

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 7, 2016, 5 p.m.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 7, 2016.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith**, Secretary of State; **Brian Morris**, 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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PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES through JULY 21, 2017

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
November 14***	October 24	November 2	October 31
November 28***	November 4	November 16	November 14
December 9**	November 18	November 30	November 28
December 23	December 5	December 14	December 12
January 6**	December 19	December 28	December 23
January 20**	December 30	January 11	January 9
February 3**	January 13	January 25	January 23
February 17	January 30	February 8	February 6
March 3**	February 13	February 22	February 17
March 17	February 27	March 8	March 6
March 31	March 13	March 22	March 20
April 14	March 27	April 5	April 3
April 28	April 10	April 19	April 17
May 12	April 24	May 3	May 1
May 26	May 8	May 17	May 15
June 9**	May 22	May 31	May 26
June 23	June 5	June 14	June 12
July 7	June 19	June 28	June 26
July 21	July 3	July 12	July 10

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

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

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

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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13A.05.01.03,05—08 • 43:20 Md. R. 1138 (9-30-16)
13A.05.03.01—03 • 43:19 Md. R. 1086 (9-16-16)
13A.05.08.01—06 • 43:19 Md. R. 1086 (9-16-16)
13A.05.12.01—03 • 43:19 Md. R. 1087 (9-16-16)
13A.07.11.01—05 • 43:10 Md. R. 595 (5-13-16) (ibr)
13A.08.01.02-3 • 43:18 Md. R. 1036 (9-2-16)

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13B.07.04.01—04 • 43:18 Md. R. 1038 (9-2-16)
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13B.08.14.01—15 • 43:6 Md. R. 421 (3-18-16)
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The Governor

EXECUTIVE ORDER 01.01.2016.13

(Amends Executive Order 01.01.2016.09)

Starting the Public School Year After Labor Day

WHEREAS, The Labor Day holiday weekend is an exclusively American institution that has served, both symbolically and practically, as our nation's traditional end of summer;

WHEREAS, Generations of American workers and families have celebrated this rite of seasonal passage, and the days that precede it, with vacations, day trips, or other preferred opportunities to relax and enjoy time with family and friends;

WHEREAS, The policy of constructing the public school (Kindergarten through 12th grade) calendars so that classes begin prior to the Labor Day holiday has imperiled this venerable tradition;

WHEREAS, This policy has placed a significant competitive burden on Maryland's economy and many of its leading sectors, from agriculture to tourism and hospitality;

WHEREAS, This policy imposes an unacceptable public health and safety risk upon those students, teachers, and education employees who are required to report, in the second hottest month of the calendar year, to schools that lack air conditioning;

WHEREAS, The State has a particularly compelling interest in safeguarding the physical and psychological wellbeing of minors;

WHEREAS, Section 6-408(c)(3) of the Education Article of the Maryland Code provides that a public school employer may not negotiate the school calendar with employee organizations;

WHEREAS, A Task Force was convened by the Maryland General Assembly to conduct a thorough examination of the academic, administrative and economic implications associated with a post-Labor Day start to the academic year;

WHEREAS, This Task Force, which was led by the Maryland State Department of Education and included teachers, administrators, and business and civic leaders, (1) recognized the substantial economic benefits of a post-Labor Day start, (2) found neither adverse academic consequences nor intractable administrative barriers to the adoption of such a policy, and (3) voted overwhelmingly to endorse this reform to Maryland's public school calendars by moving the school start date to post-Labor Day;

WHEREAS, A study that was conducted by the Maryland Bureau of Revenue Estimates determined that adoption of a post-Labor Day starting date would result in an additional \$74.3 million in direct economic activity, including \$3.7 million in new wages and \$7.7 million in State and local tax revenue that could be reinvested in classrooms throughout the State of Maryland; and

WHEREAS, Starting school after Labor Day will provide public health benefits by reducing the local ozone generation numbers due to fewer buses operating on the roadways during the heart of the ozone season.

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER SHALL TAKE EFFECT IMMEDIATELY, SHALL FIRST APPLY TO THE 2017-2018 SCHOOL YEAR, AND SHALL REPLACE AND SUPERSEDE EXECUTIVE ORDER 01.01.2016.09:

A. That all Kindergarten through 12th grade public schools in the State of Maryland (Public Schools), through the local Boards of Education, shall open for [all] pupil attendance no earlier than the Tuesday immediately following the nationally-observed Labor Day holiday.

B. That classes shall conclude and the school year for every Public School in Maryland shall adjourn no later than June 15, with the exception being summer school classes offered by school districts throughout the State.

C. That each local Board of Education shall retain full responsibility for establishing its annual academic calendar and, therefore, shall have the necessary latitude to determine how best to comply with the provisions of this Executive Order along with State and local laws.

D. That the requirements of this Executive Order do not apply to the operation of year-round schools as allowed under Section 7-103(e) of the Education Article of the Maryland Code.

E. That the requirements of this Executive Order do not apply to the timing of sports seasons as set forth in COMAR 13A.06.03.03.

[F. A local Board of Education may apply to the State Board of Education annually for a waiver of the requirements of this Executive Order. A waiver may be granted at the sole discretion of the State Board of Education, as set forth in rules and regulations adopted by the State Board of Education, including:

- (1) Procedures for filing an application for a waiver;
- (2) Standards to receive a waiver based on compelling justification, which waiver is good for one school year only; and
- (3) Procedures and standards for special waivers for school districts and individual schools proposing non-traditional schedules.]

F. STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING INDIVIDUALIZED EDUCATION PROGRAM THAT HAS IDENTIFIED THE STUDENT'S FINAL YEAR OF SCHOOL AS THE 2017-2018 SCHOOL YEAR, SHALL REMAIN ELIGIBLE FOR THE 2017-2018 SCHOOL YEAR IF THEIR 20TH BIRTHDAY OCCURRED ON OR AFTER THE FIRST DAY OF THE ACADEMIC CALENDAR IN THEIR JURISDICTION FOR THE 2016-2017 SCHOOL YEAR.

G. THAT A LOCAL BOARD OF EDUCATION MAY APPLY TO THE STATE BOARD OF EDUCATION ANNUALLY FOR A WAIVER OF THE REQUIREMENTS OF THIS EXECUTIVE ORDER. A WAIVER SHALL ONLY BE GRANTED AFTER THE LOCAL BOARD OF EDUCATION SATISFIES THE PROCEDURAL REQUIREMENTS SET FORTH IN SECTION 1.B BELOW AND CLEARLY ESTABLISHES ALL OF THE ELEMENTS OF ONE OF THE COMPELLING JUSTIFICATIONS SET FORTH IN SECTION 2 BELOW.

(1) APPLICATION FOR WAIVER.

(A) A LOCAL BOARD OF EDUCATION MAY SUBMIT A WRITTEN APPLICATION FOR A WAIVER FROM THE REQUIREMENT TO BEGIN CLASSES NO SOONER THAN THE TUESDAY FOLLOWING THE NATIONALLY-OBSERVED LABOR DAY HOLIDAY OR

ENDING CLASSES NO LATER THAN JUNE 15TH BASED UPON A COMPELLING JUSTIFICATION AS DEFINED HEREIN.

(B) A WAIVER APPLICATION SHALL INCLUDE:

(I) A DETAILED PETITION AND SUPPORTING DOCUMENTATION CLEARLY ESTABLISHING THAT ALL OF THE ELEMENTS OF ONE OF THE BELOW COMPELLING JUSTIFICATIONS FOR STARTING THE SCHOOL YEAR PRIOR TO LABOR DAY OR ENDING CLASSES AFTER JUNE 15TH HAVE BEEN MET;

(II) A CERTIFICATION THAT THE LOCAL SCHOOL BOARD HAS CONDUCTED AT LEAST ONE PUBLIC MEETING AT WHICH THE WAIVER APPLICATION WAS CONSIDERED AND APPROVED, TOGETHER WITH MINUTES OF ALL SUCH MEETINGS; AND

(III) ANY ADDITIONAL INFORMATION THAT THE STATE BOARD OF EDUCATION REQUESTS IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS EXECUTIVE ORDER.

(C) THE TIMELINES FOR APPLICATIONS FOR A WAIVER SHALL BE ESTABLISHED BY THE STATE BOARD OF EDUCATION.

(2) FOR THE PURPOSE OF THIS EXECUTIVE ORDER, "COMPELLING JUSTIFICATION" MEANS ONLY:

(A) ADOPTION OF INNOVATIVE SCHOOL SCHEDULE. A LOCAL BOARD OF EDUCATION PROPOSES AN INNOVATIVE SCHOOL SCHEDULE FOR CERTAIN LOW-PERFORMING OR AT RISK PUBLIC SCHOOLS, AS ENCOURAGED IN SECTION 7-103.1 OF THE EDUCATION ARTICLE OF THE MARYLAND CODE, WHICH REQUIRES AN OPENING DATE BEFORE LABOR DAY OR ENDING CLASSES AFTER JUNE 15TH;

(B) CHARTER SCHOOLS. A LOCAL BOARD OF EDUCATION PROPOSES AN INNOVATIVE SCHOOL SCHEDULE FOR A CHARTER SCHOOL THAT REQUIRES AN OPENING DATE BEFORE LABOR DAY OR ENDING CLASSES AFTER JUNE 15TH; OR

(C) EMERGENCY SCHOOL CLOSINGS. LOCAL SCHOOL DISTRICTS HAVE CLOSED 10 DAYS PER YEAR DURING ANY 2 OF THE LAST 5 YEARS BECAUSE OF NATURAL DISASTERS, CIVIL DISASTERS, OR SEVERE WEATHER CONDITIONS.

(3) ANY WAIVER GRANTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTIONS 2.A OR 2.B SHALL ONLY APPLY TO THOSE SCHOOLS WHERE SUCH INNOVATIVE SCHOOL SCHEDULES ARE OFFERED.

(4) ANY WAIVER GRANTED BY THE STATE BOARD OF EDUCATION SHALL BE FOR ONLY ONE SCHOOL YEAR.

[G.] H. That this Executive Order applies to future school years, including and after 2017-2018.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 11th Day of October, 2016.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[16-22-31]

The Judiciary

COMMISSION ON JUDICIAL DISABILITIES

NOTICE OF PUBLIC CHARGES AND HEARING IN THE MATTER OF JUDGE WILLIAM O. CARR CJD 2015-033

The Commission on Judicial Disabilities will hold a hearing to consider Charges brought against Judge William O. Carr in the above-captioned case on December 15th and 16th, 2016, beginning at 10:00 a.m. The place of the hearing is in Courtroom No. 1 of the Court of Special Appeals of Maryland, Robert C. Murphy Courts of Appeal Building, 361 Rowe Boulevard, Second Floor, Annapolis, Maryland. The hearing is open to the public.

The Charges and any response by the Judge are available for inspection on the Commission website (www.mdcourts.gov/cjd/publications.html).

For further information, contact the Office of Communications and Public Affairs, 410-260-1488.

[16-22-28]

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated September 1, 2016, **KEITH ERIC TIMMONS**, 326 St. Paul Place, #300, Baltimore, Maryland 21202, has been suspended for thirty (30) days by consent, effective October 3, 2016, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated October 5, 2016, **KEVIN MICHAEL ROY**, 35 Colodon Farms Drive, Sykesville, Maryland 21784, has been indefinitely suspended by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated June 22, 2016, **WILLIAM LEIGH SISKIND**, 3485 Lago de Talavera, Wellington, Florida 33467, has been replaced upon the register of attorneys in the Court of Appeals as of October 6, 2016 having subscribed to the oath of attorneys, in compliance with the Order of Court filed on June 22, 2016. Notice of this action is certified in accordance with Maryland Rule 19-761.

* * * * *

This is to certify that by an Order of the Court of Appeals dated October 7, 2016, **AMBER KAYE LITCHFIELD**, 2191 Defense Highway, Suite 300, Crofton, Maryland 21114, has been disbarred by consent, effective immediately, from the further practice of law in

this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by a Per Curiam Order of this Court dated October 7, 2016, **MARK HOWARD ALLENBAUGH**, 30432 Euclid Avenue, Suite 101, Wickliffe, Ohio 44092, and 3741 Lake Road, Conneaut, Ohio 44030, has been disbarred, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by a Per Curiam Order of this Court dated October 14, 2016, **DALTON FRANCIS PHILLIPS**, 8024 Rosmere Way, Chattanooga, Tennessee 37421, has been disbarred, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[16-22-26]

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 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.12 Adoption

Authority: Education Article, §15-106.1; Human Services Article, §4-207; Family Law Article, Title 5, Subtitle 3, Subtitle 3A, Subtitle 3B, Subtitle 4, Subtitle 4A, §§5-101, 5-301—5-414, 5-3A-01—5-3A-07, 5-4A-01—5-4A-07, 5-4B-01—5-4B-12, 5-501, 5-524, 5-525, 5-525.1, 5-525.2 and 5-530; Annotated Code of Maryland; Ch. 444, Acts of 2007; 25 U.S.C. §§1901—1963, 42 U.S.C. §670 et seq.; 45 CFR 1355, 1356.4, and 1356.41

Notice of Final Action

[15-429-F]

On October 17, 2016, the Secretary of Human Resources adopted the repeal of existing Regulations **.01—****.09** and new regulations **.01—****.09** under **COMAR 07.02.12 Adoption**. This action, which was proposed for adoption in 43:2 Md. R. 132—143 (January 22, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

SAM MALHOTRA
Secretary of Human Resources

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.23 Shellfish Aquaculture and Leasing

Authority: Natural Resources Article, §§4-11A-02 and 4-11A-12, Annotated Code of Maryland

Notice of Final Action

[16-230-F]

On October 18, 2016, the Secretary of Natural Resources adopted amendments to Regulations **.03** and **.04** under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**. This action, which was proposed for adoption in 43:18 Md. R. 1020—1022 (September 2, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

MARK J. BELTON
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.28 Applied Behavior Analysis Services

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

Notice of Final Action

[16-189-F]

On October 18, 2016, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—****.10** under a new chapter, **COMAR 10.09.28 Applied Behavior Analysis Services**. This action, which was proposed for adoption in 43:16 Md. R. 911—915 (August 5, 2016), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 7, 2016.

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 .01B(2): In response to comments received, language has been added to include licensed psychologists as part of the ABA program. The addition of licensed psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .01B(5): Language has been added to specify that a Board certified assistant behavior analyst shall be supervised by a licensed psychologist. The new language is the within general scope of the proposed rules and reasonably related to the addition of licensed psychologists as ABA providers.

Regulation .01B(18)(b): In response to comments received, additional language clarifies that the maladaptive behavior includes examples of behaviors such as self-injurious behavior, aggression, tantrums, stereotypies, and rituals.

Regulation .01B(28): In response to comments received, language has been added to define psychologists as providers that can render ABA services. The addition of licensed psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .01B(29): In response to comments received, pediatricians and nurse practitioners with training and experience to diagnose ASD have been included as qualified health care professionals. The addition of pediatricians and nurse practitioners with training and experience in diagnosing ASD is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .01B(30): Language has been added to specify that a Registered behavior technician shall be supervised by a licensed

psychologist. The new language is within the general scope of the proposed rules and reasonably related to the addition of licensed psychologists as ABA providers.

Regulation .02D: In response to comments received, language has been added to clarify that the criminal background check of the ABA providers should be a Criminal Justice Information System's criminal background check. In addition, the requirement that the criminal background check shall be performed at the time of hiring and at least every 5 years thereafter has been deleted. These changes from the proposed rule are reasonably anticipated clarifications made in response to comments received.

Regulation .02E: In response to comments received, a licensed psychologist acting within the scope of his practice has been added as a qualified ABA provider. The addition of licensed psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .02H: Language has been added to specify that a Board certified assistant behavior analyst shall be supervised by a licensed psychologist. The new language is within the general scope of the proposed rules and reasonably related to the addition of licensed psychologists as ABA providers.

Regulation .02I: Language has been added to specify that Registered Behavior Technician shall be supervised by a licensed psychologist. In addition, in response to comments received, the deadline for Behavior Technicians to be registered by the Behavior Analysis Certification Board has been extended to December 31, 2018. The new language is within the general scope of the proposed rules and reasonably related to the addition of licensed psychologists as ABA providers.

Regulation .03B(8): Language has been added to include licensed psychologists as ABA providers that can develop a treatment plan for the participant. In addition, the subparagraph that the goals and objectives of the treatment plan shall not duplicate the IEP or IFSP goals and objectives has been deleted as unnecessary and potentially confusing. The new language is within the general scope of the proposed rules and reasonably related to the addition of licensed psychologists as ABA providers.

Regulation .04B(1)(a), (2)(b), (3)(b), (4)(a) and (b), (5), (6)(a), (7)(a), (8)(a), (9)(a), 10 and 10(a), (11)(a) and (b): Licensed psychologists have been added to provide ABA covered services. The addition of licensed psychologists to provide covered services is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .04C: Language has been added to include psychologists as ABA providers. The addition of psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .05E: The changes clarify that ABA services shall be discontinued only when no longer medically necessary.

Regulation .06A(2): In response to comments received, individual psychologists have been included as providers to be reimbursed for rendering ABA services. The addition of individual psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

Regulation .06I(4)(a), (7)(a), (8)(a), and (12)(a): Psychologists have been added as ABA providers to be reimbursed at the same rate as BCBA-Ds or BCBAAs. The addition of licensed psychologists to the list of potential ABA providers is within the general scope of the proposed rules and reasonably anticipated in the rule making.

.01 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1) (proposed text unchanged)

(2) *"ABA program" means an association, partnership, corporation, or unincorporated group that includes:*

(a) *A licensed psychologist, a licensed BCBA-D, or a licensed BCBA; and*

(b) (proposed text unchanged)

(3)—(4) (proposed text unchanged)

(5) *"Board certified assistant behavior analyst (BCaBA)" means a paraprofessional who:*

(a) *Delivers ABA treatments that are provided to participants with ASD under the supervision of [[a]]:*

(i) *A licensed psychologist;*

(ii) *A licensed BCBA-D; or [[a]]*

(iii) *A licensed BCBA; and*

(b) (proposed text unchanged)

(6)—(17) (proposed text unchanged)

(18) *Maladaptive Behavior.*

(a) (proposed text unchanged)

(b) *"Maladaptive behavior" includes behaviors such as self-injurious behavior, aggression, tantrums, stereotypes, and rituals.*

(19)—(27) (proposed text unchanged)

(28) *"Psychologist" means an individual who is:*

(a) *Licensed and legally authorized to practice psychology under Health Occupations Article, Title, 18, Annotated Code of Maryland; or*

(b) *Licensed and legally authorized to practice psychology in the state where the service is rendered.*

[[(28)]] (29) *"Qualified health care professional" means a developmental pediatrician, pediatrician, pediatric neurologist, child psychiatrist, clinical psychologist, [[or a]] neuropsychologist, or a nurse practitioner with training and experience to diagnose ASD.*

[[(29)]] (30) *"Registered behavior technician (RBT)" means a paraprofessional who delivers ABA services that are provided to participants with ASD under the supervision of [[a]]:*

(i) *A licensed psychologist;*

(ii) *A licensed BCBA-D; or [a]*

(iii) *A licensed BCBA.*

[[(30)]] (31) (proposed text unchanged)

.02 Provider Qualifications and Conditions for Participation.

A.—C. (proposed text unchanged)

D. *An ABA provider shall have a completed Criminal Justice Information System's criminal background check [[that is performed at the time of hiring and at least every 5 years thereafter]].*

E. *A licensed psychologist who renders ABA services shall:*

(1) *Be licensed by the Maryland Board of Examiners of Psychologists; and*

(2) *Act within the licensee's scope of practice.*

[[E.]] F.—[[F.]] G. (proposed text unchanged)

[[G.]] H. *A BCaBA provider who renders ABA services shall:*

(1) (proposed text unchanged)

(2) *Work under the supervision of [[a]]:*

(a) *A licensed psychologist;*

(b) *A licensed BCBA-D; or [[a]]*

(c) *A licensed BCBA; and*

(3) (proposed text unchanged)

[[H.]] I. *An RBT provider who renders ABA services shall:*

(1) (proposed text unchanged)

(2) *Be currently registered by the BACB or become registered by the BACB not later than December 31, [[2017]] 2018;*

(3) (proposed text unchanged)

(4) *Work under the supervision of [[a]]:*

(a) *A licensed psychologist;*

(b) *A licensed BCBA-D; or [[a]]*

(c) *A licensed BCBA; and*

(5) (proposed text unchanged)

.03 Participant Eligibility.

- A. (proposed text unchanged)
- B. To qualify for ABA services, a participant shall:
 - (1)–(7) (proposed text unchanged)
 - (8) Have a completed ABA treatment plan that shall:
 - (a)–(b) (proposed text unchanged)
 - (c) Be developed by [[a]]:
 - (i) A licensed psychologist;
 - (ii) A licensed BCBA-D₂ or [[a]]
 - (iii) A licensed BCBA;
 - (d)–(e) (proposed text unchanged)
 - (f) Identify long-term goals, short-term goals, and objectives that:
 - (i)–(ii) (proposed text unchanged)
 - (iii) Are measurable; and
 - (iv) Are based upon clinical observations; [[and]]
 - [[v) Do not duplicate IEP or IFSP goals and objectives;]]
 - (g)–(i) (proposed text unchanged)

.04 Covered Services.

- A. (proposed text unchanged)
- B. The Program covers the following ABA services:
 - (1) ABA assessment, which is a comprehensive behavior assessment that:
 - (a) Is performed face-to-face with a participant and the participant's parent or caregiver by [[a]]:
 - (i) A licensed psychologist;
 - (ii) A licensed BCBA-D₂ or [[a]]
 - (iii) A licensed BCBA [[face-to-face with a participant and the participant's parent or caregiver]];
 - (b)–(e) (proposed text unchanged)
 - (2) ABA exposure assessment which is a follow-up assessment that:
 - (a) (proposed text unchanged)
 - (b) Is provided by a licensed psychologist, a licensed BCBA-D₂ or a licensed BCBA, with the assistance of one or more BCaBAs or RBTs;
 - (c)–(d) (proposed text unchanged)
 - (3) ABA exposure modified treatment which is a face-to-face service that:
 - (a) (proposed text unchanged)
 - (b) Is provided by a licensed psychologist, a licensed BCBA-D₂ or a licensed BCBA, with the assistance of two or more BCaBAs or RBTs;
 - (c)–(d) (proposed text unchanged)
 - (4) ABA group treatment which is a face-to-face service provided to a group of participants by:
 - (a) A licensed psychologist, a licensed BCBA-D, a licensed BCBA; or
 - (b) A BCaBA or an RBT under the direction of a licensed psychologist, a licensed BCBA-D₂ or a licensed BCBA, utilizing a behavioral intervention protocol designed in advance by the psychologist, the BCBA-D₂ or the BCBA, who may or may not provide direct supervision during the treatment;
 - (5) ABA modified treatment which is a face-to-face service provided to a participant by a licensed psychologist, a licensed BCBA-D₂ or a licensed BCBA who:
 - (a)–(b) (proposed text unchanged)
 - (6) ABA multiple-family group training which is a behavior treatment guidance that:
 - (a) Is provided face-to-face with parents or caregivers of multiple participants without the presence of the participants by [[a]]:
 - (i) A licensed psychologist;

- (ii) A licensed BCBA-D₂ or [[a]]
 - (iii) A licensed BCBA [[face-to-face with parents or caregivers of multiple participants without the presence of the participants]];
 - (b)–(c) (proposed text unchanged)
 - (7) ABA parent training which is a behavior treatment guidance that:
 - (a) Is provided face-to-face with a participant's parent or caregiver, with or without the presence of the participant by [[a]]:
 - (i) A licensed psychologist;
 - (ii) A licensed BCBA-D [[, a]];
 - (iii) A licensed BCBA [[,]]; or [[a]]
 - (iv) A BCaBA [[face-to-face with a participant's parent or caregiver, with or without the presence of the participant]];
 - (b)–(c) (proposed text unchanged)
 - (8) ABA reassessment which is a follow-up assessment that:
 - (a) Is performed face-to-face with a participant and a participant's parent or caregiver every 180 days by [[a]]:
 - (i) A licensed psychologist;
 - (ii) A licensed BCBA-D₂ or [[a]]
 - (iii) A licensed BCBA [[face-to-face with a participant and a participant's parent or caregiver every 180 days]];
 - (b)–(d) (proposed text unchanged)
 - (9) ABA social skills group which is a service that is:
 - (a) Provided face-to-face to multiple participants by [[a]]:
 - (i) A licensed psychologist;
 - (ii) A licensed BCBA-D₂ or [[a]]
 - (iii) A licensed BCBA [[face-to-face to multiple participants]];
 - (b)–(c) (proposed text unchanged)
 - (10) ABA supervision which is a clinical direction and oversight of a BCaBA or an RBT by a licensed psychologist, a licensed BCBA-D, or a licensed BCBA that:
 - (a) Requires the psychologist, the BCBA-D₂ or the BCBA to directly observe the BCaBA or the RBT administering ABA services to the participant, group of participants, parent, or caregiver; and
 - (b) (proposed text unchanged)
 - (11) ABA treatment which is a face-to-face service provided to a participant by:
 - (a) A licensed psychologist, a licensed BCBA-D, a licensed BCBA; or
 - (b) A BCaBA or an RBT under the direction of a licensed psychologist, a licensed BCBA D₂ or a licensed BCBA utilizing a behavioral intervention designed in advance by the psychologist, the BCBA-D₂ or the BCBA, who may or may not provide direct supervision during the treatment.
- C. ABA services shall only be provided by a psychologist, BCBA, BCBA-D, BCaBA, or RBT.
- D.—F. (proposed text unchanged)

.05 Limitations.

- A.—D. (proposed text unchanged)
- E. Services shall be discontinued [[when the]] if no longer medically necessary because:
 - (1) Long-term treatment goals and objectives are achieved; or
 - (2) Participant is not demonstrating progress towards treatment goals and objectives and measurable functional improvement is no longer expected [[; or]].
- [[(3) Services are no longer medically necessary.]]

.06 Payment Procedures.

- A. The Program shall provide fee-for-service reimbursement for covered ABA services to the following ABA providers who meet the conditions for participation set forth in Regulation .02 of this chapter:
 - (1) (text unchanged)

(2) Individual psychologist;

[[(2)] (3)]—[[(3)] (4)] (proposed text unchanged)

B.—H. (proposed text unchanged)

I. *Reimbursement for ABA services covered under this chapter is as follows:*

(1)—(3) (proposed text unchanged)

(4) *ABA group treatment at a rate of:*

(a) *\$15 per 30 minutes, per participant, when provided by a psychologist, BCBA-D₂ or BCBA;*

(b)—(c) (proposed text unchanged)

(5)—(6) (proposed text unchanged)

(7) *ABA parent training with the participant present at a rate of:*

(a) *\$55 per 30 minutes when provided by a psychologist, BCBA-D₂ or BCBA; and*

(b) (proposed text unchanged)

(8) *ABA parent training without the participant present at a rate of:*

(a) *\$60 when provided by a psychologist, a BCBA-D₂ or a BCBA; and*

(b) (proposed text unchanged)

(9)—(11) (proposed text unchanged)

(12) *ABA treatment at a rate of:*

(a) *\$35 per 30 minutes when provided by a psychologist, BCBA-D₂ or BCBA;*

(b)—(c) (proposed text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[16-220-F]

On October 18, 2016, the Secretary of Health and Mental Hygiene adopted amendments to:

(1) Regulations **.02**, **.03**, and **.23** under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations;**

(2) Regulation **.01** under **COMAR 10.09.66 Maryland Medicaid Managed Care Program: Access;** and

(3) Regulation **.15** under **COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits.**

This action, which was proposed for adoption in 43:18 Md. R. 1025—1027 (September 2, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

10.32.03 Delegation of Duties by a Licensed Physician — Physician Assistant

Authority: Health Occupations Article, §§15-301—15-502, Annotated Code of Maryland

Notice of Final Action

[16-187-F]

On October 15, 2016, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.05** under **COMAR 10.32.03 Delegation of Duties by a Licensed Physician-Physician Assistant.**

This action, which was proposed for adoption in 43:16 Md. R. 917 (August 5, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

10.32.22 Mandated Reporting to the Board

Authority: Health Occupations Article, §§14-205(a)(2), 14-413, 14-414, 14-5A-18, 14-5B-15, 14-5C-18, 14-5E-18, 14-5F-19, and 15-103, Annotated Code of Maryland

Notice of Final Action

[16-203-F]

On October 15, 2016, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—08** under a new chapter, **COMAR 10.32.22 Mandated Reporting to the Board.** This action, which was proposed for adoption in 43:16 Md. R. 918—923 (August 5, 2016), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 7, 2016.

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 .03C(9)(b) and (c) and (10)(b) and (c): For clarification, these paragraphs have been recodified to be a separate section (new §E), and certain references to account for the new section (§E) have been revised. As the effect of the text remains the same, this is not a substantive change.

Regulation .03C(9)(c): In response to a comment received, the name of the Maryland Healthcare Professionals Program has been added to new §C(9)(c) [old §C(9)(a)(iii)], as this is the name of the program that assists the majority of allied health providers.

Regulations .03C(9)(a)(iv) and .03C(10)(a)(iv): In response to a comment received, these two provisions, which are the same, have been deleted. The Board already is aware of any health care providers who are enrolled in the program that the Board funds (the Physician's Rehabilitation Program); therefore, it serves no purpose to list this exception to reporting in regulations.

Regulation .05B(2)(b): In response to a comment received, the term "any person" has been replaced with "a physician or an employer." This is a technical correction recognizing that only a physician or an employer can terminate a delegation agreement with a physician assistant.

.03 Mandated Reports.

A. *Subject to the limitations set out in [[§§B and C]] §§B, C and E of this regulation, the reporting entity shall report to the Board in writing any change made with respect to a health care provider:*

(1)—(3) (proposed text unchanged)

B. (proposed text unchanged)

C. *Specific Changes Not Reportable. The following changes do not require reporting by a reporting entity:*

(1)—(8) (proposed text unchanged)

(9) *With respect to allied health providers and subject to the requirements of [[§C(9)(b) and (c)]] §E(1) and (2) of this regulation[[:]]*

[[(a) Entrance]], entrance into an alcohol or a drug treatment program:

[[(i)]] (a)—[[(ii)]] (b) (proposed text unchanged)

[[(iii)]] (c) To which the allied health provider is referred by the Maryland Physician Health Program or the Maryland Healthcare Professionals Program; or

[[(iv)]] To which the allied health provider is referred by the Physician’s Rehabilitation Program funded by the Board under the Health Occupations Article, §14-401.1(g), Annotated Code of Maryland; or]]

[[(v)]] (d) (proposed text unchanged)

[[(b)]] Section C(9)(a) of this regulation applies only where:

(i) The allied health provider notified the reporting entity at the time the allied health provider decided to enter the program;

(ii) The reporting entity is able to verify that the allied health provider remains continually in the program until properly discharged; and

(iii) The action or condition of the allied health provider had not caused injury to any individual during the provision of health care by the allied health provider.

(c) Section C(9)(a) of this regulation does not apply to:

(i) Any change made by a reporting entity relating to the discharge of an allied health provider from an alcohol or a drug treatment program, when that discharge was for non-attendance or non-compliance with the program;

(ii) Additional changes made by the reporting entity, other than minor scheduling changes made solely to accommodate participation in the program; or

(iii) Any change made by the reporting entity based on events set out in Regulation .03B which occurred subsequent to the provider’s entrance into the alcohol or drug treatment program;]]

(10) With respect to physicians and subject to the requirements of [[§C(10)(b) and (c)]] §E(3) and (4) of this regulation[[:]]

[[(a) Entrance]] , entrance into an alcohol or a drug treatment program:

[[(i)]] (a) (proposed text unchanged)

[[(ii)]] (b) That is certified by the Department of Health and Mental Hygiene; or

[[(iii)]] (c) To which the physician is referred by the Maryland Physician Health Program [; or]].

[[(iv)]] To which the physician is referred by the Physician’s Rehabilitation Program funded by the Board under the Health Occupations Article, §14-401.1(g), Annotated Code of Maryland;]]

[[(b)]] Section C(10)(a) of this regulation applies only where:

(i) The physician notified the reporting entity at the time the physician decided to enter the program;

(ii) The reporting entity is able to verify that the physician remains continually in the program until properly discharged; and

(iii) The action or condition of the physician had not resulted in injury to any individual during the provision of health care by the physician.

(c) Section C(10)(a) of this regulation does not apply to:

(i) Any change made by a reporting entity relating to the discharge of a physician by an alcohol or a drug treatment program, when that discharge was for non-attendance or non-compliance with the program;

(ii) Additional changes made by the reporting entity, other than minor scheduling changes made solely to accommodate participation in the program; or

(iii) Any change made by the reporting entity relating to events set out in §B of this regulation which occurred subsequent to the physician’s entrance into the alcohol or drug treatment program.]]

D. (proposed text unchanged)

E. Exceptions to §C(9) and (10) of this Regulation.

(1) Section C(9) of this regulation applies only where:

(a) The allied health provider notified the reporting entity at the time the allied health provider decided to enter the program;

(b) The reporting entity is able to verify that the allied health provider remains continually in the program until properly discharged; and

(c) The action or condition of the allied health provider had not caused injury to any individual during the provision of health care by the allied health provider.

(2) Section C(9) of this regulation does not apply to:

(a) Any change made by a reporting entity relating to the discharge of an allied health provider from an alcohol or a drug treatment program, when that discharge was for non-attendance or non-compliance with the program;

(b) Additional changes made by the reporting entity, other than minor scheduling changes made solely to accommodate participation in the program; or

(c) Any change made by the reporting entity based on events set out in Regulation .03B which occurred subsequent to the provider’s entrance into the alcohol or drug treatment program;

(3) Section C(10) of this regulation applies only where:

(a) The physician notified the reporting entity at the time the physician decided to enter the program;

(b) The reporting entity is able to verify that the physician remains continually in the program until properly discharged; and

(c) The action or condition of the physician had not resulted in injury to any individual during the provision of health care by the physician.

(4) Section C(10) of this regulation does not apply to:

(a) Any change made by a reporting entity relating to the discharge of a physician by an alcohol or a drug treatment program, when that discharge was for non-attendance or non-compliance with the program;

(b) Additional changes made by the reporting entity, other than minor scheduling changes made solely to accommodate participation in the program; or

(c) Any change made by the reporting entity relating to events set out in §B of this regulation which occurred subsequent to the physician’s entrance into the alcohol or drug treatment program.

.05 Time Frames for the Submission of Reports.

A. (proposed text unchanged)

B. Allied Health Providers.

(1) (proposed text unchanged)

(2) With respect to physician assistants:

(a) (proposed text unchanged)

(b) [[Any person]] A physician or an employer who terminates a delegation agreement with a physician assistant shall report that termination within 10 days; and

(c) (proposed text unchanged)

C. (proposed text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 57 BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Notice of Final Action

[16-226-F]

On October 18, 2016, the Secretary of Health and Mental Hygiene adopted:

(1) Amendments to Regulation .01 under **COMAR 10.57.01 Definitions**;

(2) Amendments to Regulations .01—.06 and .08, the repeal of existing Regulation .09, and the recodification of existing Regulation .10 to be Regulation .09 under **COMAR 10.57.02 Certification — Residential Child Care Program Administrators**; and

(3) Amendments to Regulations .01, .02, and .05—.07 under **COMAR 10.57.03 Certification — Residential Child and Youth Care Practitioners**.

This action, which was proposed for adoption in 43:18 Md. R. 1032—1035 (September 2, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

13A.12.03 Specialists

Authority: Education Article, §§2-205, 2-303(g), 6-101—6-104, and 6-701—6-706; Health Occupations Article, §2-301; Annotated Code of Maryland

Notice of Final Action

[16-175-F]

On October 6, 2016, the Professional Standards and Teacher Education Board adopted amendments to Regulation .02 under **COMAR 13A.12.03 Specialists**. This action, which was proposed for adoption in 43:14 Md. R. 788—789 (July 8, 2016), has been adopted with the nonsubstantive changes below.

Effective Date: November 7, 2016.

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:

COMAR 13A.12.03.02F(1)(a): This change substitutes the word “Institution” for “Institute” in order to confirm with the correct terminology as used elsewhere in the chapter for institutions of higher education. Because the change merely corrects a typographical error and does not change the meaning of the provision, it is a nonsubstantive change.

.02 School Counselor.

The requirements for certification as a school counselor are:

A. — E. (proposed text unchanged)

F. Special Provisions.

(1) Prior to the renewal or reinstatement of the current certificate, an educator certified as a school counselor shall provide one of the following:

(a) One semester hour of coursework from an [[Institute]] Institution of Higher Education;

(b)—(c) (proposed text unchanged)

(2) (proposed text unchanged)

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

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

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

Notice of Final Action

[16-188-F]

On September 22, 2016, the Maryland Higher Education Commission adopted amendments to Regulation .11 under **COMAR 13B.05.01 Registration**. This action, which was proposed for adoption in 43:16 Md. R. 927 (August 5, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Title 31 MARYLAND INSURANCE ADMINISTRATION

Notice of Final Action

[16-205-F]

On October 14, 2016, the Insurance Commissioner adopted amendments to:

(1) Regulation .03 under **COMAR 31.09.07 Charitable Gift Annuities**;

(2) Regulations .04 and .21 under **COMAR 31.13.01 Standards for Credit Life and Credit Health Insurance**;

(3) Regulations .02—.04 under **COMAR 31.13.02 Credit Life and Credit Health Reinsurance**; and

(4) Regulations .04 and .16 under **COMAR 31.13.03 Standards for Credit Involuntary Unemployment Benefit Insurance**.

This action, which was proposed for adoption in 43:17 Md. R. 993—995 (August 19, 2016), has been adopted as proposed.

Effective Date: November 7, 2016.

ALFRED W. REDMER, JR.
Insurance Commissioner

Withdrawal of Regulations

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.02 Janet L. Hoffman Loan Assistance Repayment Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-1503, Annotated Code of Maryland

Notice of Withdrawal

[15-239-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.12 under a new chapter, **COMAR 13B.08.02 Janet L. Hoffman Loan Assistance Repayment Program**, which was published in 42:17 Md. R. 1141—1143 (August 21, 2015), has been withdrawn by operation of law.

BRIAN MORRIS
Administrator
Division of State Documents

Subtitle 08 FINANCIAL AID

13B.08.03 Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-603.1, Annotated Code of Maryland

Notice of Withdrawal

[15-237-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.12 under a new chapter, **COMAR 13B.08.03 Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program**, which was published in 42:17 Md. R. 1144—1146 (August 21, 2015), has been withdrawn by operation of law.

BRIAN MORRIS
Administrator
Division of State Documents

Subtitle 08 FINANCIAL AID

13B.08.04 Senatorial Scholarship Program

Authority: Education Article, §§11-105(u) and 18-204(c) and Title 18, Subtitle 4; Annotated Code of Maryland

Notice of Withdrawal

[15-270-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.13 under a new chapter, **COMAR 13B.08.04 Senatorial Scholarship Program**, which was published in 42:20 Md. R. 1276—1278 (October 2, 2015), has been withdrawn by operation of law.

BRIAN MORRIS
Administrator
Division of State Documents

Subtitle 08 FINANCIAL AID

13B.08.05 Delegate Scholarship Program

Authority: Education Article, §§11-105(u) and 18-204(c), Annotated Code of Maryland

Notice of Withdrawal

[15-238-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.11 under a new chapter, **COMAR 13B.08.05 Delegate Scholarship Program**, which was published in 42:17 Md. R. 1146—1148 (August 21, 2015), has been withdrawn by operation of law.

BRIAN MORRIS
Administrator
Division of State Documents

Subtitle 08 FINANCIAL AID

13B.08.07 Veterans of the Afghanistan and Iraq Conflicts Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-604, Annotated Code of Maryland

Notice of Withdrawal

[15-269-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.09 under a new chapter, **COMAR 13B.08.07 Veterans of the Afghanistan and Iraq Conflicts Scholarship Program**, which was published in 42:20 Md. R. 1278—1280 (October 2, 2015), has been withdrawn by operation of law.

BRIAN MORRIS
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 03 WILDLIFE

08.03.10 General Wildlife Hunting Regulations

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

Notice of Proposed Action

[16-265-P]

The Secretary of Natural Resources proposes to repeal Regulation .11 under **COMAR 08.03.10 General Wildlife Hunting Regulations**.

Statement of Purpose

The purpose of this action is to repeal COMAR 08.03.10.11, which declares the monetary values of certain wildlife species. A new regulation is being proposed under a new chapter, COMAR 08.03.16 Hunting Privilege Suspension and Restitution, that declares the monetary values of certain groups of wildlife. The new regulation may be used by the courts when imposing restitution fees for hunting violations. COMAR 08.03.10.11 will be repealed so as to not conflict with the new monetary value 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 Glenn Therres, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 580

Taylor Avenue, Annapolis, MD 21401, or call 410-260-8572, or email to glenn.therres@maryland.gov, or fax to 410-260-8596. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.16 *Hunting Privilege Suspension and Restitution*

Authority: Natural Resources Article, §§10-1101.1, 10-1107, and 10-1108, Annotated Code of Maryland

Notice of Proposed Action

[16-266-P-I]

The Secretary of Natural Resources proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 08.03.16 Hunting Privilege Suspension and Restitution**.

Statement of Purpose

The purpose of this action is to establish criteria for suspension of hunting privileges in accordance with the Wildlife Poaching Prevention Act of 2012 and to define deer poaching and gross score for clarification purposes for implementing the Poaching Restitution Act of 2016. The Department of Natural Resources has the authority to suspend for a period not exceeding 5 years the hunting license or hunting privileges of a person who is convicted of a State or federal hunting violation. Landowners hunting on their own property and certain other persons are afforded the privilege to hunt without a hunting license. The Department of Natural Resources proposes through these regulations the violations that will result in the suspension of a person's hunting license or hunting privilege for 1, 3, or 5 years. Regulations .04 and .05 establish the monetary values of wildlife that the courts may consider when imposing restitution fees for hunting violations.

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 Glenn Therres, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8572, or email to glenn.therres@maryland.gov, or fax to 410-260-8596. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, Boone and Crockett Club Official Scoring System for North American Big Game Trophies Non-Typical Whitetail and Coues' Deer 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 43:1 Md. R. 10 (January 8, 2016), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Definitions.

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

B. Terms Defined.

(1) "Conviction" includes:

- (a) A guilty verdict;
- (b) Accepted plea of nolo contendere;

(c) An admission of guilt to any charge made by the prepayment of the applicable fine instead of appearing for trial; or

(d) Each charged violation merged into a conviction.

(2) "Deer poaching" means the illegal killing of a white-tailed or sika deer:

- (a) After legal shooting hours;
- (b) During a closed season;
- (c) In violation of prescribed bag limits;
- (d) In violation of a Department-issued permit;
- (e) With an illegal weapon; or
- (f) While trespassing.

(3) "Gross score" means the score derived by calculating the measurements of the antlers of white-tailed deer:

(a) In accordance with the Boone and Crockett Club Official Scoring System for North American Big Game Trophies Non-Typical Whitetail and Coues' Deer, 2015, which is incorporated by reference in Regulation .02 of this chapter;

(b) As taken by an official Boone and Crockett Club scorer; and

(c) As measured at any time with no drying time being required.

(4) "Privilege" means the ability to hunt without a hunting license under the exemptions provided in Natural Resources Article, §10-301(c), Annotated Code of Maryland.

(5) "Suspension" means the act of the Department temporarily rescinding a hunting license or privilege and thereby temporarily

prohibiting a person from engaging in a hunting activity or activities under any circumstances.

.02 Incorporation by Reference.

A. In this chapter, the following document is incorporated by reference.

B. Document Incorporated. Boone and Crockett Club Official Scoring System for North American Big Game Trophies Non-Typical Whitetail and Coues' Deer, 2015.

.03 Suspension.

A. Any person who is convicted of an offense under §§B—D of this regulation or similar offenses under federal law in Maryland may:

(1) Have all hunting licenses, permits, or stamps issued by the Department suspended;

(2) Be prohibited from engaging in any hunting activity for the period of time described in §§B—D of this regulation; and

(3) Be prohibited from applying for any hunting license, permit, or stamp for the period of time described in §§B—D of this regulation.

B. A person who receives a conviction for one of the following violations may be suspended for 1 year.

	Statute or Regulation	Description
1	10-310	Making a false statement to obtain a hunting license, stamp, permit, or DNRid
2	10-404, COMAR 08.03.03	Hunting, possessing or transporting any bear, deer, turkey or migratory waterfowl during closed season or in excess of daily or season limits
3	10-2A-05, COMAR 08.03.08.04, COMAR 08.03.08.07	Killing a threatened or endangered species while hunting
4	COMAR 08.03.10.07; COMAR 08.03.04.11	Unlawful use of bait
5	10-1108(c)(2)(iv)	Failure of a nonresident of Maryland to appear in court in accordance with a natural resources citation

C. A person who receives a conviction for one of the following violations may be suspended for 3 years.

	Statute or Regulation	Description
1	10-1108(c)	Hunting while revoked or suspended
2	10-410(i)	Carrying a firearm while hunting under the influence of alcohol or a narcotic drug

D. A person who receives a conviction for one of the following violations may be suspended for 5 years.

	Statute or Regulation	Description
1	10-424	Carelessly or negligently shooting, wounding, or killing another person.
1	10-424	Intentionally or willfully destroying or damaging the real property, personal property, or farm livestock of another person.
1	10-424	Intentionally or willfully destroying or damaging a domesticated animal that is in a safety zone established under Natural Resources Article, §10-410(g), Annotated Code of Maryland.
2	10-1108(c)(2)(ii)	A separate conviction within 12 months of a suspension issued pursuant to this regulation resulting from a separate incident than the violation for which the suspension was imposed

.04 Restitution for Deer.

A. In accordance with Natural Resources Article, §10-1101.1, Annotated Code of Maryland, a person convicted of deer poaching in Maryland shall pay restitution.

B. Amount of Restitution.

(1) For each antlered white-tailed deer that obtains a gross score of more than 150 gross inches, a person convicted of deer poaching shall:

(a) Pay restitution of not less than \$5,000 but not exceeding \$10,000; and

(b) Perform 80 hours of community service.

(2) For each sika deer or antlered white-tailed deer that obtains a gross score of 150 gross inches or less, a person convicted of deer poaching shall:

(a) Pay restitution of not less than \$2,000 but not exceeding \$5,000; and

(b) Perform 80 hours of community service.

(3) A sika or antlered white-tailed deer with 8 antler points or less shall be deemed to have a gross score of less than 150 gross inches for the purposes of this regulation and does not require measurement.

(4) For each antlerless white-tailed deer, a person convicted of deer poaching shall:

(a) Pay restitution of not less than \$300 but not exceeding \$500; or

(b) Perform 40 hours of community service.

.05 Restitution for Wildlife Species Other than Deer.

A. If a person is convicted of violating any provision of Natural Resources Article, Title 10, Annotated Code of Maryland, and the violation causes or results in the injury, death, or destruction of any wildlife, a court may order the person convicted to pay restitution to the State for the resource value of the wildlife taking into account the values provided in this regulation.

B. The monetary values, per animal, for wildlife species within the following categories, as defined in Natural Resources Article, §10-101 and §10-2A-01, Annotated Code of Maryland, and COMAR 08.03.08 are:

(1) Endangered species — \$2,000;

(2) Black bear — \$1,500;

(3) Threatened species — \$1,000;

(4) Forest game birds and mammals, other than deer and black bear — \$500;

(5) Wild waterfowl — \$500;

(6) Fur-bearing mammals — \$100;

(7) Nongame birds and mammals — \$100;

(8) Upland game birds and mammals — \$100; and

(9) Wetland game birds — \$100.

MARK J. BELTON
Secretary of Natural Resources

**Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION**

**Subtitle 12 DIVISION OF LABOR AND
INDUSTRY**

**09.12.21 Employee Injury and Illness Records
and Reports**

Authority: Labor and Employment Article, §§2-106(b)(4), 5-312, and 5-702—5-704, Annotated Code of Maryland

Notice of Proposed Action

[16-269-P]

The Commissioner of Labor and Industry proposes to amend Regulation .02 under **COMAR 09.12.21 Employee Injury and Illness Records and Reports**. This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on March 22, 2016. The notice of this meeting was given in 43:3 Md. R. 304 (February 5, 2016) in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate by reference recent amendments to the OSHA Final Rule on Occupational Injury and Illness Recording and Reporting Requirements—NAICS Update and Reporting Revisions. This action also clarifies the reporting requirements for the reporting of amputations to those involving loss of bone or cartilage.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle Vanreusel, Regulatory and Grants Coordinator, Division of Labor and Industry, 1100 N. Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through November 29, 2016. A public hearing has not been scheduled.

.02 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) (text unchanged)

(2) 29 CFR §1904.2 [(2001)] (2014).

(3) — (17) (text unchanged)

(18) 29 CFR §1904.39 [(2001)] (2014).

(19) — (22) (text unchanged)

(23) 29 CFR §1904 Non-Mandatory Appendix A to Subpart B—Partially Exempt Industries [(2001)] (2014).

C. The following amendments apply to the documents incorporated by reference in §B of this regulation:

- (1) (text unchanged)
- (2) For 29 CFR §1904.2, in:
 - [(2) For 29 CFR §1904.2(a)(1),] (a) Subsection (a)(1), where the words “all employers must report to OSHA” appear, substitute “MOSH” for “OSHA”; and
 - (b) Subsection (b)(2), where the words “OSHA office or State agency” appear, substitute “MOSH office”;
 - (3) — (10) (text unchanged)
 - (11) For 29 CFR §1904.38[.], in:
 - (a) [In subsection] Subsection (a), where the words “Basic requirement.” appear, substitute “Private sector basic variance requirements.”;
 - (b) [In subsection] Subsection (a), the word “you” means “an employer as defined in §5-101(d) [(1)(i)] of the Maryland Occupational Safety and Health Act”; and
 - (c) [In subsection] Subsection (b)(4), where the words “If I have already been cited by OSHA” appear, substitute “MOSH” for “OSHA”;
 - (12) For 29 CFR §1904.39:
 - (a) Except as provided in paragraphs (b)—[(e)] (k) of this subsection, wherever the word “OSHA” appears, substitute “MOSH”;
 - (b) [In subsection (a), where the words “Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor,” appear, substitute “MOSH Central Office” and strike the last sentence;] In subsection (a)(1), where the words “the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor” appear, substitute “MOSH”;
 - (c) In subsection (a)(2), where the words “an employee’s amputation” appear substitute “an employee’s amputation involving bone or cartilage loss”
 - (d) In subsection (a)(2), where the word “OSHA” appears, substitute “MOSH”;
 - (e) In subsection (a)(3)(i), where the words “OSHA Area Office” appear, substitute “MOSH Central Office”, and delete the words “that is nearest to the site of the incident”;
 - (f) In subsection (a)(3)(ii), where the words “OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742)” appear, substitute “MOSH Central Office toll-free telephone number, 1-800-759-6297”;
 - (g) In subsection (a)(3)(iii), substitute “form” for “application”, “MOSH’s” for “OSHA’s”, and “www.dllr.maryland.gov/labor/mosh/” for “www.osha.gov”;
 - [(c) (h) In subsection (b)(1), substitute “MOSH Central Office” for “Area Office”, substitute “MOSH’s” for “OSHA’s”, [and] substitute “MOSH Central Office toll-free [emergency] telephone number [1-888-257-MOSH (1-888-257-6674)] 1-800-759-6297” for the words “800 number”, substitute “form” for “application”, and substitute “MOSH’s public Web site at www.dllr.maryland.gov/labor/mosh/” for “OSHA’s public Web site at www.osha.gov”;
 - [(d) (i) In subsections (b)(2), [(b)(3) and (4), except for references to “OSHA injury and illness records”, wherever the word “OSHA” appears, substitute “MOSH”; [and]
 - [(e) (j) In subsection (b)(5), where the words “your local OSHA Area Office director” appear, substitute “the MOSH Assistant Commissioner”; and
 - (k) In subsections (b)(6), (7), (8) and (10), except for a reference to “OSHA injury and illness records”, wherever the word “OSHA” appears, substitute “MOSH”;
 - (13) — (15) (text unchanged)
 - (16) In 29 CFR §1904 Non-Mandatory Appendix A to Subpart B—Partially Exempt Industries, [where the words “must report to

OSHA any workplace incident” appear,] *except for a reference to “OSHA injury and illness records”, substitute “MOSH” for “OSHA” in the last sentence.*

THOMAS J. MEIGHEN
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.35 Maryland Occupational Safety and Health Standard for Confined Spaces

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312, Annotated Code of Maryland

Notice of Proposed Action [16-279-P]

The Commissioner of Labor and Industry proposes to repeal Regulations .01—.05 under **COMAR 09.12.35 Maryland Occupational Safety and Health Standard for Confined Spaces**. This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on June 17, 2015. The notice of this meeting was given in 43:12 Md. R. (June 12, 2015) in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to repeal Maryland's Occupational Safety and Health Standard for Confined Spaces. At the federal level, the Occupational Safety and Health Administration has adopted new standards on confined spaces with the Standards Relating to Confined Spaces in Construction, 29 CFR Part 1926. The Commissioner has proposed adopting the new federal standards by incorporation by reference, notice of which was published in 43:2 Md. R. 176 (January 22, 2016). This action seeks to repeal the existing Maryland regulations before Final Action on the proposed incorporation by reference of the Federal standard.

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 Mischelle Vanreusel, Regulatory and Grants Coordinator, Division of Labor and Industry, 1100 N. Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through November 29, 2016. A public hearing has not been scheduled.

THOMAS J. MEIGHEN
Commissioner of Labor and Industry

Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Subtitle 15 FOOD

10.15.07 Shellfish Sanitation

Authority: Health-General Article, §§18-102, 21-211, 21-234, 21-304, 21-321, and 21-346—21-350, Annotated Code of Maryland

Notice of Proposed Action

[16-274-P-I]

The Secretary of Health and Mental Hygiene proposes to amend Regulation **.01** under **COMAR 10.15.07 Shellfish Sanitation**.

Statement of Purpose

The purpose of this action is to update to the most recent revision of the incorporation by reference of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

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 November 28, 2016. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, National Shellfish Sanitation Program (NSSP), Guide for the Control of Molluscan Shellfish, 2015 Revision, 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 43:1 Md. R. 10 (January 8, 2016), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference:

A. National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish [2013] 2015 Revision, Section I. Purpose [and] & Definitions and Section II. Model Ordinance except for Chapter IV, Shellstock Growing Areas; and

B. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 21 MENTAL HYGIENE
REGULATIONS

10.21.25 Fee Schedule — Mental Health Services
— Community-Based Programs and Individual Practitioners

Authority: Health-General Article, §§10-901, 15-103, and 15-105; Title 16, Subtitles 1 and 2; Annotated Code of Maryland

Notice of Proposed Action

[16-280-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.03** and **.08** under **COMAR 10.21.25 Fee Schedule — Mental Health Services — Community-Based Programs and Individual Practitioners**.

Statement of Purpose

The purpose of this action is to add cross-references to COMAR 10.63 and update the definitions to align with COMAR 10.63, which is the new community-based behavioral health programs and services subtitle.

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 November 28, 2016. A public hearing has not been scheduled.

.03 Definitions.

A. In this chapter, terms have the meanings stated in COMAR 10.21.17, *COMAR 10.63.01.02*, and this regulation.

B. Terms Defined.

(1) (text unchanged)

(2) "Administration" means the [Mental Hygiene] *Behavioral Health Administration*.

(2-1) (text unchanged)

(3) "Core service agency (CSA)" [means the county or multicounty authority, designated under Health-General Article, Title 10, Subtitle 12, Annotated Code of Maryland, and approved by the Department, that is responsible for planning, managing, and monitoring publicly funded mental health services] *has the meaning stated in COMAR 10.63.01.02.*

(3-1)—(4) (text unchanged)

(5) "Enhanced support" means [an in-home service provided, in addition to other services to an individual, by a program that is approved by the Administration, to support the individual to remain in the community, and approved under] *short-term, in-home services, in addition to other services to an individual, provided by a program to support the individual to remain in the community:*

(a) For mobile treatment services:

(i) *Under COMAR 10.21.19 if approved; and*

- (ii) Under COMAR 10.63.03.04 if licensed;
- (b) For adult psychiatric rehabilitation services:
 - (i) Under COMAR 10.21.21 if approved; and
 - (ii) Under COMAR 10.63.03.09 if licensed; and
- (c) For outpatient mental health services;
 - (i) Under COMAR 10.21.20 if approved; and
 - (ii) Under COMAR 10.63.03.05 if licensed.
- (5-1)—(6) (text unchanged)
- (7) "Individual practitioner" means:
 - (a)—(b) (text unchanged)
 - (c) A certified registered nurse practitioner—[psychiatric (CRNP—P)] *psychiatric mental health (CRNP-PMH)* who is:
 - (i)—(ii) (text unchanged)
 - (d)—(h) (text unchanged)
 - (7-1)—(7-4) (text unchanged)
 - (7-5) "Local behavioral health authority (LBHA)" has the meaning stated in COMAR 10.63.01.02.
- (8) Mental Health Program.
 - (a) "Mental health program" means a program that provides a plan of mental health treatment or mental health rehabilitation, consisting of various therapeutic modalities, that is:
 - (i)—(ii) (text unchanged)
 - (b) "Mental health program" includes:
 - (i) Non-hospital-based partial hospitalization (psychiatric day treatment) services under COMAR 10.21.02 if approved, and COMAR 10.63.03.08 if licensed;
 - (ii) (text unchanged)
 - (iii) Mobile treatment services under COMAR 10.21.19 if approved, and COMAR 10.63.03.04 if licensed;
 - (iv) Outpatient mental health clinic (OMHC) services under COMAR 10.21.20 if approved, and COMAR 10.63.03.05 if licensed;
 - (v) Psychiatric rehabilitation programs for adults under COMAR 10.21.21 if approved, and COMAR 10.63.03.09 if licensed, including supported living services;
 - (vi) Residential rehabilitation programs under COMAR 10.21.22 if approved, and COMAR 10.63.04.05 if licensed;
 - (vii) (text unchanged)
 - (viii) Supported employment programs under COMAR 10.21.28 if approved, and COMAR 10.63.03.16 if licensed;
 - (ix) Respite care programs under COMAR 10.21.27 if approved, and COMAR 10.63.03.15 if licensed;
 - (x) Residential crisis services programs under COMAR 10.21.26 if approved, and COMAR 10.63.04.04 if licensed; and
 - (xi) Therapeutic and psychiatric rehabilitation services for minors under COMAR 10.21.29 if approved, and COMAR 10.63.03.10 if licensed.
- (9) Mobile Treatment.
 - (a) "Mobile treatment" means a program approved under COMAR 10.21.19, or licensed under COMAR 10.63.03.04.
 - (b) (text unchanged)
- (10)—(11) (text unchanged)
- (11-1) Other Mental Health Professional.
 - (a) (text unchanged)
 - (b) "Other mental health professional" includes a:
 - (i)—(iv) (text unchanged)
 - (v) Certified registered nurse practitioner — psychiatric mental health (CRNP-PMH).
- (12) "Outpatient mental health clinic (OMHC)" means a program approved under COMAR 10.21.20 or licensed under COMAR 10.63.03.05.
- (13) "Partial hospitalization program" means a program approved under COMAR 10.21.02 or licensed under COMAR 10.63.03.08.
- (14)—(15) (text unchanged)

- (16) "Psychiatric rehabilitation program for adults (PRP)" means a program approved under COMAR 10.21.21 or licensed under COMAR 10.63.03.09.
- (16-1) "Residential crisis services (RCS)" means [intensive mental health and support services that are:
 - (a) Provided to a child or an adult with mental illness who is experiencing, or is at risk of, a psychiatric crisis that would impair the individual's ability to function in the community;
 - (b) Designed to prevent a psychiatric inpatient admission, provide an alternative to psychiatric inpatient admission, or shorten the length of inpatient stay; and
 - (c) Provided, out of the individual's residence, on a short-term basis in a community-based residential setting] a program approved under COMAR 10.21.26 or licensed under COMAR 10.63.04.04.
- (16-2) (text unchanged)
- (17) "Residential rehabilitation program (RRP)" means a program approved under COMAR 10.21.22 or licensed under COMAR 10.63.04.05.
- (17-1) "Respite care" means services that are [
 - (a) Provided for an adult with serious and persistent mental illness or a child with serious emotional disturbance;
 - (b) Provided on a short-term basis in a community-based setting; and
 - (c) Designed to support an individual's remaining in the individual's home by:
 - (i) Providing the individual with enhanced support or a temporary alternative living situation, or
 - (ii) Assisting the individual's home caregiver by temporarily freeing the caregiver from the responsibility of caring for the individual] approved under COMAR 10.21.27 or licensed under COMAR 10.63.03.15
- (18)—(20) (text unchanged)
- (21) "Therapeutic and psychiatric rehabilitation services for minors" means a program approved under COMAR 10.21.29 or licensed under COMAR 10.63.03.10.

.08 Fee Schedule — Treatment Services — Programs.

- A.—B. (text unchanged)
- C. Partial Hospitalization. For programs approved under COMAR 10.21.02 or licensed under COMAR 10.63.03.08, the Department shall reimburse:
 - (1)—(4) (text unchanged)
- D.—E. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

**Subtitle 22 DEVELOPMENTAL
DISABILITIES**

**10.22.17 Fee Payment System for Licensed
Residential and Day Programs**

Authority: Health-General Article, §§2-104(b), 7-306.1, 7-307, 15-105, 15-107, and 16-201, Annotated Code of Maryland

Notice of Proposed Action
[16-270-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .06—.08 under **COMAR 10.22.17 Fee Payment System for Licensed Residential and Day Programs.**

Statement of Purpose

The purpose of this action is to amend regulations to include FY 17 reimbursement rates.

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 has an economic impact because it increases the rate paid to providers.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$36,494,626
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	\$36,494,626
E. On other industries or trade groups:	NONE	

F. Direct and indirect effects on public: NONE

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

A. A 3.5 percent increase in rates will cause the expenditures of the Developmental Disabilities Administration (DDA) for community services to increase by an estimated \$36,494,626 in total funds. The total general funds impact of these changes is \$19,695,721.

D. Regulated provider agencies will benefit from increases to rates by an estimated \$36,494,626 in total funds (\$19,695,721 in general funds).

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 November 28, 2016. A public hearing has not been scheduled.

.06 Determination of Individual Component.

A.—F. (text unchanged)

[G.] (proposed for repeal)

G. *Table of Individual Components Effective July 1, 2016.*

(1) *Residential Programs.*

Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)						
		Supervision/Assistance Level				
		1	2	3	4	5
Health/Medical Level	1	\$19.85	\$35.52	\$60.56	\$98.10	\$140.66
	2	\$21.70	\$37.39	\$62.43	\$99.96	\$142.51
	3	\$24.71	\$40.39	\$65.40	\$102.96	\$145.50
	4	\$28.75	\$44.43	\$69.45	\$107.00	\$149.55
	5	\$32.31	\$47.99	\$73.03	\$110.57	\$153.11

PROPOSED ACTION ON REGULATIONS

<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.42	\$38.32	\$65.34	\$105.84	\$151.76
	<i>2</i>	\$23.41	\$40.34	\$67.36	\$107.85	\$153.75
	<i>3</i>	\$26.66	\$43.58	\$70.56	\$111.08	\$156.98
	<i>4</i>	\$31.02	\$47.94	\$74.93	\$115.44	\$161.35
	<i>5</i>	\$34.86	\$51.78	\$78.79	\$119.29	\$165.19
<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$19.85	\$35.52	\$60.56	\$98.10	\$140.66
	<i>2</i>	\$21.70	\$37.39	\$62.43	\$99.96	\$142.51
	<i>3</i>	\$24.71	\$40.39	\$65.40	\$102.96	\$145.50
	<i>4</i>	\$28.75	\$44.43	\$69.45	\$107.00	\$149.55
	<i>5</i>	\$32.31	\$47.99	\$73.03	\$110.57	\$153.11
<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$19.85	\$35.52	\$60.56	\$98.10	\$140.66
	<i>2</i>	\$21.70	\$37.39	\$62.43	\$99.96	\$142.51
	<i>3</i>	\$24.71	\$40.39	\$65.40	\$102.96	\$145.50
	<i>4</i>	\$28.75	\$44.43	\$69.45	\$107.00	\$149.55
	<i>5</i>	\$32.31	\$47.99	\$73.03	\$110.57	\$153.11
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.10	\$37.75	\$64.37	\$104.27	\$149.51
	<i>2</i>	\$23.06	\$39.74	\$66.36	\$106.25	\$151.47
	<i>3</i>	\$26.26	\$42.93	\$69.51	\$109.44	\$154.65
	<i>4</i>	\$30.56	\$47.22	\$73.82	\$113.73	\$158.96
	<i>5</i>	\$34.34	\$51.01	\$77.62	\$117.52	\$162.74

<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$19.85	\$35.52	\$60.56	\$98.10	\$140.66
	<i>2</i>	\$21.70	\$37.39	\$62.43	\$99.96	\$142.51
	<i>3</i>	\$24.71	\$40.39	\$65.40	\$102.96	\$145.50
	<i>4</i>	\$28.75	\$44.43	\$69.45	\$107.00	\$149.55
	<i>5</i>	\$32.31	\$47.99	\$73.03	\$110.57	\$153.11

(2) Day Programs.

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)

<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.87	\$26.12	\$34.41	\$42.94	\$59.77
	<i>2</i>	\$24.13	\$28.39	\$36.70	\$45.23	\$62.07
	<i>3</i>	\$27.82	\$32.10	\$40.38	\$48.91	\$65.74
	<i>4</i>	\$32.82	\$37.05	\$45.35	\$53.89	\$70.72
	<i>5</i>	\$37.19	\$41.43	\$49.73	\$58.26	\$75.08

Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)

<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

PROPOSED ACTION ON REGULATIONS

<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.54	\$25.73	\$33.90	\$42.30	\$58.88
	<i>2</i>	\$23.78	\$27.96	\$36.16	\$44.56	\$61.15
	<i>3</i>	\$27.41	\$31.62	\$39.78	\$48.18	\$64.76
	<i>4</i>	\$32.33	\$36.50	\$44.67	\$53.09	\$69.67
	<i>5</i>	\$36.64	\$40.82	\$48.99	\$57.40	\$73.97
<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

(3) *Supported Employment Programs.*

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

PROPOSED ACTION ON REGULATIONS

<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$21.87	\$26.12	\$34.41	\$42.94	\$59.77
	<i>2</i>	\$24.13	\$28.39	\$36.70	\$45.23	\$62.07
	<i>3</i>	\$27.82	\$32.10	\$40.38	\$48.91	\$65.74
	<i>4</i>	\$32.82	\$37.05	\$45.35	\$53.89	\$70.72
	<i>5</i>	\$37.19	\$41.43	\$49.73	\$58.26	\$75.08
<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59
<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>	<i>Supervision/Assistance Level</i>					
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
	<i>1</i>	\$21.54	\$25.73	\$33.90	\$42.30	\$58.88
	<i>2</i>	\$23.78	\$27.96	\$36.16	\$44.56	\$61.15
	<i>3</i>	\$27.41	\$31.62	\$39.78	\$48.18	\$64.76
	<i>4</i>	\$32.33	\$36.50	\$44.67	\$53.09	\$69.67
	<i>5</i>	\$36.64	\$40.82	\$48.99	\$57.40	\$73.97

PROPOSED ACTION ON REGULATIONS

<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

(4) Community Learning Services.

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)

<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.87	\$26.12	\$34.41	\$42.94	\$59.77
	<i>2</i>	\$24.13	\$28.39	\$36.70	\$45.23	\$62.07
	<i>3</i>	\$27.82	\$32.10	\$40.38	\$48.91	\$65.74
	<i>4</i>	\$32.82	\$37.05	\$45.35	\$53.89	\$70.72
	<i>5</i>	\$37.19	\$41.43	\$49.73	\$58.26	\$75.08

Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)

<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.54	\$25.73	\$33.90	\$42.30	\$58.88
	<i>2</i>	\$23.78	\$27.96	\$36.16	\$44.56	\$61.15
	<i>3</i>	\$27.41	\$31.62	\$39.78	\$48.18	\$64.76
	<i>4</i>	\$32.33	\$36.50	\$44.67	\$53.09	\$69.67
	<i>5</i>	\$36.64	\$40.82	\$48.99	\$57.40	\$73.97

<i>Region 6 — Hagerstown Metro (Washington)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

(5) Employment Discovery and Customization

<i>Region 1 — Baltimore Metro (Baltimore City, Baltimore County, Anne Arundel, Harford, Howard, Carroll, Queen Anne's)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

PROPOSED ACTION ON REGULATIONS

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<i>Region 2 — Washington D.C. Metro (Calvert, Frederick, Prince George's, Montgomery, Charles)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.87	\$26.12	\$34.41	\$42.94	\$59.77
	<i>2</i>	\$24.13	\$28.39	\$36.70	\$45.23	\$62.07
	<i>3</i>	\$27.82	\$32.10	\$40.38	\$48.91	\$65.74
	<i>4</i>	\$32.82	\$37.05	\$45.35	\$53.89	\$70.72
	<i>5</i>	\$37.19	\$41.43	\$49.73	\$58.26	\$75.08
<i>Region 3 — Rural (St. Mary's, Caroline, Garrett, Dorchester Kent, Somerset, Talbot, Wicomico, Worcester)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59
<i>Region 4 — Pittsburgh Metro (Allegany)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	<i>2</i>	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	<i>3</i>	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	<i>4</i>	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	<i>5</i>	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59
<i>Region 5 — Wilmington Metro (Cecil)</i>						
<i>Health/Medical Level</i>		<i>Supervision/Assistance Level</i>				
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>1</i>	\$21.54	\$25.73	\$33.90	\$42.30	\$58.88
	<i>2</i>	\$23.78	\$27.96	\$36.16	\$44.56	\$61.15
	<i>3</i>	\$27.41	\$31.62	\$39.78	\$48.18	\$64.76
	<i>4</i>	\$32.33	\$36.50	\$44.67	\$53.09	\$69.67
	<i>5</i>	\$36.64	\$40.82	\$48.99	\$57.40	\$73.97

Region 6 — Hagerstown Metro (Washington)						
Health/Medical Level	Supervision/Assistance Level					
		1	2	3	4	5
	1	\$20.27	\$24.21	\$31.89	\$39.80	\$55.40
	2	\$22.37	\$26.31	\$34.02	\$41.92	\$57.53
	3	\$25.79	\$29.75	\$37.43	\$45.33	\$60.93
	4	\$30.42	\$34.34	\$42.03	\$49.95	\$65.55
	5	\$34.47	\$38.40	\$46.09	\$54.00	\$69.59

.07 Provider Components.

Effective July 1, [2015] 2016, the provider components for all regions are as follows:

A. The residential program provider component is [\$61.79] \$63.95; and

B. The day habilitation, vocational, supported employment, *community learning services*, and *employment discovery and customization* program provider component is [\$34.21] \$35.41.

.08 Add-On Component.

A.—I. (text unchanged)

J. Reimbursement for Add-On Components.

(1) (text unchanged)

(2) Effective July 1, [2015] 2016, the amount per unit of service for residential programs is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$18.46] \$19.11;

(b) In Cecil County — [\$19.43] \$20.12; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$19.68] \$20.37.

(3) Effective July 1 [2015] 2016, the amount per unit of service for day habilitation *and community learning services* is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$20.64] \$21.36;

(b) In Cecil County — [\$21.62] \$22.37; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$21.87] \$22.63.

(4) Effective July 1 [2015] 2016, the amount per unit of service for supported employment *and employment discovery and customization* is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$20.64] \$21.32;

(b) In Cecil County — [\$21.62] \$22.37; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$21.87] \$22.63.

(5) Effective July 1 [2015] 2016, the amount per unit of service per individual for professional services is as follows:

(a) In Baltimore City and Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Garrett, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties — [\$30.44] \$31.51;

(b) In Cecil County — [\$32.15] \$33.28; and

(c) In Calvert, Charles, Frederick, Montgomery, and Prince George's counties — [\$32.58] \$33.73.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

Notice of Proposed Action

[16-275-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulations **.08**, **.10**, and **.11** under **COMAR 10.32.01 General Licensure Regulations**;

(2) Regulation **.09** under **COMAR 10.32.03 Delegation of Duties by a Licensed Physician — Physician Assistant**;

(3) Regulations **.07** and **.08** under **COMAR 10.32.06 Licensure of Polysomnographic Technologists**;

(4) Regulation **.07** under **COMAR 10.32.08 Licensure of Athletic Trainers**;

(5) Regulation **.13** under **COMAR 10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants**; and

(6) Regulations **.09** and **.11** under **COMAR 10.32.11 Licensing of Respiratory Care Practitioners**.

This action was considered at a public meeting held on July 13, 2016, notice of which was given by publication on the Board's Website at <http://www.mbp.state.md.us/forms/jul16Agenda.pdf> from July 1 through July 13, 2016 pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to revise the time frame for physicians and allied health professionals to earn continuing medical education (CME) credits. For renewals, the proposed changes would allow licensees to earn CME credits during the 2-year period preceding the date of license expiration. Currently, for renewals, CME credits must be earned prior to the date the renewal application is submitted.

This proposal to change the time frame to earn CME credits is being made, in part, due to concerns expressed by the legislature during the 2016 Maryland General Assembly session.

The proposed regulations also include the following changes, which have been made for clarity or consistency purposes:

- (1) Updating the taglines for COMAR 10.32.03.09, 10.32.08.07, and 10.32.11.09;
- (2) Adding language regarding satisfying tax liabilities to COMAR 10.32.01.08, 10.32.03.09, 10.32.10.13, and 10.32.11.11;
- (3) Adding language regarding compliance with renewal requirements to COMAR 10.32.01.08;
- (4) Updating language regarding practicing without a license in COMAR 10.32.01.08;
- (5) Adding two definitions and correcting citations in COMAR 10.32.01.10;
- (6) Deleting duplicative language in COMAR 10.32.01.11; and
- (7) Other technical and stylistic changes where appropriate.

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 410-767-6483 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

10.32.01 General Licensure Regulations

Authority: Health Occupations Article, §§1-213, 14-205(a), 14-316, 14-317, and 14-320, Annotated Code of Maryland

.08 Renewals.

A. *The Board may not renew a license until the Comptroller of Maryland has verified that the individual has paid all undisputed taxes and unemployment insurance contributions, or arranged for repayment, as required by COMAR 10.31.02.*

[A.] B.—[C.] D. (text unchanged)

E. *The failure to receive a renewal notice does not excuse a licensee from complying with §B of this regulation.*

[D.] F. [A] *Before the expiration date of the license, a licensee applying for renewal shall complete the application for renewal on a form supplied by the Board.*

[E. During the application process, a licensee applying for renewal shall have the duty to inform the Board by electronic or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter within 30 days of the occurrence of or notification about these circumstances.]

[F.] G. [During the entire 2-year renewal cycle, a] A licensee shall [have the duty to] inform the Board by electronic or first-class mail of any of the circumstances listed in Regulation .03H(1) and (2) of this chapter within 30 days of the occurrence of or notification about these circumstances.

[G.] H. A licensee applying for renewal shall complete the [continuing medical education] CME requirements [for each renewal period] as defined in Regulation .10 of this chapter.

[H.] I. (text unchanged)

[I.] J. [Before the expiration date of the license, a licensee shall complete and return to the Board the renewal form and renewal fee according to instructions.] After the expiration date of the license, the physician is no longer licensed to practice medicine [and shall submit an application for reinstatement and documentation of continuing medical education credits].

[J.] K. — [L.] M. (text unchanged)

.10 Continuing Medical Education.

A. Definitions.

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

(2) *Terms Defined.*

(a) *“2-year period” means:*

(i) *For license renewal, the 2 years preceding the expiration of the physician license; or*

(ii) *For license reinstatement, the 2 years preceding the date of the submission of the application for reinstatement of the physician license.*

(b) *“Applicant” means:*

(i) *A licensed physician applying for renewal of the physician license; or*

(ii) *A physician applying for reinstatement of the physician license.*

[A.] B. The Board recognizes and accepts [continuing medical education] CME activities which serve to maintain, develop, or increase knowledge, skills, and professional performance and relationships that a physician uses to provide services for patients, the public, or the profession, and are within the basic medical sciences, the disciplines of clinical medicine, and the provision of health care to the public.

[B.] C. Requirements.

(1) [A physician applying for renewal or reinstatement] *In accordance with the requirements specified in §C(2) of this regulation, an applicant shall earn at least 50 credit hours of Category I CME during [the] a 2-year period [immediately preceding the licensee’s submission of the renewal or reinstatement application].*

(2) The Board shall recognize for Category I CME credit those activities which meet at least one of the following additional requirements for the activity:

(a)—(b) (text unchanged)

(c) Be an accredited training program and have been attended by the applicant within [the] a 2-year period [immediately preceding the date of submission of the application], on the basis of either of the following:

(i)—(ii) (text unchanged)

(d) Is a program of self-instruction to prepare for an approved specialty board certification or recertification examination under the [American Board of Medical Specialties (ABMS)] *ABMS* which occurs solely within [the 2 years preceding the application for renewal or reinstatement] a 2-year period, on the basis of 5 hours of study equals 1 hour of CME Category I credit up to a maximum of 10 credit hours;

(e) Is a service performed under the auspices of a peer review, focused professional education, or physician rehabilitation committee of the Faculty or a Faculty-approved committee of one of its component societies or a specialty society and involves evaluation of medical care or fitness to provide medical care, and the service is performed without compensation and is credited up to a maximum of 10 credit hours for a 2-year period as follows:

(i) (text unchanged)

(ii) If the service consists of [the review by the applicant of] *reviewing* medical records, the applicant shall be credited with 1 hour per patient record reviewed;

(iii) If the service consists of service as chair of a peer review, focused professional education, or physician rehabilitation committee and the service lasted the entire length of a [renewal] 2-year period, the applicant shall be credited with 10 hours of CME Category I credit, but if the service did not cover the entire length of a [renewal] 2-year period, the applicant shall be credited with CME Category I credit proportionately; and

(iv) If the service consists of service as an intervenor or assessor or as a monitor of ongoing treatment of a physician participant under the auspices of a physician rehabilitation committee, or as a preceptor under the auspices of a focused professional education committee of the Faculty, and the service lasted the entire length of a [renewal] 2-year period, the applicant shall be credited with 10 hours of CME Category I credit, but if the service did not cover the entire length of a [renewal] 2-year period, the applicant shall be credited with CME Category I credit proportionately;

(f)—(g) (text unchanged)

(h) Is a service performed voluntarily and without compensation and is credited up to a maximum of 5 CME credits in a [renewal] 2-year period as follows:

(i) (text unchanged)

(ii) The applicant shall demonstrate, by submitting documentation consistent with [§D] §E of this regulation, the total number of voluntary, uncompensated hours provided, and the dates, times, and locations of the medical services provided.

(3) Nothing in [§B(2)(e)] §C(2)(e) or (f) of this regulation shall limit or impair the ability of a licensee to earn CME Category I credits for participation in any other approved program.

(4) For the purposes of [§B(2)(g)] §C(2)(g) and (h) of this regulation, 5 hours of voluntary, uncompensated services are equal to 1 hour of CME Category 1 credit.

[C.] D. On the application form for renewal or reinstatement, [a physician] *the applicant* shall attest to the fact that the [physician] *applicant* has completed the [continuing medical education] *CME* requirement.

[D.] E. Documentation of CME Credits.

(1) The [physician] *applicant* has the affirmative obligation to obtain the requisite documentation of CME attendance and retain this documentation for the succeeding 6 years for possible inspection by the Board.

(2) The required documentation of attendance at a CME program as described in [§B(2)(a)] §C(2)(a) and (b) of this regulation shall be a certificate or other documentation of attendance which shall:

(a) (text unchanged)

(b) Demonstrate that the CME activity fell within [the] *a* 2-year period [immediately preceding submission of the renewal or reinstatement application by the licensee].

(3) The required documentation of attendance at an accredited residency or fellowship as described in [§B(2)(c)] §C(2)(c) of this regulation shall be a certificate or other form of documentation which shall contain at the minimum the:

(a)—(f) (text unchanged)

(4) The required documentation *for completion of a program of self-instruction* as described in [§B(2)(d)] §C(2)(d) of this regulation shall be a specialty certificate issued by an ABMS-approved specialty board within [the] *a* 2-year period [immediately preceding the submission of a renewal or reinstatement application].

(5) (text unchanged)

(6) The required documentation of service as described in [§B(2)(g)] §C(2)(g) of this regulation shall be a certificate or other

form of documentation acknowledging the applicant as a specialist reviewer on a medical record review, and stating the number of hours the applicant expended on the completion of the review.

E. The Board shall apply the [continuing medical education] *CME* requirement to all renewal and reinstatement applications after the first renewal, or, in the case of an applicant who has never renewed, after initial licensure.

.11 Reinstatement of Expired or Inactive Licenses.

A.—F. (text unchanged)

G. A physician applying for reinstatement may be required to pass the SPEX or COMVEX-USA examination if the physician:

(1) (text unchanged)

(2) Has never had specialty board certification or last passed a specialty board certification examination given by a member board of the [American Board of Medical Specialties] *ABMS* or the [American Osteopathic Board] *AOA* Bureau of Osteopathic Specialists more than 10 years before this application;

(3)—(4) (text unchanged)

H. (text unchanged)

I. A physician with an expired or inactive license may be denied restoration of active status subject to any of the grounds listed in Health Occupations Article, §14-404, Annotated Code of Maryland, the hearing for which would be conducted subject to the hearing provisions of Health Occupations Article, §14-405, Annotated Code of Maryland.]

10.32.03 Delegation of Duties by a Licensed Physician — Physician Assistant

Authority: Health Occupations Article, §§1-213, 14-205(a), 15-307, and 15-308, Annotated Code of Maryland

.09 Renewal, Reinstatement, Change in Name or Address, and Continuing Education.

A. Renewal. [To renew a physician assistant's license, the applicant shall:]

(1) *The Board may not renew a license until the Comptroller of Maryland has verified that the individual has paid all undisputed taxes and unemployment insurance contributions, or arranged for repayment, as required by COMAR 10.31.02.*

(2) *An individual who has been licensed by the Board as a physician assistant may renew the license every 2 years on the date specified by the Board by:*

[(1)] (a) [Complete] *Completing* an application on a form approved by the Board;

[(2)] (b) [Pay an application] *Paying the required renewal fee* as defined in Regulation .16 of this chapter;

[(3)] (c) [Attest] *Attesting* to completion of continuing education activities as specified in §D of this regulation; and

[(4)] (d) [Meet] *Meeting* any additional requirements set by the Board for renewal of a license.

B. Reinstatement. [To be reinstated, the applicant shall:] *The Board shall reinstate the license of a physician assistant if the physician assistant:*

(1) [Complete] *Completes* an application on a form approved by the Board;

(2) [Pay an application] *Pays the required reinstatement fee* as defined in Regulation .16 of this chapter;

(3) [Submit] *Submits* evidence of completion of continuing education activities as specified in §D of this regulation; and

(4) [Meet] *Meets* any additional requirements set by the Board for reinstatement of a license.

C. Change [of] *in* Name or Address.

(1)—(2) (text unchanged)

D. Continuing Education.

(1) Except as specified in §D(2) of this regulation, in order to renew or reinstate a license under §A or B of this regulation, a physician assistant shall complete at least 50 hours of continuing education consisting of:

(a) [A minimum] *At least 8 hours of Category 1 education on pharmacology topics earned [within: the 2 years preceding the date of the application for renewal or reinstatement; and] during the 2-year period preceding:*

(i) *For license renewal, the expiration of the physician assistant license; or*

(ii) *For license reinstatement, the date of the submission of the application for reinstatement; and*

(b) In addition to the continuing education hours specified in §D(1)(a) of this regulation, [a minimum of] *at least 42 hours of Category I continuing education [activities within: the 2 years preceding the date of the application for renewal or reinstatement.] earned during the 2-year period preceding:*

(i) *For license renewal, the expiration of the physician assistant license; or*

(ii) *For license reinstatement, the date of the submission of the application for reinstatement.*

(2) A physician assistant who is renewing a license as a physician assistant for the first time since either initial licensure or reinstatement of a license:

(a) Shall [meet the requirement of §D(1)(a)(i) of this regulation] *earn at least 8 hours of Category 1 education on pharmacology topics prior to the expiration of the physician assistant license; and*

(b) Is not required to [meet the requirement specified in §D(1)(b)(i) of this regulation] *complete any other hours of Category I continuing education prior to the expiration of the physician assistant license.*

(3)—(5) (text unchanged)

10.32.06 Licensure of Polysomnographic Technologists

Authority: Health Occupations Article, §§14-205(a), 14-5C-03, and 14-5C-14, Annotated Code of Maryland

.07 Renewal and Reinstatement.

A. Renewal.

(1) (text unchanged)

(2) An individual who has been licensed by the Board as a polysomnographic technologist may renew the license on or before the date specified by the Board by:

(a)—(b) (text unchanged)

(c) [Certifying] *Attesting to the completion of at least 20 hours of continuing education, earned during the 2-year period preceding the expiration of the license, [and meeting the requirements stated] as specified in Regulation .08 of this chapter; and*

(d) (text unchanged)

B. Reinstatement. The Board [may] *shall* reinstate the license of a polysomnographic technologist [who has failed to renew the license for any reason] if the polysomnographic technologist:

(1) [Applies for reinstatement after the date the license expires] *Completes a reinstatement application on a form supplied by the Board;*

(2) *Pays the required reinstatement fee and any other fees specified in Regulation .09 of this chapter;*

(3) *Documents evidence of completion of at least 20 hours of approved continuing education in the 2-year period preceding the date of the submission of the application for reinstatement, as specified in Regulation .08 of this chapter; and*

[(2)] (4) Meets [the renewal requirements of §A of this regulation;] *any additional requirements set by the Board for reinstatement of a license.*

[(3)] Submits evidence of completion of 20 hours of approved continuing education in the 2 years preceding the application for reinstatement, which meet the requirements stated in Regulation .08 of this chapter; and

(4) Pays to the Board the reinstatement fee set by the Board in Regulation .09 of this chapter.]

.08 Continuing Education.

A. (text unchanged)

B. Requirements.

(1) A polysomnographic technologist shall earn at least 20 continuing education hours as described in §B(2) of this regulation during the 2-year period [immediately] preceding: [the licensee's submission of the renewal or reinstatement application.]

(a) *For license renewal, the expiration of the license for polysomnographic technologist; or*

(b) *For license reinstatement, the date of the submission of the application for reinstatement.*

(2) (text unchanged)

C. (text unchanged)

10.32.08 Licensure of Athletic Trainers

Authority: Health Occupations Article, §§1-213, 14-205(a), and 14-5D-12, Annotated Code of Maryland

.07 Renewal, Reinstatement, [Change in Name or Address, and Continuing Education] Continuing Education, and Change in Name or Address.

A. Renewal.

(1) *The Board may not renew a license until the Comptroller of Maryland has verified that the individual has paid all undisputed taxes and unemployment insurance contributions, or arranged for repayment, as required by COMAR 10.31.02.*

[(1)] (2) An individual who has been licensed by the Board as an athletic trainer may renew the license every 2 years on the date specified by the Board by:

(a)—(b) (text unchanged)

(c) Attesting to the completion of *at least 50 hours of approved continuing education credits, earned during the 2-year period preceding the expiration of the license for athletic training, in accordance with the requirements specified in §C of this regulation; and*

[(d)] Paying or reaching an agreement with the Office of the Comptroller to pay unpaid unemployment insurance or taxes; and]

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

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

B. Reinstatement. The Board shall reinstate the license of an athletic trainer if the athletic trainer:

(1)—(2) (text unchanged)

(3) Documents evidence of *at least 50 hours of approved continuing education credits during the 2-year period [immediately] preceding the date of the submission of the application for reinstatement;*

(4) Meets [the renewal requirements in §A of this regulation] *any additional requirements set by the Board for reinstatement of a license; and*

(5) (text unchanged)

C.—D. (text unchanged)

10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants

Authority: Health Occupations Article, §§1-213, 14-205(a), 14-5B-03, and 14-5B-12, Annotated Code of Maryland

.13 Renewal and Reinstatement.

A. Renewal.

(1) *The Board may not renew a license until the Comptroller of Maryland has verified that the individual has paid all undisputed taxes and unemployment insurance contributions, or arranged for repayment, as required by COMAR 10.31.02.*

[(1)] (2) An individual who has been licensed by the Board as a radiation therapist, radiographer, or nuclear medicine technologist shall renew the license every 2 years on the date specified by the Board by:

(a)—(b) (text unchanged)

(c) Attesting to one of the following:

(i) Completion of *at least 24* hours of approved continuing education earned during the 2-year period preceding the [date of the renewal application] *expiration of the license for radiation therapist, radiographer, or nuclear medicine technologist, in accordance with the requirements specified in §A(5) of this regulation;*

(ii)—(iii) (text unchanged)

[(2)] (3) An individual who has been licensed by the Board as a radiologist assistant shall renew the license every 2 years on the date specified by the Board by:

(a)—(b) (text unchanged)

(c) Attesting to one of the following:

(i) Completion of *at least 50* hours of approved continuing education earned during the 2-year period preceding the [date of the renewal application] *expiration of the license for radiologist assistant, in accordance with the requirements specified in §A(5) of this regulation; or*

(ii) (text unchanged)

[(3)] (4)—[(4)] (5) (text unchanged)

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

B. Reinstatement. [A person who has been licensed by the Board as] *The Board shall reinstate the license of a radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant [and who has allowed the license to lapse shall apply for reinstatement by] if the individual:*

(1) [Completing] *Completes* a reinstatement application on a form approved by the Board;

(2) [Paying] *Pays* a reinstatement fee as defined in Regulation .18 of this chapter; and

(3) [Documenting] *Documents* evidence of:

(a) For a radiographer, radiation therapist, or nuclear medicine technologist, [meeting] at least one of the *following* requirements: [specified in §A(1)(c) of this regulation; or]

(i) *Completion of at least 24 hours of approved continuing education earned during the 2-year period preceding the date of the submission of the application for reinstatement of the license for radiation therapist, radiographer, or nuclear medicine technologist;*

(ii) *Current ARRT registration; or*

(iii) *Active certification by the NMTCB; or*

(b) For a radiologist assistant, [meeting] at least one of the *following* requirements: [specified in §A(2)(c) of this regulation.]

(i) *Completion of at least 50 hours of approved continuing education earned during the 2-year period preceding the date of the submission of the application for reinstatement of the license for radiologist assistant; or*

(ii) *Current ARRT registration as a radiologist assistant.*

10.32.11 Licensing of Respiratory Care Practitioners

Authority: Health Occupations Article, §§1-213, 14-205(a), 14-5A-03, 14-5A-13, and 14-5A-14, Annotated Code of Maryland

.09 Scope of [Practice.] Practice, Identification, and Change in Name or Address.

A.—C. (text unchanged)

D. [A respiratory care practitioner shall advise the Board in writing of any change in name or mailing address within 60 days or be subject to a penalty of \$100.] *Change in Name or Address.*

(1) *Within 60 days after the change, a licensee shall notify the Board in writing of a change in name or address.*

(2) *Licensees who fail to notify the Board of name or address changes as required by §D(1) of this regulation are subject to an administrative penalty of \$100.*

.11 Renewal, Reinstatement, and Continuing Education.

A. Renewal.

(1) *The Board may not renew a license until the Comptroller of Maryland has verified that the individual has paid all undisputed taxes and unemployment insurance contributions, or arranged for repayment, as required by COMAR 10.31.02.*

[(1)] (2) An individual who has been licensed by the Board as a respiratory care practitioner may renew the license every 2 years on the date specified by the Board by:

(a)—(b) (text unchanged)

(c) Attesting to the completion of *at least 16* [contact] hours of [approved/continuing] *approved continuing* respiratory care education, earned during the 2-year period preceding the expiration of the license for respiratory care, as described in §C of this regulation; and

(d) (text unchanged)

[(2)] (3) The continuing education requirement applies to all renewal applications after the first renewal.

B. Reinstatement.

(1) Except as provided in §B(2) of this regulation, the Board shall reinstate the license of a respiratory care practitioner if the respiratory care practitioner:

(a)—(b) (text unchanged)

(c) Documents evidence of at least 16 hours of approved continuing education in the [2 years] *2-year period* preceding the *date of the submission of the application for reinstatement, as described in §C of this regulation; and*

(d) Meets [the renewal requirements in §A of this regulation] *any additional requirements set by the Board for reinstatement of a license.*

(2) (text unchanged)

C. Continuing Education.

(1) (text unchanged)

(2) [An] *Instead of completing the required continuing education, an applicant for renewal or reinstatement may substitute passing the examination for either certified respiratory therapist or registered respiratory therapist conducted by the National Board for Respiratory Care during the 2-year period [preceding the application for renewal or reinstatement for the required continuing education.] preceding:*

(a) *For license renewal, the expiration of the license for respiratory care; or*

(b) *For license reinstatement, the date of the submission of the application for reinstatement.*

(3) The Board may impose a civil penalty of up to \$100 per continuing respiratory care education [contact] hour in lieu of a

sanction under Health Occupations Article, §14-5A-17, Annotated Code of Maryland, for a first offense, for the failure of a licensee to obtain continuing education [contact] hours required by the Board.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-201 and 19-211, Annotated Code of Maryland

Notice of Proposed Action
[16-277-P]

The Health Services Cost Review Commission proposes to adopt Regulation .07-2 under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on September 14, 2016, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland. If adopted, the proposed regulation will become effective on or about January 16, 2017.

Statement of Purpose

The purpose of this action is to designate those outpatient services provided at a freestanding medical facility that are subject to Health Services Cost Review Commission rate regulation in conformance with newly enacted law.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of this action is to designate those outpatient services provided at a Freestanding Medical Facility that are subject to Commission rate regulation in conformance with newly enacted legislation.

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

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

D. This assumption is based on the expectation that hospitals will receive Commission approved rates for the outpatient services which are reasonably related to costs incurred

E. This assumption is based on payers not being able to negotiate rates for these services, but will be required to pay Commission approved rates, which will tend to be higher than rates negotiated.

F. This assumption is based on the expectation that the public will gain access to these services, and that the charges will be certified as reasonable, to be paid by all payers, by the HSCRC.

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 Diana Kemp, Regulations Coordinator, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to diana.kemp@maryland.gov, or fax to 410-358-6217. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

.07-2 Outpatient Services — Freestanding Medical Facility.

A. Definition. In this regulation, “freestanding medical facility” means a freestanding medical facility licensed under Health-General Article, Title 19, Subtitle 3A, Annotated Code of Maryland.

B. The following outpatient services provided at a freestanding medical facility are considered hospital services under Health-General Article, §19-201, Annotated Code of Maryland:

- (1) Emergency Services;
- (2) Observation Services; and
- (3) Associated Ancillary Services, such as laboratory, radiology, imaging, EKG, and Medical/Surgical Supplies and Drugs.

C. In accordance with Health-General Article, §19-201, Annotated Code of Maryland, the Commission’s rate-setting jurisdiction extends to those outpatient services provided at a freestanding medical facility, as designated by the Commission.

D. A freestanding medical facility or a proposed freestanding medical facility that desires to provide a service not designated in §B of this regulation (an undesignated service) must receive a determination under the provisions of this regulation.

E. Commission Approval.

(1) A freestanding medical facility may not charge a Commission-approved rate for an undesignated service without prior Commission staff approval.

(2) A freestanding medical facility may not open a new outpatient service, relocate an existing outpatient service, or convert an existing outpatient service from regulated or unregulated status without a prior determination from the Commission’s staff as to whether the service constitutes a hospital service subject to Commission rate regulation. A request for determination shall be made in writing at least 60 days before the contemplated action.

F. Upon request for a determination, the Commission’s staff shall:

- (1) Review the information presented;
- (2) Consult with appropriate parties;
- (3) Visit the site of the service as it considers necessary; and
- (4) Notify the freestanding medical facility of its determination as soon as practicable.

G. In deciding whether the service constitutes a hospital service subject to Commission rate regulation, Commission staff shall consider, among other things, the following criteria:

- (1) Cost of the service;

(2) *In consultation with Maryland Health Care Commission (MHCC) staff, access to and need for the service in the community;*

(3) *Feasibility of providing the outpatient service in the community on an unregulated basis; and*

(4) *Impact of the service on the All-Payer Model including, but not limited to, the Total Cost of Care limitations as prescribed in the All-Payer Model Agreement with the Center for Medicare and Medicaid Innovation.*

H. Based on the consideration of the criteria stated in §G of this regulation, the Commission staff shall make its determination on the request made under §E of this regulation within a reasonable period of time, taking into account, among other things, whether either a Certificate of Need application to establish a freestanding medical facility or a request for exemption from Certificate of Need to convert a licensed general hospital to a freestanding medical facility is pending before the MHCC and, if so, the time frame for staff to comment to MHCC on the financial feasibility of the proposed project.

I. A freestanding medical facility that fails to obtain, or violates, a staff determination on the regulated status of a given service may be subject to fines for inaccurate reporting under COMAR 10.37.01.03R and paybacks for inappropriate charges made during the time a staff determination on an outpatient service was not obtained or adhered to.

NELSON SABATINI
Chairman
Health Services Cost Review Commission

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.20 Fees

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

Notice of Proposed Action

[16-272-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under **COMAR 10.44.20 Fees**. This action was considered by the Board of Dental Examiners at a public meeting held on September 7, 2016, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish a 50 percent reduction in the late fee and reinstatement fee in 2017 and 2018 for dental radiation technologists with even-numbered certificates resulting in a staggered renewal period for all dental radiation technologists. Since those with even-numbered certificates will renew their certificates in 2017 for a 1-year period, and again in 2018 for a 2-year period, in the interests of fairness, any late fee or reinstatement fee should be 50 percent of the customary 2-year fee since those individuals will be renewing their certificates twice while those with odd numbered certificates will be renewing their 2-year certificate only once during the same period.

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 November 28, 2016. A public hearing has not been scheduled.

.02 Fee Schedule.

The following fees are established by the Board:

A.—G. (text unchanged)

H. Dental radiation technologist certification fee:

(1)—(3) (text unchanged)

(4) *For the period March 2, 2017 through April 1, 2017, for the 2017 renewal period, a late renewal fee for dental radiation technologists whose certificates end in an even number...\$25;*

(5) *On and after April 2, 2017, for the 2017 renewal period, a certification reinstatement fee for dental radiation technologists whose certificates end in an even number...\$59;*

(6) *For the period March 2, 2018 through April 1, 2018, for the 2018 renewal period, a late renewal fee for dental radiation technologists whose certificates end in an even number...\$25;*

(7) *On and after April 2, 2018, for the 2018 renewal period, a certification reinstatement fee for dental radiation technologists whose certificates end in an even number...\$59;*

[(4)] (8)—[(5)] (9) (text unchanged)

I.—II. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 62 NATALIE LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Proposed Action

[16-262-P]

The Secretary of Health and Mental Hygiene proposes to:

(1) Amend Regulation .01 under **COMAR 10.62.01 Definitions**;

(2) Repeal existing Regulations .03 and .07, adopt new Regulations .03 and .07, and amend Regulations .05 and .06 under **COMAR 10.62.08 Medical Cannabis Grower License**;

(3) Amend Regulation .03 under **COMAR 10.62.09 Medical Cannabis Grower Agent**;

(4) Amend Regulation .02 under **COMAR 10.62.12 Inventory Control by Grower**;

(5) Amend Regulations .04— .07 under **COMAR 10.62.15 Medical Cannabis Grower Quality Control**;

(6) Amend Regulations .02, .04, and .05, repeal existing Regulation .06, and adopt new Regulation .06 under **COMAR 10.62.19 Medical Cannabis Processor License**;

(7) Amend Regulation .03 under **COMAR 10.62.20 Medical Cannabis Processor Agent**;

(8) Amend Regulation .02 under **COMAR 10.62.22 Medical Cannabis Processor Operations**;

(9) Repeal existing Regulations .03 and .07, adopt new Regulations .03 and .07, and amend Regulations .05 and .06 under **COMAR 10.62.25 Medical Cannabis Dispensary License**;

(10) Amend Regulation .03 under **COMAR 10.62.26 Registered Dispensary Agent**; and

(11) Amend Regulation .02 under COMAR 10.62.28 Licensed Dispensary Operations.

This action was considered at a public meeting held on July 12, 2016, notice of which was given by publication on the Commission’s website at http://mmcc.maryland.gov/pages/home/meeting_schedule.aspx, pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Correct typographical errors and incorrect terminology;
- (2) Clarify the process by which fingerprints are obtained for a criminal history records check;
- (3) Clarify when certain fees need to be paid and when certain fees will be refunded for certain applicants;
- (4) Clarify requirements for financial background information to be sent to the Commission for growers, processors, and dispensaries;
- (5) Clarify the general process for granting a license and the general criteria for obtaining a grower license or a processor license;
- (6) Clarify that when certain inspections and background investigations have been passed, then the Commission may issue a grower license, a processor license, or a dispensary license;
- (7) Require that an inventory control system that is used by a licensed grower, a licensed processor, or a licensed dispensary is to be approved by the Commission;
- (8) Require that an independent testing laboratory used by a licensed grower shall be registered with the Commission;
- (9) Clarify how a certain certificate of analysis should identify and report certain information;
- (10) Require an independent testing laboratory to forward to the Commission a certificate of analysis under certain circumstances; and
- (11) Clarify certain grower quality control procedures.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These regulations authorize the refunding of certain fees to certain applicants under certain circumstances. The Commission cannot predict if any fees would be refunded under the conditions contemplated in the proposed regulations and if any are refunded, how much would be refunded. As a result, the fiscal impact is indeterminable.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	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. The annual license fee for growers is set at \$125,000. The annual license fee for processors is \$40,000. The annual license fee for dispensaries is \$40,000. The Commission cannot predict if any fees would be refunded under the conditions contemplated in the proposed regulations and if any are refunded, how much would be refunded. As a result, the fiscal impact is indeterminable.

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 November 28, 2016. A public hearing has not been scheduled.

10.62.01 Definitions

Authority: Health – General Article, §§13–3301 – 13–3303, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(24) (text unchanged)
 - (25) “Processor agent” means an owner, an employee, a volunteer, an officer, or a director of a licensed processor.
 - [(25)] (26)—[(34)] (35) (text unchanged)
 - [(35)] (36) “30-day supply” means:
 - (a) (text unchanged)
 - (b) In the case of a medical cannabis-infused product, 36 grams of [?]Δ9-Tetrahydrocannabinol (THC) unless the physician determines this amount would be inadequate to meet the medical needs of the qualifying patient.

10.62.08 Medical Cannabis Grower License

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

.03 Criminal History Record Check.

A. Each individual listed in the application addenda in Regulation .02C(1) and (2) of this chapter shall:

- (1) Submit to the Director of the Central Repository fingerprint specimens in the format approved by the Director of the Central Repository and the Director of the FBI;
- (2) Pay the fee authorized under Criminal Procedure Article, §10–221(B)(7), Annotated Code of Maryland for access to State criminal history and records; and
- (3) Request that the individual’s state and national criminal history record information be forwarded to the Commission.

B. The applicant shall notify the Commission of each individual listed in the application addenda in Regulation .02B(1) and (2) of this chapter who has completed this requirement.

.05 Application Review.

- A.—E. (text unchanged)

F. If the applicant does not provide the requested information within 14 business days, the Commission may consider the application to be [suspended] *withdrawn*.

G.—H. (text unchanged)

I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .05E of this chapter. The applications shall be ranked based on the following weighted criteria:

(1)—(5) (text unchanged)

(6) Additional factors that will be afforded 15 percent weight, including:

(a)—(c) (text unchanged)

(d) A list of proposed medical cannabis varieties proposed to be grown with proposed cannabinoid profiles, including:

(i) (text unchanged)

(ii) Whether the [strain] *variety* has any demonstrated success in alleviating symptoms of specific diseases or conditions.

J. (text unchanged)

.06 Pre-Approval of Application.

A.—C. (text unchanged)

D. *Pre-Approval for a License.*

(1) Within 10 business days of the Commission’s decision, the Commission shall notify an applicant who has been pre-approved for a license.

(2) *The applicant shall submit both the stage 2 application fee and the annual license fee appropriate for the license that has been pre-approved, as specified in COMAR 10.62.35.01A(1), to the Commission by 4p.m. within 14 business days following the issuance of the Commission’s notification.*

E. (text unchanged)

.07 Issuance of License.

A. *After the notification by the Commission under Regulation .06 of this chapter, within 90 days:*

(1) *If the applicant is an individual, the applicant shall submit to the Commission the three most recent federal tax returns filed by the applicant, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission the applicant’s:*

(a) *Capacity to operate a licensed medical cannabis growing enterprise; and*

(b) *Good moral character;*

(2) *If the applicant is a corporation that has not been operational for at least 1 year before the notification, the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation shall submit to the Commission the three most recent federal tax returns filed by the officers, directors and investors of 5 percent or more of an investment in the applicant corporation, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission:*

(a) *The capacity of the owners, officers, and directors of the applicant corporation to operate a licensed medical cannabis growing enterprise; and*

(b) *The good moral character of the owners, officers, and directors of the applicant corporation; or*

(3) *If the applicant is a corporation that has been operational for at least 1 year before the notification, the applicant shall submit to the Commission an audited financial statement and the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation shall submit to the Commission the three most recent federal tax returns filed by the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation, and any other financial, personal, and background*

information requested by the Commission which will sufficiently establish to the Commission:

(a) *The capacity of the owners, officers, and directors of the applicant corporation to operate a licensed medical cannabis growing enterprise; and*

(b) *The good moral character of the owners, officers, and directors of the applicant corporation.*

B. *Pre-Licensing Inspection.*

(1) *The applicant shall notify the Commission that the applicant’s premises, procedures, operations, and personnel are ready to be inspected in anticipation of the issuance of a license.*

(2) *The Commission shall notify the applicant when the Commission will carry out the pre-licensing inspection.*

(3) *The Commission shall carry out sufficient inspection and background investigation of finances and related matters to determine that:*

(a) *The criminal history background check and background investigation reveal no evidence that demonstrates the absence of good moral character;*

(b) *The applicant’s premises are under the legal control of the applicant;*

(c) *The premises comply with all zoning and planning requirements;*

(d) *The premises and specified procedures conform to the specifications of the application as pre-approved pursuant to Regulation .06 of this chapter;*

(e) *The staff are trained and prepared to follow the procedures; and*

(f) *The procedures for cultivation and inventory control are as specified in the application.*

C. *The Commission may notify the applicant that the applicant has qualified for a license either to grow medical cannabis or to grow and distribute medical cannabis and may issue such a license on determination that:*

(1) *All inspections demonstrate that the applicant’s entity and facility comply with the regulations;*

(2) *The applicant’s entity and facility is ready to commence business in compliance with the regulations and application; and*

(3) *Financial and other background investigations have been completed and passed.*

D. *In the event that the Commission does not issue a license, the Commission shall refund the annual license fee promptly.*

10.62.09 Medical Cannabis Grower Agent

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

.03 Grower Agent Registration and Criminal History Record.

A. (text unchanged)

B. A licensed grower shall apply to register a grower agent by submitting to the Commission:

(1) (text unchanged)

(2) Documentation of the submission of fingerprints of the grower agent to the Central [Registry] Repository; and

(3) (text unchanged)

C.—D. (text unchanged)

10.62.12 Inventory Control by Grower

Authority: Health – General Article, §§13-3301, 13-3302, and 13-3306(e), Annotated Code of Maryland

.02 Inventory Control System.

A. A licensee shall use a perpetual inventory control system *which has been approved by the Commission* that identifies and tracks the

licensee's stock of medical cannabis from the time the medical cannabis is propagated from seed or cutting to the time it is delivered to a licensed dispensary, licensed processor, *independent testing laboratory*, or a qualifying patient or caregiver.

B.—C. (text unchanged)

10.62.15 Medical Cannabis Grower Quality Control

Authority: Health – General, §§13-3301, 13-3302, 13-3306, and 13-3311, Annotated Code of Maryland

.04 Independent Testing Laboratory Selection.

A licensed grower shall use an independent testing laboratory:

A. That [has adopted a standard operating procedure to test medical cannabis and medical cannabis concentrate that is approved by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement] *is registered by the Commission*;

B.—F. (text unchanged)

.05 Contents of Certificate of Analysis.

An independent testing laboratory shall issue a certificate of analysis for each batch, with supporting data, to report:

A. [Whether the chemical profile of the batch conforms to the variety for the following compounds] *The percentage by weight of each of the following compounds that are present in the batch, and whether the percentage by weight for each of the following compounds conforms to the specifications for the variety*:

- (1)—(3) (text unchanged)
- (4) Cannabidiolic Acid (CBDA); [and]
- (5)—(6) (text unchanged)
- (7) Cannabinol (CBN); [and]

B. That the presence of the following contaminants does not exceed the levels as required by the AHP monograph:

- (1)—(2) (text unchanged)
- (3) Any microbiological impurity, including:
 - (a)—(e) (text unchanged)
 - (f) Aflatoxin B1, B2, G1, and G2; [and]
 - (g)—(h) (text unchanged)

(4) Whether the batch is within specification for the characteristics of:

- (a)—(c)
- (d) Moisture content; *and*

C. *To the Commission each instance in which the batch is out of compliance with the specification for the batch.*

.06 Grower Determination that a Batch May Be Released.

A. If [a licensed grower, upon review of] the certificate of analysis[, determines that a batch meets the specification] *indicates the levels of Δ9-Tetrahydrocannabinol (THC), Tetrahydrocannabinolic Acid (THCA), Cannabidiol (CBD), Cannabidiolic Acid (CBDA), and other active ingredients as determined by the Commission conform to the specifications for the variety, the licensed grower may*:

- (1)—(3) (text unchanged)

B.—C. (text unchanged)

.07 Stability Testing and Retention Sampling.

A. [A licensed grower shall provide a sample from each released batch to an independent testing laboratory sufficient to perform stability testing at 6-month intervals to] *The independent testing laboratory shall obtain from each batch from each licensed grower, by means of an appropriate sampling technique, a sufficient number of samples to perform tests for product stability at 6-month intervals to*:

- (1)—(2) (text unchanged)

[B. A licensed grower shall retain a sample from each released batch:

- (1) Sufficient to provide for follow-up testing if necessary; and
- (2) Properly store the sample for one year past the date of expiration of the batch.]

B. *The independent testing laboratory shall*:

(1) *Obtain from each batch and lot from each licensed grower and licensed processor, by means of an appropriate sampling technique, a sufficient number of samples to be available for testing of the lot or batch in the event follow-up testing is necessary after an adverse reaction report or other matter; and*

(2) *Retain such samples for 1 year past the date of expiration of the batch or lot.*

10.62.19 Medical Cannabis Processor License

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

.02 Application.

A.—E. (text unchanged)

[F. For each individual identified in the application specified in COMAR 10.62.19.02B(1) and (2) of this chapter, an applicant shall provide to the Director of the Central Repository:

(1) Two sets of legible fingerprints taken in a format approved by the Director of CJIS and the Director of the FBI and the fee authorized under Criminal Procedure Article, §10-221(B)(7), Annotated Code of Maryland, for access to State criminal history and records for each processor agent and investor identified in the application; and

(2) A request that the individual's state and national criminal history record information be forwarded to the Commission.]

F. *Criminal History Records Check.*

(1) *Each individual listed in the application addenda in Regulation .02B(1) and (2) shall*:

(a) *Submit to the Director of the Central Repository fingerprint specimens in the format approved by the Director of the Central Repository and the Director of the FBI;*

(b) *Pay the fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to state criminal history and records; and*

(c) *Request that the individual's state and national criminal history information be forwarded to the Commission.*

(2) *The applicant shall notify the Commission once each individual listed in the application addenda in Regulation .02B(1) and (2) has completed this requirement.*

.04 Application Review.

A.—E. (text unchanged)

F. If the applicant does not provide the requested information within 14 business days, the Commission may consider the application to be [suspended] *withdrawn*.

G.—I. (text unchanged)

.05 Pre-Approval of License Application.

A.—C. (text unchanged)

D. *Pre-Approval for a License.*

(1) Within 10 business days of the Commission's decision, the Commission shall notify applicants who have been pre-approved for a license.

(2) *The applicant shall submit both the stage 2 application fee and the annual license fee for the license that has been pre-approved, as specified in COMAR 10.62.35.01A(3), to the Commission by 4p.m. within 14 business days following the issuance of the Commission's notification.*

E. (text unchanged)

.06 Issuance of License.

A. After the notification by the Commission and payment of fees under Regulation .05 of this chapter, within 90 days:

(1) If the applicant is an individual, the applicant shall submit to the Commission the three most recent federal tax returns filed by the applicant, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission the applicant's:

(a) Capacity to operate a licensed medical cannabis processing enterprise; and

(b) Good moral character;

(2) If the applicant is a corporation that has not been operational for at least 1 year before the notification, the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation shall submit to the Commission the three most recent federal tax returns filed by the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission:

(a) The capacity of the owners, officers, and directors of the applicant corporation to operate a licensed medical cannabis processing enterprise; and

(b) Good moral character of the owners, officers, and directors of the applicant corporation; or

(3) If the applicant is a corporation that has been operational for at least 1 year before the notification, the applicant shall submit to the Commission an audited financial statement and the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation shall submit to the Commission the three most recent federal tax returns filed by the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission:

(a) The capacity of the owners, officers, and directors of the applicant corporation to operate a licensed medical cannabis processing enterprise; and

(b) The good moral character of the owners, officers, and directors of the applicant corporation.

B. Pre-licensing Inspection.

(1) The applicant shall notify the Commission that the applicant's premises, procedures, operations, and personnel are ready to be inspected in anticipation of the issuance of a license.

(2) The Commission shall notify the applicant when the Commission will carry out the pre-licensing inspection.

(3) The Commission shall carry out sufficient inspection and background investigation of finances and related matters to determine that the:

(a) Criminal history background check and background investigation reveal no evidence that demonstrates the absence of good moral character;

(b) Applicant's premises are under the legal control of the applicant;

(c) Premises comply with all zoning and planning requirements;

(d) Premises and specified procedures conform to the specifications of the application as pre-approved pursuant to Regulation .05 of this chapter;

(e) Staff are trained and prepared to follow the procedures; and

(f) Procedures for cultivation and inventory control are as specified in the application.

C. The Commission may notify the applicant that the applicant has qualified for a license to process medical cannabis and may issue such a license on determination that:

(1) All inspections demonstrate that the applicant's entity and facility comply with the regulations;

(2) The applicant's entity and facility is ready to commence business in compliance with the regulations and application; and

(3) Financial and other background investigations have been completed and passed.

D. In the event that the Commission does not issue a license, the Commission shall refund the annual license fee promptly.

10.62.20 Medical Cannabis Processor Agent

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

.03 Processor Agent Registration and Criminal History Record.

A. (text unchanged)

B. A licensee shall apply to register a processor agent by submitting to the Commission:

(1) (text unchanged)

(2) Documentation of the submission of fingerprints of the processor agent to the Central [Registry] Repository; and

(3) (text unchanged)

C.—D. (text unchanged)

10.62.22 Medical Cannabis Processor Operations

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306(b) and (e), 13-3307(f), 13-3309, and 13-3311(c), Annotated Code of Maryland

.02 Standard Operating Procedures.

A. A licensee shall:

(1) (text unchanged)

(2) [Create and use] Use a perpetual inventory control system which has been approved by the Commission that identifies and tracks the licensee's stock of medical cannabis from the time [it] medical cannabis is [delivered or produced] received by the licensee, through the stages of processing, to the time it is delivered to another licensee, a licensed grower, a licensed dispensary, independent testing laboratory, or a qualifying patient or caregiver; and

(3) (text unchanged)

B. (text unchanged)

10.62.25 Medical Cannabis Dispensary License

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

.03 Criminal History Record Request.

A. Each individual listed in the application addenda in Regulation .02B(1) and (2) of this chapter shall:

(1) Submit to the Director of the Central Repository fingerprint specimens in the format approved by the Director of the Central Repository and the Director of the FBI;

(2) Pay the fee authorized under Criminal Procedure Article, §10-221(B)(7), Annotated Code of Maryland, for access to State criminal history and records; and

(3) Request that the individual's state and national criminal history record information be forwarded to the Commission.

B. The applicant shall notify the Commission of each individual listed in the application addenda in Regulation .02B(1) and (2) of this chapter who has completed this requirement.

.05 Application Review.

A.—E. (text unchanged)

1250

F. If the applicant does not provide the requested information within 14 business days, the Commission may consider the application to be [suspended] *withdrawn*.

G.—K. (text unchanged)

.06 Pre-Approval of License Application.

A.—C. (text unchanged)

D. [Within 10 business days of the Commission’s decision, the Commission shall notify applicants who have been pre-approved for a license.] *Pre-Approval for a License.*

(1) Within 10 business days of the Commission’s decision, the Commission shall notify applicants who have been pre-approved [for] to pursue a license.

(2) *The applicant shall submit both the stage 2 application fee and the annual license fee for the license that has been pre-approved, as specified in COMAR 10.62.35.01A(3), to the Commission by 4p.m. within 14 business days following the issuance of the Commission’s notification.*

E. (text unchanged)

F. *In the event that the Commission does not issue a license, the Commission shall refund the annual license fee promptly.*

.07 Issuance of License.

A. *After the notification by the Commission under Regulation .06 of this chapter, within 90 days:*

(1) *If the applicant is an individual, the applicant shall submit to the Commission the three most recent federal tax returns filed by the applicant, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission the applicant’s:*

(a) *Capacity to operate a licensed medical cannabis dispensing enterprise; and*

(b) *Good moral character;*

(2) *If the applicant is a corporation that has not been operational for at least 1 year before the notification, the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation shall submit to the Commission the three most recent federal tax returns filed by the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission:*

(a) *The capacity of the owners, officers, and directors of the applicant corporation to operate a licensed medical cannabis dispensing enterprise; and*

(b) *The good moral character of the owners, officers, and directors of the applicant corporation; or*

(3) *If the applicant is a corporation that has been operational for at least 1 year before the notification, the applicant shall submit to the Commission an audited financial statement, and the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation shall submit to the Commission the three most recent federal tax returns filed by the officers, directors, and investors of 5 percent or more of an investment in the applicant corporation, and any other financial, personal, and background information requested by the Commission which will sufficiently establish to the Commission:*

(a) *The capacity of the owners, officers, and directors of the applicant corporation to operate a licensed medical cannabis dispensing enterprise; and*

(b) *The good moral character of the owners, officers, and directors of the applicant corporation.*

B. *Pre-licensing inspection.*

(1) *The applicant shall notify the Commission that the applicant’s premises, procedures, operations, and personnel are ready to be inspected in anticipation of the issuance of a license.*

(2) *The Commission shall notify the applicant when the Commission will carry out the pre-licensing inspection.*

(3) *The Commission shall carry out sufficient inspection and background investigation of finances and related matters to determine that:*

(a) *The criminal history background check and background investigation reveal no evidence that demonstrates the absence of good moral character;*

(b) *The applicant’s premises are under the legal control of the applicant;*

(c) *The premises comply with all zoning and planning requirements;*

(d) *The premises and specified procedures conform to the specifications of the application as pre-approved pursuant to Regulation .06 of this chapter;*

(e) *The staff are trained and prepared to follow the procedures; and*

(f) *The procedures for cultivation and inventory control are as specified in the application.*

C. *The Commission may notify the applicant that the applicant has qualified for a license to dispense medical cannabis and may issue such a license on determination that:*

(1) *All inspections demonstrate that the applicant’s entity and facility comply with the regulations;*

(2) *The applicant’s entity and facility is ready to commence business in compliance with the regulations and application; and*

(3) *Financial and other background investigations have been completed and passed.*

D. *In the event that the Commission does not issue a license, the Commission shall refund the annual license fee promptly.*

10.62.26 Registered Dispensary Agent

Authority: Health-General Article, §§13-3301, 13-3302, 13-3307, and 13-3308, Annotated Code of Maryland

.03 Dispensary Agent Registration and Criminal History Record.

A. (text unchanged)

B. A licensee shall apply to register a dispensary agent by submitting to the Commission:

(1) (text unchanged)

(2) Documentation of the submission of fingerprints of the dispensary agent to the Central [Registry] Repository; and

(3) (text unchanged)

C.—D. (text unchanged)

10.62.28 Licensed Dispensary Operations

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

.02 Standard Operating Procedure.

A. A licensee shall:

(1) (text unchanged)

(2) [Create and use] *Use a perpetual inventory control system which has been approved by the Commission that identifies and tracks the licensee’s stock of medical cannabis from the time [it] medical cannabis is [delivered or produced] received by the licensee to the time it is delivered to another licensee, a licensed grower, a licensed processor, independent testing laboratory, or a qualifying patient or caregiver; and*

(3) (text unchanged)

B. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 11
DEPARTMENT OF
TRANSPORTATION
Subtitle 01 OFFICE OF THE
SECRETARY

11.01.18 Major Transportation Project Scoring and Ranking System

Authority: Transportation Article, §§2-103.1 and 2-103.7, Annotated Code of Maryland

Notice of Proposed Action

[16-271-P]

The Secretary of the Maryland Department of Transportation proposes to adopt Regulations .01 and .02 under a new chapter, **COMAR 11.01.18 Major Transportation Project Scoring and Ranking System**.

Statement of Purpose

The purpose of this action is to establish in regulation the Major Transportation Project Scoring and Ranking System required by the passage of Ch. 36, Acts of 2016, Maryland Open Transportation Investment Decision Act of 2016.

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 Eric R. Backes, Regulations Coordinator, MDOT, 7201 Corporate Center Drive, Hanover, MD 21076, or call 410-865-1158, or email to ebackes@mdot.state.md.us, or fax to 410-865-1113. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

.01 Definitions.

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

B. *Terms Defined.*

(1) *“Area served by the project” means the county or counties in which a major transportation project is located.*

(2) *“Construction phase” means the period of time following the date a major transportation project is advertised for construction until it is completed.*

(3) *“Major transportation project” has the meaning stated in Transportation Article, §2-103.7, Annotated Code of Maryland.*

.02 Scoring System.

A. *A major transportation project that has not moved to the construction phase before January 1, 2017, shall be scored by the Department of Transportation using the below goals and measures as set out in Transportation Article, §2-103.7(c), Annotated Code of Maryland:*

<i>Goals — Measures</i>	<i>Possible Score</i>
<i>(1) Safety & Security.</i>	<i>100</i>
<i>(a) Expected Reduction in total fatalities and severe injuries in all modes affected by the project.</i>	<i>67</i>
<i>(b) The extent to which the project implements the Maryland State Highway Administration’s Complete Streets Policies.</i>	<i>33</i>
<i>(2) System Preservation.</i>	<i>100</i>
<i>(a) The degree to which the project increases the lifespan of the affected facility.</i>	<i>40</i>
<i>(b) The degree to which the project increases the functionality of the facility.</i>	<i>30</i>
<i>(c) The degree to which the project renders the facility more resilient.</i>	<i>30</i>
<i>(3) Quality of Service.</i>	<i>100</i>
<i>(a) The expected change in cumulative job accessibility within an approximately 60-minute commute for highway projects or transit projects.</i>	<i>50</i>
<i>(b) The degree to which the project has a positive impact on travel time reliability.</i>	<i>20</i>
<i>(c) The degree to which the project supports connections between different modes of transportation and promotes multiple transportation choices.</i>	<i>30</i>
<i>(4) Environmental Stewardship.</i>	<i>100</i>
<i>(a) The potential of the project to limit or reduce harmful emissions.</i>	<i>30</i>
<i>(b) The degree to which the project avoids impacts on State resources in the project area and adjacent areas.</i>	<i>30</i>
<i>(c) The degree to which the project advances the State environmental goals.</i>	<i>40</i>
<i>(5) Community Vitality.</i>	<i>100</i>
<i>(a) The degree to which the project is projected to increase the use of walking, biking and transit.</i>	<i>34</i>
<i>(b) The degree to which the project enhances existing community assets.</i>	<i>33</i>
<i>(c) The degree to which the project furthers the affected community’s and State’s plans for revitalization.</i>	<i>33</i>
<i>(6) Economic Prosperity.</i>	<i>100</i>
<i>(a) The projected increase in the cumulative job accessibility within an approximately 60-minute commute for projects.</i>	<i>40</i>
<i>(b) The extent to which the project is projected to enhance access to critical intermodal locations for the movement of goods and services.</i>	<i>30</i>
<i>(c) The projected increase in furthering nonspeculative local and State economic development strategies in existing communities.</i>	<i>30</i>
<i>(7) Equitable Access to Transportation.</i>	<i>100</i>
<i>(a) The expected increase in job accessibility for disadvantaged populations within an approximately 60-minute commute for projects.</i>	<i>50</i>
<i>(b) The projected economic development impact on low-income communities.</i>	<i>50</i>
<i>(8) Cost Effectiveness and Return on Investment.</i>	<i>100</i>
<i>(a) The estimated travel time savings divided by the project cost.</i>	<i>34</i>

(b) The degree to which the project leverages additional federal, State, local, and private sector transportation investment.	33
(c) The degree to which the project will increase transportation alternatives and redundancy.	33
(9) Local Priorities and Planning — The degree to which the project supports local government land use plans and goals.	100
(10) Total Possible Project Score.	900

B. The project score determined from §A of this regulation for a major transportation project shall be inserted into the following equation to obtain the weighted project score:

$$W = S \times (1 + (P/M))$$

W = Weighted project score

S = The project score determined by adding together the individual measure scores from §A of this regulation

P = The population of the area served by the project as determined by the most recent population estimate done by the Maryland Department of Planning

M = The population of Maryland as determined by the most recent population estimate done by the Maryland Department of Planning

C. The Department of Transportation shall use the weighted project score, as determined by the equation in §B of this regulation, to rank a major transportation project for inclusion in the draft and final Consolidated Transportation Program.

HEATHER MURPHY
Director

Office of Planning and Capital Programming

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.08 Recognition of Employee Organizations

Authority: Education Article, Title 6, Subtitles 4 and 5, Annotated Code of Maryland

Notice of Proposed Action

[16-267-P]

The Maryland State Board of Education proposes to repeal Regulations .01—.03 under **COMAR 13A.02.08 Recognition of Employee Organizations**. This action was considered at the State Board of Education meeting held on August 23, 2016.

Statement of Purpose

The purpose of this action is to repeal COMAR 13A.02.08 as obsolete since the Public School Labor Relations Board now has jurisdiction over and has adopted regulations to carry out this activity.

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 Amanda Stakem Conn, Esquire, Director of Education Policy and Government Relations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0469 (TTY 410-333-6442), or email to amanda.conn@maryland.gov, or fax to 410-333-2226. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 24, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

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

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.07 Maryland Seal of Biliteracy Program

Authority: Education Article, §7-208, Annotated Code of Maryland

Notice of Proposed Action

[16-281-P]

The Maryland State Board of Education proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 13A.03.07 Maryland Seal of Biliteracy Program**. This action was considered by the Maryland State Board of Education at their meeting on August 23, 2016.

Statement of Purpose

The purpose of this action is to establish a voluntary recognition program for Maryland students who have achieved high levels of proficiency in English and another language as required by S.B. 781, Ch. 232, Acts of 2016.

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 Susan C. Spinnato, Director of Instructional Programs, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0349 (TTY 410-333-6442), or email to susan.spinnato@maryland.gov, or fax to 410-333-1146. Comments

will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Purpose and Scope.

Recognizing that high school graduates who can function in two or more languages are equipped with the knowledge and skills to participate successfully in college, careers, and a diverse 21st century society, the Maryland Seal of Biliteracy Program is established to recognize and reward excellence in language learning as measured by rigorous proficiency assessments across a range of language skills.

.02 Definitions.

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

B. Terms Defined.

(1) *“American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines” means the global descriptions of five levels of integrated performance in listening, speaking, reading and writing: Novice, Intermediate, Advanced, Superior, and Distinguished.*

(2) *“World language” means any natural language, including American Sign Language, native American languages, and languages no longer spoken (e.g., Latin and ancient Greek).*

.03 Local School System Participation.

A. *Participation in the program by a local public school system is voluntary.*

B. *An individual school may not opt out of participation in a local school system program.*

.04 Demonstrating Proficiency in English and World Languages.

A. *To receive a Maryland Seal of Biliteracy:*

(1) *The student must meet the assessment requirement as set forth in COMAR 13A.03.02.09 on the Maryland High School English Language Arts/Literacy assessment; and*

(2) *The student must select appropriate world language assessment instrument(s) from the Maryland State Department of Education’s approved list of assessments aligned to the ACTFL Proficiency Guidelines and attain an overall proficiency level of Intermediate High.*

.05 Awarding the Maryland Seal of Biliteracy.

A. *The student shall provide official test results to the local school system.*

B. *The local school system shall validate the assessment results and affix the Seal of Biliteracy to the student’s diploma or transcript at graduation, at no cost to the student.*

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

Subtitle 04 SPECIFIC SUBJECTS

13A.04.03 Driver Education Programs

Authority: Education Article, §7-412; Transportation Article, §§16-212.1 and 16-501—16-506; Annotated Code of Maryland

Notice of Proposed Action

[16-276-P]

The Maryland State Board of Education proposes to repeal Regulations .01 — .11 under **COMAR 13A.04.03 Driver Education Programs**. This action was considered at the State Board meeting held on August 23, 2016.

Statement of Purpose

The purpose of this action is to repeal **COMAR 13A.04.03 Driver Education Programs** as obsolete. Driver education programs are now governed by the Maryland Vehicle Administration.

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 Amanda Stakem Conn, Esquire, Director of Education Policy and Government Relations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0469 (TTY 410-333-6442), or email to amanda.conn@maryland.gov, or fax to 410-333-2226. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

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

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 20 SOIL AND WATER CONSERVATION

15.20.07 Agricultural Operation Nutrient Management Plan Requirements

Authority: Agriculture Article, §§8-801 — 8-806, Annotated Code of Maryland

Notice of Proposed Action [16-268-P-I]

The Secretary of Agriculture proposes to amend Regulation .02 under COMAR 15.20.07 Agricultural Operation Nutrient Management Plan Requirements.

Statement of Purpose

The purpose of this action is to alter requirements under the Department of Agriculture's Nutrient Management program applicable to regulated agricultural operations. This action extends and makes Statewide the winter deadline and prohibition for spreading nutrients to fertilize farm fields from September 10 to December 15. The action also removes the requirement that agricultural operations incorporate nutrients in the soil of farm fields during spring and fall applications. Lastly, it provides an emergency exception to the winter applications prohibition that allows agricultural operators to spread nutrients in winter on farm fields to prevent the overflow of storage structures to prevent point-source winter pollution.

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 includes extending the fall application deadline to apply nutrients, removing the nutrient incorporation requirement and providing for emergency nutrient applications, and may result in an economic benefit of unknown magnitude to regulate agricultural operators and others who use farm fields to spread nutrients.

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

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

A. The Department may incur added unknown staff costs to implement this action.

D. Farm operators may benefit financially by reducing the costs of constructing storage facilities and waste lagoons for winter nutrient storage due to the alteration of the winter prohibition on applying nutrients and the emergency application exception. This action also will save operators the undetermined cost of incorporating nutrients in the soil during spring and fall nutrient spreading.

E. Subject to nutrient management plan requirements, this action will benefit organizations that rely on the use of farmland to dispose nutrients.

F. This action will benefit the public by protecting water quality; the emergency application of nutrients will help prevent overflow from nutrient storage structures that could result in point-source 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 no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Hans W. Schmidt, Assistant Secretary, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5865, or email to hans.schmidt@maryland.gov, or fax to (410) 841-5736. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Department of Agriculture's Maryland Nutrient Management Manual, 2016 Revision, 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 43:1 Md. R. 10 (January 8, 2016), 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.

The performance and technical standards provided in this subtitle are found in the Department of Agriculture's Maryland Nutrient Management Manual (November 1999), Supplement No. 1 (September 2000), Supplement No. 2 (November 2001), Supplement No. 3 (September 2004), Supplement No. 4 (November 2005), Supplement No. 5 (November 2006), Supplement No. 6 (May 2009), Supplement No. 7 (May 2012), and Supplement No. 8 [(February 2015)] (*August 2016*), which are incorporated by reference.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 18
DEPARTMENT OF
ASSESSMENTS AND
TAXATION

Subtitle 04 BUSINESS
ORGANIZATIONS

18.04.11 Prohibited Filings

Authority: Corporations and Associations Article, §1-201.1(c), Annotated Code of Maryland

Notice of Proposed Action

[16-273-P]

The Director of the Department of Assessments and Taxation proposes to adopt new Regulation .01 under a new chapter, **COMAR 18.04.11 Prohibited Filings**.

Statement of Purpose

The purpose of this action is to adopt by regulation, pursuant to Ch. 653, Acts of 2016, a form of affidavit that will be used for the purposes set forth in Corporations and Associations Article, §1-201.1(c), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Paula McLean, Acting Administrator, Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-1357, or email to paula.mclean@maryland.gov, or fax to 410-333-7097. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

.01 Affidavits.

The affidavit form required by Commercial Law Article, §1-201.1(c), Annotated Code of Maryland, is adopted and the Department has it available to provide to the public.

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

SEAN P. POWELL
Director of Assessments and Taxation

Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY

Subtitle 03 GAMING PROVISIONS

36.03.10 Video Lottery Facility Minimum Internal Control Standards

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

Notice of Proposed Action

[16-278-P]

The Maryland State Lottery and Gaming Control Agency proposes to amend Regulation .11 under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**. This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on September 14, 2016, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the regulation to allow a casino to use a higher-definition camera, which has superior live coverage, playback, and video retention to a standard-definition camera.

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 James B. Butler, Director of Legislative and Policy Affairs, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call (410) 230-8781, or email to jbutler@maryland.gov, or fax to (410) 230-8727. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

.11 Surveillance System Design Standards.

A. — C. (text unchanged)

D. A facility operator shall configure its surveillance system to record all areas and transactions enumerated in §C(1)(c) of this regulation with a resolution of 4 common image format at a minimum of:

(1) For a standard definition camera, 30 frames per second [with a resolution of 4 common image format]; or

(2) For a high definition camera, 15 frames per second.

E. — L. (text unchanged)

GORDON MEDENICA
Director

Department Identification Number: _____
Entity Name: _____
Date of Filing: _____

**AFFIDAVIT REGARDING RECORDED GOVERNING OR CHARTER
DOCUMENT UNDER CORPORATIONS & ASSOCIATIONS ARTICLE, §1-201.1**

I, _____, hereby certify:

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

2. I am (check one):

A Person Described in Corporations & Associations Article, [1-201.1\(b\)\(1\)](#).

A Resident Agent or Other Authorized Person Described in Corporations & Associations Article, §1-201.1(b)(2)

3. I believe a governing or charter document recorded in connection with the entity identified above (check one):

IS NOT a prohibited filing under Corporations & Associations Article, §1-201.1(a)

IS a prohibited filing under Corporations & Associations Article, §1-201.1(a)

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

a.

b.

c.

d.

e.

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

Department Identification Number: _____
Entity Name: _____
Date of Filing: _____

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

Signature

Date

OR

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

Signature

Date

Printed Name and Address of Person Signing Affidavit:

Please print, sign and mail to:

State Department of Assessments and Taxation,
ATTN: Charter Legal Fraudulent Filing Allegation
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395

Or

Print, sign and e-mail to:
sdatt.charterhelp@maryland.gov with Charter Legal Fraudulent Filing Allegation in the subject line.

Errata

COMAR 09.10.01.25

At 43:13 Md. R. 721 (June 24, 2016), column 1, line 25 from the bottom:

For: [(e)] (c) Assistant trainer—\$25];
Read: [(e)] (c) Assistant trainer[—\$25];
[16-22-30]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 3, 2016, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 8, 2016, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 14, 2016.

DATES: The public hearing will convene on November 3, 2016, at 2:00 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 14, 2016.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbcc.net/wrp. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbcc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Bowman Creek), Eaton Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.290 mgd (peak day) (Docket No. 20121201).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, Pa. Application for renewal with modification of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20120903).

Project Sponsor and Facility: Chester Water Authority, East and West Nottingham Townships, Chester County, Pa. Application for an interconnection with the Town of Rising Sun of up to 1.800 mgd (peak day).

Project Sponsor and Facility: Conyngham Borough Authority, Sugarloaf Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.120 mgd (30-day average) from Well 6.

Project Sponsor: Exelon Generation Company, LLC. Project Facility: Muddy Run Pumped Storage Project, Drumore and Martic Townships, Lancaster County, Pa. Application for an existing hydroelectric facility.

Project Sponsor: Future Power PA, LLC. Project Facility: Good Spring NGCC, Porter Township, Schuylkill County, Pa. Application for consumptive water use of up to 0.063 mgd (peak day).

Project Sponsor: Future Power PA, LLC. Project Facility: Good Spring NGCC, Porter Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.126 mgd (30-day average) from Well RW-1.

Project Sponsor: Future Power PA, LLC. Project Facility: Good Spring NGCC, Porter Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.126 mgd (30-day average) from Well RW-2.

Project Sponsor and Facility: Gilberton Power Company, West Mahanoy Township, Schuylkill County, Pa. Application for renewal of consumptive water use of up to 1.510 mgd (peak day) (Docket No. 19851202).

Project Sponsor and Facility: Gilberton Power Company, West Mahanoy Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 1.870 mgd (30-day average) from the Gilberton Mine Pool.

Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Moshannon Creek), Snow Shoe Township, Centre County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20120910).

Project Sponsor: Lycoming County Water and Sewer Authority. Project Facility: Halls Station System, Muncy Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.158 mgd (30-day average) from Well PW-1.

Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Minor modification to add a new source (Production Well 2) to existing consumptive use approval (no increase requested in consumptive use quantity) (Docket No. 20150907).

Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.062 mgd (30-day average) from Production Well 2.

Project Sponsor and Facility: Town of Nichols, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.250 mgd (30-day average) from Well PW-1.

Project Sponsor and Facility: Town of Nichols, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.250 mgd (30-day average) from Well PW-2.

Project Sponsor and Facility: Town of Rising Sun, Rising Sun District, Cecil County, Md. Application for an interconnection with the Chester Water Authority of up to 1.800 mgd (peak day).

Project Sponsor and Facility: Sunoco Pipeline, L.P. (Conodoguinet Creek), North Middleton Township, Cumberland County, Pa. Application for surface water withdrawal of up to 2.880 mgd (peak day).

Project Sponsor and Facility: Sunoco Pipeline, L.P. (Frankstown Branch Juniata River), Frankstown Township, Blair County, Pa. Application for surface water withdrawal of up to 2.880 mgd (peak day).

Project Sponsor and Facility: Sunoco Pipeline, L.P. (Susquehanna River), Highspire Borough and Lower Swatara Township, Dauphin County, Pa. Application for surface water withdrawal of up to 2.880 mgd (peak day).

Project Sponsor and Facility: Sunoco Pipeline, L.P. (Swatara Creek), Londonderry Township, Dauphin County, Pa. Application for surface water withdrawal of up to 2.880 mgd (peak day).

Project Sponsor and Facility: Sunoco Pipeline, L.P. (Tuscarora Creek), Lack Township, Juniata County, Pa. Application for surface water withdrawal of up to 2.880 mgd (peak day).

Project Sponsor and Facility: SWEPI LP (Cowanesque River), Deerfield Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Hemlock Township, Columbia County, Pa. Application for surface water withdrawal of up to 2.880 mgd (peak day).

Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Hemlock Township, Columbia County, Pa. Application for consumptive water use of up to 0.100 mgd (peak day).

Projects Scheduled for Action Involving a Diversion:

Project Sponsor and Facility: Gilberton Power Company, West Mahanoy Township, Schuylkill County, Pa. Application for an into-basin diversion from the Delaware River Basin of up to 0.099 mgd (peak day) from Wells AN-P03 and AN-P04.

Project Sponsor and Facility: JKLM Energy, LLC, Roulette Township, Potter County, Pa. Application for an into-basin diversion from the Ohio River Basin of up to 1.100 mgd (peak day) from the Goodwin and Son's Sand and Gravel Quarry.

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Rules of conduct will be posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before November 14, 2016, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 29, 2016.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[16-22-16]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1-30, 2016.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

Atlas Resources, LLC, Pad ID: Rhodes Well Pad, ABR-201201018.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.6000 mgd; Approval Date: September 2, 2016.

Chesapeake Appalachia, LLC, Pad ID: Krise, ABR-201111022.R1, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

Chesapeake Appalachia, LLC, Pad ID: Schlapfer, ABR-201202006.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

Chesapeake Appalachia, LLC, Pad ID: Moyer, ABR-201202019.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

Chief Oil & Gas LLC, Pad ID: L & L Construction A Drilling Pad #1, ABR-201202014.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 6, 2016.

SWN Production Company LLC, Pad ID: Shively Pad, ABR-201108011.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 6, 2016.

Range Resources – Appalachia, LLC, Pad ID: Gulf USA 40H-42H, ABR-201609001, Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: September 15, 2016.

Chief Oil & Gas, LLC, Pad ID: Stasiak Drilling Pad #1, ABR-201203025.R1, Pike Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 19, 2016.

SWN Production Company LLC, Pad ID: SKELLY, ABR-201112005.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

SWN Production Company LLC, Pad ID: TNT 1 LIMITED PARTNERSHIP, ABR-201112006.R1, New Milford Township,

Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

SWN Production Company LLC, Pad ID: INNES, ABR-201111032.R1, New Milford Borough, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

Chief Oil & Gas, LLC, Pad ID: Muzzy Drilling Pad #1, ABR-201202027.R1, Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 21, 2016.

Chief Oil & Gas, LLC, Pad ID: Ober Drilling Pad #1, ABR-201203026.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 21, 2016.

Cabot Oil & Gas Corporation, Pad ID: EllsworthA P1, ABR-201110015.R1, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

Cabot Oil & Gas Corporation, Pad ID: Lippincoff P1, ABR-201110014.R1, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

Cabot Oil & Gas Corporation, Pad ID: WellsP P1, ABR-201111023.R1, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

Cabot Oil & Gas Corporation, Pad ID: HessR P1, ABR-201111034.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 14, 2016.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[16-22-23]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1-30, 2016.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22(f) for the time period specified above:

Rescinded ABRs Issued

Seneca Resources Corporation, Pad ID: DCNR 007 Pad H, ABR-201110012, Delmar Township, Tioga County, Pa.; Rescind Date: September 7, 2016.

Seneca Resources Corporation, Pad ID: DCNR 595 Pad A, ABR-201405001, Covington Township, Tioga County, Pa.; Rescind Date: September 7, 2016.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 14, 2016.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[16-22-24]

WATER MANAGEMENT ADMINISTRATION

Notice of Tentative Determination and Public Hearing — General Permit for Discharges from Marinas Including Boat Yards and Yacht Basins

The Maryland Department of the Environment (MDE) is proposing a tentative determination to reissue the National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Marinas Including Boat Yards and Yacht Basins (State Permit No. 16-MA-0000, NPDES No. MDG990000). This permit provides coverage to establishments identified by primary Standard Industrial Classification code 4493, which typically rent boat slips, store boats, and generally perform a range of other boating services including cleaning and incidental repair.

The proposed renewal permit continues existing requirements to prevent contamination of stormwater for operations which provide maintenance or cleaning. Quarterly visual examinations of stormwater discharges and comprehensive annual inspections are required. Also, a Stormwater Pollution Prevention Plan is required.

While the majority of existing dischargers have eliminated direct discharge of wastewater from pressure washing of boat bottoms painted with antifouling paints discharging to surface water, the proposed permit renewal continues limitations from any such remaining discharges for total suspended solids (50 mg/L maximum), copper (0.06 mg/L maximum), lead (0.08 mg/L maximum) and zinc (0.81 mg/L maximum).

The permit does not require the collection of bilge water. However, if bilge is collected from a vessel in order to prevent an incidental discharge to the waters of the State, it must be tested and is subject to limitation and monitoring. The bilge water limits are for oil & grease 10 mg/L (monthly average), and 15 mg/L (daily maximum).

The significant revisions to the previously issue permit (Number 10MA) are as follows:

- The permit introduces required electronic submittal of monitoring reports (NetDMR) as required by new federal regulations. The NetDMR is a U.S. EPA tool allowing regulated facilities subject to discharge limits to submit their test data and reports via internet application.

- **NOI and SWPPP:** The required application, called a Notice of Intent or NOI, requires additional information relevant to the permit conditions (such as local stream impairments or TMDLs, etc.). Also required is an electronic version of a Stormwater Pollution Prevention Plan (SWPPP) submitted via email, posting online or another form of electronic submission. The permit requires that specific control measures be included in the SWPPP, a requirement consistent with other existing discharge permits regulating stormwater.

- The permit introduces new Best Management Practices (BMPs) based compliance options to comply with chlorine limits for washing of docks at marinas.

- **Miscellaneous:** The permit includes several clarifications on the types of eligible discharges authorized by the permit and updates various permit conditions. The updated permit conditions include, but are not limited to: requirements for obtaining coverage under an individual permit, as necessary; direction on the termination of coverage under a permit; continuation of an expired general permit; corrective action requirements and triggers; the definitions for stormwater associated with industrial activity, impaired water, total maximum daily load (TMDL) and other terms; as well as conditions for facility operation and maintenance, permit modification, and civil penalties for violations of permit conditions. When the permit is formally adopted, industries currently covered by the 10MA permit will then have 3 months to file an NOI, pay the renewal fee, and submit updated SWPPP to the Department to continue coverage under the reissued permit.

- All other terms and conditions remain unchanged from the 10-MA permit.

The Department will hold a public hearing concerning the tentative determination on Friday, December 2, 2016 at 1pm in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230.

Any hearing impaired person may request an interpreter at the hearing by contacting the Office of Fair Practices at 410-537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.

The proposed permit is available for free download on MDE's website using this link <http://bit.ly/MDE-16-MA>. Any questions should be directed to Robert Pudmericky at the Maryland Department of the Environment, Water Management Administration, 1800 Washington Blvd., Ste. 455, Baltimore, MD 21230-1708, Rob.Pudmericky@Maryland.gov, or by telephone at 410-537-3323 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Hardcopies of the proposed permit record may be obtained at a cost of \$0.36 per page. Written comments concerning the draft permit will be considered in the preparation of a final determination if received by Michael Richardson (Michael.Richardson@Maryland.gov) at the above address, on or before December 9, 2016.

[16-22-25]

OFFICE OF THE SECRETARY OF STATE

INTERNATIONAL AND INTERSTATE AGREEMENTS

Memorandum of Understanding Between the Government of the State of Maryland and the Ministry for the Development of the Periphery, the Negev and the Galilee on the Development of the Negev

This Memorandum of Understanding (MOU) is adopted between the Government of the State of Maryland of the United States of America and the Ministry for the Development of the Periphery, the Negev and the Galilee and (hereinafter referred to as the "Participants").

Whereas, the Participants wish to amplify the positive experiences already existing between the State of Israel, especially the Ministry for the Development of the Periphery, the Negev and the Galilee, and the State of Maryland;

Whereas the Participants intend to cooperate further in the development of the Negev;

Whereas, the Participants intend for this MOU to be of mutual benefit to both the State of Maryland and the Ministry for the Development of the Periphery, the Negev and the Galilee, which benefits the State of Israel generally; and

Now, therefore, the Participants have agreed as follows:

Article 1

The Participants intend that cooperation may take place in the following areas:
Tourism;

- Science, technology, engineering and math;
- Healthcare, biotechnology and medical science;
- Environmental protection and water sustainability;
- Youth and education;
- Culture and arts;

By mutual written consent of both Participants, the Participants may adopt other areas of exchange.

Article 2

Neither Participant, without the prior written consent of the other Participant, should use any information it receives from the other Participant under this MOU for purposes not directly related to the exercise of the MOU.

Article 3

The Participants shall act in good faith in implementing the items described in this MOU, however the Participants shall not assume any legal or financial obligations or liabilities in this regard whatsoever.

Article 4

Any cooperation under this MOU shall be within the scope of the authority and powers of both Participants and to ability of funds.

Article 5

This MOU shall not preclude either Participant from entering into similar arrangements with any other entity.

Article 6

This MOU shall be subject to the laws, rules and regulations applying to both Participants.

Article 7

This MOU is not intended to create legally binding rights and obligations.

Article 8

This MOU is for a period of three (3) years starting on the date of signature, and may be renewed by an exchange of letters between the Participants. Notwithstanding the foregoing, this MOU may be terminated at any time by mutual consent or unilaterally by either Participant; provided however, Articles 3 and 4 shall survive the termination of the MOU.

Signed in the city of Jerusalem, this 26th day of September, 2016 which corresponds to the 23 of Elul 5776 in the Hebrew calendar. In duplicate, each in the English language, with both versions being equally valid.

For and on behalf
of the Government
of the State of Maryland
Mr. Lawrence J. Hogan, Jr.
Governor

For and on behalf
of the Ministry for the Development
of the Periphery, the Negev and the Galilee
Mr. Meshulam Nahari
Deputy Minister

SPECIAL DOCUMENTS

For and on behalf
of the Ministry for the Development
of the Periphery, the Negev and the Galilee
Mr. Aryeh Machlouf Deri
Minister

INTERNATIONAL AND INTERSTATE AGREEMENTS

Agreement of Cooperation Between Card Technologies, a Foreign Corporation Registered in France, and the Government of the State of Maryland Acting by and Through the Department of General Services (DGS) and the Maryland Environmental Service (MES) — MES Contract No. 2-17-2-12 — Regarding Areas of Mutual Interest Related to the Energy and Environmental Sector

WHEREAS, this Agreement of Cooperation (“Agreement”) is made by and between Card Technologies, a corporation registered under the laws of the Government of the French Republic having a registered address of 616 Rue de l’Anguille, 45160 Olivet-France, and registered with the Maryland Department of Assessments and Taxation and the State of Maryland, acting by and through the Department of General Services and the Maryland Environmental Service (hereinafter referred to collectively as “Parties” or individually as “Party”).

WHEREAS, Card Technologies specializes in nanotechnology research and development in environmental and biomedical areas by using Noncar+, a technology that uses a highly porous carbon base material to absorb contaminants in water 500 to 1500 square meters, or the equivalent to the size of a soccer field, without the use of additional electricity, an Ultra Violet light source, or the introduction of chemicals.

WHEREAS, the State of Maryland and its agencies, would benefit from information of the latest trends, technologies and practices in the water and wastewater industry that potentially lead to purification, disinfection, and conservation of water and energy and avoid the costs of the chemical manufacturing process and the consumption of additional energy.

WHEREAS, the Parties recognize their common interests in water, waste water, and energy sectors and enter this Agreement to promote mutually-beneficial cooperation between the Parties to Pilot a study of the application of the Nanocar+ technology at a site to be determined.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. The Parties; Activities.

The Parties intend to use good faith efforts to find an appropriate site to develop a pilot project to monitor, study, and evaluate the Nanocar+ technology to promote information sharing, develop strategies, facilitate understanding, identify challenges and solutions, and at all levels, participate in cooperative activities to support the objectives of this Agreement.

The representative for purposes of this Agreement on behalf of Card Technologies is Dr. Derigne Dioum who may be contacted at serigne.dioum@cardtechnologies.net. The representative for purposes of the Agreement on behalf of the Department of General Services is Barry Powell, who may be contacted at barry.powell@Maryland.gov. The representative for the purposes of this Agreement on behalf of Maryland Environmental Service is John Kane at jkane@menv.com.

Cooperative activities may include, but are not limited to: (1) Wastewater monitoring, sampling and handling; testing procedures and experimental design; and data analysis; (2) exchange of information and documentation; (3) governmental and international visits and delegations involving businesses; academic institutions; policymakers; and (4) joint organization and participation in meetings, workshops, and seminars to share information, best practices, raise awareness of business opportunities, and educate key stakeholders.

1.4 Parties cannot guarantee that the proposed application of Nano+ Technology at any chosen site will receive the necessary permits or that additional information or documentation requests will not be made by the authorized regulatory authorities. Any installation of Nano+ Technology at any particular site by MES is contingent upon obtaining the permission from the site owner and receiving necessary approvals from regulatory authorities and maintaining compliance with all regulatory requirements.

2. Duration of Agreement and Exclusivity.

2.1. The term of this Agreement shall be 6 months from the Effective Date, subject to an extension by the Parties on mutual written agreement.

3. Confidentiality.

As permitted by law neither Party is obliged to disclose to the other Party, nor any third party, legally confidential information determined to be a trade secret pursuant to the activities of this Agreement.

4. Hold Harmless.

4.1. As permitted by law each party shall hold the other harmless from and against all liability, loss or damage suffered as a result of claim, demands or judgments arising out of the Party’s failure to conform to Clause 3 above.

4.2. Neither Party shall be an agent, representative or joint partner of the other Party. Neither Party shall enter into any contract or commitment on behalf of the other Party.

4.3 Neither Party shall enter into any commitment or incur any debt or other obligation on behalf of the other.

5. Termination.

5.1. This Agreement will terminate if any one of the following events occur:

- (i) The expiry of the term of this Agreement or either Party serving a 30 days' written advance notice to the other for termination; or
- (ii) This Agreement is superceded explicitly in writing by any other Agreement signed by all Parties.

6. Costs.

Each Party shall individually bear its own costs, expenses, risks and liabilities incurred under the requirements of this Agreement. Neither Party shall have any right to any reimbursement, payment or compensation of any kind from the other in connection with this Agreement. For the State of Maryland, costs related to the activities under this Agreement are subject to the availability of appropriate funds, in conformity with budgetary provisions.

6A. Permit Costs. Card Technologies will pay the cost of any permit application and application document preparation required by any authorized regulatory authority.

6B. Additional Sampling and Monitoring Costs. Card Technologies will pay the costs of any sampling, monitoring and laboratory analysis to further the pilot project which are in addition to those sampling, monitoring and laboratory analysis costs normally required to document compliance at the chosen site.

7. Title to Equipment.

Title to any equipment and supplies that may be furnished by either Party shall vest with the Supplying Party and any such equipment shall be returned to that Party on termination of this Agreement in the same condition as when delivered, subject to normal wear and tear.

8. Copyright, Patents and other Proprietary Rights.

8.1. Each Party shall be entitled to intellectual property and other proprietary rights including, but not limited to, patents, copyrights, and trademarks, with regard to products, processes, inventions, ideas, know-how, or documents and other materials developed jointly by all Parties and this Agreement and which bear a direct relation to or are produced or prepared or collected in consequence of, or during the course of, the performance of this Agreement.

8.2. To the extent that any such intellectual property or other proprietary rights consist of any intellectual property or other proprietary rights of the Parties: (1) that existed prior to the performance by the Parties of its obligations under this Agreement, or (ii) that the Parties may develop or acquire, or may have developed or acquired, independently of the performance of its obligations under this Agreement, it shall remain to be owned by the Party that developed independently or pre-owned it prior to the date of this Agreement.

8.3. Nothing contained in this Agreement shall, by express grant, implication, estoppel or otherwise, create in either Party any right, title, interest, or license in or to the inventions, patents, computer software or software documentation of the other Party.

9. Assignment.

This Agreement is personal to the Parties and their respective successors and permitted assigns. Neither Party shall assign this Agreement without the prior written consent of the other Party.

10. Waivers.

Delay, failure or partial exercise by a Party of any right or remedy under this Agreement will not constitute a waiver of any right or remedy. Any waiver must be in writing, but such waiver will be limited to its terms and will not constitute a waiver of any other provision or breach of this Agreement. It is also agreed by all Parties that if any part of this Agreement is invalid, the remaining provisions will continue in effect.

11. Amendments.

This Agreement sets out the entire understanding of the parties as at the date of its signature concerning all matters described above and supersedes all prior written or oral agreements and understandings with respect to such subject matter. This Agreement may only be amended in writing signed by all Parties.

12. Notices.

Notices delivered in connection with this Agreement must be delivered in writing to the address set out in the first paragraph of this Agreement to the attention of the individual representing each Party under this Agreement, or as amended by the Parties by notice in writing delivered to each other from time to time in accordance with this paragraph.

13. Dispute Resolution.

Any dispute about the interpretation or implementation of this Agreement of Cooperation shall be resolved through consultations between the Parties.

SPECIAL DOCUMENTS

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14. Entry into Force.

14.1. This Agreement shall enter into force on the date (the "Effective Date") when this Agreement has been signed by the three Parties.

14.2. This Agreement shall be non-legally binding excluding clauses 3,4,6,7, 8 and 13 and shall not create any partnership, agency, joint venture or trust, or to authorize any Party to act as an agent, servant or employee for the other Party. No Party shall be considered as fiduciary of the other Party.

15. Languages.

This Agreement is written in the English language. Also, English shall be the designated working language for the activities under this Agreement, unless otherwise agreed between the Parties.

16. No Implied Liability.

The Parties agree that cooperative efforts and activities under this Agreement are considered by the parties to be facilitated exchange of information only and not advice or consultancy. Each Party shall bear the full risk of any damage or loss, however caused and of whatever nature, for any and all actions taken by that Party, regardless of advice, influence or impressions of the other Party.

17. Choice of Law.

The laws of Maryland shall govern the interpretation and enforcement of this Agreement.

IN TESTIMONY WHEREOF, the authorized officials representing each Party duly accept, approve and execute this AGREEMENT OF COOPERATION on this ____ day of _____ 2016.

FOR CARD TECHNOLOGIES

Serigne Dioum, Ph.D.
President & CEO

FOR DEPARTMENT OF GENERAL SERVICES

Ellington E. Churchill
Secretary

FOR MARYLAND ENVIRONMENTAL SERVICE

John O'Neill
Deputy Director

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: Receipt of Application
Date and Time: November 16, 2016, 2 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Boardroom, Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [16-22-08]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: November 17, 2016, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Rm. 106, Baltimore, MD
Contact: Lenelle Cooper (410) 233-7082
 [16-22-12]

DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION

Subject: Public Hearing
Date and Time: November 21, 2016, 10 — 11 a.m.
Place: 1800 Washington Blvd., Baltimore, MD
Add'l. Info: The Maryland Department of the Environment (MDE) gives notice of a Public Hearing concerning the 2011 Base Year Emissions Inventory for the Baltimore, Maryland 2008 Ozone NAAQS Nonattainment Area, State Implementation Plan (SIP). The Baltimore, MD nonattainment area consists of Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, and Baltimore City. The plan addresses the National Ambient Air Quality Standard (NAAQS).

A public hearing will be held on: November 21, 2016, at the Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230 — First Floor Conference Room — 10:00 a.m. The public hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410(a) and 40 CFR 51.102). Interested persons are invited to attend and express their views.

After the Department considers the comments received, and revises the proposal if necessary, all related items will be submitted to the U.S. Environmental Protection Agency.

An electronic copy of the proposed revision will be available on the Maryland Department of the Environment's website at http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprogram/s/air_planning/index.aspx. Note: the public library systems in Maryland can be used for Internet access to view the document. An electronic copy of the document can also be obtained via email by writing to Walter A. Simms at Walter.Simms@Maryland.gov.

Copies of the document can also be viewed at the Maryland Department of the Environment Main Office, Air and Radiation Management Administration, 1800 Washington Boulevard, Baltimore, Maryland.

For a hard copy, contact: Walter A. Simms.

Written comments may be presented at the hearing, faxed to 410-537-4223, emailed to Walter.Simms@Maryland.gov, or mailed to Walter A. Simms, MDE ARMA, 1800 Washington Boulevard, Suite 730, Baltimore, MD, 21230. Comments must be received before 5 p.m. on November 21, 2016.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964 at least 5 business days in advance of the hearing. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

For more information, contact Walter A. Simms, Regulatory and Compliance Engineer, at (410) 537-4486. Toll free in Maryland call 1-(800) 633-6101, ext. 4486, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Ste. 730, Baltimore, Maryland 21230.

Contact: Walter A. Simms (410) 537-4486
 [16-22-15]

HALL OF RECORDS COMMISSION

Subject: Public Meeting
Date and Time: November 16, 2016, 12 — 2 p.m.
Place: Maryland State Archives, Annapolis, MD
Contact: Liz Coelho (410) 260-6401
 [16-22-09]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: State Transition Plan Update
Date and Time: September 30, 2016
Add'l. Info: The Centers for Medicaid and Medicare (CMS) requires that each state create a State Transition Plan (STP) in order to ensure residential and facility based Medicaid providers comply with the federal community settings rule. Maryland's State Transition Plan has been updated. DHMH is accepting new public comments until October 31, 2016. Please direct your comments to: Office of Health Services, Department of Health and Mental Hygiene, 201 W. Preston Street, Baltimore, Maryland 21201, 410-767-5783, or to dhmh.hcbssetting@maryland.gov.

Please visit the following link in order to view the full updated version of Maryland's State Transition Plan (STP): <https://dhmh.maryland.gov/waiverprograms/Pages/Community-Settings-Final-Rule.aspx>

Contact: Rebecca Oliver (410) 767-4902
 [16-22-11]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Opioid Treatment Program Reimbursement Re-bundling Initiative

Add'l. Info: Following extensive stakeholder input, the Department is proposing to change the methadone reimbursement methodology to better align services delivered with payment. The proposal includes a new comprehensive rate specifically for medication assisted treatment services and a separate reimbursement for Level 1 counseling services when delivered by appropriately licensed professionals. Opioid Treatment Programs may separately bill for services including an induction service of the selected medication (methadone or buprenorphine), periodic medication management visits, and guest dosing services.

The projected fiscal impact is zero dollars. The Department currently reimburses a bundled rate for Opioid Treatment Program methadone and buprenorphine related services. The

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proposed change isolates Level 1 counseling services, currently required and included in the bundled rate, to be reimbursed separately. The proposed effective date is March 1, 2017.

To view the full initiative and a more detailed summary of changes, please see the documents posted on the Behavioral Health Integration webpage: <http://dhmh.maryland.gov/bhd/Pages/Integration-Efforts.aspx>.

Written comments may be sent to Elaine Hall, Office of Health Services, DHMH 201 W. Preston St., Rm. 213a, Baltimore, MD 21201, or emailed to dhmh.mabehavioralhealth@maryland.gov. Comments will be accepted through November 14, 2016.

Contact: Elaine Hall (410) 767-1998
[16-22-13]

INTER-AGENCY HEROIN AND OPIOID COORDINATING COUNCIL

Subject: Public Meeting

Date and Time: December 1, 2016, 9:30 — 10:30 a.m.

Place: Harry Hughes Conf. Center, Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD

Add'l. Info: Agendas and approved meeting minutes, as well as any updates to the date and time of the meeting, can be found on our website at: http://bha.dhmh.maryland.gov/OVERDOS_E_PREVENTION/Pages/interagency-heroin-council.aspx

Contact: Sara Cherico-Hsii (410) 767-3000

[16-22-01]

HB 1634 TASK FORCE TO STUDY RESTRAINTS, SEARCHES AND NEEDS OF CHILDREN IN THE JUVENILE JUSTICE SYSTEM

Subject: Public Meeting

Date and Time: November 3, 2016, 10 a.m. — 12 p.m.

Place: Lowe House Office Bldg., 6 Bladen St., Rm. 180, Annapolis, MD

Add'l. Info: Agenda:

- Public Testimony on Juvenile Strip Searches and/or Shackling
- Recommendations and Task Force Vote Finalized

Contact: Ricardo Flores (240) 388-1561
[16-21-31]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: November 17, 2016, 10 a.m. — 12 p.m.

Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Contact: Marie A. Torosino (410) 230-8790

[16-22-27]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: November 17, 2016, 1 — 4 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3460
[16-22-05]

TASK FORCE TO STUDY MATERNAL MENTAL HEALTH

Subject: Public Meeting

Date and Time: November 15, 2016, 1 — 3 p.m.

Place: Spring Grove Hospital Center, Dix Bldg., 55 Wade Ave., Basement Conf. Rm., Catonsville, MD

Contact: Dan Martin (410) 978-8865
[16-22-10]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Lorien Nursing & Rehab - Elkridge — (Howard County) Docket No. 16-13-2379 — Construct a 3-story addition to the existing building and the addition of 25 comprehensive care beds, for a total of 95 beds; Proposed Cost: \$5,457,500.

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 applications must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business November 28, 2016. These comments must state with particularity the State Health

Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Matter/Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[16-22-17]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application

Add'l. Info: On October 7, 2016 the Maryland Health Care Commission (MHCC) received five Certificate of Need applications submitted by:

Amedisys Hospice of Greater Chesapeake — (Prince George's County) Matter No. 16-16-2382 — Establish a general hospice program in Prince George's County; Proposed Cost: \$38,000.

Bayada Hospice — (Prince George's County) — Matter No. 16-16-2383 — Establish a general hospice program in Prince George's County; Proposed Cost: \$131,000.

Montgomery Hospice — (Prince George's County) — Matter No. 16-16-2384 — Establish a general hospice program in Prince George's County; Proposed Cost: \$2,537,400.

P-B Health — (Prince George's County) — Matter No. 16-16-2385 — Establish a general hospice program in Prince George's County; Proposed Cost: \$100,000.

Doctors Community Hospital — (Prince George's County) — Matter No. 16-16-2386 — Renovations to the former Magnolia Gardens Nursing Home located on the hospital campus to house a Behavioral Health Program for adults to include a 16-bed acute inpatient psychiatric unit; Proposed Cost: \$7,478,000.

The MHCC shall review the applications under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the applications. All further notices of proceedings on the applications will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the applications. A copy of the applications is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning & Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276

[16-22-18]

MARYLAND UNDERGROUND FACILITIES DAMAGE PREVENTION AUTHORITY

Subject: Public Meeting

Date and Time: November 2, 2016, 9 a.m. — 12 p.m.

Place: 7223 Parkway Dr., Ste. 103, Hanover, MD

Contact: Susan Ann Mary Stroud (410) 782-2103

[16-22-04]

RACING COMMISSION

Subject: Public Meeting

Date and Time: November 15, 2016, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[16-22-07]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting

Date and Time: November 11, 2016, 10:15 a.m. — 3 p.m.

Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 110, Baltimore, MD

Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.

Contact: Stanley Weinstein (410) 764-4722

[16-22-06]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting

Date and Time: December 15, 2016, 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

[16-22-02]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: November 23, 2016, 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: Christine Nagle (410) 537-4466

[16-22-03]

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: November 15, 2016, 9 a.m. — 12 p.m.

Place: Independent Electrical Contractors, Inc., Chesapeake Chapter, 8751 Freestate Dr., Ste. 250, Laurel, MD

Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs and other business which may come before the Council.

Contact: Christopher D. MacLarion (410) 767-2246

[16-22-20]

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- 03 Health Statistics
- 04 Fiscal
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- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

### Part 2

- 09 Medical Care Programs

### Part 3

- 10 Laboratories
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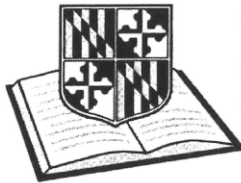
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