


Maryland Register

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Volume 38 • Issue 1 • Pages 1—66

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ATTENTION COMAR SUBSCRIBERS:
Please see important information contained in the back of this issue regarding changes to COMAR. Please also complete the information sheet in the back of this issue and return it to our office as soon as possible.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before December 13, 2010, 5 p.m.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 December 13, 2010.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$5.00 per issue, plus \$2.00 for postage and handling.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online; **Marcia M. Diamond**, Subscription Manager, COMAR; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online. Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES and ISSUE DATES through JULY 29, 2011

Issue Date	Emergency and Proposed Regulations* 5:00 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
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.

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)

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 03.02.06.01—.04 • 37:3 Md. R. 181 (1-29-10)
 03.04.01.01 • 38:1 Md. R. 14 (1-3-11)
 03.04.02.03,.06,.13 • 38:1 Md. R. 14 (1-3-11)
 03.04.05.01—.03 • 38:1 Md. R. 14 (1-3-11)
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 03.04.10.13 • 38:1 Md. R. 14 (1-3-11)
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07 DEPARTMENT OF HUMAN RESOURCES

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 07.07.14.01—.03,.08 • 37:22 Md. R. 1557 (10-22-10)
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08.02.21.03,.04 • 37:24 Md. R. 1666 (11-19-10)
 08.19.02.02 • 37:24 Md. R. 1667 (11-19-10)
 08.19.03.01 • 37:24 Md. R. 1668 (11-19-10)

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 • 37:26 Md. R. 1790 (12-17-10)
 09.15.02.12 • 37:23 Md. R. 1614 (11-5-10)
 09.18.02.07 • 38:1 Md. R. 25 (1-3-11)
 09.20.04.01,.02 • 37:4 Md. R. 346 (2-12-10)
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 09.22.02.03 • 37:26 Md. R. 1791 (12-17-10)
 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)
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10.09.10.07-1 • 37:22 Md. R. 1569 (10-22-10)
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 10.42.01.02,.12 • 37:23 Md. R. 1616 (11-5-10)
 10.44.20.02 • 37:26 Md. R. 1810 (12-17-10)
 10.44.22.02,.04,.06—.14 • 38:1 Md. R. 32 (1-3-11)
 10.46.04.02,.04—.06 • 37:24 Md. R. 1671 (11-19-10)

11 DEPARTMENT OF TRANSPORTATION

11.02.04.01—.04 • 37:26 Md. R. 1812 (12-17-10)
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**12 DEPARTMENT OF PUBLIC SAFETY AND
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 12.04.01.12 • 37:25 Md. R. 1746 (12-3-10)
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 12.06.02.01—.14 • 38:1 Md. R. 36 (1-3-11)
 12.15.02.02,.13 • 37:25 Md. R. 1747 (12-3-10)

13A STATE BOARD OF EDUCATION

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 13A.07.04.01,.01-1,.05,.06 • 37:16 Md. R. 1082 (7-30-10) (ibr)
 13A.15.02.03 • 38:1 Md. R. 51 (1-3-11)
 13A.15.05.04 • 38:1 Md. R. 51 (1-3-11)
 13A.15.06.04 • 38:1 Md. R. 51 (1-3-11)
 13A.15.09.03 • 38:1 Md. R. 51 (1-3-11)
 13A.15.11.01,.04 • 38:1 Md. R. 51 (1-3-11)
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 13A.16.01.01,.02 • 38:1 Md. R. 52 (1-3-11)
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 13A.17.16.03 • 38:1 Md. R. 54 (1-3-11)

13B MARYLAND HIGHER EDUCATION COMMISSION

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14.01.10.03,.16 • 37:26 Md. R. 1816 (12-17-10)
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14.03.05.01,.08,.09,.14—.16,.19 • 37:23 Md. R. 1622 (11-5-10)
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31 MARYLAND INSURANCE ADMINISTRATION

31.04.15.03,.04 • 38:1 Md. R. 59 (1-3-11)
31.09.14.05 • 37:24 Md. R. 1696 (11-19-10)
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15 DEPARTMENT OF AGRICULTURE

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17 DEPARTMENT OF BUDGET AND MANAGEMENT

17.04.05.03 • 37:24 Md. R. 1694 (11-19-10)

18 DEPARTMENT OF ASSESSMENTS AND TAXATION

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21 STATE PROCUREMENT REGULATIONS

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26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.04.01.01-1,.05,.05-5,.06-2,.11,.11-2,.11-3,.15-2,.17,.19,.20,.20-
1,.20-2,.21,.23 • 37:25 Md. R. 1752 (12-3-10)
26.04.11.01—.10 • 37:5 Md. R. 442 (2-26-10)

Subtitles 08 — 12 (Part 2)

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)

The Governor

EXECUTIVE ORDER 01.01.2010.23

State Employees' Voluntary Separation Program

WHEREAS, The State of Maryland continues to experience significant revenue shortfalls as a result of the slow economic recovery from a national recession;

WHEREAS, The O'Malley-Brown Administration has reduced spending growth by more than \$5.6 billion since taking office, and has eliminated thousands of State positions to date, while avoiding significant layoffs;

WHEREAS, Despite the above efforts, in order to balance the Fiscal Year 2012 budget it is necessary to further reduce the size of the State workforce by the end of Fiscal Year 2011;

WHEREAS, A widely available program designed to permit State employees to voluntarily separate from State employment in return for certain severance benefits will mitigate the need for significant layoffs in the future;

WHEREAS, It is in the interest of the State to allow employees at all but the highest levels of State government to participate in a voluntary separation program that provides them with the flexibility to decide whether or not they wish to separate from State service; and

WHEREAS, In addition to the Governor's broad constitutional and statutory authority over the management and supervision of State employees, the Fiscal Year 2011 Budget Bill, Chapter 482 of the Laws of Maryland 2010, section 44, requires the abolition of 500 Executive Branch positions during Fiscal Year 2011, and specifically authorizes the Governor to "promote . . . position abolitions . . . by offering financial inducements that encourage voluntary separation, provided that any inducements are disbursed from within existing agency resources."

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 December 7, 2010:

A. Except as provided in Paragraph J, this Executive Order applies to all employees in the Executive Branch of the State of Maryland, including employees of agencies with independent salary setting authority or independent personnel systems.

B. The Secretary of Budget and Management "Secretary" shall establish a Voluntary Separation Program "Program" that provides eligible State employees with a monetary payment of \$15,000 plus \$200 for each year of service as an incentive for employees to voluntarily separate from State service. The Program shall also include other severance benefits established by the Secretary including continuation, for those who are already enrolled, of State subsidized medical, prescription and dental benefits coverage for three months and payment for leave accrual in accordance with applicable law.

C. The Secretary shall establish criteria for employee participation in the Program and shall provide all eligible employees with sufficient information about the program to allow them to make fully informed decisions.

D. The Program shall be completely voluntary, and no employee shall be in any way compelled, coerced, or pressured, directly or indirectly, to participate.

E. Interested employees may apply to participate in the Program by filing an application with the Secretary. The agency employing an applicant shall advise the Secretary if the employee is in a position that should not be abolished. After considering the recommendations of

employing agencies, the Secretary shall determine which applications to participate in the Program will be accepted.

F. The filing of an application shall not create a right to participate in the program. Only employees whose applications are approved by the Secretary will be permitted to participate in the Program.

G. Employees accepted into the Program shall agree that they will not seek or accept employment or work in any capacity, including as an employee, contractor or employee of a contractor, with any Executive Branch agency, public institution of higher education, or any other State agency or unit for a period of 18 months following their separation. An employee accepted into the Program who violates this reemployment prohibition shall be required to reimburse the State for the full amount of the severance payment and the cost of the subsidized health benefits.

H. The positions of all employees accepted into the Program shall be abolished.

I. The Secretary of Budget and Management, the heads of every other personnel system, and the appointing authorities shall take all action as necessary or desirable to implement the Program. The Secretary, the heads of every other personnel system, and the appointing authorities shall implement this Program with the least possible disruption to the provision of State services.

J. This Executive Order does not apply to:

- (1) The Legislative Branch;
- (2) The Judicial Branch;

(3) Persons holding any civil office of profit or trust under the Maryland Constitution;

(4) Employees of the Attorney Grievance Commission, the Baltimore City Sheriff's Office, the Chesapeake Bay Commission, the College Savings Plans of Maryland, the local health departments, the Injured Workers' Insurance Fund, the Maryland African American Museum Corporation, the Maryland Automobile Insurance Fund, the Maryland Environmental Service, the Maryland Food Center Authority, the Maryland Stadium Authority, and the Registers of Wills;

(5) Cabinet officials, agency heads, and members of any board or commission;

(6) Direct care employees in health, juvenile services, and correctional facilities; police officers employed by the State; and other employees designated by the Secretary of Budget and Management who work on a shift schedule providing services as part of a 24-hour operation;

(7) Positions, classifications, and agencies or parts of agencies designated as exempt from the Program by the Secretary of Budget and Management; and

(8) Employees of the University System of Maryland, St. Mary's College of Maryland, and Morgan State University; however the University System of Maryland, St. Mary's College of Maryland, and Morgan State University may implement voluntary separation programs at each university in accordance with its rules and regulations and subject to the approval of its governing board.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 7th day of December, 2010.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[11-01-39]

The Judiciary

COURT OF APPEALS OF MARYLAND

SCHEDULE

Thursday, January 6, 2011
Bar Admissions

- AG 11 Attorney Grievance Commission of Maryland v. Joel David Joseph
AG 6 Attorney Grievance Commission of Maryland v. Henry Donald McGlade, Jr.
No. 56 In Re: Adoption/Guardianship of Chaden M.
No. 58 George E. Blake v. State of Maryland
No. 61 In Re: Shirley B., Jordan B., Davon B., and Cedric B.

Friday, January 7, 2011:

- AG 13 Attorney Grievance Commission of Maryland v. Ranji M. Garrett
No. 65 State of Maryland v. Kendall I. Northam
No. 67 Montgomery County, Maryland v. Brenda O. Robinson
No. 68 Board of Education of Montgomery County, Maryland v. Jamie Anderson

Monday, January 10, 2011:

- AG 14 Attorney Grievance Commission of Maryland v. Joel Desingco Lara
No. 57 Stalker Brothers, Inc., et al. v. Alcoa Concrete and Masonry, Inc.
No. 34 Franklin Morris v. State of Maryland
No. 64 Katie McDaniel v. Tom Baranowski

Tuesday, January 11, 2011:

- AG 22 Attorney Grievance Commission of Maryland v. Norman (2009 T.) Christopher Usiak
No. 62 Sherwood Brands, Inc., et al. v. Great American Insurance Company
No. 59 Dwayne Antonio Peaks v. State of Maryland
No. 66 Janay Barksdale v. Leon Wilkowsky, et al.

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

After January 11, 2011 the Court will recess until February 3, 2011.

BESSIE M. DECKER
Clerk

[11-01-16]

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated December 16, 2010, **JOHN ARTHUR ELMENDORF**, 11204 Arrowleaf Court, #1, Germantown, MD 20876, has been disbarred by consent 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).

[11-01-35]

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 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 10 LABORATORIES

Notice of Final Action

[10-307-F]

On December 13, 2010, the Secretary of Health and Mental Hygiene adopted amendments to:

- (1) Regulation **.03** under **COMAR 10.10.01 General**; and
- (2) Regulation **.03** under **COMAR 10.10.06 Medical Laboratories — Quality Assurance**.

This action, which was proposed for adoption in 37:22 Md. R. 1570 (October 22, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 14 CANCER CONTROL

10.14.01 Cancer Registry

Authority: Health-General Article, §§2-104, 18-104, 18-203, and 18-204, Annotated Code of Maryland

Notice of Final Action

[10-301-F]

On December 16, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01**, **.02**, **.05**, **.06**, and **.08** under **COMAR 10.14.01 Cancer Registry**. This action, which was proposed for adoption in 37:22 Md. R. 1570—1571 (October 22, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

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

[10-298-F]

On December 8, 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 37:22 Md. R. 1572 (October 22, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

FREDERICK W. PUDESTER
Chairman
Health Services Cost Review Commission

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 05 PEST USE CONTROL

15.05.01 Use and Sales 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 Final Action

[10-303-F]

On December 13, 2010, the Secretary of Agriculture adopted amendments to Regulations **.04**, **.08** — **.10**, and **.12** under **COMAR 15.05.01 Use and Sales of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses**. This action, which was proposed for adoption in 37:22 Md. R. 1577—1579 (October 22, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

EARL F. HANCE
Secretary of Agriculture

**Title 22
STATE RETIREMENT AND
PENSION SYSTEMS**

Subtitle 01 GENERAL REGULATIONS

22.01.12 Enrollment in the State System

Authority: State Personnel and Pensions Article, §21-110, Annotated Code of Maryland.

Notice of Final Action
[10-306-F]

On December 10, 2010, the Maryland State Retirement and Pension System adopted amendments to Regulation .03 under **COMAR 22.01.12 Enrollment in the State System**. This action, which was proposed for adoption in 37:22 Md. R. 1579 (October 22, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

R. DEAN KENDERDINE
Executive Director
State Retirement Agency

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

**Subtitle 03 EMS OPERATIONAL
PROGRAMS**

Notice of Final Action
[10-123-F]

On December 14, 2010, the Emergency Medical Services Board adopted:

- (1) Amendments to Regulation .02 under **COMAR 30.03.02 Jurisdictional EMS Operational Programs**; and
- (2) New Regulations .01—.03 under new chapter, **COMAR 30.03.09 Infection Control Program**.

This action, which was proposed for adoption in 37:8 Md. R. 650-652 (April 9, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

ROBERT R. BASS, M.D.
Executive Director
Maryland Institute for Emergency Medical Services Systems

**Subtitle 08 DESIGNATION OF
TRAUMA AND SPECIALTY
REFERRAL CENTERS**

Notice of Final Action
[10-227-F]

On December 14, 2010, the Emergency Medical Services Board adopted:

- (1) Amendments to Regulation .02 under **COMAR 30.08.01 General Provisions**; and
- (2) The repeal of existing Regulations .01—.15 and new Regulations .01—.15 under **COMAR 30.08.12 Perinatal and Neonatal Referral Center Standards**.

This action, which was proposed for adoption in 37:18 Md. R. 1251—1256 (August 27, 2010), has been adopted as proposed.

Effective Date: January 13, 2011.

ROBERT R. BASS, M.D.
Executive Director
Maryland Institute for Emergency Medical Services Systems

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

**Subtitle 10 HEALTH INSURANCE —
GENERAL**

31.10.12 Uniform Consultation Referral

Authority: Insurance Article, §§2-109 and 15-120, Annotated Code of Maryland

Notice of Final Action
[10-284-F]

On November 23, 2010, the Acting Insurance Commissioner in consultation with the Maryland Health Care Commission adopted amendments to Regulations .02, .03, and .05—.08 under **COMAR 31.10.12 Uniform Consultation Referral**. This action, which was proposed for adoption in 37:21 Md. R. 1457—1460 (October 8, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 13, 2011.

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 .07C: The originally proposed text applied to all carriers, and the new language narrows the applicability to only those that are capable of receiving an electronic transfer. Also, a codification error is corrected.

.07 Electronic Transfer of the Uniform Consultation Referral Form.

A. (proposed text unchanged)

[[C.]] B. [[A carrier shall accept the electronic transfer of the uniform consultation referral form.]] A carrier capable of receiving an electronic transfer of the uniform consultation form shall accept the form.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 11 HEALTH INSURANCE — GROUP

31.11.06 Comprehensive Standard Health Benefit Plan

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

Notice of Final Action

[10-279-F]

On December 16, 2010, the Maryland Insurance Administration and the Maryland Health Care Commission adopted amendments to Regulations .02, .04, .05, .09, and .11 and new Regulation .03-1 under COMAR 31.11.06 Comprehensive Standard Health Benefit Plan. This action, which was proposed for adoption in 37:21 Md. R. 1460—1462 (October 8, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 13, 2011.

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 .11A: The word “children” is replaced with “individuals” to add clarity. This change does not practically alter the meaning or effect of this provision.

.11 Pre-Existing Conditions.

A. A carrier may not apply a preexisting condition provision to health care services for pregnancy or newborns, *or to* [[children]] *individuals* younger than 19 years old.

B. — C. (proposed text unchanged)

ELIZABETH SAMMIS
Acting Insurance Commissioner

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 03 COMPTROLLER OF THE TREASURY

Notice of Proposed Action

[11-011-P]

The Comptroller of the Treasury, Revenue Administration Division, proposes to amend:

- (1) Regulation **.05** under **COMAR 03.01.02 Tax Payments — Immediately Available Funds**;
- (2) Regulation **.01** under **COMAR 03.04.01 General Regulations**;
- (3) Regulations **.03**, **.06**, and **.13** under **COMAR 03.04.02 Individual**;
- (4) Regulations **.01—03** under **COMAR 03.04.05 Tax Refund Intercept Program — Delinquent Debts**;
- (5) Regulation **.04** under **COMAR 03.04.07 Pass-Through Entity Nonresident Tax**;
- (6) Regulation **.13** under **COMAR 03.04.10 Maryland Research and Development Tax Credit**; and
- (7) Regulation **.03** under **COMAR 03.04.12 Nonresident Real Estate Withholding Tax**.

Statement of Purpose

The purpose of this action is to conform regulations to newly enacted legislation and clarify existing regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Under COMAR 03.04.01.01 and COMAR 03.04.02.03: The proposed action updates the withholding regulations to mirror the amended definition of nonresident filing status, as changed by a federal income tax law change that exempts military spouses from State income tax, if the military spouse is domiciled in another state but is living in Maryland due to the spouse’s military orders (Servicemembers Civil Relief Act, 2009). Federal law requires that the State comply with the Act.

The type economic impact is -\$4,500,000 on the General Fund and -\$3,000,000 on local governments.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency: Conforming with federal law	NONE (R-)	\$4,500,000
B. On other State agencies:	NONE	
C. On local governments: Conforming with federal law	NONE (R-)	\$3,000,000
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public: Conforming with federal law	NONE (+)	Indeterminable

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

A. Approximately 4,000 jointly filed returns were filed indicating that “You or your spouse have military income.” Approximately 50% of the reported State tax liability reported on these returns will be lost as a result of the federal legislation.

C. The effect of the reduced income tax collections will flow

through to local governments, as would the indeterminable effect on property taxes.

F. Individuals whose permanent residence is in a state with an income tax rate that is lower than Maryland's will see an increase in disposable income. The exact impact cannot be reliably determined.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James M. Arnie, Director, Revenue Administration Division, Comptroller of the Treasury, 110 Carroll Street, Room 105, Annapolis, MD 21411, or call 410-260-7445, or email to jarmie@comp.state.md.us, or fax to 410-974-3456. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

**Subtitle 01 OFFICE OF THE
COMPTROLLER**

03.01.02 Tax Payments — Immediately Available Funds

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

.05 Miscellaneous Filing and Reporting Provisions.

A. A person making a tax payment using the ACH credit, ACH debit, direct debit, or wire transfer method shall file the following returns [or reports]:

(1) For Maryland individual income tax withholding:

(a) Annual Employer Withholding Reconciliation [Report] *Return* using Form MW508 (COM/RAD-042);

(b) Amended Annual Employer Withholding Reconciliation [Report] *Return* on Form MW508A (COM/RAD-043); and

(c) (text unchanged)

(2) (text unchanged)

(3) For Maryland motor fuel-related taxes:

(a) Dealer Tax Return [(COT/MFT-012)] (COM/RAD-083) and all applicable supporting schedules and worksheets;

(b) Special Fuel User/Seller Tax Return [(COT/MFT-013)] (COM/RAD-084) and all applicable supporting schedules and worksheets; and

(c) Special Return—Jet Fuel and Aviation Gas Only [(COT/MFT-013)] (COM/RAD-086) and all applicable supporting schedules and worksheets.

B. A person making tax payments using the ACH credit, ACH debit, direct debit, or wire transfer method may not file the corresponding returns or reports if the payment was for any of the following:

(1) (text unchanged)

(2) The Declaration of Estimated Corporation Income Tax Form 500D [or 500DP] (COM/RAD-002);

(3) (text unchanged)

(4) Sales and Use Tax [Report] *Return* (COM/RAD-098).

C. (text unchanged)

Subtitle 04 INCOME TAX

03.04.01 General Regulations

Authority: Tax-General Article, §§2-103, 10-704.3, [10-704.7], 10-704.10, 10-822, and 10-911, Annotated Code of Maryland

.01 Withholding of Tax at Source.

A. (text unchanged)

B. Withholding Exemption Certificate.

(1)—(2) (text unchanged)

(3) Information Required.

(a)—(b) (text unchanged)

(c) In addition to the general information required by §§B(3)(a) and C(3) *or* (4), an employee claiming exemption from withholding under §C(3) *or* (4) shall file Form MW 507 annually with the employer not later than:

(i)—(ii) (text unchanged)

(4)—(13) (text unchanged)

(14) Invalid Certificate. A withholding exemption certificate is invalid if:

(a)—(e) (text unchanged)

(f) *The withholding exemption certificate claiming exemption from withholding under §C(4) of this regulation is not accompanied by the Comptroller-required documentation showing your spousal status under the Servicemembers Civil Relief Act, as amended by the Military Spouses Residency Relief Act, or has not been renewed annually as required under §B(3)(c) of this regulation.*

(15) (text unchanged)

(16) Submission of Withholding Certificate.

(a) An employer shall submit to the Comptroller a copy of a withholding exemption certificate which is received from an employee if:

(i) (text unchanged)

(ii) [The withholding exemption certificate was received before January 1, 2004 and the total number of exemptions claimed on the certificate exceeds 10, even if the certificate previously has been submitted to the Comptroller] *The employee certifies that he or she is exempt from withholding under the Servicemembers Civil Relief Act, as amended by the Military Spouses Residency Relief Act,*

(iii)—(v) (text unchanged)

[(b) With regard to the requirement to submit a copy of a withholding exemption certificate under §B(16)(a)(ii) of this regulation, an employer has until June 30, 2004 to review the certificate it has on file for each of its employees and to submit a copy of the certificate to the Comptroller.]

[(c)] (b)—[(d)] (c) (text unchanged)

(17) (text unchanged)

C. Withholding Not Required. Withholding of Maryland income tax is not required with respect to compensation, salary, or wages paid for personal services rendered or performed by:

(1) (text unchanged)

(2) A nonresident individual whose state of domicile has a written reciprocal agreement with Maryland exempting salary, wages, or other compensation from taxation; [and]

(3) Any employee who has furnished a withholding exemption certificate Form MW 507 to his employer certifying that he:

(a) text unchanged

(b) Expects to incur no income tax liability for the current taxable year[.]; *and*

(4) *A nonresident individual subject to the Servicemembers Civil Relief Act, as amended by the Military Spouses Residency Relief Act:*

(a) *Whose spouse is a member of the armed forces present in Maryland in compliance with military orders;*

(b) *Who is present in Maryland solely to be with the military spouse; and*

(c) *Whose domicile is in another state.*

D.—G. (text unchanged)

03.04.02 Individual

Authority: Tax-General Article, §§2-103, 10-102.1, and 10-823, Annotated Code of Maryland

.03 Nonresident Filing Status.

A. An individual who maintains a place of abode in this State for more than 6 months of the taxable year, and is not domiciled in this State, is considered a nonresident if the individual is:

- (1) (text unchanged)
- (2) A midshipman of the Naval Academy in Annapolis; [or]
- (3) A commissioned officer of the United States Public Health Service[.]; or

(4) *The spouse of a servicemember that is an active member of the armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, or the commissioned corps of the United States Public Health Service, who is present in this State solely to be with the servicemember that is present in this State in compliance with military orders.*

B.—D. (text unchanged)

.06 Maryland Adjusted Gross Income of a Nonresident Individual.

A.—B. (text unchanged)

C. Subtractions from Federal Adjusted Gross Income. To the extent included in computing federal adjusted gross income, the following are subtracted from the federal adjusted gross income of a nonresident individual to determine Maryland adjusted gross income:

- (1) Income derived from:
 - (a)—(g) (text unchanged)
 - [(i)] (h) Salary, wages, or other compensation received as:
 - (i)—(ii) (text unchanged)
 - (iii) A commissioned officer of the United States Public Health Service[.];

(2)—(3) (text unchanged)

D. (text unchanged)

.13 Income Tax Checkoffs.

A. An individual taxpayer may designate a contribution on the taxpayer’s return to be credited towards the:

- (1) (text unchanged)
- (2) [Fair Campaign Financing Fund, as established under Election Law Article, Title 15] *Developmental Disabilities Waiting List Equity Fund, as established under Health-General Article, §7-205*, Annotated Code of Maryland; or
- (3) (text unchanged)

B. (text unchanged)

[C. In the case of a contribution to the Fair Campaign Financing Fund, the amount of the contribution for any taxable year may not exceed \$500 for an individual taxpayer or \$1,000 for married taxpayers filing a joint return.]

[D.] C. (text unchanged)

03.04.05 Tax Refund Intercept Program — Delinquent Debts

Authority: Tax-General Article, §§2-103 and 13-919, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. “Certify” means to furnish to the Comptroller the names, with other identification including address, [social security] *Social Security* or federal tax identification number, and amount of debt of debtors owing money to the State.

C.—F. (text unchanged)

G. “Refund” means any taxpayer’s Maryland [Income Tax Refund] *income tax refund*.

H.—I. (text unchanged)

.02 Duties of the Central Collection Unit.

A.—B. (text unchanged)

C. The certification shall be made on or before the first day of November for the tax refund payable the following year. Each certification shall provide the name, address, [social security] *Social Security* or federal identification number, and any known aliases of the debtor certified. It shall also provide the Central Collection Unit sequence number and the total amount of the debt.

D. (text unchanged)

.03 Duties of the Comptroller.

A.—C. (text unchanged)

D. The Comptroller shall remit to the Central Collection Unit payments withheld pursuant to this chapter. The Comptroller shall also provide the Central Collection Unit with a list identifying the debtors for whom remittance is made and the debtors for whom the Comptroller has determined that no intercept can be made. The list shall include each debtor’s name, address, [social security] *Social Security* number or federal tax identification number, and the Central Collection Unit account number.

E.—F. (text unchanged)

03.04.07 Pass-Through Entity Nonresident Tax

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

.04 Statements to Nonresident Members.

A. (text unchanged)

B. Form and Contents of Statement.

(1) Form. A pass-through entity may elect to use a:

(a) *Maryland Form 510, Schedule K-1;*

[(a)] (b)—[(b)] (c) (text unchanged)

(2) (text unchanged)

03.04.10 Maryland Research and Development Tax Credit

Authority: Tax-General Article, §§2-103 and 10-721, Annotated Code of Maryland

.13 Partnerships, S Corporations, Limited Liability Companies, Business Trusts, Estates, and Trusts.

A.—B. (text unchanged)

C. Statements to Partners, Shareholders, Members, and Beneficiaries.

(1) (text unchanged)

(2) Form and Contents of Statement.

(a) Form. A partnership, S corporation, limited liability company, business trust, estate, or trust may elect to use a:

(i) *Maryland Form 510, Schedule K-1*;

[(i)] (ii)—[(ii)] (iii) (text unchanged)

(b) (text unchanged)

(3) (text unchanged)

D. (text unchanged)

03.04.12 Nonresident Real Estate Withholding Tax

Authority: Tax-General Article, §§2-103 and 10-912, Annotated Code of Maryland

.03 Withholding Requirements.

A. (text unchanged)

B. A deed or other instrument transferring title may be recorded with the clerk or filed with the Department when:

(1)—(2) (text unchanged)

(3) The transferor certifies under the penalties of perjury in the transfer document or an attached affidavit that the property being transferred is the transferor’s principal residence *as defined in Regulation .02 of this chapter*;

(4)—(8) (text unchanged)

PETER FRANCHOT
Comptroller of the Treasury

**Title 08
DEPARTMENT OF NATURAL
RESOURCES**

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

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

Notice of Proposed Action

[11-017-P]

The Secretary of Natural Resources proposes to amend Regulation **.12** under **COMAR 08.02.04 Oysters**.

Statement of Purpose

The purpose of this action is to establish power dredge study zones in Kent and Queen Anne’s counties to study the impacts of the power dredge fishery on oyster populations. The Department’s criteria for the study included: 1) identification of zones in a range of salinities (low, medium and high) in Maryland; 2) each power dredge study zone consisted of no more than 600 acres of bottom; and 3) the bottom was currently not productive. The areas are currently closed to power dredging. Prior to opening, baseline information (i.e. physical characterization of bottom and biological/ecological data) will be collected and upon opening will be monitored for at least 5 years to determine if power dredging is beneficial, detrimental, or has no impact to oyster populations. The results of this study will be used to help determine whether additional areas should be opened to power dredging or if the Department should reconsider areas in which this gear is presently allowed.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action for creating power dredge study areas will have a negative impact on the Department as a result of the costs for monitoring the areas. There is not expected to be a negative impact on the industry due to the small size of the area relative to the overall fishery and the fact that the proposed areas are not currently productive. Whether or not there is a long-term benefit to the industry is indeterminable and an objective of this proposed study.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-)

Magnitude

A. On issuing agency:

Monitoring study areas (R+) Indeterminable

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)
Cost (-)

Magnitude

D. On regulated industries or trade groups:

Study areas (-) Indeterminable

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

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

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

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 Power Dredge Study Areas, Regulatory Staff, Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.12 Power Dredging Areas and Permits.

A. — C. (text unchanged)

D. Power Dredge Study Areas. An individual may catch oysters only by power dredge in the areas listed in sections D(1) and (2) of this regulation.

(1) Queen Anne’s County Power Dredge Study Areas.

(a) All of the waters of Eastern Bay enclosed by a line beginning at a point defined by Lat. 38°53.805’ N, Long. 76°15.450’ W; then running 274° True to a point defined by Lat. 38°53.831’ N, Long. 76°15.920’ W; then running 313° True to a point defined by Lat. 38° 4.060’ N, Long. 76° 16.230’ W; then running 53° True to a point defined by Lat. 38°54.482’ N, Long. 76°15.511’ W; then running 91° True to a point defined by Lat. 38°54.476’ N, Long. 76°15.059’ W; then running 199° True to a point defined by Lat. 38°54.130’ N, Long. 76°15.213’ W; then running 210° True to the point of beginning; and

(b) All of the waters of Eastern Bay enclosed by a line beginning at a point defined by Lat. 38°52.672’ N, Long. 76°18.659’ W; then running 304° True to a point defined by Lat. 38°52.995’ N, Long. 76°19.265’ W; then running 36° True to a point defined by Lat. 38°53.465’ N, Long. 76°18.825’ W; then running 122° True to a point defined by Lat. 38°53.160’ N, Long. 76°18.211’ W; then running 216° True to the point of beginning.

(2) Kent County Power Dredge Study Area. All of the waters of the Chesapeake Bay enclosed by a line beginning at a point defined by Lat. 39°7.690’ N, Long. 76°18.868’ W; then running 5° True to a point defined by Lat. 39°8.482’ N, Long. 76°18.772’ W; then running 111° True to a point defined by Lat. 39°8.258’ N, Long. 76°18.038’ W; then running 111° True to a point defined by Lat. 39°8.114’ N, Long. 76°17.546’ W; then running 170° True to a point defined by Lat. 39°7.603’ N, Long. 76°17.432’ W; then running 272° True to a point defined by Lat. 39°7.623’ N, Long. 76°18.167’ W; then running 277° True to the point of beginning.

JOHN R. GRIFFIN
Secretary of Natural Resources

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Snapper Grouper Regulations, Regulatory Staff, Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.29 Snapper Grouper Complex.

A. (text unchanged)

B. Season. The season for taking species listed in §A of this regulation is January 1 through December 31.

C. Size Limit. There is no minimum or maximum size limit for the species listed in §A of this regulation.

[B.] D. Recreational. An individual may not catch or possess more than:

(1) (text unchanged)

(2) One of any species or any combination of the species listed in [§B] §A(2) of this regulation; and

(3) 20 of any species or any combination of the species listed in [§C] §A(3) of this regulation.

[C.] E. Commercial.

(1) Except as provided in [§C(2)] §E(2) of this regulation, a commercial licensee may not harvest, possess, or land more than:

(a) – (b) (text unchanged)

(2) (text unchanged)

[D.] F. (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

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

Notice of Proposed Action

[11-002-P]

The Secretary of Natural Resources proposes to amend Regulation **.29** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to renumber the references in the recreational creel limits. The recreational creel limits proposed and adopted earlier this year created a limit of seven fish for tilefish (including blueline tilefish, golden tilefish, and sand tilefish), one fish for grouper (including black grouper, gag grouper, goliath grouper, graysby, misty grouper, nassau grouper, red grouper, red hind, rock hind, scamp, snowy grouper, speckled hind, tiger grouper, warsaw grouper, wreckfish, yellowedge grouper, yellowfin grouper, and yellowmouth grouper), and 20 fish for any combination of the remaining species in the snapper grouper complex; however, the references to the species lists were incorrect and are being corrected in this proposal. The proposed action also clarifies that the season is open year round and that there is no minimum or maximum size limit.

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.

Subtitle 02 FISHERIES SERVICE

08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §4-220 and 4-701, Annotated Code of Maryland

Notice of Proposed Action

[11-003-P]

The Secretary of Natural Resources proposes to amend Regulations **.01** and **.05** under **COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**.

Statement of Purpose

The purpose of this action is to create a new recreational fishing license penalty system. The 2009 Maryland General Assembly passed Senate Bill 164, which gave the Department consistent authority to suspend recreational fishing privileges across both tidal and nontidal waters. This legislation was recommended by the Task Force on Fisheries Management.

The proposed action creates a tiered suspension system similar to the tiered penalty system currently in place for commercial fishing license holders. The system creates four categories of suspendable offenses based on the egregiousness of the violation. The suspension periods are for 30, 90, 180, or 365 days. Additionally, persons

receiving two suspensions in the 180 or 365 day categories within a 2-year period may be eligible for a 5-year revocation of their recreational fishing privileges, and persons receiving three suspensions in the 30 or 90 day categories within a 2-year period may be eligible for a 1-year revocation of their recreational fishing privileges.

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 Recreational Fishing License Suspension System, Regulatory Staff, Maryland Department of Natural Resources Fisheries Service, 580 Taylor Ave., B-2, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through February 2, 2011. A public hearing will be held at 6 p.m. on Monday, January 10, 2011, at the Tawes State Office Building, 580 Taylor Ave., C-1, Annapolis, MD 21401.

.01 Purpose.

[These regulations establish the point assignment schedule, license suspension schedule and criteria, the administrative hearing procedure for suspending a tidal fish license, and license revocation criteria for a recreational fishing license in accordance with Natural Resources Article §§4-701 and 4-745, and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.] *This chapter establishes suspension and revocation criteria for fishing privileges under Natural Resources Article, Title 4, Annotated Code of Maryland.*

.05 Recreational [License] Fishing Suspension and Revocation.

[A.] — [B.] (proposed for repeal)

A. Any individual who is convicted of an offence under §§D—G of this regulation or similar offences under federal law in Maryland may:

(1) Have all recreational fishing licenses issued by the Department revoked;

(2) Be prohibited from engaging in any recreational fishing for the period of time described in §§D—G of this regulation; and

(3) Be prohibited from applying for any recreational fishing licenses for the period of time described in §§D—G of this regulation.

B. A revoked recreational fishing license is no longer valid for any purpose.

C. Applying for a recreational fishing license or engaging in recreational fishing activities when prohibited from doing so by this regulation is a misdemeanor and punishable as provided in Natural Resources Article, §4-1201(c), Annotated Code of Maryland.

D. An individual who receives one of the following violations may be suspended for up to 30 days.

		<i>Clams: 11—14 in possession</i>
(3)	COMAR 08.02.03.14A	<i>Crabs—Catch Day Restrictions</i>

E. An individual who receives one of the following violations may be suspended for up to 90 days.

	STATUTE OR REGULATION	DESCRIPTION
(1)	COMAR 08.02.03.10E	<i>Possession of Female Crabs : 6—10 per bushel</i>
(2)	4-1015(b)	<i>Possession of Unculled Oysters: 10—14% per bushel</i>
(3)	4-1031	<i>Possession of Undersized Hard-Shell Clams: 15—20 in possession</i>
(4)	COMAR 08.02.03.09A	<i>Failure to Obtain Recreational Crabbing License Before Harvesting Crabs or Eels</i>
(5)	COMAR 08.02.03.10	<i>Crabs — Daily Catch Limit</i>
(6)	COMAR 08.02.03.11B	<i>Time for Catching Crabs — Recreational</i>
(7)	COMAR 08.02.03.12B(2)	<i>Crabs- Daily Catch Limit — Worcester County</i>
(8)	COMAR 08.02.05.05	<i>Possession or Sale of American Shad: 2—4 fish</i>
(9)	COMAR 08.02.05.06	<i>Possession or Sale of Hickory Shad: 2—4 fish</i>
(10)	COMAR 08.02.05.10A	<i>Size Limits — Bluefish: 4—10 fish</i>
(11)	COMAR 08.02.05.10B	<i>Daily Catch Limits — Bluefish: 4—10 fish over daily catch limit</i>
(12)	COMAR 08.02.05.12A(1)	<i>Size Limits — Summer Flounder: 2—4 fish</i>
(13)	COMAR 08.02.05.12A(2)	<i>Daily Catch Limits — Summer Flounder: 2—4 fish over daily catch limit</i>
(14)	COMAR 08.02.05.13A(1)—(2)	<i>Size Limits — Weakfish and Spotted Seatrout: 4—10 fish</i>
(15)	COMAR 08.02.05.13B	<i>Daily Catch Limits — Weakfish or Spotted Sea Trout: 4—10 fish over daily catch limit</i>
(16)	COMAR 08.02.05.14A	<i>Size Limits — Spanish Mackerel: 4—10 fish</i>
(17)	COMAR 08.02.05.14B	<i>Daily Catch Limits — Spanish Mackerel: 4—10 fish over daily catch limit</i>
(18)	COMAR 08.02.05.15A	<i>Size Limits — Black Drum: 2 fish</i>
(19)	COMAR 08.02.05.15B	<i>Daily Catch Limit — Black Drum: 2 fish over daily catch limit</i>
(20)	COMAR 08.02.05.16A(1)	<i>Size Limits — Red Drum: 2 fish</i>
(21)	COMAR 08.02.05.16A(2)	<i>Daily Catch Limits — Red Drum: 2 fish over daily catch limit</i>
(22)	COMAR 08.02.05.18A(1)	<i>Size Limits — Croaker: 4—10 fish</i>
(23)	COMAR 08.02.05.18B	<i>Daily Catch Limit — Croaker: 4—10 fish over daily catch limit</i>
(24)	COMAR 08.02.05.19A	<i>Size Limits — Black Bass (Largemouth and Smallmouth): 4—10 fish</i>
(25)	COMAR 08.02.05.19B	<i>Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 4—10 fish over daily catch limit</i>

	STATUTE OR REGULATION	DESCRIPTION
(1)	4-1015(b)	<i>Possession of Unculled Oysters: 6—9% per bushel</i>
(2)	4-1031	<i>Possession of Undersized Hard-Shell</i>

PROPOSED ACTION ON REGULATIONS

(26)	COMAR 08.02.05.20A(1)	Size Limits — Tautog: 5—10 fish
(27)	COMAR 08.02.05.20A(2)	Possessing Tautog in December: 1 fish
(28)	COMAR 08.02.05.20C	Possession Limit — Tautog: 4—10 fish over daily catch limit
(29)	COMAR 08.02.05.21A(1)	Size Limits — Black Sea Bass: 4—10 fish
(30)	COMAR 08.02.05.21A(2)	Catch Limits — Black Sea Bass: 4—10 fish over daily catch limit
(31)	COMAR 08.02.05.22A(1)	Size Limits — Scup — Recreational: 4—10 fish
(32)	COMAR 08.02.05.22C(3)	Catch Limit — Scup: 4—10 fish over limit
(33)	COMAR 08.02.05.28A(1)	Size Limits — Walleye: 4—10 fish
(34)	COMAR 08.02.05.28C(2)	Catch Limits — Walleye: 4—10 fish over daily catch limit
(35)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season: 2 fish over daily catch limit
(36)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 2 fish over daily catch limit
(37)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season : 2 fish
(38)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 2 fish
(39)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 2 fish over daily catch limit
(40)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 2 fish
(41)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays : 2 fish
(42)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 3 fish over daily catch limit
(43)	COMAR 08.02.21.02B	Size limits — Yellow Perch: 4—10 fish
(44)	COMAR 08.02.21.02C	Daily Catch Limit— Yellow Perch: 4—10 fish over daily catch limit

F. An individual who receives one of the following violations may be suspended for up to 180 days.

	STATUTE OR REGULATION	DESCRIPTION
(1)	4-1015(b)	Possession of Unculled Oysters: 10—14% per bushel
(2)	4-1031	Possession of Undersized Hard-Shell Clams: 15—20 in possession
(3)	COMAR 08.02.03.10E	Possession of Female Crabs: 11—15 per bushel
(4)	COMAR 08.02.03.11C	Crabbing During a Closed Season
(5)	COMAR 08.02.11.01B	Fishing in a Put and Take Trout Stream During a Closed Season
(6)	COMAR 08.02.11.03A(2)(a)(i)	Possession of Trout While Fishing in a Catch and Return Area
(7)	COMAR 08.02.11.03F	Keeping/Possessing Trout in Delayed Harvest Areas During

		Prohibited Times
(8)	COMAR 08.02.11.03K	Catch-and-Return Bass Areas
(9)	COMAR 08.02.11.03L	Zero Creel Limit Trout Fishing Areas
(10)	COMAR 08.02.11.04C(1)(d) and (e)	Taking/Possessing Bass During Closed Season
(11)	COMAR 08.02.11.04C(2)(a)(i)	Exceeding Trout Creel Limits in Put and Take Areas
(12)	COMAR 08.02.11.04C(2)(a)(ii)	Exceeding Trout Creel Limits in Other Areas
(13)	COMAR 08.02.11.04C(1)(a)—(n)	Season Violations — Nontidal Waters
(14)	COMAR 08.02.11.04C(2)(a)—(t)	Exceeding Daily Catch or Possession Limits — Nontidal
(15)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 3 fish over daily catch limit
(16)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season - Chesapeake: 3 fish over daily catch limit
(17)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season — Chesapeake: 3 fish
(18)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season : 3 fish
(19)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 3 fish over daily catch limit
(20)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 3 fish
(21)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays : 3 fish
(22)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 3 fish over daily catch limit
(23)	COMAR 08.02.05	Season Violations — Finfish — Tidal Waters: 1—5 Fish
(24)	COMAR 08.02.05.05	Possession or sale of American Shad: 5—10 fish
(25)	COMAR 08.02.05.06	Possession or sale of Hickory Shad: 5—10 fish
(26)	COMAR 08.02.05.12A(1)	Size Limits- Sumer Flounder: 5—10 fish
(27)	COMAR 08.02.05.12A(2)	Daily Catch Limits — Summer Flounder: 5—10 fish over daily catch limit
(28)	COMAR 08.02.05.20A(2)	Possessing Tautog in December: 5—10+ fish

G. An individual who receives one of the following violations may be suspended for up to 365 days.

	STATUTE OR REGULATION	DESCRIPTION
(1)	4-205.1(h)	Interferences With the Abatement of a State of Nuisance
(2)	4-210	Unlicensed Commercial Fishing Guide (Tidal)

PROPOSED ACTION ON REGULATIONS

(3)	4-210.1	Unlicensed Commercial Fishing Guide (Non-Tidal)	(33)	COMAR 08.02.05.15B	Daily Catch Limit — Black Drum: 3+ fish over daily catch limit
(4)	4-2A-05	Possession of Endangered Fish Species Without a Permit	(34)	COMAR 08.02.05.16A(1)	Size Limits — Red Drum: 3+ fish
(5)	4-503	Dynamiting Streams	(35)	COMAR 08.02.05.16A(2)	Daily Catch Limit — Red Drum: 3+ fish over daily catch limit
(6)	4-505	Removing Fish, Nets or Gear of Another	(36)	COMAR 08.02.05.18A(1)	Size Limits — Croaker: 11+ fish:
(7)	4-511	Interference with State Buoys, Markers or Monuments	(37)	COMAR 08.02.05.18B	Daily Catch Limit — Croaker: 11+ fish over daily catch limit
(8)	4-701(b)(4)	Failure to Obtain a Tidal Fish License for Commercial Activity	(38)	COMAR 08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth): 11+ fish
(9)	4-731	Unlawfully Selling Striped Bass	(39)	COMAR 08.02.05.19B	Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 11+ fish over daily catch limit
(10)	4-1004(a)	Taking Oysters or Clams for Commercial Purposes Without a License	(40)	COMAR 08.02.05.19C(1)	Black Bass — Gear Restrictions (Largemouth and Smallmouth)
(11)	4-1015(b)	Possession of Unculled Oysters: over 15% per bushel	(41)	COMAR 08.02.05.19D(1)	Possessing Black Bass for Commercial Purposes
(12)	4-1031	Possession of Undersized Hard-Shell Clams: Over 21 in Possession	(42)	COMAR 08.02.05.20A(1)	Size Limits — Tautog: 11+ fish
(13)	4-11A-15	Engaging in a Prohibited Act on an Aquaculture or Submerged Land Lease Area	(43)	COMAR 08.02.05.20A(2)	Possessing Tautog in December: 11+ fish
(14)	COMAR 08.02.03.10E	Possession of Female Crabs: over 16 per bushel	(44)	COMAR 08.02.05.20C	Catch Limit— Tautog: 11+ fish over daily catch limit
(15)	COMAR 08.02.03.14A(3)	Offering to Sell or Selling Recreationally Caught Crabs	(45)	COMAR 08.02.05.21A(1)	Size Limits — Black Sea Bass: 11+ fish
(16)	COMAR 08.02.03.14A(4)	Knowingly Buying or Attempting to Buy Recreationally Caught Crabs	(46)	COMAR 08.02.05.21A(2)	Catch Limit — Black Sea Bass: 11+ fish over daily catch limit
(17)	COMAR 08.02.05.01A	Unlawfully Fishing with a Spear Gun	(47)	COMAR 08.02.05.22A(1)	Size Limits — Scup: 11+ fish
(18)	COMAR 08.02.05.01B	Unlawfully Fishing with a Bow and Arrow	(48)	COMAR 08.02.05.22C(3)	Catch Limit — Scup: 11+ fish over daily catch limit
(19)	COMAR 08.02.05.01C	Fish Snagging — Tidal Waters	(49)	COMAR 08.02.05.23A	Possessing Bluefin Tuna During a Closed Season
(20)	COMAR 08.02.05.05	Possessing American Shad: 11+ fish	(50)	COMAR 08.02.05.23B(1)	Daily Catch Limit — Bluefin Tuna
(21)	COMAR 08.02.05.06	Possessing Hickory Shad: 11+ fish	(51)	COMAR 08.02.05.23B(2)	Size Limit — Bluefin Tuna
(22)	COMAR 08.02.05.10A	Size Limits — Bluefish: 11+ fish	(52)	COMAR 08.02.05.23C(1)	Failing to Report Bluefin Tuna Catch to Reporting Station
(23)	COMAR 08.02.05.10B	Daily Catch Limits — Bluefish: 11+ fish over daily catch limit	(53)	COMAR 08.02.05.23C(2)	Failing to Obtain/Affix Bluefin Tuna Tail Tag
(24)	COMAR 08.02.05.11	Taking/Possessing Sturgeon	(54)	COMAR 08.02.05.23D	Possession/Landing Bluefin Tuna That Is Not Whole
(25)	COMAR 08.02.05.12A(1)	Size Limits — Summer Flounder: 11+ fish	(55)	COMAR 08.02.05.24A	Taking Spiny Dogfish During a Closed Season
(26)	COMAR 08.02.05.12A(2)	Daily Catch Limits - Summer Flounder: 11+ fish over daily catch limit	(56)	COMAR 08.02.05.24B	Spiny Dogfish Finning Violation
(27)	COMAR 08.02.05.13A(1)	Size Limits Spotted Sea Trout: 11+ fish	(57)	COMAR 08.02.05.25	Taking Monkfish During Closed Season
(28)	COMAR 08.02.05.13A(2)	Size Limits — Weakfish: 11+ fish	(58)	COMAR 08.02.05.26B	Catch or Posses Billfish During a Closed Season
(29)	COMAR 08.02.05.13B(1)	Daily Catch Limits — Weakfish or Spotted Sea trout: 11+ fish over daily catch limit	(59)	COMAR 08.02.05.26C(1)	Daily Catch Limit — Billfish
(30)	COMAR 08.02.05.14A	Size Limits — Spanish Mackerel: 11+ fish	(60)	COMAR 08.02.05.26C(2)	Size Limit — Billfish
(31)	COMAR 08.02.05.14B	Daily Catch Limits — Spanish Mackerel: 11+ fish over daily catch limit	(61)	COMAR 08.02.05.26D(1)	Failing to Report Billfish Catch to a Landing Station
(32)	COMAR 08.02.05.15A	Size Limits — Black Drum: 3+ fish	(62)	COMAR 08.02.05.26D(2)	Failing to complete Billfish Catch Information
			(63)	COMAR 08.02.05.26D(3)	Fail to Obtain/Affix a Billfish Tail Tag

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(64)	COMAR 08.02.05.26E	Billfish Landing Restrictions
(65)	COMAR 08.02.05.27B	Catch or Possess Billfish During a Closed Season
(66)	COMAR 08.02.05.27C(1)	Daily Catch Limit — Swordfish
(67)	COMAR 08.02.05.27C(2)	Size Limit— Swordfish
(68)	COMAR 08.02.05.27D(1)	Failing to Report Swordfish Catch to a Landing Station
(69)	COMAR 08.02.05.27D(2)	Failing to Complete Swordfish Catch Information
(70)	COMAR 08.02.05.27D(3)	Fail to Obtain/Affix a Swordfish Tail Tag
(71)	COMAR 08.02.05.27E	Swordfish Landing Restrictions
(72)	COMAR 08.02.05.28A(1)	Size Limits — Walleye: 11+ fish
(73)	COMAR 08.02.05.28C(2)	Catch Limits — Walleye: 11+ fish over daily catch limit
(74)	COMAR 08.02.11.03F	Using or Possessing Illegal Gear in a Delayed Harvest Areas
(75)	COMAR 08.02.12.04A	Taking, Possessing, Transporting, Exporting, Processing, Selling, Offering for Sale, Delivering, Carrying, or Shipping any Fish Listed as Endangered or Threatened
(76)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 4+ fish over daily catch limit
(77)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 4+ fish over daily catch limit
(78)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season: 4+ fish
(79)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 4+ fish
(80)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 4+ fish over daily catch limit
(81)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 4+ fish
(82)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 4+ fish
(83)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 4+ fish over daily catch limit
(84)	COMAR 08.02.15	Possession of Striped Bass During a Closed Season
(85)	COMAR 08.02.15.12A	Methods of Removing Striped Bass from the Water
(86)	COMAR 08.02.15.12 B(2)(b)	Prohibitions on Culling Striped Bass
(87)	COMAR 08.02.15.12 C	Striped Bass Filleting Violations
(88)	COMAR 08.02.21.02B	Size limits— Yellow Perch: 11+ fish
(89)	COMAR 08.02.21.02C	Daily Catch Limit— Yellow Perch: 11+ fish

(90)	COMAR 08.02.22.02A	Possessing Prohibited Shark Species — Recreational
(91)	COMAR 08.02.22.02B	Season Violations for Designated Shark Species
(92)	COMAR 08.02.22.02C	Size Limits for Designated Shark Species— Recreational
(93)	COMAR 08.02.22.02D	Daily Catch Limit— Sharks
(94)	COMAR 08.02.22.02E	Gear Restrictions— Sharks
(95)	COMAR 08.02.22.02F(4)	Failing to Land Shark with Head, Tail and Fins Attached
(96)	COMAR 08.02.22.04A	Shark Filleting or Finning Violation
(97)	COMAR 08.02.05	Season Violations — Finfish — Tidal Waters: 10+ fish

H. Any individual who in any 2-year period receives 5 suspensions for violations as described in §§F and G of this regulation may be prohibited from engaging in all recreational fishing activities for 5 years.

I. Any individual who in any 2- year period receives 3 suspensions for violations as described in §§D and E may be prohibited from engaging in all recreational fishing activities for 1 year.

J. An individual is entitled to a contested case hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04 before a penalty is imposed under this regulation.

K. The Department may agree to a settlement subject to a suspension or revocation under this regulation before proceeding to a contested case hearing.

L. A lesser penalty may be imposed at the Department's discretion if the circumstances warrant it, to include consideration of the individual's disciplinary record and agreement to comply with any conditions that the Department may reasonably require.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.19 Nuisance and Prohibited Species

Authority: Natural Resources Article, §4-205.1, Annotated Code of Maryland

Notice of Proposed Action

[11-004-P]

The Secretary of Natural Resources proposes to amend Regulation .04 under **COMAR 08.02.19 Nuisance and Prohibited Species**.

Statement of Purpose

The purpose of this action is to add species to the restricted lists of aquatic nuisance species. The action adds the red shiner (*Notropis lutrensis*, *Cyprinella lutrensis*) and the marbled crayfish/marmorkrebs (*Procambarus* sp.) to the list of species that may not be imported, transported, purchased, propagated, possessed, sold, or released into State waters, and adds the southern white river crawfish (*Procambarus zonangulus*) and the mimic shiner (*Notropis volucellus*) to the list of species prohibited from transport between waters of existing Maryland watersheds. Finally, the Australian crayfish of the genus *Cherax*, the Chinese mystery snail (*Cipangopaludina chinensis*, *Viviparus malleatus*), and the oriental weatherfish (*Misgurnus anguillicaudatus*) are added to a new list of species that may not be imported, transported, purchased, propagated, sold or released into State waters. This new list is created to allow these species to remain in the possession of aquarium owners who

may have them as pets, while prohibiting more of these species from entering the State.

The red shiner is a very hardy, aggressive minnow that has been widely introduced and in many cases even established outside of its native range in the lowland Mississippi River basin. The red shiner is known to dilute gene pools of native species of its genus via hybridization, to compete with native species for food and habitat, and to transmit diseases and parasites. It is used as bait and in the aquarium pet trade; bait bucket and aquarium releases are the most likely methods of introduction. It has been proposed for listing in order to prevent its establishment in Maryland.

Marmorcrebs, or marbled crayfish, are already used in the pet trade in Maryland, but are not native to the state. Unlike other crayfish species, marmorcrebs reproduce asexually. Therefore, all are female and only one individual is needed to establish a population. Their quick reproductive rate, widespread distribution in the North American pet trade, and ability to survive fairly low temperatures make marmorcrebs a potential pest species. (Missouri's Conservation Commission has just approved a regulation to add marbled crayfish to its prohibited species list.) It has been listed in order to prevent their establishment in Maryland waters and their competition with native fish for food and habitat.

The southern white river crawfish is a non-native crayfish with an established population in Maryland. It competes with and displaces native crayfish species and reduces the abundance and diversity of aquatic life. It has been proposed for listing in order to control the spread of this non-native species.

The mimic shiner is a non-native minnow species with an established population in Maryland. It is an omnivore that will compete with various native fish for food and habitat. It has been proposed for listing in order to prevent the spread of this non-native species to reduce its impact on Maryland's aquatic ecosystem.

Australian crayfish of the genus *Cherax* are native to Australia. Some *Cherax* species can spawn 3 to 5 times a year, while most native crayfish spawn just once a year. Thus, these species can relatively quickly establish a population. Australian crayfish are usually larger than native crayfish, and are therefore desirable for aquaculture or pet trade, which often leads to intentional or unintentional releases into natural waters. Some *Cherax* species can also survive in a broad range of environmental conditions, including relatively low dissolved oxygen concentrations and high levels of salinity. Given their quick reproductive rate, use in U.S. pet trade, and resilience in various water conditions, the species of genus *Cherax* have been added to prevent their predation on native species, transmission of disease or parasites, and competition with native aquatic species for food and habitat.

The Chinese mystery snail was imported from Asia into live food markets in the United States. It is therefore not native to this country, but some populations have been established in the wild in many states including Maryland. This snail is known to transmit parasites and diseases, including some that affect humans (e.g., human intestinal flukes). It also competes with native snail and fish species for food and habitat. Because the Chinese mystery snail is popular in the aquarium pet trade, there is a heightened chance of aquarium release into the wild. Additionally, this species can close the opening of its shell when water conditions are unfavorable, which poses a problem when trying to eradicate the species with chemicals. It is also resistant to drought and predation. Because the Chinese mystery snail is popular in the pet trade, can survive through harsh water conditions, and is a known disease transmitter and competitor to native aquatic species, its established populations in Maryland should be contained.

The oriental weatherfish originates from Eastern Asia, but has been found in Gwynn Falls (2008) and in the Patapsco River (2009), as well as many other states across the country. It is used in the

aquarium pet trade and is also sold as a food source, especially in Asian food markets. This species can survive in a wide range of water temperatures and in a low oxygen level. Given its resilience in various water conditions and its incidence in Maryland waters already, it has been proposed for listing to prevent its predation on native species, its transmission of disease or parasites, and its competition with native aquatic species for food and habitat.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There may be a potential economic impact on the regulated industry.

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

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

D. The Australian crayfish of the genus *Cherax*, the Chinese mystery snail (*Cipangopaludina chinensis*, *Viviparus malleatus*), and the oriental weatherfish (*Misgurnus anguillicaudatus*) are sold in the Maryland pet trade. The Department contacted the pet industry to determine the economic impact. The Department did not receive any response indicating a significant economic impact, although with these species being sold in Maryland there is likely at least a minimal impact. Therefore, the economic impact of prohibitions on the sale and purchase of these species is indeterminable, but likely minimal.

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 Fisheries Service Regulatory Staff, Policy & Regulation Division, Fisheries Services, Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.04 Classification of Nonnative Aquatic Organisms.

A. A person may not import, transport, purchase, possess, propagate, sell, or release into State waters the following nonnative aquatic organisms:

- (1) Fish species:
 - (a)—(g) (text unchanged)
 - (h) *Marbled crayfish (marmorikrebs) (Procambarus sp.)*;
 - [(h)] (i) – [(i)] (j) (text unchanged)
 - (k) *Red shiner (Notropis lutrensis, Cyprinella lutrensis)*;
 - [(j)](l) – [(p)](r) (text unchanged)
- (2) (text unchanged)

B. A person may not transport the following nonnative aquatic organisms:

- (1) Fish species:
 - (a)—(d) (text unchanged)
 - (e) *Mimic shiner (Notropis volucellus)*;
 - [(e)] (f) (text unchanged)
 - (g) *Southern white river crawfish (Procambarus zonangulus)*; and
 - [(f)] (h) (text unchanged)
- (2) (text unchanged)

C. A person may not import, transport, purchase, propagate, sell, or release into State waters the following nonnative aquatic organisms:

- (1) *Australian crayfish of genus Cherax (Cherax)*;
 - (2) *Chinese mystery snail (Cipangopaludina chinensis, Viviparus malleatus)*; and
 - (3) *Oriental weatherfish (Misgurnus anguillicaudatus)*.
- [C.] D. Permit.

(1) A person may not import, transport, purchase, possess, propagate, or sell a nonnative aquatic organism listed in §A of this regulation, or transport a nonnative aquatic organism listed in §B of this regulation, or import, transport, purchase, propagate, or sell a nonnative aquatic organism listed in §C of this regulation, unless the person has been issued a permit by the Department, as specified in *Natural Resources Article, §§4-212 or 4-11A-02, Annotated Code of Maryland*.

- (2)—(3) (text unchanged)
- (4) An application for an activity listed in [§C(1)] §D(1) of this regulation that is in progress at the time of adoption of this regulation shall be filed within 60 days after the date of adoption of this regulation.
- (5)—(6) (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.19 Nuisance and Prohibited Species

Authority: Natural Resources Article, §4-205.1, Annotated Code of Maryland

Notice of Proposed Action

[11-018-P]

The Secretary of Natural Resources proposes to adopt new Regulation .07 under **COMAR 08.02.19 Nuisance and Prohibited Species**.

Statement of Purpose

The purpose of this action is to prohibit the use of felt-soled waders in Maryland waters in order to prevent the spread of Didymo. Didymo, (*Didymosphenia germinata*) or “Rock Snot” is an invasive alga of cold flowing waters. Individual didymo organisms are microscopic, but infestations include enormous numbers, and each individual produces a long stalk from the stream bottom. The resulting mass is a yellow-brown slime layer that can dominate the rivers and streams. Didymo infestations in North America are sufficiently new that scientists can only guess at the long-term ecological consequences. Dramatic changes in stream biology have been verified. Didymo is extremely unsightly and makes waterways unattractive to recreational users.

The list of places infected in the rapid spread of didymo reads like a catalog of the finest fly-fishing waters on the planet. Resources managers in North America, and especially in New Zealand, guessed early on that the felt-soled waders of traveling fly fishermen were the pathway for its spread. Subsequent field and laboratory demonstrated that the felt sole is an almost perfect medium for its spread.

Alaska and Vermont, states who rely heavily upon fly-fishermen for their tourism industry, have already moved to prohibit felt soles. Many fly-fishermen are aware of the risk and have switched from felt soles (if indeed they ever used them) to rubber soled waders. The Maryland Department of Natural Resources has been switching its felt soles to other new technology over the past several years. Rubber soled waders are readily available and some manufacturers (including Orvis and Simms) have or have announced plans to stop offering felt soles because of their potential to ruin rivers and devastate fly fishing – both as an industry and as a tradition. Additionally, there are companies that will re-sole waders and boots with other materials for a fraction of the price of a new pair.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action is expected to have a minimal economic impact on the agency and regulated industries.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Enforcement	NONE	
(2) Agency	(R-)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Resident and nonresident anglers	(-)	Indeterminable
E. On other industries or trade groups:		
Retail industry	(+)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

A(1). It is not anticipated that the Maryland Natural Resources Police (NRP) will require additional resources to put the ban into effect. The prohibition will be enforced in conjunction with existing freshwater fishing regulations by NRP’s periodical, unannounced visits and controls of streams and rivers.

A(2). Banning the use of felt-soled waders and boots in state waters is expected to have a minimal immediate negative economic impact on the Department (DNR). Several facts support these conclusions.

Each year more than 400,000 resident and 240,000 nonresident anglers, ages 16 and up, fish in Maryland waters. These anglers fish a total of over 8 million days yearly, with near 70% of these fishing days corresponding to residents. The average trip expenditure per day is around \$33 for residents and \$41 for nonresidents (2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation – Maryland).

Most of the individuals wearing felts are fishing for trout, but there is a small number who wear felts for smallmouth. Trout fishermen represent only a fraction of the total number of anglers fishing in Maryland each year. Indeed, DNR typically sells 60,000-70,000 trout stamps a year to resident anglers and 7,000 trout stamps to nonresident anglers.

However, if DNR does not address the issue, it will likely suffer a greater negative economic impact in the future because the State’s pristine trout waters will be impacted and nonresidents will likely choose to fish elsewhere.

D. It is unlikely that many resident anglers will decide to stop fishing simply because they are no longer permitted to legally use felts and hence must replace their gear. It is even less likely that the ban of felts in Maryland waters will induce resident anglers to travel to Pennsylvania, West Virginia or other states to fish for trout. The price of new boots/waders (i.e. not the most costly items needed for fishing) and the availability of more affordable alternatives such as resoling services, do not justify incurring additional travelling expenses to fish out of state. Furthermore, many anglers have already voluntarily switched to non-felt boots/waders as a way to prevent the spread of Didymo and other invasive algae, and whirling disease to the streams and rivers they frequent.

On the other hand, there will almost certainly be nonresident anglers who choose to travel to alternate locations in other states rather than incur the cost of upgrading their gear to be able to fish in Maryland. The number of individuals in this category is difficult to estimate with the existing data, but it will depend both on the alternate destinations available to them that are comparable in attributes to Maryland’s rivers and streams, and on which other eastern states follow Vermont and Maryland in banning the use of felts.

E. Anglers unable to use their felts will need to either purchase

new boots/waders or resole their felt gear to keep fishing in Maryland. Thus, the ban may result in an increase in sales revenues for the state retail industry, which may be partially offset by the losses associated with the felt-sole inventory that cannot be relocated out of state (likely to affect mostly small local shops).

There are potential economic losses for the state recreational fishing industry and tourism caused by the loss of Maryland’s rivers’ reputation as pristine trout water if Didymo is introduced.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. Anglers unable to use their felts will need to either purchase new boots/waders or resole their felt gear to keep fishing in Maryland. Thus, the ban may result in an increase in sales revenues for the state retail industry, which may be partially offset by the losses associated with the felt-sole inventory that cannot be relocated out of state (likely to affect mostly small local shops).

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Felt-Soled Wader Ban, Regulatory Staff, Maryland Department of Natural Resources Fisheries Service, 580 Taylor Ave. B-2, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through February 2, 2011. A public hearing will be held, in an open-house style, on January 11, 2011, 6—7 p.m., at the Washington Street Library, 2nd floor conference room, 31 Washington Street, Cumberland, Maryland.

.07 Felt-Soled Waders.

An individual may not use footgear with external felt soles in State waters or within five feet of State waters.

JOHN R. GRIFFIN
Secretary of Natural Resources

**Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION
Subtitle 18 BOARD OF CERTIFIED
INTERIOR DESIGNERS**

09.18.02 Code of Ethics

Authority: Business Occupations and Professions Article, §8-206(b), Annotated Code of Maryland

Notice of Proposed Action

[11-012-P]

The Board of Certified Interior Designers proposes to adopt new Regulation .07 under **COMAR 09.18.02 Code of Ethics**. This action was considered by the Board at a public meeting on July 19, 2010 notice of which was given by publication in 37:14 Md. R. 973 (July 2, 2010), pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to strengthen the Board’s enforcement efforts and to assure compliance with continuing education requirements. The proposed regulation would amend the Code of Ethics to make it a basis for disciplinary action to fail to respond to a written communication from the Board.

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 Pamela J. Edwards, Assistant Executive Director, Board of Certified Interior Designers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6263, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through February 15, 2011. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Certified Interior Designers during a public meeting to be held on April 25, 2011, 2 pm, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.07 Failure to Respond.

A certificate holder shall respond to the Board in writing within 30 days of receipt of a written communication directed to the certificate holder by the Board. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §8-310 (a)(1)(vi), Annotated Code of Maryland.

DIANE GORDY
Chair
Board of Certified Interior Designers

**Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE**

**Subtitle 27 BOARD OF NURSING
[(JOINTLY WITH THE BOARD OF
PHYSICIAN QUALITY ASSURANCE)]**

10.27.07 Practice of the Nurse Practitioner

Authority: Health Occupations Article, §8-205(a)(1), (2), (4) and (5); Health General Article, §§4-208(a), 4-212, 5-601(h) and (o)—(q), 5-602(c)—(e), 5-608(c), 10-628, 13-701, and 13-704; Family Law Article, §2-301; and Transportation Article, §13-616(a) and (b); Annotated Code of Maryland; Chapter 78, Acts of 2010

Notice of Proposed Action

[11-021-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.01—03**, adopt new Regulations **.04, .07—09**, and **.11**, amend and recodify existing Regulations **.04, .05**, and **.08** to be Regulations **.05, .06**, and **.10**, and repeal existing Regulations **.06** and **.07** under **COMAR 10.27.07 Practice of the Nurse Practitioner**. This action was considered by the Maryland Board of Nursing at a public meeting held on May 25, 2010, notice of which was given by publication on the board’s website under Board news on May 1, 2010.

Statement of Purpose

The purpose of this action is to:

- (1) Delete the requirement for the joint promulgation of regulations by the Board of Nursing and the Board of Physicians;
- (2) Repeal the requirement for a signed collaborative agreement between a Certified Registered Nurse Practitioner (CRNP) and a collaborating physician;
- (3) Repeal the provision for a Joint Committee on Nurse Practitioners;
- (4) Require an attestation from a CRNP that he or she will consult with and refer to physicians and other health care providers, will practice in accordance with the Standards of Practice for the American Academy of Nurse Practitioners, and will provide the name and license number of the Physician they collaborate with;
- (5) Require the Board of Nursing to make an approved attestation available to the Board of Physicians upon request;
- (6) Permit CRNP’s to certify certain information to the Clerk of the Court in reference to unwed underage mothers;
- (7) Permit CRNP’s to certify certain disabilities to the Department of Transportation;
- (8) Permit CRNP’s to complete birth and death certificates;
- (9) Permit CRNP’s to Issue “Do Not Resuscitate” orders for Emergency Medical Services;
- (10) Establish minimal education requirements for certification by the Board;
- (11) Require notice from the CRNP whenever an attestation terminates or is changed;
- (12) Provide for certification by endorsement if the applicant has had a substantially equivalent education;
- (13) Provide title protection; and
- (14) Make clarifying changes.

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 amendments have a potential positive economic impact. This proposal removes barriers to practice for Certified Registered Nurse Practitioners (CRNPs) that will result in their more immediate availability to provide health care. In addition, the time it takes for the Board to certify a Registered Nurse for advance practice will be shortened considerably.

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

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

A. There will be a positive impact on Board staff by time saved to process collaborative agreements. It is anticipated that the time saved will be used to audit CRNP practice.

B., D., and E. The amendments, based on the amended law, eliminate the collaborative agreement. This considerably shortens the length of time a CRNP must wait before being certified and is able to begin work. There is a positive indeterminate economic effect not only for the CRNP but also for anyone who hires them. Removal of practice barriers should provide an indeterminate savings by making more primary care providers available. Utilization of CRNP's should provide an indeterminate savings from fewer emergency department visits and hospitalizations.

F. CRNP's practice model promotes wellness through preventive care. Preventive care usually results in less emergency department visits and fewer hospitalizations.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore,

Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.01 Definitions.

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

[(1) "Joint Committee" means the Joint Committee on Nurse Practitioners, composed of an equal number of members appointed by the Physician Quality Assurance and Nursing Boards.

(2) "Medical Board" means the Board of Physician Quality Assurance.]

(1) "Attestation" means a statement of intent.

[(3)] (2) "[Nursing] Board" means the Board of Nursing.

(3) "Collaborating" means a cooperative relationship with other health care providers.

(4) "Facility" means a health care facility as defined under Health General Article, §19-114(d), Annotated Code of Maryland.

[(4)] (5)—[(5)] (6) (text unchanged)

[(6)] (7) "Physician" means an individual [licensed to practice medicine in this State] who has an unencumbered license to practice medicine, issued under Health Occupations Article, Title 14, Annotated Code of Maryland.

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

[(8) "Written agreement" means the development and implementation of a written agreement between a nurse practitioner and a licensed physician concerning the performance by the nurse practitioner of the functions authorized by these regulations.]

(9) "Unencumbered license" means a license that is not:

- (a) Revoked;
- (b) Suspended; or
- (c) On probationary status.

.02 Nurse Practitioner — Scope and Standards of Practice.

A. A nurse practitioner may perform independently the following functions [under the terms and conditions set forth in the written agreement]:

(1) [Comprehensive] A comprehensive physical assessment of patients;

(2) In accordance with Family Law Article, §2-301, Annotated Code of Maryland, certify to the clerk of the court that a:

(a) 16 or 17 year old individual, who wants to get married without parental consent, has been examined and found to be pregnant or has given birth to a child; or

(b) 15 year old individual, who has parental consent to be married, has been examined and found to be pregnant or has given birth to a child;

(3) In accordance with Transportation Article, §13-704, Annotated Code of Maryland, certify to the Department of Transportation that an individual needs special consideration for certain health reasons;

(4) In accordance with Health General Article, §4-208, Annotated Code of Maryland, complete the date of birth and medical information required on a birth certificate;

(5) In accordance with Health General Article, §4-212, Annotated Code of Maryland, complete a death certificate if:

(a) The medical examiner does not take charge of the body; and

(b) The deceased was under the care of the nurse practitioner;

(6) In accordance with Health General Article, §13-704, Annotated Code of Maryland, conduct education and training to certify individuals for the Insect Sting Emergency Treatment Program;

[(2)] (7) [Establishing] *Establish* medical diagnosis for common short-term [or] and chronic stable health problems;

(8) *In accordance with Health General Article, §4-212, Annotated Code of Maryland, file a replacement death certificate;*

(9) *In accordance with Health General Article, §5-601, Annotated Code of Maryland, issue a “do not resuscitate order” on a Maryland Emergency Medical Services form.*

[(3)] (10) [Ordering, performing, and interpreting] *Order, perform, and interpret* laboratory and diagnostic tests;

[(5)] (11) [Performing] *Order and perform diagnostic, therapeutic, [or] and corrective* measures;

[(4)] (12) [Prescribing] *Prescribe* drugs;

[(7)] (13) [Providing] *Provide* emergency care;

[(6)] (14) [Referring] *Refer* patients to appropriate licensed physicians or other health care providers *as needed; and*

(15) *In accordance with Health General Article, §5-602, Annotated Code of Maryland, witness an advance directive.*

[B. Before a nurse practitioner may practice he shall:

(1) Obtain certification under these regulations;

(2) Enter into a written agreement with a physician whereby the physician on a regularly-scheduled basis shall:

(a) Accept referrals,

(b) Establish and review drug and other medical guidelines with the nurse practitioner,

(c) Participate with the nurse practitioner in periodically reviewing and discussing medical diagnoses and the therapeutic or corrective measures employed in the practice setting,

(d) Jointly sign records if needed to document accountability of both the physician and nurse practitioner,

(e) Be available for consultation in person, by telephone, or by some other form of telecommunication, and

(f) Designate an alternate physician if the physician identified in the written agreement temporarily becomes unavailable;

(3) Obtain approval of the written agreement as set forth in Regulation .06.]

[C.] B. A nurse practitioner may practice only in the area of specialization in [he is] which certified.

[D. A nurse practitioner shall immediately advise the Nursing Board if a written agreement is ended by either party.

E. A nurse practitioner shall submit a new or amended written agreement for approval before:

(1) Altering the practice setting; or

(2) Modifying or expanding the medical functions that the nurse practitioner is authorized to perform.

F. A Maryland nurse practitioner who is otherwise in full compliance with these regulations and who joins a group practice of Maryland certified nurse practitioners that has an approved written agreement in file with the Nursing Board, instead of submitting a written agreement, may submit an affidavit verifying that the nurse practitioner and a physician have discussed the written agreement and mutually agree to practice within its framework.]

C. *Nothing in this chapter limits or prohibits a registered nurse from performing those functions which constitute the practice of registered nursing as defined by law.*

[G.] D. (text unchanged)

E. *An individual certified under this chapter shall be subject to disciplinary sanctions set forth in Health Occupations Article, §8-316, Annotated Code of Maryland.*

.03 Certification.

A. *A nurse practitioner shall obtain certification from the Board before commencing practice.*

[A.] B. An applicant for certification as a nurse practitioner shall:

(1) Hold a current license *in good standing* to practice registered nursing in [the State] *Maryland or a compact state;*

(2) Complete, in full, the application for certification as a nurse practitioner for each area in which certification is sought;

(3) *As part of the application, submit to the Board:*

(a) *Documentation that the applicant has graduated from a Board-approved educational program for nurse practitioners; and*

(b) *Documentation of certification as a nurse practitioner by a nationally recognized certifying body recognized by the Board;*

[(3)] (4) Pay all fees established by the [Nursing] Board; *and*

[(4) Complete a program for preparation of nurse practitioners approved by the Nursing Board; and]

(5) Pass [an] a *Board-approved* examination [as designated by the Nursing Board].

[B.] C. The [Nursing] Board shall:

(1)—(2) (text unchanged)

D. *The Board shall certify a nurse practitioner consistent with the nurse practitioner’s specialty, education, and certification.*

.04 Written Attestation.

A. *Before commencing practice, a nurse practitioner shall complete a Board-approved written attestation that:*

(1)*The nurse practitioner has an agreement for collaborating and consulting with a physician;*

(2) *States the name and license number of the physician;*

(3) *The nurse practitioner shall refer to and consult with physicians and other health care providers as needed; and*

(4) *The nurse practitioner shall practice in accordance with the standards of practice of:*

(a) *The American Academy of Nurse Practitioners; or*

(b) *Any other national nurse practitioner certifying body recognized by the Board.*

B. *The Board shall:*

(1) *Maintain an approved written attestation; and*

(2) *Make the approved written attestation available to the Board of Physicians on the request of the Board of Physicians.*

C. *If a nurse practitioner terminates or changes an agreement to collaborate, a new written attestation stating the name of the physician shall be submitted immediately, by mail or facsimile, to the Board.*

[.04] .05 Renewal of Certification.

A. A certification as a nurse practitioner expires at the same time as the nurse practitioner’s registered nursing license [unless the certification is renewed for a 1-year term as provided in this regulation].

B. [Before] *In accordance with the provisions of Health Occupations Article, §8-312, Annotated Code of Maryland, before a nurse practitioner’s certification expires, the practitioner may renew for an additional [1-year] term if the nurse practitioner:*

(1) (text unchanged)

(2) Pays to the [Nursing] Board all appropriate renewal fees set by the [Nursing] Board; and

(3) Submits to the [Nursing] Board:

(a) A renewal application on the form [that it requires,] *required by the Board; and*

(b) [Satisfactory evidence that any certification received is current if that certificate was the basis for the certification issued under these regulations] *Documentation of every current certification as a nurse practitioner by any nationally certifying body that was the basis of the Board’s initial certification under Regulation .03B(3) of this chapter.*

[.05] .06 Practice Before Maryland Certification.

A. A registered nurse who has completed a [program for preparation of] *Board-approved educational program* for nurse practitioners and who has applied to take a *Board-approved* national certifying examination [acceptable to the Board], may practice as a

nurse practitioner graduate before certification in [the] *this* State upon approval of the Board [of Nursing] if the nurse has:

- (1) A current license to practice nursing in [the] *this* State;
- (2) (text unchanged)
- (3) Paid all fees established by the [Nursing] Board;
- (4) Completed a nurse practitioner *educational* program approved by the [Nursing] Board;
- (5) Presented evidence of *submission of an application* [for a national certifying] *to take a Board-approved examination* [approved by the Nursing Board]; *and*
- (6) Provided the name of a certified nurse practitioner who will directly supervise the nurse practitioner graduate [; and
- (7) Submitted a written agreement with a physician addressing each item under Regulation .02B(2) of this chapter].

B. (text unchanged)

C. A nurse practitioner graduate who fails the [national certifying] *Board-required* examination shall immediately cease practice as a nurse practitioner graduate.

D. [Application] *An application* for [State] *Maryland* certification shall remain on file for a period of 18 months. During this time, applicants who have failed a national certifying examination may retake the examination and, upon proof of passing, may become eligible for Maryland [State] certification.

.07 Education.

A. *An applicant certified by a national certifying body before October 1, 2010, who is certified by the Board and in good standing shall be deemed to meet the education requirements under this regulation.*

B. *An applicant for certification shall be a graduate from a Board-approved nationally accredited education program for nurse practitioners in a school of nursing that:*

- (1) *Has been approved by the Board;*
- (2) *Provides advanced practice instruction at the Masters' level or higher in a clinical nursing program;*
- (3) *Is accredited by a nursing accrediting body recognized by the United States Department of Education or the Council for Higher Education Accreditation;*
- (4) *Follows established educational standards that build upon educational preparation and experience as a registered nurse;*
- (5) *Ensures completion of the advanced practice core, nurse practitioner core, and population specific core competencies;*
- (6) *Has a didactic and clinical curriculum that, at a minimum, includes advanced courses in:*
 - (a) *Physiology and pathophysiology;*
 - (b) *Physical and health assessment; and*
 - (c) *Pharmacology; and*
 - (d) *Diagnosis and management of health problems and diseases commonly encountered within the respective nurse practitioner's population focus;*
- (7) *Provides didactic courses and supervised clinical experiences of sufficient depth and breadth in the nurse practitioner role and the specific population focus of the program; and*
- (8) *Ensures that graduates of the program are eligible for national certification and Maryland licensure.*

C. *Continuing Competence. To be a Board-approved education program the program shall:*

- (1) *Be a nationally accredited education program; and*
- (2) *Ensure ongoing competence and maintenance of certification by:*
 - (a) *Providing a mechanism for renewing certification;*
 - (b) *Having a renewal of certification process that is acceptable to the Board; and*
 - (c) *Developing a mutually agreeable procedure that ensures communication with the Board.*

.08 Additional Competencies.

If a nurse practitioner wants to perform procedures and therapies beyond the advanced practice instruction received in the nurse practitioners' original education program, the nurse practitioner shall submit documentation to the Board regarding additional competencies for which the nurse practitioner has received additional education and training.

.09 Unlawful Practices.

Unless authorized to practice as a nurse practitioner under Health Occupations Article, Title 8, Annotated Code of Maryland, an individual may not:

A. *Represent to the public by title or by description of services, methods, procedures, or otherwise, that the individual is authorized to practice as a nurse practitioner in this State;*

B. *Use as a title or describe the services the individual provides by use of the words "nurse practitioner" or "certified nurse practitioner"; or*

C. *Use the abbreviation "N.P.", "C.R.N. P.", or any other words, letters, or symbols with the intent to represent that the individual practices as a nurse practitioner.*

[.08] .10 [Prescribing] Preparing and Dispensing.

A. (text unchanged)

B. A nurse practitioner who personally prepares and dispenses a drug in the course of treating a patient shall:

(1) Comply with the labeling requirements of Health Occupations Article, [§12-509] §12-505, Annotated Code of Maryland;

(2)—(5) (text unchanged)

C. (text unchanged)

D. A nurse practitioner may personally prepare and dispense a starter dosage of any drug the nurse practitioner is authorized to prescribe. The nurse practitioner shall:

(1) Label the starter dosage in compliance with the labeling requirements of Health Occupations Article, [§12-509] §12-505, Annotated Code of Maryland;

(2)—(3) (text unchanged)

.11 Endorsement Applicants.

A. *The Board may waive any requirement for certification under this chapter only if the applicant:*

(1) *Completes the application required by the Board;*

(2) *Pays any fee required by the Board; and*

(3) *Became licensed or certified in another state under requirements substantially equivalent to the requirements of Health Occupation Article, Title 8, Annotated Code of Maryland and this chapter.*

B. *In accordance with Health Occupations Article, §8-315, Annotated Code of Maryland, a temporary practice letter issued to an applicant authorizes the holder to practice as a certified nurse practitioner in this State while the temporary practice letter is effective.*

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.23 Pharmaceutical Services to [Residents] Patients in [Long-Term] Comprehensive Care Facilities

Authority: Health Occupations Article, §§12-205, 12-301, 12-401, 12-403, 12-501, 12-503, 12-504, 12-505, 12-506, 12-509, Annotated Code of Maryland

Notice of Proposed Action
[10-160-R]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01 and .02, repeal existing Regulation .03, and amend and recodify existing Regulations .04—.11 to be Regulations .03—.10 under **COMAR 10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities**. Because substantive changes have been made to the original proposal as published in 37:12 Md. R. 806—810 (June 4, 2010), this action is being repropose at this time.

This action was considered by the Board of Pharmacy at a public meeting held October 20, 2010, notice of which was given by publication on the Board of Pharmacy web site www.mdbop.org from October 1, 2010—October 29, 2010, pursuant to the State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to revise this chapter to reflect the current practice of pharmacy in a comprehensive care facility and to revise outdated terminology and regulatory references. The broader definition of “long term care facility” has been deleted and the definition of a “comprehensive care facility” has been added which narrows the focus of these regulations to facilities that admit patients suffering from disease or disabilities or advance age, requiring medical service and nursing service rendered by or under the supervision of a registered nurse. The policies and procedures of the permit holder must now include access to a pharmacy, provisions for safe and efficient dispensing and delivery, and appropriate labeling and storage. Requirements have been added for packaging medications received from another pharmacy. The regulation that covers drug control and accountability now sets forth requirements for: (1) returns and discontinued medications; (2) the content of prescriptions, chart orders, and verbal orders; and (3) the manner in which prescriptions, chart orders, and verbal orders are received by the pharmacy.

The purpose of the reproposal is to add the requirement that the director of pharmacy must be on site full time and responsible for only one comprehensive care pharmacy. Additionally, labeling for multi-dose dispensing packages has been clarified.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Pharmacies that service comprehensive care facilities may be required to rewrite their policies and procedures, which should be reviewed periodically as a matter of course. Most revisions in this proposal reflect or refine the current practice of pharmacy. Revisions may include adapting pharmacy labels to reflect requirements in the regulations or adapting already existing packaging procedures.

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

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

A. The Board of Pharmacy would have to revise the Long Term Care Inspection Form, which is revised periodically as a matter of course.

D. The cost to pharmacies that service comprehensive care facilities is difficult to determine because some pharmacies may already comply with the revisions. Other pharmacies may have to make minimal adjustments to labeling content and packaging procedures.

F. There may be a reduction in medication errors or labeling errors for patients in comprehensive care facilities.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

Subtitle 36 BOARD EXAMINERS OF PSYCHOLOGISTS

Notice of Proposed Action

[11-020-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation .08 under **COMAR 10.36.01 Procedures**;
- (2) Regulation .02 under **COMAR 10.36.06 Fee Schedule**; and
- (3) Regulation .07 under **COMAR 10.36.07 Psychology Associate**.

Associate.

This action was considered at a public meeting on October 8, 2010, notice of which was given by publication in 37:20 Md. R. 1420 (September 24, 2010), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Require supervisors of psychology associates to pay an administrative fee, also established in this proposal, every 2 years from the initial date of the Board's approval of the supervisory relationship per psychology associate that the supervisor is approved to supervise;
- (2) Allow licensed psychologists to keep their licenses inactive for a period of 5 years as opposed to indefinitely and pay the inactive fee every 5 years thereafter;
- (3) Increase the fee to take the State examination;
- (4) Eliminate the continuing education sponsor application fee; and
- (5) Codify the reinstatement fee (traditionally the renewal fee plus the reinstatement fee) for licensees wishing to reinstate their license.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The economic impact of these amendments will be \$27,450 per year in revenue to the Board, which will help to offset the administrative cost of record management and offset the cost to offer internet base testing.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	\$27,450 per year
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$27,450 per year
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Helvetica Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.01 (originally proposed text unchanged)

.02 Definitions.

A. (originally proposed text unchanged)

B. Terms Defined.

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

(5) "*Licensed pharmacist*" means [[[, unless the context requires otherwise,]]] a pharmacist who is licensed by the Board to practice pharmacy.

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

.03 (originally proposed text unchanged)

.04 Personnel.

A. Director of Pharmacy. The permit holder shall appoint a licensed pharmacist as director of pharmacy who is:

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

(4) Responsible for the operations of the pharmacy and for compliance with the requirements of Health Occupations Article, Title 12, Annotated Code of Maryland, and the regulations promulgated under that title; [[[and]]]

(5) Responsible for reviewing the policies and procedures manual of the pharmacy annually and revising it as necessary;

(6) On site full time; and

(7) Responsible for only one comprehensive care pharmacy.

B. (originally proposed text unchanged)

.05—.07 (originally proposed text unchanged)

.08 Labeling of Patient Medications.

A. (originally proposed text unchanged)

B. [[[Labeling requirements for medication]]] **The director of pharmacy or designee shall ensure that medication provided per dosing period in a single container, slot, blister package, [[[or]]] any other method of delivering an entire single dosing unit [[[may be established as policies and procedures of the comprehensive care facility]]] , or as part of a multi-dose dispensing package, are labeled with at least the following:**

(1) Drug name;

(2) Drug strength;

(3) Name of manufacturer;

(4) Lot number; and

(5) Expiration date.

C.—E. (originally proposed text unchanged)

.09—.10 (originally proposed text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

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

A. and D. The Board expects about 225 psychology associates to pay the administrative fee each year. The fee is \$100. Therefore, $\$100 \times 225 = \$22,500$.

The Board expects that about 15 licensees on inactive status will pay the administrative fee each year. The fee is \$200. Therefore, $\$200 \times 15 = \$3,000$ per year. The Board currently pays \$35 for each applicant to take the State exam. The \$50 increase will pay the \$35 fee leaving \$15 for the Board (until the testing center increases its fee). Since the Board tests about 130 people a year, the Board expects to receive $130 \times 15 = \$1,950$ a year.

$\$22,500 + \$3,000 + \$1,950 = \$27,450$ total economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dohmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

10.36.01 Procedures

Authority: Health Occupations Article, §§18-206, 18-207(b), and 18-310, Annotated Code of Maryland

.08 License Renewal, Expiration, and Inactive Status.

A.—B. (text unchanged)

C. Inactive Status.

(1) A psychologist in good standing may request [indefinite] inactive status for 5 years upon:

(a)—(b) (text unchanged)

(2) A licensee on inactive status may apply to have the inactive license status extended for an additional 5 years upon payment of the inactive status fee.

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

10.36.06 Fee Schedule

Authority: Health Occupations Article, §§18-206, 18-207(b), 18-301, and 18-310, Annotated Code of Maryland

.02 Fees.

The following fees are established by the Board:

A.—B. (text unchanged)

C. Psychology associate administrative fee...\$100

[C.] D. Examination fees:

(1) (text unchanged)

(2) State examination...[\$200] \$250;

[D.] E. (text unchanged)

[E.] Continuing education sponsor application fee... \$50.;

F.—G. (text unchanged)

H. Inactive status fee (every 5 years)...\$200

I. Reinstatement fee, which includes the \$350 renewal fee ...[\$300] \$650

J.—K. (text unchanged)

10.36.07 Psychology Associate

Authority: Health Occupations Article, §§18-206 and 18-301, Annotated Code of Maryland

.07 Board Review, [and] Reporting Requirements, and Administrative Fee.

A.—B. (text unchanged)

C. Administrative Fee.

(1) The Board shall assess the supervisor an administrative fee as specified in COMAR 10.36.06.

(2) The Board shall assess an administrative fee to the supervisor every 2 years from the initial date of the Board's approval of the supervisory relationship.

(3) The Board shall assess a separate administrative fee for each psychology associate the supervisor is approved to supervise.

(4) Failure to pay the administrative fee shall result in termination of the supervisory relationship.

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.22 Continuing Education

Authority: Health Occupations Article, §4-205(a)(5), Annotated Code of Maryland

Notice of Proposed Action

[11-008-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02, .04, and .06, adopt new Regulation .07, amend and recodify existing Regulations .07—.09 to be Regulations .08—.10, and recodify existing Regulations .10 — .13 to be Regulations .11 — .14 under COMAR 10.44.22 Continuing Education. This action was considered by the Board of Dental Examiners at a public meeting held on November 3, 2010, notice of which was given under the Notice of Public Meetings link on the Board's website pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Permit dentists and dental hygienists to earn continuing education credit for providing pro-bono dental and dental hygiene services within the State;

(2) Permit dentists and dental hygienists to earn continuing education credit for attending courses or programs on cultural competency; and

(3) In addition to the University of Maryland Dental School, permit other continuing education sponsors to provide advanced clinical training programs for continuing education credit for dentists who do not hold Maryland licenses.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.02 Definitions.

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

(1) Advanced Clinical Training Program.

- (a) “Advanced clinical training program” means:
- (i)—(ii) (text unchanged)

(iii) A program of postgraduate training offered by an approved continuing education sponsor or its equivalent as provided in Regulation [.07] .08 of this chapter.

- (b) (text unchanged)

(2)—(3) (text unchanged)

(4) “Cultural competency” means courses or programs that teach a defined set of values, principles, demonstrated behaviors, attitudes, policies, and structures that will increase a licensee’s ability to work effectively in a cross-cultural manner.

(5) “Direct supervision” means that the supervising dentist personally:

- (a) Diagnoses the condition to be treated;
- (b) Authorizes the procedure; and
- (c) Examines the patient before dismissal.

[(4)] (6) “Student of dentistry” means:

- (a)—(b) (text unchanged)

(c) A dentist licensed in Maryland who enrolls in an advanced clinical training program offered [by the University of Maryland Dental School] as a continuing education program for licensed dentists;

(d) A dentist licensed in another state, who does not hold a Maryland dental license and who:

(i) Enrolls in an advanced clinical training program offered [by the University of Maryland Dental School] as a continuing education program for licensed dentists; and

- (ii) (text unchanged)

(e) A dentist licensed in Maryland who enrolls in an advanced clinical training program offered as continuing education by an approved sponsor or its equivalent as provided in Regulation [.07] .08 of this chapter; or

(f) A dentist licensed in another state, who does not hold a Maryland dental license and who:

(i) Enrolls in an advanced clinical training program offered as continuing education by an approved sponsor or its equivalent as provided in Regulation [.07] .08 of this chapter; and

- (ii) (text unchanged)

.04 Requirements.

- A—D. (text unchanged)

E. *Optional Pro Bono Program.* A licensee seeking renewal may receive up to 8 continuing education hours for providing volunteer pro bono dental or dental hygiene services in accordance with Regulation .07 of this chapter.

F. *Cultural Competency.* A licensee may receive up to 4 continuing education hours for Board-approved courses on cultural competency.

- [E.] G.—[G.] I. (text unchanged)

.06 Course and Program Eligibility.

A. Eligibility Guidelines. [Except for the 2-hour course on abuse and neglect required by Regulation .04 of this chapter, only those

courses or programs that satisfy the following eligibility guidelines qualify for continuing education credit for license renewal:]

(1) *General.* With the exceptions listed in §A(2) of this regulation, only those courses or programs that satisfy the following eligibility guidelines qualify for continuing education credit for license renewal:

- [(1)] (a)—[(2)] (b) (text unchanged)

(2) *Abuse and Neglect Courses, Cultural Competency Courses, and Pro Bono Programs.* To qualify for continuing education credit for license renewal:

(a) *The mandatory course in abuse and neglect identified in Regulation .04C and D of this chapter:*

(i) *Does not need to be designed to enhance the licensee’s clinical knowledge and ability to treat dental patients; and*

- (ii) *Shall be offered by a Board-approved sponsor;*

(b) *Cultural competency courses:*

(i) *Do not need to enhance the licensee’s clinical knowledge; and*

- (ii) *Shall be offered by a Board-approved sponsor; and*

(c) *Pro bono programs:*

(i) *Do not need to enhance the licensee’s clinical knowledge and ability to treat dental patients; and*

- (ii) *Shall be offered by a Board-approved sponsor.*

B. *Excluded Courses and Programs.* Courses and programs that are not approved for continuing education credit for license renewal include, but are not limited to, the subjects of:

- (1)—(3) (text unchanged)

(4) [Cultural] *With the exception of those courses or programs on cultural competency, cultural subjects;*

- (5)—(8) (text unchanged)

.07 Pro Bono Dental and Dental Hygiene Services.

A. *Beginning on the effective date of this regulation dentists or dental hygienists may receive continuing education credit for providing volunteer pro bono dental and dental hygiene services within the State as provided in this regulation.*

B. *A dentist or dental hygienist may provide volunteer pro bono care at a Board-approved program that:*

- (1) *Is a non-profit entity or event; and*

(2) *Provides substantial pro bono dental services to the indigent or dentally underserved populations.*

C. *With the exception of food, lodging, and parking fees, a dentist or dental hygienist may not receive direct or indirect remuneration of any kind, including but not limited to remuneration for materials purchased or used.*

D. *With the exception of those pro bono services provided at a dentist’s or dental hygienist’s office as outlined in §E of this regulation, the program shall require a dentist or dental hygienist to sign in and sign out daily upon commencement and termination of the provision of services.*

E. *A dentist or dental hygienist may provide pro bono services for continuing education credit at the dentist’s or dental hygienist’s office:*

(1) *If the patient is referred to the dentist or dental hygienist by a Board-approved nonprofit entity that provides substantial pro bono dental services to the indigent or dentally underserved populations; and*

(2) *If the Board provides prior approval of the provision of the dental or dental hygiene services.*

F. *Continuing education credit shall be calculated based on the time a dentist or dental hygienist has actually dedicated to the performance of dental or dental hygiene services.*

G. *Continuing education credit shall be calculated at the ratio of 1 continuing education credit for each 60 minutes of patient services.*

H. *Credit may not be provided for missed appointments.*

I. Board-approved nonprofit entities that provide substantial dental services for continuing education credit shall:

- (1) Retain patient records;
- (2) Retain documentation of all pro bono assignments and the hours of service provided; and
- (3) Provide the records and a copy of the assignments and the hours of service provided to the Board upon request.

J. The Board may revoke the approval status of any nonprofit entity that fails to cooperate with the Board.

K. A dental hygienist who provides pro bono dental services shall work under the direct supervision of a dentist.

L. A dentist or dental hygienist that is employed by a nonprofit entity that provides substantial pro bono dental services to the indigent or dentally underserved populations may not obtain credit for pro bono services at the entity at which the dentist or dental hygienist is employed, but may receive credit for qualified pro bono services at other nonprofit entities.

M. A dentist who is a Board-recognized specialist and who has announced a specialization shall limit the pro bono services exclusively to the announced special areas.

N. In accordance with COMAR 10.44.12, a dentist may administer general anesthesia or sedation only with the appropriate Board permit issued for the specific practice location at which the dentist wishes to administer general anesthesia or sedation.

O. A dental hygienist may administer local anesthesia by infiltration only with the appropriate Board recognition.

P. A dentist and dental hygienist who provide pro bono dental services shall:

- (1) Maintain proof of such services for at least 5 years on a Board-approved form; and
- (2) Provide documentation of the services to the Board on request.

Q. A dentist or dental hygienist who fails to maintain accurate and complete records of services rendered may not receive continuing education credit for those services.

R. A dentist shall use a Board-approved form for patients with clear instructions for any follow-up care.

S. A dentist or a dental hygienist under a formal or informal Board order or agreement that provides for the provision of pro bono services may not receive continuing education credit for the provision of the pro bono services.

T. Failure to comply with the provisions of this regulation constitutes unprofessional conduct.

[.07] .08 Approved Sponsors and Equivalents.

A. The Board approves for credit any course or program that:

- (1) Satisfies all eligibility criteria in [Regulation .06A] Regulations .06 and .07 of this chapter; and
- (2) Is sponsored by any one of the following entities:
 - (a)—(r) (text unchanged)
 - (s) The Mid-Atlantic PANDA Coalition; and
 - [(s)] (t) Any constituent or component organization of the groups in [§A(2)(a)—(r)] §A(2)(a)—(s) of this regulation.

B. (text unchanged)

C. If the subject matter of a course, program, or activity satisfies the requirements of [Regulation] Regulations .06 and .07 of this chapter, a licensee may petition the Board to accept as the equivalent of an eligible continuing education course or program offered by an approved sponsor:

- (1)—(2) (text unchanged)

D. (text unchanged)

[.08] .09 Advanced Clinical Training Programs for a Dentist Licensed in Another State.

A. A dentist licensed in another state who does not hold a Maryland dental license and who wishes to participate in an advanced clinical training program of postgraduate training offered as continuing education for licensed dentists shall receive written approval from the Board before participation in the advanced clinical training program as provided in Regulation [.09B] .10B of this chapter.

B. At least 45 days before the commencement of an advanced clinical training program of postgraduate training offered as continuing education for licensed dentists, a dentist who is licensed in another state and who is not licensed in Maryland shall apply to the Board for written approval to participate in the advanced clinical training program as provided in Regulation [.09A] .10A of this chapter.

C. (text unchanged)

[.09] .10 Advanced Clinical Training Programs — Application Procedures and Practice Limitations.

A.—D. (text unchanged)

E. An individual who is a student of dentistry under Regulation [.02B(4)(d)] .02B(6)(d) and (f) of this chapter may only practice dentistry in Maryland [at the University of Maryland Dental School or its affiliate institutions pursuant to] in accordance with the advanced clinical training program.

[F. An advanced clinical training program offered as continuing education for a dentist licensed in a state other than Maryland who does not hold a Maryland dental license shall be held only at the University of Maryland Dental School or its affiliate institutions.

G. This chapter may not be interpreted to require the University of Maryland Dental School to allow an approved sponsor or its equivalent, as provided in Regulation .07 of this chapter, to offer continuing education programs at the University of Maryland Dental School or its affiliate institutions.]

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 11
DEPARTMENT OF
TRANSPORTATION
Subtitle 04 STATE HIGHWAY
ADMINISTRATION

11.04.16 Mobile Seafood and Produce Vendors

Authority: Transportation Article, §24-303(c), Annotated Code of Maryland

Notice of Proposed Action

[11-010-P]

The Administrator of the State Highway Administration proposes to adopt new Regulations .01—.06 under a new chapter, **COMAR 11.04.16 Mobile Seafood and Produce Vendors**.

Statement of Purpose

The purpose of this action is to establish standards and procedures for mobile seafood and produce vendors within State highway right-of-way as authorized by Transportation Article, §24-303(c), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposed action would likely result in increased net revenue for the State. While there would be a cost associated with evaluating proposed vendor sites, it would be offset by the required application fee. Further, the State will receive monthly lease revenue from the vendor and require the vendor to hold sufficient insurance as well as a surety to cover the cost of any damages, thus minimizing the State’s maintenance and clean-up costs.

Additionally, this proposed action would benefit vendors in that they would now have an opportunity to utilize State property to operate a roadside stand.

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

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

A. While there would be a cost associated with evaluating proposed vendor sites, it would be offset by the required application fee. Further, the State will receive monthly lease revenue from the vendor and require the vendor to hold sufficient insurance as well as a surety to cover the cost of any damages, thus minimizing the State’s maintenance and clean-up costs.

E. Seafood and produce vendors would be able to operate on property where commercial activity has historically been prohibited. This could expand the market and accessibility of these vendors.

F. The public would potentially have greater access to roadside vendors. Further, by requiring vendor sites to be safe and not impact roadway operations, the public would be better protected from roadway dangers from vendors legally operating under these regulations rather than those operating illegally. These regulations would provide the standards and requirements for a safe roadside vendor site.

Economic Impact on Small Businesses

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

1a. Intended Beneficiaries.

The intended beneficiaries of this proposed action are mobile seafood and produce vendors wishing to operate within State highway right-of-way. The public at large will also benefit from this proposed action in that seafood and produce could potentially be more accessible and roadside stands operating legally will be safer for the traveling public than illegal stands.

1b. Intended Beneficiaries: Households. N/A

1c. Intended Beneficiaries: Businesses. The intended beneficiaries of this proposed action are mobile seafood and produce vendors wishing to operate within State highway right-of-way.

2a. Other Direct or Indirect Impacts: Adverse. N/A

2b. Other Direct or Indirect Impacts: Positive. N/A

3. Long-Term Impacts. Overall, this proposed action will be a step towards ensuring that roadside vendors are operating legally and safely. Seafood and produce vendors, the public, and the State would likely benefit from this proposed action.

4. Estimates of Economic Impact. An estimated value is unknown as the scale of vendors wishing to operate within State highway right-of-way is indeterminate.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Linda Singer, COMAR Coordinator, Maryland State Highway Administration, 707 N. Calvert Street, Baltimore, MD 21202, or call 410-545-0362, or email to lsinger@sha.state.md.us, or fax to 410-209-5015. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) “Administration” means the State Highway Administration.

(2) “District” means one of the Administration’s seven operational offices located throughout the State.

(3) “Established place of business” means any permanent building or structure from which a permanent business is conducted during normal business hours throughout the year.

(4) “Mobile seafood or produce vendor” means a person who sells or offers for sale any seafood or produce:

(a) While on foot;

(b) From any vehicle or conveyance, whether or not the vehicle or conveyance is in operating condition; or

(c) From any tent, temporary stand, roadside stand, roadside market, or other quarters that is not an established place of business.

(5) “Produce” means any fruit or vegetable product of the soil that is intended for human consumption.

(6) “Produce” does not include a canned, frozen, dried, or pickled product.

(7) “Right-of-way” means any highway area or highway structure and any property adjacent to a highway acquired for the operation or use of the highway.

(8) “Seafood” means any finfish, crustacean, or mollusk, live or dead, or any part, egg, offspring, or body of any finfish, crustacean, or mollusk, that is intended for human consumption.

(9) “State highway” means any public highway owned by this State.

.02 Authorization and Site Qualifications.

A. A mobile seafood or produce vendor may not be located within the right-of-way of any State highway, unless the mobile seafood or produce vendor has a lease from the Administration.

B. The Administration may not enter into a lease with a mobile seafood or produce vendor until:

- (1) The mobile seafood or produce vendor has:
 - (a) Submitted a lease application to the appropriate District; and
 - (b) Paid in full all necessary application fees;
- (2) The Administration has approved the lease application; and
- (3) The Federal Highway Administration has approved the lease application for highways for which its approval is required.

.03 Application for Vendor Lease.

A. An applicant for a mobile seafood or produce vendor lease shall submit an application in writing to the appropriate District. The addresses and phone numbers for the Districts may be found on the Administration's website at www.roads.maryland.gov.

B. The applicant shall submit a non-refundable application fee that is determined by the Administration.

C. The Administration shall determine the period of time prior to the anticipated date of operations that an application is due.

D. The application shall include the following information:

- (1) The mobile seafood or produce vendor's name, contact information, tax ID and/or business ID number and the products to be offered for sale;
- (2) A vicinity map showing the location of the proposed site;
- (3) A detailed sketch showing the layout of the proposed site;
- (4) A copy or verification of the County permit allowing the mobile seafood or produce vendor to operate within the jurisdiction;
- (5) Proof of insurance in the amount of \$1 million for each incident;
- (6) Proof of a surety bond or other documentation acceptable to Administration in the amount of \$5,000 that allows the Administration to recoup any costs associated with damages to the site; and
- (7) Anticipated hours of operation within limits established by the Administration.

E. The Administration may not approve a lease application for a mobile seafood or produce vendor site that:

- (1) Is located:
 - (a) On a highway with a posted speed limit of more than 45 miles per hour;
 - (b) On a highway with a posted speed limit of more than 35 miles per hour unless there is identified parking off the roadway and shoulder;
 - (c) On a controlled-access or partially controlled-access highway;
 - (d) On an Interstate highway; or
 - (e) On any bridge or overpass;
- (2) Reduces sight distance along the highway; or
- (3) Creates an unsafe condition as determined by the Administration.

.04 Vendor Lease.

A. A mobile seafood or produce vendor lease shall be developed by the Administration.

B. The earliest effective date of a lease shall be May 1 of each year and, subject to §C of this regulation, may be renewed monthly for the length of the produce or seafood season.

C. No lease shall extend past November 30 of each year.

D. A mobile seafood or produce vendor lease shall require rent based on the fair-market value of the property on which the mobile seafood or produce vendor is located.

E. The Administration may terminate a lease immediately for any of the following reasons:

- (1) Failure to comply with federal, State, or local laws;
- (2) Failure to pay rent as indicated in the lease;
- (3) Emergency or unforeseen roadway maintenance, construction, drainage or other work serving a public interest, as determined by the Administration, is needed;
- (4) A substantial change in the characteristics of traffic in the vicinity of the site;
- (5) Failure to submit to routine inspections or comply with findings of inspections;
- (6) Failure to control litter or debris; or
- (7) Failure to maintain site distance requirements.

.05 Inspections.

A. Routine inspections may be conducted at any time by the Administration, a law enforcement agency, or a local health or labor agency.

B. If, for any reason, a routine inspection cites a mobile seafood or produce vendor with a violation of law or with noncompliance under the lease, the mobile seafood or produce vendor shall address all issues within one week or the lease shall be terminated.

.06 Enforcement.

Enforcement of this chapter shall be conducted as specified under Transportation Article, §24-304, Annotated Code of Maryland.

NEIL J. PEDERSEN
Administrator
State Highway Administration

Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES
Subtitle 06 SEX OFFENDER
REGISTRATION

Notice of Proposed Action

[11-007-P]

The Secretary of Public Safety and Correctional Services proposes to:

- (1) Amend Regulations .01 — .12, adopt new Regulations .13, .15, and .21, and amend and recodify existing Regulations .13 and .14—.18 to be Regulations .14 and .16—.20, respectively, under **COMAR 12.06.01 Administration of Sex Offender Registration**; and
- (2) Adopt new Regulations .01 — .14 under a new chapter, **COMAR 12.06.02 Administration of Juvenile Sex Offender Listing**.

Statement of Purpose

The purpose of this action is to incorporate new statutory requirements for registration of juvenile sex offenders and update existing COMAR based on passage of H.B. 936, Sex Offenders — Notification, Registration, and Penalties.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

42 U.S.C. §§16901 — 16945

The proposed regulations are considered more stringent than the corresponding federal standards because of the “listee” component. “Listee” means a juvenile sex offender:

(a) Adjudicated delinquent by a juvenile court for violating Criminal Law Article, §§3-306(a)(2), 3-306(a)(3), 3-307(a)(1)(ii)4, 3-307(a)(2) or 3-308(b)(1), Annotated Code of Maryland; or

(b) Adjudicated delinquent for an equivalent sex offense in another jurisdiction that requires registration in that jurisdiction.

Under the federal standard a listee is not required to register on the Sex Offender Registry, but the proposal requires that they be placed on the Juvenile Sex Offender Listing, a nonpublic database of juvenile sex offenders maintained by the Sex Offender Registry Unit that is only accessible by the Sex Offender Registry Unit, the Department of Juvenile Services, and local law enforcement personnel for law enforcement purposes. The placement of listees on the Juvenile Sex Offender Listing is mandated by the 2010 enactment of Criminal Procedure Article, §11-704.1, Annotated Code of Maryland.

(2) Benefit to the public health, safety or welfare, or the environment:

See Item (1) Above

(3) Analysis of additional burden or cost on the regulated person:

See Item (1) Above.

(4) Justification for the need for more restrictive standards:

See Item (1) Above.

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 David Wolinski, Assistant Director — Criminal Justice Information System, Information Technology and Communications Division, 6776 Reisterstown Road, Baltimore, MD 21215-2342, or call 410 585 3689, or fax to 410 653 4466. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

12.06.01 Administration of Sex Offender Registration

Authority: Correctional Services Article, §2-109; Criminal Procedures Article, §§11-701 — [11-721] 11-722, Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish the framework for the sex offender registration process and to specify the duties and responsibilities of a registrant and State and local agencies as established under Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) “Absconder” means the status of a [registrant] *sex offender* when the Sex Offender Registry Unit determines that:

(a) The [registrant] *sex offender* has not registered in accordance with Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland; [or] *and*

(b) [The registrant’s address is not current] *A warrant has been issued for the sex offender.*

(2) “Address verification [and change of address form]” means [a document]:

(a) [Used for the periodic registration of a sexually violent predator, sexually violent offender, and offender under Criminal Procedure Article, §11-711, Annotated Code of Maryland] *A law enforcement officer or parole and probation agent physically visits the location where a registrant habitually lives and confirms the location as the registrant’s address; [and] or*

(b) [That may be used to communicate a change of address by a sexually violent predator, child sexual offender, sexually violent offender, and offender to the Sex Offender Registration Unit and local law enforcement] *The review of authentic and verifiable documentation of a registrant’s address by:*

(i) A local law enforcement officer;

(ii) An official of the Sex Offender Registry Unit; or

(iii) The registrant’s parole and probation agent if the registrant is under the supervision of the Maryland Division of Parole and Probation.

(3) “Central [registry] *Registry*” means *a compilation of information maintained by the Department’s Sex Offender Registry Unit concerning registrants who are required to register under Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland.*

(4) [“Child sexual offender” has the meaning stated in Criminal Procedure Article, §11-701(b), Annotated Code of Maryland] *“CJIS—Central Repository” means the Criminal Justice Information System Central Repository authorized in Criminal Procedure Article, Title 10, Annotated Code of Maryland.*

(5) — (7) (text unchanged)

(8) *“Criminal history” has the meaning stated in Criminal Procedure Article, §10-201(d), Annotated Code of Maryland.*

[(8)] (9) (text unchanged)

(10) *Foreign Conviction.*

(a) *“Foreign conviction” means a criminal conviction handed down in a country other than the United States of America.*

(b) *“Foreign conviction” is not considered conviction of a sex offense if it was not handed down with sufficient safeguards for fundamental fairness and due process for the accused according to guidelines established under 42 U.S.C. §16911(5)(b).*

(11) *“Habitually lives” has the meaning stated in Criminal Procedure Article, §11-701(f), Annotated Code of Maryland.*

(12) *“Homeless registrant” means a registrant who cannot provide a supervising authority with:*

(a) *The registrant’s address; or*

(b) *A physical location where the registrant habitually lives.*

[(9)] (13) *“Incarceration” means confinement to a [State] state, federal, or local correctional facility because of a conviction, sentencing, and commitment.*

(14) *Jurisdiction.*

(a) *“Jurisdiction” has the meaning stated under Criminal Procedure Article, §11-701(i), Annotated Code of Maryland.*

(b) *“Jurisdiction” includes the following as determined under 42 U.S.C. §16911(10):*

(i) *A state;*

(ii) *The District of Columbia;*

(iii) *The Commonwealth of Puerto Rico;*

(iv) *Guam;*

- (v) *American Samoa*;
- (vi) *The Northern Mariana Islands*;
- (vii) *The United States Virgin Islands*; and
- (viii) *A Federally recognized Indian Tribe*.

(15) “*Juvenile sex offender*” means an individual who is required to be included in the listing in *Courts and Judicial Proceedings Article, §11-704.1, Annotated Code of Maryland*.

(16) “*Law enforcement personnel*” means an employee of a law enforcement unit as listed in *Public Safety Article, §3-101(e)(ii), Annotated Code of Maryland*.

[(10)] (17) “*Local law enforcement unit*” has the meaning stated in *Criminal Procedure Article, §11-701(c) §11-701(j), Annotated Code of Maryland*.

[(11)] (18) (text unchanged)

[(12)] (19) “*Nonresident registrant*” means an individual who:

(a) Is required to register in another [state] *jurisdiction or foreign country*;

(b) Is not a resident of [the State] *Maryland*; and

(c) Enters [the State] *Maryland* for the [purpose of full-time or part-time employment or to attend any public or private educational institution as] *purposes* described in *Criminal Procedure Article, §11-704(7) §11-704(a)(7), Annotated Code of Maryland*.

(20) “*Noncompliant*” means the status of a sex offender when the *Sex Offender Registry Unit* has received information alleging:

(a) A sex offender has not registered according to requirements under *Criminal Procedure Article, §§11-701 — 11-722, Annotated Code of Maryland*; or

(b) A registrant’s address is under investigation by a local law enforcement unit authorized under *Regulation .07 of this chapter*.

[(13)] (21) “*Notice of [responsibility] Sex Offender Registration Requirements*” means the form used to notify a [registrant] sex offender of the requirements and responsibilities of registration under *Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland*.

[(14)] “*Notice of registration for child sexual offenders*” means a:

(a) Form completed by a local law enforcement unit with information provided by a child sexual offender under *Criminal Procedure Article, §11-707(a)(1), Annotated Code of Maryland*; and

(b) Written notification that a child sexual offender has registered with a local law enforcement unit under *Criminal Procedure Article, §11-705(c), Annotated Code of Maryland*.

(15) “*Offender*” has the meaning stated in *Criminal Procedure Article, §11-701(d), Annotated Code of Maryland*.]

[(16)] (22) “*Offense*” means a crime for which a conviction [would require the individual] *requires a sex offender* to register under *Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland*.

[(17)] (23) (text unchanged)

(24) “*Primarily lives*” means the county or jurisdiction where the registrant:

(a) *Habitually lives*; and

(b) *Reports for periodic registration*.

(25) “*Primary registration agency*” means the local law enforcement unit that conducts a registrant’s periodic registration and is responsible for maintaining a registrant’s registration statement information.

[(18)] (26) “*Registrant*” means [an individual] a sex offender who [is required to register] has registered under *Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland*, in one [or more] of the following sex offense categories:

(a) [Child sexual offender] *Tier I*;

(b) [Offender] *Tier II*; or

(c) [Sexually violent offender; and

(d) Sexually violent predator] *Tier III*.

[(19)] (27) *Registrant’s Address*.

(a) “*Registrant’s address*” means the physical location [in the community, including a homeless shelter,] where a registrant [regularly sleeps] *habitually lives*.

(b) “*Registrant’s address*” includes temporary addresses.

[(b)] (c) “*Registrant’s address*” [includes the street and street number, apartment number if applicable, city, state, and zip code] may include:

(i) A home owned, leased, borrowed, or otherwise occupied by the registrant or the registrant’s spouse;

(ii) The home of a family member or a friend;

(iii) Transitional housing or a homeless shelter;

(iv) A hotel, motel, youth hostel, public house, or inn; and

(v) Where an indigent registrant habitually lives, such as a vacant house, parking lot, truck stop, park, or alley as determined by a local law enforcement unit as authorized under *Regulation .07 of this chapter*.

[(c)] “*Registrant’s address*” does not include a post office box number.]

[(20)] (28) “*Registration*” means the procedure that[:

(a) All registrants] a *qualifying sex offender* [complete] completes with a supervising authority or a local law enforcement unit under [Regulation] *Regulations .06 and .07 of this chapter*]; and

(b) Child sexual offenders complete with a local law enforcement unit under *Regulation .07 of this chapter*].

[(21)] (29) “*Registration statement*” means a [form that is:

(a) Obtained by a supervising authority from a registrant; and

(b) Includes, at a minimum, the information required under *Criminal Procedure Article, §11-706, Annotated Code of Maryland*] paper or electronic document that is developed and updated by the *Sex Offender Registry Unit* that:

(i) Is used by a supervising authority or a local law enforcement unit to obtain and collect information from a sex offender required to register under *Criminal Procedure Article, §§11-710 — 11-722, Annotated Code of Maryland*;

(ii) Includes, at a minimum, the information required under *Criminal Procedure Article, §11-706, Annotated Code of Maryland*; and

(iii) May include information required under 42 U.S.C. §16914 unless expressly prohibited under Maryland law.

[(22)] (30) *Release*.

(a) — (b) (text unchanged)

(c) “*Release*” does not include[:

(i) *Escape*; or

(ii) A] *escape from or transfer* among the Division of Correction, the Division of Pretrial Detention and Services, the Patuxent Institution, [and] local correctional facilities, and federal correctional facilities that does not result in the registrant’s release into the community.

[(23)] (31) — [(24)] (33) (text unchanged)

(34) “*Sex offender*” has the meaning stated in *Criminal Procedure Article, §11-701(n), Annotated Code of Maryland*, and includes those persons required to register under *Criminal Procedures Article, §11-704(c), Annotated Code of Maryland*.

[(25)] (35) “*Sex Offender Registry Unit*” means the unit in the Department that maintains the central registry database, the sex offender public website, and the juvenile sex offender listing, and administers certain registration processes.

[(26)] “*Sexually violent offender*” has the meaning stated in *Criminal Procedure Article, §11-701(f), Annotated Code of Maryland*.

(27) “*Sexually violent offense*” has the meaning stated in *Criminal Procedure Article, §11-701(g), Annotated Code of Maryland*.]

[(28)] (36) “Sexually violent predator” has the meaning stated in Criminal Procedure Article, [§11-701(h)] §11-701(m), Annotated Code of Maryland.

(37) “Student” has the meaning stated in Criminal Procedure Article, §11-701(o), Annotated Code of Maryland.

[(29)] (38) “Supervising authority” has the meaning stated in Criminal Procedure Article, [§11-701(i)] §11-701(p), Annotated Code of Maryland.

[(30)] (39) (text unchanged)

[(31)] (40) “Term of registration” means the period of time a registrant is required to register under [the] Criminal Procedure Article, §11-707(a)(4) and (5), Annotated Code of Maryland.

(41) “Tier I” has the meaning stated in Criminal Procedure Article, §11-701(q), Annotated Code of Maryland.

(42) “Tier II” has the meaning stated in Criminal Procedure Article, §11-701(r), Annotated Code of Maryland.

(43) “Tier III” has the meaning stated in Criminal Procedure Article, §11-701(s), Annotated Code of Maryland.

[(32)] “Under investigation” means the status of a registrant when the Sex Offender Registry Unit has received information alleging that:

(a) A registrant has failed to register in accordance with Criminal Procedure Article, §§11-701—11-721, Annotated Code of Maryland; or

(b) A registrant’s address is not current.]

.03 Requirement to Register.

A. Resident Registrant.

(1) A resident registrant shall register with a supervising authority [on or before the date that the registrant]:

[(1)] (a) [Is] Before being released; or

(b) Within 3 days of the date that the sex offender:

[(2)] (i) — [(3)] (ii) (text unchanged)

[(4)] (iii) Is granted a suspended sentence; [or]

[(5)] (iv) Receives a sentence that does not include a term of confinement[.]; or

(v) Is ordered by the juvenile court to register.

(2) A Maryland resident shall register with the supervising authority in the county where the registrant habitually lives within 3 days of returning to:

(a) Maryland after receiving a conviction for a sex offense in another jurisdiction; or

(b) The United States from a foreign country after receiving a conviction for a sex offense.

(3) If a resident registrant habitually lives at more than one address or location, the resident registrant shall:

(a) Register all addresses and locations where the resident registrant habitually lives with the primary registration agency; and

(b) Notify the local law enforcement unit in each county where the resident registrant lives of the registration conducted by the primary registration agency.

(4) A resident registrant who habitually lives at more than one address or location shall, at the request of the local law enforcement unit, appear in person for registration updates and address verifications in any county where the resident registrant habitually lives.

B. Other Registrants.

(1) A nonresident registrant shall register with a supervising authority within [14] 3 days following:

(a) — (b) (text unchanged)

(2) A registrant moving into the State shall register each address and location where the registrant habitually lives with a supervising authority within [7] 3 days following the earlier of the date the individual:

(a) — (b) (text unchanged)

[C. Additional Registration for Child Sexual Offenders.

(1) A resident child sexual offender shall register with the local law enforcement unit in the county where the child sexual offender’s address is located within 7 days after release.

(2) A nonresident child sexual offender shall register with the local law enforcement unit where the child sexual offender works or attends school within 7 days after registering with a supervising authority.

(3) A child sexual offender moving into the State shall register with the local law enforcement unit in the county where the child sexual offender’s address is located within 7 days after registering with a supervising authority.]

[D.] C. Expiration of Sentence or Supervision. If a sentence, including [supervision] probation before judgment, for a conviction that requires registration expires, the registrant shall continue to register until the:

(1) [term] Term of registration is completed under Criminal Procedure Article, §11-707(a)(4), Annotated Code of Maryland;

(2) Court rescinds the order to register; or

(3) Record is expunged and a court order is presented to the Sex Offender Registry Unit.

.04 Term of Registration.

A. The Sex Offender Registry Unit shall calculate a term of registration[:

(1) For a resident registrant,] for a sex offender subject to registration under Criminal Procedure Article, §11-702.1, Annotated Code of Maryland, from:

[(a)] (1) The last date of release from a term of confinement related to a crime for which registration is required; or

[(b)] (2) The date granted probation or a suspended sentence related to a crime for which registration is required]; or

(c) The date of registration if a registrant is subject to registration under Criminal Procedure Article, §11-702.1, Annotated Code of Maryland; or

(2) For a nonresident registrant or a registrant moving into this State, from the date established by the state that required registration].

[B.] — [E.] (proposed for repeal)

B. The Sex Offender Registry Unit shall calculate a term of registration from the date of the registrant’s release by the jurisdiction that required registration for a:

(1) Nonresident registrant who works or attends school in Maryland;

(2) Registrant moving into Maryland;

(3) Maryland resident returning to Maryland from another jurisdiction or foreign country where a sex offense conviction was received; or

(4) Transient.

C. The Sex Offender Registry Unit shall calculate a term of registration for a sex offender subject to registration under Criminal Procedure Article, §11-704(c), Annotated Code of Maryland, from the date the juvenile court’s jurisdiction terminates.

D. A term of registration is:

(1) 15 years if the registrant is a Tier I sex offender;

(2) 25 years if the registrant is a Tier II sex offender;

(3) Life if the registrant is a Tier III sex offender; or

(4) 5 years if the registrant is directed to register by the juvenile court under Criminal Procedure Article, §11-704(c), Annotated Code of Maryland, with such term being subject to reduction by the juvenile court.

E. If a registrant violates the conditions of supervision for a sexual offense requiring a Tier I or Tier II term of registration, then the registrant shall begin a new registration term following release for

that violation of parole or probation or mandatory release from confinement.

F. The term of registration for a Tier I registrant shall be reduced to 10 years if, during the 10 years that the registrant was required to register, the registrant:

- (1) Is not convicted of a crime for which a term of imprisonment of more than 1 year may be imposed by the court;
- (2) Is not convicted of a sex offense;
- (3) Successfully completes, without revocation, any period of supervised release, parole, or probation;
- (4) Successfully completes a specific sex offender treatment program:
 - (a) Certified according to Public Safety Article, §1-401(g)(6), Annotated Code of Maryland; or
 - (b) As directed by the Maryland Division of Parole and Probation under Criminal Procedure Article, §11-723, Annotated Code of Maryland; and
- (5) Applies to the Sex Offender Registry Unit:
 - (a) In writing in a form determined by the Sex Offender Registry Unit requesting the reduction of a term of registration; and
 - (b) Provides, with the written request, certified copies of documents that satisfy the requirements under §F(1) — (4) of this regulation.

.05 Registration Statement.

A. [A registrant] An adult sex offender shall complete, sign, and date a registration statement form and a Notice of Sex Offender Registration Requirements form [with] and submit the forms to a supervising authority.

B. A registration statement includes the following information supplied by the registrant:

- (1) Registrant’s full legal name;
- (2) [Address as follows:
 - (a) Registrant’s] The registrant’s address[, including county] and temporary addresses if the registrant has more than one place where the registrant habitually lives; [or]
 - [(b)] (3) If on work release or temporary leave from a correctional facility, the following information for the local law enforcement unit responsible for sex offender registration in that county:
 - (a) [the] The address of the [State] state, federal, or local correctional facility granting work release or temporary leave;
 - (b) The address of the registrant’s place of work release employment; and
 - (c) The addresses of locations where the registrant habitually lives;
 - [(3)] (4) Registrant’s fingerprints and palm prints obtained at the time of:
 - (a) Initial registration by[, or at the direction of,] the supervising authority or designee by agreement; or
 - (b) Re-registration by the local law enforcement unit if no entry for registration exists on the registrant’s criminal history record;
 - [(4)] For nonresident registrants:
 - (a) The name of the registrant’s employer or school; and
 - (b) The address, including county, of the registrant’s work site or site of school attendance;]
 - (5) Employment information including:
 - (a) The name of the registrant’s employer or employers;
 - (b) The addresses, including county, of the registrant’s work location and, if any, the locations where the registrant performs the work duties; and
 - (c) If the registrant drives a motor vehicle as a means of employment the make, model, and registration plate number of the vehicle used for work;

- (6) Registrant’s Social Security number;
 - (7) If the registrant is a student, the name and address of the registrant’s educational institution or place of school enrollment;
 - (8) Information regarding professional licenses or certifications held by the registrant;
 - (9) A copy of the official identification the registrant possesses, such as:
 - (a) Registrant’s driver’s license;
 - (b) State-issued identification card;
 - (c) Passport; and
 - (d) Immigration papers;
 - (10) Previous and current computer or electronic media identification, such as:
 - (a) Email addresses;
 - (b) Screen names;
 - (c) Computer login names;
 - (d) Chat room identities; and
 - (e) Instant messaging identities;
 - (11) Information related to a vehicle (for example, a car truck, boat, motorcycle, airplane, motor scooter) owned or operated by the registrant, including but not limited to:
 - (a) Registration plate number;
 - (b) Physical description (for example, make, model, color, distinguishing characteristics); and
 - (c) Registered address or addresses frequently visited or where the vehicle is kept;
 - (12) Aliases and related identification information used by the registrant, such as:
 - (a) Traditional or religious names;
 - (b) Names by which the registrant has or is legally or erroneously known; and
 - (c) Information required to be included in a registration statement linked to items under §B(12)(a) and (b) of this regulation;
 - (13) Landline and cellular telephone numbers and other electronic telephone accessed system information, such as user names for web-based telephonic and video software;
 - [(5)] (14) [Registrant’s] The registrant’s written and electronic signature; and
 - [(6)] (15) [Date] The date the form is signed by the registrant.
- C. A supervising authority receiving a completed registration statement, to the extent practicable, shall verify the information provided by the registrant.
- [C.] D. A registration statement includes the following information supplied by the supervising authority:
- (1) Registrant’s [photograph] digital image obtained at the time of registration;
 - [(2)] Registrant’s Social Security number, as required under Criminal Procedure Article, §11-706(a)(7), Annotated Code of Maryland;
 - (3) Any aliases used by a registrant, including dates of birth and Social Security numbers;]
 - (2) Registrant’s physical description, including identifying factors, scars, marks, tattoos, piercings, and other significant physical characteristics;
 - [(4)] (3) For each crime for which the registrant is required to register:
 - (a) Name and plain language description of the crime, including statutory citation if applicable and available;
 - (b) — (d) (text unchanged)
 - (e) Victim’s [age at the time the crime was committed] date of birth;
 - [(5)] Registrant category, or multiple categories if applicable;]
 - (4) The registrant’s criminal history including:
 - (a) The parole, probation, or supervised release status of the registrant;

(b) Information about outstanding arrest warrants or detainers; and

(c) Confirmation that a DNA sample has been collected and submitted to the Maryland Department of State Police Crime Laboratory Division;

(5) Registration tier;

(6) Date of release from the court or correctional facility for the sex offense conviction that requires registration;

(7) (text unchanged)

(8) Copies of documents that may facilitate the accurate and timely registration of the registrant, such as:

(a) Pre-sentence investigation;

(b) Statement of charges;

(c) Statement of probable cause; and

(d) Indictment;

[(8)] (9) For a registrant designated by the court as a sexually violent predator[:

(a) Identifying factors, including scars, marks, tattoos, and other significant physical characteristics;

(b) The prior sexually violent offense or offenses that are the basis for the proceeding under Criminal Procedure Article, §11-703, Annotated Code of Maryland; and

(c) Dates], *the dates* and places of treatment received for a mental abnormality or personality disorder.

[(9)] Information required in order to reimburse supervising authorities for the cost of processing registration statements under Criminal Procedure Article, §11-713(3), Annotated Code of Maryland; and

(10) Any attachments necessary to facilitate the accurate and timely registration of the registrant.]

.06 Registration Responsibilities — Supervising Authority.

A. — B. (text unchanged)

C. Before releasing a registrant, a representative of the supervising authority shall perform the following duties:

(1) Complete the registration statement, including[:

(a) The] *the* information required under Regulation .05 of this chapter; [and

(b) Signing the registration statement; and]

(2) Notify the registrant of the responsibilities under Criminal Procedure Article, §§11-701—[11-721] *11-722*, Annotated Code of Maryland, by:

(a) Explaining to the registrant:

(i) The required periodic registration established under Regulation [.10] *.11* of this chapter during the registrant's term of registration; and

(ii) [The required additional in-person registration by a child sexual offender, within 7 days, with the local law enforcement unit of the county where the child sexual offender resides, or where a nonresident child sexual offender works or attends school; and

(iii)] The required notifications and responsibilities pertaining to changes of a registrant's address and other changes in status established under [Regulation.13] *Regulations .14 and .15* of this chapter; and

(b) Providing [a written notice of these responsibilities] *the registrant with the Notice of Sex Offender Registration Requirements form* that includes the registrant's signature and date acknowledging that the supervising authority explained the requirements of registration and gave written notice to the registrant;

(3) *Obtain a digital image, fingerprints, and palm prints of the registrant for submission to the Sex Offender Registry Unit with the registration statement and Notice of Sex Offender Registration Requirements form; and*

(4) *Except as provided under §C(5) of this regulation, if a DNA sample has not been collected:*

(a) *Obtain a DNA sample at the registrant's initial registration; and*

(b) *Submit the registrant's DNA sample to the Statewide DNA Database System administered by Maryland's Department of State Police Crime Laboratory Division.*

[D.] (proposed for repeal)

D. *If the registrant is required to register solely as a result of a misdemeanor sexual offense conviction, collection of a DNA sample under §C(4) of this regulation is not required.*

E. Distribution of Registration Statement.

(1) Within [5 business] *3 working* days after obtaining the registration statement, the supervising authority shall send or electronically submit the completed registration statement, including the registrant's fingerprints, [photograph] *palm prints, digital image,* and a copy of the signed [notice] *Notice of [responsibilities] Sex Offender Registration Requirements form,* to:

(a) (text unchanged)

(b) The local law enforcement unit in the county where the registrant [resides] *habitually lives,* or where a nonresident registrant works or attends school.

(2) If a [victim notification request] *Victim Notification Request* form under Criminal Procedure Article, §11-104, Annotated Code of Maryland, is on file, the supervising authority shall, within 5 [business] *working* days after obtaining the registration statement:

(a) Send a copy of the completed registration statement under Regulation [.15] *.18* of this chapter to the last mailing address of the [registrant] *victim* provided to the Department; and

(b) Send a copy of the [victim notification request] *Victim Notification Request* form to the Sex Offender Registry Unit.

F. A supervising authority shall maintain a copy of the *registrant's* registration statement, fingerprints, [photograph] *palm prints, digital image,* and [notice of responsibilities] *Notice of Sex Offender Registration Requirements form.*

G. On or before release of a registrant who will resume periodic registration requirements under Regulation .04 of this chapter, a supervising authority shall send *an updated registration statement, an updated Notice of Sex Offender Registration Requirements form, and* notice of the registrant's release to:

(1) (text unchanged)

(2) [If the registrant is a child sexual offender or sexually violent predator, the] *The* local law enforcement unit in the county where the [child sexual offender or sexually violent predator resides] *registrant habitually lives.*

.07 Registration Responsibilities — Local Law Enforcement Unit.

A. (text unchanged)

B. Receipt of Registration Statements from Supervising Authorities.

(1) (text unchanged)

(2) If a registrant's address is in an incorporated municipality having a police department, a local law enforcement unit, *designated under §A of this regulation,* shall forward a copy of a registration statement [received from a supervising authority] to the police department of the incorporated municipality that includes the registrant's address.

C. To register a [child sexual] *sex* offender, a local law enforcement unit shall:

(1) *Obtain a copy of the offense report and available supporting conviction information and forward the information to the Sex Offender Registry Unit;*

[(1)] (2) Obtain a [notice] *Notice of [registration] Sex Offender Registration Requirements form* for [child sexual] *sex* offenders in

person from a [child sexual] *sex* offender after the [child sexual] *sex* offender's release from a supervising authority; and

[(2)] (3) Notify the [child sexual] *sex* offender of the responsibility to register in person [annually] *periodically as established under Regulation .04 of this chapter* with the [local law enforcement unit of the] *primary registration agency* [county that includes the registrant's address] *where a resident registrant habitually lives or where a nonresident registrant works or attends school.*

D. A [notice of registration for child sexual offenders] *notification that a registrant has completed registration in the county or has a temporary address in the county:*

(1) *Shall be sent by a receiving local law enforcement unit within 5 working days after receiving an updated registration statement or a change of address to the county school superintendent in the county where a:*

- (a) *Registrant habitually resides; or*
- (b) *Nonresident registrant works or attends school; and*

[(1)] (2) *Contains, at a minimum:*

- (a) *The registrant's legal name[,] and aliases;*
- (b) *[address,] The registrant's address;*
- (c) *[signature, and date] Date of registration;*
- (d) *The registrant's digital image;*
- (e) *Contact information for the local law enforcement unit;*

and

(f) *Any additional information required by the local law enforcement unit.*

[(b)] (3) *If the [child sexual offender] registrant is a nonresident, the notification to the county school superintendent shall contain [the name and address] addresses where the [child sexual offender] registrant is employed or attends school[]; and*

(c) *The signature and date signed by the representative of the local law enforcement unit; and*

(2) *May contain:*

- (a) *The child sexual offender's fingerprints and photographs; or*
- (b) *Additional information as dictated by the local law enforcement unit[].*

E. Within [5 business] *3 working days* after completing or updating [registration of a child sexual offender] *a registrant's registration statement and Notice of Sex Offender Registration Requirements form*, the local law enforcement unit shall forward[]:

(1) *The [the completed [notice of] registration [for child sexual offenders] statement and Notice of Sex Offender Registration Requirements form to the Sex Offender Registry Unit for review and approval of []; and]:*

(a) *A Tier I or Tier II offender's semi-annual registration;*

and

(b) *A Tier III offender's quarterly registration.*

[(2)] *A copy of a notice of registration for child sexual offenders to the county superintendent in the county where a child sexual offender resides, or where a nonresident child sexual offender works or attends school.]*

F. *A local law enforcement unit shall send an updated registrant's digital image to the Sex Offender Registry Unit at least every 6 months or sooner if the registrant's physical appearance changes.*

[F.] G. A [local law enforcement unit] *primary registration agency shall;*

(1) *Provide the registrant with a copy of the signed Notice of Sex Offender Registration Requirements form;*

(2) *[maintain] Maintain [a copy of the notice of registration] the original signed Notice of Sex Offender Registration Requirements form [for child sexual offenders]; and*

(3) *Forward a copy of the signed Notice of Sex Offender Registration Requirements form to the Sex Offender Registry Unit.*

[G.] H. *Registration of Other Registrants.*

(1) *A local law enforcement unit may obtain a registration statement under Regulation .06 of this chapter from [a nonresident registrant or,] a registrant who moves into this State, or a Maryland resident returning to Maryland from another jurisdiction or foreign country where a sex offense conviction was received, if the registrant is not under the supervision of the Division of Parole and Probation.*

(2) *A local law enforcement unit that submits registration statements under this section shall be reimbursed by the Department under Regulation [.]17] .20 of this chapter.*

.08 Registration Responsibilities — Sex Offender Registry Unit.

A. *The Sex Offender Registry Unit shall:*

(1) *Maintain [a] the central registry database, the sex offender public website, and the juvenile sex offender listing:*

(a) — (b) *(text unchanged)*

(2) *Establish and maintain a central sex offender registry website that provides the public the following information regarding a registrant:*

(a) *A registrant's 's name, aliases, and other names by which the registrant is known;*

(b) *Registrant's address;*

(c) *Temporary addresses;*

(d) *School addresses;*

(e) *Employer addresses;*

(f) *Registration tier;*

(g) *Offender status, that is, compliant, noncompliant, or absconder;*

(h) *Digital image;*

(i) *Physical description;*

(j) *History of prior sex offense convictions;*

(k) *A plain language description of the current sex offense;*

(l) *Jurisdiction of conviction; and*

(m) *Vehicle information;*

(3) *Include, at a minimum, as functions of the sex offender registry website to facilitate public use:*

(a) *Multiple geographic search options;*

(b) *The opportunity for active electronic notifications;*

(c) *Instructions for notifying the Department of inaccuracies on the site; and*

(d) *Notification that the information available on the website is to be used in a lawful manner;*

[(2)] (4) *Determine if a registrant should be placed in [an under investigation] noncompliant or absconder status;*

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

B. *The Sex Offender Registry Unit shall within 3 working days of receiving information from a supervising authority electronically transmit a registrant's [conviction and fingerprint data] registration information to the:*

(1) *Federal Bureau of Investigation [as soon as possible, but not later than 5 business days after receiving a registration statement.]; and*

(2) *The National Sex Offender Registry.*

C. *The Sex Offender Registry Unit shall supply the paper and electronic forms required by supervising authorities and local law enforcement units to perform [their] respective duties under Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland.*

D. *In order to carry out the provisions of Criminal Procedure Article, §11-701—[11-721] 11-722, Annotated Code of Maryland, the Sex Offender Registry Unit shall establish procedures and timeframes for the timely:*

(1) *Exchange of information, including notification of registrant status, among:*

(a) — (b) *(text unchanged)*

(c) Sex offender registries and law enforcement units in other [states] jurisdictions and foreign countries; and

(d) (text unchanged)

(2) Receipt and exchange of information concerning registrants, and the coordination of investigations among the Sex Offender Registry Unit, local law enforcement units, and the Division of Parole and Probation.

.09 [Other] Additional Responsibilities — County Superintendent].

A. County Superintendent.

[A.] (1) A local law enforcement unit shall send [a copy of the completed] notice of registration [for child sexual offenders] to the county superintendent [concerning] for a sex offender who:

[(1)] (a) [A resident child sexual offender who] *Habitually* lives in that county; or

[(2)] (b) [A] *Is a* nonresident [child sexual offender] *registrant* employed or attending school in that county.

[B.] (2) As soon as possible but not later than 5 [business] working days after receiving notice, a county superintendent shall send written notice of [child sexual offender] a registrant's registration to principals of the schools under the superintendent's supervision that the superintendent considers necessary to protect the students of a school from a [child sexual offender] registrant.

B. Division of Parole and Probation.

(1) *If a Division of Parole and Probation agent receives notice that a registrant has changed addresses or any other information contained on the registration statement, the agent shall send a written notice to:*

(a) *The Sex Offender Registry Unit; and*

(b) *The local law enforcement unit in the jurisdiction where the registrant habitually lives.*

(2) *If requested by the Sex Offender Registry Unit, the:*

(a) *Division of Parole and Probation shall forward copies of the following documents concerning the registrant:*

(i) *Commitment orders;*

(ii) *Sentencing worksheets;*

(iii) *Statement of charges; and*

(iv) *Pre-sentence investigation reports; and*

(b) *Division of Correction and Patuxent Institution shall forward copies of the following documents concerning the registrant:*

(i) *Commitment orders;*

(ii) *Sentencing worksheets;*

(iii) *Statement of charges; and*

(iv) *Pre-sentence investigation reports.*

C. A local detention center shall:

(1) *Screen the criminal history of an incoming detainee for sex offender registration eligibility and ensure the completion of initial registration requirements for an eligible detainee before release of the detainee regardless of the length of the detention;*

(2) *Notify the local law enforcement unit in the county where the registrant is being detained;*

(3) *Submit registration documents to the Sex Offender Registry Unit and to the local law enforcement unit where the registrant habitually lives; and*

(4) *If a registrant is re-incarcerated, re-register the sex offender before release, if the registrant's current registration period has expired.*

D. *A local detention center may designate authority for supervising authority to the local law enforcement unit responsible for registration in that county.*

.10 Periodic Registration Requirements.

A. *A registrant shall meet deadlines as directed by a supervising authority, local law enforcement unit, or the Sex Offender Registry*

Unit in order to comply with periodic registration established under this regulation.

B. A Tier I or Tier II sex offender shall register:

(1) *Every 6 months;*

(2) *In person; and*

(3) *For the term established under Regulation .04 of this chapter.*

C. A Tier III sex offender shall register:

(1) *Every 3 months;*

(2) *In person; and*

(3) *For the term established under Regulation .04 of this chapter.*

[A.] D. Temporary Suspension of Periodic Registration Requirements.

(1) (text unchanged)

(2) *If a balance of a [10] 15-year or 25-year term of registration remains at the time the registrant is released, the registrant's periodic registration requirements resume as provided under Regulation .04 of this chapter.*

[B.] — [F.] (proposed for repeal)

.11 Periodic Registration — Local Law Enforcement Unit.

A. [General.

(1) [A] *Generally, a local law enforcement unit shall:*

[(a)] (1) *Establish a schedule for periodic registration for [each child sexual offender] a registrant [and sexually violent predator]; and*

[(b)] (2) (text unchanged)

[(2)] B. *A local law enforcement unit shall notify the Sex Offender Registry Unit when[:*

(a) *A child sexual offender] a registrant does not appear for [annual] initial or periodic registration as required under Regulation [.10] .11 of this chapter[; or*

(b) *A sexually violent predator does not return the address verification and change of address form as required under Regulation .10 of this chapter[.*

[(3)] C. [If] *When a [local law enforcement unit receives notice that a child sexual offender or sexually violent predator has changed] registrant changes the registrant's primary registration address by moving to a different county:*

[(a)] (1) [Out of the] *The local law enforcement [unit's] unit for the county the registrant moved from[, it] shall:*

(a) *[delete the registrant from the periodic registration process] Update the registrant's registration statement; [or]*

(b) *Notify the Sex Offender Registry Unit of the relocation; and*

(c) *Notify the local law enforcement unit in the county to which the registrant moved; and*

(2) *The local law enforcement unit in the county to which the registrant moved shall:*

(a) *Verify the registrant's new address; and*

(b) *[Into the local law enforcement unit's county, it shall add] Add the registrant to the county's periodic registration process.*

[B.] — [C.] (proposed for repeal)

D. *If the receiving county's local law enforcement unit is unable to verify the registrant's new address, the local law enforcement unit shall:*

(1) *Notify the Sex Offender Registry Unit and the local law enforcement unit in the county the registrant left that the physical location could not be verified as the resident's address;*

(2) *Change the registrant's status to noncompliant;*

(3) *Update the registrant's address in the sex offender registry database to the last verified address; and*

(4) *Provide a written statement to the local law enforcement unit in the county the registrant left indicating that the registrant's*

address could not be verified in order to aid the jurisdiction in the arrest and prosecution of the registrant for failing to register as required under Criminal Procedure Article, §11-721, Annotated Code of Maryland.

E. If the local law enforcement unit in the county receiving a registrant verifies the registrant's new address, the local law enforcement unit shall update the registration statement form and the Notice of Sex Offender Registration Requirements form.

F. Homeless Registrant.

(1) Except under §G of this regulation, a local law enforcement unit shall determine a registrant's status as a homeless registrant for the purposes of determining the registrant's periodic registration requirement.

(2) The primary registration agency may determine that a registrant is not subject to weekly registration if the primary registration agency successfully completes address verifications and provides the Sex Offender Registry Unit with a physical location where the registrant habitually lives.

(3) A registrant may be determined homeless and subject to weekly registration if the primary registration agency cannot successfully complete address verifications and cannot provide the Sex Offender Registry Unit with a physical location where the registrant habitually lives.

G. If a local law enforcement unit cannot determine if a registrant is homeless, the Sex Offender Registry Unit shall make the determination.

.12 Periodic Registration — Sex Offender Registry Unit.

[A.] — [B.] (proposed for repeal)

A. The Sex Offender Registry Unit shall:

(1) Review and approve registration statements submitted by a supervising authority and local law enforcement unit as required under this chapter;

(2) Investigate and correct erroneous information contained in the registration statement; and

(3) Publish the information contained in the registration statement on the Maryland Sex Offender Registry website as required by Criminal Procedure Article, §11-717, Annotated Code of Maryland.

B. The Sex Offender Registry Unit shall forward the registration information to the National Sex Offender Registry established under 42 U.S.C. §16919(a).

.13 Changes to Registration Information.

A. At least 3 working days before making a change to information previously provided on the registrant's registration statement, the registrant shall:

(1) Contact the local law enforcement unit where the registrant habitually lives to provide the new information as required by Criminal Procedure Article, §11-705(e), Annotated Code of Maryland;

(2) Provide the changed information in writing to the appropriate local law enforcement unit; and

(3) If directed by a local law enforcement unit, appear in person to verify the updated registration information.

B. If a registrant does not provide the information required under Criminal Procedure Article, §11-706, Annotated Code of Maryland, the registrant is subject to prosecution under Criminal Procedure Article, §11-721, Annotated Code of Maryland.

[.13] .14 [Change of Registrant's Address and Other Status] Travel and Out of Jurisdiction Registration.

[A.] — [B.] (proposed for repeal)

A. A registrant intending to travel outside of Maryland to another jurisdiction or foreign country shall:

(1) At least 21 days before traveling, provide written notice of the intent to travel to the registrant's primary registration agency, which shall include the following:

(a) The dates of travel;

(b) A travel itinerary that includes the temporary addresses and locations being visited;

(c) Copies of tickets, electronic tickets, or travel documents that verify the travel itinerary or temporary addresses; and

(d) Copies of sex offender registration laws or regulations pertaining to the locations being visited; and

(2) At least 3 working days before beginning to travel as described in §A(1) of this regulation, the registrant shall appear in person at the registrant's primary registration agency to confirm the travel itinerary.

B. A registrant traveling outside of Maryland to another jurisdiction or foreign country shall comply with sex offender registration laws or regulations of the locations visited.

C. A local law enforcement unit, by the next working day after receipt of written notification from a registrant under §A(1) of this regulation, shall notify the Sex Offender Registry Unit of the registrant's travel plan.

D. Upon receipt of notification under §C of this regulation, the Sex Offender Registry Unit shall, based on the locations being visited, notify:

(1) Interpol and the U.S. Marshal if the registrant is traveling outside the United States; and

(2) The jurisdiction to be visited if the registrant is traveling within the United States.

E. The U.S. Marshal shall be notified when the Sex Offender Registry Unit has reason to believe that the registrant is attempting to violate the registration requirements while traveling.

F. A registrant when traveling to another jurisdiction that has a registration requirement shall:

(1) Register with the designated law enforcement unit in the new jurisdiction within 24 hours of arrival in that jurisdiction; and

(2) Comply with registration requirements in the new jurisdiction where a temporary address is maintained.

[C.] G. When a resident registrant begins or changes employment or school enrollment in another [state] jurisdiction that has a registration requirement, the registrant shall:

(1) Register with the designated local law enforcement unit of that [state] jurisdiction within [7] 3 working days [after] of the change;

(2) Comply with [any] periodic registration [requirement] requirements in the new [state] jurisdiction where employed or attending school; and

(3) (text unchanged)

.15 Address Verification and Temporary Addresses.

A. A registrant's primary registration agency shall complete address verifications for a registrant in order to establish and continuously validate the registrant's address and, if applicable, the registrant's temporary addresses.

B. If a registrant has multiple addresses, a registrant's primary registration agency is determined by agreement of all affected local law enforcement units when considering:

(1) The location where the registrant habitually lives the majority of the week, month, or year;

(2) The address the registrant has used for one or more of the following:

(a) Licensing;

(b) Identification;

(c) Voter registration;

(d) Taxation; or

(e) Receiving government subsidy or medical assistance; or

(3) If the registrant is under supervision of the Division of Parole and Probation, the location in the county where supervision occurs.

C. If the affected local law enforcement units cannot determine a registrant's primary registration agency, the Sex Offender Registry shall determine the primary registration agency.

D. Upon the request of a primary registration agency, a local law enforcement unit shall verify a registrant's temporary address in the local law enforcement unit's county.

E. The following minimum information is required to verify a registrant's address:

(1) If the address is for a residential building or apartment building:

(a) Street number, street name, and, if applicable, apartment number;

(b) County;

(c) State; and

(d) Postal zip code.

(2) If the address relates to other than a residential building:

(a) A street name;

(b) A physical location such as a structure, public or private park, plot of land, parking lot, or global positioning coordinates; and

(c) Information under §E(1)(b) — (d) of this regulation.

(3) If the address is a vehicle, vessel, aircraft, tent, or other nonstationary unit the registrant shall:

(a) Make the vehicle, vessel, aircraft, tent, or other nonstationary unit available to the local law enforcement unit for photographing;

(b) Provide other identifying or location information concerning the vehicle, vessel, aircraft, tent, or other nonstationary unit requested by the local law enforcement unit; and

(c) Provide information under §E(1)(b) — (d) of this regulation.

F. A post office box number may not be considered a registrant's address.

G. If a local law enforcement unit cannot verify a registrant's temporary addresses, involved local law enforcement units according to the address information provided shall decide which law enforcement unit has the authority to investigate and obtain a warrant for failure to register.

[.14] .16 Termination of Requirement to Register.

A. When a registrant's [10 -year] term of registration [terminates] expires, the Sex Offender Registry Unit shall:

(1) Remove the registrant from the [central registry] *Central Sex Offender Registry website*; and

(2) (text unchanged)

B. Early termination of a term of registration may be authorized by the Sex Offender Registry Unit upon submission, by the registrant, of one of the following:

(1) — (3) (text unchanged)

(4) Documentation submitted by a nonresident registrant from [an employer or place of school enrollment that the employment or school enrollment that required registration in this State has terminated] *a convicting jurisdiction stating that the requirement to register in the convicting jurisdiction has been terminated.*

C. If the Sex Offender Registry Unit receives a death certificate or published death notice concerning a registrant, [it] *the Sex Offender Registry Unit* shall remove the registrant from the [central registry] *Central Sex Offender Registry website* and make notification under §A(2)(b)—(d) of this regulation.

[.15] .17 Dissemination of Registrant and Related Information.

A. Confidentiality.

(1) The identity of a victim of a crime that requires [registration] *a sex offender to register* under Criminal Procedure Article, §§11-701—[11-721] 11-722, Annotated Code of Maryland, may not be released.

(2) (text unchanged)

(3) A supervising authority, local law enforcement unit, and the Sex Offender Registry Unit shall maintain records of requests received under this regulation.]

B. (text unchanged)

C. Request for a Registration Statement.

(1) (text unchanged)

(2) A request for a copy of one or more registration statements for a specific registrant *by a person other than a victim or witness:*

(a) (text unchanged)

(b) [Subject] *Is subject to [§C(3) of this regulation,] the Maryland Public Information Act as defined under State Government Article, §§10-611 — 10-630, Annotated Code of Maryland, and shall be processed [in 5 business] within 30 working days of the date the request is received.*

(3) A request [shall]:

(a) [Be] *Shall be* in writing;

(b) [Specify] *Shall specify* the registrant's name;

(c) *May include a fee established under COMAR 12.11.02.13; and*

(d) *According to Criminal Procedure Article, §11-716, Annotated Code of Maryland, shall include:*

[c] (i) [Include the] *The* requestor's name and mailing address; and

[d] (ii) [State the] *The* reason [or reasons] for the request.

(4) A copy of a registration statement provided to a requestor includes a copy of the registrant's photograph *or digital image*, but may not include:

(a) The registrant's fingerprints *or palm prints*;

(b) Information identifying a victim, including the victim's age;

(c) A registrant's Social Security number; [and]

(d) *A registrant's FBI number according to 5 U. S.C. §552(b)(7); or*

[d] (e) (text unchanged)

D. *Central Sex Offender Registry Website.*

(1) The Department may make available to the public information about registration statements by posting on the Internet a current [listing of] *profile including* each registrant's name, crime, and other identifying information *according to Criminal Procedure Article, §11-717, Annotated Code of Maryland.*

(2) A public request for a photocopy *or electronic copy* of the [central registry] *Central Sex Offender Registry:*

(a) (text unchanged)

(b) [Subject to §D(3) of this regulation, is] *Is subject to the Maryland Public Information Act as established under State Government Article, §§10-611 — 10-630, Annotated Code of Maryland;*

(c) [processed in] *Shall be processed within [5 business] 30 working days of receipt;*

[(3)] (d) [A request shall:

(a) Be] *Shall be* in writing; *and*

[b] Include the requestor's name and mailing address;

(c) State the reason or reasons for the request; and]

[d] (e) [Include] *May include* the fee established under COMAR 12.11.02.13.

[.16] .18 Escape.

A. If a registrant escapes from a correctional facility, the supervising authority of the facility shall immediately notify:

(1) The local law enforcement [unit] *units* in the [county] *county* in which the registrant [resided] *habitually lived* before the registrant was committed to the custody of the supervising authority; and

(2) (text unchanged)

B. If a registrant [resided] *habitually lived*, before an escape, in an incorporated municipality having a police department, a local law enforcement unit shall forward notification from a supervising authority concerning a registrant's escape from a correctional facility, or return from escape, to the municipal police department.

C. As soon as possible but not later than 2 [business] *working* days after learning of the registrant's recapture, the supervising authority of the facility shall notify the parties identified in §A of this regulation [about] *of* the recapture.

[.17] .19 Duties of the Department.

A. Reimbursement for Local Law Enforcement Unit.

(1) The Department shall reimburse [each] *a* local law enforcement unit *servicing as the registrant's primary registration agency* designated under Regulation .07 of this chapter, reasonable costs for:

(a) (text unchanged)

(b) Taking fingerprints, *palm prints*, and [photographs] *digital images*; and

(c) (text unchanged)

(2) The Department shall determine the amount of reimbursement to [each] *a* local law enforcement unit.

(3) The Department shall reimburse [each] *a* local law enforcement unit annually *following the close of the preceding State fiscal year* at a rate of \$200 for each registrant [processed by] *registered in the local law enforcement [unit] unit's county on June 30*.

(4) The Department shall reimburse [each] *a* local law enforcement unit by October 31 for reimbursement requests received for the preceding fiscal year.

B. Reimbursement Procedures.

(1) The [Central Repository] *Sex Offender Registry Unit* shall provide [each] *a* local law enforcement unit a list of *reimbursable* registrants [processed by the local law enforcement unit] within 5 working days of the first day of each *State* fiscal year [for registrants processed in the preceding fiscal year].

(2) [Each] *A* local law enforcement unit receiving a list under §B(1) of this regulation shall:

(a) Compare the list with local *registration* records [for processing registrants];

(b) Identify and resolve discrepancies with the [Central Repository] *Sex Offender Registry Unit*; and

(c) Submit a written request for reimbursement under this regulation to the [Central Repository] *Sex Offender Registry Unit* [for the registrants processed during the preceding fiscal year].

(3) *A* local law enforcement unit shall submit a reimbursement request under this regulation to the [Central Repository] *Sex Offender Registry Unit* by August 15 [for all registrants processed during the preceding fiscal year].

(4) When the [Central Repository] *Sex Offender Registry Unit* receives a request for reimbursement under this regulation, the [Central Repository] *Sex Offender Registry Unit* shall:

(a) — (c) (text unchanged)

C. The Department shall periodically review and update this chapter [with advice from the Criminal Justice Information Advisory Board].

[.18] .20 Enforcement.

A. A registrant who violates the provisions of this chapter is subject to the penalties provided under Criminal Procedure Article, §§11-721 and 11-722, Annotated Code of Maryland.

B. A registrant who changes residence to another state and fails to notify *the registrant's primary registration agency and local law enforcement unit* of the new state of residence [and the FBI] may be subject to the penalties established under 42 U.S.C. §14072(g)(3) and (i).

.21 Witness Protection.

A. *The Sex Offender Registry Unit may grant a sex offender a waiver upon receiving a written request from an agency that operates a witness protection program under 18 U.S.C. §3521.*

B. *The Sex Offender Registry Unit shall terminate a waiver granted under §A of this regulation if the sex offender is convicted of a subsequent sex offense that requires registration under Maryland Law.*

C. *A qualifying witness protection program may submit a written request for a waiver for a person under this regulation to the Sex Offender Registry Unit.*

12.06.02 Administration of Juvenile Sex Offender Listing

Authority: Correctional Services Article, §2-109; Criminal Procedures Article, §§11-701—11-722; Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish the framework for the juvenile sex offender listing process and to specify the duties and local responsibilities of a person subject to the listing, and State and local agencies, as established in Criminal Procedure Article, §§11-701—11-722, Annotated Code of Maryland, and interpreted in accordance with the requirements set forth in 42 U.S.C. §§16901—16945.

.02 Definitions.

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

B. *Terms Defined.*

(1) *"Absconder" means the status of a juvenile sex offender when the Sex Offender Registry Unit determines that:*

(a) *The juvenile sex offender has not registered in accordance with Criminal Procedure Article, §§11-701—11-722, Annotated Code of Maryland; and*

(b) *An arrest warrant has been issued for the juvenile sex offender.*

(2) *"Address verification" means:*

(a) *A Department of Juvenile Services case worker physically visits the location where a registrant habitually lives and confirms the location as the registrant's address; or*

(b) *The review of authentic and verifiable documentation of a registrant's address by the registrant's case worker if the registrant is under the supervision of the Department of Juvenile Services.*

(3) *"Commitment" means confinement to a state juvenile detention center or secure facility.*

(4) *"Criminal history" has the meaning stated in Criminal Procedure Article, §10-201(d), Annotated Code of Maryland.*

(5) *"Department" means the Department of Juvenile Services.*

(6) *"Habitually lives" has the meaning stated in Criminal Procedure Article, §11-701(f), Annotated Code of Maryland.*

(7) *"Homeless registrant" means a registrant who cannot provide a supervising authority with:*

(a) *The registrant's address; or*

(b) *A physical location where the registrant habitually lives.*

(8) *Jurisdiction.*

(a) “Jurisdiction” has the meaning stated in *Criminal Procedure Article, §11-701(i), Annotated Code of Maryland.*

(b) “Jurisdiction” includes the following as determined under 42 U.S.C. §16911(10):

- (i) A state;
- (ii) The District of Columbia;
- (iii) The Commonwealth of Puerto Rico;
- (iv) Guam;
- (v) American Samoa;
- (vi) The Northern Mariana Islands;
- (vii) The United States Virgin Islands; and
- (viii) A federally recognized Indian Tribe.

(9) “Juvenile sex offender” means a listee or registrant who is required to be included in the *Juvenile Sex Offender Listing* as directed in *Criminal Procedure Article, §11-704.1, Annotated Code of Maryland.*

(10) *Juvenile Sex Offender Listing.*

(a) “Juvenile Sex Offender Listing” means a nonpublic database of juvenile sex offenders maintained by the Sex Offender Registry Unit.

(b) “Juvenile Sex Offender Listing” is accessible to the Sex Offender Registry Unit, the Department of Juvenile Services, and local law enforcement personnel for law enforcement purposes.

(11) “Law enforcement personnel” means an employee of a law enforcement agency as listed in *Public Safety Article, §3-101(e)(ii), Annotated Code of Maryland.*

(12) “Listee” means a juvenile sex offender:

(a) Adjudicated delinquent by a juvenile court for violating *Criminal Law Article, §3-306(a)(2), 3-306(a)(3), 3-307(a)(1)(ii)4, 3-307(a)(2), or 3-308(b)(1), Annotated Code of Maryland;* or

(b) Adjudicated delinquent for an equivalent sex offense in another jurisdiction that requires registration in that jurisdiction.

(13) “Local law enforcement unit” has the meaning stated in *Criminal Procedure Article, §11-701(j), Annotated Code of Maryland.*

(14) “Noncompliant” means the status of a registrant when the Sex Offender Registry Unit has received information:

(a) Alleging a registrant has not registered according to requirements in *Criminal Procedure Article, §§11-701 — 11-722, Annotated Code of Maryland;* or

(b) Indicating a registrant’s address is under investigation by a local law enforcement unit authorized under Regulation .07 of this chapter.

(15) “Nonresident registrant” means an individual who:

(a) Is required to register in another jurisdiction or foreign country;

(b) Is not a resident of Maryland; and

(c) Enters Maryland for the purposes described in *Criminal Procedure Article, §11-704(a)(7), Annotated Code of Maryland.*

(16) “Notice of Sex Offender Registration Requirements” means the form used to notify a registrant of the requirements and responsibilities of registration in *Criminal Procedure Article, §§11-701—11-722, Annotated Code of Maryland.*

(17) “Offense” means a crime for which an adjudication of delinquency requires that a juvenile sex offender be listed on the *Juvenile Sex Offender Listing.*

(18) “Periodic registration” means the subsequent registration required in *Criminal Procedure Article, §11-707(a)(1)—(3), Annotated Code of Maryland,* during a term of registration.

(19) *Registrant.*

(a) “Registrant” means a juvenile sex offender adjudicated delinquent by a juvenile court for violating *Criminal Law Article, §§3-303 — 3-306 (a)(1) and 3-307(a)(1)(ii)1 — 3, Annotated Code of Maryland.*

(b) “Registrant” includes a juvenile sex offender adjudicated delinquent for an equivalent sex offense in another jurisdiction that requires registration in that jurisdiction.

(20) *Registrant’s Address.*

(a) “Registrant’s address” means the physical location where a registrant habitually lives.

(b) “Registrant’s address” includes temporary addresses.

(c) “Registrant’s address” may include:

(i) A home owned, leased, borrowed, or otherwise occupied by the registrant or the registrant’s legal guardians;

(ii) The home of a family member or a friend;

(iii) A juvenile detention center, a juvenile treatment facility, or a juvenile group home;

(iv) Transitional housing or a homeless shelter;

(v) A hotel, motel, youth hostel, public house, or inn; and

(vi) Where an indigent registrant habitually lives, such as a vacant house, parking lot, truck stop, park, or alley as determined by a supervising authority.

(21) “Registration” means the procedure that a registrant completes with a supervising authority under Regulation .05 of this chapter.

(22) “Registration statement” means a paper or electronic document that is developed and updated by the Sex Offender Registry Unit that:

(a) Is used by a supervising authority to obtain and collect information from a registrant or listee;

(b) Includes for registrants, at a minimum the information required in *Criminal Procedure Article, §11-706, Annotated Code of Maryland;* and

(c) May include information required under 42 U.S.C. §16914 unless expressly prohibited under Maryland law.

(23) *Release.*

(a) “Release” means any type of discharge into the community from the custody or guardianship of the Department.

(b) “Release” does not include escape from or transfer among the secure Department facilities that does not result in the registrant’s release into the community.

(24) “Resident” has the meaning stated in *Criminal Procedure Article, §11-705(a), Annotated Code of Maryland.*

(25) “Sex Offender Registry Unit” means the unit in the Department of Public Safety and Correctional Services that maintains the central registry database, the sex offender public website, and the juvenile sex offender listing and administers certain registration processes.

(26) “Student” has the meaning stated in *Criminal Procedure Article, §11-701(o), Annotated Code of Maryland.*

(27) “Supervising authority” has the meaning stated in *Criminal Procedure Article, §11-701(p), Annotated Code of Maryland.*

(28) “Tier I” has the meaning stated in *Criminal Procedure Article, §11-701(q), Annotated Code of Maryland.*

(29) “Tier II” has the meaning stated in *Criminal Procedure Article, §11-701(r), Annotated Code of Maryland.*

(30) “Tier III” has the meaning stated in *Criminal Procedure Article, §11-701(s), Annotated Code of Maryland.*

.03 Requirement to Register.

A. Resident Registrant.

(1) A resident registrant shall register with the Department within 3 days of the date that the resident registrant is adjudicated as delinquent for a qualifying crime as set forth in *Criminal Procedure Article, §11-704.1, Annotated Code of Maryland.*

(2) A Maryland resident shall register with the supervising authority in the county where the registrant habitually lives within 3 days of returning to:

(a) Maryland after receiving an adjudication for a sex offense in another jurisdiction; or

(b) The United States from a foreign country after receiving adjudication for a sex offense.

B. Nonresident Registrant.

(1) A registrant who was adjudicated delinquent in another jurisdiction for a crime that requires registration and supervision and is transferred through the Interstate Compact for Juveniles to Maryland shall complete an initial registration for Juvenile Sex Offender Listing with the supervising authority within 3 days of the date that the registrant or the registrant's legal guardians establish residence in this State.

(2) A registrant adjudicated delinquent in another jurisdiction for a crime that requires registration and who has completed supervision in that jurisdiction shall provide Juvenile Sex Offender Listing information to the local law enforcement unit responsible for registration in the county where the nonresident registrant habitually resides as defined in COMAR 12.06.01.07A.

(3) The information shall be given within 3 days of the date that the:

(a) Registrant or the registrant's legal guardians, if the registrant is under 18 years of age, establish residence in this State; or

(b) Nonresident registrant begins school or employment in this State.

.04 Term of Registration.

A term of registration for a juvenile sex offender is concurrent with the juvenile court's jurisdiction over the juvenile sex offender's case.

.05 Registrant Registration Responsibilities — Department of Juvenile Services.

A. The Department shall direct a registrant to complete a registration statement form and Notice of Juvenile Sex Offender Registration Requirements form.

B. Except as provided under §C of this regulation, the registrant shall sign and date the forms.

C. If the registrant is under the age of 18 years a parent or legal guardian shall sign the forms.

D. A registration statement includes the following information supplied by the registrant:

(1) Registrant's full legal name;

(2) The registrant's address and temporary addresses if the registrant has more than one place where the registrant habitually lives;

(3) Employment information including:

(a) The name of the registrant's employer or employers; and

(b) The addresses, including county, of the registrant's work location and, if any, the locations where the registrant performs the work duties;

(4) If the registrant drives a motor vehicle as a means of employment, the make, model, and registration plate number of the vehicle used for work;

(5) Registrant's date of birth and Social Security number;

(6) If the registrant is a student, the name and address of the registrant's educational institution or place of school enrollment;

(7) If applicable, information regarding professional licenses or certifications held by the registrant;

(8) A copy of the official identification the registrant possesses, such as:

(a) Registrant's driver's license;

(b) State-issued identification card;

(c) Passport;

(d) Immigration papers; or

(e) Other official form of identification;

(9) Previous and current computer or electronic media identification, such as:

(a) Email addresses;

(b) Screen names;

(c) Computer login names;

(d) Chat room identities; and

(e) Instant messaging identities;

(10) Information related to a vehicle (for example, a car truck, boat, motorcycle, airplane, motor scooter) owned or operated by the registrant, including but not limited to:

(a) Registration plate number;

(b) Physical description (for example, make, model, color, distinguishing characteristics); and

(c) Registered address or addresses frequently visited or where the vehicle is kept;

(11) Aliases and related identification information used by the registrant, such as:

(a) Traditional or religious names; and

(b) Names by which the registrant has or is legally or erroneously known;

(12) Landline and cellular telephone numbers and other electronic telephone accessed system information, such as user names for web-based telephonic and video software;

(13) The registrant's written and electronic signature;

(14) The date the form is signed by the registrant; and

(15) If the juvenile sex offender is a juvenile under the age of 18, the names, addresses, and telephone numbers of the registrant's:

(a) Biological or adopted parents or both;

(b) Guardians or foster parents; and

(c) Department case manager, if available.

E. Upon receiving a completed registration statement, the Department, shall to the extent practicable, review the accuracy of the information provided by the registrant.

F. A registration statement shall include the following information supplied by the Department:

(1) Registrant's digital image obtained at the time of registration and re-registration;

(2) Registrant's physical description, including identifying factors, scars, marks, tattoos, piercings, and other significant physical characteristics;

(3) For each crime for which the registrant is required to be registered the:

(a) Name and plain language description of the crime, including statutory citation if applicable and available;

(b) Date of adjudication;

(c) Name of Maryland court, or other court and location, where the registrant was adjudicated delinquent;

(d) Date the crime was committed; and

(e) Victim's date of birth or, if there is more than one victim, all victims' dates of birth;

(4) Confirmation that the registrant's DNA sample has been collected and submitted to the Maryland Department of State Police Crime Laboratory Division;

(5) Registrant's fingerprints and palm prints obtained at the time of initial registration on the Juvenile Sex Offender Listing by the supervising authority or designee by agreement;

(6) Registration tier; and

(7) Copies of any charging documents that may facilitate the accurate and timely registration of the juvenile sex offender.

.06 Responsibilities for Listees.

A. The Department shall provide the Sex Offender Registry Unit with:

- (1) The listee's full legal name;
- (2) The listee's address and temporary addresses if the listee has more than one place where the listee habitually lives;
- (3) Employment information including:
 - (a) The name of the listee's employer or employers; and
 - (b) The addresses, including county, of the listee's work location and, if any, the locations where the listee performs the work duties;
- (4) The listee's date of birth and Social Security number;
- (5) The name and address of the listee's educational institution or place of school enrollment, if applicable;
- (6) A copy of any official identification the listee possesses, such as the listee's:
 - (a) Driver's license;
 - (b) State-issued identification card;
 - (c) Passport;
 - (d) Immigration papers; or
 - (e) Other official form of identification;
- (7) A digital image of the listee;
- (8) Adjudication information including:
 - (a) Offense;
 - (b) Offense date; and
 - (c) Victim's age; and
- (9) If the listee is a juvenile under the age of 18, the names, addresses, and telephone numbers of the listee's:
 - (a) Biological or adopted parents or both;
 - (b) Guardians or foster parents; and
 - (c) Department case manager, if available.

B. The Department shall:

- (1) Provide the listing information to the Sex Offender Registry Unit within 3 days of the date the listee is adjudicated delinquent; and
- (2) Update listing information annually.

C. The Department shall provide notification to the Sex Offender Registry Unit of changes to a listee's address, employment, or physical appearance within 3 days of the date that the change occurs.

D. The Department shall provide notification to the Sex Offender Registry Unit when the juvenile court's jurisdiction in the case terminates.

.07 Registrant Periodic Registration and Updates.

A. The Department shall:

- (1) Establish a schedule for periodic registration for a registrant as defined in Regulation .02B(18) of this chapter; and
- (2) Notify the Sex Offender Registry Unit when a registrant:
 - (a) Does not appear for initial or periodic registration;
 - (b) Changes the registrant's primary registration address by moving to another jurisdiction or county; or
 - (c) Changes or updates any information on the registration form.

B. A registrant shall meet the following deadlines as directed by a supervising authority in order to comply with periodic registration established under this regulation:

- (1) A Tier I or Tier II registrant shall register:
 - (a) Every 6 months; and
 - (b) In person; and
- (2) A Tier III registrant shall register:
 - (a) Every 3 months; and
 - (b) In person.

C. The Department shall provide notification to the Sex Offender Registry Unit when:

- (1) A juvenile court orders the registrant's inclusion on the public sex offender registry; or
- (2) The juvenile court's jurisdiction in the case terminates.

.08 Juvenile Sex Offender Listing Responsibilities — Sex Offender Registry Unit.

A. The Sex Offender Registry Unit shall supply the paper and electronic forms required by supervising authorities to perform duties under Criminal Procedure Article, §§11-701—11-722, Annotated Code of Maryland.

B. In order to carry out the provisions of Criminal Procedure Article, §§11-701—11-722, Annotated Code of Maryland, the Sex Offender Registry Unit shall:

- (1) Establish procedures and timeframes for the timely exchange of information, including notification of a registrant's status among Maryland law enforcement agencies; and
- (2) Assist with the coordination of investigations among local law enforcement units and the Department.

C. The Sex Offender Registry Unit shall within 3 working days of receiving the registrant's information from a supervising authority electronically transmit the registration information to the Federal Bureau of Investigation's National Crime Information Center (NCIC) Database.

D. The Sex Offender Registry Unit shall remove a registrant's or listee's information from the registry when it is notified that the juvenile court's jurisdiction over the registrant or listee has ended.

.09 Changes to Registration Information.

A. At least 3 working days before making a change to information previously provided on the juvenile sex offender's registration statement, the registrant shall:

- (1) Contact the supervising authority where the registrant habitually lives to provide the new information as required by Criminal Procedure Article, §11-705(e), Annotated Code of Maryland;
- (2) Provide the changed information in writing to the supervising authority; and
- (3) If directed by the supervising authority, appear in person to verify the updated registration information.

B. If a registrant does not provide the information required in Criminal Procedure Article, §11-706, Annotated Code of Maryland, the registrant is subject to prosecution under Criminal Procedure Article, §11-721, Annotated Code of Maryland.

.10 Travel and Out-of-Jurisdiction Registration.

A. A registrant intending to travel outside of Maryland to another jurisdiction or foreign country shall:

- (1) At least 21 days before traveling, provide written notice to the supervising authority of the intent to travel, which shall include the following:
 - (a) The dates of travel;
 - (b) A travel itinerary that includes the temporary addresses and locations being visited;
 - (c) Copies of tickets, electronic tickets, or travel documents that verify the travel itinerary or temporary addresses; and
 - (d) Copies of sex offender registration laws or regulations pertaining to the locations being visited; and
- (2) At least 3 working days before beginning to travel as described in §A(1) of this regulation, appear in person at the registrant's supervising authority to confirm the travel itinerary.

B. A registrant traveling outside of Maryland to another jurisdiction or foreign country shall comply with sex offender registration laws or regulations of the locations visited.

C. The supervising authority, by the next working day after receipt of written notification from a registrant under §A(1) of this regulation, shall notify the Sex Offender Registry Unit of the registrant's travel plan.

D. Upon receipt of notification under §C of this regulation, the Sex Offender Registry Unit shall, based on the locations being visited, notify:

- (1) Interpol and the U.S. Marshals, if the registrant is traveling outside the United States; and
- (2) The jurisdiction to be visited if the registrant is traveling within the United States.

E. The U. S. Marshals shall be notified when the Sex Offender Registry Unit has reason to believe that the registrant is attempting to violate the registration requirements while traveling.

F. A registrant when traveling to another jurisdiction that has a registration requirement shall:

- (1) Register with the designated law enforcement unit in the new jurisdiction within 24 hours of arrival in that jurisdiction; and
- (2) Comply with registration requirements in the new jurisdiction where a temporary address is maintained.

G. When a resident registrant begins or changes employment or school enrollment in another jurisdiction that has a registration requirement, the registrant shall:

- (1) Register with the designated local law enforcement unit of that jurisdiction within 3 working days; and
- (2) Comply with periodic registration requirements in the new jurisdiction where employed or attending school.

.11 Address Verification and Temporary Addresses.

A. A registrant's supervising authority shall complete address verifications for a registrant in order to establish and periodically validate the registrant's address and, if applicable, the registrant's temporary addresses.

B. The following minimum information is required to verify a registrant's address:

- (1) If the address is for a residential building or apartment building:
 - (a) Street number, street name, and, if applicable, apartment number;
 - (b) County;
 - (c) State; and
 - (d) Postal zip code.
- (2) If the address relates to other than a residential building:
 - (a) A street name;
 - (b) A physical location such as a structure, public or private park, plot of land, parking lot, or global positioning coordinates; and
 - (c) Information under §B(1)(b) — (d) of this regulation.
- (3) If the address is a vehicle, vessel, aircraft, tent, or other nonstationary unit used as a registrant's address:
 - (a) Make of the vehicle, vessel, aircraft, tent, or other nonstationary unit available to the local law enforcement unit for photographing;
 - (b) Other identifying or location information concerning the vehicle, vessel, aircraft, tent, or other nonstationary unit requested by the local law enforcement unit; and
 - (c) Information under §B(1)(b) — (d) of this regulation.

C. A post office box number may not be considered a registrant's address.

.12 Escape.

A. If a registrant escapes from a juvenile detention center or other secure juvenile facility, the Department shall immediately notify the Sex Offender Registry Unit.

B. If a registrant habitually lived, before an escape, in an incorporated municipality having a police department, a local law enforcement unit shall forward notification from the Department

concerning a registrant's escape from a juvenile detention center or other secure facility, or return from escape, to the municipal police department.

C. As soon as possible but not later than 2 working days after learning of the registrant's recapture, the Department, shall notify the Sex Offender Registry Unit of the recapture.

.13 Enforcement.

A. A registrant who violates the provisions of this chapter may be subject to the penalties provided in Criminal Procedure Article, §§11-721 and 11-722, Annotated Code of Maryland.

B. A registrant who changes residence to another state and fails to notify the registrant's supervising authority of the new state may be subject to the penalties established under 42 U.S.C. §14072(g)(3) and (i).

.14 Witness Protection.

A. The Sex Offender Registry Unit may grant a juvenile sex offender a waiver from sex offender registration requirements upon receiving a written request from an agency that operates a witness protection program under 18 U.S.C. §3521.

B. The Sex Offender Registry Unit shall terminate a waiver granted under §A of this regulation if the juvenile sex offender is convicted of a subsequent sex offense that requires registration under Maryland Law.

C. A qualifying witness protection program may submit a written request for a waiver for a juvenile sex offender under this regulation to the Sex Offender Registry Unit.

Gary D. Maynard
Secretary of Public Safety and Correctional Services

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 4-110, 4-111, 7-205, 7-205.1, 7-206, and 8-404, Annotated Code of Maryland

Notice of Proposed Action

[11-016-P]

The Maryland State Board of Education proposes to amend Regulation .04 under **COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland**. This action was considered at the Maryland State Board of Education meeting on October 26, 2010.

Statement of Purpose

The purpose of this action is to align COMAR 13A.03.02 with COMAR 13A.04.17.

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 Thurlow, Science Coordinator, Division of Instruction, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0329, or email to mthurlow@msde.state.md.us, or fax to 410-333-1146. Comments will be accepted through February 3, 2010. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on February 22—23, 2011, at 200 West Baltimore Street, Baltimore, MD 21201.

.04 Credit Requirements.

A.—B. (text unchanged)

C. *Beginning with students entering ninth grade in 2011—2012, all students must complete the environmental literacy requirement set forth in COMAR 13A.04.17. Including but not limited to the ways set forth below, a student may meet this requirement by the successful completion of:*

(1) *The science and social studies credits required for graduation as set forth in this regulation;*

(2) *An AP environmental science course or the on-line AP environmental science course offered through the Maryland Virtual Learning Opportunities Program; or*

(3) *A locally developed environmental science course.*

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 15 FAMILY CHILD CARE

Notice of Proposed Action

[11-015-P]

The State Superintendent of Schools proposes to:

(1) Amend Regulation .03 under **COMAR 13A.15.02 Registration Application and Maintenance;**

(2) Amend Regulation .04 under **COMAR 13A.15.05 Home Environment and Equipment;**

(3) Amend Regulation .04 under **COMAR 13A.15.06 Provider Requirements;**

(4) Adopt new Regulation .03 under **COMAR 13A.15.09 Program Requirements;**

(5) Amend Regulations .01 and .04 under **COMAR 13A.15.11 Health;**

(6) Amend Regulations .01 and .03 under **COMAR 13A.15.13 Inspections, Complaints, and Enforcement;** and

(7) Regulation .03 under **COMAR 13A.15.14 Administrative Hearings.**

Statement of Purpose

The purpose of this action is to implement Maryland law regarding window covering safety in child care programs; relocate the requirements for child rest periods; restrict the administration of acetaminophen to children in child care; implement Maryland law regarding requirements for announced licensing inspections; and clarify certain license enforcement and administrative hearing 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 Paula Johnson, Manager, Licensing Branch, MSDE Division of Early Childhood Development, 200 West Baltimore St., Baltimore, MD 21201, or call 410-767-7802, or email to paula.johnson@msde.state.md.us, or fax to 410-333-6226. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

13A.15.02 Registration Application and Maintenance

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.03 Continuing Registration.

A. (text unchanged)

B. Maintenance of Continuing Registration.

(1) (text unchanged)

(2) By the end of each 24-month period after the date of issuance of a continuing registration, the provider shall submit to the office the items specified in [§A(2)—(6)] §A(3)—(6) of this regulation.

13A.15.05 Home Environment and Equipment

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Rooms Used for Care.

A. — B. (text unchanged)

C. *Window Coverings. A window covering installed:*

(1) *Before October 1, 2010, may not have unsecured cords, beads, ropes, or strings that are accessible to a child in care; or*

(2) *On or after October 1, 2010, shall be cordless.*

13A.15.06 Provider Requirements

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Additional Adult.

A. — B. (text unchanged)

[C. The provider or the provider’s substitute shall be physically present on site and remain within sight or sound of the additional adult or additional adult substitute at all times.]

13A.15.09 Program Requirements

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.03 Rest Periods.

Each child shall be provided periods of rest appropriate to the age, needs, and activities of the child.

13A.15.11 Health

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Child Comfort and Welfare.

The provider or substitute shall:

A. — B. (text unchanged)

C. Ensure that each child has[

(1) Adequate]adequate time for meals and snacks[; and

(2) Periods of rest appropriate to the age, needs, and activities of the child].

.04 Medication Administration and Storage.

A. (text unchanged)

B. Except for [acetaminophen and] topical medications, a provider may administer only one dose of a nonprescription medication to a child per illness unless a licensed health practitioner approves the administration of the nonprescription medication and the dosage.

C. — E. (text unchanged)

13A.15.13 Inspections, Complaints, and Enforcement

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Inspections.

A. The office shall inspect each family child care home:

(1) On an announced basis[

(a) Before]before issuing a certificate of initial registration or continuing registration; and

[(b) At least once within each 24-month period after issuing a certificate of initial registration or continuing registration; and]

(2) (text unchanged)

B. — F. (text unchanged)

.03 Warnings.

[A.] If an investigation of a complaint or an inspection of a family child care home indicates a violation of this subtitle that does not present an immediate threat to the health, safety, and welfare of a child in care, the office [shall] may issue a warning in writing, on an inspection report or by separate letter, that states:

[(1)] A. — [(3)] C. (text unchanged)

[B. If the office determines that the violation has not been corrected within the time period allowed, the office may follow the requirements of Regulations .04—.07 of this chapter to impose sanctions or to suspend or revoke the registration.]

13A.15.14 Administrative Hearings

Authority: Family Law Article §§5-515—5-517 and 5-554; State Government Article, §10-204; Annotated Code of Maryland

.03 Hearing Requests.

A. (text unchanged)

B. Non-Emergency Action Hearing Requests.

(1) — (4) (text unchanged)

(5) Any non-emergency action is stayed if a hearing request is timely filed, unless the action is [a revocation which immediately follows an emergency suspension period.]:

(a) A revocation which immediately follows an emergency suspension period; or

(b) A denial which follows the expiration of the provisional period of a registration that was issued on a provisional basis.

C. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 16 CHILD CARE CENTERS

Notice of Proposed Action

[11-014-P]

The State Superintendent of Schools proposes to:

(1) Amend Regulations .01 and .02 under COMAR 13A.16.01

Scope and Definitions;

(2) Amend Regulation .01 under COMAR 13A.16.02 License

Application and Maintenance;

(3) Amend Regulation .15 under COMAR 13A.16.06 Staff

Requirements;

(4) Amend Regulations .01 and .04 under COMAR 13A.16.10

Safety;

(5) Amend Regulation .04 under COMAR 13A.16.11 Health;

(6) Amend Regulation .02 under COMAR 13A.16.17

Inspections, Complaints, and Enforcement; and

(7) Amend Regulation .03 under COMAR 13A.16.18

Administrative Hearings.

Statement of Purpose

The purpose of this action is to clarify the applicability of COMAR 13A.15; remove certain unnecessary requirements for child care center volunteers; implement Maryland law regarding window covering safety in child care programs; clarify certain emergency preparedness requirements; restrict the administration of acetaminophen to children in child care; implement Maryland law regarding requirements for announced licensing inspections; and clarify certain administrative hearing 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 Paula Johnson, Manager, Licensing Branch, MSDE Division of Early Childhood Development, 200 West Baltimore St., Baltimore, MD 21201, or call 410-767-7802, or email to paula.johnson@msde.state.md.us, or fax to 410-333-6226. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

13A.16.01 Scope and Definitions

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Scope.

A. Applicability of Subtitle. [This] *Except as specified at §B of this regulation, this subtitle governs nonparental care of children for part of a 24-hour day not in the child’s own home, in a group setting such as a child care center, preschool, child development center, nursery school, before-school and after-school program, school age child care, or early learning center, by whatever name known, under private nonprofit, proprietary, public, and religious auspices.*

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(51) (text unchanged)

(52) School Building.

(a)—(b) (text unchanged)

(c) “School building” does not include a church or other facility that houses only [a program for preschoolers.]:

(i) *A program for preschoolers; or*

(ii) *A before- and after-school program.*

(53)—(58) (text unchanged)

13A.16.02 License Application and Maintenance

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 License — General Requirements.

A. (text unchanged)

B. Nursery School or Child Care Center Operated by a Tax-Exempt Religious Organization.

(1)—(2) (text unchanged)

(3) In a nursery school or child care center *located in a school building exclusively for children enrolled in that school and operated by a tax-exempt religious organization, the following regulations of this subtitle do not apply:*

(a) – (c) (text unchanged)

C.—E. (text unchanged)

F. *A center approved by the office before July 1, 2008, for the concurrent operation of more than one type of child care program may continue to be used to operate those programs, except that, while concurrent approvals are in effect, the office may not approve a request by the operator for:*

(1) *An increase in child capacity;*

(2) *A change in the hours of operation;*

(3) *A change in the ages of children served;*

(4) *A change in the approved child care area; or*

(5) *A variance to a regulation under this subtitle.*

13A.16.06 Staff Requirements

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.15 Volunteers.

[A. Before permitting an individual who is 18 years old or older to begin volunteer duties at or for the child care center, the operator shall:

(1) Obtain from the individual a signed and notarized release of information to examine records of abuse and neglect of children and adults for information about the individual; and

(2) Submit the release of information to the office.]

[B.] A— [C.] B. (text unchanged)

13A.16.10 Safety

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Emergency Safety Requirements.

A. Emergency and Disaster Plan.

[1] Whenever children in care are present, there shall be at least one employee present who has completed approved training on emergency and disaster planning.]

(1) *At least one center employee shall:*

(a) *Complete emergency preparedness training that is approved by the office; and*

(b) *As part of the approved emergency preparedness training, prepare a written emergency and disaster plan for the center.*

(2) *The operator shall maintain the emergency and disaster plan prepared in accordance with §A(1)(b) of this regulation.*

[(2)](3) The [center operator shall prepare a written] emergency and disaster plan [that] shall:

(a) [Establishes] *Establish* procedures for:

(i)—(v) (text unchanged)

(b) [Contains] *Contain*:

(i)—(iv) (text unchanged)

(c) [Is] *Be* practiced by staff and children at least:

(i)—(ii) (text unchanged)

(d) [Is] *Be* updated at least annually.

[(3)](4)— [(6)](7) (text unchanged)

B.—C. (text unchanged)

.04 Potentially Hazardous Items.

A. – H. (text unchanged)

I. Window Coverings. A window covering installed:

- (1) *Before October 1, 2010, shall not have unsecured cords, beads, ropes, or strings that are accessible to a child in care; or*
- (2) *On or after October 1, 2010, shall be cordless.*

13A.16.11 Health

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Medication Administration and Storage.

A. (text unchanged)

B. Except for [acetaminophen and] topical medications, an operator may administer only one dose of a nonprescription medication to a child per illness unless a licensed health practitioner approves the administration of the nonprescription medication and the dosage.

C.—G. (text unchanged)

13A.16.17 Inspections, Complaints, and Enforcement

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Inspections.

A.—D. (text unchanged)

E. An agency representative shall inspect each center:

- (1) On an announced basis:
 - (a) Before]before the office issues an initial license or a continuing license; and
 - [(b) At least once within each 24-month period after the office issues an initial license or a continuing license; and]
 - (2) (text unchanged)
- F. (text unchanged)

13A.16.18 Administrative Hearings

Authority: Family Law Article §§5-573 and 5-580; State Government Article, §10-204; Annotated Code of Maryland

.03 Hearing Requests.

A. (text unchanged)

B. Non-emergency Action Hearing Requests.

- (1) – (4) (text unchanged)
 - (5) Any non-emergency action is stayed if a hearing request is timely filed, unless the action is [a revocation that immediately follows an emergency suspension period.]:
 - (a) *A revocation that immediately follows an emergency suspension period; or*
 - (b) *A denial which follows the expiration of the provisional period of a license that was issued on a provisional basis.*
- C. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 17 LETTERS OF COMPLIANCE

Notice of Proposed Action

[11-013-P]

The State Superintendent of Schools proposes:

- (1) Amend Regulation **.02** under **COMAR 13A.17.01 Scope and Definitions;**
- (2) Amend Regulation **.07** under **COMAR 13A.17.06 Staff Requirements;**
- (3) Amend Regulations **.01** and **.04** under **COMAR 13A.17.10 Safety;**
- (4) Amend Regulation **.04** under **COMAR 13A.17.11 Health;**
- (5) Amend Regulation **.02** under **COMAR 13A.17.15 Inspections, Complaints, and Enforcement;** and
- (6) Amend Regulation **.03** under **COMAR 13A.17.16 Administrative Hearings.**

Statement of Purpose

The purpose of this action is to remove certain unnecessary requirements for letter of compliance facility volunteers, implement Maryland law regarding window covering safety in child care programs, clarify certain emergency preparedness requirements, restrict the administration of acetaminophen to children in child care, implement Maryland law regarding requirements for announced licensing inspections, and clarify certain administrative hearing 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 Paula Johnson, Manager, Licensing Branch, MSDE Division of Early Childhood Development, 200 West Baltimore St., Baltimore, MD 21201, or call 410-767-7802, or email to paula.johnson@msde.state.md.us, or fax to 410-333-6226. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

13A.17.01 Scope and Definitions

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(40) (text unchanged)
 - (41) School Building.
 - (a)—(b) (text unchanged)
 - (c) “School building” does not include a church or other facility which houses only [a program for preschoolers.]:
 - (i) *A program for preschoolers; or*
 - (ii) *A before- and after-school program.*

(42)—(46) (text unchanged)

13A.17.06 Staff Requirements

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.07 Volunteers.

[A. Before permitting an individual who is 18 years old or older to begin volunteer duties at or for the child care facility, the operator shall:

(1) Obtain from the individual a signed and notarized release of information to examine records of abuse and neglect of children and adults for information about the individual; and

(2) Submit the release of information to the office.]

[B.]A.— [C.]B. (text unchanged)

13A.17.10 Safety

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Emergency Safety Requirements.

A. Emergency and Disaster Plan.

[(1) Whenever children in care are present, there shall be at least one employee present who has completed approved training on emergency and disaster planning.]

(1) *At least one facility employee shall:*

(a) *Complete emergency preparedness training that is approved by the office; and*

(b) *As part of the approved emergency preparedness training, prepare a written emergency and disaster plan for the facility.*

(2) *The operator shall maintain the emergency and disaster plan prepared in accordance with § A(1)(b) of this regulation.*

[(2)](3) The [facility operator shall prepare a written] emergency and disaster plan [that] shall:

(a) [Establishes] *Establish* procedures for:

(i)—(v) (text unchanged)

(b) [Contains] *Contain*:

(i)—(iv) (text unchanged)

(c) [Is] *Be* practiced by staff and children at least:

(i)—(ii) (text unchanged)

(d) [Is] *Be* updated at least annually.

[(3)](4)—[(6)](7) (text unchanged)

B.—C. (text unchanged)

.04 Potentially Hazardous Items.

A.—H. (text unchanged)

I. *Window Coverings. A window covering installed:*

(1) *Before October 1, 2010, shall not have unsecured cords, beads, ropes, or strings that are accessible to a child in care; or*

(2) *On or after October 1, 2010, shall be cordless.*

13A.17.11 Health

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Medication Administration and Storage.

A. (text unchanged)

B. Except for [acetaminophen and] topical medications, an operator may administer only one dose of a nonprescription medication to a child per illness unless a licensed health practitioner approves the administration of the nonprescription medication and the dosage.

C.—G. (text unchanged)

13A.17.15 Inspections, Complaints, and Enforcement

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Inspections.

A.—C. (text unchanged)

D. An agency representative shall inspect each facility:

(1) On an announced basis[:

(a) Before] *before* the office issues an initial letter of compliance or a continuing letter of compliance; and

[(b) At least once within each 24-month period after issuance of an initial letter of compliance or a continuing letter of compliance; and]

(2) (text unchanged)

E. (text unchanged)

13A.17.16 Administrative Hearings

Authority: Family Law Article §§5-573 and 5-580; State Government Article, §10-204; Annotated Code of Maryland

.03 Hearing Requests.

A. (text unchanged)

B. Non-emergency Action Hearing Requests.

(1)—(4) (text unchanged)

(5) Any non-emergency action is stayed if a hearing request is timely filed, unless the action is [a revocation that immediately follows an emergency suspension period.]:

(a) *A revocation that immediately follows an emergency suspension period; or*

(b) *A denial which follows the expiration of the provisional period of a letter of compliance that was issued on a provisional basis.*

C. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

13B.02.04 Exemption Procedures for Religious [Degree-Granting] Educational Institutions and Religious Institutions

Authority: Education Article, §§11-105(u), 11-201, and [11-202] 11-202.1, Annotated Code of Maryland

Notice of Proposed Action [11-001-P]

The Maryland Higher Education Commission proposes to amend Regulations .01 and .02 under **COMAR 13B.02.04 Exemption Procedures for Religious Educational Institutions and Religious Institutions**. This action was considered by the Maryland Higher Education Commission and approved at its meeting on November 10, 2010, notice of which was given pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the terms used for religious educational institutions and religious institutions that are exempt from the approval authority of the Maryland Higher Education Commission, and to clarify the types of awards made by exempt religious educational institutions and religious institutions.

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 George Reid, Assistant Secretary for Planning and Academic Affairs, Maryland Higher Education Commission, 839 Bestgate Road, Suite 400, Annapolis, MD 21401, or call 410-260-4552, or email to greid@mhec.state.md.us, or fax to 410-260-3200. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to establish the procedures by which the Commission determines the status of an institution as a religious [degree-granting] *educational* institution or a religious institution eligible for exemption from the approval authority of the Commission.

.02 Scope of Exemption.

A. If determined to be exempt under this chapter, an institution may operate without a certificate of approval from the Maryland Higher Education Commission under this chapter so long as:

(1) A religious [degree-granting] *educational* institution certifies, in accordance with procedures established by the Commission, that it:

(a) Is founded and operated by a church or other religious institution or organization of churches or religious institutions as an integral part of the religious ministry of that [church] institution or organization;

(b) Offers sectarian instruction only designed for and aimed at persons who hold or seek to learn particular religious faiths or beliefs of [churches] religious institutions or religious organizations, and provides only educational programs for religious vocations; and

(c) States on the certificate or diploma [or degree] the religious nature of the [degree] award; or

(2) A church or other religious institution offers a postsecondary instructional program leading to a certificate or diploma [or certificate], only if the program is designed for and aimed at persons who hold or seek to learn the particular religious faith or beliefs of that church or religious [organization] institution and provides only educational programs for religious purposes.

B. (text unchanged)

JAMES E. LYONS, SR.
Secretary of Higher Education

Title 14 INDEPENDENT AGENCIES

Subtitle 01 STATE LOTTERY AGENCY

14.01.10 Video Lottery Terminals

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

Notice of Proposed Action [11-022-P]

The Maryland State Lottery Agency proposes to amend Regulation .18 under **COMAR 14.01.10 Video Lottery Terminals**. This action was considered at the Maryland State Lottery Commission open meeting held on August 26, 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 five VLT Facilities authorized by law, which began opening with the Hollywood Casino Perryville on September 27, 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 February 2, 2011. A public hearing has not been scheduled.

.18 Hearings.

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

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

(2) Issue] *Grant or deny a video lottery operation license;*

[(3)] (2) — [(5)] (4) (text unchanged)

B. *Denial of a License.*

(1) *After reviewing an application submitted under Regulation .03A(1) of this chapter, the Director may recommend that the Commission deny a license.*

(2) *If the Director recommends that the Commission deny a license, the Director shall promptly provide the applicant with written notice of the:*

(a) *Recommendation for denial;*

(b) *Basis for the recommendation; and*

(c) *Applicant’s right to request a reconsideration meeting with the Director.*

(3) *An applicant may submit to the Commission a written request for a reconsideration meeting within 15 days of the date of the notice described in §B(2) of this regulation.*

(4) *If an applicant fails to timely submit a request under §B(3) of this regulation, the Commission may adopt as final the Director’s recommendation.*

(5) *During a reconsideration meeting, an applicant may:*

(a) *Be represented by counsel; and*

(b) *Present evidence as to why the license should be granted.*

(6) *If after the reconsideration meeting the applicant is dissatisfied with the Director’s recommendation, the applicant may submit to the Commission, in writing:*

(a) *A request for hearing before the Commission on the Director’s recommendation; and*

(b) *The applicant’s legal and factual bases for disagreeing with the Director’s recommendation.*

(7) *An applicant may submit to the Commission a hearing request within 15 days of the date of the Director’s recommendation after the reconsideration meeting.*

(8) *If an applicant fails to timely submit a notice under §B(6) of this regulation, the Commission may adopt as final the Director’s recommendation.*

(9) *A hearing request that complies with §B(6) and (7) of this regulation shall be the subject of a hearing before the Commission, after which the Commission shall:*

(a) *Determine that the applicant is qualified and grant the license; or*

(b) *Determine that the applicant is not qualified or disqualified and:*

(i) *Deny the license; and*

(ii) *Prepare an order denying the license with a statement of the reasons and specific findings of fact.*

(10) *The Commission’s decision is final.*

[B.] (C) *A Commission hearing shall be conducted in the manner specified in:*

(1) — (2) (text unchanged)

STEPHEN L. MARTINO
Director
State Lottery Agency

**Subtitle 09 WORKERS’
COMPENSATION COMMISSION**

14.09.01 Procedural Regulations

Authority: Health-General Article, §4-303; Labor and Employment Article, §§9-307, 9-309, 9-310.2, 9-314, 9-404, 9-405, 9-410, 9-603, 9-625, 9-635, 9-689, 9-701, 9-709, 9-710, 9-711, 9-721, 9-731, 9-739, and 9-6A-07; Insurance Article, §§19-405 and 19-406; State Government Article, §10-1103; Annotated Code of Maryland

Notice of Proposed Action

[11-019-P]

The Maryland Workers’ Compensation Commission proposes to amend Regulations .01 and .19 under **COMAR 14.09.01 Procedural Regulations**. This action was considered at a public meeting held on November 18, 2010, notice of which was given by publication in 37:23 Md. R. 1629 (November 5, 2010) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to ensure compliance with the guidelines issued by the Centers for Medicare and Medicaid Services (CMS) involving the settlement of future medical benefits.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy S. Lackington, Administrator, Workers’ Compensation Commission, 10 East Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) *“Formal set-aside allocation” means a document reflecting a comprehensive analysis and projection of future injury-related medical needs and associated costs.*

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

.19 Agreements for Final Compromise and Settlement.

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

(1) (text unchanged)

(2) [The] *A payment allocation sheet, including the amount of any deductions for attorney’s fees, medical fees, and other costs;*

(3) — (4) (text unchanged)

(5) *If any compensation was previously awarded or paid, a statement indicating whether the settlement includes, is in addition to, or is in place of all or part of that compensation; [and]*

(6) A statement indicating the rate of payment and whether all or part of the settlement is to be paid in a lump sum[.];

(7) *The claimant's average weekly wage;*

(8) *The claimant's date of birth and age in years and months;*

(9) *The total amount of all indemnity benefits paid to the claimant;*

(10) *A statement confirming that the interests of Medicare have been considered in reaching the settlement;*

(11) *A statement that the insurer shall reimburse Medicare for any provisional or conditional payments made by Medicare, up to the date of the executed settlement, that are ultimately determined to be the responsibility of the employer/insurer;*

(12) *The gross total of all future payments to be paid pursuant to an annuity (not present value); and*

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

B. Future Medical Expenses.

(1) *In determining whether a settlement must be reviewed and approved by the Centers for Medicare and Medicaid Services (CMS), the Commission shall apply the Medicare thresholds set forth in the most current memoranda or regulation available at the CMS website.*

(2) *A settlement that falls within the Medicare thresholds must be approved by CMS before it will be approved by the Commission.*

(3) *A settlement that falls outside the Medicare thresholds may be approved by the Commission provided that the settlement agreement:*

(a) *Contains a statement confirming that the interests of Medicare have been considered in reaching the settlement; and*

(b) *Identifies the amount of the proposed settlement:*

(i) *Apportioned to future medical expenses; or*

(ii) *Set aside for future medical expenses through a formal set-aside allocation.*

(4) *The apportionment of the amount of the settlement associated with future medical expenses shall be supported by medical evidence such as a medical opinion or evaluation.*

(5) *A formal set-aside allocation shall comply with the guidelines established by Medicare for set-aside allocations.*

[B.] C. Special Requirements.

(1) [Claims Involving] *Resolution of Third-Party Liability Claims.* When [the settlement arises in connection with a claim involving a third-party liability action under Labor and Employment Article, Title 9, Subtitle 9, the agreement submitted to the Commission for approval, in addition to complying with §A,] *a third-party liability claim has been resolved by settlement or judgment, the agreement settling the workers' compensation claim shall be submitted to the Commission for approval, comply with §A, and contain or be accompanied by the following:*

(a) — (b) (text unchanged)

(c) A copy of the *executed* release or judgment.

(2) (text unchanged)

[C.] D. (text unchanged)

[D.] E. Medical Report.

(1) Except for those settlements arising under [§B(2)] §C(2) of *this regulation*, an agreement for final compromise and settlement shall be accompanied by all medical reports evaluating the nature and extent of the claimant's disability.

(2) On written request of the parties, the Commission may waive the requirement under [§D(1), above] §E(1) of *this regulation*, if:

(a) The claim being settled is contested on an issue that denies the claimant's right to any benefits under Labor and Employment Article, Title 9, *Annotated Code of Maryland*;

(b) — (c) (text unchanged)

[E.] F. Hearing. The Commission may not approve an agreement for final compromise and settlement without a hearing unless the agreement is accompanied by [the notarized] affidavit of the claimant, on the form prescribed by the Commission, waiving the hearing. The Commission may, *at its discretion*, require a hearing even when the affidavit is filed.

R. KARL AUMANN

Chairman

Workers' Compensation Commission

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.01 Procedural Regulations

Authority: Health-General Article, §4-303; Labor and Employment Article, §§9-307, 9-309, 9-310.2, 9-314, 9-404, 9-405, 9-410, 9-603, 9-625, 9-635, 9-689, 9-701, 9-709, 9-710, 9-711, 9-721, 9-731, 9-739, and 9-6A-07; Insurance Article, §§19-405 and 19-406; State Government Article, §10-1103; Annotated Code of Maryland

Notice of Proposed Action

[11-009-P]

The Maryland Workers' Compensation Commission proposes to amend Regulation .06 under **COMAR 14.09.01 Procedural Regulations**. This action was considered at a public meeting held on October 28, 2010, notice of which was given by publication in 37:21 Md. R. 1476 (October 8, 2010) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to remove the employee's average weekly wage as a mandatory element required to process a claim for workers' compensation benefits.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 East Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.06 Requirements for Filing and Amending Claims.

A. Claim for Benefits.

(1) (text unchanged)

(2) The Commission shall reject and return to the claimant a claim form that does not contain sufficient information to process the claim, including:

(a) — (e) (text unchanged)

(f) A description of how the accidental injury or occupational disease occurred; *and*

(g) The employee's average weekly wage; and]

- [(h)] (g) (text unchanged)
- (3) — (7) (text unchanged)
- (8) Date of Filing.
 - (a) (text unchanged)
 - (b) [The] *For any claim form that has not been rejected or returned as incomplete under §A(2) of this regulation, the Commission’s date of receipt is determined by the date stamp affixed on the claim form.*
 - (9) (text unchanged)
- B. (text unchanged)
- C. Dependent Claim for Death Benefits.
 - (1) (text unchanged)
 - (2) The Commission may reject and return to the dependent claimant or authorized individual a claim form that does not contain sufficient information to process the claim including:
 - (a) — (h) (text unchanged)
 - [(i)] The deceased employee’s average weekly wage;]
 - [(j)] (i) — [(k)] (j) (text unchanged).
 - (3) — (9) (text unchanged)
- D. (text unchanged)

R. KARL AUMANN
Chairman
Workers’ Compensation Commission

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 04 INSURERS

31.04.15 Antifraud Plans

Authority: *Health General Article, §19-706(v); Insurance Article, §§2-109, 8-321.1, and 27-803; Annotated Code of Maryland*

Notice of Proposed Action

[11-005-P]

The Acting Insurance Commissioner proposes to amend Regulations .03 and .04 under **COMAR 31.04.15 Antifraud Plans**.

Statement of Purpose

The purpose of this action is to update the definition of “insurer” and create a filing exemption for third party administrators (TPAs) that are required to file antifraud plans with the federal government.

The amendments to Regulation .03 expand the definition of insurer to include health maintenance organizations (HMOs), TPAs, and nonprofit health service plans. Since the adoption of Regulation .03, there have been statutory additions to the list of entities that are required to file fraud plans. Under Health General Article, §19-706(v), Annotated Code of Maryland, HMOs are now required to file fraud plans. Insurance Article, §8-321.1, Annotated Code of Maryland, requires TPAs to file fraud plans. In order to create uniformity within industry, nonprofit health service plans were also added to the definition of “insurer.”

The amendments to Regulation .04 create an exemption for TPAs that are required to file antifraud plans with the federal government. In order to accommodate industry and relieve duplicate filing requirements, the Administration will only require an attestation of filing from TPAs that only file antifraud plans with the federal government. These TPAs shall provide a copy of the federal antifraud plan at the request of the Commissioner.

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 Alexis E. Gibson, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call (410) 468-2011, or email to agibson@mdinsurance.state.md.us, or fax to (410) 468-2020. Comments will be accepted through January 18, 2011. A public hearing has not been scheduled.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) — (3) (text unchanged)
 - (4) *Insurer*.

(a) “Insurer” means authorized insurers and includes dental plans, fraternal benefit societies, the Maryland Automobile Insurance Fund, *health maintenance organizations, nonprofit health service plans, third party administrators*, and the Injured Workers’ Insurance Fund.

(b) “Insurer” [It] does not include reinsurers.

.04 Procedures and Requirements.

- A. — B. (text unchanged)
- C. Amendments to Antifraud Plans. Within 30 days after modifying or amending an antifraud plan, an insurer shall:
 - (1) Notify the Commissioner in writing; and
 - (2) Provide a copy of the [amendment or modification] *revised antifraud plan showing the amendments*.
- D. Approval of Antifraud Plans and Amendments.
 - (1) The Commissioner shall review each insurer’s antifraud plan and any subsequent amendments to determine compliance with:
 - (a) The requirements of Insurance Article, §27-803, Annotated Code of Maryland; and
 - (b) This chapter.
 - (2) If the Commissioner has not disapproved an antifraud plan or amendment within 30 days of its filing, the plan shall be deemed approved.

(3) Under §D(1) of this regulation, if the Commissioner determines that an insurer’s antifraud plan and any subsequent amendment is not in compliance, the Commissioner shall disapprove the plan or amendment and send a written notice of disapproval with the reasons for disapproval to the insurer.

(4) If the insurer’s antifraud plan is disapproved by the Commissioner, the insurer shall submit a new plan to the Commissioner within 60 days after the date the plan was disapproved.

E. *This regulation does not apply to third party administrators (TPAs) that only participate in federal programs and are therefore required to file a federal antifraud plan provided that:*

- (1) *Such a federal antifraud plan has been filed with the Centers for Medicare & Medicaid Services;*
- (2) *The TPA provides the federal antifraud plan at the Commissioner’s request; and*
- (3) *The TPA files a written attestation stating:*
 - (a) *The name of the TPA;*

(b) *The name and title of the employee attesting who has authority to bind the TPA;*

(c) *That the TPA is required to file an antifraud plan with the federal government; and*

(d) *The date the TPA filed the antifraud plan with the federal government.*

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 11 HEALTH INSURANCE — GROUP

31.11.11 Small Employer Group Health Insurance — Disclosure Statement

Authority: Insurance Article, §§2-109 and 15-1204, Annotated Code of Maryland

Notice of Proposed Action
[11-006-P]

The Acting Insurance Commissioner proposes to amend Regulations .03 and .04 under **COMAR 31.11.11 Small Employer Group Health Insurance — Disclosure Statement**.

Statement of Purpose

The purpose of this action is to amend the disclosure requirements found in COMAR 31.11.11.03 and .04. The current disclosure requirements are problematic for those employers who meet the “small employer” definition under Maryland law, but meet the large employer definition under the Mental Health Parity and Addiction Equity Act of 2008. Under current Maryland law only full-time employees count as eligible employees, but federal law counts all employees. Due to the current differences in the definition, an employer can have a small group contract, but need to buy an additional benefit rider to make the contract comply with the Mental Health Parity and Addiction Equity Act of 2008. The amendments eliminate the need for an additional benefit rider.

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 Alexis E. Gibson, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call (410) 468-2011, or email to agibson@mdinsurance.state.md.us, or fax to (410) 468-2020. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

.03 Required Notice — Initial Purchase of Coverage.

A. (text unchanged)

B. The disclosure statement required in §A of this regulation shall be in at least 12-point type and shall read as follows:

“MARYLAND HEALTH INSURANCE REFORM ACT COMPREHENSIVE STANDARD HEALTH BENEFIT PLAN DISCLOSURE STATEMENT

Under Maryland law, small employers, including self-employed individuals and certain government and nonprofit organizations, as defined by Insurance Article, §15-1203, Annotated Code of Maryland, must be offered the Comprehensive Standard Health Benefit Plan (“Standard Plan”) by each carrier when health coverage is elected or renewed.

A carrier may not offer small employers a health benefit plan having fewer benefits than the Standard Plan. A carrier may offer benefits in addition to those in the Standard Plan provided the optional, additional benefits are offered and priced separately from the Standard Plan. *A small employer who is subject to the federal Mental Health Parity and Addiction Equity Act of 2008 shall be offered, at a minimum, the Standard Plan plus an additional benefit rider to make the mental health and substance abuse benefits comply with the federal Mental Health Parity and Addiction Equity Act of 2008.*

I HAVE READ AND UNDERSTAND THIS DISCLOSURE STATEMENT. I ACKNOWLEDGE THAT I HAVE RECEIVED A DESCRIPTION OF THE STANDARD PLAN AND RATES AND ANY ADDITIONAL BENEFITS AND RATES HAVE BEEN SHOWN AND PRICED SEPARATELY.

- Name of Carrier:
- Name of Producer:
- Employer Name:
- Employer Signature: Date:”.
- C.—D. (text unchanged)

.04 Required Notice — Renewal of Coverage.

A. At the time of renewal of coverage, a carrier who offers benefits additional to the benefits offered in the Comprehensive Standard Health Benefit Plan shall provide a disclosure statement that:

(1) Indicates that, *except as described in §A(4) of this regulation*, the Comprehensive Standard Health Benefit Plan is the only plan required by State law;

(2)—(3) (text unchanged)

(4) Specifies that all additional benefits to the Comprehensive Standard Health Benefit Plan are not required by State law, *with the exception of the additional benefit for compliance with the federal Mental Health Parity and Addiction Equity Act of 2008 for small employers subject to the federal Mental Health Parity and Addiction Equity Act of 2008.*

B. (text unchanged)

ELIZABETH SAMMIS
Acting Insurance Commissioner

Special Documents

DEPARTMENT OF STATE POLICE

HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **January 3, 2011**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

<i>Manufacturer</i>	<i>Model Name</i>	<i>Model Number</i>	<i>Caliber</i>
American Tactical	FX-Titan 1911	ATIGFX 45TIB	.45 ACP
American Tactical	FX Titan SS 1911	ATIGFX 45 TIS	.45 ACP
Bond Arms	Century 2000		.327 Fed Mag, .45 ACP
Bond Arms	Texas Defender	with trigger guard	.327 Fed Mag
Browning	1911-22	A-1, Compact, Commemorative	.22LR
Foster Industries	1911 Frame	High Capacity Recon	N/A
Gem Tech	Oasis*	* (Class 3 firearm - restrictions apply)	.22 LR
Kel-Tec	PMR 30		.22 WMR
Kimber	Pro Crimson Carry II		.45 Cal
Kimber	Super Carry Custom	3000246	.45 Cal.
Kimber	Super Ultra Carry	3000248	.45 Cal.
Kimber	Super Carry Pro	3000247	.45 Cal
Metro Arms	Amer. Classic II - 1911 Gov. Mod.	AC45G 2	.45 ACP
Para USA, Inc.	SF-45-A	PRX1445 CB	45 ACP
Para USA,	LTC 1911	PCX 99 R	9mm, .45

Inc.			ACP
Secy Industries	CPX-2		9mm
Sturm Ruger	SR, SR 40-C		.40 S&W
Taurus	Raging Bull	M444CP	.44 Mag

[11-01-20]

DEPARTMENT OF THE ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

Notice of Tentative Determination to Issue General Permit for Discharges from the Application of Pesticides

The Department is proposing to issue **General Discharge Permit No. 11PE (federal NPDES Permit No. MDG87)** for discharges to waters of the State from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns: mosquito and other flying insect pest control; aquatic weed and algae control; aquatic nuisance animal control; and forest canopy pest control. This general permit is for operators that apply pesticides in or near water. The permit regulates discharges from pesticides applied directly to surface waters to control pests, or applied to control pests that are present in or over, including near, surface waters.

The permit establishes narrative technology-based limitations based on minimizing excess pesticides and implementing integrated pest management practices; establishes narrative water quality based limitations; establishes narrative monitoring requirements, including visual monitoring; and requires development of a pesticide management plan, if operating over a certain threshold. Operators are also required to comply with reporting and record keeping requirements beginning no later than 3 months after the permit effective date.

The general permit is needed to comply with court-ordered requirements for the federal Environmental Protection Agency (EPA) and states to issue national pollutant discharge elimination system (NPDES) permits for both chemical pesticide applications that leave a residue or excess in water and all biological pesticide applications that are made in or over, including near, waters of the United States. EPA has proposed a draft NPDES pesticides general permit to be issued by EPA in states and areas where EPA is the NPDES permitting authority and for use as guidance by Maryland and other states delegated by EPA to issue NPDES permits. Maryland's proposed permit closely follows EPA's proposed pesticide general permit. However, Maryland has made some adjustments to the EPA proposed general permit which allow for transition to the new requirements and provide clarifications for use of the permit in Maryland.

The Department will hold a public hearing concerning the tentative determination on **February 8, 2011, at 11 a.m.** in the Aeris Conference Room at MDE, 1800 Washington Blvd, Baltimore, MD 21230.

Any hearing impaired person may request an interpreter at the hearing by contacting Tyrone Hill, Office of Fair Practices, at (410) 537-3964 at least 10 working days prior to the scheduled hearing

date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.

The draft permit is available on MDE's website at www.mde.state.md.us under the "Notices and Alerts" section. Any questions regarding this tentative determination, including the draft permit and fact sheet should be directed to Edward Gertler at the Maryland Department of the Environment, Water Management Administration, at egertler@mde.state.md.us, by telephone at 410-537-3323 between the hours from 8 a.m. to 5 p.m., Monday through Friday. Copies of the document may be obtained at a cost of 36 cents per page.

Written comments concerning the tentative determination will also be considered in the preparation of a final determination if received by Edward Gertler at the above address, on or before **Tuesday, February 15, 2011**.

[11-01-27]

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.

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

Subject: Public Meeting
Date and Time: February 15, 2011, 1:30 — 3:30 p.m.
Place: 13 Canal St., Rm. 302, Cumberland, MD
Add'l. Info: Meetings are held the third Tuesday of each month. Notices are posted in the entryway elevator tower of the Western MD Railway Station.
Contact: Renee A. Bone (301) 724-3655
 [11-01-25]

BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Subject: Public Meeting
Date and Time: January 21, 2011, 11 a.m. — 3:30 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Janice Isaac (410) 764-4732
 [11-01-05]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: January 10, 2011, 3 — 5 p.m.
Place: Baltimore County, Loch Raven Library, Baltimore, MD
Contact: Jessica Winpigler (410) 821-2829
 [11-01-01]

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
 [11-01-02]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: January 20, 2011, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Rm. 100/107, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [11-01-14]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: January 13, 2011, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6263
 [11-01-31]

BOARD OF EXAMINING ENGINEERS

Subject: Public Meeting
Date and Time: January 18, 2011, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [11-01-36]

DEPARTMENT OF THE ENVIRONMENT

Subject: Public Hearing
Date and Time: February 8, 2011, 11 a.m.
Place: MDE, 1800 Washington Blvd., Aeris Conf. Rm., Baltimore, MD
Add'l. Info: Any hearing impaired person may request an interpreter at the hearing by contacting Tyrone Hill, Office of Fair Practices, at (410) 537-3964 at least 10 working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.
Contact: Renee Matthews (410) 537-3964
 [11-01-38]

BOARD OF ENVIRONMENTAL SANITARIANS

Subject: Public Meeting
Date and Time: February 3, 2011, 9 a.m. — 3:30 p.m.
Place: Howard Co. Bureau of Utilities, 8250 Old Montgomery Rd., Columbia, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167
 [11-01-08]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: January 19, 2011, 6 — 8 p.m.

Place: 201 W. Preston St., Conf. Rm. L-1, Baltimore, MD
Contact: Erin Penniston (410) 767-6783
 [11-01-26]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: January 20, 2011, 12:30 — 2:30 p.m.; Additional Dates: March 17, May 19, July 21, Sept 15, and Nov 17, 2011
Place: Hearing and Speech Agency, 5900 Metro Dr., Baltimore, MD
Contact: Erin Filippone (410) 767-6762
 [11-01-22]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MARYLAND BOARD OF PHYSICIANS

Subject: Public Meeting
Date and Time: January 26, 2011, 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) 764-2477.
Contact: Tammy Austin (410) 764-4769
 [11-01-12]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Call For Physician Nominations
Add'l. Info: The Maryland Department of Health and Mental Hygiene is currently recruiting a physician to serve on the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee beginning in March 2011.

The Committee shall be composed of no fewer than twelve (12) members, appointed by the Secretary.

At least five (5) members shall be physicians, licensed in Maryland, one (1) being a psychiatrist; five (5) members shall be pharmacists, licensed in Maryland, one (1) having expertise with mental health drugs; and two (2) Members shall be consumer representatives.

Duties and Powers of Committee

GENERAL NOTICES

Rules: The Committee shall operate under Standard Operating Procedures and comply with rules adopted by DHMH, including notice of any meeting of the Committee pursuant to the requirements of the Administrative Procedures Act.

Regular Meetings: The Committee shall meet at least once semiannually, and may meet at other times at the discretion of DHMH, the Chairperson, and the members of the Committee. To the extent feasible, the Committee shall review all drug classes included in the Preferred Drug List at least every twelve (12) months. Executive sessions shall be closed to the public.

Attendance: Members of the Committee may be removed if they miss two consecutive Committee meetings

Conflict of Interest: Members are required to disclose all types of remunerations from, and investments in, the drug industry.

Preferred Drug List Development: The Committee reviews classes of medications and recommends to DHMH which medications should be included in the Preferred Drug List for prescribing to Medicaid recipients. The Preferred Drug List is comprised of cost-effective medically appropriate drug therapies for Medicaid recipients. The Committee shall develop its Preferred Drug List recommendations by considering the clinical efficacy, safety, and cost-effectiveness of drug products. Analyses shall be based upon reviews of relevant clinical information, including but not limited to, FDA-approved labeling, supporting studies, published head-to-head comparisons, and peer-reviewed medical journal articles.

Prior Authorization: The Committee may also make recommendations to DHMH regarding the prior authorization of any prescribed drug covered by Medicaid.

Provider Synergies is currently providing administrative and technical support to the Department of Health and Mental Hygiene with regard to the P&T Committee. For an application packet, please email Megan Shook at shookm@dhhm.state.md.us. Application deadline is Monday, January 31, 2011.

For further information, contact Megan Shook, Department of Mental Health and Hygiene (DHMH), Office of Systems, Operations and Pharmacy (OOEP), 201 W. Preston Street, Room 408E, Baltimore, MD 21201-2323, (410) 767-6896, shookm@dhhm.state.md.us

Contact: Megan Shook (410) 767-6896

[11-01-13]

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

Subject: Public Meeting

Date and Time: January 12, 2011, 9:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Steve Smitson (410) 230-6169

[11-01-34]

**COUNCIL FOR INTERSTATE ADULT
OFFENDER SUPERVISION**

Subject: Public Meeting

Date and Time: January 10, 2011, 10 a.m.

Place: 300 E. Joppa Road, Towson, MD

Add'l. Info: The meeting will be held in the 4th floor conference room of the offices of the Department of Public Safety and Correctional Services.

Contact: Eleanor McMullen (410) 585-3568

[11-01-37]

COMMISSION ON KIDNEY DISEASE

Subject: Public Meeting

Date and Time: January 27, 2011, 2 — 3:30 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Eva Schwartz (410) 764-4785

[11-01-07]

**DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION/DIVISION OF LABOR
AND INDUSTRY/MARYLAND
APPRENTICESHIP AND TRAINING
COUNCIL**

Subject: Public Meeting

Date and Time: January 11, 2011, 9 a.m. — 12 p.m.

Place: Dept. of Labor, Licensing, and Regulation, 1100 North Eutaw St., Lower Level Training Rm., Baltimore, MD

Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.

Contact: Jeff Beeson (410) 767-2246

[11-01-24]

**BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS**

Subject: Public Meeting

Date and Time: January 18, 2011, 2 p.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Pamela J. Edwards (410) 230-6263

[11-01-33]

**MARYLAND STATE LOTTERY
COMMISSION**

Subject: Public Meeting

Date and Time: January 19, 2011, 11:30 a.m. — 1:30 p.m.

Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Contact: Marie A. Torosino (410) 230-8790

[11-01-29]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting

Date and Time: January 20, 2011, 1 p.m.

Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD

Add'l. Info: Individuals requiring special accommodations are requested to contact Valerie Wooding at (410) 764-3460, or the Department of Health and Mental Hygiene TTY at (410) 383-7755, not later than 20 working days before the meeting to make arrangements.

Contact: Valerie Wooding (410) 764-3460

[11-01-11]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Notice of Receipt of Application

Add'l. Info: On December 10, 2010, the Maryland Health Care Commission (MHCC) received an application for Certificate of Need submitted by Community Care Nursing Services — Matter No. 10-24-2314 — Establish a specialty home health agency serving pediatric patient for Baltimore City, Baltimore, Harford, Howard, Prince George's, and Montgomery counties. Cost: \$50,000

The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent

only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available for review in the office of the MHCC, during regular business hours by appointment. All correspondence should be addressed to Pamela W. Barclay, Director, Center for Hospital Services, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276
[11-01-23]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review; Notice of Docketing

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following applications for renewal of a waiver to provide primary percutaneous coronary intervention in a hospital without on-site cardiac surgery:

Frederick Memorial Hospital — Docket No. 11-10-0052 WR

Meritus Medical Center — Docket No. 11-21-0051 WR

The MHCC shall review the applications under COMAR 10.24.17. Please refer to the Docket No. listed above in any correspondence on the application. The applications are available for review in the office of the MHCC during regular business hours by appointment. All correspondence should be addressed to Pamela W. Barclay, Director, Center for Hospital Services, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Pamela Barclay (410) 764-5982
[11-01-30]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: January 19, 2011, 8:30 a.m. — 5 p.m.

Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., 1st Fl., Richard Trainor Conf. Rm., Hanover, MD

Contact: Pam Gregory (410) 865-1253
[11-01-15]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting

Date and Time: January 26, 2011, 9:30 — 11 a.m.

Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 110, Baltimore, MD

Add'l. Info: Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revision, 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

[11-01-04]

BOARD OF PILOTS

Subject: Public Meeting

Date and Time: January 14, 2011, 10:30 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Pamela J. Edwards (410) 230-6263

[11-01-32]

MARYLAND PUBLIC BROADCASTING COMMISSION

Subject: Public Meeting

Date and Time: January 25, 2011, 8:30 a.m.

Place: Maryland Public Television, Owings Mills, MD

Contact: Sharon Abernathy (410) 581-4141

[11-01-06]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting

Date and Time: January 26, 2011, 10 a.m. — 12 p.m.; March 7, 2011, 10 a.m. — 12 p.m.

Place: Office On Aging, 301 W. Preston St., Rm. 1007, Baltimore, MD

Contact: Kathy Izdebski (410) 576-6327

[11-01-17]

RACING COMMISSION

Subject: Public Meeting

Date and Time: January 18, 2011, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[11-01-28]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting

Date and Time: January 14, 2011, 12 — 3 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: James T. Mellow (410) 764-4788
[11-01-18]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: January 13, 2011, 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
[11-01-09]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: January 27, 2011, 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
[11-01-10]

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

**OFFICE OF THE SECRETARY OF STATE
DIVISION OF STATE DOCUMENTS**

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Maryland Register

**Code of Maryland Regulations
(COMAR)**

September, 2010

Dear COMAR Subscriber,

COMAR is getting a new look! We are happy to announce that the Division of State Documents is redesigning the look and the usefulness of the printed COMAR. After more than 35 years of publishing COMAR in its current format, we are starting the process of providing our customers with a new and improved COMAR.

Our new format will make better use of paper costs, printing costs, and bookshelf space. Its format will be a more standard 8.5" × 11" size, and will be able to fit in a slimmer space on your bookshelf. Photocopies will be easier to make and our "greener" approach will save money, as well as paper. There will be a new page numbering system which will be easier to follow and allow for the COMAR binders to be easier to maintain.

Here is how it is going to work:

- In the coming months, you will receive, one-time only, an electronic version of the entire title(s) to which you subscribe free of charge. This electronic version will be a searchable pdf. You can elect to receive a print version at an additional cost.
- You can either save the files on your computer, or print them out to be placed in a standard 3-ring binder. You can use a binder of your own, or you can purchase a new COMAR binder from us at an additional charge.
- Thereafter, you will have the option of subscribing to updates to COMAR which will be sent to you electronically. These updates will be sent on a monthly basis, or whenever changes to your particular title(s) have been adopted. This allows you to always have the most current pages in your binder.
- You can elect to receive a print version of the COMAR updates at an additional cost.
- In keeping with the "green" approach, you will receive an electronic invoice. You must notify us if you wish to receive a paper invoice.

We look forward to the successful launch and final completion of COMAR's transformation!

Sincerely,

Gail S. Klakring
Acting Administrator
Division of State Documents

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