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# Maryland Register

Issue Date: November 5, 2010

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Volume 37 • Issue 23 • Pages 1591—1629

## IN THIS ISSUE

Governor  
Judiciary  
Regulations  
Errata  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 18, 2010, 5 p.m.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 October 18, 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](http://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

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## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.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

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

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# Contents

<b>Closing Dates for the Maryland Register</b>	
Schedule of Closing Dates and Issue Dates for the Maryland Register .....	1595

<b>COMAR Research Aids</b>	
Table of Pending Proposals .....	1596

<b>Index of COMAR Titles Affected in This Issue</b>	
<b>COMAR Title Number and Name</b>	<b>Page</b>
01 Executive Department .....	1609
07 Department of Human Resources .....	1609
09 Department of Labor, Licensing, and Regulation .....	1610, 1614
10 Department of Health and Mental Hygiene .....	1607, 1610, 1616
14 Independent Agencies .....	1607, 1612, 1617
15 Department of Agriculture .....	1608, 1624
21 State Procurement Regulations .....	1624
26 Department of the Environment .....	1612
31 Maryland Insurance Administration .....	1608
34 Department of Planning .....	1613

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## The Governor

EXECUTIVE ORDER 01.01.2010.20 .....	1599
EXECUTIVE ORDER 01.01.2010.21 .....	1600
EXECUTIVE ORDER 01.01.2010.22 .....	1601

## The Judiciary

<b>COURT OF APPEALS OF MARYLAND</b>	
SCHEDULE .....	1602
DISCIPLINARY PROCEEDINGS .....	1602
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE	
Notice of Open Meeting .....	1602
RULES ORDER .....	1602
RULES ORDER .....	1605

## Emergency Action on Regulations

<b>10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE PROCEDURES</b>	
Fees For Community Health Programs .....	1607
<b>FOOD</b>	
Food Service Facilities .....	1607
Food and Drink Processing and Transportation .....	1607
<b>14 INDEPENDENT AGENCIES</b>	
<b>STATE LOTTERY AGENCY</b>	
General Regulations .....	1607
Lottery Games .....	1607
Video Lottery Terminals .....	1607
Video Lottery Facility Minimum Internal Control Standards .....	1607
Video Lottery Technical Standards .....	1607
Violations, Civil Penalties and Sanctions .....	1607

Collection of Taxes, Fees, and Civil Penalties .....	1607
Video Lottery Terminals .....	1607
Video Lottery Facility Minimum Internal Control Standards .....	1607
Video Lottery Technical Standards .....	1608
<b>15 DEPARTMENT OF AGRICULTURE</b>	
<b>PEST USE CONTROL</b>	
Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses .....	1608
<b>31 MARYLAND INSURANCE ADMINISTRATION</b>	
<b>HEALTH INSURANCE — GROUP</b>	
Comprehensive Standard Health Benefit Plan .....	1608

## Final Action on Regulations

<b>01 EXECUTIVE DEPARTMENT</b>	
<b>GOVERNOR'S OFFICE OF COMMUNITY INITIATIVES</b>	
Recognition of Maryland Indian Status .....	1609
<b>07 DEPARTMENT OF HUMAN RESOURCES</b>	
<b>SOCIAL SERVICES ADMINISTRATION</b>	
Social Services Eligibility Requirements Based on Income .....	1609
<b>FAMILY INVESTMENT PROGRAMS</b>	
Temporary Disability Assistance Program .....	1609
<b>FAMILY INVESTMENT ADMINISTRATION</b>	
Food Supplement Program .....	1609
<b>COMMISSION ON INDIAN AFFAIRS</b>	
Recognition of Maryland Indian Status .....	1609
<b>09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION</b>	
<b>COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS—REAL ESTATE APPRAISERS</b>	
Code of Ethics .....	1610
<b>10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE</b>	
<b>MARYLAND HEALTH CARE COMMISSION</b>	
Management Service Organization State Designation .....	1610
<b>HEALTH SERVICES COST REVIEW COMMISSION</b>	
Uniform Accounting and Reporting System for Hospitals and Related Institutions .....	1610
Rate Application and Approval Procedures .....	1611
<b>BOARD OF PHYSICAL THERAPY EXAMINERS</b>	
Rules of Procedure for Board Hearings .....	1611
<b>BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS</b>	
Standards of Practice for Certified Nursing Assistants (CNA) .....	1611
<b>BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS</b>	
Advanced Assessment Activities .....	1611
<b>14 INDEPENDENT AGENCIES</b>	
<b>STATE LOTTERY AGENCY</b>	
Video Lottery Terminals .....	1612
Video Lottery Facility Operation Licenses .....	1612
Video Lottery Facility Operation Licenses .....	1612
<b>26 DEPARTMENT OF THE ENVIRONMENT</b>	
<b>RADIATION MANAGEMENT</b>	
Radiation Protection .....	1612
Radiation Protection .....	1612
Inspection and Certification .....	1613
<b>34 DEPARTMENT OF PLANNING</b>	
<b>HISTORICAL AND CULTURAL PROGRAMS</b>	
Maryland Historical Trust Historic Preservation Loan Program .....	1613

# Contents

## Proposed Action on Regulations

**09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION**  
STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS  
General Regulations ..... 1614

**10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
BOARD OF SOCIAL WORK EXAMINERS  
Regulations Governing Licensure ..... 1616

**14 INDEPENDENT AGENCIES**  
STATE LOTTERY AGENCY  
Video Lottery Terminals ..... 1617  
Video Lottery Facility Minimum Internal Control Standards ..... 1617

COMMISSION ON HUMAN RELATIONS  
Rules of Procedure; Public Hearing Process ..... 1619  
Penalties ..... 1622  
Commercial Nondiscrimination Policy ..... 1622

**15 DEPARTMENT OF AGRICULTURE**  
PESTICIDE USE CONTROL  
Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds ..... 1624

**21 STATE PROCUREMENT REGULATIONS**  
GENERAL PROVISIONS  
Applicability ..... 1624

SOCIOECONOMIC POLICIES  
Small Business Procurements ..... 1624  
Minority Business Enterprise Policies ..... 1624  
Miscellaneous Purchasing Preferences ..... 1624

## Errata

COMAR 11.15.34 ..... 1626

## General Notices

BOARD OF ARCHITECTS  
Public Meeting ..... 1627

BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS  
Public Meeting ..... 1627

ADVISORY COUNCIL ON CEMETERY OPERATIONS  
Public Meeting ..... 1627

CHESAPEAKE BAY TRUST  
Public Meeting ..... 1627

MARYLAND COLLECTION AGENCY LICENSING BOARD  
Public Meeting ..... 1627

BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS  
Public Meeting ..... 1627

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION  
Public Meeting ..... 1627  
Public Meeting ..... 1627  
Public Meeting ..... 1627  
Public Meeting ..... 1627

COMMISSION ON CRIMINAL SENTENCING POLICY  
Public Meeting ..... 1627  
Public Hearing ..... 1627

OFFICE OF THE DEAF AND HARD OF HEARING/  
MARYLAND ADVISORY COUNCIL FOR THE DEAF AND HARD OF HEARING  
Public Meeting ..... 1627

CONTINUING PROFESSIONAL COMPETENCY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS  
Public Meeting ..... 1627

BOARD OF ENVIRONMENTAL SANITARIANS  
Public Meeting ..... 1628

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/  
MARYLAND BOARD OF PHYSICIANS  
Public Meeting ..... 1628

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)  
Public Meeting ..... 1628

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
Public Hearing ..... 1628

MARYLAND STATE LOTTERY COMMISSION  
Public Meeting ..... 1628

MARYLAND HEALTH CARE COMMISSION  
Public Meeting ..... 1628

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS  
Public Meeting ..... 1628

BOARD OF EXAMINERS IN OPTOMETRY  
Public Meeting ..... 1628

BOARD OF PLUMBING  
Public Meeting ..... 1628

BOARD OF PUBLIC ACCOUNTANCY  
Public Meeting ..... 1628

RACING COMMISSION  
Public Meeting ..... 1628

BOARD OF SOCIAL WORK EXAMINERS  
Public Meeting ..... 1628

MARYLAND BUSINESS TAX REFORM COMMISSION  
Public Meeting ..... 1629  
Public Meeting ..... 1629

MARYLAND TRANSPORTATION AUTHORITY  
Public Meeting ..... 1629

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS  
Public Meeting ..... 1629

WORKERS' COMPENSATION COMMISSION  
Public Meeting ..... 1629

### COMAR Online

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

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

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

**Availability of Monthly List of Maryland Documents**

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

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

**CLOSING DATES and ISSUE DATES through JULY 29, 2011**

<b>Issue Date</b>	<b>Emergency and Proposed Regulations* 5:00 p.m.</b>	<b>Final Regulations 10:30 a.m.</b>	<b>Notices, etc. 10:30 a.m.</b>
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
February 11	January 24	February 2	January 31
February 25	February 7	February 16	February 14
March 11**	February 18	March 2	February 28
March 25	March 7	March 16	March 14
April 8	March 21	March 30	March 28
April 22	April 4	April 13	April 11
May 6	April 18	April 27	April 25
May 20	May 2	May 11	May 9
June 3**	May 16	May 24	May 20
June 17**	May 26	June 8	June 6
July 1	June 13	June 22	June 20
July 15	June 27	July 6	July 1
July 29**	July 11	July 20	July 18

\* Due date for documents containing 8 to 18 pages—48 hours before date shown

Due date for documents exceeding 18 pages—1 week before date shown

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

\*\* Note closing date changes

\*\*\* Note issue date change

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

## REGULATIONS CODIFICATION SYSTEM

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

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

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

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

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

### Table of Pending Proposals

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

#### 02 OFFICE OF THE ATTORNEY GENERAL

02.01.11.01—.05 • 36:24 Md. R. 1861 (11-20-09)

#### 03 COMPTROLLER OF THE TREASURY

03.02.06.01—.04 • 37:3 Md. R. 181 (1-29-10)

#### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.05.07.01—.31 • 37:20 Md. R. 1398 (09-24-10)

#### 07 DEPARTMENT OF HUMAN RESOURCES

07.02.07.01,.02,.23 • 37:19 Md. R. 1286 (9-10-10)  
 07.02.07.19 • 37:20 Md. R. 1406 (09-24-10)  
 07.06.23.01—.08 • 37:20 Md. R. 1407 (09-24-10)  
 07.07.14.01—.03,.08 • 37:22 Md. R. 1557 (10-22-10)  
 07.07.14.01,.02,.04—.07,.09,.10 • 37:22 Md. R. 1558 (10-22-10)

#### 08 DEPARTMENT OF NATURAL RESOURCES

08.02.04.01,.08,.09,.12 • 37:18 Md. R. 1222 (8-27-10)  
 08.02.04.18 • 37:17 Md. R. 1190 (8-13-10)  
 08.02.11.01,.03,.04 • 37:20 Md. R. 1407 (09-24-10)  
 08.02.13.03 • 37:19 Md. R. 1288 (9-10-10)

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

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)  
 09.12.31 • 37:17 Md. R. 1191 (8-13-10)  
 09.15.02.12 • 37:23 Md. R. 1614 (11-5-10)  
 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)  
 09.20.04.01,.02 • 37:4 Md. R. 346 (2-12-10)  
 09.25.01.01,.01-1,.04,.06,.07 • 37:4 Md. R. 350 (2-12-10)

09.26.02.04 • 37:21 Md. R. 1440 (10-8-10)  
 09.32.01.18-3 • 36:26 Md. R. 2024 (12-18-09)  
 09.32.06.01—.11 • 37:19 Md. R. 1289 (9-10-10)  
 09.32.11.01—.04 • 37:19 Md. R. 1293 (9-10-10)

#### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

##### Subtitles 01 — 08 (1st Volume)

10.01.04.01—.10 • 36:23 Md. R. 1822 (11-6-09)  
 37:18 Md. R. 1233 (8-27-10)  
 10.01.17.02 • 37:22 Md. R. 1558 (10-22-10)  
 10.01.20.03 • 37:21 Md. R. 1441 (10-8-10)

##### Subtitle 09 (2nd Volume)

10.09.02.10 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.03.10 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.04.01—.07 • 37:21 Md. R. 1441 (10-8-10)  
 10.09.05.01—.04,.06,.07 • 37:21 Md. R. 1443 (10-8-10)  
 10.09.06.04,.15-1 • 37:17 Md. R. 1191 (8-13-10)  
 10.09.06.12,.13 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.08.11,.12 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.10.01,.03,.15 • 37:21 Md. R. 1444 (10-8-10)  
 10.09.10.07,.08,.09,.10,.11,.16 • 37:21 Md. R. 1445 (10-8-10)  
 10.09.10.07-1 • 37:22 Md. R. 1569 (10-22-10)  
 10.09.10.28 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.14.14 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.15.10 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.16.10,.11 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.18.10 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.20.07 • 37:19 Md. R. 1297 (9-10-10)  
 10.09.22.09,.10 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.23.02,.04,.07 • 37:21 Md. R. 1447 (10-8-10)  
 10.09.24.03-3,.03-4 • 37:21 Md. R. 1448 (10-8-10)  
 10.09.24.13 • 36:23 Md. R. 1822 (11-6-09)  
 37:18 Md. R. 1233 (8-27-10)  
 10.09.29.09,.10 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.30.09 • 37:22 Md. R. 1566 (10-22-10)

10.09.33.10,,11 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.36.01,,09 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.38.01—,04,,06 • 37:21 Md. R. 1447 (10-8-10)  
 10.09.39.08,,09 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.64.01,,05,,09 • 37:21 Md. R. 1450 (10-8-10)  
 10.09.65.01—,03 • 37:21 Md. R. 1450 (10-8-10) (ibr)  
 10.09.65.19 • 37:21 Md. R. 1452 (10-8-10)  
 10.09.67.01,,12 • 37:21 Md. R. 1450 (10-8-10)  
 10.09.69.17 • 37:21 Md. R. 1450 (10-8-10)  
 10.09.76.04,,13 • 37:21 Md. R. 1450 (10-8-10)  
 10.09.77.09 • 37:22 Md. R. 1566 (10-22-10)  
 10.09.81.01—,07 • 37:20 Md. R. 1409 (09-24-10)

**Subtitles 10 — 22 (3rd Volume)**

10.10.01.03 • 37:22 Md. R. 1570 (10-22-10)  
 10.10.05.04,,05 • 37:20 Md. R. 1411 (09-24-10)  
 10.10.06.03 • 37:22 Md. R. 1570 (10-22-10)  
 10.14.01.01,,02,,05,,06,,08 • 37:22 Md. R. 1570 (10-22-10)  
 10.15.03.02,,06,,15,,25,,26,,28,  
 .30,,38 • 37:22 Md. R. 1558 (10-22-10)  
 10.15.04.02,,03,,05—,28 • 37:22 Md. R. 1558 (10-22-10)  
 10.15.06.03 • 37:21 Md. R. 1455 (10-8-10) (ibr)  
 10.18.01.01—,20 • 37:21 Md. R. 1455 (10-8-10)  
 10.18.07.01,,03 • 37:21 Md. R. 1455 (10-8-10)  
 10.22.17.02,,03,,06—,08 • 37:14 Md. R. 956 (7-2-10)

**Subtitles 23 — 36 (4th Volume)**

10.25.16.01—,07 • 37:16 Md. R. 1064 (7-30-10)  
 10.27.11.02,,04,,05 • 37:21 Md. R. 1456 (10-8-10)  
 10.27.25.01—,09 • 37:19 Md. R. 1298 (9-10-10)  
 10.32.10.04 • 37:11 Md. R. 772 (5-21-10)  
 10.34.23.01—,11 • 37:12 Md. R. 806 (6-4-10)  
 10.34.28.01, .02, .04—,12 • 36:25 Md. R. 1965 (12-4-09)

**Subtitles 37—59 (5th Volume)**

10.37.01.03 • 37:22 Md. R. 1572 (10-22-10)  
 10.42.01.02,,12 • 37:23 Md. R. 1616 (11-5-10)

**11 DEPARTMENT OF TRANSPORTATION**

11.11.05.03 • 37:21 Md. R. 1456 (10-8-10)  
 11.15.34 • 37:23 Md. R. 1626 (11-5-10) (err)  
 11.15.34.01,,02 • 37:20 Md. R. 1412 (09-24-10)

**13A STATE BOARD OF EDUCATION**

13A.04.13.01,,02 • 37:19 Md. R. 1303 (9-10-10)  
 13A.04.18.01.02 • 37:19 Md. R. 1303 (9-10-10)  
 13A.06.03.04 • 37:19 Md. R. 1305 (9-10-10)  
 13A.07.02.01 • 37:19 Md. R. 1306 (9-10-10)  
 13A.07.04.01,,01-1,,05,,06 • 37:16 Md. R. 1082 (7-30-10) (ibr)  
 13A.14.06.02,,05,,08,,09,,11,,12 • 37:20 Md. R. 1413 (09-24-10)

**14 INDEPENDENT AGENCIES**

14.01.02.08—,13 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.03.02 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.10.01 • 37:9 Md. R. 687 (4-23-10)  
 14.01.10.02,,03,,16,,18 • 37:18 Md. R. 1239 (8-27-10)  
 14.01.10.19 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.10.20 • 37:23 Md. R. 1617 (11-5-10)  
 14.01.11.02,,07 • 37:9 Md. R. 687 (4-23-10)

14.01.14.16,,20,,36,,46 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.14.44 • 37:23 Md. R. 1617 (11-5-10)  
 14.01.15.11 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.15.18 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.18.01—,06 • 37:22 Md. R. 1572 (10-22-10)  
 14.01.19.01—,04 • 37:22 Md. R. 1572 (10-22-10)  
 14.03.01.01—,06,,09—,11,,13—19,  
 .22 • 37:23 Md. R. 1619 (11-5-10)  
 14.03.03 • 37:23 Md. R. 1622 (11-5-10)  
 14.03.05.01,,08,,09,,14—,16,,19 • 37:23 Md. R. 1622 (11-5-10)  
 14.30.07.04 • 37:18 Md. R. 1240 (8-27-10)  
 37:15 Md. R. 1020 (7-16-10)

**15 DEPARTMENT OF AGRICULTURE**

15.05.01.04,,08—,10,,12 • 37:22 Md. R. 1577 (10-22-10)  
 15.05.02.03 • 37:23 Md. R. 1624 (11-5-10)

**21 STATE PROCUREMENT REGULATIONS**

21.01.03.01,,07 • 37:23 Md. R. 1624 (11-5-10)  
 21.11.01.01,,04 • 37:23 Md. R. 1624 (11-5-10)  
 21.11.03.01,,17 • 37:23 Md. R. 1624 (11-5-10)  
 21.11.07.03 • 37:23 Md. R. 1624 (11-5-10)

**22 STATE RETIREMENT AND PENSION SYSTEM**

22.01.12.03 • 37:22 Md. R. 1579 (10-22-10)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 01—07 (Part 1)**

26.04.04 • 36:23 Md. R. 1819 (11-6-09) (err)  
 26.04.04.01—,39 • 36:22 Md. R. 1765 (10-23-09)  
 36:25 Md. R. 1971 (12-4-09)  
 26.04.11.01—,10 • 37:5 Md. R. 442 (2-26-10)

**Subtitles 08 — 12 (Part 2)**

26.08.02.03-2,,03-3,,04-1,,05-1,  
 .08 • 37:19 Md. R. 1309 (9-10-10) (ibr)  
 26.10.04.01 • 35:21 Md. R. 1851 (10-10-08)  
 26.11.19.11 • 37:14 Md. R. 966 (7-2-10)

**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 • 37:19 Md. R. 1329 (9-10-10) (err)  
 26.17.01.01—,11 • 37:18 Md. R. 1244 (8-27-10) (ibr)  
 26.17.01.09 • 37:19 Md. R. 1329 (9-10-10) (err)

**29 MARYLAND STATE POLICE**

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

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

30.03.02.02 • 37:8 Md. R. 652 (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)  
 30.08.12.01—,15 • 37:18 Md. R. 1251 (8-27-10)

**PENDING PROPOSALS**

**1598**

**31 MARYLAND INSURANCE ADMINISTRATION**

**31.10.06.13,,28,,30 • 37:19 Md. R. 1324 (9-10-10)**

**31.10.12.02,,03,,05—08 •37:21 Md. R. 1457 (10-8-10)**

**31.11.06.02,,03-1,,04,,05,,09,,11 •37:21 Md. R. 1460 (10-8-10)**



# The Governor

## EXECUTIVE ORDER 01.01.2010.20

### The Maryland Domestic Violence Health Care Screening and Response Initiative

WHEREAS, Domestic violence is an epidemic of both deadly and expensive proportions;

WHEREAS, The Centers for Disease Control and Prevention (CDC) estimates that nearly 5.3 million intimate partner victimizations occur each year. This violence results in nearly 2 million injuries and 1,300 deaths, and costs over \$8.3 billion each year;

WHEREAS, The CDC reports that victims of intimate partner violence are at greater risk of negative health outcomes and that violence inhibits victims' abilities to manage chronic health conditions;

WHEREAS, The National Center for Injury Prevention and Control reports that 44% of women murdered by their intimate partners visited an emergency department within two years prior to the homicide;

WHEREAS, Research indicates that individuals with chronic health problems generate the largest financial burden on the health care system and account for a disproportionate amount of overall spending;

WHEREAS, Health care providers who recognize intimate partner violence as an underlying cause of serious health problems can provide better and more cost-effective treatment to their patients;

WHEREAS, Health care-based domestic violence screening programs are effective and affordable interventions;

WHEREAS, Research from Pennsylvania, which has 83 health care-based domestic violence screening programs, illustrates that hospital-based domestic violence interventions may reduce the health care costs of these individuals by at least 20%;

WHEREAS, Maryland law enforcement agencies reported 18,926 incidents of domestic violence to women, men, and children in 2008;

WHEREAS, Every Maryland resident should have easy access to crisis intervention and advocacy services providing appropriate intimate partner violence responses and resources;

WHEREAS, Maryland's four hospital-based domestic violence screening and response programs have screened and provided medical treatment, crisis counseling, safety planning, support, information, and resources to thousands of patients; and

WHEREAS, The Governor's Family Violence Council recommends in its report entitled *Hospital-Based Domestic Violence Programs* that Maryland should expand domestic violence screening and response programs to other health care providers across the State.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Maryland Domestic Violence Health Care Screening and Response Initiative that will encourage the establishment of local Domestic Violence Health Care Screening and Response Programs. The initiative will be administered by the Governor's Office of Crime Control and Prevention in consultation with the Department of Health and Mental Hygiene, the Maryland Community Health Resources Commission, the Maryland Health Services Cost Review Commission and in consultation with associations, coalitions, and programs representing domestic violence service providers, victims, and Maryland hospitals and insurance providers.

B. For the purpose of this Executive Order:

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

(2) "Domestic Violence Program" means a program having a primary purpose of providing comprehensive services to domestic violence victims, including, but not limited to 24-hour hotlines, emergency shelters, crisis and ongoing counseling programs, and victim information and advocacy programs.

(3) "Health Care Facility" means:

(a) A for-profit or nonprofit health center providing clinically related health services;

(b) A for-profit or nonprofit health clinic providing health services; and

(c) A for-profit or nonprofit hospital providing basic, general or comprehensive clinical health services.

(4) "Office" means the Governor's Office of Crime Control and Prevention.

(5) "Screening" means the process of assessing patients seeking medical treatment who exhibit symptoms associated with intimate partner violence. Screening may also include general questions to all patients to determine their level of risk for intimate partner violence.

C. Purpose. Domestic Violence Health Care Screening and Response Programs in health care facilities will improve our health care system's response to patients who have been victims of domestic violence.

D. These programs will seek to:

(1) Improve the health care response to domestic violence by developing effective internal policies and procedures to identify, refer, and assist victims of domestic violence, including the development of a screening protocol;

(2) Increase the capacity of health care providers to serve domestic violence victims through skill-based training for their staff;

(3) Increase the ability of health care providers to screen for domestic violence and provide intervention, including medical treatment, crisis counseling, safety planning, support, information, and resources.

E. Responsibilities. The Office, in consultation with the Department, may:

(1) Encourage all health care facilities to adopt or review their written policies regarding the screening of, and response to, victims of domestic violence.

(2) Encourage the creation of Domestic Violence Screening and Response Programs that meet the needs of health care facilities and their patients.

(3) Solicit applications for funding from health care facilities interested in establishing Domestic Violence Health Care Screening and Response Programs.

(4) Select health care facilities with representation from various geographic areas.

(5) Convene an annual meeting with health care facilities, domestic violence coalitions and programs, Maryland hospitals, insurance providers, and other relevant parties, to learn about best

THE GOVERNOR

1600

practices, share information, discuss funding opportunities, and encourage facilities to initiate Domestic Violence Health Care Screening and Response Programs.

F. Program elements. In considering a health care facility's application to become a Domestic Violence Health Care Screening and Response Program, the Office may consider the facility's ability to:

- (1) Conduct screening of patients for symptoms of domestic violence;
- (2) Provide appropriate levels of medical response to victims of domestic violence;
- (3) Collaborate and refer patients to local and regional domestic violence programs where they can obtain additional assistance and resources to ensure their safety and well-being;
- (4) Provide educational and training programs which reflect a particular facility's demographics, policies, staffing patterns and resources;
- (a) The training program shall include, but not be limited to, identifying characteristics of domestic violence; screening patients for domestic violence; appropriately documenting domestic violence in medical records; and offering patients referral services;
- (5) Provide culturally competent educational materials to inform victims of domestic violence about services and assistance available at the facility or the local domestic violence program; and
- (6) Develop formal assessment procedures, including but not limited to, coordinating and collecting data for the evaluation of the projects and their effectiveness.

G. Technical Assistance. The Office and Department shall facilitate technical assistance for health care facilities that indicate an interest in establishing Domestic Violence Health Care Screening and Response Programs.

H. Funding. The Office will ensure that the creation of Domestic Violence Health Care Screening and Response Programs is a priority in its distribution of existing State and federal monies and its application for new or additional monies available for domestic violence services.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 30<sup>th</sup> Day of September 2010.

MARTIN O'MALLEY  
Governor

ATTEST:

JOHN MCDONOUGH  
Secretary of State

[10-23-43]

**EXECUTIVE ORDER 01.01.2010.21**

**Maryland Warrior to Worker Initiative**

WHEREAS, Veterans have served and sacrificed in defense of our Nation and State;

WHEREAS, The State has an obligation to do everything in its power to promote veterans' transition to civilian life through employment opportunities;

WHEREAS, Military experience is an under-recognized source of workforce training and credentialing;

WHEREAS, Our veterans, who possess a wide variety of skills and experiences, as well as the motivation for public service, will help fulfill State government staffing needs;

WHEREAS, Maryland's future prosperity depends upon the ability of all Marylanders to contribute to our economic life at their fullest potential;

WHEREAS, The public, private, and non-profit sectors are in need of highly skilled individuals to meet workforce needs;

WHEREAS, A wide variety of services are available across State Government to assist veterans in their transition to civilian life, and to meet our future workforce needs; and

WHEREAS, An interagency council will increase the coordination and accessibility of these State services for veterans.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Establishment. There is a Governor's Warrior to Worker Council (Council).

B. Duties. The Council shall:

- (1) Advise and assist the Governor and the Secretary of the Department of Budget and Management in establishing a coordinated statewide effort to expand veterans' employment opportunities;
- (2) Oversee the implementation of the Warrior to Worker Initiative described in Paragraph E of this Executive Order;
- (3) Oversee the development of the Strategic Plans described in Paragraph F of this Executive Order;
- (4) Serve as a State forum for promoting veterans' training, education, and employment services in Maryland;
- (5) Establish goals and performance measures to assess the effectiveness of the Initiative;
- (6) Promote the delivery of the highest quality services to Maryland veterans in the most accessible and efficient manner possible; and
- (7) Submit an annual report to the Governor on the activities of the Council and the results of the Initiative.

C. Membership. The Council is a subcabinet of the Governor and shall consist of the heads of the following State agencies or their designee and such other executive branch agencies as the Governor may designate:

- (1) The Department of Veterans Affairs;
- (2) The Department of Labor, Licensing and Regulation;
- (3) The Department of Budget and Management;
- (4) The Governor's Workforce Investment Board;
- (5) The Department of the Military;
- (6) The Department of Health and Mental Hygiene;
- (7) The Maryland Higher Education Commission;
- (8) The Department of Business and Economic Development;

and

- (9) The Department of Disabilities.

D. Procedures.

(1) The Secretary of Veterans Affairs shall chair the Council. The Chair shall:

- (a) Oversee the implementation of this Executive Order and direct the work of the Council;
- (b) Determine the Council's agenda;
- (c) Except as provided in Paragraph F of this Executive Order, establish subcommittees, and appoint subcommittee chairs, as necessary, to carry out the work of the Council;
- (d) Assign a staff member to serve as an Executive Director to support the Council's activities; and
- (e) Identify additional support as needed.

(2) The Secretary of Budget and Management shall serve as the Vice Chair of the Council.

(3) The Council shall meet at the call of the Chair, at least four times annually.

(4) A majority of the Council members shall constitute a quorum for the transaction of any business.

(5) The Council may adopt other procedures or bylaws as necessary to ensure the orderly transaction of business.

E. The Maryland Warrior to Worker Initiative. There is a Maryland Warrior to Worker Initiative (Initiative). The Initiative will to enhance employment opportunities for veterans within State government and promote employment, education, and training opportunities for veterans throughout Maryland. All State agencies shall participate in the Initiative and shall, as appropriate and to the extent permitted by law:

(1) Develop an agency-specific operational plan for the implementation of the Strategic Plans described in Paragraph F of this Executive Order, consistent with applicable law, merit system principles, the agency’s human resources plan, and other applicable workforce planning strategies and initiatives; and

(2) Within 120 days of the issuance of this Executive Order, designate an agency officer or employee to implement the Initiative within each agency.

F. Strategic Plans.

(1) The Veterans Recruitment for State Employment Strategic Plan. Within 90 days after the first meeting of the Council, a subcommittee of the Council, established and chaired by the Secretary of Budget and Management, shall develop a Veterans Recruitment for State Employment Strategic Plan. This Plan shall address ways to enhance the employment opportunities of veterans in State government and shall be updated every three years. The Plan shall focus on:

(a) Identifying actions that agency officials should take to improve employment opportunities for veterans;

(b) Marketing State Government as an employer of choice to service members and veterans;

(c) Making State agencies aware of the talent, experience, and dedication that service members and veterans offer as employees;

(d) Promoting the recruitment and employment of veterans in State government;

(e) Disseminating employment information to veterans and hiring officials;

(f) Identifying key occupations, focusing on positions in high-demand occupations where talent is needed, for which the State may provide job counseling to veterans and service personnel; and

(g) Compiling government-wide statistics on the hiring of veterans.

(2) The Veterans Skills and Education Strategic Plan. Within 90 days after the first meeting of the Council, a subcommittee of the Council, established and chaired by the Secretary of Labor, Licensing and Regulation shall develop a Veterans Skills and Education Strategic Plan. This plan shall address ways to enhance the education, training, and employment opportunities for veterans in Maryland and shall be updated every three years. The plan shall focus on:

(a) Developing and implementing counseling, training, and outreach programs to create an improved pipeline from military service to Maryland’s skilled workforce; and

(b) Promoting opportunities for apprenticeships, scholarships, and higher education for veterans in Maryland.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 4<sup>th</sup> Day of October 2010.

MARTIN O’MALLEY  
Governor

ATTEST:

JOHN P. MCDONOUGH  
Secretary of State

[10-22-48]

**EXECUTIVE ORDER 01.01.2010.22**

**Rescission of Executive Order 01.01.2010.19**

WHEREAS, I, Martin O’Malley, Governor of the State of Maryland, having declared a State of Emergency by Executive Order 01.01.2010.19 due to the threat to the public health and safety caused by the impact of severe weather; and

WHEREAS, The emergency conditions caused by the storm no longer exist.

NOW, THEREFORE, I, MARTIN O’MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS HEREBY TERMINATED EFFECTIVE AT 13:00 ON THIS DATE.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 1<sup>st</sup> day of October, 2010.

MARTIN O’MALLEY  
Governor

ATTEST:

JOHN P. MCDONOUGH  
Secretary of State

[10-22-49]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### SCHEDULE

**Thursday, December 2, 2010**  
Bar Admissions

- Misc. 6 In the Matter of the Application of Ariel David Stern for Admission to the Bar of Maryland
- AG 50 & Attorney Grievance Commission of Maryland v. 65 (2009 T) Andrew Gregory De La Paz
- No. 45 Mark Denisyuk v. State of Maryland
- No. 43 Weichert Co. of Maryland, Inc. v. Dorothy Crago Faust

**Friday, December 3, 2010**

- AG 4 Attorney Grievance Commission of Maryland v. James George Charles
- No. 46 County Council of Prince George’s County, Maryland, Sitting as the District Council, et al. v. Dedra Billings, et al.
- No. 48 State of Maryland v. Constance Walker
- No. 49 Coralie Kurstin v. Bromberg Rosenthal LLP, et al.

**Monday, December 6, 2010**

- AG 7 Attorney Grievance Commission of Maryland v. Sherrie T. Howell
- No. 42 Mary B. v. Chicago Title Insurance Company f/u/o U.S. Bank National Association, et al.
- No. 55 Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, et al. v. Moreland, LLC, et al.
- No. 115 C. Phillip Johnson Full Gospel Ministries, Inc. v. (2008 T) Investors Financial Services, LLC
- No. 53 Christopher Mansfield v. State of Maryland

**Tuesday, December 7, 2010**

- AG 9 Attorney Grievance Commission of Maryland v. Joseph Tauber
- No. 52 Motor Vehicle Administration v. Frank William Loane, Jr.
- No. 44 Babak Najafi v. Motor Vehicle Administration
- No. 51 Donte Lamont Tyner and Tavon Berson Tyner v. State of Maryland
- No. 47 Beka Industries, Inc. v. Worcester County Board of Education

On the day of argument, counsel are instructed to register in the Clerk’s Office not later than 9:30 a.m. unless otherwise notified.

After December 7, 2010, the Court will recess until January 6, 2011.

BESSIE M. DECKER  
Clerk

[10-23-32]

## DISCIPLINARY PROCEEDINGS

This is to certify that the name **CHARLES M. JAMES, III**, 9717 Overlea Drive, Rockville, MD 20850, has been replaced upon the register of attorneys in this Court as of October 7, 2010, having subscribed to the oath of attorneys, in compliance with the Order of Court filed September 16, 2010. Notice of this action is certified in accordance with Maryland Rule 16-714e.

\* \* \* \* \*

This is to certify that by an Order of this Court dated October 18, 2010, **RICHARD SEIDEN**, 2903 Fallstaff Road, Baltimore, MD 21209, has been placed on inactive status by consent, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-713).

[10-23-38]

## 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 Friday, November 19, 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.

[10-23-29]

## RULES ORDER

This Court’s Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Sixty-Fifth Report to the Court recommending adoption of proposed new Rule 16-110 and proposed amendments to Rules 1-322, 4-216, 4-242, 5-404, 5-804, 16-109 and 16-901 of the Maryland Rules of Procedure and Rule 13 of the Rules Governing Admission to the Bar of Maryland, all as set forth in that Report published in the *Maryland Register*, Vol. 37, Issue 19, pages 1275 - 1282 (September 10, 2010); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 20<sup>th</sup> day of October, 2010,

ORDERED, by the Court of Appeals of Maryland, that new Rule 16-110 be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-322, 4-215, 4-242, 5-804, and 16-109 and Rule 13 of the Rules Governing Admission to the Bar of Maryland be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that amendments to Rules 5-404 and 16-901 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the amendments to Rule 16-901 hereby adopted by this Court shall govern the courts and attorneys of this State and the Standing Committee on Pro Bono Legal Services and shall take effect and apply on and after October 20, 2010; and it is further

ORDERED that all other rules changes hereby adopted by this

Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after the 1<sup>st</sup> day of January, 2011, and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell  
Glenn T. Harrell, Jr.  
Lynne A. Battaglia  
Clayton Greene, Jr.  
Joseph F. Murphy, Jr.  
\*Sally D. Adkins  
Mary Ellen Barbera  
\* Judge Adkins did not participate  
in the consideration of this matter.

Filed: October 20, 2010

BESSIE M. DECKER  
Clerk  
Court of Appeals of Maryland

**MARYLAND RULES OF PROCEDURE**  
**TITLE 5 - EVIDENCE**  
**CHAPTER 400 - RELEVANCY AND ITS LIMITS**

AMEND Rule 5-404 to reorganize the format of section (a), to add to subsection (a)(2)(B) a reference to Rule 5-412, and to make stylistic changes, as follows:

**Rule 5-404. CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE CONDUCT; EXCEPTIONS; OTHER CRIMES**

(a) Character Evidence [Generally]

(1) [In General] *Prohibited Uses*

*Subject to subsections (a)(2) and (3) of this Rule, [Evidence] evidence of a person's character or [a] character trait [of character] is not admissible [for the purpose of proving action in conformity therewith] to prove that the person acted in accordance with the character or trait on a particular occasion[, except:].*

[A] Character of Accused

Evidence of a pertinent trait of character of an accused offered by the accused, or by the prosecution to rebut the same;

(B) Character of Victim

Evidence of a pertinent trait of character of the victim of the crime offered by an accused or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;]

(2) *Criminal and Delinquency Cases*

*Subsection (a)(2) of this Rule applies in a criminal case and in a delinquency case. For purposes of subsection (a)(2), "accused" means a defendant in a criminal case and an individual alleged to be delinquent in an action in juvenile court, and "crime" includes a delinquent act as defined by Code, Courts Article, §3-8A-01.*

(A) *Character of Accused*

*An accused may offer evidence of the accused's pertinent trait of character. If the evidence is admitted, the prosecution may offer evidence to rebut it.*

(B) *Character of Victim*

*Subject to the limitations in Rule 5-412, an accused may offer evidence of an alleged crime victim's pertinent trait of character. If the evidence is admitted, the prosecutor may offer evidence to rebut it.*

(C) *Homicide Case*

*In a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.*

[(C)] (3) Character of Witness

Evidence of the character of a witness with regard to credibility[, as provided in] *may be admitted under* Rules 5-607, 5-608, and 5-609.

[(2) Definitions

For purposes of subsections (a)(1)(A) and (B) of this Rule, "accused" means a defendant in a criminal case and a child alleged to be delinquent in an action in juvenile court, and for purposes of subsection (a)(1)(B), "crime" includes a delinquent act as defined by Code, Courts Article, §3-801.]

(b) Other Crimes, Wrongs, or Acts

Evidence of other crimes, wrongs, or acts *including acts as defined by Code, Courts Article, §3-801* is not admissible to prove the character of a person in order to show action in conformity therewith. [It may] *Such evidence*, however, *may* be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, common scheme or plan, knowledge, identity, or absence of mistake or accident.

Source: This Rule is derived from F.R.Ev. 404.

**MARYLAND RULES OF PROCEDURE**  
**TITLE 16 - COURTS, JUDGES, AND ATTORNEYS**  
**CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE,**  
**JUDICIAL DUTIES, ETC.**

ADD new Rule 16-110, as follows:

**Rule 16-110. CELL PHONES; OTHER ELECTRONIC DEVICES; CAMERAS**

(a) Definitions

In this Rule the following definitions apply:

(1) Court Facility

"Court facility" means the building in which a circuit court or the District Court is located, but if the court is in a building that is also occupied by county or State executive agencies having no substantial connection with the court, then only that part of the building occupied by the court.

(2) Electronic Device

"Electronic device" means (A) a cell phone, a computer, and any other device that is capable of transmitting, receiving, or recording messages, images, sounds, data, or other information by electronic means or that, in appearance, purports to be a cell phone, computer, or such other device; and (B) a camera, regardless of whether it operates electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or other means.

(3) Local Administrative Judge

"Local administrative judge" means the county administrative judge in a circuit court and the district administrative judge in the District Court.

(b) Possession and Use of Electronic Devices

(1) Generally

Subject to inspection by court security personnel and the restrictions and prohibitions set forth in this section, a person may (A) bring an electronic device into a court facility and (B) use the electronic device for the purpose of sending and receiving phone calls and electronic messages and for any other lawful purpose not otherwise prohibited.

(2) Restrictions and Prohibitions

(A) Rule 5-615 Order

An electronic device may not be used to facilitate or achieve a violation of an order entered pursuant to Rule 5-615 (d).

(B) Photographs and Video

Except as permitted in accordance with this Rule, Rule 16-109, Rule 16-405, or Rule 16-504 or as expressly permitted by the local administrative judge, a person may not (i) take or record a

photograph, video, or other visual image in a court facility, or (ii) transmit a photograph, video, or other visual image from or within a court facility.

Committee note: The prohibition set forth in subsection (b)(2)(B) of this Rule includes still photography and moving visual images. It is anticipated that permission will be granted for the taking of photographs at ceremonial functions.

(C) Interference with Court Proceedings or Work

An electronic device shall not be used in a manner that interferes with court proceedings or the work of court personnel.

Committee note: An example of a use prohibited by subsection (b)(2)(C) is a loud conversation on a cell phone near a court employee's work station or in a hallway near the door to a courtroom.

(D) Jury Deliberation Room

An electronic device may not be brought into a jury deliberation room.

(E) Courtroom

(i) Except with the express permission of the presiding judge or as otherwise permitted by this Rule, Rule 16-109, Rule 16-405, or Rule 16-504, all electronic devices inside a courtroom shall remain off and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.

(ii) Subject to subsection (b)(2)(F), the court shall liberally allow the attorneys in a proceeding currently being heard, their employees, and agents to make reasonable and lawful use of an electronic device in connection with the proceeding.

(F) Security or Privacy Issues in a Particular Case

Upon a finding that the circumstances of a particular case raise special security or privacy issues that justify a restriction on the possession of electronic devices, the local administrative judge or the presiding judge may enter an order limiting or prohibiting the possession of electronic devices in a courtroom or other designated areas of the court facility. The order shall provide for notice of the designated areas and for the collection of the devices and their return when the individual who possessed the device leaves the courtroom or other area. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(c) Violation of Rule

(1) Security personnel or other court personnel may confiscate and retain an electronic device that is used in violation of this Rule, subject to further order of the court or until the owner leaves the building. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(2) An individual who willfully violates this Rule or any reasonable limitation imposed by the local administrative judge or the presiding judge may be found in contempt of court and sanctioned in accordance with the Rules in Title 15, Chapter 200.

(d) Notice

(1) Notice of the provisions of sections (b) and (c) of this Rule shall be:

(A) posted prominently at the court facility;

(B) included on the main judiciary website and the website of each court; and

(C) disseminated to the public by any other means approved in an administrative order of the Chief Judge of the Court of Appeals.

(2) Notice that the possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility shall be included prominently on all summonses and notices of court proceedings.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS  
CHAPTER 900 - PRO BONO LEGAL SERVICE

AMEND Rule 16-901 to delete the limitation on the number of members who may serve on Standing Committee on Pro Bono Legal Service; to provide that a maximum of three Circuit Court judges may serve on the Standing Committee; to delete the requirement that there be three nominees for each Circuit Court position; to provide that a maximum of three District Court judges may serve on the Standing Committee; to delete the requirement that there be three nominees for each District Court position; to specify that the Legal Aid Bureau, Maryland Volunteer Lawyers Service; Pro Bono Resource Center of Maryland, and one other pro bono referral organization have representatives on the Standing Committee; to delete the requirement that the representative from a legal services provider organization not serve on a Local Pro Bono Committee; to permit the Standing Committee to recommend appointments to the Court of Appeals; and to provide that the terms of Standing Committee members shall be three years and may be renewed; as follows:

**Rule 16-901. STATE PRO BONO COMMITTEE AND PLAN**

(a) Standing Committee on Pro Bono Legal Service

(1) Creation

There is a Standing Committee of the Court of Appeals on Pro Bono Legal Service.

(2) Members

The Standing Committee consists of [13] *the following* members appointed by the Court of Appeals[, as follows]:

(A) eight members of the Maryland Bar, including one from each appellate judicial circuit and one selected from the State at large;

(B) [a circuit court judge] *a maximum of three Circuit Court judges* selected from [among at least three] nominees submitted by the Conference of Circuit Judges;

(C) [a District Court judge] *a maximum of three District Court judges* selected from [at least three] nominees submitted by the Chief Judge of the District Court;

(D) the Public Defender or a designee of the Public Defender;

(E) a representative [from a legal services provider organization who does not serve on a Local Pro Bono Committee] *from the Legal Aid Bureau, Maryland Volunteer Lawyers Service, Pro Bono Resource Center of Maryland, and one other pro bono referral organization*; and

(F) a member of the general public.

(3) Terms; Chair

The [Court of Appeals shall fix the] term[s] of [the] *each* member[s] *is three years. A member may be reappointed to serve one or more additional terms. [and] The Court of Appeals shall designate one of the members as [the] chair.*

(4) Consultants

The Standing Committee may designate a reasonable number of consultants from among court personnel or representatives of other organizations or agencies concerned with the provision of legal services to persons of limited means.

(b) [Duties] *Functions* of the Standing Committee

(1) *Required*

The Standing Committee shall:

[(1)] (A) develop standard forms for use by the Local Pro Bono Committees in developing and articulating the Local Pro Bono Action Plans and making their annual reports;

[(2)] (B) recommend uniform standards for use by the Local Pro Bono Committees to assess the need for pro bono legal services in their communities;

[(3)] (C) review and evaluate the Local Pro Bono Action Plans and the annual reports of the Local Pro Bono Committees;

[(4)] (D) collect and make available to Local Pro Bono Committees information about pro bono projects;

[(5)] (E) at the request of a Local Pro Bono Committee, provide guidance about the Rules in this Chapter and Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct;

[(6)] (F) file with the Court of Appeals an annual report and recommendations about the implementation and effectiveness of the Local Pro Bono Action Plans, the Rules in this Chapter, and Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct; and

[(7)] (G) prepare a State Pro Bono Action Plan as provided in section (c) of this Rule.

(2) Permitted

*The Standing Committee may make recommendations to the Court of Appeals concerning the appointment and reappointment of its members.*

(c) State Pro Bono Action Plan

(1) Generally

Within three years after the effective date of this Rule, the Standing Committee shall submit to the Court of Appeals a State Pro Bono Action Plan to promote increased efforts on the part of lawyers to provide legal assistance to persons of limited means. In developing the Plan, the Standing Committee shall:

(A) review and assess the results of the Local Pro Bono Action Plans;

(B) assess the data generated by the reports required by Rule 16-903;

(C) gather and consider information pertinent to the existence, nature, and extent of the need for pro bono legal services in Maryland; and

(D) provide the opportunity for one or more public hearings.

(2) Contents

The State Pro Bono Action Plan may include a recommendation for increasing or decreasing the aspirational goals for pro bono publico legal service set forth in Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct. The Plan should include suggestions for the kinds of pro bono activities that will be most helpful in meeting the need for pro bono legal service throughout the State and should address long-range pro bono service issues.

Committee note: Examples of long-range issues that may be addressed include opportunities for transactional lawyers, government lawyers, business lawyers, and in-house counsel to render pro bono legal service; opportunities for pro bono legal service by lawyers who are unable to provide direct client representation; "collective responsibility" for pro bono legal service when a law firm designates certain lawyers to handle only pro bono matters; and encouraging pro bono legal service among law students and in the legal academic setting.

(d) Publication

The Clerk of the Court of Appeals shall cause the State Action Plan submitted by the Standing Committee to be published in the Maryland Register and such other publications as the Court directs and shall establish a reasonable period for public comment.

(e) Consideration by the Court of Appeals

After the comment period, the Court of Appeals shall hold a public hearing and take appropriate action on the Plan.

Source: This Rule is new.

[10-23-35]

## RULES ORDER

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Sixty-Sixth Report to the Court recommending adoption on an emergency basis of proposed new Rule 14-207.1 and amendments to Rules 1-311 and 14-207; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes,

making on its own motion certain deletions and additions to the proposed rules changes, and finding that an emergency does in fact exist with reference to the proposed rules changes, it is this 20<sup>th</sup> day of October, 2010,

ORDERED, by the Court of Appeals of Maryland, that new Rule 14-207.1 and amendments to Rules 1-311 and 14-207 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after October 20, 2010, and insofar as practicable to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell

Glenn T. Harrell, Jr.

Lynne A. Battaglia

Clayton Greene, Jr.

Joseph F. Murphy, Jr.

\*Sally D. Adkins

Mary Ellen Barbera

\*Judge Adkins did not participate in the consideration of this matter.

Filed: October 20, 2010

BESSIE M. DECKER

Clerk

Court of Appeals of Maryland

## MARYLAND RULES OF PROCEDURE

### TITLE 14 - SALES OF PROPERTY

#### CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

ADD new Rule 14-207.1, as follows:

#### **Rule 14-207.1. COURT SCREENING**

(a) Generally

The court may adopt procedures to screen pleadings and papers filed in an action to foreclose a lien. If the court determines that the pleadings or papers filed do not comply with all statutory and Rule requirements, it may give notice to the plaintiff and each borrower, record owner, party, and attorney of record that the action will be dismissed without prejudice or that some other appropriate order will be entered by reason of the non-compliance if the plaintiff does not demonstrate within 30 days that the papers are legally sufficient or that the deficiency has been cured.

Committee note: This Rule prevails over the provision in Rule 1-321 (a) or any other Rule that purports, where a party is represented by an attorney, to permit service on only the attorney. This Rule requires service on both.

(b) Review of Affidavits

(1) In this section, "affidavit" includes any attestation or certification by an attorney, borrower, record owner, party, or agent of the attorney, borrower, record owner, or party concerning the truth or accuracy of a pleading or paper.

Cross reference: See Rule 1-202 (b) for a general definition of "affidavit."

(2) If the court has reason to believe that an affidavit filed in the action may be invalid because the affiant has not read or personally signed the affidavit, because the affiant does not have a sufficient basis to attest to the accuracy of the facts stated in the affidavit, or, if applicable, because the affiant did not appear before the notary as stated, the court may order the party to show cause why the affidavit should not be stricken, and, if it is stricken, why the action should not be dismissed or other relief granted.

(3) As part of the show cause order, the court may order that the affiant and any notary appear before the court at a time stated in the order for the affiant to attest under penalty of perjury that the affiant

read and personally signed the affidavit and had a sufficient basis to attest to the accuracy of the facts stated in the affidavit, and, if applicable, for the affiant and the notary to attest that the affiant appeared before the notary and made the oath stated.

(4)A copy of the order shall be sent to the plaintiff and to each borrower, record owner, party, and attorney of record, together with a notice that they may appear and examine the affiant and notary. The court may further require that the plaintiff serve the order and any response thereto on each borrower, record owner, party, and attorney of record.

Cross reference: See Rule 1-341.

(c) Special Masters or Examiners

The court may designate one or more qualified Maryland lawyers to serve as a part-time special master or examiner to screen pleadings and papers under section (a) of this Rule, conduct proceedings under section (b) of this Rule, and make appropriate recommendations to the court. Subject to section (d) of this Rule, the costs and expenses of the special master or examiner may be assessed against one or more of the parties pursuant to Code, Courts Article, §2-102 (c), Rule 2-541 (i), or Rule 2-542 (i). With his or her consent, the special master or examiner may serve on a pro bono basis.

(d) Assessment of Costs, Expenses, and Attorney’s Fees

The costs, expenses, and attorney’s fees of any proceeding under this Rule, including any costs or expense of a special master or examiner under section (c) of this Rule, shall not be assessed against the borrower or record owner either directly or as an expense of sale, unless the affidavit in question was filed by or on behalf of the borrower or record owner.

Committee note: The exercise of the authority granted in this Rule is discretionary with the court. Nothing in this Rule precludes the court from using its own personnel for these purposes.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 14 - SALES OF PROPERTY**

**CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS**

AMEND Rule 14-207 by changing the title of the Rule, deleting current section (c), and adding a new section (c) to require service of affidavits, pleadings, and other papers that amend, supplement, or confirm a previously filed affidavit, pleading or paper, as follows:

**Rule 14-207. PLEADINGS; [COURT SCREENING] SERVICE OF CERTAIN AFFIDAVITS, PLEADINGS, AND PAPERS**

...  
[(c) Court Screening

As part of its case management plan, a circuit court may adopt procedures for the court to screen orders to docket and complaints to foreclose a lien. If the court determines that the papers filed do not comply with all statutory and Rule requirements, it may give notice to the plaintiff that the action will be dismissed without prejudice if the plaintiff does not demonstrate within 30 days that the papers are legally sufficient or that the deficiency has been cured.]

Committee note: Pursuant to subsections (b)(7) and (8) of this Rule, a preliminary or final loss mitigation affidavit must be filed in all actions to foreclose a lien on residential property, even if a loss mitigation analysis is not required.

(c) *Service of Certain Affidavits, Pleadings, and Papers*

*Any affidavit, pleading, or other paper that amends, supplements, or confirms a previously filed affidavit, pleading, or other paper shall be served on each party, attorney of record, borrower, and record owner in accordance with the methods provided by Rule 1-321, regardless of whether service of the original affidavit, pleading, or paper was required.*

Committee note: *This Rule prevails over the provision in Rule 1-321 (a) or any other Rule that purports, where a party is represented by an attorney, to permit service on only the attorney. This Rule requires service on both.*

Source: This Rule is derived in part from the 2008 version of former Rule 14-204 (a) and (c) and is in part new.

**MARYLAND RULES OF PROCEDURE  
TITLE 1 - GENERAL PROVISIONS  
CHAPTER 300 - GENERAL PROVISIONS**

AMEND Rule 1-311 to add the words “or paper” to section (c), as follows:

**Rule 1-311. SIGNING OF PLEADINGS AND OTHER PAPERS**

...  
(c) Sanctions

If a pleading or paper is not signed as required (except inadvertent omission to sign, if promptly corrected) or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the pleading *or paper* had not been filed. For a willful violation of this Rule, an attorney is subject to appropriate disciplinary action.

... [10-23-36]



# 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 10

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Notice of Emergency Action

[10-300-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

- (1) Amendments to Regulation **.02** under **COMAR 10.01.17 Fees for Community Health Programs**;
- (2) Amendments to Regulations **.02**, **.06**, **.15**, **.25**, **.26**, **.28**, **.30**, and **.38** under **COMAR 10.15.03 Food Service Facilities**; and
- (3) Amendments to Regulations **.02** and **.03**, the repeal of existing Regulations **.05** and **.20**, the recodification of existing Regulations **.06**, **.08**, **.09**, and **.18** to be Regulations **.05**, **.07**, and **.08**, and **.17**, respectively, amendments to and the recodification of existing Regulations **.07**, **.10—17**, **.19**, and **.21** to be Regulations **.06**, **.09—16**, **.18**, and **.20**, respectively, and new Regulations **.19** and **.21—28** under **COMAR 10.15.04 Food and Drink Processing and Transportation**.

**Emergency status began: October 1, 2010.**

**Emergency status expires: March 29, 2011.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:22 Md. R. 1558—1565 (October 22, 2010), referenced as [10-300-P].

JOHN M. COLMERS  
Secretary of Health and Mental Hygiene

## Title 14

### INDEPENDENT AGENCIES

#### Subtitle 01 STATE LOTTERY AGENCY

#### Notice of Emergency Action

[10-304-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

- (1) Amendments to Regulations **.08** and **.09**, new Regulation **.10**, the recodification of existing Regulations **.10** and **.11** to be Regulations **.11** and **.12**, and amendments to and the recodification of existing

Regulation **.12** to be **.13** under **COMAR 14.01.02 General Regulations**;

(2) Amendments to Regulation **.02** under **COMAR 14.01.03 Lottery Games**;

(3) Amendments to Regulation **.19** under **COMAR 14.01.10 Video Lottery Terminals**;

(4) Amendments to Regulations **.16**, **.20**, **.36**, and **.46** under **COMAR 14.01.14 Video Lottery Facility Minimum Internal Control Standards**;

(5) Amendments to Regulation **.11** under **COMAR 14.01.15 Video Lottery Technical Standards**;

(6) New Regulations **.01 — .06** under a new chapter, **COMAR 14.01.18 Violations, Civil Penalties and Sanctions**; and

(7) New Regulations **.01 — .04** under a new chapter, **COMAR 14.01.19 Collection of Taxes, Fees, and Civil Penalties**.

**Emergency status began: October 13, 2010.**

**Emergency status expires: April 8, 2011.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:22 Md. R. 1572—1576 (October 22, 2010), referenced as [10-304-P].

STEPHEN L. MARTINO  
Director  
State Lottery Agency

### Subtitle 01 STATE LOTTERY AGENCY

#### Notice of Emergency Action

[10-309-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) New Regulation **.20** under **COMAR 14.01.10 Video Lottery Terminals**; and

(2) Amendments to Regulation **.44** under **COMAR 14.01.14 Video Lottery Facility Minimum Internal Control Standards**.

**Emergency status began: October 13, 2010.**

**Emergency status expires: April 8, 2011.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 1617—1619 of this issue, referenced as [10-309-P].

STEPHEN L. MARTINO  
Director  
State Lottery Agency

**Subtitle 01 STATE LOTTERY AGENCY**

**14.01.15 Video Lottery Technical Standards**

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

**Notice of Emergency Action**

[10-302-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .18 under **COMAR 14.01.15 Video Lottery Technical Standards**.

**Emergency status began: October 13, 2010.**

**Emergency status expires: April 8, 2011.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:22 Md. R. 1577 (October 22, 2010), referenced as [10-302-P].

STEPHEN L. MARTINO  
Director  
State Lottery Agency

**Title 15  
DEPARTMENT OF  
AGRICULTURE**

**Subtitle 05 PEST USE CONTROL**

**15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses**

Authority: Agriculture Article, §§2-103, 5-204, 5-207, and 5-210.2, Annotated Code of Maryland

**Notice of Emergency Action**

[10-303-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .04, .08—.10, and .12 under **COMAR 15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses**.

**Emergency status began: October 1, 2010.**

**Emergency status expires: April 1, 2011.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:22 Md. R. 1577—1579 (October 22, 2010), referenced as [10-303-P].

EARL F. HANCE  
Secretary of Agriculture

**Title 31**

**MARYLAND INSURANCE  
ADMINISTRATION**

**Subtitle 11 HEALTH INSURANCE —  
GROUP**

**31.11.06 Comprehensive Standard Health  
Benefit Plan**

Authority: Health-General Article, §§19-103(c)(6) and 19-108; Insurance Article §§2-108, 2-109, and 15-1207 Annotated Code of Maryland

**Notice of Emergency Action**

[10-279-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .02, .04, .05, .09, and .11 and new Regulation .03-1 under **COMAR 31.11.06 Comprehensive Standard Health Benefit Plan**.

**Emergency status began: September 23, 2010.**

**Emergency status expires: February 20, 2011.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:21 Md. R. 1460—1462 (October 8, 2010), referenced as [10-279-P].

ELIZABETH SAMMIS  
Acting Commissioner  
Maryland Insurance Commission

MARILYN MOON  
Chair  
Maryland Health Care Commission

# Final Action on Regulations

## Symbol Key

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

## Title 07

### DEPARTMENT OF HUMAN RESOURCES

#### Subtitle 02 SOCIAL SERVICES ADMINISTRATION

##### 07.02.04 Social Services Eligibility Requirements Based on Income

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

#### Notice of Final Action

[10-248-F]

On October 18, 2010, the Secretary of Human Resources adopted the repeal of existing Regulation **.08** and new Regulation **.08** under **COMAR 07.02.04 Social Services Eligibility Requirements Based on Income**. This action, which was proposed for adoption in 37:18 Md. R. 1218—1222 (August 27, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

BRENDA DONALD  
Secretary of Human Resources

#### Subtitle 03 FAMILY INVESTMENT PROGRAMS

##### 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 Final Action

[10-245-F]

On October 21, 2010, the Secretary of Human Resources adopted amendments to Regulations **.02**, **.04**, **.05**, and **.10** under **COMAR 07.03.05 Temporary Disability Assistance Program**. This action, which was proposed for adoption in 37:18 Md. R. 1219—1220 (August 27, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

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 Final Action

[10-246-F]

On October 21, 2010, the Secretary of Human Resources adopted amendments to Regulations **.02**, **.15**, **.23**, **.45**, and **.49** and new Regulation **.60** under **COMAR 07.03.17 Food Supplement Program**. This action, which was proposed for adoption in 37:18 Md. R. 1220—1222 (August 27, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

BRENDA DONALD  
Secretary of Human Resources

#### Subtitle 08 COMMISSION ON INDIAN AFFAIRS

##### 07.08.01 Recognition of Maryland Indian Status

Authority: *State Government Article, §§9.5–309—9.5–312*, Annotated Code of Maryland  
*Executive Order 01.01.07.2007.25*

#### Notice of Final Action

[10-220-F]

On October 20, 2010, the Maryland Commission on Indian Affairs adopted:

(1) Amendments to and the recodification of existing Regulations **.01**, **.02**, **.05**, **.06**, **.08**, **.09**, **11**, and **.13** under **COMAR 07.08.01 Recognition of Maryland Indian Status** to be Regulations **.01**, **.02**, **.05**, **.06**, **.08**, **.09**, **.11**, and **.13** under a new chapter, **COMAR 01.06.01 Recognition of Maryland Indian Status**, under a new subtitle, **COMAR 01.06 Governor's Office of Community Initiatives**; and

(2) The recodification of existing Regulations **.03**, **.04**, **.07**, **.10**, and **.12** under **COMAR 07.08.01 Recognition of Maryland Indian Status** to be Regulations **.03**, **.04**, **.07**, **.10**, and **.12** under a new chapter, **COMAR 01.06.01 Recognition of Maryland Indian Status**, under a new subtitle, **COMAR 01.06 Governor's Office of Community Initiatives**.

This action, which was proposed for adoption in 37:16 Md. R. 1062—1064 (July 30, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

KEITH COLSTON  
Executive Director  
Maryland Commission on Indian Affairs

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

**Subtitle 19 COMMISSION OF REAL**  
**ESTATE APPRAISERS AND HOME**  
**INSPECTORS—REAL ESTATE**  
**APPRAISERS**

**09.19.05 Code of Ethics**

Authority: Business Occupations and Professions Article, §§16-208, 16-216, 16-220, 16-302(d) and (g), and 16-503(b) and (f), Annotated Code of Maryland

**Notice of Final Action**

[10-158-F-I]

On August 10, 2010, the Commission of Real Estate Appraisers and Home Inspectors adopted amendments to Regulation .01 under **COMAR 09.19.05 Code of Ethics**. This action, which was proposed for adoption in 37:12 Md. R. 804 (June 4, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

PATRICIA SCHOTT  
 Administrator

Commission of Real Estate Appraisers and Home Inspectors

**Title 10**  
**DEPARTMENT 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 Final Action**

[10-242-F]

On October 21, 2010, the Maryland Health Care Commission adopted new Regulations .01—.11 under a new chapter, **COMAR 10.25.15 Management Service Organization State Designation**. This action was considered at a public meeting, notice of which was given by publication in the Maryland Register under State Government Article, §10-506(c), Annotated Code of Maryland. This action, which was proposed for adoption in 37:18 Md. R. 1235—1237 (August 27, 2010), has been adopted with the nonsubstantive changes shown below.

**Effective Date: November 15, 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:

Regulation .05A(1): The word “with” is replaced with “to” to add clarity. This change does not practically alter the meaning or effect of this provision.

Regulation .05A(2): The word “their” is replaced with “the authorized officer’s” to add clarity. This change does not practically alter the meaning or effect of this provision.

Regulation .09D: The words “the applicant” are added to clarify the recipient of the notification. This change does not practically alter the meaning or effect of this provision.

**.05 Procedure to Obtain State Designation.**

**A. Application for State Designation.**

(1) An MSO must submit a completed application ~~[[with]]~~ to 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]]~~ the authorized officer’s designee.

(3)—(7) (proposed text unchanged)

**B.—C. (proposed text unchanged)**

**.09 Renewal of State Designation.**

**A.—C. (proposed text unchanged)**

*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.*

MARILYN MOON  
 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 Final Action**

[10-250-F]

On October 13, 2010, the Health Services Cost Review Commission adopted amendments to Regulation .03 under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action, which was proposed for adoption in 37:18 Md. R. 1237 (August 27, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

DONALD A. YOUNG  
 Chairman

Health Services Cost Review Commission

## Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

### 10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-207, 19-214.1, and 19-214.2,  
Annotated Code of Maryland

#### Notice of Final Action [10-232-F]

On October 13, 2010, the Health Services Cost Review Commission adopted amendments to Regulations .26 under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action, which was proposed for adoption in 37:16 Md. R. 1071—1074 (July 30, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

DONALD A. YOUNG, M.D.  
Chairman  
Health Services Cost Review Commission

## Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

### 10.38.05 Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §§13-206, 13-315, [[and]] 13-317, and 13-318; State Government Article, §§10-202, 10-205 [[and]], 10-206, 10-207—10-209, 10-213, 10-216, 10-218, 10-221, 10-222, and 10-226;  
Annotated Code of Maryland

#### Notice of Final Action [10-226-F]

On October 15, 2010, the Secretary of Health and Mental Hygiene adopted the repeal of Regulations .01—.08 and new Regulations .01—.16 under **COMAR 10.38.05 Rules of Procedure for Board Hearings**. This action, which was proposed for adoption in 37:16 Md. R. 1074—1081 (July 30, 2010), has been adopted with the nonsubstantive changes shown below.

**Effective Date: November 15, 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:

Authority Line: Adds specific cites for clarification

Regulation .02B(3): Corrects the Board's name.

Regulation .02B(13): Adds the words "or more" to be consistent with the statute (Health Occupations Article, §13-317(d)(1), Annotated Code of Maryland).

Regulation .03A: Corrects a typographical error.

#### .02 Definitions

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(2) (proposed text unchanged)

(3) "Board" means the State Board of Physical Therapy

*Examiners.*

(4)—(12) (proposed text unchanged)

(13) "Hearing committee" means a committee of three or more members of the Board which conducts hearings.

(14)—(34) (proposed text unchanged)

#### .03 Confidentiality of Proceedings.

A. Except as otherwise provided by law, the proceedings of the Board are confidential and that confidentiality may not [[by]] be waived by the parties.

B.—D. (proposed text unchanged)

JOHN M. COLMERS  
Secretary of Health and Mental Hygiene

## Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS

### 10.39.05 Standards of Practice for Certified Nursing Assistants (CNA)

Authority: Health Occupations Article, §§8-205(a)(1) and (2) and 8-6A-05(a)(1), Annotated Code of Maryland

#### Notice of Final Action [10-265-F]

On October 26, 2010, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.03 under a new chapter, **COMAR 10.39.05 Standards of Practice for Certified Nursing Assistants (CNA)**. This action, which was proposed for adoption in 37:19 Md. R. 1301—1303 (September 10, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

JOHN M. COLMERS  
Secretary of Health and Mental Hygiene

## 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 Final Action [10-244-F]

On October 15, 2010, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.03 under a new chapter, **COMAR 10.58.11 Advanced Assessment Activities**. This action, which was proposed for adoption in 37:18 Md. R. 1237—1238 (August 27, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

JOHN M. COLMERS  
Secretary of Health and Mental Hygiene

**Title 14**  
**INDEPENDENT AGENCIES**  
**Subtitle 01 STATE LOTTERY AGENCY**

**Notice of Final Action**  
 [10-268-F]

On October 26, 2010, the Maryland State Lottery Agency adopted:  
 (1) Amendments to Regulations **.14**, **.15**, and **.17** under **COMAR 14.01.10 Video Lottery Terminals**; and  
 (2) New Regulation **.08** under **COMAR 14.01.11 Video Lottery Facility Operation Licenses**.  
 This action, which was proposed for adoption in 37:19 Md. R. 1307—1308 (September 10, 2010), has been adopted as proposed.  
**Effective Date: November 15, 2010.**

STEPHEN L. MARTINO  
 Director  
 State Lottery Agency

**Subtitle 01 STATE LOTTERY AGENCY**  
**14.01.11 Video Lottery Facility Operation Licenses**

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

**Notice of Final Action**  
 [10-269-F]

On October 26, 2010, the Maryland State Lottery Agency adopted new Regulation **.07** under **COMAR 14.01.11 Video Lottery Facility Operation Licenses**. This action, which was proposed for adoption in 37:19 Md. R. 1308—1309 (September 10, 2010), has been adopted as proposed.  
**Effective Date: November 15, 2010.**

STEPHEN L. MARTINO  
 Director  
 State Lottery Agency

**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 Final Action**  
 [10-254-F-I]

On October 22, 2010, the Secretary of the Environment adopted amendments to Regulation **.01** under **COMAR 26.12.01 Radiation Protection**. This action, which was proposed for adoption in 37:18 Md. R. 1242—1243 (August 27, 2010), has been adopted as proposed.  
**Effective Date: November 15, 2010.**

SHARI T. WILSON  
 Secretary 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 Final Action**  
 [10-253-F-I]

On October 25, 2010, the Secretary of the Environment adopted amendments to Regulation **.01** under **COMAR 26.12.01 Radiation Protection**. This action, which was proposed for adoption in 37:18 Md. R. 1243 (August 27, 2010), has been adopted as proposed.  
**Effective Date: November 15, 2010.**

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, and 8-306, Annotated Code of Maryland

**Notice of Final Action**

[10-252-F]

On October 25, 2010, the Secretary of the Environment adopted amendments to Regulation .02 under **COMAR 26.12.02 Inspection and Certification**. This action, which was proposed for adoption in 37:18 Md. R. 1243—1244 (August 27, 2010), has been adopted with the nonsubstantive changes shown below.

**Effective Date: November 15, 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:

Regulation .02C(5): This change corrects due dates for inspection.

**.02 State Certification of Radiation Machines**

A.—B. (proposed text unchanged)

C. State Certification Required for Radiation Machines

(1)—(4) (proposed 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:

Certification Due Date	Certification Due Date				
	Group 1	Group 2	Group 3	Group 4	Group 5
July 1, 2010	All <sup>1</sup>			Odd <sup>2</sup>	
December 31, 2010		All	Odd		Odd
July 1, 2011	All			Even <sup>3</sup>	
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		Odd
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		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		Odd

<sup>1</sup>(proposed text unchanged)

<sup>2</sup> “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]] 2010

<sup>3</sup>(proposed text unchanged)

D.—E. (proposed text unchanged)

SHARI T. WILSON  
Secretary of the Environment

**Title 34  
DEPARTMENT OF  
PLANNING  
Subtitle 04 HISTORICAL AND  
CULTURAL PROGRAMS**

**34.04.02 Maryland Historical Trust Historic  
Preservation Loan Program**

Authority: Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10, and 5A-327; Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

**Notice of Final Action**

[10-240-F]

On October 25, 2010, the Maryland Department of Planning adopted amendments to Regulations .05 and .07 under **COMAR 34.04.02 Maryland Historical Trust Historic Preservation Loan Program**. This action, which was proposed for adoption in 37:17 Md. R. 1196—1197 (August 13, 2010), has been adopted as proposed.

**Effective Date: November 15, 2010.**

RICHARD E. HALL  
Secretary of Planning

# 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 09

# DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 15 STATE BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS

### 09.15.02 General Regulations

Authority: Business Regulation Article, §§9A-103(3) and 9A-205, Annotated Code of Maryland

#### Notice of Proposed Action

[10-313-P]

The Board of Heating, Ventilation, Air-Conditioning and Refrigeration Contractors proposes to adopt new Regulation .12 under **COMAR 09.15.02 General Regulations**. This action was considered by the Board at its public meeting of May 12, 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 clarify and establish that the installation of a remote controlled thermostat or remote controlled switch, as part of a program approved by the Public Service Commission, under limited and specified circumstances, may be performed by individuals working on behalf of a regulated public utility. Those individuals shall be considered to be employees of the public utility pursuant to the Maryland Heating, Ventilation, Air-Conditioning and Refrigeration Contractors Act, Business Regulation Article, §9A-103(3), Annotated Code of Maryland, for installations meeting the requirements expressly designated in the proposed regulation.

#### 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 regulation would allow companies working directly for public utilities in the implementation of a residential energy efficiency program approved by the Public Service Commission to use technicians who are unlicensed or under-licensed to install certain thermostats and switches for a limited period of time. It would have a general economic impact on utility rate payers (State citizens) as well as an economic impact on a specific industry.

The general impact relates to the ability of public utilities in Maryland to achieve the energy usage reduction goals of the State's "EmPOWER Maryland" initiative, in compliance with the mandate of the EmPOWER Maryland Energy Efficiency Act of 2008. Under the approval conditions set by the Public Service Commission, the installation of the energy saving thermostats and switches must be carried out in a cost-effective manner so that the cost of the program does not exceed the benefit to the rate payers. The utilities have told the Board that using unlicensed technicians is the only cost-effective way to carry out the program. With the target number of energy savings devices installed by a projected 2012 completion date, the utilities will be able to meet the consumption reduction goals they have promised to the regional power grid operator and thus be able to purchase power at a lower rate. This would result in lower rates charged to utility customers. The significant reduction in power demand at peak use times would also make the construction of additional power generating facilities unnecessary, which would also keep the rate base lower.

The regulation could specifically affect work opportunities of licensed HVACR contractors by extending the reach of the existing statutory utility employee license exemption and allowing the installation of the devices by unlicensed technicians. As the issuing agency, there is no impact on the Board of HVACR Contractors. There is also no impact on other State agencies or local governments.



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	
<hr/>		
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
HVACR contractors	(-)	Indeterminable
E. On other industries or trade groups:		
Public utilities	(+)	Indeterminable
F. Direct and indirect effects on public:	(+)	Indeterminable

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

D. The proposed regulation would allow the installation of the specified energy saving devices by trained but nonlicensed technicians employed by companies under contract to a public utility. The company hired by BGE to oversee this program told the Board that they put the device installation work out for bid and got very few responses from licensed contractors. The prices quoted were substantially higher than those the company pays to the technicians that it trains and directly supervises. The regulation would sanction the practice of using trained but largely unlicensed technicians for this specific project, and thus could cause the loss of income or employment opportunities potentially available to licensed contractors, journeymen, or apprentices. However, this work might not be available if the Public Service Commission ruled that the program could not continue if the utilities had to pay installation costs at a level that would cause the program to no longer be cost effective. (In discussions with staff for the Board, representatives of the Commission indicated that this was a likely result should the installation costs increase significantly.)

The number of installations (450,000 for just one of the State’s utilities) and the limited time period in which the work needs to be accomplished have lead the utilities to conclude that there are not enough State-licensed HVACR mechanics available to timely perform the work. The individuals are required to work full, consecutive days to accomplish the target number of installations. Under Maryland licensing law, apprentices may work only under the direct supervision of a journeyman or a master; there probably are not enough licensees to perform these installations across the State without impacting the availability of personnel to provide HVACR services to other companies and individuals.

E. Successful implementation of peak demand reduction programs allows the State’s utilities to meet demand reduction commitments previously made to the regional power grid. The power grid requires utilities to bid on power supplies from the grid three years in advance of the use of the power in exchange for monetary incentives paid by the grid to the utility for demand reduction commitments. Failure to meet those commitments will lead to the imposition of penalties on any noncompliant utility. Assessed penalties can be up to two times

the amount of the monetary incentive the grid operator would have paid based on the demand reduction commitment made by the utility.

In addition to the ability to purchase power supplies at a reduced cost, the utilities could save the cost of constructing additional power plants that would be necessary if the peak demand is not substantially reduced. The Maryland Energy Administration has estimated that meeting the peak demand reduction programs goals would obviate the need for construction of three new coal-fired power plants.

F. The Maryland Public Interest Research Group (Maryland PIRG), has stated that the EmPOWER Maryland initiative could save consumers and businesses \$861 million annually and provide 8,000 new jobs in Maryland by 2015, and could result in a \$4 billion savings by 2020, according to an April 14, 2010, Daily Record article.

Individually metered residential consumers of electricity will directly benefit from the payment of the monetary incentives provided for agreeing to have a switch or thermostat installed. Residential rate payers will directly benefit from any demand reduction driven rate constraints provided by the utilities’ load reduction commitments made to the regional power grid. There would be a positive environmental impact as a result of consumption reduction, eliminating the need to build three new coal-fired power plants as well as the monetary savings realized from the elimination of the construction of the new power plants, the cost of which would have been added to the rate base.

Residential ratepayers may be negatively affected in the event that the regional grid operator assesses penalties against a utility that has failed to meet usage reduction commitments. If a utility is assessed a penalty, the Public Service Commission could deem the utility’s failure to meet its reduction projections to have been outside its control. Under those circumstances, the Public Service Commission could approve a residential surcharge to rate payers generally.

**Economic Impact on Small Businesses**

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

The majority of HVACR contractors are sole practitioners or operators falling within the small business definition. The proposed regulation would qualify non-licensed technicians acting on behalf of a regulated public utility in clearly defined circumstances to make certain installations relating to energy efficiency which would otherwise fall within the purview of licensed HVACR contractors. To the extent that unlicensed technicians would be authorized to make these installations, that stream of work would be unavailable to licensed contractors. However, efforts by public utilities to provide opportunities for licensees to bid on installations have lead to price proposals that are not within a range that would make the installations viable under the Public Service Commission’s view of acceptable program costs for such conservation programs. Thus, the perceived loss of opportunities for work by licensed contractors could be purely theoretical, if the pricing by contractors would inherently preclude the work from actually taking place, because the Public Service Commission could not approve the energy conservation program at the prices bid.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Steven Smitson, Assistant Commissioner, Board of HVACR Contractors, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6169, or email to ssmits@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through December 1, 2010. A public hearing will be held, by the Board on Wednesday December 8, 2010, at 11 a.m., in the DLLR Conference Room, 500 North Calvert Street, Second

Floor, Baltimore, MD 21202 (Centre Street Entrance only). Time available to each speaker will be limited and finally determined by the number of individuals wishing to testify.

**Open Meeting**

Final action on the proposal will be considered by The Board of HVACR Contractors during a public meeting to be held on Wednesday, January 11, 2011, at 11 a.m., at 500 North Calvert Street, Baltimore, MD 21202.

**.12 Residential Energy Efficiency Program Approved by the Public Service Commission—Installation of Remote Controlled Thermostats and Switches**

A. An individual shall be considered to be an employee of a public utility company regulated by the Public Service Commission within the meaning of Business Regulation Article, §9A-103(3), Annotated Code of Maryland, if the individual works on behalf of the utility in the implementation of a residential energy efficiency program involving the installation of a remote controlled thermostat or a remote controlled switch, as part of a program approved by the Public Service Commission.

**B. Installations.**

(1) For the purpose of §A of this regulation, residential installations include installations at single-family dwellings, or at multi-family structures where the occupants of a dwelling unit:

- (a) Own the unit or have the prior approval of the property owner to participate in the program;
- (b) Have energy usage that is individually metered; and
- (c) Have control over the equipment conditioning the occupants' living space.

(2) All installations shall be completed by January 1, 2013.

C. The public utility company or a designee of the utility shall provide the training and oversight needed to insure that all work is performed in a safe and workmanlike manner.

JAMES JOHNSON  
Chairman  
Board of Heating, Ventilation, Air-conditioning and Refrigeration Contractors

**Statement of Purpose**

The purpose of this action is to:

- (1) Define "licensure by endorsement" as the licensure an individual who holds or held a social work license, registration, or certification in another state after satisfying the requirements for licensure, registration, or certification in that state;
- (2) Allow individuals holding a license to practice social work in another state to practice social work in Maryland at the same level of licensure; and
- (3) Authorize the Board to issue a social work associate's license, a graduate social worker license, a certified social worker license, and a certified social worker—clinical license to individuals licensed in another state if the individual meets certain requirements.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through December 6, 2010. A public hearing has not been scheduled.

**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1)—(11) text unchanged
  - (12) "Licensure by endorsement" means that an individual holds or held a license, registration, or certification to practice social work in another state after passing, in that state, a social work licensing examination and after meeting the licensing requirements for social work practice in that state.
  - [(12)] (13)—[(16)] (17) (text unchanged)

**.12 Licensure by Endorsement.**

A. An applicant who holds or held a license or registration to practice social work in another state is eligible to be licensed in Maryland at the same level of licensure as the license the applicant holds or held in the other state.

**B. Social Work Associate.**

(1) The Board shall issue a social work associate's license to an applicant who has met the qualifications in Health Occupations Article, §19-302(a) and (b), Annotated Code of Maryland.

(2) If a social work associate applies for licensure at a different level, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

**C. Graduate Social Worker.**

(1) The Board shall issue a graduate social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a graduate social worker applies for licensure at a different level, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

**Title 10  
DEPARTMENT OF HEALTH  
AND MENTAL HYGIENE  
Subtitle 42 BOARD OF SOCIAL WORK  
EXAMINERS**

**10.42.01 Regulations Governing Licensure**

Authority: Health Occupations Article, §19-302.1, Annotated Code of Maryland

**Notice of Proposed Action**

[10-314-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02, repeal existing Regulation .12, and adopt new Regulation .12 under COMAR 10.42.01 Regulations Governing Licensure. This action was considered at a public meeting on September 10, 2010, notice of which was given by publication in 37:18 Md. R. 1266 (August 27, 2010), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

*D. Certified Social Worker.*

(1) *The Board shall issue a certified social worker license to an out-of-State applicant who:*

(a) *Has obtained more than 5 years of active social work practice;*

(b) *Holds an active license at a level comparable to the certified social worker licensure level; and*

(c) *Has met the qualifications required under Health Occupations Article, §19-302.1, Annotated Code of Maryland.*

(2) *The Board shall issue a certified social worker license to an out-of-State applicant who:*

(a) *Has obtained less than 5 years of active social work practice;*

(b) *Holds an active license at a level comparable to the certified social worker licensure level; and*

(c) *Has met the qualifications required under Health Occupations Article, §19-302(a) and (d), Annotated Code of Maryland.*

(3) *The applicant for a certified social worker license shall have 2 years of at least 3,000 hours of supervised social work experience, which shall be:*

(a) *Obtained after receiving a master's degree in social work and as a licensed graduate social worker, if a licensed graduate social worker license is required in the state where the supervised experience was obtained;*

(b) *Performed in not less than 2 years and not more than 6 consecutive years; and*

(c) *Obtained by the candidate while performing social work activities professionally and for compensation.*

(4) *A candidate shall have obtained a graduate social worker license in the state where the experience was obtained if required in that jurisdiction, before applying for a certified social worker license and before beginning to obtain the 3,000 hours of supervised social work experience.*

(5) *If a certified social worker applies for licensure at a different level, the application shall be treated as an initial application subject to the appropriate fees.*

(6) *Social work experience required to obtain a certified social worker license may include one or more of the following:*

- (a) *Case management;*
- (b) *Information and referral;*
- (c) *Advocacy;*
- (d) *Research;*
- (e) *Community organization;*
- (f) *Administrative activities; and*
- (g) *Supervision.*

(7) *The supervisor shall be a licensed social worker with a license comparable to the licensed certified social worker or licensed certified social worker—clinical in Maryland.*

(8) *Unless otherwise excepted under Health Occupations Article, Title 19, Annotated Code of Maryland, waiver of supervision shall be in compliance Health Occupations Article, §19-302(f), Annotated Code of Maryland.*

*E. Certified Social Worker—Clinical.*

(1) *The Board shall issue a certified social worker—clinical license to an out-of-State applicant who:*

(a) *Has more than 5 years of social work practice;*

(b) *Holds an active license comparable to the certified social worker—clinical licensure level; and*

(c) *Who has met the qualifications under Health Occupations Article, §19-302.1, Annotated Code of Maryland.*

(2) *The Board shall issue a certified social worker—clinical license to an out-of-State applicant who:*

(a) *Has less than 5 years of social work practice;*

(b) *Holds or held an active license comparable to the certified social worker—clinical licensure level; and*

(c) *Has met the requirements in Health Occupations Article, §19-302(a) and (e), Annotated Code of Maryland, with documentation of clinical course work.*

(3) *An applicant for a certified social worker—clinical license shall have completed 12 academic credits of clinical course work from an accredited program with a minimum of six of the 12 academic credits obtained in a Master's of Social Work program.*

(4) *The applicant for a certified social worker—clinical license shall have 2 years of at least 3,000 hours of supervised clinical social work, which shall be:*

(a) *Experience obtained after receiving a master's degree in social work and as a licensed graduate social worker, if a licensed graduate social worker license was required in the jurisdiction where the supervised experience was obtained;*

(b) *Performed in not less than 2 years and not more than 6 consecutive years; and*

(c) *Obtained by the candidate while performing social work activities professionally and for compensation.*

(5) *A candidate shall have obtained a graduate social worker license before applying for a certified social worker — clinical license.*

(6) *A candidate shall have obtained a graduate social worker license in the jurisdiction where the experience was obtained if required in that jurisdiction, before beginning to obtain the 3,000 hours of supervised social work experience.*

(7) *A licensed graduate social worker may not render a diagnosis while obtaining the requisite 3,000 hours of supervised clinical social work experience.*

(8) *Clinical social work experience for the purpose of obtaining a certified social worker—clinical license shall be in direct service to clients and may not consist solely of:*

- (a) *Telephonic clinical assessment;*
- (b) *Triage;*
- (c) *Continued stay reviews; and*
- (d) *Discharge planning.*

(9) *The supervisor shall be a license social worker with a license comparable to the licensed certified social worker—clinical in Maryland.*

(10) *Half of the supervised clinical social work experience required to obtain a certified social worker—clinical license shall consist of face-to-face client contact.*

JOHN M. COLMERS  
Secretary of Health and Mental Hygiene

**Title 14**

**INDEPENDENT AGENCIES**

**Subtitle 01 STATE LOTTERY AGENCY**

**Notice of Proposed Action**

[10-309-P]

The Maryland State Lottery Agency proposes to:

(1) Adopt new Regulation .20 under **COMAR 14.01.10 Video Lottery Terminals**; and

(2) Amend Regulation .44 under **COMAR 14.01.14 Video Lottery Facility Minimum Internal Control Standards**.

This action was considered at the Maryland State Lottery Commission open meeting held on September 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 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 by the end of September 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 December 6, 2010. A public hearing has not been scheduled.

**14.01.10 Video Lottery Terminals**

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

**.20 Identification Cards for Video Lottery Employees.**

A. The Commission shall issue an identification card to an individual who is employed by a licensed facility operator, manufacturer, or contractor and licensed as a principal employee, gaming employee, or non-gaming employee.

**B. Identification Card.**

(1) An identification card shall display a photograph of the licensee and, at a minimum, indicate:

- (a) The individual's name;
- (b) By color, pattern, or symbol, the licensing category; and
- (c) The license expiration date.

(2) An identification card is evidence that the licensee is authorized to be employed in the designated licensing category by a licensed facility operator, manufacturer, or contractor.

(3) An identification card is the property of the Commission.

**C. Licensee Obligations. A licensee:**

(1) Shall wear or otherwise prominently display his or her identification card at all times while working;

(2) Shall immediately report a loss or theft of the card to the licensee's employer and the Commission;

(3) May not allow another individual to possess the card; and

(4) Shall comply with an order of the Commission to surrender the card.

**D. Replacement Identification Card.**

(1) If the identification card of a licensee who is employed by a licensed facility operator, manufacturer, or contractor is lost or stolen:

- (a) The licensee shall immediately:
  - (i) Report the loss or theft to his or her employer; and
  - (ii) In a form or format designated by the Commission, submit to the Commission a written description of the circumstances of the loss or theft; and

(b) After verifying the licensee's identity, the Commission may issue a new identification card to the licensee.

(2) If the identification card of a licensee who is employed by a licensed facility operator, manufacturer, or contractor is temporarily unavailable to the licensee:

(a) The licensee shall immediately:

(i) Report the temporary unavailability of the card to his or her employer; and

(ii) In a form or format designated by the Commission, submit to the Commission a written description as to why the card is temporarily unavailable;

(b) After verifying the licensee's identity, the Commission may issue a temporary identification card to the licensee that is valid for 1 work day; and

(c) The licensee shall surrender the temporary identification card to the Commission at the end of the work day on which he or she received the card.

(3) If the Commission issues a replacement or temporary identification card to a licensee, it shall invoice the licensee's employer:

- (a) \$40 for the cost of a replacement identification card; and
- (b) \$20 for the cost of a temporary identification card.

**E. Surrender and Reissuance of Identification Card.**

(1) The licensed facility operator, manufacturer, or contractor that employs, or employed, a licensee shall ensure that the licensee surrenders his or her identification card to the Commission if the:

- (a) Commission suspends or revokes the license;
- (b) License is not renewed;

(c) Licensee separates from employment with a licensed facility operator, manufacturer, or contractor; or

(d) Licensee is otherwise ordered to surrender the identification card.

(2) If an identification card is not surrendered as required under §D(2)(c) or E(1) of this regulation, the licensed facility operator, manufacturer, or contractor that employs, or employed, the licensee may be subject to a civil penalty or sanction under COMAR 14.01.18.

(3) If an identification card was surrendered when the licensee separated employment from a licensed facility operator, manufacturer, or contractor, the Commission may issue the licensee another identification card if the:

(a) Licensee obtains employment with a licensed facility operator, manufacturer, or contractor;

(b) Term of the license has not expired; and

(c) Commission verifies:

- (i) The licensee's identity;
- (ii) That the license was in good standing when the card was surrendered; and
- (iii) That the license has not expired and remains in good standing.

(4) There is no fee for an identification card issued under §E(3) of this regulation.

(5) Nothing in this regulation shall preclude the Commission from imposing on the licensee a civil penalty or sanction that is based on the circumstances related to a licensee's separation from employment with a licensed facility operator, manufacturer, or contractor.

**14.01.14 Video Lottery Facility Minimum Internal Control Standards**

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

**.44 Collection of Cash Storage Boxes.**

A. —E. (text unchanged)

F. A facility operator shall transport cash storage boxes in an enclosed trolley secured by [two separate locks that have keys which are:

- (1) Different from each other; and
- (2) Controlled:
  - (a) For the first lock, by the accounting department; and
  - (b) For the second lock,] *one lock that has a key which is controlled* by the security department.

G. (text unchanged)

H. The cabinet or trolley used for storage under §G of this regulation shall be secured by [two separate locks that have keys which are:

- (1) Different from each other; and
- (2) Controlled;
  - (a) For the first lock, by the accounting department; and
  - (b) For the second lock,] *one lock that has a key which is controlled* by the security department.

I. — J. (text unchanged)

STEPHEN L. MARTINO  
Director  
State Lottery Agency

## Subtitle 03 COMMISSION ON HUMAN RELATIONS

### 14.03.01 Rules of Procedure; Public Hearing Process

Authority: State Government Article, §§10-204, 10-304[; Article 49B, §§3(d) and 11—11D;], 20-207(f), and 20-1006—20-1015, Annotated Code of Maryland

#### Notice of Proposed Action [10-308-P]

The Maryland Commission on Human Relations proposes to amend Regulations .01—.06, .09—.11, .13—.19, and .22 under **COMAR 14.03.01 Rules of Procedure; Public Hearing Process**.

#### Statement of Purpose

The purpose of this action is to correct internal citations as a result of the Article 49B code revision. The proposed action also serves to clarify procedures as they relate to the private right of action.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Glendora C. Hughes, General Counsel, Maryland Commission on Human Relations, 6 St. Paul Street, 9th Floor, Baltimore, MD 21202, or call 410-767-8572, or email to ghughes@mail.mchr.state.md.us, or fax to 410-333-1841. Comments will be accepted through December 6, 2010. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Maryland Commission on Human Relations during a public meeting to be held

on January 11, 2011, at 10 a.m., at 6 St. Paul Street, 9th Floor, Baltimore, Maryland 21202.

#### .01 Applicability.

The rules of procedure provided in this chapter apply to the processing of complaints of discrimination under the provisions of [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, except for those covered under the [subtitle] “Discrimination in Housing” subtitle, [Article 49B, 19—39] *State Government Article, Title 20, Subtitle 7*, Annotated Code of Maryland.

#### .02 Definitions.

##### A. Complaint.

(1) “Complaint” is a written statement by a person or by the Commission alleging an act of discrimination prohibited by [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, or any other statute administered or enforced by the Commission under the laws of Maryland.

(2) — (3) (text unchanged)

##### B. — J. (text unchanged)

#### .03 Complaint Filing.

##### A. Who May File.

(1) Any person or organization whose membership includes any person or persons, who claim to have been aggrieved by an act or acts of unlawful discrimination prohibited by [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, may file a complaint with the Commission.

(2) The Commission may file a complaint in accordance with [Article 49B] *State Government Article, Title 20, Annotated Code of Maryland*.

B. — C. (text unchanged)

##### D. Form and Content of Complaint.

(1) — (5) (text unchanged)

(6) Notwithstanding the requirement for using a required form, the Commission will accept a written statement which substantially sets forth the allegations of a discriminatory practice under [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland.

(7) (text unchanged)

##### E. Amendment of Complaint.

(1) (text unchanged)

(2) The amendments may include but are not limited to amendments to:

(a) — (c) (text unchanged)

(d) Allege additional acts which constitute discriminatory practices under [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, which relate back to or grow out of the subject matter of the original complaint.

(3) (text unchanged)

#### .04 Complaint Processing.

A. — B. (text unchanged)

##### C. Answer to Complaint.

(1) *The respondent may file an answer not later than 30 days after receipt of the notice described in §B of this regulation.*

(2) *The respondent may assert any defense that might be available to a defendant in a court of law.*

(3) *The answer shall be signed and affirmed by the respondent.*

(4) *The affirmation shall state: “I declare under the penalty of perjury that the foregoing is true and correct.”*

(5) *An answer may be reasonably and fairly amended at any time with the consent of the Executive Director or designee.*

[C.] D. — [E.] F. (text unchanged)

**.05 Investigative Process.**

- A. (text unchanged)
- B. Systemic Processing.
  - (1) — (2) (text unchanged)
  - (3) Systemic investigations may focus not only on documenting facts involved in the alleged discriminatory practice that is the subject of the complaint, but also on review of other policies and procedures related to matters under investigation, to make sure they also comply with the nondiscriminatory requirements of [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland.
- C. Conduct of Investigation.
  - (1) — (3) (text unchanged)
  - (4) Investigatory Subpoena.
    - (a) (text unchanged)
    - (b) Service of this subpoena shall be made in accordance with [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland.
    - (c) — (d) (text unchanged)

**.06 Default Procedures.**

- A. Interrogatories—Default Procedure.
  - (1) If, after a respondent has been served with duly authorized interrogatories together with a notice of the consequences of the failure to answer them, the respondent fails either to answer the interrogatories or to file a motion to strike or exceptions to the interrogatories within the time specified, the Executive Director or designee shall serve or cause to be served upon the respondent the following notice:  
 “Notice is hereby given that a complaint has been served upon you alleging that you have violated [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland. Pursuant to this Commission’s authority under [Article 49B] *State Government Article, Title 20*, interrogatories have been served upon you. These interrogatories have not been answered. Your failure to answer fully the interrogatories under oath within 5 days after receipt of this notice may result in the entry of a default in the matter of this complaint. This default order may include the following sanctions:
    - (a) — (b) (text unchanged)
    - (2) (text unchanged)
    - (3) The General Counsel shall prepare for submission to the Office of Administrative Hearings the case file, together with a petition seeking a default order and an affidavit of the Executive Director or designee which shall include:
      - (a) A statement that the complainant has filed the allegations of discriminatory practices within the time prescribed in [Article 49B, §9A(a)] *State Government Article, §20-1004(c)*, Annotated Code of Maryland;
      - (b) — (e) (text unchanged)
      - (4) — (6) (text unchanged)
- B. (text unchanged)
- C. Issuance of Default Order. After the issuance of an order by the administrative law judge imposing sanctions:
  - (1) — (4) (text unchanged)
  - (5) The hearing may result in the issuance of a Commission order, pursuant to [Article 49B, §11(e)] *State Government Article, §20-1009(e)*, Annotated Code of Maryland.

**.09 Conciliation Process.**

- A. — C. (text unchanged)
- D. Prohibitions and Requirements—Disclosure of Information Obtained During Conciliation.
  - (1) Except as provided in §C(2) of this regulation, nothing that is said or done in the course of conciliation under this regulation may be made public or used as evidence in a subsequent administrative hearing under [Article 49B] *State Government Article, Title 20*,

Annotated Code of Maryland, without written consent of the persons concerned or as otherwise permitted by law.

- (2) Conciliation agreements shall be made public, unless the aggrieved person and respondent request nondisclosure and the Commission determines that disclosure is not required to further the purposes of [Article 49B] *State Government Article, Title 20, Annotated Code of Maryland*.
- (3) (text unchanged)
- E. — F. (text unchanged)

**.10 Public Hearings—Certification and Preliminary Proceedings.**

- A. Certification of File.
  - (1) (text unchanged)
  - (2) Upon certification of the file, the Executive Director or designee shall so notify the parties to an action and issue to complainant notice of opportunity for election of a civil action, pursuant to [Article 49B, §11A] *State Government Article, §20-1007*, Annotated Code of Maryland, and Regulation .13 of this chapter.
    - (3) — (4) (text unchanged)
- B. Statement of Charges.
  - (1) — (2) (text unchanged)
  - (3) The statement of charges shall contain:
    - (a) An allegation that the person on whose behalf the complaint is issued is a proper complainant within the meaning of [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland;
    - (b) An allegation that the respondent is a proper respondent within the meaning of, and subject to, provisions of [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland;
    - (c) — (d) (text unchanged)
- C. — F. (text unchanged)

**.11 Administrative Hearing Proceedings.**

- A. General Information.
  - (1) (text unchanged)
  - (2) The administrative law judge shall conduct the hearing in accordance with COMAR 28.02.01.07, and [Article 49B, §11(a)] *State Government Article, §20-1008(a)*, Annotated Code of Maryland.
    - (3) — (4) (text unchanged)
- B. — E. (text unchanged)
- F. Subpoenas. Subpoenas shall be issued in accordance with [Article 49B, §§11(d) and 31] *State Government Article, §§20-1010 and 20-1023*, Annotated Code of Maryland, and COMAR 28.02.01.11.
  - G. (text unchanged)
- H. Decision of Administrative Law Judge.
  - (1) — (3) (text unchanged)
  - (4) Service of Decision. The decision of an administrative law judge shall be delivered to all parties, the complainant, the respondent, and the Commission with a notice indicating the right of the Commission, the complainant, or the respondent to enter an appeal of this decision to an appeal board of the Commission within 30 days, in accordance with [Article 49B, §2(b)] *State Government Article, §20-207(f)*, Annotated Code of Maryland, and Regulation .12 of this chapter.
    - (5) (text unchanged)

**.13 Election of a Civil Action.**

- A. [Complainant] Right to Election of a Civil Action.
  - (1) A complainant *or respondent* may elect to have the Commission assert the claim in a civil action, pursuant to [Article 49B, §11A] *State Government Article, §20-1007*, Annotated Code of Maryland, in lieu of an administrative action, pursuant to [Article 49B, §11] *State Government Article, §20-1008*, Annotated Code of Maryland.

(2) [A] *The complainant or respondent* shall make an election of civil action not later than 30 days after receipt of notice of opportunity for an election.

(3) The complainant *or respondent* shall give notice of an election of civil action to all parties to the action, including the Commission.

B. Commission-Initiated Civil Actions.

(1) Pursuant to [Article 49B, §11A(b)] *State Government Article, §20-1007(b)*, Annotated Code of Maryland, the Commission may elect to file a complaint in a civil action on the Commission's own behalf if:

(a) — (c) (text unchanged)

(2) — (3) (text unchanged)

C. (text unchanged)

D. Intervention.

(1) Upon timely application, a person may intervene, pursuant to [Article 49B, §11C(a)] *State Government Article, §20-1014(a)*, Annotated Code of Maryland, in a civil action brought by the Commission under this regulation if the action involves:

(a) — (b) (text unchanged)

(2) (text unchanged)

E. Remedies. If the court determines that the respondent has engaged in a discriminatory practice, the court may provide remedies as specified in [Article 49B, §11(e)(3)—(6)] *State Government Article, §20-1009(b)*, Annotated Code of Maryland.

F. (text unchanged)

**.14 Private Right of Action.**

A. Right to Private Right of Action. Pursuant to [Article 49B, §11B] *State Government Article, §20-1013*, Annotated Code of Maryland, a complainant may file a private right of action against the respondent in the circuit court of Baltimore City or the county where the alleged discriminatory act occurred.

B. A complainant may file a private right of action if:

(1) The complainant initially filed [an] *a timely* administrative charge or complaint under federal, State, or local law alleging a discriminatory act by the respondent; [and]

(2) At least 180 days have elapsed since the date of filing of the administrative complaint[.] ; *and*

(3) *The civil action is filed not more than 2 years after the occurrence of the alleged discriminatory act.*

C. (text unchanged)

D. Dismissal of Proceedings Pursuant to Private Right of Action.

(1) (text unchanged)

(2) *Within 90 days after providing written notice of intent to file a private right of action, the complainant shall provide the Commission with a copy of the bill of complaint indicating that a private right of action was filed.*

[(2)] (3) [The] *Upon receipt of the bill of complaint, the Executive Director shall issue written notice of dismissal of proceedings pursuant to Regulation [.04E] .04F of this chapter.*

[(3)] Upon receipt of the written notice of dismissal of proceedings, the complainant may file a private right of action.]

(4) *The Commission shall administratively close the case pursuant to Regulation .04E of this chapter.*

E. Intervention.

(1) Upon timely application, the Commission may intervene, pursuant to [Article 49B, §11C(b)] *State Government Article, §20-1014(b)*, Annotated Code of Maryland, in a private right of action filed under this regulation if the Commission certifies that the case is of general public importance.

(2) (text unchanged)

F. Remedies. If the court determines that the respondent has engaged in a discriminatory practice, the court may provide remedies [as specified] in *accordance with* [Article 49B, §11B(c)—(e)] *State*

*Government Article, §20-1013(d) — (e)*, Annotated Code of Maryland.

G. (text unchanged)

**.15 Special Provisions for the Commission-Initiated Complaints.**

A. The Commission may make and file a complaint in its name in the same manner as if the complaint had been filed by an individual or individuals, when it has received reliable information that any person has been engaged or is engaged in an unlawful discriminatory practice in violation of [Article 49B] *State Government Article, Title 20, Annotated Code of Maryland.*

B. (text unchanged)

**.16 Investigatory Hearings by Commissioners.**

A. (text unchanged)

B. Preliminary Investigations.

(1) Upon receipt of reliable information that a problem of racial discrimination may exist that is not covered by [Article 49B, §§5, 7, 8, 16, 20, 21, and 22] *State Government Article, §§20-301—20-305, 20-401—20-402, 20-606—20-607, 20-703—20-706, and 20-901—20-902*, Annotated Code of Maryland, the Commission may, upon a vote of the majority, appoint a committee to conduct an investigation on its own or refer the matter to the Commission staff for a prompt preliminary investigation.

(2) (text unchanged)

C. — F. (text unchanged)

**.17 Declaratory Rulings.**

A. General.

(1) An interested person may submit to the Commission a petition for a declaratory ruling with respect to the manner in which the Commission would apply the provisions of [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, to a person on the facts set forth in the petition.

(2) The Commission may, in its sound discretion, declare whether any policy, practice, or conduct constitutes or would constitute unlawful discrimination within the meaning of [Article 49B, §§5, 7, 8, 16, 17, 20, 21, 22, or 25] *State Government Article, §§20-301—20-305, 20-401—20-402, 20-606—20-607, 20-609, 20-701, 20-703—20-706, 20-709, and 20-901—20-902*, Annotated Code of Maryland.

(3) — (4) (text unchanged)

B. — D. (text unchanged)

E. Motion to Dismiss; Grounds.

(1) — (2) (text unchanged)

(3) Grounds for dismissal include, but are not limited to the following:

(a) (text unchanged)

(b) Petition does not raise a substantial question of law or fact with respect to the provisions of [Article 49B] *State Government Article, Title 20, Annotated Code of Maryland;*

(c) Controversy or uncertainty is more appropriately resolved through the complaint resolution procedures of [Article 49B] *Title 20 of the State Government Article;*

(d) — (e) (text unchanged)

F. — H. (text unchanged)

**.18 Public Information Act Requests.**

A. General.

(1) — (2) (text unchanged)

(3) It is also the policy of the Commission to safeguard and preserve the confidentiality of investigations of complaints made under [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, by restricting access to records when access is prohibited or restricted by law.

B. Definitions.

(1) — (6) (text unchanged)

(7) "Investigative case file" means any record, regardless of physical form, generated or received by Commission staff in the course of the investigation of a complaint alleging a violation of [Article 49B, §§5, 7, 8, 14, 15, 16, or 22] *State Government Article, §§20-301—20-305, 20-401—20-402, 20-602, 20-606—20-607, 20-705—20-706, and 20-901—20-902*, or Health-General Article, §19-355, Annotated Code of Maryland, or the Governor's Code of Fair Employment Practices, Order 01.01.2007.16 (August 22, 2007), as amended, including the complaint itself and any documents indicating the identity of a complainant or respondent until the stage of public hearing.

(8) — (11) (text unchanged)

C. — F. (text unchanged)

**.19 Application and Processing of Public Information Act Requests.**

A. — D. (text unchanged)

E. Precertification Production of Investigative Case Files.

(1) Pursuant to [Article 49B, §13] *State Government Article, §20-1101*, Annotated Code of Maryland, during the investigation of any complaint alleging a violation of [Article 49B, §5, 7, 14, 15, 16, or 22] *State Government Article, §§20-301—20-305, 20-602, 20-606—20-607, 20-705—20-706, and 20-901—20-902*, Annotated Code of Maryland, and until the matters reach the stage of public hearings, the Commission is required to hold confidential any information in relation to investigative case files.

(2) Release of Information.

(a) Any request for information relating to investigative files before the charge has reached the public hearing stage will be denied, except those made pursuant to provisions of [Article 49B, §13] *State Government Article, §20-1101*, Annotated Code of Maryland.

(b) — (c) (text unchanged)

F. — G. (text unchanged)

**.22 State Waiver of Sovereign Immunity.**

A. *If an award is made against the State under this title, the State shall pay the award as soon as practicable within 20 days after the award is final, provided that the State has sufficient money available at the time an award is made.*

B. *Payment of an award made against the State under this title shall be made in accordance with State Government Article, §20-904, Annotated Code of Maryland.*

GLENDORA C. HUGHES  
General Counsel

**Subtitle 03 COMMISSION ON HUMAN RELATIONS**

**14.03.03 Penalties**

Authority: State Government Article, §§10-204, [; Article 49B, §§5, 8, 32, 34, and 35] *20-710(d), 20-1016, 20-1028, 20-1032, 20-1034, and 20-1036*; Annotated Code of Maryland

**Notice of Proposed Action**

[10-310-P]

The Maryland Commission on Human Relations proposes to amend the authority line under **COMAR 14.03.03 Penalties**.

**Statement of Purpose**

The purpose of this action is to correct internal citations as a result of the Article 49B code revision to State Government Article, Title 20, Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Glendora C. Hughes, General Counsel, Maryland Commission on Human Relations, 6 St. Paul Street, 9th Floor, Baltimore, MD 21202, or call 410-767-8572, or email to ghughes@mail.mchr.state.md.us, or fax to 410-333-1841. Comments will be accepted through December 6, 2010. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Commission on Human Relations during a public meeting to be held on January 11, 2011 at 10 a.m., at 6 St. Paul Street, 9th Floor, Baltimore, MD 21202.

GLENDORA C. HUGHES  
General Counsel

**Subtitle 03 COMMISSION ON HUMAN RELATIONS**

**14.03.05 Commercial Nondiscrimination Policy**

Authority: State Government Article, §10-204; State Finance and Procurement Article, §§19-106—19-110, 19-116, and 19-119; Annotated Code of Maryland

**Notice of Proposed Action**

[10-311-P]

The Maryland Commission on Human Relations proposes to amend Regulations **.01, .08, .09, .14—16, and .19** under **COMAR 14.03.05 Commercial Nondiscrimination Policy**.

**Statement of Purpose**

The purpose of this action is to correct internal citations as a result of the Article 49B code revision to State Government Article, Title 20, Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Glendora C. Hughes, General Counsel, Maryland Commission on Human Relations, 6 St. Paul Street, 9th Floor, Baltimore, MD 21202, or call 410-767-8572, or email to ghughes@mail.mchr.state.md.us, or fax to 410-333-1841. Comments will be accepted through December 6, 2010. A public hearing has not been scheduled.



**Open Meeting**

Final action on the proposal will be considered by the Maryland Commission on Human Relations during a public meeting to be held on January 11, 2011, at 10 a.m., at 6 St. Paul Street, 9th Floor, Baltimore, MD 21202.

**.01 Scope.**

A.—C. (text unchanged)

D. Rules of procedure for directing and conducting investigations of discrimination and retaliation complaints filed under State Finance and Procurement Article, §§19-101—19-120, Annotated Code of Maryland, shall be in a manner consistent with [Article 49B, §§3, 10, and 11] *State Government Article*, §§20-207, 20-1005, and 20-1006, Annotated Code of Maryland.

E. (text unchanged)

**.08 Investigative Process.**

A. Investigations.

(1) (text unchanged)

(2) Commission staff shall direct and conduct investigations in a manner consistent with [Article 49B, §§3, 10, and 11] *State Government Article*, §§20-207, 20-1005, and 20-1006, Annotated Code of Maryland.

(3) (text unchanged)

(4) (text unchanged)

B. (text unchanged)

C. Conduct of Investigation.

(1)—(4) (text unchanged)

(5) Investigatory Subpoena.

(a) Pursuant to its authority under [Article 49B, §11(d)] *State Government Article*, §20-1010, Annotated Code of Maryland, Commission staff may issue a subpoena upon written authorization of the Executive Director or designee.

(b) (text unchanged)

(c) Service of this subpoena shall be made in accordance with [Article 49B, §11(d)(2)] *State Government Article*, §20-1010(b), Annotated Code of Maryland.

(d)—(e) (text unchanged)

(6) Confidentiality.

(a) In accordance with [Article 49B, §13] *State Government Article*, §20-1101, Annotated Code of Maryland, the Public Information Act, and the Open Meetings Act, the Commission shall protect the confidential nature of information relating to an investigation.

(b)—(c) (text unchanged)

**.09 Interrogatories—Default Procedure.**

A. If, after a respondent has been served with duly authorized interrogatories together with a notice of the consequences of the failure to answer them, the respondent fails either to answer the interrogatories or to file a motion to strike or exceptions to the interrogatories within the time specified, the Executive Director or designee shall serve or cause to be served upon the respondent the following notice:

“Notice is hereby given that a complaint has been served upon you alleging that you have violated State Finance and Procurement Article, §§19-101—19-120, Annotated Code of Maryland. Pursuant to this Commission’s authority under [Article 49B] *Title 20 of the State Government Article*, Annotated Code of Maryland, interrogatories have been served upon you. These interrogatories have not been answered. Your failure to answer fully the interrogatories under oath within 5 days after receipt of this notice may result in the entry of a default in the matter of this complaint. This default order may include the following sanctions:

(1)—(2) (text unchanged)

B.—G. (text unchanged)

H. Public Hearing.

(1) (text unchanged)

(2) The hearing may result in the issuance of a commission order, pursuant to [Article 49B, §11(e)] *State Government Article*, §20-1009(e), Annotated Code of Maryland.

**.14 Administrative Hearing Proceedings.**

A.—E. (text unchanged)

F. Subpoenas. A subpoena shall be issued in accordance with [Article 49B, §§11(b) and 31] *State Government Article*, §20-1010, Annotated Code of Maryland, and COMAR 28.02.01.11.

G.—H. (text unchanged)

**.15 Administrative Decisions and Orders.**

A.—B. (text unchanged)

C. Final Decision and Order.

(1) The written opinion of the administrative law judge shall become the final administrative decision of the State, subject to judicial review pursuant to Regulation [.13] .16 of this chapter.

(2) (text unchanged)

D.—E. (text unchanged)

**.16 Judicial Review and Enforcement of Final Decision and Order.**

A. (text unchanged)

B. Enforcement of Final Decision and Order. Following the issuance of a final decision and order under this chapter, the Commission’s General Counsel may petition the appropriate circuit court for the enforcement of the final decision and order and for appropriate temporary relief or restraining order in accordance with [Article 49B, §12] *State Government Article*, §20-1011, Annotated Code of Maryland.

**.19 Application and Processing of Public Information Act Requests.**

A.—D. (text unchanged)

E. Precertification Production of Investigative Case Files.

(1) Pursuant to [Article 49B, §13] *State Government Article*, §20-1101, Annotated Code of Maryland, during the investigation of any complaint alleging a violation of [Article 49B, §§5, 7, 14, 15, 16, or 22] *State Government Article*, §§ 20-301—305, 20-602, 20-606—20-607, 20-705—20-706, and 20-901—20-902, Annotated Code of Maryland, and until the matters reach the stage of public hearings, the Commission is required to hold confidential any information in relation to investigative case files.

(2) Release of Information.

(a) Any request for information relating to investigative files before the charge has reached the public hearing stage shall be denied, except those made pursuant to provisions of [Article 49B, §13] *State Government Article*, §20-1101, Annotated Code of Maryland.

(b)—(c) (text unchanged)

F.—G. (text unchanged)

GLENDORA C. HUGHES  
General Counsel

**Title 15  
DEPARTMENT OF  
AGRICULTURE**

**Subtitle 05 PESTICIDE USE CONTROL**

**15.05.02 Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds**

Authority: Agriculture Article, §§5-204 and 5-208.1, Annotated Code of Maryland

**Notice of Proposed Action**

[10-315-P]

The Secretary of Agriculture proposes to amend Regulation .03 under **COMAR 15.05.02 Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds**.

**Statement of Purpose**

The purpose of this action is to specify the period of time that a school is to maintain certain records related to integrated pest management and to make their records immediately available upon request to the department.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Dennis W. Howard, Chief, Pesticide Regulation Section, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-2769, or email to HowardDW@mda.state.md.us, or fax to 410-841-2765. Comments will be accepted through December 6, 2010. A public hearing has not been scheduled.

**.03 Integrated Pest Management System.**

A. (text unchanged)

B. The integrated pest management system of a county board of education shall meet the following minimum requirements:

(1) — (5) (text unchanged)

(6) Require [record keeping to document] *each school*:

(a) [Pest sightings,] *To make records documenting:*

[(b) Pest control procedures, and

(c) Any communications to students and staff members regarding integrated pest management or pesticide use;]

(i) *Pest sightings;*

(ii) *Pest control procedures; and*

(iii) *Any communications to students and staff members regarding integrated pest management or pesticide use; and*

(b) *To maintain these records for 2 years and make these records immediately available, on request, to the Department.*

(7) — (10) (text unchanged)

EARL F. HANCE  
Secretary of Agriculture

**Title 21  
STATE PROCUREMENT  
REGULATIONS**

**Notice of Proposed Action**

[10-312-P]

The Board of Public Works proposes to:

(1) Amend Regulation .01 and adopt new Regulation .07 under **COMAR 21.01.03 Applicability;**

(2) Amend Regulations .01 and .04 under **COMAR 21.11.01 Small Business Procurements;**

(3) Amend Regulations .01 and .17 under **COMAR 21.11.03 Minority Business Enterprise Policies;** and

(4) Amend Regulation .03 under **COMAR 21.11.07 Miscellaneous Purchasing Preferences.**

This action was considered by the Board of Public Works on September 22, 2010.

**Statement of Purpose**

The purpose of this action is to implement 2010 procurement-related legislation.

**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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert Street, Room 117, Annapolis, MD 21401, or call 410-260-7335, or email to mchilds@comp.state.md.us, or fax to 410-974-5240. Comments will be accepted through December 6, 2010. A public hearing has not been scheduled.

**Subtitle 01 GENERAL PROVISIONS**

**21.01.03 Applicability**

Authority: State Finance and Procurement Article, §§11-201—11-203, 12-101, and 12-104; Natural Resources Article, §3-103; Annotated Code of Maryland; Ch. 198, Acts of 2009; Chs. 428, 495 and 713, Acts of 2010

**.01 Exemptions.**

A. The following are exempt from applicability of this title:

(1) — (34) (text unchanged)

(35) The Department of General Services for renovation of a structure that:

(a) (text unchanged)

(b) Is listed in or eligible for listing in the National Register of Historic Places; [and]

(35-1) *The Department of Natural Resources, for negotiating or entering into grants, agreements, or partnerships with nonprofit entities related to conservation service opportunities;*

(35-2) *The Maryland Clean Energy Center, except as provided by State Finance and Procurement Article, Title 14, Subtitle 3, Annotated Code of Maryland; and*

(36) (text unchanged)

B. — D. (text unchanged)

**.07 Renewable Energy Contracts — Waiver of Mandatory Termination Clause.**

A. *For contracts procuring energy generated from a Tier 1 or a Tier 2 renewable source as defined in Public Utility Companies Article, §7-701, Annotated Code of Maryland, and on the recommendation of the Secretary of General Services, the Board may modify or waive the requirement to include an automatic termination clause in multi-year contracts provided in COMAR 21.07.01.10.*

B. *In determining whether to modify or waive the requirement, the Board of Public Works shall consider the effect of requiring the termination clause under COMAR 21.07.01.10 on the ability of the energy supplier to obtain financing for the renewable energy generation project that produces the energy that the State is procuring.*

**Subtitle 11 SOCIOECONOMIC POLICIES**

**21.11.01 Small Business Procurements**

Authority: State Finance and Procurement Article, §§12-101, 14-201—14-208, and 14-501—14-505, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Designated procurement unit” means:

(a) – (u) (text unchanged)

(v) Morgan State University; *and*

(w) The Maryland Transportation Authority; *and*

(x) The Department of Information Technology].

(3) — (6) (text unchanged)

**.04 Small Business Eligibility/Certification.**

A. — C. (text unchanged)

D. Affidavit Form. The Small Business Affidavit shall be in the following form:

SMALL BUSINESS AFFIDAVIT

I, \_\_\_\_\_ (type or print your name legibly), affirm to the State of Maryland that:

1.—2. (text unchanged)

3. The wholesale operations of the Business did not employ more than 50 persons, and the gross sales of the Business did not exceed an average of [\$2,000,000] \$4,000,000 in its most recently completed 3 fiscal years.\*

4. The retail operations of the Business did not employ more than 25 persons, and the gross sales of the Business did not exceed an average of [\$2,000,000] \$3,000,000 in its most recently completed 3 fiscal years. \*

5. (text unchanged)

6. The service operations of the Business did not employ more than 100 persons, and the gross sales of the Business did not exceed an average of [\$2,000,000] \$4,000,000 in its most recently completed 3 fiscal years. \*

7. (text unchanged)

8. *The architect and engineering services of the Business did not employ more than 100 persons, and the gross sales of the Business did not exceed an average of \$4,500,000 in its most recently completed 3 fiscal years.\**

NOTE: \* If a business has not existed for 3 years, the employment and gross sales shall be the average(s) for each year or part of year during which the business has been in existence.

[8.] 9. — [11.] 12. (text unchanged)

E. (text unchanged)

**21.11.03 Minority Business Enterprise Policies**

Authority: State Finance and Procurement Article, §§12-101 and 14-301—14-308, Annotated Code of Maryland; Ch. 268, 283, 293, 328, and 715, Acts of 2009; Ch. 619, Acts of 2010

**.01 General — Purpose.**

This chapter provides that maximum contracting opportunities be extended to certified minority business enterprises, as both prime contractors and subcontractors, and establishes that:

A. (text unchanged)

B. Disapprove the recommendation; [or]

C. Remand the matter to the Transportation Board or General Board for further consideration; *or*

D. *The requirements of this chapter may be applied to individual task orders competitively procured among contractors under a multiple-award procurement as provided in COMAR 21.06.03.10.*

**.17 Reporting.**

A. Each procurement agency shall make a report annually within 90 days following the close of the fiscal year to the Office of Minority Affairs, the Department of Transportation, and, subject to State Government Article, §2-1246, Annotated Code of Maryland, to the Joint Committee on Fair Practices that includes:

(1) The total number, [and] value, *and description* of its procurements from State-certified MBEs as prime contractors, and separately as subcontractors, by *business name and* specific MBE classification;

(2) — (4) (text unchanged)

B. — D. (text unchanged)

**21.11.07 Miscellaneous Purchasing Preferences**

Authority: State Finance and Procurement Article, §§12-101, 14-401—14-403, 14-405, and 14-407, Annotated Code of Maryland; Ch. 593, Acts of 2010

**.03 Recycled Paper Purchases.**

A. Of the total volume of paper that the Secretary of General Services buys, at least [40] 90 percent shall be recycled paper.

B. — C. (text unchanged)

SHEILA McDONALD  
Executive Secretary  
Board of Public Works

# Errata

## COMAR 11.15.34

At 37:21 Md. R. 1435 (October 8, 2010), column 2, line 7 from the bottom:

For: **Emergency statues expires: March 29, 2010.**

Read: **Emergency statues expires: March 29, 2011.**

At 37:20 Md. R. 1238 (September 24, 2010), column 1, line 6 from the bottom:

For: *Authority: Transportation Article, §12-104(b), Annotated Code of Maryland*

Read: *Authority: Transportation Article, §§12-104(b) and 13-506, Annotated Code of Maryland*

[10-23-27]

# 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 ARCHITECTS

**Subject:** Public Meeting  
**Date and Time:** November 15, 2010, 10 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6263

[10-23-39]

### BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

**Subject:** Public Meeting  
**Date and Time:** November 19, 2010, 11 a.m.  
**Place:** Baltimore, MD  
**Contact:** Tawana Brown or Janice Isaac (410) 764-4732

[10-23-11]

### COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Meeting  
**Date and Time:** December 14, 2010, 5 — 6 p.m.  
**Place:** House Office Bldg., Judiciary Committee Rm. 100, Annapolis, MD  
**Contact:** David Soule (301) 403-4165

[10-23-21]

### BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** November 18, 2010, 4 — 6 p.m.  
**Place:** Metro Executive Bldg., 4201 Patterson Ave., MD  
**Contact:** Christopher Kelter (410) 764-4725

[10-23-14]

### GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

**Subject:** Public Meeting  
**Date and Time:** November 15, 2010, 3 — 5 p.m.  
**Place:** Baltimore County Library, Loch Raven, Baltimore, MD  
**Contact:** Jessica Winpigler (410) 821-2829

[10-23-34]

### COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Hearing  
**Date and Time:** December 14, 2010, 6:15 — 8 p.m.  
**Place:** House Office Bldg., Judiciary Conf. Rm., 6 Bladen St., Annapolis, MD  
**Contact:** David Soule (301) 403-4165

[10-23-22]

### ADVISORY COUNCIL ON CEMETERY OPERATIONS

**Subject:** Public Meeting  
**Date and Time:** December 2, 2010, 10 a.m. — 1 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Benjamin Foster (410) 230-6229

[10-23-24]

### GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

**Subject:** Public Meeting  
**Date and Time:** November 18, 2010, 3 — 5 p.m.  
**Place:** Howard County Police Dept., Main Headquarters, Ellicott City, MD  
**Contact:** Jessica Winpigler (410) 821-2829

[10-23-18]

### OFFICE OF THE DEAF AND HARD OF HEARING/MARYLAND ADVISORY COUNCIL FOR THE DEAF AND HARD OF HEARING

**Subject:** Public Meeting  
**Date and Time:** December 7, 2010, 11 a.m. — 2 p.m.  
**Place:** Talbot Co. Dept. of Social Services, 301 Bay St., Unit 5, Multipurpose Rm., Easton, MD

**Add'l. Info:** This Advisory Council Business Meeting is open for the public to observe. (There will be no public forum following this Advisory Council meeting.)

Sign Language interpreters, real-time captioning services and assistive listening devices will be provided.

For additional accommodations requests, please contact Laura Quinn at [lquinn@gov.state.md.us](mailto:lquinn@gov.state.md.us).

**Contact:** Laura Quinn (410) 767-7794

[10-23-42]

### CHESAPEAKE BAY TRUST

**Subject:** Public Meeting  
**Date and Time:** November 10, 2010, 3 — 6 p.m.  
**Place:** Loews Hotel, Annapolis, MD  
**Contact:** Heather Adams (410) 974-2941

[10-23-28]

### 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

[10-23-07]

### 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

[10-23-08]

### CONTINUING PROFESSIONAL COMPETENCY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** November 15, 2010, 2:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6263

[10-23-40]

### MARYLAND COLLECTION AGENCY LICENSING BOARD

**Subject:** Public Meeting  
**Date and Time:** November 17, 2010, 10:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Baltimore, MD  
**Contact:** Ms. Kelly Mack (410) 230-6079

[10-23-17]

## GENERAL NOTICES

1628

### BOARD OF ENVIRONMENTAL SANITARIANS

**Subject:** Public Meeting  
**Date and Time:** December 1, 2010, 9 a.m. — 4 p.m.  
**Place:** Howard Co. Bureau of Utilities, 8270 Old Montgomery Rd., Columbia, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Lee Haskins (410) 537-3594  
[10-23-06]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MARYLAND BOARD OF PHYSICIANS

**Subject:** Public Meeting  
**Date and Time:** November 17, 2010, 9 — 10 a.m.; Open Meeting will be held at 9 a.m. and 3 p.m.  
**Place:** 4201 Patterson Ave., Rms. 108/109, Baltimore, MD  
**Add'l. Info:** Appropriate auxiliary aids and services provided for qualified individuals upon request. Call Ellen D. Smith at (410) 764-8477.  
**Contact:** Tammy Austin (410) 764-4769  
[10-23-09]

### BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

**Subject:** Public Meeting  
**Date and Time:** December 8, 2010, 9:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Steve Smitson (410) 230-6169  
[10-23-10]

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**Subject:** Public Hearing  
**Date and Time:** November 15, 2010, 10 — 11 a.m.  
**Place:** Maryland Dept. of Housing and Community Development, 100 Community Pl., CDA Conf. Rm. #4.102, Crownsville, MD  
**Add'l. Info:** A public hearing will be held to solicit comments on amendments proposed to the 2009 American Recovery and Reinvestment Act (ARRA) for the Weatherization Assistance Program Comprehensive Plan approved by U.S. Department of Energy (DOE). The ARRA Plan describes the Department's utilization of the ARRA funding. Copies of the proposed amendments to the ARRA Plan can be viewed at any of the current Weatherization Assistance Program service

providers. Written comments for the Amendment must be submitted not later than 4:30 p.m., November 29, 2010, to James J. McAteer, Program Manager, at the above address.  
**Contact:** Jim McAteer (410) 514-7489  
[10-23-37]

### MARYLAND STATE LOTTERY COMMISSION

**Subject:** Public Meeting  
**Date and Time:** November 18, 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  
[10-23-41]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting  
**Date and Time:** November 18, 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 days before the meeting to make arrangements.  
**Contact:** Valerie Wooding (410) 764-3460  
[10-23-13]

### BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

**Subject:** Public Meeting  
**Date and Time:** November 17, 2010, 9:30 a.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Patricia A. Hannigan (410) 764-4750  
[10-23-02]

### BOARD OF EXAMINERS IN OPTOMETRY

**Subject:** Public Meeting  
**Date and Time:** November 17, 2010, 9:30 — 11 a.m.  
**Place:** Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD  
**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  
[10-23-15]

### BOARD OF PLUMBING

**Subject:** Public Meeting  
**Date and Time:** November 18, 2010, 10:30 a.m. — 12:30 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Brenda Clark (410) 230-6164  
[10-23-12]

### BOARD OF PUBLIC ACCOUNTANCY

**Subject:** Public Meeting  
**Date and Time:** December 7, 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  
[10-23-03]

### RACING COMMISSION

**Subject:** Public Meeting  
**Date and Time:** November 23, 2010, 12:30 — 1:30 p.m.  
**Place:** Laurel Park, Laurel, MD  
**Contact:** J. Michael Hopkins (410) 296-9682  
[10-23-33]

### BOARD OF SOCIAL WORK EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** November 12, 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  
[10-23-19]

### MARYLAND BUSINESS TAX REFORM COMMISSION

**Subject:** Public Meeting  
**Date and Time:** November 16, 2010, 2 p.m.  
**Place:** Ways and Means Committee, House of Delegates Bldg., 6 Bladen St., Annapolis, MD  
**Contact:** Linda I. Vasbinder (410) 260-7450  
[10-23-30]

**MARYLAND BUSINESS TAX  
REFORM COMMISSION**

**Subject:** Public Meeting

**Date and Time:** December 7, 2010, 2 — 6  
p.m.

**Place:** Louis L. Goldstein Treasury Bldg.,  
80 Calvert St., Assembly Rm., Annapolis,  
MD

**Contact:** Linda I. Vasbinder (410) 260-  
7450

[10-23-31]

**MARYLAND TRANSPORTATION  
AUTHORITY**

**Subject:** Public Meeting

**Date and Time:** November 24, 2010, 9 —  
11 a.m.

**Place:** Maryland Transportation Authority,  
Point Breeze Complex, 2310 Broening  
Hwy., Ste. 160, Baltimore, MD

**Add'l. Info:** A portion of this meeting may  
be held in closed session.

**Contact:** Cindy Taylor (410) 537-1002

[10-23-20]

**BOARD OF WATERWORKS AND  
WASTE SYSTEMS OPERATORS**

**Subject:** Public Meeting

**Date and Time:** December 16, 2010, 10  
a.m. — 3 p.m.

**Place:** Maryland Environmental Service,  
Millersville, MD

**Add'l. Info:** A portion of this meeting may  
be held in closed session.

**Contact:** Pat Kratochvil (410) 537-3167

[10-23-04]

**WORKERS' COMPENSATION  
COMMISSION**

**Subject:** Public Meeting

**Date and Time:** November 18, 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

[10-23-01]

**COMAR ORDER FORM**

**Complete set of COMAR** (includes binders, shipping and all supplements through July 1, 2010)      \$975/set      \_\_\_\_\_ Sets      Total \$ \_\_\_\_\_

<u>Individual COMAR Titles:</u>	<u>Price/Copy*</u>	<u>Quantity</u>	<u>Total</u>
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Title 02 Office of the Attorney General	\$ 24	_____	_____
Title 03 Comptroller of the Treasury	\$ 33	_____	_____
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Title 05 Housing and Community Development (2 Volumes)	\$ 85	_____	_____
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Title 08 Natural Resources	\$ 84	_____	_____
Title 09 Labor, Licensing, and Regulation (2 Volumes)	\$ 96	_____	_____
Title 10 Health & Mental Hygiene (All 5 Parts)**	\$295	_____	_____
Title 10 (Part 1 only)**	\$ 52	_____	_____
Title 10 (Part 2 only-2 binders)**	\$ 82	_____	_____
Title 10 (Part 3 only-2 binders)**	\$ 82	_____	_____
Title 10 (Part 4 only)**	\$ 55	_____	_____
Title 10 (Part 5 only-2 binders)**	\$ 75	_____	_____
Title 11 Transportation (All 3 Volumes)**	\$115	_____	_____
Title 11 (Volume 1 only)**	\$ 45	_____	_____
Title 11 (Volumes 2 & 3 - MVA Regulations only)**	\$ 80	_____	_____
Title 12 Public Safety & Correctional Services	\$ 72	_____	_____
Title 13A Board of Education	\$ 68	_____	_____
Title 13B Higher Education Commission	\$ 27	_____	_____
Title 14 Independent Agencies (2 Volumes)	\$ 95	_____	_____
Title 15 Agriculture	\$ 52	_____	_____
Title 16 Juvenile Services	\$ 25	_____	_____
Title 17 Budget & Management	\$ 30	_____	_____
Title 18 Assessments & Taxation	\$ 22	_____	_____
Title 19A State Ethics Commission	\$ 26	_____	_____
Title 20 Public Service Commission	\$ 53	_____	_____
Title 21 State Procurement Regulations	\$ 52	_____	_____
Title 22 State Retirement & Pension System	\$ 24	_____	_____
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