations and other related organizations Statewide;

(c) Issue a press release that includes the public announcement; and

(d) Post the public announcement on the Trust's website.

(2) Grant applications shall be submitted to the Trust in form prescribed by the Trust and shall include:

- (a) A description of the scope and purpose of the project;
- (b) A project budget, in a form acceptable to the Trust, that:
  - (i) Details anticipated project costs and expenses;
  - (ii) Identifies all sources and uses of project funds; and
  - (iii) Includes the estimated total cost of the overall project;

(c) Sufficient information and documentation to:

(i) Evaluate the historical or cultural significance of the property;

(ii) Determine the relationship of the project to the types of projects that the Trust and the Commission may have noted for special consideration under §A(1)(a)(vi) of this regulation;

(iii) Determine the ownership and all lessees or substantial users of the property;

(iv) Evaluate the current and proposed condition and use of the property;

(v) Evaluate the extent, if any, to which the project will change the type of use or increase the intensity of the existing use of the property;

(vi) Evaluate the nature and cost of the project;

(vii) Evaluate the readiness of the applicant to commence the project and applicant's ability to complete the project within an established time frame;

(viii) Evaluate the applicant's administrative and financial capacity and capability;

(ix) Establish that the applicant has site control of the property as required by Regulation .05C(2) of this chapter; and

(x) Determine the availability of matching funds from other sources to support the project;

(d) Copies of applicant's organizational documents; and

(e) Such other information as determined necessary by the Trust and the Commission.

**B. Selection Criteria.**

(1) The Trust and the Commission shall review and evaluate grant applications in accordance with the following selection criteria:

- (a) Relative historical or cultural significance of the project to the African American experience in Maryland;
- (b) Public necessity for the project;

(c) Urgency of the project;

(d) If applicable, the degree to which the project relates to the types of projects that the Trust and the Commission have noted for special consideration under §A(1)(a)(vi) of this regulation;

(e) Estimated cost and timeliness for executing the project;

(f) Extent to which the project will contribute to the cumulative equitable Statewide geographic diversity and distribution of funds considering relative concentrations of historic properties;

(g) Inclusion within the project scope of long-term preservation measures that will protect the property or resource that is the subject of the project;

(h) Comprehensiveness of the scope of the project;

(i) The applicant's capacity to administer the project;

(j) Extent to which the project might stimulate or promote other African American heritage preservation activities;

(k) Informational and educational value of the project;

(l) Demonstration and innovation value of the project;

(m) Need for additional sources of funding for the project;

(n) Viability of matching funds for the project;

(o) Applicant's readiness to commence the project;

(p) Applicant's ability, including financial ability and capacity, to complete the project within an established time frame; and

(q) Any additional criteria which the Trust and the Commission consider to be appropriate.

(2) The Trust and the Commission may assign differing weights to the criteria set forth in §B(1) of this regulation and the weights may vary from time to time.

**C. Emergency Grants.**

(1) The Secretary may reserve during any fiscal year up to 20 percent of the funds available during that year in the Grant Fund to be used for emergency project grants for grantees and projects that qualify as eligible under Regulations .04 and .05 of this chapter but not otherwise applied for under the annual procedures established under §A of this regulation.

(2) A project may qualify for an emergency project grant if:

(a) An unpredictable or unforeseen situation has occurred which may necessitate an immediate need to undertake the project; or

(b) The project is one which provides a special opportunity to undertake a qualifying activity within a narrow time frame.

(3) An application for an emergency project grant shall:

(a) Be submitted to the Trust in form and content as proscribed under §A(2) of this regulation; and

(b) Include a description of the nature of the emergency and an explanation as to why the applicant cannot wait until the next annual grant application deadline date to apply for the grant.

**.07 Review and Approval.**

**A. Procedures for Review of Annual Grant Applications.**

(1) For each grant application timely submitted to the Trust in accordance with Regulation .06A of this chapter, Trust staff shall review the application and determine if:

(a) The applicant is an eligible grantee under Regulation .04 of this chapter; and

(b) The proposed project is an eligible project under Regulation .05 of this chapter.

(2) Following its review under §A(1) of this regulation, Trust staff shall:

(a) Transmit to the Commission all grant applications for which staff determined during review that both the grantee and the project are eligible; or

(b) Send a notice of ineligibility to each grant applicant for which staff determined during review that either the grantee or the project is not eligible.



(3) Upon receipt of applications transmitted by Trust staff under §A(2)(a) of this regulation, the Commission shall:

(a) Review each application and the recommendations made by Trust staff;

(b) Evaluate and rank competitively the applications in accordance with the selection criteria under Regulation .06B of this chapter;

(c) Recommend funding levels for the projects it determines worthy of the award of a grant; and

(d) Transmit to the Board of Trustees the Commission's evaluations, rankings, and recommendations.

(4) Upon receipt of the information transmitted by the Commission under §A(3)(d) of this regulation, the Trustees shall:

(a) Review the Commission's evaluations, rankings, and recommendations;

(b) Refine or revise the Commission's rankings and recommendations as the Trustees deem appropriate; and

(c) Forward to the Secretary recommendations on each application as to whether the applicant should be awarded a grant and in what amount.

**B. Procedures for Review of Emergency Applications.**

(1) For each emergency grant application submitted to the Trust under Regulation .06C of this chapter, Trust staff shall review the application and determine if:

(a) The applicant is a eligible grantee under Regulation .04 of this chapter; and

(b) The proposed project is an eligible project under Regulation .05 of this chapter.

(2) Following its review under §B(1) of this regulation, Trust staff shall:

(a) Transmit the application to the Commission if staff determined during its review that both the grantee and the project are eligible; or

(b) Send a notice of ineligibility to the applicant if staff determined during its review that either the grantee or the project is not eligible.

(3) Upon receipt of an application by Trust staff under §B(2)(a) of this regulation, the Commission shall:

(a) Review the application and the recommendation made by Trust staff;

(b) Evaluate the application in accordance with the selection criteria under Regulation .06B of this chapter;

(c) Evaluate the nature of the emergency;

(d) Recommend a fund level for the project if it determines the project worthy of the award of a grant; and

(e) Transmit to the Board of Trustees the Commission's evaluation and recommendation.

(4) Upon receipt of the information transmitted by the Commission under §B(3) of this regulation, the Trustees shall:

(a) Review the Commission's evaluation and recommendation;

(b) Refine or revise the Commission's recommendation as the Trustees deem appropriate; and

(c) Forward to the Secretary a recommendation as to whether the applicant should be awarded a grant and in what amount.

**C. Secretary's Review and Approval. The Secretary shall:**

(1) Review each grant application forwarded to the Secretary by the Trustees and the recommendations of the Trust and of the Commission;

(2) Evaluate each grant application against the selection criteria set forth in Regulation .06B of this chapter and, as applicable, the nature of any emergency; and

(3) Make a final decision to:

(a) Approve the grant and in what amount;

(b) Approve the grant with modifications; or

(c) Deny the grant.

D. Board of Public Works Approval. For all grants awarded by the Secretary under §C of this regulation that are to be funded with the proceeds of the sale of State general obligation bonds, the Trust shall submit the grant agreement to the Board of Public Works for approval.

E. Final Decision. The decision on a grant application of the Secretary under §C of this regulation, or, as appropriate, of the Board of Public Works under §D of this regulation, is final and not a contested case within the meaning of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

F. Inapplicable Provisions. Grants submitted to the Board of Public Works in accordance with §D of this regulation are not subject to the provisions of the State Finance and Procurement Article, Title 4, Annotated Code of Maryland, or otherwise subject to review by the Department of General Services or any other State unit.

**.08 Grant Terms and Conditions.**

**A. Matching Requirements.**

(1) Except for a nonprofit organization, the recipient of a grant under the Program must match the grant with other sources of funds contributed to the cost of the project in an amount at least equal to the amount of the grant.

(2) The match shall consist of either cash or an equivalent dollar value of an in-kind contribution to the project.

(3) The match may come from any combination of federal, county, municipal, or private sources of funds as acceptable to the Commission and the Trust.

(4) The Commission and the Trust may require a match in the case of a grant to a nonprofit organization. The matching requirement for a nonprofit organization, if any, shall be specified in the public announcement made pursuant to Regulation .06A(1)(a) of this chapter and the contents of the match shall conform with the requirements in §A(1) and (2) of this regulation.

B. Grant Amount. Except as may be permitted for grants awarded to nonprofit organizations, a grant may not exceed 50 percent of the total cost of the project for which the grant funds are awarded.

C. Grant Disbursement. Disbursement will be made as the project progresses based upon requests for disbursement submitted by the grantee in accordance with the terms of the grant documents and in a form satisfactory to the Trust.

**D. Additional Grant Requirements.**

**(1) Deeds of Easement and Preservation Agreements.**

(a) If a grant is for a project located on historic real property that is individually listed in, or individually eligible for listing in, the Maryland Register of Historic Properties, the grantee and the owner of the real property, if the owner is not the grantee, shall convey to the Trust or an entity acceptable to the Trust a perpetual deed of easement containing preservation covenants applicable to the historic real property, in form and substance satisfactory to the Trust. The deed of easement may also contain conditional lien provisions and other provisions which require reimbursement of the grant if the encumbrance of the deed of easement is extinguished by the foreclosure of a prior lien or otherwise or if the deed of easement is determined not to be legally enforceable for any reason. The grantee shall record the deed of easement among the land records of the political subdivision in which the real property is situated.

(b) If a grant is for a project affecting historic personal property other than real property, the grantee and the owner of the historic personal property, if the owner is not the grantee, shall enter into an agreement with the Trust or an entity acceptable to the Trust to preserve and maintain the historic personal property in such manner and duration as is acceptable to the Trust.

(c) *The preservation agreement or deed of easement requirements of §D(1)(a) and (b) of this regulation may be modified or waived by the Director if the Director determines that such an agreement or easement is impracticable, infeasible, or not necessary under the circumstances. Evidence of impracticability, infeasibility, or lack or necessity may include, among other things, the existence of a previous agreement or deed of easement in form and substance satisfactory to the beneficiary of the agreement or holder of the easement, as the case may be.*

(d) *The requirement in §D(1)(a) of this regulation that a deed of easement be conveyed by a property owner if the owner is not the grantee may be modified or waived by the Director, as necessary, if the subject property is long-term leasehold property.*

(2) *Title to Real Property. The Trust, in its discretion, may require a grantee to provide evidence of title, acceptable to the Trust, that certifies title to the real property on which the grantee will undertake the project for which the grant is awarded. The certificate of title may contain only standard exceptions and encumbrances approved by the Trust.*

(3) *Insurance. A grantee shall insure the property where the project is located against loss or damage by fire and other hazards, casualties, and contingencies as may be required by the Trust in amounts satisfactory to the Trust.*

(4) *Review of Plans and Specifications. If a grant is for a project on historic property:*

(a) *The plans and specifications for the project shall be subject to the review and approval of the Trust;*

(b) *All aspects of the project shall conform to the acquisition, protection, stabilization, preservation, rehabilitation, restoration, reconstruction, and other applicable standards established or applied by the Trust, including, but not limited to, the Secretary of the Interior's Standards for Treatment of Historic Properties; and*

(c) *The grantee shall permit the Trust to inspect ongoing construction and to ensure that the grantee is undertaking the project in conformance with all applicable standards and requirements.*

E. *Other Requirements. The Commission and the Trust may establish in grant documents other terms and conditions of a grant as considered reasonable and necessary by the Commission and the Trust.*

#### **.09 Grantee Administration.**

##### **A. Books, Accounts, and Records.**

(1) *Grantees, contractors, and subcontractors shall maintain those books, accounts, and records and shall file with the Commission and the Trust those financial and other reports as the Commission and the Trust may from time to time require. All such books, accounts, and records shall be open to the inspection of representatives of the Commission and the Trust or other agencies of the State during reasonable working hours before, during, or after the period of time during which the grant proceeds are expended. Grantees shall make their administrative offices and personnel, whether full-time, part-time, consultants, or volunteers, available to the Commission or the Trust upon request.*

(2) *Books, accounts, and records of a grantee's contractors and subcontractors shall be maintained and made available for inspection for up to 3 years after either the date of grantee's final expenditure of grant proceeds or the termination of the contractual relationship between the contractor and the grantee, whichever is later.*

B. *Reports. Grantees shall submit a final report and interim reports as may be required by the Commission and the Trust that document project progress and evaluate project effectiveness.*

##### **C. Nondiscrimination.**

(1) *A grantee may not discriminate on the basis of age (except with respect to residents in elderly projects), ancestry, color, creed, gender identity and expression, genetic information, marital status, national origin, physical or mental handicap, race, religion, sex, and sexual orientation.*

(2) *Each grantee shall comply with all applicable federal, State, and local laws and departmental policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices including:*

(a) *Titles VI and VII of the Civil Rights Act of 1964, as amended;*

(b) *Title VIII of the Civil Rights Act of 1968, as amended;*

(c) *The Governor's Code of Fair Practices, as amended; and*

(d) *The Department's Minority Business Enterprise Program, if any, as amended, if the grantee does not have its own minority business participation program which is acceptable to the Commission and the Trust.*

#### **.10 Program Administration.**

A. *Any action or decision required or permitted to be taken or made by the Secretary, the Commission, or the Trust under this chapter may be taken or made by the Secretary's designee, the Executive Director of the Commission or a designee, or the Director of the Trust or a designee.*

B. *The Commission and the Trust may terminate a grant or refuse to make additional disbursements under the applicable grant documents if it finds that the grantee is not complying with any of the requirements of the Program or the grant documents.*

C. *The Commission and the Trust may establish from time to time operational handbooks or manuals governing matters relating to the Program including descriptive statements of Program procedures which do not directly affect the rights of the public or the procedures available to the public.*

D. *After a grant has been awarded, the Commission and the Trust may:*

(1) *Cancel or reduce the grant, and withhold any funds not yet disbursed if the grantee has not expended all grant funds within 24 months of the effective date of the grant documents, and the grant documents may prescribe a shorter period of time if warranted by the circumstances of the project; or*

(2) *Subject to the availability of funds, increase the grant or extend the time limit for completing the project if the grantee demonstrates to the satisfaction of the Commission and the Trust that the circumstances warrant such an increase or extension.*

#### **.11 Waiver.**

*Except for provisions of Regulation .07D of this chapter relating to Board of Public Works approval, the Secretary may waive or vary particular provisions of this chapter if:*

A. *The waiver or variance is not inconsistent with the authorizing provisions of the Act; and*

B. *In the written determination of the Secretary, application of the regulations in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.*

DAVID R. CRAIG  
Secretary of Planning

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on December 4, 2015, in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATES: The meeting will be held on Friday, December 4, 2015, at 9 a.m.

ADDRESSES: The meeting will be held at the North Office Building, Hearing Room 1 (Ground Level), located at North Street (at Commonwealth Avenue), Harrisburg, PA 17120.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) resolution concerning FY-2017 federal funding of the Susquehanna Flood Forecast and Warning System and Groundwater and Streamflow Information Program; (2) rulemaking action to amend Commission regulations to simplify and clarify the process for transferring approvals and to add sections pertaining to general permits and minor modifications to approvals; (3) an update to the Commission's Investment Policy Statement; (4) regulatory compliance matters for Seneca Resources Corporation and Schreiber Foods, Inc.; and (5) Regulatory Program projects. The business meeting will also include action on ratification/approval of agreement.

Projects and rulemaking listed for Commission action are those that were the subject of a public hearing conducted by the Commission on October 29, 2015, and identified in the notices for such hearing, which were published in 80 FR 58806, September 30, 2015; and 80 FR 56936, September 21, 2015, respectively.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects and rulemaking are subject to a deadline of November 9, 2015. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through <http://www.srb.com/pubinfo/publicparticipation.htm>. Such comments are due to the Commission on or before November 25, 2015. Comments will not be accepted at the business meeting noticed herein.

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

Dated: November 3, 2015.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[15-25-21]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: August 1—31, 2015.

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

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

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

Rescinded ABR Issued August 1-31, 2015

Inflection Energy (PA), LLC, Pad ID: Eichenlaub A Pad, ABR-201206014, Upper Fairfield Township, Lycoming County, Pa.; Rescind Date: August 3, 2015.

Inflection Energy (PA), LLC, Pad ID: Iffland, ABR-201206015, Upper Fairfield Township, Lycoming County, Pa.; Rescind Date: August 3, 2015.

Inflection Energy (PA), LLC, Pad ID: G. Adams, ABR-201206012, Mill Creek Township, Lycoming County, Pa.; Rescind Date: August 3, 2015.

Inflection Energy (PA), LLC, Pad ID: Harris RE Trust, ABR-201207008, Fairfield Township, Lycoming County, Pa.; Rescind Date: August 3, 2015.

Inflection Energy (PA), LLC, Pad ID: Mussina, ABR-201207001, Fairfield Township, Lycoming County, Pa.; Rescind Date: August 3, 2015.

Tenaska Resources, LLC, Pad ID: Merlin, ABR-201012045, Sullivan Township, Tioga County, Pa.; Rescind Date: August 4, 2015.

EOG Resources, Inc., Pad ID: Haven 2H, ABR-201008094, Springfield Township, Bradford County, Pa.; Rescind Date: August 12, 2015.

EOG Resources, Inc., Pad ID: Kennedy A Pad, ABR-201302001, Smithfield Township, Bradford County, Pa.; Rescind Date: August 12, 2015.

EOG Resources, Inc., Pad ID: Kingsley 5HA/6HA Pad, ABR-201110028, Springfield Township, Bradford County, Pa.; Rescind Date: August 12, 2015.

EOG Resources, Inc., Pad ID: Plouse A Pad, ABR-201210014, Ridgebury Township, Bradford County, Pa.; Rescind Date: August 12, 2015.

EOG Resources, Inc., Pad ID: SGL 90E Pad, ABR-201011025, Lawrence Township, Clearfield County, Pa.; Rescind Date: August 12, 2015.

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

Dated: November 10, 2015.

STEPHANIE L. RICHARDSON

Secretary to the Commission

[15-25-22]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: September 1—30, 2015.

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

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

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

#### Approvals By Rule Issued Under 18 CFR §806.22(e):

Downs Racing, LP dba Mohegan Sun Pocono, Mohegan Sun Pocono, ABR-201509001, Plains Township, Luzerne County, Pa.; Consumptive Use of Up to 0.3500 mgd; Approval Date: September 11, 2015.

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

Anadarko E&P Onshore, LLC, Pad ID: Don J Davis Pad A, ABR-201008028.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Decker Farms, ABR-201009037.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Rocks, ABR-201101003.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Aukema, ABR-201101013.R1, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Fausto, ABR-201101015.R1, Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Bo, ABR-201101016.R1, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Struble, ABR-201101017.R1, Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: DJ, ABR-201101021.R1, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 3, 2015.

Chief Oil & Gas, LLC, Pad ID: Dacheux Drilling Pad #1, ABR-201101014.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 3, 2015.

Chief Oil & Gas, LLC, Pad ID: Andrus Drilling Pad #1, ABR-201101023.R1, Granville Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 3, 2015.

EOG Resources, Inc., Pad ID: KINGSLEY 2H, ABR-20100692.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 3, 2015.

EOG Resources, Inc., Pad ID: KINGSLEY 3H, ABR-20100698.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 3, 2015.

EXCO Resources (PA), LLC, Pad ID: Kensinger Unit Drilling Pad #1, ABR-20090922.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 3, 2015.

Seneca Resources Corporation, Pad ID: DCNR Tract 001 1H, ABR-201008142.R1, Sweden Township, Potter County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWN Production Company LLC, Pad ID: Loomis Well No. 2H, ABR-20100504.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWEPI LP, Pad ID: Synnestvedt 878, ABR-201007009.R1, Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWEPI LP, Pad ID: Matz 824, ABR-201007010.R1, Chatham Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWEPI LP, Pad ID: Cochran 705, ABR-201007012.R1, Union Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWEPI LP, Pad ID: Frost 573, ABR-201007013.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWEPI LP, Pad ID: Murdock 862, ABR-201007015.R1, Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

SWEPI LP, Pad ID: Taylor 718, ABR-201007016.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.

- SWEPI LP, Pad ID: Wesneski 724, ABR-201007017.R1, Union Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.
- SWEPI LP, Pad ID: Thomas 503, ABR-201007050.R1, Sullivan and Rutland Townships, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.
- SWEPI LP, Pad ID: Swingle 725, ABR-201007129.R1, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Jack L Hipple Pad A, ABR-201008021.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 8, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Thomas E Smith Pad A, ABR-201008057.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 8, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: George E Hagemeyer Pad A, ABR-201008077.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 8, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Nevin L Smith Pad A, ABR-201008115.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 8, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Kenneth T Schriener Pad A, ABR-201009107.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 8, 2015.
- Carrizo (Marcellus), LLC, Pad ID: Shaskas South, ABR-201011022.R1, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: September 8, 2015.
- Carrizo (Marcellus), LLC, Pad ID: Bonnice 2, ABR-201011023.R1, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: September 8, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Gerbino #1, ABR-20090710.R1, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 8, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Warren #1, ABR-20090711.R1, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 8, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Wasyl, ABR-201101002.R1, Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 8, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Beech Flats, ABR-201101012.R1, West Branch and Pike Townships, Potter County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 8, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Bustin Homestead, ABR-201101025.R1, Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 8, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Beeman, ABR-201101028.R1, Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 8, 2015.
- SWEPI LP, Pad ID: Sorensen 876, ABR-201007021.R1, Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 8, 2015.
- SWEPI LP, Pad ID: Westerbaan 723, ABR-201007038.R1, Union Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 8, 2015.
- SWEPI LP, Pad ID: State 822, ABR-201007040.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 8, 2015.
- SWEPI LP, Pad ID: Taft 851, ABR-201007047.R1, Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 8, 2015.
- SWEPI LP, Pad ID: Baldwin 881, ABR-201007068.R1, Farmington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 8, 2015.
- Tenaska Resources, LLC, Pad ID: Sylvester 1H, ABR-20100155.R1, Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: September 8, 2015.
- Tenaska Resources, LLC, Pad ID: NorthFork 1H, ABR-20100158.R1, Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: September 8, 2015.
- Tenaska Resources, LLC, Pad ID: Austinburg 1H, ABR-20100313.R1, Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: September 8, 2015.
- EOG Resources, Inc., Pad ID: Olsyn 1H, ABR-201509004, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 17, 2015.
- EOG Resources, Inc., Pad ID: Pichler 1H, ABR-201509003, Jay Township, Elk County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 17, 2015.
- EOG Resources, Inc., Pad ID: PHC 2H, ABR-201509002, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 17, 2015.
- SWEPI LP, Pad ID: Maneval 296, ABR-201007056.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 17, 2015.
- SWEPI LP, Pad ID: Reese 289, ABR-201007057.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 17, 2015.
- SWEPI LP, Pad ID: Harsell 883, ABR-201007066.R1, Nelson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 17, 2015.
- SWEPI LP, Pad ID: Wood 874, ABR-201007069.R1, Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 17, 2015.
- SWEPI LP, Pad ID: Sawyer 376, ABR-201007061.R1, Union Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 17, 2015.
- SWEPI LP, Pad ID: Cleveland 616, ABR-201007089.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 17, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Teel P4, ABR-20080701.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.7000 mgd; Approval Date: September 17, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Teel P3, ABR-20080702.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.7000 mgd; Approval Date: September 17, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Costello P1, ABR-20080707.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.9000 mgd; Approval Date: September 17, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Black P1, ABR-20080708.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: September 17, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Ely P3, ABR-20080709.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: September 17, 2015.

Cabot Oil & Gas Corporation, Pad ID: Ely P2, ABR-20080722.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.9000 mgd; Approval Date: September 17, 2015.

Cabot Oil & Gas Corporation, Pad ID: Lewis P2, ABR-20080802.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.9000 mgd; Approval Date: September 17, 2015.

Cabot Oil & Gas Corporation, Pad ID: Lewis P1, ABR-20080803.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.9000 mgd; Approval Date: September 17, 2015.

Cabot Oil & Gas Corporation, Pad ID: Costello P2, ABR-20080804.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 0.9000 mgd; Approval Date: September 17, 2015.

Anadarko E&P Onshore, LLC, Pad ID: Wallis Run HC Pad A, ABR-201008078.R1, Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: Michael R Fulkerson Pad A, ABR-201008116.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: Frank L Hartley Pad A, ABR-201008144.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: Plants Evergreen Farm Pad A, ABR-201009003.R1, Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: COP Tr 685 Pad C, ABR-201009013.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: COP Tr 290 Pad A, ABR-201009043.R1, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: COP Tr 289 Pad E, ABR-201009048.R1, McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: COP Tr 731 Pad A, ABR-201009057.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Anadarko E&P Onshore, LLC, Pad ID: Gayla D Loch Pad A, ABR-201009083.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 28, 2015.

Chesapeake Appalachia, LLC, Pad ID: Meng, ABR-201101005.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 28, 2015.

Chesapeake Appalachia, LLC, Pad ID: VRGC, ABR-201101022.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 28, 2015.

Chesapeake Appalachia, LLC, Pad ID: Walker, ABR-201101030.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 28, 2015.

SWEPI LP, Pad ID: Gee 848V, ABR-201007093.R1, Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 28, 2015.

Talisman Energy USA Inc., Pad ID: 02 100 Detweiler R, ABR-201008023.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 29, 2015.

Talisman Energy USA Inc., Pad ID: 02 203 DCNR 594, ABR-201008042.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 29, 2015.

Talisman Energy USA Inc., Pad ID: Carpenter 03 023, ABR-201008141.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 29, 2015.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 003, ABR-201008069.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 29, 2015.

Talisman Energy USA Inc., Pad ID: DCNR 587 02 019, ABR-201008072.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 29, 2015.

Talisman Energy USA Inc., Pad ID: Roy 03 062, ABR-201008089.R1, Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 29, 2015.

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

Dated: November 6, 2015.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[15-25-23]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: October 1—31, 2015.

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

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

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

#### Approvals By Rule Issued Under 18 CFR §806.22(e):

Lackawanna Energy Center, LLC, Lackawanna Energy Center, ABR-201510005, Borough of Jessup, Lackawanna County, PA.; Consumptive Use of Up to 0.4000 mgd; Approval Date: October 23, 2015.

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

- Travis Peak Resources, LLC, Pad ID: Abplanalp, ABR-201510001, Westfield Township, Tioga County, Pa.; Consumptive Use of Up to 1.1760 mgd; Approval Date: October 6, 2015.
- Travis Peak Resources, LLC, Pad ID: Painter, ABR-201510002, Westfield Township, Tioga County, Pa.; Consumptive Use of Up to 1.1760 mgd; Approval Date: October 6, 2015.
- Chief Oil & Gas, LLC, Pad ID: Warburton North Drilling Pad, ABR-201510003, Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: October 6, 2015.
- Ultra Resources, Inc., Pad ID: Brown #1 Pad Site, ABR-201510004, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 0.0420 mgd; Approval Date: October 6, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Harry W Stryker Pad A, ABR-201011044.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 6, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Ann C Good Pad B, ABR-201011047.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 6, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: David O Vollman Pad A, ABR-201011069.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 6, 2015.
- EOG Resources, Inc., Pad ID: PHC 6H, ABR-20090721.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.9999 mgd; Approval Date: October 6, 2015.
- EOG Resources, Inc., Pad ID: PHC 8H, ABR-20090723.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 1.9999 mgd; Approval Date: October 6, 2015.
- SWEPI LP, Pad ID: Hedrick 702, ABR-201007092.R1, Union Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 6, 2015.
- SWEPI LP, Pad ID: Foti 721, ABR-201007118.R1, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 6, 2015.
- SWEPI LP, Pad ID: Clegg 722, ABR-201007119.R1, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 05 009 Alderson V, ABR-201008022.R1, Pike Township, Bradford County and Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 05-003 Edsell C, ABR-201008076.R1, Pike Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 05 046 O'Rourke, ABR-201008124.R1, Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 01 086 Brelsford, ABR-201008128.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 05 005 Ayers, ABR-201008129.R1, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 05 067 Green Newland LLC, ABR-201008151.R1, Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- Talisman Energy USA Inc., Pad ID: 05 026 Strobe, ABR-201008152.R1, Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 6, 2015.
- LPR Energy, LLC, Pad ID: Ritchey Unit Drilling Pad, ABR-20091010.R1, Juniata Township, Blair County, Pa.; Consumptive Use of Up to 1.9900 mgd; Approval Date: October 12, 2015.
- LPR Energy, LLC, Pad ID: Hodge Unit Drilling Pad #1, ABR-20091201.R1, Juniata Township, Blair County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 12, 2015.
- LPR Energy, LLC, Pad ID: Lightner Drilling Pad #1, ABR-201007045.R1, Juniata Township, Blair County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 12, 2015.
- LPR Energy, LLC, Pad ID: Davis Drilling Pad #1, ABR-201007067.R1, West St. Clair Township, Bedford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 12, 2015.
- LPR Energy, LLC, Pad ID: Lightner East Drilling Pad #1, ABR-201009087.R1, Juniata Township, Blair County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 12, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: Douglas C Kinley Pad A, ABR-201009046.R1, Lycoming Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Harnish, ABR-201102006.R1, Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Sticklin 610, ABR-201007113.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Hamblin 860, ABR-201007117.R1, Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: McNett 708, ABR-201008003.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Clark 392, ABR-201008004.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Miller 394, ABR-201008005.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Bauer 849, ABR-201008032.R1, Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Davis 829, ABR-201008033.R1, Farmington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- SWEPI LP, Pad ID: Fish 301, ABR-201008034.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Cuthbertson, ABR-201102001.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 19, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Jokah, ABR-201102005.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 19, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Corl, ABR-201102011.R1, Colley Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 19, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Herr, ABR-201102026.R1, Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 19, 2015.



- EQT Production Company, Pad ID: Stoney Brook, ABR-201105008.R1, Jay Township, Elk County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 19, 2015.
- EQT Production Company, Pad ID: Phoenix P, ABR-201105024.R1, Duncan Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 19, 2015.
- SWEPI LP, Pad ID: Heyler 748, ABR-201008031.R1, Morris and Liberty Townships, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2015.
- SWEPI LP, Pad ID: Fuleihan 417, ABR-201008073.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2015.
- SWEPI LP, Pad ID: Baker 897, ABR-201008074.R1, Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2015.
- SWEPI LP, Pad ID: Kinnan 845, ABR-201008135.R1, Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2015.
- Anadarko E&P Onshore, LLC, Pad ID: William S Kieser Pad A, ABR-201011046.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 20, 2015.
- EXCO Resources (PA), LLC, Pad ID: Marquardt Drilling Pad #1, ABR-201008008.R1, Davidson Township, Sullivan County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: October 20, 2015.
- EXCO Resources (PA), LLC, Pad ID: Wistar-Shaffer Tracts Drilling Pad #1, ABR-201009071.R1, Shrewsbury Township, Sullivan County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: October 20, 2015.
- SWEPI LP, Pad ID: Seeley 524, ABR-201007122.R1, Rutland Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 20, 2015.
- SWEPI LP, Pad ID: Dewey Hollow Rod & Gun Club 601, ABR-201007128.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 20, 2015.
- SWEPI LP, Pad ID: Appold 493, ABR-201008126.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 20, 2015.
- SWEPI LP, Pad ID: Wood 496, ABR-201009026.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 20, 2015.
- SWEPI LP, Pad ID: Lingle 1102, ABR-201009049.R1, Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 20, 2015.
- Talisman Energy USA Inc., Pad ID: 02 201 DCNR 594, ABR-201008037.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 20, 2015.
- Talisman Energy USA Inc., Pad ID: 03 073 Ritz, ABR-201009019.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 20, 2015.
- Chief Oil & Gas, LLC, Pad ID: Hart North Drilling Pad, ABR-201510006, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 27, 2015.
- Chief Oil & Gas, LLC, Pad ID: Bahl Drilling Pad, ABR-201510007, Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 27, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Keir, ABR-201012002.R1, Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 27, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Burkmont Farms, ABR-201012007.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 27, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Norconk, ABR-201012023.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 27, 2015.
- Chesapeake Appalachia, LLC, Pad ID: DGSM, ABR-201012038.R1, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 27, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Hartz, ABR-201012039.R1, Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 27, 2015.
- SWEPI LP, Pad ID: Erickson 448, ABR-201009050.R1, Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 27, 2015.
- Talisman Energy USA Inc., Pad ID: 05 092 Upham, ABR-201009078.R1, Pike Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 27, 2015.
- Talisman Energy USA Inc., Pad ID: 05 074 Zimmerli, ABR-201009079.R1, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 27, 2015.
- Tenaska Resources, LLC, Pad ID: Traub Pad A, ABR-201111008.R1, Abbott Township, Potter County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 27, 2015.
- Chief Oil & Gas, LLC, Pad ID: Garrison Drilling Pad #1, ABR-201102032.R1, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 30, 2015.
- SWN Production Company, LLC, Pad ID: WY-18 WEST PAD, ABR-201510008, Eaton Township, Wyoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 30, 2015.
- AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.
- Dated: November 17, 2015.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[15-25-24]



# MARYLAND HEALTH CARE COMMISSION

## NUMBER OF CHRONIC HOSPITAL BEDS AND PATIENT DAYS AND PERCENT OCCUPANCY, BY FACILITY: MARYLAND, FY 2014

Jurisdiction/Facility	Number of Licensed Beds	Number of Patient Days	Occupancy (%)
<b>Baltimore City</b>			
Johns Hopkins Bayview Medical Center <sup>1</sup>	76	22,925	82.42%
Levindale Hebrew Geriatric Center & Hospital	100	35,008	95.65%
<b>UM Medical Center Midtown Campus</b> <sup>2</sup>	80	18,814	64.26%
UM Rehabilitation & Orthopedic Institute <sup>3</sup>	52	17,694	92.97%
<b>Prince George's County</b>			
Laurel Regional Hospital <sup>4</sup>	46	6,749	40.09%
<b>SUBTOTAL: Private Chronic Hospitals</b>	<b>354</b>	<b>101,190</b>	<b>78.1%</b>
<b>Washington County</b>			
Western Maryland Hospital Center <sup>5</sup>	60	6,096	27.76%
<b>Wicomico County</b>			
Deer's Head Hospital Center <sup>6</sup>	66	2,787	11.54%
<b>SUBTOTAL: State-operated Chronic Hospitals</b> <sup>7</sup>	<b>126</b>	<b>8,883</b>	<b>19.26%</b>
<b>STATEWIDE TOTAL</b> <sup>8</sup>	<b>480</b>	<b>110,073</b>	<b>62.66%</b>

**Sources:** Maryland Health Care Commission. The number of licensed chronic hospital beds maintained in the Commission's inventory is based on the Commission's Certificate of Need files and licensing information provided by the Office of Health Care Quality. The number of FY 2014 patient days for the private chronic hospitals is obtained from the Financial Data Base, as reported by private chronic hospitals to the Health Services Cost Review Commission (HSCRC), as of September 29, 2015. The number of FY 2014 patient days for the two state-operated chronic hospitals is obtained from the Hospital Management Information System (HMIS), as maintained by the Maryland Department of Health and Mental Hygiene.

**Notes:** The number of beds reflects the number of licensed chronic hospital beds at each facility as of June 30, 2014 (the end of the 2014 fiscal year reporting period). Occupancy is calculated based on licensed beds.

[15-25-16]

<sup>1</sup> Johns Hopkins Bayview Medical Center's 22,925 patient days is the combined number of patient days for the separately licensed 76 special hospital-chronic beds and nine special hospital-rehabilitation beds.

<sup>2</sup> University of Maryland Medical Center Midtown Campus (formerly Maryland General Hospital) established an 80-bed chronic hospital unit. These 80 chronic hospital beds were relocated from University Specialty Hospital ("USH") on July 11, 2012.

<sup>3</sup> University of Maryland Rehabilitation and Orthopedic Institute's (formerly Kernan Hospital) 52 chronic hospital beds include 16 dually licensed chronic/rehabilitation beds. UM Rehabilitation & Orthopedic Institute added 12 chronic hospital beds; these beds were relocated from University Specialty Hospital, July 11, 2012.

<sup>4</sup> Gladys Spellman Specialty Hospital and Nursing Center relocated its 46 licensed chronic hospital beds to Laurel Regional Hospital, effective June 30, 2011.

<sup>5</sup> Western Maryland Hospital Center's occupancy, based on its 30 *budgeted* chronic hospital beds, would be 55.52 percent.

<sup>6</sup> Deer's Head Hospital Center's chronic hospital occupancy, based on its 14 *budgeted* chronic hospital beds, would be 54.4 percent.

<sup>7</sup> The occupancy for the two State-operated chronic hospitals, based on the total 44 *budgeted* chronic hospital beds, would be 55.2 percent.

<sup>8</sup> The statewide chronic hospital occupancy based on the 354 *licensed* beds at the five *private* facilities plus the 44 *budgeted* beds at the two *state-operated* facilities would be 75.56 percent.

# 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.

### ATHLETIC COMMISSION

**Subject:** Public Meeting  
**Date and Time:** December 16, 2015, 2 p.m. — 4 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patrick Pannella (410) 230-6223  
 [15-25-15]

### STATE COUNCIL ON CHILD ABUSE & NEGLECT

**Subject:** Public Meeting  
**Date and Time:** January 7, 2016, 1 — 3 p.m.  
**Place:** Judicial Education and Conference Center, Annapolis, MD  
**Contact:** Claudia Remington (410) 336-3820  
 [15-25-08]

### COMMERCE SUBCABINET

**Subject:** Public Meeting  
**Date and Time:** December 17, 2015, 11 a.m. — 12 p.m.  
**Place:** Maryland State House, 100 State Circle., 2nd Fl., Governor's Reception Rm., Annapolis, MD  
**Add'l. Info:** All future meetings of the Commerce Subcabinet will be posted on the Department of Commerce website, [www.commerce.maryland.gov](http://www.commerce.maryland.gov).  
**Contact:** Julie Woepke, (443) 324-0861  
 [15-25-30]

### ELEVATOR SAFETY REVIEW BOARD

**Subject:** Public Meeting  
**Date and Time:** December 18, 2015, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Raquel M. Meyers (410) 230-6379  
 [15-25-05]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

**Subject:** Call for Physician, Pharmacist, and Consumer Nominations for the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee

**Add'l. Info:** The Maryland Department of Health and Mental Hygiene (DHMH) is currently recruiting physicians, pharmacists, and consumers to serve on the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee.

The Committee shall be composed of no fewer than 12 members, appointed by the Secretary for a 3-year term. At least five members shall be physicians licensed in Maryland (with one being a psychiatrist); five members shall be pharmacists licensed in Maryland (with one having expertise with mental health drugs); and two members shall be consumer representatives residing in the State.

#### Duties and Powers of Committee

**Rules:** The Committee shall operate under Standard Operating Procedures and comply with rules adopted by DHMH, including notice of any meeting of the Committee pursuant to the requirements of the Administrative Procedures Act.

**Regular Meetings:** The Committee shall meet at least twice a year, and may meet at other times at the discretion of DHMH. To the extent feasible, the Committee shall review all drug classes included in the Preferred Drug List at least every 12 months. Executive sessions shall be closed to the public.

**Attendance:** Members of the Committee may be removed if they miss two consecutive Committee meetings.

**Preferred Drug List Development:** The Committee reviews classes of medications and recommends to DHMH which medications should be included in the Preferred Drug List for prescribing to Medicaid recipients. The Preferred Drug List is composed of cost-effective, medically appropriate drug therapies for Medicaid recipients. The Committee shall develop its Preferred Drug List recommendations by considering the clinical efficacy, safety, and cost effectiveness of drug products. Analyses shall be based upon reviews of relevant clinical information, including but not limited to FDA-approved labeling, supporting studies, published head to head comparisons, and peer-reviewed medical journal articles.

**Prior Authorization:** The Committee may also make recommendations to DHMH regarding the prior authorization of any prescribed drug covered by Medicaid.

Magellan Medicaid Administration is currently providing administrative and technical support to the Department of Health and Mental Hygiene with regard to the P&T Committee.

Deadline to submit an application to serve on the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee is Friday, February 19, 2016.

For an application packet or further information, please contact Gina Homer, Medical Care Program Specialist, Maryland Medicaid Pharmacy Program, Dept. of Health and Mental Hygiene, Suite 407-A, 201 W. Preston Street, Baltimore, MD 21201-2399, phone/voice mail (410) 767-1749, or email [gina.homer@maryland.gov](mailto:gina.homer@maryland.gov)

**Contact:** Gina Homer (410) 767-1749  
 [15-25-28]

### STATE ADVISORY BOARD FOR JUVENILE SERVICES

**Subject:** No Meeting Notice  
**Date and Time:** December 22, 2015, 2 — 4 p.m.  
**Place:** 49 Old Solomons Island Rd., Ste. 300, Annapolis, MD  
**Add'l. Info:** The December meeting is cancelled.  
**Contact:** Tim Gilbert (410) 230-3488  
 [15-25-14]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting  
**Date and Time:** December 17, 2015, 1 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave. Conf. Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460  
 [15-25-01]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting  
**Date and Time:** January 21, 2016, 1 p.m.  
**Place:** 4160 Patterson Ave., Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460  
 [15-25-09]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** February 18, 2016, 1 p.m.

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

**Contact:** Valerie Wooding (410) 764-3460  
[15-25-10]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Formal Start of Review

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

Green Spring Station Surgery Center — Docket No. 15-03-2369 Establishment of a free-standing ambulatory surgery center with 5 operating rooms and 4 procedure rooms to be located at 2330 West Joppa Road, Lutherville; Proposed Cost: \$16,340,840.

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business January 11, 2016. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Matter/Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Ruby Potter (410) 764-3276  
[15-25-27]

### GOVERNOR'S COMMISSION ON MARYLAND MILITARY MONUMENTS

**Subject:** Public Meeting

**Date and Time:** January 13, 2016, 2 — 3:30 p.m.

**Place:** 100 Community Pl., Crownsville, MD

**Contact:** Denise Nooe (410) 260-3840  
[15-25-19]

### BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

**Subject:** Public Meeting

**Date and Time:** February 10, 2016, 9:30 a.m. — 1 p.m.

**Place:** 4201 Patterson Ave., Baltimore, MD

**Contact:** Andrea Hill (410) 764-4750  
[15-25-12]

### BOARD OF PLUMBING

**Subject:** Public Meeting

**Date and Time:** December 17, 2015, 10 a.m. — 12:30 p.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Raquel M. Meyers (410) 230-6379  
[15-25-06]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting

**Date and Time:** January 14, 2016, 1 p.m.

**Place:** 4201 Patterson Ave., Baltimore, MD

**Contact:** Sheri Henderson (410) 764-4785  
[15-25-02]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting

**Date and Time:** February 11, 2016, 1 p.m.

**Place:** 4201 Patterson Ave., Baltimore, MD

**Contact:** Sheri Henderson (410) 764-4785  
[15-25-03]

### BOARD OF PUBLIC ACCOUNTANCY

**Subject:** Public Meeting

**Date and Time:** January 5, 2016, 9 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Linda L. Rhew (410) 230-6258  
[15-25-04]

### STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

**Subject:** Public Meeting

**Date and Time:** December 21, 2015, 10 a.m. — 12 p.m.

**Place:** Office of Health Care Quality, Spring Grove Campus, Bland Bryant Bldg., Catonsville, MD

**Contact:** Paul Ballard (410) 767-6918  
[15-25-25]

### BOARD OF REVENUE ESTIMATES

**Subject:** Public Meeting

**Date and Time:** December 15, 2015, 3 — 4 p.m.

**Place:** Comptroller of Maryland, Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD

**Add'l. Info:** Board Report Meeting

**Contact:** Kynara Fogan (410) 260-7450  
[15-25-26]

### DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION

**Subject:** Public Meeting

**Date and Time:** January 19, 2016, 10:30 a.m. — 1 p.m.; January 26, 2015 if inclement weather cancels 19th date

**Place:** 6900 Greenbelt Rd., Greenbelt, MD

**Contact:** Denise Nooe (410) 260-3840  
[15-25-20]

### NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

**Subject:** Public Meetings Notice Procedure

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

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

[15-25-17]

### BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

**Subject:** Public Meeting

**Date and Time:** January 21, 2016, 10 a.m. — 4 p.m.

**Place:** Anne Arundel Co. Water Operations and Maintenance, 445 Maxwell Frye Rd., Millersville, MD

**Add'l. Info:** A portion of this meeting may be held in closed session.

**Contact:** Patricia Kratochvil (410) 537-3167

[15-25-13]

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#### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic and Massage Therapy Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
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Professionals
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- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services

### Title 11 Department of Transportation

#### Part 1

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Mass Transit Administration
- 07 Maryland Transportation Authority
- 08 State Road Administration
- 09 Vacant
- 10 Vacant

#### Part 2

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
- 21 MVA – Commercial Motor Vehicles
- 22 MVA – Preventive Maintenance Program
- 23 MVA – Drivers' Schools, Instructors & Driver Education Program

### Title 26 Department of the Environment

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- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

#### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

#### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances —  
Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

#### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under  
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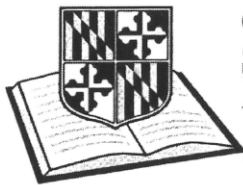
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