



Maryland Register

Issue Date: January 20, 2017

Volume 44 • Issue 2 • Pages 75—166

IN THIS ISSUE

Regulations
Errata
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before December 30, 2017, 5 p.m.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 December 30, 2017.

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)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is \$225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

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.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

Contents

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register	79
---	----

COMAR Research Aids

Table of Pending Proposals	80
----------------------------------	----

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
03 Comptroller of the Treasury	86
08 Department of Natural Resources	84, 87
09 Department of Labor, Licensing, and Regulation	92
10 Department of Health and Mental Hygiene	84, 131
11 Department of Transportation	140
13A State Board of Education	144
13B Maryland Higher Education Commission	146
15 Department of Agriculture	146
20 Public Service Commission	85
26 Department of the Environment	152
31 Maryland Insurance Administration	156

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.

Final Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES	
FISHERIES SERVICE	
General	84
Fish	84
Horseshoe Crabs	84
10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
MEDICAL CARE PROGRAMS	
Community Personal Assistance Services	84
Home and Community-Based Options Waiver	84
Community First Choice	85
DEVELOPMENTAL DISABILITIES	
Behavior Support Services Program Service Plan	85
20 PUBLIC SERVICE COMMISSION	
TERMINATIONS OF SERVICE	
General Regulations	85
Restrictions on Terminations	85

Proposed Action on Regulations

03 COMPTROLLER OF THE TREASURY	
OFFICE OF THE COMPTROLLER	
Tax Payments — Immediately Available Funds	86
INCOME TAX	
General Regulations	87
Corporations	87
Pass-Through Entity Nonresident Tax	87
08 DEPARTMENT OF NATURAL RESOURCES	
FISHERIES SERVICE	
Crabs	87
Gear	89
09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION	
COMMISSIONER OF FINANCIAL REGULATION	

Mortgage Lenders	92
Mortgage Loan Originators	102
Recordation of Security Instruments for Residential Property	104
Foreclosure Procedures for Residential Property	104
BOARD OF MASTER ELECTRICIANS	
Fees and Deadlines	106
RACING COMMISSION	
Thoroughbred Rules	106
General	108
REAL ESTATE COMMISSION	
General Regulations	109
Code of Ethics	111
Hearing Regulations	111
Time Share Registrations	111
Continuing Education	111
Residential Property Disclosure/Disclaimer Statement	111
Agency Relationship Disclosure/Dual Agency Consent	111
BOARD FOR PROFESSIONAL LAND SURVEYORS	
Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying	113
Survey Markers	113
Fees	114
Continuing Professional Competency Requirements	115
STATE ATHLETIC COMMISSION	
General Provisions	118
Safety and Health Standards for Contestants	119
Conduct of Boxing Contests	119
Wrestling Regulations	120
STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS	
Fees	120
General Regulations	121
BOARD OF BARBERS	
General Regulations	122
BOARD OF STATIONARY ENGINEERS	
General Regulations	122
BOARD OF PLUMBING	
Enforcement of the Plumbing Law by the Board	123
BOARD OF ARCHITECTS	
Fees	123
BOARD OF COSMETOLOGISTS	
General Regulations	124
BOARD FOR PROFESSIONAL ENGINEERS	
Fees	125
BOARD OF FORESTERS	
General Regulations	126
OFFICE OF CEMETERY OVERSIGHT	
Registration and Permit Requirements	127
Registration and Permit Requirements	128
Perpetual Care	129
ELEVATOR SAFETY REVIEW BOARD	
Continuing Professional Competency	130
COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — HOME INSPECTORS	
Work Experience Requirements	130
10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE PROCEDURES	
Income Tax Credits for Preceptors in Areas with Health Care Workforce Shortages	131
BOARD OF NURSING	
Examination and Licensure	131

Contents

BOARD OF DENTAL EXAMINERS
Unprofessional Conduct 134

BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS
Behavior Analyst Advisory Committee 135

11 DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES
Payment by Check 140
Motor Vehicle Fees 141

MOTOR VEHICLE ADMINISTRATION — DRIVER LICENSING AND IDENTIFICATION DOCUMENTS
Proof of Age, Name, Identity, Residence, and Lawful Status 141

13A STATE BOARD OF EDUCATION
SPECIAL INSTRUCTIONAL PROGRAMS
Automated External Defibrillator Program in Middle Schools and High Schools 144

13B MARYLAND HIGHER EDUCATION COMMISSION
ACADEMIC REGULATIONS
Exemption Procedures for Religious Educational Institutions 146

15 DEPARTMENT OF AGRICULTURE
STATE CHEMIST
Pet Food and Specialty Pet Food 146

26 DEPARTMENT OF THE ENVIRONMENT
AIR QUALITY
Low Emissions Vehicle Program 152

WATER MANAGEMENT
Erosion and Sediment Control 155

31 MARYLAND INSURANCE ADMINISTRATION
PROPERTY AND CASUALTY INSURANCE
Application of a Percentage Deductible in the Case of a Hurricane or Other Storm 156

Errata

COMAR 21.07.01 158

Special Documents

DEPARTMENT OF THE ENVIRONMENT
SUSQUEHANNA RIVER BASIN COMMISSION
Public Hearing 159

MARYLAND HEALTH CARE COMMISSION
GROSS AND NET 2025 BED NEED PROJECTION FOR MEDICAL/SURGICAL/GYNECOLOGICAL/ ADDICTIONS AND PEDIATRIC BEDS BY JURISDICTION 160

General Notices

ATHLETIC COMMISSION
Public Meeting 163

FIRE PREVENTION COMMISSION
Public Meeting 163

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES
Public Notice Waiver for Children with Autism Spectrum Disorder Amendment 163

MARYLAND HEALTH CARE COMMISSION
Public Meeting Rescheduled 163
Public Meeting 163
Receipt of Application 163
Notice of Project Change 164

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE
Public Meeting 164
Public Meeting 164
Public Meeting 164
Public Meeting 164
Public Meeting 164

DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE
Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification 164

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES
Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification 164
Public Notice — 2017 Commercial Shark Catch Limits 164

RACING COMMISSION
Public Meeting 164

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS
Public Meeting 165

TEACHER INDUCTION, RETENTION AND ADVANCEMENT ACT OF 2016 WORKGROUP
Public Meeting 165

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
Public Meeting 165

BOARD OF WELL DRILLERS
Public Meeting 165

WORKERS' COMPENSATION COMMISSION
Public Meeting 165

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.

Contents

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.
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 Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

02 OFFICE OF THE ATTORNEY GENERAL

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

03 COMPTROLLER OF THE TREASURY

03.01.02.01,.02 • 44:2 Md. R. 86 (1-20-17)
03.04.01.01 • 44:2 Md. R. 87 (1-20-17)
03.04.03.04 • 44:2 Md. R. 87 (1-20-17)
03.04.07.03 • 44:2 Md. R. 87 (1-20-17)

07 DEPARTMENT OF HUMAN RESOURCES

07.02.10.01,.02,.04,.09 • 43:26 Md. R. 1452 (12-23-16)
07.02.10.08,.18 • 43:24 Md. R. 1352 (11-28-16)
07.02.11.03,.05,.16 • 43:24 Md. R. 1353 (11-28-16)
07.02.14.01—14 • 43:2 Md. R. 143 (1-22-16)
07.02.15.01—11 • 43:17 Md. R. 964 (8-19-16)
07.02.17.03,.04,.06—08 • 43:17 Md. R. 968 (8-19-16)
07.02.18.02,.04,.06—14 • 43:17 Md. R. 969 (8-19-16)
07.02.19.01—08,.10,.12—14,.16 • 43:17 Md. R. 971 (8-19-16)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.09 • 43:25 Md. R. 1388 (12-9-16)
08.02.01.13 • 43:16 Md. R. 903 (8-5-16)
08.02.03.01,.09,.11,.12,.14 • 44:2 Md. R. 87 (1-20-17)
08.02.11.01,.04 • 43:25 Md. R. 1389 (12-9-16)
08.02.21.03 • 43:26 Md. R. 1453 (12-23-16)
08.02.25.01—04 • 44:2 Md. R. 89 (1-20-17)
08.03.01.01 • 43:16 Md. R. 904 (8-5-16)
08.04.01.01 • 44:1 Md. R. 14 (1-6-17)
08.04.16.01—03 • 43:2 Md. R. 162 (1-22-16)
08.18.01.03 • 44:1 Md. R. 14 (1-6-17)
08.18.07.01,.02 • 44:1 Md. R. 15 (1-6-17)
08.18.21.03 • 44:1 Md. R. 16 (1-6-17)

08.18.25.02 • 44:1 Md. R. 16 (1-6-17)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.03.06.02—27 • 44:2 Md. R. 92 (1-20-17)
09.03.09.01—09 • 44:2 Md. R. 102 (1-20-17)
09.03.11.01,.02 • 44:2 Md. R. 104 (1-20-17)
09.03.12.01,.02 • 44:2 Md. R. 104 (1-20-17)
09.09.01.01 • 44:2 Md. R. 106 (1-20-17)
**09.10.01.04,.07,.12,.17,.22,.23,.29,.36,.37,.54,
.58** • 44:2 Md. R. 106 (1-20-17)
09.10.04.08 • 44:2 Md. R. 108 (1-20-17)
**09.11.01.04,.06—11,.13—16,.18,.19,.21,
.26** • 44:2 Md. R. 109 (1-20-17)
09.11.02.01 • 44:2 Md. R. 111 (1-20-17)
09.11.03.04 • 44:2 Md. R. 111 (1-20-17)
09.11.04.01—03 • 44:2 Md. R. 111 (1-20-17)
09.11.06.01,.03,.05,.08—10 • 44:2 Md. R. 111 (1-20-17)
09.11.07.02 • 44:2 Md. R. 111 (1-20-17)
09.11.08.01 • 44:2 Md. R. 111 (1-20-17)
09.12.43.02,.05 • 43:26 Md. R. 1453 (12-23-16)
09.13.01.01—08 • 44:2 Md. R. 113 (1-20-17)
09.13.03.03 • 44:2 Md. R. 113 (1-20-17)
09.13.05.03 • 44:2 Md. R. 114 (1-20-17)
09.13.08.02—10,.12,.16—17 • 44:2 Md. R. 115 (1-20-17)
09.14.01.02 • 44:2 Md. R. 118 (1-20-17)
09.14.04.04,.10 • 44:2 Md. R. 119 (1-20-17)
09.14.06.10 • 44:2 Md. R. 119 (1-20-17)
09.14.08.04 • 44:2 Md. R. 120 (1-20-17)
09.15.01.01 • 44:2 Md. R. 120 (1-20-17)
09.15.02.01,.06—11 • 44:2 Md. R. 121 (1-20-17)
09.16.01.06—08,.10 • 44:2 Md. R. 122 (1-20-17)
09.17.01.02 • 44:2 Md. R. 122 (1-20-17)
09.20.02.02,.07,.11 • 44:2 Md. R. 123 (1-20-17)
09.21.04.03 • 44:2 Md. R. 123 (1-20-17)

09.22.01.05—.16 • 44:2 Md. R. 124 (1-20-17)
 09.23.04.03 • 44:2 Md. R. 125 (1-20-17)
 09.24.01.09 • 44:1 Md. R. 17 (1-6-17)
 09.29.01.01—.06 • 44:2 Md. R. 126 (1-20-17)
 09.34.01.05 • 44:2 Md. R. 127 (1-20-17)
 09.34.01.06 • 44:2 Md. R. 128 (1-20-17)
 09.34.02.03 • 44:2 Md. R. 129 (1-20-17)
 09.35.02.02,.03 • 43:21 Md. R. 1170 (10-14-16)
 09.35.04.10 • 44:2 Md. R. 130 (1-20-17)
 09.36.02.01 • 44:2 Md. R. 130 (1-20-17)
 09.38.01.01 • 43:18 Md. R. 1022 (9-2-16)

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitles 01—08 (1st volume)

10.01.01.01—.11 • 44:2 Md. R. 131 (1-20-17)
 10.02.01.04 • 43:26 Md. R. 1454 (12-23-16)
 10.03.01.08 • 43:23 Md. R. 1284 (11-14-16)
 10.05.01.04 • 44:1 Md. R. 18 (1-6-17)
 10.05.01.08 • 43:26 Md. R. 1457 (12-23-16)
 10.05.03.04 • 43:26 Md. R. 1458 (12-23-16)
 10.06.01.01,.02,.17,.18 • 43:26 Md. R. 1458 (12-23-16)
 10.06.02.02,.04,.13 • 43:25 Md. R. 1392 (12-9-16)
 10.07.01.01,.31 • 43:26 Md. R. 1460 (12-23-16)
 10.07.01.04,.21 • 44:1 Md. R. 18 (1-6-17)
 10.07.03.05 • 44:1 Md. R. 18 (1-6-17)
 10.07.04.03 • 44:1 Md. R. 18 (1-6-17)
 10.07.05.04 • 44:1 Md. R. 18 (1-6-17)
 10.07.07.04 • 44:1 Md. R. 18 (1-6-17)
 10.07.08.04,.05 • 44:1 Md. R. 18 (1-6-17)
 10.07.09.08,.21 • 44:1 Md. R. 18 (1-6-17)
 10.07.10.04 • 44:1 Md. R. 18 (1-6-17)
 10.07.11.04,.05,.09,.10 • 44:1 Md. R. 18 (1-6-17)
 10.07.12.04,.20 • 44:1 Md. R. 18 (1-6-17)
 10.07.14.07 • 44:1 Md. R. 18 (1-6-17)
 10.07.16.05 • 44:1 Md. R. 18 (1-6-17)
 10.07.17.03.04 • 44:1 Md. R. 18 (1-6-17)
 10.07.18.04 • 44:1 Md. R. 18 (1-6-17)
 10.07.20.04 • 44:1 Md. R. 18 (1-6-17)
 10.07.21.04 • 44:1 Md. R. 18 (1-6-17)

Subtitle 09 (2nd volume)

10.09.01.01—.10 • 43:26 Md. R. 1462 (12-23-16)
 10.09.02.07 • 43:26 Md. R. 1454 (12-23-16) (ibr)
 10.09.06.01—.18 • 43:26 Md. R. 1464 (12-23-16)
 10.09.08.04 • 43:26 Md. R. 1487 (12-23-16)
 10.09.08.07,.10 • 43:26 Md. R. 1454 (12-23-16)
 10.09.09.07 • 43:26 Md. R. 1454 (12-23-16)
 10.09.14.07 • 43:25 Md. R. 1393 (12-9-16)
 10.09.15.07 • 43:26 Md. R. 1454 (12-23-16)
 10.09.17.06 • 43:25 Md. R. 1393 (12-9-16)
 10.09.21.01—.11 • 43:26 Md. R. 1462 (12-23-16)
 10.09.23.01-1,.07 • 43:25 Md. R. 1393 (12-9-16) (ibr)
 10.09.23.03 • 43:24 Md. R. 1354 (11-28-16)
 10.09.21.01—.11 • 43:26 Md. R. 1462 (12-23-16)
 10.09.24.08-2 • 43:26 Md. R. 1488 (12-23-16)
 10.09.38.06 • 43:26 Md. R. 1454 (12-23-16)
 10.09.39.01—.10 • 43:26 Md. R. 1462 (12-23-16)
 10.09.49.11 • 43:26 Md. R. 1454 (12-23-16)
 10.09.50.07 • 43:26 Md. R. 1454 (12-23-16)
 10.09.51.07 • 43:25 Md. R. 1393 (12-9-16)
 10.09.60.01—.08 • 43:24 Md. R. 1355 (11-28-16)
 10.09.62.01 • 43:26 Md. R. 1489 (12-23-16)

10.09.65.19 • 43:25 Md. R. 1394 (12-9-16)
 10.09.65.19-3 • 43:24 Md. R. 1354 (11-28-16)
 10.09.67.01,.07,.12 • 43:24 Md. R. 1354 (11-28-16)
 10.09.67.20 • 43:26 Md. R. 1454 (12-23-16)
 10.09.67.28 • 43:26 Md. R. 1489 (12-23-16)
 10.09.68.01—.03 • 43:26 Md. R. 1489 (12-23-16)
 10.09.70.02 • 43:25 Md. R. 1398 (12-9-16)
 10.09.76.01—.11 • 43:26 Md. R. 1489 (12-23-16)
 10.09.77.04,.06 • 43:26 Md. R. 1487 (12-23-16)
 10.09.80.01,.05,.06,.08 • 43:25 Md. R. 1402 (12-9-16)
 10.09.87.07 • 43:26 Md. R. 1454 (12-23-16)
 10.09.88.07 • 43:26 Md. R. 1454 (12-23-16)
 10.09.92.01—.14 • 43:26 Md. R. 1464 (12-23-16)
 10.09.93.01—.16 • 43:26 Md. R. 1464 (12-23-16)
 10.09.94.01—.13 • 43:26 Md. R. 1464 (12-23-16)
 10.09.95.01—.13 • 43:26 Md. R. 1464 (12-23-16)

Subtitles 10 — 22 (3rd Volume)

10.10.03.02 • 44:1 Md. R. 18 (1-6-17)
 10.10.13.02—.04,.12—.18,.20,.21,
 .23—.27 • 44:1 Md. R. 23 (1-6-17)
 10.11.03.14 • 43:26 Md. R. 1454 (12-23-16)
 10.14.01.01,.02,.02-1,.07 • 43:25 Md. R. 1404 (12-9-16) (ibr)
 10.14.06.02—.06 • 43:25 Md. R. 1406 (12-9-16)
 10.15.05.01,.01-1,.13,.14,.20-1,.21,
 .24—.26-2 • 43:25 Md. R. 1407 (12-9-16) (ibr)
 10.15.06.01-.07,.10,.12—.20 • 43:25 Md. R. 1407 (12-9-16)
 10.15.08.02,.03 • 43:25 Md. R. 1407 (12-9-16)
 10.16.07.03,.14 • 43:25 Md. R. 1415 (12-9-16)
 10.18.04.01—.03 • 43:26 Md. R. 1458 (12-23-16)
 10.18.09.01—.08 • 44:1 Md. R. 31 (1-6-17)
 10.21.16.04 • 44:1 Md. R. 18 (1-6-17)
 10.21.25.03-2,.05—.13 • 43:19 Md. R. 1077 (9-16-16)
 10.22.01.01 • 44:1 Md. R. 34 (1-6-17)
 10.22.02.02 • 44:1 Md. R. 18 (1-6-17)
 10.22.18.04 • 44:1 Md. R. 34 (1-6-17)

Subtitles 23 — 36 (4th Volume)

10.24.15.01 • 43:25 Md. R. 1417 (12-9-16) (ibr)
 10.24.19.01 • 43:18 Md. R. 1027 (9-2-16) (ibr)
 10.27.01.02 • 44:2 Md. R. 131 (1-20-17)
 10.27.01.04—.18 • 43:24 Md. R. 1357 (11-28-16)
 10.27.21.02—.05,.07 • 43:25 Md. R. 1418 (12-9-16)
 10.29.09.02—.06,.11,.14 • 43:26 Md. R. 1492 (12-23-16)
 10.29.15.02—.05,.07,.08 • 43:26 Md. R. 1494 (12-23-16)
 10.33.01.14 • 43:25 Md. R. 1419 (12-9-16)

Subtitles 37—65 (5th Volume)

10.38.12.01—.04 • 43:23 Md. R. 1287 (11-14-16)
 10.39.01.03—.09 • 43:24 Md. R. 1357 (11-28-16)
 10.39.04.04 • 43:24 Md. R. 1357 (11-28-16)
 10.41.03.08 • 43:25 Md. R. 1420 (12-9-16)
 10.41.08.02 • 43:25 Md. R. 1420 (12-9-16)
 10.41.11.02 • 43:25 Md. R. 1420 (12-9-16)
 10.44.23.01—.04 • 44:2 Md. R. 134 (1-20-17) (ibr)
 10.47.04.04,.05 • 44:1 Md. R. 18 (1-6-17)
 10.48.01.07 • 43:26 Md. R. 1454 (12-23-16)
 10.51.03.02,.03 • 44:1 Md. R. 18 (1-6-17)
 10.52.01.01—.09 • 44:1 Md. R. 36 (1-6-17)
 10.52.12.03—.15 • 44:1 Md. R. 23 (1-6-17)
 10.53.02.01—.10 • 43:24 Md. R. 1357 (11-28-16)

**10.54.03.03,.04,.07—,11,.13—,16,.18,
.19** • 43:26 Md. R. 1495 (12-23-16)
10.58.16.01—,18 • 44:2 Md. R. 135 (1-20-17)
10.60.01.02—,05 • 44:1 Md. R. 40 (1-6-17)
10.60.02.03—,05 • 44:1 Md. R. 40 (1-6-17)
10.60.03.03 • 44:1 Md. R. 40 (1-6-17)
10.60.04.09—,13 • 44:1 Md. R. 40 (1-6-17)
10.60.06.01 • 44:1 Md. R. 40 (1-6-17)
10.62.01.01 • 43:22 Md. R. 1245 (10-28-16)
10.62.08.03,.05—,07 • 43:22 Md. R. 1245 (10-28-16)
10.62.09.03 • 43:22 Md. R. 1245 (10-28-16)
10.62.12.02 • 43:22 Md. R. 1245 (10-28-16)
10.62.15.04—,07 • 43:22 Md. R. 1245 (10-28-16)
10.62.19.02,.04—,06 • 43:22 Md. R. 1245 (10-28-16)
10.62.20.03 • 43:22 Md. R. 1245 (10-28-16)
10.62.22.02 • 43:22 Md. R. 1245 (10-28-16)
10.62.25.03,.05—,07 • 43:22 Md. R. 1245 (10-28-16)
10.62.26.03 • 43:22 Md. R. 1245 (10-28-16)
10.62.28.02 • 43:22 Md. R. 1245 (10-28-16)
10.63.01.02,.04,.05 • 43:23 Md. R. 1289 (11-14-16)
10.63.03.14,.18,.19 • 43:23 Md. R. 1289 (11-14-16)
10.63.04.03 • 43:23 Md. R. 1289 (11-14-16)
10.63.06.10 • 43:23 Md. R. 1289 (11-14-16)
10.63.07.01—,12 • 44:1 Md. R. 43 (1-6-17)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

11.01.18.01,.02 • 43:22 Md. R. 1251 (10-28-16)

Subtitles 11—22 (MVA)

11.11.01.01—,04 • 44:2 Md. R. 140 (1-20-17)
11.11.05.03 • 44:2 Md. R. 141 (1-20-17)
11.12.01.01—,25 • 44:1 Md. R. 46 (1-6-17)
11.17.09.01—,07 • 44:2 Md. R. 141 (1-20-17)

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

12.04.01.01,.16 • 43:26 Md. R. 1500 (12-23-16)

13A STATE BOARD OF EDUCATION

13A.02.08.01—,03 • 43:22 Md. R. 1252 (10-28-16)
13A.03.07.01—,05 • 43:22 Md. R. 1252 (10-28-16)
13A.04.03.01—,11 • 43:22 Md. R. 1253 (10-28-16)
13A.04.05.01—,08 • 44:1 Md. R. 54 (1-6-17)
13A.04.19.01—,09 • 43:26 Md. R. 1502 (12-23-16)
13A.04.20.02,.04,.05,.07 • 43:26 Md. R. 1503 (12-23-16)
13A.05.10.01—,03 • 44:2 Md. R. 144 (1-20-17)
13A.06.07.01,.08—,10 • 43:26 Md. R. 1503 (12-23-16)
13A.07.11.01—,05 • 43:10 Md. R. 595 (5-13-16) (ibr)
13A.12.04.04 • 43:26 Md. R. 1505 (12-23-16)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.01.01.03,.15 • 43:25 Md. R. 1421 (12-9-16)
13B.02.02.08 • 43:25 Md. R. 1422 (12-9-16)
13B.02.04.02 • 44:2 Md. R. 146 (1-20-17)
13B.05.01.05 • 43:25 Md. R. 1423 (12-9-16)
13B.05.01.06 • 43:25 Md. R. 1424 (12-9-16)
13B.06.01.02,.02-1,.04—,10 • 43:26 Md. R. 1505 (12-23-16)
13B.07.02.07 • 43:23 Md. R. 1290 (11-14-16)

13B.08.09.01—,11 • 42:22 Md. R. 1398 (10-30-15)
13B.08.13.01—,10 • 43:8 Md. R. 506 (4-15-16)
13B.08.14.01—,15 • 43:6 Md. R. 421 (3-18-16)
13B.08.15.01—,16 • 43:9 Md. R. 546 (4-29-16)

14 INDEPENDENT AGENCIES

14.06.03.05,.06 • 42:26 Md. R. 1638 (12-28-15)
14.35.01.01,.02 • 43:18 Md. R. 1039 (9-2-16)
14.35.07 • 43:19 Md. R. 1092 (9-16-16) (err)
14.35.07.01—,21 • 43:18 Md. R. 1039 (9-2-16)
14.36.04.01,.03—,08 • 43:4 Md. R. 342 (2-19-16)

15 DEPARTMENT OF AGRICULTURE

15.05.01.02 • 43:19 Md. R. 1088 (9-16-16)
15.06.04.06 • 43:21 Md. R. 1171 (10-14-16)
15.18.09.01—,15 • 44:2 Md. R. 146 (1-20-17) (ibr)

21 STATE PROCUREMENT REGULATIONS

21.02.01.04,.05 • 44:1 Md. R. 57 (1-6-17)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.04.02.09 • 43:25 Md. R. 1424 (12-9-16)

Subtitles 08—12 (Part 2)

26.08.07.04 • 43:24 Md. R. 1361 (11-28-16)
26.11.34.02 • 44:2 Md. R. 152 (1-20-17) (ibr)

Subtitles 13 — 18 (Part 3)

26.17.01.01,.08,.09,.11 • 44:2 Md. R. 155 (1-20-17) (ibr)

Subtitles 19—27 (Part 4)

26.19.01.01—,61 • 43:23 Md. R. 1293 (11-14-16) (ibr)

29 DEPARTMENT OF STATE POLICE

29.01.02.01,.02,.11,.16 • 43:10 Md. R. 609 (5-13-16)
29.05.02.01—,08 • 43:12 Md. R. 693 (6-10-16)

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

30.08.15.03 • 43:23 Md. R. 1316 (11-14-16)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.06.10 • 43:26 Md. R. 1508 (12-23-16)
31.03.18.01—,03 • 44:1 Md. R. 58 (1-6-17)
31.04.15.03 • 43:25 Md. R. 1425 (12-9-16)
31.05.11.02 • 43:25 Md. R. 1425 (12-9-16)
31.05.12.01 • 43:25 Md. R. 1425 (12-9-16)
31.08.01.02 • 43:24 Md. R. 1362 (11-28-16)
31.08.02.02 • 43:24 Md. R. 1362 (11-28-16)
31.08.03 • 43:24 Md. R. 1362 (11-28-16)
31.08.08.07 • 43:24 Md. R. 1362 (11-28-16)
31.08.09.06—,08,.13,.14 • 43:24 Md. R. 1362 (11-28-16)

- 31.08.10.02 • 43:24 Md. R. 1362 (11-28-16)
- 31.08.11.01—.07 • 44:1 Md. R. 59 (1-6-17)
- 31.08.13.01—.06 • 44:2 Md. R. 156 (1-20-17)
- 31.08.13.03,.04,.06 • 43:20 Md. R. 1146 (9-30-16)
- 31.09.04 • 44:1 Md. R. 62 (1-6-17)
- 31.09.08 • 44:1 Md. R. 62 (1-6-17)
- 31.10.11.14 • 43:24 Md. R. 1365 (11-28-16)
- 31.13.01.22 • 43:23 Md. R. 1318 (11-14-16)
- 31.14.01.13,.24,.36 • 43:26 Md. R. 1509 (12-23-16)
- 31.14.02.03—.06,.06-1 • 43:26 Md. R. 1509 (12-23-16)
- 31.14.03.06 • 43:24 Md. R. 1365 (11-28-16)
- 31.15 • 43:2 Md. R. 128 (1-22-16) (err)
- 31.15.15.01—.07 • 44:1 Md. R. 59 (1-6-17)
- 31.16.08.06 • 43:24 Md. R. 1366 (11-28-16)

33 STATE BOARD OF ELECTIONS

- 33.01.01.01 • 43:4 Md. R. 345 (2-19-16)
- 33.05.04.05 • 43:4 Md. R. 346 (2-19-16)
- 33.13.07.06 • 43:24 Md. R. 1367 (11-28-16)
- 33.13.08.06,.07 • 43:24 Md. R. 1367 (11-28-16)
- 33.13.10.02—.04 • 43:24 Md. R. 1367 (11-28-16)
- 33.13.13.08 • 43:24 Md. R. 1367 (11-28-16)
- 33.14.02.03 • 43:24 Md. R. 1369 (11-28-16)
- 33.16.01.01 • 43:4 Md. R. 346 (2-19-16)
- 33.16.02.05 • 43:4 Md. R. 346 (2-19-16)
- 33.16.03.01,.02 • 43:4 Md. R. 346 (2-19-16)
- 33.16.04.01 • 43:4 Md. R. 346 (2-19-16)
- 33.16.05.03,.04 • 43:4 Md. R. 346 (2-19-16)
- 33.16.06.01 • 43:4 Md. R. 346 (2-19-16)
- 33.20.06.01 • 43:24 Md. R. 1369 (11-28-16)

35 DEPARTMENT OF VETERANS' AFFAIRS

- 35.03.01.05 • 43:26 Md. R. 1515 (12-23-16)

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

- 36.03.10.23,.28,.50 • 44:1 Md. R. 63 (1-6-17)

Final Action on Regulations

Symbol Key

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

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

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

Notice of Final Action

[16-294-F]

On January 9, 2017, the Secretary of Natural Resources adopted amendments to Regulation **.05** under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 43:23 Md. R. 1282—1283 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

MARK J. BELTON

Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

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

Notice of Final Action

[16-296-F]

On January 9, 2017, the Secretary of Natural Resources adopted amendments to Regulation **.22** under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 43:23 Md. R. 1283 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

MARK J. BELTON

Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.10 Horseshoe Crabs

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

Notice of Final Action

[16-295-F]

On January 9, 2017, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.02.10 Horseshoe Crabs**. This action, which was proposed for adoption in 43:23 Md. R. 1283 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

MARK J. BELTON

Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.20 Community Personal Assistance Services

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

Notice of Final Action

[16-284-F]

On January 9, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.09—,11** and **.14** under **COMAR 10.09.20 Community Personal Assistance Services**. This action, which was proposed for adoption in 43:23 Md. R. 1284—1285 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.54 Home and Community-Based Options Waiver

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-132, Annotated Code of Maryland

Notice of Final Action

[16-292-F]

On January 9, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.13—,19** and **.22** under **COMAR 10.09.54 Home and Community-Based Options Waiver**. This action, which was proposed for adoption in 43:23 Md. R. 1285—1286 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.84 Community First Choice

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

Notice of Final Action

[16-285-F]

On January 9, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.14— .20, .23, and .24** under **COMAR 10.09.84 Community First Choice**. This action, which was proposed for adoption in 43:23 Md. R. 1286—1287 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 22 DEVELOPMENTAL DISABILITIES

10.22.10 Behavior Support Services Program Service Plan

Authority: Health-General Article, §7-904; *Health Occupations Article, §17-6A-01 et seq.*, Annotated Code of Maryland

Notice of Final Action

[16-286-F]

On January 4, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.05** under **COMAR 10.22.10 Behavior Support Services Program Service Plan**. This action, which was proposed for adoption in 43:23 Md. R. 1287 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 20 PUBLIC SERVICE COMMISSION

Subtitle 31 TERMINATIONS OF SERVICE

Notice of Final Action

[16-283-F]

On January 4, 2017, the Public Service Commission adopted amendments to:

- (1) Regulation **.02** under **COMAR 20.31.01 General Regulations**; and
- (2) Regulation **.01** under **COMAR 20.31.03 Restrictions on Terminations**.

This action, which was proposed for adoption in 43:23 Md. R. 1291—1292 (November 14, 2016), has been adopted as proposed.

Effective Date: January 30, 2017.

DAVID J. COLLINS
Executive Secretary

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 03

COMPTROLLER OF THE TREASURY

Subtitle 01 OFFICE OF THE COMPTROLLER

03.01.02 Tax Payments — Immediately Available Funds

Authority: Tax-General Article, §§2-103, 13-104, and 13-105, Annotated Code of Maryland

Notice of Proposed Action

[17-059-P]

The Comptroller of the Treasury proposes to amend Regulations .01 and .02 under COMAR 03.01.02 Tax Payments — Immediately Available Funds.

Statement of Purpose

The purpose of this action is to remove “U.S. currency” from the definition of immediately available funds. To reflect U.S. currency is no longer accepted as a payment by immediately available funds.

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 Wayne P. Green, Director, Revenue Administration Division, Comptroller of the Treasury, 110 Carroll Street, Annapolis, MD 21411, or call 410-260-7445, or email to wgreen@comp.state.md.us, or fax to 410-974-3456. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (6) (text unchanged)

(7) “Immediately available funds” means an ACH credit, an ACH debit, direct debit, [U.S. currency,] or wire transfer.

(8) — (12) (text unchanged)

.02 Requirements for Payment by Immediately Available Funds.

A. A taxpayer whose unpaid tax liability is \$10,000 or more shall remit payment by immediately available funds pursuant to the following:

(1) Except as provided for in §A(2) of this regulation, payment shall be made by using:

(a) (text unchanged)

(b) ACH debit; *or*

(c) Direct debit; [or

(d) U.S. currency;]

(2) (text unchanged)

B. — E. (text unchanged)

[F. A taxpayer may satisfy the obligation to remit payment in immediately available funds by physical delivery of U.S. currency, with the appropriate return, on or before 1 p.m. on the due date of the obligation, to the Comptroller of the Treasury, 301 West Preston Street, Baltimore, MD 21201.]

[G.] F. — [I.] H. (text unchanged)

PETER FRANCHOT
Comptroller

Subtitle 04 INCOME TAX

Notice of Proposed Action
[17-060-P]

The Comptroller of the Treasury proposes to amend:

- (1) Regulation .01 under **COMAR 03.04.01 General Regulations**;
- (2) Regulation .04 under **COMAR 03.04.03 Corporations**; and
- (3) Regulation .03 under **COMAR 03.04.07 Pass-Through Entity Nonresident Tax**.

Statement of Purpose

The purpose of this action is to update language so as to be consistent with the statutory language of Tax-General Article, §10-911(b), Annotated Code of Maryland, and amend language to conform with statutory language of Tax-General Article, §10-821(a), 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 Wayne P. Green, Director, Revenue Administration Division, Comptroller of the Treasury, 110 Carroll Street, Annapolis, MD 21411, or call 410-260-7445, or email to wgreen@comp.state.md.us, or fax to 410-974-3456. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

03.04.01 General Regulations

Authority: Tax-General Article, §§2-103, 10-822, and 10-911, Annotated Code of Maryland

.01 Withholding of Tax at Source.

- A. — D. (text unchanged)
- E. Year-end Reconciliation Return of Monthly, Quarterly, Annual, and Periodic Returns and Employer Withholding Returns.
 - (1) (text unchanged)
 - (2) On or before [February 28] *January 31* of each year, the employer or payor shall file with the Comptroller the following forms, returns, and information:
 - (a) — (f) (text unchanged)
- F. — G. (text unchanged)

03.04.03 Corporations

Authority: Tax-General Article, §§2-103 and 10-306.1(h), Annotated Code of Maryland

.04 Filing of Returns.

- A. A corporation shall file a corporation income tax return by the 15th day of the [3rd] *4th* month following the end of the tax year or period. The return shall be filed with a copy of the federal return for the corresponding tax year or period.
- B. — D. (text unchanged)

03.04.07 Pass-Through Entity Nonresident Tax

Authority: Tax-General Article, §§2-103 and 10-102.1(c) and (f), Annotated Code of Maryland

.03 Filing of Returns and Payment of Tax.

- A. Information Returns.
 - (1) — (2) (text unchanged)
 - (3) Due Date. Except as provided in §A(4) of this regulation, the due date for filing an information return is:
 - (a) (text unchanged)
 - (b) For a pass-through entity that is an S corporation, the 15th day of the [3rd] *4th* month following the close of the taxable year.
 - (4) Extension of Time to File.
 - (a) — (b) (text unchanged)
 - (c) Time for Filing. The due date for filing an extension is:
 - (i) (text unchanged)
 - (ii) For a pass-through entity that is an S corporation, the 15th day of the [3rd] *4th* month following the close of the S corporation’s taxable year.
- B. — E. (text unchanged)

PETER FRANCHOT
Comptroller

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action
[17-050-P]

The Secretary of Natural Resources proposes to amend Regulations .01, .09, .11, .12, and .14 under **COMAR 08.02.03 Crabs**.

Statement of Purpose

The purpose of this action is to change the time for commercially harvesting blue crabs in the coastal bays of the Atlantic Ocean and their tidal tributaries and update statewide blue crab regulations by clarifying text.

In Regulation .01, the proposed action clarifies the definition of “net ring”. The definition is clarified by stating that a net ring only has one ring, not a ring. A ring could be interpreted by some to mean one or more rings and the intention of the definition when first adopted was one ring.

In Regulation .09, the proposed action clarifies that there are exceptions to the crab license requirements and corrects inconsistency relating to the use of recreational gear. It was not completely clear that anyone could help a licensed crabber use trotlines and traps. Even though the exemptions are in regulation, the statement that anyone needed a license created confusion. The proposed action adds text to highlight the exemptions. Code of Maryland Regulations (COMAR) 08.02.03.09 Section A says that individuals with a crabbing license may use all recreational gear, meaning an individual may use trotlines and collapsible traps at the same time. Section B says that an individual with a crabbing boat license cannot use the gear at the same time. Anyone with a crabbing

license (individual or boat) may use all gear simultaneously. The proposed action fixes the inconsistency.

In Regulation .11, the proposed action removes the commercial female closure periods. The commercial female crab daily catch limit is determined by license type, based on the abundance target and published by public notice. The text in Regulation .11 is obsolete because the process for determining female harvest is described in Regulation .14.

In Regulation .12, the proposed action changes the times that licensees can remove crabs from commercial gear and set or retrieve crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries to be consistent with Chesapeake Bay. Currently, a harvester may not remove crabs from gear or set or retrieve crab pots between 2 p.m. and 5:30 a.m. from April through October. The change maintains the 8.5 hour workday, is more consistent with the Chesapeake Bay regulations and gives harvesters flexibility. Additionally, it would allow harvest to occur earlier in the day to avoid high air temperatures which will reduce mortality and allow more crabs to reach the market.

In Regulation .14, the proposed action clarifies the intent of the regulation by adding text that allows a licensee to operate as a mate or an authorized user for a different licensee on Sundays and Mondays and combines text in two sections to make it clearer. Currently, the wording in the regulation could be interpreted as prohibiting a harvester from working on the water on their day off. By clarifying the regulation a harvester can mate or be an authorized user for someone else. The statements regarding declaration of days off in section C are combined for clarity. The two statements are very similar and it is unnecessary to keep both. The statement is added to section D because the process for declaring days off is the same.

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 may benefit the commercial crab industry.

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
II. Types of Economic Impact.			
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:			
Harvesters/dealers/ processors	(+)		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.)

D. Changing the times for harvest in the coastal bays of the Atlantic Ocean and their tidal tributaries may provide business

flexibility for harvesters allowing them to choose when to start harvesting. It could also lead to better harvest because if they can land before the heat of the day, they may have less mortality. The actual amount of impact is indeterminable because we cannot predict harvester actions and how much that will affect the industry (harvester, dealer, processor). Clarifying that a licensee may work for another licensee on their day off may benefit several individuals. The actual impact is indeterminable because the Department does not know how many individuals work for other licensees and how much compensation they receive.

Economic Impact on Small Businesses

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

Changing the times for harvest in the coastal bays of the Atlantic Ocean and their tidal tributaries may provide business flexibility for harvesters allowing them to choose when to start harvesting. It could also lead to better harvest because if they can land before the heat of the day, they may have less mortality. Clarifying that a licensee may work for another licensee on their day off may benefit several individuals.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Blue Crab Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 21, 2017. A public hearing will be held on February 6, 2017, at 5 p.m., at Tawes State Office Building, 580 Taylor Avenue, Conference Room C-1, Annapolis, MD 21401.

.01 Crabbing Gear.

- A. (text unchanged)
- B. Recreational Gear—Definitions.
 - (1)—(2) (text unchanged)
 - (3) “Crab net ring” means netting supported by [a] *one* ring-shaped rim *that is* less than or equal to 30 inches in diameter.
 - (4)—(8) (text unchanged)
- C. (text unchanged)

.09 Recreational Crabbing Licenses — Chesapeake Bay and Its Tidal Tributaries.

- A. Recreational Crabbing License.
 - (1) [An] *Except as provided in §E of this regulation, an* individual who catches or attempts to catch crabs for recreational purposes in the waters of the Chesapeake Bay and its tidal tributaries shall pay the fee and obtain a recreational crabbing license in order to use the following gear to catch crabs:
 - (a)—(d) (text unchanged)
 - (2)—(3) (text unchanged)
- B. Recreational Crabbing Boat License.
 - (1) A recreational crabbing boat license authorizes an individual to use the following gear to catch or attempt to catch crabs in the licensed boat in the Chesapeake Bay and its tidal tributaries:
 - (a) Trotline; [or] *and*
 - (b) (text unchanged)
 - (2)—(4) (text unchanged)
- C.—F. (text unchanged)

.11 Season and Time for Catching Crabs.

- A. Commercial.
 - (1)—(4) (text unchanged)

[(5) An individual licensed to catch crabs for commercial purposes may not harvest mature female hard crabs from the Chesapeake Bay and its tidal tributaries during the periods:

- (a) June 1 through June 15, inclusive;
- (b) September 26 through October 4, inclusive; and
- (c) November 11 through December 15 inclusive.]

B.—C. (text unchanged)

.12 Special Regulations for Crabbing in Worcester County.

A.—C. (text unchanged)

D. Commercial Daily Time Restrictions. A person licensed to catch crabs for sale may [not] *remove crabs from commercial gear and set or retrieve crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries only during the following time periods:*

[(1) Remove crabs from commercial gear in the coastal bays of the Atlantic Ocean and their tidal tributaries between 2 p.m. and 5:30 a.m.; or

(2) Set or retrieve crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries between 2 p.m. and 5:30 a.m.]

(1) *Between sunrise and 8-½ hours after sunrise during April and October; and*

(2) *Between 1/2 hour before sunrise to 8 hours after sunrise during the period May through September.*

E.—F. (text unchanged)

.14 General Prohibitions.

A. (text unchanged)

B. Commercial — General.

(1) [Except for a person who declares intent under §C of this regulation, a] A person licensed to catch crabs for sale may not set or retrieve gear or catch crabs for commercial purposes in the Chesapeake Bay and its tidal tributaries on Sundays and Mondays[.] *unless the person:*

(a) *Declares intent under §C of this regulation;*

(b) *Is granted an alternate day off under §D of this regulation;*

(c) *Is operating as a licensee’s authorized user on the vessel designated in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland; or*

(d) *Is assisting as an unlicensed crew member on another licensee’s vessel.*

(2)—(12) (text unchanged)

C. Closed Day Declaration of Intent.

(1)—(2) (text unchanged)

(3) A person licensed to catch crabs for sale who declares a day off under §C(1) of this regulation shall declare a Sunday or Monday day off *only* at the time of license renewal *or issuance* on forms provided by the Department.

[(4) A person licensed to catch crabs for sale may only declare a day off at the time of license renewal or issuance.]

D. Alternate Closed Day.

(1)—(3) (text unchanged)

(4) *A person licensed to catch crabs for sale who declares a day off under §D(1) of this regulation shall declare an alternate day off only at the time of license renewal or issuance on forms provided by the Department.*

E.—G. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §§4-221 and 4-701.1, Annotated Code of Maryland

Notice of Proposed Action

[17-049-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.03 and adopt new Regulation .04 under **COMAR 08.02.25 Gear**.

Statement of Purpose

The purpose of this action is to implement regulations to reflect legislative changes from the 2016 Legislative Session and amend regulations to reflect current practice.

The proposed action removes the definition for “bow” and replaces it with a definition for “archery equipment.” The term “archery equipment” is in line with terminology used by the Wildlife and Heritage Service and is more reflective of current practices. References to this gear throughout the chapter have also been changed.

House Bill 766, Chapter Law 117 of the 2016 Laws of Maryland removed certain references to recreational fishing gear. As a result of these changes, the proposed action amends provisions regarding bush bobs, bank poles, and dip nets.

The proposed action removes bush bobs and bank poles as legal gears in nontidal waters. Bush bobs and bank poles, both nonactive line fishing gears that either dangle lines from overhead limbs (bush bobs) or from sticks wedged into a river bank (bank poles), previously had been allowed in nontidal waters. The removal of these gears is due to recommendations from Departmental biologists as well as public safety concerns. These gears are typically used at night, with a high likelihood of bycatch of species which had been prohibited under the old statute. By removing these gears, the Department will cut down on bycatch of nontarget species. Furthermore, there was the potential for other anglers, boaters, or float tubers to become entangled in the gear if it was not well marked, unattended, or not collected by the owner. Removing this gear from the water will mitigate this concern. This gear is already not allowed in tidal waters.

The proposed action amends the use of dip nets in nontidal waters. Previously under Natural Resources Article, §4-617, Annotated Code of Maryland, dip nets had been allowed in the Susquehanna River in Harford and Cecil counties, in the Monocacy and Potomac rivers in Carroll and Frederick counties, and in Allegany and Washington counties, from January 1 through April 15. These rules had allowed for traditional shad fisheries in the Susquehanna River and sucker fisheries in the western counties. HB 766 removed the rules for dip nets from this statute. The proposed action does not reinstitute the use of dip nets in the Susquehanna River due to the closure of the shad and herring fisheries. The proposed action will allow dip nets in Allegany, Carroll, Frederick, and Washington counties to catch carp, catfish, Northern snakehead, and suckers. This maintains the traditional fishery and allows the gear to be used to target invasive species.

The proposed action amends the rules for the recreational use of gigs in both nontidal and tidal waters. The action clarifies that gigs are a hand-propelled gear, which is in line with current practice, and removes the requirement that a retrieval line be attached to a gig. The safety zone requirement for gigs is also removed.

The proposed action establishes a regulation for commercial gear. House Bill 63, Chapter 86 of the 2016 Laws of Maryland provided the Department the authority to regulate finfish trotlines. This authority will sunset on June 30, 2019 unless the Maryland General

Assembly takes action to either extend this authority or make the authority permanent. The proposed action creates rules for the commercial use of finfish trotlines. The proposed regulations are the result of discussions between the Departmental biologists that manage tidal fisheries including catfish, striped bass, and resident estuarine species and the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission Joint Gear Workgroup, as well as public feedback on the rules that had initially been scoped. It is anticipated that finfish trotlines will be used mainly to target invasive blue catfish. Finfish trotlines will have to be marked the same way as crabbing trotlines in order to ensure visibility. The hooks used on finfish trotlines will have to be circle hooks at least 5/0 in size to minimize bycatch of and damage to non-target species. The proposed action also creates a maximum length of 1,200 feet. The gear will be required to be set on the bottom of the water body in which it is set during the striped bass spawning period of March 1 to June 15 in order to minimize interactions with striped bass. The remainder of the year, the gear must be set at least 10 feet below the surface of the water in waters that are at least 10 feet deep at mean low tide, or on the bottom of the water body in which it is set in waters that are less than 10 feet deep at mean low tide. The purpose of this depth requirement is to minimize user conflicts and interactions with non-target species. The proposed action limits the area in which the gear is allowed to the Chesapeake Bay and its tidal tributaries, excluding the mainstem of the Bay below the Bay Bridge, including the Pocomoke and Tangier sounds. Lastly, the proposed action creates a free permit that a commercial licensee must obtain prior to using this gear. The permit is available to any licensee whose gear type would allow for the use of this gear, which includes the Unlimited Finfish Harvester and Unlimited Tidal Fish License licenses. In conjunction with the permit requirement will be a reporting requirement. The Department will use the data collected under this permit to track the use, amount of effort, catch, and bycatch with this gear in order to ensure that the regulations that have been established are minimizing bycatch and not causing any undue harm to species which cannot legally be caught with this gear such as striped bass or any threatened or endangered species.

Senate Bill 1054, Chapter Law 708 of the 2016 Laws of Maryland provides the Department authority to regulate the commercial use of bowfishing gear. The proposed action includes rules for the commercial use of archery equipment in the new commercial fishing gear regulation. These rules largely mirror the current recreational rules, which are in place for public safety. These rules include the requirement that projectiles have retrieval lines attached to them and a safety zone for the gear. These rules also include a list of species that may not be harvested with archery equipment that largely mirrors the recreational rules in tidal waters, but reflects only those species that would otherwise be commercially harvestable.

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 indeterminable economic impact. By allowing the commercial use of finfish trotlines, commercial harvesters will have access to an efficient, economical gear to target catfish in waters where gill nets are not allowed during certain parts of the year.

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:		
Commercial Licensees — Finfish Trotlines		
	(+)	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.)

D. The proposed action will have an indeterminable positive impact on commercial licensees. By allowing the commercial use of finfish trotlines, commercial licensees will have access to an efficient, economical gear that can be used in areas where gill nets may be otherwise prohibited. The Department anticipates this gear will mainly be used to target catfish species. Market price for catfish has generally ranged between \$0.50/pound and \$1.00/pound. Year-to-date just over one million pounds of catfish have been landed with an average dockside value of \$0.68/pound. There are currently 2,454 commercial licensees who would be able to use this gear. The number of commercial licensees who actually take advantage of this gear will determine the ultimate economic impact of allowing finfish trotlines. It is not known how many licensees will utilize this new gear type. Furthermore, based on the enabling legislation, the Department is only authorized to allow this gear through June 30, 2019. The economic impact will only last through that time unless the Legislature takes further action.

Economic Impact on Small Businesses

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

The proposed action will have a meaningful, although indeterminable, positive impact on commercial licensees. Commercial licensees are small businesses. By allowing the commercial use of finfish trotlines, commercial licensees will have access to an efficient, economical gear that can be used in areas where gill nets may be otherwise prohibited. The Department anticipates this gear will mainly be used to target catfish species. Market price for catfish has generally ranged between \$0.50/pound and \$1.00/pound. Year-to-date just over one million pounds of catfish have been landed with an average dockside value of \$0.68/pound. There are currently 2,454 commercial licensees who would be able to use this gear. The number of commercial licensees who actually take advantage of this gear will determine the ultimate economic impact of allowing finfish trotlines. It is not known how many licensees will utilize this new gear type. Furthermore, based on the enabling legislation, the Department is only authorized to allow this gear through June 30, 2019. The economic impact will only last through that time unless the Legislature takes further action.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Fishing Gear Regulations, Regulatory Staff, Department of Natural Resources — Fishing and Boating

Services B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

.01 Gear Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Archery equipment" means a vertical bow or a crossbow.

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

[(2)] "Bow" means bow and arrow or crossbow.]

(3)—(7) (text unchanged)

(8) "Finfish trotline" means a length of rope or line, buoyed at both ends with one or more anchors, which is baited with hooks set at intervals for the purpose of catching finfish.

[(8)] (9)—[(42)] (43) (text unchanged)

.02 Recreational Gear — Nontidal Waters.

A.—C. (text unchanged)

[D. Nonactive Line Fishing Gear.

(1) Individuals catching fish in nontidal waters may only use the following nonactive line fishing gear:

(a) Bank pole; and

(b) Bush-bob.

(2) Nonactive line fishing gear shall be marked with the individual's:

(a) Name and address; or

(b) DNRid number.

(3) Bush-bobs and bank poles may only be used in accordance with Natural Resources Article, §4-617, Annotated Code of Maryland.]

[E.] D. Nets.

(1)—(5) (text unchanged)

[(6)] Dip nets in nontidal waters:

(a) May not be used to fish for any trout species, walleye, striped bass, striped bass hybrid, northern pike, largemouth bass, smallmouth bass, muskellunge, or muskellunge hybrids including tiger musky; and

(b) Shall be used in accordance with Natural Resources Article, §4-617, Annotated Code of Maryland.]

(6) Dip nets may be used in nontidal waters only to catch carp, catfish, Northern snakehead, and suckers from areas of the Potomac River, Monocacy River, and Conococheague Creek that lie within Allegany, Carroll, Frederick, and Washington counties.

(7) (text unchanged)

[F.] E. Projectile Gear.

(1) Individuals catching fish in nontidal waters may only use the following projectile gear:

(a) [Bow] Archery equipment;

(b)—(d) (text unchanged)

(2) [Projectile] Except for a gig, projectile gear shall have a retrieval line attached to it.

(3) A gig may only be propelled by hand.

[(3)] (4)—[(5)] (6) (text unchanged)

[(6)] (7) Additional Restrictions.

(a) Except as provided in [§F(6)(b)] §E(7)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:

(i)—(v) (text unchanged)

(b) The distance restriction in [§F(6)(a)] §E(7)(a) of this regulation does not apply:

(i) To the use of gigs; or

(ii) [if] If the person using the projectile gear receives permission from all affected parties within that area prior to engaging in fishing activities.

[G.] F. (text unchanged)

.03 Recreational Gear — Tidal Waters.

A.—E. (text unchanged)

F. Projectile Gear.

(1) Individuals catching fish in tidal waters may only use the following projectile gear:

(a) [Bow] Archery equipment;

(b) Gig;

[(b)] (c)—[(c)] (d) (text unchanged)

(2) [Projectile] Except for a gig, projectile gear shall have a retrieval line attached to it.

(3) A gig may only be propelled by hand.

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

[(4)] (5) Additional Restrictions.

(a) Except as provided in [§F(4)(b)] §F(5)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:

(i)—(v) (text unchanged)

(b) The distance restriction in [§F(4)(a)] §F(5)(a) of this regulation does not apply:

(i) To the use of gigs; or

(ii) [if] If the person using the projectile gear receives permission from all affected parties within that area prior to engaging in fishing activities.

G. (text unchanged)

.04 Commercial Gear.

A. Archery Equipment.

(1) Archery equipment shall have a retrieval line attached to any projectile.

(2) An individual may use archery equipment to take any fish during an open commercial season except for the following species:

(a) All shark species;

(b) American lobster;

(c) Muskellunge;

(d) Muskellunge hybrids, including tiger musky;

(e) Northern pike;

(f) Snapping turtles;

(g) Striped bass;

(h) Striped bass hybrids;

(i) Walleye; and

(j) Any species listed as threatened or endangered under COMAR 08.03.08.

(3) Additional Restrictions.

(a) Except as provided in §A(3)(b) of this regulation, a person may not shoot archery equipment within 100 yards of any:

(i) Human being;

(ii) Private or public swimming area;

(iii) International diving flag;

(iv) Occupied duck blind; or

(v) Vessel other than the vessel occupied by the individual using archery equipment.

(b) The distance restriction in §A(3)(a) of this regulation does not apply if the person using the archery equipment receives permission from all affected parties within that area prior to engaging in fishing activities.

B. Finfish Trotlines.

(1) An individual may not set or fish a finfish trotline within 100 feet of another individual's set trotline.

(2) The length of a finfish trotline is measured along the baited portion of the line.

(3) A finfish trotline:

(a) May not exceed 1,200 feet in length;

(b) May not be baited with live bait; and

(c) shall only be rigged with circle hooks with a minimum size of 5/0.

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.06 Mortgage Lenders

Authority: Business Regulation Article, §2-105; Financial Institutions Article, §§2-105.1, 11-503, 11-503.1, 11-505, 11-506(a), 11-506(c)(1), 11-507, 11-508(g), 11-511, 11-511.1, 11-513(a) and 11-515(c); Real Property Article, §3-104.1; Annotated Code of Maryland

Notice of Proposed Action

[17-058-P]

The Commissioner of Financial Regulation proposes to amend existing Regulation .02, .20, and .21, adopt new Regulations .03 and .23—.27, amend and recodify existing Regulations .03—.07, .09, .11, .15, .17, and .18 to be Regulations .04—.08, .10, .12, .16, .18, and .19, respectively, and recodify existing Regulations .08, .10, .12—.14, .16, and .23 to be Regulations .09, .11, .13—.15, .17, and .22, respectively, under **COMAR 09.03.06 Mortgage Lenders**.

Statement of Purpose

The purpose of this action is to clarify the Commissioner's requirements related to the delivery and receipt of mortgage disclosures; clarify the scope or requirements of specific regulations to prevent inconsistent interpretations or applications of those regulations; specify the process for obtaining approval of a trade name; change record-keeping requirements to align with the statutorily mandated examination cycle; add provisions relating to electronic records, provision of records to the Commissioner and loss of records; allow licensees to substitute compliance with certain federal laws and regulations for compliance with certain Maryland laws and regulations; make corrections to outdated or invalid terminology, references, and typographical errors; provide clarity to licensees regarding the Commissioner's requirements related to supervision of mortgage loan originators; establish date protection standards; clarify when a licensee is required to make certain reports to the Commissioner; and generally add requirements relating to mortgage servicing transfers.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action is expected to have a positive economic impact on licensees. The changes will bring clarity to licensees regarding certain obligations, and certain changes will make it easier to do business in Maryland. The new regulations are expected to impose a very minimal burden on licensees and are tailored to the size and complexity of the licensee's business operations.

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

A. On issuing agency: NONE

- (4) *Float Requirements.*
 - (a) A finfish trotline shall have a float of the same color, size, and shape attached to each end.
 - (b) Floats that have a round or spherical shape shall be at least 12 inches in diameter.
 - (c) Floats that do not have a round or spherical shape shall be at least 12 inches long and 10 inches wide.
 - (d) Floats shall be marked with the owner's commercial license number.
- (5) *Depth Requirements.*
 - (a) During the period from June 16 through the end of February, a finfish trotline shall be set:
 - (i) At least 10 feet below the surface of the water, in waters that are at least 10 feet deep at mean low tide; or
 - (ii) On the bottom of the water body in which they are set, in waters that are less than 10 feet deep at mean low tide.
 - (b) During the period from March 1 through June 15, finfish trotlines shall be set on the bottom of the water body in which they are set.
- (6) *Area Restrictions. A finfish trotline:*
 - (a) Shall only be set in the Chesapeake Bay and its tidal tributaries; and
 - (b) May not be set in the Chesapeake Bay south of the William Preston Lane, Jr. Memorial Bay Bridge, including Pocomoke Sound and Tangier Sound.
- (7) An individual shall be appropriately licensed to catch finfish under Natural Resources Article, §4-701, Annotated Code of Maryland and permitted in accordance with this regulation in order to use a finfish trotline.
- (8) *Finfish Trotline Permit.*
 - (a) A finfish trotline permit may only be issued to a licensee who has met all reporting requirements as required by Natural Resources Article, §4-206, Annotated Code of Maryland and this regulation.
 - (b) An individual may be issued only one finfish trotline permit.
 - (c) An individual shall have their finfish trotline permit in their possession while using a finfish trotline.
 - (d) A finfish trotline permit may not be transferred.
 - (e) *Reporting and Penalties.*
 - (i) In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, a finfish trotline permittee shall report in the manner specified by the Department.
 - (ii) In addition to any other penalty established in COMAR 08.02.13, failure to comply with this regulation may result in the suspension of the current permit or the denial of a subsequent permit.
 - (iii) Prior to suspending a permit under this regulation or denying an application for a permit, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.
- (9) The provisions of this section shall be effective through June 30, 2019.

MARK J. BELTON
Secretary of Natural Resources

- 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:	(+)	Indeterminable

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

D. By providing clarity to and simplifying the regulatory process, the proposed action should reduce compliance costs for licensees.

F(1). The new requirements related to record keeping, supervision of mortgage loan originators, data protection, and mortgage servicing transfers should help improve the Commissioner’s supervision of licensees and thereby benefit the public.

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 Jedd Bellman, Assistant Commissioner for Enforcement and Compliance, Office of the Commissioner of Financial Regulation, 500 North Calvert Street, Room 402, Baltimore, Maryland, 21202, or call 410-230-6390, or email to jedd.bellman@maryland.gov, or fax to 410-333-0475. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

Note: Appendix A will be printed at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “Annual percentage rate (APR)”[, under §B(13) of this regulation,] has the meaning stated in 12 CFR Part [226] 1026, as may be amended from time to time.
 - (3) (text unchanged)
 - (4) “Average prime offer rate” [means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics. The Board of Governors of the Federal Reserve publishes average prime offer rates for a broad range of types of transactions in a table updated at least weekly as well as the methodology the Board uses to derive these rates] has the meaning stated in 12 CFR Part 1026, as may be amended from time to time.
 - (5) (text unchanged)
 - (6) “Breach of the security of a system” has the meaning stated in Commercial Law Article, §14-3501, Annotated Code of Maryland.

- [(6)] (7) Broker.
 - (a) (text unchanged)
 - (b) For purposes of all Maryland laws and regulations applicable to mortgage lenders, a person is acting as a broker if:
 - (i) The person [procures a mortgage loan or arranges] aids or [otherwise] assists a borrower in obtaining a mortgage loan for a fee or other valuable consideration; and
 - (ii) The creditor identified in the loan documents is a different [entity than that] person than the person described in §B(7)(b)(i) of this regulation.
 - (c) There is no broker in a transaction solely because the lender contracts with a third party for processing or underwriting services if:
 - (i) The [entity] person contracting to perform the [underwriting or] processing or underwriting did not generate the loan application; and
 - (ii) The loan is closed in the name of the lender which did generate the loan application.
- [(7)] (8) — [(8)] (9) (text unchanged)
- (10) “Customer information” has the meaning stated in 16 CFR Part 314, as may be amended from time to time.
- [(9)] (11) [Dwelling.
 - (a) “Dwelling” has the meaning stated in Financial Institutions Article, §11-501, Annotated Code of Maryland.
 - (12) “Electronic record” has the meaning stated in Commercial Law Article, §21-101(h), Annotated Code of Maryland.
- [(10)] (13) — [(11)] (14) (text unchanged)
- [(12)] (15) “Fully indexed rate” [means the index rate, as defined in the mortgage loan documents, prevailing at the time the mortgage loan is approved by the lender, plus the margin that will apply after the expiration of an introductory interest rate] has the meaning stated in 12 CFR Part 1026, as may be amended from time to time.
- [(13)] (16) [Higher-Priced Mortgage Loan.
 - (a) “Higher-priced mortgage loan” has the meaning stated in 12 CFR Part 1026, as may be amended from time to time [means a mortgage loan for which the annual percentage rate exceeds the average prime offer rate for a comparable transaction as of the date the interest rate is set by:
 - (i) 1.5 or more percentage points for loans secured by a first lien on residential real estate; or
 - (ii) 3.5 or more percentage points for loans secured by a subordinate lien on residential real estate.
 - (b) Notwithstanding §B(13)(a) of this regulation, the calculation set forth therein for determining whether a loan is a higher-priced mortgage loan shall adjust as may be necessary to be consistent with the final rule codified at 12 CFR §226.35, as it may be amended from time to time.
 - (c) “Higher-priced mortgage loan” does not include a:
 - (i) Transaction to finance the initial construction of a dwelling on residential real estate;
 - (ii) Temporary loan with a term of 12 months or less, such as a loan to purchase residential real estate where the borrower plans to sell current residential real estate within 12 months;
 - (iii) Reverse mortgage transaction subject to 12 CFR §226.33; or
 - (iv) Home equity line of credit subject to 12 CFR §226.5b].
- (17) “Information security program” has the meaning stated in 16 CFR Part 314, as may be amended from time to time.
- [(14)] (18) [Initial Application.
 - (a) “Initial application” means the submission of a borrower’s financial information in anticipation of a credit decision relating to a mortgage loan, which shall include the borrower’s name, the borrower’s monthly income, the borrower’s social security

number to obtain a credit report, the property address, an estimate of the value of the property, and the mortgage loan amount sought [when:

(i) An applicant requests that a mortgage loan be made or obtained on the applicant's behalf; and

(ii) The person to whom the request was made agrees to begin processing the loan application.

(b) A person may require an applicant to complete a written application before agreeing to begin processing the loan, if that requirement is explained to the applicant].

[(15)] (19) — [(19)] (23) (text unchanged)

(24) *Loan Modification.*

(a) "Loan modification" means a change to a mortgage loan that alters the loan amount or one or more of the credit terms of the mortgage loan.

(b) "Loan modification" includes, but is not limited to, one or more of the following:

(i) A reduction in interest rate;

(ii) A conversion from a variable interest rate to a fixed interest rate;

(iii) An extension of term length; and

(iv) A reduction in principal.

(25) "Loss mitigation option" has the meaning stated in 12 CFR Part 1024, as may be amended from time to time.

(26) "Maryland loan" means a mortgage loan.

(27) "Master servicer" has the meaning stated in 12 CFR Part 1024, as may be amended from time to time.

[(20)] (28) — [(22)] (30) (text unchanged)

(31) "Mortgage servicer" includes a person that engages in one or more of the following actions for the benefit of other persons in connection with mortgage loans:

(a) Collects or receives one or more of the following types of payments directly from borrowers for distribution to the owner of the mortgage loan or another third party, including a master servicer:

(i) Principal;

(ii) Interest;

(iii) Tax;

(iv) Insurance; or

(v) Any other payment due under a loan agreement or security instrument;

(b) Evaluates borrower eligibility for loss mitigation options;

(c) Communicates to borrowers regarding loss mitigation options;

(d) Is responsible for taking actions to protect a secured party's interest in the property under the applicable security instrument, including:

(i) Maintenance of hazard and mortgage insurance coverage; and

(ii) Preservation of the property; or

(e) Conducts or supervises the foreclosure process, except if the person is an attorney acting as a substitute trustee in a foreclosure action under a deed of trust.

(32) "Mortgage servicing right" means the right to perform one or more of the actions listed in §B(31)(a)–(e) of this regulation in connection with one or more mortgage loans.

[(23)] (33) *Nationwide Mortgage Licensing System and Registry "NMLSR"* has the meaning stated in *Financial Institutions Article, §11-501, Annotated Code of Maryland* [means the Nationwide Mortgage Licensing System and Registry established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators].

[(24)] (34) — [(26)] (36) (text unchanged)

(37) "Service provider" has the meaning stated in 16 CFR Part 314, as may be amended from time to time.

(38) *Social Media.*

(a) "Social media" means an Internet website or application software that:

(i) Requires a person to register or create an account to become a member; and

(ii) Allows two or more members to communicate directly with one another.

(b) "Social media" includes, but is not limited to, an Internet website or application software that allows members to communicate by means of one or more of the following:

(i) Text;

(ii) Video;

(iii) Still photograph; or

(iv) Audio.

(c) "Social media" does not include an electronic mail account.

(39) "Subservicer" has the meaning stated in 12 CFR Part 1024, as may be amended from time to time.

(40) "Trade name" means any word or group of words used to identify a business to the public.

(41) "Transfer date" means the date on which the transfer of the servicing or subservicing responsibility to the transferee servicer or subservicer occurs.

(42) *Transfer of Servicing Rights.*

(a) "Transfer of servicing rights" means the transfer or sale of mortgage servicing rights.

(b) "Transfer of servicing rights" includes a transfer of mortgage servicing rights from a master servicer to a subservicer pursuant to an agreement, if one of the parties is a mortgage servicer licensed by the Commissioner.

(c) "Transfer of servicing rights" does not include a transfer of mortgage servicing rights that occurs before the first payment is due under the applicable note or security instrument.

(43) "Transferee servicer" means a mortgage servicer licensed by the Commissioner that obtains the right to service a loan under either a subservicing agreement or an agreement for the sale of mortgage servicing rights.

(44) "Transferor servicer" means a mortgage servicer licensed by the Commissioner that transfers the right to service a loan under either a subservicing agreement or an agreement for the sale of mortgage servicing rights.

[(27)] (45) (text unchanged)

.03 *Delivery and Receipt of Mortgage Disclosures*

A. This regulation explains how the Commissioner will exercise supervisory authority granted to the Commissioner under *Financial Institutions Article, §11-501 et seq., Annotated Code of Maryland*.

B. A licensee shall be deemed to have complied with a requirement under *Commercial Law Article, Title 12, Subtitles 1, 3, 4, 8, 9, or 10* to provide a written disclosure or agreement within a specified time period after the date the loan application is completed if the mortgage disclosure is provided to an applicant in person, or placed in the mail, before the end of the time period specified in the applicable statute.

C. *Electronic Disclosures.*

(1) Mortgage disclosures required by *Commercial Law Article, Title 12, Subtitles 1, 3, 4, 8, 9, 10, 12, or 13* may be provided to an applicant in electronic form, subject to compliance with the consumer consent and other applicable provisions of the *Electronic Signatures in Global and National Commerce Act (15 U.S.C. §7001 et seq.)* and the *Maryland Uniform Electronic Transactions Act (Commercial Law Article, Title 21, Annotated Code of Maryland)*.

(2) For the purpose described in §A of this regulation, unless otherwise agreed between the licensee and an applicant, the time of sending and receipt of a mortgage disclosure sent as an electronic

record shall be governed by Commercial Law Article, §21-114, Annotated Code of Maryland.

[.03] .04 Licensing and Application Requirements.

A. Scope.

(1) — (4) (text unchanged)

(5) For purposes of Financial Institutions Article, §11-506(b)(4), Annotated Code of Maryland, a “principal officer” includes:

(a) An individual who owns, directly or indirectly, 10% or more of the business;

(b) Any individual who serves on the board of directors of the business;

(c) An elected or appointed senior officer of the business; or

(d) Any individual regardless of title who has the power to direct the management or policies of the mortgage lending business.

B. — E. (text unchanged)

F. Loan Processing Under Expired License. If a [licensee] person who had a license is operating without a license because of a failure to timely renew, or an unauthorized change in location, [the licensee] that person may continue to process and close loans if the application for the loan was taken at the time the person was licensed and [which were applied for] before the deadline for renewal or the unauthorized change of location.

G. Posting License.

(1) A licensee shall post its license for each licensed location[, on the premises in a conspicuous location accessible to the public].

(2) A licensee shall post the license:

(a) On the premises of the licensed location;

(b) In a manner that is accessible to the public; and

(c) In a conspicuous location within the licensed location.

(3) A licensee is not required to post its license if the licensee does not grant access to the licensed location to members of the general public.

H. Complaint Resolution.

(1) A licensee shall designate [an officer, director, or member of senior management] a person as being responsible for, and authorized to make, decisions regarding the resolution of complaints received from the Commissioner.

(2) (text unchanged)

(3) The person designated under §H(1) of this regulation shall have:

(a) The necessary skills and knowledge of the mortgage industry to be able to adequately respond to consumer complaints; and

(b) Authority to resolve the complaint, or shall report directly to an individual with such authority.

(4) If, after the Commissioner grants a license to the licensee, the name of the person designated under §H(1) of this regulation changes, the licensee shall notify the Commissioner in writing within 10 business days of the change.

I. Designation of Mortgage-Related Activity.

(1) (text unchanged)

(2) Notification.

(a) A licensee shall notify the Commissioner in writing through the NMLSR if, after the issuance or the renewal of its license, it begins conducting a new activity that the licensee did not designate under §I(1) of this regulation.

(b) The licensee shall deliver the notification through the NMLSR to the Commissioner within 10 business days after beginning the new activity.

J. (text unchanged)

K. [Incomplete] Applications.

(1) The Commissioner shall approve or deny an application for an initial license, a renewal license, or a license amendment within

60 days after the Commissioner receives a completed application, including, if applicable, a surety bond and all required fees.

(2) If the Commissioner notifies an applicant that an application for an initial license, a renewal license, or a license amendment is incomplete, the Commissioner shall itemize the steps that the applicant must take to complete the application.

(3) The application for an initial license, a renewal license, or a license amendment shall not be approved until after the applicant completes all steps identified in the Commissioner’s notice.

(4) If an application for an initial license, a renewal license, or a license amendment is incomplete when submitted and remains incomplete [for at least 60 days], the Commissioner may cease processing and deem the incomplete application withdrawn [and return it to the applicant], provided that the Commissioner has previously notified the applicant of the basis for incompleteness in accordance with §K(2) of this regulation, and given the applicant not less than 15 days to correct the incompleteness.

L. Trade Names.

(1) Prior to a licensee’s use of a trade name to engage in mortgage lending business in Maryland, the licensee shall:

(a) Register the trade name with the Maryland Department of Assessments and Taxation; and

(b) Obtain the approval of the Commissioner for the use of the trade name.

(2) A licensee shall obtain the approval of the Commissioner for the use of a trade name by:

(a) Designating on an original license application, license renewal application, and through the NMLSR, any trade name under which the licensee will engage in mortgage lending business in Maryland; and

(b) Specifying on an original license application, license renewal application, and through the NMLSR, which licensed locations will utilize the trade name.

(3) At all times subsequent to obtaining the approval of the Commissioner for the use of the trade name, a licensee shall maintain registration of the trade name in accordance with the requirements of Corporations and Associations Article, §1-406, Annotated Code of Maryland, and accompanying regulations.

(4) A licensee shall immediately notify the Commissioner if the licensee amends, cancels, or otherwise fails to renew the registration of a trade name which the Commissioner has approved previously.

[.04] .05 Records.

A. Preservation of Records.

(1) A licensee shall preserve the records of a mortgage loan transaction in one or more of the following ways:

(a) — (c) (text unchanged)

(2) A licensee’s use of electronic or microphotographic preservation of records, or storage of books and records at a location other than the licensee’s place of business, shall be considered approved by the Commissioner if the licensee:

(a) Completes an attestation in the format prescribed by the Commissioner; and

(b) Uploads an electronic copy of the attestation to the NMLSR system in accordance with directions provided by the Commissioner.

(3) A licensee who stores records in the form of electronic copies shall:

(a) Store the records in a format which shall allow the Commissioner to read the records using common, readily available software;

(b) Maintain electronic copies of the original documents that are:

(i) Complete;

(ii) Accurate;

- (iii) *Unaltered; and*
- (iv) *Unabridged;*
- (c) *Ensure that, when printed, the records will be legible;*
- and
- (d) *Protect the records from:*
 - (i) *Deletion;*
 - (ii) *Damage to, or failure of, electronic storage media;*
- and
- (iii) *Unauthorized access, use, modification or disclosure.*

(4) *A licensee who stores records at a location other than its licensed address shall:*

- (a) *Ensure that all records are:*
 - (i) *Complete;*
 - (ii) *Accurate;*
 - (iii) *Unaltered; and*
 - (iv) *Unabridged;*
- (b) *Protect the records from:*
 - (i) *Deletion;*
 - (ii) *Damage to, or failure of, electronic storage media;*
- and
- (iii) *Unauthorized access, use, modification or disclosure; and*
- (c) *Immediately notify the Commissioner when the licensee:*
 - (i) *Knows of any actual or potential loss of records required to be kept by this regulation; or*
 - (ii) *Reasonably should know of any actual or potential loss of records required to be kept by this regulation.*

[(2)] (5) *Time Period.*

- (a) *A lender shall retain records for [25] 37 months after a loan is denied, repayment of the loan is made in full, or the loan is sold, whichever occurs first.*
- (b) *A servicer shall retain records for [25] 37 months after final payment is made or the [loan is sold] right to service the loan under either a servicing or subservicing agreement is terminated or transferred, whichever occurs first.*
- (c) *If a licensee acts as a broker in a loan transaction, records of the transaction shall be retained for [25] 37 months after the loan is made or denied.*

[(3)] (6) — [(4)] (7) (text unchanged)

B. Content of Records.

- (1) *For each mortgage loan made or serviced by a licensee, a file shall be maintained which contains, at a minimum, the following:*
 - (a) — (g) (text unchanged)
 - (h) *An accurate [payment] history, since the date of loan closing, of the application of all:*
 - (i) *Payments;*
 - (ii) *Charges; and*
 - (iii) *Credits;*
 - (i) — (k) (text unchanged)
 - (l) *All required [truth-in-lending] State and federal disclosure documents;*
 - (m) — (p) (text unchanged)
 - (q) *Optional insurance:*
 - (i) (text unchanged)
 - (ii) *This paragraph does not apply to hazard insurance on the property securing the loan; [and]*
 - (r) *Records of any foreclosure action begun by the licensee by filing an order to docket or a complaint to foreclose including, if applicable:*
 - (i) *The name and mortgage originator license number of the mortgage originator that originated the loan if that information is contained in the security instrument underlying the foreclosure or is otherwise known to the licensee; [and]*

- (ii) *The name and mortgage lender license number of the mortgage lender that originated the loan[.]; and*
- (iii) *Copies of all documents provided to the borrower or filed with a court in conjunction with the foreclosure action;*
- (s) *Copies of all documents filed by or on behalf of the licensee in a bankruptcy proceeding involving the mortgage loan;*
- (t) *If the licensee is a mortgage servicer:*
 - (i) *Copies of all written correspondence between the licensee or its vendors and the borrower;*
 - (ii) *Written records of verbal communications between the mortgage servicer or its vendors and the borrower; and*
 - (iii) *Copies of any audio recordings of communication with the borrower; and*
- (u) *Other documents necessary to prove compliance with any State or federal statute or regulation applicable to the mortgage loan.*

(2) *Notwithstanding §B(1) of this regulation, a licensee acting as a broker in connection with a particular transaction:*

- (a) — (b) (text unchanged)
- (c) *Shall retain a record of the lender to whom the loan was brokered; [and]*
- (d) *Shall retain a record of the amount of any finder's fee received;*
- (e) *Shall retain a record of any compensation as required by federal law; and*
- [(d)] (f) (text unchanged)

[(3)] (3) *A licensee acting as a servicer shall compile and submit to the Commissioner, on or before the 25th day of each month, a report on the form required by the Commissioner that contains the following information for the preceding month:*

- (a) *The number of mortgage loans the licensee is servicing;*
- (b) *The number of mortgage loans that the licensee is servicing that are in payment default and a breakdown of these mortgage loans by length of payment delinquency, including 30-day, 60-day, and 90-day and longer delinquencies;*
- (c) *Information on loss mitigation activities undertaken including, but not limited to, the following:*
 - (i) *The number of workout arrangements entered into by the licensee in connection with mortgage loans;*
 - (ii) *A description of the types of workout arrangements, including mortgage loan modifications, and the percentage of each type of workout arrangement entered into;*
 - (iii) *The proactive steps taken by the licensee to identify borrowers at a heightened risk of default, such as those with impending interest rate resets, including, but not limited to, contacts with borrowers to assess their ability to repay their mortgage loan obligations;*
 - (d) *The number of foreclosure actions commenced in this State in connection with mortgage loans the licensee is servicing;*
 - (e) *Information regarding adjustable rate mortgage loans;*
- and
- (f) *Any other information that the Commissioner may consider necessary, including geographic information regarding applicable mortgage loans.*

(4) *The Commissioner may:*

- (a) *Publish for public review the report required under §B(3) of this regulation, or any information contained in the report, except personally identifying information regarding borrowers;*
- (b) *Require that the information contained in the report be for a period other than the preceding month; and*
- (c) *Require that the report be provided to the Commissioner on a date later than the 25th day of each month or terminate the reporting requirement for such length of time as the Commissioner may consider appropriate.]*

(3) A licensee shall maintain all records which demonstrate that the licensee meets the general qualifications for a license as described in Financial Institutions Article, §11-506, Annotated Code of Maryland.

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

C. Provision of Records to the Commissioner.

(1) A licensee who keeps books and records at its place of business shall, at the request of the Commissioner, immediately make those books and records available to the Commissioner at the licensee's place of business.

(2) A licensee who keeps books and records at a location other than its place of business shall, within 5 business days of a request by the Commissioner, make those books and records available to the Commissioner at the licensee's place of business.

(3) If the Commissioner makes a written request that the licensee deliver records to the Commissioner, the licensee shall ensure that the Commissioner receives the requested records:

- (a) Within 10 business days from the date of the request; or
- (b) By a date agreed to by the Commissioner.

(4) When delivered to the Commissioner, records shall be:

- (a) In an electronic format agreed to by the Commissioner; or
- (b) In paper form, if the licensee does not maintain its records in an electronic format.

(5) The licensee shall organize the records requested by the Commissioner in the manner specified by the Commissioner.

D. Loss of Records. A licensee shall immediately notify the Commissioner when the licensee:

- (1) Knows of any actual or potential loss of records required to be kept by this regulation; or
- (2) Reasonably should know of any actual or potential loss of records required to be kept by this regulation.

[.05] .06 Advertising and Solicitation.

A. (text unchanged)

B. Licensee Name and Address.

(1) A [person] licensee may not advertise under any name or address other than a name or address which:

(a) [appears] Appears on its license; or

(b) Has been approved by the Commissioner pursuant to Regulation .04L of this chapter and is listed as a trade name on the licensee's NMLSR record.

(2) (text unchanged)

(3) Notwithstanding §B(1) of this regulation, a licensee may use an email address or website address that is different from the name or address that appears on the licensee's license, provided that the content of any email correspondence, or of the website itself, uses only a name which appears on the licensee's license or has been approved by the Commissioner pursuant to Regulation .04L of this chapter and is listed as a trade name on the licensee's NMLSR record.

(4) A licensee must disclose the licensee's NMLSR unique identifier in every advertisement.

(5) Notwithstanding §B(4) of this regulation, a licensee who utilizes social media for advertising purposes need not disclose the licensee's NMLSR unique identifier in each statement published through a social media platform, provided that the NMLSR unique identifier is displayed prominently on the licensee's profile page within the social media platform.

[(3)] (6) (text unchanged)

(7) A licensee is responsible for any advertisement disseminated by an employee of the licensee if such advertisement relates to activities performed by the licensee or by the employee in the employee's capacity as an employee of the licensee.

[.06] .07 Financing Agreements.

A. — B. (text unchanged)

C. A financing agreement need not be provided under Commercial Law Article, §§12-125, 12-922, or 12-1022, Annotated Code of Maryland, if within 10 business days after initial application the:

(1) (text unchanged)

(2) Applicant receives a written commitment [that the loan will be made, which contains all material terms of the loan].

D. Beginning October 3, 2015, a licensee that provides disclosures that comply with 12 CFR Parts 1024 and 1026, as applicable and as amended from time to time, shall be deemed compliant with the requirement to:

(1) Provide a financing agreement if the licensee also completes and signs, on a form substantially similar to Appendix A of this chapter, an attestation that the terms provided in those disclosures are accurate and provides the signed attestation to the applicant within 10 business days of initial application; and

(2) Provide a commitment if the licensee also completes and signs, on a form substantially similar to Appendix A of this chapter, an attestation that the terms provided in those disclosures are accurate and not subject to change, and provides the signed attestation to the applicant at least 72 hours prior to loan settlement, or at settlement if the borrower waives the 72-hour advance presentation requirement.

[.07] .08 Agreements with the Borrower.

A. Written Agreements.

(1) Agreements between a borrower and a licensee shall be:

(a) (text unchanged)

(b) Provided promptly to the borrower following execution by all parties.

(2) (text unchanged)

B. Agreements in Blank.

(1) (text unchanged)

(2) The prohibitions of §B(1) of this regulation do not apply to blanks for the signatures of a:

(a) (text unchanged)

(b) Witness who is not a borrower, guarantor, or obligor on the loan; or

(c) Person required to sign a certification or affidavit required by law for recordation.

C. Undisclosed Fees.

(1) — (2) (text unchanged)

(3) Compliance with applicable disclosures under the federal Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and corresponding regulations and applicable disclosures under the federal Truth in Lending Act (15 U.S.C. §1601 et seq.) and corresponding regulations shall be deemed compliance with §C(1) and (2) of this regulation.

(4) (text unchanged)

D. (text unchanged)

[.09] .10 Fees.

A. (text unchanged)

B. Timing of Collection.

(1) If a financing agreement is required under Commercial Law Article, §§12-125, 12-922, or 12-1022, Annotated Code of Maryland, and these regulations, a licensee may not collect any fee from the applicant before providing the financing agreement.

(2) (text unchanged)

C. — D. (text unchanged)

[.11] .12 Brokers.

A. — C. (text unchanged)

D. Cure of Unintentional Violation.

(1) This section applies only to a licensee [which] *that* engages in both brokering and lending in the regular course of its business.

(2) (text unchanged)

[.15] .16 Bonds, Letters of Credit, and Trust Accounts.

A. — B. (text unchanged)

C. Restitution awarded and to be paid from a bond, letter of credit, or trust account shall be paid as follows:

(1) (text unchanged)

(2) Awards resulting from an examination *or investigation* by the Commissioner which will exceed the total available under the bond, letter of credit, or trust account, shall be paid on a pro rata basis;

(3) (text unchanged)

D. (text unchanged)

[E. Claims against a bond, letter of credit, or trust account:

(1) Shall be filed by the claimant if against a:

- (a) Surety bond, directly with the surety,
- (b) Letter of credit or trust account, with the Commissioner;

(2) Shall be filed in accordance with §E(1) of this regulation within 1 year after the occurrence from which the claim arises;

(3) May not include:

- (a) Attorneys' fees,
- (b) Damages for personal injury, or
- (c) Punitive damages.]

[F.] E. (text unchanged)

F. *Nothing in this regulation shall preclude the Commissioner from filing a claim against a bond, letter of credit, or trust account to obtain restitution for a consumer.*

[.17] .18 Continuing Education.

A. Purpose and Applicability.

(1) (text unchanged)

(2) [Subject to Financial Institutions Article, §11-511.1, Annotated Code of Maryland, the] *The* continuing education requirement does not apply to the original application for a license.

B. (text unchanged)

C. Requirements.

(1) Except as provided in §A(2) [and (3)] of this regulation, in order to renew a license, each covered employee of a licensee shall successfully complete in the licensing period immediately preceding the current renewal period at least 8 hours of continuing education in approved courses.

(2) The required 8 hours of continuing education shall be the same as the continuing education requirements for mortgage loan originators set forth in Financial Institutions Article, §11-612, Annotated Code of Maryland, and COMAR 09.03.09.03, and include at least the following subjects in the number of hours indicated:

(a) Federal law and regulations *relating to mortgage origination*—3 hours;

(b) (text unchanged)

(c) Lending standards *and loan terms* for the nontraditional mortgage product market—2 hours; and

(d) [Maryland mortgage-related laws] *Maryland law and regulations relating to mortgage lending and origination*—1 hour.

(3) (text unchanged)

D. Reporting, Verification, and Record Keeping.

(1) [Except as provided in §A(2) of this regulation, a] A licensee, when applying for a license renewal, shall:

(a) Provide to the Commissioner any information or certification as the Commissioner may require as proof of satisfactory completion of each covered employee's education requirements; and

(b) (text unchanged)

(2) The Commissioner may [verify] *require verification*, on a random or other basis, *of* satisfactory completion of the requirements of this regulation.

(3) (text unchanged)

E. — G. (text unchanged)

[.18] .19 Special Rules for Covered Loans.

A. Purpose and Scope.

(1) (text unchanged)

(2) This regulation applies to [all covered loans made under the provisions of Commercial Law Article, Title 12, Subtitle 1, 3, 4, or 10, Annotated Code of Maryland] *loans subject to Commercial Law Article, §§12-127, 12-311, 12-409.1, and 12-1029, Annotated Code of Maryland.*

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

(1) "Consumer report" has the meaning stated in Commercial Law Article, §14-1201, Annotated Code of Maryland.

(2) "Consumer reporting agency" has the meaning stated in Commercial Law Article, §14-1201, Annotated Code of Maryland.

(3) "Covered loan" means a mortgage loan made under Commercial Law Article, Title 12, Subtitle 1, 3, 4, or 10, Annotated Code of Maryland, that meets the criteria for a loan subject to the Federal Home Ownership Equity Protection Act set forth in 15 U.S.C. §1602(AA), as modified from time to time by Regulation Z, 12 CFR 226, except that the comparison percentages for the mortgage loan shall be 1 percentage point less than those specified in 15 U.S.C. §1602(AA), as modified from time to time by Regulation Z, 12 CFR 226.

(4) "Credit grantor" has the meaning stated in Commercial Law Article, §12-1001, Annotated Code of Maryland.

(5) Lender.

(a) "Lender" has the meanings stated in Commercial Law Article, §§12-101, 12-301, or 12-401, Annotated Code of Maryland, as the context may require.

(b) "Lender" includes a credit grantor under Commercial Law Article, Title 12, Subtitle 10, Annotated Code of Maryland.

(6) "Loan application" has the meaning stated in Commercial Law Article, §12-125(a), Annotated Code of Maryland.

(7) "Mortgage loan" has the meaning stated in Financial Institutions Article, §11-501, Annotated Code of Maryland.

C. Requirements.

(1) For purposes of Commercial Law Article, §§12-124.1(c), 12-311(e), 12-409.1(c), and 12-1029(c), Annotated Code of Maryland:

(a) A loan application is completed at the time of initial application; and

(b) In the case of loan applications received by a lender by mail, telephone, or other electronic means the requirement that the lender shall provide a written recommendation that the borrower seek home buyer education or housing counseling and a list of approved agencies and organizations is satisfied, if they are mailed or otherwise provided to the borrower at the time of the initial application or within 3 business days after completion of the initial application.

(2) Under Commercial Law Article, §§12-127(b), 12-311(d), 12-409.1(b), and 12-1029(b), Annotated Code of Maryland:

(a) If the residential real estate securing the covered loan of a borrower is not located in a metropolitan statistical area, the borrower's monthly gross income shall be compared to the nonmetropolitan median family income for the county in which the property is located, as reported in the most recent estimates made available by the United States Department of Housing and Urban Development as of the date of initial application for a covered loan;

(b) A borrower's total scheduled monthly payment obligations are the amounts required to be paid to satisfy the borrower's legally enforceable minimum monthly financial obligations as of the date of initial application for a covered loan;

(c) A borrower's total scheduled monthly payment obligations include secured and unsecured debt, alimony, child support, and other similar legally enforceable financial obligations payable in two or more installments;

(d) A borrower's total scheduled monthly payment obligations do not include any debts that are consolidated with, or paid off by, a covered loan;

(e) A lender's consideration of a borrower's scheduled monthly payment obligations may be limited to information provided directly by the borrower and verified by a consumer report from a consumer reporting agency, unless information provided by the borrower or the consumer reporting agency reasonably leads to further investigation by the lender; and

(f) A lender shall retain information used to determine a borrower's ability to repay for at least 25 months after final payment is made or the covered loan is sold, whichever occurs first.]

B. Subject to §C of this regulation, a lender shall give due regard to the borrower's ability to repay the mortgage loan utilizing the following standards:

(1) If the residential real estate securing the loan of a borrower is not located in a metropolitan statistical area, the borrower's monthly gross income shall be compared to the nonmetropolitan median family income for the county in which the property is located, as reported in the most recent estimates made available by the United States Department of Housing and Urban Development as of the date of initial application for a loan;

(2) A borrower's total scheduled monthly payment obligations are the amounts required to be paid to satisfy the borrower's legally enforceable minimum monthly financial obligations as of the date of initial application for a loan;

(3) A borrower's total scheduled monthly payment obligations include secured and unsecured debt, alimony, child support, and other similar legally enforceable financial obligations payable in two or more installments;

(4) A borrower's total scheduled monthly payment obligations do not include any debts that are consolidated with, or paid off by, a mortgage loan; and

(5) A lender's consideration of a borrower's scheduled monthly payment obligations may be limited to information provided directly by the borrower and verified by a consumer report from a consumer reporting agency, unless information provided by the borrower or the consumer reporting agency reasonably leads to further investigation by the lender.

C. Compliance with applicable provisions in 12 CFR Part 1026, as may be amended from time to time, may be substituted for the obligations required by, and shall be sufficient to meet the requirements of, §B of this regulation.

D. A lender shall retain information used to determine a borrower's ability to repay for at least 37 months after final payment is made or the loan is sold, whichever occurs first.

.20 Duty of Care.

A. (text unchanged)

B. Method to Determine Net Tangible Benefit.

(1) (text unchanged)

(2) A licensee is considered to have conducted a reasonable inquiry of whether a refinance of a mortgage loan provides a net tangible benefit to a borrower if the mortgage lender has the borrower complete and sign a net tangible benefit worksheet on the form prescribed by the Commissioner, or a form that is substantially similar to the form prescribed by the Commissioner.

.21 Nontraditional and Higher-Priced Mortgage Loans.

A. — B. (text unchanged)

C. Risk Management Policies, Procedures, and Control Systems.

(1) (text unchanged)

(2) Policies and Procedures.

(a) — (c) (text unchanged)

(d) A licensee acting as a lender shall establish written [policies] policies and procedures to implement the requirements set forth in this subsection.

(3) (text unchanged)

.23 Supervision of Mortgage Loan Originators.

A. A licensee who is the employer of a mortgage loan originator shall at all times reasonably and adequately supervise those activities of the mortgage loan originator which are conducted within the scope of the mortgage loan originator's employment.

B. The Commissioner may consider the following factors, or additional factors, to determine whether supervision by the licensee is reasonable and adequate:

(1) The availability of:

(a) Experienced supervisory personnel to review and discuss:

(i) Mortgage loan terms;

(ii) Disclosure requirements; and

(iii) Advertising; and

(b) Regularly updated policies and procedures that provide adequate guidance to mortgage loan originators in the following areas:

(i) Licensing and education requirements;

(ii) State and federal mortgage lending laws and regulations, including any new requirements or changes to existing requirements;

(iii) The preparation, execution, and review of disclosures, agreements, and other documents; and

(iv) Advertising; and

(2) Evidence of:

(a) Review of disclosures, agreements, and other documents prepared or executed by mortgage loan originators;

(b) Compliance with the policies and procedures specified in §B(1)(b) of this regulation; and

(c) Dissemination of the policies and procedures specified in §B(1)(b) of this regulation.

C. If it is shown that the licensee has not provided reasonable and adequate supervision in the areas specified under §B of this regulation, the burden of proof shall be on the licensee to show that the supervision which was provided was reasonable and adequate.

.24 Data Protection.

A. A licensee shall develop, implement, and maintain a comprehensive information security program that is commensurate with the licensee's size and complexity, the nature and scope of the licensee's activities, and the sensitivity of any customer information at issue.

B. A licensee's information security program shall be designed to achieve the following objectives:

(1) Ensuring the security and confidentiality of customer information;

(2) Protecting against any anticipated threats or hazards to the security or integrity of such information; and

(3) Protecting against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

C. Governance Over Information Technology.

(1) A licensee shall have an established governance process in place to control and monitor information security.

(2) *The governance process shall include, as appropriate for the size and complexity of the licensee and its information technology systems:*

(a) *The establishment, with approval by the board of directors, ownership, or other most senior level of management, of policies and procedures related to information technology; and*

(b) *A management structure that encompasses:*

(i) *The assignment of responsibilities and authorities for ensuring adherence to information technology policies and procedures;*

(ii) *Documented accountability functions to ensure compliance with information technology policies and procedures; and*

(iii) *Reporting to the board of directors, ownership, or other most senior level of management, no less than annually, regarding the effectiveness of the information technology policies and procedures.*

D. Information Technology Security Risk Assessment.

(1) *A licensee shall complete an information technology security risk assessment on a periodic basis, but not less than once every 3 years.*

(2) *A licensee's security risk assessment shall include:*

(a) *Identification of the data and information systems that need to be protected;*

(b) *Classification and ranking of sensitive data, systems, and applications; and*

(c) *Identification and assessment of threats and vulnerabilities.*

E. Information Technology Security Testing and Monitoring.

(1) *A licensee shall perform periodic testing and monitoring of information technology security controls as appropriate for the size and complexity of the licensee's information technology systems.*

(2) *A licensee's periodic testing and monitoring of information technology security controls shall include:*

(a) *Evaluation of the effectiveness of existing internal controls;*

(b) *Corrective action to address any significant deficiencies identified during the course of licensee's evaluation of the effectiveness of existing internal controls;*

(c) *Monitoring of external sources for new vulnerabilities; and*

(d) *Development and implementation of additional control frameworks for any new or changed threats or risks identified by the licensee.*

F. Third Party Provider Oversight. *A licensee shall oversee third party service providers, by:*

(1) *Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the customer information at issue; and*

(2) *Requiring service providers by contract to implement and maintain such safeguards.*

G. Reporting Obligations.

(1) *A licensee shall provide to the Commissioner through the NMLSR an annual certification as to the performance and results of the periodic testing required by §E(1) of this regulation.*

(2) *A licensee shall provide notice of a breach of the security of a system to the Commissioner prior to giving the notice required by Commercial Law Article, §14-3504(b), Annotated Code of Maryland.*

H. *A licensee that adequately demonstrates compliance with the federal Interagency Guidelines Establishing Information Security Standards, 12 CFR Part 30, Appendix B, as may be amended from time to time, shall be deemed to be in compliance with §§A—C of this regulation.*

.25 Significant Event Reporting.

A. *A licensee shall comply with the duty to report at COMAR 09.03.10.02.*

B. *A licensee shall notify the Commissioner in writing, and, if applicable, amend the licensee's information and disclosures in the NMLSR, within 2 business days of the occurrence of any of the following events:*

(1) *Insolvency, filing for bankruptcy or reorganization of the licensee, the placement into receivership by any court, or initiation of any form of attachment of any of the licensee's assets;*

(2) *Receiving notification of any initiation, settlement agreement or other form of consensual resolution, or entry of judgment in any administrative, civil, or criminal action against the licensee by any government entity;*

(3) *Expiration, termination or default, technical or otherwise, of any existing line of credit or warehouse credit agreement;*

(4) *Suspension or termination of the licensee's status as an approved seller or seller/servicer by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, or a direct endorsement mortgagee by the Federal Housing Administration;*

(5) *Any change to net worth resulting from market valuation or future loss liability or any other change which causes the net worth of the licensee to fall below the requirements of Financial Institutions Article, §11-508.1, Annotated Code of Maryland;*

(6) *Cancellation or modification by the licensee, or termination by a surety, of the licensee's surety bond required by Financial Institutions Article, §11-508, Annotated Code of Maryland; and*

(7) *Becoming aware of systemic violations of any provision of Financial Institutions Article, Title 11, Subtitle 5, Annotated Code of Maryland, any regulation adopted thereunder, or any other law regulating mortgage loan lending in the State.*

C. *The notice required by §B(2) of this regulation shall include, as applicable, a copy of the complaint, settlement agreement or judgment that is the subject of the notice.*

.26 Notice of Mortgage Servicing Transfers.

A. General Information Regarding Transfers of Servicing Rights.

(1) *For each transfer of servicing rights involving 7,500 or more loans, a transferee servicer shall provide the Commissioner with the following information at least 30 days before the transfer date, regardless of whether the transfer of servicing rights includes Maryland loans:*

(a) *Whether the transfer agreement is a subservicing agreement or an agreement for the sale of mortgage servicing rights;*

(b) *The names of all parties to the agreement;*

(c) *The total number of loans that will be transferred;*

(d) *The total unpaid principal balance for the loans that will be transferred;*

(e) *The total number of additional staff that has been or will be hired in order to service the transferred loans; and*

(f) *Whether the pool of transferred loans includes Maryland loans.*

(2) **Waiver of 30 Day Requirement.**

(a) *A transferee servicer may submit a written request to the Commissioner for a waiver from the 30 day requirement in §A(1) of this regulation.*

(b) *After receipt of a written request, the Commissioner may grant a waiver from the 30 day requirement in §A(1) of this regulation if extenuating circumstances exist, such as where a court or regulator required the transfer.*

B. Information Regarding Maryland Loans.

(1) *For each transfer of servicing rights subject to §A of this regulation that includes one or more Maryland loans, a transferee servicer shall provide the following information, accurate as of the*

date of submission to the Commissioner, at least 30 days before the transfer date:

- (a) The total number of Maryland loans in the pool of transferred loans;
- (b) A breakdown of the Maryland loans by investor type;
- (c) The number of Maryland loans that are delinquent, broken out by 30+, 90+, and 360+ days delinquent;
- (d) The number of Maryland loans with a permanent loan modification;
- (e) The number of Maryland loans for which the borrower has completed a trial loan modification and the transferor servicer has not supplied an executed copy of a permanent loan modification to the borrower;
- (f) The number of Maryland loans with a loan modification that is in a trial period;
- (g) The number of Maryland loans where the borrower has submitted a complete loss mitigation application and the transferor servicer has not made a decision regarding eligibility for a loss mitigation option;
- (h) The number of Maryland loans that have incomplete loss mitigation applications; and
- (i) The number of Maryland loans that include an escrow for taxes, insurance, ground rent, or other charges or levies.

(2) Waiver of 30 Day Requirement.

- (a) A transferee servicer may submit a written request to the Commissioner for a waiver from the 30 day requirement in §B(1) of this regulation.
- (b) After receipt of a written request, the Commissioner may grant a waiver from the 30 day requirement in §B(1) of this regulation if extenuating circumstances exist, such as where a court or regulator required the transfer.

C. For a transfer of servicing rights subject to §B of this regulation, a transferee servicer shall designate an individual as the contact person authorized to discuss, negotiate, and make decisions for the resolution of complaints related to the servicing of Maryland loans that are in the pool of transferred loans.

D. Subsequent to a licensee's submission of the information required by §§B and C of this regulation in compliance with the applicable time frame, the Commissioner may request not less than 5 days before the transfer date, and a transferee servicer shall provide, additional information before the transfer date, including, but not limited to:

- (1) The names and loan numbers of Maryland borrowers whose loans are included in one or more of §B(1)(a)—(i) of this regulation; and
- (2) An informational plan describing how the transferee servicer will manage risks related to the transfer.

E. Calendar Year Information Regarding Mortgage Servicing Transfers.

(1) If, at the conclusion of a calendar year, a transferee servicer has acquired mortgage servicing rights, including subservicing rights, for 15,000 or more loans, a transferee servicer shall provide the information required by §§B and C of this regulation to reflect all transfers of servicing rights during the preceding calendar year, even if no single transfer of servicing rights was for 7,500 or more loans.

(2) Subsequent to receipt of the information required by §E(1) of this regulation, the Commissioner may request, and a transferee servicer shall provide, additional information, including, but not limited to, the names and loan numbers of Maryland borrowers whose loans are included in one or more of §B(1)(a)—(i) of this regulation.

F. The Commissioner may allow the submission of information and documents required under this regulation by an electronic method, including the NMLSR.

.27 Obligations Related to Mortgage Servicing Transfers.

A. Policies and Procedures.

(1) If a licensee is involved in a transfer of mortgage servicing rights as either a transferor or a transferee servicer, the licensee shall have policies and procedures in place to ensure compliance with applicable state and federal law regarding mortgage servicing, including, but not limited to, evaluation of borrowers for loss mitigation options.

(2) Examples of appropriate policies and procedures include:

- (a) Requiring counterparties to provide all necessary documents and information, including all information needed to validate the debt and process payments, before the transfer date;
- (b) Flagging all loans with pending offers of loss mitigation options or approved loss mitigation options;
- (c) Ensuring that discussions with borrowers and any loss mitigation requests, applications, or documentation are provided to the transferee servicer;
- (d) Testing transferor servicer and transferee servicer systems of record to ensure compatibility of transferred data;
- (e) Identifying and promptly addressing data errors, missing information or documents, and other loan level issues;
- (f) Creating a customer service plan for responding to inquiries from borrowers and for identifying whether a loan is subject to a pending loss mitigation application, offer of a loss mitigation option, or approved loss mitigation agreement;
- (g) Creating a customer service plan for responding to and processing loss mitigation requests or inquiries from successors in interest of borrowers; and
- (h) Remediating actual harm to borrowers that results from a transfer of servicing rights.

B. Obligations of Transferor Servicers.

(1) On or before the transfer date, a transferor servicer shall take all of the following actions:

- (a) Provide all necessary loan level documents and information, including a complete history of loan payments, charges, and credits and of any loss mitigation activity, to the transferee servicer;
- (b) Provide an itemization of all payments applied to the account, including any fees incurred by the borrower;
- (c) Flag for the transferee servicer all loans with any of the following:

- (i) A pending loss mitigation application;
- (ii) An approved loss mitigation option;
- (iii) A pending written complaint; or
- (iv) A pending notice of error;

(d) Provide descriptions to the transferee servicer of loss mitigation options that are unique to the transferor servicer and that are applicable to one or more of the transferred loans, including the criteria for determining eligibility;

- (e) Describe specific regulatory requirements that are applicable to some or all of the transferred loans; and
- (f) Describe specific requirements related to the terms of a settlement agreement that are applicable to some or all of the transferred loans.

(2) A transferor servicer shall forward all borrower payments received after the transfer date to the transferee servicer.

(3) Subject to Financial Institutions Article, §11-518, Annotated Code of Maryland, if a transferor servicer's failure to promptly comply with §B(1)—(2) of this regulation causes demonstrable financial loss to the borrower or harm to the borrower's credit score, the transferor servicer shall promptly take affirmative action to correct the violation including, but not limited to:

- (a) Providing restitution of money or property to the affected borrower; and

(b) Taking steps to repair the borrower’s credit score.

C. Obligations of Transferee Servicers.

(1) On or after the transfer date, a transferee servicer shall comply with all of the following requirements:

(a) Accept and continue processing pending loss mitigation applications within the time frames that were applicable to the transferor servicer under relevant state and federal law;

(b) Honor trial and permanent loan modification agreements entered into by the transferor servicer;

(c) Provide general information about the transfer process to borrowers, including notice of a borrower’s complaint resolution rights under applicable state and federal law;

(d) Confirm the amount and status of scheduled payments, including any fees incurred before the transfer date, with information and documents provided by the transferor servicer from its system of record; and

(e) Respond, within the time frames established by applicable state and federal law, to any pending written complaint or pending notice of error sent to the transferor servicer.

(2) A transferee servicer may not take any of the following actions on or after the transfer date:

(a) Attempt to obtain from the borrower any missing information or documents that were previously submitted by the borrower to the transferor servicer, without first contacting the transferor servicer to attempt to obtain the missing information or documents; or

(b) Engage in any of the following activities before complying with §C(1)(d) of this regulation:

(i) Charge a late fee or any other fee in connection with the servicing of the loan;

(ii) Begin or continue collection activities; or

(iii) Provide information about delinquency to a credit reporting agency.

(3) Subject to Financial Institutions Article, §11-518, Annotated Code of Maryland, if a transferee servicer’s failure to comply with §C(1)—(2) of this regulation causes demonstrable financial loss to the borrower or harm to the borrower’s credit score, the transferor servicer shall promptly take affirmative action to correct the violation including, but not limited to:

(a) Providing restitution of money or property to the affected borrower; and

(b) Taking steps to repair the borrower’s credit score.

GORDON M. COOLEY
Commissioner of Financial Regulation

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.09 Mortgage Loan Originators

Authority: Business Regulation Article, §2-105; Financial Institutions Article, §§2-105.1, 11-602, 11-603.1, 11-605, 11-606, 11-609, 11-612, 11-612.1, and 11-613(b); Annotated Code of Maryland

Notice of Proposed Action
[17-045-P]

The Commissioner of Financial Regulation proposes to amend Regulations .01—.05, repeal existing Regulation .06, recodify existing Regulation .07 to be Regulation .06, and adopt new Regulations .07—.09.

Statement of Purpose

The purpose of this action is to conform certain terminology and defined terms to parallel certain federal laws and regulations; clarify the preclicensing and continuing education requirements to parallel the

federal requirements; clarify the application approval or denial process for obtaining a mortgage loan originator license; permit licensees to conduct mortgage lending business at certain limited locations different from the address appearing on the license; permit loan origination under an expired license in a limited situation where a consumer’s mortgage loan status may be jeopardized due to a change in a mortgage loan originator’s job status; prohibit the use of false, misleading or deceptive statements in advertising and/or solicitations; clarify the information required to be published with advertisements and/or solicitations; clarify the scope or requirements of specific regulations to prevent inconsistent interpretations or applications of those regulations; make corrections to and eliminate outdated or invalid provisions, terminology, references, and typographical errors.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action is expected to have a positive economic impact on licensees. The changes will bring clarity to licensees regarding certain obligations. The new regulations are expected to impose a very minimal burden for licensees and will make it easier to do business in Maryland.

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

D. By providing clarity to and simplifying the regulatory process, the proposed action should reduce compliance costs for licensees.

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 Jedd Bellman, Assistant Commissioner, Office of the Commissioner of Financial Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6390, or email to jedd.bellman@maryland.gov, or fax to 410-333-0475. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

.01 Scope.

This chapter governs the conduct of any individual employed as a mortgage loan originator with respect to residential real [property] *estate* located in this State.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Average prime offer rate” [means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics. The Board of Governors of the Federal Reserve publishes average prime offer rates for a broad range of types of transactions in a table updated at least weekly as well as the methodology the Board uses to derive these rates] *has the meaning stated in 12 CFR Part 1026, as may be amended from time to time.*

(3) — (5) (text unchanged)

(6) [Higher-Priced Mortgage Loan.

(a) “Higher-priced mortgage loan” *has the meaning stated in 12 CFR Part 1026 as may be amended from time to time.* [means a mortgage loan for which the annual percentage rate exceeds the average prime offer rate for a comparable transaction as of the date the interest rate is set by:

(i) 1.5 or more percentage points for loans secured by a first lien on residential real property; or

(ii) 3.5 or more percentage points for loans secured by a subordinate lien on residential real property.

(b) Notwithstanding §B(6)(a) of this regulation, the calculation set forth therein for determining whether a loan is a higher-priced mortgage loan shall adjust as may be necessary to be consistent with the final rule codified at 12 CFR §226.35, as it may be amended from time to time.

(c) “Higher-priced mortgage loan” does not include a:

(i) Transaction to finance the initial construction of a dwelling on residential real property;

(ii) Temporary loan with a term of 12 months or less, such as a loan to purchase residential real property where the borrower plans to sell a current residential real property within 12 months;

(iii) Reverse mortgage transaction subject to 12 CFR §226.33; or

(iv) Home equity line of credit subject to 12 CFR §226.5b.]

(7) — (8) (text unchanged)

(9) “Mortgage lending business” *has the meaning state in Financial Institutions Article, §11-501, Annotated Code of Maryland.*

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

[(11)] (12) “NMLSR” [means the Nationwide Mortgage Licensing System and Registry established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators] *has the meaning stated in Financial Institutions Article, §11-501, Annotated Code of Maryland.*

[(12)] (13) (text unchanged)

.03 Education and Testing Requirements.

A. Prelicensing Education. [Subject to the NMLSR transition procedures under Regulation .06 of this chapter, to] *To* qualify for a license, a mortgage loan originator shall have:

(1) Successfully completed at least 20 hours of prelicensing education as required by Financial Institutions Article, §11-606, Annotated Code of Maryland, which shall include at least the following subjects in the number of hours indicated:

(a) Federal law and regulations *relating to mortgage origination*—3 hours;

(b) Ethics, *including instruction on fraud, consumer protection, and fair lending issues*—3 hours;

(c) Lending standards *and loan terms* for the nontraditional mortgage [products] *product market*—2 hours;

(d) Maryland law *and regulations relating to* [mortgage-related law] *mortgage lending and origination*—3 hours;

(e) Maryland finder’s fee law *as stated in Commercial Law Article, §12-801 et seq., Annotated Code of Maryland*—2 hours; and

(f) [Electives] *Undefined or elective instruction on mortgage origination*—7 hours; and

(2) (text unchanged)

B. Continuing Education. To renew a license, a mortgage loan originator shall have successfully completed in the 12 months immediately preceding the current renewal period at least 8 hours of continuing education in approved courses, as required by Financial Institutions Article, §11-612, Annotated Code of Maryland, which shall include at least the following subjects in the number of hours indicated:

(1) Federal law and regulations *relating to mortgage origination*—3 hours;

(2) (text unchanged)

(3) Lending standards *and loan terms* for the nontraditional mortgage product market—2 hours; and

(4) Maryland law *and regulations relating to* [mortgage-related laws] *mortgage lending and origination*—1 hour.

C. Reporting, Verification, and Record Keeping.

(1) (text unchanged)

(2) The Commissioner may [verify] *require verification*, on a random or other basis, of satisfactory completion of the requirements of this regulation.

(3) (text unchanged)

D. (text unchanged)

.04 Duty of Care.

A. (text unchanged)

B. Method to Determine Net Tangible Benefit.

(1) (text unchanged)

(2) A mortgage loan originator is considered to have conducted a reasonable inquiry of whether a refinance of a mortgage loan provides a net tangible benefit to a borrower if the mortgage loan originator has the borrower complete and sign a net tangible benefit worksheet on the form prescribed by the Commissioner for that purpose, *or a form that is substantially similar to the form prescribed by the Commissioner.*

.05 [Incomplete] Applications.

A. *The Commissioner shall approve or deny an application for an initial license, a renewal license, or a license amendment within 60 days after the Commissioner receives a completed application, including a surety bond and all required fees.*

B. *If the Commissioner notifies an applicant that an application for an initial license, a renewal license, or a license amendment is incomplete, the Commissioner shall itemize the steps which the applicant must take to complete the application.*

C. *The application for an initial license, a renewal license, or a license amendment may not be approved until after the applicant completes all steps identified in the Commissioner’s notice.*

D. If an application for an initial license, a renewal license, or a license amendment is incomplete when submitted and remains incomplete [for at least 60 days], the Commissioner may cease processing *and deem* the incomplete application *withdrawn* [and return it to the applicant], *provided that the Commissioner has previously notified the applicant of the basis for incompleteness in accordance with §B of this regulation, and gives the applicant not less than 15 days to correct the incompleteness.*

.07 Locations.

A. A mortgage loan originator may not conduct mortgage lending business at any location different from the address that appears on the license or licenses of the mortgage loan originator's employer.

B. Notwithstanding §A of this regulation, a mortgage loan originator may take a loan application or offer or negotiate terms of a mortgage loan at a location other than the address that appears on the license or licenses of the mortgage loan originator's employer if neither the mortgage loan originator nor the mortgage loan originator's employer:

(1) Owns or leases the location for the purpose of conducting mortgage lending business;

(2) Indicates or suggests by use of signage that the mortgage loan originator or the mortgage loan originator's employer utilizes the location for taking mortgage loan applications or offering or negotiating terms of mortgage loans;

(3) Advertises that the mortgage loan originator or the mortgage loan originator's employer takes mortgage loan applications or offers or negotiates terms of mortgage loans at the location;

(4) Maintains work space, telephone service, or internet service at the location in the name of the mortgage loan originator or the mortgage loan originator's employer for the purpose of conducting mortgage lending business;

(5) Receives mail relating to the mortgage lending business at the location; or

(6) Stores books or records relating to the mortgage lending business at the location.

.08 Loan Origination Under Expired License.

A. A person may not take or receive a mortgage loan application or offer or negotiate the terms of a mortgage loan without a license.

B. Notwithstanding §A of this regulation, a mortgage loan originator operating under an expired license resulting from a failure to timely renew may offer or negotiate the terms of a mortgage loan if:

(1) The application for the mortgage loan was taken or received before the deadline for renewal of the license; and

(2) The licensee's employer does not employ any other mortgage loan originator licensed by the Commissioner.

.09 Advertising and Solicitation.

A. A mortgage loan originator may not publish, or cause to be published, any advertisement, or make or cause to be made any representation, that:

(1) Contains any false, misleading, or deceptive statements regarding the making, brokering, or servicing of mortgage loans; or

(2) Misrepresents terms, availability, rates, or charges incident to a mortgage loan.

B. Licensee Name and Address.

(1) A mortgage loan originator may not advertise under any name or address other than the name and address which appear on its license.

(2) Notwithstanding §B(1) of this regulation:

(a) An advertisement need not disclose any address of the advertiser; and

(b) A mortgage loan originator may advertise under any name:

(i) By which the mortgage loan originator is commonly known; and

(ii) Which is shown in the mortgage loan originator's NMLSR record.

(3) In any advertisement, a mortgage loan originator must disclose:

(a) The name or approved trade name as required by COMAR 09.03.06.04L of the mortgage loan originator's employer; and

(b) The mortgage loan originator's NMLSR Unique Identifier.

(4) Notwithstanding §B(3) of this regulation, a mortgage loan originator who utilizes social media for advertising purposes need not disclose the name of the mortgage loan originator's employer or the NMLSR Unique Identifier of the mortgage loan originator in each statement published through a social media platform, provided that such information is disclosed prominently on the mortgage loan originator's home page within that social media platform.

GORDON M. COOLEY
Commissioner of Financial Regulation

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

Notice of Proposed Action

[17-057-P]

The Commissioner of Financial Regulation proposes to amend:

(1) Regulations .01 and .02 under **COMAR 09.03.11 Recordation of Security Instruments for Residential Property**; and

(2) Regulations .01 and .02 under **COMAR 09.03.12 Foreclosure Procedures for Residential Property**.

Statement of Purpose

The purpose of this action is to allow secured parties to include the Nationwide Mortgage Licensing System and Registry (NMLSR) unique identifier for the mortgage lender and originator when filing a security instrument. This action further allows a person to include the NMLSR unique identifier for the mortgage lender and originator when sending a notice of intent to foreclose.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action is expected to reduce regulatory burden for mortgage lenders and mortgage servicers by, in part, harmonizing existing regulations with newer requirements under federal law.

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

industries or trade groups:

E. On other industries or trade groups: (+) Indeterminable

F. Direct and indirect effects on public: NONE

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

D(1). The proposed action will reduce regulatory burden by allowing mortgage lender licensees to include one identification number, the Nationwide Mortgage Lending System and Registry unique identifier, instead of the Maryland mortgage lender or originator license number and the NMLSR unique identifier.

E(1). The proposed action will reduce regulatory burden by allowing mortgage lenders to include one identification number, the Nationwide Mortgage Lending System and Registry unique identifier, instead of the Maryland mortgage lender or originator license number and the NMLSR unique identifier.

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 Jedd Bellman, Assistant Commissioner, Office of the Commissioner of Financial Regulation, 500 North Calvert Street, Room 402, Baltimore, Maryland, 21202, or call 410-230-6390, or email to jedd.bellman@maryland.gov, or fax to 410-333-0475. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

09.03.11 Recordation of Security Instruments for Residential Property

Authority: Real Property Article, §3-104.1, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Nationwide Mortgage Licensing System and Registry (NMLSR)” has the meaning stated in Financial Institutions Article, §11-501, Annotated Code of Maryland.

[(4)] (5) — [(6)] (7) (text unchanged)

(8) “Unique identifier” has the meaning stated in Financial Institutions Article, §11-601, Annotated Code of Maryland.

.02 Information in Recorded Security Instrument.

A. Licensee Information or Affidavit in Lieu of Licensee Information.

(1) If a mortgage lender licensee is named in the promissory note or agreement evidencing a mortgage loan on a residential property that is secured by a security instrument to be recorded under Real Property Article, §3-104.1, Annotated Code of Maryland, the following information shall be filed with the security instrument:

(a) (text unchanged)

(b) The Maryland mortgage lender license number of the mortgage lender licensee or the NMLSR unique identifier of the mortgage lender licensee.

(2) If a mortgage loan originator licensee originated the mortgage loan on residential property that is secured by a security instrument to be recorded under Real Property Article, §3-104.1, Annotated Code of Maryland, the following information shall be filed with the security instrument:

(a) (text unchanged)

(b) The Maryland mortgage loan originator license number of the mortgage loan originator licensee or the NMLSR unique identifier of the mortgage loan originator licensee.

(3) — (4) (text unchanged)

B. — C. (text unchanged)

09.03.12 Foreclosure Procedures for Residential Property

Authority: Real Property Article, §7-105.1, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (17) (text unchanged)

(18) “Nationwide Mortgage Licensing System and Registry (NMLSR)” has the meaning stated in Financial Institutions Article, §11-501, Annotated Code of Maryland.

[(18)] (19) — [(27)] (28) (text unchanged)

(29) “Unique identifier” has the meaning stated in Financial Institutions Article, §11-601, Annotated Code of Maryland.

.02 Notice of Intent to Foreclose.

A. (text unchanged)

B. Owner-Occupied Residential Property.

(1) (text unchanged)

(2) For purposes of the notice set forth in §B(1) of this regulation, the names and license numbers of mortgage lender licensees and mortgage loan originator licensees are required to be included in the notice only if this information is included on or recorded with the security instrument securing the mortgage loan related to the notice, or is otherwise known to the person sending the notice. *The person sending the notice set forth in §B(1) of this regulation may satisfy the requirement to include the license number of the mortgage lender licensee and mortgage loan originator licensee by including the NMLSR unique identifier.* If the mortgage lender was exempt from licensure under Financial Institutions Article, §11-501 et seq., Annotated Code of Maryland, at the time the mortgage loan was made, then a mortgage lender license number is not required under this section. If the mortgage loan originator was exempt from licensure under Financial Institutions Article, §11-601 et seq., Annotated Code of Maryland, at the time the mortgage loan was originated, then a mortgage lender license number is not required under this section.

(3) — (4) (text unchanged)

C. — G. (text unchanged)

GORDON M. COOLEY
Commissioner of Financial Regulation

Subtitle 09 BOARD OF MASTER ELECTRICIANS

09.09.01 Fees and Deadlines

Authority: Authority: Business Occupations and Professions Article, §§6-205, 6-305, 6-306 and 6-306.1, Annotated Code of Maryland

Notice of Proposed Action

[17-044-P]

The State Board of Master Electricians proposes to amend Regulation .01 under **COMAR 09.09.01 Fees and Deadlines**. This action was considered at a public meeting of the State Board of Master Electricians held on October 25, 2016, notice of which was provided by posting on the Board of Master Electricians' website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that an applicant for an applicable licensing examination or reexamination shall pay the examination- or reexamination-related fees (1) directly to the testing service chosen by the State Board of Master Electricians to develop or administer the examination, and (2) in an amount set by the testing service selected by the State Board of Master Electricians.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Baltimore, Maryland 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Board of Master Electricians during a public meeting to be held on March 28, 2017, at 500 North Calvert Street, Third Floor, Baltimore, Maryland 21202.

.01 Fees.

[The] *An applicant for an examination or reexamination shall pay an examination or reexamination fee [for administering the master electrician exam is \$65 for the initial examination and \$65 for each reexamination.] directly to the testing service chosen by the Board to develop or administer the examination, as such fees are established by the testing service selected by the Board.*

JACK N. WILSON, JR.
Chairman

State Board of Master Electricians

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

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

Notice of Proposed Action

[17-027-P]

The Maryland Racing Commission proposes to amend Regulations .07, .12, .17, .22, .23, .29, .36, and .58 and repeal existing Regulations .04, .37, and .54 under **COMAR 09.10.01 Thoroughbred Rules**. This action was considered at a public meeting on October 18, 2016, notice of which was provided in 43:20 Md. R. 1152 (September 30, 2016).

Statement of Purpose

The purpose of this action is to repeal certain language in certain regulations that has not been used since their original date of adoption; amend certain regulations to clarify existing practices; and remove obsolete language, that had a purpose at one time before pari-mutuel wagering became more evolved and modern technology has made pari-mutuel wagering available on virtually all platforms.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, Md. 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through March 17, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Maryland Racing Commission during a public meeting to be held on March 21, 2017 at 12:30 p.m., at Laurel Park, Laurel, Maryland.

.04 [Stalls.] Reserved.

[A. At least 30 days before the commencement of a race meeting, the track licensee shall:

(1) Submit to the Commission for approval the eligibility criteria established by the track for stall allocation;

(2) Make a stall application form available to all licensed trainers; and

(3) Specify the closing date by which a stall application must be received in order to be considered for that race meeting.

B. A track licensee shall notify a licensed trainer in writing of the granting or denial of all or any part of the request for stall space within 10 calendar days of the application date.

C. A licensed trainer who has been denied stall space may appeal that denial to the Commission within 7 calendar days of receipt of the notice.

D. The Commission shall hold a hearing on the appeal to determine whether the track licensee has acted in accordance with the applicable eligibility criteria.

E. A track licensee or a licensed trainer aggrieved by the decision of the Commission may appeal that decision in accordance with the provisions of State Government Article, §10-222, Annotated Code of Maryland.]

.07 Claiming.

A. (text unchanged)

A-1. In claiming races a horse is not subject to claim if:

(1) (text unchanged)

(2) *The last start of the horse was a claiming race;*

[(2)] (3) The horse is entered for a claiming price [at least equal to the claiming price for which the horse last started] *not less than the claiming price of its last start;*

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

B.—C. (text unchanged)

D. A valid claim shall:

(1)—(7) (text unchanged)

(8) Be deposited in [the time] a lock box of the claims clerk at least 10 minutes before the post time for the race in which the claimed horse is to participate; and

(9) (text unchanged)

E.—R. (text unchanged)

.12 Dead Heats.

[A. When a race results in a dead heat, the dead heat may not be run off.]

[B.] A.—[E.] D. (text unchanged)

.17 Entries, Declarations and Scratches.

A.—B. (text unchanged)

C. Entries and declarations shall be made in [writing] *a manner designated by the racing secretary* and signed by the owner of the horse, by his authorized agent, or by some person deputized by him. [Each association shall provide blank forms on which entries and declarations are to be made.]

D. Entries and scratches may be made by [telephone or telegraph] *any manner designated by the racing secretary.*

E.—L. (text unchanged)

M. [All maiden and claiming races shall have seven betting interests before they are drawn while all other races may have less than seven betting interests. If the racing secretary finds it difficult to make up the day's racing program, he may as a last resort card maiden or claiming races, or both, with less than seven betting interests.] *In all races, except handicaps and races where the conditions expressly state to the contrary, the scale of weights is less by the following: for fillies two years old, 3 pounds; for mares three years old and upwards, 5 pounds before September 1 and 3 pounds thereafter when running against colts, geldings or horses.*

N.—O. (text unchanged)

P. [The list of entries for overnight races shall be closed at the advertised time.] An entry may not be admitted after [that time] *the racing secretary has declared them closed*, except that, in case of an emergency, the racing secretary, with the consent of a steward, may [grant an extension of time] *re-open the entries.*

Q.—R. (text unchanged)

[S. In the absence of conditions or notice to the contrary, entries to overnight races shall be considered closed not later than 10:30 a.m. on the day designated for entries to close. The stewards may permit entries to close later than 10:30 a.m. on the day of closing.]

[T.] S.—[Z.] Y. (text unchanged)

AA. (text unchanged)

BB. Each horse is entitled to 5 feet of the width of the track. [If the starters exceed the width of allowance for the whole number, owners may be required to decide by lot on the horses that are to run; provided, however, that in stake races the horses may be arranged in lines behind a barrier approved by the steward.]

CC. —YY. (text unchanged)

.22 Jockey Agents.

A.—C. (text unchanged)

D. [If any jockey agent gives up the making of engagements for any rider, he immediately shall notify the stewards, the Commission, and the clerk of the scales. The agent also shall turn over to the stewards a list of any unfilled engagements he may have made for that rider.

E.] Conflicting claims for the services of a jockey shall be decided by the stewards and first call shall have priority.

[F. All jockey agents shall have in their possession at all times engagement books approved by the stewards, and all engagements made for jockeys by agents shall be recorded in these books. Books are subject to examination by the stewards at all times.

G.] *E.* No person other than an owner, trainer, jockey agent, or authorized agent of an owner in good standing shall make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his own engagements.

[H. A jockey agent may not give to anyone, directly or indirectly, any information or advice, or engage in the practice commonly known as "touting", for the purpose of influencing any person, or tending so to do, in the making of a wager on the result of any race.

I.] *F.* Jockey agents shall explain rival claims for any mount or for any rider. Inability to satisfy the stewards that the rival claims arose through bona fide error shall create a presumption of fraud, and constitute cause for an agent's license to be revoked.

[J.] G. — [K.] H. (text unchanged)

.23 Apprentice Jockey.

A.—A-1. (text unchanged)

B. [Contracts and Certificates.

(1) A contract entered into between an apprentice jockey, or an individual aspiring to become an apprentice jockey, and an owner or trainer shall:

(a) Provide for instruction in horsemanship to an individual in exchange for services by the individual in relation to racing;

(b) Have a term of not less than 3 years or more than 5 years;

(c) If made for a term of less than 5 years, be subject to a written extension which, when added to the initial term, would total not more than 5 years;

(d) Be subject to approval by the stewards; and

(e) Be filed with the Commission:

(i) Before the individual rides in a race,

(ii) Within 30 days of the contract's execution, or

(iii) Upon the individual filing an application for a license, whichever comes first.

(2) If the individual is younger than 18 years old, written parental consent to the contract is required.

(3) A contract may not be approved by the stewards unless the contract provides to the apprentice:

(a) Fair remuneration;

(b) Adequate medical attention;

(c) Suitable board and lodging;

(d) Workers' compensation insurance coverage; and

(e) A provision for saving a portion of the individual's earnings.

(4) After at least 1 year's service with a racing stable, the apprentice jockey may apply to the stewards for an apprentice certificate to be used instead of the traditional apprentice contract for record-keeping purposes.

(5) The original apprentice jockey contract shall be kept in full force and effect throughout its contract period unless terminated earlier with the mutual consent of the contracting parties.

(6) An individual under contract may ride, or agree to ride, a horse in a race for someone other than the individual's contract holder only:

- (a) With the consent of the contract holder; and
- (b) If the contract holder is not the trainer or owner, in whole or in part, of another horse in that race.

(7) An amendment to the original apprentice contract shall be sent to the Commission where the original contract is filed.

(8) The holder of an apprentice contract shall be subject to investigation as to:

- (a) Character;
- (b) Ability; and
- (c) Financial responsibility.

(9) An owner or trainer may not be allowed to enter into a contract in Maryland with an apprentice jockey or an individual aspiring to become an apprentice jockey unless the owner or trainer is in control or possession of such a stable of horses as would, in the opinion of the stewards, warrant the employment of an apprentice.

C.] Fees. An apprentice jockey shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by the contract holder.

[D.] C. (text unchanged)

.29 Paddock to Post.

- A.— N. (text unchanged)
- O. A [bell may be rung to indicate the time to saddle and a] bugle [shall] *may* be sounded to indicate the time to go to the post.

.36 Racing Officials.

- A. (text unchanged)
- B. [The racing secretary, or a designee of the secretary, shall be clerk of the course.]
- [C.] B.—[F.] E. (text unchanged)

.37 [Clerk of the Course.] Reserved.

- [The clerk of the course shall:
- A. Discharge all duties required by these rules, and he shall report regulations;
- B. Report to the stewards all violations of the regulations;
- C. Keep complete records of all races;
- D. Receive stakes, entrance monies, and fees, including jockeys' fees;
- E. Accept, on behalf of the association, entries to races and transfers of engagements; and
- F. Within 15 days from the close of the meeting:
 - (1) Pay to the persons entitled to it, all the money collected by the clerk of the course; and
 - (2) Notify the association of the charges, if any, then remaining unpaid, which shall become the responsibility of the association.]

.54 [Scale of Weights.] Reserved.

- [A.] (table proposed for repeal)
- [B. In races of intermediate distances the weights for the shorter distance are carried.
- C. In thoroughbred races exclusively for 3-year-olds or 4-year-olds the weight is 126 pounds, and in races exclusively for 2-year-olds, it is 122 pounds. In nonthoroughbred races exclusively for 3-year-olds or 4-year-olds the weight is 122 pounds.
- D. In all races except handicaps and races where the conditions expressly state to the contrary, the scale of weights is less by the following: for fillies two years old, 3 pounds; for mares three years old and upwards, 5 pounds before September 1 and 3 pounds thereafter.
- E. Welterweights are 28 pounds, added to the weight for age.

F. In all overnight races except handicaps, not more than 6 pounds may be deducted from the scale of weights for age, except for allowances; the total allowances of any type may not reduce the lowest weight below 101 pounds excepting two-year-olds or three-year-olds when racing with older horses.

G. In all handicaps which close more than 72 hours before the race, except claiming handicaps, the top weight shall be determined by the handicapper.

H. In all overnight handicaps and in all claiming handicaps, the top weight may not be less than 122 pounds.

I. In all overnight races for two-year-olds, for three-year-olds, or for four-year-olds and upwards, the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule does not apply to handicaps or to races written for three-year-olds and upward.]

.58 Weighing In.

A. After a race has been run, the jockey shall ride promptly to the area designated by the association [and there] *to* dismount[, after obtaining permission from the stewards,] and report to the clerk of the scales to be weighed in.

B. —I. (text unchanged)

J. MICHAEL HOPKINS
Executive Director
Maryland Racing Commission

Subtitle 10 RACING COMMISSION

09.10.04 General

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

Notice of Proposed Action

[17-055-P]

The Maryland Racing Commission proposes to amend Regulation .08 under COMAR 09.10.04 General. This action was considered at a public meeting held on October 18, 2016, notice of which was provided in Maryland Register, Volume 43, Issue 20, September 30, 2016.

Statement of Purpose

The purpose of this action is to repeal obsolete language regarding a racetrack providing a facility to handle “comeback” money and allowing handbooks and tipsters.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, MD 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through March 10, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Maryland Racing Commission during a public meeting to be held on March 15, 2017, at Laurel Park, Laurel, Maryland.

.08 Associations.

A. — D. (text unchanged)

E. An association licensed by the Commission to conduct racing may not:

(1) — (3) (text unchanged)

(4) [Provide, or permit facilities to be provided, for the handling of “come-back” money;

(5)] Advance credit for betting purposes; *or*

[(6) Permit the making of handbooks on the association grounds or fail to take immediate steps to eliminate a handbook if one is found to exist;

(7) Permit tipsters to be employed in any capacity on its grounds or allow such a person to remain on its grounds; *or*]

[(8)] (5) (text unchanged)

F. (text unchanged)

J. MICHAEL HOPKINS
Executive Director
Maryland Racing Commission

**Subtitle 11 REAL ESTATE
COMMISSION**

09.11.01 General Regulations

Authority: Business Occupations and Professions Article, §§17-208, 17-303, 17-306, 17-315, and 17-530, Annotated Code of Maryland

Notice of Proposed Action

[17-032-P]

The Real Estate Commission proposes to repeal existing Regulations **.04, .08, .15, and .26**, recodify existing Regulations **.05, .12, .17, .20, .22—25, and .27** to be Regulations **.04, .10, .14, .17, .19—22, and .23**, and amend and recodify existing Regulations **.06, .07, .09, .10, .11, .13, .14, .16, .18, .19, and .21** to be Regulations **.05, .06, .07, .08, .09, .11, .12, .13, .15, .16, and .18** under **COMAR 09.11.01 General Regulations**.

This action was considered at a public meeting held on July 20, 2016, notice of which was given by posting notice on the agency website, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to repeal certain regulations and amend certain regulations which are inconsistent with or duplicative of current statutes; make revisions to clarify the Commission’s policy regarding license applications; repeal certain regulations and amend certain regulations which do not accurately reflect current Commission policy; make corrections to outdated or invalid terminology, references, and typographical errors; clarify the requirements related to pre-license education; and clarify the requirements related to a licensee’s obligation to respond to the Commission’s written inquiries.

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 Kathie Connelly, Executive Director, Real Estate Commission, 500 North Calvert Street, or call 410-230-6227, or email to kathie.connelly@maryland.gov, or fax to 410-333-0023. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

[.06].05 Submission of Credit Report.

An applicant for an original real estate broker’s license shall submit a credit report from an approved credit reporting agency. The credit report shall include *any* [a statement of the applicant’s personal background with respect to lawsuits,] judgments[,] and *local, state or federal tax liens* [the moral character] of the applicant.

[.07].06 Records of Transactions.

[Licensees shall maintain adequate records of all real estate transactions engaged in by them as licensed real estate brokers or salesmen.] If a licensee has custody or possession of money belonging to others, in the absence of proper written instructions from the parties involved in the transaction to the contrary, [these funds may not be intermingled with funds belonging to the licensee, but rather] they shall be deposited and retained [as required] in a non-interest-bearing escrow account clearly designated as containing funds held for others. [The records of transactions, including bank accounts or deposits referred to in these regulations, shall be available during usual business hours for inspection by the Commission, its field representatives, or other employees.]

[.09].07 Establishing an Escrow or Special Account.

A. A real estate broker shall maintain a non-interest-bearing escrow or special account and report the bank’s name and account number to the Commission as soon as trust monies are received. If a licensee establishes another non-interest-bearing or special escrow account, changes [his] *the* escrow account number, or transfers the account to another bank, [he] *the licensee* shall notify the Commission in writing within 10 days after the action.

B. The establishment of individual interest-bearing accounts, as provided under Business Occupations and Professions Article, §17-505, Annotated Code of Maryland, [and accounts which earn interest to benefit the Maryland Housing Resource Corporation, as provided under Business Occupations and Professions Article, §17-506,] need not be reported to the Commission as long as records are maintained for each account and available for inspection by Commission personnel during regular business hours.

[.10].08 Change of Business Location.

When a licensed broker changes [his] business location, [he] *the licensed broker* shall notify the Commission in writing within 10 days.

[.11].09 Instruction in Real Estate Principles and Practices for Salespersons.

A. (text unchanged)

B. The minimum 60 clock-hour educational requirement for a salesperson shall embrace the following areas of study:

(1) — (13) (text unchanged)

(14) Property Condition Disclosure *and Latent Defects*;

(15) (text unchanged)

C. — D. (text unchanged)

E. An individual who demonstrates by evidence satisfactory to the Commission active and regular engagement in real estate practice as a licensed real estate salesperson in a jurisdiction other than Maryland [for at least 3 of the 5 years immediately preceding submission of an application] may be considered to have satisfied the educational requirement for a salesperson set forth in this regulation if the prelicensing education requirements of that jurisdiction are equivalent to or greater than those of Maryland.

F. (text unchanged)

G. Completion of Examination.

[(1) Subject to §G(2) and (3) of this regulation, an] *An* applicant for a salesperson’s license shall have 1 year from completion of a prelicensing education course to pass both portions of the salesperson licensing examination. An applicant who does not pass both portions of the licensing examination within 1 year of the course completion date must complete a new prelicensing course in order to be eligible to take or retake the examination.

[(2) An applicant who has completed a prelicensing course more than 1 year prior to March 1, 2013, must pass both portions of the salesperson licensing examination no later than August 31, 2013, in order to avoid the need to complete a new prelicensing course.

[(3) An applicant who has completed a prelicensing course less than 1 year prior to March 1, 2013, must pass both portions of the salesperson licensing examination within 1 year of the course completion date to avoid the need to complete a new prelicensing course.]

[.13] .11 Place of Business for Real Estate Broker.

The definite place of business required by Business Occupations and Professions Article, §17-507, Annotated Code of Maryland, shall be an office or headquarters where the real estate broker and [his] *the real estate broker’s* employees regularly transact the business of a real estate broker. The records of the brokerage business, including the records of the escrow account, shall be kept in this office or headquarters. The Real Estate Commission may not consider an answering service, a mechanical message recording device or a mail drop, singly or in combination, to satisfy the requirements of an office under Business Occupations and Professions Article, 17-517, 17-518, and 17-520, *Annotated Code of Maryland*.

[.14] .12 Instruction in Real Estate Principles and Practice for Brokers.

A. — G. (text unchanged)

H. Licensing Examination.

[(1) Subject to §H(2) and (3) of this regulation, an] *An* applicant for a broker’s license shall have 1 year from full completion of prelicensing education requirements to pass both portions of the broker licensing examination. An applicant who does not pass both portions of the licensing examination within 1 year of completion of the requirements shall complete a new set of prelicensing education requirements in order to be eligible to take or retake the examination.

[(2) An applicant who has fully completed prelicensing education requirements more than 1 year prior to August 31, 2013, shall pass both portions of the broker’s licensing examination no later than February 28, 2014.

[(3) An applicant who has fully completed prelicensing education requirements less than 1 year prior to August 31, 2013, shall pass both portions of the broker’s licensing examination within 1 year of completion of the requirements to avoid the need to complete a new set of prelicensing education requirements.]

I. (text unchanged)

[.16] .13 Form of Licensee’s Reply to Commission’s Written Inquiries.

A licensee shall reply in writing to the Commission within 20 *business* days of receipt of written inquiries directed to the licensee by the Commission. Failure to reply in this way may be considered by the Commission to be a violation of Business Occupations and Professions Article, [§17-322(a)(25)] *§17-322(b)(25)*, Annotated Code of Maryland, for which revocation or suspension of the license can be imposed.

[.18] .15 Amount of Compensation Recoverable from Real Estate Guaranty Fund.

The amount of compensation recoverable by a claimant from the Real Estate Guaranty Fund, pursuant to Business Occupations and Professions Article, Title 17, Subtitle 4, Real Estate Guaranty Fund, Annotated Code of Maryland, shall be restricted to the actual monetary loss incurred by the claimant, but may not include monetary losses other than the monetary loss from the originating transaction. Actual monetary losses may not include commissions owed to a licensee of this Commission acting in [his] *the licensee’s* capacity as either a principal or agent in a real estate transaction, or any attorney’s fees the claimant may incur in pursuing or perfecting the claim against the guaranty fund.

[.19] .16 Use of Trade Names.

A. — B. (text unchanged)

C. Licensee Using Trade Name.

(1) In the advertising of or contracting for any real estate brokerage services defined under Business Occupations and Professions Article, §17-101, Annotated Code of Maryland, a licensee using a trade name shall clearly and unmistakably include in the advertisement or contract [his] *the licensee’s* name or trade name, as registered with the Commission, to insure that [his] *the licensee’s* identity is meaningfully and conspicuously displayed to members of the general public.

(2) A licensee using a trade name on a for-sale sign, business card, office sign, sales contract, listing contract, or other document relating to real estate activities as defined under Business Occupations and Professions Article, §17-101, Annotated Code of Maryland, shall clearly and unmistakably include on any of these documents [his] *the licensee’s* name, or trade name, as registered with the Commission.

D. Any licensee who is in the course of oral communication with another person (whether in person or by telephone), shall clearly and unmistakably include in the communication [his] *the licensee’s* name, or trade name, as registered with the Commission, to insure that [his] *the licensee’s* identity is meaningfully and conspicuously made known to that person.

[.21] .18 Disposition of Deposit Monies Held by Licensees.

In any transaction in which a licensee has custody or possession of funds which belong to others, in the absence of a provision to the contrary, in the contract of sale, rental lease, option agreement, or other similar type of document, and a dispute arises as to the disposition of these funds by and between the parties to the transaction, the licensee shall:

A. (text unchanged)

B. File a bill of interpleader in the proper court in the county or Baltimore City, as the case may be, thereby causing these funds to be deposited in the registry of this court; [or]

C. Hold these funds until such time as one of the parties to the transaction files suit and the court in which this suit is filed orders the disbursement of these funds, whichever event under the purview of B and C of this regulation shall first occur[.]; *or*

D. Distribute the funds in accordance with the procedure set forth in Business Occupations and Professions Article, §17-505, Annotated Code of Maryland.

KATHIE CONNELLY
Executive Director
Real Estate Commission

Subtitle 11 REAL ESTATE COMMISSION

Notice of Proposed Action

[17-031-P]

The Real Estate Commission proposes to:

- (1) Amend Regulation **.01** under **COMAR 09.11.02 Code of Ethics**;
- (2) Repeal Regulation **.04** under **COMAR 09.11.03 Hearing Regulations**;
- (3) Amend Regulations **.01—03** under **COMAR 09.11.04 Time Share Registrations**;
- (4) Amend Regulations **.01, .03, .05, and .08—10** under **COMAR 09.11.06 Continuing Education**;
- (5) Amend Regulation **.02** under **COMAR 09.11.07 Residential Property Disclosure/Disclaimer Statement**; and
- (6) Amend Regulation **.01** under **COMAR 09.11.08 Agency Relationship Disclosure/Dual Agency Consent**.

This action was considered at a public meeting held on July 20, 2016, notice of which was given by posting notice on the agency website, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend certain regulations which are inconsistent with or duplicative of current statutes; make corrections to outdated or invalid terminology, references, and typographical errors; amend certain regulations which do not accurately reflect current Commission policy; and amend regulations pertaining to course content and credit for continuing education (CE) to expand the potential CE courses available to licensees.

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 Kathie Connelly, Executive Director, Real Estate Commission, 500 North Calvert Street, or call 410-230-6227, or email to kathie.connelly@maryland.gov, or fax to 410-333-0023. Comments will be accepted through March 6, 2017. A public hearing has not been scheduled.

09.11.02 Code of Ethics

Authority: Business Occupations and Professions Article, §§17-207 and 17-208, Annotated Code of Maryland

.01 Relations to the Public.

A. — I. (text unchanged)

[J. If the licensee offers the name of a service provider, including, but not limited to, a mortgage lender or mortgage broker, a real estate appraiser, a home inspector, a home improvement contractor, a plumber, an electrician, or a heating/ventilation/air conditioning/cooling (HVAC) contractor, in the provision of real estate brokerage services, the licensee shall first verify that the provider's State license to perform those services is current. The licensee shall also give the person the electronic link to the licensing record information as well as the date on which the licensee last verified the information, so that the person may verify continued license status before entering into a contract with the provider.]

09.11.04 Time Share Registrations

Authority: Business Occupations and Professions Article, [§16-208] §17-208, Annotated Code of Maryland

.01 Application for Registration.

A. — D. (text unchanged)

E. Denial of an application on other than technical grounds will be communicated to the applicant by at least first class mail at the address stated on the application. The denial notice will inform the applicant that the applicant may file a written request for a hearing on the denial before a Hearing Panel of the Commission. [If a hearing is requested, the applicant shall be notified in writing of the time, date, and place of the hearing, which will be mailed so as to give the applicant 10 days' notice.

F. At all stages of the proceeding, the burden of affirmatively showing that the standards and requirements established by statute or by regulation have been met or complied with shall rest on the applicant. Parties to the proceeding will be the applicant and the Commission. Other persons may not participate in the proceeding except that the Commission may, in its discretion, allow any person to file a written statement or memorandum addressing the issues.

G. If the applicant does not appear for a hearing after notice as provided in these regulations, and without a postponement, then the applicant has not met the burden established in § F of this regulation.

H. Order of Proceeding at Hearing. The manner and order of proceeding at the hearing is as follows:

(1) The Assistant Attorney General assigned to the Commission for the purpose will introduce the case stating its present posture including evidence to support the denial of the application.

(2) The applicant will then proceed to present to the Commission any matters which the applicant deems relevant to the issue of registration.

(3) After the applicant has presented relevant matters to the Commission, the Commission may ask for a response by way of argument, testimony, or exhibits by the Assistant Attorney General.

(4) After the response, if any, the applicant may be allowed a rebuttal addressed to those matters raised in the Assistant Attorney General's response.

(5) The testimony and evidence will then be deemed closed and the Panel may, in its discretion, accept or request closing comments in the same order as the evidence, or instead of comments, or in addition to comments, may accept or request written memoranda or statements.

(6) If the parties agree, the case may proceed on a statement of facts. In that event, the Commission may call for the production of evidence or testimony to clarify the issues.]

.02 Rules of Procedure for Revocation or Suspension of Registration.

[The regulations of the Commission governing rules of procedure for revocation or suspension of licenses contained in COMAR 09.01.03.03 shall apply to registration] *All hearings regarding*

denials of applications or revocations or suspensions of registration of time share developers are governed by COMAR 09.01.02.

.03 Records of Transactions.

- A. (text unchanged)
- B. Purchase Money.
 - (1) (text unchanged)
 - (2) The penalty of bond shall reflect the amount of purchase money held by the developer, [his] *the developer's* agents, employees, licensed real estate brokers or independent contractors engaged by the developer resulting from the sale of time share estates in Maryland.
 - (3) The developer shall make available to the Commission, upon its request, all records concerning the amount of purchase money held by the developer, [his] *the developer's* agents, employees, or independent contractors.
 - (4) (text unchanged)
- C. — D. (text unchanged)

09.11.06 Continuing Education

Authority: Business Occupations and Professions Article, §§17-208 and 17-315, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) — (8) (text unchanged)
 - (9) Distance Learning Instruction.
 - (a) (text unchanged)
 - (b) Distance learning methods include:
 - (i) *The specific delivery systems listed in Business Occupations and Professions Article, §17-315, Annotated Code of Maryland; and [Remote access satellite;*
 - (ii) Closed circuit video;
 - (iii) Computer;
 - (iv) Disk;
 - (v) CD-ROM;
 - (vi) Internet;
 - (vii) World Wide Web;
 - (viii) Correspondence/home study;
 - (ix) Audiotape;
 - (x) Videotape; and
 - (xi) Any other delivery system approved by the Commission.
 - (10) (text unchanged)

.03 Course Providers.

- A. — D. (text unchanged)
- E. All payments for courses shall be made directly to the approved course provider *or to the course provider's third party payment processor.*
- [F. All course completion certificates shall be approved and issued, in the name of the attendee, by the course provider.]
- [G.] F. — [I.] H. (text unchanged)
- [J.] I. The following situations could form the basis on which course provider approval is denied, suspended, or withdrawn:
 - (1) — (7) (text unchanged)
 - (8) *Submission of inaccurate course completion information to the Commission;*
 - [(8)] (9) (text unchanged)
 - (10) *Submission of course completion information to the Commission for licensees who were not entitled to obtain credits;*
 - [(9)] (11) — [(11)] (13) (text unchanged)

.05 Course Content.

- A. The Commission may approve a continuing education course that meets all of the following [six] *five* criteria:
 - (1) — (2) (text unchanged)
 - [(3)] The course is related to the activities for which a licensee has responsibility under the Real Estate Brokers Act;]
 - [(4)] (3) — [(6)] (5) (text unchanged)
- B. (text unchanged)

.08 Conduct of Courses.

- A. — F. (text unchanged)
- G. Certificate of Completion.
 - [(1)] A certificate of completion shall include:
 - (a) The full name of the student;
 - (b) The approved course provider's name and address, and the course approval number;
 - (c) The title of the course as approved by the Commission, the approved topic letter, and the number of clock hours for which it was approved;
 - (d) The date of completion; and
 - (e) An official signature or seal.
 - (2) A certificate of completion shall be issued by the course provider to each student who has met all the requirements for completion of the course and is entitled to receive the certificate.
 - (3) [(1)] [The] A certificate of completion [may] *shall* be distributed by the instructor at the end of the class, or mailed or electronically transmitted to the student at a later date.
 - [(4)] (2) A course provider or instructor may not [issue]:
 - [(a)] A blank certificate of completion to a student; or
 - (b) A] (a) *Issue a certificate of completion to a student who has not complied with all regulations governing the conduct of the course, including the timeliness and attendance requirements[.]; or*
 - (b) *Submit course completion information to the Commission for a student who has not complied with all regulations governing the conduct of the course, including the timeliness and attendance requirements.*
 - [(5)] A licensee who completes an approved continuing education course to qualify for license renewal shall submit the certificate of completion to the Commission on request.]
- H. (text unchanged)

.09 Licensee Credit Hours.

- A. — B. (text unchanged)
- [C. Technology. A licensee may only use continuing education credits that total 3 clock hours on the topic of technology relating to real estate brokerage services toward license renewal during a 2-year licensing period.]
- [D.] C. Licenses Originating in Other Jurisdictions.
 - (1) (text unchanged)
 - (2) A licensee may receive credit for an elective course taken in a jurisdiction where the licensee holds a license if that course was approved for continuing education credit by the real estate licensing authority in that jurisdiction[, and the course meets the requirements of Maryland law and regulation].
 - (3) — (4) (text unchanged)
- [E.] D. — [H.] G. (text unchanged)

.10 Distance Learning.

- A. — D. (text unchanged)
- E. *Student Affirmation.*
 - (1) The course provider shall be responsible for obtaining from students who have completed a distance learning course the following affirmation: "I (name of student) affirm that I have personally completed every requirement of the course and that I have not provided any aspect of the course to others."

(2) *The course provider may obtain the affirmation described in §E(1) of this regulation by electronic means.*

[F. Notwithstanding Regulation .03E of this chapter, payment for a distance learning course may be made to the course developer.]

09.11.07 Residential Property Disclosure/Disclaimer Statement

Authority: Business Occupations and Professions Article, §17-208; Real Property Article, §10-702; Annotated Code of Maryland

.02 Guidelines.

A. A licensed broker, associate broker, or salesperson acting as a [listing agent for a seller] *seller's agent* should obtain a written residential property condition disclosure statement or a written residential property disclaimer statement at the time the licensed broker, associate broker, or salesperson obtains the listing on the property.

B. The [listing] *seller's agent* should provide the disclosure statement or disclaimer statement to the prospective purchaser or to the [selling or cooperating] *buyer's agent* assisting the purchaser promptly upon notification that an offer is going to be made. If the [listing] *seller's agent* does not know in advance that an offer is to be made, the [listing] *seller's agent* should provide the disclosure statement or disclaimer statement at the time the [listing] *seller's agent* receives the written offer.

C. The [selling or cooperating] *buyer's agent* should make every effort to ensure that the prospective purchaser has the disclosure statement or the disclaimer statement in hand before submission of the offer to purchase the property.

09.11.08 Agency Relationship Disclosure/Dual Agency Consent

Authority: Business Occupations and Professions Article, [§17-528] §17-530, Annotated Code of Maryland

.01 Agency Relationship Disclosure Form/Dual Agency Consent Form.

In accordance with the provisions of Business Occupations and Professions Article, [§17-528] §17-530, Annotated Code of Maryland, model Agency Disclosure and Dual Agency Consent forms provided by the Maryland Real Estate Commission shall be used in all applicable real estate property transactions.

KATHIE CONNELLY
Executive Director
Real Estate Commission

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

Notice of Proposed Action
[17-056-P]

The Board for Professional Land Surveyors proposes to amend:

(1) Regulations .01—.08 under **COMAR 09.13.01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying**; and

(2) Regulation .03 under **COMAR 09.13.03 Survey Markers**.

This action was considered by the Board for Professional Land Surveyors at a public meeting held on November 2, 2016, notice of which was published on the website of the Department pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to (1) update the outdated licensing terms; (2) create gender-neutral references; and (3) clarify references to entities through which professional land surveying or property line surveying are practiced.

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 Steve Long, Executive Director, Board of Professional Land Surveyors, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-333-0023. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on April 5, 2017, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

09.13.01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying

Authority: Business Occupations and Professions Article, §15-205, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged).

(2) ["Registrant"] "*Licensee*" means any person holding a [certificate of registration from the State] *license issued by the Board* as a professional land surveyor or a property line surveyor.

.02 Responsibility to the Public.

In the performance of [his] *a licensee's* professional duties, [a registrant] *the licensee* shall make every reasonable effort to protect the safety, health, property, and welfare of the public. If the [registrant's] *licensee's* professional judgment is overruled under circumstances in which the safety, health, property, or welfare of the public is endangered, the [registrant] *licensee* shall inform [his] *the licensee's* employer or client of the possible consequences.

.03 Public Statements, Reports, and Testimony.

A. A [registrant] *licensee* may not make statements or reports, or give expert testimony, on land-surveying matters connected with public policy, if [his] *the licensee's* remarks are inspired by or paid for by an interested party, unless [he] *the licensee* precedes [his] *the* remarks by identifying himself *or herself*, by disclosing the identity of the party on whose behalf [he] *the licensee* is speaking, and by revealing the existence of any pecuniary interest [he] *the licensee* has in the matter.

B. A [registrant] *licensee* may express publicly a professional opinion on a land-surveying subject only when that opinion is

founded upon adequate knowledge of the material facts and a background of technical competence in the subject matter.

C. In a professional report, statement, or testimony, a [registrant] *licensee* may not be untruthful or deceptive.

.04 Competency for Assignments Undertaken or Approved.

A. A [registrant] *licensee* may undertake or perform land-surveying assignments only when qualified to do so by education or experience, or both, in the specific field of land surveying involved.

B. A [registrant] *licensee* may affix [his] *the licensee's* signature or seal to land surveying documents only if:

(1) [He] *The licensee* is competent in the subject matter of those documents by virtue of education or experience, or both; and

(2) The documents were prepared under [his] *the licensee's* direction as principal by an employee or an associate competent in the subject matter of those documents by virtue of education or experience, or both.

.05 Conflicts of Interest.

A. A [registrant] *licensee* shall avoid conflicts of interest with [his] *the licensee's* employer or client. Whenever conflicts of interest appear unavoidable, however, the [registrant] *licensee* shall disclose promptly and fully all the circumstances to the employer or client.

B. A [registrant] *licensee* shall promptly inform [his] *the licensee's* employer or client of any business association, interests, or circumstances which may influence [his] *the licensee's* judgment or the quality of [his] services to [his] *the licensee's* employer or client.

C. A [registrant] *licensee* may not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project, unless [he] *the licensee* makes full disclosure to all interested parties.

D. A [registrant] *licensee* may not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products, except when the [registrant] *licensee* is a previously announced employee or agent of the supplier.

E. A [registrant] *licensee* may not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer, *professional land surveyor or property line surveyor*, or other party dealing with the [registrant's] *licensee's* employer or client in connection with work for which the [registrant] *licensee* is responsible.

.06 Improper Solicitation of Professional Employment.

A. Other than the usual commissions paid to licensed employment agencies, a [registrant] *licensee* may not compensate, give anything of value, or offer to compensate or give anything of value, as follows:

(1) To a person or organization to recommend or secure [his] *the licensee's* employment as a *professional land surveyor or a property line surveyor*; or

(2) As a reward for having made a recommendation resulting in [his] *the licensee's* employment as a *professional land surveyor or a property line surveyor*.

B. When competing for professional employment, a [registrant] *licensee* may not falsify or permit misrepresentation of [his] *the licensee's* qualifications or those of [his] *the licensee's* associates.

C. An employed [surveyor] *licensee* may not solicit or accept other employment to the detriment of [his] *the licensee's* regular work or the interests of [his] *the licensee's* employer.

.07 Knowledge of Improper Conduct by Others.

Except to the extent the rules of privilege [recognized in the State] *may* apply, when questioned by any member or authorized representative of the Board concerning any alleged violation of another person or organization, a [registrant] *licensee* may not

conceal or refuse to divulge information that [he] *the licensee* may have, or make false or misleading statements about the matter.

.08 [Designation of Registrants] Licensees' Designation.

A [registrant] *licensee* may not use any designation after the [registrant's] *licensee's* name on any business communication which misleads the public as to whether the [registrant] *licensee* is a professional land surveyor or a property line surveyor. [For example, registrants may not use the initials "P.L.S." after their name because of the ambiguity of this designation.]

09.13.03 Survey Markers

Authority: Business occupations and Professions Article, §15-208, Annotated Code of Maryland

.03 Marker Identification.

A. The top of all survey markers, described in Regulation .02, of this chapter, set by [any] *a licensee or a permit holder* shall have a legible inscription that identifies the licensee [, corporation, or partnership] *or a permit holder* responsible for setting the survey marker.

B. The top of all survey markers, described in Regulation .02, of this chapter, set by [any] *a licensee or a permit holder* shall have a legible inscription stating the words "Property Marker" or the abbreviations "Prop. Mark." or "Prop. Mkr."

JOHN V. METTEE, III
Chairman
Board for Professional Land Surveyors

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.05 Fees

Authority: Business Regulation Article, §§ 2-106, 2-106.1, and 2-106.2; Business Occupations and Professions Article, §§ 15-101, 15-207-15-209, 15-306, 15-307, 15-307.1, 15-311, 15-312, 15-314-15-316, 15-321, 15-403, 15-404, and 15-406, Annotated Code of Maryland

Notice of Proposed Action

[17-038-P]

The Board for Professional Land Surveyors proposes to amend Regulation .03 under **COMAR 09.13.05 Fees and Costs**. This action was considered by the Board for Professional Land Surveyors at a public meeting held on October 5, 2016, notice of which was published on the website of the Department pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that an applicant for an appropriate national licensing examination or reexamination shall pay the examination- or re-examination fees (1) directly to the National Council of Examiners for Engineering and Surveying (NCEES); and (2) in an amount or amounts set by the NCEES.

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 Steve Long, Executive Director, Board of Professional Land Surveyors, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-230-0021. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on April 5, 2017, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. (text unchanged)

B. An applicant for the appropriate *national* licensing examination shall pay the [following] examination *or re-examination* fees directly to the [Board or its designee] *National Council of Examiners for Engineering and Surveying (NCEES)*, as these fees are established by the [National Council of Examiners of Engineers and Surveyors:

- (1) Fundamentals of Land Surveying — \$225;
- (2) Principles and Practice — \$250] *NCEES*.

C. — F. (text unchanged)

JOHN V. METTEE, III
Chairman
Board for Professional Land Surveyors

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS
09.13.08 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §§15-314(f), 15-315, and 15-316, Annotated Code of Maryland

Notice of Proposed Action

[17-026-P]

The Board for Professional Land Surveyors proposes to amend Regulations .02 —.10, .12, .16, and .17 under **COMAR 09.13.08 Continuing Professional Competency Requirements**. This action was considered by the Board for Professional Land Surveyors at a public meeting held on August 3, 2016, notice of which was published on the website of the Department pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) repeal different categories of qualified continuing competency activities; (2) repeal provisions related to the carry-over of credits; (3) clarify methods of earning continuing competency credits; (4) enable providers of continuing competency credits to electronically transmit to the Board records of attendance, completion, and other relevant information; and (5) make other clarifying changes to enable licensees to earn continuing competency credits in a more efficient and flexible manner.

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 Steve Long, Executive Director, Board of Professional Land Surveyors, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-333-0023. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on April 5, 2017 at 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (3) (text unchanged)

[(4) “Category A/Category B activities” means the types of activities set forth in Regulation .05 of this chapter.]

[(5)] (4) “College [unit/semester/quarter] *credit* hour” means the credit for a course described in [§B(7)]§B(6) of this regulation, offered by a university, college, or community college.

[(6)] (5) – [(9)] (8) (text unchanged)

[(10)] (9) “Qualifying activity” means an activity that meets the criteria set forth in Regulation [.03] 04 of this chapter.

[(11) “Seminar” means a meeting or meetings with an approved provider involving a discussion on a specific topic related to the practice of land surveying.

(12) “Workshop” means a meeting or meetings of general sessions and individual groups involving discussions of topics related to the practice of land surveying.]

.03 [Qualifying Activities.] Requirements.

A. [In order for an activity to be considered a qualifying activity, the activity must meet all of the following criteria:

(1) Maintain and enhance professional competency of professional land surveyors or property line surveyors; and

(2) Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of land surveying or property line surveying.] *A licensee shall complete, as a condition of a license renewal in each individual 2-year renewal cycle, a minimum of 24 CPC units earned from the participation in and upon completion of qualifying activities described in Regulation .04.*

B. [Qualifying activities include both Category A activities and Category B activities, as described in Regulation .05 of this chapter.]

A minimum of 4 CPC units in every individual 2-year renewal cycle shall be earned from the participation in and upon completion of qualifying activities with content areas related to the following:

(1) *Minimum Standards of Practice;*

(2) *Legal cases, commentaries, and other related materials as they apply to the law of land boundaries in Maryland;*

(3) *The awareness of ethical concerns and conflicts;*

(4) *An enhanced familiarity with the codes of conduct;*

(5) *An understanding of standards of practice or care; or*

(6) *Similar topics aimed at maintaining, improving, or expanding the skills set and knowledge necessary to practice land surveying services or property line surveying services in the most ethical and responsible manner.*

[C. The determination of whether the activity constitutes a qualifying activity is within the sole discretion of the Board.]

.04 [Requirements] *Qualifying Activities.*

[A. A licensee shall complete, as a condition of a license renewal, a minimum of 24 CPC units in each individual 2-year licensing term, as follows:

- (1) All 24 CPC units may be earned from Category A activities; or
- (2) At least 16 CPC units shall be earned from Category A activities, and not more than 8 CPC units may be earned from Category B activities.]

In order for an activity to be considered a qualifying activity, the activity must meet the following criteria:

A. Maintain and enhance professional competency of professional land surveyors or property line surveyors; and

B. Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of land surveying or property line surveying.

[B. As part of compliance with CPC requirements set forth in these regulations, a licensee shall complete, as a condition of a license renewal, a minimum of 6 CPC units in every other individual 2-year licensing term in content areas related to the following:

- (1) Minimum Standards of Practice;
- (2) Legal cases, commentaries, and other related materials as they apply to the law of land boundaries in Maryland; or
- (3) Qualifying course or activity with content areas related to:
 - (a) The awareness of ethical concerns and conflicts;
 - (b) An enhanced familiarity with the codes of conduct;
 - (c) An understanding of standards of practice or care; or
 - (d) Similar topics aimed at maintaining, improving, or expanding the skills set and knowledge necessary to provide surveying services in the most ethical and responsible manner.

C. The 6 CPC units described in §B of this regulation shall be earned from Category A activities and shall be a part of, and not in addition to, the minimum number of CPC units otherwise required for a license renewal.

D. A maximum of 12 CPC units earned in excess of 24 CPC units that are required for a license renewal during the licensing term can be carried forward to apply as credit toward the next licensing term. The carried forward CPC units shall be applied to the same category in which they were earned.]

.05 [Categories of Qualifying Activities] *Determination of Qualifying Activities by the Board.*

[A. Category A Activities.

(1) Category A activities are those activities that meet the criteria and objectives set forth in the Regulation .03 of this chapter.

(2) Category A activities shall:

- (a) Be formally organized and structured as follows:
 - (i) University, college, and community college courses;
 - (ii) Professional workshops related to the practice of land surveying;
 - (iii) Seminars related to the practice of land surveying;
 - (iv) Technical presentations related to the practice of land surveying; and
 - (v) Other similar structured educational activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land surveying, as such activities may from time to time be preapproved by the Board.
- (b) Provide for clear outcome measures in the form of a test, report, study, research paper, or other appropriate form or method acceptable to the Board;
- (c) Have content areas that include at least one of the following:
 - (i) Issues related to COMAR 09.13.06;
 - (ii) Issues related to COMAR 09.13.07;
 - (iii) Issues related to business, ethics, and professional practices, as related to the practice of land surveying or property line surveying; or
 - (iv) Other appropriate issues or content areas acceptable to the Board; and
 - (d) Be presented through one or more of the following modalities:
 - (i) Live;
 - (ii) Televised;
 - (iii) Videotaped;
 - (iv) Audiotaped;
 - (v) On line; or
 - (vi) Through other appropriate format acceptable to the Board.

(b) Provide for clear outcome measures in the form of a test, report, study, research paper, or other appropriate form or method acceptable to the Board;

(c) Have content areas that include at least one of the following:

- (i) Issues related to COMAR 09.13.06;

(ii) Issues related to COMAR 09.13.07;

(iii) Issues related to business, ethics, and professional practices, as related to the practice of land surveying or property line surveying; or

(iv) Other appropriate issues or content areas acceptable to the Board; and

(d) Be presented through one or more of the following modalities;

- (i) Live;
- (ii) Televised;
- (iii) Videotaped;
- (iv) Audiotaped;
- (v) On line; or
- (vi) Through other appropriate format acceptable to the Board.

Board.

B. Category B Activities.

(1) Category B activities are those activities that meet the criteria and objectives set forth in the Regulation .03 of this regulation. Category B activities shall be organized as either structured educational activities or unstructured educational activities.

(2) Structured educational Category B activities shall:

- (a) Be formally organized and structured as follows:
 - (i) University, college, and community college courses;
 - (ii) Professional workshops related to the practice of land surveying;
 - (iii) Seminars related to the practice of land surveying;
 - (iv) Technical presentations related to the practice of land surveying; or
 - (v) Other similar structured educational activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land surveying, as such activities may from time to time be preapproved by the Board; and
- (b) Have at least one content area that focuses on the following:
 - (i) Development of oral and written skills aimed at improving licensee's methods of practice or operations as a professional land surveyor or a property line surveyor;
 - (ii) Development of business skills, traits, and patterns aimed at ensuring the delivery of ethical and competent land surveying or property line surveying services; or
 - (iii) Other appropriate issues or content areas acceptable to the Board.

(iii) Seminars related to the practice of land surveying;

(iv) Technical presentations related to the practice of land surveying; or

(v) Other similar structured educational activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land surveying, as such activities may from time to time be preapproved by the Board; and

(b) Have at least one content area that focuses on the following:

- (i) Development of oral and written skills aimed at improving licensee's methods of practice or operations as a professional land surveyor or a property line surveyor;
- (ii) Development of business skills, traits, and patterns aimed at ensuring the delivery of ethical and competent land surveying or property line surveying services; or
- (iii) Other appropriate issues or content areas acceptable to the Board.

(3) Unstructured educational Category B activities may include the following:

- (a) Teaching of land surveying and related subject matters;
- (b) Mentoring activities;
- (c) Serving as a single or first author of an original paper on the land surveying subject matter published in peer-reviewed journals or textbooks of distinction in their field;
- (d) Serving as a single or first author of an original published book on a land surveying subject matter that exhibits excellence in scholarship and has a significant impact or influence on the directions of the land surveying; or
- (e) Other unstructured or nontraditional activities that may from time to time be preapproved by the Board.

C. The determination of the appropriate category of the activities is within the sole discretion of the Board.]

The determination of whether the activity constitutes a qualifying activity is within the discretion of the Board.

.06 Nonqualifying Activities.

[A licensee may not earn credits for activities that do not meet the criteria set forth in the Regulation .03 of this chapter, including, but

not limited to, the following activities] *Activities that do not meet the criteria set forth in Regulation .04 of this chapter shall be considered to be non-qualifying activities, including, but not limited to, the following:*

A.— D. (text unchanged)

E. Other [nonqualifying] activities that, *in the Board's opinion*, are not directly related to the practice of land surveying or property line surveying.

.07 Sources of Credit and Determination of [Units' Value] Units.

[A. A licensee may earn the applicable number of CPC units in the appropriate category of activities in accordance with the following schedule:

- (1) 1 college or unit semester hour — 15 CPC units;
- (2) 1 college or unit quarter hour — 10 CPC units;
- (3) 1 continuing education unit — 10 CPC units;
- (4) 1 contact hour of professional development in course work seminars, or professional or technical presentations made at meetings, conventions, or conferences — 1 CPC unit;
- (5) Subject to criteria set forth in Regulation .05 of this chapter, original published paper on the land surveying subject matter — up to 2 CPC units;
- (6) Subject to criteria set forth in Regulation .05 of this chapter, original published book on the land surveying subject — up to 8 CPC units;
- (7) Mentoring — 3 CPC units; and
- (8) Except for regular employment, teaching of land surveying and related subjects, subject to the following limitations:

(a) For the first time presentation, a presenter may claim credit for the activity that is equivalent to two times the number of CPC units awarded by the Board for the activity; and

(b) Unless the presentation had been substantially modified and updated for the subsequent presentations, a presenter may not claim credits for repeat presentations of the same material.]

A. A licensee may earn the CPC units by any of the following methods:

- (1) *Attending and successfully completing qualifying activities in which the teaching methodology consists primarily of systematic presentation of subjects related to the practice of land or property line surveying, as such activities may from time to time be preapproved by the Board;*
- (2) *Subject to limitations set forth in this Regulation, teaching of, lecturing or instructing on the subjects related to professional land or property line surveying in the environment described in §A(1) of this regulation;*
- (3) *Serving as a mentor within the framework preapproved by the Board to an individual who is pursuing a path to licensure as a professional land surveyor;*
- (4) *Developing examination content questions accepted for use on both national and State specific examinations; or*
- (5) *Other appropriate methods that may from time to time be approved by the Board.*

[B. The final determination of value, sources, and number of credits is within the sole discretion of the Board.]

B. A licensee may earn the applicable number of CPC units in accordance with the following conversion schedule:

- (1) 1 college credit hour — 5 CPC units;
- (2) 1 contact hour of professional development work, or professional or technical presentations made at meetings, conventions, or conferences — 1 CPC unit;
- (3) Board approved mentoring activities — 3 CPC units;
- (4) Developing of examination content questions – 4 CPC units; and

(5) *Subject to exclusions set forth in this Regulation, teaching of, lecturing or instructing on land surveying and related subjects, subject to the following limitations:*

(a) *For the first time presentation, a presenter may claim credit for the activity that is equivalent to two times the number of CPC units awarded by the Board for the activity; and*

(b) *Unless the presentation had been substantially modified and updated for the subsequent presentations or is being presented to a different group of recipients, a presenter may claim only the same number of CPC credits as awarded by the Board to the recipients of the qualifying activity.*

.08 [Determination of Credits.] Determination of Units' Value by the Board.

[A. A licensee is eligible to earn CPC units only upon attendance and successful completion of the appropriate activity.

B. Credit for university, college, or community college-approved courses shall be based upon course credit established by the institution of higher education. An audited class is acceptable only for purposes of receiving a credit as a Category B activity.

C. The final determinations of value, appropriate category, and other matters related to the CPC units are the responsibility of the licensee, subject to review and approval by the Board.]

The final determination with regard to the value, sources, and number of credits is within the discretion of the Board.

.09 [Authorizations] Approval of Providers.

A. Responsibility for [Authorizing Providers] *Providers' Approval.*

(1) – (3) (text unchanged)

(4) The Board shall assign the responsibility of reviewing and approving the providers to the CPC Standards Committee. [The] *To the extent feasible and necessary, the CPC Standards Committee shall establish guidelines and procedures for approval of [authorized] providers in accordance with the objectives stated in this chapter.*

[(5) To the extent feasible and necessary, the CPC Standards Committee shall submit quarterly reports to the Board containing the list of authorized providers approved by the Committee in the previous calendar quarter, together with any other information requested by the Board.]

B. Providers' Eligibility

(1) (text unchanged)

(2) The individuals or entities [that are not considered to be preapproved providers], including, but not limited to, professional firms conducting in-house presentations, may be approved by the Board to become approved providers upon application and approval by the CPC Standards Committee.

(3) (text unchanged)

(4) The provider shall submit general information that will enable the *CPC Standards* Committee to evaluate the provider's qualifications. At a minimum, the *CPC Standards* Committee requires the following information to be submitted with each application for approval:

(a) [The types and descriptions of proposed or existing courses intended to be offered] *The sample course outline detailing the content of activity to be offered;*

(b) The number of CPC units to be awarded for each course; and

(c) The identity and qualifications of the course instructors[;

(d) The explanation and sample of outcome measures; and

(e) The sample course outlines detailing the content of activity to be offered].

(5) *In order to be eligible to become the approved provider, the provider must offer the activity that meets the criteria for a qualifying activity set forth in Regulation .04.*

C. [Suspension and Revocation.] *Review and Audit of Providers.*

(1) The Committee, with the Board's concurrence, may suspend or revoke authorization as a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §15-314(f), Annotated Code of Maryland, is no longer served.

(2) An individual or organization whose provider's privilege has been suspended or revoked by the Committee may appeal the denial to the Board for a hearing within 30 days after the CPC Standards Committee notifies the individual or organization of the denial.]

The Board may require the approved provider to document the CPC activities for audit by the Board at any time after the first presentation of the activity. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participants' evaluations.

D. [Documentation.] *Suspension and Revocation.*

[The Board may require approved providers to document the CPC activities for audit by the Board at any time within the 6-year period after the first presentation of the programs. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.]

(1) *The CPC Standards Committee, with the Board's concurrence, may suspend or revoke approval of a provider if, in the judgment of the Board, the intent of Business Occupations and Professions Article, §15-314(f), Annotated Code of Maryland, is no longer served.*

(2) *An individual or organization whose provider's privilege has been suspended or revoked by the CPC Standards Committee may appeal the denial to the Board for a hearing within 30 days after the CPC Standards Committee notifies the individual or organization of the denial.*

E. (text unchanged)

.10 Record Keeping.

A.—B. (text unchanged)

C. *Upon the Board's request, approved providers shall electronically transmit to the Board records of attendance, completion of a qualifying activity, and any other pertinent information requested by the Board.*

.12 Extenuating Circumstances/Exceptions.

A. *Exemptions.* Notwithstanding other requirements set forth in this chapter, a licensee who is granted an initial license may renew a license for the next full term without complying with the CPC requirements if:

(1)—(2) (text unchanged)

B. (text unchanged)

.16 Dual Licensees.

A licensee who maintains current licenses in the State of Maryland both as a professional land or property line surveyor and as a professional engineer shall comply with the CPC requirements set forth in COMAR 09.23.06 applicable to licensed professional engineers, except that a minimum of 1/3 of the units earned shall be gained from the qualifying programs on a land surveying subject as set forth in Regulations .03 and [.05] .04 of this chapter.

.17 CPC Units Earned in Other States.

[The Board will accept CPC units earned for activities completed in other jurisdictions, provided that the activities and programs are consistent with and comply with the requisite criteria set forth in this chapter and the licensee otherwise fulfills all other applicable license renewal requirements of this chapter.]

The Board will accept CPC units earned for activities completed in other jurisdictions, provided that:

A. *The activities and programs are consistent and comply with the requisite criteria set forth in this chapter;*

B. *Licensee provides evidence of attending and completing a qualifying activity in another state, together with applicable number of CPC units earned; and*

C. *Licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.*

JOHN V. METTEE, III

Chairman

Board for Professional Land Surveyors

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.01 General Provisions

Authority: Business Regulations Article, §§4-101, 4-205, and 4-303, Annotated Code of Maryland

Notice of Proposed Action

[17-051-P]

The State Athletic Commission proposes to amend Regulation .02 under **COMAR 09.14.01 General Provisions**. This action was considered at a public meeting of the Commission held on October 27, 2016, notice of which was given in 43:20 Md. R 1151 (September 30, 2016) pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to eliminate the requirement that the State Athletic Commission meet once a month and to change the requirement for publishing notice of a Commission meeting to allow the notice to be published on the Commission's website instead of in the Maryland Register.

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 Patrick Pannella, Executive Director, State Athletic Commission, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6223, or email to patrick.pannella@maryland.gov, or fax to 410-962-8480. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Athletic Commission during a public meeting to be held on March 29, 2017, at 2 p.m., at 500 North Calvert Street, 3rd Floor South, Baltimore, Maryland 21202.

.02 Meetings.

A. The Commission shall meet regularly [at least once a month] on a date and time as published [in the Maryland Register] *on the*

Commission's website, pursuant to [State Government Article, §10-506(c)] *General Provisions Article, §3-302(c)*, Annotated Code of Maryland.

B. (text unchanged)

ARNOLD DANSICKER
Chairman
State Athletic Commission

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.04 Safety and Health Standards for Contestants

Authority: Business Regulations Article, §§4-205, 4-304, 4-304.1, 4-310, 4-314, and 4-315, Annotated Code of Maryland

Notice of Proposed Action
[17-054-P]

The State Athletic Commission proposes to amend Regulations .04 and .10 under **COMAR 09.14.04 Safety and Health Standards for Contestants**. This action was considered at a public meeting of the Commission held on October 27, 2016, notice of which was given in 43:20 Md. R 1151 (September 30, 2016) pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that a physician may determine whether a contestant may engage in a contest by considering a number of physical conditions, including determining whether the contestant's blood pressure is within acceptable limits. In particular, the purpose of this action is (1) to allow the physician performing a final physical examination of a contestant before a contest to determine whether a contestant's systolic pressure and diastolic pressure is within acceptable limits; and (2) to expand the medical reasons for the imposition of an indefinite medical suspension by the physician examining a contestant after a contest. The Commission maintains that, after considering all relevant medical factors relating to the contestant, the physician evaluating a contestant's blood pressure is best suited to determine whether a contestant should engage in a contest. The Commission maintains that the physician examining a contestant after a contest should be allowed to impose an indefinite medical suspension for any medical reason that the physician deems 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 Patrick Pannella, Executive Director, State Athletic Commission, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6223, or email to patrick.pannella@maryland.gov, or fax to 410-962-8480. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Athletic Commission during a public meeting to be held on March 29, 2017, at 2 p.m., at 500 North Calvert Street, Third Floor South, Baltimore, Maryland 21202.

.04 Precontest Examinations.

A. (text unchanged)

B. A contestant may not engage in a contest if any of the following physical conditions are [found] *determined* by the Commission's physician:

(1)—(5) (text unchanged)

(6) Systolic pressure [over 150] or diastolic pressure [over 100] *outside of acceptable limits*;

(7)—(11) (text unchanged)

C.—I. (text unchanged)

.10 Medical Suspensions.

A.—B. (text unchanged)

C. A contestant suspended indefinitely [under §B(5) of this regulation] shall remain suspended until a medical examination specified by the Commission has been completed and the Commission has determined that the contestant has satisfactorily recovered.

D.—F. (text unchanged)

ARNOLD DANSICKER
Chairman
State Athletic Commission

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.06 Conduct of Boxing Contests

Authority: Business Regulations Article, §§4-205, and 4-310, Annotated Code of Maryland

Notice of Proposed Action
[17-043-P]

The State Athletic Commission proposes to amend Regulation .10 under **COMAR 09.14.06 Conduct of Boxing Contests**. This action was considered at a public meeting of the Commission held October 27, 2016, notice of which was given in 43:20 Md. R 1151 (September 30, 2016) pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the ruling for the implementation of the low-blow foul in a contest when a contestant is unable to continue from being ruled a draw to being ruled a no contest. The senior physician for the Commission has determined that it is not possible to medically diagnose an injury sustained by a contestant who received a low-blow; because a draw may be beneficial to one contestant while being opposed by the other contestant, the Commission has concluded that the appropriate ruling is a no contest.

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 Patrick Pannella, Executive Director, State Athletic Commission, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6223, or email to patrick.pannella@maryland.gov, or fax to 410-962-8480. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Athletic Commission during a public meeting to be held on March 29, 2017 at 2 p.m., at 500 North Calvert Street, Third Floor South, Baltimore, Maryland 21202.

.10 Low-Blow Foul.

A.—C. (text unchanged)

D. If the senior physician determines that the boxer cannot continue, the contest shall be ruled a [draw] *no contest*.

ARNOLD DANSICKER
Chairman
State Athletic Commission

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.08 Wrestling Regulations

Authority: Business Regulations Article, §§4-205, and 4-310, Annotated Code of Maryland

Notice of Proposed Action

[17-042-P]

The State Athletic Commission proposes to amend Regulation .04 under **COMAR 09.14.08 Wrestling Regulations**. This action was considered at a public meeting of the Commission held October 27, 2016, notice of which was given in 43:20 Md. R 1151 (September 30, 2016) pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow the physician performing a physical examination of a wrestler before a contest to determine whether a wrestler's systolic pressure and diastolic pressure is within acceptable limits. The Commission maintains that, after considering all relevant medical factors relating to the wrestler, the physician evaluating a wrestler's blood pressure is best suited to determine whether a wrestler should engage in a contest.

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 Patrick Pannella, Executive Director, State Athletic Commission, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6223, or email to

patrick.pannella@maryland.gov, or fax to 410-962-8480. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Athletic Commission during a public meeting to be held on March 29, 2017 at 2 p.m., at 500 North Calvert Street, 3rd Floor South, Baltimore, Maryland 21202.

.04 Physical Examinations.

A.—D. (text unchanged)

E. The examining physician may disqualify a contestant or referee for:

(1) Blood pressure elevation, systolic pressure [greater than 180,] or diastolic pressure [greater than 105] *outside of acceptable limits as determined by the examining physician;*

(2)— (3) (text unchanged)

F. (text unchanged)

ARNOLD DANSICKER
Chairman
State Athletic Commission

Subtitle 15 STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS

09.15.01 Fees

Authority: Business Regulation Article, §§9A-205, 9A-207 and 9A-304(f), Annotated Code of Maryland

Notice of Proposed Action

[17-024-P]

The State Board of Heating, Ventilation, Air-Conditioning and Refrigeration Contractors proposes to amend Regulation .01 under **COMAR 09.15.01 Fees**. This action was considered at a public meeting of the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors held on October 12, 2016, notice of which was provided by posting on the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors' website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that an applicant for an applicable licensing examination or reexamination shall pay the examination- or reexamination-related fees (1) directly to the testing service chosen by the Maryland Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors to develop or administer the examination, and (2) in an amount or amounts set by the testing service selected by the Maryland Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors. Further, the action also seeks to reduce the time a candidate who failed a license examination must wait before a reexamination.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Mechanical Licensing Boards, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Baltimore, Maryland 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Heating, Ventilation, Air-Conditioning and Refrigeration Contractors during a public meeting to be held on March 8, 2017, at 500 North Calvert Street, Third Floor, Baltimore, Maryland 21202.

.01 Fees.

A. An applicant for an appropriate licensing examination shall pay [an] the examination fee [for examination as follows:

- (1) \$150 for a master, limited contractor, and journeyman;
- (2) \$50 for a master restricted and journeyman restricted in one of the following categories:
 - (a) Air conditioning;
 - (b) Forced air heating;
 - (c) Hydronic heating;
 - (d) Refrigeration; and
 - (e) Ventilation;
- (3) \$100 for a master restricted and journeyman restricted heating;
- (4) \$44 for an inspector.]

directly to the testing service chosen by the Board to develop or administer the examination, as such fees are established by the testing service selected by the Board.

B. An applicant who fails an examination:

- (1) May reapply to take the examination [60] 30 days after the date the applicant last took the examination; and
- (2) Shall pay the fee for the examination in the manner described in §A of this regulation.
- C. (text unchanged)

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 15 STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS

09.15.02 General Regulations

Authority: Business Regulation Article, §9A-205, Annotated Code of Maryland

Notice of Proposed Action

[17-047-P]

The State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors proposes to amend Regulation .01, repeal Regulations .06 and .07, recodify existing Regulations .08 and .11 to be Regulations .06 and .09, respectively, and amend and recodify existing Regulations .09 and .10 to be Regulations .07 and .08, respectively, under **COMAR 09.15.02 General Regulations**. This action was considered at a public meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration

Contractors held on October 12, 2016, notice of which was provided by posting 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 remove obsolete provisions.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Mechanical Licensing Boards, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Baltimore, Maryland 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors during a public meeting to be held on March 8, 2017, at 500 North Calvert Street, Third Floor, Baltimore, Maryland 21202.

.01 Qualification of Inspectors.

A. Heating, ventilation, air conditioning, and refrigeration inspectors hired by the State, a county, or other local subdivision [after March 1, 1995], shall meet minimum standards that are established by the State Board.

B.—C. (text unchanged)

[.09].07 Training for HVACR Journeyman.

A. (text unchanged)

[B. To avoid undue hardship, the Board may give credit for hours worked in the installation and repair of HVACR equipment and systems for periods before licensing was required.]

[C.] B.—[D.] C. (text unchanged)

[.10].08 Time for Submitting License Application.

A. (text unchanged)

[B. An applicant who was approved for licensure without examination pursuant to Business Regulation Article, §9A-306, Annotated Code of Maryland, shall apply for licensure, including payment of all applicable fees, not later than July 31, 1999, to be entitled to a license without examination.]

[C.] B. (text unchanged)

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 16 BOARD OF BARBERS

09.16.01 General Regulations

Authority: Business Occupations and Professions Article, Title 4, Annotated Code of Maryland

Notice of Proposed Action

[17-062-P]

The Board of Barbers proposes to amend Regulations **.06—****.08** and **.10** under **COMAR 09.16.01 General Regulations**. This action was considered at a public meeting held on December 12, 2016, notice of which was provided on the agency’s website, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend language regarding apprentices, including deleting language about non-English speakers that is duplicative of the statutory language and removing barriers to apprenticeship licensure for reading disabled individuals as well as hearing impaired individuals. The purpose of this action is also to add language for examination content for barber stylists; amend the fee structure for examinations; amend license fees to include the licensing category barber stylist; and remove obsolete language regarding examiners.

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 Shirley Leach, Executive Director, Board of Barbers, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6195, or email to shirley.leach2@maryland.gov, or fax to 410-555-1212. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Board of Barbers during a public meeting to be held on March 13, 2017, at 500 N. Calvert Street, 3rd Floor Conference Room, Baltimore, MD 21202.

.06 Apprenticeship Registration Requirements.

A. (text unchanged)

[B. Non-English-Speaking or Reading Disabled Individuals. An individual who is non-English-speaking or who demonstrates dyslexia or other reading impairments, shall participate in English comprehension or reading comprehension courses during the apprenticeship.

C. Hearing Impaired Individuals. Hearing impaired individuals registered as apprentices shall participate in courses during the apprenticeship to allow them to understand directions, explanations, or needs of examiners and patrons.

[D.] B. (text unchanged)

.07 Examinations.

A.—I. (text unchanged)

J. Content of Barber Stylist Examination.

(1) A barber examination shall consist of a theoretical portion and a practical portion.

(2) The theoretical portion of the barber examination shall consist of questions which embrace the subjects of barber science found in a basic textbook including, but not limited to, the following:

(a) Sanitation and disinfection;

(b) Hair cutting and styling techniques;

(c) Diseases and disorders; and

(d) Laws and regulations regarding the practice of barbering.

(3) The practical portion of the barber examination shall consist of the candidate demonstrating and explaining:

(a) Haircut; and

(b) Shave.

.08 Fees.

A. Examination Fees. An applicant for examination or reexamination shall pay an examination or reexamination fee directly to the testing service chosen by the Board to develop or administer the examination.

[(1) The following examination fees shall be paid at the time a person files an application to take an examination:

(a) Master barber — \$50;

(b) Barber — \$80.

(2) An examination fee of \$50 shall be paid at the time a person files an application to retake a portion of an examination.]

B. License, Permit, and Registration Fees. The following fees shall be paid to the Board prior to the issuance or renewal of a license, permit, or registration:

(1) Owner — \$50;

(2) Master barber — \$50;

(3) Barber — \$50;

(4) [Apprentice — \$10.] Barber Stylist — \$50;

(5) Apprentice — \$10.

C.—I. (text unchanged)

.10 Compensation of [Examiners and] Inspectors.

[A. Examiners, appointed by the Board, shall be paid a per diem of at least \$50 based on the State’s budget.]

[B.] A. — [C.] B. (text unchanged)

SHIRLEY LEACH
Executive Director
Board of Barbers

Subtitle 17 BOARD OF STATIONARY ENGINEERS

09.17.01 General Regulations

Authority: Business Occupations and Professions Article, §§6.5-205, 6.5-304, 6.5-305, and 6.5-306, Annotated Code of Maryland

Notice of Proposed Action

[17-048-P]

The Board of Stationary Engineers proposes to amend Regulation **.02** under **COMAR 09.17.01 General Regulations**. This action was considered at a public meeting of the Board of Stationary Engineers held on November 15, 2016, notice of which was provided by posting 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 remove an obsolete provision.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Mechanical Licensing Boards, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Board of Stationary Engineers during a public meeting to be held on March 21, 2017, at 500 North Calvert Street, Third Floor, Baltimore, MD 21202.

.02 Application for Licensure.

[A.] An applicant who has successfully completed a license examination shall apply for licensure, and pay all applicable fees, within 2 years of successfully completing the license examination in order for the applicant’s test results to remain valid.

[B. An applicant who successfully completed a license examination more than 2 years before the effective date of this regulation shall apply for licensure, and pay all applicable fees, no later than December 31, 2013 in order for the applicant’s test results to remain valid.]

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 20 BOARD OF PLUMBING

09.20.02 Enforcement of the Plumbing Law by the Board

Authority: Business Occupations and Professions Article, §§12-205, 12-207, and 12-308, Annotated Code of Maryland

Notice of Proposed Action

[17-063-P]

The State Board of Plumbing proposes to amend Regulations .02 and .07 and repeal Regulation .11 under COMAR 09.20.02 **Enforcement of the Plumbing Law by the Board**. This action was considered at a public meeting of the State Board of Plumbing held on October 20, 2016, notice of which was provided by posting on the Board of Plumbing’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to remove obsolete provisions pertaining to required training for apprentice plumbers and to clarify the license renewal cycle. The proposed action will also eliminate the

provision setting forth an examination fee for certain license examinations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Mechanical Licensing Boards, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Baltimore, Maryland 21202, or call 410-230-2160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Plumbing during a public meeting to be held on March 16, 2017, at 10:30 a.m., at 500 North Calvert Street, Third Floor, Baltimore, Maryland 21202.

.02 Required Training for Apprentice Plumbers.

A. (text unchanged)

[B. Hours worked by an individual not registered with the Board as an apprentice plumber may not be included towards the requisite 7,500 working hours of instruction and experience, unless the hours were worked before October 26, 1981.]

[C.] B.—[D.] C. (text unchanged)

.07 Applicants for Renewal of License.

A. All apprentice, journey, and master plumbers eligible for renewal shall renew their licenses [by May 1 of each odd-numbered year] *every 2 years*.

B.—C. (text unchanged)

MICHAEL J. KASTNER, JR.
Chair
State Board of Plumbing

Subtitle 21 BOARD OF ARCHITECTS

09.21.04 Fees

Authority: Business Occupations and Professions Article, §§3-101, 3-208, 3-209, 3-304, 3-306, 3-307, 3-309, 3-309.1, 3-309.2, 3-310, 3-405, 3-406, and 3-408; Business Regulation Article, §§2-106.1 and 2-106.2; Annotated Code of Maryland

Notice of Proposed Action

[17-052-P]

The Board of Architects proposes to amend Regulation .03 under COMAR 09.21.04 **Fees**. This action was considered by the Board of Architects at a public meeting held on October 26, 2016, notice of which was published on the website of the Department of Labor, Licensing and Regulation pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that an applicant who intends to take or re-take one or more sections of the national

architectural registration examination created by the National Council of Architectural Registration Boards (NCARB), shall pay the examination or re-examination fees (1) directly to NCARB; and (2) in an amount or amounts set by NCARB.

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 Steve Long, Executive Director, Board of Architects, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-333-9923. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on March 22, 2017, at 10 a.m., at 500 N. Calvert Street, Baltimore, MD 21202.

.03 Fees and Costs.

A.—B. (text unchanged)

C. An applicant shall pay the [following] examination fees directly to NCARB [or its designee], as these fees are established by NCARB[

- (1) Programming, Planning, and Practice — \$170;
- (2) Site Planning and Design — \$170;
- (3) Building Design and Construction Systems — \$170;
- (4) Schematic Design — \$170;
- (5) Structural Systems — \$170;
- (6) Building Systems — \$170;
- (7) Construction Documents and Services — \$170].

D. (text unchanged)

DIANE CHO
Chairman
Board of Architects

**Subtitle 22 BOARD OF
COSMETOLOGISTS**

09.22.01 General Regulations

Authority: Business Occupations and Professions Article, § 5-205, Annotated Code of Maryland.

Notice of Proposed Action

[17-036-P]

The Board of Cosmetologist proposes to repeal existing Regulation .05, amend Regulations .11, .12, and .13, and recodify existing Regulations .06—.16 to be Regulations .05—.15 under COMAR 09.22.01 General Regulations. This action was considered at public meetings held on October 3, 2016 and December 5, 2016 notice of which was posted on the agency’s website, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to remove the makeup artist license, which is no longer a license category; remove requirements for non-English speakers, reading disabled and/or hearing impaired individuals for apprenticeships; add descriptions of the content of examinations for two new license categories (hair stylist and blow dry); and amend the regulation to reflect that the fees will be paid directly to the testing service chosen by the Board to administer the examination and to add the fees for the blow dry and hair stylist licenses.

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 Shirley Leach, Executive Director, Board of Cosmetology, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6195, or email to shirley.leach2@maryland.gov, or fax to 410-555-1212. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Board of Cosmetologists during a public meeting to be held on April 3, 2017 at 10 a.m., at 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202.

[.11] .10 Apprenticeship Registration Requirements.

[A.] A person may be registered as an apprentice if the person:

[(1)] A.— [(4)] D. (text unchanged)

[B. Non-English-Speaking or Reading-Disabled Individuals. An individual who is non-English-speaking or who demonstrates dyslexia or other reading impairments shall participate in English comprehension or reading comprehension courses during the apprenticeship

C. Hearing-Impaired Individuals. Hearing-impaired individuals registered as apprentices shall participate in courses during the apprenticeship to allow them to understand directions, explanations, or needs of examiners and patrons.]

[.12] .11 Examinations.

A.—K. (text unchanged)

L. *Contents of Blow Drying Examination.*

(1) *A blow drying examination shall consist of a theoretical portion and a practical portion.*

(2) *The theoretical portion of the blow drying examination shall consist of questions which embrace the subjects of beautifying, cleaning, and arranging hair found in cosmetology textbooks including, but not limited to, the following:*

- (a) *Sanitation and disinfection;*
- (b) *Disease and disorders;*
- (c) *Arranging hair;*
- (d) *Cleansing hair;*
- (e) *Curling hair;*
- (f) *Dressing hair;*
- (g) *Blow drying hair;*
- (h) *Singeing hair; and*
- (i) *Beautifying hair.*

(3) *The practical portion of the blow drying examination shall consist of the candidate demonstrating and explaining:*

- (a) *Arranging hair;*
- (b) *Cleansing hair;*
- (c) *Curling hair;*
- (d) *Dressing hair;*
- (e) *Blow drying hair;*
- (f) *Singeing hair; and*
- (g) *Beautifying hair.*

M. Content of Hair Stylist Examination.

(1) *A hair stylist examination shall consist of a theoretical and a practical portion.*

(2) *The Theoretical portion of the hair stylist examination shall consist of questions which embrace the subjects of the hair styling found in basic cosmetology textbooks, including, but not limited to, the following:*

- (a) *Sanitation and disinfection;*
- (b) *Chemical applications;*
- (c) *Hair cutting and styling techniques;*
- (d) *Diseases and disorders; and*
- (e) *Laws and regulations regarding the practice of hair styling.*

(3) *The practical portion of the hair styling examination shall consist of the candidate demonstrating and explaining:*

- (a) *Wet set or thermal curl set;*
- (b) *Permanent cold wave;*
- (c) *Chemical relaxing;*
- (d) *Hair pressing;*
- (e) *Croquignole curl;*
- (f) *Bleach and tint;*
- (g) *Blended haircut;*
- (h) *Fingerwave;*
- (i) *Pincurls; and*
- (j) *Roller placement.*

[.13] .12 Fees.

A. *Examination Fees. An applicant for examination or reexamination shall pay an examination or reexamination fee directly to the testing service chosen by the Board to develop or administer the examination.*

[(1) The following examination fees shall be paid at the time a person files an application to take an examination:

- (a) Senior cosmetologist ... \$50;
- (b) Cosmetologist ... \$80;
- (c) Esthetician ... \$80;
- (d) Nail technician ... \$80.

(2) The following examination fees shall be paid at the time a person files an application to retake a portion of an examination:

- (a) Senior cosmetologist ... \$50;
- (b) Cosmetologist, nail technician, or esthetician:
 - (i) Full exam ... \$80;
 - (ii) Practical only ... \$50;
 - (iii) Theory only ... \$50;]

B. *License, Permit, and Registration Fees. Except as provided in this subsection, the following fees shall be paid to the Board prior to the issuance or renewal of a license, permit, or registration:*

- (1)—(3) (text unchanged)
- (4) [makeup artist] *Blow dry* ... \$25;
- (5)—(6) (text unchanged)
- (7) [Apprentice ... \$10.] *Hair stylist* ...\$25;
- (8) *Apprentice* ... \$10.

C.—I. (text unchanged)

SHIRLEY LEACH
Executive Director
Board of Cosmetologist

DR. STEVEN ARNDT, P.E.
Chairman
Board for Professional Engineers

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.04 Fees

Authority: Business Occupations and Professions Article, §§14-101, 14-207—14-209, 14-306, 14-310—14-312, 14-314—14-316, and 14-320; Business Regulation Article, §§2-106, 2-106.1, and 2-106.2; Annotated Code of Maryland.

Notice of Proposed Action

[17-053-P]

The Board for Professional Engineers proposes to amend Regulation .03 under **COMAR 09.23.04.Fees**. This action was considered by the Board for Professional Engineers at a public meeting held on October 13, 2016, notice of which was published on the website of the Department pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that an applicant for a national licensing examination or reexamination shall pay the examination-or re-examination fees (1) directly to the National Council of Examiners for Engineering and Surveying (NCEES); and (2) in an amount or amounts set by the NCEES.

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 Steve Long, Executive Director, Board of Professional Engineers, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-962-8483. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on March 9, 2017, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. (text unchanged)

B. An applicant for the appropriate licensing examination shall pay the [following] examination *or re-examination* fees directly to the [Board or its designee] *National Council of Examiners for Engineering and Surveying (NCEES)*, as these fees are established by [the National Council of Examiners of Engineers and Surveyors:

- (1) Fundamentals of Engineering — \$225;
- (2) Principles and Practice of Engineering — \$250; and
- (3) Structural Engineering
 - (i) Lateral Forces — \$410; and
 - (ii) Vertical Force — \$410] *NCEES*.

C. — E. (text unchanged)

Subtitle 29 BOARD OF FORESTERS

09.29.01 General Regulations

Authority: Business Occupations and Professions Article, §§7-206(a)(2) and 7-304, Annotated Code of Maryland

Notice of Proposed Action

[17-040-P]

The Board of Foresters proposes to repeal existing Regulations .01—.06 and adopt new Regulations .01—.05 under **COMAR 09.29.01 General Regulations**. This action was considered by the Board at a public meeting held on October 17, 2016, notice of which was published on the Board's website, pursuant to General Provisions Article §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to eliminate language that duplicates existing provisions of Business Occupations and Professions Article, Title 7, Annotated Code of Maryland and regulations under COMAR 09.01.01, Department of Labor, Licensing and Regulation; and it also eliminates obsolete language and makes stylistic changes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dennis L. Gring, Executive Director, Board of Foresters, 500 N. Calvert Street, Third Floor, or call 410 230 6224, or email to dennis.gring@maryland.gov, or fax to 410 962-8482. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Foresters during a public meeting to be held on April 10, 2017, at 10 a.m., at 500 N. Calvert Street, Third Floor, Baltimore, MD 21036.

.01 Administrative Procedures of the Board.

A. The Board shall elect its officers at its July meeting.

B. Hearings. The regulations set forth in COMAR 09.01.02 shall govern hearings before the Board.

.02 Application for Licensing.

A. Only the experience of the applicant in practicing forestry that was gained after the completion of the educational requirements under Business Occupations and Professions Article, §7-304(b), Annotated Code of Maryland shall be considered by the Board.

B. An application shall contain:

(1) Statements made under oath showing the applicant's education, including the applicant's official college transcript;

(2) A detailed summary of the applicant's experience in practicing forestry that was obtained after the completion of the educational requirements under Business Occupations and Professions Article, §7-304(b), Annotated Code of Maryland; and

(3) At least five signed references to indicate endorsement of the applicant, of which three or more shall be foresters having personal or professional knowledge of the applicant's forestry experience.

.03 Procedures Governing Licensing.

A. Seal. The seal shall be affixed on all plans, maps, reports and specifications prepared by the licensee, pursuant to the requirements of Business Occupations and Professions Article, §§7-401 and 7-402, Annotated Code of Maryland.

B. A suspended, revoked or expired license may not be displayed in any public office or place of business by any licensee in connection with the practice of forestry.

C. The Board shall issue a new license to replace any license destroyed or mutilated upon receipt by the Board of a written request.

D. A licensee may display the title "Maryland Licensed Forester" any manner consistent with the practice of forestry.

.04 Code of Professional Conduct.

A. A licensee shall advocate and practice forest management consistent with ecologically sound principles.

B. Knowledge and Skills. A licensee shall:

(1) Use knowledge and skills for the benefit of the public.

(2) Strive for accurate, current, and increasing knowledge of forestry.

(3) Communicate knowledge, when it is not confidential, and challenge and correct untrue statements about forestry.

C. Advertisements. A licensee:

(1) Shall advertise only in a dignified and truthful manner.

(2) Shall state services the licensee is qualified and prepared to perform.

(3) May include references to fees charged.

D. Public Comment. A licensee:

(1) Shall make public comment on forestry matters based upon accurate knowledge.

(2) May not distort or withhold pertinent information to substantiate a point of view.

(3) Shall indicate on whose behalf statements are made before commenting on forest policies and practices.

E. Services. A licensee:

(1) Shall perform services consistent with the highest standards of quality;

(2) Shall perform only those services for which the licensee is qualified by education or experience, or both;

(3) May not accept compensation or expenses from more than one employer for the same service unless the parties involved are informed and consent;

(4) Shall engage, or advise the licensee's employer to engage, other experts and specialists in forestry or related fields if the employer's interest would be best served by this action;

(5) Shall work cooperatively with other professionals;

(6) Shall give credit for the methods, ideas, or assistance obtained from others; and

(7) In competition for supplying forestry services, shall encourage the prospective employer to base selection on comparison of qualifications and negotiation of fee or salary.

F. A licensee who is asked to participate in forestry operations which deviate from accepted professional standards shall advise the employer in advance of the consequences of this deviation.

G. A licensee may not voluntarily disclose information concerning the affairs of the licensee's employer without the employer's express permission.

H. A licensee shall avoid conflicts of interest or even the appearance of these conflicts. If, despite this precaution, a conflict of interest is discovered, the licensee shall promptly and fully disclose the conflict to the licensee's employer, and the licensee shall be prepared to act immediately to resolve the conflict.

I. A licensee may not, by false statements or dishonest action, injure the reputation or professional associations of another licensee.

J. Information submitted by a licensee about a candidate for a prospective position, award, or elected office shall be accurate, factual, and objective.

K. A licensee having evidence of a violation of Business Occupations and Professions Article, Title 7, Annotated Code of Maryland, or the regulations contained in this chapter, by another licensee shall present the information and complaints to the Board.

.05 Continuing Education.

A. Continuing Education Requirements.

(1) An applicant for license renewal shall complete, prior to submitting an application, a least 8 credit hours of qualifying continuing education in each 2-year license term.

(2) The continuing education requirement does not apply to the first renewal of a license by a licensee.

B. Qualifying continuing education shall be in technical forestry or forestry-related subject matter given by:

- (1) The Department of Natural Resources Forest Service;
- (2) The Maryland Department of Agriculture, Forest Pest Division or Soil Conservation District;
- (3) The University of Maryland Extension, Natural Resources;
- (4) The United States Department of Agriculture, Forest Service;
- (5) The Society of American Foresters;
- (6) A college or university accredited by the Society of American Foresters;
- (7) A course certified by the Society of American Foresters' Continuing Forestry Education program;
- (8) The Association of Consulting Foresters;
- (9) The International Society of Arboriculture; or
- (10) Other continuing education approved by the Board.

C. Credit for continuing education accrues at a rate of 1 hour for:

- (1) Each 50 minutes of actual classroom activity; or
- (2) 3 hours of tour or field session activity.

D. A licensee, upon notification of audit of the continuing education reported on the license renewal application shall provide the following information:

- (1) Name of provider;
- (2) Name of course;
- (3) Number of hours; and
- (4) Dates attended.

E. Verification.

(1) The Board may verify, on a random basis, satisfactory completion of the requirements of this regulation.

(2) A licensee shall retain the evidence to verify the satisfactory completion of the requirements of this regulation for a period of at least 2 years.

F. The Board may grant an additional period of time within which the deficiencies in satisfying the continuing education requirement may be corrected.

G. Continuing education hours may not be carried over from one licensing period to the next.

WADE DORSEY
Chairman
Board of Foresters

Subtitle 34 OFFICE OF CEMETERY OVERSIGHT

09.34.01 Registration and Permit Requirements

Authority: Business Regulation Article, §§5-204, 5-301—5-308, and 5-401—5-405, Annotated Code of Maryland

Notice of Proposed Action

[17-029-P]

The Office of Cemetery Oversight proposes to amend Regulation .05 under COMAR 09.34.01 Registration and Permit Requirements. This action was considered at a public meeting conducted by the Office of Cemetery Oversight on October 27, 2016 notice of which was given by publication in "The Daily Record" on October 17, 2016 and on the Office of Cemetery Oversight website from October 21, 2016 through October 27, 2016, pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to delete the requirement that an applicant report on his or her application for a registration whether the applicant has been convicted of any drug offense committed after January 1, 1991.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will decrease the cost of applying for a registration for applicants who have been convicted of a drug offense committed after January 1, 1991 since they will no longer be required to provide charging documents which were issued and docket entries for such convictions.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
No need to provide some criminal records	(+)	Minimal
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.)

D. Applicants who have drug offenses committed after January 1, 1991 would no longer have to provide copies of charging documents and docket entries to the Office when filing an application.

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 Deborah Rappazzo, Acting Director, Office of Cemetery Oversight, 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6228, or email to deborah.rappazzo@maryland.gov, or fax to 410-333-6314. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Office of Cemetery Oversight during a public meeting to be held on March 23, 2017 at 10 a.m., at 500 N. Calvert Street, Baltimore, MD 21202.

.05 Registration—Requirements for Initial Registration of Individuals Who Operate Cemeteries or Provide Burial Goods.

- A.—B. (text unchanged)
- C. Additional Requirements.

(1) An individual applying for initial registration shall provide the Office with a detailed description of activities including, but not limited to, whether the applicant has:

- (a) Had a license, certification, registration, or permit of the type for which application is being made ever denied, suspended, or revoked by Maryland or any jurisdiction;
- (b) Been convicted of a felony in any state or federal court;
- [(c) Been convicted of any drug offense committed after January 1, 1991;]
- [(d)] (c)— [(g)] (f) (text unchanged)
- (2) (text unchanged)
- D.—E. (text unchanged)

DEBORAH RAPPAZZO
Acting Director
Office of Cemetery Oversight

Subtitle 34 OFFICE OF CEMETERY OVERSIGHT

09.34.01 Registration and Permit Requirements

Authority: Business Regulation Article, §§ 5-204, 5-301-5-308, and 5-401 through 5-405, Annotated Code of Maryland

Notice of Proposed Action

[17-030-P]

The Office of Cemetery Oversight proposes to amend Regulation .06 under COMAR 09.34.01 Registration and Permit Requirements. This action was considered at a public meeting conducted by the Office of Cemetery Oversight on October 27, 2016 notice of which was given by publication in “The “Daily Record” on October 17, 2016 and on the Office of Cemetery Oversight website <http://www.dllr.maryland.gov/license/cemmin.shtml> from October 21, 2016 through October 27, 2016, pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to delete the requirement that an applicant submit a certificate of good standing from the Department of Assessments and Taxation and require, instead, that the applicant

be good standing with the Department of Assessments and Taxation, as determined by the Director.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Regulated cemeteries, monument dealers and crematories, who are applicants for registration or permitting by the Office of Cemetery Oversight, will no longer be required to provide a Certificate of Good Standing from the Department of Assessments and Taxation, at a cost of \$40.00 to the applicant. The Office of Cemetery Oversight will verify good standing with the Department of Assessments and Taxation, as part of its normal operations, via that Department’s website.

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:		
Cemeteries, Monument Dealers and Crematories	(+)	\$40
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.)

D. Regulated cemeteries, Monument Dealers and Crematories will no longer have to purchase a Certificate of Goods Standing from the Department of Assessments and Taxation at a cost of \$40.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. The applicant will no longer be required to provide a Certificate of Good Standing from the Department of Assessments and Taxation, at a cost of \$40.00 to the applicant, to the Office of Cemetery Oversight. The Office of Cemetery Oversight, as part of its normal operations, will verify an applicant’s good standing with the Department of Assessments and Taxation via that Department’s website.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Deborah Rappazzo, Acting Director, Office of Cemetery Oversight, 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6228, or email to deborah.rappazzo@maryland.gov, or fax to 410-333-6314. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Office of Cemetery Oversight during a public meeting to be held on March 23, 2017 at 10 a.m., at 500 N. Calvert Street, Baltimore, MD 21202.

.06 Business Application—Financial Stability.

A. (text unchanged)

B. To determine financial stability of each category of affiliated cemetery or burial goods business, the responsible party shall:

(1) (text unchanged)

(2)[Submit a certificate of good standing, issued by the Maryland Department of Assessments and Taxation, or its equivalent as determined by the Director, and dated not earlier than 30 days before the application] *Be in good standing with the Maryland Department of Assessments and Taxation or have an equivalent status, as determined by the Director;*

(3)—(4) (text unchanged)

C.—M. (text unchanged)

DEBORAH RAPPAZZO
Acting Director
Office of Cemetery Oversight

Subtitle 34 OFFICE OF CEMETERY OVERSIGHT

09.34.02 Perpetual Care

Authority: Business Regulation Article, §§5-204 [and], 5-605, and 5-606, Annotated Code of Maryland

Notice of Proposed Action

[17-028-P]

The Office of Cemetery Oversight proposes to amend Regulation .03 under **COMAR 09.34.02 Perpetual Care**. This action was considered at a public meeting conducted by the Office of Cemetery Oversight on October 27, 2016 notice of which was given by publication in “The “Daily Record” on October 17, 2016 and on the Office of Cemetery Oversight website <http://www.dllr.maryland.gov/license/cemmin.shtml> from October 21, 2016 through October 27, 2016, pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to delete obsolete language and require the perpetual care trust report to comply with the requirements of Business Regulation Article, §5-606, 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 Deborah Rappazzo, Acting Director, Office of Cemetery Oversight, 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6226, or email to deborah.rappazzo@maryland.gov, or fax to 410-333-6314.

Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Office of Cemetery Oversight during a public meeting to be held on March 23, 2017, at 500 N. Calvert Street, Baltimore, MD 21202.

.03 Perpetual Care Report.

The perpetual care trust report shall comply with the requirements of §5-606, Business Regulation Article, Annotated Code of Maryland.

[A. Each sole proprietor registered cemeterian or permit holder subject to the perpetual care trust requirements of Business Regulation Article, Title 5, Subtitle 6, Annotated Code of Maryland, shall file a perpetual care trust fund report with the Director of the Office of Cemetery Oversight within 120 days after the close of each calendar or other fiscal year chosen by the sole proprietor registered cemeterian or permit holder.

B. The perpetual care trust fund report shall:

(1) Be on the form that the Director requires and include:

(a) The name of the sole proprietor registered cemeterian or permit holder;

(b) Each location of the sole proprietor registered cemeterian or permit holder;

(c) The amount of money in each perpetual care trust fund at the beginning of the calendar or other fiscal year chosen by the sole proprietor registered cemeterian or permit holder;

(d) The amount of money that the sole proprietor registered cemeterian or permit holder received during that year that is subject to the trust requirements of Business Regulation Article, Title 5, Subtitle 6, Annotated Code of Maryland;

(e) The amount of money actually deposited into each perpetual care trust fund in that year;

(f) The amount of money spent from the perpetual care trust fund during that year to provide care, maintenance, administration, and embellishment of each cemetery, except for money used for the care of monuments and memorials;

(g) The name and address of each trustee;

(h) If an individual trustee, proof of a fidelity bond from a recognized bonding institution, authorized to do business in the State, in an amount at least equal to the trust fund, and which meets the requirements of Business Regulation Article, Title 5, Subtitle 6, Annotated Code of Maryland; and

(i) If not previously submitted, a copy of the current written trust agreement between the sole proprietor registered cemeterian or permit holder and the trustee whose terms conform to Business Regulation Article, Title 5, Subtitle 6, Annotated Code of Maryland.

(2) Be certified as to correctness by a certified public accountant retained by the cemetery;

(3) Be accompanied by a trustee’s summary statement of assets; and

(4) Be accompanied by a fee of \$25.]

DEBORAH RAPPAZZO
Acting Director
Office of Cemetery Oversight

**Subtitle 35 ELEVATOR SAFETY
REVIEW BOARD**

09.35.04 Continuing Professional Competency

Authority: Public Safety Article, §12-833, Annotated Code of Maryland

Notice of Proposed Action

[17-035-P]

The Elevator Safety Review Board proposes to repeal existing Regulation .10 under **COMAR 09.35.04 Continuing Professional Competency**. This action was considered at a public meeting of the Board held on October 28, 2016, notice of which was given on the Elevator Safety Review Board website <http://www.dllr.state.md.us/license/elev/> from September 27 through October 28, 2016, pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to eliminate the phase-in provision for the completion of Continuing Professional Competency credits required for licensure renewal since these dates are now obsolete.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robin Bailey, Executive Director, Elevator Safety Review Board, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Elevator Safety Review Board during a public meeting to be held on April 28, 2017 at 10 a.m., at 500 N. Calvert Street, Baltimore, MD 21202.

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

**Subtitle 36 COMMISSION OF REAL
ESTATE APPRAISERS, APPRAISAL
MANAGEMENT COMPANIES, AND
HOME INSPECTORS — HOME
INSPECTORS**

09.36.02 Work Experience Requirements

Authority: Business Occupations and Professions Article, §§16-216 and 16-3A-02, Annotated Code of Maryland

Notice of Proposed Action

[17-046-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to repeal Regulation .01 under **COMAR 09.36.02 Work Experience Requirements**. This action was considered at a public meeting of the Commission held on October 11, 2016, notice of which was given in 43:20 Md. R. 1152 (September 30, 2016) pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to repeal obsolete work experience requirements for individuals seeking a home inspector license prior to July 1, 2002. The regulation was adopted to establish acceptable work experience requirements pursuant to Business Occupations and Professions Article, Annotated Code of Maryland, Article §16-3A-02.

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 Patricia Schott, Executive Director, Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6165, or email to patricia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors during a public meeting to be held on April 11, 2017, at 500 N. Calvert Street, Third Floor, Baltimore, MD 21202.

PATRICIA SCHOTT
Executive Director
Commission of Real Estate Appraisers, Appraisal
Management Companies, and Home Inspectors

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Proposed Action [17-061-P]

The Secretary of Health and Mental Hygiene proposes to:

(1) Adopt new Regulations .01—.11 under a new chapter, **COMAR 10.01.01 Income Tax Credits for Preceptors in Areas with Health Care Workforce Shortages**; and

(2) Amend Regulation .02 under **COMAR 10.27.01 Examination and Licensure**.

This action was considered and approved by the Board of Nursing at its regular meeting on June 22, 2016, notice of which was placed on the Board’s website on May 1 and June 1, 2016, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the Board of Nursing’s fee schedule to add the preceptor fund assessment for each Certified Registered Nurse Practitioner (NP) who renews their certification. The fees collected will fund the Nurse Practitioner Preceptorship Tax Credit Fund established under Senate Bill 411/HB 1494, 2016 Legislative session: Income Tax Credit for Preceptors in Areas with Health Care Workforce Shortage. Incidental to the amendment, clarifying changes are added and the annual fee schedule is repealed because everyone regulated by the Board is now on a biennial renewal fee schedule.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Nurse Practitioner (CRNP) renewal is a total of \$171. The \$15 preceptorship surcharge is a small percentage of the overall renewal fee. The tax benefit exists for Nurse Practitioners therefore this is not a substantial economic impact to professional Nurse Practitioners.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
<hr/>			
A. On issuing agency:			
(1)	(R+)		\$45,000
(2)	(E+)		\$21,000—\$57,000 revenue transferred to State Fund
B. On other State agencies:		NONE	
C. On local governments:		NONE	
<hr/>			
	Benefit (+)		
	Cost (-)		Magnitude
<hr/>			
D. On regulated industries or trade groups:			
(1) Nurse Practitioners	(-)		\$45,000

(2) Nurse Practitioner or Licensed Physician	(+)	\$21,000—\$57,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminable

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

A(1) and D(1). Every Nurse Practitioner who renews an advanced practice certification must pay the \$15 biennial assessment as required by Health Occupations Article, §8-026, Annotated Code of Maryland. There are approximately 3,000 nurse practitioners who renew their licenses every year. 3,000 x \$15 = \$45,000.

A(2) and D(2). Based on the Health Resources and Service Administration (HRSA) database warehouse, as of 2015 Maryland had 32 primary care provider (PCP) HPSA across 16 jurisdictions, 46 MUA across 19 jurisdictions, 13 MUP across 7 jurisdictions. At an estimate of 1 preceptors per jurisdiction and at the minimum required rotation, the yearly allocated funds will be between \$21,000 - \$57,000. This money is placed into the Nurse Practitioner Preceptorship Tax Credit Fund and the returned as a tax credit to those who apply for a credit certificate and are approved.

F. It is anticipated that the indirect effect will attract more physicians or NPs to precept student NPs in health care workforce shortage areas with a resultant increase in primary care providers. Research has shown that NPs often stay in the area where they do their clinical training.

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 February 21, 2017. A public hearing has not been scheduled.

Subtitle 01 PROCEDURES

10.01.01 Income Tax Credits for Preceptors in Areas with Health Care Workforce Shortages

Authority: Tax-General Article, §§10-737 and 10-738; Education Article, §18-803(b)(1) and (2), (e)(2) and (3); and Health Occupations Article, §8-206(b), Annotated Code of Maryland

.01 Purpose and Effective Date.

A. *Effective July 1, 2016, there is an income tax credit for nurse practitioners and physicians that serve as preceptors in health care workforce shortage areas.*

B. *This chapter describes the procedures used by the Secretary of Health and Mental Hygiene to monitor, evaluate eligibility, and issue income tax credits for nurse practitioners and physicians that serve as preceptors in health care workforce shortage areas.*

.02 Definitions.

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

B. Terms Defined.

- (1) "Applicant" means an individual:
 - (a) Who has submitted an application to the Department for an income tax credit for serving as a preceptor; and
 - (b) Whose status for receipt of a tax credit has not yet been determined.
- (2) "Board" means the State Board of Nursing.
- (3) "Department" means the Department of Health and Mental Hygiene.
- (4) "Health care workforce shortage area" means:
 - (a) A health professional shortage area;
 - (b) A medically underserved area;
 - (c) A medically underserved population;
 - (d) Federally designated rural areas;
 - (e) State defined shortage areas;
 - (f) State defined rural areas; or
 - (g) Other areas defined as in need by the Secretary of Health and Mental Hygiene or Governor or as otherwise determined by the Department in consultation with the Governor's Workforce Development Board.
- (5) "Health Personnel Shortage Incentive Program" means grants to eligible institutions offering educational programs leading to licensure, certification or registration in health occupations determined to be in short supply.
- (6) "Health Professional Shortage Area" means an area as defined by the Health Resources and Services Administration as having too few primary medical care providers, dental care providers, or mental health care providers either by geographic, demographic, or institutional comprehensive health center, federally qualified health center, or public facility.
- (7) "Income tax credit" means a nonrefundable credit against State income tax.
- (8) "Licensed physician" means an individual who is licensed to practice medicine under Health Occupations Article, Title 14, Annotated Code of Maryland.
- (9) "Medically Underserved Area" means an area designated by the Health Resources and Services Administration as having:
 - (a) Too few primary care providers;
 - (b) High infant mortality;
 - (c) High poverty;
 - (d) High elderly population; or
 - (e) A combination of §B(8)(a)—(d) of this regulation.
- (10) "Medically Underserved Population" means a population designated by the Health Resources and Services Administration as having:
 - (a) Too few primary care providers;
 - (b) High infant mortality;
 - (c) High poverty;
 - (d) High elderly population; or
 - (e) A combination of §B(9)(a)—(d) of this regulation.
- (11) "Nurse practitioner" has the meaning stated in Health Occupations Article, §8-101, Annotated Code of Maryland.
- (12) "Nurse Practitioner Preceptor Tax Credit Fund" means a special non-lapsing fund created by a \$15 biennial increase in Nurse Practitioner license fee.
- (13) "Office of Student Financial Assistance" means the financial office that holds the Health Personnel Shortage Incentive Program.
- (14) "Preceptorship program" means an organized system of clinical experience that, for the purpose of attaining specified learning objectives, pairs:
 - (a) An enrolled student of a liaison committee on medical education-accredited medical school in the State or an individual in a

postgraduate medical training program in the State with a licensed physician who meets the qualifications as a preceptor; or

(b) A nurse practitioner student enrolled in a nursing education program that is recognized by the Board with a nurse practitioner or licensed physician who meets the qualifications as a preceptor.

(15) "Rotation" means a period of preceptorship greater than or equal to 160 hours between a student and a licensed physician or nurse practitioner.

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

(17) "Taxable year" means the annual accounting period for keeping records and reporting income and expenses that starts on January 1 and ends on December 31 of the same year.

.03 Eligibility.

A. A licensed physician is eligible for an income tax credit if the individual served without compensation as a:

(1) Physician preceptor in a physician preceptorship program authorized by an accredited medical school in the State and worked:

(a) A minimum of three rotations, each consisting of 160 hours of community-based clinical training; and

(b) In a health care workforce shortage area; or

(2) Preceptor in a preceptorship program approved by the State Board of Nursing and worked:

(a) A minimum of three rotations, each consisting of 160 hours of community-based clinical training; and

(b) In a health care workforce shortage area.

B. A nurse practitioner is eligible for an income tax credit if the individual served without compensation as a preceptor in a preceptorship program approved by the Board and worked:

(1) A minimum of three rotations, each consisting of 160 hours of community-based clinical training; and

(2) In a health care workforce shortage area.

.04 Application and Application Process.

A. Applicant.

(1) An applicant shall submit:

(a) A completed application to the Department on the form designated by the Department that includes responses to applicable questions; and

(b) Supporting documentation required by the Department.

(2) An applicant may voluntarily withdraw the application without prejudice.

(3) An applicant may submit a new application subject to §C of this regulation.

B. The Department shall:

(1) Approve applications on a:

(a) Rolling basis; and

(b) First-come, first-served basis;

(2) Approve the application if the:

(a) Application is complete; and

(b) Applicant is determined to be eligible;

(3) Disapprove the application if the:

(a) Application is incomplete;

(b) Applicant fails to provide sufficient information or documentation to determine eligibility; or

(c) Applicant provides the appropriate documentation but is determined ineligible; and

(4) Provide the applicant with written notice of the final disposition of the application within 45 calendar days.

C. The Department shall receive applications by January 5 of the taxable year following the taxable year during which the rotation was completed.

.05 Verification and Audit of Income Tax Credits.

A. The Department may:

(1) Request from an applicant or preceptor additional information to verify statements in an application for an income tax credit; and

(2) Use independent verification, such as a preceptor list and preceptor completion letters received by the medical and nursing schools, to verify information reported on an application for an income tax credit.

B. The Comptroller shall retain its audit authority under Tax-General Article, Annotated Code of Maryland.

.06 Income Tax Credits.

A. Upon approval of an application, the Department shall issue an income tax credit certificate in the amount of \$1,000 for each student for whom the nurse practitioner or licensed physician served as a preceptor for 160 hours without compensation.

B. Income tax credits shall be issued for the taxable year during which the nurse practitioner or licensed physician served as a preceptor without compensation.

C. The total amount of an income tax credit allowed for an individual in a taxable year may not exceed the:

(1) Maximum credit amount of \$10,000; or

(2) State income tax imposed for that individual for that taxable year.

D. Any unused amount of an income tax credit for a taxable year may not be carried over to any other taxable year.

.07 Nurse Practitioner Preceptorship Tax Credit Fund.

A. The purpose of the Nurse Practitioner Preceptorship Tax Credit Fund is to offset the costs of the income tax credit for nurse practitioner preceptors.

B. The Fund is:

(1) A special continuing, non-lapsing fund pursuant to Tax-General Article, §10-738, Annotated Code of Maryland; and

(2) Not subject to the State Finance and Procurement Article, §7-302, Annotated Code of Maryland.

C. The Fund consists of:

(1) Revenue distributed to the Fund under Health Occupations Article, §8-206, Annotated Code of Maryland;

(2) Money appropriated in the State budget to the Fund; and

(3) Any other money from any other source accepted for the benefit of the Fund.

D. Except when the Comptroller transfers an amount equal to an income tax credit certificate issued from the Fund to the General Fund of the State, pursuant to Tax-General Article, §10-738, Annotated Code of Maryland, money credited or appropriated to the Fund will remain in the Fund.

.08 Physician Preceptorship Income Tax Credits.

Each year an amount not exceeding \$100,000 of the unspent portion of the money that is transferred to the Office of Student Financial Assistance for use for the Health Personnel Shortage Incentive Grant Program may be transferred to or revert to the General Fund of the State in order to offset the costs of the income tax credit for physician preceptors.

.09 Limits and Excess Amounts.

A. The amount of income tax credit stated in the income tax credit certificate may not exceed \$10,000 for any individual in any taxable year.

B. Physician Preceptorship Program.

(1) The Department may not issue more than \$100,000 in income tax credit certificates for each taxable year.

(2) If the aggregate amount of income tax credit certificates issued during a taxable year totals less than \$100,000, the excess

amount may be issued for income tax credit certificates in the next taxable year.

C. Nurse Practitioner Preceptorship Program Fund.

(1) The total amount of income tax credit certificates issued by the Department shall be the lesser of:

(a) The total funds in the Nurse Practitioner Preceptorship Tax Credit Fund for that year; or

(b) \$100,000.

(2) Any excess amount of income tax credits for a taxable year may be issued under income tax credit certificates in the next taxable year.

.10 Responsibilities of the Comptroller.

On notification that an income tax credit certificate has been issued by the Department, the Comptroller shall transfer an amount equal to the income tax credit amount stated in the income tax credit certificate from the Nurse Practitioner Preceptorship Tax Credit Fund to the General Fund.

.11 Expiration of Program.

A. This chapter remains in effect until the first of either occurrence:

(1) Funding for income tax credits ceases to be available; or

(2) June 30, 2021.

B. In the event that funding is not available, unless otherwise provided by law, the Department shall issue final income tax credits based on available funds.

Subtitle 27 BOARD OF NURSING

10.27.01 Examination and Licensure

Authority: Health General Article, §§ 8-205 and 8-312; Tax-General Article, §10-738, Annotated Code of Maryland

.02 Fees.

A.—C. (text unchanged)

[D. Annual Renewal Fees.

(1) Annual renewal fees shall apply only to registered or licensed practical nurses who are required to renew annually on or before December 31, 2013, in accordance with Regulation .12A(1) and (2) of this chapter.

(2) Annual renewal fees are as follows:

(a) Annual renewal for a registered or licensed practical nurse — \$55;

(b) Registered nurse and licensed practical nurse volunteer license — \$20;

(c) Inactive license renewal for registered or licensed practical nurse — \$20; and

(d) Advanced practice certification renewal fees are in addition to the registered nurse renewal fee:

(i) Renewal of each registered nurse certification in advanced practice — \$5; and

(ii) Certificate renewal for forensic nurse examiner or workers' compensation medical case manager — \$5.]

[E.] D. Biennial renewal fees are as follows:

(1)—(4) (text unchanged)

(5) Advanced Practice certification [renewal] and specialty nursing certification renewal fees are in addition to the registered nurse renewal fee and are as follows:

(a) Renewal of each registered nurse certification in Advanced Practice — \$10; [and]

(b) Certificate renewal for specialty areas regulated by the Board:

(i) (text unchanged)

(ii) Workers' compensation medical case manager — \$10[.]; and

(c) Nurse practitioners (NP), in addition to the registered nurse and advanced practice renewal fees, the Nurse Practitioner Preceptorship Tax Credit Fund fee — \$15.

[F.] E.—[G.] F. (text unchanged)

VAN T. MITCHELL

Secretary of Department of Health and Mental Hygiene

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.23 Unprofessional Conduct

Authority: Health Occupations Article, §§4-205(c)(3) and 4-315(a)(16) and (b)(3), Annotated Code of Maryland

Notice of Proposed Action

[17-037-P-I]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01** and **.02**, amend and recodify existing Regulation **.01** to be Regulation **.03**, and recodify existing Regulation **.02** to be Regulation **.04** under **COMAR 10.44.23 Unprofessional Conduct**. This action was considered by the Board of Dental Examiners at a public meeting held on October 5, 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 require dentists to comply with the Principles of Ethics and Code of Professional Conduct (American Dental Association, With official advisory opinions revised to September 2016), and require dental hygienists to comply with the Code of Ethics for Dental Hygienists (American Dental Hygienists' Association, June 23, 2014). This comports with Health Occupations Article, §4-315(a)(16), Annotated Code of Maryland, which prohibits a dentist from violating a professional code of ethics pertaining to the dentistry profession, and Health Occupations Article, §4-315(b)(3), Annotated Code of Maryland, which prohibits a dental hygienist from violating a professional code of ethics pertaining to the dental hygiene profession. In addition, the proposal provides that it shall constitute unprofessional conduct for a dentist to fail to comply with the requirements of the Prescription Drug Monitoring Program as established in Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland, and COMAR 10.47.07.

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 February 21, 2017. 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, (1) Principles of Ethics and Code of Professional Conduct (American Dental Association, with official advisory opinions revised to September 2016); and (2) Bylaws — Code of Ethics (for Dental Hygienists), (American Dental Hygienists' Association, June 23, 2014) have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 44:1 Md. R. 9 (January 6, 2017), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Definition.

A. In this chapter, the following term has the meaning indicated.

B. Term Defined. "Legitimate patient" means a patient who has an existing written dental record or who has one created within 72 hours of the patient's first communication with the dentist.

.02 Incorporation by Reference.

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

A. Principles of Ethics and Code of Professional Conduct (American Dental Association, With official advisory opinions revised to September 2016).

B. Bylaws — Code of Ethics (for Dental Hygienists), (American Dental Hygienists' Association, June 23, 2014).

[.01] .03 Unprofessional or Dishonorable Conduct.

[A.] Definition.

(1) In this regulation, the following term has the meanings indicated.

(2) Term defined. "Legitimate patient" means a patient who has an existing written dental record or who has one created within 72 hours of the patient's first communication with the dentist.]

[B.] A.—[D.] C. (text unchanged)

D. Dentists.

(1) In addition to the requirements stated in §§A—C of this regulation, a dentist shall comply with the Principles of Ethics and Code of Professional Conduct.

[E.] (2) It shall constitute unprofessional and dishonorable conduct for a dentist to:

[(1)] (a)—[(3)] (c) (text unchanged)

[(4)] (d) Sell, prescribe, trade, give away, or administer a prescription drug for any illegal or illegitimate purpose; [and]

[(5)] (e) Treat family members or staff differently than any other patient by:

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

[(b)] (ii) Not adhering to all record retention requirements in accordance with Health General Article, §4-403, Annotated Code of Maryland; and

(f) Fail to comply with the requirements of the Prescription Drug Monitoring Program as established in Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland, and COMAR 10.47.07.

E. Dental Hygienists. In addition to the requirements stated in §§A—C of this regulation, a dental hygienist shall comply with the Bylaws — Code of Ethics (for Dental Hygienists).

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.16 Behavior Analyst Advisory Committee

Authority: Health Occupations Article, §1-606 and Title 17, Subtitle 6A, Annotated Code of Maryland

Notice of Proposed Action

[17-039-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01—.18** under new chapter, **COMAR 10.58.16 Behavior Analyst Advisory Committee**. This action was considered at a public meeting on April 15, 2016, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/bopc/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations governing the practice of behavior analysis and establishing the Behavior Analyst Advisory Committee under the Board of Professional Counselors and Therapists.

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 February 21, 2017. A public hearing has not been scheduled.

.01 Scope.

This chapter governs the practice of behavior analysis.

.02 Definitions.

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

B. Terms Defined.

(1) “Board” means the Board of Professional Counselors and Therapists.

(2) “Board-certified assistant behavior analyst” means an individual who:

(a) Is credentialed by the Behavior Analyst Certification Board or a successor organization; and

(b) Practices under the supervision of a licensed behavior analyst in accordance with the Behavior Analyst Certification Board’s description of the role and functions of a board-certified assistant behavior analyst and supervision requirements.

(3) “Board-certified behavior analyst” means an individual credentialed by the Behavior Analyst Certification Board or a successor organization.

(4) “Committee” means the Behavior Analyst Advisory Committee.

(5) “License” means a license issued by the Board to practice behavior analysis.

(6) “Licensed behavior analyst” means a behavior analyst licensed by the Board to practice behavior analysis.

(7) “Paraprofessional” means an individual who:

(a) Practices behavior analysis under the supervision of a licensed behavior analyst in accordance with requirements set by the Behavior Analyst Certification Board; and

(b) Is not a board-certified assistant behavior analyst; and

(c) May be a registered behavior technician.

(8) Practice Behavior Analysis.

(a) “Practice behavior analysis” means to design, implement, and evaluate systematic instructional and environmental modifications to produce socially significant improvements in human behavior.

(b) “Practice behavior analysis” includes:

(i) The empirical identification of functional relations between behavior and environmental factors, also known as functional assessment and analysis; and

(ii) Interventions based on scientific research and the direct observation and measurement of behavior and environment.

(c) “Practice behavior analysis” does not include:

(i) Psychological testing;

(ii) Diagnosis of a mental or physical disorder;

(iii) Neuropsychology;

(iv) Psychotherapy;

(v) Cognitive therapy;

(vi) Sex therapy;

(vii) Psychoanalysis or hypnotherapy; or

(viii) Counseling.

(9) “Registered behavior technician” means an individual who:

(a) Is credentialed as a registered behavior technician by the Behavior Analyst Certification Board or a successor organization; and

(b) Practices behavior analysis under the close, ongoing supervision of a licensed behavior analyst in accordance with requirements set by the Behavior Analyst Certification Board.

(10) “Supervisee” means an individual who implements behavior analytic assessment or intervention procedures under the supervision of a licensed behavior analyst. Supervisees include, but are not limited to:

(a) Board-Certified Assistant Behavior Analysts;

(b) Paraprofessionals;

(c) Matriculated undergraduate or graduate students engaging in behavior analytic activities to fulfill requirements for coursework, practica, internships, theses, dissertations, graduate assistantships, or independent study; and

(d) Non-students who are completing the supervised experiential training eligibility requirement for certification by the Behavior Analyst Certification Board.

(11) “Supervision” means the ongoing monitoring of implementation quality, the frequency of which should be based on the supervisee’s training, competence, and experience and the nature of the assessment or intervention procedures delegated to the supervisee.

(12) “Supervisor” means a licensed behavior analyst who provides supervision to a supervisee.

.03 Behavior Analyst Advisory Committee.

A. The Board shall appoint members of the committee as follows:

(1) On or before December 31, 2014, four behavior analysts who:

(a) Are credentialed by the Behavior Analyst Certification Board as board-certified behavior analysts or designated as board-certified behavior analysts-doctoral; and

(b) Have a minimum of 5 years of clinical experience; and
 (2) On or after January 1, 2015, four licensed behavior analysts who:

(a) Are credentialed by the Behavior Analyst Certification Board; and

(b) Have a minimum of 5 years of clinical experience; and

(3) One consumer member who:

(a) Is a member of the general public;

(b) Is receiving or has received applied behavior analysis services, or has a child who is receiving or has received applied behavior analysis services; and

(c) May not:

(i) Be or ever have been a behavior analyst or in training to become a behavior analyst;

(ii) Have a household member who is a behavior analyst or in training to become a behavior analyst;

(iii) Participate or ever have participated in a commercial or professional field related to behavior analysis;

(iv) Have a household member who participates in a commercial or professional field related to behavior analysis; and

(v) Have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

B. Terms.

(1) The term of a member is 4 years.

(2) The terms of members are staggered.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) An individual may be reappointed for a second 4-year term, but the individual may not serve more than two consecutive 4-year terms.

C. Vacancy.

(1) If a vacancy occurs, the Board shall appoint a new member to serve.

(2) The successor member shall only serve for the remainder of the term, unless reappointed.

D. Officers. From among its members, the Committee shall elect a Chair and a Vice Chair, annually.

E. Quorum.

(1) A majority of the members then serving on the Committee is a quorum.

(2) Business may not be conducted at a Committee meeting unless there is a quorum.

F. The Committee shall:

(1) Develop and make recommendations to the Board in the following areas:

(a) Regulations governing the practice of behavior analysis;

(b) Code of ethics requirements for the practice of behavior analysis;

(c) Requirements for licensure as a behavior analyst, including:

(i) Criteria for educational and clinical training of licensed behavior analysts; and

(ii) Criteria for a professional competency examination and testing of applicants for licensure to practice behavior analysis; and

(d) Continuing education requirements for license renewal;

(2) Investigate allegations of violations of this chapter and these regulations and make recommendations to the Board regarding disposition of such allegations;

(3) Report to the Board as required; and

(4) Keep a record of its proceedings.

.04 Qualifications.

A. To qualify for licensure as a licensed behavior analyst, an individual shall:

(1) Be of good moral character;

(2) Be at least 18 years of age;

(3) Have a current certification as a board-certified behavior analyst or board-certified behavior analyst - doctoral verified by the Board with the Behavior Analyst Certification Board or its successor organization;

(4) Have received a master's degree or higher from a behavior analysis educational course sequence that is approved by the Behavior Analyst Certification Board or a successor organization; and

(5) Demonstrate oral and written competency in English as required by the Board.

B. The Board shall waive the educational requirements in §A(4) of this regulation if an individual was certified by the Behavior Analyst Certification Board on or before December 31, 2014 and is in good standing.

.05 Application Procedure.

To apply for a license, an individual shall submit:

A. A completed application form to the Board on a form that the Board requires and that is provided by the Committee;

B. To a criminal history records check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland; and

C. The following documentation:

(1) An official transcript, demonstrating that the applicant has met the minimum degree requirement of the Behavior Analyst Certification Board, or its successor, at the time of certification; and

(2) A copy of the applicant's Behavior Analyst Certification Board certificate, demonstrating that the applicant is currently certified in good standing as a board-certified behavior analyst by the Behavior Analyst Certification Board, or its successor.

.06 Renewal.

A. An individual who has been licensed by the Board as a behavior analyst may renew the license every 2 years on the date specified by the Board by:

(1) Completing a renewal application on a form supplied by the Board;

(2) Submitting evidence of a current certification with the Behavior Analyst Certification Board;

(3) Having current certification verified with the Behavior Analyst Certification Board;

(4) Submitting to a criminal history records check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland; and

(5) Submitting satisfactory evidence of compliance with any continuing education requirements established by the Board under Health Occupations Article, §17-6A-15(d), Annotated Code of Maryland.

B. A licensed behavior analyst who has not renewed his or her license or whose license has not been placed on inactive status by the Board may not practice behavior analysis.

.07 Continuing Education.

A. A licensed behavior analyst shall complete continuing education units in accordance with the requirements of the Behavior Analyst Certification Board or its successor organization.

B. A licensed behavior analyst shall document completion of continuing education requirements and retain this documentation for the succeeding 4 years for possible inspection by the Board.

.08 Inactive Status.

A. The Board shall place a license on inactive status if the licensed behavior analyst submits to the Board a completed application on a form required by the Board and provided by the Committee.

B. A licensed behavior analyst whose license is inactive may not practice behavior analysis until the license has been reactivated in accordance with Regulation .09 of this chapter.

C. A licensed behavior analyst whose license is inactive shall renew the inactive status every year before it expires by completing the form required by the Board and provided by the Committee.

.09 Reactivation.

A. A license on inactive status may be reactivated by the Board by:

- (1) Complying with the requirements for renewal that exist at the time the license changes from inactive to active status;
- (2) Meeting any continuing education requirements established by the Board; and
- (3) Verifying active and current certification with the Behavior Analyst Certification Board.

B. The Board may reject an application for reactivation if the licensed behavior analyst is found to have violated any provision of Health Occupations Article, Title 17, Subtitle 6A, Annotated Code of Maryland or this chapter.

.10 Reinstatement.

A. The Board shall reinstate the license of a behavior analyst who has not been put on inactive status and who has failed to renew the license for any reason if the behavior analyst:

- (1) Meets the requirements set forth in Regulation .09 of this chapter; and
- (2) Applies to the Board for reinstatement of the license within 5 years after the license expires.

B. The Board may not reinstate the license of a behavior analyst who fails to apply for reinstatement of the license within 5 years after the license expires.

C. Notwithstanding the provisions of §B of this regulation, a behavior analyst may become licensed by meeting the current requirements for obtaining a new license under this chapter.

.11 Practice Responsibilities.

A. Except where there is a consultative agreement, the licensed behavior analyst is ultimately responsible for the design and implementation of behavior analytic services that are in the best interest of the client, under the licensed behavior analyst's supervision.

B. Behavior analysis involves the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior.

C. The responsibilities of a licensed behavior analyst are as follows:

- (1) Objective measurement and description of specific levels of client behavior at baseline and throughout treatment;
- (2) An emphasis on understanding the current function or functions and future importance of behaviors targeted for treatment;
- (3) Efforts to design, establish, and manage treatment environments in order to minimize problem behaviors and maximize progress on treatment targets;
- (4) Use of a carefully constructed, individualized, and detailed behavior analytic treatment plan that:
 - (a) Utilizes reinforcement and other scientifically validated behavior analytic procedures as opposed to procedures that lack scientific evidence of effectiveness;
 - (b) Is designed to establish small units of behavior and build toward larger, clinically important changes in behavior that result in improved client health and functioning;
 - (c) Includes ongoing, frequent, direct observation and objective measurement of treatment targets and analysis of the resulting data in order to adjust treatment procedures to maximize client progress; and

(d) Is implemented repeatedly, frequently, and consistently across multiple environments by the licensed behavior analysts' supervisees, and the client's caregivers who are trained and supervised by the licensed behavior analyst to implement specified components of the treatment plan; and

(5) Determination and supervision of tasks to be performed by a supervisee based on the supervisee's training, experience, and competence, in accordance with the responsibilities for supervision described in Regulation .13 of this chapter.

.12 Delivery of Service Model.

A. The provision of behavior analytic services may take one of three forms:

- (1) A tiered-service delivery model;
- (2) A direct service model; or
- (3) A consultative model.

B. Unless a consultation agreement described in §E of this regulation exists, a licensed behavior analyst shall be ultimately responsible for the design and implementation of behavior analytic services that are in the best interest of the client, under the licensed behavior analyst's supervision.

C. Tiered Service Delivery Model.

(1) A licensed behavior analyst may utilize the services of supervisees to deliver behavior analysis services to clients, provided the licensed behavior analyst does so in accordance with this regulation and requirements set by the Behavior Analyst Certification Board.

(2) Under a tiered delivery service model:

(a) A licensed behavior analyst and a supervisee shall comply with the supervision responsibilities specified in Regulation .13 of this chapter and requirements set by the Behavior Analyst Certification Board;

(b) A licensed behavior analyst shall be responsible for all aspects of clinical direction, supervision, and case management, including activities of supervisees;

(c) A supervisee shall deliver assessment and treatment protocols as directed by and under the close and ongoing supervision of a licensed behavior analyst; and

(d) The licensed behavior analyst may delegate responsibilities to supervisees only if, in the judgment of the licensed behavior analyst:

(i) The task or procedures can be properly and safely performed by the supervisee;

(ii) Delegation does not jeopardize the health or safety of the client; and

(iii) The delegation is in accordance with the current supervision requirements of the Behavior Analyst Certification Board or successor organization.

D. Direct Delivery Service Model. Under a direct service delivery model, a licensed behavior analyst shall be responsible for all aspects of case management and implementation of assessment and treatment protocols.

E. Consultation Agreement. Under a consultation agreement, a licensed behavior analyst:

(1) Shall enter into a contract with the individual or entity for whom the licensed behavior analyst will be consulting that defines:

- (a) The frequency of the consultation;
- (b) The location of the consultation; and
- (c) The expectations of both parties to the contract;

(2) Shall act principally in the best interest of the individual or entity for which the licensed behavior analyst will be consulting, with appropriate consent, subject to other relevant considerations, including applicable law and contractual obligations;

(3) When indicated and professionally appropriate, shall cooperate with other professionals in a manner that is consistent with

the philosophical assumptions and principles of behavior analysis, to effectively and appropriately serve their clients; and

(4) May be held responsible for the treatment of a client for whom a behavior analytic treatment plan was recommended.

.13 Supervision.

A. A licensee shall:

(1) Comply with the Behavior Analyst Certification Board requirements regarding supervision of supervisees; and

(2) Use appropriate clinical judgment in determining when and how often to conduct supervision.

B. Supervision Process.

(1) The supervision shall occur for the duration of clinical service provision (e.g., beginning with assessment and through case closure).

(2) Supervision activities may involve direct contact with the client or activities related to case management, at the discretion of the licensed behavior analyst providing the supervision and as in accordance with the requirements set by the Behavior Analyst Certification Board.

(3) The licensed behavior analyst shall be ultimately responsible and accountable for the design and implementation of behavior analytic services that are in the best interest of the client and outcomes under her or his clinical supervision.

C. Unless a consultation agreement exists, a licensed behavior analyst shall be ultimately responsible for the design and implementation of behavior analytic services that are in the best interest of the client, under the licensed behavior analyst's supervision.

D. Delegation shall only be made if, in the judgment of the licensed behavior analyst:

(1) The task or procedures can be properly and safely performed by an appropriately trained supervisee; and

(2) The delegation does not jeopardize the health or safety of the client.

E. Supervision activities by the licensed behavior analyst may include, but not be limited to:

(1) Direct training of supervisees in implementation of behavior analytic assessment or intervention procedures;

(2) Conducting real-time, live, and person-to-person observation of the supervisee implementing behavior analytic assessment and intervention procedures with clients in natural environments or training others to implement them, with feedback from the supervisor;

(3) Conducting one-to-one real-time, live, and person-to-person interactions between supervisor and supervisee to review and discuss:

(a) Assessment and treatment plans and procedures;

(b) Client assessment and progress data and reports;

(c) Published research;

(d) Ethical and professional standards and guidelines;

(e) Professional development needs and opportunities; and

(f) Relevant laws, regulations, and policies; or

(4) Conducting real-time, live, and person-to-person interactions between a supervisor and a group of supervisees to review and discuss:

(a) Assessment and treatment plans and procedures;

(b) Client assessment and progress data and reports;

(c) Published research;

(d) Ethical and professional standards and guidelines;

(e) Professional development needs and opportunities; and

(f) Relevant laws, regulations, and policies.

F. The frequency and nature of supervision interactions are determined by the individualized assessment or treatment plans of the clients served by the licensed behavior analyst and the supervisees.

.14 Code of Ethics.

A. A licensed behavior analyst shall comply with the current professional disciplinary and ethical code established by the Behavior Analyst Certification Board or its successor organization.

B. Familiarity with revisions to the Behavior Analyst Certification Board's professional disciplinary and ethical code is the responsibility of the licensed behavior analyst.

.15 Prohibited Conduct.

Subject to the hearing provisions of Health Occupations Article, §17-6A-21, Annotated Code of Maryland, the Board may deny a license to any applicant, reprimand any licensed behavior analyst, place any licensed behavior analyst on probation, or suspend or revoke a license if the applicant or licensed behavior analyst:

A. Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensed behavior analyst or for another;

B. Fraudulently or deceptively uses a license;

C. Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

D. Aids or abets an unauthorized person in practicing behavior analysis or representing oneself to be a behavior analyst;

E. Practices behavior analysis fraudulently or deceitfully;

F. Violates the code of ethics adopted by the Board under Health Occupations Article, §17-6A-03, Annotated Code of Maryland;

G. Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

H. Submits a false statement to collect a fee;

I. Willfully makes or files a false report or record in the practice of behavior analysis;

J. Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the United States Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

K. Violates any provision of:

(1) Health Occupations Article, Title 17, Subtitle 6A, Annotated Code of Maryland; or

(2) This chapter;

L. Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;

M. Is professionally, physically, or mentally incompetent;

N. Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

O. Behaves immorally in the practice of behavior analysis;

P. Commits an act of unprofessional conduct in the practice of behavior analysis;

Q. Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensed behavior analyst is licensed and qualified to render because the individual is HIV positive;

R. Fails to cooperate with a lawful investigation conducted by the Board;

S. Commits an act that is inconsistent with generally accepted professional standards in the practice of behavior analysis;

T. Fails to submit to a criminal history records check in accordance with Health Occupations Article, 17-501.1, Annotated Code of Maryland;

U. Habitually is intoxicated;

V. Provides professional services while under the influence of alcohol or while using any narcotic or controlled dangerous substance, as defined in Criminal Law Article, §5-101, Annotated

Code of Maryland, or other drug that is in excess of therapeutic amounts or without valid medical indication; or

W. Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-704, Annotated Code of Maryland.

.16 Investigations, Hearings, and Appeals.

A. Complaints alleging prohibited conduct shall be referred to the Committee to be investigated and reported to the Board according to the Board's procedures.

B. A hearing on charges issued under Regulation .15 of this chapter or Health Occupations Article, §17-6A-19, Annotated Code of Maryland, shall be held in accordance with the hearing provisions of Health Occupations Article, §§17-511 and 17-6A-21, Annotated Code of Maryland.

C. The Committee shall follow the hearing procedures in accordance with the hearing provisions of Health Occupations Article, §§ 17-511 and 17-6A-21, Annotated Code of Maryland.

D. Appeals from a final Board decision shall be taken in accordance with Health Occupations Article, §17-6A-22, Annotated Code of Maryland.

.17 Fines and Penalties.

A. An individual who violates any provision of Health Occupations Article, Title 17, Subtitle 6A, Annotated Code of Maryland, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000, or imprisonment not exceeding 1 year, or both.

B. The Board may impose a civil fine of not more than \$50,000 on an individual who violates any provision of Health Occupations Article, §17-6A-27, Annotated Code of Maryland.

C. The Board shall deposit a penalty collected under §B of this regulation into the State General Fund.

.18 Sanctioning Guidelines.

A. If, after a hearing or an opportunity for a hearing under Health Occupations Article, §17-511, Annotated Code of Maryland, the Board finds that there are grounds for discipline under Health Occupations Article, §17-6A-19, Annotated Code of Maryland, the Board may place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license or certificate.

B. In addition to placing the licensee or certificate holder on probation, reprimanding the licensee or certificate holder, or suspending or revoking the license or certificate, the Board may impose a penalty as set forth in this regulation.

C. General Application of Sanctioning Guidelines. Except as provided in §J of this regulation, for violations of the Maryland Behavior Analysts Act listed in the sanctioning guidelines, the Board shall impose a sanction not less severe than the minimum listed in the sanctioning guidelines or more severe than the maximum listed in the guidelines for each offense.

D. Ranking of Sanctions.

(1) For the purposes of this regulation, the severity of sanctions is ranked as follows, from the least severe to the most severe:

- (a) Reprimand;
- (b) Probation;
- (c) Suspension; and
- (d) Revocation.

(2) A stayed suspension in which the stay is conditioned on the completion of certain requirements is ranked as probation.

(3) A stayed suspension not meeting the criteria of §D(2) of this regulation is ranked as a reprimand.

(4) A penalty listed in the sanctioning guidelines may be imposed in addition to but not as a substitute for a sanction.

(5) The addition of a penalty does not change the ranking of the severity of the sanction.

E. The Board may impose more than one sanction provided that the most severe sanction neither exceeds the maximum nor is less than the minimum sanction permitted.

F. Any sanction may be accompanied by conditions reasonably related to the offense or to the rehabilitation of the offender. The inclusion of conditions does not change the ranking of the sanction.

G. If a licensee is found in violation of more than one ground for discipline as enumerated in this regulation, the sanction with the highest severity ranking shall be used to determine which ground will be used in developing a sanction and the Board may impose concurrent sanctions based on other grounds violated.

H. Notwithstanding the guidelines set forth in this regulation, in order to resolve a pending disciplinary action, the Board and licensee may agree to a surrender of license or to a consent order with terms, sanction, and penalty agreed to by the Board and the licensee.

I. If the Board imposes a sanction that departs from the sanctioning guidelines set forth in this regulation, the Board shall state its reasons for doing so in its final decision and order.

J. Aggravating and Mitigating Factors.

(1) Depending on the facts and circumstances of each case, and to the extent that the facts and circumstances apply, the Board may consider mitigating and aggravating factors in determining whether the sanction in a particular case should fall outside the range of sanctions established by the guidelines.

(2) Nothing in this regulation requires the Board or an Administrative Law Judge to make findings of fact with respect to any of these factors.

(3) A departure from the guidelines set forth in this chapter is not a ground for any hearing or appeal of a Board action.

(4) The existence of one or more of these factors does not impose on the Board or an Administrative Law Judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set forth in this chapter:

- (a) The absence of a prior disciplinary record;
- (b) The offender self-reported the violation to the Board;
- (c) The offender's full and voluntary admissions of misconduct to the Board and cooperation during Board proceedings;
- (d) The offender implemented remedial measures to correct or mitigate the harm arising from the misconduct;
- (e) The offender made timely good-faith efforts to make restitution or to rectify the consequences of the misconduct;
- (f) The offender has been rehabilitated or exhibits rehabilitative potential;
- (g) The absence of premeditation to commit the misconduct;
- (h) The absence of potential harm to patients or the public or other adverse impact; or
- (i) The offender's conduct was an isolated incident and is not likely to recur.

(5) Aggravating factors may include, but are not limited to, the following:

- (a) The offender has a previous criminal or administrative disciplinary history;
- (b) The violation was committed deliberately or with gross negligence or recklessness;
- (c) The violation had the potential for, or caused, serious patient or public harm;
- (d) The violation was part of a pattern of detrimental conduct;
- (e) The offender was motivated to perform the violation for financial gain;
- (f) The vulnerability of the clients;
- (g) The offender lacked insight into the wrongfulness of the conduct;

(h) The offender committed the violation under the guise of treatment;

(i) The offender attempted to hide the error or misconduct from patients or others;

(j) The offender did not cooperate with the investigation; or

(k) Previous attempts at rehabilitation of the offender were unsuccessful.

K. Payment of a Penalty.

(1) A licensee shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued, unless the Board's order specifies otherwise.

(2) Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §17-512, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board under this regulation.

(3) If a licensee fails to pay, in whole or in part, a penalty imposed by the Board under this regulation, the Board may not restore, reinstate, or renew a license until the penalty has been paid in full.

(4) In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

(5) The Board shall pay all monies collected under this regulation into the State's General Fund.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

11.11.01 Payment by Check

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland[; 42 U.S.C. §405(c)(2)(C)(i)]

Notice of Proposed Action

[17-034-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations .01, .03, and .04 and repeal existing Regulation .02 under **COMAR 11.11.01 Payment by Check**.

Statement of Purpose

The purpose of this action is to amend current regulatory language based on results of the April 2015-2016, COMAR 11.11—11.13 Regulatory Review and Evaluation Act. This action will clarify and update existing language making the regulations consistent with current practices regarding payment by check.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Administrator of the Motor Vehicle Administration (MVA) proposes to amend regulations under COMAR 11.11.01. Regulation .01 Payment of Noncertified Check; .02 Use of the Social Security Number; .03 Service Charge

for Bad Checks; and .04 Payment of Service Charge after Notice. The purpose of this proposed regulation is to clarify various sections of the existing regulation; remove obsolete language and update the regulation in accordance with current policy. It is anticipated that there may be a potential minimal impact to the Administration based on the proposed regulation change.

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

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

A. Based on the proposed regulation change, it is anticipated that this regulation change may have a potential minimal impact to the Administration and direct and indirect effects on the public as it relates to credit card fees. It is anticipated that any cost associated with the regulation change could be handled with existing resources.

F. Based on the proposed regulation change, it is anticipated that this regulation change may have a potential minimal impact to the Administration and direct and indirect effects on the public as it relates to credit card fees. It is anticipated that any cost associated with the regulation change could be handled with existing resources.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

.01 Payment by Noncertified Check.

A. When payment is made to the *Motor Vehicle Administration* by noncertified check, the check shall be imprinted with the name and address of the payor.

B. In addition, the payor shall provide, on the face of the check, the payor's:

- (1) (text unchanged)
- (2) Home [or], work, or cellular telephone number.

C.—F. (text unchanged)

.03 Service Charge for Bad Checks.

A service charge as set forth in Transportation Article, §12-116, Annotated Code of Maryland, shall be assessed against a person who tenders a check or *electronic check* to the Administration in payment of any charge or for any other purpose, and whose check is not honored by the bank on which it is drawn.

.04 Payment of Service Charge After Notice.

Payment to cover the amount of the dishonored check and the amount of the service charge assessed shall be made immediately after the person receives notice from the Administration. Payment shall be made in United States currency, [or] by certified check, or with a major credit card which has been approved for use by the Administration.

CHRISTINE NIZER
Administrator

Notice of Proposed Action

[17-023-P]

The Administrator of the Motor Vehicle Administration proposes to amend:

- (1) Regulation .03 under **COMAR 11.11.05 Motor Vehicle Fees**; and
- (2) Regulations .01—.07 under **COMAR 11.17.09 Proof of Age, Name, Identity, Residence, and Lawful Status**.

Statement of Purpose

The purpose of this action is to:

- (1) Add one federal agency where an inmate, upon release, receives an identification card;
- (2) Identify the documents acceptable to the Administration as proof of age, full name, identity, and Maryland residence, Social Security number, and lawful status required for the issuance of a Maryland license or identification card; and
- (3) Permit the Administration to issue a 45 day temporary license to an applicant unable to pass a required vision test under certain circumstances as well as to an applicant in any other circumstances approved by the Administrator.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. Based on the proposed regulation change, an estimated \$4,500 in internal programming costs would be incurred as a result of the regulation change for modifications to the Graphical User Interface (GUI) in MVA's Driver License System (DLS) and the Online Document Guide (ODG).

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

	Benefit (+) Cost (-)	Magnitude
--	-------------------------	-----------

D. On regulated industries or trade groups:	NONE	
---	------	--

E. On other industries or trade groups:	NONE	
---	------	--

F. Direct and indirect effects on public:	(+)	Potential minimal impact
---	-----	--------------------------

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

A. Based on the proposed regulation changes, it is anticipated that potential minimal impact to the Administration would result in modifications to the GUI screens and ODG to incorporate the regulation changes. These modifications would involve internal programming changes. It is estimated that the internal programming costs would be \$4,500 (\$75/hr x 60 hrs). The GUI screens and ODG would require a total of 60 hours of development. The enhancement would require 40 hours and the ODG would require 20 hours to incorporate the enhancement to include requirements and designs, development, Build, User Acceptance Testing and Rollout. However, it is anticipated that the internal programming costs associated with the regulation changes could be handled with existing resources.

F. The estimated economic impact on direct and indirect effects on the public is anticipated to be minimal in nature. Costs could be incurred related to the acceptable documents such as college and high school transcripts, professional licenses, etc. However, it is anticipated the economic impact resulting from this proposed regulation would be minimal in nature.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

**Subtitle 11 MOTOR VEHICLE
ADMINISTRATION —
ADMINISTRATIVE PROCEDURES**

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

.03 Driver's License and Identification Card Fees.

Service	Section	Fee
A. — G. (text unchanged)		
H. Identification Card:		
(1) — (2) (text unchanged)		

(3) Issued to an inmate within 60 days of release from the Department of Public Safety and Correctional Services or Federal Bureau of Prisons.	12-301	1
(4) — (6) (text unchanged)		
I. (text unchanged)		

Subtitle 17 MOTOR VEHICLE ADMINISTRATION — DRIVER LICENSING AND IDENTIFICATION DOCUMENTS

11.17.09 Proof of Age, Name, Identity, Residence, and Lawful Status

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2, 16-106, 16-115, 16-121—16-122, Annotated Code of Maryland; 6 CFR 37

.01 Purpose and Application.

A. The purpose of this chapter is to identify the documents acceptable to the Administration as proof of age, full name, identity, Maryland residence, Social Security number, and lawful status required for the issuance of a Maryland license or identification card as set forth in Ch. 390, Acts of 2009.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Birth certificate” means:

(a) An original birth certificate or certified copy of the original birth certificate issued by a state or a territory of the United States; or

(b) (text unchanged)

(3) [“U.S. DHS” means the U.S. Department of Homeland Security] “Compliant” means a license or identification card that meets federal REAL ID standards.

(4) “Full [legal] name” means an applicant’s first, middle, and last name or surname, and suffix, if applicable, without the use of titles, initials or nicknames.

(5) — (7) (text unchanged)

(8) [“Name” has the meaning stated in Transportation Article, §11-137, Annotated Code of Maryland] “Limited Term” means a compliant license or identification card where the term expires at:

(a) The expiration date of the applicant’s authorized stay in the United States; or

(b) If there is no verifiable expiration date, no longer than 1 year from date of issuance.

(9) “Noncompliant” means a license or identification card that does not meet federal REAL ID standards and is not acceptable by federal agencies for official purposes.

(10) [“Personally identifiable information” has the meaning stated in Transportation Article, §16-123, Annotated Code of Maryland] “Nursing home” means either:

(a) A comprehensive care facility, as defined in COMAR 10.07.02.01B(6); or

(b) An extended care facility, as defined in COMAR 10.07.02.01B(12).

(11) — (12) (text unchanged)

(13) “SSA” means Social Security Administration.

(14) “SSN” means a Social Security number assigned by the System Security Administration.

[(13)] (15) “SSN non-match” means a Social Security [Number] number (SSN) which cannot be verified electronically with the Social Security Administration.

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

[(17)] “Temporary compliant or limited term” means a license or identification card where the term expires at:

(a) The expiration date of the applicant’s authorized stay in the United States; or

(b) If there is no verifiable expiration date, 1 year from date of issuance.

(18) “USCIS” means the U.S. Citizenship and Immigration Service under the U.S. DHS formerly the Immigration and Naturalization Services (INS).]

(19) “U.S. DHS” means the United States Department of Homeland Security.

.03 Applicant’s Requirements.

A. (text unchanged)

(1) Age, full name, and identity as set forth in Regulation .04B of this chapter;

(2) (text unchanged);

(3) Valid [Social Security number] SSN or the applicant’s ineligibility for a [Social Security number] SSN as set forth in Regulation .04D and .04E of this chapter; and

(4) Lawful or temporary lawful status as set forth in Regulation [.04E] .04F of this chapter.

B. (text unchanged)

C. Temporary Lawful Status. In accordance with Maryland Vehicle Law, an applicant for a license or identification card with verifiable proof of temporary lawful status in the U.S. may be issued a [temporary compliant or] limited term license or identification card.

.04 Source Documents for Proof of Age, Name, Identity, Residence, Social Security Number, and Lawful Status or Temporary Lawful Status.

A. Except as otherwise provided in this chapter, an applicant for a Maryland license or identification card shall provide as applicable the documents specified in this chapter to the Administration as proof of:

(1) (text unchanged)

(2) [Name] Full name;

(3) — (4) (text unchanged)

(5) [Social Security number (SSN)] SSN or proof of ineligibility for an SSN; and

(6) (text unchanged)

B. (text unchanged)

C. Source Documents for Residency.

[(1)] To establish Maryland residency, an applicant for a license or identification card shall submit at least two different source documents reflecting the applicant’s full name and current Maryland residence address. The address on source documents shall match the address on the application and may not be from the same business, company, or agency. The residency source documents include:

[(a)](1) (text unchanged)

[(b)](2) Utility, telephone, [or] cable or satellite TV bill;

[(c)](3) Checking [or], savings or financial account statement;

[(d)](4) [Life insurance] Insurance card or policy [over 3 years old];

[(e)](5) (text unchanged)

[(f)](6) Mortgage account statement, deed, or other proof of home ownership;

[(g)](7) (text unchanged)

[(h)](8) [First class mail] *Mail* from a federal, state, or local government agency [to include the contents and envelope, excluding mail from the Administration];

[(i)](9) — [(k)](11) (text unchanged)

[(l)](12) [Major credit] *Credit card [bill] statement*;

[(m)](13) — [(o)](15) (text unchanged)

[(p)](16) Voter registration card; [or]

[(q)](17) Selective Service Card;

(18) *United States (U.S.) College or University Transcript or U.S. College or University tuition bill*;

(19) *U.S. High School Report Card or U.S. High School Transcript*; or

(20) *Valid Maryland state issued professional license*.

[(2)] A post office box number may only be used if in conjunction with the applicant's address and in the same zip code area. The use of a private mail drop is not permitted.]

D. To establish proof of [Social Security number (SSN)] *SSN*, an applicant shall submit:

(1) — (5) (text unchanged)

E. — F. (text unchanged)

G. Applicants requesting a *name* change or to establish a name other than the name that appears on a source document shall submit documentation issued by a court, governmental body, or other entity acceptable to the Administration to include:

(1) — (4) (text unchanged)

.05 Source Document Exception Process.

A. — B. (text unchanged)

C. The Administration may accept the following documents as proof of Maryland residency if submitted by an applicant under the following circumstances.

(1) If the applicant is a dependent:

(a) *Under the age of 21 and resides with the parent or guardian*:

(i) *Written certification of the residence of the parent or guardian with whom the applicant resides, signed in the presence of a representative of the Administration; and*

(ii) *A valid Maryland license or identification card for proof of the parent or guardian's identity and Maryland residence address;*

[(a)] The signature on the application of the parent or guardian]

(b) *Twenty-one and over:*

(i) *Written certification of the residence of the person with whom the applicant resides, signed in the presence of a representative of the Administration;*

[(b)] Documentation of the relationship between the applicant and parent or guardian;]

[(c)] (ii) Documentation to prove the applicant is a dependent of the [parent or guardian, if the applicant is 18 years of age or older] *individual certifying the residency*; and

[(d)] (iii) [Acceptable proof of the parent or guardian's] *A valid Maryland license or identification card for proof of identity and Maryland residence address of the person with whom the applicant resides*[:];

(2) If the applicant is a married individual:

(a) (text unchanged)

(b) *A valid Maryland license or identification card for proof of identity and Maryland residence address of the adult spouse with whom the applicant resides;*

[(b)] (c) [An] *If last names are different, an original or certified copy of their marriage certificate or tax filings;*

(3) If the applicant is a resident of a nursing home, a statement from the nursing home written on the nursing home's letterhead, which shall include:

(a) The applicant's *full* name and date of birth;

(b) — (d) (text unchanged)

(4) If the applicant is an inmate or former inmate within 60 days of release:

(a) — (b) (text unchanged)

(c) An address certification form issued by the Administration and signed by a designated official of the correctional facility, or other designated official of the Department of Public Safety and Correctional Services or *Federal Bureau of Prisons*;

(5) — (6) (text unchanged)

D. The Administration may accept the following documents as proof of identity and date of birth if the applicant [was born prior to June 1, 1939] *is 65 years of age or older* and unable to provide the source documents defined under Regulation .04 of this chapter:

(1) (text unchanged)

(2) A statement on [Social Security Administration] *SSA* letterhead, indicating the applicant's name and date of birth.

E. (text unchanged)

.06 Renewal or Issuance of a Subsequent License or Identification Card.

A. This regulation applies to the issuance of a renewal or subsequent license or identification card [for a holder of a Maryland license or identification card issued before April 19, 2009, who is applying for a subsequent card between June 1, 2009 and June 30, 2015].

B. The Administration shall issue an applicant:

(1) A compliant, [temporary compliant,] or [limited-term] *limited term* license or identification card as defined under this chapter; or

(2) A noncompliant license or *noncompliant* identification card as provided for under Transportation Article, §16-122, Annotated Code of Maryland.

C. The requirement to establish proof of identity, lawful status, [social security number] *SSN*, and Maryland residency may be waived for the holder of an existing Maryland license or identification card expired for less than one year, if the applicant's:

[(1)] Maryland license or identification card was issued prior to April 19, 2009, or on or after June 1, 2009;]

[(2)] (1) — [(3)] (2) (text unchanged)

[(4)] Social security number] (3) *SSN* is verified through the [Social Security Administration] *SSA*, if applicable; and

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

D. An applicant [for a subsequent driver's license or identification card,] who currently holds a [valid] limited term driver's license or identification card, *which is valid or has been expired for less than 1 year, applying for a subsequent driver's license or identification card* shall be required to provide [documentation of]:

(1) Proof of identity, *if not on file*; [and]

(2) [lawful] *Lawful* status; and

[(2)](3) Valid [social security number] *SSN* verified through the [Social Security Administration] *SSA* or proof of ineligibility for a [social security number] *SSN*, *if not on file*.

[E. An applicant for a subsequent driver's license or identification card, whose current limited term driver's license or identification card is expired, shall be required to provide documentation of:

(1) Proof of identity and lawful status;

(2) Valid social security number verified through the Social Security Administration or proof of ineligibility for a social security number; and

(3) Proof of residency.]

E. *An applicant who currently holds a noncompliant driver's license or noncompliant identification card, which is valid or has been expired for less than one year, applying for a compliant driver's license or compliant identification card shall be required to provide:*

(1) *Proof of identity, if not on file;*

- (2) Lawful status; and
- (3) Valid SSN verified through the SSA or proof of ineligibility for a SSN, if not on file.

.07 [Unresolved Non-Match] 45 Day Temporary License or Identification Card.

- A. (text unchanged)
- B. In the event of a SSN non-match with the [Social Security Administration] SSA, the Administration shall issue a 45 day noncompliant license or 45 day identification card only if the Administration has reasonable grounds to determine that the applicant otherwise meets all eligibility requirements for a license or identification card, with the exception of the SSN non-match, as provided for under Transportation Article, §§16-121(c) and 16-122, Annotated Code of Maryland.
- C. In the event of any other non-match as provided for under Transportation Article, §§16-121(c), and 16-122, the Administration shall issue a 45 day noncompliant license or 45 day identification card only if the Administration has reasonable grounds to determine that the applicant otherwise meets all eligibility requirements as set forth in Regulation .03 of this chapter for, and a license or identification card but for the non-match, as provided for under Transportation Article, §§16-121(c) and 16-122, Annotated Code of Maryland.
- D. In the event of an applicant is unable to pass a required vision test, the Administration may issue a 45 day temporary license if at the time of testing:
 - (1) The applicant has a valid un-expired Maryland Driver's License; and
 - (2) The Administration has reason to believe the applicant is not a safety hazard.
- E. In any other circumstance approved by the Administrator, the Administration may issue a 45 day temporary license or identification card.

CHRISTINE NIZER
Administrator

Title 13A
STATE BOARD OF
EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL
PROGRAMS

13A.05.10 Automated External Defibrillator
Program in Middle Schools and High Schools

Authority: Education Article, §§7-425 and 13-517, Annotated Code of Maryland

Notice of Proposed Action
[17-022-P]

The Maryland State Board of Education proposes to amend Regulations .01—.03 under COMAR 13A.05.10 Automated External Defibrillator Program in High Schools. This action was considered by the State Board of Education at their meeting on October 25, 2016.

Statement of Purpose

The purpose of this action is to: (1) expand the requirements of the Automated External Defibrillator (AED) Program mandated by Education Article, §7-425, Annotated Code of Maryland, to be

implemented by each county board in each high school and middle school in the county; (2) remove “Public safety answering point (PSAP)” and “Sponsoring physician” from the list of defined terms; and (3) amend the reporting requirements necessary when an Automated External Defibrillator is used.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Automated External Defibrillators (AEDs) are readily available from a number of manufacturers and the cost ranges from \$1,500 to \$3,000 each. Electrodes and batteries must be replaced periodically based on manufacturer’s suggested shelf life. The pads must be replaced after each use and cost from \$50 to \$150. Additionally, the cost of biennial training for school staff in cardiopulmonary resuscitation (CPR), including operation of the AED, may range from \$25 to \$70 per person.

The current mandate for AED Program in Maryland public schools requires local school systems (LSS) to develop and implement the program in high schools and middle schools. The mandate includes the provision for an individual to be trained in the operation and use of an AED to be present at all school-sponsored athletic events. The Maryland Public Access AED Regulations – Code of Maryland Regulations (COMAR) 30.06.01.05 under the Maryland Institute for Emergency Management Services Systems (MIEMSS) strongly encourages facilities with frequent visitors under the age of eight years old to include pediatric electrodes (chest pads) in their equipment kits along with adult electrodes.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Small Impact
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
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 regulations have no economic impact on the issuing agency as the mandate requires each county board to develop and implement and AED program that meets the requirements of the statute. Thus, the economic impact is funded by the local county boards of education (local school systems).

C. Operational expenses will increase to local schools in order to maintain health and safety in the school setting or during school sponsored events/activities. This increase is the result of revisions to Maryland law, which now require middle schools, in addition to high schools, to purchase and maintain AEDs as part of the AED Program in Maryland schools. This amendment aligns the regulation with

current law. The estimated cost is \$1,500 to \$3,000 per middle school for each AED, along with additional pads, related equipment, and the cost of staff training.

E. Positive benefit as there may be a small increase in AED equipment sales.

F. The benefit of having an AED in schools outweighs the cost/fiscal impact as this provides for a safer environment and assists in saving lives should a cardiopulmonary event occur on school grounds or during school sponsored activities.

Economic Impact on Small Businesses

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

There may be a positive economic impact on small businesses involved in the sale of AED equipment.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Alicia Mezu, Health Services Specialist, Student Services and Strategic Planning Branch, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0353 (TTY 410-333-6442), or email to alicia.mezu@maryland.gov, or fax to 410-333-8148. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on March 28, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Scope.

This chapter establishes the requirements of the Automated External Defibrillator Program mandated by Education Article, §7-425, Annotated Code of Maryland, for implementation by each county board for each high school *and middle school* in the county.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) “Authorized site” means a public high school *or middle school* that meets the requirements of the Emergency Medical Services (EMS) Board, under Education Article, §13-517, Annotated Code of Maryland, and COMAR 30.06.01—30.06.05, for providing automated external defibrillation.

(2) “Automated external defibrillator (AED)” means a medical heart monitor and defibrillator device that:

- (a) Is [approved] *cleared* for market by the federal Food and Drug Administration;
- (b) (text unchanged)
- (c) Determines, without intervention by the operator, whether defibrillation should be performed; [and]
- (d) On determining that defibrillation should be performed, automatically charges [and either:]; *and*
 - (i) Automatically continues with delivery of the electrical impulse; or
 - (ii) Requires operator intervention to deliver the electrical impulse.]

(e) *Requires operator intervention to deliver the electrical impulse or automatically continues with the delivery of an electrical impulse without operator intervention.*

- (3) — (5) (text unchanged)

(6) “On-site” means on the grounds of a public high school *or middle school*.

[(7) “Public safety answering point (PSAP)” has the meaning stated in Public Safety Article, §1-301(q), Annotated Code of Maryland.]

[(8)] (7) “School-sponsored athletic event” means an interscholastic or intramural sporting event that takes place on-site at a public high school *or middle school*, including practices and scrimmages.

[(9) “Sponsoring physician” means a physician who:

- (a) Is licensed to practice medicine under Health Occupations Article, Title 14, Annotated Code of Maryland;
- (b) Provides medical oversight to an authorized site; and
- (c) Meets qualifications established by the EMS Board.]

.03 Minimum Requirements of the High School *and Middle School* AED Program.

A. Each county board shall develop and implement a High School *and Middle School* AED Program which shall require, at minimum:

- (1) One AED on-site in each public high school *and middle school*, which shall be available for use at each school-sponsored athletic event;
- (2) (text unchanged)
- (3) One individual trained in the operation and use of an AED on-site at each high school *and middle school* during the regular school day.

B. The High School *and Middle School* AED Program shall:

- (1) — (5) (text unchanged)
- [(6) Submit a report for each incident in which an AED is operated or there was an AED response, including any event (code) summary, recording, or tape created by the AED, on the Maryland Facility AED Report Form for Cardiac Arrests to the following:
 - (a) The office of the State EMS Medical Director;
 - (b) The local jurisdictional EMS operational program, if the PSAP is accessed; and
 - (c) The federal Food and Drug Administration, with a copy of the report to the State EMS Medical Director, if the AED fails when operated;]
- (6) *Submit:*

(a) *A report for each incident of suspected cardiac arrest at the facility on the Maryland Facility AED Report Form for Cardiac Arrests, including, when available, any event (code) summary, recording, or tape created by the AED to Maryland Institute for Emergency Medical Services Systems (MIEMSS), and be available for follow up as necessary; and*

(b) *If the AED fails when operated, in addition to submitting the required report to the federal Food and Drug Administration, a copy of the report to MIEMSS.*

- (7) Designate an AED coordinator who:
 - (a) Meets the requirements of COMAR [30.06.02.01B.] 30.06.02.01A, which includes training in cardiopulmonary resuscitation (CPR) and AED operation; and
 - (b) (text unchanged)
- (8) Contact and collaborate with the closest jurisdictional emergency medical services operational program once the High School *and Middle School* AED Program is approved by the EMS Board.

C. Each county board shall inform all persons who are authorized to participate in the High School *and Middle School* AED Program of the immunities available under Education Article, §13-517, Annotated Code of Maryland.

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

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION

Subtitle 02 ACADEMIC
REGULATIONS

13B.02.04 Exemption Procedures for Religious
Educational Institutions

Authority: Education Article, §§11-105(u) and 11-202.1(b), Annotated Code of Maryland

Notice of Proposed Action
[17-006-P]

The Maryland Higher Education Commission proposes to amend Regulation .02 under **COMAR 13B.02.04 Exemption Procedures for Religious Educational Institutions**. This action was considered at a public meeting of the Maryland Higher Education Commission held on November 16, 2016.

Statement of Purpose

The purpose of this action is to amend regulations to comply with Ch. 162, Acts of 2016, and to clarify that religious educational institutions accredited by an accrediting body recognized by the United States Department of Education may not operate without approval from the Commission.

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 Christine M.H. Wellons, Assistant Attorney General, Maryland Education Commission, 6 N. Liberty Street, Baltimore, MD 21201, or call 410-737-3313, or email to christine.wellons@maryland.gov. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

.02 Scope of Exemption.

A. An institution of postsecondary education may obtain an exemption as a religious educational institution and operate without a certificate of approval from the Commission if the institution:

- (1) — (2) (text unchanged)
- (3) Offers only sectarian instruction designed for and aimed at individuals who hold or seek to learn the particular religious faiths or beliefs taught by the institution; *and*
- (4) [Does not offer instruction in nonsectarian or general education; and
- (5)] States on the certificate or diploma the religious nature of the award.

B. (text unchanged)

C. *A religious educational institution that is accredited by an accrediting body recognized by the United States Department of Education may not operate without a certificate of approval from the Commission.*

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

Title 15
DEPARTMENT OF
AGRICULTURE

Subtitle 18 STATE CHEMIST

15.18.09 Pet Food and Specialty Pet Food

Authority: Agriculture Article, §6-101 et seq., Annotated Code of Maryland

Notice of Proposed Action
[17-008-P-I]

The Secretary of Agriculture proposes to adopt new Regulations **.01—.15** under a new chapter, **COMAR 15.18.09 Pet Food and Specialty Pet Food**.

Statement of Purpose

The purpose of this action is to establish regulatory requirements for pet food and specialty food. This action establishes labeling requirements, dietary requirements, nutrient profiles, and other requirements that are necessary for the consumer to make educated decisions when purchasing pet food or specialty pet food. This regulation also establishes labeling standards for raw milk being sold as pet food, which is a growing market in the State.

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 Tom Phillips, State Chemist, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-2721, or email to tom.phillips@maryland.gov, or fax to (410) 841-2740. Comments will be accepted through February 21, 2017. 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 Association of American Feed Control Officials (AAFCO) 2016 Official Publication, Dog and Cat Nutrient Profiles, pp 150—175, Pet Food Product Families, p. 191, and Dog and Cat Feeding Protocols, pp. 176—190 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 44:1 Md. R. 9 (January 6, 2017), 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 Scope and Purpose.

This chapter establishes the requirements for registering pet food and specialty pet food prior to distribution in Maryland.

.02 Incorporation by Reference.

The technical standards provided in this chapter are found in the 2016 official publication of the Association of American Feed Control Officials (AAFCO), under AAFCO Dog and Cat Food Nutrient Profiles, pp. 150 — 175, Procedures for Establishing Pet Food Product Families, p. 191, and AAFCO Dog and Cat Food Feeding Protocols, pp. 176 — 190, which are incorporated by reference.

.03 Definitions.

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

B. Terms Defined.

(1) “AAFCO” means the Association of American Feed Control Officials.

(2) “All life stages” means gestation/lactation, growth and adult maintenance life stages.

(3) “Family” means a group of products that are nutritionally adequate for any or all life stages based on nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol or protocols.

(4) Immediate Container.

(a) “Immediate container” means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers.

(b) “Immediate container” does not include containers used as shipping containers.

(5) “Ingredient statement” means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.

(6) “Principal display panel” means the part of a label on the pet food or specialty pet food that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

(7) “Pet” means dog or cat.

(8) “Pet food” means any commercial feed prepared and distributed for consumption by dogs or cats.

(9) “Secretary” means the Secretary of the Maryland Department of Agriculture, or designee.

(10) “Specialty pet” means any domesticated pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(11) “Specialty pet food” means any commercial feed prepared and distributed for consumption by specialty pets.

(12) “Raw milk” means any milk or milk product, exclusive of any USDA licensed biologics, from any species other than humans, that has not been pasteurized in accordance with processes recognized by the U.S. Food and Drug Administration.

.04 Label Format for Pet Food and Specialty Pet Food.

A. General Requirements. In addition to other requirements for commercial feed provided by law, the requirements of this regulation shall apply also to pet food and specialty pet food.

B. Pet Food Labeling. A pet food and specialty pet food shall be labeled with the following information:

(1) The product name and brand name if any, on the principal display panel as specified Agriculture Article, §6-109(a)(2), Subtitle 1, Title 6, Annotated Code of Maryland;

(2) A statement specifying the species name of the pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;

(3) A quantity statement as defined in Agriculture Article, §11-308, Subtitle 3, Title 11, Annotated Code of Maryland, on the principal display panel, by weight (pounds and ounces, and metric),

liquid measure (quarts, pints, and fluid ounces and metric) or by count;

(4) Guaranteed analysis as specified in Agriculture Article, §6-109(a)(5), Subtitle 1, Title 6, Annotated Code of Maryland;

(5) An ingredient statement as specified Agriculture Article, §6-109(a)(3), Subtitle 1, Title 6, Annotated Code of Maryland;

(6) A statement of nutritional adequacy or purpose if required under these regulations;

(7) Feeding directions if required under these regulations;

(8) Name and address of the manufacturer or distributor as stipulated in Agriculture Article, §6-109(a)(4), Subtitle 1, Title 6, Annotated Code of Maryland; and

(9) A unique and traceable lot number or production date.

C. Requirements for Outer Container or Wrapper. When a pet food or specialty pet food is enclosed in an outer container or wrapper and is intended for retail sale, the following requirements apply to the outer container or wrapper:

(1) A vignette, graphic, or pictorial representation of any product on any pet food or specialty pet food label shall not misrepresent the contents of the package;

(2) The use of the term “proven” in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence;

(3) No statement shall appear upon the label of any pet food or specialty pet food which makes false or misleading comparisons between that food and any other pet or specialty pet food;

(4) Personal or commercial endorsement or endorsements are permitted on pet food or specialty pet food labels if it is not false or misleading;

(5) A statement on a pet food or specialty pet food label stating “improved”, “new”, or a similar designation shall be substantiated and limited to 6 months’ production; and

(6) A statement on a pet food or specialty pet food label stating preference or a comparative attribute or attributes claim shall be substantiated and is limited to 1 year of production, after which the claim shall be removed or re-substantiated.

D. Requirement for Raw Milk.

(1) Raw milk distributed as pet food or specialty pet food shall bear the following statement:

“WARNING: NOT FOR HUMAN CONSUMPTION—THIS PRODUCT HAS NOT BEEN PASTEURIZED, MAY CONTAIN HARMFUL BACTERIA AND MAY CAUSE FOODBORNE ILLNESS.”

(2) This warning statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font for the quantity statement as shown in the following table:

Panel Size	Warning Statement Minimum Type Size
< 5in.2	1/16 in.
> 5 — < 25 in.2	1/8 in.
> 25 — < 100 in.2	3/16 in.
> 100 — < 400 in.2	1/4 in.
> 400 in.2	1/2 in.

(3) The label shall bear a unique and traceable lot number or production date.

.05 Brand and Product Names.

A. General Requirements. In addition to the requirements for commercial feed provided by law, the following requirements of the regulation apply also to pet food and specialty pet food.

B. Designation of “100%” or “All”. The designation “100%” or “All” or words of similar connotation shall not be used in the brand name or product name of a pet food or specialty pet food if the product contains more than one ingredient, provided, for the purpose

of this section only, not including water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments.

C. Designation of Ingredients. An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food if:

(1) The ingredient or ingredients constitutes at least 95 percent of the total weight of the product.

(2) Water sufficient for processing may be excluded when calculating the percentage, however, the ingredients shall constitute at least 70 percent of the total product weight.

(3) Any ingredient constitutes at least 25 percent of the weight of the product, excluding water sufficient for processing.

(4) Any descriptor that shall imply that other ingredients are included in the product formula. Examples of descriptors include "dinner", "platter", "entrée", "formula", and "recipe.

(5) The descriptor is in the same size, style, and color print as the ingredient name or names.

(6) The combination of ingredients which are included in the product name complies with the following:

(a) Each ingredient constitutes at least 3 percent of the product weight, excluding water sufficient for processing;

(b) The name of the ingredients appear in the order of respective predominance by weight in the product; and all the ingredient names appear on the label in the same size, style and color print.

D. Use of Ingredient Name. When the name of an ingredient appears in the product name of a pet food or specialty pet food or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredient or ingredients shall each constitute at least 3 percent of the product weight exclusive of water for processing. If the names of more than one ingredient are shown, they shall appear in respective order of predominance by weight in the product. The 3 percent minimum level does not apply to claims for condiments or nutrients, such as, but not limited to, vitamins, minerals and fatty acids. The word "with", or similar designation, and named ingredient or ingredients shall be in the same size, style, color and case print and be of no greater size than:

Panel Sizes	Maximum "With Claim" Type Size
< 5 square inches	1/8 inch
5 — < 25 Square inches	1/4 inch
25 — < 100 square inches	3/8 inch
100 — < 400 square inches	1/2 inch
> 400 square inches	1 inch

E. Designation of Flavor. A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food if the flavor designation meets the following requirements:

(1) The flavor designation:

(a) Conforms to the name of the ingredient listed in the ingredient statement; or

(b) Is identified by the source of the flavor in the ingredient statement;

(2) The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and

(3) Substantiation of the flavor designation, the flavor claim or the ingredient source is provided upon request.

F. Ingredients as Product Name. The product name of the pet food or specialty pet food shall not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by Regulation .04B, C, or D of this chapter, provided that

the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts that have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

(2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.

G. Contractions or Coined Names. Contractions or coined names referring to ingredients shall not be used in the brand name of any pet food or specialty food unless they are in compliance with Regulation .04B, C, or D of this chapter Regulation .04B, C, or D of this chapter .

H. Designation of Raw Milk. When pet food or specialty pet food consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the principal display panel. The blank is to be completed by using the species of animal from which the raw milk is collected.

.06 Expressions of Guarantees.

A. General Requirements. In addition to the requirements for commercial feed provided by law, the following requirements of these regulations shall also apply to pet food and specialty pet food.

B. Guaranteed Analysis Requirement.

(1) The "Guaranteed Analysis" on a pet food or specialty pet food label shall be listed in the following order and format unless otherwise specified in these regulations:

(a) Minimum percentage of crude protein;

(b) Minimum percentage of crude fat;

(c) Maximum percentage of crude fat, if required by Regulation .12 of this chapter;

(d) Maximum percentage of crude fiber;

(e) Maximum percentage of moisture; and

(f) Additional guarantees shall follow moisture.

(2) When ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it shall be guaranteed as a maximum percentage and shall immediately follow the moisture guarantee.

(3) A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the AAFCO Dog or Cat Food Nutrient Profiles (current printed AAFCO OP). Guarantees for substances not listed in the AAFCO Dog or Cat Food Nutrient Profiles, or not otherwise provided for in these regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog or Cat Food Nutrient Profiles." The disclaimer shall appear immediately after the last guarantee under this item in the same size type as the guarantees.

(4) A specialty pet food label shall list other required or voluntary guarantees in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the specific species; however, if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile. Guarantees for substances not listed in an AAFCO recognized nutrient profile for the specific species of animal shall immediately follow the listing of recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the _____." The blank is to be completed by listing the specific AAFCO nutrient profile. This disclaimer shall appear immediately after the last such guarantee in the same size type as the guarantees. No such disclaimer shall be required unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

C. *Sliding Scale Method Prohibited.* The sliding scale method of expressing any guaranteed analysis, for example, "protein 15-18 %", is prohibited.

D. *Mineral Supplement Representation.* The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement shall include:

(1) Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units specified in the nutrient profile; or

(2) Minimum guarantees for all minerals from sources declared in the ingredient statement as the element in units specified in the AAFCO Cat Food Nutrient Profiles, if no species-specific nutrient profile has been recognized by AAFCO, and provided that:

(a) Mineral guarantees required by Regulation .06 D (1) and (2) of this chapter may be expressed in milligrams (mg) per unit, such as tablets, capsules, granules, or liquids, consistent with those employed in the quantity statement and directions for use; and

(b) A weight equivalent, such as 1 fluid ounce = 28 grams, for liquid products.

E. *Representation of Vitamin Supplement.* The label of any pet food or specialty pet food, which is formulated as and represented to be a vitamin supplement, shall include:

(1) Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units specified in the nutrient profile; or

(2) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in AAFCO Cat Food Nutrient Profiles when no species-specific nutrient profile has been recognized by AAFCO, and provided that:

(a) Vitamin guarantees required by Regulation .06 E (1) and (2) of this chapter may be expressed in approved units, such as IU, mg, or g, per unit, such as tablets, capsules, granules or liquids, consistent with those employed in the quantity statement and directions for use; and

(b) A weight equivalent such, as 1 fluid ounce = 28 grams, for liquid products.

F. *Comparison of Nutrient Content.* When the label of any pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply:

(1) The product shall meet the AAFCO-recognized nutrient profile;

(2) The statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile; however, the statement that the product meets the AAFCO-recognized nutrient profile is not required provided that the nutritional adequacy statement as per Regulation .09 B(1) or C(1) of this chapter appears elsewhere on the product label;

(3) The statement of comparison of the nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and

(4) The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

G. *Moisture Declaration.* The maximum moisture declared on a pet food or specialty pet food label shall not exceed 78 percent or the natural moisture content of the ingredients, whichever is higher. However, pet food or specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice or a milk replacer, which are so labeled, may contain moisture in excess of 78 percent.

H. *Guarantees for Crude Ingredient.* Guarantees for crude protein, crude fat and crude fiber are not required if the pet food or

specialty pet food is intended for purposes other than to furnish the substances or the substances are of minor significance relative to the primary purpose of the product, such as a mineral or vitamins supplement.

I. *Guarantees for Microorganisms.* Guarantees for microorganisms and enzymes shall be stated in the following format:

(1) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/gm) when directions are for using the product in grams, or in colony units per pound (CFU/lb) when directions are for using the product in pounds.

(2) A parenthetical statement following the guarantee shall list each species in order of predominance.

(3) Guarantees for enzymes shall be stated in units of enzymatic activity per unit weight or volume, consistent with label directions.

(4) The source organism for each type of enzymatic activity shall be specified, such as: Protease (*Bacillus subtilis*) 5.5 mg amino acids liberated/min./mg. If two or more sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

.07 Ingredients.

A. *General Requirements.* In addition to the requirements for commercial feed provided by law, the following requirements of these regulations shall also apply to pet food and specialty pet food.

B. *Ingredient Statement Requirement.* Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:

(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size;

(2) The ingredients shall be listed in descending order by predominance by weight in nonquantitative terms;

(3) The ingredients shall be listed and identified by the name and definition established by AAFCO; and

(4) Any ingredient with no established name and definition shall be identified by the common or usual name of the ingredient.

C. *Meat and By-products Ingredients.* The ingredients "meat" and "meat by-products" shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination of those animals. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by-products."

D. *Prohibition.* Brand or trade names shall not be used in an ingredient statement.

E. *Ingredient Attributes.* A reference to the quality, nature, form, or other attribute of an ingredient shall be allowed when the reference meets all of the following:

(1) The designation is not false or misleading;

(2) The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and

(3) A reference to quality or grade of the ingredient does not appear in the ingredient statement.

.08 Pet Food Additives.

A. *General Requirements.* In addition to the requirements for commercial feed provided by law, the following requirements of these regulations shall also apply to pet food and specialty pet food.

B. *Artificial Color.* An artificial color may be used in a pet food or specialty pet food if it has been shown to be harmless to pets or specialty pets. The permanent or provisional listing of an artificial color listed in CFR, Title 21, as safe for use, together with the conditions, limitations and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets or specialty pets.

C. *Safety and Efficiency of Additives.* Evidence may be required to prove the safety and efficacy or utility of a pet food or specialty pet

food which contains additives or drugs, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food or specialty pet food may be established when the pet food or specialty pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in CFR, Title 21 or which are "prior sanctioned" or "informal review sanctioned" or "Generally Recognized as Safe" for such use.

.09 Nutritional Adequacy.

A. *General Requirements.* In addition to the requirements for commercial feed provided by law, the following requirements of these regulations shall also apply to pet food and specialty pet food.

B *Nutritional Claim.* The label of a pet food or specialty pet food that is intended for all life stages of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced", "perfect", "scientific", or "100% nutritious" if at least one of the following apply:

(1) The product meets the nutrient requirements for all life stages established by an AAFCO-recognized nutrient profile;

(2) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol or protocols; or

(3) The product is a member of a product family that is nutritionally similar to a lead product containing a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:

(a) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO (AAFCO Official Publication, pp 191, 2016);

(b) The family product meets the criteria for all life stages; and

(c) The Secretary may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

C. *Limited Purpose Nutritional Claim.* The label of a pet food or specialty pet food that is intended for a limited purpose, such as the size of dog, or a specific life stage, but not for all life stages, may include a qualified claim such as "complete and balanced", "perfect", "scientific", or "100% nutritious" if the product and claim meets all of the following:

(1) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, such as, "complete and balanced for puppies (or kittens)," and the claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style and color print; and

(2) The product meets at least one of the following:

(a) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile;

(b) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized feeding protocol or protocols; or

(c) The requirements of a product family which is nutritionally similar to a lead product that contains a combination of ingredients which, when fed for the limited purpose, will satisfy the nutrient requirements for the limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:

(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;

(ii) The family product meets the criteria for the limited purpose; and

(iii) The Secretary may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

D. *Dog and Cat Food Labels.* Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack", "treat", or "supplement". The statement shall consist of one of the following.

(1) A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages.

(a) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for _____" (Blank is to be completed by using the stage or stages of the pet's life, such as, gestation/lactation, growth, maintenance or the words "All Life Stages").

(b) For a dog food, when the blank in Regulation .09D(1)(a) of this chapter includes the words "growth" or "All Life Stages", one of the following phrases shall also be added verbatim to the end of the claim:

(i) "Including growth of large size dogs (70 lbs. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or

(ii) "Except for growth of large size dogs (70lbs/ or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs.

(c) "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for _____" (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance or the words "All Life Stages").

(d) "(Name of Product) provides complete and balanced nutrition for _____" (Blank is to be completed by using the stage or stages of the pet's life, such as, gestation/lactation, growth, maintenance or the words "All Life Stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."

(2) A nutritional or dietary claim for purposes other than those listed in Regulation .09 B or C of this chapter, if the claim is scientifically substantiated.

(3) The statement "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of this part or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

E. *Products Intended for Veterinarians.* The label of a product intended for use by a veterinarian or under the direction of a veterinarian shall contain a statement in accordance with Regulation .09D of this chapter.

F. *Affidavit for Product.* A signed affidavit attesting that the product meets the requirements of Regulation .09B or C of this chapter shall be submitted to the Secretary upon request.

G. *Products That Do Not Meet AAFCO Nutrient Requirements.* If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile or if no requirement has been established by an AAFCO recognized nutritional authority for the life stage or stages of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated by the applicant for registration.

H. *AAFCO Recognized Nutrient Requirements.* The following AAFCO-recognized nutritional authority, nutrient profile, and animal

feeding protocol are acceptable as the basis for a claim of nutritional adequacy:

(1) As an AAFCO-recognized nutrient profile or:

(a) For dogs, the AAFCO Dog Food Nutrient Profiles;

(b) For cats, the AAFCO Cat Food Nutrient Profiles;

(c) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended; and

(d) As an AAFCO –recognized animal feeding protocol or protocols, the AAFCO Dog and Cat Food Feeding Protocols (AAFCO Official Publication, pp 176 – 190, 2016).

.10 Feeding Directions.

A. Dog or Cat Food Snacks or Treats. Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in Regulation .09D(1) of this chapter except those pet foods labeled in accordance with Regulation .09E of this chapter shall list feeding directions on the product label. These directions shall be consistent with the intended use or uses indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (e.g., “adult formula”). These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum state, “Feed (weight/unit of product) per (weight only) of dog (or cat)”. The frequency of feeding shall also be specified.

B. Products Intended for Veterinarians. When a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: “Use only as directed by your veterinarian” may be used in lieu of feeding directions.

C. Specialty Pet Food Snacks or Treats. Specialty pet food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in Regulation .09B of this chapter shall list feeding directions on the product label. These feeding directions shall be adequate to meet the nutrient requirements of the intended species of specialty pet as recommended by the AAFCO-recognized nutritional authority. These directions shall be expressed in common terms and shall appear prominently on the label. The frequency of feeding shall also be specified.

.11 Statements of Calorie Content.

A. Dog and Cat Labels. The label of a dog or cat food shall bear a statement of calorie content and meet all of the following:

(1) The statement shall be separate and distinct from the “Guaranteed Analysis” and appear under the heading “Calorie Content”;

(2) The statement shall be measured in terms of metabolizable energy (ME) on an “as fed” basis and shall be expressed as “kilocalories per kilogram” (kcal/kg) of product, and may also be expressed as kilocalories per familiar household measure, (e.g., cans or cups) or unit of product (e.g., treats or pieces);

(3) The calorie content shall be determined by one of the following methods:

(a) By calculation using the “modified Atwater” formula:

$$ME \text{ (kcal/kg)} = 10 \times [(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$$

Where: ME = Metabolizable Energy

CP = % crude protein “as fed”

CF = % crude fat “as fed”

NFE = % nitrogen-free extract (carbohydrate)

“as fed”

And the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate

calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture and ash (determined in the same manner as CP and CF); or

(b) In accordance with a testing procedure established by AAFCO.

(4) An affidavit shall be provided upon request to the Secretary, substantiating that the calorie content was determined by:

(a) Regulation .11A(3)(a) of this chapter in which case the summary data used in the calculation shall accompany the affidavit; or

(b) Regulation .11A(3)(b) of this chapter in which case the summary data used in the determination of calorie content shall accompany the affidavit.

(5) The calorie content statement shall appear as one of the following:

(a) The heading “Calorie Content” on the label or other labeling shall be followed parenthetically by the word “calculated” when the calorie content is determined in accordance with Regulation .11A(3)(a) of this chapter; or

(b) The heading “Calorie Content” on the label or other labeling shall be followed parenthetically by the word “fed” when the caloric content is determined in accordance with Regulation .11A(3)(b) of this chapter.

B. Comparative Claim. Comparative claims shall not be false, misleading or given undue emphasis and shall be based on the same methodology for the products compared.

.12 Descriptive Terms.

A. Calorie Terms.

(1) A dog food product that bears on its label the terms “light”, “lite”, “low calorie”, or words of similar designation shall:

(a) Contain no more than 3,100 kcal ME/kg for products containing less than 20 percent moisture, no more than 2,500 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 900 kcal ME/kg for products containing 65 percent or more moisture;

(b) Include on the label a calorie content statement:

(i) In accordance with the format provided in Regulation .11 of this chapter; and

(ii) Which states no more than 3,100 kcal ME/KG for products containing less than 20 percent moisture, no more than 2,500 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 900 kcal ME/kg for products containing 65 percent or more moisture; and

(iii) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.

(2) A cat food product that bears on its label the terms “light,” “lite,” “low calorie,” or words of similar designation shall:

(a) Contain no more than 3,250 kcal ME/kg for products containing less than 20 percent moisture, no more than 2,650 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 950 kcal ME/kg for products containing 65 percent or more moisture;

(b) Include on the label a calorie content statement:

(i) In accordance with the format provided in Regulation .11 of this chapter;

(ii) Which states no more than 3,250 kcal ME/KG for products containing less than 20 percent moisture, no more than 2,650 kcal ME/kg for products containing 20 percent or more but less than 65 percent moisture, and no more than 950 kcal ME/kg for products containing 65 percent or more moisture; and

(c) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.

B. Less” or “Reduced Calories”.

(1) A dog or cat food product that has on its label a claim of “fewer calories,” “reduced calories,” or words of similar designation, shall comply with requirements of this section.

(2) The dog or cat food product shall have a label that includes the following:

(a) The name of the product of comparison and the percentage of calorie reduction, expressed on an equal weight basis, explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;

(b) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim;

(c) A calorie content statement in accordance with the format provided in Regulation .11 of this chapter; and

(d) Feeding directions that reflect a reduction in calories compared to feeding directions for the product of comparison; and

(3) A comparison between products in different categories of moisture content (i.e., less than 20 percent, 20 percent or more but less than 65 percent, 65 percent or more) is misleading.

C. Fat Terms.

(1) A dog food product that bears on its label the terms “lean”, “low fat”, or words of similar designation shall:

(a) Contain no more than 9 percent crude fat for products containing less than 20 percent moisture, no more than 7 percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than 4 percent crude fat for products containing 65 percent or more moisture; and

(b) Include on the product label in the guaranteed analysis:

(i) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Regulation .06B(1)(c) of this chapter; and

(ii) A maximum crude fat guarantee that is no more than 9 percent crude fat for products containing less than 20 percent moisture, no more than 7 percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than 4 percent crude fat for products containing 65 percent or more moisture.

(2) A cat food product that bears on its label the terms “lean,” “low fat,” or words of similar designation shall:

(a) Contain no more than 10 percent crude fat for products containing less than 20 percent moisture, no more than 8 percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than 5 percent crude fat for products containing 65 percent or more moisture;

(b) Include on the product label in the guaranteed analysis:

(i) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Regulation .06B(1)(c) of this chapter; and

(ii) A maximum crude fat guarantee that is no more than ten percent crude fat for products containing less than 20 percent moisture, no more than 8 percent crude fat for products containing 20 percent or more but less than 65 percent moisture, and no more than 5 percent crude fat for products containing 65 percent or more moisture.

(3) A dog or cat food product that bears on its label a claim of “less fat”, “reduced fat”, or words of similar designation, shall include on the label:

(a) The name of the product of comparison and the percentage of fat reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;

(b) A maximum crude fat guarantee in the guaranteed analysis immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Regulation .06B(1)(c) of this chapter;

(c) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim.

(4) A comparison between products in different categories of moisture content, for example, less than 20 percent, 20 percent or more but less than 65 percent, 65 percent or more, is misleading.

.13 Raw Milk.

Raw milk may not be registered for use as pet food for any species when it is packaged in containers that resemble containers intended for milk for human consumption, or it is stored at retail with, or in the vicinity of, milk or milk products intended for human consumption.

.14 Manufacturer or Distributor—Name and Address.

The label of a pet food or specialty pet food shall specify the name and address of the manufacturer or distributor. The statement of the place of business should include the street address, city, state and zip code. If a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from which each package is to be distributed.

.15 Records and Reports.

Any manufacturer or distributor of pet food and specialty pet food shall maintain and furnish upon request by the Secretary or his authorized representative, such records and reports as the Secretary deems necessary to indicate the accuracy of any registration of a pet food or specialty pet food, and any other records and reports required by the commercial feed law.

JOSEPH BARTENFELDER
Secretary of Agriculture

**Title 26
DEPARTMENT OF THE
ENVIRONMENT**

Subtitle 11 AIR QUALITY

26.11.34 Low Emissions Vehicle Program

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103, Annotated Code of Maryland

Notice of Proposed Action

[17-041-P-I]

The Secretary of the Environment proposes to amend Regulation **.02** under **COMAR 26.11.34 Low Emissions Vehicle Program**.

Statement of Purpose

The purpose of this action is to amend COMAR 26.11.34.02 Incorporation by Reference to reflect the changes made to the California regulations since the last Maryland update in 2015.

These amendments will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Maryland’s State Implementation Plan (SIP).

Background

Vehicles sold in the United States must be certified under one of two certification programs: the federal program (Tier 3) or the California program (the Clean Car Program). Section 177 of the Clean Air Act Amendments of 1990 provides states the ability to adopt the California program in lieu of the federal program as long as the adopted state program is identical to the California program and the state allows two model years lead time from adoption to implementation.

The Maryland Clean Cars Act of 2007 required the Maryland Department of the Environment (MDE) to adopt regulations implementing the California Clean Car Program (also referred to as the California Low Emissions Vehicle Program-CALEV) in Maryland. Maryland's implementing regulations adopted, through incorporation by reference, the applicable California regulations. The CALEV program is a dynamic, changing program in which many of the relevant California regulations are continuously updated. To retain California's standards, Maryland must remain consistent with their regulations, hence when California updates its regulations, Maryland must reflect these changes by amending our regulations.

The proposed amendments are in effect in California as well as some of the other states that have adopted the CALEV program. There have been a number of regulatory changes approved by the California Air Resources Board that require Maryland to update the Incorporation by Reference section. These updates will have minimal, if any, impact on the cost or implementation of the program in Maryland.

Sources Affected and Location

These amendments apply to automobile manufacturers that produce new motor vehicles for sale in Maryland. All vehicle types that have a gross vehicle weight rating of less than 14,000 pounds are affected.

Requirements

The proposed action is the administrative action necessary to remain consistent with the California program. This action is necessary since many of the California regulations that are incorporated into the Maryland regulation have been updated. The individual regulatory changes can be grouped into 5 areas:

1. Incorporate amendments to the alternative fuel conversion certification procedure for on-road motor vehicles and engines to streamline testing and provide a reduced burden for small volume conversion manufacturers.
2. Incorporate amendment to provide greater flexibility to Intermediate Volume Manufacturers to meet the Zero Emission Vehicle (ZEV) requirement.
3. Incorporate amendments to align the CALEV III program and test procedures with the Federal Tier 3 program.
4. Incorporate changes to California's Medium and Heavy-Duty greenhouse gas (GHG) regulations to align them with EPA's Phase 1 GHG regulations. These amendments have a non-substantive impact on portions of California's program that are incorporated by reference.
5. Incorporate amendments to the OBD II regulation to improve compliance flexibility as well as strengthen the performance requirements.

The biggest change that will affect Maryland is the amendments to the ZEV requirement. The flexibilities added to the program may reduce the number of ZEVs delivered to Maryland through the program, but the number of vehicles is not expected to be significant. However, this was necessary to ease the burden of the requirements on smaller vehicle manufacturers.

The other amendments being incorporated represent updated language to stay consistent with new federal criteria, GHG emission

regulations, as well as amendments to alternative fuel conversions that will help grow the market for alternative fuels. These updates are already incorporated into California's program and are being met by the industry.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. Minimal additional burden or cost is expected as a result of these amendments. The changes to the ZEV program will provide intermediate volume manufacturers a reduced burden as well as greater flexibility to meet the program's requirements in a way that is best for their business situation. The increased availability of alternative fuel conversion kits could have a positive impact on manufacturers of these kits as well as fuel suppliers.

These amendments will have no economic impact on the Department. They also will have no impact on the Motor Vehicle Administration's registration, data management, and dealer oversight activities related to this program.

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

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

E. These amendments will have a small impact on small businesses only to the extent that they manufacture, sell or install alternative fuel conversion kits. This impact should be positive. These amendments should have no impact on Maryland dealers.

F. The economic impact of these amendments upon Maryland consumers is minimal as there are no significant changes to the vehicle requirements.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on February 21, 2017 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or email to randy.mosier@maryland.gov. Comments must be received no later than 5 p.m. on February 21, 2017 or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488. Copies of the proposed action and supporting documents are available for review at the following locations:

The Department of the Environment's website at:

<http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomments.aspx>

The Air and Radiation Management Administration Washington Blvd. Anyone needing special accommodations at the public hearing should contact the Department of the Environment's Fair Practices Office at (410) 537-3964. TTY users may contact the Department of the Environment through the Maryland Relay Service at 1-800-735-2258.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the documents listed below have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 44:1 Md. R. 9 (January 6, 2017), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

1. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 1, §1900 Definitions, as effective July 25, 2016;
2. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures-2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective October 8, 2015;
3. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.1 Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective January 1, 2016;
4. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.2 Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective January 1, 2016;
5. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1965 Emission Control, Smog Index, and Environmental Performance Labels- 1979 and Subsequent Model-Year Motor Vehicles, as effective October 8, 2015;
6. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.2 Malfunction and Diagnostic System Requirements-2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective July 25, 2016;
7. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.5 Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective July 25, 2016;
8. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1976 Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions, as effective October 8, 2015;

9. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1978 Standards and Test Procedures for Vehicle Refueling Emissions, as effective October 8, 2015;
10. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 5, §2030 Liquefied Petroleum Gas or Natural Gas Retrofit Systems, as effective September 15, 2014;
11. Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2037 Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles, as effective December 5, 2014;
12. Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2112 Definitions, undated, as effective December 5, 2014;
13. Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2139 Testing, as effective December 5, 2014;
14. Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2140 Notification and Use of Test Results, as effective December 5, 2014; and
15. Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2147 Demonstration of Compliance with Emission Standards, as effective December 5, 2014.

.02 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

- (1) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 1, §1900 Definitions, as effective [December 31, 2012] *July 25, 2016*.
- (2)–(5) (text unchanged)
- (6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures-2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [December 31, 2012] *October 8, 2015*.
- (7)–(8) (text unchanged)
- (9) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.1 Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [July 10, 2014] *January 1, 2016*.
- (10) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.2 Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective [July 10, 2014] *January 1, 2016*.
- (11) (text unchanged)
- (12) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1965 Emission Control, Smog Index, and Environmental Performance Labels- 1979 and Subsequent Model-Year Motor Vehicles, as effective [August 7, 2012] *October 8, 2015*.
- (13) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.2 Malfunction and Diagnostic System Requirements-2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective [July 31, 2013] *July 25, 2016*.
- (14) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.5 Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective [July 31, 2013] *July 25, 2016*.
- (15)–(16) (text unchanged)
- (17) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1976 Standards and Test Procedures for

Motor Vehicle Fuel Evaporative Emissions, as effective [December 31, 2012] *October 8, 2015*.

(18) (text unchanged)

(19) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1978 Standards and Test Procedures for Vehicle Refueling Emissions, as effective [August 7, 2012] *October 8, 2015*.

(20) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 5, §2030 Liquefied Petroleum Gas or Natural Gas Retrofit Systems, as effective [February 13, 2010] *September 15, 2014*.

(21)–(22) (text unchanged)

(23) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2037 Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles, as effective [August 7, 2012] *December 5, 2014*.

(24)–(34) (text unchanged)

(35) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2112 Definitions, undated, as effective [August 7, 2012] *December 5, 2014*.

(36)–(62) (text unchanged)

(63) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2139 Testing, as effective [August 7, 2012] *December 5, 2014*.

(64) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2140 Notification and Use of Test Results, as effective [August 7, 2012] *December 5, 2014*.

(65)–(70) (text unchanged)

(71) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2147 Demonstration of Compliance with Emission Standards, as effective [August 7, 2012] *December 5, 2014*.

(72)–(79) (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 17 WATER MANAGEMENT

26.17.01 Erosion and Sediment Control

Authority: Environment Article, §4-101, Annotated Code of Maryland

Notice of Proposed Action

[17-033-P-I]

The Secretary of the Environment proposes to amend Regulations **.01**, **.08**, **.09**, and **.11** under **COMAR 26.17.01 Erosion and Sediment Control**.

Statement of Purpose

The purpose of this action is to amend the definition of “Grading unit”, extend the time period an approved sediment control plan is valid, eliminate the requirement that sites be inspected once every 2 weeks, and update the handbook entitled “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control”, which is incorporated by reference in COMAR 26.17.01.11.

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 Jennifer Smith, Deputy Program Manager, Sediment, Stormwater, and Dam Safety Program, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3561, or email to Jennifer.Smith@maryland.gov, or fax to 410-537-3553. Comments will be accepted through February 21, 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 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, Supplement 1 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 44:1 Md. R. 9 (January 6, 2017), 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. (text unchanged)

B. Terms Defined.

(1) — (12) (text unchanged)

(13) “Grading unit” means the maximum contiguous area allowed to be graded at a given time. [For the purposes of this chapter, a grading unit is 20 acres or less.]

(14) — (30) (text unchanged)

.08 Approval or Denial of Erosion and Sediment Control Plans.

A.— E. (text unchanged)

F. Expiration of Approved Erosion and Sediment Control Plans.

(1) Approved erosion and sediment control plans remain valid for [2] 3 years from the date of approval, except surface mines and landfill plans, which remain valid for 5 years from the date of approval.

(2) (text unchanged)

G. (text unchanged)

.09 Inspection and Enforcement.

A.— C. (text unchanged)

D. The appropriate enforcement authority shall inspect sites with an approved erosion and sediment control plan [an average of once every 2 weeks] for compliance with the approved plan.

E.— J. (text unchanged)

.11 Sediment Control Design Standards and Specifications.

A. The handbook titled “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control” as amended by *Supplement 1* is hereby incorporated by reference by the Administration, and shall serve as the official guide for erosion and sediment control principles, methods, and practices.

B. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 08 PROPERTY AND CASUALTY INSURANCE

31.08.13 Application of a Percentage Deductible in the Case of a Hurricane or Other Storm

Authority: Insurance Article, §§2-109, 19-209, and 19-209.1, Annotated Code of Maryland

Notice of Proposed Action

[16-253-R]

The Insurance Commissioner proposes to amend Regulations .01, .02, .03, and .05 and repeal existing Regulations .04 and .06 under COMAR 31.08.13 Application of a Percentage Deductible in the Case of a Hurricane. Because substantive changes have been made to the original proposal as published in 43:20 Md. R. 1146—1147 (September 30, 2016), this action is being repropounded at this time.

Statement of Purpose

The purpose of this action is to amend COMAR 31.08.13 Application of a Percentage Deductible in the Case of a Hurricane to be consistent with H.B. 557, Ch. 491, Acts of 2016. The purpose of this repropounding is to:

1. Amend Regulation .01 to add §19-209.1 Insurance Article, Annotated Code of Maryland, to the purpose paragraph as it is a newly adopted statute that affects this Section;
2. Amend Regulation .02 to clarify that this section applies to any policy of homeowner’s insurance that provides a percentage deductible;
3. Amend Regulation .03 to remove the definition of “County” and “Part of the State” as H.B. 557, Ch. 491, Acts of 2016, removed the phrases in the statute. Remove the reference to “in the case of a hurricane or other storm” at the end of (8) “Percentage deductible” as that language is no longer in the statute;
4. Repeal Regulation .04 to remove the application of a percentage deductible language consistent with H.B. 557, which incorporates these requirements into statute;
5. Amend Regulation .05A to add the word “hurricane” before “percentage deductible” consistent with updates to statute made by H.B. 557; amend Regulation .05A to remove the requirement that the Commissioner must approve for the adoption or amendment of the underwriting standard as this is no longer required by H.B. 557; and amend Regulation .05 to remove D-J consistent with H.B. 557 which incorporated these sections into statute.

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 Lisa Larson, Assistant Director of Regulatory Affairs, Maryland Insurance Administration, 200 Saint Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. ***Arial Bold Italic*** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.01 Purpose.

The purpose of this chapter is to implement Insurance Article, §§19-209[[[,]]] and 19-209.1, Annotated Code of Maryland.

.02 Applicability.

A. (text unchanged)

B. This chapter applies [[[only to a]]] to any policy of homeowner’s insurance [[[issued under an underwriting standard that requires the policy to include]]] that provides a percentage deductible.

.03 Definitions.

A. (originally proposed text unchanged)

B. Terms Defined.

[[[(1) County.

(a) “County” means a County of the State.

(b) “County” includes Baltimore City.]]]

[[[(2)]]] (1) — [[[(5)]]] (4) (originally proposed text unchanged)

[[[(6) “Part of the State” means the county in which the residential property is located.]]]

[[[(7)]]] (5) “Percentage deductible” means a deductible equal to a percentage of the Coverage A – Dwelling Limit of a homeowner’s insurance policy [in the case of a hurricane or other storm].

[[[(8)]]] (6) — [[[(9)]]] (7) (originally proposed text unchanged)

[[[.05]]] .04 Underwriting Standard.

A. An insurer may not adopt or amend an underwriting standard that requires a hurricane percentage deductible that exceeds 5 percent unless the insurer has[[[:]]]

[[[(1) Filed]]] filed the underwriting standard or the amendment to the underwriting standard with the Commissioner[[[:]; and

(2) Obtained from the Commissioner approval for the adoption or amendment of the underwriting standard]]].

B.–C. (text unchanged)

[[[D. The Commissioner may disapprove a filing submitted under §A of this regulation without further review if the filing does not contain the information required by §B of this regulation.

E. If an insurer receives a request for additional information from the Commissioner, under §B(7) of this regulation, the insurer shall provide the requested information:

(1) Within the time specified by the Commissioner, unless an extension has been granted by the Commissioner; and

(2) In the manner specified by the Commissioner.

F. The Commissioner has 60 days from the date on which a filing that is required by §A of this regulation is received to review the filing and to approve or disapprove the filing.

G. Notwithstanding §E of this regulation, a request for additional information made by the Commissioner under §B(7) of this regulation tolls the 60-day waiting period until the Commissioner receives the additional information.

H. During the 60-day waiting period the Commissioner may extend the waiting period up to an additional 60 days, by written notice to the insurer.

I. An insurer may not adopt, amend, or withdraw an underwriting standard that requires the Commissioner's approval under this regulation until:

(1) The Commissioner approves the adoption, amendment, or withdrawal of the underwriting standard in writing; or

(2) If the Commissioner has not approved or disapproved the adoption, amendment, or withdrawal of the underwriting standard, the expiration of the waiting period and any extension of the waiting period.

J. A filing is deemed approved unless disapproved by the Commissioner in writing during the waiting period.]]]

ALFRED W. REDMER, Jr.
Insurance Commissioner

Affidavit for Maryland [Financing Agreement or Commitment]

Lender/Broker: [name and NMLSR unique identifier]

Check one of the following:

I, [name], hereby declare that:

- A Loan Estimate was provided to [applicant name(s)], as required by 12 CFR 1026.37, on [date];
- The loan term, loan amount, loan type, interest rate, and points disclosed on that Loan Estimate were accurate at the time the Loan Estimate was provided, and are subject to change or determination after execution;
- The Loan Estimate, in conjunction with this affidavit, is intended to constitute a Financing Agreement as required in §§12-125, 12-922, and/or 12-1022 of the Commercial Law Article, Maryland Code Annotated; and
- This Financing Agreement shall remain in effect until [date].

I, [name], hereby declare that:

- A Loan Estimate was provided to [applicant name(s)], as required by 12 CFR 1026.37, on [date];
- The loan term, loan amount, loan type, interest rate, and points disclosed on that Loan Estimate were accurate at the time the Loan Estimate was provided, and are not subject to change or determination after execution;
- The Loan Estimate, in conjunction with this affidavit, is intended to constitute a Financing Agreement as required in §§12-125, 12-922, and/or 12-1022 of the Commercial Law Article, Maryland Code Annotated;
- This Financing Agreement shall remain in effect until [date]; and
- I am authorized by [name of lender] to execute this binding agreement.

I, [name], hereby declare that:

- A Closing Disclosure was provided to [applicant name(s)], as required by 12 CFR 1026.37, on [date];
- The loan term, loan amount, loan type, interest rate, and points disclosed on that Closing Disclosure remain accurate, and are not subject to change or determination after execution;
- The Closing Disclosure, in conjunction with this affidavit, is intended to constitute a Commitment as required in §§12-125, 12-922, and/or 12-1022 of the Commercial Law Article, Maryland Code Annotated; and
- I am authorized by [name of lender] to execute this binding agreement.

I DO HEREBY SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

_____ (signature of affiant)

Date: _____

Errata

COMAR 21.07.01

At 43:21 Md. R. 1178 (October 14, 2016), column 1, after line 3
from the bottom:

Read: E.—F. (text unchanged)

[17-02-20]

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 February 2, 2017, 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 March 9, 2017, 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 February 13, 2017.

DATES: The public hearing will convene on February 2, 2017, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is February 13, 2017.

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.srbc.net/wrp. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.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: Anadarko E&P Onshore LLC (West Branch Susquehanna River), Nippenose Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20130301).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20121202).

Project Sponsor and Facility: Crossgates Golf Course, Manor Township and Millersville Borough, Lancaster County, Pa. Application for renewal of consumptive water use of up to 0.300 mgd (peak day) (Docket No. 19910515).

Project Sponsor and Facility: Crossgates Golf Course (Conestoga River), Manor Township and Millersville Borough, Lancaster County, Pa. Application for renewal of surface water withdrawal of up to 0.300 mgd (peak day) (Docket No. 19910515).

Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.

Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.

Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course (Boiling Springs Run), Kimmel Township, Bedford County, Pa. Application for surface water withdrawal of up to 0.090 mgd (peak day).

Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course, Kimmel Township, Bedford County, Pa. Application for consumptive water use of up to 0.090 mgd (peak day).

Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, Pa. Application for modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and to revise the passby to be consistent with current Commission policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

Project Sponsor: Pennsylvania Department of Environmental Protection – South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.173 mgd (30-day average) from Hollander Well.

Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (First Fork Sinnemahoning Creek), Wharton Township, Potter County, Pa. Application for renewal of surface water withdrawal of up to 0.231 mgd (peak day) (Docket No. 20121222).

Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, Pa. Application for consumptive water use of up to 0.087 mgd (peak day).

Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, Pa. Application for groundwater withdrawal of up to 0.087 mgd (30-day average) from Borehole 1 (BH-1).

Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, Pa. Modification to remove pumping restriction for March and April for previously approved groundwater withdrawal (Docket No. 20050301).

Project Sponsor and Facility: SWEPI LP (Pine Creek), Pike Township, Potter County, Pa. Application for renewal of surface water withdrawal of up to 0.936 mgd (peak day) (Docket No. 20130313).

Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Minor modification to add new sources (Wells PW-1 and PW-6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW-1.

Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW-6.

Project Sponsor and Facility: Talisman Energy USA Inc. (Sugar Creek), West Burlington Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130310).

Project Sponsor and Facility: West Manchester Township Authority, West Manchester Township, York County, Pa. Application for reactivation of a previously approved groundwater withdrawal at a reduced rate of up to 0.216 mgd (30-day average) from Well 7.

Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Manchester Township, York County, Pa. Application for renewal of consumptive water use of up to 0.999 mgd (peak day) and addition of collected stormwater as an approved source for consumptive use (Docket No. 19860902).

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. Guidelines for the public hearing 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 guidelines 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 February 13, 2017, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: December 29, 2016

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-02-19]

MARYLAND HEALTH CARE COMMISSION

GROSS AND NET 2025 BED NEED PROJECTION FOR MEDICAL/SURGICAL/GYNECOLOGICAL/ADDICTIONS AND PEDIATRIC BEDS BY JURISDICTION

In accordance with the requirements of COMAR 10.24.10.05F(4)(f) and 10.24.05G(4)(f), the Maryland Health Care Commission (MHCC) publishes the following notice of jurisdictional gross and net bed need for medical/surgical/gynecological/addictions (MSGA) beds and pediatric beds. These jurisdictional gross and net bed need projections will apply in the review of Certificate of Need (CON) applications acted on by MHCC after the date of their publication. Updated projections published in the *Maryland Register* supersede any published in either the *Maryland Register* or any plan approved by MHCC. Published projections of gross bed need remain in effect until MHCC publishes updated acute care hospital bed need projections. Projections of net bed need can change in the interim between bed need projection updates as a result of changes in the number of licensed MSGA and pediatric beds and/or changes in approved beds resulting from MHCC CON or CON exemption decisions, or changes to correct errors in the data.

Gross and Net Bed Need Projection for MSGA Beds: Maryland, 2025					
Jurisdiction	2025 Gross Bed Need		Licensed and Approved Beds	2025 Net Bed Need (Net of Currently Licensed and Approved Beds)	
	Minimum	Maximum		Minimum	Maximum
WESTERN MARYLAND					
ALLEGANY	97	131	168	-71	-37
FREDERICK	147	210	186	-39	24
GARRETT	17	22	24	-7	-2
WASHINGTON	136	193	188	-52	5

MONTGOMERY COUNTY					
MONTGOMERY	689	990	975	-286	15
SOUTHERN MARYLAND					
CALVERT	53	70	60	-7	10
CHARLES	72	104	73	-1	31
PRINCE GEORGE'S	371	498	569	-198	-71
ST. MARY'S	74	100	73	1	27
CENTRAL MARYLAND					
ANNE ARUNDEL	397	560	556	-159	4
BALTIMORE CITY	1,517	2,190	2,936	-1,419	-746
BALTIMORE COUNTY	530	700	782	-252	-82
CARROLL	112	142	96	16	46
HARFORD	168	223	218	-50	5
HOWARD	152	221	204	-52	17
EASTERN SHORE					
CECIL	60	77	64	-4	13
DORCHESTER	25	32	22	3	10
KENT	25	33	25	0	8
SOMERSET	4	4	3	1	1
TALBOT	81	105	87	-6	18
WICOMICO	143	206	241	-98	-35
WORCESTER	41	57	45	-4	12

Gross and Net Bed Need Projection for Pediatric Beds: Maryland, 2025					
Jurisdiction	2025 Gross Bed Need		Licensed and Approved Beds	2025 Net Bed Need (Net of Currently Licensed and Approved Beds)	
	Minimum	Maximum		Minimum	Maximum
WESTERN MARYLAND					
ALLEGANY	1	2	2	-1	0
FREDERICK	2	2	5	-3	-3
GARRETT	1	1	1	0	0
WASHINGTON	2	3	4	-2	-1
MONTGOMERY COUNTY					
MONTGOMERY	8	11	52	-44	-41
SOUTHERN MARYLAND					
CALVERT	1	2	1	0	1
CHARLES	1	2	4	-3	-2
PRINCE GEORGE'S	0	0	6	-6	-6
ST. MARY'S	1	1	6	-5	-5
CENTRAL MARYLAND					
ANNE ARUNDEL	7	9	18	-12	-9
BALTIMORE CITY	96	140	246	-150	-106
BALTIMORE COUNTY	5	7	21	-16	-14
CARROLL	1	2	7	-6	-5
HARFORD	1	1	1	0	0
HOWARD	3	4	6	-3	-2
EASTERN SHORE					
CECIL	0	1	3	-3	-2
DORCHESTER	0	0	0	0	0
KENT	0	0	1	0	0
SOMERSET	0	0	0	0	0

SPECIAL DOCUMENTS

TALBOT	1	2	8	-7	-6
WICOMICO	3	5	8	-5	-3
WORCESTER	0	0	0	0	0

NOTES:

Gross Bed Need

The minimum and maximum gross bed need projections shown in the tables above were calculated based on the methodologies outlined in COMAR 10.24.10.05, using a base year of 2015 and a target year of 2025.

Licensed and Approved Bed Inventory

The licensed and approved bed inventory has two components. First, for every jurisdiction, this inventory number includes the total number of MSGA or pediatric beds designated within the total acute care license of all of the hospitals in that jurisdiction for FY 2017. (These licensed bed numbers can be found in Table 1 of the *Annual Report on Selected Maryland General and Special Hospital Services: Fiscal Year 2017*, available on the MHCC website¹).

Secondly, for some jurisdictions, the licensed and approved inventory also includes beds that were approved through the CON process as additions to bed capacity at hospitals in those jurisdictions. If a CON has been issued to a hospital that affected MSGA and or pediatric bed inventory and MHCC records indicate that a first use approval has not been issued for the project authorized through the CON or annual revision of the hospital’s acute care bed license (which occurs on July 1 of every year) has not yet occurred following issuance of a first use approval, this may have an impact on the bed inventory of these tables, as follows:

1. If the number of designated MSGA or pediatric beds within the total acute care license of that hospital for FY 2017 equals or exceeds the total number of MSGA or pediatric beds approved for that hospital in the CON, then no additional beds are added to the jurisdictional inventory for purposes of net bed need projection. The licensed and approved bed inventory will simply be the total number of MSGA or pediatric beds designated within the total acute care licenses of all of the hospitals in that jurisdiction for FY 2017;
2. If the number of designated MSGA or pediatric beds within the total acute care license of that hospital for FY 2017 is less than the total number of MSGA or pediatric beds approved for that hospital in the CON, then additional beds are added to the jurisdictional inventory for purposes of net bed need projection, if the project has been completed (as indicated by issuance of a first use approval) and an annual re-designation of licensed bed capacity after the completion of the project has not yet occurred. The additional number of beds is the difference between the total number of MSGA or pediatric beds approved for all hospitals in that jurisdiction through the CON process and the total number of MSGA or pediatric beds designated within the total acute care licenses of all of the hospitals in that jurisdiction for FY 2017.

Net Bed Need

The minimum and maximum net bed need projections shown in the tables are the difference between the minimum and maximum gross bed need projections and the licensed and approved bed inventory.

Other

Licensed MSGA and pediatric bed capacity is not necessarily equivalent to the actual physical capacity to set up and staff acute care beds of this type in any given hospital, which is a function of building space and appropriate patient room space and the manner in which the rooms are equipped. Physical bed capacity is not necessarily equivalent to the actual bed capacity that an acute care hospital can safely, effectively, and efficiently operate, which is a function of both actual room capacity and the relationship between units of rooms and the circulation pattern within buildings and floors of buildings that connect units of patient rooms and other spaces within the hospital, including diagnostic, treatment, and supportive space.

Total licensed bed capacity for acute care hospital services is determined by a formula based on observed average daily patient census and is recalculated every year. Hospitals are allowed to designate the assigned acute care services (MSGA, Pediatric, obstetric, or psychiatric) for their total licensed acute care beds. For this reason licensed bed capacity can exceed actual physical bed capacity in any given hospital. For most hospitals, this is not the case. They report more physical bed capacity than licensed bed capacity.

Licensed acute care beds and other physical bed capacity that exceeds the licensed bed capacity of a hospital is used to accommodate patients that are not admitted to the hospital for inpatient hospital services but are classified as patients under observation. Bed use of this kind is not accounted for in the MSGA and pediatric bed need projections developed by MHCC. More information on the use of licensed and/or physical acute care hospital bed capacity for observation patients can be found on the MHCC website:

1. http://mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_hospital/documents/acute_care/chcf_AcuteCare_Interim_Update_Hospital_Beds_FY17.pdf

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: January 25, 2017, 2 — 7 p.m.
Place: 500 N. Calvert St., 3rd Fl., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [17-02-06]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: February 16, 2017, 9:30 a.m.
Place: Taylor Ave. Fire Station, 620 Taylor Ave., Upper Classroom, Annapolis, MD
Add'l. Info: If public schools in Anne Arundel County are CLOSED due to inclement weather, the meeting and any appeals will be rescheduled. Portions of the meeting may be held in closed session.
Contact: Heidi Ritchie (877) 890-0199
 [17-02-15]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice Waiver for Children with Autism Spectrum Disorder Amendment
Add'l. Info: Home and Community-Based Waiver for Children with Autism Spectrum Disorder Amendment #1:
 The Department of Health and Mental Hygiene (DHMH) is proposing an amendment to the Home and Community-Based Waiver for Children with Autism Spectrum Disorder application. The amendments are based on new federal rules and requirements from the Center for Medicare and Medicaid Services (CMS). Requests to make changes to the waiver program are made by submitting a Waiver Amendment to CMS.
Proposed Updates:

(1) Update to Appendix I.2.a — Include specific information gathered in the Autism Waiver Rate Methodology Study conducted to ensure that Maryland rates are both economical and efficient.

Following is the link to the Rate Methodology Study:

<https://dhmh.maryland.gov/waiverprograms/Pages/Home.aspx>

(2) Update to Appendix C.5 — Explain how residential and nonresidential

settings in this waiver comply with federal Home and Community-Based Settings requirements at 42 CFR 441.301(c)(4)—(5) and associated CMS guidance. Following is the link to the full Transition Plan:

<https://mmcp.dhmh.maryland.gov/waiverprograms/pages/Community-Settings-Final-Rule.aspx>

(3) Update to Appendix G.2.c — Specify the State agency responsible for detecting the unauthorized use of seclusion and how oversight is conducted and its frequency.

The OSA, MSDE, is responsible for detecting the unauthorized use of seclusion. Providers must report any incidents of seclusion through the reportable event process. These incidents must be reviewed and may be investigated by MSDE, followed by a Corrective Action Plan and technical assistance, as needed.

Additionally, the OSA, MSDE, and the SMA, OHS, conduct annual audits. During the annual audits, Autism Waiver documentation is reviewed to identify the unauthorized use of seclusion. As a result of the monitoring, MSDE may initiate an investigation or request a Corrective Action Plan and OHS may request sanctions or repayment of Medicaid funds from providers when appropriate.

Next Steps:

- Public comment period December 23, 2016 through January 23, 2017
- State review of comments and consideration for revisions to amendment — February 2017
- Waiver Amendment Submission to CMS — February 2017
- Respond to CMS Questions — March 2017
- Projected CMS Approval — April 2017
- Projected effective Date — May 2017

Contact: Rebecca Oliver (410) 767-4902
 [17-02-12]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting Rescheduled
Date and Time: January 26, 2017, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Add'l. Info: The January 19, 2017, meeting has been rescheduled.
Contact: Valerie Wooding (410) 764-3570
 [17-02-23]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: February 16, 2017, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570
 [17-02-24]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On January 6, 2017 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:
 Kaiser Permanente Gaithersburg Medical Center — (Montgomery Co.) Matter No. 17-15-2390 — Addition of an operating room to the existing facility for a total of 3 operating rooms; Proposed Cost: \$1,940,412.

The MHCC shall review the application under Health-General Article, §19-101 et seq., and COMAR 10.24.01.

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.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application 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
 [17-02-25]

GENERAL NOTICES

MARYLAND HEALTH CARE COMMISSION

Subject: Notice of Project Change
Add'l. Info: On December 23, 2016, the Maryland Health Care Commission (MHCC) received notice and a request for approval of project changes under COMAR 10.24.01.17B from Lorien Howard, Inc. d/b/a Encore at Turf Valley, holder of a Certificates of Need (CON), Docket No. 15-13-2365.

The project's sponsor has requested approval for:

- 1. Minor changes to the physical plant design and resulting bed configuration; and
2. Minor changes to the construction budget to be funded by an increase in the owner's capital contribution.

Please refer to the Docket No. listed above in any correspondence on this request, a copy of which is available for review by appointment in MHCC offices during regular business hours. All correspondence should be addressed to Kevin McDonald, Chief, Certificate of Need, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276 [17-02-26]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: January 25, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [17-02-07]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: February 8, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [17-02-08]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: February 22, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [17-02-09]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 8, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [17-02-10]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: March 22, 2017, 8:30 a.m. — 5 p.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [17-02-11]

DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE

Subject: Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification
Add'l. Info: The Secretary of Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the opening of the 2017 commercial striped bass common pool gill net fishery on Tuesday, January 3, 2017, at 3 a.m., with a catch limit of 300 lbs/permit/week and 1200 lbs/vessel/day. The common pool fishery will close on Thursday, January 5, 2017, at 11:59 p.m.
Mark J. Belton
Secretary of Natural Resources
Contact: Jacob Holtz (410) 260-8262 [17-02-16]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Striped Bass Common Pool Gill Net Season Modification
Add'l. Info: The Secretary of Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the modification of the 2017 commercial striped bass common pool gill net fishery. Due to the availability of tags, the 2017 commercial striped bass common pool gill net fishery will not be open from 3 a.m. January 3, 2017, through 11:59 p.m. January 5, 2017, as previously announced. Instead, the fishery will open on Tuesday, January 10, 2017, at 3 a.m., with a catch limit of 300 lbs/permit/week and 1200 lbs/vessel/day. The common pool gill net

fishery will close on Thursday, January 12, 2017, at 11:59 p.m.
Mark J. Belton
Secretary of Natural Resources
Contact: Jacob Holtz (410) 260-8262 [17-02-18]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2017 Commercial Shark Catch Limits
Add'l. Info: The Secretary of the Department of Natural Resources (DNR), pursuant to COMAR 08.02.22.04B, in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Coastal Sharks, announces a new catch limit for large coastal sharks. Effective at 12:01 a.m. January 8, 2017, the catch limit is 25 large coastal sharks per vessel per trip. Large coastal sharks includes all of the sharks in the aggregated large coastal and hammerhead management groups defined in COMAR 08.02.22.03A(6) and (7). The species in the two management groups include: Silky; Tiger; Blacktip; Spinner; Bull; Lemon; Nurse; Scalloped hammerhead; Great hammerhead; and Smooth hammerhead.

The National Marine Fisheries Service anticipates in-season trip limit modifications based on harvest. If modifications are made, the Atlantic States Marine Fisheries Service will follow with modifications for state waters. A new public notice will be issued if modifications are made.

Mark J. Belton
Secretary of Natural Resources
Contact: Tamara O'Connell (410) 260-8271 [17-02-21]

RACING COMMISSION

Subject: Public Meeting
Date and Time: February 21, 2017, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682 [17-02-03]

**COMMISSION OF REAL ESTATE
APPRAISERS AND HOME
INSPECTORS**

Subject: Public Meeting
Date and Time: February 14, 2017, 10:30
a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Patti Schott (410) 230-6165
[17-02-02]

**TEACHER INDUCTION, RETENTION
AND ADVANCEMENT ACT OF 2016
WORKGROUP**

Subject: Public Meeting
Date and Time: January 31, 2017, 1 — 4
p.m.; February 21, 2016, 1 — 4 p.m.
Place: Baltimore Co. Public Library,
Arbutus Branch, 855 Sulphur Spring Rd.,
Arbutus, MD
Contact: Sarah Spross (410) 767-0385
[17-02-17]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting
Date and Time: February 16, 2017, 10
a.m. — 12 p.m.
Place: Howard Co. Bureau of Utilities,
8250 Old Montgomery Rd., Columbia, MD
Contact: Christine Nagle (410) 537-3584
[17-02-14]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: January 25, 2017, 9 a.m.
— 12 p.m.
Place: Maryland Dept. of the Environment,
1800 Washington Blvd., Aerie Conf. Rm.,
Baltimore, MD
Add'l. Info: A portion of this meeting may
be held in closed session.
Contact: Elaine Nolen (410) 537-4466
[17-02-13]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting
Date and Time: February 9, 2017, 9:30 —
11:30 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may
be held in closed session.
Contact: Amy S. Lackington (410) 864-
5302
[17-02-04]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____

Name _____

Company _____

Address _____

City _____ State _____ Zip _____

Tel. _____ Fax _____

Email: _____

_____ Check enclosed, made payable to "Division of State Documents"

_____ Visa/Master Card/American Express/Discover card payment:

Acct.# _____ **Exp.** _____

Signature _____ Tel: _____

Return form & payment to: Office of the Secretary of State, Division of State Documents ~
 State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

~~~~~

## SPECIAL COMAR PUBLICATIONS

| Publication / Handbook                                             | Print Price | S & H | Quantity | Total |
|--------------------------------------------------------------------|-------------|-------|----------|-------|
| Control of Ionizing Radiation (through supplement 27)              | \$163       | \$12  | _____    | _____ |
| Control of Ionizing Radiation Supplement 27 ONLY                   | \$12        | \$0   | _____    | _____ |
| Control of Ionizing Radiation Supplement 28 ONLY                   | \$18        | \$0   | _____    | _____ |
| Forest Conservation Law                                            | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (salmon cover)       | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                             | \$48        | \$9   | _____    | _____ |
|                                                                    |             |       | Total    | _____ |

**If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.**

## COMAR SUBSCRIPTION SCHEDULES

| PDF QUARTERLY UPDATES            | PRINT SEMI-ANNUAL UPDATES       |
|----------------------------------|---------------------------------|
| After March 30 <sup>th</sup>     | After June 30 <sup>th</sup>     |
| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
| After December 31 <sup>st</sup>  |                                 |

**PDF – A replacement title(s) in its entirety will be sent in electronic format.**

**PRINT – Entire chapters affected will be sent for replacement and insertion into COMAR title book(s).**

**COMAR IN PDF — ORDER FORM**

| Titles                                     | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity      | Total |
|--------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------|-------|
| <b>Complete set of COMAR in PDF format</b> |                                                                  | \$1,000            | \$500                     | _____         | _____ |
| <b>Title 01</b>                            | Executive Department                                             | \$35               | \$24                      | _____         | _____ |
| <b>Title 02</b>                            | Office of the Attorney General                                   | \$22               | \$13                      | _____         | _____ |
| <b>Title 03</b>                            | Comptroller of the Treasury                                      | \$30               | \$20                      | _____         | _____ |
| <b>Title 04</b>                            | General Services                                                 | \$16               | \$10                      | _____         | _____ |
| <b>Title 05</b>                            | Housing and Community Development                                | \$78               | \$50                      | _____         | _____ |
| <b>Title 07</b>                            | Human Resources                                                  | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Natural Resources                                                | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Labor, Licensing and Regulation                                  | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Health & Mental Hygiene (All parts) **                           | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      | _____         | _____ |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      | _____         | _____ |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      | _____         | _____ |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      | _____         | _____ |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      | _____         | _____ |
| <b>Title 12</b>                            | Public Safety and Correctional Services                          | \$67               | \$43                      | _____         | _____ |
| <b>Title 13A</b>                           | Board of Education                                               | \$63               | \$42                      | _____         | _____ |
| <b>Title 13B</b>                           | Higher Education Commission                                      | \$25               | \$15                      | _____         | _____ |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      | _____         | _____ |
| <b>Title 15</b>                            | Agriculture                                                      | \$48               | \$30                      | _____         | _____ |
| <b>Title 16</b>                            | Juvenile Service                                                 | \$23               | \$15                      | _____         | _____ |
| <b>Title 17</b>                            | Budget and Management                                            | \$28               | \$16                      | _____         | _____ |
| <b>Title 18</b>                            | Assessments and Taxation                                         | \$20               | \$12                      | _____         | _____ |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      | _____         | _____ |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      | _____         | _____ |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      | _____         | _____ |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      | _____         | _____ |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
| <b>Title 24</b>                            | Commerce                                                         | \$34               | \$20                      | _____         | _____ |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       | _____         | _____ |
| <b>Title 26</b>                            | Environment (All parts) **                                       | \$189              | \$125                     | _____         | _____ |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      | _____         | _____ |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      | _____         | _____ |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      | _____         | _____ |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      | _____         | _____ |
| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      | _____         | _____ |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       | _____         | _____ |
| <b>Title 29</b>                            | State Police                                                     | \$30               | \$18                      | _____         | _____ |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems              | \$25               | \$17                      | _____         | _____ |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      | _____         | _____ |
| <b>Title 32</b>                            | Aging                                                            | \$25               | \$15                      | _____         | _____ |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      | _____         | _____ |
| <b>Title 34</b>                            | Planning                                                         | \$31               | \$18                      | _____         | _____ |
| <b>Title 35</b>                            | Veterans Affairs                                                 | \$16               | \$9                       | _____         | _____ |
| <b>Title 36</b>                            | Maryland State Lottery and Gaming Control Agency                 | \$48               | \$30                      | _____         | _____ |
|                                            | Binders ( <u>not</u> included in PDF price)                      | \$15               | + S & H                   | _____         | _____ |
|                                            |                                                                  |                    |                           | <b>Total:</b> | _____ |

Prices are for single-user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

<sup>1</sup> Price is per copy of each Title.

<sup>2</sup> Annual Subscription - Receive updated COMAR Title(s) quarterly. ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents.

## COMAR IN PRINT — ORDER FORM (8 ½ x 11 format)

| Titles                                                   | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity                  | Total |
|----------------------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------------------|-------|
| <b>Complete set of COMAR in Print (includes binders)</b> |                                                                  | \$1,425            | \$700                     | _____                     | _____ |
| <b>Title 01</b>                                          | Executive Department                                             | \$47               | \$30                      | _____                     | _____ |
| <b>Title 02</b>                                          | Office of the Attorney General                                   | \$31               | \$20                      | _____                     | _____ |
| <b>Title 03</b>                                          | Comptroller of the Treasury                                      | \$41               | \$25                      | _____                     | _____ |
| <b>Title 04</b>                                          | General Services                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 05</b>                                          | Housing and Community Development                                | \$103              | \$70                      | _____                     | _____ |
| <b>Title 07</b>                                          | Human Resources                                                  | \$104              | \$70                      | _____                     | _____ |
| <b>Title 08</b>                                          | Natural Resources                                                | \$102              | \$70                      | _____                     | _____ |
| <b>Title 09</b>                                          | Labor, Licensing and Regulation                                  | \$116              | \$75                      | _____                     | _____ |
| <b>Title 10</b>                                          | Health & Mental Hygiene (All Parts)**                            | \$350              | \$230                     | _____                     | _____ |
| <b>Title 10</b>                                          | Part 1 **                                                        | \$65               | \$40                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 2 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 3 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 4 **                                                        | \$69               | \$42                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 5 **                                                        | \$91               | \$62                      | _____                     | _____ |
| <b>Title 11</b>                                          | Transportation (All parts) **                                    | \$137              | \$85                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 1 (Transportation)**                                        | \$55               | \$35                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 2 (MVA) **                                                  | \$102              | \$70                      | _____                     | _____ |
| <b>Title 12</b>                                          | Public Safety and Correctional Services                          | \$86               | \$55                      | _____                     | _____ |
| <b>Title 13A</b>                                         | Board of Education                                               | \$83               | \$60                      | _____                     | _____ |
| <b>Title 13B</b>                                         | Higher Education Commission                                      | \$34               | \$20                      | _____                     | _____ |
| <b>Title 14</b>                                          | Independent Agencies                                             | \$103              | \$70                      | _____                     | _____ |
| <b>Title 15</b>                                          | Agriculture                                                      | \$63               | \$40                      | _____                     | _____ |
| <b>Title 16</b>                                          | Juvenile Service                                                 | \$32               | \$20                      | _____                     | _____ |
| <b>Title 17</b>                                          | Budget and Management                                            | \$38               | \$25                      | _____                     | _____ |
| <b>Title 18</b>                                          | Assessments and Taxation                                         | \$28               | \$18                      | _____                     | _____ |
| <b>Title 19A</b>                                         | State Ethics Commission                                          | \$33               | \$20                      | _____                     | _____ |
| <b>Title 20</b>                                          | Public Service Commission                                        | \$64               | \$42                      | _____                     | _____ |
| <b>Title 21</b>                                          | State Procurement Regulations                                    | \$65               | \$42                      | _____                     | _____ |
| <b>Title 22</b>                                          | State Retirement and Pension System                              | \$33               | \$18                      | _____                     | _____ |
| <b>Title 23</b>                                          | Board of Public Works                                            | \$26               | \$15                      | _____                     | _____ |
| <b>Title 24</b>                                          | Commerce                                                         | \$47               | \$25                      | _____                     | _____ |
| <b>Title 25</b>                                          | State Treasurer                                                  | \$23               | \$12                      | _____                     | _____ |
| <b>Title 26</b>                                          | Environment (All parts) **                                       | \$241              | \$160                     | _____                     | _____ |
| <b>Title 26</b>                                          | Part 1 **                                                        | \$72               | \$42                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 2 **                                                        | \$109              | \$72                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 3 **                                                        | \$76               | \$50                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 4 **                                                        | \$51               | \$30                      | _____                     | _____ |
| <b>Title 27</b>                                          | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$26               | \$15                      | _____                     | _____ |
| <b>Title 28</b>                                          | Office of Administrative Hearings                                | \$23               | \$12                      | _____                     | _____ |
| <b>Title 29</b>                                          | State Police                                                     | \$40               | \$22                      | _____                     | _____ |
| <b>Title 30</b>                                          | MD Institute for Emergency Medical Services Systems              | \$34               | \$20                      | _____                     | _____ |
| <b>Title 31</b>                                          | Maryland Insurance Administration                                | \$90               | \$62                      | _____                     | _____ |
| <b>Title 32</b>                                          | Aging                                                            | \$34               | \$18                      | _____                     | _____ |
| <b>Title 33</b>                                          | State Board of Elections                                         | \$57               | \$35                      | _____                     | _____ |
| <b>Title 34</b>                                          | Planning                                                         | \$42               | \$25                      | _____                     | _____ |
| <b>Title 35</b>                                          | Veterans Affairs                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 36</b>                                          | Maryland State Lottery and Gaming Control Agency                 | \$65               | \$43                      | _____                     | _____ |
|                                                          | Additional Binder                                                | \$15               | + S & H                   | _____                     | _____ |
| <b>Shipping &amp; Handling Total:</b> _____              |                                                                  |                    |                           | <b>Order Total:</b> _____ |       |

<sup>1</sup> Price is per copy of each Title and includes binders.

<sup>2</sup> Annual Subscription - Receive updated information semi-annually ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents

*Note: COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than three months old, call the COMAR Subscription Manager (410-260-3876) to confirm prices. **Fees are not refundable.***

| <b>Shipping/Handling</b>                              |                 |
|-------------------------------------------------------|-----------------|
| <u>Publication Total</u>                              | <u>Shipping</u> |
| \$ 0-50                                               | \$15            |
| \$ 51-150                                             | \$20            |
| \$ 151-300                                            | \$25            |
| \$ 301-400                                            | \$35            |
| \$400 + please call Subscription Department.          |                 |
| <b>State agencies using courier, may omit S&amp;H</b> |                 |





Date: \_\_\_\_\_

Subscriber Id.# \_\_\_\_\_

# Maryland Register

## Archive Order Form

The Division of State Documents has created pdf files of all the Maryland Register issues since 1974. The issues from 1974—2003 are scanned images of the actual Register in pdf format and, as such, are not searchable, while the issues beginning with 2004 are *searchable text* in pdf format files.

❖ Single issues of the Maryland Register from 1974—present

\_\_\_\_\_ \$10 Per issue of the Register from 1974—present via emailed pdf file.  
Please specify **Issue(s)**: \_\_\_\_\_

\_\_\_\_\_ \$15 Per issue of the Maryland Register from 1974—present via mailed hard-copy  
Please specify **Issue(s)**: \_\_\_\_\_

❖ An archival library of all Maryland Register issues from 1974—2016:

\_\_\_\_\_ \$375 2 DVDs (1974 — 2016)

\_\_\_\_\_ \$50 One year of the Maryland Register from 1974—2003 (unsearchable):  
Please specify **Year(s)**: \_\_\_\_\_

❖ \_\_\_\_\_ \$100 A single year of issues from 2004 forward will be available in January of the year following their publication. These will be searchable files, on CD.

Please specify year(s) between 2004 through 2016: \_\_\_\_\_

**Note:** All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland).

By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

❖ Please order by *faxing* the completed form to:

Fax: 410-280-5647

Business/Agency: \_\_\_\_\_

Name: \_\_\_\_\_

❖ By *mailing* it to:

Division of State Documents  
State House  
Annapolis, MD 21401

Billing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

❖ By *emailing* it to:

[dsubscriptions\\_sos@Maryland.gov](mailto:dsubscriptions_sos@Maryland.gov)

Recipient's Email: \_\_\_\_\_

❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

Money Order or Check # _____ **Amount: \$** _____ **or**

VISA, MasterCard, American Express, Discover ~ Amount: \$ _____

Card # _____ Card Exp. Date: _____

Signature: _____ Phone: _____



Date: _____

Subscriber Id.# _____

Maryland Register

Print and E-Version Order Form

The Maryland Register is a biweekly publication containing proposed, emergency, and final administrative regulations as well as other State government information. The Register serves as the temporary supplement to the Code of Maryland Regulations (COMAR). 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.

See separate [Order Form](#) for the Maryland Register Archive Issues from 1974 — 2016.

- ❖ _____ \$225 A single year of the Maryland Register in Print ~ 1st Class Mail Delivery.
- ❖ _____ \$ 15 1 Binder for half a year of Maryland Register issues in Print.
- ❖ _____ \$ 25 2 Binders for a full year of Maryland Register issues in Print.
- ❖ _____ \$190 A **single-user** annual e-Subscription, which provides a searchable pdf text file of each issue, emailed directly to one recipient's email address.
- ❖ _____ \$130 *Per additional user, per account subscription.* Call 410-260-3876 for details.

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

- ❖ Please order by *faxing* the completed form to: Business/Agency: _____
 Fax: 410-280-5647 Name: _____
- ❖ By *mailing* it to: Billing Address: _____
 Division of State Documents _____
 State House City, State, Zip _____
 Annapolis, MD 21401 Tel: _____ Fax: _____
- ❖ By *emailing* it to: Recipient's Email: _____
dsubscriptions_sos@Maryland.gov
- ❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

**Money Order or Check # \_\_\_\_\_ Amount: \$ \_\_\_\_\_ or**

**VISA, MasterCard, American Express, Discover ~ Amount: \$ \_\_\_\_\_**

Card # \_\_\_\_\_ Card Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**Fees are not refundable.**

Date: \_\_\_\_\_

**DHMH Pamphlets ORDER FORM**

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_ P. O. Box: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

| <b><u>Codification #</u></b> | <b><u>Pamphlet Title</u></b>                                                                 | <b><u>Price / #</u></b> |
|------------------------------|----------------------------------------------------------------------------------------------|-------------------------|
| COMAR 10.05                  | Freestanding Ambulatory Care Facilities — Dec 2015.....                                      | * \$10 × _____          |
| COMAR 10.07.01               | Acute General Hospitals and Special Hospitals — March 2015.....                              | \$10 × _____            |
| COMAR 10.07.02               | Comprehensive Care Facilities and Extended Care Facilities — May 2014.....                   | \$15 × _____            |
| COMAR 10.07.03               | Health Care Staff Agencies — Dec 2015.....                                                   | \$ 9 × _____            |
| COMAR 10.07.05               | Residential Service Agencies — March 2016.....                                               | \$11 × _____            |
| COMAR 10.07.06               | Hospital Patient Safety Program — Apr 2004.....                                              | \$ 8 × _____            |
| COMAR 10.07.07               | Nursing Referral Service Agencies — Dec 2006.....                                            | \$ 8 × _____            |
| COMAR 10.07.09               | Bill of Rights: Comp. Care Facil. & Extended Care Facilities — Aug 2009.....                 | \$ 9 × _____            |
| COMAR 10.07.10               | Home Health Agencies — June 2016.....                                                        | \$ 8 × _____            |
| COMAR 10.07.11               | Health Maintenance Organizations — Aug 2010.....                                             | \$10 × _____            |
| COMAR 10.07.14               | Assisted Living Programs — Aug 2016.....                                                     | \$15 × _____            |
| COMAR 10.07.21               | Hospice Care Programs — Sep 1998.....                                                        | \$ 9 × _____            |
| COMAR 10.10                  | Laboratory Regulations — Aug 2016.....                                                       | \$17 × _____            |
| COMAR 10.12.04               | Day Care for the Elderly and Adults with a Medical Disability — Dec 2015.....                | \$ 9 × _____            |
| COMAR 10.15.03               | Food Service Facilities — March 2016.....                                                    | \$15 × _____            |
| COMAR 10.21                  | Mental Hygiene Regulations — Dec 2014.....                                                   | \$27 × _____            |
| COMAR 10.22                  | Developmental Disabilities — Oct 2015.....                                                   | \$20 × _____            |
| COMAR 10.47                  | Alcohol And Drug Abuse Administration — Feb 2016.....                                        | \$15 × _____            |
| COMAR 10.51                  | Forensic Laboratories — July 2015.....                                                       | \$15 × _____            |
| COMAR                        | Nurse Practice Act — Jan 2016 ... (If ordering multiple copies, please call for pricing) ... | \$32 × _____            |
| COMAR 10.62                  | Natalie Laprade Medical Cannabis Commission — Sep 2015.....                                  | \$15 × _____            |

TOTAL: \$ \_\_\_\_\_

*\* Price of pamphlets includes shipping.*

Payment Method, \_\_\_\_\_ Check enclosed, made payable to: **“The Division of State Documents”**

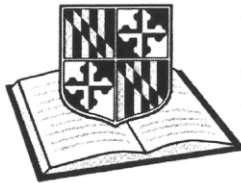
Choose/Check one: \_\_\_\_\_ VISA / Master Card / American Express / Discover card payment:

Acct.# \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Tel: \_\_\_\_\_

**Return form and payment to:** Office of the Secretary of State  
Division of State Documents ~ State House ~ Annapolis, MD 21401  
Tel: 410-260-3876 ~ 800-633-9657 ~ Fax: 410-280-5647

**Note:** COMAR prices may change. Check the date on the lower right hand corner of this form. If the form is more than 3 months old, call the Subscription Manager 410-260-3876 to confirm prices.



**Office of the  
Secretary of State**

*Division of State Documents*

*State House  
Annapolis, MD 21401*

***PUBLISHERS OF:***

The Code of Maryland Regulations (COMAR)

The Maryland Register

*For information, contact:*

Telephone: 410.260.3876 or 800.633.9657

E-Mail address: [dsubscriptions\\_sos@maryland.gov](mailto:dsubscriptions_sos@maryland.gov)

Website: [www.dsd.state.md.us](http://www.dsd.state.md.us)