

Maryland Register

Issue Date: April 20, 2012

Volume 39 • Issue 8 • Pages 517—592

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 2, 2012, 5 p.m.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 April 2, 2012.

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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 The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document.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

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at 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 410-260-3876.

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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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, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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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 27, 2012

Issue Date	Emergency and Proposed Regulations 5:00 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
May 4	April 16	April 25	April 23
May 18	April 30	May 9	May 7
June 1**	May 14	May 21	May 18
June 15**	May 24	June 6	June 4
June 29	June 11	June 20	June 18
July 13**	June 25	July 3	July 2
July 27	July 9	July 18	July 16

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

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

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

** Note closing date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

03 COMPTROLLER OF THE TREASURY

03.06.02.06 • 39:3 Md. R. 261 (2-10-12)
 03.06.01.43 • 38:23 Md. R. 1425 (11-4-11)
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07 DEPARTMENT OF HUMAN RESOURCES

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08 DEPARTMENT OF NATURAL RESOURCES

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09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

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 09.08.06.01,.02 • 38:26 Md. R. 1717 (12-16-11)
 09.10.01.28 • 39:2 Md. R. 149 (1-27-12)
 09.10.03.01,.04,.08 • 38:25 Md. R. 1600 (12-2-11)
 09.12.28.01—07 • 38:14 Md. R. 794 (7-1-11) (ibr)
 39:2 Md. R. 150 (1-27-12) (ibr)
 09.19.07.01 • 39:2 Md. R. 153 (1-27-12)
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10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

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10.01.21.01—07 • 38:20 Md. R. 1213 (9-23-11)
 10.07.14.13,.24,.29 • 39:6 Md. R. 427 (3-23-12)

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10.09.04.01,.03 • 38:9 Md. R. 555 (4-22-11)
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- 10.29.01.01,.10—13 • 39:6 Md. R. 428 (3-23-12)
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- 31.10.01.01—03 • 38:24 Md. R. 1548 (11-18-11)
- 31.12.08.04 • 38:17 Md. R. 1039 (8-12-11)
- 31.12.08.04,.06 • 39:2 Md. R. 223 (1-27-12)

33 STATE BOARD OF ELECTIONS

- 33.04.02.01—.03** • 39:7 Md. R. 502 (4-6-12)
- 33.04.03.01** • 39:7 Md. R. 502 (4-6-12)
- 33.08.04.05** • 39:7 Md. R. 503 (4-6-12)
- 33.11.02.01** • 39:7 Md. R. 503 (4-6-12)
- 33.13.08.02** • 39:7 Md. R. 504 (4-6-12)
- 33.13.09.02** • 39:7 Md. R. 504 (4-6-12)
- 33.15.03.06** • 39:7 Md. R. 503 (4-6-12)
- 33.16.02.01** • 39:7 Md. R. 503 (4-6-12)
- 33.16.05.03,.05** • 39:7 Md. R. 503 (4-6-12)

34 DEPARTMENT OF PLANNING

- 34.04.09.08** • 38:25 Md. R. 1669 (12-2-11)

The Governor

EXECUTIVE ORDER 01.01.2012.05

Governor's Family Violence Council
(Amends Executive Order 01.01.2008.16)

WHEREAS, The Governor's Family Violence Council plays a vital role in the State's effort to combat Family Violence;

WHEREAS, It is crucial for stakeholders, advocates, and professionals in the field to provide the Governor with timely and accurate information on family violence and to make recommendations to reduce and eliminate abusive behaviors, ultimately improving public safety and public education in every part of the State; and

WHEREAS, Adding additional members will provide more opportunities for interested members of the public to participate and will enhance the ability of the Family Violence Council to accomplish its goals.

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 AMEND EXECUTIVE ORDER 01.01.2008.16 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Governor's Family Violence Council within the Governor's Office of Crime Control and Prevention. The Governor's Family Violence Council's mission is to provide the Governor with timely and accurate information on family violence with recommendations to reduce and eliminate abusive behaviors.

B. Membership.

(1) The Council shall have no more than [25] **28** members consisting of:

- (a) The Lieutenant Governor or a designee;
- (b) The Secretary of Health and Mental Hygiene or a designee;
- (c) The Secretary of Human Resources or a designee;
- (d) The Secretary of Public Safety and Correctional Services or a designee;
- (e) The Secretary of Juvenile Services or a designee;
- (f) The State Superintendent of Schools or a designee;
- (g) The Secretary of State Police or a designee;
- (h) The Executive Director of the Governor's Office of Crime Control and Prevention or a designee;
- (i) The Executive Director of the Governor's Office for Children or a designee;
- (j) The Attorney General or a designee;
- (k) A representative of the Maryland Judiciary, designated by the Chief Judge of the Court of Appeals;

(l) Two members of the Maryland Senate, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;

(m) Two members of the Maryland House of Delegates, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House of Delegates;

(n) A representative of the Maryland State's Attorneys' Association; and

(o) Up to [nine] **TWELVE** members with interest and expertise in issues related to domestic violence appointed by the Governor. These members may include representatives of service

providers, the legal, advocacy, and faith communities, and victims and survivors of domestic or family violence.

(p) The Governor shall appoint the Chair and any Vice Chairs of the Council from among its members.

(2) Members appointed by the Governor under B(1)(o) serve at the will of the Governor, and shall serve 3-year terms, staggered upon initial appointment. All other members shall serve so long as they hold the office or designation stipulated in B(1)(a) through (n).

(3) To the extent possible, the membership shall include representation from each of the major geographic regions of the State.

(4) Members of the Council may not receive any compensation for their services, but may receive reimbursement for reasonable expenses incurred in the performance of their duties in accordance with the Standard State Travel Regulations and as provided in the State budget.

(5) If a member appointed by the Governor fails to attend more than half of the regularly scheduled meetings in one year, the member may be presumed to have resigned and the Governor may appoint a new member to fill out the remainder of the term.

C. Procedures.

(1) The Council shall meet at least two times per year.

(2) A majority of the Council's membership shall constitute a quorum for the transaction of any business.

(3) The Council may adopt rules consistent with this Executive Order, including the creation of subcommittees to carry out the Council's responsibilities.

(4) The Council may hold public hearings as deemed necessary and appropriate by the Chair.

D. Duties and Responsibilities. The Council shall:

(1) Advise the Governor through the Executive Director of the Governor's Office of Crime Control and Prevention on matters related to family violence.

(2) Identify and analyze State policies and programs relating to family violence, including but not limited to:

(a) Collecting data from State agencies relating to the prevention and reduction of domestic violence and related family violence;

(b) Identifying resources available to reduce and prevent family violence through a statewide coordinated effort; and

(c) Identifying opportunities for collaboration between governmental units.

(3) Examine, or cause to be examined, the relationship between family violence and other societal problems, including but not limited to juvenile delinquency, alcohol and substance abuse, truancy, and future criminal activity.

(4) Identify best practices, research, and information pertaining to abuser intervention and related programs.

(5) Propose to the Governor, through the Executive Director of the Governor's Office of Crime Control and Prevention, legislative, regulatory, and policy changes to reduce and prevent the incidence of domestic violence and related family violence, to protect victims and to punish perpetrators.

(6) Perform such other duties and functions as may be appropriate and necessary for the Council to address and implement the provisions of this Executive Order.

E. Staffing.

(1) The Governor's Office of Crime Control and Prevention shall provide staff for the Council.

(2) The Council may request and shall receive in a timely manner from any department, division, board, bureau, commission, or agency of the State such information and assistance as necessary to

enable it to properly carry out its powers pursuant to this Executive Order, unless otherwise prohibited by law.

(3) The Council shall be funded by operating budgets of the Executive Department, and any federal funds or special State funds available, unless otherwise prohibited by law or regulation.

F. Reporting. The Council shall issue an annual report to the Governor by December 1, which provides the status of family violence in Maryland and recommends improvements to the State's activities to prevent family violence.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 27th day of March, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-08-37]

EXECUTIVE ORDER 01.01.2012.06

Conditional Commutation of Sentence — Mark Farley Grant

WHEREAS, Mark Farley Grant (Division of Correction Inmate Number 171372), Conditional Grantee, was convicted of Felony Murder, Use of a Handgun in Commission of a Crime of Violence, and Attempted Robbery with a Deadly Weapon in the Circuit Court of Maryland for Baltimore City on January 31, 1984 (Case No. 18301906) and was sentenced to life imprisonment plus fifteen years;

WHEREAS, On March 10, 2003, the Circuit Court for Baltimore City merged Mark Farley Grant's ten year sentence for Attempted Robbery with a Deadly Weapon and his five year sentence for Use of a Handgun in Commission of a Crime of Violence into his sentence of life imprisonment for Felony Murder;

WHEREAS, Mark Farley Grant was fourteen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress;

WHEREAS, The jury convicted Mark Farley Grant of Felony Murder for participation in the robbery that led to the murder, but acquitted him of First Degree Murder;

WHEREAS, The Baltimore City State's Attorney does not oppose clemency for Mark Farley Grant; and

WHEREAS, The Maryland Parole Commission has concluded that Mark Farley Grant presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE

WITH ALL BUT 45 YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

Pre-Release Conditions

A. Prior to parole release, the Conditional Grantee shall complete a period of community testing and/or a period of work release, as determined by the Department of Public Safety and Correctional Services.

B. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services and the Department of Labor, Licensing and Regulation, shall devise a reentry plan, which must, at a minimum, include:

(1) A home plan, investigated by the Department of Public Safety and Correctional Services and approved by the Parole Commission;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs;

(3) A counseling plan with the cooperation of the Law and Social Work Program at the University of Maryland, Baltimore. If the University of Maryland, Baltimore cannot provide counseling services, the Parole Commission and Department of Public Safety and Correctional Services shall devise a substitute counseling plan; and

(4) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

C. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

D. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-Release Conditions

E. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the Conditional Grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. If the Conditional Grantee is released on mandatory supervision, upon release from custody, he shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

G. The Parole Commission shall not grant an abatement of supervision under Code of Maryland Regulations Section 12.08.01.21H while the Conditional Grantee is on parole or mandatory supervision.

H. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections E or F of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section J, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and Code of Maryland Regulations Section 12.08.01.22. The Parole Commission may, within its discretion, deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

I. Following completion of his unsuspended term of 45 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of his suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under Code of Maryland Regulations Section 12.08.01.21.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of his suspended lifetime term:

(a) Report as directed to and follow his parole agent's instructions unless the Parole Commission has granted an abatement of supervision:

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing his home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

J. *Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence:* Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the

Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

(1) The Conditional Grantee is convicted of a crime;

(2) The Conditional Grantee owns, possesses, uses, sells or has under his control a firearm;

(3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E;

(4) The Conditional Grantee, while participating in a community testing or work release program, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E; or

(5) The Conditional Grantee violates a condition under Sections E, F, or I of this Conditional Commutation.

K. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section J, and the Governor may decide to accept or reject the Parole Commission's recommendation.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 29th day of March, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-08-38]

EXECUTIVE ORDER 01.01.2012.07

Conditional Commutation of Sentence — Tamara Settles

WHEREAS, Tamara Settles (Division of Correction Inmate Number 904563), Conditional Grantee, was convicted of Felony Murder on April 11, 1985, in the Circuit Court of Maryland for Prince George's County (Case No. CT84-1289A) and was sentenced to life imprisonment;

WHEREAS, There is no evidence that Tamara Settles was the shooter or possessed a weapon, and Settles has served 27 years in prison while the shooter served only nine years and has been in the community for 19 years;

WHEREAS, Tamara Settles has made significant progress while incarcerated - overcoming drug addiction, completing 12 years of therapy at Patuxent Institution, receiving an Associate's Degree, working toward a Bachelor's Degree at Morgan State University, working for Maryland Correctional Enterprises with positive reviews, and serving as a volunteer mentor for other women at the Maryland Correctional Institute for Women;

WHEREAS, The Prince George's County State's Attorney's Office does not oppose clemency for Tamara Settles; and

WHEREAS, The Maryland Parole Commission has concluded that Tamara Settles presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE OF TAMARA SETTLES TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE WITH ALL BUT FORTY YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

Pre-Release Conditions

A. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services, shall devise a re-entry plan, which must, at a minimum, include:

(1) One year of residency and services through the Turn About Program with Alternative Directions, Inc. If Alternative Directions cannot provide residency or services, the Parole Commission and the Department of Public Safety and Correctional Services shall devise a substitute plan;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs; and

(3) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

B. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

C. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-Release Conditions

D. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the conditional grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Completion of one year of residency and services through the Turn About Program with Alternative Directions, Inc., or completion of a substitute plan;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by her supervising agent;

(3) Submit to drug testing as directed by her supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by her supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

E. If the Conditional Grantee is released on mandatory supervision, upon release from custody, she shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the

Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Completion of one year of residency and services through the Turn About Program with Alternative Directions, Inc., or completion of a substitute plan;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by her supervising agent;

(3) Submit to drug testing as directed by her supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by her supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. The Parole Commission shall not grant an abatement of supervision under Code of Maryland Regulations Section 12.08.01.21H while the Conditional Grantee is on parole or mandatory supervision.

G. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections D or E of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section I, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and Code of Maryland Regulations Section 12.08.01.22. The Parole Commission may deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

H. Following completion of her unsuspended term of 40 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of her suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under Code of Maryland Regulations Section 12.08.01.21.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of her suspended lifetime term:

(a) Report as directed to and follow her parole agent's instructions unless the Parole Commission has granted an abatement of supervision;

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing her home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

I. *Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence:* Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

- (1) The Conditional Grantee is convicted of a crime;
- (2) The Conditional Grantee owns, possesses, uses, sells or has under her control a firearm;
- (3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E; or
- (4) The Conditional Grantee violates a condition under Sections D, E, or H of this Conditional Commutation;

J. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section I, and the Governor may decide to accept or reject the Parole Commission's recommendation.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 29th day of March, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-08-47]

OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 2nd day of April, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-08-48]

EXECUTIVE ORDER 01.01.2012.08

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2012 regular Session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2012 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 9, 2012 IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH

The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> Click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

SYNOPSIS NO. 7

House Bill

HB1479 Del O'Donnell. Hunting, Fishing, and Boat Manufacturer's or Dealer's License Applications - Disclosure of Information.

[12-08-43]

Senate Bills

SB1100 Sen Montgomery, et al. Montgomery County - Real Property - Enforceability of Recorded Covenants and Restrictions - Agricultural Activities and Structures.

SB1101 Sen Ramirez. Red Light, Speeding, and Parking Violations - Civil Penalties - Late Payment Fee.

[12-08-44]

The Judiciary

ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE MEMORANDUM 12-2 ADMINISTRATIVE REGULATION XXXIV — CIVIL PREPAYMENT AMOUNT — SCHOOL BUS MONITORING CITATIONS

By direction of Chief Judge Robert M. Bell, and for the information and guidance of all concerned, the attached notice is published for the purpose of advising of the revision to the District Court Administrative Regulation to become effective April 2, 2012. The attached revision has been adopted by the Chief Judge of the District Court.

FRANK BROCCOLINA
State Court Administrator

April 2, 2012

NOTICE

Under the authority of Transportation Article Section 21-706.1 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$125.00, which includes costs. District Court Administrative Regulation XXXIV is to be in force and effective April 2, 2012. Printed herewith is the addition of DCAR XXXIV.

BEN C. CLYBURN
Chief Judge
District Court of Maryland

April 2, 2012

[12-08-32]

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated March 26, 2012, **WILLIE JAMES MAHONE**, 9 A West Patrick Street, Frederick, Maryland 21701, has been reprimanded by consent.

* * * * *

This is to certify that by an Order of this Court dated April 6, 2012, **CHARLES FORD MILLAND**, 6134 Green Meadow Parkway, Baltimore, Maryland 21209, has been placed on inactive status by consent, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

[12-08-45]

Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

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

Notice of Emergency Action

[12-055-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .28 under **COMAR 09.10.01 Thoroughbred Rules**.

Emergency status began: March 23, 2012

Emergency status expires: August 30, 2012.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 39:2 Md. R. 149 (January 27, 2012), referenced as [12-055-P].

J. MICHAEL HOPKINS
Executive Director
Maryland Racing Commission

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 02 DIVISION OF CORRECTION

12.02.24 Case Management

Authority: Correctional Services Article, §§2-109(c) and 3-602(d), Annotated Code of Maryland

Notice of Emergency Action

[12-072-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .02 under **COMAR 12.02.24 Case Management**.

Emergency status began: March 23, 2012.

Emergency status expires: August 30, 2012.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 39:5 Md. R. 387 (March 9, 2012), referenced as [12-072-P].

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Final Action on Regulations

Symbol Key

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

Title 03 COMPTROLLER OF THE TREASURY

Notice of Final Action

[12-015-F]

On April 5, 2012, the Comptroller of the Treasury adopted amendments to:

(1) Regulations **.02** and **.05** under **COMAR 03.01.02 Tax Payment — Immediately Available Funds**;

(2) Regulation **.01** under **COMAR 03.04.01 General Regulations**; and

(3) Regulation **.06** under **COMAR 03.04.02 Individual**.

This action, which was proposed for adoption in 39:1 Md. R. 22 — 23 (January 13, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

RHEA R. REED

Director

Revenue Administration Division

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

07.07.02 General Information

Authority: Family Law Article, §§10-106—10-116, 10-118, 10-119, 10-119.3—10-144, and 10-303—10-359, Annotated Code of Maryland; Agency Note: Federal Regulatory Reference—45 CFR §§302, 303.2—303.15, 303.30, 303.31, and 303.71—303.106; 42 U.S.C. §654(6)(B)

Notice of Final Action

[12-067-F]

On March 22, 2012, the Secretary of Human Resources adopted amendments to Regulation **.05** under **COMAR 07.07.02 General Information**. This action, which was proposed for adoption in 39:3 Md. R. 272 (February 10, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

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:

Statement of Purpose for Regulation **.05**: To clarify the Statement of Purpose of proposed COMAR 07.07.02.05, consistent with federal

regulations, that a child support case may be closed if there is no current support order and one of two additional conditions apply. The two additional conditions are that the child support arrears in the case are either unenforceable or less than \$500. The former Statement of Purpose did not include language that would allow a case to be closed if the arrears were more than \$500, but unenforceable.

Revised Statement of Purpose

The purpose of this action is to comply with the federal criteria for closing a child support case. This criteria specifies that a child support case may be closed when there is no longer a current support order and arrearages are under \$500 or unenforceable under State law.

THEODORE DALLAS

Secretary of Human Resources

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.12 Disposable Medical Supplies and Durable Medical Equipment

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129, Annotated Code of Maryland

Notice of Final Action

[12-005-F]

On April 2, 2012, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01** and **.04** under **COMAR 10.09.12 Disposable Medical Supplies and Durable Medical Equipment**. This action, which was proposed for adoption in 39:1 Md. R. 28 — 29 (January 13, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

JOSHUA M. SHARFSTEIN, M.D.

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.12 Disposable Medical Supplies and Durable Medical Equipment

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129, Annotated Code of Maryland

Notice of Final Action
[12-007-F]

On April 2, 2012, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .07 under **COMAR 10.09.12 Disposable Medical Supplies and Durable Medical Equipment**. This action, which was proposed for adoption in 39:1 Md. R. 29 — 30 (January 13, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action
[12-010-F]

On April 10, 2012, the Secretary of Health and Mental Hygiene adopted amendments to:

(1) Regulations .19 and .19-3 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**; and

(2) Regulation .14 under **COMAR 10.09.76 Primary Adult Care Program**.

This action, which was proposed for adoption in 39:1 Md. R. 38 — 45 (January 13, 2012), has been adopted with the nonsubstantive changes shown below.

Effective Date: April 30, 2012.

Attorney General's Certification

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

COMAR 10.09.65.19B(4)(g): The change was made to clarify the language of the existing regulation and thus does not substantially affect the rights, duties or obligations of the public.

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Insurance Article, §15-112, 15-605, and 15-1008; Health-General Article, §2-104, 15-102.3, and 15-103; Annotated Code of Maryland

.19 MCO Reimbursement.

A. (text unchanged)

B. Capitation Rate-Setting Methodology.

(1)—(3) (proposed text unchanged)

(4) Except to the extent of adjustments required by §D of this regulation or by Regulations .19-1—.19-4 of this chapter, the Department shall make payments monthly at the rates specified in the following tables:

[(a)—(c)] (tables proposed for repeal)

(g) *Rate Table for Families and Children.*

Effective January 1, 2012—December 31, 2012

<i>Age/RAC</i>	<i>Gender</i>	<i>PMPM Baltimore City</i>	<i>PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties</i>	<i>PMPM Rest of State</i>
<i>Under age 1 Birth Weight 1500 grams or less</i>	<i>Both</i>	\$6,647.12	\$5,525.00	\$5,955.50
<i>Under age 1 Birth Weight over 1500 grams</i>	<i>Both</i>	\$399.11	\$331.74	\$357.59
<i>1—5</i>	<i>Male</i>	\$176.69	\$146.86	\$158.30
	<i>Female</i>	\$156.16	[[\$139.91]] \$129.79	[[\$129.79]] \$139.91
<i>6—14</i>	<i>Male</i>	\$96.53	\$80.24	\$86.49
	<i>Female</i>	\$94.37	\$78.44	\$84.55
<i>15—20</i>	<i>Male</i>	\$132.68	\$110.28	\$118.87
	<i>Female</i>	\$172.66	\$143.51	\$154.70
<i>21—44</i>	<i>Male</i>	\$299.06	\$248.57	\$267.94
	<i>Female</i>	\$413.62	\$343.80	\$370.58
<i>45—64</i>	<i>Male</i>	\$597.71	\$496.81	\$535.52
	<i>Female</i>	\$614.95	\$511.14	\$550.96

ACG—adjusted cells

ACG 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1200, 1300, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3800, 4210, 5100, 5110, 5200, 5230, 5310, 5339	RAC 1F	Both	\$249.28	\$212.87	\$224.46
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 2F	Both	\$342.24	\$292.26	\$308.17
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 3F	Both	\$440.67	\$376.31	\$396.80
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 4F	Both	\$708.00	\$604.60	\$637.52
ACG 4430, 4730, 4930, 5030, 5050	RAC 5F	Both	\$926.93	\$791.55	\$834.65
ACG 4940, 5060	RAC 6F	Both	\$1,100.50	\$939.77	\$990.95
ACG 5070	RAC 7F	Both	\$2,076.33	\$1,773.08	\$1,869.62
ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200	RAC 1G	Both	\$86.88	\$74.19	\$78.23
ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310	RAC 2G	Both	\$113.89	\$97.26	\$102.56
ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339	RAC 3G	Both	\$147.84	\$126.25	\$133.12
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 4G	Both	\$205.85	\$175.79	\$185.36
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4820	RAC 5G	Both	\$289.82	\$247.49	\$260.97
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 6G	Both	\$354.97	\$303.12	\$319.63
ACG 4430, 4730, 4930, 4940, 5030, 5050, 5060, 5070	RAC 7G	Both	\$673.45	\$575.09	\$606.40
SOBRA Mothers			\$701.29	\$582.90	\$628.32
Persons with HIV	ALL	Both	\$651.30	\$651.30	\$651.30

(h)—(m) (proposed text unchanged)

(5) (proposed text unchanged)

C.—D. (proposed text unchanged).

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.18 Continuing Education for Pharmacists

Authority: Health Occupations Article, §12-309, Annotated Code of Maryland

Notice of Final Action

[12-038-F]

On April 2, 2012, the Secretary of Health and Mental Hygiene adopted new Regulation **.01-1** under **COMAR 10.34.18 Continuing Education for Pharmacists**. This action, which was proposed for adoption in 39:2 Md. R. 189 (January 27, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.06 Advertising

Authority: Health Occupations Article, §§4-205, 4-315, and 4-503, Annotated Code of Maryland

Notice of Final Action

[11-359-F]

On April 10, 2012, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.02** under **COMAR 10.44.06 Advertising**. This action, which was proposed for adoption in 38:25 Md. R. 1615 — 1616 (December 2, 2011), has been adopted as proposed.

Effective Date: April 30, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 12 MOTOR VEHICLE ADMINISTRATION — LICENSING OF BUSINESSES AND OCCUPATIONS

11.12.09 Driver Improvement Programs and 3-Hour Alcohol and Drug Education Programs

Authority: Transportation Article, §§12-104(b), 16-103.1, 16-206, 16-212, 16-212.1, 16-404, Annotated Code of Maryland

Notice of Final Action

[12-042-F]

On March 13, 2012, the Administrator of the Motor Vehicle Administration adopted amendments to Regulations **.01**, **.02**, and **.04** — **.07** under **COMAR 11.12.19 Driver Improvement Programs and 3-Hour Alcohol and Drug Education Programs**. This action,

which was proposed for adoption in 39:2 Md. R. 207 — 209 (January 27, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.02 Permits, Approvals, and Registration

Authority: Environment Article, §§1-404, 2-103, 2-301 — 2-303, 2-401, 2-402, and 2-404, Annotated Code of Maryland

Notice of Final Action

[12-029-F]

On March 30, 2012, the Secretary of the Environment adopted amendments to Regulation **.13** under **COMAR 26.11.02 Permits, Approvals, and Registration**. This action, which was proposed for adoption in 39:2 Md. R. 218 — 219 (January 27, 2012), has been adopted as proposed.

Effective Date: April 30, 2012.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 16 LEAD

Notice of Final Action

[11-380-F]

On March 30, 2012, the Secretary of the Environment adopted amendments to:

- (1) Regulations **.02**, **.03**, and **.11** under **COMAR 26.16.01 Accreditation and Training for Lead Paint Abatement Services**;
- (2) Regulations **.03** and **.07** under **COMAR 26.16.02 Reduction of Lead Risk in Housing**; and
- (3) Regulation **.08** under **COMAR 26.16.05 Procedures for Performing Lead Abatement Services**.

This action, which was proposed for adoption in 38:27 Md. R. 1783 — 1785 (December 30, 2011), has been adopted as proposed.

Effective Date: April 30, 2012.

ROBERT M. SUMMERS
Secretary of the Environment

Title 33
STATE BOARD OF
ELECTIONS

Subtitle 13 CAMPAIGN FINANCING

33.13.11 Electronic Contributions

*Authority: Election Law Article, §§2-102(b)(4), 13-234, and 13-304(b),
Annotated Code of Maryland*

Notice of Final Action

[11-365-F]

On March 29, 2012, the State Board of Elections adopted new Regulations **.01 — .04** under a new chapter, **COMAR 33.13.11 Electronic Contributions**. This action, which was proposed for adoption in 38:26 Md. R. 1746 — 1747 (December 16, 2011), has been adopted as proposed.

Effective Date: April 30, 2012.

LINDA H. LAMONE
State Administrator of Elections

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.03 Procedure for Handling Applications

Authority: Financial Institutions Article, §2-105.1; Title 3, Subtitles 2 and 7; Title 5, Subtitle 10; and Title 6, Subtitle 2; Annotated Code of Maryland

Notice of Proposed Action

[12-097-P]

The Commissioner of Financial Regulation proposes to amend Regulation .01 under **COMAR 09.03.03 Procedure for Handling Applications**.

Statement of Purpose

The purpose of this action is to repeal the applicability of the general application regulation to bank branch applications because the statute regarding the approval process for branch applications has changed.

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 Jeanine Magurshak, Assistant Attorney General, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Baltimore, MD 21202, or call 410-230-6122, or email to jmagurshak@dlr.state.md.us, or fax to 410-333-6503. Comments will be accepted through May 21, 2012. A public hearing has not been scheduled.

.01 Scope

Regulations under this chapter contain procedures by which the Commissioner of Financial Regulation of the State of Maryland may reach informed decisions with respect to:

A. (text unchanged)

[B. Applications by state banking institutions to establish branches pursuant to Financial Institutions Article, Title 5, Subtitle 10, Annotated Code of Maryland;]

[C.] B. – [D.] C. (text unchanged)

MARK A. KAUFMAN

Commissioner of Financial Regulation

Subtitle 08 HOME IMPROVEMENT COMMISSION

09.08.01 General Regulations

Authority: Business Regulation Article, §§8-207(a) and 8-501(c)(1)(ix), Annotated Code of Maryland

Notice of Proposed Action

[12-096-P]

The Maryland Home Improvement Commission proposes to adopt new Regulation .26 under **COMAR 09.08.01 General Regulations**. This action was considered by the Commission at a public meeting held on November 3, 2011, notice of which was given by publication in 38:22 Md. R. 1388 (October 21, 2011).

Statement of Purpose

The purpose of this action is to specify the notice required to be printed in home improvement contracts advising homeowners of specific protections available through the Maryland Home

Improvement Commission, including the availability of mediation services and the potential for compensation for certain losses from the Guaranty Fund. The required notice also informs homeowners that they may request a home improvement contractor to purchase a performance bond in order to receive additional protection against loss beyond the protection offered by the Guaranty Fund. Contractors may comply with these requirements by attaching an addendum, signed by both parties, to pre-preprinted contracts until July 1, 2013. After that date, the notices must be included in the contract.

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 Steven Smitson, Executive Director, Maryland Home Improvement Commission, 500 N. Calvert Street, Room 306, Baltimore, MD 21202, or call 410-230-6169, or email to ssmitson@dlr.state.md.us, or fax to 410-962-8482. Comments will be accepted through May 23, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Home Improvement Commission during a public meeting to be held on June 7, 2012, at 10 a.m., at 500 N. Calvert Street, Baltimore, MD 21202.

.26 Required Notice in Contracts.

A. A home improvement contract shall contain a notice stating that:

(1) Formal mediation of disputes between homeowners and contractors is available through the Maryland Home Improvement Commission;

(2) The Maryland Home Improvement Commission administers the Guaranty Fund, which may compensate homeowners for certain actual losses caused by acts or omissions of licensed contractors; and

(3) A homeowner may request that a contractor purchase a performance bond for additional protection against losses not covered by the Guaranty Fund.

B. The notice required by this regulation shall be included within the contract or, until July 1, 2013, may be included in an addendum attached to the contract, provided that the addendum is signed by the homeowner and contractor.

JOHN BORZ
Chair, Home Improvement Commission

Title 10
DEPARTMENT 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, 19-212, and 19-215, Annotated Code of Maryland

Notice of Proposed Action

[12-098-P-I]

The Health Services Cost Review Commission proposes to amend Regulation .02 under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on March 7, 2012, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. If adopted, the proposed amendments will become effective on or about July 9, 2012.

Statement of Purpose

The purpose of this action is to update the Commission’s manual entitled “Accounting and Budget Manual for Fiscal and Operating Management (August, 1987)”, which has been incorporated by reference.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Diana Kemp, Administrator II, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to dkemp@hsrcr.state.md.us, or fax to 410-358-6217. Comments will be accepted through May 21, 2012. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Accounting and Budget Manual for Fiscal and Operating Management (August, 1987), Supplement 21, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 39:2 Md. R. 104 (January 27, 2012), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Accounting System; Hospitals.

A. The Accounting System.

- (1) (text unchanged)
 - (2) The "Accounting and Reporting System for Hospitals", also known as the Accounting and Budget Manual for Fiscal and Operating Management (August, 1987), is incorporated by reference, including the following supplements:
 - (a) — (r) (text unchanged)
 - (s) Supplement 19 (February 9, 2010); and
 - (t) Supplement 20 (May 16, 2011); and
 - (u) Supplement 21 (June 5, 2012).
 - (3) — (5) (text unchanged)
- B. — D. (text unchanged)

JOHN M. COLMERS

Chairman

Health Services Cost Review Commission

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 10 CORRECTIONAL TRAINING COMMISSION

Notice of Proposed Action

[12-099-P]

The Secretary of Public Safety and Correctional Services proposes to:

- (1) Amend Regulations **.04—, .06, .09, and .14—, .17**, repeal existing Regulations **.19, .20, .25, and .26**, amend and recodify existing Regulation **.24** to be Regulation **.22**, and recodify existing Regulations **.21—, .24** and **.27** to be Regulations **.19—, .22** and **.23** under **COMAR 12.10.01 General Regulations**;
- (2) Repeal existing Regulations **.01—, .31** and adopt new Regulations **.01—, .10** under **COMAR 12.10.04 Firearms Training**;
- (3) Amend Regulation **.01** under **COMAR 12.10.05 Electronic Control Device Training and Instructor Certification**; and
- (4) Adopt new Regulations **.01—, .16** under a new chapter, **COMAR 12.10.06 Instructor Training and Certification**.

This action was considered by the Correctional Training Commission at a public meeting on January 24, 2012.

Statement of Purpose

The purpose of this action is to separate two distinct Correctional Training Commission responsibilities previously combined in one chapter, i.e. Firearms Training and Instructor Training and Certification currently contained in COMAR 12.10.04. By separating the topics, the Correctional Training Commission establishes a distinction between the requirements for firearms classroom instruction, training and qualification, and instructor certification requirements. The current language creates significant overlap between these two topics especially when addressing the various classifications of firearms-related instructor certifications. The proposed action:

- (1) Amends references in COMAR 12.10.01 to match changes (deletions and re-codification) to COMAR 12.10.04 and relocation of language in new COMAR 12.10.06;
- (2) Amends existing COMAR 12.10.04 by renaming the chapter to Firearms Training and removes instructor training and certification language from the chapter leaving firearms training requirements, with minor formatting updates, as the topic of the chapter;
- (3) Deletes the definition of expert from COMAR 12.10.05.01; and
- (4) Creates new regulations under COMAR 12.10.06 Instructor Training and Certification using the language, with appropriate formatting updates, removed from existing COMAR 12.10.04.

This action was originally proposed in 38:15 Md. R. 904-922 (July 15, 2011), and re-proposed with significant changes in 38:26 Md. R. 1730-1731 (December 16, 2011). The Commission found it necessary to withdraw (effective March 19, 2012) the proposal for additional review. This action is the result of the Commission's additional review.

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 Thomas C. Smith, Director, Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, MD 21784, or call 410 875 3605, or email to tcsmith@dpscs.state.md.us. Comments will be accepted through May 21, 2012. A public hearing has not been scheduled.

12.10.01 General Regulations

Authority: Correctional Services Article, §8-208, Annotated Code of Maryland

.04 Selection Standards for Appointment to a Mandated Position and Documentation Requirements.

- A. — F. (text unchanged)
- G. Drug Screening.

(1) An agency head shall require that an applicant for a mandated position submits to a drug screening to test for controlled dangerous substances, narcotic drugs, and marijuana according to Regulation [.23] .21 of this chapter.

- (2) (text unchanged)

(3) If the drug screening test results exceed the levels specified under Regulation [.23] .21 of this chapter, the Commission may not certify the individual in the mandated position, unless the positive drug screening test for a controlled dangerous substance, narcotic drug, or marijuana is determined to be the result of a legitimate ingestion or exposure as provided under Regulation [.24] .21 of this chapter.

H. (text unchanged)

I. An agency head may submit a request for a waiver of the minimum standards under this regulation according to requirements under Regulation [.21] .19 of this chapter.

.05 Background Investigation and Criminal History Record Checks.

A. Background Investigation.

(1) (text unchanged)

(2) An agency head shall ensure that a background investigation includes:

(a) — (d) (text unchanged)

(e) An investigation for prior use of controlled dangerous substances, narcotic drugs, and marijuana as specified under Regulation [.24] .22 of this chapter; and

(f) (text unchanged)

(3) — (9) (text unchanged)

B. Criminal History Record Checks and Fingerprints.

(1) — (3) (text unchanged)

(4) Record of Criminal Conviction.

(a) — (b) (text unchanged)

(c) The Commission may not certify an applicant in a mandated position if the applicant has a conviction for an offense under Regulation [.22] .20 of this chapter.

.06 Certification of a Mandated Employee.

A. Mandated Employee Certification Requirements. The Commission shall certify an individual for appointment to a mandated position after the individual:

(1) — (2) (text unchanged)

(3) Successfully completes a field training program under Regulation [.22] .23 of this chapter.

B. (text unchanged)

C. Mandated Employee Certification—Renewal.

(1) (text unchanged)

(2) The Commission shall renew a mandated employee’s certification if the individual meets the Commission’s annual training requirements under Regulation [.12] .16 of this chapter.

(3) — (4) (text unchanged)

D. — G. (text unchanged)

.08 Standards for Recertification.

A. (text unchanged)

B. Information Required for a Recertification Applicant. An agency head, or a designee, submitting an AFC for recertification under this regulation shall require that the following are performed for the applicant:

(1) (text unchanged)

(2) A drug screening under Regulation [.18] .21 of this chapter;

(3) (text unchanged)

(4) An investigation for the applicant’s prior use of controlled dangerous substances, narcotic drugs, and marijuana according to requirements under Regulation [.24] .22 of this chapter;

(5) — (6) (text unchanged)

C. — E. (text unchanged)

.09 Minimum Standards for Mandated Employee Entrance-Level Training.

A. (text unchanged)

B. General Requirements.

(1) (text unchanged)

(2) The Commission may not permit hours used to meet entrance-level firearms training and qualification requirements under COMAR 12.10.04 or field training requirements under Regulation [.27] .23 of this chapter as part of the minimum hours of entrance-level training specified for each mandated position in this regulation, regardless of whether the activity is conducted contemporaneously with or separate from the entrance-level training.

C. (text unchanged)

D. Institutional Support Staff — Entrance-Level Training Requirements.

(1) (text unchanged)

(2) Commission-approved entrance-level training for a mandated position classified as institutional support staff is a minimum of 88 hours and shall include the subject areas required under [§C(3)] §C(2) of this regulation.

E. — I. (text unchanged)

.14 Commission Certification Requirements for an Academy Providing Commission-Approved Mandated Employee Training.

A. (text unchanged)

B. General Requirements. An academy seeking certification to provide Commission-approved mandated employee training shall submit a request to the Commission documenting that the academy:

(1) — (7) (text unchanged)

(8) Has [a Commission] *an instructor* certified [instructor] *by the Commission or the Police Training Commission* to conduct Commission-approved mandated employee training, unless the individual is exempt *under COMAR 12.10.06 or COMAR 12.04.06* from [Commission] instructor certification requirements [under Regulation .20 of this chapter].

C. — H. (text unchanged)

.15 Voluntary Attendance — Commission-Approved Mandated Employee Entrance-Level Training.

A. — B. (text unchanged)

C. An agency head hiring an individual for a mandated position may request a waiver, according to Regulation [.21] .19 of this chapter, of the Commission-approved mandated employee entrance-level training requirement, if the individual, before applying for the mandated position, voluntarily attended and successfully completed Commission-approved mandated employee entrance-level training for the mandated position within 2 years of being hired by the agency head.

D. (text unchanged)

.16 Mandated Employee In-Service Training and Firearms Training and Qualification.

A. Mandated Employee In-Service Training.

(1) — (5) (text unchanged)

(6) An agency head who receives a waiver of the Commission requirements for an employee to complete Commission-approved mandated employee entrance-level training under Regulation [.21] .19 of this chapter shall ensure that the mandated employee successfully completes Commission-approved mandated employee in-service training during the first full calendar year of employment and during each successive calendar year of employment in the mandated position with the correctional unit.

B. Mandated Employee Firearms Training and Qualification Requirements.

(1) (text unchanged)

(2) The Commission does not require a mandated employee required to carry or use a firearm to complete firearms training and

qualification under this regulation if, in the same calendar year, the mandated employee successfully completes Commission-approved:

(a) — (c) (text unchanged)

(d) Firearms [transition] *conversion* training and qualification for the same firearm.

C. Mandated Employee In-Service Training and Firearms Training and Qualification Approval.

(1) — (3) (text unchanged)

(4) Only [Commission-certified instructors] *an instructor certified by the Commission or the Police Training Commission* shall conduct Commission-approved training unless [a waiver] *an exemption from instructor certification requirements* is granted under [Regulation .21 of this chapter] *COMAR 12.10.06 or 12.04.06 for the individual conducting the training.*

(5) — (6) (text unchanged)

D. — E. (text unchanged)

.17 Failure to Complete Commission-Required Mandated Employee In-Service Training and Firearms Training and Qualification.

A. — D. (text unchanged)

E. Waivers.

(1) (text unchanged)

(2) An agency head or training director responsible for training a mandated employee shall submit a request for a waiver of training requirements under this regulation according to provisions under Regulation [.21] .19 of this chapter.

F. (text unchanged)

[.24] .22 Prior Substance Abuse by Applicants for Certification.

A. — D. (text unchanged)

E. Requesting a Waiver.

(1) A correctional unit may request a waiver under Regulation [.21] .19 of this chapter of any provisions of this regulation.

(2) (text unchanged)

12.10.04 Firearms Training [and Instructor Certification]

Authority: Correctional Services Article, Title 8, Subtitle 2, Annotated Code of Maryland

.01 Purpose.

A. *This chapter establishes Commission firearms training requirements for a firearms qualified employee regulated by the Commission for:*

(1) *Firearms classroom instruction, training, and qualification; and*

(2) *Authorization to use or carry a firearm.*

B. *Commission Requirements are Minimum Requirements. An employer may adopt more stringent requirements for firearms classroom instruction, training, and qualification.*

C. *This chapter does not apply to a firearm that discharges a projectile that is not intended to cause death that the employer has authorized a firearms qualified employee to use or carry.*

.02 Definitions.

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

B. *Terms Defined.*

(1) *“Academy” means a college, school, training unit, or training facility approved or certified by the Commission under this chapter or COMAR 12.10.01 to conduct entrance-level and other training programs.*

(2) *Classroom Instruction.*

(a) *“Classroom instruction” means training conducted in a traditional educational setting: for example, in a room with desks, chairs, books, paper, and other educational tools or equipment.*

(b) *“Classroom instruction” does not include training conducted on a firing line.*

(3) *“Commission” means the Maryland Correctional Training Commission, its officers, and its employees.*

(4) *Course of Fire.*

(a) *“Course of fire” means a sequence of activities related to the actual discharge of a firearm on a firing line for training or qualification.*

(b) *“Course of fire” does not include classroom instruction.*

(5) *Day-fire.*

(a) *“Day-fire” means firearms training or qualification, or both, conducted during normal outdoor lighting conditions that exist between dawn and dusk.*

(b) *“Day-fire” includes the indoor equivalent or other lighting conditions that simulate normal outdoor lighting conditions that exist between dawn and dusk.*

(6) *“Deputy Director” means the Deputy Director of the Police and Correctional Training Commissions, or, the Deputy Director’s designee.*

(7) *“Entrance-level” means initial classroom instruction, training, or qualification with a firearm regardless of experience or training with a different type of firearm.*

(8) *“Firearms qualified employee” means an individual who:*

(a) *Is subject to regulation by the Commission;*

(b) *Is authorized by the individual’s employer to use or carry a firearm; and*

(c) *Meets the requirements of this chapter.*

(9) *“Firearm” means a pistol, revolver, or long gun.*

(10) *“Firearm provisional instructor” means an individual certified by the Commission in that instructor classification according to requirements established under COMAR 12.10.06.*

(11) *“Firearms instructor” means an individual certified by the Commission in that instructor classification according to requirements established under COMAR 12.10.06.*

(12) *“Firing line” means those areas and positions from which an individual actually discharges a firearm with live ammunition for training or qualification, or both, as part of a course of fire.*

(13) *Firing Line Controller.*

(a) *“Firing line controller” means the line instructor or firearms instructor responsible for issuing commands on a firing line during firearms training and qualification.*

(b) *“Firing line controller” includes a line instructor or firearms instructor actually on the firing line or in a structure overseeing the firearms training and qualification conducted on the firing line.*

(14) *Handgun.*

(a) *“Handgun” has the meaning stated in Public Safety Article, §5-101, Annotated Code of Maryland.*

(b) *“Handgun” includes a:*

(i) *Pistol; and*

(ii) *Revolver.*

(15) *“Judgmental or decision training” means instruction and skills development conducted in the classroom, using firearms simulation, or on a firing line, to enable an individual to:*

(a) *Differentiate between threat levels; and*

(b) *Respond appropriately to an identified threat.*

(16) *“Line Instructor” means an individual certified by the Commission in that instructor classification according to requirements established under COMAR 12.10.06.*

(17) Long Gun.

(a) "Long gun" means a firearm designed to be fired from the shoulder.

(b) "Long gun" includes a:

- (i) Type 1 long gun;
- (ii) Type 2 long gun;
- (iii) Type 3 long gun; and
- (iv) Type 4 long gun.

(18) Optical Sighting Device.

(a) "Optical sighting device" means a mechanism that assists an individual in sighting a firearm.

(b) "Optical sighting device" does not include an iron sight.

(19) "Pistol" means a handgun that operates semi-automatically:

(a) Discharging a single round of ammunition with a pull of the trigger;

(b) Clearing the chamber of the spent casing; and

(c) Loading the next round of ammunition in the chamber.

(20) "Power" means a measurement used to describe levels of visual magnification, with a number representing the level of magnification above the normal visual range.

(21) "Qualification" means proficiency testing by discharging a firearm on a Commission-approved course of fire to receive a score that the Commission measures against established requirements to determine if the individual is authorized to use or carry a specific firearm.

(22) Reduced Light.

(a) "Reduced light" means the normal outdoor lighting conditions that exist between dusk and dawn.

(b) "Reduced light" includes simulated natural outdoor lighting conditions such as:

(i) Artificial light to simulate natural reduced lighting conditions; or

(ii) Goggles, headgear, or an apparatus worn to cover the eyes designed to reduce the availability of light to simulate natural reduced lighting conditions.

(23) "Revolver" means a handgun that:

(a) Fires a single round of ammunition with each pull of the trigger; and

(b) Has a cylinder containing additional rounds of ammunition that rotates to position the next round of ammunition for firing.

(24) "Strong hand" means the hand:

(a) On the same side of the body where an individual normally carries a handgun in a holster; and

(b) That the individual would primarily use to discharge a handgun.

(25) Training.

(a) "Training" means a demonstration or an exercise, in addition to classroom instruction, provided by an individual certified under COMAR 12.10.06, to enhance understanding, proficiency, marksmanship, and other skills related to proper firearm use and tactics such as movement, multiple targets, judgmental or decision training, and use of cover and concealment.

(b) "Training" may include drills that involve discharging rounds.

(26) "Type 1 long gun" means a long gun with an optical sighting device greater than 4 power intended for use as a counter-sniper firearm.

(27) "Type 2 long gun" means a long gun with an optical sighting device greater than 4 power intended for use other than as a counter-sniper firearm.

(28) "Type 3 long gun" means a long gun without an optical sighting device, or with an optical device of 4 power or less.

(29) Type 4 Long Gun.

(a) "Type 4 long gun" means a long gun manufactured and sold as a shotgun that is designed to discharge a single projectile or multiple projectiles from a single round of ammunition.

(b) "Type 4 long gun" includes a long gun manufactured and sold as a shotgun regardless of the:

(i) Action; or

(ii) Use of an optical sighting device.

(30) "Weak hand" means the hand that is not considered the strong hand.

.03 General Requirements — Authorized Firearms Classroom Instruction, Training, and Qualification, and Firing Line Supervision.

A. Firearms Classroom Instruction, Training, and Qualification Requirements — General.

(1) A firearms qualified employee may not use or carry a firearm unless:

(a) The firearm is approved by the firearms qualified employee's employer;

(b) The firearms qualified employee's employer authorizes the firearms qualified employee to use or carry the firearm; and

(c) The firearms qualified employee successfully completes the applicable firearms classroom instruction, training, and qualification for the firearm established under this chapter.

(2) All rounds required to be discharged by this chapter shall be fired with only one finger on the trigger.

(3) If a firearm becomes defective or unavailable to a firearms qualified employee during firearms training or qualification, a substitute firearm may be used for the firearms training or qualification if the substitute firearm is the same type, model, manufacture, caliber, and barrel length as the defective or unavailable firearm.

(4) Entrance-Level Firearms Classroom Instruction, Training, and Qualification.

(a) For an individual to be initially authorized to use or carry a firearm, except a firearm for which authorization is provided through conversion under Regulation .09 of this chapter, the individual shall successfully complete entrance-level firearms classroom instruction, training, and qualification established under this chapter for the firearm.

(b) The individual may complete the entrance-level firearms classroom instruction, training, and qualification:

(i) As a part of entrance-level firearms classroom instruction, training, and qualification required by COMAR 12.10.01; or

(ii) Independent of the entrance-level firearms classroom instruction, training, and qualification required by COMAR 12.10.01.

(c) Commission firearms training objectives required for the entrance-level firearms classroom instruction, training, and qualification are available from the Commission upon written request.

B. Firing Line Supervision Requirements — General.

(1) At least one firearms provisional instructor, line instructor, or firearms instructor shall be present for every five or fewer individuals on the firing line.

(2) If more than one firearms provisional instructor, line instructor, or firearms instructor is required to be present, the individual responsible for the firearms training and qualification shall designate a firearms instructor or line instructor to supervise the firing line.

(3) If more than 15 individuals are on the firing line:

(a) The individual responsible for the firearms training and qualification shall assign a firing line controller; and

(b) The firing line controller may not be counted as part of the one-to-five ratio required under this regulation.

C. If an individual has met the requirements of this chapter to be a firearms qualified employee but has not met the annual firearms classroom instruction, training, and qualification under Regulation .08 of this chapter for three or more consecutive years, the individual shall successfully complete the entrance-level firearms classroom instruction, training, and qualification before being authorized to carry or use a firearm.

D. *Firearms Classroom Instruction, Training, and Qualification — Approval and Minimum Hours.*

(1) *Commission Approval.*

(a) Written approval by the Commission is required for firearms classroom instruction, training, and qualification.

(b) An academy or employer of a firearms qualified employee requesting approval shall submit the request to the Commission 20 days before the academy or employer plans to start the firearms classroom instruction, training, and qualification.

(2) The minimum hours required for firearms classroom instruction, training, and qualification established under this chapter:

(a) Only include the actual hours of firearms classroom instruction, training, and qualification; and

(b) Do not include meals and breaks.

.04 Entrance-Level Firearms Classroom Instruction, Training, and Qualification — Handgun.

A. A firearms qualified employee shall successfully complete the minimum requirements for entrance-level handgun classroom instruction, training, and qualification established under this regulation before using or carrying a handgun.

B. Minimum entrance-level classroom instruction, training, and qualification for a handgun include:

(1) 35 hours of classroom instruction, training, and qualification;

(2) Classroom instruction topics marked with an “X” under Entrance-Level Handgun Training in the table under Regulation .10B of this chapter;

(3) The following activities conducted over a minimum of three separate calendar days:

(a) Firearms training exercises; and

(b) A course of fire for qualification scoring that includes:

(i) Three successive day-fire courses of fire; and

(ii) One reduced light course of fire;

(4) Use of ammunition authorized by the individual’s employer, or the ballistic equivalent when firing for qualification;

(5) Discharging a minimum of 1,000 rounds of ammunition for firearms training and qualification collectively; and

(6) The course of fire requirements outlined in the table under Regulation .05 of this chapter.

.05 Course of Fire Requirements for Handgun Qualification.

The following are minimum entrance-level, annual, and conversion courses of fire requirements for handgun qualification:

Type of Requirement	Handgun Day-Fire Required Course of Fire for Qualification	Handgun Reduced Light Required Course of Fire for Qualification
(1) Rounds to be discharged with one finger on the trigger	Minimum of 30 rounds on each course of fire	Minimum of 30 rounds on the course of fire
(2) Minimum passing score	70 percent on each of the three successive courses of fire	70 percent
(3) Target description	Depiction of human torso or silhouette marked to indicate scoring values in a maximum scoring area of 725 square inches	Depiction of human torso or silhouette marked to indicate scoring values in a maximum scoring area of 725 square inches
(4) Required percentages of rounds to be fired, and required firing distances	A minimum of 10 percent, but not more than 40 percent, of the course of fire rounds shall be discharged at each of the following four range of distances: (a) Less than 5 yards; (b) 5 yards to less than 10 yards; (c) 10 to less than 25 yards; and (d) 25 yards or farther.	A minimum of 10 percent, but no more than 40 percent, of the course of fire rounds shall be discharged at each of the following three range of distances: (a) Less than 5 yards; (b) 5 yards to less than 15 yards; and (c) 15 yards or farther
(5) Maximum time permitted per round of ammunition fired at specified distances	(a) 2 seconds per round when firing at less than 5 yards; (b) 3 seconds per round when firing at 5 yards to less than 10 yards; (c) 4 seconds per round when firing at 10 yards to less than 25 yards; (d) 5 seconds per round when firing at 25 yards, or farther	(a) 2 seconds per round when firing at less than 5 yards; (b) 3 seconds per round when firing at 5 yards to less than 15 yards; (c) 4 seconds per round when firing at 15 yards, or farther
(6) Maximum time permitted to move from one specified firing position to the next	5 seconds	5 seconds
(7) Maximum time permitted for each instance of reloading the handgun during the course of fire	Revolver — 17 seconds Pistol — 8 seconds	Revolver — 17 seconds Pistol — 8 seconds

(8) Minimum requirements for holding the handgun while discharging rounds during the course of fire	(a) Strong hand supported by weak hand; (b) Strong hand with no support; (c) Weak hand supported by strong hand; and (d) Weak hand with no support	(a) Strong hand supported by weak hand; (b) Strong hand with no support; (c) Weak hand supported by strong hand; and (d) Weak hand with no support
(9) Minimum body positions from which rounds are to be fired during the course of fire	(a) Standing; (b) Kneeling; and (c) Two different positions from barricade	(a) Standing; and (b) Kneeling
(10) Supplemental lighting conditions suggested during course of fire	Not Applicable	At least one of the following: (a) Flares; (b) Street lights; (c) Vehicle lights; (d) Flashlights; (e) Vehicle emergency lights; or (f) Alternate lighting source

.06 Entrance-Level Firearms Classroom Instruction, Training, and Qualification — Long Guns.

A. An individual shall successfully complete the minimum requirements for entrance-level long gun classroom instruction, training, and qualification established under this regulation before using or carrying a long gun.

B. The minimum requirements for entrance-level long gun classroom instruction, training, and qualification include:

(1) Classroom instruction topics marked with an "X" under the column for Entrance-Level Long Gun Training on the table under Regulation .10B of this chapter;

(2) The following total hours of long gun classroom instruction, training, and qualification for a:

- (a) Type 1 long gun, 35 hours;
- (b) Type 2 long gun, 35 hours;
- (c) Type 3 long gun, 14 hours; and
- (d) Type 4 long gun, 7 hours;
- (3) Discharging the following number of rounds of ammunition at a target for training and qualification for a:
 - (a) Type 1 long gun, 150 rounds;
 - (b) Type 2 long gun, 350 rounds;
 - (c) Type 3 long gun, 350 rounds; and
 - (d) Type 4 long gun, 50 rounds; and
- (4) Successfully completing qualification requirements on a day-fire course of fire for the specific type of long gun established in the table under Regulation .07A of this chapter.

.07 Course of Fire Requirements for Long Gun Qualification.

A. The following table establishes minimum requirements for entrance-level, annual, and conversion courses of fire for Type 1 through Type 4 long gun qualification:

Requirement	Type 1 Long Gun	Type 2 Long Gun	Type 3 Long Gun	Type 4 Long Gun
(1) Rounds to be Discharged	Minimum of 20 rounds on one day-fire course of fire	Minimum of 30 rounds on one day-fire course of fire	Minimum of 30 rounds on one day-fire course of fire	Minimum of 10 rounds on one day-fire course of fire
(2) Passing Score	100 percent	80 percent	80 percent	70 percent
(3) Target Description	The target scoring area may not exceed 80 square inches. 80 square inches equals the 9 and 10 ring of a "B-27" target	The target scoring area may not exceed 183 square inches. 183 square inches equals a "TQ19" target or the 8, 9 and 10 ring of a "B-27" target	The target scoring area may not exceed 255 square inches. 255 square inches equals a "Q" target	The target scoring area may not exceed 725 square inches. 725 square inches equals a "B-27" full size target

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<i>(4) Required percentages of rounds to be fired and required firing distances</i>	<i>A minimum of 10 percent but not more than 30 percent of the course of fire rounds shall be discharged at each of the following distances: (a) 25 yards; (b) Two distances greater than 25 yards and less than 200 yards; and (c) 200 yards or greater</i>	<i>A minimum of 10 percent but not more than 30 percent of the course of fire rounds shall be discharged at each of the following distances: (a) 15 yards; (b) Two distances greater than 15 yards and less than 100 yards; and (c) 100 yards or greater</i>	<i>A minimum of 10 percent but not more than 30 percent of the course of fire rounds shall be discharged at each of the following distances: (a) 15 yards; (b) Two distances greater than 15 yards and less than 50 yards; and (c) 50 yards or greater</i>	<i>A minimum of 20 percent but not more than 40 percent of the course of fire rounds shall be discharged at each of the following distances: (a) 5 yards to less than 15 yards; (b) 15 yards to less than 25 yards; and (c) 25 yards or greater</i>
<i>(5) Maximum time permitted per round at specified distances</i>	<i>5 seconds per round when firing at 25 yards or less; The number of seconds per round when firing at distances between 25 yards and 200 yards shall be proportional to the distances and times allowed; 10 seconds per round when firing at 200 yards, or farther</i>	<i>4 seconds per round when firing at 15 yards or less; The number of seconds per round when firing at distances between 15 yards and 100 yards shall be proportional to the distances and times allowed; 8 seconds per round when firing at 100 yards, or farther</i>	<i>4 seconds per round when firing at 15 yards or less; The number of seconds per round when firing at distances between 15 yards and 50 yards shall be proportional to the distances and times allowed; 8 seconds per round when firing at 50 yards, or farther</i>	<i>3 seconds per round when firing at 5 yards to less than 15 yards; 4 seconds per round when firing at 15 yards to less than 25 yards; and 5 seconds per round when firing at 25 yards, or farther</i>
<i>These times do not include the time allotted for changing positions or moving from one firing line distance to another.</i>				
<i>Reloading Time: When qualifying on type 1, 2, or 3 long gun; an additional 5 seconds may be added to the maximum seconds: (a) For each round of ammunition reloaded on a long gun with an integral magazine; and (b) For reloading a long gun with a detachable box magazine.</i>				
<i>(6) Firing positions from which the long gun shall be discharged</i>	<i>(a) Standing (unsupported); (b) Standing (supported); (c) Kneeling or sitting (supported or unsupported); (d) Prone; and (e) Using a barricade to discharge the long gun from at least one of the above firing positions.</i>			<i>(a) Standing (unsupported) (b) Standing (supported) (c) Kneeling or sitting (supported or unsupported); and (d) Using a barricade to discharge the long gun from at least one of the above firing positions</i>
<i>(7) Stress</i>	<i>To simulate stress when qualifying on Type 1, 2, or 3 long gun, the individual shall perform physical exercise before firing from at least one position listed in this table under the firing positions (No. 6 in this table).</i>			<i>Optional</i>

B. Automatic Firing Long Gun.

(1) If a long gun is capable of discharging more than a single round of ammunition with a single pull of the trigger, entrance-level long gun qualification requires the individual to discharge additional rounds of ammunition in the automatic mode from a distance of 3 to 10 yards at a separate target.

(2) The number of additional rounds of ammunition for a:

- (a) Type 1 long gun is 5; and
- (b) Type 2 or 3 long gun is 20.

(3) Successful completion requires a minimum score of 80 percent on each target.

.08 Annual Firearms Classroom Instruction, Training, and Qualification Requirements.

A. General Requirements — All Firearms.

(1) During each calendar year, a firearms qualified employee shall successfully complete the following:

- (a) Classroom instruction for each firearm type that the firearms qualified employee is authorized to use or carry;
- (b) Firearms training for each firearm that the firearms qualified employee is authorized to use or carry; and
- (c) Firearms qualification for each firearm that the firearms qualified employee is authorized to use or carry.

(2) *Annual Firearms Classroom Instruction.*

(a) A firearms qualified employee shall complete a minimum of two hours of firearms classroom instruction as part of the requirements established under this regulation.

(b) Firearms classroom instruction shall include the classroom instruction topics marked with an "X" under Annual Firearms Training in the table under Regulation .10B of this chapter.

(c) The Commission may accept up to 2 hours of a firearms qualified employee's annual firearms classroom instruction as part of a firearms qualified employee's annual in-service training required under COMAR 12.10.01.

B. Annual Firearms Training and Qualification Requirements — Handgun.

(1) *Required Firearms Training — Handgun.*

(a) A firearms qualified employee shall annually discharge a minimum of 30 rounds of ammunition approved by the firearms qualified employee's employing agency, or the ballistic equivalent, for training with the handgun designated by the firearms qualified employee's employer for the employee to use or carry.

(b) Training drills to improve the firearms qualified employee's skills may be incorporated into a course of fire.

(c) Training may not include practicing the actual course of fire used for firearms qualification.

(2) *Course of Fire for Qualification — Handgun.*

(a) For each handgun a firearms qualified employee is authorized to use or carry, with one finger on the trigger the firearms qualified employee shall discharge a minimum of 30 rounds of ammunition using ammunition authorized by the firearms qualified employee's employer, or the ballistic equivalent, on each of the following:

- (i) One day-fire course of fire; and
- (ii) One reduced light course of fire.

(b) Firearms qualified employee annual course of fire for qualification consists of requirements 3 — 10 in the Course of Fire Requirements for Handgun table under Regulation .05 of this chapter.

(c) A minimum score of 70 percent is required on both a day-fire and a reduced light course of fire for qualification for each handgun for which annual certification renewal is required for a firearms qualified employee by COMAR 12.10.01.

C. Annual Firearms Training and Qualification Requirements — Long Gun.

(1) Firearms training for each long gun a firearms qualified employee is authorized to use or carry consists of demonstrations to familiarize a firearms qualified employee with the nomenclature, operation, safety, care, and cleaning of the specific long gun type.

(2) *Course of Fire for Annual Long Gun Qualification.*

(a) During each calendar year, a firearms qualified employee authorized to use or carry a specific type of long gun shall successfully complete the course of fire requirements for qualification for the specific long gun, as described in this subsection.

(b) *Type 1 Long Gun Qualification.* Annual firearms qualification requires a firearms qualified employee to successfully complete four courses of fire for qualification, one during each quarter of a calendar year, for the specific type of long gun the firearms qualified employee is authorized to use or carry according to the requirements established in the Course of Fire Requirements for Long Gun Qualification table under Regulation .07 of this chapter.

(c) *Type 2 and Type 3 Long Gun Qualification.* Annual firearms qualification requires a firearms qualified employee to successfully complete two courses of fire for qualification, one during each half of the calendar year, for the specific type of long gun the firearms qualified employee is authorized to use or carry according to the requirements established in the Course of Fire Requirements

for Long Gun Qualification table under Regulation .07 of this chapter.

(d) *Type 4 Long Gun Qualification.* Annual firearms qualification requires a firearms qualified employee to successfully complete one course of fire for qualification, each calendar year, for the specific type of long gun the firearms qualified employee is authorized to use or carry according to the requirements established in the table under Regulation .07A of this chapter.

D. Reporting Firearm Qualification Scores to the Commission. By January 31 of the calendar year immediately following firearms qualification, the employer of a firearms qualified employee shall submit to the Commission the firearms qualified employee's required firearms qualification score for each firearm the firearms qualified employee is authorized to use or carry.

E. Failure to Meet Commission Annual Firearms Classroom Instruction, Training, and Qualification Requirements.

(1) If a firearms qualified employee fails to successfully complete Commission annual firearms classroom instruction, training, and qualification requirements for an authorized firearm within a calendar year, the firearms qualified employee's employer:

(a) Shall remove the firearm, or authorization to use or carry the firearm if personally owned, from the firearms qualified employee by January 1 of the next calendar year; and

(b) May not return the firearm to or authorize the firearms qualified employee to use or carry a firearm until the employee successfully completes the appropriate firearms classroom instruction, training, and qualification required under this chapter.

(2) *Failure to Qualify with a Firearm.*

(a) A firearms qualified employee who fails an annual firearms qualification required under Regulation .08 of this chapter shall successfully complete qualification within:

- (i) 30 consecutive calendar days of the initial attempt; and
- (ii) The same calendar year as the initial attempt.

(b) If a firearms qualified employee does not successfully meet qualification requirements within the period established under §E(2)(a) of this regulation, the firearms qualified employee's employer shall immediately:

- (i) Report to the Commission the firearms qualified employee's failure to qualify;
- (ii) Require the firearms qualified employee to surrender the firearm to the employer, if it was issued by the employer; and
- (iii) Withdraw the firearms qualified employee's authority to use or carry the firearm for which the employee has not successfully met the qualification requirements.

(3) A firearms qualified employee may not use or carry a firearm that has been surrendered or for which authority to carry or use has been withdrawn, except during supervised training to meet the firearms qualified employee's annual firearms training and qualification for the firearm required under this regulation.

.09 Firearms Conversion —Classroom Instruction, Training, and Qualification.

A. A firearms qualified employee who has successfully completed entrance-level firearms classroom instruction, training, and qualification for a specific type of firearm and is required or requesting to use or carry a firearm of a different type shall successfully complete:

(1) Firearms conversion classroom instruction, training, and qualification requirements established under this regulation for the different firearm type; or

(2) Entrance-level classroom instruction, training, and qualification established under this chapter for the different firearm.

B. A firearms qualified employee shall successfully complete firearms conversion requirements under this regulation before being

authorized to use or carry a different type of firearm if the firearms qualified employee is currently authorized to use or carry a:

- (1) Handgun type and is seeking authorization to use or carry a handgun of a different type;
- (2) Type 1 long gun, and is seeking authorization to use or carry a Type 2 or 3 long gun; or
- (3) Type 2 long gun, and is seeking authorization to use or carry a Type 3 long gun.

C. Firearms Conversion Classroom Instruction, Training, and Qualification for Handgun and Long Gun within the Same Type.

(1) Except for provisions under §C(2) of this regulation, a firearms qualified employee is not required to complete firearms conversion classroom instruction, training, and qualification under this regulation before the firearms qualified employee is authorized to use or carry a handgun or a long gun that is the same type that the firearms qualified employee is currently authorized to use or carry.

(2) A firearms qualified employee is required to complete firearms conversion classroom instruction, training, and qualification under this regulation before the firearms qualified employee is authorized to use or carry a handgun or a long gun that is the same type that the firearms qualified employee is currently authorized to use or carry if the firearms qualified employee's employer determines:

- (a) There is a difference in operation between the firearms; and
- (b) Conversion classroom instruction, training, and qualification are warranted to ensure safe and effective use of the firearm.

D. Handgun Conversion — Classroom Instruction, Training, and Qualification.

(1) If a firearms qualified employee is required to complete conversion classroom instruction, training, and qualification according to §B or C(2) of this regulation, the firearms qualified employee shall successfully complete:

- (a) For a different type handgun, the classroom instruction topics marked with an "X" for Handgun Conversion Training — Different Type Handgun in the table under Regulation .10B of this chapter; or
- (b) For a handgun within the same type, the classroom instruction topics marked with an "X" for Handgun Conversion Training — Within a Handgun Type in the table under Regulation .10B of this chapter.

(2) Course of Fire.

(a) If a firearms qualified employee is required to complete firearms conversion classroom instruction, training, and qualification according to §B or C(2) of this regulation, with one finger on the trigger the firearms qualified employee shall discharge a minimum of 30 rounds of ammunition for each course of fire required for conversion qualification.

(b) Ammunition used for a required course of fire for conversion qualification shall be ammunition that is:

- (i) Authorized by the firearms qualified employee's employer; or
- (ii) The ballistic equivalent of the ammunition authorized by the firearms qualified employee's employer.

(c) The required course of fire for firearms conversion qualification shall be completed according to requirements 3 through 10 of the table under Regulation .05 of this chapter.

(3) The following are minimum requirements for firearms classroom instruction, training, and qualification for handgun conversion:

Type of Requirement	Conversion for Different Handgun Type	Conversion within Handgun Type
(1) Total minimum hours of classroom instruction, training, and qualification	14 hours	7 hours
(2) Training drill topics	(a) Reinforcement of the fundamentals of shooting; (b) Reloading techniques; and (c) Clearing malfunctions	
(3) Minimum number of training rounds to be discharged at a target	400 rounds	200 rounds
(4) Minimum passing score for each required qualification course of fire	70 percent for each of one day-fire and one reduced light course of fire	

E. Long Gun Authorization for which Conversion Training is Permitted.

(1) Before a firearms qualified employee may participate in firearms conversion classroom instruction, training, and qualification for a long gun, the firearms qualified employee shall currently be authorized to use or carry a:

- (a) Type 1 long gun, if conversion is for another Type 1 long gun, a type 2 long gun, or a type 3 long gun;
- (b) Type 2 long gun, if conversion is for another Type 2 long gun or a type 3 long gun; or
- (c) Type 3 long gun, if conversion is for another Type 3 long gun.

(2) A firearms qualified employee converting from one type of long gun to another type of long gun not listed under §E(1) of this regulation shall successfully complete entrance-level firearms classroom instruction, training, and qualification for the long gun to which the firearms qualified employee is converting.

F. Long Gun Conversion — Firearms Classroom Instruction, Training, and Qualification.

(1) Long gun conversion classroom instruction shall, at a minimum, include the Classroom Instruction Topics marked with an "X" under Firearms Conversion Training — Long Gun in the table under Regulation .10B of this chapter.

(2) Long gun conversion firearms classroom instruction, training, and qualification shall, at a minimum, meet the applicable criteria in the following table:

Requirements	Within Type 1 Long Gun	Within Type 2 Long Gun	Within Type 3 Long Gun	From Type 1 to Type 2	From Type 1 or 2 to Type 3
(1) Minimum rounds discharged	80	150	150	150	150
(2) Minimum hours for classroom instruction and training and qualification	14	14	7	14	7
(3) Number of day-fire courses of fire	1	1	1	1	1

(3) The course of fire for long gun conversion qualification shall meet the requirements specified for the type of long gun established in the table under Regulation .07A of this chapter.

G. Crediting Firearms Conversion Classroom Instruction, Training, and Qualification Toward Annual Training.

(1) A firearms qualified employee's employer may use the following conversion training toward a firearms qualified employee's annual firearms classroom instruction, training, and qualification requirements for the specific firearm used in the conversion training conducted in the same calendar year:

- (a) One day-fire conversion qualification score; and
- (b) One reduced light conversion qualification score.

(2) If firearms conversion classroom instruction is less than 14 hours, a firearms qualified employee's employer may use a maximum of 2 hours of the firearms conversion classroom instruction toward meeting a firearms qualified employee's annual firearms classroom instruction requirements in the same calendar year the conversion training was conducted.

(3) If firearms conversion classroom instruction is 14 hours or more, a firearms qualified employee's employer may use a maximum of 6 hours of the firearms conversion classroom instruction toward meeting a firearms qualified employee's annual firearms classroom instruction requirements for the same calendar year the conversion training was conducted.

.10 Firearms Classroom Instruction Requirements.

A. The table in §B of this regulation establishes minimum required firearms classroom instruction topics.

B. An "X" in the following table indicates that the corresponding firearms classroom instruction topic is required for the specified type of training:

Classroom Instruction Topics	Entrance-Level Handgun Training	Entrance-Level Long Gun Training	Annual Firearms Training	Handgun Conversion Training-Different Type Handgun	Handgun Conversion Training-Within a Handgun Type	Firearms Conversion Training-Long Gun
(1) Legal aspects in the use of firearms	X	X	X			
(2) Nomenclature relevant to the firearm for which the training is being given	X	X	X	X	X	X
(3) Care and cleaning of the firearm for which the training is being given	X	X	X	X	X	X
(4) Safe handling and safe storage of firearms	X	X	X			
(5) Fundamentals of marksmanship and shooting related to the firearm	X	X	X			
(6) Explanations and reasons for a qualification course of fire	X		X			
(7) Ballistic properties, if applicable	X	X	X	X	X	X
(8) Potential situations for which the long gun is intended		X				
(9) Unusual characteristics		X				
(10) Optical sighting devices, where applicable		X				X

(11) <i>Reduced light firing techniques</i>	X		X			
(12) <i>Mechanical Operation of the firearm</i>	X	X		X	X	X
(13) <i>Malfunction causes and clearing</i>	X	X	X	X	X	X

C. *Legal aspects in the use of firearms, at a minimum, shall include:*

- (1) *Rules for the use of deadly force;*
 - (2) *Alternatives to the use of deadly force;*
 - (3) *Emotional, mental, and psychological preparation needed for the possibility of a deadly force shooting situation;*
 - (4) *Judgmental or decision training on the use of deadly force;*
- and
- (5) *Criminal, civil, and administrative liability for misuse of deadly force.*

D. *Safe handling and safe storage of firearms, at a minimum, shall address safe handling and safe storage in the following settings:*

- (1) *At home;*
- (2) *In a correctional or detention facility;*
- (3) *On the firing line; and*
- (4) *In the course of official duties.*

12.10.05 Electronic Control Device Training and Instructor Certification

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

.01 Definitions.

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

(1) — (5) (text unchanged)
 [(6) “Expert” means an individual who is not a correctional officer, but has knowledge, skills, and abilities related to an electronic control device, which the Deputy Director of the Police and Correctional Training Commissions determines qualifies the individual for electronic control device instructor certification.]

[(7)] (6) (text unchanged)

12.10.06 Instructor Training and Certification

Authority: Correctional Services Article, Title 8, Subtitle 2, Annotated Code of Maryland

.01 Definitions.

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

B. *Terms Defined.*

(1) *“Commission” means the Maryland Correctional Training Commission or a representative authorized to act on behalf of the Commission.*

(2) *“Correctional unit” has the meaning stated in Correctional Services Article, §8-201, Annotated Code of Maryland.*

(3) *Course of Fire.*

(a) *“Course of fire” means a sequence of activities related to the actual discharge of a firearm on a firing line for training or qualification.*

(b) *“Course of fire” does not include firearm classroom instruction.*

(4) *“Day fire” has the meaning stated under COMAR 12.10.04.02.*

(5) *“Department of Juvenile Services” means the State agency established under Human Services Article, §9-201, Annotated Code of Maryland.*

(6) *“Deputy Director” means the Deputy Director of the Police and Correctional Training Commissions, or the Deputy Director’s designee.*

(7) *“Executive Director” means the Executive Director of the Police and Correctional Training Commissions.*

(8) *“Firearm” means a pistol, revolver, or long gun.*

(9) *Firearm Classroom Instruction.*

(a) *“Firearm classroom instruction” means training conducted in a traditional educational setting; for example, in a room with desks, chairs, books, paper, and other educational tools or equipment.*

(b) *“Firearm classroom instruction” does not include training conducted on a firing line.*

(10) *“Firing line” means an area and position from which an individual actually discharges a firearm with live ammunition for firearms training or qualification, or both, as part of a course of fire.*

(11) *Firearms Training.*

(a) *“Firearms training” means a demonstration or an exercise, in addition to firearm classroom instruction, that is provided:*

(i) *By an individual certified under Regulation .11 of this chapter or COMAR 12.04.06 to perform firearm classroom instruction, conduct firearms training or qualification; and*

(ii) *To enhance understanding, proficiency, marksmanship, and other skills related to proper firearm use and tactics, such as movement, multiple targets, judgmental or decision training, and use of cover and concealment.*

(b) *“Firearms training” may include drills that involve discharging rounds of ammunition.*

(12) *“Firearm type” means:*

(a) *The following handguns:*

(i) *Revolver; or*

(ii) *Pistol; and*

(b) *The following long guns:*

(i) *Shotgun; or*

(ii) *Long gun other than a shotgun.*

(13) *Handgun.*

(a) *“Handgun” has the meaning stated in Public Safety Article, §5-101, Annotated Code of Maryland.*

(b) "Handgun" includes a:

- (i) Pistol; and
- (ii) Revolver.

(14) Inactive Status.

(a) "Inactive status" means a situation in which an individual, who continues to be employed by or under the supervision of a correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services, is temporarily relieved of duties with the correctional unit, academy certified under COMAR 12.10.01.14, or Department of Juvenile Services for 30 consecutive days or more for:

(i) A medical or administrative reason that prevents the individual from completing Commission-required training; or

(ii) The purpose of suspending Commission-required training.

(b) "Inactive status" does not affect an individual's instructor certification or eligibility for provisional certification or certification.

(15) "Judgmental or decision training" means instruction and skills development conducted in the classroom, using firearms simulation, or on a firing line, to enable an individual to:

- (a) Differentiate between threat levels; and
- (b) Respond appropriately to an identified threat.

(16) Optical Sighting Device.

(a) "Optical sighting device" means a mechanism that assists an individual in sighting a firearm.

(b) "Optical sighting device" does not include an iron sight.

(17) "Pistol" means a handgun that operates semi-automatically:

(a) Discharging a single round of ammunition with a pull of the trigger;

(b) Clearing the chamber of the spent casing; and

(c) Loading the next round of ammunition in the chamber.

(18) "Power" means a measurement used to describe levels of visual magnification, with a number representing the level of magnification above the normal visual range.

(19) "Qualification" as used in Regulations .11, .14, and .15 of this chapter means proficiency testing by discharging a firearm on a Commission-approved course of fire to receive a score that the Commission measures against established requirements to determine if the individual meets provisions required under this chapter for certification as a Firearms Provisional Instructor, Line Instructor, or Firearms Instructor.

(20) Reduced Light.

(a) "Reduced light" means the normal outdoor lighting conditions that exist between dusk and dawn.

(b) "Reduced light" includes simulated natural outdoor lighting conditions such as:

(i) Artificial light; or

(ii) Goggles, headgear, or an apparatus worn to cover the eyes designed to reduce the availability of light to simulate natural reduced lighting conditions.

(21) "Revolver" means a handgun that:

(a) Fires a single round of ammunition with each pull of the trigger; and

(b) Has a cylinder containing additional rounds of ammunition that rotates to position the next round of ammunition for firing.

(22) "Term of certification" means the dates during which an individual's certification for an instructor classification is in effect.

(23) "Training authority" means an individual of a correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services who is authorized by the correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services to submit under provisions of

this chapter an application for any of the following for another individual:

(a) Instructor certification;

(b) Renewal of instructor certification;

(c) Termination of certification;

(d) Exemption from instructor certification; or

(e) Waiver of certain requirements for instructor certification.

(24) "Training provider" means an entity that has Commission approval to conduct a training course.

(25) "Type 1 long gun" means a long gun with an optical sighting device greater than 4 power intended for use as a counter-sniper firearm.

(26) "Type 2 long gun" means a long gun with an optical sighting device greater than 4 power intended for use other than as a counter-sniper firearm.

(27) "Type 3 long gun" means a long gun without an optical sighting device, or with an optical device of 4 power or less.

(28) Type 4 Long Gun.

(a) "Type 4 long gun" means a long gun manufactured and sold as a shotgun that is designed to discharge a single projectile or multiple projectiles from a single round of ammunition.

(b) "Type 4 long gun" includes a long gun manufactured and sold as a shotgun regardless of the:

(i) Action; or

(ii) Use of an optical sighting device.

.02 Instructor Certification Classifications.

A. The Commission provides instructor certification in accordance with this chapter for the following instructor classifications:

- (1) Academic Provisional Instructor;
- (2) Academic Instructor;
- (3) Defensive Tactics Provisional Instructor;
- (4) Defensive Tactics Instructor;
- (5) Electronic Control Device Instructor;
- (6) Firearms Provisional Instructor;
- (7) Line Instructor; and
- (8) Firearms Instructor.

B. Certification Required.

(1) Unless exempt under Regulation .04 of this chapter, an individual who provides instruction for a Commission-approved training course that is credited toward the Commission's requirements for mandated employee certification under COMAR 12.10 shall be:

(a) Certified by the Commission or the Police Training Commission as an instructor for the type of instruction the individual is providing; and

(b) In compliance with applicable Commission regulations.

(2) An individual's instructor certification for a specific instructor classification limits the individual to providing the type of instruction prescribed for the instructor classification established under Regulation .15 of this chapter.

.03 Selection Standards and Application.

A. Selection Standards for Instructor Certification. If an application is submitted to the Commission requesting certification of an individual for an instructor classification, at a minimum, the individual shall meet the following standards:

(1) Possess a:

(a) High school diploma issued by a high school or recognized by the State Board of Education; or

(b) General Education Development (GED) certificate or diploma issued by Maryland or other state, or recognized by the State Board of Education.

(2) Be currently employed by or providing instruction under the supervision of:

- (a) A correctional unit;
- (b) An academy certified under COMAR 12.10.01.14; or
- (c) The Department of Juvenile Services;

(3) Satisfies requirements of this chapter for the instructor classification for which instructor certification is requested; and

(4) Be in compliance with applicable Commission regulations.

B. Application for Instructor Certification.

(1) An individual applying for instructor certification shall complete and sign a Commission instructor certification application for the requested instructor classification and submit the completed application to the training authority for the correctional unit, academy certified under COMAR 12.10.01.14, or Department of Juvenile Services that:

- (a) Employs the individual; or
- (b) Supervises where the individual provides instruction.

(2) A training authority may not approve or sign the training authority's own instructor certification application.

(3) If a training authority approves an individual making application for instructor certification and determines that the individual requesting certification meets requirements under this chapter for instructor certification for the instructor classification requested, the training authority shall:

(a) Sign the application and submit the application to the Commission; and

(b) Provide, with the application, documentation required by the Commission establishing that the individual requesting certification meets requirements under this chapter for the instructor classification for which certification is requested.

C. Instructor Previously Certified by the Police Training Commission. If an application for instructor certification is submitted to the Commission by a training authority for an individual who was previously certified as an instructor by the Police Training Commission no more than three years before the date of the application, the Commission may certify the individual as an instructor for the instructor classification formerly certified by the Police Training Commission, if the individual meets:

- (1) The selection standards under this regulation;
- (2) The applicable instructor renewal requirements under Regulation .13 of this chapter; and
- (3) Additional criteria that the Commission may require.

.04 Exemptions from Instructor Certification.

Instructor Certification Exemptions.

A. An individual who provides 3 hours or less of instruction for a Commission-approved training course is exempt from the requirement to have instructor certification required under this chapter if the individual does not provide instruction that is a part of:

- (1) Defensive tactics training;
- (2) Electronic control device training; or
- (3) Firearms training.

B. The Deputy Director, upon a written request from a training authority or training provider, may exempt the following from the instructor certification requirements under this chapter:

- (1) An individual currently licensed or certified by the State or a nationally recognized organization, for the purpose of providing instruction in the subject matter related to the discipline in which the individual is licensed or certified;
- (2) A faculty member employed by an accredited college or university, for the purpose of providing instruction in the subject matter area for which the faculty member is employed;
- (3) A currently certified emergency medical care or advanced first aid instructor, for the purpose of providing instruction related to emergency medical care or first aid; or

(4) Other individual who the Deputy Director determines to possess specialized skills or expertise for the purpose of providing instruction related to those skills or expertise.

C. A training authority may not submit the training authority's own request for an exemption from instructor certification required under this chapter.

D. An exemption granted to an individual:

- (1) Permits the individual receiving the exemption to provide instruction for Commission-approved training for the purpose under §A(2) of this regulation for which the exemption was granted;
- (2) Expires upon termination of the certification, license, or employment that is the basis for the exemption; and
- (3) May be permanently revoked or temporarily suspended by the Deputy Director, as provided under Regulation .16 of this chapter.

.05 Time Limits — Extension for Inactive Status.

A. The following time limits may be extended by the amount of time that equals the length of time an individual is on inactive status:

- (1) The time for completion of an applicant's evaluations prior to submitting an application for certification or renewal of certification;
- (2) The time for completion of an applicant's training program, instructor's course or instruction prior to submitting an application for provisional certification, certification, or renewal of certification;
- (3) The time of an individual's term of certification; and
- (4) The time for completing a required firearms qualification course of fire.

B. Reporting Inactive Status to the Commission.

(1) At the request of an instructor, the training authority shall report the individual's inactive status to the Commission.

(2) A training authority shall include in the report the date the individual is placed on inactive status and the date the inactive status ends.

.06 Instructor Evaluation Procedures.

A. An evaluation of an instructor required by this chapter for an instructor classification shall be:

- (1) Conducted on a separate occasion from other evaluations of the individual;
- (2) Conducted by an individual who meets the requirements of this chapter or COMAR 12.04.06;
- (3) Based on the personal observations, for a minimum of one hour, of the individual conducting the evaluation; and
- (4) Recorded, by the individual conducting the evaluation, on a form approved by the Commission.

B. An individual may not conduct the individual's own instructor classification evaluation.

C. The Commission may consider an unsatisfactory evaluation or commentary by an evaluator as grounds to deny instructor certification.

.07 Academic Instructor — Training Program, Evaluation Requirements and Waiver of Training Program.

A. A correctional unit, academy certified under COMAR 12.10.01.14, the Department of Juvenile Services, or training provider may conduct an Academic Instructor training program if the program is approved by the Commission.

B. Not later than 20 working days before the proposed date for the start of an Academic Instructor training program, the correctional unit head, academy training director, Department of Juvenile Services official, or the training provider's official supervising the Academic Instructor training program shall submit to the Commission the proposed Academic Instructor training program for approval.

C. The following are minimum Academic Instructor training program requirements:

(1) An individual providing the Academic Instructor training shall be an Academic Instructor certified under this chapter or COMAR 12.04.06;

(2) The Academic Instructor training program shall include instruction on the following topics:

(a) An introduction to:

- (i) The basic concepts of learning and teaching;
- (ii) The role of training in the criminal justice profession;

and

- (iii) Classroom management techniques;
- (b) Effective speech techniques;
- (c) Preparation and use of audiovisual training aids;
- (d) Development of training objectives;
- (e) Development of testing strategies;
- (f) Identification of the purpose of a lesson plan and its components; and

(g) Practical preparation of mock classroom lesson plans.

D. An evaluation required for an Academic Instructor training program shall be conducted by an:

(1) Academic Instructor, if the individual's application is for Academic Instructor certification; or

(2) Instructor who meets the requirements of this chapter to perform evaluations for the instructor classification for which the individual is applying for certification.

E. Waiver for an Individual to Complete the Academic Instructor Training Program Requirement.

(1) Upon receiving a written application from a training authority, the Deputy Director may waive the requirement for an individual to complete the Academic Instructor training program if the individual:

(a) Is certified or licensed as an instructor by an agency of government or a non-governmental organization to provide instruction;

(b) Is currently a Provisional Instructor for one of the instructor classifications under Regulation .02 of this chapter; and

(c) Has received at least two acceptable Academic Instructor evaluations conducted in accordance with Regulation .06 of this chapter and §D of this regulation.

(2) A training authority may not submit the training authority's own application for a waiver of the Academic Instructor training program.

(3) A training authority requesting a waiver of the Academic Instructor training program for an individual shall submit to the Deputy Director:

(a) A completed Commission's Application for Instructor Certification;

(b) A written request that the requirement to complete the Academic Instructor training program be waived for the individual;

(c) Academic Instructor training program evaluations for the individual completed in accordance with Regulation .06 of this chapter and §D of this regulation; and

(d) Other information the Deputy Director may request.

.08 Certification — Academic Provisional Instructor and Academic Instructor.

A. Academic Provisional Instructor. A training authority may submit an application to the Commission for certification of an individual as an Academic Provisional Instructor when the individual:

(1) Has 1 year of employment experience in the public safety community; and

(2) Meets the selection standards under Regulation .03A of this chapter.

B. Academic Instructor. A training authority may submit an application to the Commission for certification of an individual as an Academic Instructor when the individual has:

(1) A minimum of 2 years employment experience in the public safety community;

(2) Successfully completed, within 2 years before the date of the application, an approved Academic Instructor training program meeting the requirements of Regulation .07 of this chapter; and

(3) Received a minimum of two favorable instructor evaluations:

(a) Completed by an individual specified by Regulation .07D of this chapter within 2 years of the date of the application for certification;

(b) Conducted in accordance with Regulation .06 of this chapter; and

(c) Conducted while the individual was providing instruction as an Academic Provisional Instructor.

.09 Certification and Training Program — Defensive Tactics Provisional Instructor and Defensive Tactics Instructor.

A. Defensive Tactics Provisional Instructor Certification. A training authority may submit an application to the Commission for certification of an individual as a Defensive Tactics Provisional Instructor if the individual has:

(1) Acquired a minimum of 2 cumulative years of criminal justice related defensive tactics skills experience during the 5-year period immediately before the date of the application; and

(2) Successfully completed a Commission-approved Defensive Tactics Instructor training program not more than 2 years before the date of the application for Defensive Tactics Provisional Instructor.

B. Defensive Tactics Instructor Certification. A training authority may submit an application to the Commission for certification of an individual as a Defensive Tactics Instructor when the individual:

(1) Is a Defensive Tactics Provisional Instructor;

(2) Has successfully completed the following:

(a) A Commission-approved Academic Instructor training program that meets the requirements under Regulation .07 of this chapter; and

(b) Except if granted a waiver under §C of this regulation, a Commission-approved Defensive Tactics Instructor training program before the date of the application for Defensive Tactics Instructor certification; and

(3) As a Defensive Tactics Provisional Instructor provided a minimum total of 12 hours of defensive tactics classroom and skills instruction under the direction of a Defensive Tactics Instructor that included a minimum of:

(a) Four hours of classroom instruction in the concepts and principles of defensive tactics;

(b) Eight hours of defensive tactics practical skills instruction; and

(c) One satisfactory evaluation for each of the following, in accordance with Regulation .06 of this chapter, performed by a Defensive Tactics Instructor certified under this chapter or COMAR 12.04.06, while the individual was providing defensive tactics:

(i) Classroom instruction; and

(ii) Skills instruction.

C. Upon application by a training authority, the Deputy Director may waive the requirement under §§A(2) and B(2)(b) of this regulation that an individual complete the Defensive Tactics Instructor training program of this regulation if the individual:

(1) Successfully completed a program that was a minimum of 35 hours in length and the equivalent of a Defensive Tactics Instructor training program that meets the requirements of §F(1)(c) of this regulation; and

(2) Provides supporting evidence, such as copies of certifications or course curriculums, to document the applicant's extensive knowledge and abilities in the skill areas specified in §F(1)(c) of this regulation.

D. A training authority may not submit the training authority's own application for a waiver of the requirement to complete the Defensive Tactics Instructor training program required under §A(2) of this regulation.

E. The Deputy Director may limit the subject matter taught in a Defensive Tactics Training program by an individual who receives certification as a Defensive Tactics Instructor based on a waiver under §C of this regulation of the Defensive Tactics Instructor training program requirement under this regulation.

F. Defensive Tactics Instructor Training Program.

(1) A Defensive Tactics Instructor training program, at a minimum, shall:

- (a) Be approved by the Commission;
- (b) Be a minimum of 35 hours in length; and
- (c) Include the following topics:
 - (i) Balance, awareness, and self-control;
 - (ii) Impact weapons;
 - (iii) Weapon retention;
 - (iv) Disarming;
 - (v) Vital points of the human anatomy;
 - (vi) Control holds;
 - (vii) Take-downs;
 - (viii) Handcuffing and searching;
 - (ix) Escorting and Transporting an inmate or detainee;
 - (x) Use of force continuum;
 - (xi) Multiple adversaries; and
 - (xii) Ground-level defenses.

(2) Successful completion of a Defensive Tactics Instructor training program, at a minimum, requires:

- (a) A minimum score of 80 percent on all written examinations; and
 - (b) Satisfactory demonstration of practical skill elements required in the program.
- (3) The Commission may approve a:
- (a) Defensive Tactics Instructor training program that meets the requirements under this regulation; or
 - (b) A combination of defensive tactics training program courses that:
 - (i) As determined by the Deputy Director, satisfactorily address the topics required under §F(1)(c) of this regulation; and
 - (ii) Is a minimum of 35 hours in length.

.10 Certification — Electronic Control Device Instructor.

A training authority may submit an application to the Commission for certification of an individual as an Electronic Control Device Instructor if the individual seeking certification:

A. Is a correctional officer who:

- (1) Is authorized by the correctional officer's employing agency to carry or use the specific manufacturer's model of an electronic control device for which the individual, if granted certification, would provide instruction; and
- (2) Has successfully completed a Commission-approved Academic Instructor training program that meets requirements under Regulation .07 of this chapter.

B. Is not a correctional officer, but has:

- (1) Successfully completed a Commission-approved training course for the specific manufacturer's model of an electronic control device for which the individual, if authorized, would provide instruction; and
- (2) Been determined by the Deputy Director to be qualified to provide electronic control device instruction based on the

individual's knowledge, skills, and abilities with the specific manufacturer's model of electronic control device for which the individual, if authorized, would provide instruction.

.11 Certification — Firearms Provisional Instructor, Line Instructor, and Firearms Instructor.

A. Certification Requirements — General. A training authority may submit an application to the Commission for certification of an individual as a Firearms Provisional Instructor, Line Instructor, or Firearms Instructor when the individual meets the certification requirements established under this regulation for the particular instructor classification and has:

- (1) Two or more years employment as a correctional officer or law enforcement officer within the last 5 years, during which employment the individual was authorized to use or carry a firearm for a minimum of 2 years; and
- (2) Within 60 days immediately before the date of the application for instructor certification, successfully completed the qualification course of fire required by §D(5) of this regulation for the firearm type for which the individual is requesting instructor certification.

B. Certification Requirements for Firearms Provisional Instructor, Line Instructor, and Firearms Instructor.

(1) Firearms Provisional Instructor Certification Requirements. Before an individual may be certified as a Firearms Provisional Instructor, the Commission requires, at a minimum, that the individual:

- (a) Meets requirements established under §A of this regulation; and
- (b) Within 2 years of the date of the application for Firearms Provisional Instructor, successfully completed classroom instruction, training, and the qualification course of fire required under §§D(2) and (3) of this regulation that was provided by:

- (i) The Commission;
- (ii) A Commission-approved program;
- (iii) The United States Government or Armed Forces;
- (iv) National Rifle Association; or
- (v) A firearms instructor school approved by the Deputy

Director.

(2) Line Instructor Certification Requirements. Before an individual may be certified as a Line Instructor, the Commission requires, at a minimum, that the individual:

- (a) Meets requirements established under §A of this regulation;
- (b) Successfully completed the requirements for Firearms Provisional Instructor certification established under §B(1) of this regulation;
- (c) Received at least two satisfactory evaluations performed by a Firearms Instructor for the individual while providing firearms firing line training and qualification; and
- (d) Provided firearms firing line training and qualification instruction that is:
 - (i) A minimum of 8 hours;
 - (ii) Provided for Commission-approved courses;
 - (iii) Supervised by a Line Instructor or Firearms Instructor; and
 - (iv) Provided for the firearm type for which the individual is requesting Line Instructor certification.

(3) Firearms Instructor Certification Requirements. Before an individual may be certified as a Firearms Instructor, the Commission requires, at a minimum, that the individual:

- (a) Meets requirements established under §A of this regulation;
- (b) Successfully completed a Commission-approved Academic Instructor training program;

(c) Received at least two satisfactory evaluations performed by a Firearms Instructor for the individual providing firearms classroom instruction during the Academic Instructor training program;

(d) Successfully provided at least 4 hours of firearms classroom instruction;

(e) Received at least two satisfactory evaluations performed by a Firearms Instructor for the individual while providing firearms firing line training and qualification; and

(f) Is currently a Commission-certified Line Instructor, or a Commission-certified Firearms Provisional Instructor who has successfully provided firearms firing line training and qualification instruction that has been:

(i) A minimum of 8 hours;

(ii) Provided for a Commission-approved course;

(iii) Supervised by a Line Instructor or Firearms Instructor; and

(iv) Provided for the firearm type for which the individual is requesting Firearms Instructor certification.

C. Experience Accepted by the Commission for Training Requirements.

(1) The Commission may accept documented firearms-related experience toward meeting the minimum training requirements for Firearms Provisional Instructor, Line Instructor, or Firearms Instructor certification.

(2) Examples of documented firearms-related experience that the Commission may accept include military training or counter sniper training.

D. Classroom Instruction, Firearms Training, and Firearms Qualification Course of Fire Requirements.

(1) Firearms classroom instruction and firearms training and qualification course of fire required by this regulation shall be approved by the Commission before being conducted.

(2) The following establishes minimum requirements for classroom instruction and firearms training and qualification course of fire for the certification of instructor classifications under this regulation:

Requirement	Handgun	Type 1 Long Gun	Type 2 Long Gun	Type 3 Long Gun	Type 4 Long Gun
(a) Total minimum hours for classroom instruction, training and course of fire for qualification	35 hours	35 hours	35 hours	14 hours	7 hours
			56 hours when also seeking certification for one handgun type and also a Type 4 long gun; 65 hours when also seeking certification for two handgun types and also one long type, of a Type 2, 3, or 4 long gun		
(b) Training and qualification courses of fire total minimum rounds to be discharged	350 rounds for one handgun type; 250 rounds each for two handgun types	150 rounds	350 rounds	350 rounds	50 rounds
(c) Qualification course of fire minimum rounds to be discharged	30 rounds	20 rounds	30 rounds	30 rounds	10 rounds
(d) Minimum passing score Commission-approved instructor qualification course of fire	90 percent	100 percent	90 percent	90 percent	90 percent
(e) Minimum passing score each written test	80 percent	80 percent	80 percent	80 percent	80 percent

(3) *Firearms Provisional Instructor classroom instruction shall meet the requirements established under §D(2) of this regulation, and at a minimum include instruction on:*

- (a) *Firearms safety;*
- (b) *Firearms nomenclature;*
- (c) *Firearms fundamentals and marksmanship;*
- (d) *Firearms cleaning and maintenance;*
- (e) *The problem shooter;*
- (f) *Target analysis;*
- (g) *Ballistics;*
- (h) *Legal issues concerning the use of force;*
- (i) *Deadly force policy;*
- (j) *Judgmental or decision training;*
- (k) *Reduced light discipline;*
- (l) *Emotional, mental, and psychological issues related to critical incidents;*
- (m) *Commission policy and procedures;*
- (n) *Malfunctions; and*
- (o) *Exposure to or practical application of, or both:*
 - (i) *Designing a course of fire;*
 - (ii) *Lesson plan development; and*
 - (iii) *Classroom presentations.*

(4) *Firearms training shall meet the requirements established under §D(2) of this regulation, and at a minimum, include exposure to and practical application of:*

- (a) *Firing line operations, that include:*
 - (i) *Instruction on the firing line; and*
 - (ii) *Instruction from a location overseeing the firing line;*
- (b) *Malfunction drills;*
- (c) *Stress training;*
- (d) *Judgmental or decision training;*
- (e) *Range preparation and cleanup;*
- (f) *Scoring;*
- (g) *Target analysis;*
- (h) *Safety; and*
- (i) *Marksmanship fundamentals.*

(5) *An individual seeking instructor certification under this regulation shall successfully complete one firearms qualification course of fire that meets the requirements established under §D(2) of this regulation for each firearm type for which the individual is seeking instructor certification.*

(6) *An individual seeking instructor certification under this regulation shall successfully meet:*

- (a) *For a handgun, requirements 3 — 9 of the “Handgun Day-Fire Required Course of Fire for Qualification” in the table under COMAR 12.10.04.05;*
- (b) *For a particular type long gun, requirements 3 — 7 of the table under COMAR 12.10.04.07.*

.12 Expiration of Instructor Certification.

A. *An individual’s instructor certification expires:*

(1) *At the conclusion of the individual’s term of certification established under Regulation .15B of this chapter for the individual’s instructor classification;*

(2) *When the individual leaves employment with the correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services on behalf of which the training authority submitted the application for the individual’s instructor certification; or*

(3) *If the training authority for the correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services that submitted the application for the individual’s instructor certification requests that the individual’s instructor certification be terminated.*

B. *An individual’s term of certification may not expire while the individual is on inactive status.*

.13 Renewal of Instructor Certification.

A. *Renewal of provisional instructor certification for an instructor classification may be granted by the Deputy Director as provided under Regulation .15 of this chapter.*

B. *Except for provisional instructor, renewal of instructor certification for an instructor classification may be granted by the Commission as follows:*

(1) *If an individual’s instructor certification has been expired for more than 3 years, the individual:*

(a) *Shall successfully complete the instructor certification requirements of this chapter for the instructor classification applied for in order to receive certification for that instructor classification; or*

(b) *Upon approval by the Commission, may receive certification renewal for the expired instructor classification if the individual successfully completes a program of selected aspects of the instructor classification’s certification requirements designated by the Commission.*

(2) *If an individual’s instructor certification expires because the individual leaves employment or ceases to provide instruction under the supervision of a correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services that submitted the application for the individual’s instructor certification and subsequently is employed by or provides instruction under the supervision of another correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services whose training authority submits an application for renewal of the individual’s instructor certification:*

(a) *More than 90 days before the date that the individual’s term of certification expires, the:*

(i) *Individual is not required to meet the requirements of Regulation .14 of this chapter to receive the certification; and*

(ii) *Commission shall establish a new term of certification for the individual that does not exceed 12 months from the expiration date of the individual’s most recent term of certification.*

(b) *90 days or less before expiration of the term of certification or 3 years or less after the expiration of the term of certification, the:*

(i) *Individual shall meet requirements established under Regulation .14 of this chapter to receive renewal of certification for the instructor classification; and*

(ii) *Certification renewal, if granted, shall be for a new term of certification established under Regulation .15B of this chapter.*

(3) *If an instructor certification is due to expire or has expired at the conclusion of the term of certification, the:*

(a) *Training authority shall submit an application for renewal of the instructor certification to the Commission not sooner than 90 days before the term of certification expires and, if certification has expired, not later than 3 years after the term of certification expired;*

(b) *Individual is required to meet the instructor certification requirements under Regulation .14 of this chapter to renew instructor certification; and*

(c) *Individual’s instructor certification shall be renewed for a new term of certification established under Regulation .15B of this chapter.*

C. Instructor Certification Renewal Procedures.

(1) The Commission may renew an individual’s certification for an instructor classification if the:

(a) Individual meets requirements under this chapter for instructor certification renewal and other applicable Commission regulations;

(b) Individual completes the Commission’s renewal application and submits the completed application to the training authority for the individual’s employer; and

(c) Training authority for the individual’s employer has reviewed and approved the renewal application and submits the approved application to the Commission within the time established under this regulation.

(2) A training authority may not review, approve, or submit to the Commission the training authority’s own application for instructor certification renewal.

.14 Instructor Certification Renewal Requirements for Instructor Classifications.

A. If a provisional instructor certification for an instructor classification expires, the individual is not required to meet the requirements of this section to renew the same provisional instructor certification classification.

B. The training authority for a correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services submitting an application for instructor certification or renewal of instructor certification that the Commission last approved during the individual’s most recent term of instructor certification shall affirm that the individual meets the certification requirements specified for the instructor classification under §D of this regulation.

C. Renewal for each instructor classification requires that the individual for which a training authority has submitted an application for instructor certification renewal is recommended for instructor certification renewal by the individual’s correctional unit, academy certified under COMAR 12.10.01.14, or the Department of Juvenile Services.

D. The following table provides the minimum requirements for an individual’s certification renewal of the instructor classifications indicated:

<i>Instructor Classification</i>	<i>Minimum Requirements for Certification Renewal</i>
<i>(1) Academic Instructor</i>	<i>During the most recent term of certification the individual is required to: (a) Have provided classroom instruction for a training course approved by the Commission or Police Training Commission; and (b) Demonstrate competence in providing classroom instruction while conducting classroom instruction for a training course approved by the Commission or Police Training Commission.</i>
<i>(2) Defensive Tactics Instructor</i>	<i>During the most recent term of certification the individual is required: (a) To demonstrate competence in providing classroom and skills instruction which a Defensive Tactics Instructor is authorized to provide under this chapter; and (b) While conducting instruction for a training course approved by the Commission or the Police Training Commission, to have received a minimum of: (i) One satisfactory evaluation for defensive tactics classroom instruction; and (ii) One satisfactory evaluation for defensive tactics practical skills instruction.</i>
<i>(3) Electronic Control Device Instructor</i>	<i>During the most recent term of certification the individual is required: (a) To demonstrate competence in providing classroom and skills instruction which an Electronic Control Device Instructor is authorized to provide under this chapter; and (b) While conducting instruction for a training course approved by the Commission or the Police Training Commission, to have received a minimum of: (i) One satisfactory evaluation for electronic control device classroom instruction; and (ii) One satisfactory evaluation for electronic control device practical skills instruction.</i>
<i>(4) Line Instructor</i>	<i>The individual is required: (a) Within 60 days immediately preceding submission of the application for renewal to the Commission, to have successfully completed the firearms qualification course of fire requirements under Regulation .11 of this chapter for the firearm type for which the individual is seeking certification renewal; and (b) During the most recent term of instructor certification to have: (i) Demonstrated competence in providing skills instruction which a Line Instructor is authorized to provide under this chapter; and (ii) Received a minimum of one satisfactory evaluation while providing firearms firing line operations and skills instruction for a training course approved by the Commission or the Police Training Commission.</i>

(5) <i>Firearms Instructor</i>	<p>The individual is required:</p> <p>(a) Within 60 days immediately preceding submission of the application for renewal to the Commission, to have successfully completed the firearms qualification course of fire requirements under Regulation .11 of this chapter for the firearm type for which the individual is seeking certification renewal; and</p> <p>(b) During the most recent term of instructor certification to have:</p> <p>(i) Demonstrated competence in providing classroom and skills instruction which a Firearms Instructor is authorized to provide under this chapter; and</p> <p>(ii) While conducting a training course approved by the Commission or the Police Training Commission, received a minimum of one satisfactory evaluation for firearms classroom instruction, and one satisfactory evaluation for firearms firing line operations and skills instruction.</p>
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.15 Term of Instructor Certification and Limitations on Instruction.

A. An individual may not conduct any part of the individual's own training or instruction required by the Commission to meet instructor certification requirements under this chapter.

B. The following table establishes for each instructor classification:

- (1) Limitations on instruction that may be provided; and
- (2) Term of instructor certification.

Instructor Classification	Term of Certification	Limitations on Instruction that may be provided
(1) <i>Academic Provisional Instructor</i>	One year, and may be renewed with the approval of the Deputy Director.	The individual may provide instruction only while in the presence of a supervising Academic Instructor. In addition, the individual may not instruct any aspect of: (a) Defensive Tactics Training; (b) Electronic Control Device Training; or (c) Firearms classroom instruction, training or qualification course of fire.
(2) <i>Academic Instructor</i>	Up to 4 years, and may be renewed.	May not instruct any aspect of: (a) Defensive Tactics Training; (b) Electronic Control Device Training; or (c) Firearms classroom instruction, training or qualification course of fire.
(3) <i>Defensive Tactics Provisional Instructor</i>	One year, and may be renewed with the approval of the Deputy Director.	Instructional authority is limited to providing the following, while in the presence of a supervising Defensive Tactics Instructor: (a) Classroom instruction on defensive tactics; (b) Assist with practical defensive tactics skills training; and (c) Assist in skill assessment.
(4) <i>Defensive Tactics Instructor</i>	Up to 4 years, and may be renewed.	Instructional authority is limited to providing instruction in defensive tactics classroom and skills training.
(5) <i>Electronic Control Device Instructor</i>	Up to 4 years, and may be renewed.	Instructional authority is limited to providing electronic control device instruction for the specific manufacturer's model of an electronic control device for which the individual has been granted Electronic Control Device Instructor certification.
(6) <i>Firearms Provisional Instructor</i>	One year, and may be renewed with the approval of the Deputy Director.	(a) Instructional authority is limited to providing, for the firearm type with which the individual is qualified under Regulation .11 of this chapter, while in the presence of a supervising Firearms Instructor: (i) Firearms classroom instruction; (ii) Firearms training; and (iii) Qualification course of fire. (b) May not conduct the individual's own firearms training or qualification.
(7) <i>Line Instructor</i>	Up to 4 years, and may be renewed.	(a) Instructional authority is limited to providing, for the firearm type with which the individual is qualified under Regulation .11 of this chapter, firearms training and qualification course of fire. In addition, the individual may provide, for the firearm type with which the individual is qualified under Regulation .11 of this chapter, firearms classroom instruction while in the presence of a supervising Firearms Instructor. (b) May not conduct the individual's own firearms qualification course of fire.
(8) <i>Firearms Instructor</i>	Up to 4 years, and may be renewed.	(a) Instructional authority is limited to providing firearms classroom instruction, firearms training and qualification course of fire for the firearm type with which the individual is qualified under Regulation .11 of this chapter. (b) May not conduct the individual's own qualification course of fire.

.16 Suspension and Revocation of Instructor Certification and Exemptions.

A. The Deputy Director, in accordance with this regulation may temporarily suspend or permanently revoke an individual's instructor certification if the individual:

- (1) Does not comply with Commission regulations;
- (2) Falsifies or fails to maintain reports, forms, rosters, and other records required by the Commission;
- (3) Facilitates or condones cheating on an examination, skills exercise, or other aspect of a training provider's course for which instruction is provided;
- (4) Compromises the integrity of a training provider's training program or course;
- (5) Misuses the authority granted by the instructor certification;
- (6) Fails to provide required instruction or provides instruction that is erroneous or inadequate;
- (7) Fails to cooperate with Commission audits or inquiries;
- (8) Provides false or misleading information to the Commission; or
- (9) Violates or fails to meet Commission requirements.

B. If the Commission has knowledge that an instructor has allegedly engaged in conduct specified under §A of this regulation, the Deputy Director shall:

- (1) Provide written notice of the allegations to the instructor's supervising authority at the correctional unit, Department of Juvenile Services, law enforcement agency, training provider, or academy certified under COMAR 12.10.01.14 or COMAR 12.04.01.10 that employs or supervises the instructor who is the subject of the allegation;
- (2) Ensure the allegation is thoroughly investigated; and
- (3) Conduct a hearing to allow the allegation to be presented and the instructor to respond to the allegation.

C. After reviewing the information resulting from the investigation and conducting a hearing under §B of this regulation, the Deputy Director shall decide if the allegation is supported by fact.

D. If the Deputy Director decides the allegation is supported by fact, the Deputy Director may order that the instructor's certification be:

- (1) Permanently revoked; or
- (2) Temporarily suspended.

E. The Deputy Director shall submit a written report of findings to support a decision under §C of this regulation and any order under §D of this regulation to:

- (1) The instructor's supervising authority at the correctional unit, Department of Juvenile Services, law enforcement agency, training provider, or academy certified under COMAR 12.10.01.14 or COMAR 12.04.01.10 that employs or supervises the instructor who is the subject of the allegation; and
- (2) The Correctional Training Commission or Police Training Commission that granted the instructor's certification.

F. The instructor who is the subject of the allegation may appeal the Deputy Director's decision under §C of this regulation and any order under §D of this regulation to the Executive Director.

G. Revoking or Suspending an Instructor Certification Exemption.

(1) The Deputy Director may permanently revoke or temporarily suspend an exemption from instructor certification granted under Regulation .04 of this chapter if the individual to whom the exemption was granted engages in conduct specified by §A of this regulation.

(2) If Deputy Director considers revoking or temporarily suspending an exemption as provided by §G(1) of this regulation, the Deputy Director shall:

(a) Comply with the requirements of §B of this regulation, and may order that the exemption be revoked or temporarily suspended as provided by §D of this regulation; and

(b) Provide a written report on the findings and order under §G(2)(a) of this regulation to the:

- (i) Individual to whom the exemption was granted; and
- (ii) Training authority or training provider that requested the exemption.

(3) An exemption from instructor certification granted under Regulation .04 of this chapter may be revoked or temporarily suspended by the Deputy Director if the Deputy Director determines the individual no longer possesses the specialized skills or expertise to warrant the exemption.

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

**Subtitle 15 CRIMINAL JUSTICE
INFORMATION SYSTEM CENTRAL
REPOSITORY**

Notice of Proposed Action

[12-089-P]

The Secretary of Public Safety and Correctional Services proposes to:

(1) Amend Regulations .02 — .09, recodify and amend existing Regulations .09-1 — .17 to be Regulations .10 — .18, and adopt new Regulations .19 and .20 under **COMAR 12.15.01 Implementation of the Criminal Justice Information System Statute**;

(2) Amend Regulations .01 — .04, .06, and .07, repeal existing Regulations .05, .08, and .09, adopt new Regulations .05 and .08, recodify and amend existing Regulations .10 — .12 to be Regulations .09 — .11, and recodify existing Regulation .13 to be Regulation .12 under **COMAR 12.15.02 Criminal History Records Check of Individuals Who Care for or Supervise Children**;

(3) Amend Regulations .01 — .06, repeal existing Regulations .07 and .08, adopt new Regulation .07, and recodify and amend existing Regulations .09 — .11 to be Regulations .08 — .10 under **COMAR 12.15.03 Criminal History Records Check for Individuals Who Work for an Adult Dependent Care Program**;

(4) Amend Regulations .01, .03 — .06, .08, and .09 under **COMAR 12.15.04 Criminal History Record Information Checks for Applicants for Hazardous Materials Endorsements — Commercial Driver's Licenses**; and

(5) Amend Regulations .02. — .09 under **COMAR 12.15.05 Use of Private Provider Services for Non-Criminal Justice Purposes**.

Statement of Purpose

The purpose of this action is to amend current regulatory language based on the results of Regulatory Review action that identified style, format, and language issues requiring change to have COMAR match existing practices. The proposal included changes to the FBI fees collected by the Central Repository based on a reduction in fees charged by the FBI.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The primary purpose of this action is to update COMAR to reflect existing processes and publish procedures that have been in use by the Central Repository. The economic impact of this proposal is based on a reduction in fees charged by the Federal Bureau of Investigation (FBI) for criminal history records checks.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	(E-)	\$2.75 per applicant
C. On local governments:	(E-)	\$2.75 per applicant
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$2.75 per applicant
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	\$2.75 per applicant

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

B. The FBI has reduced fees charged to conduct national criminal history records checks by \$2.75 per request.

C. If a State agency or local government employs individuals required to undergo a FBI criminal history records check and that State agency or local government reimburses that individual for the cost associated with obtaining the FBI criminal history records check, then the State agency or local government would realize a \$2.75 per individual reduction in expenditures for this purpose.

D. If a private business employs individuals required to obtain a FBI criminal history records check and reimburses the individual for the cost associated with obtaining the FBI criminal history records check then the business would realize a \$2.75 reduction in expenditures for this purpose.

F. An individual obtaining a criminal history records check would benefit from the reduction of fees.

Economic Impact on Small Businesses

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

A small business that employs an individual required to obtain a criminal history records check and reimburses employees satisfying that requirement would benefit by the \$2.75 reduction for each employee/applicant obtaining a FBI criminal history records check.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robyn Lyles, Policy Director, Information Technology & Communications Division, Department of Public Safety and Correctional Services, 6776 Reisterstown Road, Baltimore, MD 21215, or call 410 585 3100. Comments will be accepted through May 21, 2012. A public hearing has not been scheduled.

12.15.01 Implementation of the Criminal Justice Information System Statute

Authority: Criminal Procedure Article, §10-221; Courts and Judicial Proceedings Article, §3-8A-27; Annotated Code of Maryland

.02 [Applicability] Scope.

These regulations apply to:

- A. [the] *The* executive branch of State government; [and]
- B. A local criminal justice [agencies other than those] *agency that is not* in the judicial branch of government[, and to];
- C. [individuals, agencies, and other organizations who have entered into] *An individual, agency, or organization with an agreement with the Secretary, Department of Public Safety and Correctional Services, for access to criminal history record information[.]; and*
- D. [to individuals who are] *An individual who is the subject of [an individual criminal history record] CHRI.*

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) "*Advisory Board*" has the meaning stated in *Criminal Procedure Article, §10-201, Annotated Code of Maryland.*
 - [(1)] (2) (text unchanged)
 - [(1-1)] (3) "*Collection*" [refers to] *means* the receipt, organization, and processing of CHRI by a criminal justice agency, a criminal justice repository, or the Criminal Justice Information System Central Repository (Central Repository).
 - [(2)] (4) "*Conviction Criminal History Record Information.*"
 - (a) "*Conviction criminal history record information*" means [CHRI regarding] reportable events [which] *that* have resulted in a finding of guilt.
 - (b) "*Conviction criminal history record information*" includes:
 - (i) [For the purpose of dissemination, the acceptance of a] A plea of *nolo contendere* *accepted* by a court[, or]; *and*
 - (ii) [a probation] *Probation* before judgment[, shall be considered as conviction CHRI].
 - [(3)] (5) "*Criminal history record information (CHRI)*" [means data initiated or collected by a criminal justice agency on a person pertaining to a reportable event, and includes data from an agency required to report to the Central Repository under Health-General Article, Title 12, Annotated Code of Maryland. The term does not include:
 - (a) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;
 - (b) Data pertaining to a proceeding under Courts and Judicial Proceedings Article (Juvenile Causes), Title 3, Subtitle 8, Annotated Code of Maryland, but it does include data pertaining to a person following waiver of jurisdiction by a juvenile court;
 - (c) Wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions;
 - (d) Data pertaining to violations of the traffic laws of the State or any other traffic law, ordinance, or regulation, or violations of local ordinances, or State or local regulations, or violations of the Natural Resources Article of the Annotated Code of Maryland, or public local laws;
 - (e) Data concerning the point system established by the Motor Vehicle Administration in accordance with the provisions of Transportation Article, Title 16, Annotated Code of Maryland;
 - (f) Presentence investigation and other reports prepared by a probation department for use by a court in the exercise of criminal jurisdiction or by the Governor in the exercise of his power of pardon, reprieve, commutation, or nolle prosequi] *has the meaning*

stated in Criminal Procedure Article, §10-201, Annotated Code of Maryland.

(6) *Criminal History Records Check.*

(a) “Criminal history records check” means a record check of CHRI maintained by the Central Repository or the Federal Bureau of Investigation (FBI).

(b) “Criminal history records check” is limited to the existence of a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or pending criminal charge.

[(4)] (7) [“Criminal justice agency”:] *Criminal Justice Agency.*

(a) [Means any] “Criminal justice agency”, except for the Department of Juvenile Services or a juvenile court, means a government agency or subunit of an agency [which] that:

(i) Is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, custodial treatment, or confinement under Health-General Article, Title 12, Annotated Code of Maryland, rehabilitation, or release of persons suspected, charged, or convicted of a crime or relieved of criminal punishment by verdict of not criminally responsible, or is responsible for criminal identification activities and the collection, storage, and dissemination of criminal history record information[.]; and

(ii) Allocates a substantial portion of [its] the agency’s annual budget to any of the functions in [§B(4)(a)(i)] §B(7)(a)(i) of this regulation[.];

[(b)] Does not include the Department of Juvenile Services or a juvenile court;]

[(c)] (b) [Does include] “Criminal justice agency”, except for Department of Juvenile Services or a juvenile court, includes the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

(i) A State, county, and municipal police [departments and agencies] department, sheriff’s [offices] office, correctional [facilities] facility, parole and probation [departments] department, [jails] jail, and detention [centers.] center;

(ii) An agency required to report to the Central Repository under Health-General Article, §12-107 or 12-112, Annotated Code of Maryland[.];

(iii) The [Offices] Office of the Attorney General, the State’s Attorney Office, and [any other] other person authorized by law to prosecute [persons] an individual accused of a criminal [offenses.] offense; and

(iv) The Administrative Office of the Courts, the Court of Appeals, the Court of Special Appeals, the circuit courts (including [the courts of] the Supreme Bench of Baltimore City), the District Court of Maryland, and the offices of the clerks of these courts.

[(5)] (8) “Criminal justice information system” means the equipment (including computer hardware and software), facilities, procedures, agreements, and personnel used [in the collection, processing, preservation, and dissemination of] to collect, process, preserve, and disseminate CHRI.

[(6)] (9) “Criminal justice purpose” means [any] use of CHRI [made] by:

(a) A criminal justice agency:

(i) [in the performance of its functions as a] To conduct criminal justice [agency,] duties and responsibilities; or

(ii) [for the purpose of] Related to activities concerning hiring or retaining [its own] a criminal justice agency employee [and agents]; and

(b) (text unchanged)

[(7)] (10) *Disseminate.*

(a) “Disseminate” means to transmit CHRI in [any] oral, electronic, or written form.

(b) “Disseminate” [The term] does not include the:

[(a)] (i) Transmittal of [this information] CHRI within a criminal justice agency;

[(b)] (ii) Reporting of [this information] CHRI as required by Criminal Procedure Article, §10-214, Annotated Code of Maryland;

[(c)] (iii) Transmittal of [this information] CHRI between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense; or

[(d)] (iv) Disclosure of [this information] CHRI during [the] preparation for or during the conduct of a public judicial proceeding by the State’s Attorney, Attorney General, [any] a law enforcement officer, or [any] other person authorized by law to conduct criminal investigations or to prosecute persons accused of criminal offenses.

(11) *Fingerprinting.*

(a) “Fingerprinting” means a method of identifying an individual using impressions of the minute ridge formations or patterns on an individual’s fingers and thumbs, based on the accepted premise that no two individuals have the same ridge formations or impressions.

(b) “Fingerprinting” may be performed:

(i) Manually, using ink and paper; or

(ii) Electronically, using a Livescan device.

(12) “Fingerprinting service fee” means a cost paid to the agency collecting demographic data and performing fingerprinting for an applicant.

[(7-1)] (13) “Juvenile” means a child under 18 years old as defined in Courts and Judicial Proceedings Article, [§3-801(d)] §3-801, Annotated Code of Maryland.

[(8)] (14) “Nonconviction criminal history record information” means:

(a) Arrest information without disposition [if an interval of 1 year has elapsed from the date of arrest and no active prosecution of the charge is pending];

(b) Information disclosing that [the police have] a law enforcement agency elected not to refer a matter to a prosecutor;

(c) A prosecutor has elected not to [begin] initiate a criminal [proceedings] proceeding;

(d) [Proceedings have] A criminal proceeding has been indefinitely postponed;

(e) [Acquittals] An acquittal; or

(f) [Dismissals] A dismissal.

(15) “Noncriminal justice agency” means a government or private agency that is not a criminal justice agency defined under Criminal Procedure Article, §10-210(d), Annotated Code of Maryland, and receives CHRI for licensing and employment purposes.

(16) “Noncriminal justice purpose” means the use of CHRI for licensing and employment purposes.

[(9)] (17) “Private party petitioner” means a nongovernmental employer, employment agency, membership association, landlord (including a public housing authority), or duly designated [agents who are] agent licensed, chartered, or registered in any state, territory, or possession of the United States, or in the District of Columbia.

(18) “Rap Back Program” means the State program that will inform an employer or other designated entity when an individual who has undergone a criminal history records check and whose fingerprints are retained by the Central Repository after the criminal history records check is subsequently arrested or is the subject of another reportable event pursuant to COMAR 12.15.01.19.

[(10)] (19) “Reportable event” means an event specified [or provided for in] under Criminal Procedure Article, §10-215, Annotated Code of Maryland.

[(11)] (20) "Reporting" means the transmittal of CHRI by a criminal justice [agencies] *agency* or [repositories] *a repository* to the [Criminal Justice Information System Central Repository (JCentral Repository)].

[(12)] (21) (text unchanged)

.04 Criminal Justice Information System Central Repository (Central Repository).

A. [Pursuant to Criminal Procedure Article, §10-213, Annotated Code of Maryland, there is a Criminal Justice Information System Central Repository (Central Repository).] The Central Repository shall perform functions [assigned to the State Central Crime Records Bureau, and the Criminal Records Central Repository of the Maryland State Police,] and other tasks delegated [to it] by the Secretary to ensure the accuracy, completeness, and security of CHRI in Maryland.

B. [The] Central Repository [has the:] *Authority*.

(1) [Responsibility] *With the approval of the Secretary, or a designee, the Central Repository has the authority to enter into an agreement:*

(a) With [agencies which,] *an agency that by law or regulatory process[, have] has the [right] authority to access or contribute to CHRI[.]; and*

(b) [Which] *That complies with Criminal Procedure Article, §10-217, Annotated Code of Maryland[, and*

(c) *Which requires the approval of the Secretary;]*

(2) [Authority] *With the approval of the Secretary, or a designee, the Central Repository has the authority to:*

(a) [to perform] *Perform audits of [any] a criminal or noncriminal justice agency with respect to [any individual] CHRI to ensure the completeness and accuracy of information reported, maintained, or disseminated;*

(3) (b) [Authority to inspect] *Inspect and evaluate [the] procedures and facilities relating to the privacy and security of CHRI in [any] an agency bound by these regulations, and to enforce [the] sanctions agreed upon with the Central Repository;*

(4) (c) [Authority to deny] *Deny a criminal or noncriminal justice agency access to [any] CHRI unless access is in accordance with an approved agreement; and*

(5) (d) [Authority to refuse] *Refuse acceptance of [any] CHRI from a criminal justice agency unless the information is submitted in accordance with an approved agreement.*

.05 Right of an Individual to Inspect the Individual's [Criminal History Record] CHRI.

A. Access to [Criminal History Record] *CHRI*.

(1) [A person] *An individual may inspect [criminal history record information concerning the applicant,] the individual's CHRI maintained by a criminal justice agency, [unless] except if the [information] CHRI or [any] part of [it] the CHRI is relevant to a pending criminal proceeding.*

(2) The [restriction] *exception in §A(1) of this regulation does not affect [any] the right of inspection and discovery permitted by rule of court or by statute.*

(3) [Criminal history record information which] *CHRI that was recorded before January 1, 1978 is subject to the right of access and challenge in accordance with this subtitle.*

(4) [The duty of] *When a request is made to review CHRI, a criminal justice agency [is to] shall make a reasonable search for the [information] CHRI maintained under [its control] the criminal justice agency's authority.*

(5) [There is no duty] *A criminal justice agency requested to provide access to [criminal history record information] CHRI that cannot be located after a reasonable search has no further obligation to provide CHRI.*

B. A fee, [as specified] *established in Regulation [.14] .15 of this chapter, shall be charged an individual for each request to review that individual's [record] CHRI, [unless] except if the individual files a verified certificate of indigence with the agency requested to provide the individual's CHRI.*

C. Filing Request to Review CHRI.

(1) Individuals wishing to] *An individual may file a request to obtain and [subsequently] to review [their criminal history record may do so at] the individual's CHRI with the Central Repository or other locations designated by the [Director,] Central Repository.*

(2) The address of the Central Repository is CJIS Central Repository, 1201 Reisterstown Road, Baltimore, MD 21208, telephone (301) 653-4455.]

(3) The hours during which individuals may review their criminal history record at the Central Repository are 9 a.m.—3 p.m., Monday through Friday, except on State holidays.]

D. Filing Request to Review CHRI [from Local Police] *with a Criminal Justice Agency.*

(1) Until [all criminal history data] *CHRI is filed [at] with the Central Repository, [individuals] an individual may file a request [and subsequently] to review [that part of their criminal history record maintained by a criminal justice agency] a portion of the individual's CHRI with the criminal justice agency, other than the Central Repository, collecting and maintaining the CHRI that has not been filed with the Central Repository.*

(2) [The] A request [and] *to review is subject to the procedures of the criminal justice agency [which maintains the record] maintaining the CHRI.*

(3) [Each] A criminal justice agency [which maintains criminal history record information] *maintaining CHRI shall adopt procedures for individual review and challenge of [that information. These procedures shall be in compliance] CHRI that comply with applicable federal and State law and regulations.*

E. An [offender] *individual held in custody at a law enforcement agency, detention center, or correctional [institution] facility as the result of a court action may file a request [and subsequently] to review [his criminal history record at the location of his confinement] the individual's CHRI with the criminal justice agency detaining the individual.*

F. Before [individuals] *an individual may review [their record, they] the individual's CHRI, the individual shall [provide verification of their identity through] be identified by fingerprint comparison with the Central Repository record [through the use of an application form specified] according to procedures established by the Central Repository. [Information on where an individual may be fingerprinted can be obtained from the Director of the Central Repository.]*

G. An attorney may review a client's [criminal history record] *CHRI if the attorney:*

(1) [satisfactorily] *Satisfactorily establishes [his] the client's identity[.];*

(2) [presents] *Presents [a] written authorization from the attorney's client[.]; and*

(3) [submits a] *Pays the fee [, as specified] established in Regulation [.14] .15 of this chapter.*

H. *An individual requesting to review CHRI shall:*

(1) [An] *Submit the request using an application form [specified] or electronic format that:*

(a) *Is authorized by the Central Repository[.];*

(b) *Is properly completed; and*

(c) [including] *Includes [the individual's right thumbprint or other available print if the right thumb cannot be fingerprinted,] a complete set of legible fingerprints; and*

(2) [shall be forwarded] *Forward the properly completed form to the Central Repository [for identification, verification, and the record check].*

I. [The] *Upon receipt of a proper request to review CHRI, the Central Repository shall:*

(1) [verify] *Verify the identity of the applicant[.*

J. Upon confirmation of the applicant] by fingerprint comparison and other available identifiers[, the Central Repository shall]; *and*

(2) *If identification is verified and CHRI is found, [complete the application form and return it, and a copy of any record information, within 30 days to the agency or barrack which submitted the request] provide a copy of the CHRI to the applicant.*

[K.] *J. Denial of a Request to Review CHRI.*

(1) The Central Repository or [other] *a criminal justice agency [possessing the individual's criminal history record] may deny a request to review [of a record] CHRI if[, in its opinion,] the Central Repository or criminal justice agency determines that the individual is not:*

(a) The subject of [that record] *the CHRI; or*

(b) Entitled to review the [record] *CHRI under [the limitations set forth in] Criminal Procedure Article, §10-226, Annotated Code of Maryland.*

(2) [The reason for denial of review] *If the Central Repository or a criminal justice agency denies a request to review CHRI, the Central Repository or criminal justice agency denying the request shall:*

(a) [be indicated on the application form by the Central Repository or other agency which denies access, and] *Provide written notification of the denial, including the reason for the denial;*

(b) *Send the [form shall be returned] written notification of denial to the individual making the request within 30 days[.]; and*

[(3)] (c) [The] *Provide the individual [shall be advised in writing] written notification of the individual's right to appeal the denial of the request to review CHRI.*

[L.] *K. The Central Repository or a criminal justice agency receiving a request to review CHRI shall retain a copy of the application [form].*

[M. When an individual returns to review the individual's criminal history record, the individual:

(1) Shall countersign the application form;

(2) May make notes of the information; and

(3) May obtain a copy at the individual's expense.]

[N.] *L. [A person who challenges the individual's criminal history record information] An individual may only challenge the following concerning CHRI:*

(1) [completeness,] *Completeness;*

(2) [contents,] *Content;*

(3) [accuracy,] *Accuracy; or*

(4) [dissemination of this information] *Dissemination.*

.06 Right of an Individual to Challenge a Denial to [Inspect] Review CHRI.

A. If [an individual] *a request to review CHRI is denied [the right to inspect his criminal history record.] pursuant to the procedures [in] under Regulation .05 of this chapter, the individual may challenge [this] the denial [in accordance with the procedures in this regulation. This regulation does not pertain to court procedures or court records where inspection has been] except if the request to review CHRI was denied by the courts.*

B. Challenge to Denial.

(1) An individual [may file a challenge to] *challenging a denial of [the] a request to [inspect a record by submitting] review CHRI shall submit:*

(a) [An] *The challenge to the Central Repository using an application form [specified] authorized by the Central Repository; and*

(b) A complete set of fingerprints taken at [the location of the individual's original request by the original agency, or at] a location designated by the [Director,] Central Repository.

(2) [A] *The challenge shall be filed within 10 days of the date of the denial to [inspect a record] review CHRI.*

[C. The Secretary has the authority to designate a review officer.]

[D.] *C. The Secretary, or [the Secretary's] a designee, shall:*

(1) *Designate a review officer;*

[(1)] (2) Set a [review] date *to conduct the review that is within 30 days of the date the challenge was [filed] received by the Central Repository; and*

[(2)] (3) Within the 30-day period *before the date of the review, compare the full set of fingerprints submitted by the [person who challenged the record] individual submitting the challenge with the fingerprints on the arrest record.*

[E.] *D. The Secretary, or a designee, shall issue [to the individual and to the Central Repository] a written decision stating whether the individual filing the challenge is or is not the individual in the record[.] and provide copies of the decision to the:*

(1) *Individual submitting the challenge; and*

(2) *Central Repository.*

E. [A] *Upon receipt of a decision under §D of this regulation the Central Repository shall:*

(1) *Maintain a copy of the decision [shall be retained by the Central Repository and copies shall be disseminated by the Central Repository to any other]; and*

(2) *Send a copy of the decision to a criminal justice agency [which is a party to] affected by the denial [process] to review CHRI.*

F. If the Secretary, or a designee, decides that the [challenger] *the individual submitting the challenge is:*

(1) The subject of the [record] *CHRI, the [challenger may,] the individual submitting the challenge:*

(a) [upon submission of the written decision of the Secretary] *May submit the Secretary's decision to the [official who denied access to the record, or to the Central Repository, view the record] agency denying the request to review CHRI; and*

(b) *Upon receipt of the Secretary's decision by the appropriate agency, shall be permitted to review the applicable CHRI; or*

(2) Not the subject of the [record] *CHRI, the [challenger] individual submitting the challenge of the denial may not [be permitted to inspect] review the [record] CHRI.*

G. The [challenger] *individual submitting the challenge of the denial to review CHRI or the agency maintaining the [record] CHRI may appeal the decision of the Secretary[, and this appeal shall be taken] in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.*

.07 Right of an Individual to Challenge Completeness, [Contents] Content, Accuracy, and Dissemination of CHRI.

A. An individual [who has inspected his criminal history record information] *having reviewed CHRI may only challenge the following related to CHRI:*

(1) [the completeness,] *Completeness;*

(2) [contents,] *Content;*

(3) [accuracy,] *Accuracy; or*

(4) [dissemination of this information] *Dissemination.*

B. Challenge to [Inaccurate] *Completeness, Content, Accuracy, or Dissemination of CHRI.*

(1) [The] *An individual challenging CHRI under this regulation shall submit the challenge using a form [specified] authorized by the Central Repository [as notice of the challenge] to the:*

(a) *Central Repository; and*

(b) [to the agency at which] *Agency responsible for the location where the individual [inspected] reviewed the [information] CHRI, if other than the Central Repository.*

(2) Upon receipt of the [notice] *challenge form*, the Central Repository shall [conduct an examination of that] *examine the part of the individual's [criminal history record information which] CHRI that has been challenged [as to completeness, contents, accuracy, and dissemination] under this regulation.*

(3) As part of the examination *under §B(2) of this regulation*, the Central Repository may require [any] *a criminal justice agency that was the source of challenged [information] CHRI to verify the [information] CHRI.*

[(3)] (4) The Central Repository shall notify the individual *submitting the challenge under this regulation:*

(a) [in] *In writing of the results of [its] the examination and [determination] decision concerning the basis of the challenge; and*

(b) [within] *Within 90 days after [receipt of the individual's notice of] the date the challenge was received by the Central Repository.*

[(4)] (5) If the challenge or any part of [it] *the challenge is rejected by the Central Repository*, the notification [of results] *under §B(4) of this regulation shall [inform the individual of] include information concerning the individual's right [of] to appeal the Central Repository's rejection of the challenge.*

C. Correction of CHRI.

(1) If [a] *the Central Repository determines that the individual's challenge under this regulation is [determined to be] valid*, the Central Repository shall:

(a) Make the appropriate correction on the Central Repository's [record] *CHRI*; and

(b) Notify [any] *the criminal justice or other agency [which has custody of] responsible for the [incomplete or inaccurate information, of this] CHRI requiring correction.*

(2) [The criminal justice] *An agency receiving notification under §C(1)(b) of this regulation shall:*

(a) [correct its records] *Correct the agency's CHRI*; and

(b) [certify] *Provide certification to the Central Repository that the correction was made.*

(3) [Upon request, an] *If requested by the individual whose [record has been] CHRI was corrected, the agency disseminating the individual's CHRI shall [be given] provide the individual with the names of [all] noncriminal justice agencies or [individuals] persons to whom the [data has been given] CHRI was disseminated during the [prior 12-month period] 12 months immediately preceding the date the individual reviewed the CHRI.*

D. Notice of Correction.

(1) A criminal justice agency or other agency required to correct [any criminal history record information] *CHRI under §C(2) of this regulation that had [previously] disseminated [this incorrect information] CHRI before the CHRI was corrected shall give written notice of the correction to [any agency or individual to whom the information had been disseminated] the person receiving the uncorrected CHRI.*

(2) The [recipient agency or individual] *person receiving notification under §D(1) of this regulation shall:*

(a) [promptly make] *Make the correction [on its records] to the CHRI in the person's possession[.]; and*

(b) [certify] *Provide certification that the correction has been made to the [disseminating] agency making notification under §D(1) of this regulation [that the correction was made].*

E. Appeal.

(1) If [the individual's] *a challenge to the completeness, [contents] content, accuracy, or dissemination is denied by the Central Repository, the individual may appeal the decision.*

(2) An individual shall:

(a) [file] *Use a form [specified] authorized by the Central Repository to appeal a denial of a challenge under this regulation; and*

(b) *File the appeal within 30 days of the date of the denial of the challenge with the:*

[a)] (i) Secretary;

[b)] (ii) [Law enforcement] *Criminal justice agency [which] that contributed to or created the [record] CHRI; and*

[c)] (iii) Central Repository.

[F. The Secretary may designate a hearing officer to hear the challenge.]

[G.] F. The Secretary, or [the Secretary's] *a designee, shall:*

(1) *Designate a hearing officer;*

(2) [set] *Set a hearing date within 30 days of the date the appeal was [filed,] received by the Central Repository; and*

(3) *Ensure that the date set for the hearing [shall be held] is within 60 days of the date the appeal was [filed] received by the Central Repository.*

[H.] G. [Failure of an applicant to] *If the individual filing an appeal under this regulation does not appear at the hearing [shall be cause to deny] on the date set under §F of this regulation, the [challenge] appeal shall be denied by the hearing officer.*

[I.] H. At the [challenge] *appeal hearing, the [applicant who filed] individual filing the [challenge] appeal and [any] a criminal justice agency [party to] affected by the [challenge] appeal may:*

(1) — (2) (text unchanged)

(3) Interrogate persons responsible for recording or maintaining the [criminal history record in question] *CHRI under review.*

[J.] I. *Appeal of a Hearing Decision [of Hearing].*

(1) The Secretary, *or a designee, shall [issue] provide a written [order] decision stating the [decision] outcome of the appeal hearing under §F of this regulation to the:*

(a) [Applicant] *Individual filing the appeal; and*

(b) (text unchanged)

(2) [The] *Upon receipt of a decision under §I(1)(b) of this regulation, the Central Repository shall:*

(a) Retain a copy of the [order] *written decision; and*

(b) Disseminate a copy of the [order] *written decision to [any other agency or] a person [who is party to] affected by the hearing.*

[K.] J. [Secretary's Order] *Appeal Decision.*

(1) If [the Secretary's order] *a decision under §I of this regulation concludes that the challenge to the completeness, [contents] content, accuracy, or dissemination of the [record] CHRI is [correct] valid, the [order] written decision shall direct that the [record] CHRI is to be corrected.*

(2) The Central Repository and the [local law enforcement] *criminal justice agency [which contributed] contributing to or [created] maintaining the [record] CHRI shall:*

(a) Correct [its records] *the CHRI maintained by the agency; and*

(b) Certify to the Secretary, *or a designee, that the [correction was made] CHRI was corrected.*

[L.] K. A criminal justice agency required to correct [any criminal history record information pursuant to § K--M] *CHRI under §J of this regulation, that had [previously] disseminated [this information] the CHRI before being corrected, shall give written notice to the [agency or] person [to whom the information was disseminated,] receiving the uncorrected CHRI of the correction[. That agency or], and the person shall:*

(1) [promptly make] *Make the correction [on its records,] to the person's CHRI; and*

(2) [certify] *Certify to the disseminating agency that the correction was made.*

[M.] *L.* A party to [the matter may further] *an appeal of the decision [of the Secretary, and this appeal shall be taken] under §I of this regulation may appeal the decision* in accordance with [the Administrative Procedure Act,] State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

[N.] *M.* Central Repository records relating to the individual's right to review and challenge shall be:

(1) Centrally maintained in the place and manner designated by the Secretary, *or a designee*; and

(2) Retained for a minimum of 4 years, [with the exception of] *except for the respective fingerprint card [which] that shall be retained for a minimum of 15 years.*

.08 Collection.

A. The Central Repository shall collect and store CHRI from [all] criminal justice agencies or CHRI repositories in the State.

B. [Receipt by the] *The Central Repository [of] shall maintain CHRI [shall be organized so as] to:*

(1) [accurately reflect the] *Reflect* processing of an individual through the criminal justice system; and

(2) [to ensure] *Ensure* complete, accurate, [private] *confidential*, and secure [records] *CHRI*.

C. [Information collected by the] *The Central Repository [pertaining to arrests of juveniles is]:*

(1) *Shall maintain information related to a juvenile arrest as confidential[. Storage and dissemination of this information shall be] in accordance with Courts and Judicial Proceedings Article, §3-828(a), Annotated Code of Maryland[, as follows:]:*

[(1)] (2) [Records concerning a juvenile shall be maintained] *Shall maintain information related to a juvenile* separately from adult [records] *CHRI; and*

[(2)] (3) [Dissemination of the records of a juvenile may be made] *May only disseminate information related to a juvenile to:*

(a) The Department of Juvenile Services[.];

(b) Comply with an order of a court upon good cause shown[.]; and

(c) (text unchanged)

.09 Reporting.

A. Each criminal justice agency or CHRI repository shall report CHRI[, whether collected manually or by means of an automated system,] to the Central Repository in accordance with *Criminal Procedure Article, §10-215, Annotated Code of Maryland, and the following [provisions]:*

(1) [Data pertaining to] *Information concerning* an arrest or the issuance of an arrest warrant shall be reported within 72 hours after the arrest is made or the warrant is issued[, whichever first occurs]; *and*

[(2)] Data pertaining to the release of a person after arrest without the filing of a charge shall be reported within 30 days after the person is released;]

[(3)] (2) [Data pertaining to any other] *Information concerning another reportable event not included under §A(1) of this regulation* shall be reported within 60 days after [occurrence] *the date of the reportable event.*

B. [CHRI shall be reported by all] *A criminal justice [agencies] agency shall report CHRI* to the Central Repository in [an organized] *a manner that ensures the CHRI:*

(1) [Reflects the identification of] *Accurately identifies* the offender *through fingerprint comparison or other compelling information;*

(2) [and the movements of that individual] *Accurately tracks the individual* through the criminal justice system; [and]

[(2)] (3) Conforms to federal and State laws and regulations [as supplemented by]; *and*

(4) [operational] *Complies with Central Repository* procedures [issued by the Central Repository relating to the completeness, accuracy, privacy, and security] *for collection, reporting, maintenance, and dissemination* of CHRI.

C. The Secretary, *or a designee*, shall specify the content, format, and media for CHRI reported to the Central Repository.

[.09-1] .10 Fingerprint Process.

A. [Fingerprint cards] *Fingerprints* for each juvenile and adult arrested shall be submitted to the [CJIS] Central Repository within 72 hours of the arrest.

B. [Adults] *An adult* who [have] *has* been arrested shall be fingerprinted [on an arrest fingerprint card] *according to procedures* approved by the [Director of the CJIS] Central Repository [and on an arrest fingerprint card approved by the Director of the Federal Bureau of Investigation].

C. A juvenile who has been arrested shall be fingerprinted [on the arrest fingerprint card] *according to procedures* approved by the [Director of the CJIS] Central Repository.

D. The arresting [agency] *law enforcement agency* or the agency responsible for processing an arrested individual shall complete and submit [all] available information [on the fingerprint cards] *according to procedures approved by the Central Repository.*

E. The [Director of the CJIS] Central Repository may authorize an agency to *electronically* submit arrest information [electronically, including] *and* fingerprint images[,] to the [CJIS] Central Repository [instead of using the CJIS Central Repository fingerprint card set forth in B and C of this regulation].

[.10] .11 Dissemination of CHRI — General.

A. The Central Repository and [other] *a criminal justice [agencies] agency [may not access or] shall collect, report, maintain, and disseminate [criminal history record information except] CHRI* in accordance with federal and State laws and regulations [and the regulations promulgated] pursuant to Criminal Procedure Article, §10-221, Annotated Code of Maryland.

B. *Noncriminal Justice Agency.*

(1) [Only] *Except as provided under §A(2) of this regulation, only* the Central Repository may disseminate CHRI to a noncriminal justice agency or individual.

(2) [However, the] *The Central Repository, through agreement with [another] a criminal justice agency, may:*

(a) [specify] *Designate* [the other] *a criminal justice agency as a location [at which] where* a noncriminal justice agency or individual may [inquire to] *initiate a request for* the Central Repository [for the purpose of receiving] *to provide CHRI for a noncriminal justice purpose.*

(b) [The agreement may also provide for the Central Repository to authorize the] *Authorize a criminal justice agency to disseminate to [the] a noncriminal justice agency [appropriate] or individual CHRI* maintained by the criminal justice agency.

(3) [Under these circumstances the disseminating] *If a criminal justice agency is authorized to disseminate CHRI under §B(1) of this regulation, the criminal justice agency shall maintain a log of each dissemination, [showing] recording in the log the:*

(a) [the date] *Date* the request was made[.];

(b) [the purpose for which] *Purpose* of the request [was made,];

(c) [the information] *CHRI* disseminated[.];

(d) [the agency or person] *Person* receiving the information[.]; and

(e) [the date] *Date* [of] the [dissemination] *CHRI was disseminated.*

(4) The Central Repository shall maintain [in its] a log [the fact that it authorized the] recording:

(a) [criminal] A criminal justice agency authorized to disseminate [the] CHRI for noncriminal justice purposes; and

(b) [the] The name of the agency or individual [to whom] receiving the CHRI [was disseminated] for noncriminal justice purposes from the authorized criminal justice agency.

C. [An] The Central Repository or a criminal justice agency or individual authorized to access CHRI may not confirm the existence or nonexistence of CHRI to [any] a person [or agency] that [would] is not [be] eligible to receive the [information itself] CHRI.

D. [Logs] A log required to be kept under this chapter shall be maintained for at least 3 years.

E. The use of CHRI by an authorized agency or individual:

(1) [is] Is limited to the specific purpose [or purposes] stated in this chapter; and

(2) [may] May not be disseminated further [except with] without specific authorization by the Central Repository.

F. In addition to [any other] another remedy or penalty authorized by law, the Secretary, or a designee, may:

(1) [determine any] Determine that an individual or agency [to be] is in violation of the provisions of this chapter; and

(2) [may take] Initiate the necessary [steps] action to enforce compliance with this chapter, including:

(a) [termination of] Terminating authorization to access [to] CHRI[.];

(b) [revocation of any] Revoking an agreement between the agency and the Central Repository[.]; and

(c) [as well as appropriate judicial or administrative] Criminal or civil proceedings.

G. Dissemination of CHRI.

(1) The Secretary, or [the Secretary's] a designee, shall, from time to time, review agreements [and approved petitions] to determine if continued dissemination of CHRI based on the agreements [and petitions] is consistent with current law, regulation, and policy.

(2) If the Secretary, or a designee, determines that continued dissemination under an agreement [or petition] is not consistent with current law, regulation, or policy, the Secretary, or a designee, shall:

(a) [revoke] Revoke the agreement [or petition.];

(b) [terminate] Terminate access to CHRI[.]; and

(c) [send] Send written notice of the revocation to the individual, agency, private employer, or organization stating the reasons for the revocation.

(3) An individual, agency, private employer, or organization whose access is terminated by the Secretary, or a designee, may appeal the action in accordance with [the Administrative Procedure Act.] State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

[.11] .12 Dissemination of CHRI — Criminal Justice Agency.

A. [Subject to the provisions of] In accordance with requirements under Regulation [.12B] .13B of this chapter, the Central Repository [and other] or a criminal justice [agencies] agency shall disseminate CHRI[.], be it conviction or nonconviction criminal history record information,] to a criminal justice agency [upon a request made in accordance with applicable regulations adopted by the Secretary].

B. A criminal justice agency may request [this information] CHRI from the Central Repository or [another] a criminal justice agency only if [it has a need for] the [information] CHRI is used:

(1) In the performance of [its] the agency's function as a criminal justice agency; or

(2) For the purpose of hiring or retaining [its own] the criminal justice agency's employees [and agents].

[B.] C. Dissemination Between Criminal Justice Agencies.

(1) [A] Except for provisions under §C(4) of this regulation, a criminal justice agency may not disseminate CHRI to another criminal justice agency [until] unless the [disseminating] criminal justice agency disseminating the CHRI has requested and received from the Central Repository verification that the [information] CHRI to be disseminated is complete, accurate, and current.

(2) [The] Before a criminal justice agency or the Central Repository disseminates CHRI to a criminal justice agency, the criminal justice agency or the Central Repository shall verify the identity of the criminal justice agency [to which the disseminating agency intends to provide the information] requesting the CHRI.

(3) A criminal justice agency or the Central Repository [may satisfy the verification requirement through the use of an automated] may verify the identity of a criminal justice agency using information [system provided by] available from the Department [of Public Safety and Correctional Services].

(4) [The] If a criminal justice agency requesting CHRI demonstrates to the criminal justice agency maintaining the requested CHRI or the Central Repository that a delay in the receipt of CHRI will unduly impede necessary action by the requesting criminal justice agency or will violate or materially impair a substantive right of the individual who is the subject of the CHRI, the disseminating criminal justice agency or the Central Repository shall:

(a) Provide the requested CHRI without meeting requirements under §§C(2) and (3) of this regulation; and

(b) [maintain a record or] Record the transaction in the respective criminal justice agency's log [of the request showing] including the:

[(a)] (i) Date the request for CHRI was made [of dissemination];

[(b)] (ii) [Information to be] CHRI disseminated;

[(c)] (iii) Criminal justice agency receiving the [information] CHRI; and

[(d)] (iv) Date [of] the CHRI was [dissemination] disseminated.

[(5) This section does not apply if the receiving criminal justice agency demonstrates to a responsible official of the disseminating criminal justice agency or the Central Repository that a delay in the receipt of information from the Central Repository will unduly impede necessary action by the requesting criminal justice agency or will violate or materially impair a substantive right of the person about whom the information is needed. However, the disseminating agency shall maintain a log of each dissemination under these conditions, showing the:

(a) Date of dissemination;

(b) Information disseminated;

(c) Criminal justice agency to whom it was disseminated; and

(d) Date of the dissemination.]

[C.] D. [When] If a request for [the dissemination of] CHRI is made by a criminal justice agency from another state, [disseminations] dissemination shall be limited to the purposes for which CHRI is disseminated to a criminal justice [agencies within] agency in Maryland.

[D. A fee, as specified in Regulation .14 of this chapter, shall be charged for each request for access to CHRI for other than a criminal justice purpose.]

E. The Central Repository shall maintain a log of requests under §D of this regulation including the:

(1) Date the request for CHRI was made;

(2) CHRI disseminated;

(3) Criminal justice agency receiving the CHRI; and

(4) Date the CHRI was disseminated.

[.12] .13 Dissemination of CHRI — Noncriminal Justice Agency.

A. [Subject to the provisions of Regulations .10B, .11B, and §C of this regulation, and except as otherwise authorized by] *Except as provided under* §B of this regulation, the Central Repository may not disseminate to a noncriminal justice federal, State, or local government agency [the following]:

(1) Conviction CHRI [unless the person or agency to whom the information is to be disseminated], *except*:

(a) *If the recipient of the CHRI* is expressly authorized by statute, ordinance, executive order, or court rule, decision, or order to grant, deny, suspend, revoke, or terminate a license, employment, or other right or privilege[.]; and

(b) [the] *If the* statute, ordinance, order, or rule specifies the existence or nonexistence of a prior conviction or other criminal conduct as a condition to the grant, denial, suspension, revocation, or termination of the license, employment, right, or privilege. [References to “good moral character”, “trustworthiness”, or other less specific traits are sufficient to authorize dissemination when they are determined by the courts to be inclusive of criminal conduct.]

(2) Nonconviction CHRI [unless the person or agency to whom the information is to be disseminated], *except*:

(a) *If the recipient of the CHRI* is expressly authorized by statute, ordinance, executive order, or court rule, decision, or order to grant, deny, suspend, revoke, or terminate a license, employment, or other right or privilege[.]; and

(b) [the] *If the* statute, ordinance, executive order, or court rule, decision, or order specifies access to nonconviction CHRI in consideration of the decision to grant, deny, suspend, revoke, or terminate a license, employment, right, or privilege.

B. The [following noncriminal justice persons and agencies may receive from the] Central Repository *may disseminate* conviction and nonconviction CHRI *to the following* for the purpose and under the conditions stated:

(1) [For the purpose of determining] *To determine* suitability for employment or eligibility for security clearances[, the following agencies may receive this information]:

(a) (text unchanged)

(b) Other appointing authority of [the] a federal, State, or local unit of government.

(2) [For the purpose of the defense of] *To defend* a client in a pending criminal proceeding[, the following persons may receive this information]:

(a) (text unchanged)

(b) [A defense] *Defense* counsel of record.

(3) A bail bondsman [may receive this information relating to] *working with a client who is the subject of the CHRI*, if authorized by the Maryland Rules of Practice and Procedure of the Court of Appeals.

(4) The Department of Juvenile Services [may receive this information for the purposes of carrying out [its] statutory duties.

(5) Research, Evaluation, and Statistical Analysis.

(a) [For the purpose of] *To conduct* research, evaluation, and statistical analysis of criminal activity [the following may receive this information]:

(i) (text unchanged)

(ii) The Maryland Justice Analysis Center of the [Institute of Criminal Justice and Criminology of the University of Maryland] *Governor’s Office of Crime Control and Prevention*;

(iii) (text unchanged)

(iv) [Another] *Other* office, board, commission, or task force and the designated agents of these organizations established and granted CHRI access by Executive Order of the Governor or directive of the Secretary.

(b) [Statistical] *Results of research, evaluation, and analyses* derived from [this information] CHRI may not include the name of

any individual or any other unique identifiers relating to the individual.

(6) A person or agency under contract with a criminal justice agency to provide specific services required by the criminal justice agency to perform [any of its] criminal justice functions [may.] pursuant to an agreement with the Secretary[, receive this information necessary in order to carry out its contract].

(7) The Attorney Grievance Commission and [any of its] subunits, the Board of Law Examiners and [any of its] subunits, the Commission on Judicial Disabilities, and a judicial nominating commission [may receive and use CHRI] for the purpose of exercising [their] respective functions in connection with lawyer discipline, bar admissions, judicial discipline, and judicial selection.

C. (text unchanged)

D. For CHRI disseminated to a noncriminal justice agency, the Central Repository or the [designated] criminal justice agency disseminating the CHRI shall:

(1) Verify the identity of the [noncriminal justice agency and the] person requesting to receive the [information] CHRI *for noncriminal justice purposes*; and

(2) Maintain a [record or] log of a request [showing] *including* the:

(a) Date the request *for CHRI* was made[.];

(b) Purpose for which the request was made[.];

(c) [Information] CHRI disseminated[.];

(d) [Agency or person receiving] *Recipient of the* [information,] CHRI; and

(e) Date [of] the [dissemination] CHRI *was disseminated*.

E. A fee, as specified in Regulation [.14] .15 of this chapter, shall be charged for each request for [access to] CHRI for [other than] a [criminal] *noncriminal* justice purpose.

[.13] .14 Dissemination of CHRI — Private Party Petitioner.

A. [Subject to the provisions of § B of this regulation and Regulations .10B, .11B, and .12C, and except] *Except* as otherwise authorized [by Regulation .12B] *under this chapter*, the Central Repository may not disseminate to a private party petitioner the following:

(1) Conviction CHRI concerning current or prospective employees, occupants of leased real property, volunteers, or members of an association, [unless] *except if* the private party petitioner convincingly demonstrates to the [Secretary] *Central Repository* that the subject of the [request will] *requested CHRI could*, in the subject’s status as an employee, occupant of the leased real property, volunteer, or member of the association, have the capability to:

(a) Jeopardize the life or safety of [individuals,] *an individual*;

(b) Cause significant loss or damage by illegally accessing or misusing the fiscal or nonfiscal assets of the employer, landlord, association or its members, or the public[.]; or

(c) Otherwise engage or participate in criminal conduct in violation of State, local, and federal law[.];

(2) Nonconviction CHRI [unless] *except if* the private party petitioner is expressly authorized by statute, ordinance, executive order, or court rule, order, or decision specifying the right [of] *to* access [to] nonconviction CHRI and the purpose and conditions for access.

B. [A procedure when] *The Central Repository shall establish a procedure for a private party* [petitioners may petition for the right to be granted] *to petition for* access to conviction CHRI consistent with §A(1) of this regulation [shall be established by the Secretary in accordance with the following]:

(1) The petition shall require the] *that includes a requirement for a* petitioner to list the instances when access is [desired]

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necessary and the reason for [requesting the access] *accessing CHRI* consistent with this regulation.

[(2) The Secretary, with the advice of the Advisory Board, shall:

(a) Develop specific classes for which access consistent with this chapter is to be provided; and

(b) Maintain for each class a list of all private party petitioners who have petitioned for and been granted access.]

[(3)] C. [Access to CHRI may not be granted under this section] *The Central Repository shall deny access to CHRI under §A of this regulation* if the private party petitioner is otherwise authorized under law, regulation, or agreement to access CHRI [for the requested class].

[(4) Each petitioner shall pay a \$5 per individual conviction CHRI record check at the time of the request to the Department of Public Safety and Correctional Services.]

[C.] D. A fee, as specified in Regulation [.14] .15 of this chapter, shall be charged for each request for access to CHRI for [other than] a [criminal] *noncriminal* justice purpose.

[.14] .15 Fees—CHRI Checks for [Other Than Criminal] Noncriminal Justice Purposes.

A. A person requesting [a] CHRI [check], for [other than criminal] *noncriminal* justice purposes, of [records] *CHRI* maintained by the [CJIS—CR] *Central Repository* shall submit a nonrefundable CHRI access fee of \$18 with each request for an individual CHRI [check].

B. A nonrefundable fee to cover the costs of providing the requested [information] *CHRI* shall be submitted with each request to access CHRI for research, evaluation, and statistical analysis for [other than criminal] *noncriminal* justice purposes as defined in Regulation [.12B(5) and (6)] .13 of this chapter. The fee shall be comprised of costs, when applicable, for computer programming, computer processing, computer output media, handling, shipping, and other associated expenses based upon current rates.

C. Fingerprinting Service Fee.

(1) The [CJIS—CR] *Central Repository* shall collect a nonrefundable fingerprinting service fee of \$20 for each request for an individual CHRI [check].

(2) The [CJIS—CR] *Central Repository* shall collect the fingerprinting service fee to cover the cost for [CJIS—CR] *Central Repository* to collect demographic data about an applicant and perform fingerprinting for an applicant.

(3) The [CJIS—CR] *Central Repository* shall collect the fingerprinting service fee only if the [CJIS—CR] *Central Repository* collects the demographic data about the applicant and performs fingerprinting for an applicant.

D. The [CJIS—CR] *Central Repository* shall display a current list of [all] fees and the specified amount of each fee at [CJIS—CR locations] a *Central Repository location* operated for the purpose of applying for a CHRI check.

E. The following chart contains the fees collected by [CJIS—CR] *Central Repository* for a [non-criminal] *noncriminal* justice CHRI check:

CHRI CHECK	FEE COLLECTED FOR	AMOUNT
CHRI Check—State only—for:	CHRI access fee	\$18
Adoption (Add \$1 if gold seal)	Fingerprinting service fee	\$20
Adult dependent care	(Only if [CJIS—CR] <i>the Central Repository</i> collects demographic data and performs fingerprinting for the applicant)	
Attorney/client—civil action		
Government employment/non-criminal justice		
Government licensing or certification		
Immigration/visa (Add \$1 if gold seal)		
Individual review		
MSP licensing or certification		
Private party petition		
Public housing		
Full background—State and FBI	CHRI access fee	\$18
CHRI check—for:	Fingerprinting service fee	\$20
Child care (FLA) (minus \$8 if volunteer)	(Only if [CJIS—CR] <i>the Central Repository</i> collects demographic data and performs fingerprinting for the applicant)	
Government employment	FBI fee [(\$17.25) \$14.50 plus \$2 processing fee)	[\$19.25] \$16.50
Government licensing or certification		
HAZ MAT endorsement on CDL (COMAR 12.15.04)	Threat assessment processing fee	\$2
	CHRI access fee	\$18
	Fingerprinting service fee	\$20
	(Only if [CJIS—CR] <i>the Central Repository</i> collects demographic data and performs fingerprinting for the applicant)	
	FBI fee [(\$17.25) \$14.50 plus \$2 processing fee)	[\$19.25] \$16.50
	Threat assessment fee	\$34
Criminal justice (employment or investigation)	No fee	
Attorney/client—criminal proceeding (case number must be provided)		
Individual challenge		

F. The [CJIS—CR] *Central Repository* requires payment to be made as follows:

(1) (text unchanged)

(2) The applicant shall make a check or money order payable to [CJIS—CR] *the Central Repository*;

(3) (text unchanged)

G. (text unchanged)

[.15].16 Security.

A. The [Secretary] *Central Repository hereby* incorporates by reference the specific federal regulations regarding security of CHRI under [41 FR (March 19, 1976)] *28 CFR §20.20*.

B. [Criminal] *A criminal justice [agencies are] agency is* responsible for reporting [in a timely manner breaches or failures] *a breach* of physical or operational security *concerning CHRI* to the [Secretary or the Secretary’s designee] *Central Repository*.

C. If there is a breach of the physical security of CHRI or a failure to meet physical security standards [of] *for CHRI* [as stipulated in these regulations and as supplemented] *required by* [operational policies issued by the] *federal or State statute or regulation or Central Repository procedures* relating to the physical security of CHRI, the [Secretary of Public Safety and Correctional Services] *Central Repository* [has the responsibility to] *shall* ensure that the breach is corrected.

D. If there is a failure to comply with personnel policies relating to CHRI [as stipulated in these regulations and as supplemented by personnel policies issued by the] *established by federal or State statute or regulation or Central Repository procedures* relating to CHRI, the [Secretary of Public Safety and Correctional Services has the responsibility to] *Central Repository shall* ensure that [this] *the* failure is corrected.

E. If there is a breach of the operational security of the Criminal Justice Information System as defined in Criminal Procedure Article, §10-201(e), Annotated Code of Maryland, or a failure to meet the operating security standards of [that system as stipulated in these regulations and as supplemented by operational] *federal or State statute or regulation or Central Repository procedures* [issued by the Central Repository] relating to the security of [operations in the Criminal Justice Information System] *CJIS*, the [Secretary of Public Safety and Correctional Services has the responsibility to] *Central Repository shall* ensure that this breach [or failure] is corrected.

F. If the privacy or confidentiality of CHRI has been intentionally or inadvertently abused or [when] the potential for [this] abuse [may exist] *exists*, the [Secretary of Public Safety and Correctional Services has the responsibility to] *Central Repository shall* ensure that [this] *the* abuse or potential for abuse is corrected.

[.16].17 Auditing.

A. Audit of CHRI.

(1) As required by applicable federal and State [laws] *statutes* and regulations, criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* shall be audited [on site] *by the Central Repository* for compliance with applicable laws, regulations, and agreements [pertaining] *related* to the security, dissemination, completeness, and accuracy of CHRI.

(2) [An annual on-site audit] *The Central Repository shall conduct audits* of a random sample[, representative] of State and local criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* [shall be made at the direction of the Secretary. The audit shall] *to ensure that CHRI is:*

(a) [accurate] *Accurate* and complete; and

(b) [that it is collected] *Collected*, reported, and disseminated in accordance with the provisions of Criminal Procedure Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(3) At a minimum, the [on-site] audit shall evaluate [a criminal justice agency’s] compliance with applicable rules, regulations,

agreements, and laws pertaining to physical, personal, and operational security, dissemination, completeness, and accuracy of CHRI.

[4] An audit of a representative sample of CHRI shall be made not less than quarterly.]

[5] (4) As required, other methods, procedures, and standards for auditing criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* may be established [at the direction of the Secretary] *by the Central Repository*.

B. Criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* shall retain and provide access to CHRI source documents, dissemination logs, security manuals, and other [data] *CHRI related information* as deemed necessary to perform the audit in §A of this regulation.

C. [Records] *Except for provisions under §D of this regulation, information required under §B of this regulation* shall be retained [a minimum of 15 years] *by an agency subject to a Central Repository CHRI audit according to the agency’s approved records retention schedule*.

D. *Information required under §B of this regulation related to employment shall be destroyed as soon as an the employee who is the subject of the information is no longer employed by the agency.*

[.17].18 Agreements.

A. Agreements [shall be developed] between the [Secretary] *Central Repository* and a criminal justice [agencies and] *agency*, CHRI [repositories] *repository, noncriminal justice agency*, [and] other agencies, private employers, organizations, and individuals[, as provided in this chapter, which] shall incorporate the principles and requirements of applicable federal and State laws and regulations pertaining to the privacy, security, completeness, accuracy, and dissemination of CHRI.

B. [Each] *An agreement* shall be [a written document] *in writing* and signed by the individual, agency, private employer, organization, or repository, and the Secretary, or [the Secretary’s] *a designee*.

.19 Issuance of a Revised Printed Statement (State Rap Back Program).

A. *If an employer or regulatory authority is authorized by State statute to receive a revised printed statement, the Central Repository shall:*

(1) *Enroll the employer or regulatory authority in the State Rap Back Program;*

(2) *Maintain a record of each previously processed individual who works for, or is regulated by an authorized employer or regulatory authority;*

(3) *Issue a revised printed statement for each previously processed individual when new information is added to the individual’s CHRI indicating:*

(a) *An arrest;*

(b) *The issuance of an arrest warrant;*

(c) *The filing of a charging document;*

(d) *A disposition of conviction;*

(e) *A verdict of not criminally responsible; or*

(f) *A disposition of probation before judgment; and*

(4) *Send the revised printed statement to the employer, the regulatory authority, and the covered individual who is the subject of the printed statement.*

B. *Annual Review of Previously Processed Individuals.*

(1) *At least annually, the Central Repository shall prepare and distribute a list of previously processed individuals to each employer or regulatory authority enrolled in the State Rap Back Program.*

(2) *The employer or regulatory authority shall delete from the list of previously processed individuals required under §B(1) of this regulation a previously processed individual who no longer works for*

and may not resume work for the employer or who is no longer under supervision of the regulatory authority.

(3) The employer or regulatory authority shall return the adjusted list under §B(2) of this regulation to the Central Repository within 15 working days of receipt.

(4) The Central Repository shall cease sending revised printed statements when notified that the previously processed individual has been deleted from the annually prepared list.

C. The Central Repository shall distribute CHRI in accordance with FBI Rap Back service and federal regulations.

D. Except when prohibited by law, the Central Repository may charge a fee for providing the Rap Back Program service.

.20 Designated Law Enforcement and Other Agencies Approved for Fingerprinting.

A. The Central Repository may designate State and local law enforcement agencies or other agencies to provide fingerprinting services for criminal justice and noncriminal justice purposes.

B. A designated law enforcement agency shall:

(1) Provide fingerprinting services according to requirements established in this chapter; and

(2) Verify the proof of identity of the individual requesting fingerprint services at the time the individual is fingerprinted.

C. The following law enforcement agencies are designated by the Central Repository to provide fingerprinting services under this regulation:

- (1) Allegany County:
 - (a) Allegany County Sheriff's Department;
 - (b) Cumberland Police Department;
 - (c) Frostburg State University Police Department; and
 - (d) Frostburg Police Department;
- (2) Anne Arundel County:
 - (a) Anne Arundel County Police Department; and
 - (b) Annapolis Police Department;
- (3) Baltimore City:
 - (a) Baltimore City Police Department;
 - (b) University of Maryland at Baltimore Police;
 - (c) Morgan State University Police Department; and
 - (d) Coppin State University Police Department;
- (4) Baltimore County:
 - (a) Baltimore County Police Department;
 - (b) Towson University Police Department;
 - (c) University of Maryland at Baltimore County Police Department; and
 - (d) Baltimore County Sheriff's Department;
- (5) Calvert County — Calvert County Sheriff's Department;
- (6) Caroline County:
 - (a) Denton Police Department;
 - (b) Federalsburg Police Department;
 - (c) Greensboro Police Department;
 - (d) Preston Police Department; and
 - (e) Ridgely Police Department;
- (7) Carroll County:
 - (a) Carroll County Sheriff's Department;
 - (b) Hampstead Police Department;
 - (c) Manchester Police Department;
 - (d) Sykesville Police Department;
 - (e) Taneytown Police Department; and
 - (f) Westminster Police Department;
- (8) Cecil County:
 - (a) Cecil County Sheriff's Department;
 - (b) Elkton Police Department;
 - (c) North East Police Department; and
 - (d) Rising Sun Police Department;

- (9) Charles County:
 - (a) Charles County Sheriff's Office; and
 - (b) La Plata Police Department;
- (10) Dorchester County:
 - (a) Dorchester County Sheriff's Department;
 - (b) Cambridge Police Department; and
 - (c) Hurlock Police Department;
- (11) Frederick County:
 - (a) Frederick County Sheriff's Department;
 - (b) Brunswick Police Department;
 - (c) Frederick City Police Department; and
 - (d) Thurmont Police Department;
- (12) Garrett County — Garrett County Sheriff's Office;
- (13) Harford County:
 - (a) Harford County Sheriff's Department;
 - (b) Aberdeen Police Department;
 - (c) Bel Air Police Department; and
 - (d) Havre de Grace Police Department;
- (14) Howard County:
 - (a) Howard County Sheriff's Department; and
 - (b) Howard County Police Department;
- (15) Kent County:
 - (a) Kent County Sheriff's Department; and
 - (b) Chestertown Police Department;
- (16) Montgomery County:
 - (a) Montgomery County Sheriff's Department;
 - (b) Montgomery County Police Department;
 - (c) Montgomery County Division of the Maryland National-Capital Park Police;
 - (d) Rockville City Police Department;
 - (e) Takoma Park Police Department; and
 - (f) Chevy Chase Police Department;
- (17) Prince George's County:
 - (a) Prince George's County Sheriff's Department;
 - (b) Prince George's County Police Department;
 - (c) Berwyn Heights Police Department;
 - (d) Bowie State College Police Department;
 - (e) Bladensburg Police Department;
 - (f) District Heights Police Department;
 - (g) Greenbelt Police Department;
 - (h) Hyattsville City Police Department;
 - (i) Landover Hills Police Department;
 - (j) Laurel Police Department;
 - (k) Prince George's County Division of the Maryland National-Capital Park Police;
 - (l) Riverdale Police Department; and
 - (m) Mount Ranier Police Department;
- (18) Queen Anne's County:
 - (a) Queen Anne's County Sheriff's Department; and
 - (b) Centreville Police Department;
- (19) St. Mary's County — St. Mary's County Sheriff's Department;
- (20) Somerset County:
 - (a) Somerset County Sheriff's Department;
 - (b) Crisfield Police Department; and
 - (c) University of Maryland Eastern Shore Police Department;
- (21) Talbot County:
 - (a) Talbot County Sheriff's Department;
 - (b) Easton Police Department;
 - (c) Oxford Police Department; and
 - (d) St. Michael's Police Department;
- (22) Washington County:
 - (a) Washington County Sheriff's Department;
 - (b) Hagerstown Police Department;

- (c) Fort Ritchie Office of Security and Intelligence; and
- (d) Hancock Police Department;

(23) Wicomico County:

- (a) Wicomico County Sheriff's Department;
- (b) Delmar Police Department;
- (c) Fruitland Police Department;
- (d) Salisbury Police Department; and
- (e) Salisbury State University Police Department;

(24) Worcester County:

- (a) Worcester County Sheriff's Department;
- (b) Berlin Police Department;
- (c) Ocean City Police Department; and
- (d) Pocomoke City Police Department;

(25) Except for John F. Kennedy Barrack M, all Department of State Police barracks;

(26) All Department of Natural Resources Police Force detachments; and

(27) University of Maryland Police at College Park.

D. The Central Repository may designate additional law enforcement agencies where fingerprint services under this regulation may be provided.

E. Approved Agency.

(1) The Central Repository shall designate an approved agency to provide fingerprinting services for noncriminal justice purposes under this regulation after the agency's employees have satisfactorily completed approved training.

(2) The Central Repository may require an employee of an approved agency receiving approved training to submit a set of fingerprints.

(3) An employee of an approved agency may not perform fingerprinting services for the purpose of obtaining a printed statement under this chapter until the employee has satisfactorily completed approved training.

(4) A list of approved agencies may be found on the Department's website.

F. Quality Control and Compliance Procedures.

(1) The Central Repository shall establish procedures to:

- (a) Evaluate the quality of fingerprints taken by a designated law enforcement agency or an approved agency; and
- (b) Monitor compliance with approved training requirements by an approved agency.

(2) The Central Repository may require retraining for an employee of an approved agency who takes an unsatisfactory number of fingerprints as determined by the Central Repository.

(3) The Central Repository:

(a) For just cause may remove an approved agency from the list of approved agencies.

(b) Shall notify, in writing, an agency that is removed from the list of agencies authorized to provide fingerprint services under this regulation.

12.15.02 Criminal History Records Check of Individuals Who Care for or Supervise Children

Authority: Correctional Services Article, §2-109; Family Law Article, §§5-560 — [5-568] 5-569; Annotated Code of Maryland

.01 Purpose.

This chapter establishes procedures for [the] processing [of] a criminal history records check under Family Law Article, §§5-560 [— 5-568] — 5-569, Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) (text unchanged)

(2) "Approved agency" means a government or nongovernment agency, other than a law enforcement agency designated by the Secretary, [at which] where fingerprints may be taken.

(3) "Approved training" means [Departmental] Department of Public Safety and Correctional Services (Department) training of an employee of an approved agency [in the proper method of taking] to properly take fingerprints.

(4) "Authorization number" means the identifier given to an employer, a regulatory authority, or a licensed child placement agency that authorizes [it to receive] receipt of a printed statement.

(5) — (6) (text unchanged)

(7) Covered Individual.

(a) (text unchanged)

(b) "Covered individual" includes an employee who is 14 years old or older as of the date of an application for a criminal history records check.

(8) Criminal History Records Check.

(a) "Criminal history records check" means a record check of the criminal history record information (CHRI) maintained by the Central Repository [and received from] or the Federal Bureau of Investigation.

(b) "Criminal history records check" is limited to the existence of a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or [a] pending criminal charge.

[(9) "Department" means the Department of Public Safety and Correctional Services.]

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

[(11)] (10) [Disseminate.

(a) "Disseminate" [means to transmit in oral or written form the information contained in a printed statement issued by the Central Repository.

(b) "Disseminate" does not include transmittal of this information to a State's attorney for investigating an alleged commission of perjury or other violation by a covered individual under Family Law Article, §§5-560—5-568, Annotated Code of Maryland] has the meaning stated in COMAR 12.15.01.02.

[(12)] (11) (text unchanged)

[(13)] (12) [Employee.

(a) ["Employee" [means an individual who works for compensation in a facility under] has the meaning stated in Family Law Article, [§5-561] §5-560, Annotated Code of Maryland[, and who:

(i) Cares for or supervises a child in the facility; or

(ii) Has access to a child who is cared for or supervised in the facility.

(b) "Employee" includes an individual who works in a facility on a part-time or temporary basis].

[(14)] (13) [Employer.

(a) ["Employer" [means an owner, operator, proprietor, or manager of a facility under] has the meaning stated in Family Law Article, [§5-561] §5-560, Annotated Code of Maryland[, who has frequent contact with children cared for or supervised in the facility.

(b) "Employer" does not include a State or local agency responsible for the temporary or permanent placement of children in a facility under Family Law Article, §5-561, Annotated Code of Maryland].

(14) "Facility" means a facility designated under Family Law Article, §5-561, Annotated Code of Maryland, whereby the employer

and an employee are required to obtain a criminal history records check.

(15) — (16) (text unchanged)

(17) “Printed statement” means a document issued by the Central Repository containing the results of a criminal history records check under this chapter.

(18) “Private entity” means:

(a) [a] A nongovernment agency[, organization,]; or

(b) [employer] An employer.

(19) — (21) (text unchanged)

(22) Valid Photo Identification Document.

(a) “Valid photo identification document” means [an unexpired] a current, government-issued document containing the name, photograph, and date of birth of a covered individual that is used for positive identification.

(b) “Valid photo identification document” includes:

(i) — (v) (text unchanged)

(vi) [An unexpired] A current foreign passport;

(vii) — (ix) (text unchanged)

.03 Application Process.

A. A covered individual [shall apply] applying for a printed statement [by] shall:

(1) [Completing] Complete and [submitting] submit an application to the Central Repository[, on] using a form approved by the [Director, an application containing] Central Repository that provides identifying information, including the covered individual’s Social Security number, that is used by the Central Repository to verify identity and preserve the security of [the record] information maintained by the Central Repository;

(2) [Submitting two] Submit a complete [sets] set of legible fingerprints [taken on forms] in a format approved by the [Director] Central Repository and the [Federal Bureau of Investigation] FBI; and

(3) [Paying the] Except for provisions under §B of this regulation, pay processing fees authorized under Family Law Article, §5-561(g), Annotated Code of Maryland, and Regulation .04 of this chapter.

B. [Under] The processing fee required under §A(3) of this regulation established under:

(1) Regulation .04A of this chapter[,] may be paid by an employer or other party [may pay a covered individual’s processing fees.]; or

(2) [Under] Family Law Article, §5-561(h)(2), Annotated Code of Maryland, shall be reimbursed by a local department of social services [shall reimburse] to an adult who is a covered individual residing in a foster care home [for the costs borne by the adult under Regulation .03A(3) of this chapter].

C. (text unchanged)

D. Fingerprinting Process.

(1) A covered individual applying for a printed statement shall have [two] a complete [sets] set of legible fingerprints taken [on fingerprint card forms,] in a format approved by the [Director] Central Repository [and the Federal Bureau of Investigation,] at a designated law enforcement agency or approved agency.

(2) (text unchanged)

(3) After verifying identification of a covered individual, a designated law enforcement agency or approved agency shall fingerprint the covered individual.

(4) Payment of the Fingerprinting Fee.

(a) The fee, if any, for taking fingerprints shall be paid directly to the designated law enforcement agency or approved agency providing the fingerprinting service.

(b) [This] The fee [is exclusive of] under §D(4)(a) of this regulation excludes the processing fees under Family Law Article, [§5-561(g)] §5-561, Annotated Code of Maryland.

(5) Rejection of Illegible Fingerprints.

(a) If a covered individual’s fingerprints are rejected as illegible by the Central Repository or the [Federal Bureau of Investigation] FBI, the covered individual shall be reprinted [at the originally] by the designated law enforcement agency or approved agency taking the rejected fingerprints.

(b) If the Central Repository rejects a covered individual’s [prints are rejected two additional times] fingerprints a second time as illegible, the Central Repository [shall determine whether] may decide to waive the [taking of fingerprints] fingerprint requirement and [determine if] require other documentation [may be submitted] for use to complete the criminal history records check.

(c) The Central Repository shall coordinate fingerprint processing procedures with the Department of Human Resources in a case involving a waiver of fingerprints under Family Law Article §5-562(c), Annotated Code of Maryland.]

E. Previously Processed [Covered] Individual.

(1) Resuming Work for Same Employer.

(a) [Subject to §E(1)(b) of this regulation, an] A previously processed individual who [has been previously processed,] ceases working[, but] and later resumes work for the same employer is not required to resubmit an application with fingerprints and fees under §A of this regulation if the employer has maintained the previously processed individual’s name [is retained by the employer] on the Central Repository’s list of previously processed individuals [under Regulation .08 of this chapter].

(b) Upon resuming work, an employer may require [an] a previously processed individual to obtain a national criminal history records check and pay the applicable fee.

(2) Additional or Subsequent Employment.

(a) Except as provided under Family Law Article, §5-564(d)(2), Annotated Code of Maryland, and §E(2)(b) — (d) of this regulation:

(i) An employee who has been previously processed shall submit an application, with fingerprints and the State and federal processing fees [under Family Law Article, §5-561(g), Annotated Code of Maryland], when applying to work for another employer[; and].

(ii) A criminal history records check contained in a printed statement may not be disseminated.

(b) [By completing and submitting a form approved by the Director, an] An employee may request, using a form approved by the Central Repository, that the Central Repository send a copy of the State and national printed statement under Regulations .06 and .07 of this chapter to an additional or subsequent employer.

(c) [The] A request under §E(2)(b) of this regulation shall contain identifying information, including the:

[(i) Employee’s Social Security number;]

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

(d) [A] The Central Repository shall issue a copy of the [State and national] printed statement [will be issued only] if:

(i) [a] A written request from [an employee] the previously processed individual is received by the Central Repository;

(ii) The written request is received within 180 days of the date of the receipt of the most recent child care application; and

(iii) [that] The most recent child care application included fingerprints and the required processing fees.

F. Access to Fingerprinting Services.

(1) Except for legal holidays, a designated law enforcement agency and approved agency shall establish [times to be open and

available] *a schedule* for [the taking of fingerprints] *fingerprinting services* and make the schedule available to the public.

[(2) Designated law enforcement agencies, with locations for taking fingerprints within the same jurisdiction, shall coordinate schedules to assure appropriate and convenient access to this service.]

[(3)] (2) The Central Repository shall [take fingerprints] *provide fingerprinting services* and process an application for the printed statement during regular State office hours.

.04 Payment of Processing Fees.

A. The Central Repository shall collect the nonrefundable fees for a printed statement *authorized* under Family Law Article, [§5-561(g)] §5-561, Annotated Code of Maryland, and COMAR [12.15.01.14] 12.15.01.15.

B. Except as provided in §C of this regulation, [the] processing fees shall *be*:

(1) [be paid when] *Due at the time* the application and fingerprints are submitted to the Central Repository[.];

(2) [Payment may be made by] *Except as provided under §B(3) of this regulation, payable to the Central Repository in the form of:*

(a) [certified] *Certified* check[.];

(b) [cashier's] *Cashier's* check[.];

(c) [money] *Money* order[.]; or

(d) [personal] *Personal* check [made payable to the Central Repository,] or

(3) [by any other] *Rendered by an alternative* method approved in writing by the [Director] *Central Repository*.

C. The Central Repository may establish a separate *processing fee* payment procedure [with] *for a government agency or private organization*.

D. [Payment of the] *A covered individual is not required to pay a* processing fee [is not required of a covered individual] to:

(1) Update and issue a revised printed statement [under Family Law Article, §5-564(a), Annotated Code of Maryland];

(2) Contest a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or a pending criminal charge reported in a Maryland printed statement [under Family Law Article, §5-565, Annotated Code of Maryland]; or

(3) Request a copy of a [State and national] printed statement to be submitted to an additional or subsequent employer [under Family Law Article, §5-564(d)(2), Annotated Code of Maryland, and Regulation .03E(2)(b) of this chapter].

.05 Designated Law Enforcement Agencies and Approved Agencies for Fingerprinting.

The Central Repository may designate State and local law enforcement or other approved agencies to provide fingerprinting services according to provisions under COMAR 12.15.01.20.

.06 Conducting the Criminal History Records Check.

A. The Central Repository shall process an application for a [State and national] criminal history records check [under] *according to provisions in* Family Law Article, §§5-563 and 5-564, Annotated Code of Maryland.

B. Subject to Regulation .07 of this chapter, the Central Repository shall issue separate printed statements containing the results of the:

(1) *State criminal history records check;*

(2) [and national] *National* criminal history records check [upon completion of each.]; *and*

[C.] (3) [The Central Repository shall issue a printed statement disclosing the] Maryland criminal history records check [to a covered individual, appropriate regulatory authority, or licensed child placement agency].

[D. The Central Repository shall implement other operational procedures for conducting a criminal history records check under this chapter.]

.07 Processing a Criminal History Records Check Received From the [Federal Bureau of Investigation] FBI.

A. Except as provided in §B of this regulation, the Central Repository shall issue a printed statement to a regulatory authority and a covered individual that discloses the results of a national criminal history records check received from the [Federal Bureau of Investigation] *FBI*.

[B.] (proposed for repeal)

B. *The Central Repository shall distribute a printed statement according to federal law and regulations governing dissemination of FBI identification records.*

C. Limits of Disclosure in a Printed Statement.

(1) [After screening the criminal history records check received from the Federal Bureau of Investigation in accordance with §B of this regulation, the] *The Central Repository shall issue a printed statement to a:*

(a) — (b) (text unchanged)

(2) Except for necessary administrative or personal identification information[,], and the date on which the criminal history records check was completed, the printed statement shall *only* contain [only the following information, stated in the affirmative or negative:] *a statement that the*

[(a) Whether the] Central Repository [has or has] *did or did not* [conducted the] *conduct* a criminal history records check [under] *according to requirements under* Regulation .06 of this chapter [and this section and §B of this regulation; and

(b) Whether the covered individual is or is not the subject of a pending charge, has or has not been convicted, has or has not received a probation before judgment disposition, or has or has not received a not criminally responsible disposition of a crime or attempted crime identified in §B of this regulation].

(3) [The] A printed statement *issued under this regulation* [may not identify or disclose a specific crime or attempted crime discovered by the criminal history records check of a covered individual] *shall be issued according to federal law and regulation governing the dissemination of FBI identification records.*

.08 Issuance of a Revised Printed Statement.

A revised statement shall be processed and distributed according to provisions under COMAR 12.15.01.19.

[.10].09 Confidentiality and Dissemination of Information.

A. [The] A criminal history records check conducted by the Central Repository is confidential and may not be:

(1) — (2) (text unchanged)

B. [Under Regulations .06 and .07 of this chapter, the confidential information] *The results of a criminal history records check* may be disseminated only to:

(1) A covered individual *who is the subject of the criminal history records check;* and

(2) An employer, appropriate regulatory authority, licensed child placement agency, or private entity involved in the licensing, registration, hiring, certification, or approval process *authorized by statute or regulation.*

C. Confidential information obtained from the [Department] *Central Repository* shall be maintained in a manner [that ensures] *to ensure* that only [those] *a person* authorized under Family Law Article, §§5-563(b) and 5-564(d), Annotated Code of Maryland, and this chapter[,], have access to that information.

D. An employer, regulatory authority, private entity, or licensed child placement agency *authorized to receive a printed statement from the Central Repository under these regulations for a covered*

individual shall provide the covered individual, who is the subject of the printed statement, with a copy of the printed statement if the covered individual requests a copy of the printed statement.

[.11] .10 Right of a Covered Individual to Appeal the Findings in a Printed Statement.

A. A covered individual may appeal the findings in a printed statement containing a conviction, probation before judgment disposition, not criminally responsible disposition, or [a] pending charge received from the [Federal Bureau of Investigation] *FBI* by complying with applicable federal regulations to challenge and seek to correct a record. [Upon receipt of a corrected record from the Federal Bureau of Investigation, the Central Repository shall issue a revised statement to recipients of the initial statement.]

B. A covered individual may appeal the [findings contained in] content of a printed statement containing a conviction, probation before judgment disposition, not criminally responsible disposition, or pending charge occurring in the State [as follows:] according to provisions under *COMAR 12.15.01.07*.

(1) The covered individual shall contact the Director in writing and a hearing shall be convened within 20 working days of the receipt of the letter, unless the hearing is subsequently waived by the covered individual;

(2) A certified copy of a record of a conviction, a probation before judgment disposition, or a not criminally responsible disposition received from the court is conclusive evidence and grounds for denial of the appeal;

(3) In a case where a pending charge is contested, a certified copy of the court docket received from the court showing that the charge has not been fully adjudicated is conclusive evidence of the pending charge and grounds for denial of the appeal;

(4) The Director shall render a decision regarding the appeal within 5 working days of the hearing's conclusion and notify the covered individual of the decision.]

[C.] (proposed for repeal)

[.12] .11 Referrals of Alleged Violations of Law.

A criminal violation under Family Law Article, §5-566, Annotated Code of Maryland, shall be referred to the State's attorney of the jurisdiction [in which] where the alleged violation occurred.

12.15.03 Criminal History Records Check for Individuals Who Work for an Adult Dependent Care Program

Authority: Health-General Article, §§19-1901—19-1912; Correctional Services Article, §2-109; Annotated Code of Maryland

.01 Purpose.

A. [The purpose of this] *This* chapter [is to establish] *establishes* procedures for [the] processing [of] a criminal history records check under Health-General Article, §§19-1901 — 19-1912, Annotated Code of Maryland.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) “Approved agency” [means a government or nongovernment agency, other than a law enforcement agency designated by the Department of Public Safety and Correctional Services, at which fingerprints may be taken] *has the meaning stated in COMAR 12.15.02.02.*

(4) “Approved training” [means Departmental training of an employee of an approved agency in the proper method of taking fingerprints] *has the meaning stated in COMAR 12.15.02.02.*

(5) “Central Repository” [means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services] *has the meaning stated in COMAR 12.15.02.02.*

(6) — (8) (text unchanged)

(9) “Department” [means the Department of Public Safety and Correctional Services] *has the meaning stated in COMAR 12.15.02.02.*

(10) “Director” means the Director of the [Criminal Justice Information System] Central Repository.

(11) (text unchanged)

(12) [Disseminate.

(a) “Disseminate” [means to transmit in oral or written form the information contained in a printed statement issued by the Central Repository .

(b) “Disseminate” does not include transmittal of information to a State’s attorney to investigate an alleged commission of perjury or other violation of Health-General Article, Title 19, Subtitle 19, Annotated Code of Maryland, by a covered individual] *has the meaning stated in COMAR 12.15.02.02.*

(13) — (15) (text unchanged)

(16) “Printed statement” [means a document issued by the Central Repository in response to an application for a criminal history records check] *has the meaning stated in COMAR 12.15.02.02.*

(17) (text unchanged)

(18) “Secretary” [means the Secretary of Public Safety and Correctional Services] *has the meaning stated in COMAR 12.15.02.02.*

(19) [Valid Photo Identification Document.

(a) “Valid photo identification document” [means an unexpired, government-issued document containing the name, photograph, and date of birth of a covered individual that is used for positive identification.

(b) “Valid photo identification document” includes:

(i) A Maryland driver’s license;

(ii) A driver’s license issued by another state, the District of Columbia, a United States territory, or a foreign government;

(iii) A United States passport;

(iv) A certificate of United States citizenship;

(v) A certificate of naturalization;

(vi) An unexpired foreign passport;

(vii) An alien registration card;

(viii) A United States military identification card; or

(ix) An identification card issued by a state or local government agency, the District of Columbia, a United States territory, or a foreign government] *has the meaning stated in COMAR 12.15.02.02.*

.03 Application Process.

A. An adult dependent care program shall[, for each covered individual,] apply for a [criminal history records check] *printed statement for a covered individual by:*

(1) Completing and submitting to the Central Repository an application[, on a form] approved by the [Director] *Central Repository*[, containing] *that provides* identifying information[, including a covered individual’s Social Security number,] *that is used by the Central Repository to verify identity and preserve the security of the [record] information maintained by the Central Repository;*

(2) Submitting a complete set of legible fingerprints [taken on a form] *in a format approved by the [Director] Central Repository; and*

(3) Paying the processing fee *authorized* under Health-General Article, §§19-1902(c) and 19-1904(b), Annotated Code of Maryland, *and established by the Central Repository.*

B. When to Apply.

(1) An adult dependent care program shall apply for a [criminal history records check on] *printed statement* for an eligible employee before that eligible employee may begin to work for the program.

(2) An adult dependent care program shall decide if and when to submit an application for a [criminal history records check on a volunteer or other] *printed statement* for another individual.

C. Fingerprinting Process.

(1) A covered individual shall have a complete set of legible fingerprints taken [on fingerprint card forms,] *in a format* approved by the [Director,] *Central Repository* at a designated law enforcement agency or approved agency.

(2) Before being fingerprinted, a covered individual shall present a valid photo identification document *to the designated law enforcement agency or approved agency.*

(3) [Upon verification of identification, a] A designated law enforcement agency or approved agency shall:

(a) *Verify the covered individual's identification; and*

(b) [fingerprint] *Fingerprint* the covered individual *in a format approved by the Central Repository.*

(4) [Payment of the Fingerprinting Fee. The] A *fingerprinting* fee, if any, [for the taking of fingerprints shall be] *that does not include the fee authorized under Health-General Article, §§10-1902(c) and 19-1904(b), Annotated Code of Maryland, is to be paid* directly to the designated law enforcement agency or approved agency. [This fee is exclusive of the processing fee under Health-General Article, 19-1902(c) and 19-1904(b), Annotated Code of Maryland.]

(5) Rejection of Illegible Fingerprints.

(a) The [Department] *Central Repository* may waive the requirement [that] *for a complete set of legible fingerprints to be submitted as part of the application under Health-General Article, §19-1904(c), Annotated Code of Maryland.*

(b) [Subject to the waiver provisions of] *Except as provided under §C(5)(a) of this regulation, a covered individual, whose fingerprints are rejected as illegible, shall be re-fingerprinted [at the originally] by the designated law enforcement agency or approved agency taking the illegible fingerprints.*

D. Previously Processed [Covered Individuals] *Individual.*

(1) Resuming Work for the Same Program. A previously processed [covered] individual, who ceases working[, but] *for a program and later resumes work for the same program[,] is not required to resubmit an application with fingerprints and [fee] fees under §A of this regulation if the [covered] program retained the previously processed individual [is retained by the program] on the Central Repository's list of previously processed [covered] individuals under [Regulation .07 of this chapter] COMAR 12.15.01.19.*

(2) [Working] *Additional or Subsequent Employment* for Another Adult Dependent Care Program.

(a) An application [with] *for a printed statement, fingerprints, and [the processing fee shall be submitted] applicable fees are required* for a [covered] *previously processed* individual who [has been previously processed when applying] *applies* to work for [another] *a program that the previously processed individual has not worked for in the past.*

(b) [A criminal history records check] *Information* contained in a printed statement may not be disseminated, other than to a person specified in Regulation [.09B] *.08B* of this chapter.

E. Access to Fingerprinting Services.

(1) Except for legal holidays, a designated law enforcement agency *or approved agency* shall establish [times to be open and

available] *a schedule* for [the taking of fingerprints] *providing fingerprinting services* and make the schedule available to the public.

[(2) Designated law enforcement agencies with locations for taking fingerprints within the same jurisdiction shall coordinate their schedules to assure appropriate and convenient access to this service.]

[(3)] (2) The Central Repository shall [take fingerprints] *provide fingerprinting services* and process an application for [the] *a printed statement* during regular State [business] *work day* office hours.

.04 Payment of Processing Fee.

A. The Central Repository shall collect a nonrefundable fee for a [criminal history records check] *a printed statement authorized* under Health-General Article, §§19-1902(c) and 19-1904(b), Annotated Code of Maryland, and [as specified] *established* in COMAR [12.15.01.14] *12.15.01.15.*

B. Except as provided under §C of this regulation, the processing fee shall:

(1) [be] *Be* paid by the program [when] *at the time* the application and fingerprints are submitted by the program to the Central Repository.

(2) [A program may make payment] *Except as provided under §D of this regulation, be payable to the Central Repository in the form of:*

(a) [by certified] *Certified* check[.];

(b) [cashier's] *Cashier's* check[.];

(c) [money] *Money* order[.];

(d) [personal] *Personal* check[.]; or

(e) [other] *Rendered by an alternative* method approved in writing by the [Director. A payment shall be payable to the] Central Repository.

C. The Central Repository may establish a *separate processing fee* payment procedure [with] *for a government agency or a program.*

D. Payment of the processing fee *for a covered individual* is not required [of a covered individual] to:

(1) Update and issue a revised printed statement [under Health-General Article, §19-1907(a)(2), Annotated Code of Maryland]; or

(2) Contest a [criminal history records check reported in a] printed statement under Health-General Article, §19-1908, Annotated Code of Maryland.

.05 Designated Law Enforcement Agencies and Approved Agencies for Fingerprinting.

[A.] A designated law enforcement agency shall:

(1) Comply with the provisions for access to] *provide* fingerprinting services [under Regulation .03E of this chapter; and

(2) Verify the proof of identity of a covered individual under Regulation .03C(2) of this chapter at the time of fingerprinting] *according to requirements established under COMAR 12.15.01.20.*

[B.] — [E.] (proposed for repeal)

.06 Conducting the Criminal History Records Check.

A. The Central Repository shall process an application for a [criminal history records check and issue a] printed statement *according to provisions* under Health-General Article, §§9-1904, 19-1905, and 19-1907, Annotated Code of Maryland.

B. The Central Repository shall issue a printed statement *under this chapter* only to:

(1) [an] *An* adult dependent care program [and]; or

(2) [the] *A* covered individual.

[C. The Central Repository shall implement other operational procedures for processing a request for a criminal history records check under this chapter.]

.07 Issuance of a Revised Printed Statement.

A revised printed statement shall be issued according to provisions established under COMAR 12.15.01.19.

[.09].08 Confidentiality and Dissemination of Information.

A. [The] A criminal history records check conducted by the Central Repository is confidential and may not be:

(1) — (2) (text unchanged)

B. The [confidential information] results of a criminal history records check may be disseminated to:

(1) — (2) (text unchanged)

C. Confidential information obtained from the [Department] Central Repository shall be maintained [in a manner that ensures] to ensure that only [those] a person authorized under Health-General Article, §19-1907(c), Annotated Code of Maryland, and this chapter have access to the information.

[.10].09 Right of a Covered Individual to Appeal the Findings in a Printed Statement.

A. Requesting an Appeal of the Findings in a Printed Statement.

(1) A covered individual may appeal the content of a printed statement issued under provisions of this chapter.

[A.] (2) [The] A covered individual shall contact the [Director] Central Repository, in writing, requesting to appeal the content of the covered individual's printed statement under this chapter.

[(2)] (3) [and a hearing] The Central Repository shall [be convened] conduct a hearing within 20 working days of the receipt of the [letter] written request from a covered individual, unless the requesting covered individual waives the hearing [is subsequently waived by the covered individual].

B. [A record of] The Central Repository may deny a request to appeal a printed statement if the Central Repository has a record of a conviction of a crime or a certified copy of [it received from the court is conclusive evidence of the conviction and grounds for denial of the appeal] the conviction.

C. [In a case where] If an appeal concerns a pending charge or other criminal history record information [is appealed], the Central Repository may deny the appeal if the Central Repository:

(1) Has a certified copy of the court docket [received] from the court showing that the charge has not been finally adjudicated; or

(2) [that] Finds the other criminal history record information is accurate and complete [shall be conclusive evidence and grounds for denial of the appeal].

D. The [Director] Central Repository shall:

(1) [render] Issue a decision regarding the appeal within 5 working days of the hearing's conclusion or the date the hearing is waived by the covered individual making the request; and

(2) [notify] Notify the covered individual, in writing, of the decision.

E. If an appeal under this regulation is sustained, the Central Repository shall comply with provisions under COMAR 12.15.01.07[C and D] for [correction of criminal history record information] correcting CHRI.

[.11].10 Referrals of Alleged Violations of Law.

A criminal violation under Health-General Article, §19-1909, Annotated Code of Maryland, shall be referred to the State's attorney of the jurisdiction [in which] where the alleged violation occurred.

12.15.04 Criminal History Record Information Checks for Applicants for Hazardous Materials Endorsements — Commercial Driver's Licenses

Authority: Criminal Procedure Article, §10-221; Transportation Article, §16-815; Courts and Judicial Proceedings Article, §3-8A-27; Annotated Code of Maryland

.01 Purpose.

This chapter establishes procedures to obtain the required [criminal history record information] CHRI check if an individual is applying for a hazardous materials endorsement, new or renewal, for a commercial driver's license.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Access fee" means a cost paid to the [CJIS—CR] Central Repository for conducting a CHRI check and providing CHRI to an applicant.

(2) "Applicant" means an individual submitting information to [CJIS—CR] the Central Repository to obtain [a] CHRI [check] for a CDL—HME.

(3) — (4) (text unchanged)

(5) Criminal History Record Information (CHRI).

(a) (text unchanged)

(b) "Criminal history record information (CHRI)" obtained for the purposes of an HME includes a check of State records conducted by the [CJIS—CR] Central Repository and national records conducted by the Federal Bureau of Investigation (FBI).

(6) "Criminal Justice Information System—Central Repository [(CJIS—CR)] (Central Repository)" has the meaning stated in Criminal Procedures Article, §10-213, Annotated Code of Maryland.

(7) (text unchanged)

(8) [Fingerprinting.

(a)] "Fingerprinting" [means a method of identifying an individual using impressions of the minute ridge formations or patterns on an individual's fingers and thumbs, based on the accepted premise that no two individuals have the same ridge formations or impressions.

(b) "Fingerprinting" may be performed:

(i) Manually, using ink and paper; or

(ii) Electronically, such as using a LiveScan device.

(c) "Fingerprinting" includes recording images of an individual's available fingers and thumbs] has the meaning stated in COMAR 12.15.01.03.

[(9) "Fingerprint card" means an approved document used to record and store impressions of the minute ridge formations or patterns on an individual's fingers and thumbs.]

[(10)] (9) "Fingerprinting service fee" [means a cost paid to the agency collecting demographic data and performing fingerprinting for an applicant] has the meaning stated in COMAR 12.15.01.03.

[(11)] (10) — [(13)] (12) (text unchanged)

.04 CDL—HME CHRI Check — Application.

An applicant shall:

A. Provide the [CJIS—CR] Central Repository, in a format determined by the [CJIS—CR] Central Repository, the following concerning the applicant:

(1) — (4) (text unchanged)

B. (text unchanged)

.05 CDL—HME CHRI [Check] — Fees.

A. An applicant shall submit to the [CJIS—CR] *Central Repository* at the time of application the fees as provided in this regulation.

B. Threat Assessment Fee. The [CJIS—CR] *Central Repository* collects the threat assessment fee under COMAR [12.15.01.14E] 12.15.01.15 and submits the fee, less a \$2 handling charge, to the TSA.

C. FBI Fee. The [CJIS—CR] *Central Repository* collects the FBI fee under COMAR [12.15.01.14E] 12.15.01.15 and submits the fee, less a \$2 handling charge, to the FBI.

D. The [CJIS—CR] *Central Repository* collects and retains the [CJIS—CR] *Central Repository* access fee under COMAR [12.15.01.14E] 12.15.01.15.

E. Fingerprinting Service Fee. The [CJIS—CR] *Central Repository* collects and retains the fingerprinting service fee under COMAR [12.15.01.14E] 12.15.01.15.

.06 Application Processing.

A. An applicant shall submit the request to the [CJIS—CR] *Central Repository*.

B. The [CJIS—CR] *Central Repository* shall accept an applicant’s properly completed fingerprints and application and the [CJIS—CR] *Central Repository* shall:

(1) — (5) (text unchanged)

[C. If new CHRI is received for an applicant after the CJIS—CR forwarded the printed statement under §B(5) of this regulation, the CJIS—CR shall forward a revised printed statement with the new information as required under §B(5) of this regulation.]

.08 Use of CHRI Information.

An applicant or other person receiving CHRI from the [CJIS—CR] *Central Repository* under this chapter:

A. — B (text unchanged)

.09 Challenges to CHRI Received from the [CJIS—CR] *Central Repository*.

A. Under the provisions of Criminal Procedures Article, §10-223, Annotated Code of Maryland, an applicant may challenge the completeness, contents, or accuracy of the contents of the [CJIS—CR CHRI] *Central Repository* printed statement produced according to Regulation .06B(4) of this chapter.

B. A challenge of the completeness, contents, or accuracy of the contents of a [CJIS—CR CHRI] *Central Repository* printed statement shall be made by the applicant and processed by the [CJIS—CR] *Central Repository* according to procedures under COMAR 12.15.01.07.

C. After the [CJIS—CR] *Central Repository* processes a challenge and makes a decision and that decision results in a change, or changes, to the original [CJIS—CR CHRI] *Central Repository* printed statement, the [CJIS—CR] *Central Repository* shall forward a revised [CHRI] printed statement according to provisions under Regulation .06B(5) of this chapter.

12.15.05 Use of Private Provider Services for Non-Criminal Justice Purposes

Authority: Criminal Procedure Article, §10-221, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (7) (text unchanged)

(8) “Non-criminal justice purpose” [means the use of criminal history record information for licensing and employment purposes] *has the meaning stated in COMAR 12.15.01.03.*

(9) — (11) (text unchanged)

.03 Private Provider Performing Fingerprinting Services and Demographic Data Collection.

A. — B (text unchanged)

C. Fingerprinting services and demographic data collection for non-criminal justice purposes include:

(1) Electronic transmission of an individual’s fingerprints and demographic data to the Central [Repository] *Repository* for a criminal history records check for non-criminal justice purposes;

(2) — (3) (text unchanged)

D. — E. (text unchanged)

.04 Private Provider Agreement and Authorization Certificate.

A. (text unchanged)

B. Before the Central Repository enters into a private provider agreement with or issues an authorization certificate, original or renewal, to a private provider requesting to perform fingerprinting and demographic data collection under this chapter, the private provider shall:

(1) (text unchanged)

(2) Provide the Central Repository with [documents] *documentation* indicating that the private provider *or the private provider’s staff* has [been] *at least 5 cumulative years* providing fingerprinting services and demographic data collection [for at least 5 years immediately preceding application];

(3) — (6) (text unchanged)

C. The Central Repository shall issue an [Authorization Certificate] *authorization certificate* to a private [party] *provider* meeting the requirements of this chapter that:

(1) Is valid for [2] 3 years from the date of issuance, unless suspended by the Central Repository; and

(2) May be renewed every [2] 3 years upon application by a private provider, unless the Central Repository has suspended the authorization certificate.

D. — E. (text unchanged)

.05 Private Provider Business Location Requirements.

A. (text unchanged)

B. A private provider’s location plan, at a minimum, shall have:

(1) — (2) (text unchanged)

(3) A method of securing and maintaining records that meets Central Repository requirements; *and*

[(4) A dedicated telephone line used exclusively for private provider communication with the Central Repository; and]

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

.06 Records.

A. — D. (text unchanged)

E. A private provider may not receive [criminal history records check information] *CHRI*.

.07 Fees.

A. — B. (text unchanged)

C. Upon receipt of the invoice under §B of this regulation, the private provider shall forward payment to the Central Repository within 7 business days of receipt of *the* invoice.

D. A private provider may charge fees for providing fingerprinting services and demographic data collection in addition to fees as specified under COMAR [12.15.01.14] 12.15.01.15.

E. If a private provider charges fees in addition to those required under COMAR [12.15.01.14] 12.15.01.15, the private provider shall:

(1) Identify, report, and control the additional fees separately from those required to be collected by the Central Repository under COMAR [12.15.01.14] 12.15.01.15; and

(2) Include in any public notice of the availability of fingerprinting *services* and demographic data collection for non-criminal justice purposes:

- (a) The fees required under COMAR [12.15.01.14] 12.15.01.15; and
- (b) (text unchanged)

.08 Criminal History Records Check for Private Provider Employees.

- A. — B. (text unchanged)
- C. The Central Repository may consider CHRI received under §B of this regulation when determining:
 - (1) [Whether to] *To* authorize a private provider to perform fingerprinting services and demographic data collection under this chapter; or
 - (2) (text unchanged)

.09 Surety Bond.

- A. (text unchanged)
- B. A private provider shall provide the Central Repository with:
 - (1) (text unchanged)
 - (2) An agreement from the bonding company that the bonding company shall give the Central Repository at least [45 days] *60 days*’ notice by registered or certified mail of cancellation of the private provider’s bond; and
 - (3) As part of the agreement under §B(2) of this regulation, written assurance that the bond will be in full force and effect for a period of at least [45] *60* days after notice of cancellation is given to the Central Repository.
- C. *The bond value shall increase to 10 percent of the total amount invoiced to the private provider the previous fiscal year if the invoiced amount exceeded \$100,000.*

[C.] D. (text unchanged)

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Title 14
INDEPENDENT AGENCIES
Subtitle 34 PUBLIC SCHOOL LABOR
RELATIONS BOARD

14.34.02 General Procedures

Authority: Education Article, §§2-205(e), 6-403, 6-407, 6-408(a)(1), 6-408(c)(5), 6-408(e)(1), 6-409, 6-504(a), 6-509, 6-510(a)(1), 6-510(c)(5), 6-510(e)(1), 6-512, and 6-807, Annotated Code of Maryland

Notice of Proposed Action
[12-095-P]

The Public School Labor Relations Board proposes to adopt new Regulation **.04** under **COMAR 14.34.02 General Procedures**. This action was considered at a public meeting held on February 17, 2012.

Statement of Purpose

The purpose of this action is to indicate the Board’s expectations regarding a report issued by a Mediator in an offer of settlement for resolving an impasse in negotiations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erica L. Snipes, Executive Director, MD State Labor Relations Boards, 7500 Ritchie Highway, Room 204-2A, Glen Burnie, MD 21061, or call 410-421-8478, or email to elsnipes@laborboards.maryland.gov, or fax to 410-421-8467. Comments will be accepted through April 23, 2012. A public hearing has not been scheduled.

.04 Mediator’s Offer of Settlement for Resolving an Impasse in Negotiations.

A. *The term “all matters raised” as found in Education Article, §§6-408(e) and 6-510(e), Annotated Code of Maryland, means the matters as to which the PSLRB determined that an impasse had been reached and that were referred to mediation.*

B. *The Mediator’s offer of settlement shall include:*

(1) *All agreements reached by the public school employer and the employee organization with regard to matters submitted to mediation, and;*

(2) *The complete and final offer made by either the public school employer or the employee organization with regard to any matter submitted to mediation as to which the parties did not reach agreement (an unresolved matter), provided that if the mediator concludes that one or more parts of the complete final offer made by the public school employer or the employee organization with regard to an unresolved matter is severable from other parts of that matter, the mediator may include in his or her offer the final offer made by the other party as to such severable part.*

C. *A party’s “final offer” as to a matter means the last offer made by the party as to that matter (or a severable part of that matter) during mediation.*

D. *The mediator’s offer of settlement may not propose that any matter referred to mediation be resolved on terms that were not agreed to by the parties or that were not included in a party’s final offer.*

ERICA L. SNIPES
Executive Director
Public School Labor Relations Board

Errata

COMAR 07.02.25

At 39:7 Md. R. 490 (April 6, 2012), column 2, line 10 from the top:

For: amendments to existing Regulations **.01, .02, .08, and .09,**

Read: amendments to existing Regulations **.01, .02, .08, .09, and .11**

[12-08-49]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATE: February 1, 2012, through February 29, 2012.

ADDRESS: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR §806.22(f):

EXCO Resources (PA), LLC, Pad ID: Warner North Unit Pad, ABR-201202001, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: February 6, 2012.

SWEPI LP, Pad ID: Smith 260, ABR-201202002, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 6, 2012.

EXCO Resources (PA), LLC, Pad ID: Spotts Unit Drilling Pad 3H, 4H, 5H, 7H, 8H, 9H, ABR-201202003, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: February 6, 2012.

Chief Oil & Gas, LLC, Pad ID: Wright A Drilling Pad #1, ABR-201202004, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: February 6, 2012.

Southwestern Energy Production Company, Pad ID: ASNIP-ABODE, ABR-201202005, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: February 8, 2012.

Chesapeake Appalachia, LLC, Pad ID: Schlapfer, ABR-201202006, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2012.

Chesapeake Appalachia, LLC, Pad ID: Ferraro, ABR-201202007, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2012.

Chesapeake Appalachia, LLC, Pad ID: Makayla, ABR-201202008, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2012.

EXCO Resources (PA), LLC, Pad ID: Dale Bower East Unit Pad, ABR-201202009, Penn Township, Lycoming County, Pa.;

Consumptive Use of Up to 8.000 mgd; Approval Date: February 13, 2012.

EXCO Resources (PA), LLC, Pad ID: Painters Den Pad 1, ABR-201202010, Davidson Township, Sullivan County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: February 13, 2012.

WPX Energy Appalachia, LLC, Pad ID: MacGeorge Well Pad, ABR-201202011, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 13, 2012.

Chief Oil & Gas, LLC, Pad ID: Castle A Drilling Pad #1, ABR-201202012, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: February 13, 2012.

Chief Oil & Gas, LLC, Pad ID: Crandall Drilling Pad #1, ABR-201202013, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: February 13, 2012.

Chief Oil & Gas, LLC, Pad ID: L & L Construction A Drilling Pad #1, ABR-201202014, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: February 13, 2012.

Southwestern Energy Production Company, Pad ID: FIELDS PAD 1, ABR-201202015, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: February 28, 2012.

Southwestern Energy Production Company, Pad ID: PEASE, ABR-201202016, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: February 28, 2012.

Range Resources – Appalachia, LLC, Pad ID: Bobst Mtn Hunting Club 30H-33H, ABR-201202017, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: February 17, 2012.

Range Resources – Appalachia, LLC, Pad ID: Bobst Mtn Hunting Club 24H-29H, ABR-201202018, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: February 17, 2012.

Chesapeake Appalachia, LLC, Pad ID: Moyer, ABR-201202019, Overtown Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 17, 2012.

Chesapeake Appalachia, LLC, Pad ID: Yadpad, ABR-201202020, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 17, 2012.

Chesapeake Appalachia, LLC, Pad ID: Maple Ln Farms, ABR-201202021, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 21, 2012.

Chesapeake Appalachia, LLC, Pad ID: CPD, ABR-201202022, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 21, 2012.

Chesapeake Appalachia, LLC, Pad ID: Bumpville, ABR-201202023, Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 21, 2012.

XTO Energy Incorporated, Pad ID: Everbe Farms Unit B, ABR-201202024, Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 21, 2012.

EXCO Resources (PA), LLC, Pad ID: Dunwoody Pad, ABR-201202025, Plunketts Creek Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: February 24, 2012.

WPX Energy Appalachia, LLC, Pad ID: Conaty Well Pad, ABR-201202026, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 24, 2012.

EXCO Resources (PA), LLC, Pad ID: Snyder Unit #1, ABR-20090430.1, Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: February 27, 2012.

Chief Oil & Gas, LLC, Pad ID: Muzzy Drilling Pad #1, ABR-201202027, Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: February 27, 2012.

Southwestern Energy Production Company, Pad ID: WATTS, ABR-201202028, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: February 28, 2012.

WPX Energy Appalachia, LLC, Pad ID: Wilkes Well Pad, ABR-201202029, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 29, 2012.

SWEPI LP, Pad ID: Kreitzer 505, ABR-201202030, Rutland Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 29, 2012.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 29, 2012.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[12-08-29]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on May 10, 2012, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 7, 2012, which will be noticed separately. The Commission will also hear testimony on: 1) amending its Regulatory Program Fee Schedule; 2) amending its Records Processing Fee Schedule; and 3) amending the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and other items. The deadline for the submission of written comments is May 21, 2012.

DATES: The public hearing will convene on May 10, 2012, at 2:30 p.m. The deadline for the submission of written comments is May 21, 2012.

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

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436.

The proposed fee schedules and draft resolution on the amendments to the comprehensive plan can be accessed on the Commission's website at <http://www.srbc.net/pubinfo/publicparticipation.htm>, or by contacting the Commission to receive a copy by first-class mail. Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbc.net/wrp. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%20209-10-09.PDF.

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project or other items listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project or other items listed above may also be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102-2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before May 21, 2012, to be considered.

SUPPLEMENTARY INFORMATION: The public hearing will cover: 1) amendment to its Regulatory Program Fee Schedule; 2) amendment to its Records Processing Fee Schedule; and 3) amendment to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. Each June before the start of the next fiscal year on July 1, the Commission considers amendments to fee schedules and the comprehensive plan.

The public hearing will also cover the following projects:

Projects for Rescission Action:

Project Sponsor and Facility: BAE Systems Controls, Town of Union, Broome County, N.Y. (Docket No. 20030802).

Project Sponsor: Hawk Valley, Inc. Project Facility: Hawk Valley Golf Club, Brecknock Township, Lancaster County, Pa. (Docket No. 20000402).

Projects for Action:

Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Eagle Rock Utilities, Black Creek Township, Luzerne County, and Hazle Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from Well ER-6, located in Black Creek Township, Luzerne County.

Project Sponsor and Facility: Aqua Resources, Inc. (Susquehanna River), Athens Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.900 mgd (peak day).

Project Sponsor and Facility: Aqua Infrastructure, LLC. Application for source approval of a regional water supply distribution system to natural gas operations centered in Lycoming County, Pa.

Project Sponsor and Facility: Carrizo (Marcellus), LLC (Clearfield Creek), Reade Township, Cambria County, Pa. Application for surface water withdrawal of up to 1.152 mgd (peak day).

SPECIAL DOCUMENTS

Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, Pa. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.269 mgd (30-day average) (Docket No. 20030809).

Project Sponsor and Facility: Jo Jo Oil Company, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

Project Sponsor and Facility: LDG Innovations, LLC (Tioga River), Lawrenceville Borough, Tioga County, Pa. Modification to increase surface water withdrawal by an additional 0.375 mgd, for a total of 0.750 mgd (peak day) (Docket No. 20100311).

Project Sponsor and Facility: LHP Management, LLC (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

Project Sponsor and Facility: LHP Management, LLC (West Branch Susquehanna River), Muncy Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Mountain Country Energy Services, Inc. (Driftwood Branch Sinnemahoning Creek), Lumber Township, Cameron County, Pa. Request for extension of Docket No. 20081213.

Project Sponsor and Facility: Niagara Gas & Oil Services Inc. (Susquehanna River), Athens Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

Project Sponsor and Facility: Northeast Natural Energy LLC (West Branch Susquehanna River), Cooper Township, Clearfield County, Pa. Application for surface water withdrawal of up to 0.500 mgd (peak day).

Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 2.

Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 1.000 mgd (30-day average) from Well 3.

Project Sponsor and Facility: OTT North East Services, LLC (Starrucca Creek), Harmony Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.480 mgd (peak day).

Project Sponsor and Facility: Rausch Creek Land, L.P., Porter Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.100 mgd (30-day average) from Pit #21.

Project Sponsor and Facility: RES Coal LLC (Clearfield Creek), Boggs Township, Clearfield County, Pa. Application for surface water withdrawal of up to 0.306 mgd (peak day).

Project Sponsor and Facility: RES Coal LLC, Boggs Township, Clearfield County, Pa. Application for consumptive water use of up to 0.275 mgd (30-day average).

Project Sponsor and Facility: Roger D. Jarrett (West Branch Susquehanna River), Muncy Creek Township, Lycoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Southwestern Energy Production Company (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

Project Sponsor and Facility: SWEPI LP (Chemung River), Town of Big Flats, Chemung County, N.Y. Application for renewal of surface water withdrawal of up to 0.107 mgd (peak day) (Docket No. 20080604).

Project Sponsor and Facility: SWEPI LP (Cowanesque River), Lawrence Township, Tioga County, Pa. Application for surface water withdrawal of up to 0.942 mgd (peak day).

Project Sponsor and Facility: SWEPI LP (Tioga River – Tioga Junction), Lawrence Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.107 mgd (peak day) (Docket No. 20080606).

Project Sponsor and Facility: Talisman Energy USA Inc. (Chemung River), Town of Chemung, Chemung County, N.Y. Application for modification and renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20080605).

Project Sponsor and Facility: Tennessee Gas Pipeline Company (Susquehanna River), Asylum Township, Bradford County, Pa. Application for surface water withdrawal of up to 1.080 mgd (peak day).

Project Sponsor and Facility: Tennessee Gas Pipeline Company, Asylum Township, Bradford County, Pa. Application for consumptive water use of up to 0.030 mgd (30-day average).

Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for renewal of consumptive water use of up to 0.387 mgd (peak day) (Docket No. 19870301).

Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.172 mgd from Well 1, and a total system withdrawal limit of up to 0.391 mgd (30-day average) (Docket No. 19870301).

Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.172 mgd from Well 2, and a total system withdrawal limit of up to 0.391 mgd (30-day average) (Docket No. 19870301).

Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.172 mgd from Well 4, and a total system withdrawal limit of up to 0.391 mgd (30-day average) (Docket No. 19870301).

Project Sponsor and Facility: WPX Energy Appalachia, LLC (North Branch Wyalusing Creek), Middletown Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.750 mgd (peak day).

AUTHORITY: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806-808.

Dated: April 5, 2012.

THOMAS W. BEAUDUY
Deputy Executive Director

[12-08-42]

MARYLAND HEALTH CARE COMMISSION

SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and potential developers of projects involving health services and facilities that are subject to Certificate of Need (CON) review and approval. The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards.

This Certificate of Need review schedule updates and extends the schedule published in 38:22 *Md. Register*, pages 1380-1384 (October 21, 2011), by repealing each previously published scheduled review for which the due date for receipt of Letters of Intent has not yet occurred. This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission.

For further information about review schedules or procedures, call Paul Parker, Chief of Certificate of Need, at (410) 764-3261.

Acute Care Hospital Projects: Capital Construction and Changes to Bed Capacity

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by acute care general hospitals, for projects that involve capital expenditures related to replacement of hospital facilities, new construction or renovation to existing hospitals, proposed changes in bed capacity or operating room capacity at existing hospitals, or projects that involve more than one of these categories. Note that the following schedules do not apply to a project to establish a new acute care hospital.

Schedule One: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	May 4, 2012	May 16, 2012	July 6, 2012
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	June 1, 2012	June 13, 2012	August 3, 2012
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	July 6, 2012	July 18, 2012	September 7, 2012
Calvert, Charles, Montgomery, Prince George's, St. Mary's	August 3, 2012	August 15, 2012	October 5, 2012

Schedule Two: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	November 2, 2012	November 14, 2012	January 4, 2013
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	December 7, 2012	December 19, 2012	February 8, 2013
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	January 4, 2013	January 16, 2013	March 8, 2013
Calvert, Charles, Montgomery, Prince George's, St. Mary's	February 1, 2013	February 13, 2013	April 5, 2013

SPECIAL DOCUMENTS

584

Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of applications for any action related to facilities within the “special hospital” license category (psychiatric, chronic, rehabilitation, or pediatric), for projects including a replacement facility for an existing special hospital, capital expenditures for new construction or renovation at an existing special hospital, or changes to service categories or bed capacity in an existing special hospital. Note that the following schedules do not apply to a project to establish a new special hospital.

For this special hospital services schedule, the Commission will use the following regional configuration of counties:

Western Maryland: Allegany, Carroll, Frederick, Garrett, Washington	Central Maryland: Anne Arundel, Baltimore, Harford, Howard, Baltimore City
Montgomery : Montgomery County	Southern Maryland: Calvert, Charles, Prince George’s, St. Mary’s
Eastern Shore: Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, Worcester	

**Schedule One
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	April 6, 2012	April 18, 2012	June 8, 2012
Montgomery County	June 1, 2012	June 13, 2012	August 3, 2012
Southern Maryland	July 6, 2012	July 18, 2012	September 7, 2012
Central Maryland	August 3, 2012	August 15, 2012	October 5, 2012
Eastern Shore	September 7, 2012	September 19, 2012	November 9, 2012

**Schedule Two
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	October 5, 2012	October 17, 2012	December 7, 2012
Montgomery County	December 7, 2012	December 12, 2012	February 8, 2013
Southern Maryland	January 4, 2013	January 16, 2013	March 8, 2013
Central Maryland	February 1, 2013	February 13, 2013	April 5, 2013
Eastern Shore	March 1, 2013	March 13, 2013	May 3, 2013

Neonatal Intensive Care Units

The Commission hereby publishes the following schedules for the submission of applications to establish a new neonatal intensive care unit at an acute care hospital.

**Schedule One
Neonatal Intensive Care Units**

	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
All regions	July 6, 2012	July 18, 2012	September 7, 2012

**Schedule Two
Neonatal Intensive Care Units**

	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
All regions	December 7, 2012	December 19, 2012	February 8, 2013

Alcohol and Substance Abuse Treatment Facilities

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish intermediate care facilities for the treatment of alcohol and substance abuse. Applications will be considered according to this schedule for programs categorized by the Commission as “Track 1,” or privately-funded facilities, which are required by State Health Plan policies to treat 15 to 30% indigent and “gray area” clients, for adults or adolescents (up to age 17), respectively, in the health service areas in which the Commission’s projections indicate need for new treatment capacity.

Letters of intent and applications to establish “Track 2,” or publicly-funded facilities, defined by the State Health Plan as those “substantially funded by the budget processes of the State” or “by one or more jurisdictional governments,” [(COMAR 10.24.14.08B(21))], which must reserve at least 50% of their proposed annual adolescent or adult bed capacity for indigent and “gray area” patients, may be submitted at any time.

In the State Health Plan for this service and in this schedule, the following regional configuration of counties applies:

Western Maryland: Allegany, Carroll, Frederick, Garrett, Washington	Central Maryland: Anne Arundel, Baltimore, Harford, Howard, Baltimore City
Montgomery: Montgomery County	Southern Maryland: Calvert, Charles, Prince George’s, St. Mary’s
Eastern Shore: Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, Worcester	

**Schedule One: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	April 6, 2012	April 18, 2012	June 8, 2012
Eastern Shore	May 4, 2012	May 16, 2012	July 6, 2012
Montgomery County	June 1, 2012	June 13, 2012	August 3, 2012
Western Maryland	July 6, 2012	July 18, 2012	September 7, 2012
Central Maryland	August 3, 2012	August 15, 2012	October 5, 2012

**Schedule Two: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	October 5, 2012	October 17, 2012	December 7, 2012
Eastern Shore	November 2, 2012	November 14, 2012	January 4, 2013
Montgomery County	December 7, 2012	December 19, 2012	February 8, 2013
Western Maryland	January 4, 2013	January 16, 2013	March 8, 2013
Central Maryland	February 1, 2013	February 13, 2013	April 5, 2013

Freestanding Ambulatory Surgical Facilities

The Commission hereby establishes the following schedules for the submission of applications for new freestanding ambulatory surgical facilities, as defined in statute at Health-General Article §19-114(b).

SPECIAL DOCUMENTS

**Schedule One
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	April 6, 2012	April 18, 2012	June 8, 2012
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	May 4, 2012	May 16, 2012	July 6, 2012
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot Wicomico, Worcester	June 1, 2012	June 13, 2012	August 3, 2012
Allegany, Frederick, Garrett, Washington	August 3, 2012	August 15, 2012	October 5, 2012

**Schedule Two
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	October 5, 2012	October 17, 2012	December 7, 2012
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	November 2, 2012	November 14, 2012	January 4, 2013
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot Wicomico, Worcester	December 7, 2012	December 19, 2013	February 8, 2013
Allegany, Frederick, Garrett, Washington	February 1, 2013	February 13, 2013	April 5, 2013

Comprehensive Care Facility Projects

The Commission hereby publishes the following schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities ("CCFs").

In the State Health Plan for this service, the following regional configuration of jurisdictions applies:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery :</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George's, St. Mary's
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

Schedules One and Two are for CCF projects that do not involve the addition of CCF bed capacity within the jurisdiction in which the project is located. Schedule Three establishes review cycles for two jurisdictions identified in the last update of COMAR 10.24.08, the relevant State Health Plan chapter, as having a net need for additional beds. Please contact Paul Parker, Chief of Certificate of Need, MHCC, at (410) 764-3261, for details on bed need in these jurisdictions.

**Schedule One:
Comprehensive Care Facility Projects**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	April 6, 2012	April 18, 2012	June 8, 2012
Western Maryland	May 4, 2012	May 16, 2012	July 6, 2012
Montgomery County	June 1, 2012	June 13, 2012	August 3, 2012
Central Maryland	July 6, 2012	July 18, 2012	September 7, 2012
Southern Maryland	August 3, 2012	August 15, 2012	October 5, 2012

**Schedule Two:
Comprehensive Care Facility Projects**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	October 5, 2012	October 17, 2012	December 7, 2012
Western Maryland	November 2, 2012	November 14, 2012	January 4, 2013
Montgomery County	December 7, 2012	December 19, 2012	February 8, 2013
Central Maryland	January 4, 2013	January 16, 2013	March 8, 2013
Southern Maryland	February 1, 2013	February 13, 2013	April 5, 2013

[12-08-41]

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.

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting

Date and Time: April 26, 2012, 8:30 — 9 a.m.

Place: Maryland State Arts Council, Baltimore, MD

Add'l. Info: Maryland Commission on Public Art

Contact: Susie Leong (410) 767-6544
[12-08-17]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting

Date and Time: April 26, 2012, 10 a.m. — 1 p.m.

Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD

Contact: Marilyn Harris-Davis (410) 230-6229

[12-08-26]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting

Date and Time: May 11, 2012, 9:30 a.m. — 12 p.m.; Additional Dates: June 8 and July 13, 2012

Place: 4201 Patterson Ave., Rm. 105, Baltimore, MD

Add'l. Info: Wednesday, May 16, 2012, Standards Examination, 10 a.m. — 12 p.m.

Contact: Carol Johnson (410) 764-5996
[12-08-06]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting

Date and Time: May 10, 2012, 10 a.m. — 1 p.m.

Place: Dept. of Health and Mental Hygiene, 4201 Patterson Ave., Room 108/109, Baltimore, MD

Contact: Maria Ware (410) 764-5902
[12-08-14]

COMPTROLLER OF THE TREASURY

Subject: Reduction of Bond Authorization Announcement

Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that if, within 2 years after the date of an authorization of State debt, no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item #6 dated April 4, 2012, we submit for publication the following cancellation of bond authorizations in accordance with the above-referenced article:

Lake Whetstone Hillside Stabilization Loan of 2010:

Chapter 483, Acts of 2010; \$20,000; authorized the proceeds for the construction, repair, and renovation of the Lake Whetstone Hillside, located in Montgomery Village.

Wicomico County Library Loan of 2004: Chapter 488, Acts of 2007, amended by Chapter 372, Acts of 2010; \$3,675; authorized the studies, planning, and design of the Wicomico County Library.

Camp Bennett Renovations Loan of 2008: Chapter 336, Acts of 2008; \$1,908.50; authorized proceeds for the repair, renovation, reconstruction, and capital equipping of the Camp Bennett Facilities, located in Brookeville.

Lions Camp Merrick Loan of 2005: Chapter 445, Acts of 2005; \$1,492.68; authorized proceeds for the renovation of the recreational hall and arts and crafts buildings at Camp Merrick, located in Nanjemoy.

Northgate Homes Lighting Upgrade Loan of 2009:

Chapter 485, Acts of 2009; \$471.75; authorized proceeds for the design,

construction, repair, renovation, reconstruction, and capital equipping, including environmental and safety upgrades in streets lights located in Olney.

Sotterley Plantation Loan of 2005: Chapter 445, Acts of 2005; \$255.15; authorized proceeds for the acquisition, planning, design, construction, installation, and capital equipping for existing facilities for Sotterley Plantation, located in Hollywood.

Old Wallville School Loan of 2005: Chapter 445, Acts of 2005, amended by Chapter 201, Acts of 2007; \$199.00; authorized proceeds for the relocation from St. Leonard to Prince Frederick and the renovation, repair, construction, reconstruction, and capital equipping, including related light and landscaping of the Old Wallville School.

Linthicum Walks Loan of 2006: Chapter 46, Acts of 2006, amended by Chapter 219, Acts of 2008; \$146.19; authorized proceeds for the structural repair and renovation of Linthicum Walks, located in Gambrills.

Dorchester County Historical Society Loan of 2007:

Chapter 488, Acts of 2007; \$47.60; authorized proceeds for the construction, including related parking and landscaping, of a new history museum and the acquisition, construction, and capital equipping of a heating and air conditioning system at the Nield Museum, both located in Cambridge.

Shady Grove Adventist Hospital Loan of 2003:

Chapter 204, Acts of 2003; \$48,599.50; authorized proceeds for the planning, design, construction, repair, renovation, expansion, and capital equipping of the hospital's emergency department to accommodate a new psychiatric emergency unit located in Rockville.

Contact: Rehena L. Rentuma, Fiscal Specialist, Administration and Finance, (410) 260-7909

[12-08-40]

**CONSUMER COUNCIL OF
MARYLAND**

Subject: Public Meeting
Date and Time: May 4, 2012, 9:15 — 11 a.m.
Place: 200 St. Paul Pl., 16th Fl., Baltimore, MD
Contact: Stephanie A. Hodge (410) 576-6557
 [12-08-27]

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

Subject: Public Meeting
Date and Time: May 14, 2012, 3 — 5 p.m.
Place: Baltimore Co. Loch Raven Library, Baltimore, MD
Contact: Debra Arnold (410) 821-2852
 [12-08-03]

**COMMISSION ON CRIMINAL
SENTENCING POLICY**

Subject: Public Meeting
Date and Time: May 1, 2012, 5:30 — 7:30 p.m.
Place: Judiciary Education and Conference Center, 2009D Commerce Park Dr., Annapolis, MD
Contact: David Soule (301) 403-4165
 [12-08-20]

**PROFESSIONAL STANDARDS AND
TEACHER EDUCATION BOARD**

Subject: Public Meeting
Date and Time: May 3, 2012, 9 a.m. — 12 p.m.
Place: 200 W. Baltimore St., Baltimore, MD
Contact: Madeline Koum (410) 767-0385
 [12-08-13]

**BOARD OF MASTER
ELECTRICIANS**

Subject: Public Meeting
Date and Time: May 22, 2012, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [12-08-11]

**EMERGENCY MEDICAL SERVICES
ADVISORY COUNCIL**

Subject: Public Meeting
Date and Time: May 3, 2012, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Council meets regularly on the 1st Thursday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [12-08-21]

**EMERGENCY MEDICAL SERVICES
BOARD**

Subject: Public Meeting
Date and Time: May 8, 2012, 9 — 11 a.m.; part of the meeting may include a closed session.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [12-08-22]

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

Subject: Public Meeting
Date and Time: May 9, 2012, 10 a.m. — 12 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The Protocol Review Committee meets regularly on the 2nd Wednesday of every other month.
Contact: Leandrea Gilliam (410) 706-4449
 [12-08-23]

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

Subject: Call for Applications from Facilities Wishing to Be Considered for Designation as a Freestanding Emergency Medical Facility
Place: 653 W. Pratt Street, Ste. 407, Baltimore, MD
Add'l. Info: The Maryland Institute for Emergency Medical Services Systems gives notice that facilities wishing to be considered for designation as a Freestanding Emergency Medical Facility under COMAR 30.08.15.02 should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS no later than May 4, 2012. Applications will be considered from freestanding medical facilities that are eligible for licensure under Health-General Article, §18-3A 07, Annotated Code of Maryland.
 For more information contact Lisa Myers, Office of Hospital Programs at (410) 706-4740, or email lmyers@miemss.org.

Written statements and applications should be sent to the name and address stated above.
Contact: Leandrea Gilliam (410) 706-4449
 [12-08-31]

**BOARD OF EXAMINING
ENGINEERS**

Subject: Public Meeting
Date and Time: May 15, 2012, 10 a.m. — 12 p.m.
Place: Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [12-08-12]

**BOARD FOR PROFESSIONAL
ENGINEERS**

Subject: Public Meeting
Date and Time: May 10, 2012, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [12-08-35]

**DEPARTMENT OF THE
ENVIRONMENT**

Subject: Air Quality Control Advisory Council (AQCAC) Meeting Information
Date, Time, and Location: As of the date of this issue of the Maryland Register, the AQCAC meeting schedule and location information will no longer be published in the Maryland Register. As of this date, the AQCAC meeting schedule and location information will be posted on the Maryland Department of the Environment website at the following link: http://www.mde.state.md.us/programs/WorkwithMDE/MDEBoardsandCommissions/Pages/WorkwithMDE/public_service/aq_cac.aspx
Contact: Kathleen Perry, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Baltimore, MD 21230 1720, kperry@mde.state.md.us, 410-537-3277, toll free in Maryland (800) 633-6101 ext. 3277.
 [12-08-33]

**DEPARTMENT OF GENERAL
SERVICES/ARCHITECTURAL/ENGI
NEERING/PROCUREMENT/GPSSB**

Subject: Public Meeting
Date and Time: April 25, 2012, 9:30 a.m.
Place: 201 W. Preston St., Rm. L-4, Baltimore, MD
Add'l. Info: The agenda for the meeting is as follows:

A. The Board shall review the Negotiation Committee's recommendation and determine that negotiations have been conducted in accordance with regulations, and the price proposals are deemed fair, competitive, and reasonable, and if accepted shall certify and authorize Administrator to present selection to the

GENERAL NOTICES

Board of Public Works for the following Indefinite Quantity Contract:

Project No. DGS-12-007-IQC

Professional Services Agreement to Provide Structural Design and Engineering Services for Multiple Construction Projects With Fees Not Greater than 200,000

Using Agency: Department of General Services

B. The Board shall acknowledge receipt of the Department of General Services Letter of Certification that there exists a need to procure an Indefinite Quantity Contract to Provide Mechanical, Electrical, and Plumbing Engineering Services for Multiple Construction Projects with Fees Less than \$200,000 and Greater than \$25,000, and if approved authorize Administrator to proceed with public announcement and solicitation/selection process in accordance with regulations.

Using Agency: Department of General Services

C. The Board will also review other matters which may be presented for its consideration.

Please call Maureen McFadden at 410-767-4296 (Voice) or, for persons with hearing or speech disabilities, call via the Maryland Relay Service at 1-800-735-2258, to request any reasonable accommodations you may require
Contact: Maureen McFadden (410) 767-4296

[12-08-46]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Public Meeting

Date and Time: May 10, 2012, 9 a.m. — 1 p.m.

Place: Conference Center at Sheppard Pratt, Stulman Auditorium, 6501 N. Charles St., Towson, MD

Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List). Classes of drugs to be reviewed are posted on the Maryland Pharmacy program website at http://www.dhnh.state.md.us/mma/mpap/p_t_committee.html. See website for agenda, speaker registration, restrictions, and driving directions. Submit questions to MarylandPDLQuestions@dhnh.state.md.us.

Contact: Alex Taylor (410) 767-5878

[12-08-15]

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

Subject: Public Meeting

Date and Time: May 9, 2012, 9:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Steve Smitson (410) 230-6169
[12-08-09]

HOME IMPROVEMENT COMMISSION

Subject: Public Meeting

Date and Time: May 3, 2012, 10 a.m. — 12 p.m.

Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD

Contact: Steven Smitson (410) 230-6169
[12-08-02]

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD

Subject: Public Meeting

Date and Time: May 2, 2012, 10 a.m.

Place: 10946 Golden West Dr., Ste. 160, Hunt Valley, MD

Add'l. Info: The MOSH Advisory Board will be meeting to discuss issues related to occupational safety and health, including regulations on tree care and removal.

Contact: Debbie Stone (410) 767-2225

[12-08-28]

DEPARTMENT OF LABOR, LICENSING, AND REGULATION/DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: May 8, 2012, 9 a.m. — 12 p.m.

Place: City of Baltimore, Cylburn Arboretum Vollmer Center, 4915 Greenspring Ave., 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: C. Edward Poarch II (410) 767-2246

[12-08-36]

STATE LABOR RELATIONS BOARD

Subject: Public Meeting

Date and Time: April 26, 2012, 10 a.m. — 12 p.m.

Place: George M. Taylor District Court/Multi-Service Center, 7500 Ritchie HWY., Rm. 3-305C, Glen Burnie, MD

Contact: Erica L. Snipes (410) 421-8478
[12-08-39]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting

Date and Time: May 2, 2012, 10 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Pamela J. Edwards (410) 230-6262

[12-08-34]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: May 17, 2012, 1 p.m.

Place: Maryland Health Care Commission, 160 Patterson Ave., Conf. Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3460
[12-08-25]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: April 25, 2012, 8:30 a.m. — 5 p.m.

Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Hanover, MD

Contact: Pam Gregory (410) 865-1253
[12-08-04]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting

Date and Time: May 9, 2012, 9:30 a.m.

Place: 4201 Patterson Ave., Rm. 109, Baltimore, MD

Contact: Patricia Hannigan (410) 764-4750

[12-08-16]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: May 18, 2012, 8:30 a.m. — 2 p.m.

Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46, amendments, additions,

and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.

Contact: Marilyn Pinkney (410) 402-8556
[12-08-24]

BOARD OF PLUMBING

Subject: Public Meeting
Date and Time: May 17, 2012, 10 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Brenda Clark (410) 230-6164
[12-08-10]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: May 23, 2012, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
[12-08-18]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: May 23, 2012, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
[12-08-19]

STATE BOARD OF INDIVIDUAL TAX PREPARERS

Subject: Public Meeting
Date and Time: May 14, 2012, 1 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Douglas Blackstone (410) 230-6244
[12-08-30]

MARYLAND TRANSPORTATION AUTHORITY

Subject: Public Meeting
Date and Time: April 26, 2012, 9 — 11 a.m.
Place: Maryland Transportation Authority, Point Breeze Complex, 2310 Broening Hwy., Ste. 160, Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Shirley Hill (410) 537-1002
[12-08-05]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: May 17, 2012, 10 a.m. — 4 p.m.
Place: Wye Island, NRWA, Queenstown, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167
[12-08-07]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: May 23, 2012, 9 a.m. — 4:30 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Willie Everett (410) 537-3644
[12-08-08]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: May 17, 2012, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300
[12-08-01]

COMAR PDF ORDER FORM

Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
Complete set of COMAR PDF format		\$1,000	\$500	_____	_____
Title 01	Executive Department	\$35	\$24	_____	_____
Title 02	Office of the Attorney General	\$22	\$13	_____	_____
Title 03	Comptroller of the Treasury	\$30	\$20	_____	_____
Title 04	General Services	\$16	\$10	_____	_____
Title 05	Housing and Community Development	\$78	\$50	_____	_____
Title 07	Human Resources	\$80	\$53	_____	_____
Title 08	Natural Resources	\$78	\$51	_____	_____
Title 09	Labor, Licensing and Regulation	\$89	\$60	_____	_____
Title 10	Health & Mental Hygiene (All parts) **	\$272	\$180	_____	_____
Title 10	Part 1 **	\$48	\$32	_____	_____
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Title 10	Part 3 **	\$75	\$50	_____	_____
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Department of Health and Mental Hygiene: Part & Subtitles

#### Part 1

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- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
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- 08 Health Facilities Grants

#### Part 2

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#### Part 3

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- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Sanitation
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
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- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

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- 34 Board of Pharmacy
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- 36 Board of Examiners of Psychologists

#### Part 5

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- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
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- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
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- 52 Preventive Medicine
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- 54 Special Supplemental Nutrition Program for Women,  
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- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program  
Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies

### Title 11

Department of Transportation – Volume & Subtitles

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  - 02 Transportation Service Human Resources System
  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
  - 05 Maryland Port Administration
  - 06 Mass Transit Administration
  - 07 Maryland Transportation Authority
  - 08 Vacant
  - 09 Vacant
  - 10 Vacant
- #### Volume 2 and Volume 3
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  - 12 MVA – Licensing of Businesses and Occupations
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  - 17 MVA – Driver Licensing and Identification Documents
  - 18 MVA – Financial Responsibility Requirements
  - 19 MVA – School Vehicles
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  - 23 MVA – Drivers' Schools, Instructors, Driver Education Program

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- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

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- 10 Oil Pollution and Tank Management
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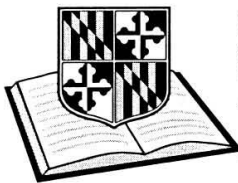
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