



Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 28, 2013, 5 p.m.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 October 28, 2013.

Brian Morris
Acting 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
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- 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 www.dsd.state.md.us/CumulativeIndex.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.

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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.

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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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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

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COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

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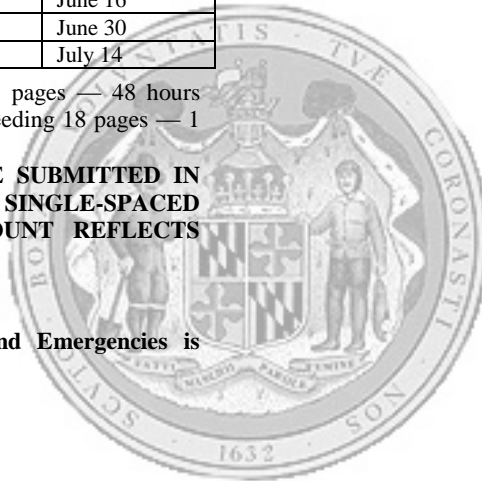
* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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10.32.19.01—.05 • 40:23 Md. R. 1955 (11-15-13)
10.34.22.02,.03,.03-1,.05,.09—.11 • 40:8 Md. R. 742 (4-19-13)
10.36.01.08 • 40:19 Md. R. 1561 (9-20-13)
10.36.06.02 • 40:19 Md. R. 1561 (9-20-13)
10.36.08.06,.07 • 40:22 Md. R. 1883 (11-1-13)

Subtitles 37—60 (5th Volume)

10.39.01.04,.06 • 40:21 Md. R. 1834 (10-18-13)
10.42.01.02,.04—.06,.12,.14—.19 • 40:22 Md. R. 1884 (11-1-13)
10.43.01.04,.05 • 40:20 Md. R. 1671 (10-4-13)
10.43.02.04 • 40:20 Md. R. 1671 (10-4-13)
10.43.03.02 • 40:20 Md. R. 1671 (10-4-13)
10.43.04.02 • 40:20 Md. R. 1671 (10-4-13)
10.43.06.01—.03 • 40:20 Md. R. 1671 (10-4-13)
10.43.07.02,.03,.05,.07—.10 • 40:20 Md. R. 1671 (10-4-13)
10.43.11.02—.05 • 40:20 Md. R. 1671 (10-4-13)
10.43.12.03,.04 • 40:20 Md. R. 1671 (10-4-13)
10.43.13.03,.04 • 40:20 Md. R. 1671 (10-4-13)
10.43.14.03,.05,.06 • 40:20 Md. R. 1671 (10-4-13)
10.43.17.03,.04,.09,.11 • 40:20 Md. R. 1671 (10-4-13)
10.43.18.02,.05 • 40:20 Md. R. 1671 (10-4-13)

10.43.20.01—.03 • 40:20 Md. R. 1671 (10-4-13)
10.43.21.01,.02 • 40:20 Md. R. 1671 (10-4-13)
10.44.22.04 • 40:20 Md. R. 1677 (10-4-13)
10.44.27.04 • 40:19 Md. R. 1562 (9-20-13)
10.47.01.03,.08-1 • 40:19 Md. R. 1563 (9-20-13)
10.47.02.11 • 40:19 Md. R. 1563 (9-20-13)
10.54.01.19 • 40:6 Md. R. 485 (3-22-13)
10.54.02.18 • 40:16 Md. R. 1354 (8-9-13)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 11—22 (MVA)

11.11.05.02 • 39:22 Md. R. 1454 (11-2-12)
11.11.05.04 • 40:21 Md. R. 1835 (10-18-13)
11.15.11.02,.03 • 40:23 Md. R. 1956 (11-15-13)
11.15.16.01-1,.02,.03,.05 • 40:23 Md. R. 1957 (11-15-13)
11.15.17.01—.03 • 40:23 Md. R. 1957 (11-15-13)
11.17.21.01—.05 • 40:21 Md. R. 1837 (10-18-13)

12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

12.02.16.01—.08 • 40:18 Md. R. 1498 (9-6-13)
12.10.01.01,.02,.04,.05,.08,.11,.13—.18,
.20 • 40:14 Md. R. 1196 (7-12-13)
12.10.05.02 • 40:14 Md. R. 1196 (7-12-13)
12.11.06.01—.08 • 40:20 Md. R. 1677 (10-4-13)
12.11.09.02—.05 • 40:19 Md. R. 1564 (9-20-13)
12.11.11.01—.15 • 40:18 Md. R. 1498 (9-6-13)
12.12.18.01—.08 • 40:18 Md. R. 1498 (9-6-13)

13A STATE BOARD OF EDUCATION

13A.08.01.11 • 40:21 Md. R. 1845 (10-18-13) (err)
13A.08.01.11,.12,.15,.21 • 40:20 Md. R. 1680 (10-4-13)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.07.01.02 • 40:23 Md. R. 1958 (11-15-13)
13B.07.04.02—.04 • 40:23 Md. R. 1958 (11-15-13)

14 INDEPENDENT AGENCIES

14.09.01.05,.28 • 40:23 Md. R. 1959 (11-15-13)
14.09.01.06,.06-1,.08 • 40:23 Md. R. 1960 (11-15-13)
14.09.01.09,.21,.22 • 40:23 Md. R. 1962 (11-15-13)
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14.09.01.23—.25 • 40:23 Md. R. 1965 (11-15-13)
14.09.02.01—.07 • 40:23 Md. R. 1960 (11-15-13)
14.09.02.01—.11 • 40:23 Md. R. 1967 (11-15-13)
14.09.03.01—.08 • 40:23 Md. R. 1967 (11-15-13)
14.09.03.01—.15 • 40:23 Md. R. 1968 (11-15-13)
14.09.04.01,.02 • 40:23 Md. R. 1972 (11-15-13)
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14.09.06.01—.04 • 40:23 Md. R. 1962 (11-15-13)
14.09.06.01—.05 • 40:23 Md. R. 1959 (11-15-13)
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14.09.08.01—.08 • 40:23 Md. R. 1967 (11-15-13)
14.09.09.01—.04 • 40:23 Md. R. 1972 (11-15-13)
14.09.09.01—.16 • 40:23 Md. R. 1969 (11-15-13)
14.09.10.01—.03 • 40:23 Md. R. 1964 (11-15-13)
14.09.10.01—.12 • 40:23 Md. R. 1967 (11-15-13)
14.09.11.01—.05 • 40:23 Md. R. 1975 (11-15-13)

14.09.12.01—.07 • 40:23 Md. R. 1959 (11-15-13)
 14.09.13.01—.12 • 40:23 Md. R. 1967 (11-15-13)
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 14.09.15.01—.06 • 40:23 Md. R. 1967 (11-15-13)
 14.09.16.01—.16 • 40:23 Md. R. 1967 (11-15-13)
 14.26.04.01—.13 • 40:23 Md. R. 1976 (11-15-13)
 14.26.05.01—.07 • 40:23 Md. R. 1976 (11-15-13)
 14.30.07.04 • 39:6 Md. R. 448 (3-23-12)
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 14.32.09.01—.16 • 40:19 Md. R. 1566 (9-20-13)
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15 DEPARTMENT OF AGRICULTURE

15.14.01.03,.10-1 • 40:23 Md. R. 1976 (11-15-13)
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 15.15.05.07 • 40:18 Md. R. 1504 (9-6-13)
 15.20.04.11 • 40:21 Md. R. 1840 (10-18-13)
 15.20.07.02 • 40:21 Md. R. 1840 (10-18-13) (ibr)
 15.20.08.05 • 40:21 Md. R. 1840 (10-18-13)

18 DEPARTMENT OF ASSESSMENTS AND TAXATION

18.02.02.04 • 40:20 Md. R. 1682 (10-4-13)
 18.02.03.04 • 40:22 Md. R. 1887 (11-1-13)
 18.05.01.02 • 40:20 Md. R. 1683 (10-4-13)

23 BOARD OF PUBLIC WORKS

23.03.06.01—.04 • 40:11 Md. R. 1000 (5-31-13) (ibr)

24 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

24.05.06.01—.13 • 40:20 Md. R. 1684 (10-4-13)
 24.05.19.01—.13 • 40:23 Md. R. 1978 (11-15-13)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.03.13.01—.04 • 40:18 Md. R. 1505 (9-6-13)
 26.04.06.01—.75 • 40:20 Md. R. 1687 (10-4-13)

Subtitles 08—12 (Part 2)

26.09.01.02,.03 • 40:15 Md. R. 1255 (7-26-13) (ibr)
 26.09.02.02,.03,.05,.07,.11 • 40:15 Md. R. 1255 (7-26-13)
 26.09.03.01,.02,.04,.05,.09 • 40:15 Md. R. 1255 (7-26-13)
 26.09.04.06—.14 • 40:15 Md. R. 1255 (7-26-13)
 26.11.09.08 • 40:23 Md. R. 1981 (11-15-13)
 26.11.14.06,.07 • 40:23 Md. R. 1981 (11-15-13)
 26.11.19.08 • 40:23 Md. R. 1983 (11-15-13) (ibr)
 26.11.34.02 • 40:23 Md. R. 1986 (11-15-13) (ibr)
 26.12.01.01 • 40:21 Md. R. 1843 (10-18-13) (ibr)

Subtitles 13—18 (Part 3)

26.17.06.01,.04—.09 • 40:22 Md. R. 1887 (11-1-13) (ibr)

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

27.01.09.01 • 40:13 Md. R. 1094 (6-28-13)

29 DEPARTMENT OF STATE POLICE

29.03.01.01—.58 • 40:19 Md. R. 1568 (9-20-13)
 29.03.02 • 40:22 Md. R. 1891 (11-1-13) (err)
 29.03.02.01—.14 • 40:19 Md. R. 1583 (9-20-13)
 29.04.04.01—.03 • 40:17 Md. R. 1457 (8-23-13)
 29.09.01.01—.15 • 40:19 Md. R. 1586 (9-20-13)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.01.01.02 • 40:18 Md. R. 1508 (9-6-13)
 40:20 Md. R. 1727 (10-4-13)
 30.01.02.01 • 40:22 Md. R. 1890 (11-1-13) (ibr)
 30.02.02.02—.09 • 40:18 Md. R. 1508 (9-6-13)
 30.02.03.01 • 40:18 Md. R. 1508 (9-6-13)
 30.03.04.04 • 40:20 Md. R. 1728 (10-4-13)
 30.03.04.08 • 40:18 Md. R. 1508 (9-6-13)
 30.04.01.01 • 40:18 Md. R. 1508 (9-6-13)
 30.04.03.07—.13 • 40:18 Md. R. 1508 (9-6-13)
 30.04.05.02,.04 • 40:18 Md. R. 1508 (9-6-13)
 30.08.15.02 • 40:18 Md. R. 1514 (9-6-13)
 30.09.01.02 • 40:18 Md. R. 1508 (9-6-13)
 30.09.07.02 • 40:18 Md. R. 1508 (9-6-13)
 30.09.11.02 • 40:18 Md. R. 1508 (9-6-13)
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31 MARYLAND INSURANCE ADMINISTRATION

31.03.12.02,.03 • 40:21 Md. R. 1844 (10-18-13)
 31.08.03.06 • 40:14 Md. R. 1199 (7-12-13)
 31.08.12.02—.06 • 39:20 Md. R. 1346 (10-5-12)
 40:14 Md. R. 1200 (7-12-13)
 31.08.13.01—.06 • 39:26 Md. R. 1674 (12-28-12)
 31.08.14.01,.02 • 40:20 Md. R. 1729 (10-4-13)
 31.08.15.01—.09 • 40:14 Md. R. 1201 (7-12-13)
 31.10.11.10 • 40:16 Md. R. 1391 (8-9-13)
 31.10.26.03 • 40:18 Md. R. 1515 (9-6-13)
 31.10.39.01—.04 • 40:16 Md. R. 1391 (8-9-13)
 31.15.13.01—.04 • 40:20 Md. R. 1730 (10-4-13)
 31.15.14.01—.06 • 40:19 Md. R. 1592 (9-20-13)

33 STATE BOARD OF ELECTIONS

33.04.01.02 • 40:20 Md. R. 1731 (10-4-13)
 33.05.02.03 • 40:20 Md. R. 1731 (10-4-13)
 33.08.05.04 • 40:19 Md. R. 1593 (9-20-13)
 33.09.01.02,.05 • 40:19 Md. R. 1594 (9-20-13)
 33.09.03.05 • 40:19 Md. R. 1594 (9-20-13)
 33.13.01.01 • 40:19 Md. R. 1594 (9-20-13)
 33.13.02.02 • 40:19 Md. R. 1594 (9-20-13)
 33.13.10.01 • 40:19 Md. R. 1594 (9-20-13)
 33.13.12.01—.03 • 40:19 Md. R. 1594 (9-20-13)
 33.13.13.01—.07 • 40:19 Md. R. 1594 (9-20-13)

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

36.01.03.02,.03,.06 • 40:23 Md. R. 1988 (11-15-13)
 36.03.01.02 • 40:20 Md. R. 1732 (10-4-13)
 36.03.02.12—.14 • 40:20 Md. R. 1732 (10-4-13)
 36.03.06.01,.02 • 40:23 Md. R. 1988 (11-15-13)
 36.03.10.29 • 40:23 Md. R. 1990 (11-15-13)
 36.03.10.36,.49 • 40:20 Md. R. 1732 (10-4-13)
 36.05.04.02,.03,.06,.13 • 40:23 Md. R. 1990 (11-15-13)
 36.05.05.02—.05,.12 • 40:23 Md. R. 1990 (11-15-13)
 36.06.01.01—.03 • 40:4 Md. R. 381 (2-22-13)
 36.06.02.01,.02 • 40:4 Md. R. 381 (2-22-13)
 36.06.03.01—.16 • 40:4 Md. R. 381 (2-22-13)
 36.06.04.01—.05 • 40:4 Md. R. 381 (2-22-13)
 36.06.05.01—.10 • 40:4 Md. R. 381 (2-22-13)
 36.07.01.01—.03 • 40:20 Md. R. 1734 (10-4-13)
 36.07.02.01—.18 • 40:20 Md. R. 1734 (10-4-13)
 36.07.03.01—.03 • 40:20 Md. R. 1734 (10-4-13)
 36.07.04.01—.19 • 40:20 Md. R. 1734 (10-4-13)
 36.07.05.01—.05 • 40:20 Md. R. 1734 (10-4-13)
 36.07.06.01—.10 • 40:20 Md. R. 1734 (10-4-13)
 36.07.07.01 • 40:20 Md. R. 1734 (10-4-13)



The Governor

EXECUTIVE ORDER 01.01.2013.06

Maryland Emergency Preparedness Program (Rescinds Executive Order 01.01.1991.02)

WHEREAS, State emergency preparedness is measured by the homeland security and emergency management capability of State agencies, as they work together to save lives, protect property, and protect the environment of the State of Maryland;

WHEREAS, The mission of the Maryland Emergency Management Agency, a Center for Preparedness Excellence, is to ensure that Maryland families, communities, and key stakeholders are provided the tools they need to prepare for, mitigate against, respond to, and recover from the consequences of emergency and disaster events;

WHEREAS, To carry out this mission, Maryland's homeland security and emergency management responsibilities are comprised of the four mission areas of prevention and protection, hazard mitigation, incident response, and disaster recovery;

WHEREAS, The Maryland State Police is the lead agency for carrying out the mission area of prevention and protection from criminal activity and terrorist attacks;

WHEREAS, The Maryland Emergency Management Agency is the lead agency for carrying out the mission areas of hazard mitigation, incident response, and disaster recovery;

WHEREAS, It is necessary to update Maryland's program for homeland security and emergency management mission areas within the State of Maryland, and;

WHEREAS, To empower and assign appropriate agencies with the necessary authority to set targets for homeland security and emergency management capabilities; estimate the needs required to use, plan, organize, equip, train, and exercise those capabilities; conduct after-action review of the implementation of the capabilities; and make continuous improvement in each capability area.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND DECLARE THE FOLLOWING:

Maryland Emergency Management Agency Responsibilities

A. The Maryland Emergency Management Agency (MEMA) is the agency of State government with primary responsibility and authority for emergency preparedness policy, and for coordinating hazard mitigation, incident response, and disaster recovery. In carrying out these responsibilities, MEMA shall:

- (1) Develop and coordinate preparedness policy through the Maryland Emergency Preparedness Program (MEPP);
- (2) Report periodically to the Governor and the Governor's Office of Homeland Security the status of the MEPP and progress in all mission areas;
- (3) Coordinate activities and operations between State agencies and political subdivisions;
- (4) Coordinate activities and operations with related agencies of the federal government and other states;

(5) Coordinate activities and operations with private and non-profit agencies;

(6) Review and update the MEPP bi-annually;

(7) Ensure each State agency understands its roles and responsibilities, as identified in the MEPP; and

(8) Develop a leadership group for its mission areas, consistent with the operational concept of coordination for the respective mission areas, and facilitate regular meetings of the leadership group.

Maryland State Police Responsibilities

B. The Maryland State Police (MSP) is the agency of State government with primary responsibility and authority for prevention and protection from criminal activity and terrorist attacks. In carrying out its responsibilities, MSP shall:

(1) Prepare to conduct prevention and protection operations;

(2) Execute prevention and protection operations;

(3) Coordinate prevention and protection preparedness and operations between State agencies and political subdivisions;

(4) Coordinate prevention and protection preparedness and operations with related agencies of the federal government and other states;

(5) Coordinate with private and non-profit agencies involved in prevention and protection preparedness and operations;

(6) Ensure each State agency understands its roles and responsibilities, as identified in the MEPP; and

(7) Develop a leadership group for its mission area, consistent with the operational concept of coordination for its mission area, and facilitate regular meetings of the leadership group.

State Agency Responsibilities

C. Each State agency shall:

(1) Have primary or support responsibility within the MEPP, as assigned by MEMA;

(2) Prepare to execute tasks as specified in the MEPP;

(3) Assign a primary or alternate Emergency Services Coordinator (ESC) to carry out responsibility assigned within the MEPP;

(4) Authorize its ESC, or alternate, to act on behalf of the agency in matters relating to prevention/protection, hazard mitigation, incident response, and/or disaster recovery preparedness and operations, including serving on respective mission area leadership groups;

(5) Maintain procedures necessary to assure contact between the ESC and the State agency during prevention/protection, hazard mitigation, incident response, and/or disaster recovery operations;

(6) Develop and maintain documents necessary to support the MEPP, as requested by MEMA and/or MSP, including, at a minimum, Continuity of Operations Plans (COOP) that are updated bi-annually;

(7) Participate in exercises of the various components of the MEPP;

(8) Conduct and participate in the trainings essential to the implementation of its assigned responsibilities in the MEPP;

(9) Ensure that its statewide emergency notification data is current;

(10) Provide personnel to staff Disaster Recovery Centers and to assist in the processing of applications for disaster recovery assistance;

(11) Review responsibilities under the MEPP annually, identify those parts that require an update, and notify MEMA of necessary changes; and

(12) Provide personnel to staff the State Emergency Operations Center (SEOC).

THE GOVERNOR

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D. All State agencies shall cooperate fully in carrying out the provisions of this Executive Order.

E. All local jurisdictions should make their best efforts to align homeland security and emergency management preparedness activities with the MEPP. MEMA will develop and promulgate common standards and policies applicable to local jurisdictions which clearly delineate how local jurisdictions should align with the MEPP, including checklists for local jurisdictions to use in determining their compliance.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 29th Day of October, 2013.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[13-23-41]



The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by Order of the Court dated October 21, 2013, TABATHA KARINA CUADRA, 14237 Jarrettsville Pike, Phoenix, MD 21131, has been reprimanded by consent.

* * * * *

This is to certify that by an Opinion and Order of the Court dated October 21, 2013, ANTHONY MAURICE HARMON, P.O. Box 6628, Largo, Maryland 20792, has been indefinitely suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

* * * * *

This is to certify that by an Opinion and Order of the Court dated September 27, 2013, LEONARD JEROME SPERLING, 1777 Reisterstown Road, Commerce Centre, Suite 212, Baltimore, Maryland 21208-6346, has been indefinitely suspended, effective October 28, 2013, from the further practice of law in the State, and his name as an attorney at law will be stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

* * * * *

This is to certify that by an Order and Opinion of the Court dated September 30, 2013, DANIEL QUINN MAHONE, 9A West Patrick Street, Suite 1, Frederick, Maryland 21701, has been suspended for thirty (30) days, effective October 30, 2013, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

* * * * *

This is to certify that the name JONATHAN SETH SHURBERG, 305 Hamilton Avenue, Silver Spring, Maryland 20901, has been replaced upon the register of attorneys in the Court of Appeals as of October 31, 2013. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

[13-23-34]

SCHEDULE

Thursday, December 5, 2013

Bar Admissions

AG 4 Attorney Grievance Commission of Maryland v. Nikolaos Panagiotis Kourtesis
No. 37 Tyrone Bryant v. State of Maryland
No. 33 Ronald Alexander Hobby v. State of Maryland

Friday, December 6, 2013

No. 36 Gore Enterprise Holdings, Inc. v. Comptroller of the Treasury
* * * * *
Future Value, Inc. v. Comptroller of the Treasury
No. 43 Marshall Thompkins, et ux. v. Mortgage Lenders Network USA, Inc., et al.
No. 44 Konstantinos Karanikas v. Rachel Cartwright

Monday, December 9, 2013

AG 6 Attorney Grievance Commission of Maryland v. Michael
(2012 T.) Ron Worthy
No. 34 Delford Mitchell Barnes v. State of Maryland
No. 38 Daniel Joseph Dodge v. State of Maryland

Tuesday, December 10, 2013

AG 38 Attorney Grievance Commission of Maryland v. John
(2012 T.) Mark McDonald
No. 39 Thaddus Roberts v. Montgomery County, Maryland
No. 35 Dwayne Scriber v. State of Maryland

On the day of argument, counsel are instructed to register in the Clerk's Office no later than 9:30 a.m. unless otherwise notified.

After December 10, 2013, the Court will recess until January 9, 2014.

BESSIE M. DECKER
Clerk

[13-23-35]

ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
November 1, 2013

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of Rules Governing Admission to the Bar of Maryland. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Rule 5 (Character Review) of Rules Governing Admission to the Bar of Maryland.

It is thereupon the 1st day of November, 2013, by the Court of Appeals of Maryland, ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 2nd day of December, 2013, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA
Chief Judge
Court of Appeals of Maryland

Filed: November 1, 2013

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

EXHIBIT A

MARYLAND GENERAL BAR EXAMINATION JULY 2013

Abbas, Zaheer, 46238 Milthorn Terrace, Sterling, VA 20165
Abid, Nabeela, 501 St. Paul Street, Apt. 712, Baltimore, MD 21202
Abraham, Elsa Anna, 333 S. Fremont Ave., Unit H, Baltimore, MD 21230

- Abramat, Alyssa Megan, 1057 Mahuron Drive Westminster, MD 21157
- Abramson, Sarah Jane, 7048 K. Lane, Escanaba MI 49829
- Acquaviva, Megan Elizabeth, 4100 Highview Dr., Silver Spring, MD 20906
- Acquie, Yodeski Yazari, 2409 Baikal Loop, Upper Marlboro, MD 20774
- Adler, Matthew Bradley, 4622 Edgefield Rd, Bethesda, MD 20814
- Agiri, Morenike, 15 Sunnyside Road, Silver Spring, MD 20910
- Ahn, Kathy, 801 East Capitol Street, SE, Washington, DC 20003
- Aiken, De'Ericka Shaquanna, 1220 East West Highway, Apt 221, Silver Spring, MD 20910
- Ailloud, Marlene Shays, 4004 16th St. NW, Washington, DC 20011
- Akorli, Stefan Tege, 1423 Sheffield Street, Pittsburgh, PA 15233
- Akuche, Joi Hosley, 12200 Torrey Pines Terrace, Beltsville, MD 20705
- Albert, Jared Isaac, 10 E Lee Street, Apt. #2603, Baltimore, MD 21202
- Alicea-Cambel, Debra Alia, 3500 James Madison Hwy, Haymarket, VA 20169
- Almaraz, Rachel, Elizabeth, 933 Hidden Moss Drive, Cockeysville, MD 21230
- Amundson, Martin John, 219 Mysticwood Road, Reisterstown, MD 21136
- Amy, Brian Winford, 2201 N Street NW, Apt. 108, Washington, DC 20037
- Anderson, Alexander Keelan, 2065 Park Rd. NW, Washington, DC 20010
- Anderson, Katheryn Elizabeth, 32 W Montgomery St., Apt. F, Baltimore, MD 21230
- Andorsky, Daniel Isadore, 1301 Light Street Apt. B, Baltimore, MD 21230
- Andrews, Colin Black, 2915 Connecticut Ave NW, Apt # 201, Washington, DC 20008
- Andrews, Richard Alan, 4903 Edgemoor Lane, Apt 711, Bethesda, MD 20814
- Anthony, Katherine Dara, 604 Windmill Road, Easton, MD 21601
- Appelstein, Rachel Lynne, 475 K Street NW, #1217, Washington, DC 20001
- Armstrong, Nicholas Stephen, 1200 First Street, #1527, Alexandria, VA 22314
- Arora, Reena, 2014 10th St., N.W., Apt. 1, Washington, DC 20001
- Arthur, Susan Monich, 8910 Groff's Mill Drive, Owings Mills, MD 21117
- Astrin, Craig Isaac, 5819 Tallowood Circle, Ft. Myers, FL, 33919
- Atkins, Justin Paul, 8002 Blair Mill Dr., Apt. 102, Silver Spring, MD 20910
- Atkinson, Rachel Christina, 1558 East West Highway, Silver Spring, MD 20910
- Aubrey, Amanda Christine, 4107 Connecticut Ave., NW, Apt. #101, Washington, DC 20008
- Aurelien, Gueter, 1355 NW 113th Terrace, Miami, FL, 33167
- Ayazi, Awista, 1401 Blair Mill Road, Apt. 614, Silver Spring, MD 20910
- Azebu, Lauren, Michelle, 204 Bowen Court, Annapolis, MD 21401
- Aziz, Atif Mohammad, 110 N. Washington St., Suite 406, Rockville, MD 20850
- Babalola, Deborah, O, 1418 Glendale Road, Baltimore, MD 21239
- Babik, Gizelle Genevieve, 2101 Stockton Rd., Phoenix, MD 21131
- Bagheri, Sheila, 1424 Q Street NW, Washington, DC 20009
- Bailes, Joshua, Steven, 3150 St. Florence Terrace, Olney, MD 20832
- Baines, David, John, 2287 Autumn Court, Odenton, MD 21113
- Baker, Amanda, Jessica, 749 Park Rd NW., Apt. 4, Washington, DC 20010
- Baker, Laura, Jean Mitchell, 401 Massachusetts Ave., NW, Apt. 301, Washington, DC 20001
- Baker, Matthew, David, 12144 Garden Grove Circle, Unit 401, Fairfax, VA 22030
- Baker, Todd, Matthew, 1109 Vegas Court, Charlottesville, VA 22901
- Bakhama, Michael, Natan Gil, 6508 Pimlico Road, Baltimore, MD 21209
- Balaban, Christopher, Michael, 900 N Charles St, Apt 301, Baltimore, MD 21201
- Ban, Victor, Duen-Li, 4114 Medical Drive, Apt. 18208, San Antonio, TX 78229
- Baptiste, Terence, Milord, 900 W. Market St., Apt 109, Akron, OH 44313
- Bardales, Emily, Mavila, 119 Cameron Parke Place, Alexandria, VA 22304
- Bardi, Andrew, Morgan, 2000 N Street, NW, 122, Washington, DC 20036
- Barlow, Matthew, Bruce, 1426 Battery Avenue, Baltimore, MD 21230
- Barnes, Thomas, Hayden, 2719 Hampden Ave, Baltimore, MD 21211
- Barnoon, Yaara, Zeeva, 1007 Maryland Ave NE, Apt 102, Washington, DC 20002
- Barratt, Christine, Marie, 218 N. Charles St. Apt. 1304, Baltimore, MD 21201
- Barren, Morris, Connie, 315 K Street NE, Washington, DC 20002
- Barreto, Rachel, Deborah, 100 N. 17th Street, Apt. 705, Philadelphia, PA 19103
- Barron, Molly, Morrissey, 1008 Riverton Road, Moorestown, NJ 08057
- Basile, Joshua, John, 8112 River Falls Drive, Potomac, MD 20854
- Baskin, Andrew, Benjamin, 1101 S. Joyce Street, Apt. 2421, Arlington, VA 22202
- Bateman, Patrick, Francis, 2733 Ordway St., NW, Apt. 1, Washington, DC 20008
- Batey, Kathryn, Bosse, 2640 S Veitch Street, Apt. 102, Arlington, VA 22206
- Bauer, Benjamin, John, 1901 McGuckian Ave., Apt. 115, Annapolis, MD 21401
- Baulsir, Brett, Alexander, 4511 Morgal Street, Rockville, MD 20853
- Baum, Alisha, Ann, 4956 Marshlake Ln, Dumfries, VA 22025
- Baxter, Sikenah, Tranai, 136 Crown Glen Way, Stockbridge, GA 30281
- Bazik, Nicole, Ann, 4853 Cordell Avenue, Apt. 613, Bethesda, MD 20814
- Becker, Michael, Duffy, 5132 Worthington Drive, Bethesda, MD 20816
- Becker, Raymond, John, 24251 Robins Creek Rd., Preston, MD 21655
- Belanger, Emily, Frances, 3206 O'Donnell Street, Baltimore MD 21224
- Bell, Avonne, Shara, 3114 Furman Lane, Apt 302, Alexandria, VA 22306
- Bell, Lauren, Maune, 20 Andrew Pl., Baltimore, MD 21201
- Bell, Rachel, Elizabeth, 101 Summit Street, #123, Duluth, MN, 55803
- Belu-John, Adedoyin, Euphus, 2095 Natures Way, Prince Frederick, MD 20678
- Bennett, Michael, Thomas, 7765 Blueberry Hill Lane, Ellicott City, MD 21043
- Bennett, Rachel, Allison, 3211 Foster Avenue, Baltimore, MD 21224
- Bensman, Jodie, Adar, 5715 Massachusetts Ave, Bethesda, MD 20816
- Benson, RaShaunda, Yvonne, 2126 Racquet Place, Waldorf, MD 20601

- Berman-Freedman, Samuel, Moshe, 11 W Chase St., Apt. 4, Baltimore, MD 21201
- Berndt, Joseph, Michael, 28 Allegheny Ave., Unit 1108, Towson, MD 21204
- Bernhardt, Patrick, John Anthony, 1301 Vermont Avenue NW, Apt. 507, Washington, DC 20005
- Bevis, Kelley, Christian, 3706 35th Street, Mt. Rainier, MD 20712
- Bhat, Kiran, Narayan, 1440 New York Ave., NW, Skadden, Arps, Washington, DC 20005
- Bhat, Radhika, Uluvana, 1611 S State Street, Apt. 10, Ann Arbor, MI 48104
- Bieber, Michelle, Alysia, 1140 23rd St., NW, Apt. 502, Washington, DC 20037
- Bielitz, Eric, Mitchell, 808 W. 33rd Street, Baltimore, MD 21211
- Bienstock, Joshua, Isaac, 12144 Hidden Brook Terrace, Gaithersburg, MD 20878
- Billings, John, Thomas, 2741 Monacan Street, Apt 202, Alexandria, VA 22314
- Bitencourt Emilio, Anna, Paula, 7458 Westlake Terrace, Bethesda, MD 20817
- Bitonti, Lindsay, Elizabeth, 14201 Turkey Foot Rd, Gaithersburg, MD 20878
- Black, Sarah, Louise, 1400 Midhurst Ct, Bel Air, MD 21014
- Blackwood, Jeffrey, Paul, 1301 M St. NW, Apt. 1003, Washington, DC 20005
- Blair, Matthew, Whitman, 2319 Pinneberg Ave., Rockville, MD 20851
- Blakeman, Adam, Christopher, 416 West San Ysidro Blvd., STE L PMB 706, San Ysidro, CA 92173
- Blecki, Douglas, Richard, 10337 Granite Creek Lane, Oakton, VA 22124
- Blinstrub, Christine, Nicole, 195 Northbrook Lane, apt. 201, State College, PA 16803
- Bogsted, Allison, Clare, 904 North Calvert Street, Apt 4, Baltimore, MD 21202
- Bolls, Jonathan, Bernard, 6297 Levi Court, Springfield, VA 22150
- Bolston, Conrad, Willis, 15510 Burtonsville Dr., Burtonsville, MD 20866
- Bonventre, Mary, Catherine, 12213 Braxfield Ct., Apt. 9, Rockville, MD 20852
- Bordas, Veronika, 2737 Devonshire Pl. NW, Washington, DC 20008
- Borden, David, Palmer, 1711 Massachusetts Ave NW Apt 314, Washington, DC 20036
- Borowski, Christopher, Phillip, 623 S. Lakewood Avenue, Baltimore, MD 21224
- Bottegal, Ryan, Phillip, 1129 South Charles Street, Apt B, Baltimore, MD 21230
- Bouey, Michael, John, 15705 Pissaro Terrace, Gaithersburg, MD 20878
- Brasher, Kelsey, Anne, 1205 Hamilton Blvd., Hagerstown, MD 21742
- Braun, Elihai, Asher, 2120 Vermont Ave., NW, Apt 203, Washington, DC 20001
- Bravo, Mario, Rafael, 8001 SW 134 Ave., Miami, FL 33183
- Breen-Portnoy, Ceala, Eloise, 3609 Dupont Ave., Kensington, MD 20895
- Breslow, Joanna, Pei, 2646 1/2 Woodley Place, NW, Washington, DC 20008
- Bridges, David, Lee, 3315 Wisconsin Ave, NW, Apt. 101, Washington, DC 20016
- Brockmeyer, Lauren, Nicole, 7468 Hickory Log Circle, Columbia, MD 21045
- Brody, Michael, Ari, 9508 Wadsworth Drive, Bethesda, MD 20817
- Brookmyer, Jordan, Max, 94 South Quaker Lane, West Hartford, CT 06119
- Brown, Alexander, Erwin, 1315 East Blvd., Apt 407, Charlotte, NC 28203
- Brown, Amy, Holman, 81 English Run Circle, Sparks, MD 21152
- Brown, Lauren, Michele, 3410 Widows Care, Fallston, MD 21047
- Brown, Patrick, L, 13011 Jerome Jay Drive, Hunt Valley, MD 21030
- Brown, Steven, Alexander, 1391 Pennsylvania Ave., SE, Apt. 342, Washington, DC 20003
- Bruce, McKayle, Davison, 2013 New Hampshire Ave., NW, Apt. 716, Washington, DC 20009
- Bruton, Anna, Michelle, 8628 Goldenstraw Lane Columbia, MD 21045
- Buchanan, Jay, Parker, 1100 1st Street, SE, Apt 717, Washington, DC 20003
- Buchanan, Jayme, Michelle, 710 Siena Palm Drive, Apt. 104, Celebration, FL 34747
- Buckner, Lindsey, Austin, 15502 Helen Drive, Accokeek, MD 20607
- Buenavista, Adrienne, Susan Lyon, 1527 Casino Cir., Silver Spring, MD 20906
- Buford, Tina, Rechelle, 19627 Galway Bay Cir., Unit 202, Germantown, MD 20874
- Bui, Ly, Yen, 9452 Copenhaver Drive, Potomac, MD 20854
- Burguires, Genevieve, Marie, 197 Green St, Apt. 2, Cambridge, MA, 02139
- Burns, Michael, Anthony, 100 I Street, SE, Apt 709, Washington, DC 20003
- Burroughs, Jesse, Phillip, 203 Yoakum Pkwy, Apt. 1119, Alexandria, VA 22304
- Burroughs, Robin, Lynn Stevenson, 1221 Massachusetts Avenue NW, Apt. #322, Washington, DC 20005
- Burton-Bragg, Stefanie, Lee Ann, 3417 Memphis Lane, Bowie, MD 20715
- Bush, Lauren, Constance, 5510 Ruxton Drive, Lanham, MD 20706
- Butler, Brandon, Scott, 1 Prestwick Square, Catonsville, MD 21228
- Butler, Justin, Kyle, 3210 Wisconsin Ave NW, Apt. 201, Washington, DC 20016
- Cacchio, Christina, Ann, 4849 Connecticut Ave., NW, Apt. 222, Washington, DC 20008
- Cairns, Peter, Edward, 2800 N. Howard St., Baltimore, MD 21218
- Callaghan, Daniel, Owen, 1722 Shore Drive, Edgewater, MD 21037
- Callanan, Bridget, Eileen, 1111 Park Ave, Apt 704, Baltimore, MD 21201
- Campbell, Laurielle, Camille Anne, 410 W Lombard St., Apt. #216, Baltimore, MD 21201
- Campbell, Nekeisha, LaVonne, 2943 Hewitt Ave., Apt. 377, Silver Spring, MD 20906
- Campbell, Sarah, Vickery, PO Box 351, Davidsonville, MD 21035
- Cannon, Brandy, Raquel, 410 Jefferson Street, Salisbury, MD 21801
- Cannon, Eric, Meade-Allen, 723 Rollingwood Drive, Greensboro, NC 27410
- Canter, Bradley, Todd, 2331 Cathedral Ave, NW, Apt. 401, Washington, DC 20008
- Caplan, Claire, Rasin, 3104 Tilden Drive, Baltimore, MD 21211
- Cardin, Courtney, Carlyle, 400 Massachusetts Ave NW, Apt 922, Washington, DC 20001
- Cardin, Danielle, Nicole, 11 N. Eutaw St., Apt. 610, Baltimore, MD 21201
- Cardona, Luisa, Fernanda, 3227 WALBRIDGE PLACE NW, Washington, DC 20010
- Carlson, Robert, Alexander, 10573 Gateridge Road, Cockeysville, MD 21030
- Carmello, Colin, Curtis, 114 Rawlings Rd, Gaithersburg, MD 20877
- Carmon, James, Frank, 12802 Midstock Lane, Upper Marlboro, MD 20772
- Carney, Tiffiney, Frances, 5225 Connecticut Ave NW, Apt. 711, Washington, DC 20015

- Carpenter, Lindsey, May, 7191 West Sundown Court, Frederick, MD 21702
- Carpenter, Robert, Glenn, 4500 S. Four Mile Run Dr. Apt. 907, Arlington, VA 22204
- Carrion, Joseph, Maxwell, 3101 Walnut Ave., Owings Mills, MD 21117
- Cartwright, Hannah, Charissa, 145 S. 13th Street, Apt 301, Philadelphia, PA 19107
- Casey, Meghan, Christine, 4998 Battery Ln., Apt. 302, Bethesda, MD 20814
- Cassel, Kaitlin, Ann, 2440 16th Street, NW, Apt 516, Washington, DC 20009
- Cassilly, Matthew, Bruce, 153 Masons Crossing Court, Severna Park, MD 21146
- Catucci, Francesca, Angela, 1504 Summerchase Ct., Apt. B, Reston, VA 20194
- Celone, Michael, Anthony, 225 I Street NE, Apt. 305, Washington, DC 20002
- Chafey, Laura, Lee, 916 Calvert Avenue, St. Michaels, MD 21663
- Challender, Megan, Marie, 1641 Newton St NW, Washington, DC 20010
- Chamness, Christopher, Michael Andrews, 8715 First Avenue, Apt 822C, Silver Spring, MD 20910
- Chan, Simon, 6520 Sunny Hill Court, McLean, VA 22101
- Chang, Aaron, JungWoo, 9018 Town And Country Blvd., APT E, Ellicott City, MD 21043
- Chang, Arturo, 1639 Nordic Hill Circle, Silver Spring, MD 20906
- Chang, Hubert, Kyunhee, 7135 Maple Ave, Takoma Park, MD 20912
- Chaput, Owen, Daniel, 8 Fiske Hill Road, Apt/Suite, Sturbridge, MA, 01566
- Cheng, Benjamin, Harnjy, 750 Fairmont St., NW, Washington, DC 20001
- Cheng, Dominic, 2 Founders Mill Ct., Derwood, MD 20855
- Chestnut, Evan, Alexzander, 7903 Orion Circle #159, Laurel, MD 20724
- Chihos, Victoria, Leigh, 8100 Chestnut Ave Bowie, MD 20715
- Chitiga, Yevedzo, Rufaro, 14355 Long Channel Dr., Germantown, MD 20874
- Cho, Mi, Your, 631 Kingfisher Ave, Gaithersburg, MD 20877
- Choe, Linda, 1330 N. McKinley Road, Arlington, VA 22205
- Cianci, Ryan, Michael, 6565 Belmont Woods, Elkridge, MD 21075
- Cimino, Sara, Nicole, 127 West Lafayette Ave., Apt. 2, Baltimore, MD 21217
- Ciociola, Patrick, Alexander, 38 Glenbrook Drive, Phoenix, MD 21131
- Cissel, Kimberly, Brooke, 1424 Q Street, NW, Washington, DC 20009
- Clampitt, Brian, Todd, 1442 S Street, NW, Apt. 1, Washington, DC 20009
- Clark, Caroline, Deneault, 109 Scott Street, Baltimore, MD 21201
- Cobun, Heather, Grace, 6909 Carroll Highlands Road, Eldersburg, MD 21784
- Coffman, Colleen, Nicole, 9603 Marathon Terrace, Apt. #403, Gaithersburg, MD 20878
- Cohen, Elizabeth, Shaftal, 401 W. Fullerton Pkwy, Apt 501E, Chicago, IL, 60614
- Cohen, Rebecca, Hannah, 300 Lamberton Drive, Silver Spring, MD 20902
- Cohn, Diana, Rachel, 1921 19th St. NW., Apt. 2, Washington, DC 20009
- Colonese, Courtney, Rose, 11 North Eutaw St., Apt. 310, Baltimore, MD 21201
- Colvin, Lashawnda, Renee, 115 N. Calvert Street, Basement, Baltimore, MD 21202
- Comstock, Margaret, Mary, 7707 Brookville Road, Chevy Chase, MD 20815
- Connah, Cameron, Best, 333 S. Fremont Ave., Unit C, Baltimore MD 21230
- Conroy, John, Aidan, 115 2nd St. NE, Unit 16, Washington, DC 20002
- Consilvio, Mark, James, 2610 Tunlaw Road NW, Apt. 301, Washington, DC 20007
- Cooch, Peter, Lemon, 964 Placid Ct., Arnold, MD 21012
- Cooper, Katherine, Hamner, 1835 Covington Street, Baltimore, MD 21230
- Cooper, Meagan, O'Brien, 2913 Elliott Street, Baltimore, MD 21224
- Corey, Christopher, William, 6 Hillside Court Cockeysville, MD 21030
- Cornwell, Jennifer, Armstrong, 7694 Dorcheseter Blvd., Apt 1517, Hanover, MD 21076
- Corrigan, Philip, Joseph, 3117 Benton Square Dr., Olney, MD 20832
- Cossman, Jenna, Nicole, 11603 Glynshire Court, Potomac, MD 20854
- Cramer, Anna, Lauren, 634 Hawick Drive, Severna Park, MD 21146
- Creek, James, Corey, 3904 Thisbe Court, Olney, MD 20832
- Crist, Nina, Marie, 16260 Riverbend Court, Williamsport, MD 21795
- Cronin, Philip, Dermot, 308 S. Exeter St., BALTIMORE, MD 21202
- Cross, Andre, Christopher, 1422 Park Ave, Apt. 1, Baltimore, MD 21217
- Crouch, Megan, Renee, 5015 14th St NW, Washington, DC 20011
- Crupiti, Amy, Patricia, 12779 Lime Kiln Rd., Highland, MD 20777
- Cuff-White, Charlye, Victoria, 1710 East Broad Street, #110, Richmond, VA 23223
- Cullerton, Nathaniel, Desmons, One 9th Street SE, Apt. 2, Washington, DC 20003
- Cummings, Gerard, Henry, 1020 5th Street, NE, Washington, DC 20002
- Curran, John, William, 4450 Buckeye Lane, Apt. 208, Beavercreek, OH 45440
- Cusimano, Domico, Anthony, 1901 S. Charles St., Apt. #212, Baltimore, MD 21230
- D'Antonio, Natalie, Claire, 19040 Graystone Rd. White Hall, MD 21161
- Dales, Philip, Carter, 1011 Pine Crest Drive, Annapolis, MD 21403
- Dalton, Travis, Wayne, 1020 Park Avenue, Apt 1311, Baltimore, MD 21201
- Damiano, Michael, Anthony, 13110 Riviera Terrace, Silver Spring, MD 20904
- Damico, Gary, Anthony, 1306 West 40th Street, Baltimore, MD 21211
- Danilenko, Elena, Gennady, 2030 F Street NW, Apt. 907, Washington, DC 20006
- Danise, John, Thomas, 4853 Cordell Ave, Apt. #1211, Bethesda, MD 20814
- Danko, Jonathan, Edward, 1123 Dry Powder Circle, Mechanicsburg, PA 17050
- Dash, Gregory, Elliott, 1164 Breiten Court, Woodbine, MD 21797
- Daubach, Ashleigh, Rene, 32482 Discovery Drive, Easton, MD 21601
- Dauner, Joseph, Gene, 10515 Prairie Landing Ter, North Potomac, MD 20878
- David, Sarah, Rose, 712 Saint Paul St., Apt. 9, Baltimore, MD 21202
- Davis, Philip, Allen, 32 Red Hill Drive, Stafford VA 22556
- Dawson, Megan, Elise, 617 Gallatin Street NW, Washington, DC 20011
- Daya Korkor, Christine, Marie, 3019 Chancellor's Way, N.E., Apt. 707, Washington, DC 20017
- de Lozier, Emilie, Marie, 6127 Nevada Avenue, Chevy Chase, MD 20815

- di Marzo, Giulia, Maria, 101 S. Main Avenue, Apt. 501, Sioux Falls, SD 57104
- DeFoor, Walter, Martin, 4513 Sangamore Rd., Apt 304, Bethesda, MD 20816
- DeHaven, Rebekah, Louise, 808 Buckingham Drive, Silver Spring, MD 20901
- Deaderick, Elliott, James, 6100 Lincolnia Road, Apt. #312, Alexandria, VA 22312
- Dehoux, Phillip, Giscard, 653 Constellation Sq SE, Unit D, Leesburg, VA 20175
- Deisher, Kandace, Ann, 4500 S. Four Mile Run Drive, Apt. 907, Arlington, VA 22204
- Deitrick, Conrad, William, 6225 Smith Avenue, Baltimore, MD 21209
- Delia, Cydney, Deanne, 1430 John Street, Baltimore, MD 21217
- Delis, Andrew, Paul, 20 Tattersaul Court, Reisterstown, MD 21136
- Demchak, Renee, Marie, 115 Richview Ave, South Hadley, MA 01075
- Demougeot, Isabella, Charlotte, 2301 Stratton Drive, Potomac, MD 20854
- Dennis, Bernard, George, 4919 Aurora Dr, Kensington, MD 20895
- Denny, Christopher, Stephen, 9805 Pebble Beach Court, Ijamsville, MD 21754
- Desai, Sunny, Kartik, 636 Harborside Drive, Apt. E, Joppa, MD 21085
- Deutch, Lauren, April, 303 Leeanne Rd, Essex, MD 21221
- DiMarzio, John, Joseph, 10501 Santa Anita Terr, Damascus, MD 20872
- Diana, Keelan, Foster, 100 W University Pkwy, 6F, Baltimore, MD 21210
- Dibben, Nicholas, Paul, 12919 Wexford Park, Clarksville, MD 21029
- Dirzuweit, Rachael, Lee, 1646 Whiteford Rd, Darlington, MD 21034
- Divertie, Adrienne, Chase, 333 S. Fremont Avenue, Unit H, Baltimore, MD 21230
- Dixit, Indraneela, Amol, 21223 Bunyan Circle, Germantown, MD 20876
- Dollar, Lauren, Ilene, 1423 5th St NW, Apt. 2, Washington, DC 20001
- Donahue, Kristina, Elizabeth, 6213 Parkview Court, Elkridge, MD 21075
- Donahue, Patrick, Joseph, 203 Hanover Street, Annapolis, MD 21401
- Donlin, Alexis, Marie, 8B Perry Circle, Annapolis, MD 21402
- Donnik, Dimitrij, 12311 Timber Grove Rd., Owings Mills, MD 21117
- Donoghue, Benjamin, Potter, 1446 William Street, Apt. C, Baltimore, MD 21230
- Donohue, Matthew, Thomas, 958 Chester River Drive, Grasonville, MD 21638
- Dorian, Katherine, Ann, 34 E. Wheeling Street, Baltimore, MD 21230
- Dorr, Kara, Abbey, 1113 Runnymede Lane, Bel Air, MD 21014
- Douglas, Kelly, Nichole, 716 Quackenbos St., NW, Washington, DC 20011
- Douglas, Mia, Brittani, 10608 Barnsdale Drive, Cheltenham, MD 20623
- Downs, Caitlin, Elizabeth, 1200 N Street NW, Apt. #517, Washington, DC 20005
- Drabkin, Sarah, Beth, 2004 11th St., NW, Apt 424, Washington, DC 20001
- Dreher, William, Kennelly, 425 L St., NW, Apt. 429, Washington, DC 20001
- Du, Haixia, 10808 Hillbrooke Ln, Potomac, MD 20854
- Duane, James, Joseph, 201 I St, NE, Apt 715, Washington, DC 20002
- Dubin, Yaira, S, 3407 Fallstaff Road, Baltimore, MD 21215
- Duckworth, Emily, Megan, 3653 Beach Dr. Blvd., Edgewater, MD 21037
- Dugan, Kyle, Taylor, 572 Kennington Road, Reisterstown, MD 21136
- Dumproff, Daniel, Russell, 1003 Misty Lynn Circle, Apt A, Cockeysville, MD 21030
- Dunklow, Alan, John, 35 North Montford Avenue, Baltimore, MD 21224
- Dunning, Sydney, Ann, 710 Park Avenue, Apt 1R, Baltimore, MD 21201
- Dupee, Jennifer, Mary, 9820 Sherwood Farm Rd, Owings Mills, MD 21117
- Durbin, Joseph, Michael, 10306 Haywood Drive, Silver Spring, MD 20902
- Duson, Letam, Precious Anthonia, 12527 Stratford Garden Dr. Silver Spring, MD 20904
- Dvornicky, Jared, Samuel, 1502 Marshall Street, Baltimore, MD 21230
- Dykstra, Erin, Lindsay, 4849 Connecticut Avenue, NW, Apt 122, Washington, DC 20008
- Earlbeck, Jessica, Nichole, 3937 Old York Road, Monkton, MD 21111
- East, Samuel, Roane, 12301 Sandy Point Court, Silver Spring, MD 20904
- Edwards-Ransom, Julianne, 306 12th St NE, Washington, DC 20002
- Efford, Richard, Duncan, 5410 Hesperus Drive, Columbia, MD 21044
- Egan, Jennifer, Lyn, 3605 Keswick Road, Baltimore, MD 21211
- Ehrlich, Daniel, Joseph, 12312 Cleghorn Rd., Cockeysville, MD 21030
- Ehudin, Theodore, Michael, 42 Bellchase Court, Pikesville, MD 21208
- Eisenstein, Marc, Jason, 10 Michael Avenue, Bellport, NY 11713
- Ellessie, Sylviane, 4007 74th Avenue, Hyattsville, MD 20784
- Ellement, Michael, Paul, 1205 St. Chareles Ave., Apt. #1313, New Orleans, LA 70130
- Ellis, Cameron, Blake, 200 B Broad Street, Carrboro, NC 27510
- Emerson, Andrew, Holdsworth, 1208 Chrisland Court, Annapolis, MD 21403
- Emerson, Jessica, Elayne, 15 Charles Plaza, Apt. 402, Baltimore, MD 21201
- Emmick, Matthew, Franklin, 3935 S Street SE, Apt. 101, Washington, DC 20020
- Emokpae, Edward, Etionsa, 634 Kittendale Circle, Middle River, MD 21220
- Engelmann, Jason, Philip, 1412 Hopkins St NW, Washington, DC 20036
- English, Alexander, Johnson Esaias, 6971 Mink Hollow Road, Highland, MD 20777
- Epstein, Mindel, Carla, 612 N. Calvert St., Apt. A, Baltimore, MD 21202
- Epstein, Tamar, Siltan, 920 Brentwood Lane, Silver Spring, MD 20902
- Epting, Kyle, Lewis, 4001 9th Street North, Apt. 1303, Arlington, VA 22203
- Erb, Melanie, Carol, 107 Anchor Street, Westminster, MD 21157
- Erickson-Muschko, Sarah, Elaine, 9406 Flower Avenue, Silver Spring, MD 20901
- Evans, Caitlin, Elizabeth, 17717 Elgin Road, Poolesville, MD 20837
- Evans, Grace, Anne, 1331 S Eads St, Apt 418, Arlington, VA 22202
- Fairchild, Christopher, Cleveland, 25 East Wayne Avenue, M813, Wyne Manchester Towers, Silver Spring, MD 20901
- Fallings, Michael, Colin, 917 W. Dakin St., Apt. 402, Chicago, IL 60613
- Farmer, Jessica, Lynn, 12408 Sandal Lane, Bowie, MD 20715

- Farmer, Meghan, Kathleen, 43934 Rochelle Court, Ashburn, VA 20147
- Faucette, Michael, Douglas, 1425 S Eads Street, Apt. 1606, Arlington, VA 22202
- Feagles, Amy, Winter, 10417 Masters Terrace, Potomac, MD 20854
- Fedorova, Julia, Valeryevna, 263 Temple Drive, Bel Air, MD 21015
- Feintuch, David, Samuel, 6402 Elray Drive, Apt. E, Baltimore, MD 21209
- Ference, Garris, George, 2719 Uhle Street S, Arlington, VA 22206
- Fernandez, Marina, Carin, 550 14 Road South, Apt 339, Arlington, VA 22202
- Fields, Caroline, Anne, 16205 Monty Court, Rockville, MD 20853
- Fierst, Shai, 614 Sisson Street, Silver Spring, MD 20902
- Finch, Cole, Phillips, 179 West Main Street, Westminster, MD 21157
- Fine, Stephanie, Ilana, 3207 Hunting Tweed Dr., Owings Mills, MD 21117
- Finkelstein, Jacob, Paul, 324 Belltown Road, Owings Mills, MD 21117
- Fishbein, Ross, Edward, 5100 Connecticut Ave., NW, Apt. 206, Washington, DC 20008
- Fisher, Jessica, Lynnetta, 2677 Grandview Road, Tyrone, PA 16686
- Flanzer, Samantha, Campbell, 8710 Cameron Street, Apt. 810, Silver Spring, MD 20910
- Fleisher, Matthew, James, 21 Hawthorn Ct, Rockville, MD 20850
- Floissac, Michael, Anthony, 5901 Montrose Road, Apt C1001, North Bethesda, MD 20852
- Flynn, Gawin, Lowie, 1515 Jefferson Davis Highway, Apt. 109, Arlington, VA 22202
- Flynn, Kaitlin, Noreen, 5405 Tuckerman Ln., Apt. 619, Rockville, MD 20852
- Ford, Brandon, Michael, 401 Essexwood Court, Baltimore, MD 21221
- Ford, Yahshuah, Akhenaton, 8715 1st Ave., Apt. 206D, Silver Spring, MD 20910
- Forman, Nathaniel, Asher, 8773 Contee Road, Apt. #404, Laurel, MD 20708
- Foroutan, Mojan, Banou, 15604 Indian Run Court, Darnestown, MD 20878
- Foster, Janet, Maria, 1250 Maryland Avenue NE, Washington, DC 20002
- Fournier, Mathieu, James, 1110 Fidler lane, Apt. 215, Silver Spring, MD 20910
- Franklin, Michael, Alan, 425 Massachusetts Ave., NW, Apt. 701, Washington, DC 20008
- Frazer, Joshua, Reuben, 20 Boxridge Court Owings Mills, MD 21117
- Frechette, Peter, Simon, 4120 Edmunds St. NW, Apt. 101, Washington, DC 20007
- Freedman, Leah, Christina, 724 Umbra Street, Baltimore, MD 21224
- Freeman, Stephen, Bernie, 19236 Circle Gate Drive Apt. 303, Germantown, MD 20874
- French, Crystal, Antonia, 3103 Adell Way Durham, NC, 27703
- Frischia, Alexandra, Elizabeth, 106 Rockingham Road, Cherry Hill, NJ 08034
- Fritz, Tjasse, Lee, 29355 Stoney Ridge Circle, Easton, MD 21601
- Fryer, Leanne, Ewing, 1231 Gemini Drive, Apt. J, Annapolis, MD 21403
- Fuller, April, Lyn, 611 M St NE Unit 4, Washington DC 20002
- Fuller, Lisa, Graham, 149 Langdon Farm Circle, Odenton, MD 21113
- Fusting, Emily, C, 2715 Hudson St., Baltimore, MD 21224
- Gallena, Richard, Paul, 1216 N. Troy Street, Apt. 107, Arlington, VA 22201
- Ganahl, Joseph, Robert, 5417 Southampton Drive, Springfield, VA 22151
- Gannett, Matthew, James, 12715 Brunswick Lane, Bowie, MD 20715
- Gant, Portia Elaine, Shizuyo, 2223 Ross Court, Silver Spring, MD 20910
- Ganvir, Serena, Lakshmi Natasha, 5435 E Nithsdale Drive, Salisbury, MD 21801
- Garakani, Anoush, Atefi, 1493 Northern Neck Drive, Vienna VA 22182
- Garrison, Charles, William, 70 I St, SE, Apt. 111, Washington, DC 20003
- Garth, Jessica, Lowell, 7058 Eastern Ave NW, Apt 110, Washington, DC 20012
- Garvey, Anthony, Patrick, 21205 Chrisman Hill Terrace, Boyds, MD 20841
- Garvey, Kevin, P., 9816 McMillan Ave., Silver Spring, MD 20910
- Garza, Robert, Alan, 4425 Meanderwood Drive, Burtonsville, MD 20866
- Gates, John, Patrick, 905 S. Highland Avenue, Baltimore, MD 21224
- Gaynor, Colin, Michael, 27 Murdock Road, Baltimore, MD 21212
- Geare, Elizabeth, Catherine, 3820 Morrison Street, NWS, Washington, DC 20037
- Geevarghese, Anupa Iyer, 1117 5th St NE, Washington, DC 20002
- Gelber, Jeffrey, Allyn, 1418 W St., NW, Apt. 403, Washington, DC 20009
- Gentile, Angela, Mary, 5707 Goucher Drive, Berwyn Heights, MD 20740
- Gentry, Christine, Elizabeth, 909 Ramsey Sreet, Baltimore, MD 21223
- George, Adedamola, Olufunmilayo, 3803 Echodale Avenue, Baltimore, MD 21206
- Georgiev, Katerina, M, 3900 McKinley St NW, Washington, DC 20015
- Geraldo, Manuel, Robert, 802 Swan Creek Rd, Ft. Washington, MD 20744
- Gervasi, Christina, Noelle, 1499 Massachusetts Ave., NW, Apt. 1113, Washington, DC 20005
- Ghattas, Peter, Alexander, 4801 Connecticut Ave NW, Apt 918, Washington, DC 20008
- Giacofci, William, Jang, 61 Pepper Tree Court, Warrenton, VA 20186
- Gibbs, Virgina, Stephanie Fabiola, 3144 Fairland Road, Silver Spring, MD 20904
- Gilbert, Patrick, Michael, 92 Corey Rd., Apt. 1, Brighton, MA 02135
- Gilbert, Timothy, Richard, 8226 Burnley Rd., Towson, MD 21204
- Gill, Ruchi, Gugliani, 2425 L Street NW Unit 209, Washington, DC 20037
- Ginski, Steven, Dominic, 2400 Summer Field Drive, Finksburg, MD 21048
- Gipe, Alicia, Jennepher, 2003 Cedar Barn Way, Windsor Mill, MD 21244
- Girard, Jennifer, Frances, 322 Douglas Street, NE, Washington, DC 20002
- Gitomer, Madeline, Himmel, 73 Clinton Street, Lambertville, NJ 08530
- Gleason, Christina, Kate, 283 Braxton Way, Edgewater, MD 21037
- Glick, Jonathan, Michael, 1133 East West Highway, Apt. 1218 W, Silver Spring, MD 20910
- Glod, Gregory, Stan Thomas, 1207 Battery Avenue, Baltimore, MD 21230
- Gohlke, Melissa, LeAnn, 913 7th St. NE, Washington, DC 20002
- Goldberg, Scott, Evan, 10204 Gardiner Ave., Silver Spring, MD 20902
- Goldblatt, Monica, Nicole, 1173 Ballantrae Lane, McLean, VA 22101
- Goldman, Andrew, Spencer, 1318 Rutter St., Baltimore, MD 21217
- Goldstein, Beth, Lauren, 450 Massachusetts Ave., NW, Apt. 1002, Washington, DC 20001

- Gonzalez, Catherine, Moore, 821 S. Charles Street, Baltimore, MD 21230
- Goodwin, Jeffrey, Andrew, 2702 Bauernschmidt Drive, Essex, MD 21221
- Goodwin, Michael, Alan, 5217 Russett Rd, Rockville, MD 20853
- Gordon, Glenn, Alexander, 712 Saint Paul Street, Apt. 9, Baltimore, MD 21202
- Gordon, Jeffrey, Kent, 8355 Poplar Pike, Germantown, TN 38138
- Gottlieb, Sarah, Helen, 2408 Everton Road, Baltimore, MD 21209
- Graae, Hannah, Mitchell, 510 Bay View Point Drive, Edgewater, MD 21037
- Grady, Karima, Ani, 1104 Magnolia St., Apt 11, Greensboro, NC 27401
- Graham, Jhanelle, Alexia, 1200 East - West Hwy., Apt. 205, Silver Spring, MD 20910
- Grant, Matthew, Michael, 1501 Saint Paul Street, Apt. 204, Baltimore, MD 21202
- Gravens, Matthew, Mark, 164 Green Street, Apt. 1, Annapolis, MD 21401
- Gray, Tiffany, Renee, 907 Glen Willow Drive, Apt. #13, Capital Heights, MD 20743
- Grazio, Matthew, Chmiel, 74 West Cedar St. Apt. 1, Boston, MA, 02114
- Green, Alexander, Richard, P.O. Box 5955, Virginia Beach, VA 23471
- Green, Karin, Virginia, 2208 Clove Terrace, Baltimore, MD 21209
- Green, Nathaniel, Barksdale Gibson, 3803 Benton St., NW, Apt. 1, Washington, DC 20007
- Greenberg, Joshua, Louis, 907 Homestead St, Baltimore, MD 21218
- Greenfield, Joshua, Seth Tarun, 300 W. Lombard St., Apt. 1412, Baltimore, MD 21201
- Griffin, Samuel, Douglas, 1825 South Le Homme Dieu Dr., Alexandria, MN 56308
- Grillo, Thomas, Gregory, 1328 Hollow Glen Court, Curtis Bay, MD 21226
- Grimes, Jason, Roderick, 4021 Emerald Lane, Apt. F, Bowie, MD 20716
- Grosnoff, Nicole, Shawna, 1312 Massachusetts Ave., NW, Apt. 105, Washington, DC 20005
- Gross, Joseph, William, 1301 U Street, NW, Apt 628, Washington, DC 20009
- Gruesbeck, Michelle, Ann, 4208 Winding Way Drive, Fort Wayne, IN 46835
- Gude, Tayrn, Lee, 11706 Forest Green Ln., Ft. Washington, MD 20744
- Guiliano, Charles, Andrew, 1214 North Charles St., Apt. 220, Baltimore, MD 21201
- Gumbs, Hazel, Shermel, 8921 Town Center Circle, Apt. 312, Upper Marlboro, MD 20774
- Gwynn, John, Marcus, 12209 McCullagh Court, Upper Marlboro, MD 20772
- Hack, Joseph, John Paul, 1910 1/2 17 St NW, Washington, DC 20009
- Hafenbrack, Joshua, 2201 N Street, NW, Apt 113, Washington, DC 20037
- Hagerty, Elizabeth, Marie Frances, 811 4th St NW, Apt. 316, Washington, DC 20001
- Hailu, Hellina, Yirga, 3504 Allison St., Brentwood, MD 20722
- Haley, Jennifer, Marie, 5408 Galena Pl NW, Washington, DC 20016
- Haley, Kyle, Patrick, 909 New Jersey Avenue SE, Apt. 604, Washington, DC 20003
- Hall, Rebecca, Noël Wizeman, 10 W Chase Street, Apt 4B, Baltimore, MD 21201
- Hall, Spencer, Margaret, 1207 N. Calvert Street, Apt. 1-R, Baltimore, MD 21202
- Hambleton, Stephanie, Patrick, 7031 Sycamore Lane, Easton, MD 21601
- Hammelman, Melanie, Suzanne, 47587 Reef Terrace, Sterling, VA 20165
- Hanna, Richard, Matthew, 8 Springbriar Lane, Pikesville, MD 21208
- Hans, Gautam, Singh, 1604 Q St. NW., Apt. 307, Washington, DC 20009
- Hardwick, Margery, Thayer, 1616 18th St. NW #613, Washington, DC 20009
- Harp, Kevin, Wayne, 101 W Read Street, Apt. 510, Baltimore, MD 21201
- Harper, Jacob, Joka, 4001 9th St N, Apt 1420, Arlington, VA 22203
- Harrigan, Ryan, Michael, 14891 Triadelphia Road, Glenelg, MD 21737
- Harrington, William, Jacob, 4610 Kiernan Road, College Park, MD 20740
- Harris-Crest, Nicole, Ebony, 6 Macconnachy Square, Baltimore, MD 21207
- Harrison, Janet, Elaine, 1325 Ednor Road, Silver Spring, MD 20905
- Hartwell, Robert, Lewis, 5693 E. Silo Ridge Dr., Ann Arbor, MI 48108
- Harvey, Benjamin, Skipp, 1325 Union Avenue Baltimore, MD 21211
- Hauser, Leah, Marie, 1908 Sue Ave, Essex, MD 21221
- Havemann, Anne, Elizabeth, 3654 New Hampshire Ave. NW, Apt. 29, Washington, DC 20010
- Haymon, Leslie, Caroline, 13731 Monarch Vista Dr., Germantown, MD 20874
- Haynes, Seth, Brendon, 2411 Arlington Blvd., Apt. 102, Arlington, VA 22201
- Haywood, Jeffery, Vernail, 1923 Mariner Lane, Woodbridge, VA 22192
- Heavener, Wayne, Calvin, 1211 West Braddock Road, LaVale, MD 21502
- Hecker, Elizabeth, Ann, 1308 Race Street, Baltimore, MD 21230
- Heffernan, Amanda, Therese, 460 Carvel Beach Road, Apt. 7, Curtis Bay, MD 21226
- Hein, Christine, Frazier, 10635 Gramercy Pl., Apt. 439, Columbia, MD 21044
- Heinmuller, Paul, Michael, 4675 Golden Hill Road, PO Box 74, Apt. C, Church Creek, MD 21622
- Heitt, Melissa, Sidman, 3041 Fallstaff Rd., Unit 203D, Baltimore, MD 21209
- Hendrick, Amber, Modestine Steele, 929 N. Wofe Street, Apt 2004, Baltimore, MD 21205
- Hendrick, Karl, Dean, 35 E Street NW, Box 112, Washington, DC 20001
- Herbert, Aaron, Dexter, 6508 Auburn Ave., Riverdale, MD 20737
- Hernandez, Vivian, 5720 Pimlico Road, Apt. 6, Baltimore, MD 21209
- Hernandez Araujo, Marta, Julia, 11113 Captains Walk Ct. North Potomac, MD 20878
- Herodotou, Katerina, 1900 Lamont St. NW, Apt. 207, Washington, DC 20010
- Herschthal, Adam, Ross, 9801 Stoneybrook Dr., Kensington, MD 20895
- Herzfeld, Karin, Nicole, 5154 Little Creek Drive, Ellicott City, MD 21043
- Hess, Jared, Nathaniel, 1020 North Quincy Street, Apt 119, Arlington, VA 22201
- Heyd, Brittany, Thatcher, 1301 U St. NW, Apt. 519, Washington, DC 20009
- Hijazi, Abdullah, Haitham, 4803 Willes Vision Drive, Bowie, MD 20720
- Hildreth, Sophia, Louise King, 2600 Amanda Ct., Woodstock, MD 21163

THE JUDICIARY

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- Hilgendorf, Shawn, Jared, 1600 S. Joyce St., Apt. 325, Arlington, VA 22202
- Hilger, Alicia, Ann, 1016 Eagle Point Drive, VA Beach, VA 23456
- Hill, Darryl, Bryan, 566 Edmonton Terrace, Leesburg, VA 20176
- Hill, Megan, Christine, 1701 Taxville Road, Apt 12B, York, PA 17408
- Hines, Bradley, Wade, 613 S. Walter Reed Drive, Apt. 612C, Arlington, VA 22204
- Hodges, Brittani, Lea, 101 East Mt. Royal Ave., Apt. 904, Baltimore, MD 21202
- Hoffman, Kathryn, Opal, 3200 Greenhill Road, Edgemere, MD 21219
- Hogan, Brendan, William, 813 Croggan Crescent, Baltimore, MD 21060
- Holden, Allison, Marie, 1435 4th St., SW Apt. B613, Washington, DC 20024
- Hollimon, Justin, Michael, 3935 S St. SE, Apt. 101, Washington, DC 20020
- Holmes, Tanya, Dawn, 3514 Sharonwood Rd, Apt 4B, Laurel, MD 20724
- Homer, Anthony, Michael, 12907 Stonecrest Dr., Silver Spring, MD 20904
- Honberg, Daniel, Jay, 1763 Church Street, NW, Washington, DC 20036
- Hong, Marie, Shau-Ying, 4 Montague Road, Newark, DE 19713
- Hood, Colin, Avery, 922 Berwick Drive, Annapolis, MD 21403
- Hooper, Matthew, Elliott, 1200 Light Street, Unit C, Baltimore, MD 21230
- Hoover, John, Nicholas, 1500 Patapsco Street, Baltimore, MD 21230
- Horton, Laura, Erin, 922 Osage Avenue, Santa Fe, NM, 87505
- Huang, James, Anthony, 1 Winter Drive, Ashland, OR, 97520
- Huang, Tiffany, Ru-Shuan, 2130 P Street, NW, Apt 906, Washington, DC 20037
- Hubert, Jason, Ian, 7 Aston Court, Owings Mills, MD 21117
- Hurdle, Abraham, Lawson, 814 Park Ave., Unit 5, Baltimore, MD 21201
- Hutchinson, Nzinga, Johari, 7903 Winnsboro Dr., Ft. Washington, MD 20744
- Hynum, Natalie, Marie, 1214 N Charles Street, Baltimore, MD 21201
- Igbokwe, Olivia, Ugonma, 2350 Washington Place NE, Apt 641, Washington, DC 20018
- Ighedosa, Ese, Rene, 12 W. Knight Avenue Collingswood, NJ 08108
- Iliff, Jarett, Blaike, 841 N. Lexington Street, Arlington, VA 22205
- Iliff, Nicholas, Taylor, 1514 Briarcliff Rd., Arnold, MD 21012
- Ingraham, Elizabeth, Mae, 7653 Woodville Road, Mount Airy, MD 21771
- Ingram, Caroline, Thomas, 1200 N. Veitch Street, Apt. 1505, Arlington, VA 22201
- Inniss, Blair, Marie, 1813 South Road, Apt. 2E, Baltimore, MD 21209
- Ives, Alison, Michelle, 1402 Clarkson Street, Baltimore, MD 21230
- Jackson, Marshall, Earl, 11804 Wimbleton Court, Kettering MD 20774
- Jackson, Robert, Louis, 909 New Jersey Ave. SE, Apt. 202, Washington, DC 20003
- Jackson, Vincent, Patrick, 13 Salthill Court, Lutherville, MD 21093
- Jackson-Quzack, Douglas, William, 1623 R Street NW, Washington DC 20009
- Jacobs, William, Emerson, 475 K St., NW, Unit 1217, Washington, DC 20001
- Jacobson, Michael, Grant, 1255 New Hampshire Ave, NW, Apt 721, Washington, DC 20036
- Jamison, Charles, David, P.O. Box 621, Poolesville MD 20837
- Janet, Carin, Ellen, 31 West Patrick St., Apt. 205, Frederick, MD 21701
- Jara, Ana, Lorraine, 4500 Connecticut Ave., Apt. 704, Washington, DC 20008
- Jasnow, Daniel, Beardsley, 1613 Harvard Street, NW, Apt. 203, Washington, DC 20009
- Jbaili, Nadine, 2304 Stratton Drive, Potomac, MD 20854
- Ji, Aram, 7965 Brightlight Place, Ellicott City, MD 21043
- Jiang, Fu-Mei, Chao, 10222 Silverstone Place, Ellicott City, MD 21042
- Jiang, Michelle, Ying Chiu, 10222 Silverstone Place, Ellicott City, MD 21042
- Joe, Yeana, Sarang, 1916 N. Gilbert St., Fullerton, CA 92833
- Joffe, Benjamin, Evan, 2216 Sulgrave Avenue, Baltimore, MD 21209
- Johannessen, Ellery, Archer, 8 Sugarloaf Court APT 202, Baltimore, MD 21209
- Johnson, Breon, Lamar, 121 Sollers Point Road Baltimore, MD 21222
- Johnson, Brittany, Sheree, 10306 Bunch Berry LN, Upper Marlboro, MD 20772
- Johnson, Charles, Fredrick, 12 South 17th Street, Apt 400, Richmond, VA 23219
- Johnson, Mallory, Ann Morell, 6079 Burnside Landing Drive, Burke, VA 22015
- Johnson, Nana Yaa, Adoma, 13802 Crosstie Drive, Germantown, MD 20874
- Johnson, Nicholas, James, 2350 Washington Place NE #543, Washington, DC 20018
- Johnson, Ross, Michael, 1921 Kalorama Road, NW, Apt 509, Washington, DC 20009
- Johnston, Anna, Elizabeth Sidney, 8 Charles Plaza, Apt 2001, Baltimore, MD 21201
- Jones, Chelsea, Marie, 5510 Kansas Avenue NW, Washington, DC 20011
- Jones, Kimberly, Caddie, 18933 Birdseye Drive, Germantown, MD 20874
- Jones, Laura, Jessica, 3121 Military Road NW Washington, DC 20015
- Jones, Robert, Wesley, 2629 N Calvert Street, Baltimore, MD 21218
- Jones, Steven, Ezequiel, 4841 Seven Trails Cir, Aberdeen, MD 21001
- Joraanstad, Thomas, Mark, 4835 Cordell Ave., Apt. 220, Bethesda, MD 20814
- Kagey, Sara, Elizabeth, 2735 S. Buchanan Street, Arlington, VA 22206
- Kahn, Alexander, Baer, 12704 Old Bridge Road, Apt. 23, Ocean City, MD 21842
- Kahng, Esther, Jee-Eun, 130 M St. NE, Apt. 1220, Washington, DC 20002
- Kaiser, Emily, Zivanov, 4227 46th Street, NW, Washington, DC 20016
- Kakar, Aman, 21309 Emerald Drive, Germantown, MD 20876
- Kalala, Ilunga, Luhaka, 4140 Washington Blvd., Apt. 417, Saint Louis, MO 63108
- Kanner, Shlomo, 6601 Edenvale Road, Baltimore, MD 21209
- Kapoor, Vron, John, 4919 Sunset Lane, Annandale, VA 22003
- Karam, Manuel, Phillip, 111 Erregger Road, Syracuse, NY 13224
- Kardian, David, Patrick, 410 West Lombard Street, Apt. 503, Baltimore, MD 21201
- Karimi, Najeela, Candace, 8321 Sweet Cherry Lane, Laurel, MD 20723
- Kass, Rebekah, Eva, 8 Birch Bark Court, Owings Mills, MD 21117
- Kastellorizios, Ioana, 624 Oldham Street, Baltimore, MD 21224
- Kay, Jamie, Elise, 615 3rd St. NE, Apt 6, Washington, DC 20002
- Kazam, Elizabeth, Toba, 39 West Lexington St., Apt. 1304, Baltimore, MD 21201
- Kazmi, Humza, Ahmed, 9816 Canal Road, Montgomery Village, MD 20886

Keller, Jill, Rebecca, 1507 Church Street NW, Washington, DC 20005
 Kellermann, Michael, Edward, 119 Tregarone Road, Lutherville, MD 21093
 Kellici, Reshard, 2 Bayshire Ct., Owings Mills, MD 21117
 Kellogg, Martha, Lynn, 3548 11th St. NW, Washington, DC 20010
 Kelly, Kathryn, Marie, 2984 Poland Springs Dr., Ellicott City, MD 21042
 Kemmerzell, Kerianne, Patricia, 1020 S. Charles St., Baltimore, MD 21230
 Kennedy, Kathleen, Patricia, 1216 Bacon Ridge Road, Crownsville, MD 21032
 Kerner, Kathleen, Rose, 15413 Narcissus Way, Rockville, MD 20853
 Kerr, Jonathan, Hugh, 310 S East Avenue, Baltimore, MD 21224
 Kesson, William, Kofi, 4706 Dark Star Way, Owings Mills, MD 21117
 Khan, Amira, Erin, 9800 Gable Ridge Terrace, Apt. I, Rockville, MD 20850
 Kidwell, Jennifer, Lee Heald, 1005 Nora Dr, Silver Spring, MD 20904
 Kilbert, Angela, Mae, 1967 Richmond Road, Toledo, OH 43607
 Kim, Christopher, J., 7025 Loganberry Lane, Fulton, MD 20759
 Kim, Rosa, 501 Hungerford Drive, Apt. 325, Rockville, MD 20850
 King, Lauren, Frances, 2020 F St. NW Apt. 116, Washington, DC 20006
 Kipnis, Andrew, Joseph, 2738 Hunt Club Drive, York, PA 17402
 Kirby, Thomas, Christopher, 3901 Connecticut Ave NW, Apt 312, Washington, DC 20008
 Kisner, Jason, Daniel, 3364 S. Utah Street, Arlington, VA 22206
 Kistler, Kevin, Alan, 6225 Starwood Way, Rockville, MD 20852
 Kitchelt, Devin, Thomas, 1129 S. Charles Street, Apt. B, Baltimore, MD 21230
 Klein, Sean, Brian, 4707 Wards Chapel Rd, Owings Mills, MD 21117
 Kline, Andrew, Lewis, 6310 Haviland Drive, Bethesda, MD 20817
 Klockner, Leif, Pion, 1008 Heather Ave, Takoma Park, MD 20912
 Klopfer, Michael, Anthony, 3032 Guineveer's Dr., Apt. B4, Harrisburg, PA 17110
 Klug, Christopher, Martin, 4500 Connecticut Ave., NW, Apt #603, Washington, DC 20008
 Knerr, David, Christopher, 3001 Veazey Ter. NW Apt. 1218, Washington, DC 20008
 Kohler, Kate, Elizabeth, 2420 16th Street, NW, Apt. 505, Washington, DC 20009
 Kohn, Zachary, Abraham, 11506 Lovejoy Street, Silver Spring, MD 20902
 Kolas, Emily, Patricia, 2435 Madison Ave., Apt. 1R, Baltimore, MD 21217
 Kolkin, Thomas, Pontone, 621 Deepdene Rd., Baltimore, MD 21210
 Kollecas, Lauren, Emily, 17500 Carlson Farm Court, Germantown, MD 20874
 Konstantinova, Slavena, Iulianova, 7805 Green Twig Road, Bethesda, MD 20817
 Konstas, Adam, Elliot, 935 Zenith Dr., Freeland, MD 21053
 Kornblith, Aaron, John, 825 New Hampshire Ave. NW, Apt. 311, Washington, DC 20037
 Kosman, Mary, Anne, 112 Moors Ct., Bear, DE 19701
 Kosmas, Nicholas, Ernest, 1203 Temfield Road, Towson, MD 21286
 Kosmerl, Amanda, Lauren, 422 Jefferson Street, Reading, PA 19605
 Kozlowski, Kevin, Edward, 555 Massachusetts Ave NW, Apartment 502, Washington, DC 20001
 Kramer, Madelaine, Amanda, 1029 Estates Village Lane, Richmond, VA 23226
 Krantz, Michael, Charles, 700 North Jerome Avenue, Margate, NJ 08402

Kraus, Andrew, John, 200 Cobblestone Drive, Ardmore, PA 19003
 Kroll, Adam, Jesse, 3427 Terrapin Road, Pikesville, MD 21208
 Kronthal, Samuel, Jacob, 717 Gallatin Street, NW, Washington, DC 20011
 Kuczynski, Rebecca, Hasbrouck Wise, 3393 Littleton Way, Apt #1M, Pasadena, MD 21122
 Kukaj, Antigona, 134 6th Street NE, Unit 1, Washington, DC 20002
 Kumar, Akshaya, 3636 16th Street Apt. B963, Washington DC 20010
 Kumar, Dinesh, 3762 Chateau Ridge Drive, Ellicott City, MD 21042
 Kuperstein, Slava Romaniouk, 2902 Thornbrook Road, Ellicott City, MD 21042
 Kyliis, Kelly, Sullivan, 4603 Amherst Road, College Park, MD 20740
 LaDuca, Kenneth, Joseph, 3520 Davenport Street NW, Washington, DC 20008
 LaRiccias, Ashely, June, 12 Wheeler Street, Milford, NH 03055
 Ladeau, Rachel, Adams, 400 Cameron Station Blvd., No. 126, Alexandria, VA 22304
 Lagomasino, Leslie, Ann, 1140 23rd St., NW, Apt. 905, Washington, DC 20037
 Lake, Justin, Michael, 3301 Fait Avenue, Baltimore, MD 21224
 Lally, Brendan, Christopher, 5511 Park Drive, Bowie, MD 20715
 Lamari, Charles, Cecil, 15401 Baileys Lane, Silver Spring, MD 20906
 Lampton, Jonathan, Lee, 2401 West Rogers Avenue, Baltimore, MD 21209
 Lancaster, Mark, Anthony, 1303 North Charles St., Floor A, Baltimore MD 21201
 Landry, Meghan, Ann, 6 Briarwood Rd. Catonsville, MD 21228
 Langlois, Johnathan, David, 4721 45th NW Washington, DC 20016
 Lansell, Allison, Marie, 24 Courthouse Square Apt. 504, Rockville, MD 20850
 Lanza, Emily, Marie, 2800 Quebec St., NW, Apt. 110, Washington, DC 20008
 Larsen, Andrew, Peter, 9010 Mohawk Lane, Bethesda, MD 20817
 Lassiter, Christopher, Robert, 1000 Hilltop Circle, Residential Life, Baltimore, MD 21250
 Lauber, William, Samuel, 1630 S. Charles Street, Basement, Baltimore, MD 21230
 Lavan, Morgan, Renee, 3320 Simms St. Apt. E, Hollywood, FL, 33021
 LeFevre, Cynthia, Teresa, 1849 Middlebridge Drive, Silver Spring, MD 20906
 Lee, Heain, 1200 East West Hwy, Apt 522, Silver Spring, MD 20910
 Lee, Michelle, Chia-lin Ruth, 1122 Jade Drive, Bel Air, MD 21014
 Leeson, Meredith, Pepper, 36 South Paca St., Apt. 309, Baltimore, MD 21201
 Lefebvre, Celine, Sonia Anselmina, 1201 W. Mount Royal Ave. Apt. 346, Baltimore, MD 21217
 Legum, Benjamin, Raymond, 8207 Maple Ridge Rd., Bethesda, MD 20814
 Lemming, Christopher, Albert, 850 N Randolph St., Apt. 1714, Arlington, VA 22203
 Leneis, Brad, Eric, 2445 15th Street NW, Apt. 405, Washington, DC 20009
 Levey, Isaac, Reuben, 6691 Fairfax Road, Chevy Chase, MD 20815
 Levick, Rachel, Gayle, 100 Eye Street SE, Apt. 508, Washington, DC 20003
 Levin, Benjamin, Ari, 626 Ralston Avenue, Baltimore, MD 21208
 Levitas, Jonathan, 632 South Charles Street, Baltimore, MD 21230
 Lewis, Alexander, F, 323 South Grant Street, Apt. 12, Bloomington, IN 47401
 Lewis, Holly, Kathryn, 85 Pebble Lane, Biglerville, PA 17307
 Lewis, Nora, Catherine, 4522 30th st NW, Washington, DC 20008

- Lewis-White, Gabriella, Marie, 1321 Fern St. NW, Washington, DC 20012
- Liang, Xiao, 1530 16th St. NW, Apt. 710, Washington, DC 20036
- Lieberman, David, Saul, 9300 Persimmon Tree Road, Potomac, MD 20854
- Lilja, Marissa, Kai, 17613 Gatsby Terrace, Olney, MD 20832
- Lim, Melissa, 1401 Blair Mill Rd., Apt. 1521, Silver Spring, MD 20910
- Lim, Sung Jae, 21817 Seneca Ayr Drive, Boyds, MD 20841
- Lincoff, Gabrielle, Ann, 2511 Q St., NW, Apt. 204, Washington DC 20007
- Lindemann, Bonnie, Vi, 4721 45th St NW, Washington, DC 20016
- Lindley, Carolyn, Field, 910 M St NW #1002, Washington, DC 20001
- Lindner, Genevieve, Hayner Reynolds, 1620 Hilltop Road, Edgewater, MD 21037
- Ling, James, Howard, 106 Philadelphia Avenue, Takoma Park, MD 20912
- Ling, Vivian, 6485 Onward Trail, Clarksville, MD 21029
- Link, Kevin, Richardson, 1201 S. Barton St., Apt. 145, Arlington, VA 22204
- Lipari, Austin, Michael, 3305 8th St., NE, Apt. 204, Washington, DC 20017
- Lipshultz, Jennifer, Rachel, 739 Beechcrest Drive, River Vale, NJ 07675
- Litovitz, Erica, Lee, 1604 Fielding Lewis Way, McLean, VA 22101
- Llosa, Alvaro, Augusto, 882 College Parkway, Apt. 103, Rockville, MD 20850
- Lloyd, Errol, Sherman, 9205 Oaklyn Terrace, Potomac, MD 20854
- Lobel, Hannah, Justine, 3809 13th Street, NE, Washington, DC 20017
- Lockshin, Diana, Michelle, 7003 Brookville Rd., Chevy Chase, MD 20815
- Loewen, Erik, Wayne, 105 Buttonwood Court, Rosedale, MD 21237
- Lofton, Brandi, Mishon, 3311 Parkford Manor Terrace, Apt. D, Silver Spring, MD 20904
- Long, Sari, Michelle, 2130 N. Street, NW, Apt. 211, Washington, DC 20037
- Long, Trevor, Nathaniel, 1911 Main Ave, Pasadena, MD 21122
- Longarino, Darius, Fredrick, 3163 Baisley Avenue, Bronx, NY 10465
- Longville, Catherine, Helen, 1234 Massachusetts Ave., NW, Apt. 125, Washington, DC 20005
- Lookabill, Jami, Julia Ann, 11550 Crossroads Cir., Apt. 548, Baltimore, MD 21220
- Lopatin, Asa, Louis, 1529 14th St., NW, Apt. 309, Washington, DC 20005
- Lorber, Eric, Benjamin, 415 S. Van Pelt St. 2B, Philadelphia, PA 19146
- Loring, Inna, 5440 Marinelli Rd., Apt. 336, North Bethesda, MD 20852
- Loughner, Kaitlyn, Ann, 169 Rhodes Drive, Beaver Falls, PA 15010
- Loveall, Joshua, Matthew, 425 L St. NW, Apt. 809, Washington, DC 20001
- Lowell, Kevin, Paul, 5127 25th Road N, Arlington, VA 22207
- Lowery, Joshua, Andrew, 616 S. Streeper Street, Baltimore, MD 21224
- Lubert, Ryan, John, 2701 Connecticut Ave, NW, Apt. 404, Washington, DC 20008
- Luebke, Yasemin, Kasim, 10217 Leslie Street, Silver Spring, MD 20902
- Lupfer, John, Benjamin, 7620 Wildpark Lane, Apt. 402, Columbia, MD 21046
- Lupinek, Timothy, Michael, 22 Wyndcrest Ave, Baltimore, MD 21228
- Lupton, John, Mather, 425 D Street SE, Apt. 405, Washington, DC 20003
- Luqman, Devin, S, 5205 Ivywood Drive South, Frederick, MD 21703
- Lusby, Keith, Michael, 28 Montgomery Ave., West Babylon, NY 11704
- Lynch, Colin, Francis, 518 9th St., NE, Apt. 202, Washington, DC 20002
- Macek, Susan, Lynn, 1364 Andre Street, Baltimore, MD 21230
- Maddox, Rebecca, Sarah, 810 N. Calvert St., Apt. 2, Baltimore, MD 21202
- Mah, Ashley, Michelle, 2647 NW 33rd Street, Apt 2308, Oakland Park, FL 33309
- Mainen, Allison, Mara, 1502 Henry Street, Baltimore, MD 21230
- Mainzer, Jonah, Tzvi, 11632 Le Baron Terrace, Silver Spring, MD 20902
- Malcolm, Stephanie, Renee, 118 North Howard St., Apt. 717, Baltimore, MD 21201
- Malik, Nauman, 19407 Jeswood Drive, Hagerstown, MD 21740
- Malinow, Matthew, James, 1128 Valentine Creek Drive, Crownsville, MD 21032
- Mandela, Andrew, David, 1101 N. Calvert St. Apt. 1401, Baltimore, MD 21202
- Manganaro, Samantha, Nicole, 1 Wengate Road, Owings Mills, MD 21117
- Mapp, Muriel, Patrice, 3913 Elmcrest Lane Bowie MD 20716
- Markuski-Fabac, Christina, Marie, 2421 Fox Creek Lane, Davidsonville, MD 21035
- Maron, Isaac, Lewis, 6414 Elray Drive, Apt. E, Baltimore, MD 21209
- Martel, Michael, Wayne, 295 Teaberry Ridge Road, Lonaconing, MD 21539
- Martin, George, Daniel, 18 East Preston Street, Apt. 3, Baltimore, MD 21202
- Martinez, Ariel, Ann, 425 L St., NW, Apt. 429, Washington, DC 20001
- Maryland, Leon, Andrahyl, 8077 Mandan Road, Apt. 304, Greenbelt, MD 20770
- Massaro, Stacey, Lynn, 1200 South Washington Street, Apt. 1003, Easton, MD 21601
- Massie, Joe, Andrew, 8519 Postoak Rd., Potomac, MD 20854
- Mathias, Joan, Castleton, 1499 Massachusetts Ave., NW, Apt 518, Washington, DC 20005-2853
- Matzys, Jennifer, Lynn, 3131 Dillon Street, Baltimore, MD 21224
- Mauro, Patrick, Daniel, 11316 Potomac Oaks Dr, Rockville, MD 20850
- Mauray, Meghan, Julia, 4107 13th Pl NE, Washington, DC 20017
- May, Matthew, Michael, 5330 Thames Court, Eldersburg, MD 21784
- Maylor, Jeffrey, Ryan, 3301 Norman Avenue, Baltimore, MD 21213
- Mayrell, Ralph, Carter, 2737 Devonshire Pl. NW, Unit D, Washington, DC 20008
- McBrien, Claire, Durante, 1081 Grand Oak Way, Rockville, MD 20852
- McCarthy, Angie, 620 Hollywood Ave, Silver Spring, MD 20904
- McCarthy, Kevin, Daniel, 900 N. Charles Street, Apt. 301, Baltimore, MD 21201
- McCarthy, Megan, Rodgers, 1200 N. Veitch Street, Apt. 1214, Arlington, VA 22201
- McChesney, Lauren, Dalton, 16401 Candy Hill Rd., Upper Marlboro, MD 20772
- McClain, Nicole, Emmalee Evelyn, 11503 Gunpowder Dr., Ft. Washington, MD 20744
- McComiskey, Kathleen, Mary, 1203 Ambridge Road, Bel Air, MD 21014
- McCulloch, Evan, Patrick, 1339A S. Hanover Street, Baltimore, MD 21230

- McDaniel, Matthew, Alexander, 911 Leafy Hollow Circle, Mout Airy, MD 21771
- McDermott, Jacob, Matthew, 922 24th St., NW Apt. 220, Washington, DC 20037
- McDermott-Tabori, Nicholas, John, 336 11th St, NE, Washington, DC 20002
- McEndree, Paul, William, 4273 Chapel Gate Court, Belcamp, MD 21017
- McFarland, Lee, Alan, 210 Holland Road, Severna Park, MD 21146
- McGann, Kelly, Joseph, 9518 49th Place, College Park, MD 20740
- McGee, Christa, Dawn, PO Box 351, Ellerslie, MD 21529
- McGinnis, John, Kines, 930 M Street, NW Apt. 501, Washington, DC 20001
- McIntyre, Charles, Stafford, 11416 Sherrie Lane, Silver Spring, MD 20902
- McIntyre, Geraldine, Rose, 548 7th Street Southeast, Washington, DC 20003
- McKay, Kevin, Edward, 1752 Mews Way, Fallston, MD 21047
- McKenzie, Matthew, Douglas, 8139 Showcase Ct., Pasadena, MD 21122
- McNeal, Alicia, Marie, 4455 Fountainview Ln., Apt. 613, Orlando FL 32808
- McNealey, Ernest, Charles, 6101 16th St. Apt. 709, Washington, DC 20011
- McNichol, James, Patrick, 115 Ferndale Avenue, Glen Burnie, MD 21061
- McPartland, Kimberly, Eve, 5724 Stanbrook Ln, Laytonsville, MD 20882
- McQueen, Luke, Anthony, 16805 Ethelwood Terrace, Olney, MD 20832
- McWilliams, Andrew, Sinclair, 930 M St. NW, Apt. 233, Washington, DC 20001
- Meade, Catlin, Marie, 4701 45th Street NW, Washington, DC 20016
- Medeiros, Erin, Frances, 4817 36th Street, NW, #109, Washington, DC 20008
- Meldrum, Christopher, Bryant, 522 21st Street NW Apt. 304, Washington, DC 20006
- Melody, Lindsey, Marie, 821 Maryland Ave NE, Apt. 101, Washington, DC 20002
- Melton, Amber, Nicole, 1835 Elston Street, Philadelphia, PA 19126
- Menachery, Anne, Rose, 1301 M Street NW, Apt. 1001, Washington, DC 20005
- Mendoza, Maria, G, 300 Massachusetts Ave. NW, Apt. 520, Washington, DC 20001
- Meritt, Jay, Edward, 3103 Old Post Drive, Baltimore, MD 21208
- Messer, Benjamin, Grant, 555 Elmcroft Blvd., Apt 11303, Rockville, MD 20850
- Messick, Heather, Dawn, 5251 Gypsy Drive, Box 7, Cambridge, MD 21613
- Meyer, Jonathan, Michael, 9515 M Sylvan Still Rd, Laurel, MD 20723
- Meyerhoff, Robert, Leslie, 52 East 4th Street, Apt. 4N, New York, NY 10003
- Meyers, Jennifer, Lynn, 8320 Autumn Way, Apt 3B, Jessup, MD 20794
- Middleton, Ryan, Eian, 11708 Silvercreek Court, Bowie, MD 20720
- Miles, Samantha, Alexandria, 5225 Pooks Hill Rd., Apt. 1522-N, Bethesda, MD 20814
- Miller, Erin, Elliott, 3045 Mozart Drive, Silver Spring, MD 20904
- Miller, Giovanna, Aritha, 10433 Campus Way South, Upper Marlboro, MD 20774
- Miller, Kristina, Laura, 103 E. Wells Street, Apt C247, Baltimore, MD 21230
- Milo, Caitlin, McPartland, 1324 Twin Spires Drive, Batavia, OH 45103
- Minot, Tanner, Evans, 900 Cathedral St., Apt. #509, Baltimore, MD 21201
- Mironov, Dmitry, Aleksandrovich, 94 Barrensdale Drive, Severna Park, MD 21146
- Mishra, Raja, Shankar, 2417 Chesterfield Ave., Baltimore, MD 21213
- Missouri, Natalie, Olga, 1205 Fairlakes Place, Mitchellville, MD 20721
- Mokhtari, Vida, 2727 Merrilee Drive, Apt 522, Fairfax, VA 22031
- Molloie, Zachary, Prescott, 3517 13th Street NW, Apt. 201, Washington, DC 20010
- Monson, Courtney, Marissa, 2034 Wynfield Drive, Lancaster, PA 17601
- Montes de Oca, Julianne, Merrie, 2107 Saint Paul St., Apt. 3, Baltimore, MD 21218
- Moore, Brandon, Keith, 501 St. Paul St., Apt. 1505, Baltimore, MD 21202
- Moore, Ty, Steven, 2950 Van Ness St NW Apt 602, Washington, DC 20008
- Mora, Matthew, Scott, 1211 North Calvert St, Apt. 7, Baltimore, MD 21202
- Moran, Elizabeth, Noelle, 3040 Idaho Avenue NW, Apt. 429, Washington, DC 20016
- Morgan, Erin, Elaine, 250 K Street NE Apt. 301, Washington, DC 20002
- Morrow, DeAndre, Rasheem, 3 Orage Lane, Hilton Head Island, SC 29926
- Mortellaro, Stephen, Edward, 8002 Blair Mill Drive, Apt. 101, Silver Spring, MD 20910
- Motwani, Amit, Kumar, 301 Argosy Drive, Gaithersburg, MD 20878
- Movva, Amar, 1111 North 19th. St., Suite 2110, Arlington, VA 22209
- Mpasi, Patricia-Joy, Kimanga, PO Box 9777, Silver Spring, MD 20916
- Mugmon, Sarah, Michelle, 2557 Little Vista Terrace, Olney, MD 20832
- Mulhall, Brian, Christopher, 8234 Harvest Bend Lane, Apt. 11, Laurel, MD 20707
- Mull, Bryan, Matthew, 7333 Argonne Drive, Marriottsville, MD 21104
- Munn, Astrid, Gabriela, 6912 Park Terrace Drive, Alexandria, VA 22307
- Murphy, Haley, Winn, 3621 38th St NW Apt 202, Washington, DC 20016
- Murphy, Mark, Francis, 807 S St Bernard St, Apt 2, Philadelphia, PA 19143
- Murray, Allison, Scates, 1610 Woodtree Ct., W, Annapolis, MD 21409
- Myers, Brandon, Lloyd, 8012 Gold Cup Lane, Bowie, MD 20715
- Nair, Rajesh, Balakrishnan, 3250 Ramblewood Road, Ellicott City, MD 21042
- Nangia, Mala, 9918 Willow Tree Terrace, Rockville, MD 20850
- Narasimhan, Dev, Raj, 8750 East McDowell Rd., Apt. 35, Scottsdale, AZ 85257
- Nasabzadeh, Kavon, 590 S. 15th Street, Apt. 246, Arlington, VA 22202
- Nash, Kristina, Marie, P.O. Box 128, Buckeystown, MD 21717
- Nassar, Shaba, Nazarine, 5501 45th Avenue, Apt. 420, Hyattsville, MD 20781
- Nasuta, Angela, Marie Wisniewski, 936 Martin Road, Essex, MD 21221
- Naugle, Peter, Robinson, 5705 Roland Ave, Baltimore, MD 21210
- Ndou, Livhuwani, 319 Edgell Road, Framingham, MA 01701
- Negose, Yosef, Mulugeta, 5398 Peacock Lane, Riverside, CA 92505

- Nelson, Matthew, Carl, 434 East Clement Street, Baltimore, MD 21230
- Nelson, Sylvia, Claire, 2410 Foster Avenue, Baltimore, MD 21224
- Neubauer, Matthew, Mark, 246 W. Lanvale St., Apt. 3, Baltimore, MD 21217
- Nguyen, Andrew, Viet, 8900 Connecticut Ave, Chevy Chase, MD 20815
- Nguyen, Jason, Huy Linh, 310 W. Lafayette Avenue, Baltimore, MD 21217
- Nicolas, Claude-Eric, Keller, 3003 Van Ness St. NW, W204, Washington, DC 20008
- Niebling, William, Lee, 1711 Massachusetts Ave., NW, Apt. 812, Washington, DC 20036
- Nissenbaum, Michael, Joseph, 4500 MacArthur Blvd., NW, Apt. 2, Washington, DC 20007
- Nordberg, Erica, Susan, 3601 Wisconsin Avenue, NW, Apt. 806, Washington, DC 20016
- Nordlicht, Michael, Joseph, 16 Estates Court, Apt 6302, Pikesville, MD 21208
- Northington, Brandon, Maurice, 2323 Pennsylvania Ave., SE, Apt 425, Washington, DC 20020
- Novak, Taylor, Leigh, 4822 Roland Avenue, Baltimore MD 21210
- Nowrangi, Priya, Mala, 1121 24th St., NW, Apt. #109, Washington, DC 20037
- Nyarko, Nana, Alice, 325 T St. NW Apt A, Washington, DC 20001
- Nyombi, Andrew, 14225 Pear Tree Lane Apt 21, Silver Spring, MD 20906
- O'Brocki, Raymond, Charles, 1644 Belt Street, Baltimore MD 21230
- O'Connor, Justin, Brendan, 4528 Minuteman Drive, Rockville, MD 20853
- O'Donnell, James, Elliot, 25 Waterside Drive, Morgantown, WV 26508
- O'Donovan, Conor, Patrick, 615 Maid Marion Hill, Sherwood Forest, MD 21405
- O'Neill, Meaghan, Mary, 4030 Calvert St., NW, Apt. 5, Washington DC 20007
- O'Neill, Michael, Liam, 1305 N. Ode Street, Apt 304, Arlington, VA 22209
- Obayuwana, Anson, Iyare, 44074 Florence Terrace, Ashburn, VA 20147
- Ofosu, Afua, Quaye, 7923 Greenbury Drive, Greenbelt, MD 20770
- Ohanesian, Lilyanne, 1500 Massachusetts Avenue NW #345, Washington, DC 20005
- Okafor, Ebele, Pamela, 4740 Connecticut Ave., NW, Apt. 206, Washington, DC 20008
- Okojie, Ebosetale, Violet, 4130 Garrett Road, Apt. 1228, Durham, NC 27707
- Olowski, Lew, Jan, 324 Prince George Street, Laurel, MD 20707
- Olsen, Gregory, Scott, 9708 Conmar Road, Middle River, MD 21220
- Olusada, Oluwayemisi, Nicole, 8201 Terra Grande Ave., Springfield, VA 22153
- Omps-Botteicher, Lara, Kay, 130 Ridge View Drive, Berkeley Springs, WV 25411
- Ondeck, Katherine, Carol, 11013 Stanmore Drive, Potomac, MD 20854
- Ooi, Maura, Mei-Lee, 1918 18th St., NW Apt. 41, Washington, DC 20009
- Oppenheimer, Bradley, Edward, 3 Charing Court, Owings Mills, MD 21117
- Oprea, Kathleen, Elizabeth, 2712 27th St NW, Apt. 3, Washington, DC 20008
- Oputa, Chioma, Nwabata, 3617 Drews Court, Alexandria, VA 22309
- Ormerod, Peter, Chalmers, 1461 Florida Ave., NW, Apt. B, Washington, DC 20009
- Ortega, Windy, Rhea, 318 Kirkwood Road, Millersville, MD 21108
- Osberg, Carson, Marie, 3701 Connecticut Ave NW, Apt. 907, Washington, DC 20008
- Oster, Matthew, Jude, 32 Stillway Ct., Cockeysville, MD 21030
- Ostermiller, Ian, David, 226 N St NW Apt. 2, Washington, DC 20001
- Ostro, Zachary, Krasny, 70 Eye St. SE Apt. 807, Washington, DC 20003
- Ostroff, Bennett, Samuel, 37 Farm Gate Way, Reisterstown, MD 21136
- Owen, Rachele, Marie, 1 1/2 N Cherry Grove Avenue, Annapolis, MD 21401
- Page, Ashley, Nicole, 4700 Bradley Blvd., Apt. 204, Chevy Chase, MD 20815
- Pappas, Natalie, Kane, 2600 Sams Creek Road, New Windsor, MD 21776
- Paradkar, Ameya, Vidyadhar, 7 Santoro Court, Branchburg, NJ 08876
- Pariser, Jana, Robin, 1930 New Hampshire Ave NW, Apt. 23 Washington, DC 20009
- Parisi, Thomas, George, 443 New York Avenue, NW, Apt 522, Washington, DC 20001
- Parker, Blair, Deana, 5604 Delaware Drive, Oxon Hill, MD 20745
- Parks, Rory, Noel, 3402 Halcyon Road, Stevenson, MD 21153
- Parnes, Naomi, Esther, 300 Massachusetts Ave., NW, Apt. 820, Washington, DC 20001
- Parsons, Gary, Michael, 919 Florida Ave., NW, Apt. 505, Washington, DC 20001
- Patel, Gayatri, Mahesh, 1301 Massachusetts Ave., NW, Apt. 809, Washington, DC 20005
- Patel, Mayur, Ramesh, 10808 Greenash Lane, Beltsville, MD 20705
- Patterson, Emily, Michele, 2715 Hudson Street, Baltimore, MD 21224
- Paugh, Brianne, Elaine, 103 East Mount Royal Ave., Unit 803, Baltimore, MD 21202
- Payne, Barbara, Elizabeth, 6216 Sandlin Court, Alexandria, VA 22310
- Pe, Alexander, Xerxes, 8510 Gilroy Road, Nanjemoy, MD 20662
- Peak, Bethany, Jennene, 749 Park Rd. NW #4, Washington, DC 20010
- Peck, Kevin, Andrew, 3927 9th St. NE, Apt. 2, Washington, DC 20017
- Pekich, Joseph, Carl, 204 Tuscarora Lane, Loudon TN 37774
- Pelta, Rikki, 11703 Huntsworth Ln Owings Mills, MD 21117
- Pendergraft, Brian, Xavier, 7904 Anne Court, Clinton, MD 20735
- Persin, Vlatka, 10782 Enfield Drive, Woodstock, MD 21163
- Peyton, Joycelyn, Sari, 8327 Wabash, Berkeley, MO 63134
- Phillips, Mackenzie, Rae, 3254 Normandy Woods Drive, Apt. C, Ellicott City, MD 21043
- Phillips-Farley, James, Seymour, 1115 N. Calvert Street, Basement Apt, Baltimore, MD 21202
- Plessinger, Matthew, John, 10800 Enfield Drive, Woodstock, MD 21163
- Plummer, Michael, Reuben, 16408 Mount Calvert Road, Upper Marlboro, MD 20772
- Poindexter, Porschia, Nicole, 6405 Grainger Ter, Upper Marlboro, MD 20772
- Polasko, Cynthia, Lynn, 978 Spa Road, Apt. 101, Annapolis, MD 21403
- Poonai, Miranda, 7110 Collinsworth Place, Frederick, MD 21703
- Pope, Jennifer, Stanley, 1824 Ontario Pl NW, Washington, DC 20009
- Popstefanov, Gorgi, L., 105 Plauderville Ave., Garfield, NJ 07026
- Porter, Kirk, Randall, 14523 Cutstone Way, Silver Spring, MD 20905
- Posey, Ryan, McDonagh, 7412 Woodhaven Dr, La Plata, MD 20646
- Powers, John, Michael, 1506 Park St. NW, Washington, DC 20010
- Prachniak, Corey, James, 17 Lane Way, Pawcatuck, CT 06379

- Pradel, Philippe, Baptiste Henri, 466 E. Cross Street, Baltimore, MD 21230
- Prieto, Luis, Alfredo, 4601 S. Four Mile Run Drive, Apt. 103, Arlington, VA 22204
- Proctor, Michael, Francis, 733 15th Street NW, Apt: 218, Washington, DC 20005
- Proseus, Gregory, Park, 401 12th Street South, Apt. 1510, Arlington, VA 22202
- Proudfoot, Robert, Schaffer, 1730 NW Couch St, Apt 102, Portland, OR 97209
- Pryor, Lisa, Michelle, 1817 Whittington Drive, Raleigh, NC 27614
- Purcell, Matthew, Frank, 514 Lakes Court, Westminster, MD 21158
- Qadir, Lala, Rukh, 555 Massachusetts Avenue NW, Apt 817, Washington, DC 20001
- Qu, Katherine, Tianyue, 6665 Hillandale Rd, Chevy Chase, MD 20815
- Quashie, Christina, Louise, 1327 Ring Bill Loop, Upper Marlboro, MD 20774
- Queri, Nicole, Marie, 1416 South Hanover Street, Baltimore, MD 21230
- Quill, Elizabeth, Ann, 27 Stevens Road, Hanover, NH 03755
- Quinn, Alyssa, Nicole, 1000 Smith Level Road, Apt A22, Carrboro, NC 27510
- Quinn, Anne, Showel, 14521 High Meadow Way, North Potomac, MD 20878
- Quinn, Kelly, Anne, 4713 Carroll Manor Road, Baldwin, MD 21013
- Quinn, Sean, Porter, 3303 Geiger Avenue, Kensington, MD 20895
- Radcliffe, Dalene, Agnello, 6324 Morning Time Lane, Columbia, MD 21044
- Raswant, Maansi, Kumari, 3432 Winterberry Court, Reisterstown, MD 21136
- Ratner, Alexander, Maxwell, 210 Haynes Court, Abingdon, MD 21009
- Ratzkin, Sarah, Jacqueline, 20024 Appledowre Circle, Apt. 31, Germantown, MD 20876
- Ready, Craig, Alan, 5435 Watercress Place, Columbia, MD 21045
- Reddy, Vasanthi, Guduru, 423 E St. NE, Washington, DC 20002
- Reed, Gregory, Regan, 1927 Shepherd Street NE, Washington, DC 20018
- Reese, Kelsey, Jae, 630 I St SE, Washington, DC 20003
- Reeves, Gregory, David, 5510 Vantage Point Road, Columbia, MD 21044
- Regan, Brandon, Kevin, 7621 Paradise Beach Rd., Pasadena, MD 21122
- Regan, Christopher, John, 6 Quincy Street, Chevy Chase, MD 20815
- Rein, Andrew, Michael, 70 I Street SE, Apt. 302, Washington, DC 20003
- Reina, Josephine, Ana, 911 S. Charles St., Apt. 406, Baltimore, MD 21230
- Remus, Charles, Edward, 834 East 16th Street, Frederick, MD 21701
- Renison, Andrew, Etienne, 3222 Stephenson Pl NW, Washington DC 20015
- Renkes, Thomas, George, 1321 Massachusetts Ave. SE, Washington, DC 20003
- Reutter, Susan, Annette, 9104 Sumner Grove Drive, Laurel, MD 20708
- Reyher-House, Caelyn, Arlene, 857 W. Lombard St., Apt 1, Baltimore, MD 21201
- Reynolds, Christine, Alice, 4411 Connecticut Ave NW, Apt T507, Washington, DC 20008
- Rhudy, Justin, Thomas, 5822 Queensloch Drive, Houston, TX 77096
- Riazanov, Valentin, Lvovich, 1225 E Street, NE, Washington, DC 20002
- Rich, Russell, Purnell, 902 West Northern Parkway, Baltimore, MD 21210
- Richards, Mario, Anthony Uriah, 27 Bellhurst Way, Nottingham, MD 21236
- Richardson, Bradley, Edwin, 113 Woods Road, Queenstown, MD 21658
- Richardson, Scott, Maclean, 700 New Hampshire Ave. NW Apt. 1519, Washington, DC 20037
- Rifkin, Bradley, Isaac, 11541 Manorstone Lane, Columbia, MD 21044
- Rifkin, Daniel, Steven, 11 Aston Court, Owings Mills, MD 21117
- Rigney, Patrick, Ryan, 3807 Porter St., N.W., #303, Washington, DC 20016
- Rigney, Rebecca, Marie, 3807 Porter St. NW, Apt. 303, Washington, DC 20016
- Rininger, Kristin, Lynn, 2829 28th Street NW Apt 12, Washington, DC 20008
- Risser, Jon, David, 1305 Bayard Street, Baltimore, MD 21230
- Roberts, Elizabeth, Lorelli, 923 11th Street, NE, Washington, DC 20002
- Roberts, Lindsay, Marie, 4302 River Road NW, Washington, DC 20016
- Robinson, James, Phelan, 1230 Battery Avenue Baltimore, MD 21230
- Robinson, PaTricia, Ann, 16324 Boswell Place, Upper Marlboro, MD 20772
- Robinson, Sean, 1856 Fort Pulaski Ct., Dumfries VA 22026
- Rockman, Jeremy, Aaron, 11679 Saint David's Lane, Lutherville, MD 21093
- Rodgers, Jane, Libert, 207 Nimitz Avenue, Rockville, MD 20851
- Rodriguez, Carleigh, Trappe, 1400 East-West Highway, Apt. 701, Silver Spring, MD 20910
- Rodriguez, German, Ariel, 2062 Rockrose Avenue, Baltimore, MD 21211
- Rodriguez, Hina, Luz, 5802 8th St NW, Washington, DC 20011
- Rodwin, David, Jacob, 48 Amherstdale Rd., Amherst, NY, 14226
- Roland, Daniel, Francis, 1010 Massachusetts Ave NW, Unit 505, Washington, DC 20001
- Rombro, Joseph, Henry, 2928 Marnat Road, Apt D, Baltimore, MD 21209
- Romero, Stephany, Gissel, 916 Copley Avenue, Waldorf, MD 20602
- Rosenberg, Daniel, Lewis, 38 Kleinekil Rd, New Paltz, NY 12561
- Rosenblatt, Alexandra, Judith, 906 Tyson Street, Baltimore, MD 21201
- Rosenfeld, Jordan, David, 503 South Newkirk Street, Baltimore, MD 21224
- Rosenstock, Coryn, Giles, 17 Threshing Rock Road, Pound Ridge, NY 10576
- Rosenthal, Carolyn, Krinsly, 425 L Street, NW, Apt 1108, Washington, DC 20001
- Ross, Christopher, 613 Morris Place NE, Washington, DC 20002
- Rothstein, Alexander, Stefan, 527 S. Dallas Street, Baltimore, MD 21231
- Rouse, Josephia, Elease Georgetta, 205 E Waverly Place Court, Columbia, SC 29229
- Roy, Alexandre, Charles, 409 S. Chester St. Baltimore, MD 21231
- Ruby, Brett, William, 628 South Paca Street, Baltimore, MD 21230
- Ruch, Lauren, Michelle, 25 Brantwood Court, Nottingham, MD 21236
- Rudorfer, Lowell, Jacob, 8715 1st Ave #1112D, Silver Spring, MD 20910
- Rudy, Zhi, Lily, 4450 S. Park Ave., Apt. 907, Chevy Chase, MD 20815
- Ruskey, Noah, David, 13 Offspring Court, Perry Hall, MD 21128
- Russell, Alexandra, Isadora, 2201 N. Street, NW, Apt 113, Washington, DC 20037

- Saba, Said, Ololade, 130 M Street, NE, Apt 1222, Washington, DC 20002
- Sackman, Brenna, 4000 Tunlaw Road, N.W., Apt. 529, Washington, DC 20007
- Sahand, Sana, 9577 Old-Frederick Road, Ellicott City, MD 21042
- Salaheldin, Maram, Taher Shokry, 301 W. Franklin St., Apt. 501, Baltimore, MD 21201
- Salgado, Suzanne, Marguerite, 7938 Turncrest Drive, Potomac, MD 20854
- Saltarelli, Stephen, David, 2400 M Street, NW, Apt 833, Washington, DC 20037
- Samadnejad, Farnoush, 209 Serenade Ct., Millersville, MD 21108
- Sanchez, Laticia, Ann, Rt 2 Box 56, Lancaster, MO, 63548
- Sanders, Howard, Jay, 6529 Gardenwick Road, Baltimore, MD 21209
- Sandler, Elysse, Paige, 9 Redmile Court, Reisterstown, MD 21136
- Sankar, Kawaun, Terrence, 104 Park Ave., Apt. 304, Gaithersburg, MD 20877
- Santiago, Stephanie, Diane, 1227 Seaton Road, Apt. 44, Durham, NC 27713
- Santiesteban, Uriel, Joseph, 1874 Viola Lane, Hellertown, PA 18055
- Santos, Carlos, Juan, 1273 Warner Hall Drive, Virginia Beach, VA 23454
- Sapia, Jamie, Lou, 1323 Andre Street, Baltimore, MD 21230
- Sarpattwari, Ameet, Vilas, 16 Pinewood Farm Ct., Owings Mills, MD 21117
- Saxon, Brendan, Mulhanney, 5805 Wiltshire Dr. Bethesda, MD 20816
- Sayan Lazarte, Claudio, Martin, 3946 Wendy Lane, Silver Spring, MD 20906
- Schafer, Matthew, Lynn, 2850 Connecticut Ave., NW, Washington, DC 20008
- Schaller, James, Joseph, 8009 Brethren Drive, Gaithersburg, MD 20879
- Schefkind, Melissa, Lynn, 300 West Lombard St., Apt. 906, Baltimore, MD 21201
- Schenker, Julie, Rapoport, 1221 24th St., NW, Apt. 603, Washington, DC 20037
- Scher, Michael, Antonio, 1000 New Jersey Ave. SE, PH22, Washington, DC 20003
- Schlie, Lynn, Christina, 1603 Troys Ct., Crofton, MD 21114
- Schmand, Joshua, Carl, 3701 Connecticut Ave., NW, Apt. 503, Washington, DC 20008
- Schneider, Jeremy, S., 20746 Shoreline Terrace, Sterling, VA 20165
- Schnitzer, David, Ari, 1718 P St NW, Apt. 308, Washington, DC 20036
- Schnitzer, Justin, Reuben, 2820 Taney Road, Baltimore, MD 21209
- Schoolmeester, Kelly, Michael, 2010 10th Street, NW, Apt 2, Washington, DC 20001
- Schroeder, Andrew, Barrow, 500 Constitution Ave., NE, Apt. 2, Washington, DC 20002
- Schubert, Brent, David, 1111 Park Ave., Apt 417, Baltimore, MD 21201
- Schultz, Zachary, Saul, 1211 Light Street, Apt. 412, Baltimore, MD 21230
- Schuman, Paul, Robert Nickel, 100 N. Hammonds Ferry Rd, Linthicum, MD 21090
- Scott, Abigail, Beryl, 6004 Landon Lane, Bethesda, MD 20817
- Scott, Gabriel, Thomas, 1713 Park Ave., Apt. #2, Baltimore, MD 21217
- Scott, Kathleen, Elizabeth, 1301 U St NW Apt 605, Washington, DC 20009
- Scott, Samuel, Bovard, 6800 Bonnie Ridge Dr., Apt. 201, Mt. Washington, MD 21209
- Scown, Samantha, Leeann, 4569 Benning Rd., SE, Apt. 304, Washington, DC 20019
- Scruggs, Alyssa, Dominique, 350 Galloway Street, NE, Apt 213, Washington DC 20011
- Scurto, Natalie, Lynn, 112 Wallace Ave., Baltimore, MD 21225
- Seidelman, Eva Susan Chazin, 1800 Kilbourne Place, Washington, DC 20010
- Seifried, Brett, Avery, 3601 Wisconsin Ave, NW, Apt. 806, Washington, DC 20016
- Sellers, Amanda, Leigh, 1 Bankston Court, Stafford, VA 22554
- Selvy, Amanda, Lynne, 103 West Riding Drive, Bel Air, MD 21014
- Sentman, Maureen, Elizabeth, 95 Riverside Drive, Elkton, MD 21921
- Setzer, Reid, Matthew, 729 8th Street, SE, Apt. 300, Washington, DC 20003
- Sferrazza, Lisa, Regina, 14611 Ohio Street, NE, Omaha, 68116
- Sharif, Sahar, Ashley, 10011 Sterling Terr, Rockville, MD 20850
- Sharifzadeh, Ali, Reza, 12486 Ansin Circle Dr, Potomac, MD 20854
- Sharp, Adam, Richard, 329 Timberbrook Ct., Odenton, MD 21113
- Sheehan, Hanna Marie, Connelly, 954 Fairmount Avenue, Towson, MD 21204
- Shelfer, Lochlan, Francis, 13638 Poplar Hill Rd., Phoenix, MD 21131
- Shelton, Christopher, Edward, 5512 Westbard Ave, Bethesda, MD 20816
- Shelton, Jacquelyn, Marie, 1700 Florida Ave NW, Washington, DC 20009
- Shemer, Brooke, Jaclyn, 8306 Burningwood Rd., Baltimore, MD 21208
- Shen, Valerie, Yahan, 450 Massachusetts Ave NW, Apt. 332, Washington, DC 20001
- Shepard, Maude, Browning, 632 S. Broadway, Apt. 300, Baltimore, MD 21231
- Shergill, Jasmine, Kaur, 192 Fleetwood Terrace, Silver Spring, MD 20910
- Sherman, Mackenzie, Ann, 8710 Cameron Street, Apt. 1409, Silver Spring, MD 20910
- Sherman, Valeriya, 125 Upshire Circle, Gaithersburg, MD 20878
- Shields, Brett, David, 7802 Bagley Avenue, Parkville, MD 21234
- Shipley, Christopher, Larimore, 2609 Holman Ave., Silver Spring, MD 20910
- Shriver, Brock, Steven, 254 National Highway, LaVale, MD 21502
- Shumsky, Emily, Anne, 263 Congressional Ln., Apt. 113, Rockville, MD 20852
- Sickles, Christopher, Alan, 707 President Street, Apt 1018, Baltimore, MD 21202
- Siddiqui, Sonia, Sadat, 15 Begonia Court, Baltimore, MD 21234
- Sidhu, Rebekah, Elizabeth, 2635 Twin Birch Rd., Hanover, MD 21076
- Siegel, Jonathan, Edward, 2923 Caves Road, Owings Mills, MD 21117
- Siegel, Nathan, Lewis, 7709 Arrowood Court, Bethesda, MD 20817
- Sievers, Miriam, Hadass, 1022 South Charles Street, 2nd Floor, Baltimore, MD 21230
- Silveiro-Allen, Emily, Laura, 510 21st Street NW, Apt 211, Washington, DC 20006
- Silver, Shari, Heather, 15 Charles Plaza, Apt. 1104, Baltimore, MD 21201
- Simon, Eliza, Hahn, 1901 Kenyon St. NW, Washington, DC 20010
- Simpson, Rebecca, Oliver, 3937 Old York Road, Monkton, MD 21111
- Simson, Emma, Page-Riley, 1701 16th St. NW, Apt. 509, Washington, DC 20009
- Singer, Adam, Joel, 521 St. Paul Street, Apt. 204, Baltimore, MD 21202

- Singer, Gregory, Ross, 727 Lafayette Street, Williamsburg, VA 23185
- Singh, Anisha, 50 W 34th Street, Apt 18A02, New York, NY 10001
- Singh, Sarita, Maude, 4336 Barker Street SE, Washington, DC 20019
- Skrickus, Paul, Andrew, 568 Woodberry Dr, Arnold, MD 21012
- Skullestad, Randi, Aileen, 1010 Saint Paul St., Apt. 5E, Baltimore MD 21202
- Slan, Erica, Lauren, 8413 Crimson Leaf Ct, Potomac, MD 20854
- Slattery, Kathleen, Marie, 6208 Stardust Lane, Bethesda, MD 20817
- Slaughter, Nicole, Andrea, 114 Whistling Wood Court, Accokeek, MD 20607
- Smith, Alice, Curtin, 1303 Bishop Lane, Alexandria, VA 22302
- Smith, Amanda, Chartier, 2331 Cathedral Ave., NW, Apt 502, Washington, DC 20008
- Smith, Bradon, Jacob, 6 S. 565 Naper Blvd., Apt. #9, Naperville, IL 60540
- Smith, Brendan, Conlin, 2639 Woodley Place NW, Washington, DC 20008
- Smith, David, Clinton-Michael, 3802 Primrose Avenue, Baltimore, MD 21215
- Smith, Jacia, Terez, 100 King Farm Blvd, Apt 207, Rockville, MD 20850
- Smith, James, Matthew, 3700 Toone Street, Apt. #1334, Baltimore, MD 21224
- Smith, Julie, Christine, 3338 Brantly Road, Glenwood, MD 21738
- Smith, Raquel, Melody, 13228 Schubert Place, Silver Spring, MD 20904
- Smith, Shannon, Nicole, 9460 Sohap Lane, Columbia MD 21045
- Smith, Suzanne, Rebecca, 151 W. 7th St., Apt. 513, Cincinnati, OH 45202
- Snead, William, Compton, 1415 N. Taft Street, Apt 795, Arlington, VA 22201
- Sniff, Tyler, Joseph, 550 14th Road South, Apt. 804, Arlington, VA 22202
- Snow, Sydney, Ra'shan, 480 Eastern Parkway, Apt #4R, Brooklyn, NY 11225
- Snyder, Paul, Andrew, 1231 Patapsco Street, Baltimore, MD 21230
- Snyder, Rachel, Natanya, 5813 Mossrock Drive, Rockville, MD 20852
- Snyder, Thomas, Adrian, 3221 Green Forest Court, Ellicott City, MD 21042
- Sobiecki, Mike, Adam, 55 Belfast Rd., Timonium, MD 21093
- Solis, Spenser, D, 5095 E 1st Sq SW, Vero Beach, FL 32968
- Sonko, Fatoumata, 14918 Ashford Blvd., Laurel, MD 20707
- Sorensen, Kim, Elizabeth, 11 S Eutaw St, Apt. 1205, Baltimore, MD 21201
- Sowls, Ashley, Nicole, 3430 Ryon Court Waldorf, MD 20601
- Soybel, Michael, Hannon, 6 Arbor Lane, Stafford, VA 22554
- Spencer, Cara, Jo, 224 10th Street SE, Washington, DC 20003
- Spiers, Adam, Levington, 3039 O'Donnell Street, Baltimore, MD 21224
- Stach, Jenifer, Roe, 18305 Clear Smoke Road, Boyds, MD 20841
- Steed, Jeremy, Michael, 2555 Pennsylvania Ave., NW Apt. 918, Washington, DC 20037
- Steiner, Elizabeth, Ebeling, 4939 47th St NW, Washington, DC 20016
- Stelfox, Ashley, Michele, 1821 Biltmore St. NW, Apt. B, Washington, DC 20009
- Stender, Jacob, 14109 Yardarm Way, Apt. 1109, Laurel, MD 20707
- Stern, Adam, Nathaniel, 9100 Shad Lane, Potomac, MD 20854
- Stern, Jason, Alan, 1001 26th st nw, Apt 804, Washington, DC 20037
- Sterns, Tyler, Christopher, 10020 Hampton Place, Tampa, FL, 33618
- Stevens, Melanie, Ann, 2401 West Rogers Avenue, Baltimore, MD 21209
- Stewart, Kimberly, Ann, 7930 Henslowe Court, Pasadena, MD 21122
- Stewart, Rebecca, Lynn, 12776 Staytonville Rd., Harrington, DE, 19952
- Stieff, Charles, Clinton, 10124 Falls Road, Lutherville, MD 21093
- Stifel, Peter, Andrews, 1133 East West Hwy, Apt 1401W, Silver Spring, MD 20910
- Stimson, Tony, Stone, 1919 Rivermont Avenue, Lynchburg, VA 24503
- Stirling, Benjamin, David, 1214 N. Charles St., Apt. 210, Baltimore, MD 21201
- Stoker, Ryan, James, 7206 Chalkstone Drive, Apt. B-1, Baltimore, MD 21208
- Stolar, Julia, Robin, 6 Farm Haven Court, Rockville, MD 20852
- Stone, Devin, Goldsborough, 3206 O'Donnell Street, Baltimore, MD 21224
- Stone, Jacob, Aaron, 1000 Fell Street, Apt. 531, Baltimore, MD 21231
- Stone, Michael, Christopher, 214 Mid Pines Ct., 2B, Owings Mills, MD 21117
- Stone, Victoria, La Salle, 6478 Galway Drive, Clarksville, MD 21029
- Storus, Mallory, Brooks, 11309 Gatesborough Lane, Reston, VA 20191
- Streett, Joshua, David, 1216 Conowingo Rd, Bel Air, MD 21014
- Stroud, Jonathan, Rudolph Kominek, 6915 Heatherhill Rd., Bethesda, MD 20817
- Stutenberg, Matthew, Benjamin, 834 Hollins Street, Baltimore, MD 21201
- Subramaniam, Sasika, 14512 Cartwright Way, North Potomac, MD 20878
- Sultan, Jamilah, Nafeesa, 440 W Sedgwick St. Apt D220, Philadelphia, PA 19119
- Summerville, Jennifer, Lee, 222 West Street Unit D, Annapolis, MD 21401
- Swan, Cara, Michelle, 10306 Nolcrest Drive, Silver Spring, MD 20903
- Swanner, Joshua, Carl, 4049 Pebble Branch Rd., Ellicott City, MD 21042
- Swift, Stefanie, Gustin, 2210 Ward Street, Apt B, Berkeley, CA, 94705
- Tabiei, Omeed, 1316 New Hampshire Ave, NW, Apt. 205, Washington, DC 20036
- Tamburello, Hayley, Elise, 103 E. Mt. Royal Avenue, Apt. 406, Baltimore, MD 21202
- Tan, Kim, Lam, 7 Rockford Road, H12, Wilmington, DE 19806
- Tanenbaum, Rebecca, Joan, 1020 S. Charles Street, Baltimore, MD 21230
- Taylor, Xin, 1801 Grace Church Road, Silver Spring, MD 20910
- Teague, Elizabeth, Kate, 806 Potomac View Parkway, Brunswick, MD 21716
- Thaniel, Casiya, Yvette, 100 Village Circle Way #924, Durham, NC 27713
- Tharps, Revae, Marie, 235 Bryant Street, NE, Washington, DC 20002
- Thind, Ravneet, Kaur, 18704 Wickham Road, Olney, MD 20832
- Thomas, Karen, Marie, 10358 Lombardi Dr., Ellicott City, MD 21042
- Thompson, Alyce, Wilyn, 2120 Vermont Ave., NW, Apt. 203, Washington, DC 20001
- Thompson, Benjamin, Paul, 3002 11th St. NW Apt. 2, Washington, DC 20001
- Thompson, Ebony, Monet, 3317 Gwynns Falls Parkway, Baltimore, MD 21216
- Thompson, Elizabeth, Helen, 613 Kildonan Court, Bel Air, MD 21015
- Thompson, James, Peter, 5230 Tuckerman Lane, Apt. 1302, N. Bethesda, MD 20852

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- Thompson, Jennifer, Lindsey, 821 Hollins Street, Apt. 2B, Baltimore, MD 21201
- Thompson, William, Charles, 13214 Dulaney Valley Road, Glen Arm, MD 21057
- Thornton, Kathleen, Marie, 8045 Newell St., Apt. 501, Silver Spring, MD 20910
- Thronson, Patrick, Andrew, 3015 St. Paul St., Apt. 2, Baltimore, MD 21218
- Tinnell, Ashley, Odessa, 122 W. Lanvale St., Baltimore, MD 21217
- Tokar, Erica, Lynn, 3 Vassar Circle, Glen Echo, MD 20812
- Tolliver, Kei, Shionoiri, 1025 4th Street, NE, Washington, DC 20002
- Tonnesen, Sara, Elizabeth, 1300 Massachusetts Ave NW Apt 201, Washington, DC 20005
- Toth, Kayleigh, Ann, 805 Chance Ct, Street, MD 21154
- Totman, Elizabeth, Anne, 2425 Old Brick Road, Apt. 4315, Glen Allen VA 23060
- Totten, Frank, T, 3 Quimper Court, Apt. 3B, Pikesville, MD 21208
- Townsley, Alan, Craig, 10113 Grant Ave, Silver Spring, MD 20910
- Trachtman, Erica, Kate, 1401 17th St., NW Apt. 311, Washington, DC 20036
- Treadwell, Chelsea, Bittner, 33 Gentry Court, Annapolis, MD 21403
- Triebwasser, Suzanne, Kivel, 11415 Commonwealth Dr., Apt. 203, Rockville, MD 20852
- Trower, Sara, Nicole, 3510 Homeland Terrace, Olney, MD 20832
- Truax, Jacqueline, Cynthia, 1315 Cold Bottom Road, Sparks, MD 21152
- Trudeau, Shaun, Robert, 2301 E Street NW, APT #A104, Washington, DC 20037
- Truppi, Samantha, Susan, 3100 Connecticut Ave Apt. 420, Washington, DC 20008
- Tsuei, Jonathan, Scott, 2929 Elliott Street, Baltimore, MD 21224
- Tucker, James, Linville, 7907 Martha Washington St., Alexandria, VA 22309
- Tullia, Kirsten, Elise, 4922 King David Blvd, Annandale, VA 22003
- Tunis, Jamie, Lauren, 3401 38th Street, NW, Apt. 206, Washington DC 20016
- Tuomey, James, Connor, 118 Brompton Road, Garden City, NY 11530
- Turley, Geoffrey, Metcalf, 10108 E. Bexhill Dr., Kensington, MD 20895
- Ullah, Hafsa, 11336 Bridge House Rd., Windermere, FL, 34786
- Ulman, Marissa, Renee, 5622 Delmar Boulevard, Apt. 409, St. Louis, MO 63112
- Umeh, Kaosy, Nwamaka, 1244 Cresthaven Drive, Silver Spring, MD 20903
- Vallandingham, Rebekka, Jane, 23610 Bayside Rd., Leonardtown, MD 20650
- Van Treuren, Naomi, Praveen, 113 5th St. NE, Apt. 2, Washington, DC 20002
- Vanselow, Annie, Danielle, 1435 Cooksie Street, Baltimore, MD 21230
- Vasudevan, Divya, Manga, 1629 Columbia Road, NW, #501, Washington, DC 20009
- Vaughn, Amanda, Rose, 210 S Academy Street, Washington, NC 27889
- Vemuru, Suneil, 2713 Amber Crest Road, Hanover, MD 21076
- Ver Ploeg, Emily, Joan, 625 Washington Blvd., Apt. B, Baltimore, MD 21230
- Veres, Eric, Andrew, 2760 Millers Way Drive, Ellicott City, MD 21043
- Vieder, Rachael, Anna, 217 Longpoint Way, Gaithersburg, MD 20878
- Villareale, Catherine, Patrice, 1705 Bolton St., Apt. 3, Baltimore, MD 21217
- Villeral, Tony, D'el, 216 Crain Court Circle, Apt. 2C, Glen Burnie, MD 21061
- Vissichelli, Allison, Marie, 18 Tacoma Ln, Syosset, NY 11791
- Vlacich-Ceppetelli, Adrianna Stanka, 2321 Lincoln Road, NE, Apt. 106, Washington, DC 20002
- Votta, Gregory, John, 9221 Ramblebrook Rd., Baltimore, MD 21236
- Wack, Claire, Elizabeth Carey, 355 I St., SW, Apt. 408, Washington, DC 20024
- Wagner, Timothy, Robert, 2104 Smith Avenue, Baltimore, MD 21209
- Wahabzadah, Rema, 425 L St., NW, Apt. 106, Washington, DC 20001
- Walder, Leigh, d'Invilliers, 3216 Smith Avenue, Pikesville, MD 21208
- Walker, Anna, Davis, P.O. Box 5, Rossville, PA 17358
- Walker, Cady, Helen, 2413 55th St SW, Naples, FL 34116
- Walker, James, Joseph, 1803 Biltmore St NW, Apt. 310, Washington, DC 20009
- Walker, Khalid, DeVance, 4700 Brightwood Rd, Olney, MD 20832
- Walker, Kristen, Nicole, 2939 Van Ness St. NW, Apt. 911, Washington, DC 20008
- Wallace, John, Robert, 2251 Eisenhower Avenue, Apt 716, Alexandria, VA 22314
- Walter, Brennan, William, 823 Maple Crest Drive, Middle River, MD 21220
- Wang, Derrick, Li, 9 Springhill Farm Court, Cockeysville, MD 21030
- Ward, Bridget, Kimberly, 8564 Trail View Drive, Ellicott City, MD 21043
- Ward, Sherri, Vauls, 14508 Turner Wootton Parkway, Upper Marlboro, MD 20774
- Wargo, Edward, James, 5925 Holland Rd., Apt. A, Rockville, MD 20851
- Waring, Katherine, Fiscus, 3900 14th Street NW Apt 411, Washington, DC 20011
- Warner, Carolyn, Ann, 900 Cathedral St., Apt. #509, Baltimore, MD 21201
- Washington, LaSheena, Monique, 8750 Georgia Ave., Apt. 503B, Silver Spring, MD 20910
- Wassenius, Bryan, Matthew, 901 Covington Street, Baltimore, MD 21230
- Wasserman, Jason, Aaron, 967 Sevardan Lane, Crownsville, MD 21032
- Watson, Bradley, Stephen, 245 17th St. SE, Washington, DC 20003
- Watson, Brett, David, 521 St. Paul Street, Apt. 208, Baltimore, MD 21202
- Watson, Jonathan, Fosque, 1332 Webster Street, Baltimore, MD 21230
- Webb, Krissa, Love, 1336 G St. NE, Washington, DC 20002
- Weber, George, Edward, 3945 Connecticut Ave., NW, Apt. 209, Washington, DC 20008
- Webster, Amanda, Paige, 1735 Gough Street, Baltimore, MD 21231
- Wedderburn, Patrice, Alecia, 18604 Grosbeak Terrace, Gaithersburg, MD 20879
- Weil, Sonia, Louise, 3215 Macomb St NW, Washington, DC 20008
- Weiland, Michael, Lee, 119 Longdale Road, Timonium, MD 21093
- Weinberger-Divack, Hannah, 1111 N. Randolph Street, Apt 2, Arlington, VA 22201
- Weinstein, Alex, Chad, 803 S. Streeper Street, Baltimore, MD 21224
- Weir, Thomas, Patrick, 302 E Melbourne Ave, Silver Spring, MD 20901
- Weisenfeld, Aryan, Entessar, 1910 Towne Centre Blvd., Apt. 912, Annapolis, MD 21401
- Weiss, Aaron, Richard, 19806 Spring Creek Road, Hagerstown, MD 21742

Weiss, Ayelet, Rena, 1842 California Street, NW, Apt 11B, Washington, DC 20009
 Weitzman, Carly, Blair, 225 Ridge Avenue, Towson, MD 21286
 Wenzel, Elyssa, Lacson, 1334B Girard Street NW, Washington, DC 20009
 West, Brittany, Lynn, 1920 S. St., Apt. 106, Washington, DC 20009
 West, Marisa, Sara, 4500 Howard Road, Beltsville, MD 20705
 Wete, Danielle Ymanuelle, Tatsa, 14003 Barkham Court, Laurel, MD 20707
 Whelan, Amanda, Colleen, 554 14th St. SE, Washington, DC 20003
 White, Christine, Ellen, 305 W. Fayette Street, Apt 1513, Baltimore, MD 21201
 White, Danielle, 4652 Noland Blvd., Williamsburg, VA 23188
 White, Jacob, Lee, 7517 Kenlea Avenue, Nottingham, MD 21236
 White, Teza, Mishon, 137 Joyceton Way, Upper Marlboro, Upper Marlboro, MD 20774
 Whitehurst, Emilie, Alexandra, 110 Henry Tyler Drive, Williamsburg, VA 23188
 Wierenga, Paul, David, 1223 Riverside Avenue, Baltimore, MD 21230
 Wight, Britton, Robert, 2303 14th St., NW, Apt. 505, Washington, DC 20009
 Wilkes, Lindsey, Warren, 1020 N. Quincy Street, Apt. 119, Arlington, VA 22201
 Wilkins, Elizabeth, Wood Claytor, 550 N St., SW Apt. S701, Washington, DC 20024
 Williams, Cathleen, Valda, 4206 Linden Street, Fairfax, VA 22030
 Williams, Jasmine, Anais, 12284 United Park Way, Bristow, VA 20136
 Willingham, Jacquelyn, Kay Hutson, 69 Shad Boat Lane, Clayton, NC 27520
 Willis, Jay, Matthew, 1255 New Hampshire Ave., NW, Apt. 203, Washington, DC 20036
 Wilson, Caitlin, Elizabeth, 2204 40th Pl NW, Apt. 2, Washington, DC 20007
 Wilson, Daniel, Robert, 1660 Lanier Place, NW, Apt. 312, Washington, DC 20009
 Wilson, Matthew, Peter, 2950 Van Ness St, NW, Apt. 527, Washington, DC 20008
 Wilson, Michael, Jackman, 628 S. Paca Street, Baltimore, MD 21230
 Winters, Jennifer, Susan, 2400 16th Street NW, Apt. 619, Washington, DC 20009
 Withrow, Mary Ellen, 799 Iron Gate Circle, Sykesville, MD 21784
 Wolf, Helen, Kathleen, 1600 Waltham Ct., Lutherville, MD 21093
 Wolter, Carl, Albert, 3614 Connecticut Ave., Apt. 46, Washington, DC 20008
 Wood, Matthew, Garry, 5101 Lupine Ct, Rockville, MD 20853
 Woods, Jessica, Frances, 915 S. Wolfe St., Apt. 203, Baltimore, MD 21231
 Woods, Michael, Joseph, 150 V Street, NW, #V101, Washington, DC 20001
 Worm, James, Thomas, 22544 Hog Creek Road, Preston, MD 21655
 Wozniak, Joseph, Garrett, 703 S Rose Street, Baltimore, MD 21224
 Wright, Thelma, Bernice, 8506 Autumn Grain Gate, Laurel, MD 20723
 Wright, Tiffany, Regina, 8500 Upper Sky Way, Apt. 410, Laurel, MD 20723
 Wyse, Rexanah, Philippa, 13100 Holly Court, Beltsville, MD 20705
 Yang, Minghui, 305 Deer Meadow Lane, Rockville, MD 20850
 Yelin, Benjamin, Snay, 1101 North Calvert Street, Apt. 511, Baltimore, MD 21202
 Yi, John, Xander, 603 Meteor Avenue, Cambridge, MD 21613
 Yoder, Alison, Dorit, 1413 Park Ave., Apt. 3F, Baltimore, MD 21217
 You, Alexander, William, 6224 Wall Street, Parkville, MO, 64151

Yu, Veronica, Kristen, 1915 Kalorama Rd., NW, Apt. 601, Washington, DC 20009
 Zacuto, Erin, Elisabeth, 2745 29th Street, NW, Apt. 300, Washington, DC 20008
 Zadrozny, Sarah, Ashley, 25 Strabane Court, Parkville, MD 21234
 Zaleski, Cassondra, Ann, 1020 South Charles Street, 2nd Floor, Baltimore, MD 21230
 Zhuravitsky, Maryam, 19116 Roman Way, Montgomery Village, MD 20886
 Zlamal, Thomas, 4000 Tunlaw Road, NW, Apt. 1109, Washington, DC 20007
 Zorbaugh, Crystal, Michelle, P.O. Box 1173/ 3031 Abington Manor Dr, Huntingtown, MD 20639

[13-23-39]

ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
 October 25, 2013

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of Rules Governing Admission to the Bar of Maryland. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Section (j) of Rule 13 (Out-of-State Attorneys) of Rules Governing Admission to the Bar of Maryland.

It is thereupon the 25th day of October, 2013, by the Court of Appeals of Maryland, ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 25th day of November, 2013, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA
 Chief Judge
 Court of Appeals of Maryland

Filed: October 25, 2013

BESSIE M. DECKER
 Clerk
 Court of Appeals of Maryland

EXHIBIT A OUT-OF-STATE ATTORNEYS EXAMINATION JULY 2013

Adelson, Lisa Anne, 8009 Thornley Court, Bethesda, MD 20817
 Ambrose, Craig Anthony, 12 Dogwood Road, Moorestown, NJ 08057
 Banks, Chester Lavester, 3158 Golansky Blvd, Woodbridge, VA 22192
 Bauknight, III, Clarence William, 1139 E. Jersey Street, Suite 507, Elizabeth, NJ 07201
 Bauknight King, April Celeste, 3 Pershing Court, Elkton, MD 21921
 Behr, Darrin Justin Mason, 7917 Gosport Lane, Springfield, VA 22151
 Boorman, Paige Elizabeth, 1026 St. Charles Avenue, Apt. 8, Atlanta, GA, 30306

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- Borden, Rebecca Anne, 217 Tallow Wood Drive, Clifton Park, NY, 12065
- Bredchoft, John Michael, 150 West Main Street, Suite 2100, Norfolk, VA 23510
- Brown, Carole Dominguin, 2319 Hickory Road, Annapolis, MD21401
- Carney, Donald Joseph, 11703 Charen Lane, Potomac, MD 20854
- Chang, Michael Lee, 8100 Boone Boulevard, Suite 610, Vienna, VA 22182
- Chastain, Valerie Ann, 102 Pinto Court, Bedford, VA 24523
- Clarke, Alfred Anthony, 3410 Nevius Street, Falls Church, VA 22041
- Correia, Edward William, 7834 Hampden Lane, Bethesda, MD 20814
- Davis IV, Frederick Edward, 14 Mountain Ash Lane, Horsham, PA 19044
- Dorfman, Elizabeth Graff, 12806 Navigators Lane, Darnestown, MD 20878
- Dulin, Michael Patrick, 410 Yantz Drive, Severna Park, MD 21146
- Erhardt, Elizabeth Treas, 322 Elsie Street, San Francisco, CA, 94110
- Erickson, Michael David, 3280 Ridge Rd, Charlottesville, VA 22901
- Farnsworth, Jr., Earl Edward, 4709 Freewood Court, Virginia Beach, VA 23456
- Faust, Joanna Lee, 11969 Barrel Cooper Court, Reston, VA 20191
- Finkler, David Saul, 510 S. Ann St., Apt. 402, Baltimore, MD 21231
- Freeman, Michael T., 1804 Staples Mill Road, Suite 200, Richmond, VA 23230
- Gavenman, Jeffrey Samuel, 1047 Clover Dr., McLean, VA 22101
- Glatfelter, Benjamin James, 2243 Brigade Road, Enola, PA 17025
- Glickson, Melanie Lisa, 5 Valley Gate Way, Pikesville, MD 21208
- Goemann, Richard Charles, 220 Whitmoor Terrace, Silver Spring, MD 20901
- Gohng, Eunhae Mary, 8807 Joshua Court, Pikesville, MD 21208
- Gurkin, Danielle Melanie, 2501 Porter Street NW, Apt. 815, Washington, DC 20008
- Haar, Mona Suhayl Kalash, 575 7th St, NW, Washington, DC 20004
- Hanan, Margaret Eve, 3724 Chestnut Avenue, Baltimore, MD 21211
- Harris, Mark Steven, 70 I St. SE, Apt. 1202, Washington, DC 20003
- Harvey, Jr., Stephenson Finley, 10506 Lime Tree Way, Beltsville, MD 20705
- Hennessy, Patricia Ann, 89 Lynne Circle, Paoli, PA 19301
- Hill, Rachelle Elizabeth, 2542A Fairfax Drive, Arlington, VA 22201
- Hodge, Thomas William, 2569 Farmworth Trail, Virginia Beach, VA 23456
- Hoffman, Michael Andrew, 1220 Mansion Woods Road, Annapolis, MD 21401
- Hornfeck, Lane Christine Mills, 19614 Hoover Farm Drive, Laytonsville, MD 20882
- Hughes, Lisa Marie, 4165 Chain Bridge Road, Fairfax, VA 22030
- Ingber, Daniel Edward, 1725 Harvard St., NW, Washington, DC 20009
- Jenkins, Lauren Anne, 5910 Terrapin Place, Alexandria, VA 22310
- Johnson, Sarah Moore, 5010 Nahant Street, Bethesda, MD 20816
- Karta, Glenn Eric, 1 Stonebridge Court, Germantown, MD 20874
- Kim, WeonGeun, 8200 Greensboro Dr., Apt. 900, McLean, VA 22102
- King, June Bridget, 922 Deerberry Court, Odenton, MD 21113
- Klem, Lisa Jeanette, 3208 Rolling Road, Chevy Chase, MD 20815
- LaBella, Raymond Brittain, 26505 Mechanicsville Road, Mechanicsville, MD 20659
- Lendino, Danielle Kimberly, 767 Oakwilde Way, Millersville, MD 21108
- Levi, Deborah Katz, 25 Caerleon Court, Pikesville, MD 21208
- Levin, Sari Mandel, 1884 Columbia Road, NW, Apt 420, Washington, DC 20009
- Lingo, Jonathan Keith, 10943 Martingale Court, Potomac, MD 20854
- Manoil, Mark Lou, 5025 N Central Ave, PMB 592, Phoenix, AZ, 85012
- Mayberry, Laura Deanne, 4003 Underwood Street, University Park, MD 20782
- McConville, Timothy Michael, 2072 Kedge Drive, Vienna, VA 22181
- McDonough, Yuchong Connie, 4215 15th Street North, Arlington, VA 22207
- McGrory, Jr., John Paul, 5948 Logans Way, Ellicott City, MD 21043
- Mitchell, Tara Newberry, 1163 Severnview Drive, Crownsville, MD 21032
- Natale, II, Frank Anthony, 2315 St. Paul Street, Apt. 205, Baltimore, MD 21218
- O'Boyle, Bryan Raymond, 13543 Youngwood Turn, Bowie, MD 20715
- Oliver, Robert Philip, 20818 Wallingford Square, Apt. 304, Sterling, VA 20165
- Philip, Meagan Meehan, 1200 Harper Rd., Silver Spring, MD 20903
- Phillip, Ruthven Reuben, 3919 7th Street, NE, Apt. 3, Washington, DC 20017
- Polley, Gina Elizabeth, 6807 Purple Lilac Lane, Clinton, MD 20735
- Racca, Andrew William, 837 N Alfred St, Alexandria, VA 22314
- Ramsby, Phillis Hegmon, PO Box 1639, Columbia, MD 21044
- Reza, Syed Mohsin, 410 S. Maple Ave., Apt. 415, Falls Church, VA 22046
- Royal, Stephanie Lynn, 14935 Notley Road, Silver Spring, MD 20905
- Saas, Heidi Tindall, 5200 Tramore Rd., Baltimore, MD 21214
- Sandler, Joseph Eric, 5617 Wood Way, Bethesda, MD 20816
- Schaefer, Courtney Botts, 7 Honey Brook Circle, Gaithersburg, MD 20878
- Seedorf, Scot, Matthew, 4748 Wisconsin Avenue, NW, Washington, DC 20016
- Shannon, Joseph Jason, 10831 Crest St., Fairfax, VA 22030
- Siddons, Michael Alan, 4 Penn Ctr., 1600 JFK Blvd., Suite 910, Philadelphia, PA 19103
- Singley, Andrea Michelle, 137 W. Middle Street, Gettysburg, PA 17325
- Smyth, Sefton Keller, 880 N. Pollard St., Apt. 604, Arlington, VA 22203
- Snipe, Jr., David Harvey, 9 Braswell Court, Upper Marlboro, MD 20774
- Spencer, Deatrice Monique, 11839 St Linus Dr., Waldorf, MD 20602
- Stokes, Deirdre Dwyer, 29700 Maribel Lane, Easton, MD 21601
- Stone, Victor Darrel, 4219 Woodberry Street, University Park, MD 20782
- Treu, John Spencer, 4416 East West Highway, 4th Floor, Bethesda, MD 20814
- Wabeke, Karen Elizabeth, 2007 Clipper Park Rd., Apt. 116, Baltimore, MD 21211
- Wadhawan, Sheena, 1523 Monroe Street NW, Washington, DC 20010
- Wagner, Aaron Alan, 2322 Pleasantville Road, Fallston, MD 21047
- Wolhowe, Catherine Gloria, 316 Martins Cove Road, Annapolis, MD 21409
- Wright, Cheryl Ann, 2 Perryfalls Place, Baltimore, MD 21236

[13-23-40]

Regulatory Review and Evaluation

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

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Department of Health and Mental Hygiene is reviewing and evaluating certain regulations codified within Subtitle 01 of Title 10 of the Code of Maryland Regulations, entitled Procedures. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Chapters being reviewed include the following:

- 10.01.08 Procedures for Access to Records
http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.01.08.*
- 10.01.11 Correction or Amendment of Public Records
http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.01.11.*

Interested parties may submit comments regarding COMAR 10.01.08 and COMAR 10.01.11 to Walter Zerlaut, DHMH Records Officer, 201 West Preston Street, Room LL-5, Baltimore, MD 21201; by fax to (410) 333-7482; or by email to walter.zerlaut@maryland.gov. Comments must be received by December 16, 2013.

[13-23-28]

Final Action on Regulations

Symbol Key

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

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §4-1006.1, Annotated Code of Maryland

Notice of Final Action

[13-258-F]

On October 22, 2013, the Secretary of Natural Resources adopted new Regulation .12 under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 40:18 Md. R. 1483—1490 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.23 Shellfish Aquaculture and Leasing

Authority: Natural Resources Article, §4-11A-23, Annotated Code of Maryland

Notice of Final Action

[13-375-F]

On November 5, 2013, the Secretary of Natural Resources adopted new Regulation .08 under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**. This action, which was proposed for adoption in 40:19 Md. R. 1549—1551 (September 20, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 25, 2013.

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 .08G: The change to the text of the proposed regulations makes a minor technical correction to a statutory citation. Specifically, it clarifies that §4-11A-23 is from Natural Resources Article, Annotated Code of Maryland. This was clearly the intended article, because it is the statutory authority for the regulation, and the section could not have logically been from any other article in the Annotated Code. For these reasons, the change is nonsubstantive, and the regulation does not need to be repropose.

.08 Shellfish Nursery Permits.

A. — F. (proposed text unchanged)

G. *Suspension or Revocation of Permit. The Department may revoke or suspend a permit at any time for noncompliance with the requirements established in Natural Resources Article, §4-11A-23, Annotated Code of Maryland, regulations adopted under this section, or the terms and conditions of the permit.*

H. (proposed text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.01 General

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland; *Ch. 427, Acts of 20113*

Notice of Final Action

[13-261-F]

On October 22, 2013, the Secretary of Natural Resources adopted amendments to Regulation .01 under **COMAR 08.03.01 General**. This action, which was proposed for adoption in 40:18 Md. R. 1490 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

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

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

Notice of Final Action

[13-259-F]

On October 22, 2013, the Secretary of Natural Resources adopted amendments to Regulations .01, .07, and .08 under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 40:18 Md. R. 1490—1492 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE**08.03.10 General Wildlife Hunting Regulations**

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland; *Ch. 427, Acts of 2013*

Notice of Final Action

[13-260-F]

On October 22, 2013, the Secretary of Natural Resources adopted new Regulation .16 under **COMAR 08.03.10 General Wildlife Hunting Regulations**. This action, which was proposed for adoption in 40:18 Md. R. 1492 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

**Subtitle 18 BOATING—SPEED LIMITS
AND OPERATION OF VESSELS****08.18.15 Miles River**

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Final Action

[13-376-F]

On November 5, 2013, the Secretary of Natural Resources adopted amendments to Regulations .01 and .02 and new Regulation .03 under **COMAR 08.18.15 Miles River**. This action, which was proposed for adoption in 40:19 Md. R. 1551 (September 20, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED
LIMITS AND OPERATION OF
VESSELS****08.18.16 Nanticoke River**

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Final Action

[13-374-F]

On November 5, 2013, the Secretary of Natural Resources adopted amendments to Regulations .01 and .02 under **COMAR 08.18.16 Nanticoke River**. This action, which was proposed for adoption in 40:19 Md. R. 1551—1552 (September 20, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Title 09**DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION****Subtitle 13 BOARD FOR
PROFESSIONAL LAND SURVEYORS****09.13.05 Fees**

Authority: Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Business Occupations and Professions Article, §§15-101, 15-208, 15-209, 15-306, 15-307, and 15-307.1; Annotated Code of Maryland

Notice of Final Action

[13-232-F]

On October 31, 2013, the Board for Professional Land Surveyors adopted amendments to Regulation .03 under **COMAR 09.13.05 Fees**. This action, which was proposed for adoption in 40:17 Md. R. 1429—1430 (August 23, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 25, 2013.

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 .03B(2): The examination fee of \$260 was changed to \$250 because of a revised schedule of fees provided by NCEES, which administers the examinations, subsequent to the date of the proposal. The reduction of \$10 in the amount of the fee is not a substantive change to the proposed text.

.03 Fees and Costs.

A. (proposed text unchanged)

B. An applicant for the appropriate licensing examination shall pay the following examination fees directly to the Board or its designee, as these fees are established by the National Council of Examiners of Engineers and Surveyors:

(1) (proposed text unchanged)

(2) Principles and Practice — ~~[[\$260]]~~ \$250.

C. — F. (proposed text unchanged)

JOHN V. METTEE, III
Chair
State Board for Professional Land Surveyors

Subtitle 37 WORKFORCE DEVELOPMENT AND ADULT LEARNING

09.37.02 *Correctional Institutions Mandatory Educational and Workforce Skills Training Program*

Authority: Labor and Employment Article, §§11-902(b) and 11-903,
Annotated Code of Maryland

Notice of Final Action [13-255-F]

On November 4, 2013, the Secretary of Labor, Licensing, and Regulation adopted new Regulations .01 — .08 under a new chapter, **COMAR 09.37.02 Correctional Institutions Mandatory Educational and Workforce Skills Training Program**. This action, which was proposed for adoption in 40:18 Md. R. 1494 — 1496 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

LEONARD J. HOWIE III
Secretary of Labor, Licensing, and Regulation

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 22 DEVELOPMENTAL DISABILITIES

Notice of Final Action [13-219-F]

On October 31, 2013, the Secretary of Health and Mental Hygiene adopted amendments to:

- (1) Regulation .01 under **COMAR 10.22.01 Definitions**;
- (2) Regulations .04 and .06 under **COMAR 10.22.11 Respite Services in the State Residential Center (SRC)**;
- (3) Regulations .02, .03, and .07 under **COMAR 10.22.12 Eligibility for and Access to Community Services for Individuals with Developmental Disability**;
- (4) Regulations .02 and .03 under **COMAR 10.22.13 Admission of Individuals to State Residential Facilities Under the Jurisdiction of the Developmental Disabilities Administration**; and
- (5) Regulation .02 under **COMAR 10.22.15 Waiting List Equity Fund**.

This action, which was proposed for adoption in 40:16 Md. R. 1351—1352 (August 9, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 50 TISSUE BANKS

10.50.01 Tissue Banks

Authority: Health-General Article, §§17-304 and 17-310, Annotated Code of Maryland

Notice of Final Action [13-254-F]

On November 5, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .06 under **COMAR 10.50.01 Tissue Banks**. This action, which was proposed for adoption in 40:18 Md. R. 1497—1498 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

11.15.09 Temporary Registration

Authority: Transportation Article, §§12-104(b) and 13-405, Annotated Code of Maryland

Notice of Final Action [13-236-F]

On October 8, 2013, the Administrator of the Motor Vehicle Administration adopted amendments to Regulations .01 and .04 under **COMAR 11.15.09 Temporary Registration**. This action, which was proposed for adoption in 40:17 Md. R. 1435 — 1436 (August 23, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING COMMISSION

12.04.01 General Regulations

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208(a); Annotated Code of Maryland

Notice of Final Action

[13-247-F]

On October 21, 2013, the Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, adopted amendments to Regulation .01 and new Regulation .18 under **COMAR 12.04.01 General Regulations**. This action, which was proposed for adoption in 40:18 Md. R. 1503 — 1504 (September 6, 2013), has been adopted as proposed.

Effective Date: January 1, 2014.

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Subtitle 04 POLICE TRAINING COMMISSION

Notice of Final Action

[13-229-F]

On October 16, 2013, the Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, adopted amendments to:

(1) Regulations .02, .03, .05, and .08—.14 under **COMAR 12.04.01 General Regulations**;

(2) Regulation .02 under **COMAR 12.04.02 Firearms Training**; and

(3) Regulation .02 under **COMAR 12.04.05 Electronic Control Device Training**.

This action, which was proposed for adoption in 40:17 Md. R. 1436 — 1439 (August 23, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY

Notice of Final Action

[13-209-F]

On October 24, 2013, the Secretary of Public Safety and Correctional Services, in cooperation with the Criminal Justice Information Advisory Board, adopted:

(1) Amendments to Regulations .02—.09, amendments to and the recodification of existing Regulations .09-1—.17 to be Regulations .10—.18, and new Regulations .19 and .20 under

COMAR 12.15.01 Implementation of the Criminal Justice Information System Statute;

(2) Amendments to Regulations .01—.07, the repeal of existing Regulation .08, amendments to and the recodification of existing Regulations .09—.12 to be Regulations .08—.11, and the recodification of existing Regulation .13 to be Regulation .12 under **COMAR 12.15.02 Criminal History Records Check of Individuals Who Care for or Supervise Children**;

(3) Amendments to Regulations .01—.06, the repeal of existing Regulation .07, amendments to and the recodification of existing Regulations .08—.11 to be Regulations .07—.10 under **COMAR 12.15.03 Criminal History Records Check for Individuals Who Work for an Adult Dependent Care Program**;

(4) Amendments to Regulations .01, .03—.06, .08, and .09 under **COMAR 12.15.04 Criminal History Record Information Checks for Applicants for Hazardous Materials Endorsements — Commercial Driver's Licenses**; and

(5) Amendments to Regulations .02—.09 under **COMAR 12.15.05 Use of Private Provider Services for Non-Criminal Justice Purposes**.

This action, which was proposed for adoption in 40:16 Md. R. 1364 — 1385 (August 9, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.02 Emergency Plans

Authority: Education Article, §§2-205 and 8-702, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. 7114

Notice of Final Action

[13-205-F-I]

On September 24, 2013, the Maryland State Board of Education adopted amendments to Regulation .02, new Regulation .03, and amendments to and the recodification of existing Regulations .03 and .04 to be Regulations .04 and .05 under **COMAR 13A.02.02 Emergency Plans**. This action, which was proposed for adoption in 40:15 Md. R. 1252—1253 (July 26, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 25, 2013.

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 .04B: Changing of the term "meets" to "is aligned with" is a non-substantive change that reflects the context of the regulation requiring local school systems and the SEED school's emergency plans to be consistent with Maryland State Department of Education criteria that is outlined in a guideline document. In this context "meets" and "aligned with" are synonymous without changing the obligation on local school systems and the SEED School.

1936

.04 Emergency Plan.

A. (proposed text unchanged)

B. *Each local school system and the SEED School shall ensure that:*

(1) Each school facility under its jurisdiction has a school emergency plan that [meets] is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools (April 2013) and that a copy of each school emergency plan is on file at the central administration office.

(2) A central administration emergency plan that [meets] is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools (April 2013) is on file in each school grounds under its jurisdiction.

C. (proposed text unchanged)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.02 Advertisements of All Insurance Contracts Which Include Any Accident, Sickness, Hospital, Surgical or Medical Coverages

Authority: Insurance Article, §§2-109 and 27-203, Annotated Code of
Maryland

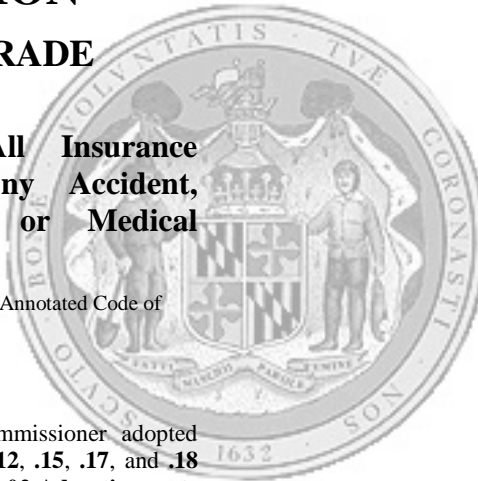
Notice of Final Action

[13-250-F]

On November 5, 2013, the Insurance Commissioner adopted amendments to Regulations **.01, .06, .07, .11, .12, .15, .17, and .18** and new Regulation **.17-1** under **COMAR 31.15.02 Advertisements of all Insurance Contracts Which Include any Accident, Sickness, Hospital, Surgical or Medical Coverages**. This action, which was proposed for adoption in 40:18 Md. R. 1516 — 1517 (September 6, 2013), has been adopted as proposed.

Effective Date: November 25, 2013.

THERESE M. GOLDSMITH
Insurance Commissioner



Withdrawal of Regulations

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Notice of Withdrawal

[12-254-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the following action, which was proposed for adoption in 39:20 Md. R. 1326—1336 (October 5, 2012), has been withdrawn by operation of law:

(1) The repeal of existing Regulation .01, adoption of new Regulations .01 and .10, and recodification of existing Regulations .10—.12 to be Regulations .11—.13 under **COMAR 10.29.01 Hearing Procedures**;

(2) The adoption of new Regulations .01 and .02 under a new chapter, **COMAR 10.29.16 Crematories—Definitions**;

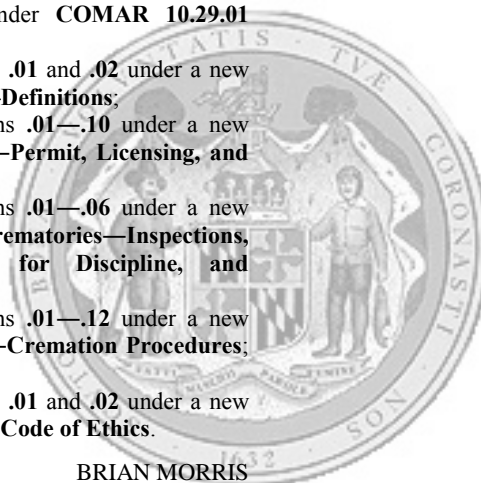
(3) The adoption of new Regulations .01—.10 under a new chapter, **COMAR 10.29.17 Crematories—Permit, Licensing, and Fees**;

(4) The adoption of new Regulations .01—.06 under a new chapter, **COMAR 10.29.18 Crematories—Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties**;

(5) The adoption of new Regulations .01—.12 under a new chapter, **COMAR 10.29.19 Crematories—Cremation Procedures**; and

(6) The adoption of new Regulations .01 and .02 under a new chapter, **COMAR 10.29.20 Crematories—Code of Ethics**.

BRIAN MORRIS
Acting Administrator
Division of State Documents



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 07 FORESTS AND PARKS 08.07.03 Forest Management Programs

Authority: Natural Resources Article, §§5-209(a), 5-210, 5-303, 5-408, and 5-410; Tax-Property Article, §8-211(p); Annotated Code of Maryland

Notice of Proposed Action [13-360-P]

The Department of Natural Resources proposes to revise Regulation .04 under **COMAR 08.07.03 Forest Management Programs**.

Statement of Purpose

The purpose of this action is to reflect the changes to the statute during the 2013 legislative session by updating the references to registered forester to the term of licensed forester and by amending the eligibility criteria of silvicultural practices qualifying for income tax abatement.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The amendment will decrease revenues collected through income taxation.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	

A. On issuing agency:	NONE	
B. On other State agencies:	(R-)	Negligible

C. On local governments: (R-) Negligible

Benefit (+)
Cost (-) Magnitude

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

B. and C. Tax revenue will decrease slightly.

Economic Impact on Small Businesses

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

The proposed action may increase business opportunity for small businesses engaged in forest management services, sales of forest tools, and sales of silvicultural herbicides. Total expected increase in economic activity is estimated to be approximately \$250,000 annually.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Daniel R. Rider, Supervisor, Forest Stewardship Program, MD Forest Service, 580 Taylor, Ave E-1, Annapolis, MD 21401, or call 410-260-8583, or email to drifer@dnr.state.md.us, or fax to 410-260-8595. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

.04 Income Tax Treatment of Reforestation and Timber Stand Improvement.

A. (text unchanged)

B. Purpose.

(1) These regulations apply to all reforestation and timber stand improvement practices conducted for the purpose of growing and harvesting forest tree species on [10 to 100] 3 to 1,000 acres of land which is, or will become, a portion of commercial forest land which totals from [10—500] 3 to 1,000 acres, owned or leased.

(2) (text unchanged)

C. Practices.

(1) (text unchanged)

(2) Timber stand improvement includes any combination of accepted forestry practices [such as thinning by mechanical or chemical treatment or pruning], *as described in Natural Resources Article, §5-219(a)(3), Annotated Code of Maryland*, which are necessary to maintain or improve the rate of growth, tree form, tree quality, stand health or stand composition, which are of a long term nature, not designed solely to insure regeneration or which do not result in immediately saleable forest products.

(3) To receive certification, all practices may not be less than [10] 3 acres and not more than [100] 1,000 acres in size and be conducted pursuant to a plan prepared by a professional forester [registered] *licensed* by the State.

(4) — (5) (text unchanged)

D. (text unchanged)

E. Initial Certification.

(1) Only those practices which meet the minimum standards established in these regulations at a reasonable cost are eligible for initial certification by a professional forester [registered] *licensed* by the State.

(2) — (4) (text unchanged)

F. Final Certification.

(1) — (2) (text unchanged)

(3) A practice which does not meet the minimum standards within 2 years may be extended for an additional period of time as specified in a plan prepared by a professional forester [registered] *licensed* by the State.

(4) — (8) (text unchanged)

G. Decertification.

(1) — (2) (text unchanged)

(3) A change in land use to a portion of the property will result in a decertification of only that portion of the property with costs distributed accordingly unless the remaining forest land is less than [10] 3 contiguous acres, in which case the entire practice will be decertified.

(4) — (6) (text unchanged)

H. (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION

08.19.01 General

Authority: Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland

Notice of Proposed Action

[13-346-P]

The Department of Natural Resources proposes to amend Regulations .03 and .04 under **COMAR 08.19.01 General**.

Statement of Purpose

The purpose of this action is to adopt amendments to regulations that reflect the recent statutory changes adopted during the 2013 legislative session. These amendments add definitions for priority

funding area and stream restoration project; add exceptions for impervious areas, maintenance of stormwater management structures, and stream restoration projects; and clarify the biennial review of local programs.

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 Marian Honecny, Supervisor, Urban and Community Forestry, MD Forest Service, 580 Taylor Ave, E-1, Annapolis, MD 21401, or call 410-260-8511, or email to mhonecny@dnr.state.md.us, or fax to 410-260-8595. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (32) (text unchanged)

(33) “Priority funding area” means an area designated as a priority funding area under §5-7B-02 of the State Finance and Procurement Article.

[(33)] (34) — [(40)] (41) (text unchanged)

(42) “Stream restoration project” means an activity that:

(a) Is designed to stabilize stream banks or enhance stream function or habitat located within an existing stream waterway, or floodplain;

(b) Avoids and minimizes impacts to forests and provides for replanting on-site an equivalent number of trees to the number removed by the project;

(c) May be performed under a municipal separate storm sewer system permit, a watershed implementation plan growth offset, or another plan administered by the local government to achieve or maintain water quality standards; and

(d) Is not performed to satisfy stormwater management, wetlands mitigation, or any other regulatory requirement associated with proposed development activity.

[(41)] (43) — [(46)] (48) (text unchanged)

.04 Application.

A. Exemptions. The provisions of this subtitle do not apply to:

(1) — (14) (text unchanged)

(15) A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, in a portion of a lot or parcel, if:

(a) (text unchanged)

(b) Both the grantor and grantee file a declaration of intent as provided for in Regulation .05 of this chapter[.];

(16) An activity on a previously developed area covered by impervious surface and located in the priority funding area;

(17) Maintenance or retrofitting of a stormwater management structure that may include clearing of vegetation or removal and trimming of trees, so long as the maintenance or retrofitting is within the original limits of disturbance for construction of the existing structure, or within any maintenance easement for access to the structure; or

(18) *Stream restoration project, as described regulation .03 of this Chapter, for which the applicant for a grading or sediment control permit has executed a binding maintenance agreement of at least 5 years with the affected property owner or owners.*

B. — D. (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION

08.19.02 State Review and Approval of a Local Program

Authority: Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland

Notice of Proposed Action [13-348-P]

The Department of Natural Resources proposes to amend Regulation **.04** under **COMAR 08.19.02.04 State Review and Approval of a Local Program**.

Statement of Purpose

The purpose of this action is to adopt amendments to regulations that reflect the recent statutory changes adopted during the 2013 legislative session. The amendments clarify the local program biennial review process.

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 Marian Honeczy, Supervisor, Urban and Community Forestry, MD Forest Service, 580 Taylor Ave, E-1, Annapolis, MD, 21401, or call 410-260-8511, or email to mhoneczy@dnr.state.md.us, or fax to 410-260-8595. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

.04 Biennial Review.

A. — E. (text unchanged)

[F.] (proposed for repeal)

F. If the Department notifies a local authority that the authority's program is in noncompliance and the local authority has failed to comply with the terms of the notice with 90 days, the Department may do one or more of the following:

(1) *Assume review and approval of all forest conservation plans and forest mitigation bank applications within the jurisdiction of the local authority until the deficiencies are corrected;*

(2) *On a finding by an auditor made in consultation with the Office of the Attorney General that a local authority has misappropriated local forest conservation funds, the Department may require the local authority to submit payment to the State Forest Conservation Fund for the amount of any misappropriated local forest conservation funds; and*

(3) *Request that the Attorney General investigate payments and expenditures of funds collected by the local authority under this subtitle.*

G. — J. (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION

08.19.03 Model Forest Conservation Ordinance

Authority: Natural Resources Article, §§5-1601—5-1613, Annotated Code of Maryland

Notice of Proposed Action [13-349-P]

The Department of Natural Resources proposes to amend Regulation **.01** under **COMAR 08.19.03 Model Forest Conservation Ordinance**.

Statement of Purpose

The purpose of this action is to adopt amendments to regulations that reflect statutory changes adopted during the 2013 legislative session. These amendments add definitions for priority funding area and stream restoration project; add exceptions for impervious areas, maintenance of stormwater management structures, and stream restoration projects; and clarify the biennial review of local programs.

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 Marian Honeczy, Supervisory, Urban and Community Forestry, MD Forest Service, 580 Taylor Ave E-1, Annapolis, MD 21401, or call 410-260-8511, or email to mhoneczy@dnr.state.md.us, or fax to 410-260-8595. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

.01 Ordinance for Local Program.

The following Model Ordinance shall be to assist and guide in the development of a local program. This Model Ordinance will further enable each unit of local government with planning and zoning authority to determine the size, location and orientation of forest to be retained, and prioritize tracts of land for reforestation and afforestation. Although it is the intention of the Department that this chapter be liberally construed to accomplish its purpose, a local authority shall demonstrate that the substantive provisions of each article are incorporated in the local program. Some local authorities may be able to adopt this Ordinance with only minor changes appropriate to each jurisdiction. Other local authorities may choose to use elements of this Ordinance to amend existing laws, statutes, or Ordinances.

Model Forest Conservation Ordinance Ordinance Number _____

An Ordinance for the purpose of prohibiting certain development projects from cutting or clearing certain forests within the Community of _____ unless a forest stand delineation and a forest conservation plan are in effect.

Article II Forest and Tree Conservation Definitions.

In this Ordinance the following terms have the meanings indicated.

2.1 — 2.46 (text unchanged)

2.47 “Priority funding area” means an area designated as a priority funding area under State Finance and Procurement Article, §5-7b-02, Annotated Code of Maryland.

[2.47] 2.48 — [2.55] 2.56 (text unchanged)

2.57 “Stream restoration project” means an activity that:

A. Is designed to stabilize stream banks or enhance stream function or habitat located within an existing stream, waterway, or floodplain;

B. Avoids and minimizes impacts to forests and provides for replanting on-site an equivalent number of trees to the number removed by the project;

C. Maybe performed under a municipal separate storm sewer system permit, a watershed implementation plan growth offset, or another plan administered by the State or local government to achieve or maintain water quality standards; and

D. Is not performed to satisfy stormwater management, wetlands mitigation, or any other regulatory requirement associated with proposed development activity.

[2.56] 2.58 — [2.63] 2.65 (text unchanged)

Article III Application.

3.1 (text unchanged)

3.2 This Ordinance does not apply to:

A. — M. (text unchanged)

N. A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:

(1) (text unchanged)

(2) Both the grantor and grantee file a declaration of intent, as provided for in §3.3 of this article [.]

O. An activity on a previously developed area covered by impervious surface and located in the priority funding area;

P. Maintenance or retrofitting of a stormwater management structure that may include clearing of vegetation or removal and trimming of trees, if the maintenance or retrofitting is within the original limits of disturbance for construction of the existing structure, or within any maintenance easement for access to the structure; or

Q. A stream restoration project, as defined in Article II 2.57 of this ordinance, for which the applicant for a grading or sediment control permit has executed a binding maintenance agreement of at least 5 years with the affected property owner or owners.

3.3. (text unchanged)

Article IV — XVIII (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 35 ELEVATOR SAFETY REVIEW BOARD

09.35.01 General Regulations

Authority: Public Safety Article, §§12-822.1, 12-823, 12-824, 12-833.1, 12-834, and 12-837, Annotated Code of Maryland; Chs. 306 and 307, Acts of 2012

Notice of Proposed Action

[13-354-P]

The Elevator Safety Review Board proposes to amend Regulation .01 under **COMAR 09.35.01 General Regulations**. This action was considered by the Elevator Safety Review Board at a public meeting held on April 19, 2013, notice of which was given pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to add fee requirements for accessibility lift mechanics to the existing fee requirements for all other categories of licensees regulated by the Elevator Safety Review Board; including fees for an application, an initial license, and a license renewal.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The amendments add fee requirements for accessibility lift mechanics to the existing fee requirements for all other categories of licensees regulated by the Elevator Safety Review Board; including fees for an application, an initial license, and a license renewal. Individuals would be required to pay a one-time application fee and, if approved, a licensing fee every 2 years. The fees collected would be deposited in the Elevator Safety Review Board Fund and accounted for in order to offset the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure
(E+/E-)

Magnitude

A. On issuing agency:

Revenue from new fees (R+) Up to \$8,750

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

Payment of new fees (-) Up to \$8,750

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. No more than 50 Accessibility Lift Mechanic applications and license fees to be processed biennially.

D. Applicants and licensees will be required to pay the proposed fees for the application, initial license, and renewal license issued by the Board.

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 John Papavasiliou, Executive Director, Elevator Safety Review Board, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6160, or email to jpapavasiliou@dlr.state.md.us, or fax to 410-333-6314. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Elevator Safety Review Board during a public meeting to be held on February 21, 2014, at 10 a.m., at 500 N. Calvert Street, Baltimore, Maryland 21202.

.01 Fees.

This chapter is intended to set various fees to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Elevator Safety Review Board (the Board). Therefore, the Board hereby sets the following fees:

A. Nonrefundable application fee for an Elevator Mechanic license, Elevator Contractor license, Elevator Renovator Mechanic license, [and] Elevator Renovator Contractor license, *and Accessibility Lift Mechanic license: \$25*

B. Initial license fee:

(1) — (2) (text unchanged)

(3) *Accessibility Lift Mechanic license: \$125*

C. Renewal license fee:

(1) — (2) (text unchanged)

(3) *Accessibility Lift Mechanic license: \$150*

D. — F. (text unchanged)

EDWARD M. HOARD

Chairman

Elevator Safety Review Board

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.21 Medical Orders for Life-Sustaining Treatment (MOLST) Form — Procedures and Requirements

Authority: Health-General Article, §5-608.1, Annotated Code of Maryland

Notice of Proposed Action

[13-367-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02—.04 under **COMAR 10.01.21 Medical Orders for Life-Sustaining Treatment (MOLST) Form — Procedures and Requirements**.

Statement of Purpose

The purpose of this action is to amend the MOLST form and accompanying regulatory provisions to reflect the statutory change that authorized a physician assistant to sign a MOLST form in accordance with Chapter 273 of the 2013 Session Laws of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 December 16, 2013. A public hearing has not been scheduled.

.02 Definitions.

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

B. Terms Defined.

(1)—(21) (text unchanged)

(22) “Physician assistant” has the meaning stated in Health-General Article, §5-601(s), Annotated Code of Maryland

[(22)] (23) “Practitioner” means a physician [or a] , nurse practitioner, or physician assistant.

[(23)] (24)—[(24)] (25) (text unchanged)

.03 Nature and Contents of the MOLST Form and Instructions.

The content of the form and the form’s instructions are as follows:

NOTE: This document appears at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.04 Use of the MOLST Form.

A.—D. (text unchanged)

E. When initially completing a MOLST form or updating an existing MOLST form, a health care facility shall:

(1) Offer the patient or authorized decision maker the opportunity to participate in completing or updating the MOLST form, and on request of the patient, offer any physician [or] , nurse practitioner , *or physician assistant* selected by the patient the opportunity to participate in updating or completing the MOLST form;

(2)—(4) (text unchanged)

F.—H. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.10 Nursing Facility Services

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

Notice of Proposed Action

[13-350-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .07-1 under **COMAR 10.09.10 Nursing Facility Services**.

Statement of Purpose

The purpose of this action is to extend the Interim Working Capital Fund for 1 year, until May 1, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The fiscal impact of these proposed regulations will be \$93,183 in lost interest to the State.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	\$93,183
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	\$93,183
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The maximum outstanding fund would be \$10,649,534 at .875% interest that would result in \$93,183 in lost interest to the State annually.

D. Working capital funds received by providers must be returned

to the State, but providers will benefit by not incurring interest expense during the period that funds are held.

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, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. 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 December 16, 2013. A public hearing has not been scheduled.

.07-1 Interim Working Capital Fund.

A.—H. (text unchanged)

I. The Interim Working Capital Fund expires on May 1, [2013] 2014. Providers shall repay all outstanding funds to the Department by May 1, [2013] 2014. The Department may grant repayment extensions of not longer than 60 days under extraordinary circumstances.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.12 Disposable Medical Supplies and Durable Medical Equipment

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129,
Annotated Code of Maryland

Notice of Proposed Action

[13-352-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .07 under **COMAR 10.09.12 Disposable Medical Supplies and Durable Medical Equipment**.

Statement of Purpose

The purpose of this action is to decrease Maryland Medicaid's reimbursement for disposable medical supplies and durable medical equipment from 90 percent to 85 percent of Medicare's reimbursement rate, effective July 1, 2013.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will reduce the Department's expenditures for fee-for-service disposable medical supplies and durable medical equipment by \$2,598,816 during FY 2014.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	\$2,598.816
B. On other State agencies:	NONE	

C. On local governments: NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$2,598,816
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. The projected Medicaid expenditure for disposable medical supplies and durable medical equipment during the period of July 1, 2012 through June 30, 2013 is \$46,778,689.00 based upon fee-for-service payments at 90 percent of Medicare's rate. The proposed action will reduce reimbursement to 85 percent of Medicare's rate, resulting in Program savings of \$2,598,816.

Economic Impact on Small Businesses

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

Medicaid reimbursement for disposable medical supplies and durable medical equipment will be reduced by this proposal. Revenue to small businesses for the provision of disposable medical supplies and durable medical equipment will also be reduced.

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 December 16, 2013. A public hearing has not been scheduled.

.07 Payment Procedures.

A.—C. (text unchanged)

D. Effective [January 1, 2012] *July 1, 2013*, the Department shall pay providers [90] 85 percent of the [current] *April 2013* Medicare rate for prosthetic devices. For prosthetic devices for which Medicare has not established a rate, the Department shall pay providers the manufacturer's suggested retail price of the item, less 26.5 percent. The payment shall include all fitting, dispensing, and follow-up care.

E. (text unchanged)

F. The Department shall reimburse providers for the purchase of covered services at the lowest of the provider's customary charge or:

(1) For items for which Medicare has established a rate:

(a) Disposable medical supplies and durable medical equipment at [90] 85 percent of the [current] *April 2013* Medicare purchase reimbursement rate; and

(b) (text unchanged)

(2) (text unchanged)

G.—Y. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.18 Oxygen and Related Respiratory Equipment Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129, Annotated Code of Maryland

Notice of Proposed Action

[13-351-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .07 under COMAR 10.09.18 Oxygen and Related Respiratory Equipment Services.

Statement of Purpose

The purpose of this action is to decrease Maryland Medicaid reimbursement for oxygen and related respiratory equipment from 90 percent to 85 percent of Medicare's reimbursement rate, effective July 1, 2013.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will reduce the Department's expenditures for fee-for-service oxygen and related respiratory equipment and supplies by \$109,602.

Revenue (R+/R-)

II. Types of Economic Impact.

Expenditure (E+/E-) Magnitude

A. On issuing agency:	(E-)	\$109,602
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Benefit (+)
Cost (-) Magnitude

D. On regulated industries or trade groups:	(-)	\$109,602
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. The projected Medicaid expenditure for oxygen and related respiratory equipment and supplies during the period of July 1, 2012 through June 30, 2013 is \$1,972,835 based upon fee-for-service payments at 90 percent of Medicare's rate. The proposed action will reduce reimbursement to 85 percent of Medicare's rate, resulting in Program savings of \$109,602.

Economic Impact on Small Businesses

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

Medicaid reimbursement for oxygen and related respiratory equipment and supplies will be reduced by this proposal. Revenue to small businesses for the provision of oxygen and related respiratory equipment and supplies will also be reduced.

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 W. 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 December 16, 2013. A public hearing has not been scheduled.

.07 Payment Procedures.

A.—C. (text unchanged)

D. The Department shall reimburse providers for the purchase of covered services at the lowest of the provider's customary charge:

(1) For items that Medicare has established a rate:

(a) Effective [January 1, 2012] *July 1, 2013*, the Department shall pay providers [90] 85 percent of the [current] *April 2013* Medicare rate for oxygen and respiratory equipment and supplies, which shall include all fitting, dispensing, and follow-up care; and

(b) (text unchanged)

(2) (text unchanged)

E.—P. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICALCARE PROGRAMS

10.09.22 Free-Standing Dialysis Facility Services

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

Notice of Proposed Action

[13-366-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .03—.05, and .07 under COMAR 10.09.22 Free-Standing Dialysis Facility Services.

Statement of Purpose

The purpose of this action is to update policies and procedures for Free-Standing Dialysis Facility Services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. 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 December 16, 2013. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) "Acute hemodialysis" means hemodialysis employed in the treatment of acute reversible renal failure, the expectation being that dialysis will usually be necessary for 4 weeks or less. This category only includes cases where complete recovery is expected.]

(2) "Chronic hemodialysis" means hemodialysis employed to substitute for the permanent loss of renal function and representing a long, continuing, permanent undertaking unless supplemented by renal transplantation.

(3) "Chronic peritoneal dialysis" means dialysis performed by means of exchanging large volumes of fluid within the peritoneal cavity as a substitute for renal function that has been permanently lost, and represents a long continuing, permanent undertaking unless supplemented by either hemodialysis or renal transplantation.]

(1) "CMS" means Centers for Medicare and Medicaid Services.

(2) "Continuous ambulatory peritoneal dialysis (CAPD)" means a dialysis treatment method performed manually during the day by patient in which the patient's peritoneal membrane is used as a dialyzer.

(3) "Continuous cycling peritoneal dialysis (CCPD)" means a dialysis treatment method performed automatically during the night with a peritoneal dialysis cyclor in which the patient's peritoneal membrane is used as a dialyzer.

(4) (text unchanged)

(5) "Dialysis" means a treatment method in which waste products are removed from the body by diffusion from one fluid compartment to another across a semi-permeable membrane.

[(5)] (6) "Free-standing dialysis facility" means a dialysis unit capable of providing [chronic] staff-assisted dialysis, which is not located in an acute hospital setting. [This unit shall be associated with a hospital or facility that provides adequate operative, X-ray, and laboratory services, and shall be approved by Medicare to furnish dialysis service, or services directly to chronic kidney disease patients.]

(7) "Hemodialysis" means a dialysis treatment method in which blood passes through an artificial kidney machine and the waste products diffuse across a manmade membrane into a bath solution known as dialysate after which the cleansed blood is returned to the patient's body.

[(6)] (8) "Home dialysis" means [chronic] hemodialysis or [chronic] peritoneal dialysis performed regularly in the home [The treatment is usually performed by the patient] and assisted by a [member of his family or some other person after a period of training in an approved home dialysis training unit.] *family member or the patient's caregiver.*

[(7)] (9) "Home dialysis training" means [instructional chronic hemodialysis or chronic peritoneal dialysis, for home dialysis. This training is usually conducted in a unit involving simultaneous dialysis and instruction provided to some member of the family or responsible third party in the technique of performing the type of dialysis selected. The period required for the training will generally be 1 to 3 months, depending upon the individual circumstances, and will require the facilities necessary for providing adequate home training.] *instructions on how to perform dialysis services in a home setting.*

[(8)] "Home dialysis training unit" means an approved facility where home dialysis training is provided as defined in §B(7), of this regulation.]

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

(11) "Medically necessary" means that the service or benefit is:

(a) *Directly related to diagnostic, preventive, curative, palliative, rehabilitative, or ameliorative treatment of an illness, injury, disability, or health condition;*

(b) Consistent with currently accepted standards of good medical practice;

(c) The most cost efficient service that can be provided without sacrificing effectiveness or access to care; and

(d) Not primarily for the convenience of the consumer, family or provider.

[(10)] (12)—[(11)] (13) (text unchanged)

(14) "Peritoneal dialysis" means a dialysis treatment method in which waste products pass from the patient's body through the peritoneal membrane into the peritoneal (abdominal) cavity where the bath solution (dialysate) is introduced and removed periodically.

[(12)] (15)—[(13)] (16) (text unchanged)

[(14)] "Provider" means a free-standing dialysis unit which, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of a provider account number.]

[(15)] (17) (text unchanged)

[16 "Self-dialysis" means dialysis performed, with little or no professional assistance by a chronic kidney disease patient who has completed an appropriate course of training.

(17) "Staff-assisted dialysis" means dialysis performed by the staff of the free-standing dialysis facility.]

.03 Conditions for Participation.

A. (text unchanged)

B. Specific requirements for participation in the Program as a free-standing dialysis facility include all of the following:

(1) Be approved by Medicare to furnish dialysis service to [chronic] kidney disease patients and maintain documentation of certification by the [Department of Health and Human Services, Health Care Financing Administration.] *Division of Survey and Certification of CMS.*

(2) (text unchanged)

(3) Meet the requirements of COMAR [10.30.01.05C—E] 10.30.01.05C and D, for a dialysis facility, home dialysis unit, or self-care dialysis facility, or all of the above.

(4)—(8) (text unchanged)

(9) Be approved by the [medical assistance program] *Medical Assistance Program* in the state in which the service is provided.

(10) (text unchanged)

.04 Covered Services.

A. (text unchanged)

B. Covered services include:

(1) Dialysis services furnished on an outpatient basis and provided by a free-standing dialysis facility, to include [chronic] hemodialysis, [chronic] peritoneal dialysis, [self-dialysis, home dialysis] CAPD, CCPD, and home dialysis training; and

(2) Laboratory tests [except as specified in Regulations .05E and .07G (6) of this chapter.] *and prescription drugs as related to dialysis services.*

.05 Limitations.

The Program does not cover the following:

A.—C. (text unchanged)

D. Services denied by Medicare as not medically [justified] necessary.

[E. Separate billing of laboratory tests which are included in the composite Medicare rate for dialysis;

F. Acute hemodialysis.]

.07 Payment Procedures.

A. Reimbursement Principles.

(1) Reimbursement by the Program is for services provided at a free-standing dialysis facility which has been [certified] *approved* for Medicare by the [Department of Health and Human Services, Health

Care Financing Administration] *Division of Survey and Certification of CMS.* Reimbursement shall be consistent with the [limits established or] rates [paid] *established* by the [Medicare program] *Maryland Medical Assistance Program* for those services which are [covered] *approved* by Medicare.

(2) Physician services are not reimbursed under this regulation. Reimbursement for physician services [not included in the composite Medicare rate for dialysis services, are reimbursed under the Medical Assistance Program, Physicians' Services Program] *are in accordance with COMAR 10.09.02.07.*

B. The provider shall submit a request for payment on the form designated by the Department [, submitting necessary documentation as required].

C. The Program reserves the right to return to the provider, [before payment, all invoices not properly completed, which includes but is not limited to, diagnostic and procedure codes and description of services provided] *any invoice that is not properly completed.*

D. A provider shall bill the program the [composite Medicare] *established Medicaid* rate for dialysis services.

E. [A provider will authorize payment on Medicare claims only if] *Payments on Medicare claims are authorized if:*

(1)—(2) (text unchanged)

(3) Medicare has determined that the services are medically necessary [;];

(4) *Services are covered by the program; and*

(5) *Initial billing is made directly to Medicare according to Medicare guidelines.*

F. The Department will make supplemental payment on Medicare claims subject to the following provisions:

(1) Deductible [and coinsurance,] *insurance will be paid in full;*

(2) *Coinsurance shall be paid at the lesser of:*

(a) *100 percent of the coinsurance amount; or*

(b) *The balance remaining after the Medicare payment is subtracted from the Medicaid rate; and*

[(2)](3) Services not covered by Medicare [, but considered medically necessary by the Program,] *are payable* according to [the limitations of] §D [or E,] of this regulation.

G. The provider may not bill the Program for:

(1)—(3) (text unchanged)

(4) Services which are provided at no charge to the general public; *and*

(5) Home visits unless satisfactorily documented as an emergency [;].

[(6)] Laboratory tests which are included in the composite Medicare rate for dialysis services.]

H.—J. (text unchanged)

K. *Injectable drugs related to dialysis services are reimbursed according to the Maryland Medical Assistance Program's Physician's Fee Schedule.*

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action

[13-353-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation .19 under COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations; and
- (2) Regulation .14 under COMAR 10.09.76 Primary Adult Care Program.

Statement of Purpose

The purpose of this action is to implement the mid-year adjustment to the CY 2013 MCO's HealthChoice and PAC capitation rates effective July 1, 2013.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The MCO midyear adjustment reflects:

1. The increased physician fee adjustment based on CMS changes to the PCP rates in 2013;
2. The refund for the OP tiering budget reduction that was not realized; and
3. Updates for HSCRC inpatient and outpatient hospital rates, pharmacy rebates and GME.

The overall impact for the CY 2013 rates is an increase of \$85,049,023 for the HealthChoice program and an increase of \$5,305,756 for the PAC program.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure
(E+/E-)

Magnitude

A. On issuing agency:

(E+)

\$90,354,779

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

(+)

\$90,354,779

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

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

A. The midyear rate adjustment is calculated using data from CMS, HSCRC and MCO data.

D. There will be a positive impact on the MCOs due to the overall rate increase.

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 A. 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 December 16, 2013. A public hearing has not been scheduled.

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

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

.19 MCO Reimbursement.

A. (text unchanged)

B. Capitation Rate-Setting Methodology.

(1)—(3) (text unchanged)

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

[(a)]—[(c)] (proposed for repeal)

(a) Rate Table for Families and Children, Effective July 1, 2013—December 31, 2013.

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest of State
	Under age 1 Birth Weight 1500 grams or less	Both	\$8,399.86	\$6,510.07	\$7,660.65
	Under age 1 Birth Weight over 1500 grams	Both	\$436.95	\$338.65	\$398.50

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	1—5	Male	\$199.91	\$154.94	\$182.32
		Female	\$176.98	\$137.16	\$161.40
	6—14	Male	\$107.42	\$83.25	\$97.97
		Female	\$106.39	\$82.45	\$97.03
	15—20	Male	\$143.45	\$111.18	\$130.83
		Female	\$191.49	\$148.41	\$174.64
	21—44	Male	\$292.85	\$226.97	\$267.08
		Female	\$455.61	\$353.11	\$415.52
	45—64	Male	\$562.03	\$435.59	\$512.57
		Female	\$620.22	\$480.68	\$565.63
ACG—adjusted cells					
ACG 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1200, 1300, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3800, 4210, 5100, 5110, 5200, 5230, 5310, 5339	RAC 1F	Both	\$213.57	\$179.71	\$194.34
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 2F	Both	\$361.94	\$ 304.56	\$ 329.35
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 3F	Both	\$425.80	\$358.29	\$387.45
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 4F	Both	\$610.76	\$513.93	\$555.76
ACG 4430, 4730, 4930, 5030, 5050	RAC 5F	Both	\$858.02	\$722.00	\$780.76
ACG 4940, 5060	RAC 6F	Both	\$1,097.04	\$923.12	\$998.25
ACG 5070	RAC 7F	Both	\$1,590.68	\$1,338.50	\$1,447.43
ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200	RAC 1G	Both	\$93.49	\$ 78.67	\$ 85.07

PROPOSED ACTION ON REGULATIONS

1949

ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310	RAC 2G	Both	\$119.89	\$100.88	\$109.09
ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339	RAC 3G	Both	\$150.63	\$126.75	\$137.06
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 4G	Both	\$209.95	\$176.66	\$191.04
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 5G	Both	\$282.55	\$237.76	\$257.11
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 6G	Both	\$351.29	\$295.60	\$319.65
ACG 4430, 4730, 4930, 4940, 5030, 5050, 5060, 5070	RAC 7G	Both	\$741.09	\$623.60	\$674.35
SOBRA Mothers			\$772.90	\$599.01	\$704.88
Persons with HIV	ALL	Both	\$599.80	\$603.36	\$615.12

(b) Rate Table for Disabled Individuals, Effective July 1, 2013—December 31, 2013.

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest of State
	Under Age 1	Both	\$5,033.87	\$5,063.75	\$5,162.40
	1—5	Male	\$915.17	\$920.60	\$938.53
		Female	\$1,159.81	\$1,166.69	\$1,189.42
	6—14	Male	\$220.79	\$222.10	\$226.43
		Female	\$362.82	\$364.98	\$372.09
	15—20	Male	\$226.82	\$228.17	\$232.61
		Female	\$365.74	\$367.91	\$375.08
	21—44	Male	\$1,305.79	\$1,012.02	\$1,190.88
		Female	\$1,205.65	\$934.40	\$1,099.55
	45—64	Male	\$1,891.19	\$1,465.71	\$1,724.76
		Female	\$1,860.64	\$1,442.04	\$1,696.90

PROPOSED ACTION ON REGULATIONS

1950

<i>ACG—adjusted cells</i>					
<i>ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1900, 2400, 2600, 2900, 3400, 5100, 5110, 5200, 5310</i>	<i>RAC 10</i>	<i>Both</i>	<i>\$266.72</i>	<i>\$224.44</i>	<i>\$242.70</i>
<i>ACG 400, 500, 700, 900, 1000, 1200, 1740, 1741, 1742, 1750, 1751, 1752, 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330</i>	<i>RAC 11</i>	<i>Both</i>	<i>\$335.70</i>	<i>\$282.48</i>	<i>\$305.47</i>
<i>ACG 600, 1760, 1761, 1762, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820</i>	<i>RAC 12</i>	<i>Both</i>	<i>\$625.36</i>	<i>\$526.22</i>	<i>\$569.04</i>
<i>ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320</i>	<i>RAC13</i>	<i>Both</i>	<i>\$692.63</i>	<i>\$582.83</i>	<i>\$630.26</i>
<i>ACG 800, 4430, 4510, 4610, 5040, 5340</i>	<i>RAC14</i>	<i>Both</i>	<i>\$893.94</i>	<i>\$752.22</i>	<i>\$813.44</i>
<i>ACG 1770, 1771, 1772, 4520, 4620, 4830, 4920, 5050</i>	<i>RAC15</i>	<i>Both</i>	<i>\$1,255.01</i>	<i>\$1,056.05</i>	<i>\$1,141.99</i>
<i>ACG 4730, 4930, 5010</i>	<i>RAC16</i>	<i>Both</i>	<i>\$1,388.05</i>	<i>\$1,167.99</i>	<i>\$1,263.05</i>
<i>ACG 4940, 5020, 5060</i>	<i>RAC17</i>	<i>Both</i>	<i>\$1,861.96</i>	<i>\$1,566.77</i>	<i>\$1,694.28</i>
<i>ACG 5030, 5070</i>	<i>RAC 18</i>	<i>Both</i>	<i>\$3,120.29</i>	<i>\$2,625.61</i>	<i>\$2,839.29</i>
<i>Persons with AIDS</i>	<i>All</i>	<i>Both</i>	<i>\$2,346.26</i>	<i>\$1,565.20</i>	<i>\$1,595.69</i>
<i>Persons with HIV</i>	<i>All</i>	<i>Both</i>	<i>\$1,666.66</i>	<i>\$1,676.56</i>	<i>\$1,709.22</i>

(c) Rate Table for Supplemental Payment for Delivery/Newborn, Effective July 1, 2013—December 31, 2013.

	<i>Age</i>	<i>Gender</i>	<i>Baltimore City</i>	<i>PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties</i>	<i>Rest of State</i>
<i>Supplemental Payment Cells</i>					
<i>Delivery/Newborn—all births except live birth weight 1,500 grams or less</i>	<i>All</i>	<i>Both</i>	<i>\$13,126.90</i>	<i>\$10,173.63</i>	<i>\$11,971.69</i>

<i>Delivery/Newborn-live birth weight 1,500 grams or less</i>	<i>All</i>	<i>Both</i>	<i>\$76,272.65</i>	<i>\$76,725.45</i>	<i>\$78,220.14</i>
<i>Delivery/Newborn by same enrollee-subsequent live birth weight 1,500 grams or less</i>	<i>All</i>	<i>Both</i>	<i>\$13,126.90</i>	<i>\$10,173.63</i>	<i>\$11,971.69</i>

(d)—(g) (text unchanged)

(5) (text unchanged)

C.—D. (text unchanged)

10.09.76 Primary Adult Care Program

Authority: Health-General Article, §§15-101 and 15-103, Annotated Code of Maryland

.14 Payments.

A. MCO Capitation. The Department shall pay an MCO a fixed monthly capitation rate for each of its PAC enrollees at the rates specified in the following table, effective[January 1, 2013] *July 1, 2013*:

	PMPM City	PMPM Rest of State
Age 19—44 Male	[\$205.38] <i>\$212.49</i>	[\$160.00] <i>\$165.54</i>
Age 19—44 Female	[\$229.13] <i>\$239.47</i>	[\$178.50] <i>\$186.56</i>
Age 45+ Male	[\$245.46] <i>\$253.68</i>	[\$191.23] <i>\$197.63</i>
Age 45+ Female	[\$261.91] <i>\$271.19</i>	[\$204.04] <i>\$211.27</i>

B.—H. (text unchanged)

JOSHUA M.SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

10.29.21 Mortuary Transport Services

Authority: Health Occupations Article, §§7-101 and 7-601—7-607, Annotated Code of Maryland

Notice of Proposed Action

[13-368-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.11 under a new chapter, **COMAR 10.29.21 Mortuary Transport Services**. Also at this time, the Secretary is withdrawing proposed new Regulations .01—.11 under a new chapter, COMAR 10.29.21 Mortuary Transport Services, as published in 40:11 Md. R. 990—993 (May 31, 2013).

This action was considered by the Board of Morticians and Funeral Directors at a public meeting held on September 11, 2013, notice of which was provided on the Board's website, <http://dhmh.maryland.gov/bom/SitePages/mtgdates.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Require that operators of mortuary transport services be permitted by the Board;
- (2) Require that transporters employed by a mortuary transport service be registered with the Board;
- (3) Establish fees for a permit, registration, and other items;
- (4) Establish a renewal process and a reinstatement process;

(5) Establish requirements for equipment that shall be used in transporting human remains; and

(6) Establish procedures for transporting human remains, including:

(a) Prohibiting various acts;

(b) Setting vehicle standards; and

(c) Providing that vehicles registered with the Board which are part of the same business structure as a licensed Maryland establishment shall be inspected by the Board at a convenient location within the State if the related establishment intends to transport Maryland decedents in their vehicles.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will result in revenue for the Board and revenue for the Department of Public Safety and Correctional Services' Criminal Justice Information System (CJIS). However, it is unknown how many mortuary transport services are currently operating and will need to seek a permit. Therefore the economic impact cannot be determined at this time.

II. Types of Economic Impact.

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

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

A. and D. Board estimates that 100 mortuary transport services will seek a permit, but it cannot estimate how many transporters will need to be registered. Thus, the impact on Board's revenues from fees, CJIS's revenues from requests for background checks, and the total cost on the regulated industry cannot be determined at this time.

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 December 16, 2013. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to:

- A. Applicants for a mortuary transport service permit;
- B. Applicants for registration as a transporter for a mortuary transport service;
- C. Permitted mortuary transport services; and
- D. Registered transporters.

.02 Definitions.

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

B. Terms Defined.

- (1) "Board" means the State Board of Morticians and Funeral Directors.
- (2) "CJIS" means the Criminal Justice Information System.
- (3) "Cleaning" means to disinfect the entire interior of the mortuary transport service vehicle, including the drivers' cabin.
- (4) "Crematory" means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.
- (5) "Criminal history records check" means the performance of both a:
 - (a) State criminal history check by the Central Repository; and
 - (b) National criminal history check by the Federal Bureau of Investigation.
- (6) "Disinfect" means a process that eliminates many or all pathogenic microorganisms, except bacterial spores, on inanimate objects using liquid chemicals or wet pasteurization.
- (7) "Funeral establishment" means any building, structure, or premises from which the business of practicing mortuary science is conducted.
- (8) Human Remains.
 - (a) "Human remains" means:
 - (i) The body of a deceased person; or
 - (ii) A part of a body or limb that has been removed from a living person.
 - (b) "Human remains" includes the body or part of a body or limb in any state of decomposition.
- (9) "Impervious surface" means a surface constructed from material that does not allow another substance to pass through or to penetrate the material.
- (10) "Licensed funeral establishment" means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.
- (11) Mortuary Transport Service.
 - (a) "Mortuary transport service" means an individual or a business entity issued a permit by the Board that, for compensation:
 - (i) Removes and transports human remains;
 - (ii) Transports human remains from the place of death or storage to a funeral establishment or crematory; or

(iii) Employs a transporter to remove or transport human remains.

(b) "Mortuary transport service" does not include:

(i) A licensed funeral establishment using the establishment's own employee or employees to remove and transport human remains for compensation in the establishment's own Board-inspected vehicle; or

(ii) A cemetery or an employee of a cemetery that removes or transports human remains within the boundaries of the cemetery.

(12) "Office" means the Office of Cemetery Oversight within the State Department of Labor, Licensing, and Regulation.

(13) "Permit" means a permit issued by the Board to the owner of a mortuary transport service to operate in the State.

(14) "Permit holder" means a mortuary transport service that holds a permit issued by the Board.

(15) "Registered transporter" means an individual employee of a mortuary transport service who has registered with the Board to remove and transport human remains.

(16) "Registration" means a registration issued by the Board to a registered transporter to remove and transport human remains.

(17) "Removal vehicle" means a vehicle of a size, dimensions, and specifications suitable for the transportation of human remains which has passed an inspection by the Board.

(18) "Remove and transport human remains" means to remove human remains from one location and transport the human remains directly to another location.

.03 Requirements for a Permit.

A. To qualify for a permit to operate a mortuary transport service, an individual shall:

- (1) Be at least 18 years of age;
- (2) Be of good moral character; and
- (3) Satisfy the requirements of Health Occupations Article, §7-602(c), Annotated Code of Maryland.

B. To apply for a permit, an individual shall submit to the Board:

- (1) An application signed by an individual who is the owner or co-owner of the mortuary transport service to be permitted on a form provided by the Board;
- (2) The required fee as set forth in Regulation .08 of this chapter;
- (3) A notarized statement attesting to compliance with Health Occupations Article, §7-602(c), Annotated Code of Maryland;
- (4) Evidence that all removal vehicles have passed an inspection by an inspector designated by the Board; and
- (5) Evidence that the mortuary transport service is bondable and carries liability insurance to cover each registered transporter employed by the mortuary transport service.

C. A individual may not operate a mortuary transport service in the State without a permit issued by the Board.

D. If the permit holder is the sole employee of the mortuary transport service, the permit holder shall also be registered as a transporter.

E. The permit holder shall return an expired permit to the Board as soon as possible.

F. The permit holder shall be responsible for registering all transporters in their employ.

.04 Requirements for Registration.

A. To qualify as a registered transporter, an individual shall:

- (1) Be at least 18 years of age;
- (2) Be of good moral character;
- (3) Hold a current valid driver's license in good standing; and
- (4) Be employed by a mortuary transport service that holds a permit issued by the Board.

B. Required Coursework. Before registering as a registered transporter, an individual shall complete the following Board approved coursework options:

- (1) An OSHA or MOSHA training course;*
- (2) A course on blood-borne pathogens;*
- (3) A course on infection control; and*
- (4) A law course on:*

(a) Health-General Article, §5-513, Annotated Code of Maryland, excluding references to inspections of an out-of-State facility, with the objective of understanding the proper treatment of remains with dignity; and

(b) This chapter.

C. To apply for a registration as a registered transporter, an individual shall submit:

- (1) A signed application on a form provided by the Board;*
- (2) Written, verified evidence satisfactory to the Board that the applicant has:*

(a) Completed the application for a criminal history records check using the process required by CJIS and designating that the check be sent to the Board; and

(b) Paid all fees required by CJIS;

(3) Evidence of successful completion of the coursework required by §B of this regulation; and

(4) A copy of the individual's driving record, including probation before judgment findings.

D. A registered transporter shall maintain a current mailing address, excluding a post office box address, on file with the Board.

E. The permit of the mortuary transport service that employs the registered transporter shall be prominently displayed on the person of the registered transporter by means of an identification card. The identification card shall include the following information:

(1) A current picture of the registered transporter;

(2) The name of the mortuary transport service that employs the registered transporter; and

(3) The permit number of the mortuary transport service.

F. The permit holder shall confiscate the identification card of a transporter who is no longer in the permit holder's employ and return the identification card to the Board.

G. The Board may not register an applicant until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the completed application.

.05 Procedures.

A. Before using a body bag for removal of human remains, the registered transporter shall inspect the body bag to ensure that the body bag is fully closeable and that there are no holes, rips, or tears in the body bag.

B. Potentially Infectious Body Fluids.

(1) All bodily fluids shall be considered as potentially infectious and dealt with appropriately.

(2) Proper personal protective equipment shall be available for use at all times.

(3) Contaminated surfaces and equipment shall be cleaned with disinfectant immediately upon completion of the removal or as soon as possible after the removal.

C. After each removal and as soon as possible, the registered transporter shall clean their hands using antiseptic hand cleanser and paper towels or antiseptic towelettes. As soon as possible thereafter, the registered transporter shall wash their hands using hot running water and soap.

D. The permit holder shall establish a written schedule for thorough cleaning, to be kept in the glove box of the removal vehicle, and method for cleaning the removal vehicle and equipment at least

quarterly or as needed taking into account the use of the vehicle, the type of contamination present, and the human remains transferred.

E. An individual authorizing removal shall be given an inventory in which the transporter has made note of all valuables found on the decedent for the individual's signature.

.06 Prohibited Acts.

A. A permit holder or transporter shall:

(1) At all times treat the human remains being transported with the utmost dignity; and

(2) Comply with the requirements of Health-General Article, §5-513, Annotated Code of Maryland, except with regard to inspection of an out-of-State facility.

B. A permit holder may not:

(1) Violate any federal, State, or local law or regulation or order a transporter to violate any federal, State, or local law or regulation;

(2) Employ a transporter who does not hold a registration issued by the Board;

(3) In signage or advertisement, use a name for the mortuary transport service that is different from the name of the mortuary transport service as it appears on the permit issued by the Board;

(4) Operate the mortuary transport service in a manner that does not respect:

(a) The dignity of the decedent; and

(b) The public health;

(5) Prevent or in any way inhibit the Board's designated inspector from investigating a complaint or from inspecting a removal vehicle;

(6) Unless appropriately licensed, represent themselves as a mortician or funeral director;

(7) Make arrangements for burial or cremation of human remains;

(8) Fail to notify the Board within 30 days of:

(a) A change in address of the mortuary transport service;

(b) A change in address of a registered transporter; or

(c) A commencement of employment or a separation of employment with a registered transporter;

(9) Dress or behave in an unprofessional manner while performing their official duties;

(10) Advertise or solicit business directly to the family of a dying person or recently deceased person; or

(11) Offer goods or services other than the service a permit authorizes the permit holder to provide.

C. A registered transporter may not:

(1) Transport human remains without the required documented authorization;

(2) Unless appropriately credentialed, represent themselves as a:

(a) Permit holder;

(b) Mortician; or

(c) Funeral director;

(3) Allow an individual who is not an employee of the employing mortuary transport service or of the funeral establishment engaging the services of the mortuary transport service to accompany the registered transporter while in the performance of the registered transporter's official duties;

(4) Make arrangements for burial or cremation of the human remains unless appropriately licensed or certified by the Board or the Office;

(5) Unless removing and transporting more than one human remains from different locations, fail to transport the human remains directly to the location agreed upon by the individual with the right to final disposition of the human remains or to the location requested by the mortician or funeral director;

(6) Fail to notify the Board of a change of the registered transporter's address within 30 days;

(7) Fail to display prominently on their person, in accordance with Regulation .04E of this chapter, the permit number of the mortuary transport service for which the registered transporter is employed;

(8) Dress or behave in an unprofessional manner while performing their official duties.

(9) Display in any removal vehicle any marking, sticker, or other indication of passage of a Board inspection other than the sticker issued by the Board;

(10) Advertise or solicit business directly to the family of a dying person or recently deceased person;

(11) Offer goods or services other than the service a permit authorizes the permit holder to provide;

(12) Sign a death certificate;

(13) Upon arrival at a location for the purpose of removing and transporting human remains, fail to:

(a) Verbally identify themselves as a registered transporter; and

(b) Identify the entity for whom they are removing and transporting human remains;

(14) Perform their official duties in an unsanitary manner or in a manner that does not observe the Centers for Disease Control's Guidelines on Universal Precautions; or

(15) Eat, drink, or smoke in the removal vehicle while in the performance of their official duties.

.07 Vehicle Standards.

A. A removal vehicle shall:

(1) Be of appropriate size for the transport of human remains;

(2) Have windows tinted to the extent that human remains are obscured from public view;

(3) Have a cargo bay which:

(a) Is fully enclosed; and

(b) Is designed to prevent co-mingling or shifting of human remains while in transit; and

(4) Have a floor which is a nonporous, impervious surface.

B. A removal vehicle shall include at least the following equipment:

(1) A removal stretcher and litter, each with a leakproof pouch; and

(2) A universal precaution kit which shall include the following:

(a) A red bio-waste bag;

(b) A heavy disaster pouch;

(c) Goggles;

(d) Booties;

(e) A mask;

(f) Disposable gloves;

(g) A clean or disposable apron;

(h) Antiseptic hand cleaner;

(i) Disinfectant spray;

(j) Clean towels; and

(k) A first-aid kit.

C. Before the sale of a removal vehicle, the permit holder shall have the vehicle disinfected.

D. Removal vehicles shall be inspected by a Board designated inspector at least every 2 years starting from the date of first inspection.

E. A removal vehicle which has passed a Board inspection shall prominently display a Board-issued sticker on the vehicle attesting to passage of the inspection.

.08 Fees.

The following fees related to mortuary transport services are established by the Board:

A. Mortuary Transport Service Permit:

(1) Initial fee:

(a) Category 1 (for 1—3 transporters, including the permit holder) — \$350;

(b) Category 2 (for 4—7 transporters, including the permit holder) — \$500;

(c) Category 3 (for 8—15 transporters, including the permit holder) — \$750; and

(d) Category 4 (for more than 15 transporters, including the permit holder) — \$1,000; and

(2) Renewal fee:

(a) The permit renewal fee shall be the same as the initial fee provided there has been no change in category;

(b) If the number of transporters employed by a mortuary transport service has increased, resulting in a change in category, the initial fee for the higher category shall be paid as the renewal fee; and

(c) If the number of transporters employed by a mortuary transport service has decreased, resulting in a change in category, the initial fee for the lower category shall be paid as the renewal fee;

B. Transporter registration processing fee (to add a transporter without change of category within the renewal cycle) — \$40;

C. Late fee (permit) — \$400;

D. Reinstatement fee — \$350 + initial fee;

E. Duplicate or replacement permit — \$40;

F. Duplicate registration — \$50;

G. Permit or registration verification fee — \$40; and

H. Replacement inspection sticker — \$40.

.09 Renewal Requirements.

A. A mortuary transport service's permit expires 30 days after the effective date of this chapter.

B. After being issued an initial permit, a mortuary transport service's permit:

(1) Expires on the date set by the Board, unless it is renewed for an additional term; and

(2) May not be renewed for a term longer than 2 years.

C. At least 2 months before the permit expires, the Board shall issue a renewal notice to the permit holder that states:

(1) The date by which the renewal application shall be received by the Board for the renewal to be issued and mailed before the registration expires; and

(2) The amount of the renewal fee.

D. The permit holder may renew the mortuary transport service permit for an additional term of 2 years if the permit holder:

(1) Is otherwise entitled to be issued a permit;

(2) Pays to the Board a renewal fee set forth in Regulation .08 of this chapter; and

(3) Submits to the Board:

(a) A completed renewal application on the form that the Board requires;

(b) An updated criminal history records check; and

(c) An updated driving record, including probation before judgment findings.

E. The Board shall impose the late fee established in Regulation .08 of this chapter on any permit holder who fails to renew their permit 1 month before it expires.

F. A transporter's registration is effective provided:

(1) It has not been suspended or revoked by the Board; and

(2) The registered transporter is employed by a mortuary transport service which holds a permit issued by the Board.

.10 Reinstatement Requirements.

A. To reinstate an expired permit, an individual shall:

(1) Resubmit the application required by the Board for initial applicants;

(2) Satisfy the education requirements stated in Regulation .04B of this chapter; and

(3) Pay to the Board the reinstatement fee established by the Board in Regulation .08 of this chapter.

B. An individual whose registration has lapsed shall reapply to the Board under the procedure set forth in Regulation .04 of this chapter.

.11 Multi-State Establishments.

All vehicles registered by an establishment which is part of the same business structure as a licensed Maryland funeral establishment shall be inspected by the Board at a convenient location within the State if the related establishment intends to transport Maryland decedents in their vehicles.

JOSHUA M. SHARFSTEIN, MD
Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

10.32.19 Disclosure of Records to State Health Agencies

Authority: Health-General Article, §18-102; Health Occupations Article, §14-411; Annotated Code of Maryland

Notice of Proposed Action

[13-357-P]

The Secretary of Health and Mental Hygiene, in conjunction with the Chairman of the Health Services Cost Review Commission and the Chairman of the Maryland Health Care Commission, proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 10.32.19 Disclosure of Records to State Health Agencies.**

This action was considered by:

(1) The Maryland Board of Physicians at a public meeting held on July 24, 2013, notice of which was given by publication on the Board's website at http://dhmh.maryland.gov/physicians/Documents/mbp_meetings.pdf, with the Agenda posted on July 12, 2013, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland;

(2) The Health Services Cost Review Commission at a public meeting held on Wednesday, July 10, 2013, notice of which was given by publication on the Commission's website at <http://www.hsrc.state.md.us/commissionMeetingSchedule2013.cfm> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland; and

(3) The Maryland Health Care Commission at a public meeting held on June 20, 2013, notice of which was given by publication in 40:12 Md. R. 1057 (June 14, 2013) pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt new regulations for the efficient and secure transfer of information contained in a record maintained by the Board on request of the Office of Health Care Quality, the Maryland Health Care Commission, or the Health Services Cost Review Commission under specific circumstances. This action is being jointly promulgated by the Secretary of Health and Mental Hygiene, the Health Services Cost Review Commission, the Maryland Health Care Commission, and the Maryland Board of Physicians.

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 A. 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 December 16, 2013. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Board" means the Maryland Board of Physicians.

(2) "Department" means the Department of Health and Mental Hygiene.

(3) "Record" means the proceedings, records, or files of the Board.

(4) "Secretary" means the Secretary of the Department of Health and Mental Hygiene.

.02 Disclosure of Information to the Department and Agencies Within the Department.

A. The Board shall disclose information contained in a record to the Secretary upon receipt of a written request from the Secretary stating that the requested information is appropriate and needed for:

(1) An investigation of quality or utilization of care in an entity regulated by the Office of Health Care Quality;

(2) An investigation of quality or utilization of care in an entity regulated by the Health Services Cost Review Commission; or

(3) An investigation regarding the introduction or spread of an infectious or contagious disease or other disease that endangers the public health in the State.

B. The Board shall disclose information contained in a record to the Office of Health Care Quality upon receipt of a written request from the Director of the Office of Health Care Quality stating that the requested information is appropriate and needed for an investigation of quality or utilization of care in an entity regulated by the Office of Health Care Quality.

C. The Board shall disclose information contained in a record to the Health Services Cost Review Commission upon receipt of a written request from the Executive Director of the Health Services Cost Review Commission stating that the requested information is appropriate and needed for an investigation of quality or utilization of care in an entity regulated by the Health Services Cost Review Commission.

D. The Board shall disclose information contained in a record to the Maryland Health Care Commission upon receipt of a written request from the Executive Director of the Maryland Health Care Commission stating that the requested information is appropriate and needed in an investigation of quality or utilization of care in an entity regulated by the Maryland Health Care Commission.

.03 Requirements Regarding the Transfer of a Record.

A. The Board shall disclose the information required under this chapter as soon as reasonably possible, but no later than 30 days after a request made under this chapter.

B. The information disclosed by the Board under this chapter shall be sent on paper by first-class mail or by another delivery method agreed to by the Board and the Secretary or agency requesting the information.

.04 Confidentiality.

Information disclosed by the Board under this chapter shall remain confidential and may not be redisclosed by the Secretary, the Office of Health Care Quality, the Health Services Cost Review Commission, or the Maryland Health Care Commission unless otherwise permitted by law.

.05 Scope.

This chapter does not alter the authority of the Secretary under of the Health Occupations Article, §1-203(a), Annotated Code of Maryland or Health-General Article, §2-106(c), Annotated Code of Maryland.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

JOHN M. COLMERS
Chairman, Health Services Cost Review Commission

CRAIG P. TANIO, M.D.
Chairman, Maryland Health Care Commission

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

11.15.11 Registration Transfer

Authority: Transportation Article, §§12-104(b), 13-410, 13-501[, 13-502]—13-502.1, and 13-503.1, Annotated Code of Maryland

Notice of Proposed Action

[13-365-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .02 and adopt new Regulation .03 under COMAR 11.15.11 Registration Transfer.

Statement of Purpose

The purpose of this action is to amend regulations to allow individuals to transfer plates to a newly acquired vehicle without having to sell, trade, junk, or dispose of the vehicle from which the plates are to be transferred from. These amendments also clarify the transferring of registration plates under a different classification.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

.02 Transfer of Registration Plates — Same Class Vehicles Only.

A. Registration plates acquired by any person, for any vehicle owned by that person, may be transferred to a newly acquired vehicle provided:

(1) Except as provided in Transportation Article, §13-503.1(b)(5), Annotated Code of Maryland, [The] the ownership of the newly acquired vehicle has not changed from the name in which the plates [were originally] are currently issued, [except as provided in Transportation Article, §13-503.1(b)(5), Annotated Code of Maryland];

(2) The vehicle classification of the newly acquired vehicle is identical to the classification of the vehicle to which the plates [were originally] are currently issued; and

(3) The [vehicle from which the plates are to be transferred has been sold, traded, junked, or otherwise disposed of] registration and transfer fee as set forth in COMAR 11.11.05.04 is paid in full.

B. If registration plates are transferred and less than 12 months remain in the registration year, the Administration may renew the registration plates for 1 year in addition to the period remaining on the original registration term.

[B.] C. Substitute registration plates may be issued for unrecovered plates on an unrecovered stolen vehicle, provided [this] the Administration has a record of the stolen vehicle. The substitute plates may then be transferred [to a newly acquired vehicle] pursuant to this regulation.

.03 Repurchase of Registration Plates — Different Class Vehicle.

A. Registration plates acquired by any person, for any vehicle owned by that person, may be repurchased and registered to a newly acquired vehicle of a different class provided:

(1) Except as provided in §B of this regulation and Transportation Article, §13-503.1(b)(5), Annotated Code of Maryland, the ownership of the newly acquired vehicle has not changed from the name in which the plates are currently issued;

(2) The full registration and surcharge fees for the new vehicle classification as set forth in Transportation Article, Title 13, Subtitle 9 are paid in full; and

(3) The application is approved by the Administration.

B. A personalized registration plate may be repurchased and reassigned to an individual other than the current personalized registration plate owner provided:

(1) The applicant submits with the application the current personalized registration plate owners signature relinquishing the personalized plate; and

(2) The applicant pays the fees required by A(2) of this regulation.

C. Substitute registration plates may be issued for unrecovered plates on an unrecovered stolen vehicle provided the Administration has a record of the stolen vehicle. The substitute plates may then be repurchased and registered pursuant to this regulation.

JOHN T. KUO

Administrator

Motor Vehicle Administration

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

Notice of Proposed Action

[13-364-P]

The Administrator of the Motor Vehicle Administration proposes to:

(1) Amend Regulations .01-1, .02, .03, and .05 under **COMAR 11.15.16 Issuance, Renewal, Display, and Expiration of Registrations**; and

(2) Repeal existing Regulations .01—.03 under **COMAR 11.15.17 Staggered System of Registration**.

Statement of Purpose

The purpose of this action is to amend regulations to reflect current process.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

11.15.16 Issuance, Renewal, Display, and Expiration of Registrations

Authority: Transportation Article, §§12-104(b), [13-403, 13-408, 13-410.] 13-412[,] and 13-413, [13-904, 13-912, 13-938, and 13-950—13-952.] Annotated Code of Maryland

.01-1 Temporary Authorization Certificate.

A. — C. (text unchanged)

[D. A temporary authorization certificate may be issued for the following classes of vehicles:

- (1) Class A;
- (2) Class B;
- (3) Class C;
- (4) Class D;
- (5) Class E — at 7,000 pounds;
- (6) Class G;
- (7) Class L;
- (8) Class M; and
- (9) Class N.]

.02 Display of Registration Cards, Temporary Authorization Certificates, Registration Plates, [and] County Stickers and Validation Stickers.

A. (text unchanged)

B. Registration Plates and Validation Stickers.

(1) Registration plates shall be affixed to the vehicle as prescribed under Transportation Article, § 13-411. [and]

(2) *Except as provided under B(3) of this regulation*, validation stickers shall be displayed on the rear registration plate on or before the expiration date of the registration [unless exempted by §B(2) of this regulation].

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

C. Issuance.

(1) Validation stickers or a temporary authorization certificate may be issued as evidence of payment of the annual registration fee of the vehicle. [Validation stickers shall be affixed to the registration plate in the manner specified by the Administration.]

(2) — (4) (text unchanged)

D. — E. (text unchanged)

.03 Expiration of Registration.

[Staggered Classes of Vehicles (See COMAR 11.15.17).] Except as provided in Regulation .01-1 of this chapter, unless validation stickers have been issued by the Administration and are properly displayed on the registration plates, the registration and registration plates expire at midnight on the expiration date indicated on the registration card issued by the Administration.

.05 Multi-Year Registrations — Staggered Classes.

A. (text unchanged)

B. 1-Year Registration. Each new vehicle registration plate issued in conjunction with the titling of a vehicle or a registration renewal shall be issued for a 1-year period for the following classes of vehicles:

(1) — (2) (text unchanged)

[(3) Class H, school buses;]

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

[(5)] (4) Class P, passenger buses; [and]

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

(6) *Class M, bus; and*

(7) *Other vehicle classes as approved by the Administration.*

C. [Transfer of Registration Plates.

(1) If registration plates are transferred in accordance with COMAR 11.15.11.02, and less than 12 months remain in the registration year, the Administration shall renew the registration plates for 1 year in addition to the period remaining on the original registration term.

(2) The fee assessed at the time of transfer of registration plates shall be a total of the transfer fee and the registration fee for the additional year, as specified in COMAR 11.11.05.] *Registration renewals shall be due on or before the last day of the month stated on the registration card.*

D. (text unchanged)

JOHN T. KUO

Administrator

Motor Vehicle Administration

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 07 COMMUNITY COLLEGES

Notice of Proposed Action

[13-356-P]

The Maryland Higher Education Commission proposes to amend:

- (1) Regulation .02 under **COMAR 13B.07.01 Scope and Definitions**; and
- (2) Regulations .02 — .04 under **COMAR 13B.07.04 Construction Procedures**.

This action was considered by the Commission at an open meeting held on September 25, 2013, notice of which was given as required by State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend provisions relating to construction procedures for community colleges in COMAR 13B.07.01 Scope and Definitions and in COMAR 13B.07.04 Construction Procedures to require community colleges to address requirements of PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting in their planning and submittals related to capital improvements.

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 Dr. Jennifer V. Frank, Acting Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3041, or email to jfrank@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

13B.07.01 Scope and Definitions

Authority: Education Article, §§11-105(u) and Title 16, Annotated Code of Maryland.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (20) (text unchanged)

(21) "*PlanMaryland*" means the State Development Plan prepared by the Maryland Department of Planning and filed with the Secretary of State on December 16, 2011.

[(21)] (22) — [(24)] (25) (text unchanged)

13B.07.04 Construction Procedures

Authority: Education Article, §§11-105(u) and Title 16, Annotated Code of Maryland.

.02 Facilities Master Plan (Includes Baltimore City Community College).

A. — B. (text unchanged)

C. The facilities master plan shall include:

(1) — (3) (text unchanged)

(4) Specific plans to meet identified needs, including:

(a) — (i) (text unchanged)

(j) An approach for updating the plan; [and]

(5) *Details of plans for all projects in the plan prepared under PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting; and*

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

D. (text unchanged)

E. Assessment and Analysis of Existing Land and Facilities and Planning Assumptions.

(1) (text unchanged)

(2) *All proposals for new campuses, new site development, and new facilities projects shall conform to PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting.*

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

F. Review Process for Facilities Master Plans.

(1) (text unchanged)

(2) The Commission shall review the plan with specific attention to:

(a) *Conformity with PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting;*

[(a)] (b) — [(g)] (h) (text unchanged)

(3) — (5) (text unchanged)

.03 Five-Year Capital Improvements Program/Annual Capital Budget Request Submission.

A. (text unchanged)

B. A college shall submit, by [June] July 1 of each year, a 5-year capital improvements program. The first year of the program shall constitute the college's annual capital budget request.

C. Projects identified in the program shall be consistent with *PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting* and the approved facilities master plan. The program shall be updated annually to reflect actual capital appropriations and any changes affecting project priorities within the program, as well as to add an additional year.

D. — E. (text unchanged)

F. Review Process for Five-year Capital Improvements Program.

(1) (text unchanged)

(2) The Commission review of the Part I/project justification shall focus on:

(a) (text unchanged)

(b) Project justification with regard to the goals of the Statewide Plan, consistency with the college's role and mission, the programmatic needs of the college, the overall space needs of the college, and the adequacy and physical condition of existing facilities; [and]

(c) *Conformity with PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting; and*

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

(3) — (5) (text unchanged)

.04 Site Selection.

A. — B. (text unchanged)

C. Specific Site Selection Procedure.

(1) The board of trustees of the college shall study the available sites and have prepared a report that ranks the available sites in order of preference. Technical data, including *proximity within Plan Maryland planning areas* and a site check list, shall support this ranking.

(2) — (12) (text unchanged)

DANETTE GERALD HOWARD, Ph.D.
Secretary of Higher Education

Title 14 **INDEPENDENT AGENCIES**

Subtitle 09 WORKERS' **COMPENSATION COMMISSION**

Notice of Proposed Action

[13-380-P]

The Workers' Compensation Commission proposes to:

(1) Amend and recodify existing Regulations **.05** and **.28** under **COMAR 14.09.01 Regulatory Provisions** to be Regulations **.02** and **.06** under a new chapter, **COMAR 14.09.12 Responsibilities of Insurers**; and

(2) Amend and recodify existing Regulations **.01**, **.02**, **.03**, **.04**, and **.05** under **COMAR 14.09.06 Local Office Requirements of Insurers** to be Regulations **.01**, **.03**, **.04**, **.05**, and **.07** under a new chapter, **COMAR 14.09.12 Responsibilities of Insurers**.

This action was considered at a public meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and recodify as COMAR 14.09.12 certain provisions of 14.09.06 (formerly Local Office Requirements for Insurers) and certain provisions of 14.09.01 (formerly Procedural Regulations) so as to create a chapter of thematically organized regulations concerning the responsibilities of insurers. The amended regulations contain rewritten provisions concerning the election of inclusion or exemption from coverage for certain kinds of employees. These provisions were written to comply with regulatory drafting standards. The amended regulations clarify when an insurer shall have an attorney file an entry of appearance.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments

will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.12 Responsibilities of Insurers

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

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

[(2) "Insurer" means:

(a) A stock corporation or mutual association that is authorized under the Insurance Article, Annotated Code of Maryland, to provide workers' compensation insurance in the State;

(b) The Injured Workers' Insurance Fund;

(c) A governmental self-insurance group that meets the requirements of Labor and Employment Article, §9-404, Annotated Code of Maryland;

(d) A self-insurance group of private employers that meets the requirements of Insurance Article, §§25-301—25-308, Annotated Code of Maryland; or

(e) An individual employer that self-insures in accordance with Labor and Employment Article, §9-405, Annotated Code of Maryland.]

(2) "*Commission designee*" means the National Council on Compensation Insurance or any other entity that the Commission, from time to time, may designate as its representative to receive notices required by this regulation.

(3) "*Insurance policy*" means a policy or binder for workers' compensation insurance under Labor and Employment Article, Title 9, Annotated Code of Maryland.

[.05] .02 Notices of Insurance, Cancellation, Reinstatement, and Election of Coverage.

[A. Definitions. In this regulation, the following terms have the meanings indicated:

(1) "Commission designee" means the National Council on Compensation Insurance or any other entity that the Commission, from time to time, may designate as its representative to receive notices required by this regulation.

(2) "Insurance policy" means a policy or binder for workers' compensation insurance under Labor and Employment Article, Title 9, Annotated Code of Maryland.

(3) "Insurer" means a stock corporation, mutual association, or the Injured Workers' Insurance Fund.]

[B.] A. (text unchanged)

[C.] B. Notice of Cancellation.

(1) (text unchanged)

(2) Time for Filing.

(a) Cancellation by Insurer.

(i)—(ii) (text unchanged)

[(iii) If the Commission designee receives the Notice of Cancellation less than the required number of days before the effective date of cancellation set forth in the notice, the Commission shall amend the notice to provide a new cancellation effective date by adding 10 days or 30 days, as applicable, to the date of receipt.]

(b) (text unchanged)

[D.] C.—[E.] D. (text unchanged)

[F.] E. Notice of Election of Inclusion or Exemption of Coverage. [Officers of closed corporations and officers of farm corporations or professional service corporations who are authorized by Labor and Employment Article, §9-206(b), Annotated Code of Maryland, to elect to be exempted from coverage as employees, and sole proprietors and partners who are authorized by Labor and Employment Article, §9-219(b) or 9-227(b), Annotated Code of Maryland, to elect to be covered as employees, shall file a Notice of Election with the Commission and with the insurer. A new election is required and notice pursuant to this section shall be filed whenever the employer changes insurers.]

(1) *A person may elect to be a covered employee by filing a Notice of Election with the Commission and with the insurer.*

(2) *The following types of persons may elect to be covered employees:*

(a) *Pursuant to Labor and Employment Article, § 9-227(b), Annotated Code of Maryland, sole proprietors; and*

(b) *Pursuant to Labor and Employment Article, § 9-219(b), Annotated Code of Maryland, partners.*

(3) *A person may elect to be exempt from coverage as an employee by filing a Notice of Election with the Commission and the insurer.*

(4) *The following types of persons may elect to be exempted from coverage:*

(a) *Pursuant to Labor and Employment Article § 9-206(b)(1), officers of a closed corporation;*

(b) *Pursuant to Labor and Employment Article § 9-206(b)(2) and (c), officers of a corporation, other than closed corporation;*

(c) *Pursuant to Labor and Employment Article § 9-206(b)(3) and (4), officers of a farm corporation or professional services corporation; and*

(d) *Pursuant to Labor and Employment Article § 9-206(b)(5), members of a limited liability company.*

(5) *If an employer changes insurers, a person must file a new Notice of Election with the Commission and with the new insurer.*

[.02].03 Handling and Adjusting Disputed Claims.

A.—B. (text unchanged)

C. *Within 10 days of an insurer filing issues to dispute a claim, the insurer shall have an attorney complete and file an Entry of Appearance form in accordance with COMAR 14.09.04.01C(2).*

[C.] D. —[D.] E. (text unchanged)

[E.] F. If any of the information in [§C]§D of this regulation changes, the insurer shall notify the Commission immediately.

[F.] G. (text unchanged)

[.03].04 Failure to Comply.

A. Fine.

(1) An insurer found in violation of Regulation [.02].03 of this chapter may be fined up to \$1,000 per offense.

(2) (text unchanged)

B. Revocation of Self-Insurance Approval. A violation of Regulation [.02].03 of this chapter that jeopardizes prompt and fair compensation of a Maryland workers' compensation claim may be grounds for the revocation of an employer's self-insurance approval under Labor and Employment Article, §9-403(e)(1), Annotated Code of Maryland.

[.04].05 Hearing Procedure.

A. Notice of Agency Action.

(1) If the Commission has reasonable cause to believe that an insurer has violated Regulation [.02].03 of this chapter, the Commission shall give reasonable notice of the alleged violation and the action the Commission proposes to take.

(2) (text unchanged)

B.—C. (text unchanged)

D. Disposition. A hearing may not be adjourned or continued except upon [an] order of the Commission.

[.28].06 Penalty for Failure to Submit Required Case Payment Report.

A. The Commission may assess against an insurer[, self-insurer, or the Injured Workers' Insurance Fund] a fine not to exceed \$1,000 for any unexcused failure to file a [quarterly] case payment report as required under Labor and Employment Article, §9-313(b), Annotated Code of Maryland.

B. (text unchanged)

C. In calculating the imposition of an assessment *on an insurer*, each failure to submit a required report or the submission of an inaccurate or incomplete report is considered a separate violation subject to assessment.

[.05].07 Appeal.

An appeal from a decision made under this chapter shall be made in accordance with Maryland Rules [7-201—7-210] 7-200, *et seq.* and COMAR 14.09.11.

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[13-355-P]

The Workers' Compensation Commission proposes to:

(1) Adopt new Regulations **.01**, **.03**, **.05**, and **.07** under **COMAR 14.09.02 Requirements for Filing and Amending Claims**;

(2) Amend and recodify existing Regulations **.06** and **.08C** under **COMAR 14.09.01 Procedural Regulations** to be Regulations **.02** and **.06** under **COMAR 14.09.02 Requirements for Filing and Amending Claims**; and

(3) Recodify existing Regulation **.06-1** under **COMAR 14.09.01 Procedural Regulations** to be Regulation **.04** under **COMAR 14.09.02 Requirements for Filing and Amending Claims**;

This action was considered at a public meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and recodify as COMAR 14.09.02 certain provisions of COMAR 14.09.01 so as to create a chapter of thematically organized regulations concerning the filing and amending of claims. The Commission also proposes new regulations defining the terms applicable to this chapter, clarifying that the disclosure of a social security number by a claimant is voluntary and identifying the limitations on the use of any such number, providing certain procedures for the impleading of certain parties to a claim, and establishing procedures for the authentication and translation of foreign documents required when filing certain claims.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through November 18, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.02 [Governmental Group Self-Insurance] Requirements for Filing and Amending Claims

Authority: Labor and Employment Article §§9-309, 9-701, 9-709, 9-710 and 9-711, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1) "Apostille" means a certificate issued under the Apostille Convention authenticating the origin of a public document.

(2) "Apostille Convention" means the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.

(3) "Authorization for Disclosure of Health Information" means the executed release authorizing the disclosure of protected health information in accordance with Labor and Employment Article, §§ 9-709, 710, and 711, Annotated Code of Maryland.

(4) "Certified copy" means a duplicate of an original document that is certified as a true and accurate copy by the officer having custody of the original.

(5) "Competent authority" means an authority designated by a Contracting State as competent to issue apostilles.

(6) "Foreign State" means a foreign sovereign state or country.

(7) "Notarized" means signed by the person or persons authorized or required to sign the document, the signing of which was witnessed by a notary public, accompanied by the notary's official notary seal.

(8) "State of origin" means the country where the document was created or issued.

(9) "State Party" means a State that has joined the Apostille Convention, for which the Convention is in effect.

[.06].02 Requirements for Filing and Amending Claims.

A. (text unchanged)

B. Social Security Number.

(1) Voluntary Disclosure of Social Security Number.

(a) On the claim form, the Commission shall request the Social Security Number of each claimant for workers' compensation benefits.

(b) The disclosure of the Social Security Number by the claimant on the claim form is voluntary.

(2) Use of Social Security Number.

(a) The Commission may use the Social Security Number for the following purposes:

(i) Verifying wage records of a claimant;

(ii) Verifying the identity of a claimant;

(iii) Identifying a claimant who has changed his or her name;

(iv) Verifying medical records necessary to adjudicate workers' compensation claims;

(v) The administration and enforcement of Maryland's workers' compensation laws;

(vi) The collection of any debts owed as a result of the claimant's failure to pay child support under Title 10 of the Family Law Article; and

(vii) Assisting in the enforcement of child support orders as required by State and federal laws.

(b) The Commission may not use the social security number for any purpose not authorized under this regulation or by state or federal law.

[B.] C. Amendment of Claim to Add or Remove a Body Part.

(1)—(5) (text unchanged)

.03 Amendment of Claim to Add an Additional Party, Including the Subsequent Injury Fund and Uninsured Employers' Fund.

A. A party may amend a claim to add another party by filing a Request to Implead a Party form.

B. A party may amend a claim to add an employer, a statutory employer, an insurance carrier, the Subsequent Injury Fund or the Uninsured Employers' Fund.

C. Impleading the Subsequent Injury Fund.

(1) A party impleading the Subsequent Injury Fund more than 30 days before a scheduled hearing date shall file a Request to Implead a Party form and shall serve the SIF with a copy of the form.

(2) A party impleading the SIF within 30 days of a scheduled hearing date shall:

(a) File a Request to Implead a Party form;

(b) Serve the SIF with a copy of the form; and

(c) File with the form a declaration setting forth the moving party's prima facie case for alleging the involvement of the SIF, including, but not limited to, identification of the evidence the party intends to rely on to prove the liability of the SIF.

(3) Within 10 days of filing the Request to Implead a Party form, and any other required documents, the impleading party shall provide the following to the SIF and all other parties to the claim:

(a) All prior awards or settlements, identified by claim number if available, to the claimant for permanent disability made or approved by the Commission, or by a comparable Commission of another state, or the District of Columbia;

(b) All relevant medical evidence relied on to implead the SIF; and

(c) A certification providing that a copy of the Request to Implead a Party form, along with all required information and documents, have been mailed to the SIF and all other parties to the claim.

(4) A party who fails to comply with this regulation or causes unreasonable delay without good cause is subject to an assessment of costs and reasonable attorney fees under Labor and Employment Article, §9-734, Annotated Code of Maryland.

.05 Foreign Documents.

A. When a document or public record required by this chapter was created or issued in a foreign state the Commission may not accept as supporting documentation:

(1) Photocopies;

(2) Facsimile copies;

(3) Notarized copies; or

(4) Documents with alterations or erasures.

B. When a document or public record required by this chapter was created or issued in a foreign state and the state of origin is a State Party to the Apostille Convention, the party submitting the document shall:

- (1) Have a competent authority of the State of origin issue an apostille for the original or a certified copy of the document; and
- (2) Attach to the apostilled document, an English translation of the document prepared pursuant to this regulation.

C. When a document or public record required by this chapter originated in a foreign State and the State of origin is not a State Party to the Apostille Convention, the party submitting the document shall:

- (1) Submit the public document with a written declaration (certificate) authenticating the signature/seal/stamp, signed in the State of origin which, if falsely made, would subject the maker to a criminal penalty under the laws of that foreign State;
- (2) Attach to the document and certificate, a final certification as to the genuineness of the signature and official position of:

- (a) The individual executing the certificate; or
- (b) Any foreign official who certifies the genuineness of signature and official position of the executing individual, or is the last in a chain of certificates that collectively certify the genuineness of signature and official position of the executing individual; and
- (3) Attach to the document and certificate or certificates, an English translation of the document prepared pursuant to this regulation.

D. A final certificate may be made by a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign State who is assigned or accredited to the United States.

E. English Translation.

(1) An English translation of any document authenticated by an apostille or by a final certificate shall include:

- (a) The typed or printed name and telephone number of the interpreter or translator; and
- (b) A signed certification by the interpreter or translator that the translation is true, accurate, and complete.

(2) A party shall have the English translation prepared by:

- (a) An interpreter or translator whose name appears on the State of Maryland Court Interpreter Registry; or
- (b) The embassy of the state from which the document originates.

F. An attorney who advances the cost of having a foreign document authenticated, translated, or both, is entitled to recover the actual amount expended.

[.08C Petition by Dependent of Deceased Claimant.] .06 Claim for Unpaid Compensation of Deceased Claimant.

[When a person claims to be a surviving dependent and seeks unpaid compensation payments under Labor and Employment Article, §§9-632, 9-640, or 9-646, a petition shall be filed by or on behalf of that person in the same action and using the same claim number as the original claim filed with the Commission by the employee. The petition shall contain a statement of the facts necessary to show the petitioner's right to receive the compensation payments and shall be accompanied by the certificate of death for the deceased employee, the certificate of marriage for the petitioner and deceased employee, if the petitioner is the surviving spouse of the employee, and the certificate of birth of the petitioner, if the petitioner is the surviving child of the deceased employee.]

A. A person seeking unpaid compensation payments as a dependent of a deceased covered employee under Labor and Employment Article, §§ 9-632, 9-640, or 9-646, Annotated Code of Maryland, shall file an Issue Form in the same claim.

B. A person seeking these benefits shall produce at the hearing proof of dependency and proof of death which may include a death certificate, marriage certificate, and birth certificate or order of adoption for any surviving children.

.07 Notice to Employer/Insurer of Claim.

A. After a claim is filed, the Commission shall send a Notice of Claim to all parties listed on the claim form and identified through the Commission's database of insurers and employers.

B. Insurer Identified.

(1) If an insurer has been identified, the Commission shall send a Response to Employee's Claim form to the insurer for completion.

(2) The insurer shall file a completed Response to Employee's Claim form with the Commission.

C. No Insurer Identified.

(1) If no insurer has been identified, the Commission shall send a Response to Employee's Claim form to the employer.

(2) The employer shall file a completed Response to Employee's Claim form with the Commission.

(3) If an employer is not insured, the Commission shall send a Response to Notification to Employer for Insurance Information form to the employer and a questionnaire to the claimant.

(4) The employer shall file the completed form with the Commission and send copies of the completed form to the Uninsured Employers' Fund.

(5) The claimant shall file the completed questionnaire with the Commission and concurrently send a copy to the Uninsured Employers' Fund.

(6) No hearings on issues filed by the claimant shall be scheduled until the claimant has completed and filed the claimant's questionnaire.

D. If no Response to Employee's Claim form is filed by the consideration date an automatic order will be issued finding the claim compensable.

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[13-370-P]

The Workers' Compensation Commission proposes to:

(1) Amend and recodify existing Regulations .09, .21, and .22 under COMAR 14.09.01 Procedural Regulations to be Regulations .01, .03, and .02, respectively, under COMAR 14.09.06 Payment of Awards and Assessments and Termination of Benefits; and

(2) Adopt new Regulation .04 under COMAR 14.09.06 Payment of Awards and Assessments and Termination of Benefits.

This action was considered at an open meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R., 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland

Statement of Purpose

The purpose of this action is to amend and recodify as COMAR 14.09.06 certain provisions of COMAR 14.09.01 (formerly Procedural Regulations) so as to create a chapter of thematically organized regulations concerning payment of awards and assessments and termination of benefits by an employer or insurer. The Commission also proposes new regulations clarifying the termination of temporary total disability and medical benefits.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.06 [Local Office Requirements for Insurers] Payment of Awards and Assessments and Termination of Benefits

Authority: Labor and Employment Article, §§ 9-309, 9-605, 9-713, 9-727 - 9-731, Annotated Code of Maryland

[.09].01 Payment [of Claims] Prior to Filing of Claim.

[A. Before a claim is filed with the Commission, an employer or insurer may not pay, in whole or in part, any compensation under Labor and Employment Article, Title 9, Annotated Code of Maryland, for the disability or death of a covered employee.

B. An employer or insurer may pay or contest charges for medical and other services under Labor and Employment Article, Title 9, Subtitle 6, Part IX or Part XIII, even if the employee does not file a claim, but shall pay uncontested charges promptly after receipt.]

A. *If a covered employee or dependent has not filed a claim with the Commission for the death or disability of the covered employee, an employer or insurer may not pay, in whole or in part, any compensation under Labor and Employment Article, Title 9, Annotated Code of Maryland.*

B. *If a covered employee or dependent has not filed a claim with the Commission for the death or disability of the covered employee, an employer or insurer may pay or contest charges for medical and other services under Labor and Employment Article, Title 9, Subtitle 6, Part IX or Part XIII, Annotated Code of Maryland.*

C. *An employer or insurer shall pay uncontested medical charges promptly after receipt.*

[.22].02 Claims for Medical Expenses; Notice; Penalty.

A. (text unchanged)

B. Penalty for Late Payment for Treatment or Services.

(1) The Commission may assess against an employer or insurer a fine not to exceed 20 percent of any fee approved but not timely paid pursuant to Labor and Employment Article, §9-664, Annotated Code of Maryland.

(2) The Commission shall determine the amount of the fine on a case-by-case basis.

[.21].03 Payment of Assessments.

[A. In this regulation, "SIF" means the Subsequent Injury Fund and "UEF" means the Uninsured Employers' Fund.]

[B.] A. Time for Payment. Assessments payable for the SIF and the UEF shall be paid within 30 days after the date of the award of compensation or approval of a settlement.

[C. Third-Party Settlements. In case of final compromise and settlement involving third-party liability under Labor and Employment Article, Title 9, Subtitle 9, Annotated Code of Maryland, the assessments for SIF and UEF shall be computed on the amount of compensation paid or to be paid by the employer or insurer for which the employer or insurer may not be reimbursed from the third-party settlement.

D. Structured Settlements. In case of a structured settlement of a claim, the assessments for SIF and UEF shall be computed on the premium payable by the employer or insurer for any annuity policy purchased on behalf of the employee. If the parties fail to disclose to the Commission the amount of premium payable by the employer or insurer, then the assessments shall be computed on the total amount of money guaranteed to be paid under the settlement agreement.]

B. *Assessments shall be paid in accordance with Labor and Employment Article, §§ 9-806, 9-1007, and 9-1008, Annotated Code of Maryland, as ordered by the Commission.*

.04 Termination of Temporary Total Disability and Medical Benefits.

A. Termination of Monetary Benefits Requiring Notice.

(1) *Prior to terminating payment of temporary total disability benefits, an insurer shall give written notice to the claimant by:*

(a) *Completing the Insurer's Termination of Temporary Total Disability Benefits form; and*

(b) *Sending a copy of the form to the claimant, counsel and to the Commission.*

(2) *The Insurer's Termination of Temporary Total Disability Benefits form may be used to provide notice to the claimant of the termination of disability benefits when:*

(a) *The employee is working for another employer other than the employer where the accident or occupational disease occurred;*

(b) *No medical evidence supports continued payment;*

(c) *The employee failed to appear for a medical evaluation requested by the employer/insurer;*

(d) *A physician other than the employee's chosen treating physician has determined that the employee has reached maximum medical improvement; or*

(e) *Otherwise supported by law.*

B. Termination of Monetary Benefits—No Notice Required. An insurer may terminate payment of temporary total disability benefits without providing written notice, pursuant to Labor & Employment Article, § 9-733(a), Annotated Code of Maryland, if:

(1) *The employee has returned to his or her current employment;*

(2) *A treating physician chosen by the employee has advised that the employee has reached maximum medical improvement; or*

(3) *The termination is made after the termination date contained in an order of the Commission.*

C. Termination of Medical Benefits.

(1) *Prior to terminating the payment of medical benefits, an insurer shall give written notice to the claimant and the claimant's treating physician or health care provider of the date that benefits will be terminated.*

(2) *Written notice of the date that medical benefits will be terminated shall:*

(a) *Include the reasons for terminating the medical benefits;*

(b) Include a statement that the claimant has the right to request a hearing before the Commission on the issue of termination; and

(c) Be supported by a medical record or report attached to the notice.

(3) A copy of the termination notice provided to the claimant shall be filed with the Commission.

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[13-381-P]

The Workers' Compensation Commission proposes to amend and recodify existing Regulations .18, .19, and .21C and D under COMAR 14.09.01 Procedural Regulations to be Regulations .01, .02, and .03 under COMAR 14.09.10 Settlements and Lump Sum Payments. This action was considered at an open meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and recodify as 14.09.10 the provisions of COMAR 14.09.01 concerning lump sum payments and settlements as part of the Commission's overall restructuring of the regulations. The amended regulations clarify that a copy of the settlement worksheet must be submitted with the settlement, clarify certain requirements concerning contingency language contained in settlement agreements, and specify that foreign documents shall comply with the authentication requirements specified in regulation.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.10 [Individual Employer Self-Insurer] Settlements and Lump Sum Payments

Authority: Labor and Employment Article, §§9-309, 9-701, and 9-722, Annotated Code of Maryland

[.18].01 Lump Sum Payment.

A. A claimant seeking a lump sum payment shall file an application with the Commission[.] *that*: [The application shall]

(1) [state] *States* specifically the facts and circumstances that the claimant contends justify the lump sum payment; and

(2) [shall be] *Is* accompanied by any documents upon which the claimant [is relying] *relies* [to] *in* support of the application.

B. (text unchanged)

C. A hearing on the application shall be scheduled [only] if:

(1) [an objection and a request for hearings are filed] *The employer, insurer or other payor does not consent to the lump sum, or*

(2) [on the] *The* [Commission's own initiative] Commission, upon review of the application, determines a hearing is warranted.

[.19].02 Agreements for Final Compromise and Settlement.

A. General Requirements. An agreement for final compromise and settlement of a claim that is submitted to the Commission for approval as required by Labor and Employment Article, §9-722, Annotated Code of Maryland, shall contain the following:

(1)—(9) (text unchanged)

(10) [A statement that the insurer shall reimburse Medicare for any provisional or conditional payments made by Medicare, up to the date of the settlement, that are determined to be the responsibility of the employer/insurer in a non-compromise case;

(11)] The gross total of all future payments to be paid pursuant to an annuity (not present value);

[(12)](11) If the insurer makes an assignment of any of its obligations to a third party, the settlement agreement shall contain affirmative language confirming that the employer/insurer shall resume its obligation for all remaining payments in the event of default by the third party; [and]

[(13)](12) The date of disablement by accidental injury or occupational disease[.]; and

(13) *A completed copy of the Settlement Worksheet form, available on the Commission website, attached to the settlement.*

B. Future Medical Expenses.

(1)—(5) (text unchanged)

(6) *A settlement involving future medical expenses may not be approved if the proposed settlement contains contingency provisions from which the Commission cannot determine the amount of medical expenses, if any, subject to assessment under Labor and Employment Article, § 9-806(a)(2) and § 9-1007(a)(2), Annotated Code of Maryland.*

C. Special Requirements.

(1) (text unchanged)

(2) Dependency Claims.

(a)—(b) (text unchanged)

(c) *When a document or public record required by this chapter was created or issued in a foreign State, the party submitting the document shall comply with the authentication requirements for foreign documents set forth in COMAR 14.09.02.05.*

D.—E. (text unchanged)

F. Hearing.

(1) The Commission may not approve an agreement for final compromise and settlement without a hearing unless the agreement is accompanied by the affidavit of the claimant, on the form prescribed by the Commission, waiving the hearing.

(2) The Commission may, at its discretion, require a hearing even when the affidavit is filed.

[.21] .03 Assessments on Third Party and Structured Settlements.

[C.] A. Third-Party Settlements. In [case of] a final compromise and settlement involving third-party liability under Labor and Employment Article, Title 9, Subtitle 9, Annotated Code of Maryland, the assessments for SIF and UEF shall be computed on the amount of compensation paid or to be paid by the employer or insurer for which the employer or insurer may not be reimbursed from the third-party settlement.

[D.] B. Structured Settlements.

(1) In case of a structured settlement of a claim, the assessments for SIF and UEF shall be computed on the premium payable by the employer or insurer for any annuity policy purchased on behalf of the employee.

(2) If the parties fail to disclose to the Commission the amount of premium payable by the employer or insurer, then the assessments shall be computed on the total amount of money guaranteed to be paid under the settlement agreement.

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[13-378-P]

The Workers' Compensation Commission proposes to:

(1) Amend and recodify existing Regulations .23, .24, and .25 under COMAR 14.09.01 **Procedural Regulations** to be Regulations .01, .02, and .03 under COMAR 14.09.04 **Legal Representation and Fees**; and

(2) Adopt new Regulation .04 under COMAR 14.09.04 **Legal Representation and Fees**.

This action was considered at an open meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and recodify as COMAR 14.09.04 certain provisions of COMAR 14.09.01 so as to create a chapter of thematically organized regulations concerning legal representation and attorney fees. The Commission also proposes new regulations clarifying the award of attorney fees for multiple counsel.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments

will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.04 [Guide for Evaluation of Permanent Impairment] *Legal Representation and Fees*

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

[.23] .01 Legal Representation.

[A. Who May Practice. Only an attorney admitted by the Court of Appeals to practice in this State or an out-of-State attorney specially admitted under Business Occupations and Professions Article, §10-215, Annotated Code of Maryland, may practice before the Commission.]

A. Representation.

(1) A party may be represented before the Commission by:

(a) An attorney admitted by the Court of Appeals to practice in this State;

(b) An out-of-State attorney specially admitted by order of the circuit court pursuant to the Business Occupations and Professions Article, §10-215, Annotated Code of Maryland; or

(c) A party, who is an individual, may appear on the individual's own behalf pursuant to Business Occupations and Professions Article, §10-102, Annotated Code of Maryland.

(2) All parties, other than an individual electing to represent him or herself, may be represented only by an attorney.

B. Attorney Registration with Commission.

(1) An attorney wishing to practice before the Commission shall:

(a) Complete and file an Attorney Registration form; and

(b) Submit the attorney registration fee.

(2) Following verification and completion of the registration, the Commission shall issue the attorney a multiple digit attorney code.

[B.] C. Entry of Appearance.

(1) (text unchanged)

(2) Within 10 days of the filing of issues by any party, an insurer[, as defined in COMAR 14.09.06.01B(2),] shall have an attorney complete and file an Entry of Appearance form with the Commission to establish an attorney of record.

(3) [Thereafter,] After an Entry of Appearance has been filed by an attorney on behalf of the insurer, all papers filed on behalf of the insurer shall be filed by the attorney of record until the claim becomes undisputed.

[C.] D. (text unchanged)

[D.] E. Termination of Representation. An attorney whose appearance has been entered on behalf of a party to a claim remains the attorney of record for the party to that claim until:

(1) The attorney:

(a) Files a [Withdrawal of Appearance] *Request to Strike Appearance* form;

(b) Certifies that a copy of the *Request to Strike Appearance* [withdrawal] was mailed to all parties; and

(c) (text unchanged)

(2) (text unchanged)

[.24] .02 Attorney's Fee and Medical Evaluation Fee — Application or Petition for Approval.

A. [Application] Request for Fee Not in Excess of Schedule.

(1) When approval is sought for an attorney's fee not exceeding the maximum amount set forth in Regulation .25 of this chapter, the application for approval shall be made on a Claimant's Consent to Pay Attorney Fee and Doctor Fee form signed by the claimant.

(2) The application shall include the amount of any medical evaluation fee requested to be approved.

(3) The consent is not binding on the Commission.

(4) An award by the Commission approving an attorney's fee under this regulation shall be notice to the party responsible for payment to reserve in escrow the amount of fee approved. That party shall remit the approved fee to the attorney immediately after the expiration of the 30-day appeal period if an appeal is not filed. If an appeal is timely filed, the party responsible for payment shall continue to reserve in escrow the amount of the fee approved by the Commission pending final determination of the appeal. If the parties agree that an appeal will not be filed, the fee may be remitted to the attorney before expiration of the 30-day period.]

(1) An attorney seeking approval of an attorney's fee that does not exceed the maximum amount set forth in Regulation .03 of this chapter, may request approval of the fee by filing the Claimant's Consent to Pay Attorney and Doctor Fee form.

(2) A completed Claimant's Consent to Pay Attorney and Doctor Fee form shall:

(a) Be signed by the claimant;

(b) Include the amount of any medical evaluation fee requested to be approved;

(c) Include any amount of costs advanced by claimant's attorney for which the attorney is seeking payment; and

(d) Include any appeal fee requested under Regulation .03B(9) of this chapter.

(3) An attorney shall substantiate a request for medical evaluation fee, costs or a fee under Regulation .03B(9) of this chapter by:

(a) Submitting medical bills, receipts, or other evidence of costs;

(b) Submitting evidence establishing that:

(i) The prior compensation award was appealed to the circuit court and tried on appeal;

(ii) The prior compensation award was appealed to an appellate court, briefed and decided on the merits;

(iii) The prior compensation award was appealed to the circuit court but not resolved by trial;

(iv) The prior compensation award was appealed to an appellate court but not briefed and decided on the merits; or

(v) The prior order of the Commission on the issue of compensability of the claim was appealed to the circuit court and the claim was determined to be compensable by the circuit court or jury.

(4) The claimant's consent to the fee is not binding on the Commission.

(5) An award by the Commission approving an attorney's fee under this regulation shall be notice to the party responsible for payment to reserve in escrow the amount of fee approved.

(6) If an appeal is not filed within 30 days, the party responsible for payment shall remit the approved fee to the attorney immediately after the expiration of the 30-day appeal period.

(7) If an appeal is filed timely, the party responsible for payment shall continue to reserve in escrow the amount of the fee approved by the Commission pending final determination of the appeal.

(8) If the parties agree that an appeal will not be filed, the fee may be remitted to the attorney before expiration of the 30-day appeal period.

B. Petition for Fee in Excess of Schedule.

(1) [When approval is sought for an attorney's fee exceeding the maximum amount set forth in Regulation .25, the claimant's attorney shall file with the Commission a petition for approval of an attorney's fee. In addition to serving other parties as required under Regulation .04, the attorney shall serve a copy of the petition on the claimant.] *An attorney seeking an attorney's fee exceeding the maximum amount set forth in Regulation .03 of this chapter, shall draft and file with the Commission a written petition.*

(2) The petition shall contain the following:

(a)—(b) (text unchanged)

(c) A detailed statement of the reasons for a fee in excess of the maximum amount set forth in Regulation [.25] .03 of this chapter;

(d) A detailed statement establishing the exceptional circumstances that warrant an excess fee;

[(d)](e) The claimant's signed acknowledgement of the fact that the attorney is requesting approval of an attorney's fee in excess of the schedule, in the amount specified and for the services described; [and]

[(e)](f) The amount of any medical evaluation fee requested to be approved; and

(g) A certificate of service indicating that a copy of the petition has been served on the claimant, as well as the other parties to the case.

[(3) The petition shall be accompanied by an original and the number of copies of a proposed order as may be specified from time to time by the Commission.]

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

[C. Unreasonable Proceeding—Attorney Fee Award. Compliance with §A or B is not required for the Commission to award to an opposing party a reasonable attorney's fee under Labor and Employment Article, §9-734, Annotated Code of Maryland, for any proceeding that the Commission determines not to have been brought on a reasonable ground. A fee allowed under this section is immediately payable unless the award of the fee is appealed.]

C. Unreasonable Proceeding—Attorney Fee Award.

(1) Pursuant to Labor and Employment Article §9-734, Annotated Code of Maryland, the Commission may award to an opposing party a reasonable attorney's fee in any proceeding that the Commission determines not to have been brought on a reasonable ground.

(2) The Commission may make the attorney's fee award on its own initiative or at the request of any party.

(3) Unless the award of the fee is appealed, the fee allowed under this section is payable immediately.

[D. Judicial Review of Award of Attorney's Fees. A party seeking judicial review of a decision granting or denying attorney's fees shall:

(1) File a petition for judicial review in accordance with Maryland Rules 7-201—7-210; and

(2) Serve a copy of the petition for judicial review on the Assistant Attorney General assigned to represent the Commission at the Commission's principal office in Baltimore City.]

[.25] .03 Schedule of Attorney's Fees.

A. The Commission shall approve attorney's fees in accordance with the schedule of fees established by the Commission and set forth in §B of this regulation.

B. Schedule of Fees.

(1)—(6) (text unchanged)

(7) Settlement Agreements.

(a) [Notwithstanding a case of a structured settlement of a claim, in a case in which an agreement of final compromise and settlement is approved, the Commission may approve an attorney's fee in accordance with this regulation.] *In a case in which an agreement of final compromise and settlement is approved, the Commission may approve an attorney's fee in accordance with this regulation.*

(b)—(g) (text unchanged)

(8) (text unchanged)

(9) Additional Fees for Appeals of Compensation Awards.

(a) When a compensation award of the Commission is appealed to a circuit court and the case is tried on appeal, the Commission may approve an additional attorney's fee in an amount up to 5 percent of the *first* final indemnity award [of compensation] *issued following the circuit court action*, but not exceeding six times the State average weekly wage.

(b) When a decision of a circuit court on an appeal from a compensation award of the Commission is appealed to a higher appellate court and the appeal is briefed and decided on its merits, the Commission may approve an additional attorney's fee for each appeal in an amount up to 5 percent of the *first* final indemnity award *issued following the appellate action*, but not exceeding six times the State average weekly wage.

(c) When an appeal from a compensation award of the Commission to a circuit court is not tried, or an appeal to a higher appellate court is not briefed and decided on its merits, the Commission may approve an additional attorney's fee in an amount up to 2.5 percent of the *first* final indemnity award *issued following the appellate action or circuit court action*, but not exceeding three times the State average weekly wage.

(d) When a decision of the Commission on the issue of compensability of a claim is appealed to a circuit court, if the claim is determined on appeal to be compensable, the Commission, upon remand, may approve an additional attorney's fee in an amount up to 5 percent of the *first* final indemnity award issued following the remand, but not exceeding six times the State average weekly wage.

(e) *An attorney may be awarded an appeal fee under only one subparagraph of this subsection for a circuit court action or appellate court action.*

(f) *Once an appeal fee has been awarded for a circuit court action or appellate action, the Commission may not award an additional appeal fee based on the same circuit court action or appellate action.*

C. (text unchanged)

.04 Attorneys' Fees for Multiple Counsel.

A. *An attorney who no longer represents a claimant and wishes to pursue a fee lien shall draft and file a petition for attorneys' fees.*

B. *The petition for attorneys' fees shall include:*

(1) *A statement of the work performed and the basis of the fee; and*

(2) *A certificate of service.*

C. *The filing of the petition for attorneys' fee constitutes a fee lien that shall be noted and held until the permanency award or settlement.*

D. *Unless the parties have otherwise agreed, upon the issuance of a permanency award or settlement, any attorney's fee awarded shall be held in escrow until the distribution of the fee to be resolved by:*

(1) *A hearing; or*

(2) *Agreement of the attorneys on the division of the attorney's fee.*

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[13-359-P]

The Workers' Compensation Commission proposes to:

(1) Recodify existing Regulations .01—.11 under **COMAR 14.09.02 Governmental Group Self-Insurance** to be Regulations .01—.11 under a new chapter, **COMAR 14.09.14 Governmental Group Self-Insurance**;

(2) Recodify existing Regulations .01—.06 under **COMAR 14.09.08 Open Meetings** to be Regulations .01—.06 under a new chapter, **COMAR 14.09.15 Open Meetings**;

(3) Recodify existing Regulations .01—.08 under **COMAR 14.09.03 Guide of Medical and Surgical Fees** to be Regulations .01—.08 under **COMAR 14.09.08 Guide of Medical and Surgical Fees**;

(4) Recodify existing Regulations .01—.16 under **COMAR 14.09.09 Public Information Act Requests** to be Regulations .01—.16 under a new chapter, **COMAR 14.09.16 Public Information Act Requests**; and

(5) Recodify existing Regulations .01—.12 under **COMAR 14.09.10 Individual Employer Self-Insurer** to be Regulations .01—.12 under a new chapter, **COMAR 14.09.13 Individual Employer Self-Insurer**.

This action was considered at a public meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1208 (July 26, 2013) pursuant to State Government Article § 10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to recodify, without amendment, COMAR 14.09.02 to be COMAR 14.09.14 (Governmental Group Self-Insurance); COMAR 14.09.08 to be COMAR 14.09.15 (Open Meetings); COMAR 14.09.03 to be 14.09.08 (Guide of Medical and Surgical Fees); COMAR 14.09.09 to be COMAR 14.09.16 (Public Information Act Requests); and COMAR 14.09.10 to be COMAR 14.09.13 (Individual Employer Self-Insurer) as part of the Commission's overall restructuring of the regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has 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 Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, 7th Fl., Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through November 18, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, 7th Fl., Baltimore, MD 21202.

R. KARL AUMANN
Chairman
Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.03 [Guide of Medical and Surgical Fees] Hearing Procedures

Authority: Health General Article, §§4-303 and 4-305; Labor and Employment Article, §§9-309, 9-310, 9-311, 9-602, 9-625, 9-635, 9-701, 9-717, 9-720, 9-721, 9-726, 9-731 and 9-739; Annotated Code of Maryland

Notice of Proposed Action

[13-369-P]

The Workers' Compensation Commission proposes to adopt new Regulations .01—.15 under COMAR 14.09.03 Hearing Procedures. This action was considered at a public meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt new regulations governing the procedures for adjudicating workers' compensation claims before the Commission. These regulations are derived from the former regulations (COMAR 14.09.01) with substantial modification and amplification. The proposed regulations prescribe the filing and withdrawing of issues before the Commission, the actions resulting in the scheduling of a hearing before the Commission, the procedures for requesting an interpreter or an accommodation, the procedures governing the use, service and enforcement of Commission subpoenas, the procedures for determining the average weekly wage, the obligation to disclose medical records and provide a medical authorization for the release of medical records, the procedures for compelling the production of a medical authorization, the procedures governing a medical examination when directed by the Commission and when requested by a party, the procedures governing the conduct of hearings, witnesses and the exchange of evidence, the failure to appear for a hearing, the procedures governing requests for emergency hearings and continuances, the procedures governing motions for modification and rehearing, and the use of various prescribed Commission forms.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

.01 Definitions.

A. In this chapter, the following term has the meaning indicated.

B. "Person in interest" means:

- (1) An adult on whom a health care provider maintains a medical record;
- (2) A person authorized to consent to health care for an adult pursuant to a grant of authority; and
- (3) A duly appointed personal representative of a deceased person.

.02 Filing and Withdrawing Issues.

A. At the beginning of the claim, the employer or insurer may raise issues by filing the Response to Employee's Claim form (C40).

B. After the claim has commenced, any party may raise an issue by filing an Issues form, available on the Commission website.

C. The following kinds of issues may be raised by filing an Issues form:

- (1) Whether the employee sustained an injury causally related to an accident that arose out of and in the course of employment;
- (2) Whether the disability of the employee is causally related to the accidental injury;
- (3) Whether the employee sustained a compensable hernia;
- (4) Whether the employee sustained an occupational disease;
- (5) Average weekly wage;
- (6) Limitations;
- (7) Jurisdiction;
- (8) Statutory employment;
- (9) Medical expenses;
- (11) Attorneys' fees/costs;
- (12) Penalties;
- (13) Whether the employee is entitled to temporary partial and temporary total disability benefits;
- (14) The nature and extent of a permanent disability to specified body parts;
- (15) Authorization for medical treatment; and
- (16) Other issues when articulated with specificity.

D. On the Issues form, the party shall state with clarity issues to be determined and shall, if relevant:

- (1) Include the inclusive dates of any temporary total disability;
- (2) For permanent disability, identify each part of the body affected, and any alleged psychiatric disability;
- (3) Specifically plead permanent total disability;
- (4) Include the specific medical treatment sought; and
- (5) For any medical expenses, attach a list identifying each amount owed and to whom the amount is owed.

E. The party who has raised issues may withdraw those issues by:

- (1) Filing a Request for Action on Filed Issues form; or
- (2) Verbally requesting that the issues be withdrawn at the scheduled hearing.

F. A party that has filed issues and is not ready to proceed at the hearing shall withdraw the issues.

G. A party that withdraws issues may not refile the same issues for a period of 90 days.

H. A party may request an exemption from the prohibition against refile issues within the 90-day period by filing a Request for Hearing on Previously Withdrawn Issues form. Any supporting documentation shall be attached to the form.

I. If the Commission grants the request for exemption, the Commission shall:

- (1) Issue a memorandum granting the request; and
- (2) Schedule a hearing on the previously withdrawn issues.

J. Prior to filing issues, the filing party shall possess relevant documentation to the issues to be filed, including medical documentation.

K. A party who fails to comply with this regulation, or causes unreasonable delay without good cause, may be subject to an

assessment of costs and reasonable attorney fees under Labor and Employment Article, §9-734, Annotated Code of Maryland.

.03 Hearing Notices.

A. The Commission shall schedule a hearing on the issues identified on the Issues form, or on the Response to Employee's Claim form (C40), unless a hearing is already scheduled or set to be scheduled, and shall send written notice to all parties of the scheduled hearing date.

B. A hearing notice issued by the Commission shall contain:

- (1) The date the notice was issued;
- (2) The date, time and place of the hearing; and
- (3) A statement providing information concerning the procedures for making a request for an accommodation or an interpreter.

.04 Interpreters and Other Accommodations.

A. Interpreter and Other Accommodations.

(1) If a party or witness cannot adequately hear, speak, or understand the spoken or written English language the Commission shall provide an interpreter or other reasonable accommodation service necessary for the party or witness to participate fully in the Commission proceedings.

(2) If a party, witness or individual having business with the Commission requires another form of accommodation to participate in Commission proceedings, the Commission shall take reasonable steps to provide a reasonable accommodation for the individual.

B. Request Required.

(1) Within 10 days of the date the Notice of Hearing is issued, an individual requiring an interpreter or other accommodation shall make a request to the Commission Interpreter Program Office that specifies:

- (a) The identity of the individual requiring the service;
- (b) Date and location of hearing;
- (c) The language or other accommodation service being requested;
- (d) Contact information for the service/accommodation requestor or their representative; and
- (e) Any other information that may assist the Commission in providing the requested interpreter service or accommodation.

(2) A request for interpreter or other accommodation may be made by:

- (a) Telephoning the Commission's LEP telephone line available on the Commission website;
- (b) Sending an email to the email address for the Commission Interpreter Program Office available on the Commission website; or
- (c) Telephoning the Commission's main telephone line through the TTY service through Maryland Relay available on the Commission's website.

(3) Upon receipt of a timely request for services, the Commission Interpreter Program Office shall:

- (a) Issue a reservation number to the requesting individual; and
- (b) (i) Schedule an interpreter, or accommodation service; or
- (ii) Engage in a dialogue about the requested accommodation.

C. Except as provided in §D of this regulation, the Commission shall pay the fee for interpreter or other reasonable accommodation service requested pursuant to this regulation.

D. Notification of Cancellation and Fees.

(1) An individual who has received a reservation number under §B(2) of this regulation may cancel the requested service by notifying the Commission Interpreter Program Office, in the manner

prescribed by the Commission, that the requested service is no longer required.

E. An individual may be assessed the service minimum fee if:

- (1) A matter is resolved more than 2 days prior to the hearing; and
- (2) The service is not cancelled.

F. A party may not provide his or her own interpreter.

.05 Subpoenas.

A. Use of Subpoenas. A subpoena is required to compel the person to whom it is directed to attend, give testimony, and produce designated documents or tangible things at a Commission proceeding or at a deposition held pursuant to Labor and Employment Article, § 9-719(b), Annotated Code of Maryland.

B. Procedure for Obtaining Subpoena.

(1) On the request of an attorney entitled to the issuance of a subpoena the Commission shall issue a subpoena signed and sealed but otherwise blank that shall be filled in before service.

(2) On the request of a non-attorney individual entitled to the issuance of a subpoena the Commission shall provide a blank form of the subpoena which shall be filled in and returned to the Commission clerk to be signed and sealed before service.

(3) To the extent practicable, subpoenas shall be served at least 10 days before the hearing.

C. Form of Subpoena.

(1) Every subpoena shall contain:

- (a) The caption of the claim and claim number;
- (b) The name and address of the person to whom it is directed;
- (c) The name of the person at whose request it is issued;
- (d) The date, time, and place where attendance is required; and
- (e) A description of any documents or tangible things to be produced.

D. Medical Records Subpoenas.

(1) Every subpoena seeking the production of medical records shall comply with Health General Article, § 4-306, Annotated Code of Maryland.

(2) A party seeking medical records by subpoena shall:

- (a) Complete the Notice of Intent to Subpoena Medical Records and Certificate of Service form; and
- (b) Send by certified mail a copy of the Notice of Intent to Subpoena Medical Records to the person in interest and his or her counsel.

(3) Within 30 days of the date that the Notice of Intent to Subpoena Medical Records was mailed, a person in interest may oppose the disclosure of his or her medical records by:

- (a) Filing the Objection to Subpoena of Medical Records form with the Commission; and
- (b) Sending a copy of the Objection form to all parties by first class mail.

(4) Upon receipt of an Objection to Subpoena of Medical Records, the Commission shall schedule a hearing to determine:

- (a) Whether the subpoena should be quashed;
- (b) Whether the subpoena should be limited in scope or otherwise modified; and
- (c) Other appropriate relief.

E. Service of Subpoenas.

(1) Subpoenas may be served by:

- (a) Personal delivery by an individual 18 years old or older who is not a party to the proceeding or related by blood or marriage to a party to the proceeding; or
- (b) Certified mail to the person at the address specified in the subpoena request.

(2) The subpoena may not be enforced pursuant to Labor and Employment Article, §9-717, Annotated Code of Maryland, absent proof of service by certified mail or personal delivery.

(3) Costs of certified mailing or personal delivery of the subpoena are the responsibility of the person requesting the service.

(4) Proof of service by certified mail or personal delivery is the responsibility of the person requesting the subpoena.

F. Return of service shall be made as follows:

(1) When service is by certified mail, by the filing of the original return receipt; or

(2) When service is by personal delivery, by the filing of an affidavit, signed by the individual who made service, containing:

(a) The name of the individual served;

(b) The date on which the individual was served;

(c) The particular place of service; and

(d) A statement that the server is 18 years old or older and not a party to the proceeding or related by blood or marriage to a party to the proceeding.

G. Enforcement of Subpoenas.

(1) If an individual fails to comply with a properly served subpoena, pursuant to Labor and Employment Article, §9-717, Annotated Code of Maryland, the party wishing to enforce the subpoena shall file with the Commission a written request for the enforcement of the subpoena.

(2) The request shall:

(a) State, with specificity:

(i) When and how the subpoena was served; and

(ii) Why the testimony or documents sought are necessary for the resolution of the issue; and

(b) Be accompanied by copies of the subpoena, and any certificate of service, return receipt, or affidavit.

(3) Upon determining that the subpoena was issued and served in compliance with the law, the Commission may and, on request of a party to the proceeding, shall apply to the appropriate circuit court for an order to show cause why the individual should not be imprisoned for failing to comply with a subpoena.

.06 Average Weekly Wage.

A. Preliminary Determination. For the purpose of making an initial award of compensation before a hearing in the matter, the Commission shall determine the claimant's average weekly wage from gross wages, including overtime, reported by the claimant on the employee's claim form.

B. Filing of Wage Statement. As soon as practicable, the employer/insurer shall file a wage statement containing the following information:

(1) The average wage earned by the claimant during the 14 weeks before the accident, excluding the time between the end of the last pay period and the date of injury, provided that periods of involuntary layoff or involuntary authorized absences are not included in the 14 weeks;

(2) Those weeks the claimant actually worked during the 14 weeks before the accident;

(3) Vacation wages paid; and

(4) Those items set forth in Labor and Employment Article, §9-602(a)(2), Annotated Code of Maryland.

C. Determination at First Hearing.

(1) Calculation of the average weekly wage shall be adjudicated and determined at the first hearing before the Commission.

(2) All parties shall be prepared to produce evidence from which the Commission can determine an accurate average weekly wage at the first hearing.

(3) If the Commission determines that an inaccurate average weekly wage resulted in the overpayment or underpayment of benefits, the Commission may order:

(a) A credit against future permanent disability benefits;

(b) The payment of additional compensation; or

(c) Any other relief the Commission determines is appropriate under the circumstances.

D. Uninsured Employers' Fund. The Uninsured Employers' Fund may contest the average weekly wage determined by the Commission under §A or C of this regulation, along with other issues as authorized by Labor and Employment Article, §9-1002, Annotated Code of Maryland, by filing issues on the form prescribed by the Commission.

.07 Disclosure of Medical Information.

A Parties' Continuing Duty to Disclose Medical Information.

(1) When a claim or an issue is filed with the Commission, each party promptly shall provide to all other parties copies of all relevant medical information in the possession of the party or that is subsequently received by the party, but not previously provided.

(2) For the purpose of this regulation, medical information in the possession of, or received by, the party's agent or attorney is considered to be in possession of the party.

(3) The duty to disclose applies to all medical information including reports, evaluations, tests, and bills, and continues during the pendency of the claim.

B. Duty to Provide Medical Authorization.

(1) Unless the Commission orders otherwise for good cause shown, a party shall provide to any other party, on written request, a medical authorization or release.

(2) The parties shall, in good faith, attempt to resolve any issues concerning the scope of the requested medical authorization or release.

(3) Failure to comply with this regulation may result in sanctions including attorneys' fees and costs, delay, and the exclusion of any evidence not properly disclosed.

C. Motion to Compel Medical Authorization.

(1) Upon the failure of a party to provide an executed medical authorization, the party seeking the medical authorization may file a Motion to Compel Medical Authorization form.

(2) A Motion to Compel Medical Authorization shall:

(a) Be filed electronically;

(b) Be served by hand delivery or facsimile on all parties of record; and

(c) Contain the claimant's name, date of accident/disablement, the health care provider's name, and the body parts or medical conditions to which the authorization/release applies.

(3) A party may oppose the motion by filing a Response to Motion to Compel Medical Authorization form.

(4) A Response to Motion to Compel Medical Authorization shall:

(a) Be filed within 7 days after receipt of the motion;

(b) Be filed electronically;

(c) Be served by hand delivery or facsimile on all parties of record; and

(d) State with particularity the reasons for failing to provide the requested medical authorization;

(5) The motion shall be decided on the papers filed.

.08 Medical Examinations.

A. Medical Examinations Ordered by the Commission.

(1) The Commission may order that the claimant be examined, at the Commission's expense, by the Commission's medical examiner or by some other physician, psychologist, or psychiatrist selected by the Commission.

(2) The claimant shall report to the office of the examining physician at the time scheduled by the physician for the examination.

(3) If the claimant is physically unable to report to the physician's office, the examination may be conducted wherever the claimant is located or is physically able to report.

(4) When the examining physician's report is filed, the Commission shall serve on all parties:

(a) A copy of the report; and

(b) A notice that any written objection to the report shall be filed within 15 days after the date of the notice.

(5) A written objection may be made by written letter filed with the Commission and shall state clearly the reasons for objecting to the examining physician's report.

(6) If no written objection is timely filed, the Commission may consider the report, along with any other admissible evidence presented, in deciding the claim.

(7) If an objection is timely filed, the Commission shall schedule a hearing on the matter.

B. Medical Examination Requested by a Party.

(1) A party may schedule a medical examination of the claimant with a physician, psychologist, or psychiatrist chosen by the party, by providing to the claimant and claimant's counsel reasonable notice of the examination in writing.

(2) The party scheduling a medical examination of the claimant shall be responsible for all reasonable expenses associated with the examination.

(3) The parties shall, in good faith, attempt to resolve any differences in scheduling and scope of examination.

(4) A claimant shall appear for a scheduled medical examination.

(5) If a claimant fails to appear, refuses to submit, or fails to cooperate with the medical examination, the party requesting the examination may file an Issues form for a hearing to compel a medical examination and for reimbursement of reasonable expenses and costs.

(6) If a claimant fails to appear at, refuses to submit to, or fails to cooperate with the medical examination, without good cause, the Commission may order the claimant to attend a medical examination and order reimbursement of reasonable expenses and costs at a rate not to exceed \$125 per missed examination.

C. Appearance by Examining Physician. A party requesting the appearance of an examining physician, psychologist, or psychiatrist at a hearing shall pay the appearance fee imposed by the provider.

.09 Hearing Exhibits and Witnesses.

A. Mandatory Exchange of Hearing Exhibits.

(1) At least 3 business days prior to the scheduled hearing date, each party shall send to the other parties, including the Subsequent Injury Fund and the Uninsured Employers' Fund, copies of all medical exhibits that the party intends to introduce at the time of hearing that were not previously produced to the other party in accordance with Regulation 14.09.03.07A.

(2) Failure to comply with this provision may result in sanctions.

B. Confidential Information.

(1) If sensitive material must be brought to the attention of a Commissioner for the proper adjudication of a matter in dispute, the party seeking the admission of the sensitive or restricted material may request to brief the Commissioner in-chambers regarding the subject matter only after providing notice to opposing counsel.

(2) A request to admit sensitive or restricted material shall be granted or denied at the Commissioner's discretion.

C. General Rules Concerning Hearings.

(1) On any genuine issue, each party is entitled to call witnesses, offer evidence, and cross-examine any witness who testifies.

(2) A hearing shall be called to order by the Commissioner. The Commissioner may allow the parties to present preliminary matters.

(3) Witnesses shall be sworn or put under affirmation to tell the truth.

(4) A Commissioner may admit evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs, and give probative effect to that evidence.

D. Hearing Exhibits.

(1) Each party shall prepare an exhibit that:

(a) Includes all documents that have not been filed previously with the Commission that are relevant and necessary to decide the issue or issues to be heard;

(b) Is paginated; and

(c) Includes a table of contents that indicates the first page of each document contained in the exhibit, and the name of the health care provider, the date of the report, and date of treatments.

E. Sequestration of Witnesses.

(1) Upon request by a party, the Commissioner may exclude witnesses other than parties from the hearing room, except when testifying.

(2) A party, representative, witness, or spectator may not disclose to a witness excluded under this section the nature, substance, or purpose of testimony, exhibits, or other evidence introduced during that witness's absence.

(3) A party that is not an individual may designate an employee or officer as its representative to remain in the hearing room, even though the employee or officer may be a witness.

(4) An expert witness who is to render an opinion based on testimony given at the hearing may remain during the testimony.

(5) The Commissioner may exclude the testimony of a witness who receives information in violation of this section, or take other appropriate action.

F. Stipulations.

(1) The parties may, in accordance with law, agree to any substantive or procedural matter.

(2) A stipulation may be filed in writing or entered on the record at the hearing.

(3) The Commissioner may require additional development of stipulated matters.

(4) The parties filing a stipulation shall attach to the stipulation, or submit to the Commissioner at the hearing, documentation supporting the stipulation.

G. Expert Testimony.

(1) If a party wishes to have an expert witness appear and testify, other than a vocational rehabilitation counselor, the party must seek prior approval from the Chairman.

(2) The party shall submit a letter stating why oral testimony is necessary in lieu of documentary evidence.

(3) The party producing the expert witness shall be responsible for any fees charged by the expert for appearing and testifying.

(4) If a vocational rehabilitation counselor is called as an expert witness, the employer/insurer shall be responsible for any fees charged by the expert for appearing and testifying.

.10 Consequence of Nonappearance by Claimant.

A. When a claimant, without good cause, fails to appear at a hearing on issues contesting the compensability of a claim, the Commission may dismiss the claim.

B. When a claimant, without good cause, fails to appear at a hearing on issues in a compensable claim, the Commission may proceed *ex parte* and may decide the issues based on information on file with the Commission, together with any evidence presented at the hearing.

.11 Request for Emergency Hearing.

A. A party may request an emergency hearing by filing a Request for Emergency Hearing form.

B. A party may request an emergency hearing on the following bases:

- (1) Continuing temporary total disability and exigent circumstances causing undue financial hardship;
- (2) Proposed urgent medical treatment; or
- (3) Other truly exigent circumstances causing undue hardship.

C. A request for an emergency hearing shall be accompanied by supporting medical documentation and other documentation that establishes the nature of the emergency condition or circumstance.

D. A Request for Emergency Hearing on temporary total disability shall contain a detailed statement showing that any delay will cause the claimant undue financial hardship.

E. Unless exceptional circumstances are demonstrated, the Commission shall deny a Request for Continuance made by the party upon whose request the emergency hearing was scheduled.

F. A Request for Emergency Hearing will be decided based on the papers filed.

.12 Request for Continuance.

A. Prior to filing a Request for Continuance of a scheduled hearing, the party seeking the continuance shall contact the other parties to the case and seek their consent.

B. A party seeking a continuance shall file a Request for Continuance form setting forth the reasons for the continuance at least 30 days prior to the scheduled hearing.

C. Requests for Continuance filed more than 30 days prior to a scheduled hearing, to which the parties have consented, shall routinely be granted.

D. A Request for Continuance filed less than 30 days before the hearing may be granted subject to the discretion of the Commissioner.

E. A Request for Continuance will be decided based on the papers filed.

.13 Motion for Modification.

A. A party seeking modification of a prior finding or order shall file the form captioned Motion for Modification and simultaneously file an Issues form identifying the issue to be resolved.

B. A party seeking modification must file a Motion for Modification within 5 years of the later of the date of the accident, the date of disablement, or the date of the last compensation payment.

C. The motion shall state specifically the finding or order that the party wishes modified and the facts and law upon which the party is relying as grounds for the modification.

D. When a party seeks an increase in a prior award for permanent partial disability, the parties shall comply with Regulation .07 of this chapter and COMAR 14.09.09.

.14 Motion for Rehearing.

A. Within 15 days after the date of decision, a party seeking reconsideration of a decision shall file a Motion for Rehearing form, available on the Commission's website.

B. If the motion is based on an alleged error of law, the motion shall state specifically the error and the applicable case and statutory law.

C. If the motion is based on newly discovered evidence, the motion shall describe specifically the newly discovered evidence and the reasons why that evidence was not known and could not have been discovered by due diligence at the time of the prior hearing.

D. The motion shall be accompanied by copies of all documentary evidence upon which the motion is based.

E. An answer to a motion for rehearing may be filed with the Commission within 10 days after the motion is filed.

F. The Commission may decide the motion with or without a hearing.

.15 Miscellaneous Forms.

A. The Request for Action on Filed Issues Form shall be used:

- (1) By the filing party, to withdraw issues previously filed;
- (2) By the claimant, to request dismissal of the claim;
- (3) By the filing party, to request that the issues raised on the issue form be set for hearing with the pending issues in related claims; and
- (4) By any party, to request a change in venue.

B. The Request for Document Correction form may be used to correct an error when:

- (1) There is an undisputed typographical error; or
- (2) All parties agree that the factual error is undisputed.

C. The Request for Document Correction form may not be used to:

- (1) Obtain reconsideration or rehearing of an issue;
- (2) Correct a factual matter over which there is a dispute.

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[13-382-P]

The Workers' Compensation Commission proposes to:

(1) Recodify existing Regulation .01 under **COMAR 14.09.04 Guide for Evaluation of Permanent Impairment** to be Regulation .01 under **COMAR 14.09.09 Guide for Evaluation of Permanent Disability**;

(2) Amend and recodify existing Regulation .02 under **COMAR 14.09.04 Guide for Evaluation of Permanent Impairment** to be Regulation .03 under **COMAR 14.09.09 Guide for Evaluation of Permanent Disability**; and

(3) Adopt a new Regulations .02 and .04 under **COMAR 14.09.09 Guide for Evaluation of Permanent Disability**.

This action was considered at a public meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and recodify as COMAR 14.09.09 the provisions of COMAR 14.09.04 concerning permanent disability as part of the Commission's overall restructuring of the regulations. The proposed amended regulations allow a psychologist or psychiatrist to prepare an evaluation of permanent impairment, establish procedures for raising the issue of permanent disability before the Commission, and establishing procedures for filing written stipulations to an award of permanent disability.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014, at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

**14.09.09 [Public Information Act Requests]
Guide for Evaluation of Permanent Disability**

Authority: Labor and Employment Article, §§ 9-309, 9-701, 9-721 and 9-731 Annotated Code of Maryland

.02 Filing Issues.

A. A claimant alleging permanent disability shall file with the Commission an Issues Form that:

- (1) Explicitly claims permanent partial or permanent total disability;
- (2) Identifies the body parts at issue; and
- (3) Identifies any alleged psychiatric disability.

B. Prior to filing an Issues Form raising permanent disability, the party filing the issue shall have obtained a written evaluation of permanent impairment prepared by a physician, psychologist, or psychiatrist in accordance with Regulation .03 of this chapter.

[.02] .03 [General Guidelines] Evaluation of Permanent Impairment.

A. [As evidence of permanent impairment, a party may submit a written evaluation of permanent impairment prepared by a physician.] *Written Evaluation Required.*

- (1) As evidence of permanent impairment, a party shall submit:
 - (a) A written evaluation of permanent impairment prepared by a physician; or

- (b) In claims where the issue concerns psychiatric impairment, a written evaluation of permanent psychiatric impairment prepared by a licensed psychologist or psychiatrist.

B. When preparing an evaluation of permanent impairment, a physician, psychologist or psychiatrist shall:

- (1) (text unchanged)
- (2) Use the numerical ratings for the impairment set forth in the American Medical Association's "Guides to the Evaluation of Permanent Impairment", provided that a physician, psychologist or psychiatrist is not required to use the inclinometer evaluation technique specified in §3.3, but instead may use the goniometer technique specified in the "Addendum to Chapter 3";
- (3) (text unchanged)
- (4) Include information on the items required by Labor and Employment Article, §9-721, Annotated Code of Maryland[, which include]:
 - (a) Loss of function, endurance, and range of motion, and

- (b) Pain, weakness, and atrophy.

C. Numerical Ratings.

(1) A physician, psychologist or psychiatrist preparing an evaluation of permanent impairment may include numerical ratings not set forth in the American Medical Association's "Guides to the Evaluation of Permanent Impairment" for the items listed in §B(4) of this regulation.

(2) If the physician, psychologist or psychiatrist [does so] uses other numerical ratings the physician shall include in the evaluation the detailed findings that support those numerical ratings.

D. (text unchanged)

E. The Commission may not approve payment of a physician's, psychologist's or psychiatrist's fee for an evaluation that does not comply with this regulation.

F. (text unchanged)

.04 Stipulation for Permanent Disability.

A. A written stipulation to an award for permanent disability shall be filed using the Stipulation of Parties and Award of Compensation form and contain the following information:

- (1) The claimant's average weekly wage;
- (2) The inclusive dates of any temporary total disability;
- (3) The inclusive dates and rate of any temporary partial disability;
- (4) A copy of any medical evaluation relied upon;
- (5) The percentage of claimant's loss of use or industrial loss of use and the benefits weeks payable;
- (6) Any medical expenses claimed;
- (7) Any attorney's fees sought by claimant's attorney; and
- (8) The signatures of all parties if a written stipulation is submitted.

B. If the claimant is not represented by an attorney, the stipulation shall be accompanied by the following:

- (1) All medical information in the possession of other parties; and
- (2) A statement signed by the claimant acknowledging that the claimant understands that the stipulation does not foreclose the claimant's future right to benefits under the Workers' Compensation Law, including the right to reopen and the right to continuing medical treatment.

C. The stipulation is not binding on the Commission.

R. KARL AUMANN
Chairman

Workers' Compensation Commission

**Subtitle 09 WORKERS'
COMPENSATION COMMISSION**

Notice of Proposed Action

[13-358-P]

The Workers' Compensation Commission proposes to:

(1) Recodify existing Regulations .01—.12 under **COMAR 14.09.05 Uninsured Employers' Fund Claims** to be Regulations .01—.12 under **COMAR 14.09.07 Vocational Rehabilitation Practitioners**;

(2) Repeal existing Regulations .01 and .06 under **COMAR 14.09.07 Vocational Rehabilitation Practitioners**;

(3) Amend and recodify existing Regulations .02, .03, .04, .05, .07, .10, and .11 under **COMAR 14.09.07 Vocational Rehabilitation Practitioners** to be Regulations .01, .02, .03, .04, .06, .07, and .08 under **COMAR 14.09.05 Uninsured Employers' Fund Claims**; and

(4) Amend and recodify existing Regulations **.08** and **.09** under **COMAR 14.09.07 Vocational Rehabilitation Practitioners** to be Regulation **.06** under **COMAR 14.09.05 Uninsured Employers' Fund Claims**;

This action was considered at a public meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1208 (July 26, 2013), pursuant to State Government Article §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and recodify as COMAR 14.09.05 the provisions of COMAR 14.09.07 concerning the Uninsured Employers' Fund as part of the Commission's overall restructuring of the regulations. The proposed amendments clarify certain forms to be filed and certain procedures for seeking payment from the Uninsured Employers' Fund. This action also recodifies without amendment the provisions of COMAR 14.09.05 as COMAR 14.09.07 concerning Vocational Rehabilitation Providers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through November 18, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.05 [Vocational Rehabilitation Practitioners] Uninsured Employers' Fund Claims

Authority: Labor and Employment Article, §§9-309, 9-6A-04, 9-6A-07, and 9-1002, Annotated Code of Maryland

[.02] .01 Notification and Response of Uninsured Employer and Claimant.

A. If a workers' compensation claim is received by the Commission and the Commission's records indicate that the employer is uninsured, the Commission shall notify the employer of the claim by sending the employer:

- (1) A [copy of the initial claim] *Notice of the Claim form*;
- (2)—(3) (text unchanged)

B. *The Commission shall send a copy of the Notice of the Claim form to all parties of record.*

[B.] C. Within 21 days of the date the [notification] *Notice of the Claim form* was [mailed] *sent* by the Commission:

- (1) The uninsured employer shall [file]:
 - (a) *Begin paying temporary total benefits; or*
 - (b) *File a Response to Employee's Claim form (C-40), if the employer contests the claim; and*

[(1)] (2) [One] *File one* of the following:

(a) (text unchanged)

(b) The verification of the employer's workers' compensation insurance policy, if applicable[; and].

[(2) Issues, if the employer contests the claim; or]

D. Within 21 days of the date the Commission sends the Notice of the Claim form to the parties of record, the claimant shall complete and file the claimant's questionnaire in accordance with COMAR 14.09.02.

[.03] .02 Review of Claim Contested by Uninsured Employer.

A. The Commission shall set a hearing to review any claim contested by an uninsured employer pursuant to Regulation [.02B] .01C of this chapter.

B. (text unchanged)

[.04] .03 Review of Uncontested Claims.

If an uninsured employer does not contest the claim by filing [issues] *the Response to Employee's Claim form (C-30)* within 21 days after the Commission [mailed] *served* the [notice] *Notice of the Claim form* to the employer, [then] the Commission *may* [shall]:

A. (text unchanged)

B. Either:

(1) (text unchanged)

(2) Issue an [award requiring that the appropriate compensation be paid by the uninsured employer to the claimant.] *automatic award finding the claim compensable.*

[.05] .04 Notification and Payment of the Award.

The uninsured employer [must]*shall* pay an award issued under Regulation [.03 or .04].02 or .03 of this chapter within 30 days of the date the Commission [mails or otherwise delivers] *serves* notice of the award to the parties in accordance with Labor and Employment Article, §9-1002, Annotated Code of Maryland.

[.07] .05 Request for Payment by the Fund.

[A. If the uninsured employer does not comply with the Commission's order then the claimant may request payment from the Fund.

B. A request for payment by the Fund may be included in the noncompliance form filed under Regulation .06 of this chapter.]

A. If the uninsured employer fails to pay an award and does not file for review of the award, the claimant may:

- (1) *Send a request for payment, and a copy of claimant's questionnaire to the UEF; and*
- (2) *Contemporaneously file a copy of the request for payment and the claimant's questionnaire with the Commission.*

B. No action will be taken against an employer or the UEF if the request for payment and the claimant's questionnaire are not filed with the Commission.

[.08] .06 [Notification and] Response of [Fund] UEF and Impleader of Other Employer or Insurer.

[A. If the Commission receives proof of noncompliance, the claimant's questionnaire, and a request for payment by the Fund under Regulations .06 and .07 of this chapter, the Commission shall notify the Fund by sending a copy of the:

- (1) Commission's award;
- (2) Completed noncompliance form;
- (3) Completed claimant's questionnaire;
- (4) Request by claimant for payment by the Fund;
- (5) Completed uninsured employer's questionnaire, if it was completed and returned by the uninsured employer; and
- (6) Initial claim.]

[B.] A. Within 21 days after the date [of the notice referred to in §A of this regulation] *claimant filed a copy of the request for*

payment and claimant's questionnaire, the UEF [Fund] shall respond by:

- (1) (text unchanged)
- (2) [Disputing the award] *Filing issues.*

[.09 Impleader of Other Employer or Insurer.]

B. If the [Fund]UEF raises issues of statutory employment, or the existence of another employer or insurer, the [Fund]UEF shall implead the employer and the insurer, if known.

[.10] .07 Notification and Response of Impleaded Employer or Insurer.

A. If the [Fund]UEF impleads an employer or insurer the Commission shall [notify]serve the impleaded party [by sending] a copy of [the:

- (1) Employee's initial claim; and
- (2) Commission's award.] *the Notice of the Claim form.*

B. The impleaded party shall respond within 21 days after the date of the notice referred to in §A of this regulation, by:

- (1) (text unchanged)
- (2) [Disputing the award] *Filing issues.*

[.11] .08 Review of Disputed Claim.

A. If the [Fund]UEF or an impleaded party disputes a claim under Regulation [.08].06 or [.10].07 of this chapter, the Commission shall set a hearing to review the claims of all parties on all issues.

B. Upon completion of the hearing, the Commission shall:

- (1) (text unchanged)
- (2) Issue an award [requiring that the appropriate compensation be paid to the claimant].

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.11 Judicial Review Procedures

Authority: Labor and Employment Article, §§9-309, 9-701, 9-731(c) and (d), 9-737, and 9-739, Annotated Code of Maryland

Notice of Proposed Action

[13-379-P]

The Workers' Compensation Commission proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 14.09.11 Judicial Review Procedures**. This action was considered at an open meeting on August 22, 2013, notice of which was given by publication in 40:15 Md. R. 1328 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt new regulations governing the procedures prescribed for the filing of a petition for judicial review by a party to a claim, the procedures for obtaining a transcript of the Commission proceedings, the procedures for supplementing the record on appeal, and the procedures for notifying the Commission of the disposition of the case by the Circuit and Appellate Courts.

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 Amy S. Lackington, Regulations Coordinator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on January 9, 2014 at 9 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

.01 Petition for Judicial Review.

A. A party seeking judicial review of a decision of the Commission may file a petition for judicial review in the circuit court within 30 days after the date the Commission's order was mailed in accordance with Labor and Employment Article, §9-737, Annotated Code of Maryland, and the Maryland Rules, 7-201, et seq.

B. A party filing a petition for judicial review shall serve a copy of the petition on the Commission in accordance with Labor and Employment Article, §9-737, Annotated Code of Maryland, and Maryland Rule 7-202(d).

C. A party seeking judicial review of a decision granting or denying attorney's fees shall serve a copy of the petition for judicial review on the Assistant Attorney General assigned to represent the Commission at the Commission's principal office in Baltimore City.

.02 Transcript of Proceedings.

A. Unless the parties agree that a transcript is not necessary for review, or the court so orders, the first petitioner shall request and pay for a copy of the transcript of the proceedings before the Commission in accordance with Maryland Rule 7-206.

B. The first petitioner shall file with the Court Reporter Division a written request that the transcript be prepared containing:

- (1) The Commission case number;
- (2) The date and place of the Commission hearing;
- (3) The circuit court case number if known;
- (4) The name of the first petitioner; and
- (5) An acknowledgement that the first petitioner shall pay the cost of transcription.

C. Upon receipt of the request, the court reporter who recorded the hearing shall advise the first petitioner in writing of the estimated cost of the transcript.

D. The first petitioner shall pay the cost of the transcription.

.03 Circuit Court Proceedings.

A. Following the disposition of a petition for judicial review by trial or motion, the prevailing party shall notify the Commission of the circuit court disposition within 30 days after disposition.

B. A Cover Sheet for Action on Claims on Appeal shall be used to notify the Commission of the circuit court disposition and shall be accompanied by:

- (1) A true test copy of circuit court order or verdict; and
- (2) A copy of docket entries.

C. If a hearing is required, the prevailing party shall file an Issues Form with the cover sheet.

.04 Appellate Proceedings.

A. Following the disposition of a case on appeal to the appellate courts, the prevailing party shall notify the Commission of the appellate court disposition.

B. A Cover Sheet for Action on Claims on Appeal shall be used to notify the Commission of the appellate court disposition and shall be accompanied by:

(1) The appellate court opinion and order; and

(2) The appellate court mandate.

C. If a hearing is required, the prevailing party shall file an Issues form with the cover sheet.

.05 Record of Subsequent Proceeding Where Case on Appeal.

A. If review of a decision of the Commission has been sought in the circuit or appellate courts, and the Commission exercises its continuing jurisdiction under Labor and Employment Article, §9-742, Annotated Code of Maryland, to decide an issue, the first petitioner/appellant shall file with the Commission a written letter within 5 days of disposition requesting that the Commission:

(1) Prepare a copy of the record of the proceeding in which the Commission exercised its continuing jurisdiction; and

(2) Transmit that record to the circuit or appellate court in which judicial review/appeal is pending within 60 days of the date of the Commission's order.

B. The written letter shall contain:

(1) The workers' compensation claim number;

(2) The claimant's name; and

(3) The caption of the case on appeal including the parties, the name of the court, and case number.

C. Any transcript of the proceeding that is required for inclusion in the record shall be requested by and paid for by the first petitioner or appellant.

D. The petitioner/appellant shall file the written request as soon as possible.

R. KARL AUMANN
Chairman

Workers' Compensation Commission

Subtitle 26 MARYLAND ENERGY ADMINISTRATION

Notice of Proposed Action

[13-345-P]

The Maryland Energy Administration proposes to:

(1) Repeal existing Regulations .01—.07 under existing COMAR 14.26.04 Solar Grant Program and adopt new Regulations .01—.13 under a new chapter, COMAR 14.26.04 Clean Energy Grant Program; and

(2) Repeal existing Regulations .01—.07 under COMAR 14.26.05 Geothermal Heat Pump Grant Program.

Statement of Purpose

The purpose of this action is to establish and implement the Clean Energy Grant Program, a comprehensive grant program that is a part of the Administration's Strategic Energy Investment Program. The program offers to reimburse homeowners, businesses, State and local governments, and nonprofit organizations located in Maryland for a portion of the cost of purchasing, leasing, and installing eligible clean energy technologies or systems that convert renewable energy resources into electric energy, or thermal energy (i.e., heating, cooling, steam, or hot water) or use renewable fuels (i.e., solid, liquid, or gaseous fuels from renewable resources) to meet the energy demands of Maryland's homes and buildings.

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 Frederick H. Hoover, Director, Clean Energy, Maryland Energy Administration, 60 West St., Suite 300, Annapolis, MD 21401, or call 410-260-7655, or email to fhoover@energy.state.md.us, or fax to 410-974-2250. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Emergency Action in 40:22 Md. R. 1871 — 1875 (November 1, 2013), referenced as [13-345-E].

ABIGAIL ROSS HOPPER

Director

Maryland Energy Administration

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

Notice of Proposed Action

[13-363-P]

The State Board of Veterinary Medical Examiners proposes to:

(1) Amend Regulation .03 and adopt new Regulation .10-1 under COMAR 15.14.01 Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State; and

(2) Amend Regulation .01 under COMAR 15.14.03 Licensing and Minimum Sanitary Requirements for Veterinary Facilities.

Statement of Purpose

The purpose of this action is to set forth the circumstances under which a written estimate for charges and obtaining a client's signature are required before certain veterinary services are provided to companion animals; clarify the recordkeeping requirement when euthanasia is to be performed; define the terms "hospitalization" and "surgery"; amend the definitions of "hospital license" and "owner"; and provide a definition for the term "responsible veterinarian".

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There is expected to be a minimal, indeterminable impact on those small veterinary hospitals that, before hospitalizing or performing surgery on an animal, do not (1) provide the owner with a diagnostic and treatment plan and written estimates of services, or (2) obtain the owner's consent. There will be a similar impact on those veterinary hospitals that have not

designated as the veterinarian responsible for the facility a Maryland-licensed and registered veterinarian who spends a significant portion of time in the facility. Depending upon the number of hours worked by each veterinarian employed with the hospital, the hospital owner may be required to extend the hours of one veterinarian. In the alternative, to meet the proposed requirement, the hospital owner may need to hire a new veterinarian who agrees to spend a significant portion of time in the facility.

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

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

D(1). It is estimated that the vast majority of veterinarians and hospital owners provide an estimate of charges and obtain written consent from pet owners before performing surgery or hospitalizing patients. Those who do not already take these actions will be impacted by this requirement, chiefly in terms of time needed to train staff and generate documents to be provided clients and included in the patient records.

D(2). It is the SBVME's intent to require that an individual who is listed as the responsible veterinarian on a hospital license application be licensed and registered with the SBVME and provide direct supervision and control of a licensed veterinary facility. This will require that the responsible veterinarian be present at the facility more than 50% of the time the facility is open for business, but the number of hours need not exceed 20 hours per week.

F. A consumer of veterinary services for companion animals will be better informed of diagnostic and treatment plans, and will receive an estimate of charges when surgery or hospitalization is anticipated. Additionally, the proposal regarding responsible veterinarian will ensure that such an individual is available and may be reached by facility staff or the public, particularly during times of emergency. This requirement will help maintain consumer confidence that timely assistance, or guidance, is available. This is particularly important when the facility is open for business on a limited, part-time basis.

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 Laura C. Downes, Executive Director, Maryland Department Agriculture, State Board of Veterinary Medical Examiners, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5862, or email to laura.downes@maryland.gov, or fax to 410-841-5780. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

15.14.01 Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State

Authority: Agriculture Article, §§2-103, 2-304, and 2-310, Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)–(5) (text unchanged)

(6) *“Hospitalization” means the confinement of a patient in a veterinary hospital or mobile veterinary clinic for purposes of performing:*

(a) *Diagnostics;*

(b) *Therapy;*

(c) *Monitoring; or*

(d) *Nursing care.*

[(6)] (7)–[(8)] (9) (text unchanged)

(10) *“Surgery” means that both of the following exist:*

(a) *A veterinarian treats a disease, injury, or deformity by manual or operative methods; and*

(b) *A veterinarian or registered veterinary technician administers an anesthetic, injectable sedative, or injectable tranquilizing agent to an animal.*

[(9)](11)–[(11)](13) (text unchanged)

.10-1 Client Consent for Companion Animals and Hospitalized Animals.

A. *For a non-emergency presentation, a veterinarian shall inform the client, in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan. The veterinarian shall provide a written estimate of the charges for veterinary services, and obtain the client's signature indicating acknowledgement and approval, before a veterinarian performs the following for a companion animal:*

(1) *Surgery; or*

(2) *Hospitalization.*

B. *For an emergency presentation, a veterinarian shall make a reasonable effort to comply with the requirements set forth in §A of this regulation.*

C. *Euthanasia. Consent for euthanasia shall be documented in the medical record by the veterinarian. Consent may consist of the following:*

(1) *A form signed and dated by the client or an individual authorized by the client; or*

(2) *If authorization for euthanasia is given orally, the veterinarian shall note this in the medical record, with a witness to the conversation.*

D. *A veterinarian shall maintain a written copy of the client consent and estimate of charges in the patient's record and shall provide a copy to the client.*

15.14.03 Licensing and Minimum Sanitary Requirements for Veterinary Facilities

Authority: Agriculture Article, §§2-304 and 2-304.1, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Hospital license" means a license which permits a [hospital owner to] *person to own and* operate a veterinary hospital *or mobile veterinary clinic*.

(3) (text unchanged)

(4) "Owner" means the person responsible for maintaining the hospital *or mobile clinic* properly. A person who leases a veterinary practice from another shall assume the responsibility of maintaining the [hospital] *facility* properly and, thus, for the purposes of [the] *this* chapter and COMAR 15.14.07, is considered the [hospital's] owner of the facility.

(5) "Responsible veterinarian" means a veterinarian who:

(a) Is licensed and registered by the Board;

(b) Provides direct supervision and control of a licensed veterinary facility; and

(c) Is regularly present at the facility:

(i) More than 50% of the time the facility is open for business; or

(ii) At least 20 hours per week if the facility is open for business more than 40 hours per week.

[(5)](6)—[(6)](7) (text unchanged)

EARL F. HANCE
Secretary of Agriculture

Title 24 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT Subtitle 05 ECONOMIC DEVELOPMENT

24.05.19 Wineries and Vineyards Capital Expenses Tax Credit

Authority: Tax-General Article, §§2-103 and 10-735; Economic Development Article, §2-108, Annotated Code of Maryland

Notice of Proposed Action

[13-377-P]

The Secretary of Business and Economic Development proposes to adopt new Regulations .01—.13 under a new chapter, COMAR 24.05.19 Wineries and Vineyards Capital Expenses Tax Credit.

Statement of Purpose

The purpose of this action is to describe the requirements and procedures for a taxpayer to claim eligibility for a tax credit and to be certified as eligible for a tax credit against the State income tax for qualified capital expenses for use in the production of agricultural products for winemaking at a vineyard or in a winery in the State.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The direct effect of the proposal is that, if fully subscribed, there would be a \$500,000 reduction in taxes paid by qualified Maryland businesses. Applicants for the credit would receive a tax credit up to 25 percent of qualified capital expenses and capital improvements made to new and existing wineries and vineyards in Maryland. The credits are then applied against the business's corporate or individual income tax liabilities.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	(R-)	\$500,000
C. On local governments:	NONE	
D. On regulated industries or trade groups:	Benefit (+)	
	Cost (-)	Magnitude
(1)	(+)	\$500,000
(2)	(-)	Accounting and return costs
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

B. Assumes that at least 100 wineries and vineyards with the average qualified capital expenses of \$100,000 apply for this program. Therefore, the program is expected to be oversubscribed and the amount of tax credit that each applicant receives is approximately \$5,000.

D(1). Assumes that the program is fully subscribed.

D(2). The regulations require the recipient of the tax credits to file with the Comptroller an amended tax return for the taxable year in which the costs were incurred. This represents an additional cost for the businesses receiving the credit.

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 Mark Vulcan, Director, Tax Incentives, Division of Economic and Enterprise Development, Department of Business and Economic Development, World Trade Center Baltimore, 17th Floor, 401 East Pratt Street, Baltimore, MD 21202, or call 410-767-6438, or email to mvulcan@choosemaryland.org, or fax to 410-333-6931. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Comptroller" means the Maryland Comptroller of the Treasury, or the Comptroller's designee.

(2) "Credit" means the qualified capital expenses tax credit described in Regulation .02 of this chapter.

(3) "Credit year" means the year for which the credit is being claimed.

(4) "Department" means the Department of Business and Economic Development.

(5) "Qualified capital expenses" means all the expenditures made by the taxpayer for the purchase and installation of equipment or agricultural materials for use in the production of agricultural products for winemaking at a vineyard or in a winery, including but not limited to:

- (a) Barrels;
- (b) Bins;
- (c) Bottling equipment;
- (d) Canopy management machines;
- (e) Capsuling equipment;
- (f) Chemicals;
- (g) Corkers;
- (h) Crushers;
- (i) Destemmers;
- (j) Fermenters or other recognized fermentation devices;
- (k) Fertilizer and soil amendments;
- (l) Filters;
- (m) Fruit harvesters;
- (n) Fruit plants;
- (o) Hoses;
- (p) Irrigation equipment;
- (q) Labeling equipment;
- (r) Lugs;
- (s) Mowers;
- (t) Poles;
- (u) Posts;
- (v) Presses;
- (w) Pruning equipment;
- (v) Pumps;
- (x) Refractometers;
- (y) Refrigeration equipment;
- (z) Seeders;
- (aa) Soil;
- (bb) Small tools;
- (cc) Tanks;
- (dd) Tractors;
- (ee) Vats;
- (ff) Weeding and spraying equipment;
- (gg) Wine tanks;
- (hh) Wire; and
- (ii) Any other items as approved by the Department.

(6) "Secretary" means the Secretary of Business and Economic Development, or the Secretary's designee.

(7) "State" means the State of Maryland.

(8) "Taxpayer" means an individual or corporation.

(9) "Vineyard" means agricultural lands located in the State consisting of at least 1 contiguous acre dedicated to the growing of grapes that are used or are intended to be used in the production of wine by a winery and any plants or other improvements located thereon.

(10) "Winery" means an establishment licensed by the Comptroller as either a Class 3 winery or a Class 4 winery pursuant to Article 2B, §§ 2-204 and 2-205, Annotated Code of Maryland.

.02 Calculation of Tax Credit.

A. A tax credit is allowed for a taxable year beginning after December 31, 2012 but before January 1, 2018.

B. A taxpayer may claim credits against the State income tax in an amount equal to 25 percent of the qualified capital expenses made in connection with:

- (1) The establishment of new wineries or vineyards; or
- (2) The capital improvements to existing wineries or vineyards.

.03 Application and Approval of Credit.

A. To claim eligibility for a tax credit and to be certified as eligible for a tax credit, a taxpayer shall submit to the Department, by not later than September 15 of the calendar year following the end of the taxable year in which the costs were incurred an application on a form approved by the Department.

B. Each application shall include the following:

- (1) The legal name of the taxpayer;
- (2) The street address of the principal place of business of the taxpayer, the taxpayer's mailing address, the taxpayer's email address, and the taxpayer's telephone number;
- (3) The name, business mailing address, telephone number, and email address of an individual with authority to act on behalf of the taxpayer;
- (4) The federal employer identification number of the taxpayer or, if the taxpayer is an individual or sole proprietorship, the federal taxpayer identification number of the individual or sole proprietor;
- (5) An account, which may be in the form of a spreadsheet, showing in detail the eligible capital costs incurred by the taxpayer; and
- (6) Any other information requested by the Department.

C. By December 15 of the calendar year following the end of the taxable year in which the qualified capital expenses were incurred, the Department shall certify to the taxpayer the amount of tax credits approved by the Department for the taxpayer.

.04 Maximum Annual Credits.

A. The total amount of credits approved by the Department under Regulation .03C of this chapter may not exceed \$500,000 for any calendar year.

B. If the total amount of credits applied for by all business entities under Regulation .03C of this chapter exceeds the maximum specified under §A of this regulation, the Department shall approve a credit under Regulation .03C of this chapter for each taxpayer in an amount equal to the product of multiplying the credit applied for by the taxpayer times a fraction:

- (1) The numerator of which is the maximum specified under §A of this regulation; and
- (2) The denominator of which is the total of all credits applied for by all business entities under Regulation .03C of this chapter in the calendar year.

.05 Certification of Credit.

The Department shall certify to the taxpayer the amount of the allowed tax credits approved by the Department for the taxpayer. The Department shall issue the certification by December 15 of the calendar year following the end of the taxable year in which the costs were incurred.

.06 Claiming the Credit.

To claim the credits approved by the Department, a taxpayer shall:

A. File with the Comptroller an amended income tax return for the taxable year in which the costs were incurred; and

B. Attach a copy of the Department's certification of the approved credit amount to the amended income tax return.

.07 Carryover of Tax Credits.

A. If the credit allowed pursuant to this chapter in any taxable year exceeds the total tax otherwise payable by the taxpayer for that taxable year, the taxpayer may apply the excess as a credit for succeeding taxable years until:

- (1) The full amount of the excess is used; or
- (2) The expiration of the 15th taxable year after the taxable year in which the qualified capital expenses were paid or incurred.

B. A tax credit may not be carried back to a preceding taxable year.

.08 Mergers and Acquisitions.

A. In determining the carryover of unused credits and the effect of a merger or acquisition, federal law shall be applied to the business entities as if they were separate business entities. Any provisions under federal law that would allow separate corporations that are merged or acquired to carry forward unused credits on the surviving corporation's returns shall apply to the carryover of this credit for State purposes.

B. Unused Credits.

(1) In a transaction involving an asset purchase, unused credits:

- (a) Do not transfer from the taxpayer to the purchaser; and
 - (b) Shall remain with the taxpayer to whom or to which the certificate was issued.
- (2) Unused credits may not be sold or purchased.

.09 Short Taxable Years.

A. **Eligible Costs.** A taxpayer may only claim the credit for allowed costs incurred during its taxable year. If the taxpayer has a short taxable year, only the allowed costs incurred during the short taxable year are allowed on the short year return.

B. If the taxpayer incurs allowed costs in 2 taxable years during a calendar year, one of which is a short taxable year, the taxpayer may only claim a credit on the short taxable year return in an amount equal to the total credits certified by the Department multiplied by a fraction:

- (1) The numerator of which is the allowed qualified capital costs incurred during the short taxable year; and
- (2) The denominator of which is the allowed qualified capital costs incurred during the entire calendar year.

.10 Addition Modifications.

A. **Individuals.** To the extent an individual is allowed a credit on the State individual income tax return, the amount of the credit claimed shall be added to federal adjusted gross income to calculate the individual's State adjusted gross income.

B. **Corporations.** To the extent that a corporation is allowed a credit on its State income tax return, the amount of the credit claimed shall be added to federal taxable income to calculate the corporation's State modified income.

.11 Partnerships, S Corporations, Limited Liability Companies, Business Trusts, Estates, and Trusts.

A. **Partnerships, S Corporations, Limited Liability Companies, and Business Trusts.** In the case of a subchapter S corporation, partnership, limited liability company, or business trust, the amount of the credits computed for the pass-through entity shall be allocated among the owners as agreed to in writing by the owners in accordance with Internal Revenue Service rules.

B. **Estates and Trusts.** In the case of an estate or trust, the amount of the credits computed for the estate or trust for any taxable year shall be apportioned among the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each.

C. **Statements to Partners, Shareholders, Members, and Beneficiaries.**

(1) **Requirements.** A partnership, S corporation, limited liability company, business trust, estate, or trust shall provide each of its partners, shareholders, members, or beneficiaries with a Maryland Form 510, Schedule K-1.

(2) **Statement Attached to Return.** A partner, shareholder, member, or beneficiary shall attach a copy of the Maryland Form 510, Schedule K-1 to the income tax return on which the credit is claimed.

D. **Year in which Credits are Claimed.** The credit apportioned to a partner, shareholder, member or beneficiary under §§A—C of this regulation shall be claimed on the partner's, shareholder's, member's or beneficiary's State tax return in the taxable year of the partner, shareholder, member, or beneficiary within which the taxable year of the pass through entity ends.

.12 Audits and Inquiries.

A. Audits.

(1) If the Department becomes aware of facts and circumstances that reasonably warrant an audit of the factual or accounting basis of a taxpayer's claim of eligibility for a tax credit under this chapter or of a claim of tax credit under this chapter, the Department may require at any reasonable time before or after the issuance of a certificate of eligibility for tax credit that any information provided to the Department by a taxpayer be audited.

(2) The Department may require at any reasonable time an audit of any information submitted to the Department:

- (a) By any taxpayer that applies for certification by the Department of tax credits under this chapter; and
- (b) By any taxpayer that has been certified by the Department for a tax credit.

(3) An audit under §A(2) of this regulation shall be directed to the taxpayer's basis for its claim of eligibility for the tax credit under this chapter.

(4) An audit under §A(2) of this regulation shall be conducted at the taxpayer's expense by an independent auditor selected by the taxpayer and reasonably satisfactory to the Department.

(5) The Department may initiate an audit by delivering to the taxpayer a written request for the performance of an audit stating the scope of the audit to be undertaken and the matters to be examined in the course of the audit.

(6) Within 10 business days after a taxpayer receives a request from the Department for the performance of an audit under this regulation, the taxpayer shall submit to the Department a written response naming the independent auditor selected by the taxpayer.

(7) If the Department approves the auditor, it shall give written notice to the taxpayer that the Department approves the auditor and shall provide instructions to the auditor for the scope and conduct of the audit.

(8) If the Department disapproves of the selected auditor, it shall give written notice to the taxpayer of the disapproval and of the reasons for it. The taxpayer shall, within 5 business days after receipt of notice of the Department's disapproval of an auditor, select an alternative auditor and submit to the requesting agency a written response naming the alternative independent auditor selected by the taxpayer.

(9) The process pursuant to §§A(5) — (8) of this regulation for the selection and approval of an auditor will continue until the Department will have approved an alternative auditor pursuant to §A(7) of this regulation.

(10) The approved auditor shall proceed to conduct the audit with due diligence and dispatch, and in accordance with the Department's instructions. Within 90 days of the Department's notice approving the selection of an auditor, the auditor shall submit to the

Department and to the taxpayer a full report of its audit procedures, tests, matters examined, and findings.

(11) The Comptroller retains its audit authority under the Tax-General Article, Annotated Code of Maryland.

B. Inquiries; Duty of Business Entities to Respond.

(1) If the Department becomes aware of facts and circumstances that reasonably warrant further inquiry into the factual basis of a taxpayer's claim of eligibility for a tax credit under this chapter, or the basis of the taxpayer's claim of a tax credit under this chapter, the Department may make written inquiry, including a request for the production, inspection, or copying of documents specified in the inquiry, of any taxpayer or holder of a certificate of eligibility for a tax credit under this chapter to obtain information bearing on the eligibility of the taxpayer or of the taxpayer's partners, shareholders, members, or beneficiaries for that credit. The inquiry may include, but may not be limited to, whether the claimed costs were in fact incurred in the State.

(2) A taxpayer to which a written inquiry from the Department is directed under §B(1) of this regulation shall submit a full and complete written response, with copies of all requested documents, within 45 days of the date of the inquiry. The response shall be verified as true and correct by oath or affirmation made under penalty of perjury by the individual proprietor or by an individual officer, partner, or member of the taxpayer.

.13 Waiver.

The Secretary may waive or vary particular provisions of this chapter to the extent that the waiver is not inconsistent with Tax-General Article, §10-735, Annotated Code of Maryland.

DOMINICK MURRAY

Secretary of Business and Economic Development

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Notice of Proposed Action

[13-372-P]

The Secretary of the Environment proposes to amend:

(1) Regulation .08 under COMAR 26.11.09 Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations; and

(2) Regulations .06 and .07 under COMAR 26.11.14 Control of Emissions from Kraft Pulp Mills.

Statement of Purpose

The purpose of this action is to:

(1) Accurately describe the Volatile Organic Compound (VOC) control system and requirements;

(2) Incorporate existing NO_x RACT requirements into this chapter;

(3) Amend the use of the word "allowance" to read "NO_x Ozone Season Allowance"; and

(4) Clarify that the monitoring and reporting requirements apply to the owner of a boiler and combustion turbine at a Kraft pulp mill.

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

Background

NO_x Emissions

The NO_x emissions discharge through a common stack and are currently subject to reasonably available control technology (RACT) requirements under COMAR 26.11.09.08 and 26.11.14.07A(2)(b) respectively. RACT requires the units to reduce NO_x emissions to meet an emissions rate of 0.70 pounds per million Btu during the period May 1 to September 30 (ozone season) of each year and a rate of 0.99 pounds per million Btu for the rest of the year. COMAR 26.11.14.07 prohibits total NO_x ozone season emissions from the New Page Kraft pulp mill stack from exceeding 947 tons, unless the pulp mill acquires an allowance for each ton of NO_x they emit over 947 tons. The regulation allows the pulp mill to secure up to 95 allowances for each period in which they exceed the 947 ton emission cap.

VOC Emissions

In 2001, Regulation .06 (Control of Volatile Organic Compounds) was added to COMAR 26.11.14 for the control of VOC emissions from several process installations at Kraft pulp mills. The regulation established RACT standards to specifically control VOC emissions from Kraft pulp mill operations statewide that have actual emissions of 20 pounds or more of VOCs per day and the potential to emit total plant-wide VOC emissions of 25 tons or more per year. In addition, Kraft pulp mills are required to install VOC emission controls to meet the requirements of the Paper and Pulp MACT (40 CFR Part 63, Subpart S).

Sources Affected and Location

This amendment affects two coal fired units and one gas fired unit at the Kraft pulp mill located in Luke, Maryland.

Requirements

This action does not establish any new standards or requirements from fuel burning equipment located at Kraft pulp mills. The action primarily clarifies processes and consolidates requirements into a unique chapter of COMAR pertaining to Kraft pulp mills. The revisions to the regulations:

- Clarify that air emissions from brown stock washers are to be collected and combusted;

- Clarify that evaporators, digester blow tank systems, and brown stock washers shall be controlled by removing 90 percent or more of the condensate VOC loading by demonstrating a VOC removal or destruction efficiency of the condensate stream stripper of 90 percent or greater or a system analysis of these units;

- Allow the use of other approved methods by the Department as part of a SIP revision to demonstrate the collective VOC removal efficiency of the condensate steam stripper and other control systems as required;

- Include the requirement that Kraft pulp mills must meet an emission rate of 0.70 pounds of NO_x per million Btu in addition to an emission limit of 947 tons of NO_x during the period May 1 through September 30 of each year;

- Change the word(s) "allowance" or "NO_x allowance" used in §B(2), §B(3) and §C(1) and (2) of Regulation .07 to "NO_x ozone season allowance"; and

- Change a reference regarding the submission of CEM quarterly reports to the Department from COMAR 26.11.01.10G(2)(d) in D(2) of Regulation .07 to COMAR 26.11.01.11E(2).

Expected Emissions Reductions.

There is no emission reduction expected as a result of this action.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on December 18, 2013 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or email to debbie.rabin@maryland.gov. Comments must be received not later than December 18, 2013, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations:

- The Department of the Environment's website at:
<http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomments.aspx>
- The Air and Radiation Management Administration;
- Regional offices of the Department in Cumberland and Salisbury;
- All local air quality control offices; and
- Local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

26.11.09 Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations

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

.08 Control of NO_x Emissions from Major Stationary Sources.

A.—B. (text unchanged)

C. Requirements for Fuel-Burning Equipment with a Rated Heat Input Capacity of 250 Million Btu Per Hour or Greater.

(1) (text unchanged)

(2) The maximum NO_x emissions rates as pounds of NO_x per Million Btu per hour are:

(a)—(g) (text unchanged)

[h] 0.70 for fuel burning equipment stacks at a non-electric generating facility during the period May 1 through September 30 of each year and 0.99 during the period October 1 through April 30 of each year.]

(3) (text unchanged)

D.—K. (text unchanged)

26.11.14 Control of Emissions from Kraft Pulp Mills

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

.06 Control of Volatile Organic Compounds.

A. (text unchanged)

B. Control of VOC Emissions from Specific Installations.

(1) (text unchanged)

(2) Digester Blow Tank Systems and Knotters.

(a) Condensates from digester blow tank systems shall be collected and treated in a condensate steam stripper or other control system [which has a VOC removal or destruction efficiency of 90 percent or greater].

(b) (text unchanged)

(3) Evaporators.

(a) (text unchanged)

(b) Condensates from the evaporators shall be segregated so that the foul condensates are collected and treated in a condensate steam stripper or other control system [that has a VOC removal or destruction efficiency of 90 percent or greater].

(4) Brown Stock Washers.

(a) Wash water for brown stock washers shall consist of any combination of fresh or clean water and clean condensates.

(b) *Air emissions from the brown stock washers shall be collected and combusted.*

(5)—(6) (text unchanged)

(7) *The evaporators, digester blow tank systems, and brown stock washers shall be controlled by removing 90 percent or greater of the condensate VOC loading by demonstrating:*

(a) *That the VOC removal or destruction efficiencies of the condensate steam stripper is 90 percent or greater; or*

(b) *Through a system analysis of the condensate stripper, evaporators, digester blow system tanks, and brown stock washers that VOC removal or destruction efficiency is 90 percent or greater.*

C. (text unchanged)

D. Testing and Recordkeeping.

(1) Tests shall be performed annually using EPA Test Method 25D found in 40 CFR Part 60 or other approved methods by the Department as part of a State Implementation Plan (SIP) revision to demonstrate the collective VOC removal efficiency of the condensate steam stripper and other control systems as required.

(2)—(5) (text unchanged)

.07 Control of NO_x Emissions from Fuel Burning Equipment.

A. Applicability and NO_x Emission Standards.

(1) (text unchanged)

(2) The total combined NO_x emissions of all fuel burning equipment at the Luke Kraft pulp mill to which this regulation applies may not exceed the following:

(a) Except as provided in §B(1) of this regulation, *an emission limit of 0.70 pounds of NO_x per million Btu and 947 tons of NO_x during the period May 1 through September 30 of each year; and*

(b) (text unchanged)

(3) (text unchanged)

B. Demonstrating Compliance.

(1) If during the period May 1 through September 30 of any year the NO_x emission limit in §A(2)(a) of this regulation is exceeded, the owner or operator of a Kraft pulp mill shall acquire one NO_x ozone season allowance (as that term is defined at COMAR 26.11.01B(24-1)) for each ton or partial ton of NO_x emissions in excess of the limit in §A(2)(a) of this regulation.

(2) The total number of NO_x ozone season allowances acquired pursuant to §B(1) of this regulation for any one period may not

exceed 95 and shall be of the same vintage year in which the emission limit is exceeded.

(3) *NO_x ozone season* [A]allowances acquired pursuant to §B(1) of this regulation shall be acquired on or before November 30 and shall be submitted to the Department for retirement by December 30 of the year in which the emission limit is exceeded.

C. Achieving Compliance Through the Use of *NO_x ozone season* Allowances. The owner or operator of a Kraft pulp mill subject to this regulation that achieves compliance through the use of allowances pursuant to §B of this regulation shall:

(1) Acquire the *NO_x ozone season* allowances from a source that has been allocated allowances under COMAR 26.11.28, a *NO_x ozone season* allowance broker or other entity that has *NO_x ozone season* allowances and agrees to transfer them; and

(2) Transfer the *NO_x ozone season* allowances to the Department for retirement.

D. Monitoring and Reporting Requirements.

(1) [The owner or operator of a] *For boilers or combustion units at a Kraft pulp mill* subject to this regulation, *the owner or operator of the Kraft pulp mill* shall:

(a)—(b) (text unchanged)

(2) The owner or operator of a Kraft pulp mill subject to this regulation shall include emissions data obtained from a CEM pursuant to §D(1) of this regulation in the CEM quarterly reports submitted to the Department pursuant to [COMAR 26.11.01.10G(2)(d)] *COMAR 26.11.01.11E(2)*.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.19 Volatile Organic Compounds from Specific Processes

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

Notice of Proposed Action

[13-371-P-I]

The Secretary of the Environment proposes to amend Regulation .08 under **COMAR 26.11.19 Volatile Organic Compounds from Specific Processes**.

Statement of Purpose

The purpose of this action is to adopt the requirements of the EPA's Control Techniques Guidelines (CTG) for metal parts and products. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. MDE proposes to adopt new standards as prescribed by the federal CTG. Application method and work practice requirements will also be adopted into the regulation. These amendments affect coaters of metal parts and products and metal furniture.

This action will be submitted to the U.S. EPA for approval as a revision to Maryland's State Implementation Plan.

Background

EPA developed the CTG after reviewing the 1978 CTG, the 1988 NSPS for Surface Coating of Plastic Parts for Business Machines (40 CFR 60 Subpart TTT), the 1994 ACT for Surface Coating of Automotive/Transportation and Business Machine Plastic Parts, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Metal Parts and Products 40 CFR 63 Subpart MMMM, and existing State and local VOC emission reduction approaches. The metal parts and products category includes

fabricated metal products, small and large farm machinery, commercial and industrial machinery and equipment, automotive or transportation equipment, interior or exterior automotive parts, construction equipment, motor vehicle accessories, bicycles and sporting goods, toys, recreational vehicles, pleasure craft (recreational boats), extruded aluminum structural components, railroad cars, heavier vehicles, lawn and garden equipment, business machines, laboratory and medical equipment, electronic equipment, metal pipes, and other industrial and household products. The metal parts and products coating category does not include coatings that are a part of other product categories listed under Section 183(e) of the Act for which CTGs have been published or included in other CTGs.

Several different types of application technology are used to apply liquid coatings, and the selection of the application technology can have a significant effect on the amount of coating used and the resulting VOC emissions from the operation. The CTG requires that coatings be applied by coating applicators such as: air atomized spray coating, electrostatic spray coating, high volume/low pressure (HVLP) spray coating, dip coating, flow coating, roll coating, electrocoating, and autophoretic coating. Powder coatings can be applied through electrostatic spraying or dipping. Application methods do not apply for repair coatings, touch-up coatings, coatings applied to create a textured finish and the robotic application of heavy-duty engines.

Cleaning activities other than surface preparation also occur at miscellaneous metal product surface coating facilities. Additional requirements for cleaning materials and activities are covered under COMAR 26.11.19.02(I). Cleaning materials are used during these activities to remove coating residue or other unwanted materials from equipment related to coating operations, as well as the cleaning of spray guns, transfer lines (e.g., tubing or piping), tanks, and the interior of spray booths. These cleaning materials are typically mixtures of VOC containing solvents.

Affected Sources and Location

These proposed amendments affect coaters of metal furniture and metal parts and products used in farm machinery, industrial machinery, automotive or transportation equipment, structural components, laboratory, medical and electronic equipment, motor vehicle accessories, bicycles and sporting goods, toys, recreational vehicles, pleasure craft (recreational boats), railroad cars, heavier vehicles, lawn and garden equipment and business machines.

Regulation Amendment

COMAR 26.11.19.08 is amended to set VOC coating standards for baked and air drying methods for several coating categories. Application methods for coatings are limited to: Electrostatic application; HVLP spray; Flow coat; Roller coat; Dip coat including electrodeposition; Brush coat; or Other coating application method capable of achieving a transfer efficiency equivalent or better than that achieved by HVLP spraying. The application methods do not apply for several coating operations as specified in the regulation.

Expected Emissions Reduction

The proposed amendments set standards for coatings, application methods and work practices. Emissions of VOCs from metal parts and products are expected to be reduced by 35 percent nationally. The maximum benefit will be provided during the ozone season when VOCs readily combine with NO_x to form the pollutant ground level ozone.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The economic impact of these amendments has been estimated by EPA on a national level. Cost effectiveness is approximately \$1,800/ton of VOC controlled. There will be minimal economic impact on the Department as inspections and reporting would be required for the compliant materials.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Minimal
B. On other State agencies:	(E+)	Minimal
C. On local governments:	(E+)	Minimal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$1,800/ton VOC
E. On other industries or trade groups:	(+)	Unable to estimate
F. Direct and indirect effects on public:	(+)	Undeterminable

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

A. Inspections and reporting will be required if new coatings and materials are used.

B. Compliance with the new standards and change in composition and cost of coatings and materials.

C. Local governments will be required to comply with the new standards and change the composition of coatings and materials.

D. The impact on the regulated industry has been estimated by EPA to be in the range of \$1,800 / ton VOC for compliance with the requirements of the CTG.

E. There will be a positive impact on companies that manufacture or sell the compliant coatings and materials.

F. This action will help improve Maryland's air quality and will result in fewer negative health effects on the general public from air pollution.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

This action will have a positive impact on individuals with disabilities involving respiratory problems by reducing air pollutants that contribute to disease.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on December 18, 2013, at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the

Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to debbie.rabin@maryland.gov. Comments must be received not later than December 18, 2013, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations:

- The Department of the Environment's website at: http://www.mde.state.md.us/programs/regulations/air/Pages/req_comments.aspx;
- The Air and Radiation Management Administration;
- Regional offices of the Department in Cumberland and Salisbury;
- All local air quality control offices; and
- Local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, (1) AAMA 2604-05 Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels; and (2) AAMA 2605-05 Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.08 Metal [Furniture] Parts and Products Coating.

A. [Definition] *Definitions.* In this regulation, the following terms have the meanings indicated:

(1) "Adhesion promoter" means a thin coating applied to a substrate to:

(a) Promote wetting; and

(b) Form a chemical bond with the subsequently applied material.

(2) "Air-dried coating" means a coating that is cured at a temperature below 90°C (194°F).

(3) "Baked coating" means a coating that is cured at a temperature at or above 90°C (194°F).

(4) "Camouflage coating" means a coating used, principally by the military, to conceal equipment from detection.

(5) "Electric-insulating and thermal-conducting coating" means a coating that displays an electrical insulation of at least one thousand (1,000) volts DC per mil on a flat test plate and an average thermal conductivity of at least twenty-seven hundredths British thermal units (0.27 Btu) per hour-foot-degree-Fahrenheit.

(6) "Electric-insulating varnish" means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

(7) "Etching filler" means a coating that contains less than 23 percent solids by weight and at least 1/2-percent acid by weight and is used instead of applying a pretreatment coating followed by a primer.

(8) "Extreme high gloss coating" means any coating which achieves at least 95 percent reflectance on a 60° meter when tested by ASTM Method D 523-89.

(9) "Extreme performance coating" means a coating used on a metal surface where the coated surface is, in its intended use, subject to the following:

(a) Chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solution;

(b) Repeated exposure to temperatures in excess of 250° F;

(c) A temperature of at least 400°F during normal use; or

(d) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents.

(10) "Heat-resistant coating" means a coating that must withstand a temperature of at least 400°F during normal use.

(11) "High performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the American Architectural Manufacturer's Association publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).

(12) "High temperature coating" means a coating that is certified to withstand a temperature of 1000°F for 24 hours.

(13) "Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

(14) "Metal furniture coating" means coating the surface of any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

(15) Metal Parts and Products Coating.

(a) "Metal parts and products coating" means coating the surface of any metal part or product which will be assembled with other metal, wood, fabric, plastic, or glass parts.

(b) "Metal parts and products coating" does not include metal furniture coatings.

(16) "Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating, as applied.

(17) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.

(18) "Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface and prevent products from sticking to the mold.

(19) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

(20) "One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film, except for the addition of a thinner to reduce the viscosity.

(21) "Pan-backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

(22) "Prefabricated architectural component coating" means coatings applied to metal parts and products which are to be used as an architectural structure.

(23) "Pretreatment coating" means a coating which:

(a) Contains no more than 12 percent solids, by weight;

(b) Contains at least 1/2-percent acid, by weight;

(c) Is used to provide surface etching; and

(d) Is applied directly to metal surfaces to provide corrosion resistance, adhesion of subsequent coatings, and ease of stripping.

(24) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.

(25) "Robotic application of heavy-duty engine coatings" means coatings applied to heavy-duty engines by a robotic spray system within a closed paint enclosure at a facility manufacturing heavy-duty engines.

(26) "Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe conditions.

(27) "Silicone release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

(28) "Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.

(29) "Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters and/or numbers to metal parts and products.

(30) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(31) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film with the help of metalizing/physical vapor deposition (PVD) process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

B. [Emission Standards. A person may not cause or permit the discharge into the atmosphere of any VOC from a metal furniture coating installation in excess of 3 pounds per gallon of coating applied (minus water) (0.36 kilograms/liter of coating applied (minus water)).] Incorporation by Reference. In this regulation, the following documents are incorporated by reference:

(1) AAMA 2604-05 Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels; and

(2) AAMA 2605-05 Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels.

C. Applicability and Exemptions.

(1) This regulation applies to a person who owns or operates:

(a) A metal furniture coating installation; or

(b) A metal parts and products coating operation at a premises where the total VOC emissions from all metal parts and products surface coating operations (including emissions from related cleaning activities), exceed 15 pounds (6.8 kilograms) per day.

(2) This regulation does not apply to:

(a) Automotive and light duty truck coating subject to COMAR 26.11.19.03;

(b) Can coating subject to COMAR 26.11.19.04;

(c) Coil coating subject to COMAR 26.11.19.05;

(d) Large appliance coating subject to COMAR 26.11.19.06;

(e) Paper, Fabric, Film, and Foil coating subject to COMAR 26.11.19.07;

(f) Plastic Parts and Business Machines coatings subject to COMAR 26.11.19.07-2;

(g) Cold and Vapor Degreasing subject to COMAR 26.11.19.09;

(h) Industrial Solvent Cleaning Operations Other Than Cold and Vapor Degreasing subject to COMAR 26.11.19.09-1;

(i) Drum and pail coating subject to COMAR 26.11.19.13;

(j) Aerospace coating subject to COMAR 26.11.19.13-1;

(k) Brake shoe coating subject to COMAR 26.11.19.13-2;

(l) Structural steel coating subject to COMAR 26.11.19.13-3;

(m) Refinishing of motor vehicles subject to COMAR 26.11.19.23;

(n) Marine vessel coating subject to COMAR 26.11.19.27; and

(o) Pleasure craft coating subject to COMAR 26.11.19.27-1.

(3) This regulation does not apply to repair or touch-up coatings when applied using a hand-held, pressurized, non-refillable container which expels coatings from the container in a finely divided spray when a valve on the container is depressed.

(4) The emission standards in §D and application methods of §E of this regulation do not apply to application of the following coatings to the surface of any metal part or product which will be assembled with other metal, wood, fabric, plastic, or glass parts:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Magnetic data storage disk coatings; and
- (d) Electric-insulating and thermal-conducting coatings.

(5) The emission standards in §D and application methods of §E of this regulation do not apply to plastic extruded onto metal to form a coating on any metal part or product which will be assembled with other metal, wood, fabric, plastic, or glass parts.

D. Emission Standards.

(1) A person subject to this regulation may not exceed the applicable VOC emission standards of the following table when applying a metal furniture coating:

Coating Type	Baked		Air-Dried	
	Lbs/gal	Kg/l	Lbs/gal	Kg/l
General, one-component	2.3	0.275	2.3	0.275
General, multi-component	2.3	0.275	2.8	0.340
Extreme performance	3.0	0.360	3.5	0.420
Metallic	3.5	0.420	3.5	0.420
Pretreatment	3.5	0.420	3.5	0.420
Solar absorbent	3.0	0.360	3.5	0.420
Extreme high gloss	3.0	0.360	2.8	0.340

(2) A person subject to this regulation may not exceed the applicable VOC emission standards of the following table when applying a metal parts and products coating:

Coating Type	Baked		Air-Dried	
	Lbs/gal	Kg/l	Lbs/gal	Kg/l
General, one component	2.3	0.275	2.8	0.340
General, multi-component	2.3	0.275	2.8	0.340
Adhesion promoter	4.0	0.479	4.0	0.479
Prefabricated architectural one component and multi-component	2.3	0.280	3.5	0.420
Military specification	2.3	0.280	2.8	0.340
Extreme high-gloss; extreme performance; heat-resistant; high performance architectural; repair coating; solar absorbent; or touch up coating	3.0	0.360	3.5	0.420

Camouflage, electric-insulating varnish; etching filler; high temperature; metallic; mold-seal; pan backing; pretreatment; silicone release and vacuum-metalizing	3.5	0.420	3.5	0.420
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E. Application Methods.

(1) Except as provided in §E(2), a person subject to the requirements of this regulation shall use the following application methods:

- (a) Electrostatic application;
- (b) HVLP spray;
- (c) Flow coat;
- (d) Roller coat;
- (e) Dip coat including electrodeposition;
- (f) Brush coat; or

(g) A coating application method capable of achieving a transfer efficiency equivalent to or better than the efficiency achieved by HVLP spraying.

(2) The application requirements of §E(1) do not apply to the following coating operations:

- (a) Repair coatings;
- (b) Touch-up coatings;
- (c) Coatings applied to create a textured finish; or
- (d) Robotic application of heavy-duty engine coatings.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.34 Low Emissions Vehicle Program

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103, Annotated Code of Maryland

Notice of Proposed Action

[13-347-P-I]

The Secretary of the Environment proposes to amend Regulation .02 under **COMAR 26.11.34 Low Emissions Vehicle Program**.

Statement of Purpose

The purpose of this action is to update COMAR 26.11.34.02 Incorporation by Reference to reflect the changes made to the California regulations since their last update.

These amendments will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Maryland's State Implementation Plan (SIP).

Background

Vehicles sold in the United States must be certified under one of two certification programs: the federal program (Tier 2) or the California program (the Clean Car Program). Section 177 of the Clean Air Act Amendments of 1990 provides states the ability to adopt the California program in lieu of the federal program as long as the adopted state program is identical to the California program and the state allows two model years lead time from adoption to implementation.

The Maryland Clean Cars Act of 2007 required the Maryland Department of the Environment (MDE) to adopt regulations implementing the California Clean Car Program (also referred to as the California Low Emissions Vehicle Program-CAL LEV) in Maryland. Maryland's implementing regulations adopted, through incorporation by reference, the applicable California regulations. The

Cal LEV program is a dynamic, changing program in which many of the relevant California regulations are continuously updated. To retain California's standards, Maryland must remain consistent with their regulations, hence when California updates its regulations, Maryland must reflect these changes by amending our regulations.

The proposed changes are in effect in California as well as some of the other states that have adopted the CALEV program. Essentially, the changes in this proposed action are merely updates to existing test procedures and provisions and will have minimal, if any, impact on the cost or implementation of the program in Maryland.

Sources Affected and Location

These amendments apply to automobile manufacturers that produce new motor vehicles for sale in Maryland. All vehicle types that have a gross vehicle weight rating of less than 14,000 pounds are affected.

Requirements

These amendments update Maryland's program requirements to be consistent with California's program requirements. This action is necessary since many of the California regulations that are incorporated into the Maryland regulation have been updated. These individual regulatory changes can be grouped into 2 areas:

- Non-substantive changes to the heavy-duty on-board diagnostics (HD-OBD) and OBD II standards.
- Allowing compliance with the National greenhouse gas (GHG) standards to satisfy the requirements of California's GHG standard.

These changes are described in greater detail in the Technical Support Document for this action. The most significant change is to the GHG Standards which allows manufacturers to meet California's GHG standards by complying with the new federal standards for the 2017-2025 Model Years. This action is similar to that taken previously when California allowed compliance with the current federal GHG standards to satisfy compliance with the CAL LEV II Standard in model year (MY) 2012 thru 2016.

Expected Emissions Reductions

The OBD related changes to the regulations will not impact the program's emissions benefits. Allowing compliance with the National GHG program to satisfy compliance with the California (and thus Maryland's) program requirements may have a small impact on the benefits. The emissions impact is expected to be insignificant since the National GHG program was developed in coordination with California and was designed to minimize differences in program requirements that ultimately impact the emissions benefits. Once the National program takes effect nationwide, all vehicles sold in the country will produce fewer GHG emissions, not just those sold in California and the other Clean Car states. Any benefit loss associated with this dual compliance mechanism will likely be recovered as these national vehicles travel through Maryland and enter the fleet through other means (used car sales, resident relocations, etc.).

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The California Advanced Clean Cars Program was adopted in 2012, prior to the establishment of the 2017-2025 Model Year federal greenhouse gas (GHG) program. Therefore, these amendments are effectively an administrative action that will harmonize the federal and California greenhouse gas programs, resulting in minimal, or no economic impact on the automobile manufacturers, dealers, and the public. These changes provide manufacturers greater flexibility in complying

with these standards and was a change desired by the vehicle manufacturers. The administrative changes to the MD/HD OBD also have no direct or indirect effect on the public.

These amendments will have no economic impact on the Department. They also will have no impact on the Motor Vehicle Administration's registration, data management, and dealer oversight activities related to this program.

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

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

D. The changes to the GHG component will help manufacturers meet the more stringent requirements. The GHG changes provide manufacturers the ability to comply with California's regulations, for MY 2017-2025, through meeting the National GHG standards; much like the current regulation allows MY 2012-2016 compliance through meeting the National program. This will help streamline the reporting requirements for manufacturers and reduce the regulatory burden for them.

F(1). There will be minimal economic impact to consumers. Manufacturers will now be allowed to produce one vehicle that will meet both the California and federal GHG standards. This will reduce the burden on manufacturers to comply with the GHG standard in Maryland, preserving the ability of Maryland citizens to purchase the vehicles they desire.

F(2). The emissions impact is expected to be insignificant since the National GHG program was developed in coordination with California and was designed to minimize differences in program requirements that ultimately impact the emissions benefits. Some benefit could be expected in the future from reduced GHG emissions from non-Cal LEV cars entering the fleet.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on December 18, 2013, at 10 a.m. at the

Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to debbie.rabin@maryland.gov. Comments must be received not later than December 18, 2013, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations:

- The Department of the Environment's website at: http://www.mde.state.md.us/programs/regulations/air/Pages/req_comments.aspx;
- The Air and Radiation Management Administration;
- Regional offices of the Department in Cumberland and Salisbury;
- All local air quality control offices; and
- Local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the California Code of Regulations (CCR), Title 13 Motor Vehicles, Division 3 Air Resources Board, December 31, 2102 Update, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 1, §1900 Definitions, as effective [August 7, 2012] *December 31, 2012*.

(2) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1960.1 Exhaust Emissions Standards and Test Procedures—1981 through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles, as effective [August 7, 2012] *December 31, 2012*.

(3) (text unchanged)

(4) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961 Exhaust Emission Standards and Test Procedures—2004 through 2019 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [August 7, 2012] *December 31, 2012*.

(5) (text unchanged)

(6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures—2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [August 7, 2012] *December 31, 2012*.

(7) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.3 Greenhouse Gas Exhaust Emission Standards and Test Procedures—2017 and Subsequent Model

Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [August 7, 2012] *December 31, 2012*.

(8) (text unchanged)

(9) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.1 Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [August 7, 2012] *December 31, 2012*.

(10) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.2 Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [August 7, 2012] *December 31, 2012*.

(11)—(12) (text unchanged)

(13) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.2 Malfunction and Diagnostic System Requirements—2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective [August 7, 2012] *July 31, 2013*.

(14) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.5 Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective [August 7, 2012] *July 31, 2013*.

(15)—(16) (text unchanged)

(17) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1976 Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions, as effective [August 7, 2012] *December 31, 2012*.

(18)—(79) (text unchanged)

ROBERT M. SUMMERS, Ph.D.

Secretary of the Environment

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Notice of Proposed Action

[13-361-P]

The Maryland State Lottery and Gaming Control Agency proposes to amend:

(1) Regulations **.02**, **.03**, and **.06** under **COMAR 36.01.03 Voluntary Exclusion and Responsible Gaming**; and

(2) Regulations **.01** and **.02** under **COMAR 36.03.06 Enforcement of Voluntary Exclusion Program**.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on August 22, 2013, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for VLT and Table Games operation and better conform to the Agency's functions for expanded gambling.

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 Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to robert.howells@maryland.gov, or fax to 410-230-8727. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Subtitle 01 GENERAL PROVISIONS

36.01.03 Voluntary Exclusion and Responsible Gaming

Authority: State Government Article, §§9-110 and 9-1A-24(e), Annotated Code of Maryland

.02 Application for Voluntary Exclusion.

A.—B. (text unchanged)

C. An application for voluntary exclusion shall include:

(1) — (3) (text unchanged)

(4) A signed statement by which the individual declares that the individual:

(a) — (f) (text unchanged)

(g) Acknowledges that if the requested period of placement on the voluntary exclusion list was 2 years, the individual will not be removed from the voluntary exclusion list unless the Commission grants the individual's request for removal under Regulation .05 of this chapter; [and]

(h) *Acknowledges that the individual may be subject to criminal charges if, during the period of exclusion, the individual enters a video lottery facility in the State; and*

[(h)] (i) (text unchanged)

.03 Voluntary Surrender [of Lottery Game Playing Privileges].

An individual who applies to be placed on the voluntary exclusion list may contractually agree to:

A. Redeem or liquidate all unredeemed items with monetary value that the individual has received *since being placed on the voluntary exclusion list; and*

B. Designate that the proceeds of the redeemed items be contributed to the Problem Gambling Fund established under State Government Article, §9-1A-33(b), Annotated Code of Maryland; and

C. Designate that any lottery prize that the individual is ineligible to collect may go the Unclaimed Prize Fund].

.06 Access to Voluntary Exclusion List.

A. (text unchanged)

B. Access to records pertaining to an individual's placement on the voluntary exclusion list shall be limited to disclosures authorized under *State Government Article, § 10-611, et seq., Annotated Code of Maryland, and COMAR [36.01.02.01 and 36.03.04] 36.03.06.*

Subtitle 03 GAMING PROVISIONS

36.03.06 Enforcement of Voluntary Exclusion Program

Authority: State Government Article, §9-1A-24, Annotated Code of Maryland

.01 Enforcement.

A. (text unchanged)

B. A facility operator may disclose information about [individuals] *an individual* on the voluntary exclusion list to:

(1) [the] *The Commission;*

(2) [and to the] *The facility's;*

[(1)](a) —[(3)](c) (text unchanged)

[(4)] (d) Employees who are directly responsible for excluding unauthorized individuals from [the premises of] the facility; *and*

(3) *If the facility operator pursues criminal charges against an individual on the voluntary exclusion list who is suspected of trespassing at a video lottery facility, to:*

(a) *A law enforcement officer; or*

(b) *A person who is legally authorized to be involved in the criminal prosecution of an individual on the voluntary exclusion list who is suspected of trespassing at a video lottery facility.*

C. [A facility operator shall immediately notify the Commission if] *If an individual on the voluntary exclusion list is found on the premises of [the] a video lottery facility, the operator:*

(1) *Shall immediately notify the Commission; and*

(2) *May pursue criminal charges against the individual for trespassing or any other appropriate criminal charge.*

D. (text unchanged)

.02 Responsible Gaming Plan.

A. A facility shall establish a responsible gaming plan that sets forth the facility's plan for addressing problem gambling at the facility that shall include at least the following elements of the plan:

(1) — (8) (text unchanged)

(9) Ensuring that an individual [on the voluntary exclusion list] *in the Voluntary Exclusion Program* is not permitted to:

(a) *Enter the video lottery facility;*

(b) *Play a video lottery terminal or table game; or*

(c) [claim] *Claim a jackpot; [and]*

(10) *The facility's response to the discovery of an individual who is enrolled in the voluntary exclusion program on facility property, which may include pursuing criminal charges against the individual; and*

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

B. — C. (text unchanged)

D. A facility operator shall submit to the Commission an annual report describing the [operation the] facility's responsible gaming plan.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

Notice of Proposed Action

[13-362-P]

The Maryland State Lottery and Gaming Control Agency proposes to:

(1) Amend Regulation **.29** under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**;

(2) Amend Regulations **.02**, **.03**, **.06**, and **.13** under **COMAR 36.05.04 Blackjack Rules**; and

(3) Amend Regulations **.02**, **.03**, **.04**, and **.05** and adopt new Regulation **.12** under **COMAR 36.05.05 Craps Rules**.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on August 22, 2013, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for VLT and Table Games operation and better conform to the Agency's functions for expanded gambling.

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 Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 11800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to robert.howells@maryland.gov, or fax to 410-230-8727. Comments will be accepted through December 16, 2013. A public hearing has not been scheduled.

Subtitle 03 GAMING PROVISIONS**36.03.10 Video Lottery Facility Minimum Internal Control Standards**

Authority: State Government Article, §9-1A-04, Annotated Code of Maryland

.29 Deposit of Counter Checks.

A. A facility operator shall deposit a counter check in its bank account or present the counter check directly to the player's bank:

(1) No later than:

(a) [7] 14 days after the date of the check for a check of \$1,000 or less;

(b) [14] 21 days after the date of the check for a check greater than \$1,000 but not more than \$2,500; and

(c) [21] 45 days after the date of the check for a check greater than \$2,500 [but not more than \$5,000]; or

(2) In accordance with a deposit schedule agreed to between the facility operator and the player if the deposit schedule:

(a) Does not authorize deposit more than [21] 45 days after the date of the check;

(b) — (c) (text unchanged)

B. — F. (text unchanged)

Subtitle 05 TABLE GAMES**36.05.04 Blackjack Rules**

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

.02 Blackjack Tables and Card Reader Devices.

A. (text unchanged)

B. The layout for a blackjack table shall be submitted to the Commission and approved under Regulation .16 of this chapter and contain at least:

(1) — (2) (text unchanged)

(3) The following inscriptions:

(a) — (b) (text unchanged)

(c) "Dealer shall draw to 16 and stand on all 17s," or other similar language approved in advance by the Commission under [Regulation .16 of this chapter] *COMAR 36.05.03.16*;

(4) — (12) (text unchanged)

(13) *If the facility operator offers the House Money Wager authorized under Regulation .06 of this chapter, a separate area designated for the placement of the House Money Wager;*

[(13)](14) — [(15)](16) (text unchanged)

C. — J. (text unchanged)

.03 Cards, Number of Decks, Value of Cards.

A. — D. (text unchanged)

E. The value of the cards shall be:

(1) Any card from 2 to 10 [shall have its] *is* face value;

(2) Any jack, queen, or king [shall have a value of] *is valued at* 10; and

(3) An ace [shall have a value of] *is valued at* 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace [shall have a value of] *is valued at* 1.

.06 Wagers.

A. — F. (text unchanged)

G. If specified in its rules submission under COMAR 36.05.03.19, a facility operator may offer to a player who placed a Blackjack Wager the option of placing these additional wagers:

(1) — (8) (text unchanged)

(9) A Three Card Poker Wager that the dealer's up card and the player's initial two cards will form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush. For purposes of the Three Card Poker Wager, the rank of the cards shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. An ace may be used to complete a straight flush or a straight with a 2 and 3 but may not be combined with any other sequence of cards; [or]

(10) A Hit and Run Progressive Wager that the dealer will have blackjack or a hand containing five or more cards; *or*

(11) *A House Money Wager that the initial two cards dealt to the player will form a two-card straight, a pair, a two-card straight flush or an ace-king suited.*

H. (text unchanged)

.13 Payout Odds and Limitation.

A. A facility operator shall pay a winning:

(1) — (3) (text unchanged)

(4) Lucky Ladies Twenty Point Bonus Wager at the odds in the following payable:

(a) For a queen of hearts pair and dealer blackjack the payout [shall be] *is* 1,000 to 1;

(b) For a queen of hearts pair the payout [shall be] *is* 200 to 1;

(c) For a Matched 20 the payout [shall be] *is* 25 to 1;

(d) For a Suited 20 the payout [shall be] *is* 10 to 1; and

(e) For Any 20 the payout [shall be] *is* 4 to 1;

(5) Match-the-Dealer Wagers at the odds in the following payable:

- (a) If six decks of cards are being used:
 - (i) For each matching card of the same suit the payout [shall be] is 11 to 1; and
 - (ii) For each matching card of a different suit the payout [shall be] is 4 to 1;
- (b) If eight decks of cards are being used:
 - (i) For each matching card of the same suit the payout [shall be] is 14 to 1; and
 - (ii) For each matching card of a different suit the payout [shall be] is 3 to 1;

(6) In Between Wagers at the odds in the following payable:

- (a) For each Triple Match the payout [shall be] is 30 to 1;
- (b) For each one-card spread the payout [shall be] is 10 to 1;
- (c) For each two-card spread the payout [shall be] is 6 to 1;
- (d) For each three-card spread the payout [shall be] is 4 to 1;

and

- (e) For all others the payout [shall be] is 1 to 1;

(7) Royal Match 21 Wagers and the Crown Treasure Bonus at the odds in one of the following paytables selected by the facility operator in its rules submission under COMAR 36.05.03.19:

- (a) If a single deck of cards is being used, payout under Paytable A:
 - (i) For a Royal Match the payout [shall be] is 10 to 1;
 - (ii) For a Suited Match the payout [shall be] is 3 to 1; or
 - (iii) For a Crown Treasure the payout [shall be] is 1,000 for 1;

(b) If a single deck of cards is being used, payout under Paytable B:

- (i) For a Royal Match the payout [shall be] is 5 to 1;
- (ii) For a Suited Match the payout [shall be] is 3 to 1; or
- (iii) For a Crown Treasure the payout [shall be] is 1,000 for 1;

(c) If multiple decks of cards are being used, payout under Paytable C:

- (i) For a Royal Match the payout [shall be] is 30 to 1;
- (ii) For a Suited Match the payout [shall be] is 2.5 to 1; or
- (iii) For a Crown Treasure the payout [shall be] is 1,000 for 1;

(d) If multiple decks of cards are being used, payout under Paytable D:

- (i) For a Royal Match the payout [shall be] is 25 to 1;
- (ii) For a Suited Match the payout [shall be] is 2.5 to 1; or
- (iii) For a Crown Treasure the payout [shall be] is 1,000 for 1.

(e) If multiple decks of cards are being used, payout under Paytable E:

- (i) For a Royal Match the payout [shall be] is 50 to 1;
- (ii) For a Suited Match the payout [shall be] is 2 to 1; or
- (iii) For a Crown Treasure the payout [shall be] is 1,000 for 1;

(8) Bet the Set 21 Wagers at the odds in one of the following pay tables selected by the facility operator in its Rules Submission submitted under COMAR 36.05.03.19:

- (a) If a single deck is being used, payout under Paytable A, which means that for Pairs the payout [shall be] is 15 to 1;
- (b) If two decks are being used, payout under Paytable B:
 - (i) For Suited Pairs the payout [shall be] is 25 to 1.
 - (ii) For Pairs the payout [shall be] is 10 to 1.
- (c) If four or more decks are being used payout under Paytable C:
 - (i) For Suited Pairs the payout [shall be] is 15 to 1; or
 - (ii) For Pairs the payout [shall be] is 10 to 1;

(d) If four or more decks are being used payout under Paytable D:

- (i) For Suited Pairs the payout [shall be] is 12 to 1; or
- (ii) For Pairs the payout [shall be] is 10 to 1.

(9) King's Bounty Wagers at the odds in the following payable:

- (a) For a King of spades pair and dealer Blackjack the payout [shall be] is 1,000 to 1; or
- (b) For a King of spades pair the payout [shall be] is 200 to 1;

(c) For a Suited kings pair the payout [shall be] is 50 to 1;

(d) For a Suited queens, jacks or 10s pair the payout [shall be] is 25 to 1;

(e) For a Suited 20 the payout [shall be] is 9 to 1;

(f) For a Pair of kings the payout [shall be] is 6 to 1; or

(g) For Any 20 the payout [shall be] is 4 to 1;

(10) Super Match Wagers at the odds in the following payable:

(a) If six decks are being used:

(i) For a Four-of-a-kind the payout [shall be] is 40 to 1;

(ii) For Two pair the payout [shall be] is 8 to 1;

(iii) For Three-of-a-kind the payout [shall be] is 5 to 1; or

(iv) For a Pair the payout [shall be] is 1 to 1;

(b) If eight decks are being used:

(i) For a Four-of-a-kind the payout [shall be] is 50 to 1;

(ii) For Two pair the payout [shall be] is 7 to 1;

(iii) For Three-of-a-kind the payout [shall be] is 5 to 1; or

(iv) For a Pair the payout [shall be] is 1 to 1;

(11) House Money Wagers at the odds in the following payable:

(a) If a single deck is being used:

(i) For an Ace-king suited the payout is 9 to 1;

(ii) For a Two-card straight flush the payout is 5 to 1;

(iii) For a Pair the payout is 3 to 1; or

(iv) For a Two-card straight the payout is 1 to 1;

(b) If multiple decks are being used:

(i) For an Ace-king suited the payout is 9 to 1;

(ii) For a Two-card straight flush the payout is 4 to 1;

(iii) For a Pair the payout is 3 to 1; or

(iv) For a Two-card straight the payout is 1 to 1.

B. If a facility operator offers a Bad Beat Progressive Wager, the facility operator shall pay out a winning Bad Beat Progressive Wager at the odds in the following paytables:

(1) When a player has a 20 and the dealer has:

(a) 21 with seven or more cards the payout [shall be] is 100 percent of the meter;

(b) 21 with six cards the payout [shall be] is 1,000 for 1;

(c) 21 with five cards the payout [shall be] is 100 for 1;

(d) 21 with four cards the payout [shall be] is 50 for 1;

(e) 21 with three cards the payout [shall be] is 25 for 1; or

(f) Blackjack the payout [shall be] is 10 for 1;

(2) Player has 20 the payout [shall be] is 1 to 1;

(3) Magic Card Bonus the payout [shall be] is 20 for 1;

(4) Lucky Player Bonus the payout [shall be] is 5 for 1.

C. A facility operator's Rules Submission submitted under COMAR 36.05.03.19 shall specify:

(1) (text unchanged)

(2) That the initial and reset amounts [and shall be] are at least \$5,000.

D. (text unchanged)

E. If a facility operator offers the Hit and Run Progressive Wager, the facility operator shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable when the dealer has:

(1) Eight or more cards the payout [shall be] is 100 percent of the meter;

(2) Seven cards the payout [shall be] is 100 for 1;

- (3) Six cards the payout [shall be] *is* 25 for 1;
- (4) Five cards the payout [shall be] *is* 7 for 1; or
- (5) Blackjack the payout [shall be] *is* 4 for 1.

F. A facility operator's Rules Submission submitted under COMAR 36.05.03.19 shall specify:

- (1) (text unchanged)
- (2) That the initial and reset amounts [and shall be] *are* at least \$1,000.

G. — J. (text unchanged)

36.05.05 Craps Rules

Authority: 36.05.05: State Government Article, §§ 9-1A-02 and 9-1A-04, Annotated Code of Maryland

.02 Craps and Mini-Craps Tables.

A. — C. (text unchanged)

D. A facility operator shall submit its proposed layout for a craps or mini-craps table to the Commission for approval under COMAR 36.05.03.16 with at least:

- (1) — (4) (text unchanged)
- (5) *If the facility operator offers Bonus Craps:*

(a) *A designated area of the layout in front of the boxperson for the placement of the following wagers:*

- (i) *The All Small Wager;*
- (ii) *The All or Nothing At All Wager; and*
- (iii) *The All Tall Wager;*

(b) *A designated area of the layout for the placement of a marker button on numbers 2 through 6 and numbers 8 through 12; and*

(c) *The payout odds for permissible Bonus Craps wagers.*

E. (text unchanged)

.03 Wagers.

A. The following wagers are authorized in the games of craps and mini-craps:

(1) A Pass Bet placed on the Pass Line of the layout immediately prior to the come out roll, for which a winning or losing Pass Bet shall be determined as follows:

- (a) A Pass Bet [shall win] *wins* if, on the come out roll:
 - (i) — (ii) (text unchanged)
- (b) A Pass Bet [shall lose] *loses* if, on the come out roll:
 - (i) — (ii) (text unchanged)

(2) A Don't Pass Bet placed on the Don't Pass Line of the layout immediately prior to the come out roll, for which winning or losing Don't Pass Bet shall be determined as follows:

- (a) A Don't Pass Bet [shall win] *wins* if, on the come out roll:
 - (i) — (ii) (text unchanged)
- (b) A Don't Pass Bet [shall lose] *loses* if, on the come out roll:
 - (i) — (ii) (text unchanged)

(c) If a total of 12 is thrown on the come out roll, a Don't Pass Bet [shall be] *is* void and any Don't Pass Bets shall be returned to the players.

(3) A Come Bet placed on the Come Line of the layout at any time after the come out roll.

- (a) (text unchanged)
- (b) A Come Bet [shall win] *wins* if:
 - (i) — (ii) (text unchanged)
- (c) A Come Bet [shall lose] *loses* if:
 - (i) — (ii) (text unchanged)

(4) A Don't Come Bet placed on the Don't Come Line of the layout at any time after the come out roll.

- (a) (text unchanged)

(b) A Don't Come Bet [shall win] *wins* if either:

- (i) — (ii) (text unchanged)

(c) A Don't Come Bet [shall lose] *loses* if:

- (i) — (ii) (text unchanged)

(d) If a total of 12 is thrown on the roll immediately following placement of a Don't Come Bet, the Don't Come Bet [shall be] *is* void and any Don't Come Bets shall be returned to the players.

(5) A Place Bet to Win on any of the numbers 4, 5, 6, 8, 9, or 10, which may be made at any time.

(a) A Place Bet to Win [shall be] *is* inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Place Bet to Win [shall win] *wins* if the number on which the wager was placed is thrown before a 7 is thrown.

(c) A Place Bet to Win [shall lose] *loses* if a 7 is thrown before the number on which the wager was placed is thrown.

(6) A Place Bet to Lose placed in a box adjacent to any of the numbers 4, 5, 6, 8, 9, or 10 which may be made at any time.

(a) A Place Bet to Lose [shall be] *is* inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Place Bet to Lose [shall win] *wins* if a 7 is thrown before the particular number against which the wager is placed is thrown.

(c) A Place Bet to Lose [shall lose] *loses* if the particular number against which the wager is placed is thrown before a 7 is thrown.

(7) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2, which may be made at any time.

(a) A Four the Hardway Bet [shall be] *is* inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Four the Hardway Bet [shall win] *wins* if a total of 4 is thrown with a 2 appearing on each die before a 4 is thrown in any other way or before a 7 is thrown.

(c) A Four the Hardway Bet [shall lose] *loses* if a total of 4 is thrown without a 2 appearing on each die or a 7 is thrown before a total of 4 is thrown with a 2 appearing on each die.

(8) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3, which may be made at any time.

(a) A Six the Hardway Bet [shall be] *is* inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A Six the Hardway Bet [shall win] *wins* if a total of 6 is thrown with a 3 appearing on each die before a 6 is thrown in any other way or before a 7 is thrown.

(c) A Six the Hardway Bet [shall lose] *loses* if a total of 6 is thrown without a 3 appearing on each die or a 7 is thrown before a total of 6 is thrown with a 3 appearing on each die.

(9) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4, which may be made at any time.

(a) An Eight the Hardway Bet [shall be] *is* inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) An Eight the Hardway Bet [shall win] *wins* if a total of 8 is thrown with a 4 appearing on each die before an 8 is thrown in any other way or before a 7 is thrown.

(c) An Eight the Hardway Bet [shall lose] *loses* if a total of 8 is thrown without a 4 appearing on each die or a 7 is thrown before a total of 8 is thrown with a 4 appearing on each die.

(10) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5, which may be made at any time.

(a) A Ten the Hardway Bet [shall be] *is inactive* on the come out roll unless called “on” by the player and confirmed by the dealer through placement of an “on” marker button on top of the player’s wager.

(b) A Ten the Hardway Bet [shall win] *wins* if a total of 10 is thrown with a 5 appearing on each die before a 10 is thrown in any other way or before a 7 is thrown.

(c) A Ten the Hardway Bet [shall lose] *loses* if a total of 10 is thrown without a 5 appearing on each die or a 7 is thrown before a total of 10 is thrown with a 5 appearing on each die.

(11) A Field Bet placed in a box which shows the numbers 2, 3, 4, 9, 10, 11, and 12, which may be made at any time.

(a) A Field Bet [shall win] *wins* if a 2, 3, 4, 9, 10, 11, or 12 is thrown on the roll immediately following placement of the Field Bet.

(b) A Field Bet [shall lose] *loses* if a 5, 6, 7, or 8 is thrown on the roll immediately following placement of the Field Bet.

(12) An Any Seven Bet placed in a box which contains the phrase “Any Seven”, which may be made at any time.

(a) An Any Seven Bet [shall win] *wins* if a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(b) An Any Seven Bet [shall lose] *loses* if any total other than a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(13) An Any Craps Bet placed in a box which contains the phrase “Any Craps”, which may be made at any time.

(a) An Any Craps Bet [shall win] *wins* if a 2, 3, or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(b) An Any Craps Bet [shall lose] *loses* if any total other than a 2, 3, or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(14) A Craps Two Bet placed in a box which shows two dice, each of which displays a value of 1, which may be made at any time:

(a) A Craps Two Bet [shall win] *wins* if a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(b) A Craps Two Bet [shall lose] *loses* if any total other than a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(15) A Craps Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other of which displays a value of 2, which may be made at any time.

(a) A Craps Three Bet [shall win] *wins* if a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(b) A Craps Three Bet [shall lose] *loses* if any total other than a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(16) A Craps Twelve Bet placed in a box which shows two dice, each of which displays a value of 6, which may be made at any time.

(a) A Craps Twelve Bet [shall win] *wins* if a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(b) A Craps Twelve Bet [shall lose] *loses* if any total other than a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(17) An 11 in One Roll Bet placed in a box which shows two dice, one of which displays a value of 5 and the other of which displays a value of 6, which may be made at any time.

(a) An 11 in One Roll Bet [shall win] *wins* if an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(b) An 11 in One Roll Bet [shall lose] *loses* if any total other than an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(18) A Craps-Eleven or C and E Bet placed in an area on the table layout that contains the letters “C” and “E”, which may be made at any time.

(a) A Craps-Eleven or C and E Bet [shall win] *wins* if a 2, 3, 11, or 12 is rolled immediately following placement of the Craps-Eleven or C and E Bet.

(b) A Craps-Eleven or C and E Bet [shall lose] *loses* if any total other than a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Craps-Eleven or C and E Bet.

(19) A Horn Bet placed in a box which contains the words “Horn Bet”, which may be made at any time.

(a) (text unchanged)

(b) A Horn Bet [shall win] *wins* if a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Horn Bet.

(c) A Horn Bet [shall lose] *loses* if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(20) A Horn High Bet placed in a box which contains the words “Horn High Bet” and two dice with a total value of 2, 3, 11, or 12, which may be made at any time.

(a) — (b) (text unchanged)

(c) A Horn High Bet [shall win] *wins* if a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(d) A Horn High Bet [shall lose] *loses* if any total other than a 2, 3, 11, or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(21) A Whirl Bet placed in a box which contains the words “Whirl Bet”, which may be made at any time.

(a) — (b) (text unchanged)

(c) A Whirl Bet [shall win] *wins* if a 2, 3, 7, 11, or 12 is thrown on the roll immediately following placement of the Whirl Bet.

(d) A Whirl Bet [shall lose] *loses* if any total other than a 2, 3, 7, 11, or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(22) A Four the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Four the Hardway on the Hop Bet [shall win] *wins* if a total of 4 is thrown with a 2 appearing on each die on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(b) A Four the Hardway on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Four the Hardway on The Hop Bet.

(23) A Six the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Six the Hardway on the Hop Bet [shall win] *wins* if a total of 6 is thrown with a 3 appearing on each die on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(b) A Six the Hardway on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(24) An Eight the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) An Eight the Hardway on the Hop Bet [shall win] *wins* if a total of 8 is thrown with a 4 appearing on each die on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(b) An Eight the Hardway on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(25) A Ten the Hardway on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Ten the Hardway on the Hop Bet [shall win] *wins* if a total of 10 is thrown with a 5 appearing on each die on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(b) A Ten the Hardway on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(26) A One-Three or Ace-Trey on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Three or Ace-Trey on the Hop Bet [shall win] *wins* if a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(b) A One-Three or Ace-Trey on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(27) A One-Four or Ace-Four on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Four or Ace-Four on the Hop Bet [shall win] *wins* if a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(b) A One-Four or Ace-Four on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(28) A Two-Three or Deuce-Trey on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Three or Deuce-Trey on the Hop Bet [shall win] *wins* if a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(b) A Two-Three or Deuce-Trey on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(29) A One-Five or Ace-Five on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Five or Ace-Five on the Hop Bet [shall win] *wins* if a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(b) A One-Five or Ace-Five on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(30) A Two-Four or Deuce-Four on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Four or Deuce-Four on the Hop Bet [shall win] *wins* if a total of 6 is thrown with a 2 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Two-Four or Deuce-Four on the Hop Bet.

(b) A Two-Four or Deuce-Four on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(31) A One-Six or Ace-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A One-Six or Ace-Six on the Hop Bet [shall win] *wins* if a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(b) A One-Six or Ace-Six on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(32) A Two-Five or Deuce-Five on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Five or Deuce-Five on the Hop Bet [shall win] *wins* if a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(b) A Two-Five or Deuce-Five on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(33) A Three-Four or Trey-Four on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Three-Four or Trey-Four on the Hop Bet [shall win] *wins* if a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(b) A Three-Four or Trey-Four on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(34) A Two-Six or Deuce-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Two-Six or Deuce-Six on the Hop Bet [shall win] *wins* if a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(b) A Two-Six or Deuce-Six on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(35) A Three-Five or Trey-Five on the Hop Bet placed in an area on the layout for this bet which may be made at any time.

(a) A Three-Five or Trey-Five on the Hop Bet [shall win] *wins* if a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(b) A Three-Five or Trey-Five on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(36) A Three-Six or Trey-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Three-Six or Trey-Six on the Hop Bet [shall win] *wins* if a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(b) A Three-Six or Trey-Six on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(37) A Four-Five on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Four-Five on the Hop Bet [shall win] *wins* if a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Four-Five on the Hop Bet.

(b) A Four-Five on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Four-Five on the Hop Bet.

(38) A Four-Six on the Hop Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A Four-Six on the Hop Bet [shall win] *wins* if a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Four-Six on the Hop Bet.

(b) A Four-Six on the Hop Bet [shall lose] *loses* if any other combination is thrown on the roll immediately following placement of the Four-Six on the Hop Bet.

(39) A 6-7-8 Bet placed in an area on the layout for this bet, which may be made at any time.

(a) A 6-7-8 Bet [shall win] *wins* if a total of 6, 7, or 8 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(b) A 6-7-8 Bet [shall lose] *loses* if a 2, 3, 4, 5, 9, 10, 11, or 12 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(40) A Fire Bet that may only be made prior to the come out roll of a new shooter.

(a) A Fire Bet [shall win] *wins* if at least four different unique point totals of either 4, 5, 6, 8, 9, or 10 are made by the shooter before a 7 is thrown.

(b) A Fire Bet [shall lose] *loses* if less than four different unique point totals of either 4, 5, 6, 8, 9, or 10 are made by the shooter before a 7 is thrown.

(41) In addition to Place Bets to Win on 4, 5, 6, 8, 9, and 10, a facility operator may, if specified in its Rules Submission under COMAR 36.05.03.19, offer players the option of placing a Buy Bet to receive true odds on the Place Bet to Win.

(a) A Buy Bet [shall be] *is* inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager.

(b) A winning or losing Buy Bet shall be determined as follows:

(i) A Buy Bet [shall win] *wins* if the number on which the S was placed is thrown before a 7 is thrown.

(ii) A Buy Bet [shall lose] *loses* if a 7 is thrown before the number on which the wager was placed is thrown.

(42) In addition to or in lieu of the Place Bets to Lose on 4, 5, 6, 8, 9, and 10, a facility operator may, if specified in its Rules Submission under COMAR 36.05.03.19, offer players the option of placing a Lay Bet to receive true odds on the Place Bet to Lose.

(a) A Lay Bet [shall be] *is* active on a come out roll unless called "off" by the player and confirmed by the dealer through placement of an "off" marker button on top of the player's wager.

(b) A Lay Bet [shall win] *wins* if a 7 is thrown before the particular number against which the wager is placed is thrown.

(c) A Lay Bet [shall lose] *loses* if the particular number against which the wager is placed is thrown before a 7 is thrown.

(43) *If a facility operator offers Bonus Craps, the following wagers may be made immediately prior to the come out roll:*

(a) *An All Small Wager wins if all of the numbers 2 through 6 are thrown before a 7 is thrown;*

(b) *An All Or Nothing At All Wager wins if all of the numbers 2 through 6 and 8 through 12 are thrown before a 7 is thrown; and*

(c) *An All Tall Wager wins if all numbers 8 through 12 are thrown before 7 is thrown.*

B. — C. (text unchanged)

.04 Making and Removing Wagers.

A. — C. (text unchanged)

D. A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of the wager, except that:

(1) (text unchanged)

(2) A Come Bet may not be removed or reduced after a come point is established with respect to the Come Bet; [and]

(3) A Fire Bet may not be reduced or increased at any time, and may not be removed prior to the throwing of a loser 7; and

(4) *Bonus Craps wagers may not be reduced or increased at any time.*

E. — F. (text unchanged)

.05 Payout Odds.

A. The facility operator shall pay out winning craps and mini-craps wagers as follows:

(1) For Pass Bet the payout [shall be] *is* 1 to 1;

(2) For Don't Pass Bet the payout [shall be] *is* 1 to 1;

(3) For Come Bet the payout [shall be] *is* 1 to 1;

(4) For Don't Come Bet the payout [shall be] *is* 1 to 1;

(5) For Place Bet to Win on 4 the payout [shall be] *is* 9 to 5;

(6) For Place Bet to Win on 5 the payout [shall be] *is* 7 to 5;

(7) For Place Bet to Win on 6 the payout [shall be] *is* 7 to 6;

(8) For Place Bet to Win on 8 the payout [shall be] *is* 7 to 6;

(9) For Place Bet to Win on 9 the payout [shall be] *is* 7 to 5;

(10) For Place Bet to Win on 10 the payout [shall be] *is* 9 to 5;

(11) For Place Bet to Lose on 4 the payout [shall be] *is* 5 to 11;

(12) For Place Bet to Lose on 5 the payout [shall be] *is* 5 to 8;

(13) For Place Bet to Lose on 6 the payout [shall be] *is* 4 to 5;

(14) For Place Bet to Lose on 8 the payout [shall be] *is* 4 to 5;

(15) For Place Bet to Lose on 9 the payout [shall be] *is* 5 to 8;

(16) For Place Bet to Lose on 10 the payout [shall be] *is* 5 to 11;

(17) For Four the Hardway Bet the payout [shall be] *is* 7 to 1;

(18) For Six the Hardway Bet the payout [shall be] *is* 9 to 1;

(19) For Eight the Hardway Bet the payout [shall be] *is* 9 to 1;

(20) For Ten the Hardway Bet the payout [shall be] *is* 7 to 1;

(21) For a Field Bet on a 3, 4, 9, 10 or 11 the payout [shall be] *is* 1 to 1;

(22) For a Field Bet on a 2 or 12 the payout [shall be] *is* 2 to 1;

(23) For Any Seven Bet the payout [shall be] *is* 4 to 1;

(24) For Any Craps Bet the payout [shall be] *is* 7 to 1;

(25) For Craps 2 Bet the payout [shall be] *is* 30 to 1;

(26) For Craps 3 Bet the payout [shall be] *is* 15 to 1;

(27) For Craps 12 Bet the payout [shall be] *is* 30 to 1;

(28) For 11 in One Roll the payout [shall be] *is* 15 to 1;

(29) For Four the Hardway on the Hop Bet the payout [shall be] *is* 30 to 1;

(30) For Six the Hardway on the Hop Bet the payout [shall be] *is* 30 to 1;

(31) For Eight the Hardway on the Hop Bet the payout [shall be] *is* 30 to 1;

(32) For Ten the Hardway on the Hop Bet the payout [shall be] *is* 30 to 1;

(33) For One-Three or Ace-Trey on the Hop Bet the payout [shall be] *is* 15 to 1;

(34) For One-Four or Ace-Four on the Hop Bet the payout [shall be] *is* 15 to 1;

(35) For One-Five or Ace-Five on the Hop Bet the payout [shall be] *is* 15 to 1;

(36) For One-Six or Ace-Six on the Hop Bet the payout [shall be] *is* 15 to 1;

(37) For Two-Three or Deuce-Trey on the Hop Bet the payout [shall be] *is* 15 to 1;

(38) For Two-Four or Deuce-Four on the Hop Bet the payout [shall be] *is* 15 to 1;

(39) For Two-Five or Deuce-Five on the Hop Bet the payout [shall be] *is* 15 to 1;

(40) For Two-Six or Deuce-Six on the Hop Bet the payout [shall be] *is* 15 to 1;

(41) For Three-Four or Trey-Four on the Hop Bet the payout [shall be] *is* 15 to 1;

(42) For Three-Five or Trey-Five on the Hop Bet the payout [shall be] *is* 15 to 1;

(43) For Three-Six or Trey-Six on the Hop Bet the payout [shall be] *is* 15 to 1;

(44) For Four-Five on the Hop Bet the payout [shall be] *is* 15 to 1;

(45) For Four-Six on the Hop Bet the payout [shall be] *is* 15 to 1;

(46) For 6-7-8 Bet on a 6 that is a One-Five or Two-Four, on any 7 or an 8 that is a Two-Six or Three Five the payout [shall be] is 1 to 1; and

(47) For a 6-7-8 Bet on a 6 that is a Three-Three or an 8 that is a Four-Four the payout [shall be] is 2 to 1.

B. — E. (text unchanged)

F. A winning Fire Bet shall be paid once for the highest number of different unique points made at the odds in one of the following pay tables selected by the facility operator in its rules submission under COMAR 36.05.03.19:

(1) Pay Table A:

- (a) For four points the payout [shall be] is 24 to 1;
- (b) For five points the payout [shall be] is 249 to 1; and
- (c) For six or more points the payout [shall be] is 999 to 1;

(2) Pay Table B:

- (a) For four points the payout [shall be] is 39 to 1;
- (b) For five points the payout [shall be] is 199 to 1; and
- (c) For six or more points the payout [shall be] is 499 to 1;

G. A facility operator that offers Buy Bets and Lay Bets:

(1) Shall pay winning Buy Bet wagers as follows:

- (a) For a Buy Bet on the 4 the payout [shall be] is 2 to 1;
- (b) For a Buy Bet on the 5 the payout [shall be] is 3 to 2;
- (c) For a Buy Bet on the 6 the payout [shall be] is 6 to 5;
- (d) For a Buy Bet on the 8 the payout [shall be] is 6 to 5;
- (e) For a Buy Bet on the 9 the payout [shall be] is 3 to 2; and
- (f) For a Buy Bet on the 10 the payout [shall be] is 2 to 1;

(2) Shall pay winning Lay Bet wagers as follows:

- (a) For a Lay Bet against the 4 the payout [shall be] is 1 to 2;
- (b) For a Lay Bet against the 5 the payout [shall be] is 2 to 3;
- (c) For a Lay Bet against the 6 the payout [shall be] is 5 to 6;
- (d) For a Lay Bet against the 8 the payout [shall be] is 5 to 6;
- (e) For a Lay Bet against the 9 the payout [shall be] is 2 to 3;

and

- (f) For a Lay Bet against the 10 the payout [shall be] is 1 to 2;

(3) (text unchanged)

H. If a facility operator offers Bonus Craps:

- (1) For All Small Wagers, the payout is 34 to 1;
- (2) For All Or Nothing At All Wagers, the payout is 175 to 1;

and

- (3) For All Tall Wagers, the payout is 34 to 1.

[H.] I. — [J.] K. (text unchanged)

.12 Bonus Craps — Additional Procedures and Rules.

A.A facility operator that offers Bonus Craps shall follow the rules and procedures in this Regulation, in addition to the applicable rules in this chapter.

B. Additional Procedures and Rules for Bonus Craps:

(1) Prior to a new shooter's initial come out roll, each player may place one or more of the permissible wagers described in COMAR 36.05.05.03A(43).

(2) The dealer shall place each player's wagers in the corresponding designated area in front of the boxperson, where the wagers shall remain until they are collected or paid.

(3) With each point made by a shooter, the dealer shall place a marker button inscribed with the point value in the area of the table layout containing the point value of the throw that was just made, and:

(a) Each button must be visually distinguishable from, and have a diameter larger than, and authorized value chip; and

(b) The boxperson or dealer at a Craps table shall maintain the marker buttons.

(4) After all numbers necessary for a wager have been thrown and marked on the layout with the marker buttons, the dealer shall pay the winning wagers in accordance with COMAR 36.05.05.05H.

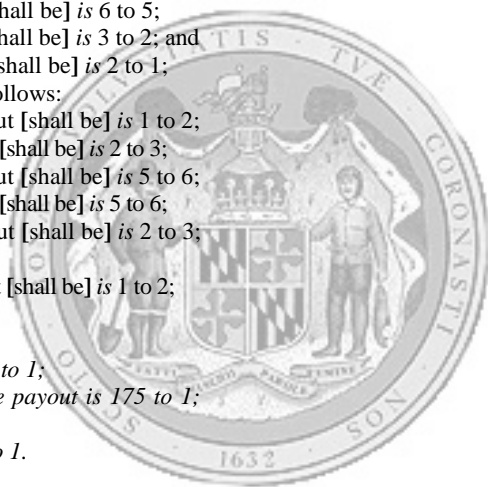
(5) If a 7 is thrown at any time, the dealer shall collect all Bonus Craps wagers and remove all marker buttons from the Bonus Craps area of the layout.

(6) The numbers required to win are not required to be made in a specific order or combination.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency



Maryland Medical Orders for Life-Sustaining Treatment (MOLST)

Patient's Last Name, First, Middle Initial

Date of Birth

☐ Male ☐ Female

This form includes medical orders for Emergency Medical Services (EMS) and other medical personnel regarding cardiopulmonary resuscitation and other life-sustaining treatment options for a specific patient. It is valid in all health care facilities and programs throughout Maryland. This order form shall be kept with other active medical orders in the patient's medical record. The physician, nurse practitioner (NP), or physician assistant (PA) must accurately and legibly complete the form and then sign and date it. The physician, NP, or PA shall select only 1 choice in Section 1 and only 1 choice in any of the other Sections that apply to this patient. If any of Sections 2-9 do not apply, leave them blank. A copy or the original of every completed MOLST form must be given to the patient or authorized decision maker within 48 hours of completion of the form or sooner if the patient is discharged or transferred.

CERTIFICATION FOR THE BASIS OF THESE ORDERS: Mark any and all that apply.

I hereby certify that these orders are entered as a result of a discussion with and the informed consent of:

- ☐ the patient; or
☐ the patient's health care agent as named in the patient's advance directive; or
☐ the patient's guardian of the person as per the authority granted by a court order; or
☐ the patient's surrogate as per the authority granted by the Health Care Decisions Act; or
☐ if the patient is a minor, the patient's legal guardian or another legally authorized adult.

Or, I hereby certify that these orders are based on:

- ☐ instructions in the patient's advance directive; or
☐ other legal authority in accordance with all provisions of the Health Care Decisions Act. All supporting documentation must be contained in the patient's medical records.
☐ Mark this line if the patient or authorized decision maker declines to discuss or is unable to make a decision about these treatments. **The patient's or authorized decision maker's participation in the preparation of the MOLST form is always voluntary.** If the patient or authorized decision maker has not limited care, except as otherwise provided by law, CPR will be attempted and other treatments will be given.

CPR (RESUSCITATION) STATUS: EMS providers must follow the *Maryland Medical Protocols for EMS Providers*.

☐ **Attempt CPR:** If cardiac and/or pulmonary arrest occurs, attempt cardiopulmonary resuscitation (CPR). This will include any and all medical efforts that are indicated during arrest, including artificial ventilation and efforts to restore and/or stabilize cardiopulmonary function.

[If the patient or authorized decision maker does not or cannot make any selection regarding CPR status, mark this option. Exceptions: If a valid advance directive declines CPR, CPR is medically ineffective, or there is some other legal basis for not attempting CPR, mark one of the "No CPR" options below.]

1 No CPR, Option A, Comprehensive Efforts to Prevent Arrest: Prior to arrest, administer all medications needed to stabilize the patient. If cardiac and/or pulmonary arrest occurs, do not attempt resuscitation (No CPR). Allow death to occur naturally.

☐ **Option A-1, Intubate:** Comprehensive efforts may include intubation and artificial ventilation.

☐ **Option A-2, Do Not Intubate (DNI):** Comprehensive efforts may include limited ventilatory support by CPAP or BiPAP, but do not intubate.

☐ **No CPR, Option B, Palliative and Supportive Care:** Prior to arrest, provide passive oxygen for comfort and control any external bleeding. Prior to arrest, provide medications for pain relief as needed, but no other medications. Do not intubate or use CPAP or BiPAP. If cardiac and/or pulmonary arrest occurs, do not attempt resuscitation (No CPR). Allow death to occur naturally.

SIGNATURE OF PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT (Signature and date are required to validate order)

Practitioner's Signature

Print Practitioner's Name

Maryland License #

Phone Number

Date

Patient's Last Name, First, Middle Initial		Date of Birth		Page 2 of 2	
				<input type="checkbox"/> Male <input type="checkbox"/> Female	
Orders in Sections 2-9 below do not apply to EMS providers and are for situations other than cardiopulmonary arrest. Only complete applicable items in Sections 2 through 8, and only select one choice per applicable Section.					
2	ARTIFICIAL VENTILATION				
	2a. _____ May use intubation and artificial ventilation indefinitely, if medically indicated.				
	2b. _____ May use intubation and artificial ventilation as a limited therapeutic trial. Time limit _____				
	2c. _____ May use only CPAP or BiPAP for artificial ventilation, as medically indicated. Time limit _____				
	2d. _____ Do not use any artificial ventilation (no intubation, CPAP or BiPAP).				
3	BLOOD TRANSFUSION				
	3a. _____ May give any blood product (whole blood, packed red blood cells, plasma or platelets) that is medically indicated. 3b. _____ Do not give any blood products.				
4	HOSPITAL TRANSFER				
	4a. _____ Transfer to hospital for any situation requiring hospital-level care. 4b. _____ Transfer to hospital for severe pain or severe symptoms that cannot be controlled otherwise.				
	4c. _____ Do not transfer to hospital, but treat with options available outside the hospital.				
5	MEDICAL WORKUP				
	5a. _____ May perform any medical tests indicated to diagnose and/or treat a medical condition. 5b. _____ Only perform limited medical tests necessary for symptomatic treatment or comfort.				
	5c. _____ Do not perform any medical tests for diagnosis or treatment.				
6	ANTIBIOTICS				
	6a. _____ May use antibiotics (oral, intravenous or intramuscular) as medically indicated. 6c. _____ May use oral antibiotics only when indicated for symptom relief or comfort.				
	6b. _____ May use oral antibiotics when medically indicated, but do not give intravenous or intramuscular antibiotics. 6d. _____ Do not treat with antibiotics.				
7	ARTIFICIALLY ADMINISTERED FLUIDS AND NUTRITION				
	7a. _____ May give artificially administered fluids and nutrition, even indefinitely, if medically indicated. 7c. _____ May give fluids for artificial hydration as a therapeutic trial, but do not give artificially administered nutrition.				
	7b. _____ May give artificially administered fluids and nutrition, if medically indicated, as a trial. Time limit _____ 7d. _____ Do not provide artificially administered fluids or nutrition.				
8	DIALYSIS				
	8a. _____ May give chronic dialysis for end-stage kidney disease if medically indicated. 8b. _____ May give dialysis for a limited period. Time limit _____				
	8c. _____ Do not provide acute or chronic dialysis.				
9	OTHER ORDERS				

SIGNATURE OF PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT (Signature and date are required to validate order)					
Practitioner's Signature			Print Practitioner's Name		
Maryland License #			Phone Number		Date

INSTRUCTIONS

Completing the Form: The physician, NP, or PA shall select only 1 choice in Section 1 and only 1 choice in any of the other Sections that apply to this patient. If any of Sections 2-9 do not apply, leave them blank. Use Section 9 to document any other orders related to life-sustaining treatments. The order form is not valid until a physician, NP, or PA signs and dates it. Each page that contains orders must be signed and dated. A copy or the original of every completed MOLST form must be given to a competent patient or authorized decision maker within 48 hours of completion of the form or sooner if the patient is discharged or transferred.

Selecting CPR (Resuscitation) Status: EMS Option A-1 – Intubate, Option A-2 – Do Not Intubate, and Option B include a set of medical interventions. You cannot alter the set of interventions associated with any of these options and cannot override or alter the interventions with orders in Section 9.

No-CPR Option A: Comprehensive Efforts to Prevent Cardiac and/or Respiratory Arrest / DNR if Arrest – No CPR. This choice may be made either with or without intubation as a treatment option. Prior to arrest, all interventions allowed under *The Maryland Medical Protocols for EMS Providers*. Depending on the choice, intubation may or may not be utilized to try to prevent arrest. Otherwise, CPAP or BiPAP will be the only devices used for ventilatory assistance. In all cases, comfort measures will also be provided. No CPR if arrest occurs.

No-CPR Option B: Supportive Care Prior to Cardiac and/or Respiratory Arrest. DNR if Arrest Occurs – No CPR. Prior to arrest, interventions may include opening the airway by non-invasive means, providing passive oxygen, controlling external bleeding, positioning and other comfort measures, splinting, pain medications by orders obtained from a physician (e.g., by phone or electronically), and transport as appropriate. No CPR if arrest occurs.

The DNR A-1, DNR A-2 (DNI) and DNR B options will be authorized by this original order form, a copy or a fax of this form, or a bracelet or necklace with the DNR emblem. EMS providers or medical personnel who see these orders are to provide care in accordance with these orders and the applicable *Maryland Medical Protocols for EMS Providers*. Unless a subsequent order relating to resuscitation has been issued or unless the health care provider reasonably believes a DNR order has been revoked, every health care provider, facility, and program shall provide, withhold, or withdraw treatment according to these orders in case of a patient's impending cardiac or respiratory arrest.

Location of Form: The original or a copy of this form shall accompany patients when transferred or discharged from a facility or program. Health care facilities and programs shall maintain this order form (or a copy of it) with other active medical orders or in a section designated for MOLST and related documents in the patient's active medical record. At the patient's home, this form should be kept in a safe and readily available place and retrieved for responding EMS and health care providers before their arrival. The original, a copy, and a faxed MOLST form are all valid orders. There is no expiration date for the MOLST or EMS DNR orders in Maryland.

Reviewing the Form: These medical orders are based on this individual's current medical condition and wishes. Patients, their authorized decision makers and attending physicians, NPs, or PAs shall review and update, if appropriate, the MOLST orders **annually and whenever the patient is transferred between health care facilities or programs, is discharged, has a substantial change in health status, loses capacity to make health care decisions, or changes his or her wishes.**

Updating the Form: The MOLST form shall be voided and a new MOLST form prepared when there is a change to any of the orders. If modified, the physician, NP, or PA shall void the old form and complete, sign, and date a new MOLST form.

Voiding the Form: To void this medical order form, the physician, NP, or PA shall draw a diagonal line through the sheet, write "VOID" in large letters across the page, and sign and date below the line. A nurse may take a verbal order from a physician, NP, or PA to void the MOLST order form. Keep the voided order form in the patient's active or archived medical record.

Revoking the Form's DNR Order: In an emergency situation involving EMS providers, the DNR order in Section 1 may be revoked at any time by a competent patient's request for resuscitation made directly to responding EMS providers.

Bracelets and Necklaces: If desired, complete the paper form at the bottom of this page, cut out the bracelet portion below, and place it in a protective cover to wear around the wrist or neck or pinned to clothing. If a metal bracelet or necklace is desired, contact Medic Alert at 1-800-432-5378. Medic Alert requires a copy of this order along with an application to process the request.

How to Obtain This Form: Call 410-706-4367 or go to marylandmolst.org



Use of an EMS DNR bracelet is OPTIONAL and at the discretion of the patient or authorized decision maker. Print legibly, have physician, NP, or PA sign, cut off strip, fold, and insert in bracelet or necklace.

☐ DNR A-1 Intubate ☐ DNR A-2 Do Not Intubate ☐ DNR B

Pt. Name _____ DOB _____

Practitioner Name _____ Date _____

Practitioner Signature _____ Phone _____

Errata

COMAR 31.08.11.04

At 40:17 Md. R. 1460 (August 23, 2013), column 1, after line 11
from the top:

Insert: B. — C. (text unchanged)

[13-23-31]



Special Documents

MARYLAND DEPARTMENT OF THE ENVIRONMENT

WATER MANAGEMENT ADMINISTRATION

Notice of Final Determination

NOTE: There was a typographical error in the November 1, 2013, issue of the Maryland Register regarding the judicial review deadline. Any petition for judicial review must be filed in accordance with Environment Article, §1-605, Annotated Code of Maryland, no later than December 2, 2013 (not 2014).

General Permit for Stormwater Discharges from Industrial Facilities State Discharge Permit: 12SW, NPDES Permit: MDR00

The Maryland Department of the Environment is reissuing the State/National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Industrial Facilities, Permit No. 12SW (NPDES No. MDR00). This permit replaces the one issued in December 2002, Permit No. 02SW.

A public notice on the tentative determination to reissue the discharge permit was published on October 5, 2012 in the Maryland Register and in newspapers throughout Maryland. The Department held two public hearings concerning the tentative determination on **Monday, November 26, 2012 at 1pm** and **Friday, November 30, 2012 at 1pm** in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230, and received comments through **Friday, January 4, 2013**. After considering all comments received either in writing or through oral testimony during the comment period, the Department has made a final determination to issue the permit.

Listed below are the revisions included in the Department's final determination:

1. The Final Permit restoration requirements apply to any permittee whose facility is 5 acres or greater in size and is located within the Chesapeake Bay Watershed within a Phase I or Phase II Municipal Separate Storm Sewer System (MS4) jurisdiction.
2. Restoration requirements of this permit do not apply to a permittee whose facility or property is owned by an MS4 jurisdiction.
3. Deadlines have been modified for existing dischargers applying for coverage under the new permit. Those not subject to restoration requirements shall apply no later than six (6) months after the effective date of this permit, and the other existing dischargers that are subject to restoration requirements shall apply no later than one (1) year after the effective date of this permit. Complete applications must include the Notice of Intent (NOI), a current Stormwater Pollution Prevention Plan (SWPPP), and fee payment. The restoration plan is required to be incorporated as part of the SWPPP.
4. The baseline for evaluation of impervious surfaces is January 1, 2006 to coincide with the Chesapeake Bay Program 2010 TMDL model. Any treatment added since that date can be credited as progress towards the restoration requirements.
5. Additional eligibility options for certifying compliance with restoration requirements are now provided, including either a Professional Engineer, a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect.
6. The permit now references a restoration equivalency ratio of 5.4 lbs total nitrogen (TN) per year per acre of impervious surface and provides four (4) compliance options to meet the permit's 20% impervious restoration requirement on an equivalent basis, including any combination of the following practices:

- a. adding new controls to achieve any required benchmarks for nitrogen;
- b. adding new erosion and sediment controls;
- c. reducing use of fertilizers; or
- d. applying a TN load allocation from other process wastewater permitted at the facility.
7. The term "infeasible" is now defined in the permit.
8. The permit requires the restoration to be completed by the end of the 5 year permit term for renewals, or four years for new registrations.
9. Additional clarification has been added to the definition of impervious surfaces in the permit section addressing restoration (Part III.A.1.b).
10. The restoration plan, including specific planning process steps, and routine maintenance and inspection of all restoration best management practices (BMPs), have been added to the final permit SWPPP requirements. Guidance for what to include in the progress report are included in the final permit.
11. The Department's 2005 Guidance for use of Proprietary Practices is now referenced in the permit. This guidance provides an approval process for innovative technologies.
12. The eligibility restriction for No Exposure Certification based on impaired waters was removed. A new requirement for certification by either a Professional Engineer, or a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect has been included.
13. The permit is issued as final with an effective date of January 1, 2014.
14. Facilities who obtained coverage under the current 02SW permit, but their SIC code is not specifically mentioned in Appendix A, are now eligible to obtain coverage under the 12SW.
15. The eligible non-stormwater discharge categories from the federal MSGP, excluding fire hydrant flushing, have been added to the Maryland permit.
16. Requirements from the federal MSGP for inactive and unstaffed site have been added to the permit, including exemptions from quarterly visual or benchmark monitoring.
17. The (general) Fleet category was replaced with two additional Sectors. The additions are Sector AD.a (Department of Public Works and Highway Maintenance Facilities) and Sector AD.b (School Bus Fleet Maintenance Facilities). Coverage under the Sector AD category is not required unless the facility is notified by the Department that coverage is needed or the facility was covered under the 02-SW permit. In addition, the Land Transportation Sector now includes language to clarify when a facility in that category is required to have coverage.
18. The final permit will now require that visual assessments or benchmark monitoring for substantially identical outfalls address on at least a rotational basis each outfall that is certified as substantially identical.
19. The metal benchmark values are now set according to the default hardness of 100 mg/l resulting in the benchmarks copper at 0.014 mg/L, lead at 0.082 mg/L and zinc at 0.12 mg/L.
20. Several changes were made to the Landfill and Land Application Sector. Subsector L3 was added for post closure landfills that may be covered under the permit only if notified by the Department, whereas the other landfill subsectors L1 and L2 automatically require coverage when the facility is a Landfill with a refuse disposal permit or a Land Application Site with a marginal land permit. Benchmarks have been added for subsector L1 of total suspended solids (TSS) at 100 mg/L, and for subsector L2 of total iron at 1.0 mg/L. Reference to open dumps was removed from the final permit, as such dumps are not authorized.
21. Scrap recycling Sector N, has been split into two subsectors. A new Subsector N2 for Source-Separated Recycling was broken out since these facilities are not

subject to benchmark monitoring. Sub-sector N1, which are all other scrap recycling facilities, are subject to benchmark monitoring.

22. Benchmarks have been added for the Grain Mill Products subsector U1 for total suspended solids (TSS) at 100 mg/L and for the Fats and Oils Products subsector U2 have benchmark monitoring for biochemical oxygen demand (BOD5) at 30 mg/L, chemical oxygen demand (COD) at 120 mg/L, nitrate plus nitrite nitrogen at 0.68 mg/L, and total suspended solids (TSS) at 100 mg/L.
23. A benchmark for nitrate plus nitrite nitrogen of 0.68 mg/L has been added for Industrial Inorganic Chemicals subsectors C2 and Soaps, Detergents, Cosmetics and Perfumes subsector C3.
24. Several other changes to benchmark monitoring were implemented. Once the permittee receives confirmation of coverage, they have one month to apply for access to NetDMR and six months to begin benchmark monitoring. A report must be filed with the Department at the end of one year of benchmark monitoring, if the all requirements have been met and the registrant chooses to cease monitoring under the terms of this permit.
25. Added a requirement to the 12-SW Corrective Action Deadlines (Part IV.C) that the Department must be notified if a deficiency cannot be addressed fully within 30 days.
26. Several cross reference errors were corrected, and other minor clarifications were provided.

Any person adversely affected by this final determination may file a petition for judicial review. Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with §1-605 of the Environment Article no later than December 2, 2013, and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review by December 2, 2013 will constitute a waiver of any right to a judicial review of this final determination.

To view and print the final permit and response documents, you may use this link http://bit.ly/MDE_industrial_stormwater or go to the Department's website www.mde.state.md.us and use the search engine keyword "stormwater.aspx".

Any questions regarding this final determination should be directed to Paul Hlavinka or Michael Richardson at the Maryland Department of the Environment, Water Management Administration, at paul.hlavinka@maryland.gov or michael.richardson@maryland.gov or by telephone at 410-537-3323 between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Persons seeking to review the final permit and associated file may do so by contacting Mr. Hlavinka to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.

[13-23-42]

PROPOSED CALENDAR YEAR 2014 STANDARD PERMIT APPLICATION TURNAROUND TIMES

As required by Section 1-607(A)(2) of the Environment Article, the Maryland Department of the Environment (MDE) is seeking comment on the proposed standard turnaround times for all types of permit applications. For further information, please contact Mr. Andrew Gosden in MDE's MDEStat Office at 410-537-4158.

Details about the proposed changes and the full list of proposed turnaround times are available on MDE's web site, www.mde.maryland.gov.

MDE reviews and adjusts these turnaround times annually to give permit applicants current information regarding the processing time.

Please note the following important points about these standard times:

- 1) These standards refer to the time between MDE's receipt of a complete permit application and MDE's issuance or denial of the permit, excluding delays caused by factors beyond MDE's

control. Many applications are incomplete when they first arrive at MDE. The appropriate MDE permit writer can provide guidance on how to ensure that an application is complete when submitted.

2) In most permitting programs, each application has unique characteristics that influence its processing time. For each program listed, the standard time represents the time in which 90% of applications can be processed. Many applications will require less time; a few will require more time due to unusual circumstances.

Paper copies of the proposed times are available on request. Requests, comments, and questions can be directed to Mr. Andrew Gosden at andrew.gosden@maryland.gov; by phone at 410-537-4158; via postal mail to MDE/OS, 1800 Washington Boulevard, Suite 745, Baltimore, MD 21230-1720; or by fax to 410-537-3888. Comments will be accepted until December 12, 2013.

[13-23-38]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Request for Comment on Sodium Reduction in Long Term Care, Adult Medical Day Care, and Assisted Living Facilities

Approximately 9 out of 10 Americans consume an unhealthy amount of sodium.¹ The 2010 Dietary Guidelines for Americans from the United States Department of Agriculture (USDA) and Department of Health and Human Services (HHS) recommend a maximum of 2,300 mg of sodium per day. Despite these recommendations, the average sodium intake for Americans age 2 and older is roughly 3,400 mg/day.² Data shows that dietary sodium is derived largely from processed and restaurant foods, while salt added at the table appear to account for an estimated 11% of total sodium intake.³ Excess sodium intake has been shown to be the primary modifiable risk factor for hypertension.⁴ Hypertension, or high blood pressure, is the single largest modifiable risk factor for cardiovascular mortality in the United States, affecting 68 million Americans or 31% of all Americans.⁵

There are an estimated 1.4 million adults in Maryland with hypertension.⁶ Hypertension prevalence rises with age, with an estimated 7% prevalence of hypertension in 18-24 year olds, compared to 34% in 45-54 year olds, and 65% in those aged 75 or older. Thus, the elderly are at greatest risk for hypertension, and a reduction in sodium intake by the elderly may result in measurable improvements in health. Scientific evidence reviewed in the 2013 *Sodium Intake In Populations: Assessment of Evidence* IOM report consistently associated excessive dietary sodium with an increased

¹Centers for Disease Control and Prevention. Where's the Sodium? CDC Vital Signs. February 2012. Online at www.cdc.gov/VitalSigns/pdf/2012-02-vitalsigns.pdf

²Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion. Sodium Fact Sheet. Online at: http://www.cdc.gov/salt/pdfs/Sodium_Fact_Sheet.pdf

³Mattes R, Donnelly D. Relative contributions of dietary sodium sources. *Journal of the American College of Nutrition* 1991 Aug;10(4):383-93.

⁴National Heart, Lung, and Blood Institute Statement on Sodium Intake and High Blood Pressure. Online at: <http://www.nhlbi.nih.gov/news/press-releases/1998/statement-on-sodium-intake-and-high-blood-pressure.html>

⁵Vital Signs: Prevalence, Treatment, and Control of Hypertension --- United States, 1999--2002 and 2005--2008. Online at:

<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6004a4.htm>

⁶Maryland Behavioral Risk Factor Surveillance System (BRFSS), 2011

risk of CVD stroke outcomes, CVD mortality, and elevated blood pressure as a surrogate indicator of CVD risk.⁷ In addition to discrepancies in prevalence based on age, there exist wide disparities in the prevalence of hypertension by race and location. African Americans are at higher risk for hypertension (39.2%) compared to the average risk (28.4%) across the entire population. Geography also appears to be a factor, suggested by the fact that the highest rates of hypertension in Maryland among age and race controlled populations are found in Baltimore City, Somerset County, and Allegany County.⁸ It is estimated that an incremental reduction of sodium intake of 4% annually for 10 years until recommended levels are reached would result in 380,000 fewer deaths from CHD and 80,000 fewer deaths from stroke annually.⁹

The impact of excess sodium consumption on blood pressure may pose a particular risk for elderly Marylanders residing in Long Term Care (LTC) and Assisted Living Facilities (ALFs) or attending Adult Medical Day Care Centers (AMDCCs). This population is at high risk for hypertension due to advanced age and may be offered meals in facilities with sodium amounts exceeding 2,300 mg per day. Currently in Maryland, there are 232 LTC facilities with a resident capacity of 27,299; 1,384 ALFs with a resident capacity of 20,032; and 118 AMDCCs with a capacity of 8,550 residents – a total population of 50,000 or more elderly residents who may benefit from reduced sodium intake.¹⁰

At the same time, if sodium reduction makes food for the elderly less palatable, there is a potential risk of reduction in intake, which poses a different type of health risk.

The Department's regulations currently address nutrition and dietary services in LTCs, ALFs and AMDCCs. COMAR 10.07.02.13 states that, in the LTCs food services, "[t]o the extent medically possible, the current 'Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences', adjusted for age, sex, and activity shall be observed." COMAR 10.07.14.28 directs ALFs to ensure that "[m]eals and snacks are . . . of sufficient quality and quantity to meet the daily nutritional needs of each resident." Under COMAR 10.12.04.19, AMDCCs are required to provide minimum numbers of meals and snacks to meet certain percentages of the recommended dietary allowance of the Food and Nutrition Board of the National Research Council, depending on how many hours the adult is present at the facility.

The Department of Health and Mental Hygiene, pursuant to §§14-206(a) and 19-308(a)(7) of the Health-General Article, seeks comment from members of the public, interested parties, health professionals, and persons knowledgeable about sodium reduction in long term care, adult medical day care, and assisted living facilities.

The Secretary requests comment specifically addressing (a) the risks of excess sodium consumption, particularly by residents of the facilities and participants in the programs identified above; (b) whether there are potential unforeseen consequences to reducing sodium consumption, and if so, whether and how adverse consequences can be mitigated; (c) whether the Department should take steps, such as encouraging voluntary action or enhancing regulatory requirements, to support recommended levels of sodium intake in programs and facilities for the elderly.

In addressing the above issues, the Department encourages commenters to identify any studies of the risks or benefits of reducing sodium consumption of individuals residing in LTCs or ALFs or participating in AMDCCs. The Secretary may appoint an advisory panel to review comments and to recommend what action, if any, should be taken. Comments should be submitted by December 16, 2013.

Comments may be submitted by mail to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston St., Room 512, Baltimore, MD, 21201; by email to dhmh.regs@maryland.gov; or by fax to (410) 767-6483.

[13-23-30]

⁷ Institute of Medicine (IOM): "Sodium Intake in Populations: Assessment of the Evidence" May 14, 2013. Online at: <http://www.iom.edu/Reports/2013/Sodium-Intake-in-Populations-Assessment-of-Evidence.aspx>

⁸ Maryland Assessment Tool for Community Health (MATCH). Online at <http://matchstats.org>

⁹ Ibid.

¹⁰ Figures taken from Maryland Department of Health and Mental Hygiene Office of Health Care Quality Licensee Directory. Online at <http://dhmh.maryland.gov/ohcq/SitePages/Licensee%20Directory.aspx>

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: November 20, 2013, 2 — 4 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [13-23-37]

BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

Subject: Public Meeting
Date and Time: November 20, 2013, 4 — 6 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD
Contact: Christopher Kelter (410) 764-4723
 [13-23-24]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Meeting
Date and Time: December 10, 2013, 4:30 — 6 p.m.
Place: House Office Bldg., 6 Bladen St., Montgomery Co. Delegation Rm., Annapolis, MD
Contact: David A Soule (301) 403-4165
 [13-23-21]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Hearing
Date and Time: December 10, 2013, 6:15 — 8 p.m.
Place: House Office Bldg., 6 Bladen St., Judiciary Committee Hearing Rm.100, Annapolis, MD
Contact: David Soule (301) 403-4165
 [13-23-22]

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

Subject: Public Meeting
Date and Time: December 5, 2013, 9:30 a.m. — 12:30 p.m.
Place: 200 W. Baltimore St., 7th Fl. Board Room, Baltimore, MD
Contact: Jean Satterfield (410) 767-0385
 [13-23-23]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: December 24, 2013, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [13-23-14]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: December 24, 2013, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [13-23-15]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: December 10, 2013, 9 — 11 a.m.; part of the meeting may include a closed session
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandrea Giliam (410) 706-4449
 [13-23-16]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: December 5, 2013, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.
Contact: Leandrea Giliam (410) 706-4449
 [13-23-17]

COMMISSIONER OF FINANCIAL REGULATION

Subject: Receipt of Application
Add'l. Info: On October 25, 2013, CFG Community Bank, a Maryland state-chartered bank headquartered in Lutherville, Maryland, and MVB Bank Inc., a West Virginia state-chartered bank headquartered in Fairmont, West Virginia, filed an application with the Commissioner of Financial Regulation, pursuant to Financial Institutions Article, §3-703, Annotated Code of Maryland, requesting approval for MVB Bank to purchase and assume substantially all of the assets and liabilities of CFG Community Bank.

The public file on this application is available at the Office of Commissioner of Financial Regulation, 500 North Calvert Street, Suite 402, Baltimore, Maryland 21202. Comments regarding these applications must be submitted in writing and must be received by the Commissioner within 20 calendar days of the publication date of this notice.

For further information, contact Marcia A. Ryan, Assistant Commissioner at (410) 230-6104.

Contact: Marcia Ryan (410) 230-6104
 [13-23-36]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: December 10, 2013, 9 a.m. — 11 a.m.
Place: 201 W. Preston St., Conf. Rm. L3, Baltimore, MD
Contact: Meredith Truss (410) 767-5641
 [13-23-19]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: December 16, 2013, 10 a.m. — 1 p.m.
Place: Anne Arundel Co. Dept. of Recreation and Parks, Kinder Farm Park, Kinder Farm Visitor Center/Harvest Hall, 1001 Kinder Farm Park Rd., Millersville, MD
Contact: Linda Rudie (410) 767-8419
 [13-23-29]

**BOARD OF HEATING,
VENTILATION, AIR-
CONDITIONING, AND
REFRIGERATION CONTRACTORS
(HVACR)**

Subject: Public Meeting
Date and Time: December 11, 2013, 10 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: John Papavasiliou (410) 230-6160

[13-23-06]

**MARYLAND STATEWIDE
INDEPENDENT LIVING COUNCIL**

Subject: Public Meeting
Date and Time: December 20, 2013, 11 a.m. — 3 p.m.
Place: 2301 Argonne Dr., Rm. T-130, Baltimore, MD
Contact: Denise Thomas (240) 638-0074

[13-23-07]

**FACILITIES ADVISORY BOARD —
JUVENILE SERVICES**

Subject: Public Meeting
Date and Time: December 5, 2013, 4:30 — 6 p.m.
Place: Alfred D. Noyes Center, 9925 Blackwell Rd., Rockville, MD
Add'l. Info: Alfred D. Noyes Center Facility Advisory Board meeting
Contact: Antoinette McLeod (301) 315-1610

[13-23-18]

**BOARD FOR PROFESSIONAL LAND
SURVEYORS**

Subject: Public Meeting
Date and Time: December 4, 2013, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[13-23-32]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: November 21, 2013, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460

[13-23-04]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Formal Start of Review — Notice of Docketing

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Lorien Bel Air — Matter No. 13-12-2345 — Construct a new addition to house 21 additional comprehensive care beds for a total of 90 comprehensive at the facility and the 20-unit expansion of the assisted living facility located at 1909 Emmorton Road, Bel Air. Proposed Cost: \$6,548,938. 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 December 16, 2013. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276

[13-23-33]

**BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS**

Subject: Public Meeting
Date and Time: December 11, 2013, 9:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Patricia A. Hannigan (410) 764-4750

[13-23-20]

**BOARD OF OCCUPATIONAL
THERAPY PRACTICE**

Subject: Public Meeting
Date and Time: December 20, 2013, 8:30 a.m. — 2 p.m.
Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD
Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.
Contact: Marilyn Pinkney (410) 402-8556

[13-23-09]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: December 12, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[13-23-13]

**PRINCE GEORGE'S COUNTY
JUVENILE COURT AND SCHOOL
SAFETY WORKGROUP**

Subject: Public Meeting
Date and Time: November 25, 2013, 10 a.m. — 12 p.m.
Place: Largo Government Center, 9201 Basil Ct., Penthouse, Rm. 500, Lake Arbor, MD
Add'l. Info: H.B. 1338, Acts of 2013
Contact: Tim Gilbert (410) 627-5318

[13-23-08]

**COMMISSION OF REAL ESTATE
APPRAISERS AND HOME
INSPECTORS**

Subject: Public Meeting
Date and Time: December 10, 2013, 10:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Patti Schott (410) 230-6165

[13-23-03]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: December 18, 2013, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
 [13-23-11]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: December 18, 2013, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
 [13-23-12]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting
Date and Time: December 17, 2013, 10 a.m.
Place: 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD
Add'l. Info: Meeting date, time, and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note that the meeting may include a closed session. Sign language, interpreters, and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.
Contact: Angie Jenkins (410) 625-5609
 [13-23-10]

BOARD OF REVENUE ESTIMATES

Subject: Public Meeting
Date and Time: December 11, 2013, 3:30 — 4:30 p.m.
Place: Louis L. Goldstein Treasury Bldg., Annapolis, MD
Contact: Kynara Fogan (410) 260-7450
 [13-23-27]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: December 19, 2013, 10 a.m. — 4 p.m.
Place: Maryland Environmental Service, Millersville, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167
 [13-23-01]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: December 18, 2013, 9 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Willie Everett (410) 537-3644
 [13-23-02]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: December 12, 2013, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300
 [13-23-05]



COMAR IN PDF — ORDER FORM

Titles		Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR PDF format			\$1,000	\$500	_____	_____
Title 01	Executive Department		\$35	\$24	_____	_____
Title 02	Office of the Attorney General		\$22	\$13	_____	_____
Title 03	Comptroller of the Treasury		\$30	\$20	_____	_____
Title 04	General Services		\$16	\$10	_____	_____
Title 05	Housing and Community Development		\$78	\$50	_____	_____
Title 07	Human Resources		\$80	\$53	_____	_____
Title 08	Natural Resources		\$78	\$51	_____	_____
Title 09	Labor, Licensing and Regulation		\$89	\$60	_____	_____
Title 10	Health & Mental Hygiene (All parts) **		\$272	\$180	_____	_____
Title 10	Part 1 **		\$48	\$32	_____	_____
Title 10	Part 2 **		\$75	\$50	_____	_____
Title 10	Part 3 **		\$75	\$50	_____	_____
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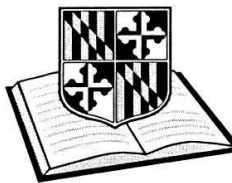
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