

Maryland Register

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Volume 37 • Issue 18 • Pages 1201—1266

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 9, 2010, 5 p.m.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 August 9, 2010.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Governor's Appointments to State Offices
- 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

Each COMAR title has a Table of Contents and Index. An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-974-2486.

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 \$5.00 per issue, plus \$2.00 for postage and handling.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.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

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

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Gail S. Klakring**, Acting Administrator; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online; **Marcia M. Diamond**, Subscription Manager, COMAR; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.
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Availability of Monthly List of Maryland Documents
 The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.
 Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

**CLOSING DATES and ISSUE DATES through
 January 28, 2011**

ISSUE DATE	Emergency and Proposed Regulations* 5 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
September 10	August 23	September 1	August 30
September 24**	September 3	September 15	September 13
October 8	September 20	September 29	September 27
October 22**	October 4	October 13	October 8
November 5**	October 18	October 26	October 25
November 19**	November 1	November 9	November 8
December 3**	November 15	November 19	November 18
December 17	November 29	December 8	December 6
January 3***	December 13	December 20	December 17
January 14	December 27	January 5	January 3
January 28**	January 10	January 19	January 14

* Due date for documents containing 25 to 60 pages—48 hours before date shown
 Due date for documents exceeding 60 pages—1 week before date shown
 ** Note closing date changes
 *** Note issue date change

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

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

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

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

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.

01 EXECUTIVE DEPARTMENT	09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION
<p>01.06.01.01—13 • 37:16 Md. R. 1062 (7-30-10)</p> <p style="text-align: center;">02 OFFICE OF THE ATTORNEY GENERAL</p> <p>02.01.11.01—05 • 36:24 Md. R. 1861 (11-20-09)</p> <p style="text-align: center;">03 COMPTROLLER OF THE TREASURY</p> <p>03.02.06.01—04 • 37:3 Md. R. 181 (1-29-10) 03.02.06.01—05 • 37:12 Md. R. 801 (6-4-10)</p> <p style="text-align: center;">05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT</p> <p>05.19.01.01—05 • 37:15 Md. R. 1002 (7-16-10)</p> <p style="text-align: center;">07 DEPARTMENT OF HUMAN RESOURCES</p> <p>07.01.10.03 • 37:16 Md. R. 1062 (7-30-10) 07.02.04.08 • 37:18 Md. R. 1218 (8-27-10) 07.03.05.02, 4, 05, 10 • 37:18 Md. R. 1219 (8-27-10) 07.03.17.02, 15, 23, 45, 49, 60 • 37:18 Md. R. 1220 (8-27-10) 07.08.01.01—13 • 37:16 Md. R. 1062 (7-30-10)</p> <p style="text-align: center;">08 DEPARTMENT OF NATURAL RESOURCES</p> <p>08.02.04.01, 08, 09, 12 • 37:18 Md. R. 1222 (8-27-10) 08.02.04.13 • 37:15 Md. R. 1004 (7-16-10) 08.02.04.18 • 37:17 Md. R. 1190 (8-13-10) 08.02.11.04 • 37:15 Md. R. 1004 (7-16-10) 08.02.13.06 • 37:15 Md. R. 1004 (7-16-10) 08.08.05.03 • 36:21 Md. R. 1598 (10-9-09) 08.08.05.06 • 36:21 Md. R. 1599 (10-9-09)</p>	<p>09.01.09.01—09 • 36:24 Md. R. 1863 (11-20-09) 09.11.06.01—10 • 37:18 Md. R. 1230 (8-27-10) 09.13.05.03 • 37:15 Md. R. 1006 (7-16-10) 09.12.31 • 37:17 Md. R. 1191 (8-13-10) 09.17.01.01—07 • 37:4 Md. R. 344 (2-12-10) 09.17.02.01—09 • 37:4 Md. R. 344 (2-12-10) 09.19.05.01 • 37:12 Md. R. 804 (6-4-10) (ibr) 09.20.04.01, 02 • 37:4 Md. R. 346 (2-12-10) 09.21.04.03 • 37:15 Md. R. 1007 (7-16-10) 09.23.04.03 • 37:15 Md. R. 1008 (7-16-10) 09.25.01.01, 01-1, 04, 06, 07 • 37:4 Md. R. 350 (2-12-10) 09.28.03.03 • 37:15 Md. R. 1009 (7-16-10) 09.28.03.03 • 37:15 Md. R. 1010 (7-16-10) 09.32.01.18-3 • 36:26 Md. R. 2024 (12-18-09) 09.32.09.01—05 • 36:26 Md. R. 2025 (12-18-09) 37:1 Md. R. 45 (1-4-10) (err)</p> <p style="text-align: center;">10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE</p> <p style="text-align: center;">Subtitles 01 — 08 (1st Volume)</p> <p>10.01.04.01—10 • 36:23 Md. R. 1822 (11-6-09) 37:18 Md. R. 1233 (8-27-10) 10.07.05.01—28 • 36:17 Md. R. 1337 (8-14-09)</p> <p style="text-align: center;">Subtitle 09 (2nd Volume)</p> <p>10.09.06.04, 15-1 • 37:17 Md. R. 1191 (8-13-10) 10.09.10.10 • 37:7 Md. R. 578 (3-26-10) 10.09.24.04, 09, 10 • 37:14 Md. R. 954 (7-2-10) 10.09.24.13 • 36:23 Md. R. 1822 (11-6-09) 37:18 Md. R. 1233 (8-27-10) 10.09.54.03 • 37:14 Md. R. 954 (7-2-10)</p>

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 10.22.18.04 •37:15 Md. R. 1012 (7-16-10)

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 10.26.02.07 •37:16 Md. R. 1066 (7-30-10)
 10.32.10.04 • 37:11 Md. R. 772 (5-21-10)
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 26.04.11.01—,10 • 37:5 Md. R. 442 (2-26-10)
 26.05.02.10 • 37:2 Md. R. 103 (1-15-10)

Subtitles 08 — 12 (Part 2)

26.10.04.01 • 35:21 Md. R. 1851 (10-10-08)
 26.11.01.01 • 37:14 Md. R. 961 (7-2-10)
 26.11.09.01 • 37:14 Md. R. 961 (7-2-10)
 26.11.09.08-1 • 37:14 Md. R. 962 (7-2-10)
 26.11.19.06 • 37:14 Md. R. 964 (7-2-10)
 26.11.19.11 • 37:14 Md. R. 966 (7-2-10)
 26.12.01.01 • 37:18 Md. R. 1242 (8-27-10)
 37:18 Md. R. 1243 (8-27-10)
 26.12.02.02 •37:18 Md. R. 1243 (8-27-10)

Subtitles 13—18 (Part 3)

26.14.02.02, ,02-1, ,02-2, ,02-3 • 36:22 Md. R. 1782 (10-23-09)
 26.17.01.01—,11 • 37:18 Md. R. 1244 (8-27-10)

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

27.01.01.01 •37:17 Md. R. 1195 (8-13-10)
 27.01.02.04 •37:17 Md. R. 1195 (8-13-10)
 27.01.05.01 •37:17 Md. R. 1195 (8-13-10)

29 MARYLAND STATE POLICE

29.06.06.01—,07 • 36:20 Md. R. 1554 (9-25-09)

PENDING PROPOSALS

1208

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

- 30.01.01.02 • 37:8 Md. R. 650 (4-9-10)
- 30.02.02.07 • 37:16 Md. R. 1088 (7-30-10)
- 30.03.01.01 • 37:8 Md. R. 650 (4-9-10)
- 30.03.02.02 • 37:8 Md. R. 652 (4-9-10)
- 30.03.04.04,06,07 • 37:8 Md. R. 650 (4-9-10)
- 30.03.09.01—03 • 37:8 Md. R. 652 (4-9-10)
- 30.08.01.02 • 37:18 Md. R. 1251 (8-27-10)
- 30.08.04.05 • 37:8 Md. R. 650 (4-9-10)
- 30.08.12.01—15 • 37:18 Md. R. 1251 (8-27-10)
- 30.09.01.02 • 37:8 Md. R. 650 (4-9-10)
- 30.09.08.06 • 37:8 Md. R. 650 (4-9-10)
- 30.09.11.02,04 • 37:8 Md. R. 650 (4-9-10)

31 MARYLAND INSURANCE ADMINISTRATION

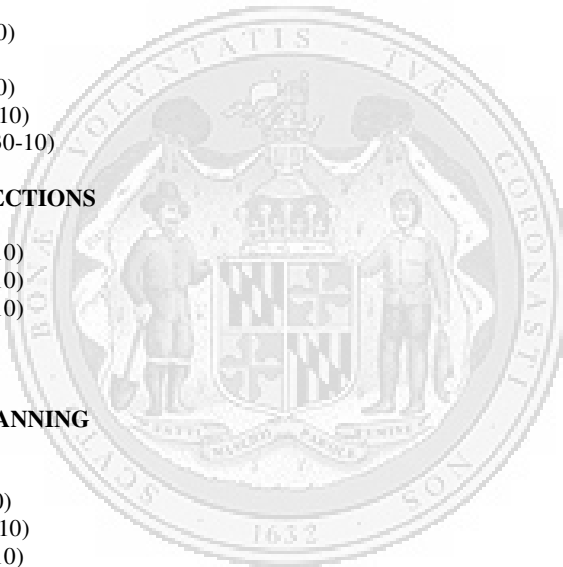
- 31.04.14.03 • 37:16 Md. R. 1089 (7-30-10)
- 31.10.25.02,04 • 37:4 Md. R. 376 (2-12-10)
37:16 Md. R. 1090 (7-30-10)
- 31.10.28.02,05 • 37:4 Md. R. 377 (2-12-10)
37:16 Md. R. 1091 (7-30-10)
- 31.11.10.02,04 • 37:4 Md. R. 377 (2-12-10)
37:16 Md. R. 1091 (7-30-10)
- 31.12.07.02,04,05 • 37:4 Md. R. 379 (2-12-10)
37:16 Md. R. 1092 (7-30-10)

33 STATE BOARD OF ELECTIONS

- 33.01.06.01—05 • 37:15 Md. R. 1023 (7-16-10)
- 33.13.06.01—05 • 37:15 Md. R. 1024 (7-16-10)
- 33.13.07.01—05 • 37:15 Md. R. 1025 (7-16-10)
- 33.17.04.01,03 • 37:14 Md. R. 968 (7-2-10)
- 33.17.05.02 • 37:14 Md. R. 968 (7-2-10)

34 DEPARTMENT OF PLANNING

- 34.04.01.08 • 37:16 Md. R. 1093 (7-30-10)
- 34.04.02.05,07 • 37:17 Md. R. 1196 (8-13-10)
- 34.04.09.01—11 • 37:16 Md. R. 1093 (7-30-10)
- 34.04.07.01—07 • 37:15 Md. R. 1026 (7-16-10)



The Judiciary

COURT OF APPEALS OF MARYLAND

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Thursday, September 16, 2010, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

For further information contact Sandra F. Haines, Reporter, (410) 260-3630.

[10-18-36]



Regulatory Review and Evaluation

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

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Opportunity for Public Inspection and Comment

In accordance with the Regulatory Review and Evaluation Act (§§ 10-130 through 10-139 of the State Government Article), the Family Health Administration under the Department of Health and Mental Hygiene currently is reviewing and evaluating the following chapters under COMAR Title10:

Subtitle 48 CHILD ABUSE AND NEGLECT MEDICAL REIMBURSEMENT PROGRAM

10.48.01 Services

Subtitle 52 PREVENTIVE MEDICINE

- 10.52.01 General Regulations for Hereditary Diseases
- 10.52.02 High Blood Pressure Control Services
- 10.52.03 Health Education — General Regulations
- 10.52.13 Screening for Sickle-Cell Disease, Thalassemia, & Related Conditions
- 10.52.14 Screening for Neural Tube Defects in the Fetus

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

- 10.54.01 Eligibility, Participation, and Benefits
- 10.54.02 Local Agency

Opportunity for Public Comment

The Department of Health and Mental Hygiene would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on the regulations. All parties interested in participating in this process may submit comments to Christi Megna, Esq., Family Health Administration, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 306, Baltimore, MD 21201, or by email to cmegna@dnhm.state.md.us, or by fax to (410) 333-7106. Comments must be received not later than October 8, 2010. Parties may contact the Administration at (410) 767-5300 with questions about this process.

[10-17-35]

Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 03

COMPTROLLER OF THE TREASURY

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102, 2-103, and 11-228, Annotated Code of Maryland

Notice of Emergency Action

[10-172-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .37 under **COMAR 03.06.01 Sales and Use Tax**.

Emergency status began: July 30, 2010.

Emergency status expires: September 30, 2010.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:13 Md. R. 855 — 856 (Jun 18, 2010), referenced as [10-172-P].

PETER FRANCHOT
Comptroller of the Treasury

Title 09

DEPARTMENT OF LABOR, LICENSING, AND 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, 11-605, and 11-605.1, Annotated Code of Maryland

Notice of Emergency Action

[10-251-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .06 under **COMAR 09.03.09 Mortgage Loan Originators**.

Emergency status began: September 30, 2010.

Emergency status expires: March 28, 2011.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.06 Transition to Nationwide Mortgage Licensing System and Registry.

A. — B. (text unchanged)

C. *Nonactive Status.*

(1) *If an individual holding an interim license under Financial Institutions Article, §11-605.1, Annotated Code of Maryland, fails to meet a licensing qualification requirement under Financial Institutions Article, §11-605.1(d), Annotated Code of Maryland, by July 31, 2010, the license shall be placed into nonactive status by the Commissioner.*

(2) *During the time that a license is in nonactive status, it is a violation of Financial Institutions Article, Title 11, Subtitle 6, Annotated Code of Maryland, for the licensee to engage in any activity for which a license is required under that subtitle.*

(3) *A license placed into nonactive status shall be returned to active status by the Commissioner upon the licensee meeting each of the licensing qualification requirements under Financial Institutions Article, §§11-605.1(d) and 11-605, Annotated Code of Maryland, and providing proof of fulfilling those qualification requirements in the manner required by the Commissioner.*

(4) *The Commissioner may reject for processing a renewal application of a licensee who has failed to meet each of the licensing qualification requirements under Financial Institutions Article, §11-605.1(d), Annotated Code of Maryland.*

SARAH BLOOM RASKIN
Commissioner of Financial Regulation

Title 34
DEPARTMENT OF
PLANNING

Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS

34.04.07 [Certified Heritage Structure
Rehabilitation] Sustainable Communities Tax
Credit Certifications

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

Notice of Emergency Action
[10-197-E]

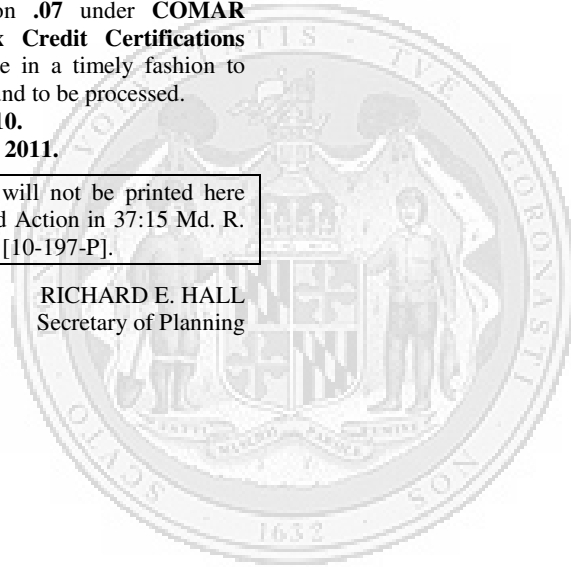
The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01 — .05, new Regulation .06, and the recodification of existing Regulation .06 to be Regulation .07 under **COMAR 34.04.07 Sustainable Communities Tax Credit Certifications** because these regulations must be in place in a timely fashion to allow applications for the FY 2011 grant round to be processed.

Emergency status began: August 4, 2010.

Emergency status expires: January 30, 2011.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:15 Md. R. 1026 — 1030 (July 16, 2010), referenced as [10-197-P].

RICHARD E. HALL
Secretary of Planning



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 03 COMPTROLLER OF THE TREASURY

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102, 2-103, and 11-228, Annotated Code of Maryland

Notice of Final Action

[10-172-F]

On July 26, 2010, the Comptroller of Maryland adopted amendments to Regulation .37 under **COMAR 03.06.01 Sales and Use Tax**. This action, which was proposed for adoption in 37:13 Md. R. 855 — 856 (June 18, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

PETER FRANCHOT
Comptroller of the Treasury

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

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

Notice of Final Action

[10-185-F-I]

On August 17, 2010, the Secretary of Natural Resources adopted amendments to Regulation .01 under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 37:14 Md. R. 942 — 943 (July 2, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[10-181-F]

On August 17, 2010, the Secretary of Natural Resources adopted amendments to:

- (1) Regulation .12 under **COMAR 08.02.02 Soft-Shell Clams**; and
- (2) Regulations .02 and .03 under **COMAR 08.02.07 Hard-Shell Clams**.

This action, which was proposed for adoption in 37:14 Md. R. 943 — 944 (July 2, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-1004, 4-1009, 4-1009.1, 4-1013, 4-1015, 4-1015.1, 4-1103, 4-1106, and 4-2A-03, Annotated Code of Maryland

Notice of Final Action

[10-179-F-I]

On August 17, 2010, the Secretary of Natural Resources adopted amendments to Regulations .06, .10, and .11, the repeal of existing Regulation .15, and new Regulation .15 under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 37:14 Md. R. 945 — 948 (July 2, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215 and 4-11A-04, Annotated Code of Maryland

Notice of Final Action

[10-180-F-I]

On August 17, 2010, the Secretary of Natural Resources adopted new Regulation .17 under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 37:14 Md. R. 949 — 950 (July 2, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[10-178-F]

On August 17, 2010, the Secretary of Natural Resources adopted:

(1) The repeal of Regulations .06, .11, and .12 under COMAR

08.02.08 Shellfish — General;

(2) Amendments to Regulations .01 and .03 under COMAR

08.02.14 Aquaculture Permits; and

(3) Amendments to and the recodification of existing Regulation .01 to be Regulation .02 and new Regulations .01, .03, .04, .06, and .07 under COMAR 08.02.23 Shellfish Aquaculture and Leasing.

This action, which was proposed for adoption in 37:14 Md. R. 950 — 954 (July 2, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 21 MENTAL HYGIENE REGULATIONS

10.21.30 Telemental Health Services

Authority: Health-General Article, §10-901, Annotated Code of Maryland

Notice of Final Action

[10-074-F]

On August 5, 2010, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.09 under a new chapter, COMAR 10.21.30 Telemental Health Services. This action, which was proposed for adoption in 37:3 Md. R. 207—210 (January 29, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: September 6, 2010.

Attorney General’s Certification

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

Regulations .06—.09: Codification corrected.

Regulation .10D(3): Spelling error corrected.

[[.06]] .07 Confidentiality. (proposed text unchanged)

[[.07]] .08 —[[.08]] .09 (proposed text unchanged)

[[.09]] .10 Reimbursement.

A.—C. (proposed text unchanged)

D. Telepresenter Fee. Telepresenter Fees for assisting in TMH are set forth in 10.21.25 and subject to the following requirements prior to billing:

(1)—(2) (proposed text unchanged)

(3) The distant provider shall clearly document in the individual’s medical record the [[rational]] rationale requiring the involvement of the licensed independent practitioner, as medically necessary, at any particular session.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 10 CORRECTIONAL TRAINING COMMISSION

12.10.05 Electronic Control Device Training and Instructor Certification

Authority: Correctional Services Article, §§2-109 and 8-208; Public Safety Article, §3-207; Annotated Code of Maryland

Notice of Final Action

[10-108-F]

On August 3, 2010, the Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, adopted amendments to Regulation .01 under COMAR 12.10.05 Electronic Control Device Training and Instructor Certification. Final action was approved during a meeting of the Correctional Training Commission on July 20, 2010. This action, which was proposed for adoption in 37:7 Md. R. 583 — 584 (March 26, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Title 27
CRITICAL AREA
COMMISSION FOR THE
CHESAPEAKE AND
ATLANTIC COASTAL BAYS

Subtitle 01 CRITERIA FOR LOCAL
CRITICAL AREA PROGRAM
DEVELOPMENT

27.01.02 Development in the Critical Area

Authority: Natural Resources Article §8-1806, Annotated Code of Maryland

Notice of Final Action

[10-171-F]

On August 4, 2010, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays adopted amendments to Regulation **.08** under **COMAR 27.01.02 Development in the Critical Area**. This action, which was proposed for adoption in 37:13 Md. R. 913 — 914 (June 18, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

MARGARET G. McHALE
 Chair
 Critical Area Commission for the
 Chesapeake and Atlantic Coastal Bays

Subtitle 03 PROJECT APPLICATIONS

27.03.01 Notification of Project Applications

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

Notice of Final Action

[10-170-F]

On August 4, 2010, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays adopted amendments to Regulation **.03** under **COMAR 27.03.01 Notification of Project Applications**. This action, which was proposed for adoption in 37:13 Md. R. 914 (June 18, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

MARGARET G. McHALE
 Chair
 Critical Area Commission for the
 Chesapeake and Atlantic Coastal Bays

Title 31
MARYLAND INSURANCE
ADMINISTRATION

Subtitle 09 LIFE INSURANCE AND
ANNUITIES

31.09.15 Universal Life Insurance

Authority: Insurance Article, §§2-109, 5-312, 12-205(b)(4) and (8), 16-310(c), and 27-208(a), Annotated Code of Maryland

Notice of Final Action

[10-166-F]

On August 4, 2010, the Acting Insurance Commissioner adopted new Regulations **.01—13** under a new chapter, **COMAR 31.09.15 Universal Life Insurance**. This action, which was proposed for adoption in 37:13 Md. R. 914—919 (June 18, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

ELIZABETH SAMMIS
 Acting Insurance Commissioner

Title 33
STATE BOARD OF
ELECTIONS

Notice of Final Action

[10-163-F]

On August 5, 2010, the State Board of Elections adopted amendments to:

- (1) Regulation **.02** under **COMAR 33.07.05 Special Assistance**;
- (2) Regulation **.38** under **COMAR 33.10.02 AccuVote-TS**; and
- (3) Regulation **.06** under **COMAR 33.17.06 Early Voting Activities**.

This action, which was proposed for adoption in 37:12 Md. R. 813—814 (June 4, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

LINDA H. LAMONE
 Administrator
 State Board of Elections

Subtitle 10 VOTING SYSTEMS — SYSTEM REQUIREMENTS AND PROCEDURES

33.10.02 AccuVote-TS

Authority: Election Law Article, §§ 2-102(b)(4), 2-202(b), and 9-102(i),
Annotated Code of Maryland

Notice of Final Action

[10-150-F]

On August 5, 2010, the State Board of Elections adopted amendments to Regulation .07 under **COMAR 33.10.02 AccuVote-TS**. This action, which was proposed for adoption in 37:11 Md. R. 776 (May 21, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

LINDA H. LAMONE
Administrator
State Board of Elections

Subtitle 17 EARLY VOTING

Notice of Final Action

[10-156-F]

On August 5, 2010, the State Board of Elections adopted amendments to:

(1) Regulation .05 under **COMAR 33.17.06 Early Voting Activities**; and

(2) Regulations .01 and .04 under **COMAR 33.17.07 Non-Voting Hours Procedures**.

This action, which was proposed for adoption in 37:12 Md. R. 814 (June 4, 2010), has been adopted as proposed.

Effective Date: September 6, 2010.

LINDA H. LAMONE
Administrator
State Board of Elections

Title 35 MARYLAND DEPARTMENT OF VETERANS AFFAIRS

Subtitle 05 VETERANS TRUST FUND

35.05.01 General Regulations

Authority: State Government Article, §§ 9-902, 9-912, and 9-913, Annotated
Code of Maryland

Notice of Final Action

[09-323-F]

On August 18, 2010, the Secretary of Veterans Affairs adopted new Regulations .01 — .04 under a new chapter, **COMAR 35.05.01 General Regulations**. This action, which was proposed for adoption in 36:21 Md. R. 1622 (October 9, 2009), has been adopted as proposed.

Effective Date: September 6, 2010.

EDWAR CHOW, JR.
Secretary of Veterans Affairs

Withdrawal of Regulations

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.01 Board of Boiler Rules

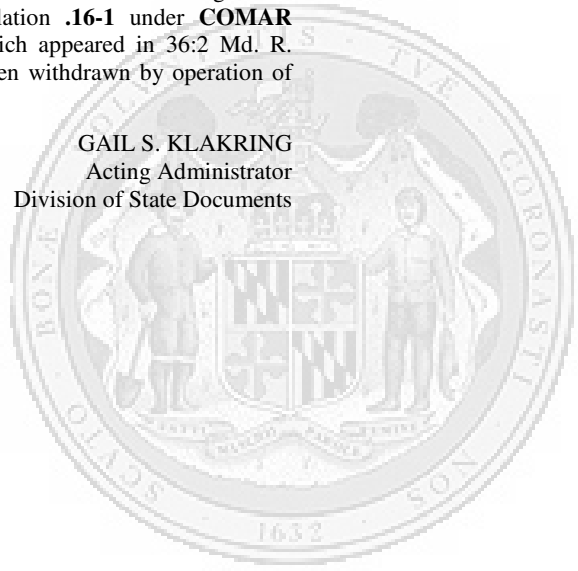
Authority: Public Safety Article, *Title 12*, Annotated Code of Maryland

Notice of Withdrawal

[09-029-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the amendments to Regulation **.16** and the adoption of new Regulation **.16-1** under **COMAR 09.12.01 Board of Boiler Rules**, which appeared in 36:2 Md. R. 126—127 (January 16, 2009) have been withdrawn by operation of law.

GAIL S. KLAKRING
Acting Administrator
Division of State Documents

The seal of the State of Maryland is a large, faint watermark in the background. It features a central shield with a cross and a smaller shield, flanked by two figures. The shield is surrounded by a circular border with the text 'SCITIO BONAEREDIVINA SIVE CORONASTI' and the year '1632' at the bottom.

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 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.04 Social Services Eligibility Requirements Based on Income

Authority: Human Services Article, §§4-205 and 4-207, Annotated Code of Maryland

Notice of Proposed Action [10-248-P]

The Secretary of Human Resources proposes to repeal existing Regulation .08 and adopt new Regulation .08 under COMAR 07.02.04 Social Services Eligibility Requirements Based on Income.

Statement of Purpose

The purpose of this action is to adjust the social services income eligibility table to reflect the increase in State median income for FY 2011. The social services income eligibility table is used in determining financial eligibility for various social services programs including the Social Services to Adults, Services to Families with Children, and In-Home Services Programs. The updated figures are based on federal guidelines.

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 Andrea Shuck, Acting Regulations Coordinator, Department of Human Resources, 311 W. Saratoga Street, 2nd Floor, Baltimore, MD 21201, or call 410-767-7193, or email to regulations@hr.state.md.us, or fax to 410-333-0637. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.08 Schedule.

SCHEDULE A					
Income by Family Size					
(For the period July 1, 2010—June 30, 2011)					
Family Size/Percent	Median Income	40%	50%	80%	115%
1 person— (52%)	\$52,735	\$21,094	\$26,367	\$42,188	\$60,645
2 persons— (68%)	68,961	27,584	34,480	55,169	79,305
3 persons— (84%)	85,187	34,075	42,593	68,150	97,965
4 persons— (100%)	101,413	40,565	50,707	81,130	116,625
5 persons— (116%)	117,639	47,056	58,820	94,111	135,285
6 persons— (132%)	133,865	53,546	66,933	107,092	153,945
7 persons— (135%)	136,908	54,763	68,454	109,526	157,444
8 persons— (138%)	139,950	55,980	69,975	111,960	160,942
9 persons— (141%)	142,992	57,197	71,496	114,394	164,441
10 persons— (144%)	146,035	58,414	73,017	116,828	167,940

* For each additional family member above 10 persons, add \$3,042 to the median income for a family of 10.

BRENDA DONALD
Secretary of Human Resources

**Subtitle 03 FAMILY INVESTMENT
ADMINISTRATION**

**07.03.05 Temporary Disability Assistance
Program**

Authority: Human Services Article, §§1-205, 2-209, 5-201, 5-207, Annotated Code of Maryland

Notice of Proposed Action
[10-245-P]

The Secretary of Human Resources proposes to amend Regulations .02, .04, .05, and .10 under COMAR 07.03.05 Temporary Disability Assistance Program.

Statement of Purpose

The purpose of this action is to remove the requirement for Temporary Disability Assistance Program (TDAP) customers to cooperate with the Disability Entitlement Assistance Program (DEAP) in order to receive TDAP. This action also changes a reference to the Food Stamp Program to the Food Supplement Program and removes the requirement for approval by the State Review Team (SRT) for TDAP.

In addition, this action will change the definition of spouse for financial responsibility purposes only, because there is spouse for spouse financial responsibility in the TDAP program. Individuals living together who are not married do not have spousal responsibility.

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 an impact on individuals with disabilities as follows:
The DEAP program assisted individuals with disabilities in applying for Social Security disability and through the appellate process if their Supplemental Security Income (SSI) application was denied. The requirement to cooperate with DEAP was changed to a requirement to cooperate with the Social Security Administration (SSA). Individuals who receive TDAP must now represent themselves in the SSA process or find other representation for which they pay out of their SSI award.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Acting Regulations Coordinator, DHR, Office of Government, Corp. and Comm. Affairs, 311 W. Saratoga Street, Baltimore, Maryland 21201, or call 410-767-7193, or email to regulations@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) — (6) (text unchanged)

(7) “Disability Entitlement Advocacy Program (DEAP)” is a former State program to help severely disabled individuals to establish eligibility for federal disability programs.

(8) — (19) (text unchanged)

(20) “Spouse” means either of two individuals who [:

(a) Would] *would* be defined as married to each other under applicable State law [; or

(b) Are living together and holding themselves out to the community as husband and wife by representing themselves as husband and wife to relatives, friends, neighbors, or trades people].

(21) “State Review Team (SRT)” means the interdisciplinary team within the Family Investment Administration that determines whether an individual is disabled under SSI criteria *for medical assistance eligibility*.

(22) (text unchanged)

(23) — (25) (text unchanged).

.04 Technical Eligibility.

A. — C. (text unchanged)

D. An otherwise eligible individual may not receive assistance for more than 9 months in a 36-month period unless the individual:

(1) Has been certified as medically disabled [or approved as presumptively disabled by the SRT applying federal SSI standards;] *by a licensed health care provider who completed the DHR approved verification of disability form; and*

[(2) Has been accepted by DEAP, which continues to pursue the case; and

[(3) (2) Has a pending application for SSI, which has not been withdrawn or finally denied.

E. (text unchanged)

F. Cooperation includes actively[:

(1) Cooperating with DEAP when DEAP services are offered;

or

(2) Pursuing] *pursuing* an SSI application [when DEAP services are not offered] *through all Social Security Administration appeal processes*.

G. (text unchanged)

.05 Eligibility Determination.

A. Medical Findings.

(1) — (2) (text unchanged)

(3) *If the individual has Medical Assistance coverage, the health care provider completing the examination and the required State form may not be paid through administrative funds.*

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

B. (text unchanged)

C. Eligibility Period.

(1) The eligibility period is determined by the local department from the estimated duration of the disability on the completed medical report [, as modified by the report, if any, of the SRT].

(2) — (3) (text unchanged)

(4) An applicant who is determined by the local department to be impaired and unlikely to recover in less than 12 months shall be[:

(a) Certified] *certified* for not more than [9] 12 months [in the 36-month period; and

(b) Referred to the SRT for further evaluation.

(5) If the SRT concludes that the individual is not medically disabled under the federal SSI standards, the local department shall close the case at the end of the eligibility period.

(6) If the SRT concludes that the individual is medically disabled under the federal SSI standards the local department shall adjust the eligibility period for the individual to receive the maximum of 12 months] *if the individual:*

(a) [The client is] *Is* pursuing SSI eligibility; *and*

[(b) DEAP accepts the referral and continues to pursue the case; and]

[(c)] (b) [The individual remains] *Remains* TDAP eligible.

(7) — (9) (text unchanged)

D. — E. (text unchanged)

.10 Income.

A. (text unchanged)

PROPOSED ACTION ON REGULATIONS

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- B. Excluded Income. Income from any of the following sources is not considered:
 - (1) Food [stamp] *Supplement Program* allotments;
 - (2)—(5) (text unchanged)
- C. (text unchanged)

BRENDA DONALD
Secretary of Human Resources

**Subtitle 03 FAMILY INVESTMENT
ADMINISTRATION**

07.03.17 Food Supplement Program

Authority: State Government Article, §8-206; Human Services Article, Title 5, Subtitle 5; Annotated Code of Maryland Federal Regulatory Reference—7 CFR §§271—274

Notice of Proposed Action
[10-246-P]

The Secretary of Human Resources proposes to amend Regulations .02, .15, .23, .45, and .49 and adopt new Regulation .60 under COMAR 07.03.17 Food Supplement Program.

Statement of Purpose

The purpose of this action is to remove most references to a face-to-face interview requirement and more clearly state the option for a telephone interview and change a provision regarding transitional benefits for families leaving Temporary Cash Assistance. This action updates income standards and proposes a new regulation that describes a United States Department of Agriculture Food and Nutrition Service approved demonstration project that will simplify the application process for certain disabled individuals who are 60 years old or older and are not already receiving benefits.

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 new program for certain disabled elderly individuals will increase the federal costs of the program. The increase in the income standards will also slightly increase the number of persons eligible to receive benefits.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Program for certain elderly, disabled individuals	NONE (E+)	16,750,140
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: (+) 16,750,140

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

A. There are 14,490 individuals who are potentially eligible for the MSNAP demonstration project. Approximately 75%, or 10,868 additional individuals, will apply for benefits. We estimated one-half of these would be eligible for the \$125 higher benefit for an initial expenditure of \$679,250 and one-half will receive the \$80 lower benefit for an initial expenditure of \$434,720. The total amount is \$1,113,970 for the first month × 12 months=\$13,367,640 for the first year. After the initial expenditure there will be a monthly increase as individuals are notified of the new program. We estimate adding approximately 250 each month for each of the two benefits levels (500 total) for a total of \$3,382,500 annually.

F. There are 14,490 individuals who are potentially eligible for the MSNAP demonstration project. Approximately 75%, or 10,868 additional individuals, will apply for benefits. We estimated one-half of these would be eligible for the \$125 higher benefit for an initial expenditure of \$679,250 and one-half will receive the \$80 lower benefit for an initial expenditure of \$434,720. The total amount is \$1,113,970 for the first month × 12 months=\$13,367,640 for the first year. After the initial expenditure there will be a monthly increase as individuals are notified of the new program. We estimate adding approximately 250 each month for each of the two benefits levels (500 total) for a total of \$3,382,500 annually.

Economic Impact on Small Businesses

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

The new program for disabled elderly individuals will increase the number of eligible households. The increase in the income standards will also slightly increase the number of persons eligible to receive benefits. This increase in eligible households will bring additional business to food stores.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Acting Regulations Coordinator, DHR, Office of Government, Corp. and Comm. Affairs, 311 W. Saratoga Street, Baltimore, Maryland 21201, or call 410-767-2149, or email to ashuck@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) — (17) (text unchanged)
 - (17-1) “Maryland Senior Nutrition Assistance Program (MSNAP)” means the combined application demonstration project approved by the United States Department of Agriculture Food and Nutrition Service.
 - (18) — (30) (text unchanged)

.15 [Face-to-Face] Interview.

- A. The [face-to-face] interview may take place [when the]:
 - (1) [Applicant] *When the applicant* comes to the local department to request benefits;
 - (2) [Local] *When the local* department representative visits the applicant’s residence if §C of this regulation applies; [or]
 - (3) [Local] *When the local* department representative meets with the applicant on a date scheduled after the request was received[.]; *or*
 - (4) *By telephone.*

B. If the applicant fails to keep the appointment for a face-to-face interview or scheduled telephone interview, the applicant is responsible for scheduling another appointment. If the applicant:

(1) — (2) (text unchanged)

B-1. — C. (text unchanged)

D. The local department may waive the face-to-face interview in favor of a telephone interview for all households[:

- (1) That have no earned income; and
- (2) In which all members are elderly or disabled].

E. Interviews may take place by telephone, at the local department, the household's residence, or other mutually acceptable location.

F. (text unchanged)

.23 Work Requirement for Able-Bodied Adults Without Dependents.

A. [An] Except as described in §§B(6) and (7) and G of this regulation, an individual may not participate in the Program as a member of a household if, during a 36-month period, the individual received Program benefits for at least 3 months as described in §F of this regulation, consecutive or not, during which the individual did not:

(1) — (5) (text unchanged)

B. An individual is exempt from the requirement as described in §A of this regulation if the individual is:

(1) — (5) (text unchanged)

(6) Residing in one of the [following] local department areas that has a waiver of the applicability of §A of this regulation from the Secretary of the United States Department of Agriculture[:

- (a) Baltimore City;
- (b) Somerset County;
- (c) Worcester County;
- (d) Allegany County; or
- (e) Dorchester County]; or

(7) Exempt from work requirements in accordance with 7 U.S.C. §2015(o)(6) [because the individual:

- (a) Is 47 years old or older but younger than 50 years old; or
- (b) Resides in Garrett County].

C. — F. (text unchanged)

G. The provisions of §§A—F of this regulation are not applicable from April 1, 2009 until September 30, [2010] 2011, in accordance with the American Recovery and Reinvestment Act of 2009.

.45 Schedules for Income and Deductions.

Schedules for income and deductions effective [April] October 1, 2009, as established or approved by the United States Department of Agriculture Food and Nutrition Service, are as follows:

Table (proposed for repeal)

Household Size	A. Gross Monthly Income (130% of poverty)	B. Net Monthly Income (100% of poverty)	C. Elderly and Disabled Separate Household (165% of poverty)	D. Maximum Allotment/ Thrifty Food Plan
1	\$1,174	\$ 903	\$1,490	\$ 200
2	1,579	1,215	2,004	367
3	1,984	1,526	2,518	526
4	2,389	1,838	3,032	668
5	2,794	2,150	3,547	793
6	3,200	2,461	4,061	952
7	3,605	2,773	4,575	1,052
8	4,010	3,085	5,089	1,202

Each Additional Member	+406	+312	+515	+150
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E. The standard deduction is:

- (1) [\$144] \$141 for households of three or fewer individuals;
- (2) [\$147] \$153 for households of four individuals;
- (3) [\$172] \$179 or households of five individuals; or
- (4) [\$197] \$205 or households of six or more individuals.

F. The excess shelter deduction is up to [\$446] \$459;

G. — J. (text unchanged)

.49 Local Department Action on Changes.

A. — G. (text unchanged)

H. Transitional FSP Benefits.

(1) — (5) (text unchanged)

(6) The transitional benefit period shall end if:

- (a) [a] A household member applies for Program benefits in another household during the transitional benefit period[.]; or
- (b) The household reapplies for and is found eligible for TCA during the transitional benefit period.

.60 Maryland Senior Nutrition Assistance Program.

A. The Maryland Senior Nutrition Assistance Program (MSNAP) is a 5-year demonstration project approved by the United States Department of Agriculture Food and Nutrition Service.

B. Household Composition. The definition of a household eligible to participate in this project is an individual who the Social Security Administration has determined is eligible for SSI, and:

(1) Is 60 years old or older;

(2) Is not currently receiving Food Supplement Program benefits;

(3) Is living alone or if living with others is purchasing and preparing meals alone;

(4) Has no earned income; and

(5) Is a Maryland resident.

C. Application Process.

(1) The Department shall:

(a) Identify individuals eligible for the MSNAP through a match with Social Security Administration files that identify individuals who meet the MSNAP criteria, but who are not receiving Program benefits; and

(b) Send an application to households that meet the criteria as described in §B of this regulation.

(2) The local department shall process applications without an interview unless information is questionable as described in Regulation .20 G of this chapter, in which case a case manager shall complete a telephone interview.

(3) Benefits begin the first day of the month in which the local department receives the MSNAP application.

(4) An individual may not apply for MSNAP unless identified as described in §C(1)(a) of this regulation.

(5) The expedited service provisions of Regulation .19 of this chapter do not apply to applicants for MSNAP.

D. Certification Period. The local department shall certify the household for 36 months.

E. Verification.

(1) MSNAP income verification requirements will be fulfilled by using data verified under SSI regulations.

(2) Unless information is questionable as described in Regulation .20G, the local department may not verify shelter costs.

F. Allotment Amount.

(1) The allotment amount is one of two amounts based on the household's shelter cost, including the appropriate utility allowance, as described in Regulation .45G and H of this chapter.

(2) The allotment for a household with a shelter cost of \$505 or less is \$80.

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(3) *The allotment for a household with a shelter cost of \$506 or greater is \$125.*

G. Reporting Changes. The local department:

(1) May not require an individual who receives MSNAP benefits to report changes during the certification period; and

(2) Shall take action on changes reported:

(a) Through a data match with Social Security Administration files; or

(b) By the household.

H. Opt Out Provision. MSNAP applicants may apply for the regular Food Supplement Program instead of the MSNAP.

BRENDA DONALD
Secretary of Human Resources

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-2A-03, 4-1015.1 and 4-1013, Annotated Code of Maryland

Notice of Proposed Action
[10-233-P]

The Secretary of Natural Resources proposes to amend Regulations .01, .08, .09, and .12 under **COMAR 08.02.04 Oysters**.

Statement of Purpose

The purpose of this action is to modify patent tong, dredge boat, hand tong, and power dredge area lines based on the new sanctuaries currently proposed under the Governor's Oyster Restoration and Aquaculture Development Plan. This includes removing areas like Hickory Thicket Bar and adding coordinates to areas described in statute and adding them to regulation.

Additionally, two areas of several hundred acres each are being newly opened to power dredging to study the impacts of the power dredge fishery on oyster populations. These areas were selected with input from the industry, are currently not productive, and represent a range of salinities typical for oysters in Maryland. These areas are currently closed to power dredging and upon opening they will be monitored for at least 5 years to determine if power dredging is beneficial, detrimental, or has no impact to oyster populations. The results of this study will be used to help determine whether additional areas should be opened to power dredging or if the Department should reconsider areas in which this gear is presently allowed.

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 to modify the patent tong, dredge boat, hand tong, and power dredge areas lines to account for the new sanctuaries currently proposed is expected to have a negative impact that is less than the total estimated impact of the sanctuary proposal which is a 7% (9,645 bushels or \$241,125) reduction in harvest. This is because only a limited number of the proposed sanctuaries overlapped with an existing gear-specific harvest area.

The proposed action for creating two new power dredge study areas will have a negative impact on the Department as a result of the costs for monitoring the areas. There is not expected to be a negative

impact on the industry due to the small size of the area relative to the overall fishery and the fact that the proposed areas are not currently productive. Whether or not there is a long-term benefit to the industry is indeterminable and an objective of this proposed study.

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

D. On regulated industries or trade groups:

(1) Smaller gear specific areas (-) Indeterminable
(2) Study areas (-) Indeterminable

E. On other industries or trade groups:

Seafood industry (+) Indeterminable

F. Direct and indirect effects on public: NONE

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

A. There may be costs involved with monitoring the study areas. The cost is indeterminable at this time because the monitoring plan is currently being developed.

D(1). The estimated economic impact is a maximum and assumes that the impacted harvesters will not move to another open harvest area to compensate for their lost harvest, and also assumes when a harvest bar was split between two areas that all of the harvest came from the sanctuary area. Two additional assumptions: 1) a market price of \$25/bushel; and 2) harvesters have submitted all of their harvest reports for the 2009/10 season that were due by April 10.

D(2). The proposed study areas are areas that were open to oyster harvest using gear other than power dredges. The proposal will exclude the harvest of oysters with any gear other than power dredge. This may impact individuals currently working in those areas. The impact is expected to be minimal due to the small size of the study areas relative to the overall fishery and the fact that these areas are currently not productive.

E. Because of the relatively small decrease in supply of oysters associated with the sanctuary expansion compared to the overall supply of oysters to Maryland from not only Chesapeake Bay, but from other parts of the country and the world, the impact on seafood restaurants in general is expected to be minimal. Though not directly a result of the regulations governing sanctuary expansion, the impact on seafood restaurants could be offset by an expanded aquaculture industry, improvements in other commercial fisheries, and more science-based management of the public oyster fishery, such that the net impact could be positive.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. Please see Assumptions in Part III above.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Power Dredge and Tong Areas, Regulatory Staff, Maryland Department of Natural Resources Fisheries Service, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.01 [Hickory Thicket Bar] Patent Tong Areas.

[A person may catch oysters with patent tongs on Hickory Thicket Bar.]

A. *Notwithstanding Natural Resources Article, §4-1011, Annotated Code of Maryland, and except as listed in §B of this regulation, a person may not use patent tongs to catch oysters in any of the waters listed in this section.*

- (1) *Wicomico County.*
- (2) *Queen Anne's County.*
- (3) *Talbot County.*
- (4) *Dorchester County.*
- (5) *Kent County.*

(6) *Patuxent River. All of the waters of the Patuxent River enclosed by a line beginning at a point on the shore at Hog Point defined by Lat. 38°18.586' N, Long. 76°23.993' W; then running westerly along the shore to a point on the shore at Fishing Point defined by Lat. 38°18.285' N, Long. 76°25.355' W; then running 345° True to a point defined by Lat. 38°18.525' N, Long. 76°25.434' W; then running 251° True to a point defined by Lat. 38°18.271' N, Long. 76°26.356' W; then running 196° True to a point on the shore, defined by Lat. 38°17.503' N, Long. 76°26.64' W; then running northwesterly along the shore to a point defined by Lat. 38°22.412' N, Long. 76°31.504' W; then running 27° True to a point defined by Lat. 38°22.54' N, Long. 76°31.42' W; then running 307° True to a point defined by Lat. 38°22.612' N, Long. 76°31.54' W; then running 208° True to a point on the shore, defined by Lat. 38°22.491' N, Long. 76°31.621' W; then running northwesterly along the shore to a point on shore at Sotterly Wharf, defined by Lat. 38°22.728' N, Long. 76°32.003' W; then running 77° True to a point near St Leonard's Creek Beacon, defined by Lat. 38°23.065' N, Long. 76°30.177' W; then running 77° True to a point on the shore, defined by Lat. 38°23.128' N, Long. 76°29.826' W; then running southeasterly along the shore to a point defined by Lat. 38°20.631' N, Long. 76°28.241' W; then running 282° True to a point defined by Lat. 38°20.638' N, Long. 76°28.287' W; then running 213° True to a point defined by Lat. 38°20.008' N, Long. 76°28.815' W; then running 132° True to a point on the shore, defined by Lat. 38°19.983' N, Long. 76°28.78' W; then running southeasterly along the shore to a point at the south entrance of Solomon's Harbor, defined by Lat. 38°19.263' N, Long. 76°27.103' W; then running 7° True to a point at the north entrance of Solomon's Harbor, defined by Lat. 38°19.37' N, Long. 76°27.087' W; then running easterly along the shore to Drum Point defined by Lat. 38°19.143' N, Long. 76°25.266' W; then running 119° True to the point of beginning.*

(7) *Tributaries of the Potomac River.*

(8) *South River in Anne Arundel County above and west of a straight line drawn between Thomas Point and Saunders Point.*

(9) *Chesapeake Bay. All of the waters of the Chesapeake Bay enclosed by a line beginning at a point on the shore at Richland Point defined by Lat. 38°14.846' N, Long. 76°10.349' W; then running 319° True to a point on the shore at the south end of Barren*

Island, defined by Lat. 38°19.467' N, Long. 76°15.404' W; then running 123° True along the contiguous waters line to a point on the shore near Pons Point defined by Lat. 38°18.424' N, Long. 76°13.400' W; then running southeasterly along the shore to a point near the north end of the Narrows Ferry Bridge, defined by Lat. 38°17.917' N, Long. 76°12.389' W; then running 155° True to a point near the south end of the Narrows Ferry Bridge, defined by Lat. 38°17.676' N, Long. 76°12.250' W; then running southeasterly along the shore to the point of beginning.

B. *Exceptions. Notwithstanding Natural Resources Article, §4-1011, Annotated Code of Maryland, a person may catch oysters by patent tong in the areas listed in this section.*

(1) *Natural Oyster Bar 5-2: All of the waters enclosed by a line beginning at a point defined by Lat. 39°6.272' N, Long. 76°17.175' W; then running 335° True to a point defined by Lat. 39°6.765' N, Long. 76°17.464' W; then running 63° True to a point defined by Lat. 39°6.861' N, Long. 76°17.222' W; then running 143° True to a point defined by Lat. 39°6.575' N, Long. 76°16.944' W; then running 211° True to the point of beginning.*

(2) *Natural Oyster Bar 2-9: All of the waters enclosed by a line beginning at a point defined by Lat. 39°7.507' N, Long. 76°18.981' W; then running 0° True to a point defined by Lat. 39°8.857' N, Long. 76°18.981' W; then running 38° True to a point defined by Lat. 39°11.002' N, Long. 76°16.858' W; then running 62° True to a point defined by Lat. 39°11.665' N, Long. 76°15.225' W; then running southwesterly along shore excluding all creeks and coves less than 300 feet in width to a point defined by Lat. 39°10.830' N, Long. 76°16.017' W; then running 240° True to a point defined by Lat. 39°10.508' N, Long. 76°16.732' W; then running 195° True to a point defined by Lat. 39°8.416' N, Long. 76°17.469' W; then running 168° True to a point defined by Lat. 39°7.602' N, Long. 76°17.245' W; then running 259° True to a point defined by Lat. 39°7.507' N, Long. 76°17.858' W; then running 270° True to the point of beginning.*

(3) *Natural Oyster Bar 2-10: All of the waters enclosed by a line beginning at a point defined by Lat. 39°7.508' N, Long. 76°15.842' W; then running 349° True to a point defined by Lat. 39°7.736' N, Long. 76°15.899' W; then running 85° True to a point defined by Lat. 39°7.793' N, Long. 76°14.979' W; then running 180° True to a point defined by Lat. 39°7.503' N, Long. 76°14.982' W; then running 270° True to the point of beginning.*

(4) *Natural Oyster Bar 5-1: All of the waters enclosed by a line beginning at a point defined by Lat. 39°7.349' N, Long. 76°18.981' W; then running 0° True to a point defined by Lat. 39°7.507' N, Long. 76°18.981' W; then running 90° True to a point defined by Lat. 39°7.507' N, Long. 76°17.858' W; then running 260° True to the point of beginning.*

(5) *All of the waters of Eastern Bay south and west of a line beginning at a point at the intersection of the Eastern Bay contiguous waters line as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments, and the Queen Anne's -Talbot County line, defined by Lat. 38°49.904' N, Long. 76°20.384' W; then running 48° True to a point where a straight line drawn from Long Point to the Wades Point Bell Buoy intersects the county line, defined by Lat. 38°50.871' N, Long. 76°19.031' W; then running 115° True to a point defined by Lat. 38°50.746' N, Long. 76°18.686' W; then running 233° True to a point defined by Lat. 38°50.574' N, Long. 76°18.978' W; then running 201° True to a point defined by Lat. 38°48.693' N, Long. 76°19.884' W; then running 90° True to a point on shore, defined by Lat. 38°48.686' N, Long. 76°18.54' W; then running southerly along the shore to Lowes Point defined by Lat. 38°46.416' N, Long. 76°20.02' W; then running 323° True toward Bloody Point Lighthouse to a point 1.8 nautical miles from Lowes Point defined by Lat. 38°47.861' N, Long. 76°21.394' W; then running 210° True to a point near the former location of North Point on Poplar Island, defined by Lat. 38°46.553' N, Long. 76°22.342' W.*

.08 [Descriptions of Certain Boundaries of Areas Where Dredging Is Permitted] Dredge Boat Areas.

[With regard to the area described in Natural Resources Article, §4-1012(b)(2), a portion of the boundary is described in the statute as “along the shore easterly to Howell Point, then southerly across the Choptank River to Horn Point...” Due to erosion of Howell Point, this portion of the boundary now runs along the shore southerly to the present location of Howell Point; then offshore southerly to the point 38°36'19.86" N Latitude and 76°06'39.63" W Longitude; and then westerly across the Choptank River to Horn Point.]

A. Notwithstanding Natural Resources Article §4-1012(b), Annotated Code of Maryland, a person may not catch oysters by a dredge boat, as defined in Natural Resources Article §4-1001(g), Annotated Code of Maryland, except in the following waters:

(1) All of the waters of Hoopers Straits enclosed by a line beginning at a point defined by Lat. 38°11.923' N, Long. 76°5.674' W; then running 309° True to a point defined by the shore of Richland Point defined by Lat. 38°14.846' N, Long. 76°10.332' W; then running easterly along the shore of Lower Hoopers Island to a point defined by Lat. 38°13.968' N, Long. 76°7.871' W; then running 92° True to a point defined by Lat. 38°13.93' N, Long. 76°6.66' W; then running 150° True to a point defined by Lat. 38°13.203' N, Long. 76°6.122' W; then running 165° True to the point of beginning;

(2) All of the waters of the Honga River enclosed by a line beginning at a point defined by Lat. 38°14.877' N, Long. 76°6.956' W; then running 305° True to a point defined by Lat. 38°14.974' N, Long. 76°7.134' W; then running 35° True to a point on the shore at Crab Point defined by Lat. 38°15.77' N, Long. 76°6.439' W; then running southerly along the shore to a point defined by Lat. 38°15.25' N, Long. 76°6.052' W; then running 242° True to the point of beginning;

(3) All of the waters of Dorchester and Talbot Counties enclosed by a line beginning at a point at the Department marker (Triangulation Station Bar), defined by Lat. 38°41.359' N, Long. 76°19.302' W; then running 107° True to a point at Benoni (Choptank River) Lighthouse, defined by Lat. 38°39.344' N, Long. 76°11.069' W; then running 123° True to a point defined by the shore at Chlora Point defined by Lat. 38°38.222' N, Long. 76°8.829' W; then running easterly along the shore to a point on the west side of La Trappe Creek, defined by Lat. 38°37.695' N, Long. 76°7.323' W; then running 106° True to a point on the east side of La Trappe Creek, defined by Lat. 38°37.62' N, Long. 76°6.997' W; then running southerly along the shore to a point at the south end of Howell Point defined by Lat. 38°36.675' N, Long. 76°6.646' W; then running 256° True to a point on the shore at Horn Point defined by Lat. 38°36.324' N, Long. 76°8.451' W; then running 66° True to a point on the Dorchester-Talbot County line, defined by Lat. 38°36.507' N, Long. 76°7.92' W; then running 320° True to a point defined by Lat. 38°36.534' N, Long. 76°7.949' W; then running 333° True to a point defined by Lat. 38°36.671' N, Long. 76°8.039' W; then running 349° True to a point defined by Lat. 38°36.846' N, Long. 76°8.08' W; then running 360° True to a point defined by Lat. 38°37.26' N, Long. 76°8.084' W; then running 356° True to a point defined by Lat. 38°37.496' N, Long. 76°8.108' W; then running 345° True to a point defined by Lat. 38°37.81' N, Long. 76°8.212' W; then running 308° True to a point defined by Lat. 38°37.866' N, Long. 76°8.302' W; then running 286° True to a point defined by Lat. 38°37.89' N, Long. 76°8.408' W; then running 272° True to a point defined by Lat. 38°37.898' N, Long. 76°8.684' W; then running 267° True to a point defined by Lat. 38°37.884' N, Long. 76°9.023' W; then running 283° True to a point defined by Lat. 38°37.933' N, Long. 76°9.296' W; then running 302° True to a point defined by Lat. 38°38.095' N, Long. 76°9.631' W; then running 314° True to a point defined by Lat. 38°38.536' N, Long. 76°10.221' W; then running 303° True to a point defined by Lat. 38°38.68' N, Long. 76°10.498' W; then running

288° True to a point defined by Lat. 38°38.789' N, Long. 76°10.919' W; then running 271° True to a point defined by Lat. 38°38.79' N, Long. 76°11.095' W; then running 240° True to a point defined by Lat. 38°38.732' N, Long. 76°11.226' W; then running 251° True to a point defined by Lat. 38°38.576' N, Long. 76°11.793' W; then running 264° True to a point defined by Lat. 38°38.518' N, Long. 76°12.494' W; then running 278° True to a point defined by Lat. 38°38.562' N, Long. 76°12.874' W; then running 292° True to a point defined by Lat. 38°38.664' N, Long. 76°13.197' W; then running 218° True to a point on the shore at Todds Point defined by Lat. 38°37.683' N, Long. 76°14.168' W; then running 267° True to a point on the shore at Cooks Point defined by Lat. 38°37.581' N, Long. 76°17.109' W; then running southerly along the shore to a point defined by Lat. 38°37.453' N, Long. 76°17.045' W; then running 120° True to a point on the shore, defined by Lat. 38°37.426' N, Long. 76°16.984' W; then running southerly and westerly along the shore of Trippe Bay and Brannock Bay to Hills Point defined by Lat. 38°34.358' N, Long. 76°18.292' W; then running 206° True to a point on shore at the north end of James Island, defined by Lat. 38°31.387' N, Long. 76°20.14' W; then running 345° True to Sharps Island Lighthouse, defined by Lat. 38°38.345' N, Long. 76°22.541' W; then running 42° True to a point on shore at Blackwalnut Point defined by Lat. 38°40.239' N, Long. 76°20.373' W; then running northeasterly along the shore of Tilghman Island to a point defined by Lat. 38°41.366' N, Long. 76°19.333' W; then running 107° True to the point of beginning, excluding the area defined as Cook Point Sanctuary in Regulation .15A of this chapter;

(4) All the waters of Somerset County, except Pocomoke Sound, including the Wicomico, Manokin, and Big Annemessex rivers, which are defined as follows:

(a) Wicomico River: easterly of a straight line drawn from the former dwelling of Thomas Tigner near Hains Point to the most southwestly point of Clay Island. Manokin River: landward or upstream of a straight line joining South Point on Little Deals Island to Hazard Point on the mainland; and

(b) Big Annemessex River: easterly of a straight line from Tenth Point to Porpoise Point; and for the purpose of this section, Tenth Point shall be considered to be the easterly point of the marsh at the entrance of Thru Creek shown on published Chart No. 7 of the Oyster Survey of 1906 to 1912, at a position of latitude 38 degrees, 2 minutes, 19.20 seconds and longitude 75 degrees 51 minutes 39.47 seconds; and Porpoise Point shall be considered to be the most westerly point of the marsh of Pat Island and that part of Tangier Sound, south of a line drawn in an easterly course from Terrapin Sands Point on the west side of Tangier Sound to the channel and then following the channel in a southerly direction to the Virginia Line; and

(5) Talbot County. The waters bayward of a line beginning at Kent Point and following the territorial county line in an easterly direction to where it intercepts the Queen Anne's County-Talbot County line; then following the county line northeasterly to the point where a straight line drawn from Long Point to the Wades Point bell buoy intersects the county line; from there in a southeasterly direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and then direct to Wades Point; then following the shoreline to Lowes Point; and then direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct to North Point on Poplar Island.

B. Prohibition. A person may not use a power dredge in the areas listed in §A of this regulation.

.09 Areas Reserved for Hand TONGING, EXCEPTIONS.

[Oysters] Except in areas established as oyster sanctuaries in Regulation .15A of this chapter, oysters may be taken only by hand tongs in the following areas, except that scooping, dredging, or scraping by hand may be permitted by the Department in certain

areas reserved for hand tonging when watermen are denied access to oyster taking because of icing conditions.

A. — Y. (text unchanged)

.12 Power Dredging Areas and Permits.

A. Power Dredge Zone.

(1) Except for the areas [established as oyster sanctuaries in §B of this regulation] reserved for hand tonging in Regulation .09 of this chapter, the areas described in this section are designated as power dredge zones in which an individual may catch oysters by power dredge.

(2) Calvert County. [The power dredge zone consists of the waters of the State that lie contiguous to Calvert County beginning at the intersection of the Chesapeake Bay shoreline and the Anne Arundel and Calvert County line south of Holland Point defined by Lat. 038°42'44.0" N., Long. 076°31'45.0" W., then running southerly along the Chesapeake Bay shoreline, across the mouth of Fishing Creek, Parker Creek, Calvert Beach Run, and the mouths of all other creeks and coves less than 300 feet in width to a point at or near the shore at Drum Point, defined by Lat. 038°19'9.0" N., Long. 076°25'16.0" W., then running approximately 120° True to a point at or near the intersection of the Calvert County and St. Mary's County line and the contiguous waters on a line running from Drum Point to Hog Point, defined by Lat. 038°18'53.0" N., Long. 076°24'41.0" W., then running approximately 61° True to a point at or near the Calvert County and St. Mary's County line, defined by Lat. 038°19'36.0" N., Long. 076°23'20" W., then running approximately 67° True to a point at or near the Calvert County and St. Mary's County line, defined by Lat. 038°19'37.0" N., Long. 076°22'59.0" W., then running approximately 90° True to a point at or near the Calvert County and St. Mary's County line, defined by Lat. 038°19'37.0" N., Long. 076°22'53.0" W., then running approximately 90° True to a point at or near the junction of the Calvert, St. Mary's, and Dorchester County lines, defined by Lat. 038°19'38.0" N., Long. 076°19'18.0" W., then running approximately 352° True to a point at or near the Calvert County and Dorchester County line, defined by Lat. 038°23'11.0" N., Long. 076°19'58.0" W., then running approximately 328° True to a point at or near the Calvert County and Dorchester County line, defined by Lat. 038°30'0.0" N., Long. 076°25'29.0" W., then running approximately 352° True to a point at or near the Calvert County and Talbot County lines, defined by Lat. 038°42'34.0" N., Long. 076°27'39.0" W., then running approximately 272° True to a point at or near the Calvert County and Anne Arundel County line, defined by Lat. 038°42'42.0" N., Long. 076°31'44.0" W., then running approximately 339° True to the point of beginning at or near the intersection of the Chesapeake Bay shoreline and the Calvert County and Anne Arundel County line, defined by Lat. 038°42'44.0" N., Long. 076°31'45.0" W.] All of the waters of the State that lie contiguous to Calvert County enclosed by a line beginning at a point at the intersection of the Calvert-Saint Mary's county line and the contiguous waters line running from Hog Point to Drum Point defined by Lat. 38°18.883' N, Long. 76°24.683' W; then running 300° True to a point at Drum Point defined by Lat. 38°19.150' N, Long. 76°25.267' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet wide at the mouth, to a point on the shore at Cove Point defined by Lat. 38°23.174' N, Long. 76°22.906' W; then running 329° True to a point defined by Lat. 38°25.237' N, Long. 76°24.499' W; then running 321° True to a point defined by Lat. 38°27.127' N, Long. 76°26.455' W; then running 241° True to a point at the shore, defined by Lat. 38°26.769' N, Long. 76°27.277' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet wide at the mouth, to a point defined by Lat. 38°33.482' N, Long. 76°30.924' W; then running 79° True to a point defined by Lat. 38°33.683' N, Long. 76°29.550' W; then running 346° True to a point defined by Lat. 38°34.867' N, Long. 76°29.915' W; then

running 50° True to a point defined by Lat. 38°35.933' N, Long. 76°28.283' W; then running 351° True to a point defined by Lat. 38°37.450' N, Long. 76°28.582' W; then running 323° True to a point defined by Lat. 38°39.250' N, Long. 76°30.286' W; then running 256° True to a point at the shore, defined by Lat. 38°38.995' N, Long. 76°31.552' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet wide at the mouth, to a point at the shore south of Chesapeake Beach, defined by Lat. 38°41.278' N, Long. 76°31.974' W; then running 92° True to a point defined by Lat. 38°41.237' N, Long. 76°30.213' W; then running 14° True to a point defined by Lat. 38°42.635' N, Long. 76°29.769' W; then running 92° True to a point at the junction of the Calvert-Anne Arundel-Talbot county line defined by Lat. 38°42.567' N, Long. 76°27.650' W; then running 172° True to a point on the Calvert-Dorchester county line, defined by Lat. 38°30.000' N, Long. 76°25.483' W; then running 147° True to a point on the Calvert-Dorchester county line, defined by Lat. 38°23.183' N, Long. 76°19.967' W; then running 172° True to a point on the Calvert-Dorchester-Saint Mary's county line, defined by Lat. 38°19.633' N, Long. 76°19.299' W; then running 270° True to a point on the Calvert-Saint Mary's county line, defined by Lat. 38°19.617' N, Long. 76°22.883' W; then running 270° True to a point on the Calvert-Saint Mary's county line, defined by Lat. 38°19.617' N, Long. 76°22.983' W; then running 247° True to a point on the Calvert-Saint Mary's county line, defined by Lat. 38°19.600' N, Long. 76°23.033' W; then running 241° True to the point of beginning.

(3) Dorchester and Wicomico Counties.

(a) Dorchester County. [Defined by Lat. 038°30'10.1" N., Long. 076°20'18.1" W., then running approximately 268° True to a point at or near the Dorchester County and Calvert County line, defined by Lat. 038°30'1.9" N., Long. 076°25'29.3" W., then running approximately 173° True to a point at or near the Dorchester County and Calvert County line, defined by Lat. 038°03'41.4" N., Long. 076°04'42.5" W., then running approximately 21° True to a point at or near Pry Island defined by Lat. 038°05'40.5" N., Long. 076°03'42.0" W., then running approximately 312° True to a point at or near the south end of Holland Island, defined by Lat. 038°06'54.2" N., Long. 076°05'24.5" W., then running approximately 359° True to a point at or near the north end of Holland Island, defined by Lat. 038°07'21.1" N., Long. 076°05'25.1" W., then running approximately 358° True to a point at or near the north end of Adams Island defined by Lat. 038°09'5.0" N., Long. 076°05'28.9" W., then running approximately 4° True to a point at or near Bloodworth Point, defined by Lat. 038°10'21.4" N., Long. 076°05'22.9" W., then running approximately 5° True to a point at or near Okahanikan Point, defined by Lat. 038°11'32.2" N., Long. 076°05'15.5" W., then running approximately 300° True to a point at or near the Navy tower NW of Okahanikan Point, defined by Lat. 038°11'41.0" N., Long. 076°05'35.2" W., then running approximately 343° True to a point at or near the United States Coast Guard-maintained Hooper Straits Buoy 2, defined by Lat. 038°13'13.8" N., Long. 076°06'10.2" W., then running approximately 332° True to a point at or near the United States Coast Guard-maintained Honga River Light 1, defined by Lat. 038°13'55.5" N., Long. 076°06'38.0" W., then running approximately 300° True to a point at or near the easternmost point of Lower Hoopers Island, defined by Lat. 038°14'20.3" N., Long. 076°07'33.0" W., then running Westerly along the shore of Lower Hoopers Island to a point at or near Fishing Point, defined by Lat. 038°14'3.9" N., Long. 076°09'3.9" W., then running approximately 306° True to a point at or near Cow Point, defined by Lat. 038°14'33.1" N., Long. 076°09'55.2" W., then running approximately 312° True to a point at or near Richland Point, defined

by Lat. 038°14'50.7" N., Long. 076°10'19.8" W., then running northwesterly along the Chesapeake Bay shoreline of Middle Hoopers Island to a point at or near the south end of the Narrows Ferry Bridge, defined by Lat. 038°17'45.2" N., Long. 076°12'17.6" W., then running approximately 330° True to a point at or near the north end of the Narrows Ferry Bridge, defined by Lat. 038°17'58.0" N., Long. 076°12'26.8" W., then running northwesterly along the Chesapeake Bay shoreline of Upper Hoopers Island to a point at or near Pons Point, defined by Lat. 038°18'25.1" N., Long. 076°13'25.8" W., then running approximately 304° True to a point at or near the south end of South Barren Island, defined by Lat. 038°19'27.8" N., Long. 076°15'25.4" W., then running northerly along the Chesapeake Bay shoreline of South Barren Island to a point at or near the north end of South Barren Island, defined by Lat. 038°20'0.1" N., Long. 076°15'25.5" W., then running approximately 234° True to a point at or near the south end of North Barren Island, defined by Lat. 038°19'57.8" N., Long. 076°15'29.4" W., then running northerly along the Chesapeake Bay shoreline of North Barren Island to a point at or near the north end of North Barren Island, defined by Lat. 038°20'37.4" N., Long. 076°15'46.1" W., then running approximately 345° True to a point at or near the north side of Barren Island Gap, defined by Lat. 038°22'11.8" N., Long. 076°16'18.4" W., then running northerly along the Chesapeake Bay shoreline of Meekins Neck to a point at or near the south side of the entrance to Punch Island and St. John's Creeks, defined by Lat. 038°25'9.5" N., Long. 076°17'10.3" W., then running approximately 341° True to a point at or near the north side of the entrance to Punch Island and St. John's Creeks, defined by Lat. 038°25'21.3" N., Long. 076°17'15.4" W., then running northerly along the Chesapeake Bay shoreline of Taylors Island to a point at or near the southwesterly entrance of Oyster Cove, defined by Lat. 038°29'12.9" N., and Long. 076°20'1.3" W., then running approximately 347° True to a point at or near the south end of Lower James Island 038°30'0.0" N., Long. 076°25'29.0" W., then running approximately 147° True to a point at or near the Dorchester County and Calvert County line, defined by Lat. 038°23'11.0" N., Long. 076°19'58.0" W., then running approximately 171° True to a point at or near the Dorchester County and St. Mary's County line, defined by Lat. 038°17'58.0" N., Long. 076°18'58.0" W., then running approximately 158° True to a point at or near the Dorchester County and St. Mary's County line, defined by Lat. 038°04'35.0" N., Long. 076°11'59.0" W., then running approximately 189° True to a point at or near the Dorchester, St. Mary's, and Somerset County lines, defined by Lat. 038°03'30.0" N., Long. 076°12'12.0" W., then running approximately 88° True to the point of beginning at or near the corner of the Somerset County and Dorchester County lines, defined by Lat. 038°03'41.4" N., Long. 076°04'42.5" W.] *All of the waters of the State that lie contiguous to Dorchester County enclosed by a line beginning at a point on the Dorchester-Somerset County line southwest of Holland Straits, defined by Lat. 38°3.666' N, Long. 76°5.635' W; then running 351° True to a point defined by Lat. 38°9.181' N, Long. 76°6.720' W; then running 261° True to a point on the Dorchester-Saint Mary's county line, defined by Lat. 38°8.325' N, Long. 76°13.931' W; then running 338° True to a point on the Dorchester-Saint Mary's county line, defined by Lat. 38°17.967' N, Long. 76°18.967' W; then running 351° True to a point on the Dorchester-Calvert county line, defined by Lat. 38°23.183' N, Long. 76°19.967' W; then running 328° True to a point on the Dorchester-Calvert county line, defined by Lat. 38°30.000' N, Long. 76°25.483' W; then running 353° True to a point on the Dorchester-Calvert county line, defined by Lat. 38°30.032' N, Long. 76°25.488' W; then running 88° True to a point at the south end of James' Island, defined by Lat. 38°30.177' N, Long. 76°20.302' W; then running 167° True to a point at the entrance of Oyster Creek, defined by Lat. 38°29.215' N, Long. 76°20.022' W; then running southerly along the shore to a point at the north entrance of Punch Island Creek, defined by Lat. 38°25.355'*

N, Long. 76°17.257' W; then running 161° True to a point at the south entrance of Punch Island Creek, defined by Lat. 38°25.159' N, Long. 76°17.171' W; then running southerly along the shore to a point at the south end of Meekins Neck, defined by Lat. 38°22.039' N, Long. 76°15.771' W; then running 181° True to a point at the north end of N Barren Island, defined by Lat. 38°20.634' N, Long. 76°15.792' W; then running southerly along the shore True to a point at the south end of N Barren Island, defined by Lat. 38°20.014' N, Long. 76°15.643' W; then running 94° True to a point at the north end of S. Barren Island, defined by Lat. 38°20.001' N, Long. 76°15.425' W; then running southerly along the shore to a point at the south end of S. Barren Island, defined by Lat. 38°19.478' N, Long. 76°15.399' W; then running 124° True to a point on the shore at Pons Point defined by Lat. 38°18.425' N, Long. 76°13.394' W; then running southeasterly along the shore to a point at the north end of Narrows Ferry Bridge, defined by Lat. 38°17.917' N, Long. 76°12.389' W; then running 155° True to a point at the south end of Narrows Ferry Bridge, defined by Lat. 38°17.676' N, Long. 76°12.250' W; then running southerly along the shore to a point on the shore at Richland Point defined by Lat. 38°14.845' N, Long. 76°10.330' W; then running 132° True to a point on the shore at Cow Point defined by Lat. 38°14.553' N, Long. 76°9.922' W; then running 126° True to a point on the shore at Fishing Point defined by Lat. 38°14.065' N, Long. 76°9.065' W; then running easterly along the shore to a point at the easterly tip of Lower Hoopers Island, defined by Lat. 38°14.339' N, Long. 76°7.550' W; then running 120° True to a point defined by Lat. 38°13.925' N, Long. 76°6.634' W; then running 152° True to a point defined by Lat. 38°13.230' N, Long. 76°6.170' W; then running 163° True to a point near a Navy maintained tower, defined by Lat. 38°11.683' N, Long. 76°5.587' W; then running 120° True to a point on the shore at Okahanikan Point defined by Lat. 38°11.536' N, Long. 76°5.258' W; then running 184° True to a point on the shore at the north end of Adams Island, defined by Lat. 38°9.084' N, Long. 76°5.482' W; then running 178° True to a point on the shore at the north end of Holland Island, defined by Lat. 38°7.351' N, Long. 76°5.419' W; then running 179° True to a point on the shore at the south end of Holland Island, defined by Lat. 38°6.903' N, Long. 76°5.409' W; then running 132° True to a point at the intersection of the contiguous waters line across Holland and Kedges Straits and the Dorchester-Somerset County line, defined by Lat. 38°5.705' N, Long. 76°3.740' W; then running 201° True to a point on the Dorchester-Somerset County line, defined by Lat. 38°3.690' N, Long. 76°4.708' W; then running 268° True to the point of beginning.

(b) — (c) (text unchanged)

(4) St. Mary's County and St. Marys River.

(a) St. Mary's County. [The power dredge zone consists of the waters of the State that lie contiguous to St. Mary's County beginning at a point at or near the shore of Chesapeake Bay at Point Lookout, defined by Lat. 038°02'15.0" N., and Long. 076°19'20.0" W., then running northerly along the Chesapeake Bay shoreline of St. Mary's County, excluding all creeks and coves less than 300 feet in width, to a point at or near Cedar Point, defined by Lat. 038°17'56.0" N., Long. 076°22'23.0" W., then running approximately 74° True to a point at or near the United States Coast Guard-maintained Buoy "1 PR", defined by Lat. 038°18'13.0" N., Long. 076°21'10.0" W., then running approximately 77° True to a point at or near the St. Mary's County and Dorchester County line, defined by Lat. 038°18'36.0" N., Long. 076°19'6.0" W., then running approximately 171° True to a point at or near the St. Mary's County and Dorchester County line, defined by Lat. 038°17'58.0" N., Long. 076°18'58.0" W., then running approximately 158° True to a point at or near the St. Mary's County and Dorchester County line, defined by Lat. 038°04'35.0" N., Long. 076°11'59.0" W., then running approximately 189° True to a point at or near the intersection of the St. Mary's, Dorchester, and Somerset county lines, defined by Lat. 038°03'30.0" N., Long.

076°12'12.0" W., then running approximately 189° True to a point at or near the easterly end of the easterly jetty at the entrance of the Little Wicomico River at Smith Point, defined by Lat. 37°53'24.0" N., Long. 076°14'10.0" W., then running approximately 247° True to a point at or near the intersection of the mean low water shoreline and the north side of the north jetty at the entrance of the Little Wicomico River at Smith Point, defined by Lat. 37°53'23.0" N., Long. 076°14'13.0" W., then running approximately 335° True to the point of beginning at or near the shore of Chesapeake Bay at Point Lookout, defined by Lat. 038°02'15.0" N., Long. 076°19'20.0" W.] *All of the waters of the State that lie contiguous to Saint Mary's County enclosed by a line beginning at a point on the shore at the north side of the north jetty at Smith Point defined by Lat. 37°53.383' N, Long. 76°14.217' W; then running 335° True to a point on the shore at Point Lookout, defined by Lat. 38°2.250' N, Long. 76°19.332' W; then running 107° True to a point defined by Lat. 38°2.172' N, Long. 76°19.016' W; then running 90° True to a point defined by Lat. 38°2.169' N, Long. 76°18.358' W; then running 22° True to a point defined by Lat. 38°3.009' N, Long. 76°17.932' W; then running 271° True to a point on the shore, defined by Lat. 38°3.020' N, Long. 76°19.268' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet in width to a point on the shore south of Cedar Point defined by Lat. 38°15.005' N, Long. 76°23.805' W; then running 90° True to a point defined by Lat. 38°15.007' N, Long. 76°22.456' W; then running 44° True to a point defined by Lat. 38°15.723' N, Long. 76°21.578' W; then running 353° True to a point defined by Lat. 38°17.936' N, Long. 76°21.913' W; then running 269° True to a point on the shore at Cedar Point defined by Lat. 38°17.932' N, Long. 76°22.384' W; then running 76° True to a point at the intersection of the Saint Mary's-Calvert-Dorchester county line, defined by Lat. 38°18.602' N, Long. 76°19.088' W; then running 171° True to a point Saint Mary's-Dorchester county line, defined by Lat. 38°17.967' N, Long. 76°18.967' W; then running 158° True to a point Saint Mary's-Dorchester county line, defined by Lat. 38°4.583' N, Long. 76°11.983' W; then running 189° True to a point Saint Mary's-Somerset county line at the south jetty at Smith Point defined by Lat. 37°53.400' N, Long. 76°14.167' W; then running 247° True to the point of beginning.*

(b) St. Mary's River. [The power dredge zone consists of the waters of the State that lie within St. Mary's County beginning at a point at or near the shoreline at the east end of the Potomac River Fisheries Commission line at St. Inigoes Neck near Marker M2A, defined by Lat. 38°06'21.6" N. and Long. 76°25'17.7" W.; then running approximately 272° True along the Potomac River Fisheries Commission Jurisdictional line to a point at or near the shore of St. George Island at the west end of the Potomac River Fisheries Commission line near Marker M2B, defined by Lat. 38°06'25.6" N. and Long. 76°27'54.2" W.; then running northwesterly along the shore of St. George Island to a point at or near Ball Point on St. George Island, defined by Lat. 38°07'17.2" N. and Long. 76°28'19.0" W.; then running approximately 24° True to a point at or near the shore on the west side of Cherryfield Point, defined by Lat. 38°07'45.1" N. and Long. 76°28'3.6" W.; then running northeasterly along the shore to a point at or near corner 2 of Natural Oyster Bar 27-16, defined by Lat. 38°07'41.1" N. and Long. 76°27'49.9" W.; then running approximately 39° True to a point at or near corner 3 of Natural Oyster Bar 27-16, defined by Lat. 38°07'58.2" N. and Long. 76°27'32.1" W.; then running approximately 353° True to a point at or near corner 4 of Natural Oyster Bar 27-16, defined by Lat. 38°08'22.3" N. and Long. 76°27'35.6" W.; then running approximately 280° True to a point at or near the shore at the south end of an existing Maryland Department of the Environment Conditional line at Edmund Point, defined by Lat. 38°08'22.9" N. and Long. 76°27'40.1" W.; then running northwesterly along the shore to a point at or near corner 7 of Natural Oyster Bar 27-16,

defined by Lat. 38°08'56.0" N. and Long. 76°28'5.1" W.; then running approximately 336° True to a point at or near the north end of an existing Maryland Department of the Environment restricted area line at Josh Point, defined by Lat. 38°09'10.7" N. and Long. 76°28'13.6" W.; then running northerly along the west shore of the St. Marys River to its headwaters and then southerly along the east shore of the St. Marys River to a point at or near the shore at the south tip of Rosecroft Point, defined by Lat. 38°09'34.9" N. and Long. 76°26'15.3" W.; then running approximately 141° True to a point at or near the south shore of St. Inigoes Creek, defined by Lat. 38°09'18.7" N. and Long. 76°25'58.9" W.; then running southerly along the east shore of the St. Marys River to the point of beginning at or near the shoreline at the east end of the Potomac River Fisheries Commission line at St. Inigoes Neck near Marker M2A, defined by Lat. 38°06'21.6" N. and Long. 76°25'17.7" W.] *All of the waters of the State that lie in Saint Mary's County, enclosed by a line beginning at a point Jurisdictional Marker PRM2A, defined by Lat. 38°6.360' N, Long. 76°25.301' W; then running 272° True to a point Jurisdictional Marker PRM2B, defined by Lat. 38°6.426' N, Long. 76°27.899' W; then running 272° True to a point on the shore at St. George's Island, defined by Lat. 38°6.427' N, Long. 76°27.937' W; then running northeasterly along the shore to a point at the northeast end of a jetty, defined by Lat. 38°6.637' N, Long. 76°27.750' W; then running 269° True to a point on the shore of St. George's Island, defined by Lat. 38°6.635' N, Long. 76°27.966' W; then running northwesterly along the shore to a point on the shore at Ball Point defined by Lat. 38°7.252' N, Long. 76°28.377' W; then running 30° True to a point on the shore at Cherryfield Point defined by Lat. 38°7.742' N, Long. 76°28.022' W; then running 111° True to a point at Natural Oyster Bar corner 27-16-2, defined by Lat. 38°7.685' N, Long. 76°27.832' W; then running 39° True to a point defined by Lat. 38°7.971' N, Long. 76°27.534' W; then running 353° True to a point at Natural Oyster Bar corner 27-16-4, defined by Lat. 38°8.371' N, Long. 76°27.594' W; then running westerly along the shore to a point on the shore at the south end of the MDE conditional line at Edmund Point defined by Lat. 38°8.370' N, Long. 76°27.677' W; then running 330° True to a point defined by Lat. 38°8.934' N, Long. 76°28.084' W; then running 335° True to a point at the north end of the MDE restricted line at Josh Point defined by Lat. 38°9.178' N, Long. 76°28.227' W; then running northeasterly along the shore to a point on the shore south of Pagan Point defined by Lat. 38°11.279' N, Long. 76°26.639' W; then running 89° True to a point on the shore at Church Point defined by Lat. 38°11.286' N, Long. 76°26.263' W; then running southerly along the shore to a point on the shore at Rosecroft Point defined by Lat. 38°9.582' N, Long. 76°26.256' W; then running 141° True to a point on the south side of Saint Inigoes Creek, defined by Lat. 38°9.312' N, Long. 76°25.981' W; then running southerly along the shore to a point on the shore at Kitts Point defined by Lat. 38°6.365' N, Long. 76°25.280' W; then running 252° True to the point of beginning.*

(5) Somerset County.

(a) (text unchanged)

(b) Contiguous Waters. [The power dredge zone consists of the waters of the State that lie contiguous to Somerset County beginning at a point at or near the shore of Smith Island at Fog Point, defined by Lat. 038°02'2.4" N., Long. 076°02'29.7" W., then running southerly along the Chesapeake Bay shoreline of Smith Island, running across the mouth of all creeks and coves less than 300 feet in width to a point at or near Channel Point, defined by Lat. 038°00'33.9" N., Long. 076°02'57.3" W., then running approximately 183° True to a point at or near Goose Point, defined by Lat. 37°59'27.0" N., Long. 076°03'2.4" W., then running southerly along the Chesapeake Bay shoreline of Smith Island, running across the mouth of all creeks and coves less than 300 feet in width to a point at or near the intersection of the Maryland-Virginia line and the Chesapeake Bay shoreline of Smith Island, defined by

Lat. 37°57'12.7" N., Long. 076°02'49.1" W., then running approximately 270° True to a point at or near Sassafras Hammock, defined by Lat. 37°57'12.8" N., Long. 076°03'7.2" W., then running approximately 245° True to a point at or near Maryland-Virginia Boundary Point 1 1929, defined by Lat. 37°53'11.5" N., Long. 076°14'11.8" W., then running approximately 7° True to a point at or near the east end of the north jetty at Smith Point, defined by Lat. 37°53'24.0" N., Long. 076°14'10.0" W., then running approximately 9° True to a point at or near the intersection of the Somerset, Dorchester, and Saint Mary's county lines, defined by Lat. 038°03'30.0" N., Long. 076°12'12.0" W., then running approximately 88° True to a point at or near the corner of the Somerset and Dorchester county lines, defined by Lat. 038°03'41.4" N., Long. 076°04'42.5" W., then running approximately 21° True to a point at or near the intersection of the Somerset-Dorchester county line and the line demarcating the waters contiguous to Somerset County depicted on Chart 32 of the Oyster Survey of 1906—1912 and amendments, defined by Lat. 038°04'46.8" N., Long. 076°04'10.8" W., then running approximately 154° True to the point of beginning at or near the shore of Smith Island at Fog Point, defined by Lat. 038°02'2.4" N., Long. 076°02'29.7" W.] *All of the waters of the State that lie contiguous to Somerset County, enclosed by a line beginning at a point at Maryland-Virginia Boundary defined by Lat. 37°53.193' N, Long. 76°14.198' W; then running 7° True to a point on the shore on the north side of the north jetty at Smith Point defined by Lat. 37°53.401' N, Long. 76°14.166' W; then running 9° True to a point on the Somerset-Dorchester-Saint Mary's county line, defined by Lat. 38°3.498' N, Long. 76°12.198' W; then running 88° True to a point on the Somerset-Dorchester county line, defined by Lat. 38°3.517' N, Long. 76°11.532' W; then running 162° True to a point defined by Lat. 37°59.798' N, Long. 76°9.965' W; then running 103° True to a point defined by Lat. 37°58.800' N, Long. 76°4.680' W; then running 351° True to a point on the Somerset-Dorchester county line, defined by Lat. 38°3.667' N, Long. 76°5.636' W; then running 88° True to a point on the Somerset-Dorchester County line, defined by Lat. 38°3.690' N, Long. 76°4.707' W; then running 21° True to a point on the intersection of the Somerset-Dorchester county line and the contiguous waters line, defined by Lat. 38°4.781' N, Long. 76°4.181' W; then running 154° True to a point on the shore at Fog Point defined by Lat. 38°2.040' N, Long. 76°2.495' W; then running southerly along the shore to a point on the shore at Channel Point defined by Lat. 38°0.567' N, Long. 76°2.956' W; then running 183° True to a point on the shore at Goose Point defined by Lat. 37°59.454' N, Long. 76°3.039' W; then running southerly along the shore to a point on the shore, at its intersection with the Maryland-Virginia line, defined by Lat. 37°57.212' N, Long. 76°2.819' W; then running 270° True to a point defined by Lat. 37°57.213' N, Long. 76°3.119' W; then running 245° True to the point of beginning.*

(c) — (d) (text unchanged)

(e) Manokin River. [The power dredge zone consists of the waters of the State that lie within Somerset County beginning at a point at or near the United States Coast Guard-maintained Buoy RG at the entrance of the Manokin River, defined by Lat. 038°02'14.6" N., Long. 075°55'26.3" W., then running approximately 1° True to a point at or near the former location of Piney Island, defined by Lat. 038°06'31.0" N., Long. 075°55'23.0" W., then running approximately 60° True to a point at or near East Point, defined by Lat. 038°08'5.7" N., Long. 075°51'57.3" W., then running approximately 92° True to a point at or near Cormal Point defined by Lat. 38°08'01.9" N., Long. 75°49'39.3" W., then running southerly along the shore of St. Pierre Marsh to a point at or near the northeast entrance of Teague Creek, defined by Lat. 038°07'4.9" N., Long. 075°50'16.8" W., then running approximately 214° True to a point at or near the southeasterly entrance of Teague Creek, defined by Lat. 038°06'46.6" N., Long. 075°50'32.5" W., then running

southwesterly along the shore of the Manokin River to a point at or near the northeast entrance of Drum Point Cove, defined by Lat. 038°06'25.7" N., Long. 075°51'8.5" W., then running approximately 232° True to a point at or near Drum Point, defined by Lat. 038°05'56.3" N., Long. 075°51'56.3" W., then running approximately 210° True to a point at or near Prickly Point, defined by Lat. 038°05'22.6" N., Long. 075°52'20.8" W., then running approximately 200° True to a point at or near Hazard Point, defined by Lat. 038°04'32.1" N., Long. 075°52'44.2" W., then running approximately 167° True to a point at or near Porpoise Point, defined by Lat. 038°03'36.9" N., Long. 075°52'28.1" W., then running easterly along the shore of Pat Island to a point at or near Shark Point, defined by Lat. 038°03'31.0" N., Long. 075°52'6.9" W., then continuing easterly along the shoreline to a point at or near Scott Point, defined by Lat. 038°03'32.6" N., Long. 075°48'47.6" W., then running approximately 134° True to a point at or near Long Point, defined by Lat. 038°03'11.0" N., Long. 075°48'19.6" W., then running approximately 252° True to a point at or near Wear Point, defined by Lat. 038°02'48.1" N., Long. 075°49'49.1" W., then running approximately 250° True to a point at or near Tenth Point at the north end of Janes Island, defined by Lat. 038°02'18.3" N., Long. 075°51'34.6" W., then running westerly along the north shore of Janes Island to a point at or near Flatcap Point, defined by Lat. 38°02'09.0" N., Long. 75°52'16.1" W., then running approximately 272° True to the point of beginning at or near the United States Coast Guard-maintained Buoy RG at the entrance of the Manokin River, defined by Lat. 038°02'14.6" N., Long. 075°55'26.3" W.] *All of the waters of the State that lie within Somerset County enclosed by a line beginning at a point in the mouth of the Manokin River, defined by Lat. 38°2.243' N, Long. 75°55.438' W; then running 1° True to a point defined by Lat. 38°6.094' N, Long. 75°55.389' W; then running 126° True to a point on the shore at Hazard Point defined by Lat. 38°4.571' N, Long. 75°52.694' W; then running southeasterly along the shore to a point on the shore at Porpoise Point defined by Lat. 38°3.648' N, Long. 75°52.422' W; then running easterly along the shore to a point on the shore at Scott's Point defined by Lat. 38°3.544' N, Long. 75°48.794' W; then running 134° True to a point on the shore at Long Point defined by Lat. 38°3.184' N, Long. 75°48.326' W; then running 252° True to a point defined by Lat. 38°2.802' N, Long. 75°49.819' W; then running 251° True to a point on the shore at Tenth Point defined by Lat. 38°2.303' N, Long. 75°51.610' W; then running southwesterly along the shore to a point on the shore at Flatcap Point defined by Lat. 38°2.147' N, Long. 75°52.160' W; then running 272° True to a point defined by Lat. 38°2.217' N, Long. 75°54.349' W; then running 44° True to a point defined by Lat. 38°2.500' N, Long. 75°54.000' W; then running 316° True to a point defined by Lat. 38°2.717' N, Long. 75°54.267' W; then running 224° True to a point defined by Lat. 38°2.433' N, Long. 75°54.615' W; then running 136° True to a point defined by Lat. 38°2.217' N, Long. 75°54.349' W; then running 272° True to the point of beginning.*

(f) (text unchanged)

(6) Talbot County. [The power dredge zone consists of the waters of the State that lie within Talbot County beginning at a point at or near the shore at Chlora Point, at the east end of the existing County Dredge Line, defined by Lat. 38°38'13.5" N. and Long. 76°08'49.1" W.; then running along the County Dredge Line approximately 302° True to a point at or near Choptank River Lighthouse, defined by Lat. 38°39'20.6" N. and Long. 76°11'4.1" W.; then running along the County Dredge Line approximately 287° True to a point at or near the shore of Upper Bar Neck Point, defined by Lat. 38°41'21.8" N. and Long. 76°19'19.2" W.; then running northerly along the shore of Tilghman Island to a point at or near the south end of an existing delineated submerged aquatic vegetation area, defined by Lat. 38°41'27.4" N. and Long. 76°19'21.8" W.; then running approximately 324° True to a point at or near the north

end of an existing delineated submerged aquatic vegetation area, defined by Lat. 38°42'3.7" N. and Long. 76°19'55.6" W.; then running northerly along the shore to a point at or near the south end of an existing Maryland Department of the Environment restricted line across Dogwood Harbor, defined by Lat. 38°42'34.4" N. and Long. 76°19'57.9" W.; then running approximately 341° True to a point at or near the north end of an existing Maryland Department of the Environment restricted line across Dogwood Harbor, defined by Lat. 38°42'42.3" N. and Long. 76°20'1.3" W.; then running northeasterly along the shore to a point at or near corner 8 of Natural Oyster Bar 11-4, defined by Lat. 38°42'55.5" N. and Long. 76°19'42.6" W.; then running approximately 49° True to a point at or near corner 9 of Natural Oyster Bar 11-4, defined by Lat. 38°43'2.1" N. and Long. 76°19'32.7" W.; then running northerly along the shore to a point at or near the shore southwest of Bald Eagle Point, defined by Lat. 38°43'45.3" N. and Long. 76°19'10.0" W.; then running approximately 99° True to a point at or near corner 6 of Natural Oyster Bar 11-5, defined by Lat. 38°43'36.3" N. and Long. 76°17'58.2" W.; then running approximately 194° True to a point at or near corner 11 of Natural Oyster Bar 11-4, defined by Lat. 38°42'40.0" N. and Long. 76°18'15.8" W.; then running approximately 86° True to a point at or near the shore northwest of Nelson Point, defined by Lat. 38°42'46.0" N. and Long. 76°16'31.6" W.; then running southeasterly along the shore to a point at or near the end of Nelson Point, defined by Lat. 38°42'31.7" N. and Long. 76°16'15.9" W.; then running approximately 60° True to a point at or near corner 17 of Natural Oyster Bar 11-8, defined by Lat. 38°43'27.1" N. and Long. 76°14'14.8" W.; then running southerly along the shore to a point at or near corner 9 of Natural Oyster Bar 11-7, defined by Lat. 38°41'52.7" N. and Long. 76°13'36.7" W.; then running approximately 186° True to a point, defined by Lat. 38°41'50.3" N. and Long. 76°13'37.0" W.; then running approximately 92° True to a point at or near corner 10 of Natural Oyster Bar 11-7, defined by Lat. 38°41'49.5" N. and Long. 76°13'10.7" W.; then running southeasterly along the shore to a point at or near the shore, defined by Lat. 38°40'20.9" N. and Long. 76°12'4.2" W.; then running approximately 155° True to a point at or near the shore, defined by Lat. 38°40'18.9" N. and Long. 76°12'3.0" W.; then running southeasterly along the shore to a point at or near Benoni Point, defined by Lat. 38°40'15.9" N. and Long. 76°11'59.8" W.; then running approximately 98° True to a point at or near the shore on the north side of Boone Creek, defined by Lat. 38°40'4.0" N. and Long. 76°10'6.3" W.; then running approximately 48° True to a point at or near corner 12 of Natural Oyster Bar 11-12, defined by Lat. 38°40'4.4" N. and Long. 76°10'5.7" W.; then running approximately 119° True to a point at or near corner 1 of Natural Oyster Bar 11-12, defined by Lat. 38°40'1.5" N. and Long. 76°09'58.8" W.; then running southeasterly along the shore to a point at or near the west end of the existing Maryland Department of the Environment conditional line across Island Creek, defined by Lat. 38°39'41.7" N. and Long. 76°09'41.6" W.; then running approximately 133° True to a point at or near the east end of the existing Maryland Department of the Environment conditional line across Island Creek, defined by Lat. 38°39'24.6" N. and Long. 76°09'17.9" W.; then running approximately southeasterly along the shore to the point of beginning at or near the shore at Chlora Point, at the east end of the existing County Dredge Line, defined by Lat. 38°38'13.5" N. and Long. 76°08'49.1" W.] *All of the waters of the State that lie in Talbot County, enclosed by a line beginning at a point on the shore at Chlora Point defined by Lat. 38°38.225' N, Long. 76°8.818' W; then running 302° True to a point at Choptank River Lighthouse, defined by Lat. 38°39.344' N, Long. 76°11.069' W; then running 287° True to a point on the shore at Upper Bar Neck Point defined by Lat. 38°41.366' N, Long. 76°19.333' W; then running northwesterly along the shore to a point on the shore, defined by Lat. 38°42.240' N, Long. 76°19.998' W; then running 67°*

True to a point defined by Lat. 38°42.825' N, Long. 76°18.214' W; then running 193° True to a point defined by Lat. 38°42.667' N, Long. 76°18.262' W; then running 86° True to a point on the shore west of Nelson Point defined by Lat. 38°42.767' N, Long. 76°16.527' W; then running southeasterly along the shore to a point on the shore at Nelson Point defined by Lat. 38°42.549' N, Long. 76°16.281' W; then running 61° True to a point on the south side of Bridge Creek, defined by Lat. 38°43.440' N, Long. 76°14.196' W; then running southerly along the shore to a point on the shore at Holland Point defined by Lat. 38°41.879' N, Long. 76°13.611' W; then running 186° True to a point defined by Lat. 38°41.838' N, Long. 76°13.617' W; then running 92° True to a point on the shore at Lucy Point defined by Lat. 38°41.825' N, Long. 76°13.178' W; then running 150° True to a point on the shore of Ferry Neck, defined by Lat. 38°40.354' N, Long. 76°12.083' W; then running 144° True to a point on the shore at Benoni Point defined by Lat. 38°40.247' N, Long. 76°11.982' W; then running 97° True to a point on the shore at the north side of Boone Creek, defined by Lat. 38°40.070' N, Long. 76°10.117' W; then running 115° True to a point on the shore at the south side of Boone Creek, defined by Lat. 38°40.011' N, Long. 76°9.954' W; then running then running southeasterly along the shore to a point on the shore at the north side of Island Creek, defined by Lat. 38°39.696' N, Long. 76°9.694' W; then running 133° True to a point on the shore at the south side of Island Creek, defined by Lat. 38°39.410' N, Long. 76°9.298' W; then running southeasterly along the shore to the point of beginning.

[B. The oyster sanctuaries established within the power dredge zones in Calvert, Dorchester, Somerset, and St. Mary's counties are listed in Regulation .15 of this chapter.]

[C.] B. — [D.] C. (text unchanged)

D. Power Dredge Study Areas. *An individual may catch oysters only by power dredge in the following areas:*

(1) *Kent County Power Dredge Study area. All of the waters of the Chesapeake Bay enclosed by a line beginning at a point defined by Lat. 39°8.458' N, Long. 76°17.454' W; then running 297° True to a point defined by Lat. 39°9.000' N, Long. 76°18.839' W; then running 38° True to a point defined by Lat. 39°9.723' N, Long. 76°18.124' W; then running 131° True to a point defined by Lat. 39°9.121' N, Long. 76°17.221' W; then running 195° True to the point of beginning.*

(2) *Dorchester Power Dredge Study Area. All of the waters of Holland Straits enclosed by a line beginning at a point defined by Lat. 38°7.505' N, Long. 76°4.686' W; then running 354° True to a point defined by Lat. 38°7.765' N, Long. 76°4.718' W; then running 19° True to a point defined by Lat. 38°7.947' N, Long. 76°4.638' W; then running 91° True to a point defined by Lat. 38°7.938' N, Long. 76°4.000' W; then running 180° True to a point defined by Lat. 38°7.504' N, Long. 76°4.000' W; then running 270° True to the point of beginning.*

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 11 REAL ESTATE COMMISSION

09.11.06 Continuing Education

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

Notice of Proposed Action

[10-256-P]

The Real Estate Commission proposes to amend Regulation .01, repeal existing Regulations .02 — .05, and adopt new Regulations .02 — .10 under COMAR 09.11.06 Continuing Education. This action was considered by the Real Estate Commission at its meeting on June 16, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to formalize the current informal practices governing continuing education course and course provider approval by the Real Estate Commission, as well as the guidelines that currently govern the manner in which courses are conducted, the advertising for the courses, the earning of course credit, and the documentation that must be maintained by the course providers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Katherine Connelly, Executive Director, Real Estate Commission, 500 North Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6227, or email to kconnelly@dllr.state.md.us, or fax to 410-333-0023. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Real Estate Commission during a public meeting to be held on Wednesday, October 20, 2010, at 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) “Clock hour” means a minimum of 50 minutes of instruction per 60-minute hour.

[(3)] (4) — [(5)] (6) (text unchanged)

(7) “Course provider” means an entity that is qualified to conduct continuing education courses in accordance with Business Occupations and Professions Article, §17-315(c), Annotated Code of Maryland.

[(6)] (8) — [(7)] (9) (text unchanged)

(10) “Instructor” means an individual engaged by a course provider to teach a continuing education course.

[(8)] “Provider means one of the following entities conducting teaching:

(a) The Maryland Association of Realtors, Inc., or its member boards;

(b) The Real Estate Brokers of Baltimore City, Inc.;

(c) A similar professional association; or

(d) An educational institution approved by the Maryland Higher Education Commission.]

.02 Education Committee.

A. There is an Education Committee consisting of Commission members appointed by the Chairman. The Committee shall include at least two licensee members and one consumer member.

B. A course provider who has been denied approval of a course by Commission staff may request the Committee to review that decision. The request for review shall be filed within 10 business days of receipt of the denial notice.

C. The Committee shall review the request and issue a decision within 20 days.

D. An applicant for approval as a course provider whose application has been turned down or a course provider whose approval to offer courses has been suspended or withdrawn by Commission staff may request an informal conference with the Committee to review that decision. The request for the conference shall be filed within 10 business days of receipt of the denial, suspension, or withdrawal notice. After the conference, the Committee shall either approve the course provider or refer the matter to a hearing panel of the Commission for a hearing in accordance with Business Occupations and Professions Article, §17-326, Annotated Code of Maryland.

E. The hearing panel shall hold a hearing within 60 days of the referral from the Committee, and issue a decision within 30 days after the hearing.

F. An applicant or course provider may waive the right to a hearing and request the hearing panel to review the decision to deny, suspend, or withdraw approval based on documentary evidence.

G. The decision of the hearing panel as to suspension or withdrawal of course provider approval shall be based on the seriousness of the offense charged, the good faith of the provider, and any prior history of violations by the provider.

H. The decisions of the Committee as to course approval and the hearing panel as to approval of a course provider are the final decisions of the Commission.

.03 Course Providers.

A. In order to qualify as an educational institution under Business Occupations and Professions Article, §17-315(c)(1), Annotated Code of Maryland, the institution shall provide the Commission with evidence of its approval by the Maryland Higher Education Commission as a career school eligible to provide the Real Estate Principles and Practices course at the currently mandated hours for prelicensing education.

B. A completed application for approval as a course provider shall be submitted to the Commission at least 30 days prior to the first course offering date.

C. Course providers shall have the following responsibilities:

(1) To provide instructors qualified to teach the subjects offered;

(2) To train all instructors and course monitors in course protocol, including classroom conduct and record keeping;

- (3) To oversee all aspects of course provision;
- (4) To maintain all required records; and
- (5) To respond to all inquiries from the Commission within 10 days.

D. A course provider who has not offered at least one Commission-approved course in a 12-month period shall requalify as a course provider.

E. All payments for courses shall be made directly to the approved course provider.

F. All course completion certificates shall be approved and issued, in the name of the attendee, by the course provider.

G. The course provider shall set and administer course cancellation and fee refund policies in a nondiscriminatory manner.

H. The course provider shall maintain records of course attendees including sign-in sheets, detailed course outlines, instructor information including resumes and other background information, and, if required, final grades for at least 5 years after the expiration date of each course offering.

I. The course provider shall give Commission representatives access to course records on request.

J. The following situations could form the basis on which course provider approval is denied, suspended, or withdrawn:

- (1) Submission of false information in an application for provider or course approval;
- (2) Failure of the course provider to maintain its status as a professional association or educational institution under the laws of Maryland;
- (3) Discipline of a licensed course provider by the Commission;
- (4) Repeated cancellation of scheduled courses by the course provider;
- (5) Failure of the course provider to reimburse prepaid fees to licensees after scheduled courses have been cancelled;
- (6) Issuance of blank certificates of course completion;
- (7) Repeated issuance of inaccurate certificates of course completion with regard to topic, course number, and course title;
- (8) Repeated issuance of certificates of course completion to licensees who were not entitled to them;
- (9) Failure to maintain the records required by the Commission, including rosters of attendees and sign-in sheets;
- (10) Failure to timely respond to inquiries and requests for records from the Commission; and
- (11) Failure of the course provider or any representative of the course provider, including instructors and monitors, to comply with regulations governing continuing education.

.04 Course Approval.

A. The course provider shall submit an application for a class in a particular subject matter at least 30 days prior to the date of the first offering of the course.

B. The Commission may request an outline of the course content as part of the approval process.

C. The Commission shall approve or deny the application within 20 days of the submission of the completed application.

D. The Commission may approve a course for up to 2 years from the approval date.

.05 Course Content.

A. The Commission may approve a continuing education course that meets all of the following six criteria:

- (1) The course is a mandated or elective course designed for:
 - (a) Protecting the general public in their real estate transactions;
 - (b) Enabling the licensee to serve the objectives of the consumer in a real estate transaction; or
 - (c) Enabling the licensee to develop competency and professionalism in a changing marketplace;
- (2) The course covers the topic area cited in the application;

(3) The course is related to the activities for which a licensee has responsibility under the Real Estate Brokers Act;

(4) The course is developed for a knowledge and ability level beyond the professional entry level;

(5) The course has an outline detailing the sequence of topics and the amount of time allotted to each topic; and

(6) The course consists of at least 1.5 clock hours.

B. A course provider may not materially change the content of an approved course without the prior written approval of the Commission.

.06 Advertising.

A. Advertising related only to a specific course shall be solely in the name of the approved course provider.

B. The course provider's name as reflected in the application form, its telephone and electronic contact information, and its office address shall appear in all course advertising.

C. Contact information for individuals or entities other than the approved course provider may not appear in the advertising material for a specific course.

D. Sponsorship credit may not appear in the advertising material for a specific course.

E. Notwithstanding §§A — D of this regulation, a course offered as part of an event such as a conference, convention, trade show, or education day may be advertised in the publication for that event. That publication may contain other information or advertising, including reference to event sponsors.

F. The advertising material for a course shall include the title, topic, name of approved course provider, Commission approval number, number of approved hours, and cost of the course.

G. For programs where the continuing education credits are less than the classroom hours, the course provider shall inform students in advance that the full program must be completed in order to receive the continuing education credits.

H. A course pending approval by the Commission shall be advertised as "subject to Commission approval".

I. Course provider policies on refunds and cancellations shall be available to licensees prior to payment of the course fee.

J. Advertising for all approved classroom courses offered by a course provider shall state that the course is available to all licensees on a first-come/first-served basis.

K. Prior to enrollment, the provider of distance learning courses shall:

(1) Provide to licensees information on course requirements, including minimum system needs for interactive programs, and availability of technical and instructor assistance; and

(2) Notify licensees that the time for completion of a distance learning course could exceed the credit hours received for the course.

.07 Facilities.

Each classroom in which courses are given shall:

A. Meet all fire, safety, zoning, and Americans with Disabilities Act (ADA) requirements;

B. Be of sufficient size to comfortably accommodate all enrolled students;

C. Provide an appropriate learning environment; and

D. Be free of distractions that would disrupt class sessions.

.08 Conduct of Courses.

A. Scheduling.

(1) The maximum permissible class session without a break is 90 minutes.

(2) A course scheduled for more than 4 hours in one day shall include a meal break of at least 30 minutes, but not more than 90 minutes.

(3) A course shall begin promptly at the scheduled time.

B. Records.

(1) The course provider shall require each licensee to show a picture ID in order to be admitted to a class for which the licensee has enrolled.

(2) The course provider shall maintain a sign-in sheet containing:

(a) The printed names and the signatures of all enrolled licensees on their arrival and departure; and

(b) Notation by the instructor or monitor of the beginning and end times of any absences of the licensee from the class during the instructional period.

(3) The course provider shall give each student at check-in a copy of the continuing education student information sheet furnished to the provider by the Commission unless the sheet has previously been made available to students electronically.

C. Classroom Conduct.

(1) Students may not take reading material unrelated to the course into the classroom.

(2) Instructors, monitors, and students may not consult any personal electronic communication devices (Blackberries or i-Phones, for example) during a class session.

(3) Class time may not be used to promote or sell any materials or services or to solicit affiliation or membership in any business or organization.

D. Monitors.

(1) A monitor is not required if the class consists of 25 or fewer pre-registered students.

(2) Monitors in addition to the instructor are required under the following conditions:

(a) 26 to 50 preregistered students — 1 monitor;

(b) 51 to 100 preregistered students — 2 monitors;

(c) More than 100 preregistered students — 1 additional monitor for each additional 100 students.

E. Instructors. The instructor shall teach the course in substantially the same manner as that set forth in the outline submitted to the Commission.

F. Course Credit.

(1) A student may not receive credit hours for a course if:

(a) The student arrives after the classroom instruction begins or departs prior to the class being dismissed; or

(b) The student is out of the classroom during the instruction period for more than 5 minutes during a 60-minute period.

(2) A course provider, instructor, or monitor may not make an exception to the attendance requirements under any circumstances.

(3) A student may not receive partial credit for a course.

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) The certificate of completion may be distributed by the instructor at the end of the class, or mailed or electronically transmitted to the student at a later date.

(4) A course provider or instructor may not issue:

(a) A blank certificate of completion to a student; or

(b) 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.

(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. Cancellation of Course. In the event of a course cancellation, the course provider shall:

(1) Make reasonable efforts to notify preregistered students of the cancellation; and

(2) Refund all prepaid fees within 30 days of the date of cancellation or, with the permission of the student, apply the fees to another course.

.09 Licensee Credit Hours.

A. Pre-approval. A course will qualify for continuing education credit only if the Commission has approved the form, substance, and subject matter of the course before the course is given.

B. Prelicensing Courses. An instruction program for prelicensing examination preparation does not constitute qualifying credit hours for the continuing education requirement.

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. Licenses Originating in Other Jurisdictions.

(1) Subject to §D(2) of this regulation, unless a licensee originally licensed in another jurisdiction has received the Maryland license pursuant to a written reciprocity agreement, the licensee shall meet all Maryland continuing education requirements.

(2) A licensee may receive credit for an elective course taken in the jurisdiction where the licensee holds an original 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) All courses in subject areas mandated by Maryland law shall be taken from a course provider approved by the Commission.

(4) A licensee holding a reciprocal category license based on a reciprocity agreement with another jurisdiction is required to complete only the continuing education requirements set forth in the agreement.

E. Legislators. A member of the General Assembly who holds a current real estate license may receive credit for the 3-hour continuing education requirement for legislative update based on service in the General Assembly during that 2-year licensing period.

F. Disciplinary Action. A licensee may not use continuing education course hour credit for course hours completed as part of the resolution of a Commission disciplinary action as credit hours toward renewal of license requirement.

G. Instructors and Monitors. A course instructor and a monitor may receive continuing education credit for the first time an approved course is taught or monitored during each licensing cycle.

.10 Distance Learning.

A. The provider of a distance learning course shall obtain approval of the technical aspects of a course from an entity recognized by the Commission in the field of technical expertise before submitting the course to the Commission for review of its substance and subject matter.

B. In a distance learning course, if the course provider and the student are separated by space and time:

(1) The provider's technical staff:

(a) May answer student questions about technical support and delivery method; but

(b) May not answer questions about content; and

(2) The assigned instructor shall respond to questions from students about course content within 2 business days.

C. The course provider shall be responsible for establishing guidelines for the completion of a distance learning course and any specific components of the course.

D. A distance learning instruction course shall include the following requirements:

(1) The student shall complete the instructional module or modules and receive a passing grade on a final examination administered and graded by the approved provider;

(2) The passing grade shall be 70 percent or higher; and

(3) If a student fails initially to achieve a passing score on a final examination, the student shall successfully pass the examination within a time frame set by the course provider in order to use the course for credit toward the continuing education requirement.

E. 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."

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

KATHERIN F. CONNELLY
Executive Director
Real Estate Commission

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Proposed Action [09-359-R]

The Secretary of Health and Mental Hygiene proposes to:

(1) Amend Regulations .01 — .10 under **COMAR 10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program**; and

(2) Repeal existing Regulation .13 and adopt new Regulation .13 under **COMAR 10.09.24 Medical Assistance Eligibility**.

Because substantive changes have been made to the original proposal as published in 36:23 Md. R. 1822 — 1827 (November 6, 2009), this action is being repropounded at this time.

Statement of Purpose

The purpose of this action is to eliminate outdated terminology and procedures in the Maryland Medical Assistance Program's applicant and recipient fair hearing regulations to be consistent with comparable federal requirements and the current terminology and procedures used in the fair hearing process.

In response to comments received following the publication of the original proposal, via this repropounding, the Department has significantly increased the number of possible individuals and organizations that can be an authorized representative on behalf of a Medicaid applicant or recipient and clarified several provisions to ensure consistency in language with other federal and State regulations.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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, or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

Subtitle 01 PROCEDURES

10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program

Authority: Health-General Article, §2-104, Annotated Code of Maryland

.01 Definitions.

A. (originally proposed text unchanged)

B. *Terms Defined.*

(1) — (2) (originally proposed text unchanged)

(3) "Authorized representative" means:

(a) — (b) (originally proposed text unchanged)

(c) *The appellant's legal guardian, if one has been appointed, or a person who has in good faith filed an application to be appointed the appellant's legal guardian but who has not yet been appointed the appellant's legal guardian as of the date required to request a fair hearing under Regulation .04 of this chapter if a copy of the request for guardianship is provided to the Department along with the request for a fair hearing under Regulation .04 of this chapter;*

(d) (originally proposed text unchanged)

(e) *The appellant's health care surrogate as defined in Health General Article, §5-605, Annotated Code of Maryland; [[or]]*

(f) *The appellant's legal counsel if the counsel files a statement attesting to his or her active and ongoing representation of the appellant along with the request for a fair hearing under Regulation .04 of this chapter;*

(g) *The personal representative of the estate of the appellant who has been appointed by the State's Orphan's Court if a copy of the appointment is provided to the Department along with the request for a fair hearing under Regulation .04 of this chapter;*

[[[(f)]]] (h) *Any [[other]] person the appellant has named in writing where:*

(i) — (iv) (originally proposed text unchanged)

(v) *A copy of the appointment of the person signed by the appellant is provided to the Department along with the request for a fair hearing under Regulation .04 of this chapter;*

(i) *Any person who in good faith is acting in the best interest and on behalf of the appellant if:*

(i) *The person or the person's directors, employees, officers, or employers, if any, do not have a direct financial interest in the outcome of the fair hearing; and*

(ii) *The person provides the Department with a declaration declaring the appellant's legal incapacity along with the request for a fair hearing under Regulation .04 of this chapter; or*

(j) *In the event that none of the individuals listed in §B(3)(a)—(h) of this regulation exists and that no person covered by §B(3)(i) of this regulation is willing and able to act on behalf of the appellant, then and only then, any person with a direct financial interest in the outcome of the hearing or a person whose employer has a direct financial interest in the outcome of the hearing if the*

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person provides the Department with a declaration along with the request for a fair hearing under Regulation .04 of this chapter declaring to the best of his or her information and belief of:

- (i) The appellant's legal incapacity;
- (ii) The nonexistence of any of the individuals listed in §B(3)(a)—(h) of this regulation; and
- (iii) The nonexistence of any person covered by §B(3)(i) of this regulation who is willing and able to act on behalf of the appellant.

(4) — (7) (originally proposed text unchanged)

.02 Opportunity for a Fair Hearing.

A. An opportunity for a fair hearing shall be granted if:

(1) — (4) (originally proposed text unchanged)

(5) A Program recipient residing in a skilled nursing facility or nursing home asserts that the Program recipient has been **or will be erroneously transferred or discharged;**

(6) — (7) (originally proposed text unchanged)

B. — C. (originally proposed text unchanged)

.03 Notification of Right to Request a Fair Hearing.

A. (originally proposed text unchanged)

B. The notification specified in [[[\$A]]] §A(3)(b) — (d) of this regulation shall:

(1) — (5) (originally proposed text unchanged)

(6) Include an explanation of the circumstances under which assistance is continued if a fair hearing is requested, as provided in Regulation .04B of this chapter; [[and]]

(7) Identify who may act as an authorized representative of the appellant in the fair hearing process; and

[[[(7)]]] (8) (originally proposed text unchanged)

C. The notice specified in [[[\$A]]] §A(3)(b) — (d) of this regulation may be mailed less than 10 days before **but not later than** the date of action if:

(1) — (9) (originally proposed text unchanged)

.04 Request for Fair Hearing.

A. Statement of Request.

(1) (originally proposed text unchanged)

(2) The Program's **Office of Eligibility Services, the Program's Office of Health Services,** or the delegate agency that receives the request for a hearing may assist the appellant or the appellant's authorized representative in submitting and processing the request.

(3) The Program's Office of Eligibility Services, the Program's Office of Health Services, or the delegate agency that receives a written statement requesting an appeal shall:

(a) (originally proposed text unchanged)

(b) Note in its correspondence with the Office of Administrative Hearings if the appeal:

(i) Concerns the medical necessity of a denied benefit or service to an MCO enrollee; [[and]]

(ii) Meets the Program's criteria for an expedited resolution **because the Program has determined that taking the time for a standard resolution could seriously jeopardize the individual's life or health or ability to attain, maintain, or regain maximum function; and**

(iii) **Must be heard and decided upon within 3 working days after the Office of Administrative Hearings receives the fair hearing request.**

B. — E. (originally proposed text unchanged)

F. Department's Response. In responding to timely filed requests for a fair hearing, the Department:

(1) May respond to a series of individual requests for hearing by conducting a single group hearing; [[and]]

(2) **May consolidate hearings only in cases in which the sole issue involved is one of federal or State law or policy;**

(3) **Shall follow the regulations of this chapter governing hearings in all group hearings; and**

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

.05 Pre-Hearing Procedures.

A. The [[Department or]] delegate agency [[shall]] **may** prepare a hearing summary containing pertinent information respecting the specific action or inaction that is the basis for the appeal. The summary shall:

(1) — (2) (originally proposed text unchanged)

B. (originally proposed text unchanged)

.06 Hearing Procedures.

A. — E. (originally proposed text unchanged)

F. Appeal for a Waiver-Eligible Individual Enrolled in an MCO.

(1) If the appeal concerns the medical necessity of a denied benefit or service to an MCO enrollee, [[a]] **and if the fair hearing [[that]] meets the Department-established criteria for an expedited hearing [[shall be scheduled by]] as provided in Regulation .04A(3)(b)(ii) of this chapter,** the Office of Administrative Hearings [[and a decision shall be rendered within 3 days of the hearing]] **shall:**

(a) **Schedule the hearing and render a bench decision within 3 working days after the Office of Administrative Hearings receives the fair hearing request; and**

(b) **Issue a follow-up written decision within 30 days of rendering the bench decision if the Office of Administrative Hearings, the appellant or his authorized representative, and the Program agree that a written decision is necessary.**

(2) [[If the appeal does not concern the medical necessity of a denied benefit or service, the hearing shall be scheduled within 30 days of the receipt by the Office of Administrative Hearings of the notice of appeal.]] **All other appeals from MCO decisions shall be:**

(a) **Scheduled for a hearing within 30 days of receipt of the appeal and decided on within 30 days of the hearing; and**

(b) **Otherwise governed by COMAR 10.09.72.05.**

[[[(3) The requirements specified in COMAR 10.09.72.05 shall apply to an appeal under this section.]]

.07 (originally proposed text unchanged)

.08 Findings, Timing of Decision, and Effect of Decision.

A. (originally proposed text unchanged)

B. Timing of Hearing Decision.

(1) (originally proposed text unchanged)

(2) If the appellant is a waiver-eligible individual enrolled in an MCO, the administrative law judge shall forward to the appellant or the appellant's authorized representative a copy of the findings, conclusions, and decision within:

(a) 3 **working days** [[of the hearing]] **after the Office of Administrative Hearings receives the fair hearing request,** if the appeal concerns the medical necessity of a denied benefit or service[[,]] **and if the hearing [[that]] meets the criteria[[,]] as determined by the Department[[,]] for an expedited hearing as provided in Regulation .04A(3)(b)(ii) of this chapter,** or

(b) (originally proposed text unchanged)

(3) (originally proposed text unchanged)

C. (originally proposed text unchanged)

D. Effect of Decision.

(1) (originally proposed text unchanged)

(2) When the decision is favorable to the appellant, or when the Department, Program, or delegate agency grants the appellant the relief the appellant requests before the decision, the Department, Program, or delegate agency, where applicable, shall:

(a) Authorize corrected payments or relief retroactive to the date the incorrect action was taken [[[if appropriated funds are available]]]; and

(b) (originally proposed text unchanged)

(3) (originally proposed text unchanged)

.09 (originally proposed text unchanged)

.10 Benefits During Appeals Process.

A. Benefits Maintained Pending Outcome of the Hearing.

(1) If the Program timely mails the notice as required under Regulation .03 of this chapter, and the appellant or the appellant's authorized representative does not **timely** request a hearing [[[before the date of the action]]] **in accordance with Regulation .04 of this chapter** or if the appellant or the appellant's authorized representative withdraws or abandons a request for a fair hearing in writing, the Program may terminate or reduce services effective as of the date specified in the notice.

(2) — (3) (originally proposed text unchanged)

B. (originally proposed text unchanged)

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.24 Medical Assistance Eligibility

Authority: Health-General Article, §§2-104(b), 2-105(b), 15-103, 15-105, and 15-121, Annotated Code of Maryland

.13 (originally proposed text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 25 MARYLAND HEALTH CARE COMMISSION

10.25.15 Management Service Organization State Designation

Authority: Health-General Article, §§4-302, 19-103(c)(2)(i) and (ii), 19-109(a)(1), and 19-135(a), (b), and (d), Annotated Code of Maryland

Notice of Proposed Action

[10-242-P]

The Maryland Health Care Commission proposes to adopt new Regulations .01 — .11 under a new chapter, **COMAR 10.25.15 Management Service Organization State Designation**. This action was considered by the Commission at an open meeting held on July 15, 2010, notice of which was given through publication in the Maryland Register, under State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement regulations governing the State Designation of Management Service Organizations (MSOs) by the Maryland Health Care Commission (MHCC). The regulations will allow the MHCC to require that MSOs doing business in Maryland that seek a State Designation meet industry standards related to privacy and security, technical performance, business practices, resources related to technical performance and business practices, security, and operations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These regulations require Management Service Organizations (MSOs) operating in Maryland seeking State Designation to complete a defined process. As part of the State Designation process, MSOs are required to achieve national accreditation. State Designation ensures that MSOs meet industry-defined standards related to business practices and privacy and security of electronic health information. State Designation of MSOs will assist in expanding electronic health record adoption among health care providers in Maryland. Activities resulting from the MSO State Designation will be completed by existing MHCC staff and within the current MHCC budget.

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:		
MSOs	(-)	\$2,500/year
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The Commission will not incur additional costs associated with State Designation because the State Designation Criteria will be assessed by a national accrediting organization and the MSO will incur the accreditation costs.

D. MSOs will incur the accreditation cost.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Sharp, Director, Center for Health Information Technology, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, or call (410) 764-3578, or fax to (410) 358-1236. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Commission during a public meeting to be held on October 21, 2010, at 1:00 p.m., at 4160 Patterson Ave., Conference Room 100, Baltimore, Maryland 21215.

.01 Scope.

This chapter applies to the State Designation of Management Service Organizations. Only those Management Service Organizations that complete the State Designation process pursuant to this chapter may utilize the Management Service Organization State Designation status title.

.02 Definitions.

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

B. Terms Defined.

(1) "Candidacy Status" means the preliminary status granted by the MHCC to an MSO after the MSO submits an approved application and prior to the MSO successfully completing the MSO State Designation Criteria.

(2) "Commission" or "MHCC" means the Maryland Health Care Commission.

(3) "Electronic Health Record (EHR)" means technology that maintains a longitudinal record of health information in an electronic format.

(4) "Executive Director" means the Executive Director of the MHCC.

(5) "Formal Disposition Letter" means a letter issued by the Executive Director or the Executive Director's designee that acknowledges whether an MSO has met the initial documentation requirements for application.

(6) "Health Information Exchange (HIE)" means a Statewide infrastructure that provides organizational and technical capabilities to enable the electronic exchange of health information between health care providers and other health service organizations authorized by the Commission.

(7) "Management Service Organization (MSO)" means an organization that offers one or more hosted electronic health record solutions and other management services to multiple health care providers.

(8) "MSO State Designation Criteria" means the standards that an MSO must meet to obtain State Designation, as determined by the Commission.

(9) "National Accrediting Organization" means an independent accrediting organization that is recognized by the MHCC to administer the State Designation Criteria.

(10) "Network Operating Center (NOC)" means a secure data center where the MSO maintains the data and technology.

(11) "State Designation" or "State Designated" means the status granted by the Commission to an MSO that has met the criteria requirements for State Designation under this chapter.

.03 Designation Time Lines.

New or existing MSOs that desire State Designation shall:

A. Provide evidence that the MSO has been granted full accreditation status by a national accrediting organization; and

B. Comply with the requirements of this chapter.

.04 Duration of State Designation.

State Designation is valid for 2 years, unless suspended or revoked by the Commission.

.05 Procedure to Obtain State Designation.

A. Application for State Designation.

(1) An MSO must submit a completed application with the MHCC on a form prescribed by the Commission.

(2) An application on behalf of a corporation or association shall be made by an authorized officer of the corporation or association, or their designee.

(3) The MHCC will evaluate the application based on initial documentation requirements determined by the Commission and issue a formal disposition letter to the applicant.

(4) An MSO will be considered in Candidacy Status immediately after the Commission issues a formal disposition letter that acknowledges that the MSO has met the Commission's initial documentation requirements for application.

(5) MSOs in Candidacy Status are considered to be State Designated by the Commission.

(6) An MSO in Candidacy Status has one year from the date of the issuance of its formal disposition letter to obtain accreditation from a nationally recognized accrediting organization, or the MSOs Candidacy Status may be revoked by the Commission.

(7) The applicant for a State Designated MSO is the holder of the MSO State Designation certificate issued by the Commission and is responsible for conformance with the standards and regulations of this chapter.

B. The Executive Director or the Executive Director's designee shall review each application for State Designation to determine whether the applicant meets all State Designation standards.

C. The Executive Director or the Executive Director's designee shall award State Designation when an applicant meets the requirements of this chapter.

.06 Standards for Designation.

In order to obtain State Designation, an applicant shall:

A. Be State Designated by the Commission as having complied with the MSO State Designation Criteria in effect on the date the applicant applies for or renews State Designation; and

B. Agree to become a State Designated MSO.

.07 Nontransferability of Designation.

State Designation issued pursuant to these regulations may not be sold, assigned, leased, or transferred in any way to a person or entity that is not the certified entity.

.08 Transfer of State Designated MSO.

A. At least 60 days before the closure, sale, lease, assignment, or transfer of a State Designated MSO to any other person or entity, the State Designated MSO shall notify the Commission of the impending closure, sale, lease, assignment, or transfer of the State Designated MSO.

B. If a State Designated MSO is closed, sold, leased, assigned, or transferred in any way to a person or entity that is not the State Designated entity, the Executive Director or the Executive Director's designee shall review current State Designation status pursuant to the renewal requirements set forth in Regulation .09 of this chapter.

.09 Renewal of State Designation.

A. Application for renewal of State Designation shall be made at least 90 days before the expiration of the State Designation in a manner prescribed by the Commission.

B. The applicant shall submit the self-assessment manuscript and undergo a site review by a representative of a nationally recognized accrediting body no later than 90 days from the expiration of the State Designation.

C. The Executive Director or the Executive Director's designee shall renew the State Designation of each renewal applicant and determine whether the applicant meets the requirements set forth in this chapter.

D. If the Executive Director or the Executive Director's designee determines that a renewal application should be denied, the Executive Director or the Executive Director's designee shall notify the applicant in writing of the decision, supported by reasons, within 45 days of a receipt of an application for renewal.

.10 Grounds for Denial or Other Penalties.

The following are grounds for denial of State Designation, denial of State Designation renewal, suspension of State Designation, revocation of State Designation, or imposition of conditions on a State Designated MSO:

A. Failure to meet any requirements and standards set forth in this chapter, as determined by the Commission;

B. A principal, owner, or operator of the State Designated MSO or the corporation itself pleading guilty to or being convicted of or receiving probation before judgment for a crime related to the operation of the MSO; or

C. A principal, owner, or operator of the State Designated MSO or the corporation itself being found in violation of State or federal laws or regulations governing the operation of the MSO.

.11 Commission Review.

A. The Commission may, on its own motion or in response to a grievance or complaint filed with the Commission by a member of the public, investigate any State Designated MSO or applicant for State Designation and, following an investigation, the Executive Director or the Executive Director's designee may take remedial action, including any of the following sanctions:

(1) Suspension for a definite period of time, depending upon the circumstances of the case, after which an MSO may petition for reinstatement of its State Designation;

(2) Imposition of conditions necessary to remedy any deficiencies revealed during the Commission's investigation; or

(3) Revocation.

B. At the Commission's discretion, a State Designated MSO may be allowed the opportunity to correct the deficiencies identified by the Commission before the imposition of any sanction.

C. The Commission, at its discretion, may provide an opportunity for an applicant or State Designated MSO under consideration for sanctions to present its position to the Commission, either in person or in writing.

MARILYN MOON, PH.D.
Chair
Maryland Health Care Commission

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions

Authority: Health-General Article, §§19-207 and 19-216, Annotated Code of Maryland

Notice of Proposed Action
[10-250-P]

The Health Services Cost Review Commission proposes to amend Regulation .03 under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on July 7, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. If adopted, the proposed amendments will become effective on or about November 15, 2010.

Statement of Purpose

The purpose of this action is to extend the time frame for the submission of the annual hospital Interns and Residents Survey to the Commission from July to January.

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 Diana Kemp, Regulation Coordinator, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to dkemp@hscrc.state.md.us, or fax to 410-328-6217. Comments will be accepted through September 27, 2010. A public hearing may be held at the discretion of the Commission.

.03 Reporting Requirements; Hospitals.

A. — L. (text unchanged)

L-1. Interns and Residents Survey.

(1) Hospitals shall submit the Interns and Residents Survey to the Commission by [July 15] *January 15* of every calendar year.

(2) (text unchanged)

L-2. — Q. (text unchanged)

DONALD A. YOUNG, M.D.
Chairman

Health Services Cost Review Commission

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.11 Advanced Assessment Activities

Authority: Health Occupations Article, §17-310, Annotated Code of Maryland

Notice of Proposed Action
[10-244-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 10.58.11 Advanced Assessment Activities**. This action was considered by the Board of Professional Counselors and Therapists at a public meeting held May 21, 2010, notice of which was given by publication in 37:10 Md. R. 738 (May 7, 2010), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish standards for licensed clinical professional counselors, licensed clinical marriage and family therapists, and licensed clinical alcohol and drug counselors to engage in advanced assessment activities using instruments that require specialized psychological training for administration and interpretation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and

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Mental Hygiene, Room 512, 201 W. Preston Street, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.01 Scope.

A. This chapter applies to licensees who practice clinical professional counseling, clinical marriage and family therapy, and clinical alcohol and drug counseling in this State.

B. This chapter establishes standards for engaging in advanced assessment activities using instruments that require specialized psychological training for administration and interpretation.

.02 Definitions.

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

B. Terms Defined.

(1) "Advanced assessment" means to use instruments that require specialized psychological training for administration and interpretation.

(2) Face-to-Face Supervision.

(a) "Face-to-face supervision" means in the physical presence of the individuals involved in the supervisory relationship during supervision.

(b) "Face-to-face supervision" does not include:

- (i) Telephone supervision; or
- (ii) Video conferencing.

(3) "Supervisor who is proficient in the use of advanced assessment tests" means a licensed mental health professional approved by the Board, who:

(a) Under Health Occupations Article, §§17-302, 17-303, and 17-304, Annotated Code of Maryland:

(i) Is qualified to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling;

(ii) Has completed the courses and supervised experience required by Health Occupations Article, §17-310(1) and (2), Annotated Code of Maryland;

(iii) Has passed the National Counselors Examination (NCE) or another examination, as determined by the Board, that includes a comparable number of items assessing knowledge of advanced assessment procedures; and

(iv) Has 2 years experience practicing as a licensed clinical professional counselor, a licensed clinical marriage and family therapist, or a licensed clinical alcohol and drug counselor; or

(b) Has 2 years of documented, professional experience in psychological testing or advanced assessment, as approved by the Board, using the modalities, principles, and procedures of advanced assessment, including, but not limited to:

- (i) Teaching;
 - (ii) Counseling;
 - (iii) Clinical practice; and
 - (iv) Research modalities.
- (iii) Internet communication.

.03 Qualifications.

A. License. To engage in advanced assessment activities under this chapter, a licensee shall hold an active license in this State as a:

- (1) Licensed clinical professional counselor;
- (2) Licensed clinical marriage and family therapist; or
- (3) Licensed clinical alcohol and drug counselor.

B. Education and Training.

(1) A licensee may engage in advanced assessment activities as defined in this chapter if the licensee has obtained a doctoral or master's degree in counseling or a related field that includes a

minimum of nine graduate courses of at least 3 semester hours or 5 quarter credit hours in each of the following courses listed in §B(2)—(10) of this regulation.

(2) Psychopathology. Studies in this area shall include, but are not limited to, the scientific study of mental disorders and principles of abnormal psychology.

(3) Biological Bases of Behavior. Studies in this area shall include, but are not limited to, the biological, physiological, and neurological aspects of behavioral and mental disorders.

(4) Research Methods. Studies in this area shall include, but are not limited to, research methods for and principles of performing qualitative and quantitative research in the social sciences.

(5) Advanced Statistics. Studies in this area shall include, but are not limited to, the following:

(a) Parametric and nonparametric statistics;

(b) Multivariate statistical methods, correlation, regression, factor analysis, and discriminate analysis; and

(c) Use of computers for data management and analysis.

(6) Tests and Measures. Studies in this area shall include, but are not limited to, the following:

(a) Test construction;

(b) Evaluation and documentation;

(c) Fairness in testing; and

(d) Testing applications.

(7) Intellectual Assessment. Studies in this area shall include, but are not limited to, the construction, standardization, administration, scoring, and interpretation of intelligence tests.

(8) Personality Assessment. Studies in this area shall include, but are not limited to, the construction, standardization, scoring, and interpretation of personality tests.

(9) Ethics. Studies in this area shall include, but are not limited to the ethical, legal, and professional standards related to assessment and the practice of professional counseling or therapy.

(10) Practicum in Advanced Assessment. Studies in this area shall include, but are not limited to the following:

(a) Practice with clients in the use of advanced assessment tests;

(b) Practice in the scoring, interpretation, and reporting of results; and

(c) Practice in the integration of advanced assessment results with other sources of client information.

C. Supervision. In order to engage in advanced assessment activities as defined in this chapter, a licensee shall also complete 500 hours of supervised, direct, client-related, advanced assessment testing that is fulfilled in not less than 2 years and after the award of the master's degree, of which a minimum of 100 hours shall include face-to-face supervision by a supervisor who is proficient in the use of advanced assessment tests.

D. Examination. In addition to meeting the requirements in §A—C of this regulation, the licensee shall pass the National Counselors Examination (NCE) or another examination, as determined by the Board, that includes a comparable number of items assessing knowledge of advanced assessment procedures.

E. Complaint. In the event the Board receives a complaint regarding a licensee's engagement in the practice of advanced assessment or the use of instruments that require specialized psychological training for administration and interpretation, a licensee shall demonstrate compliance with the education, supervision, and examination requirements set forth in this chapter.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 14 INDEPENDENT AGENCIES

Subtitle 01 STATE LOTTERY AGENCY

14.01.10 Video Lottery Terminals

Authority: State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland

Notice of Proposed Action

[10-247-P]

The Maryland State Lottery Agency proposes to adopt amendments to Regulations .02, .03, and .16 and new Regulation .18 under COMAR 14.01.10 Video Lottery Terminals. This action was considered at the Maryland State Lottery Commission open meetings held on December 18, 2009, January 15, 2010, and May 21, 2010, notices of which were given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations to incorporate provisions required for the implementation and operation of the State's new Video Lottery Terminal program and for the VLT Facilities, which are scheduled to begin opening in Fall 2010.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robert W. Howells, Regulations Coordinator, Maryland State Lottery Agency, 1800 Washington Boulevard, Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to rhowells@msla.state.md.us, or fax to 410-230-8727. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Contractor" means a person or individual, other than an employee of a video operation licensee, who contracts with a video lottery operation licensee or other person to:

(a) — (c) (text unchanged)

(d) Own or control a person described in [§B(2)(a) — (c)] §B(1)(a) — (c) of this regulation; or

(e) (text unchanged)

(2) (text unchanged)

(3) "Facility operator" means a person who operates or manages the operation of a video lottery facility.

(4) "Gaming day" means a period of time determined by a facility operator, not to exceed 24 hours, marking the beginning and ending times of gaming activities for the purposes of accounting reports and determination by the central monitor and control system of daily proceeds.

[(3)] (5) "Gaming employee" means an individual who:

(a) — (b) (text unchanged)

(c) [Otherwise] *Is otherwise* required by the Commission to be licensed as a gaming employee.

(6) "Gaming floor" means that part of a facility where video lottery terminals have been installed for use or play.

[(4)] (7) — [(7)] (10) (text unchanged)

[(8)] (11) Principal Employee.

(a) (text unchanged)

(b) "Principle employee" includes an employee of a contractor who performs any function described in [§B(2)] §B(1) of this section;

(c) (text unchanged)

(12) "Restricted area" means that part of a facility directly related to the operation of the gaming floor where access is specifically designated by the Commission as restricted, including:

(a) Cashier's cage, including a satellite cashier's cage and ancillary offices;

(b) Computer space allocated to the central monitor and control system;

(c) Count room and trolley storage areas;

(d) Areas designated for the storage or repair of equipment of video lottery terminals;

(e) Information technology department operations centers;

(f) Progressive controller locations;

(g) Surveillance monitoring rooms;

(h) Vault and armored car bay locations; and

(i) Any area that the facility operator has designated as restricted in its Commission-approved accounting and internal control systems.

(13) "Signature" means the employee's first initial, last name, and Commission license number, written by the employee, immediately adjacent to or above the clearly printed or preprinted title of the employee.

[(9)] (14) (text unchanged)

.03 Process.

A. — D. (text unchanged)

E. Burden of Proof.

(1) The burden of proof shall be on the applicant to show by clear and convincing evidence that the applicant complies with the regulations of the Commission regarding eligibility and qualifications for the license.

(2) Subject to State Government Article, §9-1A-14(c)(9), Annotated Code of Maryland, the Commission may deny a video lottery employee license to an applicant whose past or present conduct would bring the State into disrepute.

F. — H. (text unchanged)

.16 Principal Employee Licenses.

A. — F. (text unchanged)

G. Term; Renewal; License Renewal Fee.

(1) The term of a principal employee license is [1 year] 3 years.

(2) The Commission may renew the license if, before the term of the license expires, the licensee:

(a) Applies for renewal;

(b) Continues to comply with all licensing requirements;

(c) Maintains employment as a principal employee;

[(c)] (d) Submits to a background investigation under Regulation .05 of this chapter; and

[(d)] (e) Pays a license renewal fee of \$500.

H. Sponsored License.

(1) The Commission may issue to a principal employee license applicant a sponsored license to permit the individual to legally work as a principal employee before the Commission's licensing process is complete.

(2) A licensed facility operator, manufacturer, or contractor may submit an application for a sponsored license on behalf of an individual who is seeking a principal employee license.

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(3) An application for a sponsored license shall be in a format designated by the Commission and shall include:

(a) A completed application for a principal employee license;

(b) Payment of the fees required under §D of this regulation; and

(c) Documentation to verify that the sponsor has:

(i) Offered the individual at least conditional employment;

(ii) Obtained bond as required under Regulation .14 of this chapter; and

(iii) Performed, at a minimum, a Social Security database check, criminal check, employment verification, and national database search.

(4) The Commission may grant a sponsored license after:

(a) Receiving all items required under §H(3) of this regulation; and

(b) Performing on the individual a:

(i) Criminal background investigation under Regulation .05 of this chapter; and

(ii) Credit check.

(5) A sponsored license:

(a) Is valid for one nonrenewable 3-year term;

(b) Is not transferable to employment with a different facility operator, manufacturer, or contractor; and

(c) Automatically converts to a principal employee license when the Commission notifies the sponsor that the individual meets the license qualification requirements under §C of this regulation.

.18 [Vacant] Hearings.

A. The Commission shall conduct a hearing in order to:

(1) Determine a person's qualifications as required under State Government Article, §§9-1A-07(c) and 9-1A-08(d), Annotated Code of Maryland;

(2) Issue a license;

(3) Suspend a license;

(4) Revoke a license; and

(5) Dispose of any matter concerning a civil violation of:

(a) State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; or

(b) Any regulation issued under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

B. A hearing shall be conducted in the manner specified in:

(1) State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland; and

(2) COMAR 14.01.08.

STEPHEN L. MARTINO
Director
State Lottery Agency

**Subtitle 30 STATE HIGHER
EDUCATION LABOR RELATIONS
BOARD**

14.30.07 Unfair Labor Practices

Authority: State Personnel and Pensions Article, §§3-2A-04, 3-2A-05, 3-2A-06, and 3-306, Annotated Code of Maryland.

Notice of Proposed Action

[10-249-P]

The Maryland State Higher Education Labor Relations Board proposes to adopt amendments to Regulation .04 under **COMAR 14.30.07 Unfair Labor Practices**. This action was considered at a public meeting on June 25, 2010.

Statement of Purpose

The purpose of this action is to clarify certain Board review procedures of Unfair Labor Practice Complaints, and to make statutorily required changes to the Board's remedial 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 Erica L. Snipes, Executive Director, State Labor Relations Boards, 839 Bestgate Rd., Suite 400, Annapolis, MD 21401, or call (410) 260-3216, or email to esnipes@laborboards.maryland.gov, or fax to (410) 260-3219. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.04 Relief from Unfair Labor Practices.

A. — E. (text unchanged)

F. Investigation. Pursuant to State Personnel and Pensions Article, §§3-2A-05(b)(1) and 3-2A-07(a), Annotated Code of Maryland, the Board authorizes and directs the Executive Director [or designee]to, *subject to final review and approval by the Board:*

(1) (text unchanged)

(2) Dismiss [administratively] the petition if the Executive Director, *subject to final review and approval by the Board:*

(a) — (b) (text unchanged)

(3) Establish appropriate internal procedures, as considered necessary, to further implement §F(1) or (2) of this regulation, *subject to final review and approval by the Board.*

G. Written Report. The results of the investigation shall be set forth in a written report and served on all parties to the unfair labor practice petition. The report shall set forth the Executive Director's recommendations *to the Board* as to:

(1) — (2) (text unchanged)

H. Board Action.

(1) For a written report containing a finding of no probable cause, the petitioner shall be given 15 days from service of the report to request that the Board reconsider the finding and recommended disposition. The Board shall take final action, as appropriate.

(2) *For a written report containing a finding of probable cause, the respondent shall be given fifteen (15) days from service of the report to request that the Board reconsider the finding and recommended disposition.*

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

I. — J. (text unchanged)

K. If the Board finds an unfair labor practice has been or is being committed, the Board shall take the action that it deems necessary to remedy the unfair labor practice including:

(1) — (2) (text unchanged)

(3) [Back pay;] *Reinstatement;*

[(4) Reinstatement;]

[(5)] (4) — [(6)] (5) Such further action as the Board may require.

L. (text unchanged)

M. *The Executive Director shall notify the parties by U.S. Mail when a petition is dismissed.*

ERICA L. SNIPES
Executive Director

State Higher Education Labor Relations Board

Title 16 DEPARTMENT OF JUVENILE SERVICES

Subtitle 16 FIELD SERVICES

16.16.03 Regionalization of Out-of-Home Placement Services

Authority: Human Services Article, §§9-204(b), 9-231, 9-234, 9-235, 9-236, 9-238.1, 9-239, 9-240, Annotated Code of Maryland

Notice of Proposed Action

[10-243-P]

The Secretary of Juvenile Services proposes to adopt new Regulations .01 — .06 under COMAR 16.16.03 **Regionalization of Out-of-Home Placement Services** to address regionalization of services for youth committed to the Department for out-of-home placement in the community.

Statement of Purpose

The purpose of this action is to establish guidelines that will govern regionalization of community out-of-home placement services for youth committed to the care and custody of the Department of Juvenile Services.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Cheryl D. Brown, Regulations Coordinator, Department of Juvenile Services, 120 W. Fayette Street, Baltimore, MD 21201 or call 410-230-3324, or email to browncd@djs.state.md.us, or fax to 410-230-3179. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.01 Purpose.

The purpose of these regulations is to establish a process for delivery of services on a regional basis to youth in out-of-home placement.

.02 Scope.

These regulations apply to the placement of youth and provision of services in residential child care programs licensed by the Department of Juvenile Services under COMAR 14.31.02, .05, .06, or .07.

.03 Definitions.

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

B. *Terms Defined.*

(1) *“Child” means a person under 18 years old or a person under the age of 21 if still committed to the Department for placement or supervision.*

(2) *“Commit” means to transfer legal custody.*

(3) *“Department” means the Maryland Department of Juvenile Services.*

(4) *“Facility” means the physical premises where a residential child care program that is licensed by the Department is operated.*

(5) *“Group care” means continuous 24-hour care and supportive services provided to a child placed by the Department in a licensed residential child care program.*

(6) *“License”, “Licensed”, or “Licensing” means the process undertaken by the Department to issue, suspend, revoke, or deny a license pursuant to COMAR 14.31.02, .05, .06 or .07.*

(7) *“Out-of-Home placement” means placement of a child into a privately operated residential child care program.*

(8) *“Placement” means a living arrangement for a child away from the custody of the child’s parents or legal guardian(s) in a residential child care program.*

(9) *“Provider” means the operator of a residential child care program.*

(10) *Residential Child Care Program.*

(a) *“Residential child care program” means a program that provides 24-hour-per-day care for children within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities and is licensed by the Department under COMAR 14.31.02, .05, .06, or .07.*

(b) *“Residential child care program” does not include any program owned or operated by the Department.*

(11) *Specialized Services.*

(a) *“Specialized Services” means unique services that a child needs and which are in the best interest of the child.*

(b) *“Specialized Services” includes, but is not limited to, specialized residential child care programs such as:*

(i) *Intensive alcohol and substance abuse treatment that requires placement in a residential alcohol or substance abuse program;*

(ii) *Sex offender treatment;*

(iii) *Services for fire-starters;*

(iv) *Mental health services for youth with diagnosed severe or intensive behavioral, emotional, or other mental health problems;*

(v) *Behavior management services for children with observable, identifiable, and substantial behavioral or developmental issues;*

(vi) *Gender responsive programming, including pregnancy and mother/infant programming;*

(vii) *Those programs requiring specialized licensing and monitoring under COMAR 14.31.07, subject to §B(11)(b) of this regulation; and*

(viii) *Other services which are unique and which are in the best interest of the child and cannot reasonably be provided in the child’s home region and which are established as specialized services to be offered by a program through the procedure set forth in Regulation .06 of this chapter.*

(c) *“Specialized services” does not include features of a facility relating to security, including fences, locks, or guards, unless those features are necessary to protect a child from harming himself or herself or others. A child may be at risk of harming himself or herself or others if:*

(i) *The child has an observable and identifiable mental or physical condition that would cause the child to harm himself or herself or others if certain security features are not provided at a program or facility; or*

(ii) *The child has been determined by the Department to have a propensity to escape or be away without leave from a program or facility. A child may be determined to have a propensity*

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to escape if the child has previously gone absent without leave or otherwise attempted to escape from an out-of-home placement.

(12) "Statement of need" means an official certification of public need for the location and establishment of a residential child care program in one or more counties or regions issued by the Department.

.04 Regional Placements.

A. The Department shall serve children in out-of-home placement on a regional basis whenever possible.

B. The Department may place a child into an out-of-home placement program outside the child's region if a determination is made by the Department that specialized services for the child:

- (1) Require the placement in the best interest of the child; or
(2) Are not available in the child's home county or region.

.05 Development of Regional Out-of-Home Placement Programs.

A. In developing regional out-of-home placement programs, the Department shall consider the treatment needs, including, but not limited to, the mental, physical, behavioral, educational, and developmental needs of the children committed to the Department for out-of-home placement in the counties or regions affected by the proposed residential child care program.

B. In developing regional out-of-home placement programs, the Department may issue requests for proposals, as defined in COMAR 21.01.02.01B(75), and a statement of need, as defined in Human Services Article, §8-703.1, Annotated Code of Maryland. Each request for proposal and statement of need shall concern not more than one county or region, unless:

- (1) The request for proposal is for a facility or program that will primarily offer a specialized service or services;
(2) The request for proposal is for a facility or program that will serve too small a number of children to warrant residential child care programs in multiple counties or regions;
(3) The request for proposal and statement of need were made in connection with opening a facility or program in a particular county or region and no responsive or responsible proposals were received within 30 days from the publication of that request for proposal and statement of need; or
(4) The Department determines that there is no capacity within the county or region to provide the services that are needed.

C. Each request for proposal and statement of need for a new or expanded facility or program shall indicate whether the facility or program will provide any specialized services needed by the population in a particular region or regions.

.06 Placement Outside the Child's Region of Residence.

A. For each child committed to the Department who is placed outside of his or her region of residence, the Department shall make a determination that the child needs specialized services and that those services cannot reasonably be provided in the child's region of residence. This determination shall:

- (1) Be documented on the child's individual treatment service plan;
(2) Explain in the treatment service plan why placement outside the child's region is in the best interest of the child;
(3) Describe how it was determined that suitable services were not available in the child's region;
(4) Include a plan for returning the child to his or her region of residence if such return is in the child's best interest;
(5) Document the child's permanency plan, and, if the plan is other than reunification, document:
(a) Why a plan other than reunification is in the child's best interests;
(b) Efforts made to achieve reunification; and
(c) Why efforts to achieve reunification were unsuccessful;

and

- (6) Be reviewed and approved in writing by a supervisor.
B. The treatment service plan shall be developed jointly with the parent(s) or legal guardian(s) and the child and signed by the child, the child's parent(s) or legal guardian(s), and, as appropriate:
(1) The residential child care program case manager;
(2) The care coordinator;
(3) The community case manager;
(4) The case manager supervisor; and
(5) The social worker.
C. If a parent or legal guardian is unavailable or refuses to sign the treatment service plan, the circumstances shall be documented on the plan.
D. If a child refuses to sign the treatment service plan, the circumstances shall be documented on the plan.

DONALD W. DEVORE
Secretary of Juvenile Services

Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 12 RADIATION MANAGEMENT

26.12.01 Radiation Protection

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

Notice of Proposed Action

[10-254-P-I]

The Secretary of the Environment proposes to amend Regulation .01 under COMAR 26.12.01 Radiation Protection.

Statement of Purpose

The purpose of this action is to update COMAR 26.12.01.01, Incorporation by Reference, to include Supplement 18, which incorporates regulations controlling possession and use of radiation machines, to increase clarity and incorporate changes necessitated by new radiation machine technology and radiation safety considerations.

A copy of the proposed action may be viewed at official depository libraries throughout the State. A listing of these depository libraries is available on the Internet at http://www.dsd.state.md.us/depositories.htm. You may also call the Division of State Documents at 410-974-2486 or 800-633-9657 for information about a depository library in your area. Additionally, a copy may be viewed at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230; contact Michael Kurman for an appointment to view a copy of the proposed action at this location.

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 Michael D. Kurman, Regulations Coordinator, Radiological Health Program, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230, or call 410-537-3208, or email to mkurman@mde.state.md.us, or fax to 410-537-3198. Comments will be accepted through September 27, 2010. 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 Regulations for the Control of Ionizing Radiation (1994), Supplement 18, 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 37:1 Md. R. 9 (January 4, 2010), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

All provisions of the "Regulations for the Control of Ionizing Radiation (1994)" as amended by Supplement 1 through Supplement [17] 18 are incorporated by reference.

SHARI T. WILSON
Secretary of the Environment

**Subtitle 12 RADIATION
MANAGEMENT**

26.12.01 Radiation Protection

Authority: Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

Notice of Proposed Action
[10-253-P-I]

The Secretary of Environment proposes to amend Regulation .01 under **COMAR 26.12.01 Radiation Protection.**

Statement of Purpose

The purpose of this action is to update COMAR 26.12.01.01, Incorporation by Reference, to incorporate Supplement 19, which includes required U.S. Nuclear Regulatory Commission (NRC) regulations regarding distribution of byproduct radioactive material. As an NRC Agreement State, Maryland is required to adopt all new NRC regulations and revisions applicable to possession and use of radioactive material in the State.

A copy of the proposed action may be viewed at official depository libraries throughout the State. A listing of these depository libraries is available on the Internet at <http://www.dsd.state.md.us/depositories.htm>. You may also call the Division of State Documents at 410-974-2486 or 800-633-9657 for information about a depository library in your area. Additionally, a copy may be viewed at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230; contact Michael Kurman for an appointment to view a copy of the proposed action at this location.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael D. Kurman, Regulations Coordinator, Radiological Health Program, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230, or call 410-537-3208, or email to mkurman@mde.state.md.us, or fax to 410-537-3198. Comments will be accepted through September 27, 2010. 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 Regulations for the Control of Ionizing Radiation (1994), Supplement 19, 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 37:1 Md. R. 9 (January 4, 2010), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

All provisions of the "Regulations for the Control of Ionizing Radiation (1994)" as amended by Supplement 1 through Supplement [18] 19 are incorporated by reference.

SHARI T. WILSON
Secretary of the Environment

**Subtitle 12 RADIATION
MANAGEMENT**

26.12.02 Inspection and Certification

Authority: Environment Article, §§8-104(a), 8-106, 8-301, 8-304[(c)], and 8-306, Annotated Code of Maryland

Notice of Proposed Action
[10-252-P]

The Secretary of the Environment proposes to amend Regulation .02 under **COMAR 26.12.02 Inspection and Certification.**

Statement of Purpose

The purpose of this action is to update COMAR 26.12.02.02, State Certification of Radiation Machines, to clarify radiation machine certification due dates, by inclusion of an updated table of due dates.

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 Michael D. Kurman, Regulations Coordinator, Radiological Health Program, Maryland Department of

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the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230, or call 410-537-3208, or email to mkurman@mde.state.md.us, or fax to 410-537-3198. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

.02 State Certification of Radiation Machines.

A. — B. (text unchanged)

C. State Certification Required for Radiation Machines.

(1) — (4) (text unchanged)

(5) Due Dates for State Certification. Due dates for State certification of radiation machines are established according to the Group as set forth in §B of this regulation. These dates are as follows:

[(a) Group 1 machines—July 1 of each year;

(b) Group 2 machines—December 31 of each year;

(c) Group 3 machines at facilities with registration numbers ending with an even last digit—December 31, 2003, and biennially thereafter on the anniversary of this date;

(d) Group 3 machines at facilities with registration numbers ending with an odd last digit—December 31, 2004, and biennially thereafter on the anniversary of this date;

(e) Group 4 machines at facilities with registration numbers ending with an even last digit—July 1, 2003, and biennially thereafter on the anniversary of this date;

(f) Group 4 machines at facilities with registration numbers ending with an odd last digit—July 1, 2004, and biennially thereafter on the anniversary of this date;

(g) Group 5 machines at facilities with registration numbers ending with an odd last digit—December 31, 2004, and triennially thereafter on the anniversary of this date; and

(h) Group 5 machines at facilities with registration numbers ending with an even last digit—December 31, 2005, and triennially thereafter on the anniversary of this date.]

¹ “All” means all facilities of that group regardless of registration number. The certification due date for Group 1 machines shall be July 1st of each year. The certification due date for Group 2 machines shall be December 31st of each year.

² “Odd” means facilities with a registration number ending in an odd digit. For such facilities, the certification due date for Group 3 machines shall be as indicated in the table and biennially thereafter beginning December 31, 2010, the certification due date for Group 4 machines shall be as indicated in the table and biennially thereafter beginning July 1, 2010, and the certification due date for Group 5 machines shall be as indicated in the table and triennially thereafter beginning December 31, 2012.

³ “Even” means facilities with a registration number ending in an even digit. For such facilities, the certification due date for Group 3 machines shall be as indicated in the table and biennially thereafter beginning December 31, 2011, the certification due date for Group 4 machines shall be as indicated in the table and biennially thereafter beginning July 1, 2011, and the certification due date for Group 5 machines shall be as indicated in the table and triennially thereafter beginning December 31, 2011.

D. — E. (text unchanged)

SHARI T. WILSON
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

[10-255-P-I]

The Department of the Environment proposes to amend Regulations .01 and .11, repeal existing Regulations .02 — .10, and adopt new Regulations .02 — .10 under **COMAR 26.17.01 Erosion and Sediment Control**. This action was considered by the Department of the Environment at an open meeting held on October 29, 2009, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the existing regulations and revise the handbook “1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control”, incorporated by reference in the current regulations. These revisions will improve and expand the erosion and sediment control requirements and standards included in the handbook and regulations. These actions were considered by the Department of the Environment at an open meeting held on October 29, 2009, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Currently, an approved erosion and sediment control plan must be obtained for most construction projects and other earth disturbances in the State. Additionally, coverage under the National Pollutant Discharge Elimination System General Permit for Stormwater Associated with Construction Activity is required for projects disturbing 1 acre or more. Most erosion and sediment controls practices included on an approved plan and installed on sites are found in the “1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control”.

An update to this handbook has been supported by government entities, the regulated community, trade groups, and members of the public for several years. The proposed revisions include the addition

Certification Due Date	Group 1	Group 2	Group 3	Group 4	Group 5
July 1, 2010	All ¹			Odd ²	
December 31, 2010		All	Odd		
July 1, 2011	All			Even ³	
December 31, 2011		All	Even		Even
July 1, 2012	All			Odd	
December 31, 2012		All	Odd		Odd
July 1, 2013	All			Even	
December 31, 2013		All	Even		
July 1, 2014	All			Odd	
December 31, 2014		All	Odd		Even
July 1, 2015	All			Even	
December 31, 2015		All	Even		Odd
July 1, 2016	All			Odd	
December 31, 2016		All	Odd		
July 1, 2017	All			Even	
December 31, 2017		All	Even		Even
July 1, 2018	All			Odd	
December 31, 2018		All	Odd		Odd
July 1, 2019	All			Even	
December 31, 2019		All	Even		

of new designs and standards as well as improvements and clarifications to existing ones. Most of the new standards reflect practices already in use. The new planning section of the handbook describes the approval process currently required by the State's stormwater laws and regulations.

Two potentially significant changes to the regulations are the establishment of a 20-acre grading unit and strengthening existing stabilization requirements. Both may result in additional phasing on some projects to comply with the grading unit criteria and reduce the frequency of required temporary stabilization. While this may complicate the design process and possibly lengthen the construction time period, it may also allow a project to be exempt from the sampling requirements of 40 CFR Part 450.

The proposed revisions will have economic impacts on State agencies, local governments, the regulated industry, and the general public. Impacts to the issuing agency and to local approval authorities are minimal as no additional staffing is needed to implement the proposed changes. MDE currently administers the State's erosion and sediment control program, and the additional responsibilities associated with these changes are minimal.

Local governments will be required to submit revised ordinances incorporating the proposed regulation changes. Counties will require no additional staff to implement these proposed regulations. The economic impacts incurred by the regulated community will be relatively moderate. These impacts include potential engineering and construction costs to design and implement phased plans. Many of proposed revisions, such as those affecting the plan submittal and approval process, are already required under other sections of State or local laws or regulations. Additionally, recent federal regulations may compel better phasing of projects independent of these proposed regulations.

The inclusion of new erosion and sediment control practices in the revised handbook allows for additional choices when designing and constructing a project. It also should lead to better erosion and sediment control on a site, thereby improving the water quality of runoff from a site during construction. While increased costs associated with the proposed regulations will likely be passed onto consumers, the overall general public will benefit from better environmental protections.

	Revenue (R+/R-)	Magnitude
II. Types of Economic Impact.		
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Implementation of programs	(E+)	Minimal
B. On other State agencies:		
Implementation of programs	(E+)	Minimal
C. On local governments:		
Implementation of programs	(E+)	Minimal
D. On regulated industries or trade groups:		
Implementation of control practices	(-)	Minimal to Moderate
E. On other industries or trade groups:		
	Benefit (+)	Magnitude
	Cost (-)	Magnitude

Increased business to design/engineering community (+) Minimal

F. Direct and indirect effects on public:

Costs that will be passed on to the consumer (-) Minimal

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

A. Under existing regulations, MDE's Water Management Administration's (WMA) primary erosion and sediment control responsibilities are the oversight of local programs, technical assistance and education, and federal and State project plan review. MDE/WMA will still be responsible for these functions with the proposed regulatory revisions, but additional time may be spent on plan review and in a technical support role. This work will be conducted by existing staff.

B. Under existing regulations, other State agencies, like the regulated community, must obtain an approved plan and implement erosion and sediment control practices for most earth disturbances. Although some of the regulations will be more stringent, the inclusion of additional practices will increase flexibility and may decrease the cost of installation.

C. Current regulations require the local administration of erosion and sediment control programs. This requires that local governments develop and adopt ordinances to implement these programs. Local governments will have to revise ordinances, but this will be a one time expense and can be accomplished with current staff. Local approval authorities may experience additional review time of proposed projects, at least in the short-term due to the new requirements.

D. The estimated costs of the proposed regulations on regulated industries or trade groups range from minimal to moderate. Changes to the planning and approval process for new developments will likely increase up-front costs for developers and other applicants. More stringent stabilization requirements and the establishment of a grading unit may increase construction costs if a project is not well planned out and phased adequately. The overall time frame for constructing some projects may also increase. However, existing State and federal laws already mandate similar or more extensive requirements, making the net cost of implementing these proposed regulations minimal to moderate.

E. There will be a slight positive economic impact to the design/engineering community due to additional design criteria resulting from the proposed regulations. Additionally, as noted in Section II, the inclusion of new practices in the handbook will likely create a larger market for certain products.

F. Although the net cost of proposed regulations to the regulated community will be minimal to moderate, any costs will likely be passed onto the consumer. However, the consumer and general public will benefit from the positive environmental impacts, including a reduction of sedimentation in local streams and waterways.

Economic Impact on Small Businesses

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

As discussed above, the estimated costs of the proposed erosion and sediment control regulations and the "2010 Maryland Standards and Specifications for Soil Erosion and Sediment Control", on regulated industries and trade groups range from being minimal to moderate. While these estimated costs impact both large and small business, small businesses may experience greater net costs as a result of the proposed regulations. MDE anticipates that smaller businesses will be more affected by costs associated with additional engineering design requirements and any increase in construction time due to the phasing of a project. Additionally, costs to larger

businesses and projects may be mitigated if good phasing and sequencing of a project eliminates the necessity to comply with other State or federal requirements.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Ken Pensyl, Program Manager of the Sediment, Stormwater, and Dam Safety Program, Water Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 440, Baltimore MD 21230-1708, or call 410-537-3543, or email to kpensyl@mde.state.md.us, or fax to 410-537-3553. Comments will be accepted through September 27, 2010. The Department of the Environment will hold one hearing concerning the adoption of these amendments. This hearing will be held on Monday, September 27, 2010, at 10:00 a.m., at the Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230. All interested persons are invited to attend the hearing and offer their views. Any hearing impaired person may request an interpreter to be present at the hearings by giving 5 working days notice to Ken Pensyl, at 410-537-3543.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2010 Maryland Standards and Specifications for Soil Erosion and Sediment Control 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 37:1 Md. R. 9 (January 4, 2010), 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) — (2) (text unchanged)

(3) “Approval authority” means any soil conservation district, a municipal corporation that has been designated the approval authority by a soil conservation district, the specified agency named in a municipality not within a soil conservation district, the Commission, or the Administration.

(4) “Clear” means any activity which removes the vegetative [ground] cover while leaving the root mat intact.

(5) — (6) (text unchanged)

(7) “Developer” means a person undertaking, or for whose benefit any or all the activities covered by the Sediment Control Subtitle, or regulations promulgated under it, are carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.]

[(8)] (7) (text unchanged)

[(9)] (8) “Erosion and Sediment Control Plan” means an erosion and sediment control strategy or plan designed to minimize erosion and prevent off-site sedimentation, [by containing sediment on-site or passing sediment laden runoff through a sediment control measure prepared and approved] in accordance with the requirements of [an] the appropriate approval authority[,] and [designed in accordance with] the handbook[, “1994” “2010 Maryland Standards and Specifications for Soil Erosion and Sediment Control”, which is incorporated by reference in Regulation .11 of this chapter.

[(10)] (9) “Erosion and Sediment Control Program” means any program administered by a State unit, county, municipality, or the Commission under an erosion and sediment control ordinance or regulations approved by the Administration, which provides for

erosion and sediment control plan review, permit issuance, site inspection, and enforcement activity in accordance with the requirements of these regulations [and which results in continuous control of the extent of earth disturbance on projects required by ordinance or other authority to control erosion and sedimentation].

[(11)] (10) “Federal project” means any project [on federally owned land that involves grading or any project that involves grading and is administered by a federal agency] that requires an erosion and sediment control plan in accordance with Regulation .05 of this chapter undertaken by a federal unit .

(11) “Federal unit” means any federal agency that intends to or does clear, grade, transport, or otherwise disturb the land or soil surface in the course of its activities.

(12) “Grade” means to cause the disturbance of the earth. This [shall include] includes but is not [be] limited to any excavating, filling, stockpiling of earth materials, grubbing, or root mat or top soil disturbance[, or any combination of them].

(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) “Highly erodible soils” means those soils with a slope greater than 15 percent or those soils with a K value greater than 0.35 and with slopes greater than 5 percent.

(15) “Owner/developer” means a person undertaking, or for whose benefit, activities covered by the Sediment Control Subtitle, or regulations promulgated under it, are carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

[(13)] (16) — [(16)] (19) (text unchanged)

(20) “Professional forester” means a forester duly registered by the State to practice forestry in accordance with the provisions of Business Occupations and Professions Article, Title 7, Annotated Code of Maryland.

[(17)] (21) — [(18)] (22) (text unchanged)

[(19)] (23) “Responsible personnel” means any foreman, superintendent, or project engineer who is in charge of on-site clearing and grading operations or [sediment control associated with earth changes or disturbances] the implementation and maintenance of an erosion and sediment control plan.

(24) “Secretary” means the Secretary of the Environment or designee.

[(20)] (25) “Sediment” means soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity, or [by other] artificial means.

[(21)] (26) (text unchanged)

[(22)] “State unit” means any State agency that intends to or does clear, grade, transport, or otherwise disturb the land or soil surface in the course of its activities.]

[(23)] (27) “State project” means any project [on State-owned land that involves grading. Use of State funds does not necessarily qualify an activity as a State project] that requires an erosion and sediment control plan in accordance with Regulation .05 of this chapter undertaken by a State unit.

(28) “State unit” means any State agency that intends to or does clear, grade, transport, or otherwise disturb the land or soil surface in the course of its activities.

[(24)] (29) (text unchanged)

[(25)] (30) “Waters of the State” includes:

(a) [both] Both surface and underground waters within the boundaries of the State subject to its jurisdiction, including that portion of the Atlantic Ocean within the boundaries of the State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, storm drain systems, public ditches, tax ditches, and public drainage systems within the State, other than those designated and used to collect, convey, or dispose of sanitary sewage[.]; and

(b) The flood plain of free-flowing waters determined by the Department on the basis of the 100-year flood frequency [is included as waters of the State].

.02 General Provisions.

A. The Administration shall be responsible for the implementation and supervision of the erosion and sediment control program established by the Sediment Control Subtitle. This responsibility includes but is not limited to:

- (1) Establishment of policies, procedures, standards, and criteria relating to erosion and sediment control;
- (2) The review and approval of:
 - (a) County erosion and sediment control ordinances;
 - (b) Municipal erosion and sediment control ordinances;
 - (c) The Commission's erosion and sediment control regulations;
 - (d) Erosion and sediment control programs;
 - (e) State projects and federal projects;
 - (f) Other erosion and sediment control plans, as necessary;

and

- (g) Training programs;
- (3) Inspection and enforcement in accordance with this chapter; and
- (4) Determinations on the delegation of enforcement authority in accordance with Regulation .03 of this chapter.

B. The Administration shall establish matters of policy, procedures, standards, criteria, approvals, and enforcement related to the Sediment Control Subtitle. The practices adopted and used by the soil conservation districts, the Commission, the counties, the municipalities, and State units are to be consistent with the guidelines and regulations adopted by the Administration.

C. Review and Evaluation.

(1) The Administration shall periodically conduct a comprehensive review and evaluation to ensure the acceptability of all erosion and sediment control programs operating under the Sediment Control Subtitle and this chapter.

(2) In conducting the review and evaluation of erosion and sediment control programs, the Administration will use the following guidelines for determining the acceptability of the program:

(a) An effective erosion and sediment control ordinance or an effective set of erosion and sediment control regulations, which has been approved by the Administration, is in effect;

(b) The review and approval of erosion and sediment control plans are in accordance with "2010 Maryland Standards and Specification for Soil Erosion and Sediment Control";

(c) Approved erosion and sediment control plans that provide:

- (i) Effective erosion and sediment control strategies; and
- (ii) The information necessary to enable the proper installation and maintenance of these strategies; and

(d) In delegated jurisdictions, inspection and enforcement procedures that ensure:

- (i) Compliance with the approved erosion and sediment control plan; and
- (ii) Timely response to citizen complaints.

(3) Upon completion of this review and evaluation, the Administration shall submit the findings of the review and evaluation to the appropriate authority.

.03 Delegation of Enforcement Authority.

A. A county, a municipality or the Commission may seek delegation of enforcement authority from the Secretary to enforce compliance with the provisions of the following:

- (1) This chapter;
- (2) An approved erosion control ordinance;
- (3) Approved erosion and sediment control regulations; and
- (4) Approved erosion and sediment control plans.

B. Delegation.

(1) The Secretary shall grant delegation of enforcement authority to a county, a municipality, or the Commission which seeks delegation and is found capable of enforcing compliance with the provisions of Regulation .09 of this chapter.

(2) A county, a municipality, or the Commission seeking or renewing delegation of enforcement authority shall submit a written request to the Secretary on or before October 1 immediately preceding the State fiscal year for which delegation or renewal of delegation is sought.

(3) The Secretary shall make a determination in writing regarding a delegation request on or before January 1 immediately preceding the State fiscal year for which delegation is sought.

(4) If delegation is granted, it is effective July 1 of that calendar year and for not more than 2 years, unless renewed by the Secretary.

(5) The Secretary may suspend delegation if a program falls below the standard of effectiveness established in Regulation .09 of this chapter. During a period of suspension, the Department shall enforce compliance in the jurisdiction.

.04 Erosion and Sediment Control Ordinances.

A. Each county and municipality shall adopt an erosion and sediment control ordinance in compliance with the intent and requirements of the Sediment Control Subtitle. Counties and municipalities shall submit ordinances and amendments to the Administration for review and approval. Municipalities may adopt the erosion and sediment control ordinance of their respective county.

B. The Commission shall adopt erosion and sediment control regulations covering utility operations in Prince George's and Montgomery counties. These erosion and sediment control regulations are to be developed in consultation with and subject to the review and approval of the Administration, the Prince George's Soil Conservation District, and the Montgomery Soil Conservation District as appropriate. The Commission's erosion and sediment control regulations shall ensure that in addition to meeting the requirements of §C of this regulation, the following shall be included:

(1) An erosion and sediment control plan must be approved by the Commission before the issuance of a permit; and

(2) The Commission shall have the primary responsibility for inspection and enforcement of utility construction, if delegation of enforcement authority is granted to the Commission.

C. In determining the acceptability of an erosion and sediment control ordinance or regulations, the Administration shall consider, but not limit itself to, the following:

(1) Scope of activities requiring grading and building permits and erosion and sediment control plans;

(2) Permit and plan requirements including application procedure, plan design requirements, and time limitations;

(3) Procedures to ensure that a required erosion and sediment control plan is approved by the appropriate approval authority prior to the issuance of a building or grading permit;

(4) Specific inspection and enforcement procedures and options available to ensure compliance with an approved erosion and sediment control plan, if the Administration has granted delegation of enforcement authority;

(5) Right of entry for inspection and enforcement activities associated with an approved erosion and sediment control plan; and

(6) Stabilization requirements in accordance with the provisions of Regulation .07 of this chapter, which are to be binding regardless of whether an approved erosion and sediment control plan has been issued.

D. After reviewing a county's or municipality's erosion and sediment control ordinance or amendments, or the Commission's

erosion and sediment control regulations or amendments, the Administration shall notify the county, municipality, or Commission in writing of the acceptability of the ordinance or the regulations.

.05 Activities for Which Approved Erosion and Sediment Control Plans Are Required.

A. Any grading activity requires an erosion and sediment control plan approved by the appropriate approval authority, except for:

(1) Agricultural land management practices and agricultural best management practices, including those regulated under COMAR 26.17.03; and

(2) Grading activities that disturb less than 5,000 square feet of land area and disturb less than 100 cubic yards of earth.

B. A project that involves any combination of private lands, county lands, State lands, or federal lands, such as a utility right-of-way, requires the approval of the appropriate approval authority determined by identifying the entity undertaking the activity or for whose benefit the activity is being undertaken. Ownership of the land or lands upon which the activity is occurring is not to be the sole determining factor of the appropriate approval authority.

C. Any appropriate approval authority may make a written request to the Administration for a joint review of an erosion and sediment control plan.

.06 Training and Certification Program.

A. Certification of Responsible Personnel.

(1) The Administration shall require certification of responsible personnel as established by the Sediment Control Subtitle and in accordance with this regulation.

(2) Certification is obtained by completing an Administration-approved training program.

(3) Certification is valid for 3 years and is automatically renewed unless the Administration notifies the certificate holder that additional training is required.

B. Interim Certification of Responsible Personnel.

(1) After July 1, 1983, responsible personnel may receive interim certification prior to the completion of a training program by submitting a request to the Administration.

(2) Interim certification will be valid until the scheduled date of attendance at a training program.

C. Training Programs.

(1) The Administration may approve training programs other than those developed by the Administration. Unless otherwise approved by the Administration, an acceptable training program shall include the following:

(a) Ecological and resource values of the waters of the State;

(b) The benefits of proper and effective erosion and sediment control implementation and maintenance;

(c) The purpose and provisions of State and local erosion and sediment control laws, ordinances, and regulations;

(d) A description of sediment as a pollutant;

(e) The process of:

(i) Erosion;

(ii) Sediment transport; and

(iii) Sediment deposition;

(f) Proper implementation of erosion and sediment control;

(g) Recognition and correction of improperly implemented erosion and sediment controls;

(h) Proper maintenance of erosion and sediment controls; and

(i) Responsibilities of supervisory and enforcement personnel.

(2) An instructor of a training program shall have a knowledge of the principles of:

(a) Erosion;

(b) Sediment transport;

(c) Sediment deposition;

(d) Erosion and sediment control technology;

(e) Erosion and sediment control implementation;

(f) Erosion and sediment control maintenance;

(g) Local government erosion and sediment control ordinances; and

(h) The Sediment Control Subtitle and this chapter.

(3) An instructor of a training program shall submit the following information to the Administration:

(a) Names, addresses, and telephone numbers of responsible personnel who complete a training program;

(b) Card certification numbers issued to responsible personnel; and

(c) Employer's name and address.

(4) Responsible personnel who complete an Administration-approved training program receive a Certificate of Training card with a certification number.

.07 Application for Approval of Erosion and Sediment Control Plans.

A. When an approved erosion and sediment control plan is required, an applicant shall make a submittal to the appropriate approval authority in accordance with procedures established by the appropriate jurisdiction and this chapter, and shall be subject to any fees established under Environment Article, §4-103(c), Annotated Code of Maryland.

B. At a minimum, a submittal must include:

(1) A letter of transmittal or application;

(2) Name, address, and telephone number of:

(a) The owner of the property where the grading is proposed;

(b) The developer; and

(c) The applicant;

(3) A vicinity map indicating north arrow, scale, and other information necessary to easily locate the property;

(4) The location of resource areas and sensitive areas such as wetlands, floodplains, highly erodible soils, steep slopes, and any other areas required on a concept plan as described in COMAR 26.17.02;

(5) A general description of the predominant soil types on the site, as described by the appropriate soil survey information available through the soil conservation district from the USDA Natural Resources Soil Conservation Service;

(6) An erosion and sediment control plan including the following, unless otherwise noted in this chapter:

(a) Limits of disturbance, including proposed grading units;

(b) The existing and proposed topography;

(c) The proposed grading and earth disturbance including:

(i) Surface area involved;

(ii) Volume of spoil material; and

(iii) Volume of borrow material;

(d) Storm drainage provisions, including:

(i) Velocities and quantities of flow at outfalls; and

(ii) Site conditions around points of all surface water discharge from the site;

(e) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:

(i) Provisions to limit disturbance;

(ii) Details of grading practices including phasing of grading units;

(iii) Design details for non-structural and structural controls; and

(iv) Provisions to preserve top soil;

(f) Details of temporary and permanent stabilization measures including:

(i) *The following statement on the plan: “Following initial soil disturbance or redisturbance, permanent or temporary stabilization is required within three calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and seven calendar days as to all other disturbed areas on the project site except for those areas under active grading.”;*

(ii) *Identification of areas requiring accelerated stabilization;*

(iii) *Maintenance requirements to ensure that stabilized areas continuously meet the appropriate requirements of the “2010 Maryland Standards and Specifications for Soil Erosion and Sediment Control”;* and

(iv) *Identification of interior areas of surface mines exempted from stabilization requirements to prevent contamination of the recoverable resource by the stabilization material;*

(g) *Sequence of construction describing the relationship between the implementation and maintenance of erosion and sediment control practices, including permanent and temporary stabilization, grading units, and the various stages or phases of earth disturbance and construction. At a minimum, a sequence of construction is to include a schedule and time frame for the following activities:*

(i) *Clearing and grubbing as necessary for the installation of perimeter controls;*

(ii) *Construction and stabilization of perimeter controls;*

(iii) *Remaining clearing and grubbing within installed perimeter controls;*

(iv) *Road grading;*

(v) *Grading for the remainder of the site;*

(vi) *Utility installation and connections to existing structures;*

(vii) *Final grading, landscaping, and stabilization; and*

(viii) *Removal of controls and stabilization of resulting disturbances;*

(h) *A statement placed on the plan indicating the owner/developer shall notify the appropriate enforcement authority at the following stages of construction:*

(i) *Prior to the start of earth disturbance;*

(ii) *Upon completion of the installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading; and*

(iii) *Prior to the removal of sediment controls; and*

(i) *An Owner/Developer Certification stating:*

(i) *All clearing, grading, construction, and development will be done pursuant to this plan; and*

(ii) *Responsible personnel involved in the construction project will have a Certificate of Training before beginning the project. This Certificate of Training for responsible personnel requirement may be waived by the appropriate approval authority on any project involving four or fewer residential units; and*

(7) *Any additional information or data deemed appropriate by the appropriate approval authority.*

C. *The appropriate approval authority may require certification by a professional engineer, land surveyor, landscape architect, architect, or forester (for a forest harvest operation only) registered in the State that a plan has been designed in accordance with the appropriate approved erosion and sediment control ordinance or regulation, standards, and criteria.*

D. Standard Erosion and Sediment Control Plans.

(1) *An approval authority may adopt a standard erosion and sediment control plan for minor grading, earth disturbance, and construction activities, such as a single-family residence, small commercial and other similar building sites, minor maintenance grading, and minor utility construction.*

(2) *A standard erosion and sediment control plan must be consistent with the appropriate county or municipal erosion and sediment control ordinance, the Commission’s erosion and sediment control regulations, and this chapter.*

(3) *The Administration shall review and approve a standard plan prior to adoption.*

(4) *The following is to be considered during the Administration’s review and approval:*

(a) *Volume of grading allowed;*

(b) *Disturbed surface area allowed;*

(c) *Staging of the clearing and grading operation;*

(d) *Depth or height of cut and fill allowed;*

(e) *Maximum degree of steepness of any existing slopes;*

(f) *Maximum degree of steepness of final graded slopes;*

(g) *Proposed manner of handling storm water runoff;*

(h) *Proposed manner and timing of temporary and permanent stabilization;*

(i) *Proposed erosion and sediment control principles, methods, and practices to be employed; and*

(j) *Proposed applications and restricted use of the standard plan, including restrictions on its use in developing subdivisions or contiguous or adjacent areas.*

(5) *The Administration shall conduct the review of the standard plan in a timely manner and notify the appropriate approval authority in writing of the Administration’s findings.*

.08 Approval or Denial of Erosion and Sediment Control Plans.

A. Review of Plans.

(1) *The appropriate approval authority shall review and approve an erosion and sediment control plan in accordance with the criteria contained in “2010 Maryland Standards and Specifications for Soil Erosion and Sediment Control”.*

(2) *The appropriate approval authority shall assess the adequacy of the proposed erosion and sediment control measures to minimize erosion and keep sediment on-site.*

(3) *When appropriate, an on-site evaluation shall be conducted as part of the review process in order to provide proper consideration of existing conditions and proposed control measures.*

B. *The appropriate approval authority reserves the right to impose conditions necessary to:*

(1) *Prevent creation of a nuisance or dangerous condition;*

(2) *Avoid sediment pollution; or*

(3) *Deny the issuance of an approval where the proposed project would adversely affect the public safety and welfare.*

C. *The appropriate approval authority may withhold approval when it determines that:*

(1) *An owner/developer has not complied with the provisions of an outstanding order; or*

(2) *There is a violation of the terms of an existing:*

(a) *Grading permit;*

(b) *Building permit; or*

(c) *Erosion and sediment control plan or related approval, permit, or license.*

D. *In jurisdictions which are not delegated, the appropriate approval authority shall forward one copy of each approved plan to the Administration upon plan approval.*

E. For plans approved by the Administration:

(1) *Approved plans will be stamped approved;*

(2) *The Administration shall send a letter of approval to the owner/developer; and*

(3) *A copy of the approved plan will be kept by the Administration.*

F. Expiration of Approved Erosion and Sediment Control Plans.

(1) *Approved erosion and sediment control plans remain valid for 2 years from the date of approval, except surface mines and*

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landfill plans, which remain valid for 5 years from the date of approval.

(2) Erosion and sediment control plan approvals may be extended or renewed by the appropriate approval authority.

.09 Inspection and Enforcement.

A. The Administration shall be responsible for the inspection and enforcement of all grading that requires an approved erosion and sediment control plan as designated within this chapter.

B. When the Administration has delegated enforcement authority to a county, a municipality, or the Commission, the county, municipality or Commission shall have the primary responsibility for inspection and enforcement as designated by an approved erosion and sediment control ordinance or erosion and sediment control regulations.

C. An approved erosion and sediment control plan for an active site is to be on-site and available to the appropriate enforcement authority and the Administration.

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. When conducting an inspection, the appropriate enforcement authority:

(1) Ensure that an approved erosion and sediment control plan and permits are on the site as required;

(2) Conduct a complete inspection of the site unless otherwise indicated;

(3) Prepare a written inspection report that includes:

(a) The date and location of this site inspection;

(b) Whether the approved plan has been properly implemented and maintained;

(c) Practice deficiencies or erosion and sediment control plan deficiencies;

(d) If a violation exists, the type of enforcement action taken; and

(e) If applicable, a description of minor or major modifications as described in this regulation; and

(4) Notify the on-site personnel and the owner/developer in writing when violations are observed, describing the:

(a) Nature of the violation;

(b) Required corrective action; and

(c) Time period in which to have the violation corrected.

F. Complaints.

(1) The appropriate enforcement authority shall accept and investigate complaints regarding erosion and sediment control concerns from any interested party and:

(a) Conduct an initial investigation within 3 working days of receipt of the complaint;

(b) Notify the complainant of the initial investigation and findings within 7 days of receipt of the complaint; and

(c) Take appropriate action when violations are discovered during the course of the complaint investigation.

(2) The Administration may investigate complaints received and take appropriate action or refer complaints received to the appropriate enforcement authority.

(3) The Administration shall notify the appropriate enforcement authority in a timely manner when investigating a complaint in a delegated jurisdiction.

G. A county, a municipality, or the Commission may request enforcement assistance from the Administration on any site.

H. Plan Modifications.

(1) Modifications to an approved erosion and sediment control plan may be requested by the owner/developer or required by the appropriate approval or enforcement authority.

(2) Modifications must be made in accordance with the erosion and sediment control criteria contained in the "2010 Maryland

Standards and Specifications for Soil Erosion and Sediment Control" and the criteria for major and minor modifications.

(3) Major Modifications.

(a) Major modifications include revisions to sediment control practices involving concentrated flow or impoundments, such as a sediment basin or trap. Major modifications also include significant changes to the sequence of construction or to the phasing of grading units.

(b) Major modifications must be approved by the appropriate approval authority prior to implementation.

(4) Minor Modifications.

(a) The appropriate approval authority may, in conjunction with the appropriate enforcement authority, develop a list of minor modifications.

(b) The Administration shall review and approve all minor modification lists.

(c) The appropriate enforcement authority may allow the implementation of minor modifications as field revisions.

(d) The appropriate enforcement authority shall, in writing, approve field revisions prior to their implementation.

I. Enforcement.

(1) The appropriate enforcement authority shall, through the authority of an erosion and sediment control ordinance or regulations, this chapter, and the Sediment Control Subtitle, use enforcement action when erosion and sediment control violations occur.

(2) Enforcement actions may include, but are not limited to:

(a) Issuance of a corrective action order;

(b) Issuance of a stop work order, the extent of which is determined by the appropriate enforcement authority;

(c) Issuance of a penalty or fine as allowed; and

(d) Referral for legal action.

(3) In addition to any other sanctions, a person in violation of any provision of the Sediment Control Subtitle or this chapter is subject to civil action or criminal prosecution as deemed necessary.

(4) Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.

(5) The appropriate enforcement authority shall stop work on a site where grading is occurring without a required erosion and sediment control plan.

J. Suspension of Approval.

(1) The appropriate approval authority may suspend approval of an erosion and sediment control plan.

(2) When an erosion and sediment control plan is suspended:

(a) Stabilization is required of all disturbed areas on the project site; and

(b) Grading, building, and other permits related to the project will also be suspended.

.10 Responsibility of Applicant.

The issuance of an approval by the appropriate approval authority does not relieve the applicant of the continuing responsibility to effectively abate sediment pollution and comply with all other applicable local and State laws.

.11 Sediment Control Design Standards and Specifications.

A. The handbook titled "[1994] 2010 Maryland Standards and Specifications for Soil Erosion and Sediment Control" 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. Notwithstanding any other requirement in this chapter, the Administration may require the use of any standard and specification or best management practice it deems warranted to address an erosion and sediment control violation.

C. When an erosion and sediment control plan is suspended:

- (1) Stabilization is required of all disturbed areas on the project site; and
- (2) Grading, building, and other permits related to the project will also be suspended.

SHARI T. WILSON
Secretary of the Environment

Title 30
MARYLAND INSTITUTE
FOR EMERGENCY
MEDICAL SERVICES
SYSTEMS (MIEMSS)
Subtitle 08 DESIGNATION OF
TRAUMA AND SPECIALTY
REFERRAL CENTERS

Notice of Proposed Action
[10-227-P]

The State Emergency Medical Services Board proposes to:

- (1) Amend Regulation **.02** under **COMAR 30.08.01 General Provisions**;
- (2) Repeal existing Regulations **.01 — .15** and adopt new Regulations **.01 — .15** under **COMAR 30.08.12 Perinatal and Neonatal Referral Center Standards**.

This action was considered and approved by the State Emergency Medical Services Board at its regular meeting on June 8, 2010.

Statement of Purpose

The purpose of this action is to make the standards for the designation of Perinatal and Neonatal Referral Centers consistent with the standards developed by the Perinatal Clinical Advisory Committee to the Secretary of Health and Mental Hygiene in its most recent document, Maryland Perinatal System Standards, Revised 2008.

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 Carla Bailey, Ph.D., R.N., Director, Perinatal Programs, Maryland Institute for Emergency Medical Services Systems, 653 Pratt Street, Baltimore, Maryland 21201, or call (410)706-3931, or email to cbailey@miemss.org, or fax to (410)706-0853. Comments will be accepted through September 27, 2010. A public hearing has not been scheduled.

30.08.01 General Provisions

Authority: Education Article, §13-509, Annotated Code of Maryland

.02 Definitions.

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

B. Terms Defined.

- (1) — (42) (text unchanged)
- (43) “Level [III] *IIIA* perinatal referral center” means a hospital that:
 - (a) Meets the Level [III] *IIIA* perinatal referral center standards in COMAR 30.08.12; and
 - (b) Is designated by [MIEMMS] *MIEMSS* and approved by the EMS Board as capable of providing medical intensive care to newborns greater than:
 - (i) [26] *28 weeks gestational age, or*
 - (ii) [800] *1000 grams.*
- (44) “Level [III+] *IIIB* perinatal referral center” means a hospital that:
 - (a) Meets the Level [III+] *IIIB* perinatal referral center standards in COMAR 30.08.12;
 - (b) Is [geographically near] *within 30 minutes travel time of* a Level [IV] *IIIC* perinatal referral center; and
 - (c) (text unchanged)
- (45) (text unchanged)
- (46) “Level [IV] *IIIC* perinatal referral center” means a hospital that:
 - (a) Meets the Level [IV] *IIIC* perinatal referral center standards in COMAR 30.08.12; and
 - (b) (text unchanged)
- (47) — (97) (text unchanged)

30.08.12 Perinatal and Neonatal Referral Center Standards

Authority: Education Article, §13-509, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

- (1) “Current” means generally accepted, used, practiced, or prevalent at the moment.
- (2) “E” means the standard is essential.
- (3) “O” means the standard is optional.
- (4) “NA” means the standard does not apply.
- (5) “Programmatic responsibility” means the writing, review, and maintenance of practice guidelines, policies, and procedures; development of the operating budget in collaboration with hospital administration and other program directors; evaluation and guiding of the purchase of equipment; planning, development, and coordinating of educational programs, both in-hospital and outreach; participation in the evaluation of perinatal care; and participation in perinatal quality improvement and patient safety activities.
- (6) “Thirty (30) minutes” means in-house within thirty (30) minutes under normal driving conditions which include, but are not limited to, weather, traffic, and other circumstances which may be beyond the individual’s control.
- (7) “Urgently available” means a source available within 30 minutes.

.02 Types of Perinatal Referral Centers.

- A. “*IIIA*” is a Level *IIIA* perinatal referral center.
- B. “*IIIB*” is a Level *IIIB* perinatal referral center.
- C. “*IIIC*” is a Level *IIIC* perinatal referral center.

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.03 Organization.

	IIIA	IIIB	IIIC
A. The hospital's Board of Directors, administration, and medical and nursing staffs shall demonstrate commitment to its specific level of perinatal center designation and to the care of perinatal patients. This commitment shall be demonstrated by:			
(1) A Board resolution that the hospital agrees to meet the Maryland Perinatal System Standards for its specific level of designation;	E	E	E
(2) Participation in the Maryland Perinatal System, as described by this document, including submission of patient care data to the Maryland Department of Health and Mental Hygiene (DHMH) and the Maryland Institute for Emergency Medical Services Systems (MIEMSS), as appropriate, for system and quality management;	E	E	E
(3) Assurance that all perinatal patients shall receive medical care commensurate with the level of the hospital's designation; and	E	E	E
(4) A Board resolution, bylaws, contracts, and budgets, all specific to the perinatal program, indicating the hospital's commitment to the financial, human, and physical resources and to the infrastructure that are necessary to support the hospital's level of perinatal center designation.	E	E	E
B. The hospital shall be licensed by the Maryland Department of Health and Mental Hygiene (DHMH) as an acute care hospital.	E	E	E
C. The hospital shall be Joint Commission accredited.	E	E	E
D. The hospital shall have a certificate of need (CON) issued by the Maryland Health Care Commission (MHCC) for its neonatal intensive care unit and/or approval from the Health Services Cost Review Commission (HSCRC) for a neonatal intensive care unit cost center.	E	E	E
E. The hospital shall obtain and maintain current equipment and technology, as described in these standards, to support optimal perinatal care for the level of the hospital's perinatal center designation.	E	E	E
F. If maternal or neonatal air transports are accepted, then the hospital shall have a heliport, helipad, or access to a helicopter landing site near the hospital.	E	E	E
G. The hospital shall provide specialized maternal and neonatal transport capability and have extensive Statewide perinatal educational outreach programs in both specialties in collaboration with the Maryland Institute for Emergency Medical Services Systems (MIEMSS) and the Maryland Department of Health and Mental Hygiene (DHMH).	O	O	E

.04 Obstetrical Unit Capabilities.

	IIIA	IIIB	IIIC
A hospital shall:			
A. Demonstrate its capability of providing uncomplicated and complicated obstetrical care through written standards, protocols, or guidelines, including those for the following:			
(1) Unexpected obstetrical care problems;	E	E	E
(2) Fetal monitoring, including internal scalp electrode monitoring;	E	E	E
(3) Initiating a cesarean delivery within 30 minutes of the decision to deliver;	E	E	E
(4) Selection and management of obstetrical patients at a maternal risk level appropriate to its capability; or	E	E	E
(5) Management of all obstetrical patients.	NA	NA	E
B. Be capable of providing critical care services appropriate for obstetrical patients, as demonstrated by having a critical care unit and a board-certified critical care specialist as an active member of the medical staff.	E	E	E
C. Have a written plan for initiating maternal transports to an appropriate level.	E	E	E
D. Have a written protocol for the acceptance of maternal transports in place.	E	E	E

.05 Neonatal Unit Capabilities.

	IIIA	IIIB	IIIC
A hospital shall demonstrate its capability of providing uncomplicated and complicated neonatal care through written standards, protocols, or guidelines, including those for the following:			
A. Resuscitation and stabilization of unexpected neonatal problems according to the most current Neonatal Resuscitation Program (NRP) guidelines;	E	E	E
B. Selection and management of neonatal patients at a neonatal risk level appropriate to its capability; or	E	E	E
C. Management of all neonatal patients, including those requiring advanced modes of neonatal ventilation and life-support, pediatric subspecialty services, and pediatric subspecialty surgical services such as pediatric cardio-thoracic open-heart surgery and pediatric neurosurgery.	NA	NA	E

.06 Obstetric Personnel.

	IIIA	IIIB	IIIC
A hospital shall have:			
A. A physician board-certified in obstetrics and gynecology who shall be a member of the medical staff and have responsibility for programmatic management of obstetrical services;	E	E	E
B. A physician (or physicians) board-certified or an active candidate for board-certification in maternal-fetal medicine and who shall be a member of the medical staff and have responsibility for programmatic management of high-risk obstetrical services;	E	E	E

C. A maternal-fetal medicine physician on the medical staff, in active practice and, if needed, in-house within 30 minutes;	E	E	E
D. A physician board-certified or an active candidate for board-certification in obstetrics/gynecology who shall be present in-house 24 hours a day and immediately available to the delivery area when a patient is in active labor;	E	E	E
E. A physician or certified nurse-midwife (with obstetrical privileges) who shall be present at all deliveries; and	E	E	E
F. A physician board-certified or an active candidate for board-certification in anesthesiology who shall be a member of the medical staff and have responsibility for programmatic management of obstetrical anesthesia services.	E	E	E

surgeons;			
I. The following pediatric specialists on staff, in active practice and, if needed, in-house within 30 minutes: (1) Hematology; (2) Endocrinology; (3) Pulmonary; (4) Gastrointestinal; and (5) Renal; and	O	O	E
J. The following pediatric surgical subspecialists on staff, in active practice and, if needed, in-house within 30 minutes: (1) Neurosurgery; (2) Cardiothoracic surgery; (3) Orthopedic surgery; (4) Plastic surgery; and (5) Ophthalmology.	O	O	E

.07 Pediatric Personnel.

	IIIA	IIIB	IIIC
A hospital shall have:			
A. A physician (or physicians) board-certified in neonatal-perinatal medicine who is a member of the medical staff and has full-time responsibility for neonatal special care or intensive care unit services;	E	E	E
B. Neonatal Resuscitation Program (NRP) trained professional(s) with experience in acute care of the depressed newborn and skilled in neonatal endotracheal intubation and resuscitation immediately available to the delivery and neonatal units;	E	E	E
C. A physician who has completed postgraduate pediatric training, a nurse practitioner, or a physician assistant with privileges for neonatal care appropriate to the level of the nursery and who shall be immediately available 24 hours a day;	E	NA	NA
D. A physician who has completed postgraduate pediatric training, a nurse practitioner, or a physician assistant with privileges for neonatal care appropriate to the level of the nursery and who shall be present in-house 24 hours a day and assigned to the delivery area and neonatal units and not shared with other units in the hospital;	O	E	E
E. A physician board-certified or an active candidate for board certification in neonatal-perinatal medicine and who shall be available to be present in-house within 30 minutes;	E	E	E
F. An ophthalmologist on staff with experience in neonatal retinal examination and a written consulting relationship with pediatric cardiologist(s) and pediatric surgeon(s);	E	E	NA
G. The following pediatric specialists on staff, in active practice and, if needed, in-house within 30 minutes: (1) Cardiology; (2) Neurology; and (3) Genetics;	O	E	E
H. One or more pediatric general	O	O	E

.08 Other Personnel.

	IIIA	IIIB	IIIC
A hospital shall have:			
A. A physician board-certified or an active candidate for board certification in anesthesiology or nurse-anesthetist who shall be available so that cesarean delivery may be initiated per hospital protocol within 30 minutes of the decision to deliver;	E	E	E
B. A physician board-certified or an active candidate for board-certification in anesthesiology who shall be present in-house 24 hours a day, readily available to the delivery area;	E	E	E
C. If the hospital performs neonatal surgery, a board-certified anesthesiologist with experience in neonatal anesthesia who shall be present for the surgery;	E	E	E
D. A physician on the medical staff with privileges for providing critical interventional radiology services for: (1) Obstetrical patients; and (2) Neonatal patients;	E	E	E
E. Obstetric and neonatal diagnostic imaging available 24 hours a day, with interpretation by physicians with experience in maternal and/or neonatal disease and its complications;	NA	O	E
F. A registered dietician or other health care professional with knowledge of and experience in adult and neonatal parenteral/enteral high-risk management on staff;	E	E	E
G. An International Board Certified Lactation Consultant on full-time staff who shall have programmatic responsibility for lactation support services which shall include education and training of additional hospital staff members in order to ensure availability 7 days per week of dedicated lactation support;	E	E	E
H. A licensed social worker with a Master's degree, (either an LGSW, Licensed Graduate Social Worker, or an LCSW, Licensed Certified Social Worker) and experience in psychosocial assessment and intervention with women and their families	E	E	E

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<i>dedicated to the perinatal service;</i>			
<i>I. A licensed social worker with a Master's degree (either an LGSW, Licensed Graduate Social Worker, or an LCSW, Licensed Certified Social Worker) and experience in psychosocial assessment and intervention with women and their families dedicated to the NICU;</i>	<i>O</i>	<i>E</i>	<i>E</i>
<i>J. Respiratory therapists skilled in neonatal ventilator management:</i>			
<i>(1) Present in-house 24 hours a day; and</i>	<i>E</i>	<i>E</i>	<i>NA</i>
<i>(2) Assigned to the NICU and not shared with other units 24 hours a day;</i>	<i>O</i>	<i>O</i>	<i>E</i>
<i>K. Genetic diagnostic and counseling services or written consultation and referral agreements for these services in place;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>L. A pediatric neurodevelopmental follow-up program or written referral agreements for neurodevelopmental follow-up;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>M. On its administrative staff a registered nurse with a Master's or higher degree in nursing or a health-related field and experience in high-risk obstetrical and neonatal nursing who shall have programmatic responsibility for the obstetrical and neonatal nursing services;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>N. A perinatal program with nurses that shall have special expertise in obstetrical and neonatal nursing identified for staff education;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>O. A perinatal service that shall have:</i> <i>(1) A registered nurse skilled in the recognition and nursing management of complications of labor and delivery readily available if needed to the labor and delivery unit 24 hours a day;</i> <i>(2) A registered nurse skilled in the recognition and management of complications in women and newborns readily available to the obstetrical unit 24 hours a day;</i> <i>(3) A registered nurse with demonstrated training and experience in the assessment, evaluation, and care of patients in labor, present at all deliveries; and</i> <i>(4) A registered nurse with demonstrated training and experience in the assessment, evaluation, and care of newborns, readily available to the neonatal unit 24 hours a day;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>P. A perinatal program that performs neonatal surgery with nurses on staff that shall have special expertise in perioperative management of neonates; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>Q. A written plan for assuring registered nurse/patient ratios as per current Guidelines for Perinatal Care.</i>	<i>E</i>	<i>E</i>	<i>E</i>

<i>processing and reporting times to ensure that these are appropriate for samples drawn from obstetric and neonatal patients with specific consideration for the acuity of the patient and the integrity of the samples.</i>			
<i>B. Demonstrate the capability to immediately receive, process, and report urgent/emergent obstetric and neonatal laboratory requests.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. Have a process in place to report critical results to the obstetric and neonatal services.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>D. Make laboratory results from standard maternal antepartum testing available to the providers caring for the mother and the neonate prior to discharge. If test results are not available or if testing was not performed prior to admission, such testing shall be performed during the hospitalization of the mother and results available prior to discharge of the newborn.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>E. Have the capacity to conduct rapid HIV testing 24 hours a day.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>F. Have a laboratory capable of performing the following tests 24 hours a day:</i> <i>(1) Fetal scalp blood pH, if fetal scalp blood pH testing is being utilized at the hospital; and</i> <i>(2) Fetal lung maturity tests.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>G. Have available the equipment and trained personnel to perform newborn hearing screening prior to discharge on all infants born at or transferred to the institution as required by the Universal Newborn Hearing Screening, Diagnosis, and Intervention Guidelines.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>H. Have blood bank technicians present in-house 24 hours a day.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>I. Have molecular, cytogenetic, and biochemical genetic testing available or written consultation and referral agreements for these services in place.</i>	<i>E</i>	<i>E</i>	<i>E</i>

.10 Diagnostic Imaging Capabilities.

	<i>IIIA</i>	<i>IIIB</i>	<i>IIIC</i>
<i>A hospital shall have:</i>			
<i>A. Portable obstetric ultrasound equipment, with the services of appropriate support present in the delivery area;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>B. Portable x-ray equipment, with the services of appropriate support available to the neonatal units;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. Portable head ultrasound for newborns, with the services of appropriate support staff available to the neonatal units;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>D. Computerized tomography (CT) capability, with the services of appropriate support staff available on campus.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>E. Magnetic resonance imaging (MRI) capability, with the services of appropriate support staff available on campus;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>F. Neonatal echocardiography equipment and experienced technician available on campus as needed with interpretation by</i>	<i>E</i>	<i>E</i>	<i>E</i>

.09 Laboratory.

	<i>IIIA</i>	<i>IIIB</i>	<i>IIIC</i>
<i>A hospital shall:</i>			
<i>A. In conjunction with the hospital laboratory and the programmatic leaders of the perinatal service, establish laboratory</i>	<i>E</i>	<i>E</i>	<i>E</i>

<i>pediatric cardiologist;</i>			
<i>G. A pediatric cardiac catheterization laboratory and appropriate staff; and</i>	<i>O</i>	<i>O</i>	<i>E</i>
<i>H. Equipment for performing interventional radiology services for:</i>			
<i>(1) Obstetrical patients; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(2) Neonatal patients.</i>	<i>NA</i>	<i>O</i>	<i>E</i>

.11 Equipment.

	III A	III B	III C
<i>A hospital shall have:</i>			
<i>A. All of the following equipment and supplies immediately available for existing patients and for the next potential patient:</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(1) O2 analyzer, stethoscope, intravenous infusion pumps;</i>			
<i>(2) Radiant heated bed in delivery room and available in the neonatal units;</i>			
<i>(3) Oxygen hood with humidity;</i>			
<i>(4) Bag and masks capable of delivering a controlled concentration of oxygen to the infant;</i>			
<i>(5) Orotracheal tubes;</i>			
<i>(6) Aspiration equipment;</i>			
<i>(7) Laryngoscope;</i>			
<i>(8) Umbilical vessel catheters and insertion tray;</i>			
<i>(9) Cardiac monitor;</i>			
<i>(10) Pulse oximeter;</i>			
<i>(11) Phototherapy unit;</i>			
<i>(12) Doppler blood pressure for neonates;</i>			
<i>(13) Cardioversion/defibrillation capability for mothers and neonates;</i>			
<i>(14) Resuscitation equipment for mothers and neonates;</i>			
<i>(15) Individual oxygen, air, and suction outlets for mothers and neonates; and</i>			
<i>(16) Emergency call system;</i>			
<i>B. A neonatal intensive care unit bed set up and equipment available at all times for an emergency admission;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. Fetal diagnostic testing and monitoring equipment for:</i>			
<i>(1) Non-stress and stress testing;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(2) Ultrasound examinations; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(3) Amniocentesis;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>D. The capability to monitor neonatal intra-arterial pressure;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>E. Laser coagulation capability for retinopathy of prematurity;</i>	<i>O</i>	<i>E</i>	<i>E</i>
<i>F. A full range of invasive maternal monitoring available to the delivery area, including equipment for central venous pressure and arterial pressure monitoring;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>G. Appropriate equipment, including back-up equipment, for neonatal respiratory care as well as protocols for the use and maintenance of the equipment as required by its defined level status; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>H. The capability of providing advanced ventilatory support for neonates of all birth weights.</i>	<i>NA</i>	<i>O</i>	<i>E</i>

.12 Medications.

	III A	III B	III C
<i>A hospital shall have:</i>			
<i>A. Emergency medications, as listed in the Neonatal Resuscitation Program of the American Academy of Pediatrics/American Heart Association (AAP/AHA), present in the delivery area and neonatal units;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>B. The following medications immediately available to the neonatal units:</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(1) Antibiotics, anticonvulsants, and emergency cardiovascular drugs; and</i>			
<i>(2) Surfactant, prostaglandin E1;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. All emergency resuscitation medications to initiate and maintain resuscitation, in accordance with Advanced Cardiac Life Support (ACLS) guidelines, present in the delivery area; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>D. The following medications in the delivery area or immediately available to the delivery area:</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(1) Oxytocin (Pitocin);</i>			
<i>(2) Methylergonovine (Methergine);</i>			
<i>(3) 15-methyl prostaglandin F2 (Prostin);</i>			
<i>(4) Misoprostol (Cytotec); and</i>			
<i>(5) Carboprost tromethamine (Hemabate).</i>			

.13 Education Programs.

	III A	III B	III C
<i>A hospital shall:</i>			
<i>A. Identify minimum competencies for perinatal clinical staff, not otherwise credentialed, that are assessed prior to independent practice and on a regular basis thereafter;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>B. Provide continuing education programs for physicians, nurses, and allied health personnel on staff concerning the treatment and care of obstetrical and neonatal patients; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. Accept maternal or neonatal primary transports and provide the following to the referring hospital/providers:</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>(1) Guidance on indications for consultation and referral of patients at high risk;</i>			
<i>(2) Information about the accepting hospital's response times and clinical capabilities;</i>			
<i>(3) Information about alternative sources for specialized care not provided by the accepting hospital;</i>			
<i>(4) Guidance on the pretransport stabilization of patients; and</i>			
<i>(5) Feedback on the pretransport care of patients.</i>			

.14 Performance Improvement.

	III A	III B	III C
<i>A hospital shall:</i>			
<i>A. Have a multi-disciplinary, continuous quality improvement program for improving</i>	<i>E</i>	<i>E</i>	<i>E</i>

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<i>maternal and neonatal health outcomes that includes initiatives to promote patient safety including safe medication practices, Universal Protocol to prevent surgical error, and educational programs to improve communication and team work.</i>			
<i>B. Conduct internal perinatal case reviews which include all maternal, intrapartum fetal, and neonatal deaths, as well as all maternal and neonatal transports.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. Utilize a multi-disciplinary forum, to conduct quarterly performance reviews of the perinatal program. This review shall include a review of trends, all deaths, all transfers, all very low birth weight infants, problem identification and solution, issues identified from the quality management process, and systems issues.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>D. Participate with the Department of Health and Mental Hygiene and local health department Fetal and Infant Mortality Review and Maternal Mortality Review programs.</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>E. Participate in the collaborative collection and assessment of data with the Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems, through the Vermont Oxford Network, for the purpose of improving perinatal health outcomes.</i>	<i>E</i>	<i>E</i>	<i>E</i>

.15 Policies and Protocols.

	<i>IIIA</i>	<i>IIIB</i>	<i>IIIC</i>
<i>A hospital shall have:</i>			
<i>A. Written policies and protocols for the initial stabilization and continuing care of all obstetrical and neonatal patients appropriate to the level of care rendered at its facility;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>B. Maternal and neonatal resuscitation protocols;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>C. A medical staff credentialing process that shall include documentation to perform obstetrical and neonatal invasive procedures appropriate to its designated level of care;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>D. Written guidelines for accepting or transferring mothers or neonates as "back transports" including criteria for accepting the patient and patient information on required care;</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>E. A licensed neonatal transport service or written agreement with a licensed neonatal transport service; and</i>	<i>E</i>	<i>E</i>	<i>E</i>
<i>F. Policies that allow families (including siblings) to be together in the hospital following the birth of an infant and that promote parental involvement in the care of the neonate including the neonate in the NICU.</i>	<i>E</i>	<i>E</i>	<i>E</i>

ROBERT R. BASS, M.D.

Executive Director

Maryland Institute for Emergency Medical Services Systems

Errata

COMAR 13A.07.01.03

At 36:21 Md. R. 1608 (October 9, 2009), column 1, line 12 from
the top:

For: *tributes set forth in Regulation .05 of this chapter.*

Read: *tributes set forth in Regulation .06 of this chapter.*

[10-18-43]



Special Documents

DEPARTMENT OF STATE POLICE

HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland, and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after August 27, 2010. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

<i>Manufacturer</i>	<i>Model Name</i>	<i>Model Number</i>	<i>Caliber</i>
American Tactical	FX-GI 1911	ATI-FX-45-GI	.45 ACP
American Tactical	FX-Thunderbolt 1911	ATI-FX-45-THUN	.45 ACP
American Tactical	FX-Military 1911	ATI-FX-45-MIL	.45 ACP
BRNO or CZ	Shadow	SP01	9mm
Cobra Firearms	Freedom Series	FS-32	.32 ACP, .380 ACP
FN Herstal		FNX-40	.40 S&W
German Sport Guns (GSG)	GSG-1911		.22 LR
German Sport Guns (GSG)	GSG-5		.22LR
Smith & Wesson	Bodyguard 380	BG 380	.380 ACP
Smith & Wesson	Bodyguard 38	BG 38	.38 SPL
Springfield Armory/Inc.	XDm-45		.45 ACP
Taurus	M-970		.22 LR

[10-18-39]

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of Approved Projects.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATE: June 1, 2010, through June 30, 2010.

ADDRESS: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238-0423, ext. 304; fax: (717) 238-2436; e-mail: srichardson@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in and 18 CFR §806.22(f) for the time period specified above:

- Approvals By Rule Issued Under 18 CFR §806.22(f):
- Chesapeake Appalachia, LLC; Pad ID: Duane, ABR-20100601, Leroy Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 2, 2010.
 - Chesapeake Appalachia, LLC; Pad ID: Finnerty, ABR-20100602, West Burlington Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 2, 2010.
 - Cabot Oil and Gas Corporation, Pad ID: OakleyJ P1, ABR-20100603, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: June 2, 2010.
 - XTO Energy Incorporated, Pad ID: Brown 8519H, ABR-20100604, Moreland Township, Lycoming County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 2, 2010.
 - Cabot Oil & Gas Corporation, Pad ID: Post P1, ABR-20100605, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: June 2, 2010.
 - Chesapeake Appalachia, LLC; Pad ID: Allen, ABR-20100606, Wysox Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 2, 2010.
 - Seneca Resources Corporation, Pad ID: Wivell Pad I, ABR-20100607, Covington Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 2, 2010.
 - Cabot Oil & Gas Corporation, Pad ID: Lauffer P1, ABR-20100608, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: June 2, 2010.
 - Cabot Oil & Gas Corporation, Pad ID: StockholmK P3, ABR-20100609, Rush Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: June 2, 2010.

- Chesapeake Appalachia, LLC; Pad ID: Rylee, ABR-20100610, Auburn Township, Susquehanna County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 3, 2010.
- EXCO Resources (PA), Inc.; Pad ID: Taylor (Pad 33), ABR-20100611, Burnside Township, Centre County, Pa.; Consumptive Use of up to 8.000 mgd; Approval Date: June 3, 2010.
- Cabot Oil & Gas Corporation, Pad ID: HullR P2, ABR-20100612, Springville Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: June 4, 2010.
- Seneca Resources Corporation, Pad ID: DCNR Tract 007 1V, ABR-20100613, Shippen Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 4, 2010.
- East Resources, Inc.; Pad ID: Barbine 292, ABR-20100614, Charleston Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 4, 2010.
- East Resources, Inc.; Pad ID: Mitchell 456, ABR-20100615, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 4, 2010.
- Chief Oil & Gas, LLC; Pad ID: Fulmer Drilling Pad #1, ABR-20100616, Penn Township, Lycoming County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 6, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Stalford, ABR-20100617, Wyalusing Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 7, 2010.
- East Resources, Inc.; Pad ID: Erickson 423, ABR-20100618, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 7, 2010.
- Range Resources – Appalachia, LLC; Pad ID: Mohawk Lodge Unit, ABR-20100619, Gallagher Township, Clinton County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: June 7, 2010.
- Seneca Resources Corporation, Pad ID: Valldes Pad C, ABR-20100620, Covington Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 7, 2010.
- Seneca Resources Corporation, Pad ID: Warren Pad B, ABR-20100621, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 7, 2010.
- East Resources, Inc.; Pad ID: Hege 426, ABR-20100622, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 7, 2010.
- East Resources, Inc.; Pad ID: Allen 620, ABR-20100623, Charleston Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 7, 2010.
- Norse Energy Corporation USA, Pad ID: Krawiec #2, ABR-20100624, Smyrna Township, Chenango County, N.Y.; Consumptive Use of up to 0.100 mgd; Approval Date: June 7, 2010.
- Norse Energy Corporation USA, Pad ID: Mulligan #1, ABR-20100625, Lebanon Township, Madison County, N.Y.; Consumptive Use of up to 0.100 mgd; Approval Date: June 7, 2010.
- East Resources, Inc.; Pad ID: Hazelton 424, ABR-20100626, Shippen Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 8, 2010.
- Norse Energy Corporation USA, Pad ID: Byler, R. #1, ABR-20100627, Lebanon Township, Madison County, N.Y.; Consumptive Use of up to 0.150 mgd; Approval Date: June 9, 2010.
- Chief Oil & Gas, LLC; Pad ID: Shannon Land Mining Drilling Pad #1, ABR-20100628, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 9, 2010.
- Talisman Energy USA, Inc.; Pad ID: Roy 03 046, ABR-20100629, Wells Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 10, 2010.
- Talisman Energy USA, Inc.; Pad ID: Roy 03 039, ABR-20100630, Wells Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 10, 2010.
- Anadarko E&P Company, LP; Pad ID: COP Tract 728 Pad A, ABR-20100631, Watson Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 10, 2010, including a partial waiver of 18 CFR §806.15.
- EXCO Resources (PA), Inc.; Pad ID: Livergood (Pad 28), ABR-20100632, Burnside Township, Centre County, Pa.; Consumptive Use of up to 8.000 mgd; Approval Date: June 11, 2010.
- Ultra Resources, Inc.; Pad ID: Pierson 810, ABR-20100633, Gaines Township, Tioga County, Pa.; Consumptive Use of up to 4.990 mgd; Approval Date: June 11, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Shaw, ABR-20100634, Windham Township, Wyoming County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 11, 2010.
- Anadarko E&P Company, LP; Pad ID: David C Duncan Pad A, ABR-20100635, Cascade Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 11, 2010.
- Anadarko E&P Company, LP; Pad ID: COP Tract 289 C, ABR-20100636, McHenry Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 11, 2010, including a partial waiver of 18 CFR §806.15.
- Chesapeake Appalachia, LLC; Pad ID: Cannella, ABR-20100637, Auburn Township, Susquehanna County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 11, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Towner, ABR-20100638, Rome Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 14, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Bonin, ABR-20100639, Orwell Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 14, 2010.
- Chesapeake Appalachia, LLC; Pad ID: BDF, ABR-20100640, Smithfield Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 14, 2010.
- XTO Energy Incorporated, Pad ID: Moser 8521H, ABR-20100641, Franklin Township, Lycoming County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 14, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Them, ABR-20100642, Wysox Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 14, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Serengeti, ABR-20100643, Troy Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 14, 2010.
- EOG Resources, Inc.; Pad ID: PHC Pad U, ABR-20100644, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: June 14, 2010.
- EOG Resources, Inc.; Pad ID: COP Pad B, ABR-20100645, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: June 14, 2010.
- Range Resources – Appalachia, LLC; Pad ID: Shohocken Hunt Club Unit #1H - #6H, ABR-20100646, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: June 14, 2010.
- Talisman Energy USA, Inc.; Pad ID: Harnish 01 032, ABR-20100647, Canton Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 14, 2010.
- Range Resources – Appalachia, LLC; Pad ID: Ogontz Fishing Club Unit #12H - #17H, ABR-20100648, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: June 14, 2010.
- Seneca Resources Corporation, Pad ID: Murray Pad A, ABR-20100317.1, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 14, 2010.

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- Talisman Energy USA, Inc.; Pad ID: Wray 03 058, ABR-20100649, Wells Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 15, 2010.
- Talisman Energy USA, Inc.; Pad ID: Roy 03 040, ABR-20100650, Wells Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 15, 2010.
- East Resources, Inc.; Pad ID: Gilman 812, ABR-20100651, Chatham Township, Tioga County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: June 16, 2010.
- East Resources, Inc.; Pad ID: Staples 804, ABR-20100652, Clymer Township, Tioga County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: June 16, 2010.
- Southwestern Energy Production Company, Pad ID: Robinson, ABR-20100653, Stevens Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: June 16, 2010.
- Talisman Energy USA, Inc.; Pad ID: Schucker 03 006, ABR-20100654, Columbia Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 16, 2010.
- EOG Resources, Inc.; Pad ID: MATTOCKS 1V, ABR-20100655, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: June 16, 2010.
- Seneca Resources Corporation, Pad ID: DCNR Tract 001 1V, ABR-20100656, Sweden Township, Potter County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 16, 2010.
- EOG Resources, Inc.; Pad ID: HAVEN 1H, ABR-20100657, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 1.999 mgd; Approval Date: June 16, 2010.
- EOG Resources, Inc.; Pad ID: HAVEN 3H, ABR-20100658, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 1.999 mgd; Approval Date: June 16, 2010.
- East Resources, Inc.; Pad ID: Shelman 291, ABR-20100659, Charleston Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 17, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Oshea, ABR-20100660, Windham Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 17, 2010.
- Chesapeake Appalachia, LLC; Pad ID: LRTC, ABR-20100661, Morris Township, Tioga County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 17, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Linski, ABR-20100662, Tuscarora Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 17, 2010.
- Cabot Oil and Gas Corporation, Pad ID: StockholmK P1, ABR-20100663, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: June 18, 2010.
- XTO Energy Incorporated, Pad ID: Marquardt 8534H, ABR-20100664, Penn Township, Lycoming County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 18, 2010.
- Talisman Energy (USA), Inc.; Pad ID: Boor 03 010, ABR-20100665, Columbia Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 18, 2010.
- Norse Energy Corporation, Pad ID: Aarismaa, J. #1, ABR-20100666, Preston Township, Chenango County, N.Y.; Consumptive Use of up to 0.150 mgd; Approval Date: June 21, 2010.
- EnCana Oil & Gas (USA), Inc.; Pad ID: Salansky 1H, ABR-20100667, Lake Township, Luzerne County, Pa.; Consumptive Use of up to 1.200 mgd; Approval Date: June 21, 2010.
- EXCO Resources (PA), Inc.; Pad ID: Confer (Pad 31), ABR-20100668, Burnside Township, Centre County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 21, 2010.
- EXCO Resources (PA), Inc.; Pad ID: Confer (Pad 32), ABR-20100669, Burnside Township, Centre County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 21, 2010.
- East Resources, Inc.; Pad ID: Doan 893, ABR-20100670, Deerfield Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 21, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Alderfer NEW, ABR-20100671, Litchfield Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 21, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Steinbright, ABR-20100672, Orwell Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 22, 2010.
- East Resources, Inc.; Pad ID: Broadbent 466, ABR-20100673, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 22, 2010.
- Chief Oil & Gas, LLC; Pad ID: Castrogiovanni Drilling Pad #1, ABR-20100674, Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 22, 2010.
- Chief Oil & Gas, LLC; Pad ID: Baumunk Drilling Pad #1, ABR-20100675, Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 22, 2010.
- Chief Oil & Gas, LLC; Pad ID: McCarty Drilling Pad #1, ABR-20100676, Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 22, 2010.
- Triana Energy, LLC; Pad ID: Triana-Young Pad A, ABR-20100677, Hector Township, Potter County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 22, 2010.
- Carrizo Marcellus, LLC; Pad ID: Selma Stang 2H, ABR-20100678, Washington Township, Wyoming County, Pa.; Consumptive Use of up to 1.400 mgd; Approval Date: June 22, 2010.
- Carrizo Marcellus, LLC; Pad ID: Sickler 5H, ABR-20100679, Washington Township, Wyoming County, Pa.; Consumptive Use of up to 1.400 mgd; Approval Date: June 22, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Cranrun, ABR-20100680, Leroy Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 22, 2010.
- Chief Oil & Gas, LLC; Pad ID: Poor Shot East Drilling Pad #2, ABR-20100681, Anthony Township, Lycoming County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 22, 2010.
- East Resources, Inc.; Pad ID: Zeafra 747, ABR-20100682, Jackson Township, Lycoming County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 22, 2010.
- East Resources, Inc.; Pad ID: Camp Never Too Late 521, ABR-20100683, Rutland Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 22, 2010.
- Anadarko E&P Company, LP; Pad ID: Larry's Creek F&G, ABR-20100684, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 22, 2010.
- East Resources, Inc.; Pad ID: Cruttenden 846, ABR-20100685, Middlebury Township, Tioga County, Pa.; Consumptive use of up to 4.000 mgd; Approval Date: June 23, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Black Creek, ABR-20100686, Forks Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 23, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Beebe, ABR-20100687, Asylum Township, Bradford County, Pa.; Consumptive use of up to 7.500 mgd; Approval Date: June 23, 2010.
- East Resources, Inc.; Pad ID: Hauswirth 516, ABR-20100688, Richmond Township, Tioga County, Pa.; Consumptive use of up to 4.000 mgd; Approval Date: June 23, 2010.
- Chesapeake Appalachia, LLC; Pad ID: Akita NEW, ABR-20100689, Smithfield Township, Bradford County, Pa.;

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Consumptive use of up to 7.500 mgd; Approval Date: June 23, 2010.

EOG Resources Inc.; Pad ID: PHC Pad R, ABR-20100690, Lawrence Township, Clearfield County, Pa.; Consumptive use of up to 4.999 mgd; Approval Date: June 23, 2010.

Ultra Resources, Inc.; Pad ID: Martin 806, ABR-20100691, Gaines Township, Tioga County, Pa.; Consumptive use of up to 4.990 mgd; Approval Date: June 23, 2010.

EOG Resources, Inc.; Pad ID: KINGSLEY 2H, ABR-20100692, Springfield Township, Bradford County, Pa.; Consumptive use of up to 4.999 mgd; Approval Date: June 23, 2010.

Talisman Energy USA Inc.; Pad ID: Morgan 01 073, ABR-20100693, Armenia Township, Bradford County, Pa.; Consumptive use of up to 6.000 mgd; Approval Date: June 24, 2010.

Anadarko E&P Company LP, Pad ID: COP Tr 344 Pad A, ABR-20100694, Noyes Township, Clinton County, Pa.; Consumptive use of up to 3.000 mgd; Approval Date: June 24, 2010, including a partial waiver of 18 CFR §806.15.

Anadarko E&P Company LP, Pad ID: COP Tr 342 A, ABR-20100695, Beech Creek Township, Clinton County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 24, 2010, including a partial waiver of 18 CFR §806.15.

Talisman Energy USA Inc., Pad ID: Lyon 01 078, ABR-20100696, Troy Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 24, 2010.

Chief Oil & Gas, LLC; Pad ID: Signore Drilling Pad #1, ABR-20100697, Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 24, 2010.

EOG Resources, Inc.; Pad ID: KINGSLEY 3H, ABR-20100698, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: June 24, 2010.

Chief Oil & Gas, LLC; Pad ID: Frey Drilling Pad #1, ABR-20100699, Fox Township, Sullivan County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 25, 2010.

Talisman Energy USA, Inc.; Pad ID: McClure 03 053, ABR-201006100, Columbia Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 25, 2010.

Talisman Energy USA, Inc.; Pad ID: White 03 025, ABR-201006101, Columbia Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: June 25, 2010.

Chesapeake Appalachia, LLC; Pad ID: Hilltop NEW, ABR-201006102, Jessup Township, Susquehanna County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 28, 2010.

Chesapeake Appalachia, LLC; Pad ID: Henderson, ABR-201006103, Fox Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 28, 2010.

Chesapeake Appalachia, LLC; Pad ID: Lillie NEW, ABR-201006104, Herrick Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 28, 2010.

EQT Production Company, Pad ID: Phoenix F, ABR-201006105, Duncan Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 28, 2010.

East Resources, Inc.; Pad ID: Palmer 809, ABR-201006106, Chatham Township, Tioga County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: June 28, 2010.

Chesapeake Appalachia, LLC; Pad ID: Kipar NEW, ABR-201006107, Auburn Township, Susquehanna County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 28, 2010.

Chesapeake Appalachia, LLC; Pad ID: Kriebel NEW, ABR-201006108, Elkland Township, Sullivan County, Pa.;

Consumptive Use of up to 7.500 mgd; Approval Date: June 28, 2010.

Chief Oil & Gas, LLC; Pad ID: Longmore Drilling Pad #1, ABR-201006109, Monroe Township, Wyoming County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: June 28, 2010.

Chesapeake Appalachia, LLC; Pad ID: Curtin, ABR-201006110, Windham Township, Wyoming County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: June 29, 2010.

East Resources, Inc.; Pad ID: Anthony 564, ABR-201006111, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 29, 2010.

East Resources, Inc.; Pad ID: Costanzo 818, ABR-201006112, Chatham Township, Tioga County, Pa.; Consumptive Use of up to 1.000 mgd; Approval Date: June 29, 2010.

East Resources, Inc.; Pad ID: Yaggie 704, ABR-201006113, Union Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: June 29, 2010.

EQT Production Company, Pad ID: Phoenix C, ABR-201006114, Duncan Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: June 29, 2010.

AUTHORITY: P.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 9, 2010.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[10-18-38]

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.

BOARD OF ACUPUNCTURE

Subject: Public Meeting on Regulations
Date and Time: September 14, 2010, 1 — 3 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Cynthia Dobbins (410) 764-4766
 [10-18-11]

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: September 15, 2010, 3 — 6 p.m.
Place: St. John's College Boat House, Annapolis, MD
Contact: Heather Adams (410) 974-2941 x109
 [10-18-28]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Hearing
Date and Time: September 10, 2010, 9:30 — 11:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Kim Mayer (410) 764-5911
 [10-18-44]

BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Subject: Public Meeting
Date and Time: September 17, 2010, 11 a.m. — 2 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Tawana Brown or Janice Isaac (410) 764-4732
 [10-18-18]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: September 9, 2010, 3 — 5 p.m.
Place: Howard Co. Police Dept., MD
Contact: Jessica Winpigler (410) 821-2829
 [10-18-12]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting

Date and Time: September 16, 2010, 3 — 5 p.m.
Place: Baltimore County, Loch Raven Library, Baltimore, MD
Contact: Jessica Winpigler (410) 821-2829
 [10-18-05]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: January 10, 2011, 3 — 5 p.m.
Place: Baltimore County, Loch Raven Library, Baltimore, MD
Contact: Jessica Winpigler (410) 821-2829
 [10-18-06]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: March 14, 2011, 3 — 5 p.m.
Place: Baltimore County, Loch Raven Library, Baltimore, MD
Contact: Jessica Winpigler (410) 821-2829
 [10-18-07]

GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING

Subject: Public Meeting
Date and Time: September 21, 2010, 10:30 a.m. — 12 p.m.
Place: The Hearing and Speech Agency (HASA), 5900 Metro Dr., Baltimore, MD
Add'l. Info: Town Hall Meeting Hosted by Hearing Loss Association — Greater Baltimore Chapter

This meeting is to solicit public comment and feedback from the community. Information helpful to ODHH includes:

- Comments on the quality of State services and programs affecting deaf, deafblind, and hard-of-hearing individuals;
- ODHH related functions and operations; and
- Other issues affecting the community.

Sign Language interpreters and CART will be provided. If you need additional accommodations, please contact Laura Quinn at lquinn@gov.state.md.us.

For directions go to www.hasa.org and click on directions at the top right corner of the page.

Contact: Laura Quinn (410) 767-7794
 [10-18-41]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: September 16, 2010, 12:30 — 5:30 p.m.
Place: 4201 Patterson Ave., Rms. 100/107, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [10-18-24]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: September 2, 2010, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The Statewide Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month.
Contact: Leandrea M. Gilliam (410) 706-4449
 [10-18-14]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: September 14, 2010, 9 — 11 a.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month. Part of the meeting may include a closed session.
Contact: Leandrea M. Gilliam (410) 706-4449
 [10-18-13]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Public Meeting
Date and Time: September 8, 2010, 10 a.m. — 12 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The Protocol Review Committee meets regularly the 2nd Wednesday of every other month.
Contact: Leandrea M. Gilliam (410) 706-4449
 [10-18-16]

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

Subject: Public Meeting

Date and Time: September 17, 2010, 10 a.m. — 12 p.m.

Place: 653 W. Pratt St., Ste. 508, Baltimore, MD

Add'l. Info: The EMS Provider Review Panel meets regularly on the 3rd Friday of every other month.

Contact: Leandra M. Gilliam (410) 706-4449

[10-18-15]

**BOARD FOR PROFESSIONAL
ENGINEERS**

Subject: Public Meeting

Date and Time: September 9, 2010, 9 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Pamela J. Edwards (410) 230-6263

[10-18-47]

**DEPARTMENT OF THE
ENVIRONMENT**

Subject: Public Hearing

Date and Time: September 29, 2010, 11 a.m.

Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD

Add'l. Info: Maryland Department of the Environment/Water Management Administration, Notice of Tentative Determination

General Permit for Discharges from Boat and Vessel Maintenance

General Discharge Permit No. 10MA (NPDES No. MDG99) applies to discharges from establishments in Maryland that repair, clean, or maintain aquatic vessels and equipment or allow for similar service to be rendered on their property and is necessary to meet federal requirements and to protect water quality. The Department proposes to reissue State/NPDES (National Pollution Discharge Elimination System) General Permit for Discharges from Boat and Vessel Maintenance for the next 5 years. The proposed permit will replace the previous permit issued in January 2002, which relied primarily on Best Management Practices. The renewal permit includes limitations on wastewater from cleaning of boat bottoms painted with antifouling paints discharging to surface water. The permit also prohibits in-water cleaning of boat bottoms painted with soft ablative paint.

The proposed permit requires monitoring and limitations for total suspended solids (50 mg/L maximum), oil

and grease (15 mg/L maximum), copper (0.06 mg/L maximum), lead (0.08 mg/L maximum) and zinc (0.81 mg/L maximum). These parameters are to be monitored beginning in the second year of the permit and all discharges must meet these limits by the end of the fourth year in accordance with the schedule specified in the permit.

The permit specifies eligibility requirements for permit coverage. Like the previous permit, the proposed permit requires the implementation of a storm water pollution prevention plan which incorporates best management practices to minimize the exposure of storm water entering and leaving the property to any sources of pollutants. The proposed permit includes an additional requirement for submission of an electronic copy of the current storm water pollution prevention plan with the application (i.e., notice of intent for permit coverage). The permit also requires quarterly storm water visual inspections and record keeping requirements.

The Department will hold a public hearing concerning the tentative determination on Wednesday, September 29, 2010, at 11 a.m., in the Terra Conference Room at MDE, 1800 Washington Blvd, Baltimore, MD 21230.

Any hearing impaired person may request an interpreter at the hearing by contacting Tyrone Hill, Office of Fair Practices, at (410) 537-3964 at least 10 working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.

The draft permit is available on MDE's website at:

http://www.mde.maryland.gov/Permits/WaterManagementPermits/water_applications/marinas.asp.

Any questions regarding this tentative determination, including the draft permit and fact sheet should be directed to Shannon McDonald or Patsy Allen at the Maryland Department of the Environment, Water Management Administration, at smcdonald@mde.state.md.us or pallen@mde.state.md.us, or by telephone at 410-537-3599 between the hours of 8 a.m. and 5 p.m., Monday through Friday. Copies of the document may be obtained at a cost of \$ 0.36 per page

Written comments concerning the tentative determination will also be considered in the preparation of a final determination if received by Shannon McDonald at the above address, on or before Tuesday, October 5, 2010.

Contact: Shannon McDonald (410) 537-3603

[10-18-53]

**DEPARTMENT OF GENERAL
SERVICES/ARCHITECTURAL/ENGINEERING/PROCUREMENT/GPSSB**

Subject: Public Meeting

Date and Time: September 14, 2010, 9 a.m.

Place: 201 W. Preston St., Rm. L2, Baltimore, MD

Add'l. Info: The agenda for the meeting is as follows:

A. Acknowledge receipt of the Department of General Services' Letter of Certification, receive and act upon the Qualification Committee's and/or Second Phase Review Panel's recommendation that the ranking of the firms be approved and that authorization be granted to initiate negotiations in accordance with the A/E Procurement regulations for the following project:

Project No.: DC-455-09-001

Design/Construct New Youth Detention Center, Cheltenham Youth Facility, Prince George's County, Maryland

Using Agency: Department of Juvenile Services

B. The Selection Board will also review other matters which may be presented for its consideration.

Please call William A. Davis at 410-767-4296 (Voice) or, for persons with hearing or speech disabilities, call via the Maryland Relay Service at 1-800-735-2258, to request any reasonable accommodations you may require.

Contact: William A. Davis (410) 767-4296

[10-18-46]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE**

Subject: Public Meeting

Date and Time: September 29, 2010, 9:30 a.m. — 12 p.m.

Place: MD Dept. of Transportation, 7201 Corporate Center Dr., Harry Hughes Rm., Lower Level, Hanover, MD (410-865-1142)

Add'l. Info: Please contact Joan Patterson ahead of time to register and to confirm the date/time/location of the meeting. Everyone entering the building must have photo ID. The State Child Fatality Review Website is http://fha.maryland.gov/mch/cfr_home.cfm.

Contact: Joan Patterson (410) 767-6727

[10-18-27]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE**

Subject: Public Meeting

Date and Time: October 4, 2010, 9 — 11 a.m.; Additional Date: December 6, 2010

Place: MD Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD

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Add'l. Info: Name of Public Body: Children's Health Protection and Advisory Council

Contact: Rachel Hess-Mutinda (410) 767-2196

[10-18-26]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Waiver Renewal

Add'l. Info: The Secretary of Health and Mental Hygiene is proposing to renew its §1115 demonstration waiver known as HealthChoice for a period of 3 years. HealthChoice is Maryland's Statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll into a managed care organization that has been approved by the Maryland Department of Health and Mental Hygiene. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet the health needs of each enrollee.

Copies of the amendment may be obtained by calling (410) 767-5806. Written comments may be sent to Tricia Roddy, Director of Planning, Maryland Medicaid Program, DHMH, 201 W. Preston St., Room 224, Baltimore, MD 21201, or faxed to (410) 333-7505.

Contact: Tricia Roddy (410) 767-5806

[10-18-49]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: 1915c Home and Community-Based Services Waiver Amendments

Add'l. Info: The Department of Health and Mental Hygiene submitted two 1915c home and community-based services waiver amendments to CMS on June 23, 2010. The amendments were for the Waiver for Individuals with Traumatic Brain Injury and the Community Pathways waiver. The purpose of the amendments is to clarify long standing Medicaid financial eligibility policy with regard to the treatment of medical and remedial expenses incurred prior to an individual's application date. It was specified that Medicaid will continue to consider medical or remedial expenses incurred during the 3 months prior to the application date.

Written requests for copies of these waiver amendments may be sent to Jane Wessely, Chief, Waiver Programs at WesselyJ@dhhm.state.md.us or DHMH, 201 W. Preston Street, Baltimore, Maryland 21201, or faxed to (410) 333-5213.

Contact: Jane Wessely (410) 767-5220

[10-18-50]

STATE HIGHWAY ADMINISTRATION/PROJECT PLANNING DIVISION

Subject: Public Hearing

Date and Time: September 28, 2010, 5—9 p.m. (5 p.m. Workshop; 6:30 p.m. Public Hearing)

Place: Patuxent High School (Calvert Co.), 12485 Rousby Hall Rd., Lusby, MD

Add'l. Info: The Maryland Department of Transportation, State Highway Administration (SHA), in coordination with the Federal Highway Administration, is conducting a Project Planning Study on MD 4 from MD 235 (Three Notch Road) to Patuxent Point Parkway Study in Calvert and St. Mary's Counties.

The purpose of the Location/Design Public Hearings is to afford all interested persons the opportunity to comment on the location, general design, and associated social, economic, cultural, and natural environmental impacts of the project alternatives.

Beginning at 5 p.m., the project alternatives and other information will be on display. Project team members will be available to discuss the project and answer questions.

A formal presentation beginning at 6:30 p.m. and lasting approximately 30 minutes will include a description of the project alternatives, a summary of environmental impacts, environmental impact summary, information on right-of-way acquisition and relocation assistance procedures, and an explanation of Title VI of the Equal Opportunity Program. This presentation will be followed by the receipt of public testimony.

Contact: Jeremy Beck (410) 545-8518

[10-18-51]

STATE HIGHWAY ADMINISTRATION/PROJECT PLANNING DIVISION

Subject: Public Hearing

Date and Time: September 29, 2010, 5 — 9 p.m. (5 p.m. Workshop; 6:30 p.m. Public Hearing)

Place: Esperanza Middle School (Saint Mary's Co.), 22790 Maple Rd., Lexington Park, MD

Add'l. Info: The Maryland Department of Transportation, State Highway Administration (SHA), in coordination with the Federal Highway Administration, is conducting a Project Planning Study on MD 4 from MD 235 (Three Notch Road) to Patuxent Point Parkway Study in Calvert and St. Mary's Counties.

The purpose of the Location/Design Public Hearings is to afford all interested persons the opportunity to comment on the location, general design, and associated

social, economic, cultural, and natural environmental impacts of the project alternatives.

Beginning at 5 p.m., the project alternatives and other information will be on display. Project team members will be available to discuss the project and answer questions.

A formal presentation beginning at 6:30 p.m. and lasting approximately 30 minutes will include a description of the project alternatives, a summary of environmental impacts, environmental impact summary, information on right-of-way acquisition and relocation assistance procedures, and an explanation of Title VI of the Equal Opportunity Program. This presentation will be followed by the receipt of public testimony.

Contact: Jeremy Beck (410) 545-8518

[10-18-55]

DIVISION OF LABOR AND INDUSTRY/BOARD OF BOILER RULES

Subject: Public Meeting

Date and Time: September 14, 2010, 9 a.m.

Place: Laurel College Center, 312 Marshall Ave., 6th Fl., Laurel, MD

Add'l. Info: The Board is scheduled to meet to discuss issues relating to boiler and pressure vessel safety, and may consider requests for variance from regulations. Interested person should call the contact person to confirm the meeting.

Contact: Debbie Stone (410) 767-2225

[10-18-54]

DEPARTMENT OF LABOR, LICENSING, AND REGULATION/DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: September 14, 2010, 9 a.m. — 12 p.m.

Place: Heat and Frost Insulators and Allied Workers Local No. 24 Joint Apprenticeship Committee, 901 Montgomery St., Laurel, MD

Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.

Contact: Quincey Gamble (410) 767-2246

[10-18-37]

GENERAL NOTICES

MARYLAND STATE LOTTERY COMMISSION

Subject: Public Meeting
Date and Time: September 16, 2010, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790

[10-18-52]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: September 16, 2010, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Individuals requiring special accommodations are requested to contact Valerie Wooding at (410) 764-3460, or the Department of Health and Mental Hygiene TTY at (410) 383-7755, not later than 20 working days before the meeting to make arrangements.
Contact: Valerie Wooding (410) 764-3460

[10-18-21]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Project Change
Add'l. Info: On July 30, 2010, the Maryland Health Care Commission (MHCC) received notice and a request for approval of project changes under COMAR 10.24.01.17B from St. Agnes Hospital, holder of a Certificate of Need (CON), Docket No. 07-24-2188, issued on July 19, 2007.

The project's sponsor has requested approval for:

1. Change in the scope of the approved project;
2. Change in financing; and
3. Decrease in approved cost from \$214,931,000 to \$167,067,122.

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 Pamela W. Barclay, Deputy Director, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276

[10-18-33]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: September 15, 2010, 8:30 a.m. — 5 p.m.

Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Hanover, MD

Contact: Pam Gregory (410) 865-1253
[10-18-45]

BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Subject: Public Meeting
Date and Time: September 8, 2010, 10:30 a.m. — 12:30 p.m.

Place: 4201 Patterson Ave., Rms. 108/109, Baltimore, MD

Add'l. Info: Review statutes and regulations and vote as necessary. Sign language interpreter and/or other appropriate accommodations for qualified individuals with disabilities will be provided upon request.

Contact: Robin Bailey (410) 764-4792
[10-18-10]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting
Date and Time: September 8, 2010, 9:30 a.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Contact: Patricia A. Hannigan (410) 764-4750

[10-18-02]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: September 17, 2010, 8:30 a.m. — 2:30 p.m.

Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD

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

Contact: Marilyn Pinkney (410) 402-8556
[10-18-19]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Hearing
Date and Time: September 22, 2010, 9:30 — 11 a.m.

Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 110, Baltimore, MD

1265

Add'l. Info: Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session.

Contact: Patricia G. Bennett (410) 764-4710

[10-18-42]

BOARD OF PLUMBING

Subject: Public Meeting
Date and Time: September 16, 2010, 10:30 a.m. — 12:30 p.m.

Place: 500 N. Calvert St., Rm. 302, Baltimore, MD

Contact: Brenda Clark (410) 230-6164
[10-18-20]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: September 16, 2010, 1 p.m.

Place: 4201 Patterson Ave., Rms. 108/109, Baltimore, MD

Contact: Eva Schwartz (410) 764-4784
[10-18-23]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Meeting
Date and Time: September 10, 2010, 9 a.m. — 1 p.m.

Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD

Add'l. Info: Sign language interpreters/other accommodations for qualified individuals with disabilities will be provided upon request.

Contact: Dorothy Kutcherman (410) 764-4703

[10-18-56]

BOARD OF PUBLIC ACCOUNTANCY

Subject: Public Meeting
Date and Time: October 5, 2010, 9 a.m. — 12 p.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Dennis L. Gring (410) 230-6224
[10-18-04]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: September 24, 2010, 2 p.m.

Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD

GENERAL NOTICES

1266

Add'l. Info: Task Force to Develop Supervision Course
Contact: Patricia Hannon (410) 230-6199
[10-18-22]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: September 29, 2010, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
[10-18-08]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: September 29, 2010, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm. Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
[10-18-09]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting
Date and Time: September 21, 2010, 9 a.m.
Place: Sun Trust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD
Add'l. Info: Meeting date and location are subject to change. Anyone interested in attending should contact the MD Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request; please call 410-625-5609 or 1-800-735-2258 TTY.
Contact: Patrice Sowah (410) 625-5609
[10-18-03]

BOARD OF REVENUE ESTIMATES

Subject: Public Meeting
Date and Time: September 16, 2010, 8:30 a.m. — 12 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD
Contact: Linda I. Vasbinder (410) 260-7450
[10-18-35]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting
Date and Time: September 10, 2010, 12 — 3 p.m.

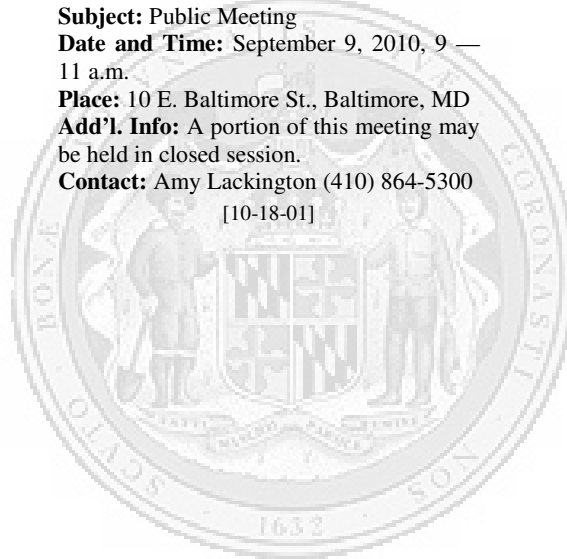
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations.
Contact: James T. Merrow (410) 764-4788
[10-18-48]

MARYLAND BUSINESS TAX REFORM COMMISSION

Subject: Public Meeting
Date and Time: September 2, 2010, 2 — 4 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD
Contact: Linda I. Vasbinder (410) 260-7450
[10-18-34]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: September 9, 2010, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300
[10-18-01]



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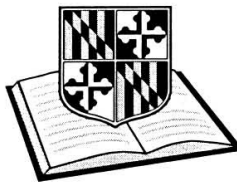
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