



Maryland Register

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Volume 39 • Issue 17 • Pages 1135—1182

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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 6, 2012, 5 p.m.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 August 6, 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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The Maryland Register is also available at www.dsd.state.md.us.

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Availability of Monthly List of Maryland Documents

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CLOSING DATES AND ISSUE DATES through JANUARY 25, 2013

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January 11**	December 20	January 2	December 27
January 25	January 7	January 16	January 14

* 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.

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The Governor

EXECUTIVE ORDER 01.01.2012.16

Proclamation Convening the General Assembly of Maryland in Extraordinary Session at Annapolis, Maryland on August 9, 2012

WHEREAS, Maryland's gaming industry supports thousands of jobs, and when fully implemented, is projected to generate more than \$1 billion in annual revenue, with hundreds of million benefitting the Education Trust Fund;

WHEREAS, The State of Maryland has the opportunity to create thousands of new construction jobs and more than 2,000 new permanent jobs;

WHEREAS, By acting now, the State of Maryland has the opportunity to secure additional revenue for Maryland's public schools over the next two years;

WHEREAS, The proposed legislation will create predictability in the marketplace;

WHEREAS, The proposed legislation will make Maryland's gaming program competitive with other states;

WHEREAS, The proposed legislation will provide financial certainty, predictability, and fair treatment to current licensees;

WHEREAS, The proposed legislation will protect local and city aid being generated at current sites;

WHEREAS, If a majority of Maryland voters vote in favor of the question to expand gaming on the November 2012 ballot, the State Lottery and Gaming Control Commission shall immediately begin the regulatory process to authorize table games;

WHEREAS According to the fiscal analysis provided for the Workgroup to Consider the Expansion of Gaming, table games will likely generate approximately \$45-51 million per year in additional revenues for the Education Trust Fund;

WHEREAS, If a sixth video lottery terminal facility opens, the State may realize millions of dollars in additional revenues to the Education Trust Fund;

WHEREAS, Local jurisdictions with facilities will benefit by the proposed legislation through additional local impact grants and table games proceeds upon the opening of a sixth site;

WHEREAS, In order to protect the State's interest, the proposed legislation would re-constitute the current State Lottery Agency as the State Lottery and Gaming Control Agency, consisting of members with expertise in fiscal matters and economics;

WHEREAS, The legislation would authorize an additional site in Prince George's County only if: (1) a majority of Maryland voters vote in favor of the question to expand gaming on the November 2012 ballot; and (2) a majority of voters in Prince George's County approve the same question;

WHEREAS, The Video Lottery Facility Location Commission may not permit the operation of an additional facility before the earlier of July 1, 2016, or 30 months after the Baltimore City facility is open to the public;

WHEREAS, A transfer of ownership in the video lottery terminals is expected to generate tens of millions of dollars in savings to the State, all of which shall be appropriated to the Education Trust Fund;

WHEREAS, The proposed legislation would ban political donations from gaming entities in order to restore confidence that important decisions are being made based on expertise and analysis and without unnecessary distractions;

WHEREAS, The proposed legislation will provide the same level of funding to the racing industry as is currently expected to be generated by the existing VLT program; and

WHEREAS, By finally resolving this issue of gaming in Maryland, we have an opportunity to provide significant additional funding for our number one ranked public schools, create more than 2,000 additional permanent jobs, and keep Maryland's facilities competitive with surrounding states.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 16 OF THE MARYLAND CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM AND CONVENE A SPECIAL AND EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY OF MARYLAND TO COMMENCE ON THURSDAY, AUGUST 9, 2012, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 8th Day of August, 2012

MARTIN O'MALLEY
Governor

ATTEST:

JOHN MCDONOUGH
Secretary of State

[12-17-38]

The Judiciary

COURT OF APPEALS OF MARYLAND

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Thursday, September 6, 2012, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

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

[12-17-28]

Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

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

10.54.02 Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

Notice of Emergency Action

[12-182-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .18 under COMAR 10.54.02 Local Agency.

Emergency status began: July 1, 2012.

Emergency status expires: December 27, 2012.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 39:15 Md. R. 999—1000 (July 27, 2012), referenced as [12-182-P].

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

Title 13A

STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 7-205, 7-1001, 7-1002, and 8-404, Annotated Code of Maryland

Notice of Emergency Action

[12-218-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .02 and .05 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland.

Emergency status began: July 7, 2012.

Emergency status expires: December 31, 2012.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (6) (text unchanged)

(7) "Review" means an analysis of an online course made by a panel of experts designated by the Department to determine whether the course should be approved.

.05 Other Provisions for Earning Credit.

A. — C. (text unchanged)

D. [Correspondence and] Online Courses.

(1) (text unchanged)

(2) If credit is to be applied [toward minimum graduation requirements, the correspondence course or] the Department-approved online course shall be provided by the local [school system] education agency.

(3) A vendor seeking Department approval of an online student or professional development course shall pay a nonrefundable fixed fee to the Department to cover the cost of a review.

(4) The review shall be conducted by a panel of content experts designated by the Department.

(5) The cost of a review will be a nonrefundable fixed fee of \$1,400 per course.

(6) Upon review and approval by the State Board, the Department may increase the fee per online course review in FY 2016 and any subsequent years by no more than 20 percent per annum. If the Department increases the fee, it shall publish such increase on its website at www.marylandpublicschools.org.

(7) Each Vendor shall submit the nonrefundable fee with each course to be reviewed. The Department's acceptance of the review fee does not guarantee the Department's approval of the online course.

(8) The Department reserves the right to review previously approved courses every 3 years.

E. — J. (text unchanged)

BERNARD J. SADUSKY, Ed.D.
Interim State Superintendent of Schools

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

*Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707,
Annotated Code of Maryland*

Notice of Emergency Action [12-228-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01 — .11 under the new chapter, **COMAR 13B.05.01 Fully Online Programs**, under a new subtitle, **Subtitle 05 Fully Online Programs**.

Emergency status began: July 1, 2012.

Emergency status expires: December 26, 2012.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 1167 of this issue, referenced as [12-228-P].

DANETTE GERALD HOWARD, Ph.D.
Secretary of Higher Education

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

Notice of Emergency Action [12-198-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .08-2 under **COMAR 26.11.08 Control of Incinerators**.

Emergency status began: July 4, 2012.

Emergency status expires: November 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 39:16 Md. R. 1119—1120 (August 10, 2012), referenced as [12-198-P].

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

Final Action on Regulations

Symbol Key

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

Title 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

07.03.03 Family Investment Program

Authority: Human Services Article, §5-207, Title 5, Subtitle 3, Annotated Code of Maryland; Ch. 469, Acts of 2009

Notice of Final Action

[12-076-F]

On June 21, 2012, the Secretary of Human Resources adopted amendments to Regulation **.19** of **COMAR 07.03.03 Family Investment Program**. This action, which was proposed for adoption in 39:6 Md. R. 416—418 (March 23, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

THEODORE DALLAS
Secretary of Human Resources

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

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

Notice of Final Action

[12-150-F-I]

On August 14, 2012, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 39:13 Md. R. 790 (June 29, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

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

Notice of Final Action

[12-151-F]

On August 14, 2012, the Secretary of Natural Resources adopted amendments to Regulation **.20** under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 39:13 Md. R. 790-791 (June 29, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.28 Tree Care and Removal

Authority: Labor and Employment Article, §§2-106(b)(4), 5-104, and 5-312, Annotated Code of Maryland

Notice of Final Action

[12-157-F-I]

On August 14, 2012, the Commissioner of Labor and Industry adopted new Regulations **.01— .07** under a new chapter, **COMAR 09.12.28 Tree Care and Removal**. This action, which was proposed for adoption in 39:13 Md. R. 791-797 (June 29, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.45 Farm Labor Contractor Registration

Authority: Labor and Employment Article, §§2-106(b)(6) and 7-403; State Government Article, §10-206; Annotated Code of Maryland

Notice of Final Action

[12-122-F]

On August 10, 2012, the Commissioner of Labor and Industry adopted the repeal of existing Regulations .01, .02, and .04, the recodification of existing Regulations .03, .05, and .06 to be Regulations .01, .02, and .03, respectively, and amendments to and the recodification of Regulation .07 to be Regulation .04 under **COMAR 09.12.45 Farm Labor Contractor Registration**. This action, which was proposed for adoption in 39:10 Md. R. 664 (May 18, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.61 Prohibiting Smoking on Elevators

Authority: Health-General Article, §24-212, Annotated Code of Maryland

Notice of Final Action

[12-121-F]

On August 10, 2012, the Commissioner of Labor and Industry adopted the repeal of existing Regulations .01—.05 under **COMAR 09.12.61 Prohibiting Smoking on Elevators**. This action, which was proposed for adoption in 39:10 Md. R. 664-665 (May 18, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

J. RONALD DEJULIIS
Commissioner of Labor and Industry

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

Subtitle 07 HOSPITALS

10.07.05 Residential Service Agencies

Authority: Health-General Article, Title 19, Subtitle 4A, Annotated Code of Maryland

Notice of Final Action

[12-124-F]

On August 8, 2012, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .12 under **COMAR 10.07.05 Residential Service Agencies**. This action, which was proposed for adoption in 39:11 Md. R. 701 (June 1, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

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

**Title 11
DEPARTMENT OF
TRANSPORTATION**

**Subtitle 17 MOTOR VEHICLE
ADMINISTRATION—DRIVER
LICENSING AND IDENTIFICATION
DOCUMENTS**

**11.17.09 Proof of Age, Name, Identity,
Residence, and Lawful Status**

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2, 16-106, 16-115, 16-121—16-122, Annotated Code of Maryland; 6 CFR 37

Notice of Final Action

[12-140-F]

On July 31, 2012, the Administrator of the Motor Vehicle Administration adopted amendments to Regulation .05 under **COMAR 11.17.09 Proof of Age, Name, Identity, Residence, and Lawful Status**. This action, which was proposed for adoption in 39:12 Md. R. 752 (June 15, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

JOHN T. KUO
Administrator
Motor Vehicle Administration

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 12 CERTIFICATION

13A.12.03 Specialists

Authority: Education Article, §§2-205, 2-303(g), 6-101—6-104, and 6-701—6-706; Health Occupations Article, §2-301; Annotated Code of Maryland

Notice of Final Action

[12-106-F]

On August 2, 2012, the Professional Standards and Teacher Education Board adopted amendments to Regulation .02 under **COMAR 13A.12.03 Specialists**. This action, which was proposed for adoption in 39:9 Md. R. 621 (May 4, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 13 STATE TOBACCO AUTHORITY

Notice of Final Action

[12-139-F]

On July 31, 2012, the Secretary of Agriculture adopted the repeal of:

- (1) Regulations **.01 — .13** under **COMAR 15.13.01 Marketing of the Maryland Tobacco Crop**;
- (2) Regulations **.01 — .06** under **COMAR 15.13.02 Daily Sales Quotas**; and
- (3) Regulations **.01 — .06** under **COMAR 15.13.03 Civil Penalty Standards for Licensees**.

This action, which was proposed for adoption in 39:12 Md. R. 753 (June 15, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

EARL F. HANCE
Secretary of Agriculture

Title 21 STATE PROCUREMENT REGULATIONS

Notice of Final Action

[12-135-F]

On August 1, 2012, the Board of Public Works adopted amendments to:

- (1) Regulation **.01** under **COMAR 21.01.02 Terminology**;
- (2) Regulation **.04** under **COMAR 21.02.01 Board of Public Works**; and
- (3) Regulation **.04** under **COMAR 21.02.05 Department of General Services**.

This action, which was proposed for adoption in 39:11 Md. R. 719—720 (June 1, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

SHEILA McDONALD
Executive Secretary
Board of Public Works

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.11 Prevailing Wage — Contracts for Public Works

Authority: State Finance and Procurement Article, §17-204(a), Annotated
Code of Maryland

Notice of Final Action

[12-147-F]

On August 13, 2012, the Commissioner of Labor and Industry adopted amendments to Regulation **.05** under **COMAR 21.11.11 Prevailing Wage — Contracts for Public Works**. This action, which was proposed for adoption in 39:12 Md. R. 753—754 (June 15, 2012), has been adopted as proposed.

Effective Date: September 3, 2012.

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 03

COMPTROLLER OF THE TREASURY

Subtitle 10 Miscellaneous Administration

03.10.01 Slot Machines for Nonprofit Organizations

Authority: Criminal Law Article, §12-304, Annotated Code of Maryland; Ch. 315, Acts of 2011, and Chs. 8 and 9, Acts of 2012

Notice of Proposed Action

[12-219-P]

The Comptroller of the Treasury, Revenue Administration Division, proposes to adopt new Regulations **.01—.06** under a new chapter, **COMAR 03.10.01 Slot Machines for Nonprofit Organizations**, under a new subtitle, **Subtitle 10 Miscellaneous Administration**.

Statement of Purpose

The purpose of this action is to Regulations are created to provide guidance to nonprofit organizations on Maryland’s Eastern Shore about how they are to operate slot machines in conformance with Criminal Law Article, §12-304, Annotated Code of Maryland (Ch. 315, Acts of 2011 and Chs. 8 and 9, Acts of 2012).

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 Jeff Kelly, Director, Field Enforcement Division, Comptroller of Maryland, 80 Calvert Street, Annapolis, MD 21401, or call 410-260-7104, or email to jakelly@comp.state.md.us, or fax to 410-974-5564. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.01 Definitions.

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

B. *Terms Defined.*

(1) *Charity.*

(a) *“Charity” means a charitable organization that:*

(i) *Is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization and solicits or obtains contributions solicited from the public for charitable purposes; and*

(ii) *Is in possession of an effective Internal Revenue Service determination letter evidencing the organization’s charitable status under §501(c) of the Internal Revenue Code.*

(b) *“Charity” includes a chapter, branch, area, office, or similar affiliate soliciting contributions within the State of Maryland for a charitable organization which has its principal place of business outside the State.*

(c) *“Charity” does not include a political party, political committee, political club, or an agency of the State government, or of a political subdivision.*

(d) *“Charity” does not include an organization licensed to operate slot machines at any time during the reporting year or an affiliate, a subordinate, an auxiliary unit, or a society related to the organization licensed to operate slot machines.*

(2) *“Eligible organization” has the meaning stated in Criminal Law Article, §12-304(a), Annotated Code of Maryland.*

(3) *“Fraternal organization” means an organization in possession of an effective Internal Revenue Service determination letter evidencing the organization’s exempt status under §501(c)(8) or (10) of the Internal Revenue Code.*

(4) "Religious organization" means a nonprofit organization which is organized and operated exclusively for religious purposes and is in possession of an effective Internal Revenue Service determination letter evidencing the organization's exempt status under §501(c)(3) of the Internal Revenue Code.

(5) "Reporting year" means July 1 through June 30.

(6) "Slot machine" has the meaning stated in Criminal Law Article, §12-301, Annotated Code of Maryland.

(7) War Veterans' Organization.

(a) "War veterans' organization" means an organization in possession of an effective Internal Revenue Service determination letter evidencing the organization's exempt status under §501(c)(4) or (19) of the Internal Revenue Code.

(b) "War veterans' organization" does not include an auxiliary unit or a society of a war veterans' organization, or a trust or foundation for a veterans' organization.

.02 License Requirements.

A. An eligible organization shall submit an application to the Comptroller for an initial license or renewal license for each slot machine it proposes to operate.

B. Each license application, whether initial or renewal, shall:

(1) Satisfy all requirements set forth in the application as provided by the Comptroller;

(2) Be signed by a principal officer of the organization applying for the license under penalty of perjury, as provided by Criminal Law Article, Title 9, Subtitle 1, Annotated Code of Maryland; and

(3) Include a license fee, the amount of which shall be determined by the Comptroller for the reporting year.

C. An eligible organization may submit one application for licenses for up to five slot machines.

D. A licensee shall promptly notify and amend the license application upon the principal officer's separation from the licensed organization. The amended license application shall be signed by a principal officer of the organization under penalty of perjury, as provided by Criminal Law Article, Title 9, Subtitle 1, Annotated Code of Maryland.

E. A license is renewed annually on or before June 30 of each year. The license renewal fee shall be determined by the Comptroller.

F. A license is not transferrable.

G. A licensee is subject to:

(1) The requirements of Criminal Law Article, §12-305(a), Annotated Code of Maryland;

(2) The operation requirements under Regulation .03 of this chapter;

(3) The annual report and record-keeping requirements under Regulation .04 of this chapter; and

(4) The inspection authority under Regulation .05 of this chapter.

H. The Comptroller may suspend or revoke the license for each slot machine of a licensee if a licensee violates any regulation of this chapter.

.03 Operation Requirements.

A. License Sticker.

(1) Each slot machine shall have a valid license sticker issued by the Comptroller affixed to the machine.

(2) A renewed license sticker must be affixed to a slot machine on or before July 1 of the license's reporting year.

B. A licensee shall immediately report to the Comptroller:

(1) Information about any slot machine's meter or counter that is not operational, is in need of repair, or is not repairable;

(2) Subject to Criminal Law Article, §12-307, Annotated Code of Maryland, any transfer of a slot machine and the reason for the transfer; or

(3) Physical loss of a slot machine or monies from a slot machine.

C. A licensee shall notify the Comptroller of any repair of a slot machine that may affect any meter reading of the slot machine prior to the initiation of such repair.

D. A licensee must:

(1) Record and make available for inspection weekly meter readings of any electrical and mechanical meter which records the coin-in, coin-out, and jackpot of every licensed slot machine; and

(2) Maintain a maintenance log for each licensed slot machine.

E. Tamperproof Meter or Counter.

(1) A slot machine must have a tamperproof meter or counter.

(2) Before a licensed slot machine may be operated, all meter or counter components, electrical or mechanical, must be sealed in a manner approved by the Comptroller.

F. Only members or guests of a licensee may play a slot machine.

.04 Annual Report and Record-Keeping Requirements.

A. Annual Report.

(1) On or before August 1 of each year, a licensee shall file an annual report with the Comptroller for the preceding reporting year.

(2) The annual report shall be submitted by mail or electronically in a form approved by the Comptroller.

(3) Charitable Disbursements.

(a) The annual report shall show that the licensee has made and met the charitable disbursement requirement under Criminal Law Article, §12-304(c), Annotated Code of Maryland, on or before the due date of the report.

(b) Information regarding each charitable disbursement shall include the name and address of the charitable organization receiving the disbursement, the charitable organization's federal employer identification number, and a copy of a receipt from or a cancelled check to the charitable organization receiving the disbursement identifying the date and the amount of the disbursement.

(4) Filing Requirements.

(a) If a licensee fails to file a full and complete annual report by August 1, the Comptroller shall mail a notice within 30 days demanding that the report be filed within 10 days of the date on the notice.

(b) The Comptroller may suspend or revoke the license of each slot machine licensed to the licensee for a licensee's failure to file a complete annual report.

B. Audits.

(1) The Comptroller may examine or audit an annual report filed by a licensee.

(2) To determine whether an annual report is correct or otherwise to enforce this chapter, the Comptroller may:

(a) Examine any records, data, or other documents that may support the information included in the annual report;

(b) Conduct an investigation; and

(c) Hold a hearing.

C. Record-Keeping Requirements.

(1) A licensee shall keep the records substantiating the information required for the annual report for a period of 4 years or for a shorter time as determined by the Comptroller.

(2) A licensee shall make the records available for inspection and examination by the Comptroller at any time during business hours.

(3) A licensee must keep a separate accounting of proceeds and disbursements from its slot machines.

(4) Except as otherwise provided in this regulation, a licensee shall comply with the record-keeping requirements of COMAR 03.01.03.

.05 Inspections.

A. *The Comptroller, or the Comptroller's duly authorized designee, shall be fully authorized to inspect and search, without warrant, at reasonable hours, any place of business in which slot machines are authorized to be kept and operated by a licensee.*

B. *If the Comptroller, or the Comptroller's duly authorized designee, finds during an inspection or investigation that the operation of a slot machine may be in violation of Criminal Law Article, Title 12, Subtitle 3, Annotated Code of Maryland, or a regulation in this chapter, the Comptroller may seal the slot machine rendering it inoperable, subject to the hearing requirements under Regulation .06 of this chapter. Only the Comptroller, or the Comptroller's duly authorized designee, may remove the seal from a slot machine.*

C. *The Comptroller may suspend or revoke the license of any licensed slot machine if the seal placed on a slot machine is removed by someone other than the Comptroller or the Comptroller's duly authorized designee.*

.06 Hearings and Appeals.

Except as provided in this chapter, the Comptroller shall follow the hearings and appeals procedure set forth in COMAR 03.01.01.04 and .05 before a denial, suspension, or revocation of a license is issued under Criminal Law Article, §12-304, Annotated Code of Maryland.

RHEA R. REED
Director
Revenue Administration Division

**Title 08
DEPARTMENT OF NATURAL
RESOURCES**

**Subtitle 01 OFFICE OF THE
SECRETARY**

08.01.07 Chesapeake Forest Lands

Authority: Natural Resources Article, §§5-209(a) and 10-808, Annotated Code of Maryland

Notice of Proposed Action

[12-221-P]

The Department of Natural Resources proposes to amend Regulation .02 under **COMAR 08.01.07 Chesapeake Forest Lands**.

Statement of Purpose

The purpose of this action is to amend the regulations to recognize the three demonstration forests located within the Chesapeake Forests. One of the demonstration forests, Fred W. Besley Demonstration Forest, has recently been renamed after Maryland's first State Forester.

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 Marian Honeczy, Supervisor, Urban and Community Forestry, MD Forest Service, 580 Taylor Ave., E-1, Annapolis, MD 21401, or call 410-260-8511, or email to mhoneczy@dnr.state.md.us, or fax to 410-260-8595. Comments will be accepted through Sept 24, 2012. A public hearing has not been scheduled.

.02 Chesapeake Forest Lands

A. — C. (text unchanged)

D. Chesapeake Forest Lands are comprised of over 60,000 acres in various tracts in the following six counties: Caroline, Talbot, Dorchester, Wicomico, Worcester, and Somerset, including the *Wicomico Demonstration Forest located in Wicomico County, Seth Demonstration Forest located in Talbot County, and the Fred W. Besley Demonstration Forest, named after Maryland's first State Forester, located in Dorchester County.* Maps indicating size and location of each tract are maintained on file in the office of the forest manager for Chesapeake Forest Lands.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §§4-602 and 4-735, Annotated Code of Maryland

Notice of Proposed Action

[12-224-P]

The Secretary of Natural Resources proposes to adopt new Regulation .11 under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to create a permanent permitting database of annual tournaments for black bass, i.e., largemouth bass (*Micropterus salmoides*) and smallmouth bass (*M. dolomieu*), in Maryland. Largemouth and smallmouth black bass provide recreational fishing for a great diversity of anglers. At an estimated 3 million fishing days per year, largemouth bass is the most sought after sport fish in Maryland. Permitting tournaments provide a cost-effective way of partitioning fishing effort across black bass populations each year. Estimates of effort may be used when allocating resources of Fisheries Service to specific populations and assigning value to an area. Permitting also provides tournament directors and bass anglers in Maryland with consolidated information on all competitive bass fishing events in the State for that year. Permitting also provides a mechanism for promoting emerging ideas in bass conservation with all directors and bass anglers. Finally, a condition of the permit is to report catch data. The catch data from tournaments will be used to assess catch trends, estimate resource usage, and evaluate the worth of black bass fishing to State and local economies. Detailed summaries of these data will be provided to registered tournament directors each year.

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 Black Bass Tournament, Regulatory Staff, Fisheries Service, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through August 27, 2012. A public hearing has not been scheduled.

.11 Black Bass Tournaments.

A. *Species.* The following species are defined as black bass:

- (1) Largemouth bass (*Micropterus salmoides*); and
- (2) Smallmouth bass (*Micropterus dolomieu*).

B. *Unless exempted by the black bass tournament permit, all regulations pertaining to the harvest of black bass are in effect for black bass tournaments and can be found in COMAR 08.02.05.19 and 08.02.11.03—.04 and .06.*

C. *Black Bass Tournament Permit.*

(1) *A person shall obtain a black bass tournament permit prior to conducting a fishing tournament that:*

- (a) *Has ten or more boats participating;*
- (b) *Has a specific location where fish are weighed, measured, counted, or otherwise entered into the tournament; and*
- (c) *Provides anglers an offer, reward, or incentive for catching black bass.*

(2) *A person shall apply to the Department, on forms provided by the Department, a minimum of:*

- (a) *15 business days prior to the tournament if the tournament has ten to 49 boats entered; or*
- (b) *30 business days prior to the tournament if the tournament has 50 or more boats entered.*

(3) *The black bass tournament permit may authorize more than one tournament provided the tournaments occur within the same calendar year.*

(4) *Transfers of black bass tournament permits are not permitted.*

(5) *The permittee or release boat operator shall be in possession of the black bass tournament permit while engaged in the fishing tournament activities specified on the permit.*

D. *A person with a valid black bass tournament permit shall follow all conditions on the permit.*

E. *Dead Fish Disposal.* *If fish die during the tournament the permittee shall dispose of the dead fish in accordance with the conditions specified on the black bass tournament permit.*

F. *Release Boats.* *A person operating a vessel used to distribute fish following a tournament shall comply with the conditions specified on the black bass tournament permit.*

G. *The Department may deny an application for a black bass tournament permit for failing to comply with the conditions of the applicant's most recent black bass tournament permit.*

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §§4-206, 4-215, 4-701, and 4-704, Annotated Code of Maryland

Notice of Proposed Action

[12-230-P]

The Secretary of Natural Resources proposes to amend Regulation **.12** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to amend recreational and commercial summer flounder regulations. The action amends the recreational size limit and season, clarifies the commercial regulations, and adds flexibility to the permitted fisheries by opening a 14-day period during which licensees could appeal to declare late.

For the recreational fishery, the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council approved a 7% increase in the coast-wide 2012 summer flounder total allowable landings (TAL) over the 2011 TAL. The increase in TAL resulted in a coast-wide recreational harvest limit of 12.63 million pounds for the 2012 fishing year; as a result Maryland will be allowed to harvest more summer flounder than they harvested in 2011. The 2012 target is 82,000 fish. Preliminary estimates from Marine Recreational Fishery Statistics Survey (MRFSS) data estimates Maryland's 2011 recreational harvest to be 15,347 fish and well under the 2011 target. The 2011 under-harvest has allowed Maryland to liberalize the 2012 recreational summer flounder regulations.

Several options for the 2012 recreational season were discussed with user groups and advisory commissions. The option chosen reduces the minimum size limit and lengthens the fishing season for 2012. Specifically, the proposed action reduces the recreational size limit from 18 to 17 inches, starts the season 2 days earlier on April 14, and extends the season through December 16. The recreational regulations will continue to apply to fish caught in all State waters (Chesapeake Bay and coastal waters). Finally, by virtue of the regulations, the size limit for summer flounder caught by commercial hook and line in State waters will also decrease from 18 inches to 17 inches.

For the commercial fishery clarifying the regulations will make it easier for those involved in the fishery to understand the requirements. Specifically, the proposed action allows for transfer of 100% of individual's quota, but places a cap on the amount of quota any one individual may acquire; clarifies how overages will be deducted from future quotas; clearly defines the declaration period and requirements for a licensee to declare their intent to fish; allows for operators to harvest a permittee's fish as long as the operator is in possession of the permittee's permit; clarifies that temporary transfers are not permitted; clarifies that there is a limit of two quotas that may be fished off the same vessel; establishes a cap of seven summer flounder landing permits at the current number.

The proposed action updates the public notice provision to include the reasons for making changes to the fishery by public notice. It also modifies the method of dispersing public notices by requiring public notices to be posted on the Fisheries Service's website rather than in the newspaper. Social media (twitter, Facebook, text messaging, etc.) will also be used. Stakeholder comments have indicated that the legal section of the newspapers is not an effective means for communicating fishing rule changes. In addition, newspaper notices are very expensive, and this change will allow the Department to use funds to promote other electronic means of disseminating the information.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have a positive economic impact on the recreational and commercial fisheries and the Department.

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
Public notices	(E-)	\$600/year
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) Commercial quota transfers	(+)	Indeterminable
(2) Recreational anglers	(+)	Indeterminable
(3) Charter/party boat fishery	(+)	Indeterminable
(4) Commercial Hook and Line fishery	(+)	Indeterminable
E. On other industries or trade groups:	(+)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

A. The average cost of printing a summer flounder notice in a major newspaper is approximately \$300 per day. The Department issues an average of 2 summer flounder notices per year. The Department would save that amount by printing the notice on its website. The Department will use the saved funds to promote other means of disseminating the information.

D(1). The proposed action may have a positive economic impact on the regulated industry because it allows the industry greater flexibility in transferring quota amongst permit holders.

D(2). The proposed regulations will not have a significant economic impact on recreational anglers, but the regulations may help make a more enjoyable experience for recreational anglers by allowing them to catch their quota in less time. Individuals who fish for summer flounder on an infrequent basis and may have a harder time catching larger flounder could benefit from being able to keep a smaller size summer flounder.

D(3). The proposed regulations are expected to have a positive economic benefit on the charter and party boat fishery; however, the magnitude of this positive impact cannot be determined. Although the smaller size limit may enable customers to catch their limit of summer flounder in less time, with smaller flounder available for harvest, more anglers may want to fish for them and this may result

in more customers for charter and party boats. The increase in the recreational season will provide the biggest economic benefit to the charter and party boat industry by allowing this industry to book trips on the additional days, when other fisheries are closed.

D(4). The decreased size limit may benefit commercial hook and line fisherman economically by allowing them to catch their quota in less time and therefore take shorter trips. This would in turn allow them to spend less money on resources (fuel and crew costs).

E. Tackle shops and bait dealers may benefit from the smaller size limit and longer season because these changes are expected to result in increased fishing effort and anglers will need to buy supplies for their fishing trips. The benefit will depend on many factors including weather during the extended season and therefore the actual amount is indeterminable.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. See assumptions under types of economic impact for information.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Summer Flounder Regulations, Regulatory Staff, Fisheries Service, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.12 Summer Flounder.

A. Recreational Fishery.

(1) Minimum Size. An individual may not catch or possess summer flounder less than [18] 17 inches total length.

(2) (text unchanged)

(3) Season. The recreational season for catching summer flounder is [April 16] April 14 through [November 30] December 16, inclusive.

B. Commercial Fishery.

(1) Quotas.

(a) — (c) (text unchanged)

[(d) Ten percent of the allocation for the Atlantic Ocean, its coastal bays, and their tributaries may be set aside to provide for the possible downward quota adjustment.]

[(e)] (d) (text unchanged)

[(f)] (e) An individual [licensed to catch fish for commercial purposes] who [is in possession of] possesses a Maryland summer flounder landing permit in accordance with §C of this regulation and lands more than the assigned permit allocation, including any quota transfers, shall have the overage deducted from the permit allocation for the following year.

(f) A Maryland summer flounder permit holder (permittee) may annually transfer up to 100 percent of the permittee's individual quota to another permittee upon notification of and approval by the Department. However, an individual may not hold more than 29 percent of the allocation for the total fishery.

(2) — (4) (text unchanged)

(5) [Reporting Requirements.

(a) Summer flounder harvested for commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the Exclusive Economic Zone (EEZ) and landed in Maryland shall be sold to a dealer with a federal permit.

(b) A dealer shall transmit information weekly, or as requested, on each summer flounder transaction through the Department-approved reporting system.]

C. Licenses and Permits.

(1) [The owner or operator of a vessel which is used to catch, possess, or land summer flounder for commercial purposes] *A person shall be licensed to fish for commercial purposes in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to catch, possess, or land summer flounder.*

(2) A vessel which is used to catch, possess, or land summer flounder for commercial purposes from the waters of the Exclusive Economic Zone (EEZ) of the Atlantic Ocean shall [have a permit from] *be permitted by the National Marine Fisheries Service in accordance with 50 CFR §648.4.*

[(3) A vessel declared on a summer flounder landing permit may be operated by an individual other than the owner of that vessel if the individual is in possession of the summer flounder landing permit.]

[(4)] (3) A permittee may catch, possess, or land summer flounder for commercial purposes on a vessel other than the vessel declared on the permittee's permit if in possession of the permit issued to the permittee, and the undeclared vessel is permitted by the National Marine Fisheries Service.

(4) *Declaration.*

(a) *Tidal fish licensees shall declare their intent to fish for summer flounder by August 31 of each year.*

(b) *A tidal fish licensee who has not declared by August 31 of the current year, and who has not declared by the August 31 deadline in any of the 3 preceding years, may apply until September 14 of the current year, or the next business day if September 14 occurs on a weekend, to the Director of Fisheries Service provided the licensee shows good reason why the application should be processed.*

(c) *An exception to the September 14 deadline will be considered only for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the declaration time period established in this subsection.*

(d) *The federally registered name or the State registration numbers of the permitted vessels owned by the permittee shall be indicated at the time of application for the permit and declared on the Maryland summer flounder landing permit.*

(e) *Any change in vessel ownership shall be reported to the Department so that a revised permit card may be issued.*

(5) *Summer Flounder Landing Permit.*

[(a) An owner of a vessel with a permit from the National Marine Fisheries Service may obtain a Maryland summer flounder landing permit if the vessel or owner:

(i) Meets the requirements set forth in §C(1) , and (2) of this regulation;

(ii) Landed in the State at least 25,000 pounds of summer flounder in a year for at least 2 years of the period 1998—2003;

(iii) Held a Maryland summer flounder landing permit for at least 1 year during the period 1998—2003; and

(iv) Provides proof of eligibility to the Department.

(b) An eligible permittee shall declare a vessel owned by the permittee to which the summer flounder landing permit will be assigned annually. The federally registered name of a vessel with a permit or the State registration numbers shall be indicated at the time of application for the permit.

(c) A declared vessel may only be changed for reasons of extreme hardship documented to the Department.

(d) Proof of eligibility for a Maryland summer flounder landing permit as required in §C(5)(a) of this regulation may be documented by records of the Department or records of the National Marine Fisheries Service.]

(a) *No more than seven summer flounder landing permits may be issued by the Department. The number of summer flounder*

landing permits is based on the reported catch and landing records of summer flounder in Maryland during 1998—2003.

(b) *The Department may issue a permit to catch and land summer flounder in Maryland to a person who is licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, owns or has a share of ownership in a federally permitted vessel, and:*

(i) *Declared or was eligible to declare, in the previous year, an intent to fish for summer flounder in accordance with §C(4) of this regulation in the previous year and has not transferred the permit; or*

(ii) *Received a summer flounder landing permit through a permanent business transfer in accordance with §C(7) of this regulation.*

(6) *Operators.*

(a) *An operator means an individual who is not a permittee and acts as an agent of a permittee.*

(b) *The name of the vessel on which the operator is working shall be declared on the Maryland summer flounder landing permit.*

(c) *An operator may catch, possess, or land summer flounder for commercial purposes on a vessel owned by a permittee if they are in possession of that permittee's permit.*

[(6)] (7) *Permanent Transfer of a Landing Permit. The Department may approve the permanent transfer of a Maryland summer flounder landing permit to an individual who[:] applies to the Department requesting the transfer on forms provided by the Department.*

[(a) Meets all of the requirements set forth in §C(1) and (2) of this regulation;

(b) Is not currently a permit holder;

(c) Has not held a Maryland summer flounder landing permit for the prior 2 calendar years; and

(d) Meets one of the following conditions:

(i) Is the permittee's spouse, daughter, son, stepchild, grandchild, stepgrandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law;

(ii) Upon death of the permittee, has been designated as an authorized representative of the permittee;

(iii) Has purchased a vessel with a federal permit used for commercial fishing from the Maryland permit holder; or

(iv) Provides a notarized bill of sale for the purchase of equipment and assets with a minimum value of \$2,000 and the commercial fishing business from the permit holder.

(7) An individual in possession of a Maryland summer flounder landing permit shall record the harvest of summer flounder on the permit daily and submit the completed permit to the Department within 14 days from the end of the summer flounder season.

(8) The Department may deny an application for a summer flounder landing permit for failing to comply with §C(7) of this regulation during the previous season.]

(8) *Temporary transfers of summer flounder landing permits are not permitted.*

(9) *Regardless of the number of authorized individuals with Maryland summer flounder landing permits on board any one federally permitted vessel, no more than two summer flounder quotas may be fished from one vessel per trip.*

D. (text unchanged)

E. *Reporting and Penalties.*

(1) *In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, an individual in possession of a Maryland summer flounder landing permit shall record the harvest of summer flounder on the permit daily and submit the completed permit to the Department within 14 days from the end of the summer flounder season.*

(2) *A dealer shall transmit information weekly, or as requested, on each summer flounder transaction through the Department-approved reporting system.*

(3) *The Department may withhold quota allocation for a summer flounder landing permit for failing to comply with §E(1) of this regulation during the previous season.*

(4) *The Department may deny an application for a summer flounder landing permit for failing to comply with §E(1) of this regulation during the previous season.*

[E.] F. General.

(1) The Secretary may modify catch limits, size limits, quotas, or open or close a season in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Summer Flounder, by publishing notice [in a daily newspaper of general circulation] on the Fisheries Service website at least 48 hours in advance [of the modification], stating the effective hour and date.

(2) — (3) (text unchanged)

[(4) An individual who catches or lands summer flounder in Maryland shall report catch and landing information daily on the forms provided by the Department.

(5) An individual shall return the forms containing catch and landing information to the Department in the time period specified by the Department.]

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.01 General

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

Notice of Proposed Action

[12-223-P]

The Secretary of Natural Resources proposes to amend Regulation .03 and adopt new Regulations .09 and .10 under COMAR 08.18.01 General.

Statement of Purpose

The purpose of this action is to restrict wake surfing to areas where a distance of 200 feet can be maintained from shorelines and marine structures (piers, docks, etc.) and other vessels operating in the area or at anchor or moored. The purpose of the artificial ballast is to label portable ballast tanks, bags, etc., showing the number of gallons and/or weight in pounds so a Natural Resources Police officer can verify that the ballast does not exceed the allowed capacity for the vessel and to require that such ballast be distributed in such a manner as to not make the vessel unstable and/or unsafe to operate.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Grant, Regulations Coordinator, Department of Natural Resources — Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8013, or email to mgrant@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through September 24, 2012. A public hearing will be scheduled before the comment period ends.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) *“Artificial Ballast” means auxiliary or portable tanks or weights which distribute the weight in a vessel causing it to produce a large wake at slow speeds for the purpose of wake surfing.*

[(1)] (2) — [(14)] (15) (text unchanged)

(16) *“Wake Surfing” means free riding on a device similar to a surfboard behind an artificially ballasted boat at slow speeds (9-14 mph).*

[(15)] (17) (text unchanged)

.09 Wake Surfing.

A person may not operate or give permission to operate a watercraft for the purpose of wake surfing less than 200 feet from a shoreline, marine structures (piers, docks, pilings, jetties, bridges structures, abutments, bulkheads, floats, buoys, channel markers, etc.), other vessels operating in the area or at anchor or moored, or an individual or individuals in the water.

.10 Artificial Ballast.

A manufacturer’s label shall be affixed to any portable ballast tank identifying the maximum capacity in gallons and/or weight in pounds and combined with the occupants may not exceed the maximum carrying capacity of the vessel as listed on the USCG loading label.

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.19 Patapsco River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action

[12-220-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under COMAR 08.18.19 Patapsco River. This action was considered at the Maryland Boat Act Advisory Committee public comment meeting that was held on October 6, 2011.

Statement of Purpose

The purpose of this action is to ensure safe boating on the waterway.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Grant, Regulations Coordinator, Department of Natural Resources, Boating Services, 580 Taylor Avenue., E-4, Annapolis, Maryland 21401, or call 410-260-8013, or email to mgrant@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.03 Patapsco River South Shore.

- A. — B. (text unchanged)
- C. Rock Creek.

(1) [Lower] *Outer* Rock Creek encompasses all of the waters of Rock Creek beginning at a point at or near the shore at the south side of the entrance, defined by [Lat. 39°09.297'N., Long. 76°30.027'W.; then running approximately 329° True to a point at or near the shore at the N. side of the entrance, defined by Lat. 39°09.465'N., Long. 76°30.157'W.]; *Lat. 39° 9.302' N., Long. 76° 29.975' W., then running 347° True to a point on the north shore of the entrance of Rock Creek at or near Lat. 39° 9.547' N., Long. 76° 30.048' W., then running upstream to a line beginning at a point at or near the shore at the N. entrance of Wall Cove, defined by Lat. 39°09.257'N., Long. [76°30.057'W.; then running approximately 185° True to a point at or near the south entrance of Wall Cove, defined by Lat. 39°09.036'N., Long. 76°30.082'W.; then running approximately 285° True to a point at or near the shore at Water Oak Point, defined by Lat. 39°09.131'N., Long. 76°30.543'W.; then running approximately 332°] 76° 30.050' W., then running 224° True to a point, at or near Lat. 39° 9.098' W., Long. 76° 30.246' W., then running 279° True to Water Oak Point, at or near Lat. 39° 9.132' N., Long. 76° 30.533' W., then running 329° True to a point at or near the shore at the N. side of Rock Creek, defined by Lat. 39°09.240'N., Long. 76°30.618'W. This area has a 6-knot [(6.9 miles per hour)] speed limit Saturdays, Sundays, and State holidays during the boating season [which is April 15 through October 15].*

(2) [Upper] *Inner* Rock Creek encompasses all of the waters of Rock Creek[, including Tar Cove, upstream of a line beginning at a point at or near the south entrance of Wall Cove, defined by Lat. 39°09.036'N., Long. 76°30.082'W.; then running approximately 285° True to a point at or near the shore at Water Oak Point, defined by Lat. 39°09.131' N., Long. 76°30.543'W.; then running approximately 332° True to a point at or near the shore at the N. side of Rock Creek, defined by Lat. 39°09.240' N., Long. 76°30.618'W.] *upstream of a line beginning at Water Oak Point at or near Lat. 39° 9.132' N., Long. 76° 30.533' W., then running 329° True to a point at or near the shore at the north side of Rock Creek, at or near Lat. 39° 9.240' N., Long. 76° 30.618' W. This area has a 6-knot [(6.9 miles per hour)] speed limit at all times during the boating season [which is April 15 through October 15].*

(3) *Wall Cove and Tar Cove* encompasses the area upstream of a line beginning at a point at or near the shore at the N. entrance of Wall Cove, [defined by Lat. 39°09.257'N., Long. 76°30.057'W.; then running approximately 185° True to a point at or near the south entrance of Wall Cove, defined by Lat. 39°09.036'N., Long. 76°30.082'W] *at or near Lat. 39° 9.257' N., Long. 76° 30.050' W., then running 224° True to a point, at or near Lat. 39° 9.098' N., Long. 76° 30.246' W., then running 279° True to a point, at or near Lat. 39° 9.132' N., Long. 76° 30.533' W. This area has a 6-knot [(6.9 miles per hour)] speed limit at all times during the boating season [which is April 15 through October 15].*

- D. — F. (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 10

**DEPARTMENT OF HEALTH
AND MENTAL HYGIENE**

Subtitle 06 DISEASES

**10.06.04 School Health Services and Required
Immunizations Before Entry into School**

Authority: Education Article, §7-403, Annotated Code of Maryland

Notice of Proposed Action

[12-232-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation **.03** under **COMAR 10.06.04 School Health Services and Required Immunizations Before Entry into School**.

Statement of Purpose

The purpose of this action is to:

- (1) Add Tetanus-diphtheria-acellular pertussis (Tdap) and meningococcal vaccines as a 7th grade school entry requirement;
- (2) Add a varicella booster dose as a kindergarten entry requirement; and
- (3) Change the number of doses for certain vaccines.

All changes are recommended by the national Advisory Committee on Immunization Practices. The amendments to the school requirements will become effective starting September 2014.

These proposed regulations were developed through a deliberative and inclusive process. The Department researched regulations of other states and sought recommendations from the American Academy of Pediatrics MD Chapter, the State Department of Education, local health officers, the Statewide Advisory Commission on Immunizations, and MedChi. Draft regulations were posted on the Department's website and a notice was printed in the Maryland Register to solicit informal public comments. The informal comment period expired on May 18, 2012. Approximately 10 comments were received. Most comments were positive and supportive of the proposed changes. A few comments received asked for clarifications related to vaccine dosage and age of children. The Department is grateful to those who contributed their comment throughout the development of these regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to regs@dnhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.03 Required Immunizations.

A. Except as provided in Regulations .04—.06 of this chapter, a preschool or school principal or other person in charge of a preschool or school, public or private, may not knowingly admit a student to or retain a student in a:

(1)—(2) (text unchanged)

(3) Preschool program or kindergarten through the 12th grade unless the student’s parent or guardian has furnished evidence of age-appropriate immunity against:

(a)—(f) (text unchanged)

(g) Hepatitis B; [and]

(h) Varicella;

(i) Meningitis; and

(j) *Tetanus-diphtheria-acellular pertussis acquired through a Tetanus-diphtheria-acellular pertussis (Tdap) vaccine.*

B. (text unchanged)

C. Except as provided in Regulations .04—.06 of this chapter and §A(3) of this regulation, a student shall obtain immunizations in accordance with the schedule of immunizations recommended by the Medical and Chirurgical Faculty of Maryland and the Secretary, as set forth in §D of this regulation and as required to be implemented in [§E] §§E and F of this regulation.

D. Schedule of Immunizations.

(1) (text unchanged)

(2) Student in Kindergarten Through 12th Grade.

(a) In order for the immunization status of a student enrolled in kindergarten through 12th grade to be complete, the student’s parent or guardian shall provide proof of the immunizations or immunity as outlined in [§D(2)(b)—(j)] §D(2)(b)—(l) of this regulation.

(b)—(e) (text unchanged)

(f) Rubella.

(i) [One dose] *Two doses* of live rubella virus vaccine [is] *are* required when the student is 1 year old or older; or

(ii) (text unchanged)

(g) (text unchanged)

(h) Mumps.

(i) [One dose] *Two doses* of live mumps virus vaccine [is] *are* required when the student is 1 year old or older; or

(ii) (text unchanged)

(i) Hepatitis B.

(i) Three doses of hepatitis B vaccine [is] *are* required [per schedule of implementation in §E of this regulation]; or

(ii) (text unchanged)

(j) Varicella.

(i) (text unchanged)

(ii) Per the schedule of implementation in §E(1) of this regulation and except as provided in §D(2)(j)(iii) of this regulation, one dose of live varicella vaccine is required for a student younger than 13 years old, or two doses of live varicella vaccine are required for a student 13 years old or older, if the student does not have proof of vaccination against varicella at an age younger than 13 years old.

(iii) Proof of immunity from varicella by blood test or by medical diagnosis indicated by month and year of diagnosis may be provided instead of meeting the requirements of §D(2)(j)(ii) *or* (iv) of this regulation.

(iv) *Per the schedule of implementation in §E(2) of this regulation and except as provided in §D(2)(j)(iii) of this regulation, two doses of live varicella vaccine are required.*

(k) *Meningococcal. One dose of meningococcal vaccine is required per the schedule of implementation in §F of this regulation.*

(l) *Tetanus-diphtheria-acellular pertussis (Tdap). One dose of Tetanus-diphtheria-acellular pertussis (Tdap) immunization vaccine is required per the schedule of implementation in §F of this regulation.*

(3) (text unchanged)

E. Schedule of Implementation: [Hepatitis B and] Varicella Effective Immunization Dates for a Student in [Preschool] *Kindergarten* Through 12th Grade.

(1) As set forth in §E(2) of this regulation, by the date listed in Column 1, the parent or guardian of a student entering the grade listed in Column 2 shall provide proof to the [preschool or] school that the student:

(a) Has received [three doses of hepatitis B vaccine and] age appropriate vaccination with varicella vaccine; or

(b) Is immune to [hepatitis B and] varicella by providing the results of a blood test or [other test] *a medical diagnosis indicated by month and year of diagnosis.*

[(2) Immunization Dates for a Student in Preschool Through 12th Grade.]

(table proposed for repeal)

(2) *One-Dose Requirement Immunization Dates for a Student in Kindergarten Through 12th Grade.*

Date	Grade
September 2011, 2012, 2013	K, 1,2,3,4,5,6,7,8,9,10,11,12
September 2014	1,2,3,4,5,6,7,8,9,10,11,12
September 2015	2,3,4,5,6,7,8,9,10,11,12
September 2016	3,4,5,6,7,8,9,10,11,12
September 2017	4,5,6,7,8,9,10,11,12
September 2018	5,6,7,8,9,10,11,12
September 2019	6,7,8,9,10,11,12
September 2020	7,8,9,10,11,12
September 2021	8,9,10,11,12
September 2022	9,10,11,12
September 2023	10,11,12
September 2024	11,12
September 2025	12

(3) *As set forth in §E(4) of this regulation, by the date listed in Column 1, the parent or guardian of a student entering the grade listed in Column 2 shall provide proof to the kindergarten or school that the student:*

(a) *Has received two doses of varicella vaccine; or*

(b) *Is immune to varicella by providing the results of a blood test or a medical diagnosis indicated by month and year of diagnosis.*

(4) *Two-Dose Requirement Immunization Dates for a Student in Kindergarten Through 12th Grade.*

Date	Grade
September 2014	K
September 2015	K,1
September 2016	K,1,2
September 2017	K,1,2,3
September 2018	K,1,2,3,4
September 2019	K,1,2,3,4,5
September 2020	K,1,2,3,4,5,6
September 2021	K,1,2,3,4,5,6,7
September 2022	K,1,2,3,4,5,6,7,8
September 2023	K,1,2,3,4,5,6,7,8,9
September 2024	K,1,2,3,4,5,6,7,8,9,10
September 2025	K,1,2,3,4,5,6,7,8,9,11
September 2026	K,1,2,3,4,5,6,7,8,9,10,11,12

F. Schedule of Implementation: *Meningococcal and Tetanus-diphtheria-acellular pertussis (Tdap) Effective Immunization Dates for a Student in Preschool Through 12th Grade.*

(1) *As set forth in §F(2) of this regulation, by the date listed in Column 1, the parent or guardian of a student entering the grade*

listed in Column 2 shall provide proof to the preschool or school that the student has received one dose of:

- (a) Meningococcal immunization vaccine; and
- (b) Tetanus-diphtheria-acellular pertussis (Tdap) immunization vaccine.

(2) Immunization Dates for a Student in 7th Through 12th Grade.

Date	Grade
September 2014	7
September 2015	7, 8
September 2016	7, 8, 9
September 2017	7, 8, 9, 10
September 2018	7, 8, 9, 10, 11
September 2019	7, 8, 9, 10, 11, 12

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

Subtitle 10 LABORATORIES

10.10.03 Medical Laboratories — Licenses

Authority: Health-General Article, §17-205, Annotated Code of Maryland

Notice of Proposed Action

[12-216-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under **COMAR 10.10.03 Medical Laboratories — Licenses**.

Statement of Purpose

The purpose of this action is to add CLIA waived Prothrombin Time/International Normalized Ratio (PT/INR) to the list of tests that qualify for a Letter of Exception under COMAR 10.10.03.02B. In addition, the proposed amendments require testing sites to enroll into a proficiency testing program that has been approved by the Centers for Medicare and Medicaid Services (CMS) and to perform daily quality control checks to ensure validation of the testing sites measurement capabilities.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.02 Letters of Exception.

A. (text unchanged)

B. Excepted Tests. A POL or POCL operating under a letter of exception may perform one or more of the following excepted tests or types of tests:

(1)—(31) (text unchanged)

(32) Qualitative enzyme activity test using a chromogenic substrate of bacterial sialidase for use in the detection of bacterial vaginosis directly from [a] vaginal fluid specimens; [and]

(33) Qualitative immunochromatographic test to detect the presence of Trichomonas vaginalis antigens directly from a vaginal swab; and

(34) CLIA-waived Prothrombin Time/International Normalized Ratio (PT/INR) with the additional requirements that:

(a) The licensee shall enroll into a proficiency testing program offered by an entity that has been approved by the Centers for Medicare and Medicaid Services (CMS) to ensure validation of all measurement capabilities for the instrument used to perform the test; and

(b) When the numerical score is less than 80 percent, the licensee shall submit the official proficiency test results to the Office of Health Care Quality for review and monitoring with evidence of documented remedial actions taken.

C. Regulatory Requirements. An individual required to obtain a license to operate a laboratory who chooses to operate under a letter of exception shall:

(1) Obtain, complete, and file an application as prescribed in Regulation .04 of this chapter; and

[(2) Complete a report or questionnaire as required by the Secretary to determine regulatory compliance; and]

[(3)] (2) Comply with good laboratory practices that include:

(a)—(b) (text unchanged)

(c) Performing [applicable instrument calibration procedures at least once every 6 months] and documenting quality control procedures using applicable levels of control materials each day of testing;

(d) Performing and documenting [quality control procedures using applicable levels of control materials each day of testing; and] that remedial action has been taken when problems or errors are identified;

[(e) Performing and documenting that remedial action has been taken when problems or errors are identified]

(e) Documenting lot numbers of all quality control reagents used; and

(f) Performing and documenting test system function for instruments with internal quality controls on each day of testing.

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

Subtitle 34 BOARD OF PHARMACY

10.34.11 Disciplinary Sanctions, Monetary Penalties, and Civil Fines

Authority: Health Occupations Article, §§1-606, 12-313, 12-314, 12-409, 12-410, 12-601, 12-6B-09, 12-6B-10, 12-6C-11, and 12-707, Annotated Code of Maryland

Notice of Proposed Action

[12-231-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations .01—.07 and adopt new Regulations .01—.11 under **COMAR 10.34.11 Disciplinary Sanctions, Monetary Penalties, and Civil Fines**. This action was considered by the Board of Pharmacy at a public meeting held on June 20, 2012, notice of which was given by publication on the Board of Pharmacy

website, <http://dhmh.maryland.gov/pharmacy/SitePages/Home.aspx>, from June 1, 2012—June 20, 2012, pursuant to the State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to revise COMAR 10.34.11 to comply with statutory requirements as amended by Health Occupations Article, §1-606, Annotated Code of Maryland. The revisions include new Board of Pharmacy sanctioning guidelines, including: (1) a range of sanctions for each type of violation for pharmacy permit holders, pharmacists, pharmacy technicians, and wholesale distributors; and (2) a list of mitigating and aggravating circumstances that may be used to decide if a sanction falls within or outside the established range of sanctions. The sanctioning guidelines may be used as a guide for sanctioning pharmacy permit holders, pharmacists, pharmacy technicians, and wholesale distributors in formal and informal proceedings.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposal provides sanctioning guidelines for pharmacies, pharmacists, pharmacy technicians, and wholesale distributors. These guidelines provide information concerning how pharmacies, pharmacists, pharmacy technicians, and wholesale distributors may be disciplined if the Maryland Pharmacy Act or Board of Pharmacy Regulations is violated. To the extent that licensees are found guilty of violating the Maryland Pharmacy Act or Board of Pharmacy Regulations, there will be a fiscal impact.

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

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

A. and D. To the extent that licensees, permit holders, or registrants are found guilty of violating the Maryland Pharmacy Act of Board of Pharmacy Regulations, there will be a fiscal impact. The guidelines provide in advance the sanctions that may be imposed. It is indeterminable how many licensees, permit holders, or registrants will violate the law or regulations or both.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.01 Scope.

This chapter establishes standards for the imposition of disciplinary sanctions, monetary penalties, and civil fines for violations of Health Occupations Article, Title 12, Annotated Code of Maryland.

.02 Definitions.

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

B. *Terms Defined.*

- (1) *“Act” means Health Occupations Article, Title 12, Annotated Code of Maryland.*
- (2) *“Board” means the State Board of Pharmacy.*
- (3) *“Civil fine” means a fine assessed by the Board against a person for practicing without an active license, pharmacy permit, registration, or wholesale distributor permit.*
- (4) *“License” means, unless the context requires otherwise, a license issued by the Board to practice pharmacy.*
- (5) *“Penalty” means monetary penalty.*
- (6) *“Pharmacy permit” means a permit issued by the Board to establish and operate a pharmacy.*
- (7) *“Registration” means, unless the context requires otherwise, a registration issued by the Board to perform delegated pharmacy acts under the direct supervision of a licensed pharmacist.*
- (8) *“Sanction” means a disciplinary action reprimanding, restricting, suspending, or revoking a license, pharmacy permit, registration, or wholesale distributor permit.*
- (9) *“Wholesale distributor permit” means a permit issued by the Board to establish and operate a wholesale distributor as defined in the Health Occupations Article, §12-6C-01(v), Annotated Code of Maryland.*

.03 Imposition of Disciplinary Sanctions or Monetary Penalties Generally.

A. *After a hearing pursuant to Health Occupations Article, §12-315, 12-601, or 12-6B-09, Annotated Code of Maryland, the Board may impose a penalty against a pharmacy technician, pharmacist, or wholesale distributor permit holder pursuant to Health Occupations Article, §12-314, 12-6B-10, or 12-6C-11, Annotated Code of Maryland, instead of or in addition to:*

- (1) *Reprimanding the registrant, licensee, or wholesale distributor permit holder;*
- (2) *Placing the registrant, licensee, or wholesale distributor permit holder on probation;*
- (3) *Suspending a registration, license, or wholesale distributor permit; or*
- (4) *Revoking a registration, license, or wholesale distributor permit.*

B. *After a hearing pursuant to Health Occupations Article, §12-411, Annotated Code of Maryland, the Board may impose a penalty against a pharmacy permit holder pursuant to Health Occupations Article, §12-410, Annotated Code of Maryland:*

- (1) *Instead of or in addition to suspending the pharmacy permit; or*

(2) In addition to revoking the pharmacy permit.

C. Notwithstanding the guidelines set forth in this chapter, in order to resolve a pending disciplinary action, the Board and the registrant, licensee, pharmacy permit holder, or wholesale distributor permit holder may agree to a surrender of a registration, license, pharmacy permit, or wholesale distributor permit or a

consent order with terms, sanction, and penalty agreed to by the Board and the registrant, licensee, pharmacy permit holder, or wholesale distributor permit holder.

D. Nothing in this chapter prohibits the Board from staying any period of nonactive suspension.

.04 Guidelines for Imposition of Disciplinary Sanctions or Monetary Penalties on Pharmacists.

A. Subject to the provisions of this chapter, the Board may impose the following sanctions and, if appropriate, penalties for violations of the Act and its regulations according to the minimum and maximum sanctions and penalties set forth in the following categories:

	<i>Violation</i>	<i>Minimum Sanction</i>	<i>Maximum Sanction</i>	<i>Minimum Penalty</i>	<i>Maximum Penalty</i>
(1)	<i>Fraudulently or deceptively obtaining or attempting to obtain a license</i>	<i>Probation for 1 year</i>	<i>Denial of license application or revocation</i>	<i>\$500</i>	<i>\$10,000</i>
(2)	<i>Fraudulently or deceptively using a license</i>	<i>Suspension for 30 days</i>	<i>Revocation</i>	<i>\$1,000</i>	<i>\$10,000</i>
(3)	<i>Aiding an unauthorized individual to practice pharmacy</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$250</i>	<i>\$10,000</i>
(4)	<i>Failure to provide supervision</i>	<i>Reprimand</i>	<i>Probation for 3 years</i>	<i>\$250</i>	<i>\$5,000</i>
(5)	<i>Delegating a pharmacy act to an unauthorized individual</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$250</i>	<i>\$10,000</i>
(6)	<i>Providing professional services while under the influence of alcohol or drugs</i>	<i>Probation for 6 months</i>	<i>Revocation</i>	<i>\$500</i>	<i>\$10,000</i>
(7)	<i>Submitting a false statement to collect a fee</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$250</i>	<i>\$10,000</i>
(8)	<i>Record keeping violation</i>	<i>Probation for 1 year</i>	<i>Active suspension for 5 years</i>	<i>\$500</i>	<i>\$10,000</i>
(9)	<i>Adulteration or misbranding</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	<i>\$500</i>	<i>\$10,000</i>
(10)	<i>Providing or causing to provide any prescription form that bears the name, address, or other means of identification of a pharmacist or pharmacy to any authorized prescriber</i>	<i>Reprimand</i>	<i>Probation for 5 years</i>	<i>\$250</i>	<i>\$2,500</i>
(11)	<i>Providing remuneration to an authorized prescriber for referring an individual to a pharmacist or pharmacy for a product or service</i>	<i>Probation for 1 year</i>	<i>Active suspension for 5 years</i>	<i>\$1,000</i>	<i>\$10,000</i>
(12)	<i>Knowingly associating as a partner, co-owner, or employee of a pharmacy that is owned wholly or substantially by an authorized prescriber or group of authorized prescribers</i>	<i>Probation for 2 years</i>	<i>Active suspension for 5 years</i>	<i>\$1,000</i>	<i>\$10,000</i>

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(13)	<i>Dispensing any drug, device, or diagnostic for which a prescription is required without a prescription</i>	<i>Reprimand</i>	<i>Revocation</i>	\$250	\$10,000
(14)	<i>Convicted of, or pled guilty to, a felony or crime of moral turpitude</i>	<i>Probation for 2 years</i>	<i>Revocation</i>	\$500	\$10,000
(15)	<i>Reciprocal discipline</i>	<i>Reprimand</i>	<i>Revocation</i>	\$250	\$10,000
(16)	<i>Failure to cooperate in an investigation of the Board or its agent</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	\$500	\$10,000
(17)	<i>Physical or mental incompetence</i>	<i>Probation for 2 years</i>	<i>Revocation</i>	N/A	N/A
(18)	<i>Confidentiality violation</i>	<i>Reprimand</i>	<i>Revocation</i>	\$250	\$10,000
(19)	<i>Diversion</i>	<i>Active suspension for 1 year</i>	<i>Revocation</i>	\$1,000	\$10,000
(20)	<i>Standard of care violation</i>	<i>Reprimand</i>	<i>Revocation</i>	\$500	\$10,000
(21)	<i>Sexual misconduct</i>	<i>Active suspension for 1 year</i>	<i>Revocation</i>	\$2,500	\$10,000
(22)	<i>Failure to comply with an order of the Board</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	\$500	\$10,000
(23)	<i>Other violation of the Act not specifically enumerated in this chapter</i>	<i>Reprimand</i>	<i>Revocation</i>	\$250	\$10,000

B. If a licensee is found in violation of more than one category enumerated in this regulation, the category or categories containing the highest maximum sanction and penalty shall control.

C. A departure from the guidelines set forth in this regulation, on its own, is not grounds for any hearing or appeal of a Board action.

D. The Board may not consider a petition for reinstatement of a license that has been revoked until at least 5 years have passed from the date of revocation.

.05 Guidelines for Imposition of Disciplinary Sanctions or Monetary Penalties on Pharmacy Technicians.

A. Subject to the provisions of this chapter, the Board may impose the following sanctions and, if appropriate, penalties for violations of the Act and its regulations according to the minimum and maximum sanctions and penalties set forth in the following categories:

	<i>Violation</i>	<i>Minimum Sanction</i>	<i>Maximum Sanction</i>	<i>Minimum Penalty</i>	<i>Maximum Penalty</i>
(1)	<i>False application and registration</i>	<i>Probation for 1 year</i>	<i>Denial of registration application or revocation</i>	\$50	\$2,500
(2)	<i>Performing acts outside of permissible scope</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	\$50	\$2,500
(3)	<i>Convicted of, or pled guilty to, a felony or crime of moral turpitude</i>	<i>Probation for 1 year</i>	<i>Denial of registration application or revocation</i>	\$500	\$2,500
(4)	<i>Physical or mental incompetence</i>	<i>Active suspension for 1 year</i>	<i>Denial of registration application or revocation</i>	N/A	N/A
(5)	<i>Diversion</i>	<i>Active suspension for 1 year</i>	<i>Revocation</i>	\$1,000	\$2,500
(6)	<i>Reciprocal discipline</i>	<i>Reprimand</i>	<i>Denial of registration application or revocation</i>	\$250	\$2,500
(7)	<i>Lack of good moral character</i>	<i>Probation for 1 year</i>	<i>Denial of registration application or revocation</i>	N/A	N/A
(8)	<i>Sexual misconduct</i>	<i>Active suspension for 1 year</i>	<i>Revocation</i>	\$1,000	\$2,500
(9)	<i>Professional incompetence</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	\$100	\$2,500
(10)	<i>Confidentiality violation</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	\$1,000	\$2,500
(11)	<i>Failure to cooperate in Board or Division of Drug Control investigation</i>	<i>Reprimand</i>	<i>Denial of registration application or revocation</i>	\$1,000	\$2,500
(12)	<i>Other violation of the Act not specifically enumerated in this chapter</i>	<i>Reprimand</i>	<i>Revocation</i>	\$50	\$2,500

B. If a registrant is found in violation of more than one category enumerated in this regulation, the category or categories containing the highest maximum sanction and penalty shall control.

C. A departure from the guidelines set forth in this regulation, on its own, is not grounds for any hearing or appeal of a Board action.

D. The Board may not consider a petition for reinstatement of a registration that has been revoked until at least 5 years have passed from the date of revocation.

.06 Guidelines for Imposition of Disciplinary Sanctions or Monetary Penalties on Pharmacy Permit Holder.

A. Subject to the provisions of this chapter, the Board may impose the following sanctions and, if appropriate, penalties for violations of the Act and its regulations according to the minimum and maximum sanctions and penalties set forth in the following categories:

	Violation	Minimum Sanction	Maximum Sanction	Minimum Penalty	Maximum Penalty
(1)	False application and registration	Suspension for 30 days	Denial of permit application or revocation	\$500	\$5,000
(2)	Misrepresenting a permit	Active suspension for 1 year	Revocation	\$250	\$10,000
(3)	Failure to notify the Board of closing	N/A	N/A	\$500	\$10,000
(4)	Failure to notify the Board of a change in ownership	Suspension for 30 days	Revocation	\$750	\$10,000
(5)	Failure to maintain necessary equipment and appliances	Suspension for 30 days	Revocation	\$250	\$10,000
(6)	Failure to keep pharmacy clean and orderly	Suspension for 30 days	Active suspension for 6 months	\$250	\$5,000
(7)	Failure to maintain proper security	Suspension for 30 days	Revocation	\$250	\$10,000
(8)	Employing unlicensed or unregistered personnel	Suspension for 30 days	Revocation	\$1,000	\$10,000
(9)	Reciprocal discipline	Suspension for 30 days	Revocation	\$1,000	\$10,000
(10)	Failure to cooperate in Board or Division of Drug Control investigation	Suspension for 30 days	Revocation	\$250	\$10,000
(11)	Failure to store drugs or devices in accordance with Board regulations	Suspension for 30 days	Revocation	\$1,000	\$10,000
(12)	Failure to have a pharmacist on the premises at all times the pharmacy is operational	Suspension for 30 days	Revocation	\$2,500	\$10,000
(13)	Record keeping violation	Suspension for 30 days	Active suspension for 1 year	\$500	\$5,000
(14)	Standard of practice violation	Suspension for 30 days	Revocation	\$500	\$10,000
(15)	Purchasing prescription drugs from an unlicensed wholesale distributor	Suspension for 30 days	Revocation	\$2,500	\$10,000
(16)	Other violation of the Act not specifically enumerated in this chapter	Suspension for 30 days	Revocation	\$50	\$10,000

B. If a pharmacy permit holder is found in violation of more than one category enumerated in this regulation, the category or categories containing the highest maximum sanction and penalty shall control.

C. A departure from the guidelines set forth in this regulation, on its own, is not grounds for any hearing or appeal of a Board action.

D. The Board may not consider a petition for reinstatement of a pharmacy permit that has been revoked until at least 5 years have passed from the date of revocation.

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.07 Guidelines for Imposition of Disciplinary Sanctions or Monetary Penalties on Wholesale Distributor Permit Holder.

A. Subject to the provisions of this chapter, the Board may impose the following sanctions and, if appropriate, penalties for violations of the Act and its regulations according to the minimum and maximum sanctions and penalties set forth in the following categories:

	<i>Violation</i>	<i>Minimum Sanction</i>	<i>Maximum Sanction</i>	<i>Minimum Penalty</i>	<i>Maximum Penalty</i>
(1)	<i>False application and registration</i>	<i>Probation for 1 year</i>	<i>Denial of permit application or revocation</i>	<i>\$1,000</i>	<i>\$10,000</i>
(2)	<i>Operating without a necessary permit</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	<i>\$1,000</i>	<i>\$500,000</i>
(3)	<i>Record keeping violation</i>	<i>Reprimand</i>	<i>Active suspension for 5 years</i>	<i>\$500</i>	<i>\$50,000</i>
(4)	<i>Failure to cooperate in an inspection or investigation by the Board or its agent</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$2,500</i>	<i>\$500,000</i>
(5)	<i>Receiving, creating, or distributing altered, misbranded, or counterfeit drugs or devices</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$1,000</i>	<i>\$500,000</i>
(6)	<i>Pedigree violation</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	<i>\$10,000</i>	<i>\$500,000</i>
(7)	<i>Purchasing, receiving, selling, or transferring prescription drugs or devices to or from and unlicensed source</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	<i>\$1,000</i>	<i>\$500,000</i>
(8)	<i>Providing false or fraudulent documents or statements to the Board</i>	<i>Active suspension for 1 year</i>	<i>Revocation</i>	<i>\$25,000</i>	<i>\$500,000</i>
(9)	<i>Distributing or receiving drugs or devices that were purchased by a public or private hospital or other health care entity</i>	<i>Probation for 2 years</i>	<i>Revocation</i>	<i>\$2,500</i>	<i>\$500,000</i>
(10)	<i>Distributing or receiving drugs or devices that were stolen or obtained by fraud or deceit</i>	<i>Probation for 3 years</i>	<i>Revocation</i>	<i>\$50,000</i>	<i>\$500,000</i>
(11)	<i>Convicted of, or pled guilty to, a felony or crime of moral turpitude</i>	<i>Probation for 2 years</i>	<i>Denial of permit application or revocation</i>	<i>\$5,000</i>	<i>\$500,000</i>
(12)	<i>Convicted of, or pled guilty to, a violation of federal, state, or local drug or device law or regulation</i>	<i>Reprimand</i>	<i>Denial of permit application or revocation</i>	<i>\$2,500</i>	<i>\$500,000</i>
(13)	<i>Distributing a prescription drug or device that was previously dispensed by a pharmacy or distributed by a practitioner</i>	<i>Active suspension for 2 years</i>	<i>Revocation</i>	<i>\$50,000</i>	<i>\$500,000</i>
(14)	<i>Failure to report prohibited acts</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$500</i>	<i>\$500,000</i>
(15)	<i>Reciprocal discipline</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$500</i>	<i>\$500,000</i>
(16)	<i>Failure to comply with conditions of probation</i>	<i>Probation for 1 year</i>	<i>Revocation</i>	<i>\$10,000</i>	<i>\$500,000</i>
(17)	<i>Other violation of the Act not specifically enumerated in this chapter</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>\$500</i>	<i>\$500,000</i>

B. If a wholesale distributor permit holder is found in violation of more than one category enumerated in this regulation, the category or categories containing the highest maximum sanction and penalty shall control.

C. A departure from the guidelines set forth in this regulation, on its own, is not grounds for any hearing or appeal of a Board action.

D. The Board may not consider a petition for reinstatement of a wholesale distributor permit that has been revoked until at least 5 years have passed from the date of revocation.

.08 Mitigating and Aggravating Factors to Be Considered in the Assessment of the Sanction and Penalty.

A. Depending upon the facts and circumstances of each case, and to the extent that they apply, the Board may consider the following mitigating and aggravating factors in determining whether the sanction in a particular case should fall outside the range of sanctions established by the guidelines. These factors may include, but are not limited to, the following:

(1) Mitigating Factors:

(a) The licensee's, registrant's, or permit holder's lack of a prior disciplinary record;

(b) The licensee, registrant, or permit holder self-reported the violation to the Board;

(c) The licensee's, registrant's, or permit holder's full and voluntary admission of misconduct to the Board and cooperation during Board proceedings;

(d) The licensee, registrant, or permit holder implemented remedial measures to correct or mitigate harm arising from the misconduct;

(e) The licensee, registrant, or permit holder made a timely good-faith effort to make restitution or to rectify the consequences of the misconduct;

(f) Evidence of rehabilitation or rehabilitative potential;

(g) Absence of premeditation to commit the misconduct;

(h) Absence of potential harm to public or adverse impact;

and

(i) The licensee's, registrant's, or permit holder's conduct was an isolated incident and not likely to recur; and

(2) Aggravating Factors:

(a) The licensee, registrant, or permit holder has a previous criminal or administrative disciplinary history;

(b) The violation was committed deliberately or with gross negligence or recklessness;

(c) The violation had the potential for, or caused, serious patient harm;

(d) The violation was part of a pattern of detrimental conduct;

(e) The licensee, registrant, or permit holder was motivated to perform the violation for financial gain;

(f) The vulnerability of the patient or customer;

(g) The licensee, registrant, or permit holder attempted to hide error or misconduct from patients or others;

(h) Previous attempts at rehabilitation of the licensee, registrant, or permit holder were unsuccessful; and

(i) The licensee, registrant, or permit holder committed the violation under the guise of treatment.

B. The existence of one or more of these factors does not impose on the Board or an Administrative Law Judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set forth in this chapter.

C. Nothing in this regulation requires the Board or an Administrative Law Judge to make findings of fact with respect to any of these factors.

.09 Civil Fines to Pharmacists, Pharmacy Technicians, and Pharmacy Permit Holders.

A. Practicing on an Expired License. The Board may assess a civil fine against a pharmacist who practices on an expired license in the amount of \$1,000 per month of practice past the expiration date of the license, up to a maximum fine of \$50,000.

B. Working on an Expired Registration. The Board may assess a civil fine against a pharmacy technician who works on an expired registration in the amount of \$25 per month of practice past the expiration date of the registration, up to a maximum fine of \$250.

C. Operating a Pharmacy on an Expired Permit. The Board may assess a civil fine against a permit holder that operates a pharmacy on an expired permit in the amount of \$5,000 per month of operation past the expiration date of the permit, up to a maximum fine of \$50,000.

D. Practicing or Operating Without a License, Registration, or Pharmacy Permit.

(1) The Board may assess a civil fine of no less than \$5,000 and no more than \$50,000 against:

(a) An individual who practices pharmacy without a license;

or

(b) An individual or entity that operates a pharmacy without a permit.

(2) The Board may assess a civil fine of no less than \$250 and no more than \$50,000 against an individual who works as an unregistered pharmacy technician.

(3) Factors in determining the amount of a fine include, but are not limited to, the following:

(a) The extent to which the individual or entity derived any financial benefit from the unauthorized practice or operation;

(b) The willfulness of the unauthorized practice or operation;

(c) Actual or potential public harm caused by the unauthorized practice or operation; and

(d) The length of time in which the individual or entity engaged in the unauthorized practice or operation.

.10 Civil Fines to Wholesale Distributor Permit Holders.

A. Operating on an Expired Wholesale Distributor Permit. The Board may assess a civil fine against a permit holder that operates on an expired wholesale distributor permit in the following amount:

(1) A maximum of \$10,000 per month of operation past the expiration date of the permit, if the annual gross receipts in Maryland of the permit holder for the previous tax year were less than \$10,000,000, up to a maximum fine of \$500,000; or

(2) A maximum of \$25,000 per month of operation past the expiration date of the permit, if the annual gross receipts in Maryland of the permit holder for the previous tax year were \$10,000,000 or more, up to a maximum fine of \$500,000.

B. Practicing Without a License.

(1) The Board may assess a civil fine of no less than \$10,000 and no more than \$500,000 against an individual or entity that operates a wholesale distributor without a license.

(2) Factors in determining the amount of a fine include, but are not limited to, the following:

(a) The size of the wholesale distributor;

(b) The gravity of the violation for which the fine is to be imposed;

(c) The good faith of the wholesale distributor;

(d) Any previous violations by the wholesale distributor;

(e) Actual or potential public harm caused by the unauthorized operation; and

(f) The length of time in which the entity engaged in the unauthorized operation.

.11 Payment of a Penalty.

A. A licensee, registrant, or permit holder shall pay to the Board a penalty imposed under this chapter within 30 days of the date the Board's order is issued, unless the Board's order specifies otherwise.

B. Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §12-316, 12-412, or 12-601, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board pursuant to this chapter.

C. If a licensee, registrant, or permit holder fails to pay, in whole or in part, a penalty imposed by the Board pursuant to this chapter, the Board may not restore, reinstate, or renew a license, registration, or permit until the penalty has been paid in full.

D. In its discretion, the Board may refer cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.

E. Deposit of Monies.

(1) The Board shall pay monies collected pursuant to this chapter, except for civil fines collected under Regulation .09 of this chapter, into the State's General Fund.

(2) Civil Fines.

(a) The Board shall pay civil fines collected under Regulation .09 of this chapter into the State Board of Pharmacy Fund, in accordance with Health Occupations Article, §12-707(e)(2), Annotated Code of Maryland.

(b) The Board shall pay civil fines collected under Regulation .10 of this chapter into the State's General Fund.

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

**Title 13A
STATE BOARD OF
EDUCATION**

**Subtitle 14 CHILD AND FAMILY DAY
CARE**

13A.14.06 Child Care Subsidy Program

Authority: Family Law Article, §§5-550, 5-551, and 5-573, Annotated Code of Maryland Agency Note: Federal Regulatory Reference—45 CFR 98, 99

Notice of Proposed Action

[12-229-P]

The State Superintendent of Schools proposes to amend Regulations .02, .05, .08, and .09 under **COMAR 13A.14.06 Child Care Subsidy Program**.

Statement of Purpose

The purpose of this action is to clarify the status of families who are unable to receive Child Care Subsidy program services due to insufficient program funds.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Besty Blair, Program Manager, Child Care Subsidy, Maryland State Department of Education, Division of Early Childhood Development, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7845 (TTY 410-333-6442), or email to betsy.blair@msde.state.md.us, or fax to 410-333-6226 . Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (42) (text unchanged)

(43) "Program freeze" means that the list of available providers has been exhausted or there are insufficient funds to provide a child care subsidy to all eligible families.

[(43)] (44) — [(61)] (62) (text unchanged)

.05 Application Process.

A. — D. (text unchanged)

E. [Waiting List.] Program Freeze.

(1) The local department shall inform an applicant that [the applicant will be placed on a waiting list] a program freeze exists and that a child care placement cannot be made immediately when the:

(a) — (b) (text unchanged)

[(2) In accordance with Regulation .08A of this chapter, an open case on the waiting list is not subject to redetermination if its presence on the waiting list is due to insufficient program funds.]

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

F. — I. (text unchanged)

.08 Redetermination and Termination.

A. [Except that a family with an open case on the waiting list may not be redetermined while on the waiting list if its placement on that list is due to insufficient program funds, a local department shall make a determination of child care need for a family:] Unless a family with an open case is placed on program freeze status due to insufficient program funds, a local department shall make a determination of child care need for a family:

(1) — (3) (text unchanged)

B. — C. (text unchanged)

.09 Payments for Child Care Services.

A. — E. (text unchanged)

F. Additional Costs.

(1) — (4) (text unchanged)

(5) For a child with a disability, the payment rates specified in §§B and C of this regulation apply, except if the service provider offers documentation to the local department that the cost of caring for the child with a disability exceeds the reasonable accommodation definition, in which case:

(a) The local department shall approve the additional cost not to exceed the annual allocated amount up to 15 percent above the rates set out in §§[C] B and [D] C of this regulation; or

(b) (text unchanged)

(6) (text unchanged)

G. — I. (text unchanged)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

*Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707,
Annotated Code of Maryland*

Notice of Proposed Action [12-228-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01 — .11 under a new chapter, **COMAR 13B.05.01 Fully Online Programs**, under a new subtitle, **Subtitle 05 Fully Online Programs**. This action was considered by the Commission at an open meeting held on June 27, 2012, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to implement Ch. 595, Acts of 2012, which establishes the requirement that an institution of postsecondary education enrolling Maryland students in a fully online distance education program in the State be registered with the Commission.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Institutions of postsecondary education registering to provide fully online distance education in Maryland will pay a registration fee, creating new revenues. The Commission will need additional personnel to administer the new registration program, creating new expenditures in the Commission’s operating budget.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Revenues	(R+)	\$260,000
(2) Personnel Costs	(E+)	\$121,319
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$260,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(-)	Uncertain

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

A(1). Approximately 650 out-of-State institutions have made inquiries with the Commission regarding providing fully online distance education to Maryland students. The Commission estimates that 40% of those 650 institutions, or 260 institutions, will register in FY 2013 and pay the \$1,000 fee.

A(2). According to the fiscal note for SB 843 (Ch. 595, Acts of 2012), the Commission will need three additional positions to administer the new law and regulations. The total cost for those positions in FY2013 is \$121,319, allowing for a 90-day start-up delay in hiring.

D. Out-of-State institutions seeking to provide fully online distance education in Maryland will have to pay the \$1,000 registration fee.

F. Out-of-State institutions will be paying the registration fees from their operating budgets and may pass this added cost on to Maryland students through increased tuition and fees.

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 Dr. Sue A. Blanshan, Director of Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3268, or email to sblansha@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.01 Definitions.

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

B. *Terms Defined.*

(1) “Commission” means the Maryland Higher Education Commission.

(2) “Institution” means an institution of higher education that enrolls one or more Maryland students in an online program.

(3) “Maryland student” means a student who is domiciled in Maryland on the date of enrollment at an institution.

(4) “Online program” has the same meaning as “fully online distance education program in the State” stated in Education Article, §11-202.2, Annotated Code of Maryland.

(5) “Secretary” means the Secretary of Higher Education.

(6) “State” means a state of the United States, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(7) “State authority” means the higher education certifying, approving, or regulatory authority of a state.

.02 Scope.

This chapter does not apply to an online program that is subject to review for approval or recommendation by the Commission under COMAR 13B.02.03.

.03 Delegation.

The Commission has delegated to the Secretary authority to act in its behalf on applications for registration filed by institutions under this chapter.

.04 Registration Required.

On and after July 1, 2012, an institution that enrolls a Maryland student in an online program:

A. Shall file an application for registration with the Commission within 3 months of enrolling the first Maryland student; and

B. Except as provided in Regulation .07B of this chapter, may not commence or continue to operate, do business, or function without registering with the Commission within 6 months of enrolling the first Maryland student.

.05 Accreditation Required.

An institution required to register under this chapter may not commence or continue to operate, do business, or function in this State unless it is accredited by an accrediting body recognized and approved by the U.S. Department of Education.

.06 Registration Procedure.

A. An institution seeking registration with the Commission as required in Regulation .04 of this chapter shall submit to the Commission:

(1) An application for registration in the form required by the Secretary;

(2) An application fee in the amount of \$1,000;

(3) Information on the ownership of the institution;

(4) A list of all online programs that will be offered to Maryland students, including program tuition and fee costs for those programs;

(5) Documentation that the institution is:

(a) Accredited by and in good standing with an accrediting body recognized and approved by the U.S. Department of Education;

(b) In good business standing in the state in which the central administration of the institution is incorporated;

(c) If the state in which the central administration of the institution is located has a state authority, in good academic standing with that state authority;

(d) In compliance with the principles of good practice for distance education established by the Commission in COMAR 13B.02.03; and

(e) In compliance with the refund policies in Regulation .10 of this chapter;

(6) Documentation that the institution has a process for the filing and resolution of complaints by Maryland students, including informing students that the institution is subject to investigation of complaints by the Office of the Attorney General or the Commission;

(7) An affidavit from the President or Chief Executive Officer of the institution affirming that:

(a) The institution has not filed for bankruptcy protection under Title 11 of the U.S. Code during its existence; and

(b) The President or Chief Executive Officer will:

(i) Abide by the requirements of Education Article, §11-202.2, Annotated Code of Maryland, and this chapter; and

(ii) Notify the Commission in reference to the matters set forth in Regulation .11 of this chapter; and

(8) If the institution is or will be enrolling Maryland students before registration is issued, a financial guarantee as provided in Regulation .07 of this chapter.

B. In addition to the requirements of §A of this regulation, an institution shall submit a copy of the institution's most recent financial statement reviewed by an independent accountant retained by the institution with its first application for registration and with subsequent applications for registration every 2 years.

C. Following the first registration, with each subsequent application for registration, an institution shall submit all data reports on Maryland students required by the Maryland Longitudinal Data System in the form required by the Commission,

D. An application is complete as of the day on which an institution submits all documentation required for the registration process.

E. If the Secretary finds that the institution is in compliance with the applicable requirements of Education Article, Title 11, Annotated Code of Maryland, and this chapter, the Secretary shall issue registration to the institution.

F. Secretary's Denial of Registration.

(1) If the Secretary is not satisfied that an institution is in compliance with applicable requirements of Education Article, Title 11, Annotated Code of Maryland, and this chapter, the Secretary shall issue a notice of deficiencies and preliminarily deny registration to the institution.

(2) Within 20 days of receipt of a notice of deficiencies, the institution denied registration may request a hearing before the Commission.

(3) If the institution does not file a timely request for a hearing on the notice of deficiencies, the Secretary's decision becomes final.

G. Secretary's Failure to Issue or Deny Registration.

(1) If the Secretary fails to issue a registration or a written notice of deficiencies within 6 months of the completed application, the institution may request a hearing before the Commission to determine whether the registration should be issued.

(2) The request shall be made within 20 days of the expiration of the 6-month period.

H. Hearing by Commission.

(1) The Commission may refer a request for hearing under §F or G of this regulation to the Office of Administrative Hearings.

(2) A hearing before the Commission shall be held within 60 days after receipt of the request for hearing.

(3) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(4) Within 30 days of the hearing, the Commission shall render a decision.

(5) The Commission may take the following action:

(a) Issue registration;

(b) Deny registration; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

I. Judicial Review.

(1) An institution that is denied registration by the Commission after a hearing under §H of this regulation has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

.07 Financial Guarantee.

A. If a Maryland student is enrolled before an institution is registered or when an institution's registration expires, the institution must file an application for registration as required in Regulation .04A of this chapter and provide a financial guarantee to the Commission in order to commence or continue operation.

B. An institution that files an application and provides a financial guarantee under this regulation may continue to operate without a registration while the Commission considers the institution's application, conducts a hearing concerning the institution's application, or participates in judicial review regarding the institution's application.

C. The financial guarantee shall be in the form required by the Secretary and conditioned that, if the institution is denied registration, the institution will provide 100 percent refunds of tuition and fees paid to the institution by all Maryland students.

D. The amount of the financial guarantee shall be ten times the average total program tuition and fee costs payable by an individual Maryland student enrolled at the institution.

E. While the financial guarantee is active, if the institution's tuition and fee liability to all Maryland students enrolled at the institution exceeds the amount of the financial guarantee, the Secretary may require that the amount of the guarantee be increased to a level to cover 100 percent refunds of tuition and fees paid to the institution by all Maryland students.

.08 Effect of Registration Denial.

If an institution is denied registration, the institution shall:

A. Immediately notify all Maryland students that their enrollment is terminated as of the date that registration is finally denied;

B. Within 60 days of the date that registration is finally denied, refund to each Maryland student 100 percent of tuition and fees paid to the institution; and

C. Provide documentation to the Commission that all refunds due to Maryland students have been timely made.

.09 Duration of Registration.

A. A registration is valid during 1 fiscal year from July 1 through June 30.

B. A registration issued at any time during a fiscal year expires on June 30 of that fiscal year.

C. An institution seeking registration for the next fiscal year following its current registration shall file an application for registration in accordance with Regulation .06 of this chapter.

.10 Refund Policy.

A. Except as provided in §B of this regulation, an institution's refund policy shall conform to this regulation and the institution shall provide for refunds of tuition to Maryland students as provided in this regulation.

B. If an institution's refund policy is more beneficial to Maryland students, the institution shall follow its refund policy and provide for refunds of tuition to Maryland students as provided in that policy.

C. Minimum Refund.

(1) The minimum refund that an institution shall pay to a Maryland student who withdraws or is terminated after completing only a portion of a course, program, or term within the applicable billing period is as follows:

Proportion of Total Course, Program, or Term Completed as of Date of Withdrawal or Termination	Tuition Refund
Less than 10%	90% refund
10% up to but not including 20%	80% refund
20% up to but not including 30%	60% refund
30% up to but not including 40%	40% refund
40% up to but not including 60%	20% refund
More than 60%	No refund

(2) A refund due to a Maryland student shall be based on the date of withdrawal or termination and paid within 60 days from the date of withdrawal or termination.

D. An institution's refund policy for Maryland students shall be clearly disclosed to and acknowledged by students at enrollment.

E. An institution shall maintain documentation to verify that a refund has been made.

.11 Institutional Operations.

An institution that is registered under this chapter shall:

A. Promptly notify the Commission of:

- (1) A change in ownership or a change in majority control;

- (2) A material change in the institution's financial status;
- (3) A filing for bankruptcy protection under Title 11 of the U.S. Code;

(4) A change in the institution's business standing in the state in which the central administration of the institution is incorporated;

(5) Any communication received from the state authority that regulates the institution regarding institutional or program status with regard to online programs in which Maryland students are enrolled; and

(6) Any communication from the institution's accrediting body that may impact the institution's status with the accrediting body;

B. Comply with the principles of good practice for distance education in COMAR 13B.02.03;

C. Make refunds to Maryland students as required by Regulation .10 of this chapter; and

D. Make public and post on its website:

- (1) Information on its registration with the Commission; and
- (2) The process for Maryland students to make complaints about the institution.

DANETTE GERALD HOWARD, Ph.D.
Secretary of Higher Education

Title 29
DEPARTMENT OF STATE
POLICE
Subtitle 06 FIRE PREVENTION
COMMISSION

Notice of Proposed Action

[12-222-P-I]

The Secretary of State Police proposes to:

(1) Amend Regulations .02, .06— .10, and .14 and repeal Regulation .12 under **COMAR 29.06.01 Fire Prevention Code**;

(2) Repeal Regulations .01— .04 under **COMAR 29.06.03 Approval of Testing Laboratories**; and

(3) Amend Regulations .03— .05, .07— .10, .12, .14, and .15 and repeal Regulations .11 and .16 under **COMAR 29.06.07 Ground-Based Sparkling Devices**.

Statement of Purpose

The purpose of this action is to conform regulations with the documents being incorporated by reference, The National Fire Prevention Association (NFPA) 1 Fire Code 2012 Edition, NFPA 101 Life Safety Code 2012 Edition, and certain requirements of the International Building Code as incorporated by reference by the Maryland Building Performance Standards and to repeal COMAR 29.06.03 Approval of Testing Laboratories.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Ritchie, Secretary, Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or call 877-890-0199, or email to msp.sfpcc@maryland.gov, or fax to 301-766-3889. Comments will be accepted through September 24, 2012. A public hearing will be held on August 30, 2012, at 10 a.m., at the Laurel Municipal Building Council Chamber, 8103 Sandy Spring Road, Laurel, Maryland 20707.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, NFPA 1 Fire Code, 2012 Edition, and NFPA 101 Life Safety Code, 2012 Edition, have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 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.

29.06.01 Fire Prevention Code

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

.02 Purpose.

A. (text unchanged)

B. This chapter incorporates by reference NFPA 1 Fire Code ([2009] 2012 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code ([2009] 2012 Edition), except as amended in Regulation .07 of this chapter. Certain requirements of the International Building Code as incorporated by reference by the Maryland Building Performance Standards are also adopted by incorporation by reference in Regulations .06—.16 of this chapter and are considered minimum standards.

C. (text unchanged)

.06 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

- (1) NFPA 1[,] Fire Code ([2009] 2012 Edition).
- (2) NFPA 101[,] Life Safety Code ([2009] 2012 Edition).
- (3) (text unchanged)

C. Incorporation by Reference Locations. The documents incorporated by reference in §B of this regulation are available for inspection at the following depositories:

- (1) (text unchanged)
- (2) Office of the State Fire Marshal, Northeast Regional Office, 2 South Bond Street, Suite 401, Bel Air, MD 21014, (410) 836-4844;
- (3) (text unchanged)
- (4) Office of the State Fire Marshal, Western Regional Office, [12 North Jonathan Street, Suite 100]18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, [(301) 791-4758] (301) 766-3888;
- (5)—(12) (text unchanged)
- (13) Thurgood Marshall Law Library, University of Maryland School of Law, 501 West Fayette Street, Baltimore, MD 21201,[(410) 706-6502] (410) 706-0784;
- (14) [McKeldin]Hornbake Library, University of Maryland, Marylandia and Rare Book Department, College Park, MD 20742, [(301) 405-0800] (301) 405-9210; and

(15) State Library Resource Center, Enoch Pratt [Central]Free Library, Maryland Department, 400 Cathedral Street, Baltimore, MD 21201, [(410) 396-5468] (410) 396-1789.

.07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code ([2009] 2012 Edition) is incorporated by reference, except for the following amendments:

[A.] (proposed for repeal)

B. Amend Subsection [3.3.57] 3.3.62 to add the following Paragraph: [3.3.57.3] 3.3.62.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

C. Amend Paragraph [3.3.131.1] 3.3.140.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete “more than 3, but”.

D. Amend Paragraphs [3.3.178.4] 3.3.188.4 and 6.1.4.1 to delete “four or more”.

E. Amend Paragraphs [3.3.178.12] 3.3.188.12 and 6.1.9.1 to replace “four” with “six”.

F. Amend Subsection 4.5.8 and Paragraph [4.6.13.1] 4.6.12.1 to delete “for compliance with the provisions of this Code”.

G. Amend Paragraph [4.6.13.3] 4.6.12.3 to delete “by the Code”.

H. (text unchanged)

H-1. Amend Subparagraph 7.2.1.5.12 to replace “required” with “provided”.

[H-1] H-2. (text unchanged)

H-3. Amend Subparagraph 7.2.1.7.1 to delete “required to be”.

H-4. Amend Subparagraph 7.2.1.7.3 to delete “Required”.

I.—K-1. (text unchanged)

K-2. Amend Paragraph 11.8.3.1 to add “High-rise buildings do not include a structure or building used exclusively for open-air parking.”

L. (text unchanged)

L-1. Amend Paragraphs 12.2.4.1 and 13.2.4.1 to add the following:

(1) Not less than two separate exits shall be provided on every story.

(2) Not less than two separate exits shall be accessible from every part of every story.

M. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs: [16.1.1.6 and 17.1.1.6] 16.1.1.8 and 17.1.1.8 Day-care centers providing day care for school-age children before [and] or after school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

N. (text unchanged)

O. Amend Sub-subparagraphs 16.6.1.4.1.1 and 17.6.1.4.1.1 to delete “more than three, but” and [change] replace “seven”[to] with “nine”.

P. Amend Sub-subparagraphs 16.6.1.4.1.2 and 17.6.1.4.1.2 to [change] replace “7” [to] with “9”.

Q. Amend Subparagraphs 16.6.1.7.1 and 17.6.1.7.1 to replace “both” with “all” and Items (1) and (2) with the following Items:

(1)—(4) (text unchanged)

R. Amend Paragraphs 16.6.2.1 and 17.6.2.1 and Subparagraphs 16.6.2.4.5 and 17.6.2.4.5 to add the following: Bulkhead doors may not serve as a primary means of escape.

S. Amend Paragraphs 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) to add the following: SLIDING DOOR: For family day-care homes, a sliding door used as a required means of [egress] escape shall comply with the following conditions:

(1)—(8) (text unchanged)

T. Amend Paragraphs 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) to add the following:

SPECIAL MEANS OF ESCAPE REQUIREMENTS: For family day-care homes, deadbolt locks shall be provided with approved interior latches, or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position. [These locks shall be unlocked at all times when the home is occupied for the purpose of family day care. Exception: A double-keyed dead-bolt lock may be used on the secondary means of escape if the key is readily accessible and the lock is unlocked when the home is occupied for family day care.]

[U.] — [V.] (proposed for repeal)

W.—GG. (text unchanged)

HH. Amend Paragraph 26.1.1.1 to [change] *replace* “buildings” [to] with “buildings that do not qualify as one- and two-family dwellings”.

HH-1. Amend Sub-subparagraph 33.3.3.4.8.1 to delete “33.3.4.8.2 and”.

HH-2. Delete Sub-subparagraph 33.3.3.4.8.2.

II. (text unchanged)

JJ. [Delete Paragraphs 36.4.4.8(1)(b) and 37.4.4.8(1)(b)] Amend Paragraph 38.2.4.4(3)(a) to replace “stories.” with “stories, with no other openings therein.”

KK. (text unchanged)

.08 National Fire Protection Association 1 Fire Code.

The NFPA 1 Fire Code ([2009] 2012 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A.—D. (text unchanged)

D-1. Amend Paragraph 1.12.6.13 to replace “Permits shall” with “Permits may”.

E. Amend Subsection [1.12.7] 1.12.8 to [change] *replace* “shall” [to] with “may”.

E-1. Amend Subsection 1.13.2 to delete “Mandatory.” and replace “shall” with “may”.

E-2. Delete Paragraphs 1.13.12.4 and 1.16.4.2.

F. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, [2009] 2012 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ. *Delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2009 edition.*

G. Amend Paragraph [3.3.115] 3.3.127 to add “and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland”.

H. Amend Paragraph [3.3.170.6] 3.3.182.6 to delete “more than 3 but”.

I. Amend Paragraphs [3.3.170.7] 3.3.182.7 and 6.1.4.1 to delete “four or more”.

J. Amend Paragraph [3.3.170.20] 3.182.22 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

J-1. Amend Subparagraph 3.3.182.23.3 to replace “of 30.8.1.3” with “for open parking structures” and “NFPA 5000. [5000, 2012]” with “NFPA 88A”.

K. Amend Paragraphs [3.3.170.23] 3.3.182.25 and 6.1.9.1 to replace “four” with “six”.

L.—N. (text unchanged)

O. Amend [Subsection] Subsections 10.5.1 and 10.5.2 to replace “AHJ” with “AHJ or incident commander”.

O-1. Amend Subsection 10.11.2 to replace “candles,” with “candles, sky lanterns,”.

P. Amend Subsection [10.11.6] 10.11.6.1 to replace “grill” with “gas-fired grill, charcoal grill” and “10 ft (3 m)” with “15 ft (4.6 m)”.

P-1. Amend Subsection 10.11.6.2 to replace “grill” with “gas-fired grill, charcoal grill”.

Q. Delete Paragraph [10.11.6.1] 10.11.6.3.

R.—S. (text unchanged)

T. [Replace Table 10.14.1.1 with the following Table:] (table proposed for repeal)

Amend Paragraph 10.14.1.1 to replace “Christmas” with “Unless otherwise approved by the AHJ, Christmas”.

U.—Z. (text unchanged)

AA. Amend Subsection 10.16.1 to replace “10 ft (3m)” with “15 ft (4.6m)” and “property line” with “property line, building, or adjacent pile of combustible material”[.]; and add the following: *The separation distance shall be allowed to be increased where the AHJ determines that a higher hazard to the adjoining property exists.*

[BB.] (proposed for repeal)

CC. (text unchanged)

CC-1. Amend Subsection 10.19.7 to replace “repaired” with “repaired on any balcony, under any overhanging portion, or”.

DD. (text unchanged)

EE. Amend Paragraph 11.1.9.3 to add the following Subparagraph: [11.1.9.3.3] 11.1.9.3.2 Doors to electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording in contrasting letters not less than 1 in. (25 mm) high and not less than 1/4 in. (6.4 mm) in stroke width.

EE-1. Amend Paragraph 11.3.6.1.1 to delete the second sentence and replace with the following: *All new keys shall be cut to a uniform key code to comply with the Maryland State Elevator Code.*

FF. (text unchanged)

GG. Amend [Paragraph 13.2.2.2 to delete existing wording and replace with the following: All new buildings shall be equipped with an approved standpipe system where required by the International Building Code as incorporated by reference by the Maryland Building Performance Standards. Where a Class III system is required, a Class I system shall be permitted.] Subsection 11.12.1 to add the following Paragraph: 11.12.1.1 *The provisions of this Section shall not apply to detached parking shade structures, carports, solar trellises, and similar structures.*

HH. (text unchanged)

II. Amend Paragraph 13.3.2.1 to add the following Subparagraph: 13.3.2.1.1 All new buildings shall be equipped with an automatic sprinkler system or other automatic fire suppression system where required by Section 903 of the International Building Code as incorporated by reference by the Maryland Building Performance Standards. [Exception: Day care facilities that comply with the sprinkler requirements of the NFPA 101 Life Safety Code (2009 Edition).]

JJ.—KK. (text unchanged)

[LL.] (proposed for repeal)

MM. (text unchanged)

MM-1. Amend Sub-subparagraph 13.6.9.1.2.1 to replace “certified” with “certified or licensed as required by the AHJ”.

MM-2. Delete Sub-subparagraphs 13.6.9.1.2.1.1, 13.6.9.1.2.1.2, 13.6.9.1.2.1.3, 13.6.9.1.2.1.4, 13.6.9.1.2.1.5, 13.6.9.1.2.1.6, and 13.6.9.1.2.2.

NN. (text unchanged)

[OO.] (proposed for repeal)

PP. Amend Sub-subparagraph [13.7.2.24.3.4] 13.7.2.24.4.4 to delete “existing”.

QQ. (text unchanged)

RR. Amend Paragraphs [18.1.1.1 and 18.1.1.2] 18.1.3.1 and 18.1.3.2 to replace “fire department” with “AHJ”.

[SS.] — [TT.] (proposed for repeal)

UU. (text unchanged)

UU-1. Amend Paragraph 18.4.5.2 to add the following Subparagraph: 18.4.5.2.3 Required fire flow shall be reduced by 75 percent for open parking structures of Type I or Type II construction that are not protected throughout by an automatic sprinkler system. The resulting fire flow shall not be less than 1,000 gpm (3,785 L/min.)

- VV. (text unchanged)
- [WW.] (proposed for repeal)
- XX.—BBB. (text unchanged)
- BBB-1. Delete Chapter 35.
- CCC.—EEE. (text unchanged)

.09 Fireworks and Explosive Materials.

The NFPA 1 Fire Code ([2009] 2012 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

- A. (text unchanged)
- B. Amend Sections 65.2, 65.3, and 65.4 to add the following:
 - (1) All applications for permits for display shall be filed at least 10 business days before the [fireworks] display is to be held.
 - (2)—(3) (text unchanged)
- C.—D. (text unchanged)
- E. Amend Subsection 65.9.1 reference to NFPA 495 as follows:
 - (1)—(2) (text unchanged)
 - (3) Amend Section 4.4 to add the following new Subsection: [4.4.6] 4.4.7 Each applicant for a Demolition Class D permit shall possess 5 years of experience in the field of demolition and shall pass the demolition examination as approved by the Office of the State Fire Marshal.
- E-1. Delete Subparagraph 65.10.6.4.5.
- F. Amend [Subsection 65.10.1] Section 74.1 reference to NFPA [490] 400 to delete Subsection [4.1.1] 11.1.3.

.10 Control of [Airblast] Air Overpressure and Ground Vibration for Blasting Operations.

- A. Control of [Airblast] Air Overpressure for Blasting Operations.
 - (1) This section applies to [airblast] air overpressure effects as recorded at the location of a private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation.
 - (2) *Written notification by e-mail or facsimile shall be provided to the Office of the State Fire Marshal Bomb Squad at least 24 hours prior to each blast. The name of company or contractor performing the blasting and the location, date, and approximate time shall be identified. The geographical coordinates (longitude and latitude) shall be provided.*
- [(2)] (3) [Airblast] Air overpressure from blasting shall be controlled so that the maximum allowable [airblast] air overpressure at:
 - (a)—(b) (text unchanged)
 - [(3)] (4) (text unchanged)
- B.—C. (text unchanged)
- D. Records.
 - (1) A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least 3 years, be available for inspection, and include the following items:
 - (a) (text unchanged)
 - (b) Location, date, and time of blast[:]. *The geographical coordinates (longitude and latitude) shall be identified;*
 - (c)—(q) (text unchanged)
 - (2) (text unchanged)
- E. (text unchanged)

.14 Sale and Use of Heaters and Stoves.

- A. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Fire Code ([2009] 2012 Edition) and NFPA 30 Flammable and Combustible Liquids Code ([2008] 2012 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.
- B. (text unchanged)

29.06.07 Ground-Based Sparkling Devices

Authority: Public Safety Article, §§6-206 and 10-109, Annotated Code of Maryland

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “Ground-based sparkling device” means a device that is:
 - (a) (text unchanged)
 - (b) Nonexplosive; [and]
 - (c) Labeled in accordance with the requirements of the U.S. Consumer Products Safety Commission[.]; *and*
 - (d) *Considered consumer fireworks as defined in NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01.*
 - (3)—(4) (text unchanged)

.04 Registration of Distributors and Wholesalers.

- A. (text unchanged)
- B. Registration forms may be obtained at the Office of the State Fire Marshal Headquarters, [300 East Joppa Road, Suite 1002, Towson, MD 21286] 1201 Reisterstown Road, Building C, Pikesville, MD 21208 and at State Fire Marshal installations throughout the State.
- C.—D. (text unchanged)

.05 Sales and Storage of Ground-Based Sparkling Devices.

- A. Wholesalers and distributors of ground-based sparkling devices shall comply with [Section 1-16 “Permits and Approvals”] *the permits and approvals requirements and Chapter 65 “Explosives, Fireworks, and Model Rocketry”* of NFPA 1 Fire [Prevention] Code as incorporated by reference in COMAR 29.06.01, *unless otherwise modified by this chapter.*
- B. [Buildings or Structures Containing Ground-Based Sparkling Devices for Sale or Distribution.
 - (1) Ground-based sparkling devices may be sold or distributed in any of the following buildings or structures:
 - [(a)] (1) (text unchanged)
 - [(b)] (2) Tents, canopies, or temporary membrane structures comply with NFPA 1 Fire [Prevention] Code as incorporated by reference in COMAR 29.06.01;
 - [(c)] (3) — [(d)] (4) (text unchanged)
 - [(2)] Location.
 - (a) Except as provided in §B(2)(b) of this regulation, a building or structure under §B of this regulation may not be located within 100 feet of any flammable liquid, flammable gas, or combustible liquid fuel dispensing or storage facility.
 - (b) A building or structure that uses 5 percent or less of its gross sales or distribution floor area for ground-based sparkling devices may be located 50 feet or more from a flammable liquid, flammable gas, or combustible liquid fuel dispensing or storage facility.

(3) Buildings and structures used for the sale, distribution, or storage of ground-based sparkling devices:

- (a) Shall be nonresidential; and
- (b) May not exceed one story.]

C.—D. (text unchanged)

.07 Displays.

A. All ground-based sparkling devices merchandise offered for sale or distribution shall be prepackaged with a packaging arrangement which completely encapsulates the ground-based sparkling device item or items with paperboard, cardboard, plastic wrap, or similar materials or combinations of materials. The encapsulation shall ensure that an individual must puncture, tear, unseal, or break open the package, or otherwise damage or destroy the packaging materials in order to gain access to, and directly handle, each individual ground-based sparkling device item to expose its fuse. *Exceptions allowed in Chapter 65 "Explosives, Fireworks, and Model Rocketry" of NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01 are not permitted.*

B. (text unchanged)

C. Height and Clearance. Ground-based sparkling devices on display or located on shelves, counters, or other fixtures may only be displayed with at least an 18-inch clearance from the ceiling and [as follows:

(1) Within the sales or distribution area but not along the perimeter, not higher than 6 feet above the floor surface;

(2) Along the perimeter of the sales or distribution facility, not higher than 12 feet above the floor surface; and

(3) In] *in* temporary sales or distribution stands where the interior is not accessible to the general public, not higher than 8 feet from the floor surface.

.08 Fire Protection.

[A.] Portable fire extinguishers shall be installed as required for extra-hazard occupancy protection and shall comply with NFPA 1 Fire [Prevention] Code as incorporated by reference in COMAR 29.06.01.

[B.] (proposed for repeal)

.09 Means of Egress.

A.—B. (text unchanged)

[C.] — [J.] (proposed for repeal)

C. *An approved fire safety and evacuation plan shall:*

(1) *Be in writing;*

(2) *Be maintained current; and*

(3) *Be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility.*

D. Exit openings from tents shall have a clear opening width of at least 44 inches.

.10 Sources of Ignition.

[A.] (proposed for repeal)

[B.] Electrical wiring shall be in accordance with NFPA 1 Fire [Prevention] Code as incorporated by reference in COMAR 29.06.01.

[C.] — [E.] (proposed for repeal)

.12 Temporary Heating Sources.

[A.] — [C.] (proposed for repeal)

Temporary heating units shall be listed by a testing laboratory approved by the Office of the State Fire Marshal and used in accordance with their listing.

.14 Personnel.

A.—E. (text unchanged)

[F.] (proposed for repeal)

[G.] *F.* (text unchanged)

.15 Signs.

A.—C. (text unchanged)

D. At least one sign reading "NO GROUND-BASED SPARKLING DEVICE DISCHARGE WITHIN [100]300 FEET", in letters at least 2-inches high on a contrasting background, shall be conspicuously posted in the vicinity of the ground-based sparkling device sales or distribution display, or as otherwise required by the authority having jurisdiction.

[E.] (proposed for repeal)

MARCUS L. BROWN
Secretary of State Police

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 16 MISCELLANEOUS

31.16.10 Complaint Investigation and Determination Process

Authority: Insurance Article, §2-109(a); Health-General Article, §19-705(a)(2); Annotated Code of Maryland

Notice of Proposed Action

[12-225-P]

The Insurance Commissioner proposes to adopt new Regulations **.01— .09** under a new chapter, **COMAR 31.16.10 Complaint Investigation and Determination Process.**

Statement of Purpose

The purpose of this action is to establish procedures for the investigation and determination of certain complaints filed with the Commissioner.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This new chapter may have a minimal economic impact on all "carriers", which includes insurers, nonprofit health services plans, health maintenance organizations, dental plan organizations, fraternal benefit societies, and the Maryland Automobile Insurance Fund. It establishes the complaint process that carriers will follow when complaints are filed with the Maryland Insurance Administration. If carriers fail to respond to requests for information on a timely basis, the carriers may be subject to penalties. It will benefit consumers in that complaints should be resolved faster if carriers provide the requested information in a timely manner.

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

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Unquantifiable

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

D. This new chapter may have a minimal economic impact on all “carriers”, which includes insurers, nonprofit health services plans, health maintenance organizations, dental plan organizations, fraternal benefit societies, and the Maryland Automobile Insurance Fund. It establishes the complaint process that carriers will follow when complaints are filed with the Maryland Insurance Administration. If carriers fail to respond to requests for information on a timely basis, the carriers may be subject to penalties.

F. It will benefit consumers in that complaints should be resolved faster if carriers provide the requested information in a timely manner.

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 Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2450, or email to klawhorn@mdinsurance.state.md.us, or fax to 410-468-2020. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.01 Scope.

A. This chapter applies to carriers that issue or deliver insurance policies or health maintenance organization contracts in Maryland.

B. This chapter does not apply to complaints filed under Insurance Article, Title 15, Subtitle 10A, Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) “Administration” has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

(2) “Carrier” means:

- (a) An insurer;
- (b) A nonprofit health service plan;
- (c) A dental plan organization;
- (d) A fraternal benefit society;
- (e) A health maintenance organization; or
- (f) The Maryland Automobile Insurance Fund (MAIF).

(3) “Commissioner” means the Insurance Commissioner of Maryland or the Insurance Commissioner’s designee.

(4) “Complainant” means a person who files a complaint with the Commissioner.

(5) *Complaint.*

(a) “Complaint” means any written communication received by the Commissioner that expresses dissatisfaction with a carrier.

(b) “Complaint” includes an oral communication received by the Commissioner, which is subsequently converted to a written form.

(c) “Complaint” does not include a dispute regarding a claim that is resolved by the Consumer Education and Advocacy Unit through the Rapid Response Program.

(d) “Complaint” includes a dispute that is initially handled by the Consumer Education and Advocacy Unit that is not resolved and is referred for a complaint investigation.

(e) “Complaint” does not include actions taken under Insurance Article, §27-1001, Annotated Code of Maryland.

(f) “Complaint” does not include a dispute that is subject to the authority of the Workers’ Compensation Commission.

(6) “Complaint investigation” means the process used by the Commissioner to determine if a carrier has violated a State statute, regulation, or order in its dealings or interactions with the complainant, to the extent the Commissioner has the authority to enforce that statute, regulation, or order.

(7) *Determination.*

(a) “Determination” means a decision by the Commissioner that requires the Commissioner to provide the opportunity for a hearing to a person aggrieved by the decision under Insurance Article, §2-210, Annotated Code of Maryland.

(b) “Determination” includes:

- (i) A decision as to whether a carrier against whom a complaint has been received violated a law, regulation, or order; and
- (ii) An order or notice issued under Insurance Article, §2-204, Annotated Code of Maryland.

(8) “Health care provider” means:

(a) A hospital, as defined in Health-General Article, §19-301, Annotated Code of Maryland; or

(b) A person who is:

(i) Licensed under Health Occupations Article, Annotated Code of Maryland, or similar laws of another state, to render health care services; and

(ii) The treating provider of the individual who is entitled to coverage under a contract issued or delivered in Maryland by a carrier.

(9) “Market conduct action” has the meaning stated in COMAR 31.04.20.03.

(10) “Person” has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

(11) “Premium” has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

(12) “Rapid Response Program” means the process designed by the Administration to help Maryland residents resolve personal property and casualty insurance claims directly with the individual’s insurer.

.03 Complaint investigation.

A. Upon receipt of a complaint, the Commissioner shall begin a complaint investigation.

B. A complaint filed by a health care provider concerning a specific claim under a contract issued or delivered in Maryland by a life insurer, health insurer, nonprofit health service plan, dental plan organization, or health maintenance organization shall be considered to be filed on behalf of the individual who received the health care services for which the claim was filed, unless otherwise specified.

C. The Commissioner shall acknowledge receipt of the complaint by sending a letter or a copy of the correspondence described in §D of this regulation to the complainant and the carrier.

D. If the Commissioner determines information or documentation is needed from a carrier to conduct a complaint investigation, in accordance with Regulation .06 of this chapter:

(1) The Commissioner shall request information or documentation; and

(2) The carrier shall provide the information and documentation by the later of:

(a) 15 working days after receipt of the Commissioner's request; or

(b) The time period specified by the Commissioner in correspondence to the carrier.

.04 Determination.

A. Upon completion of the complaint investigation, the Commissioner shall document the findings of the complaint investigation in a determination letter and, if applicable, an order.

B. The documented findings of §A of this regulation shall be provided to the complainant and the carrier that was the subject of the complaint.

C. The Commissioner may send the determination letter and, if applicable, the order to the complainant or the carrier by first-class mail or by any other means permitted by law.

.05 Reporting.

The Commissioner shall report data concerning the outcome of the complaint to the National Association of Insurance Commissioners.

.06 Information.

A. The Commissioner may request accounts, records, documents, files, logs, photographs, or other information necessary to complete a complaint investigation.

B. Whenever a carrier receives a request from the Commissioner for information and documentation, the carrier shall provide the requested information and documentation:

(1) On the date specified by the Commissioner, unless an extension has been granted by the Commissioner in accordance with §§D and E of this regulation; and

(2) In the manner specified by the Commissioner.

C. If the carrier does not have the information or documentation requested by the Commissioner under §A of this regulation, the carrier shall provide the reason the carrier does not have the requested information or documentation.

D. Request for Extension of Time to Respond.

(1) A carrier may submit a written request by first-class mail, facsimile, or electronic mail for an extension of time to respond to a request for information or documentation from the Commissioner.

(2) The request for an extension shall:

(a) Specify the reason an extension is needed; and

(b) Be received by the Commissioner prior to the date the information or documentation was due.

E. Upon receipt of a timely written request for an extension under §D of this regulation, the Commissioner shall:

(1) Grant an extension and provide the requestor with a new date by which the requested information or documentation is to be provided; or

(2) Notify the carrier that the request to extend the time is denied.

F. Information related to a complaint investigation is subject to the Public Information Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland.

G. A carrier submitting information to the Commissioner during a complaint investigation may submit a written request that the information not be disclosed under the Public Information Act.

H. A request under §G of this regulation shall:

(1) Identify the particular information that the carrier requests not be disclosed; and

(2) Cite the statutory authority that permits denial of access to the information.

I. The Commissioner may review a request made under §G of this regulation upon receipt of a request for access pursuant to the Public Information Act.

J. The Commissioner may notify the carrier who made a request under §G of this regulation before granting access to information that was the subject of the request.

.07 Commissioner's Actions.

Based on the information or documentation reviewed during a complaint investigation, the Commissioner may, in the Commissioner's sole discretion, take one or more of the following actions in addition to issuing a determination letter or, if applicable, an order:

A. Initiate a market conduct action in accordance with COMAR 31.04.20; or

B. Take any other action authorized by State law.

.08 Sanctions.

If a carrier subject to this chapter fails to provide the information or documentation requested by the Commissioner in accordance with this chapter, the carrier may be subject to an administrative penalty not to exceed \$500 per day, in addition to any other sanctions available to the Commissioner.

.09 Hearings.

A person aggrieved by the determination of the Commissioner's complaint investigation may request a hearing in accordance with the provisions of Insurance Article, §2-210(c), Annotated Code of Maryland, and COMAR 31.02.01.

THERESE M. GOLDSMITH
Insurance Commissioner

**Subtitle 17 MARYLAND HEALTH
INSURANCE PLAN**

**31.17.03 Operation and Administration of the
Plan**

Authority: Insurance Article, §14-503(k), Annotated Code of Maryland

Notice of Proposed Action

[12-227-P]

The Maryland Health Insurance Plan proposes to amend Regulations .02 and .10 under COMAR 31.17.03 **Operation and Administration of the Plan**. The amendment to Regulation .02 was considered by the Board of the Maryland Health Insurance Plan at an open meeting held on February 9, 2012, notice of which was given by publication by posting or depositing the notice at a convenient public location at or near the place of the session pursuant to State Government Article, §10-506(c)(3)(i), Annotated Code of Maryland. The amendment to Regulation .10 is necessary to conform the regulation to Insurance Article, §14-505(i)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the definition of "grace period" from a period of 60 days to a period of 30 days and to conform regulations to Insurance Article, §14-505(i)(2), Annotated Code of Maryland, which states: "The premium rate for Plan coverage: (i) may not be less than 110% of the standard risk rate

PROPOSED ACTION ON REGULATIONS

1176

established under (1); and (ii) may not exceed 200% of the standard risk rate.”

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 Tate Showers, Executive Director, Maryland Health Insurance Plan, 201 East Baltimore Street, Suite 630, Baltimore, MD 21202, or call 410-576-2056, or email to TShowers@mhip.state.md.us, or fax to 410-625-9202. Comments will be accepted through September 24, 2012. A public hearing has not been scheduled.

.02 Definitions

A. (text unchanged)

B. Terms Defined

(1)—(8) (text unchanged)

(9) “Grace period” means the period of [60] 30 days following the due date of a premium, other than the first premium payable by an individual applying for coverage under the Plan, during which an individual may pay the premium to the Plan administrator and coverage continues under the Plan, without lapse.

(10) — (17) (text unchanged)

.10 Determination of Plan Premium.

A. — D. (text unchanged)

E. The premium rate for each standard benefit package in the Plan may not:

(1) Be less than 110 percent of the standard risk rate; or

(2) Exceed [150] 200 percent of the standard risk rate.

F. (text unchanged)

TATE SHOWERS
Executive Director
Maryland Health Insurance Plan

Errata

COMAR 10.24.11

At 39:15 Md. R. 980 (July 27, 2012), col. 1, lines 20—25 from the bottom:

For:

Statement of Purpose

The purpose of this action is to amend the title of the document incorporated by reference in COMAR 10.24.11.01, which will govern Certificate of Need decision by the Maryland Health Care Commission for surgical facilities projects in all settings.

Read:

Statement of Purpose

The purpose of this action is to repeal COMAR 10.24.11 State Health Ambulatory Surgical Services and replace with new COMAR 10.24.11 State Health Plan for Facilities and Services: General Surgical Services that will govern Certificate of Need decision by the Maryland Health Care Commission for surgical facilities projects in all settings.

At 39:15 Md. R. 980 (July 27, 2012), col. 1, line 22 from the bottom:

For: Patterson Ave., Baltimore, Maryland 21215, or call (410) 764-3261,

Read: Patterson Ave., Baltimore, Maryland 21215, or call (410) 764-3261,

[12-17-42]

COMAR 26.11.29

At 39:16 Md. R. 1124 (August 10, 2012), col. 2, line 5 from the bottom:

For: Regulations .01—.05 under COMAR 29.11.29 Control of NO_x

Read: Regulations .01—.05 under COMAR 26.11.29 Control of NO_x

[12-17-37]

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.

STATE ANATOMY BOARD

Subject: Public Meeting
Date and Time: September 4, 2012, 2 — 4:30 p.m.
Place: University of Maryland, 660 W. Redwood St., Howard Hall — 1st Fl., Rm. 101B, Epidemiology Conf. Rm., Baltimore, MD
Contact: Rita M. Gross (410) 706-3313
 [12-17-29]

BOARD OF ARCHITECTS CPC COMMITTEE

Subject: Public Meeting
Date and Time: September 10, 2012, 1 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [12-17-31]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting
Date and Time: September 27, 2012, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl., Baltimore, MD
Contact: Marilyn Harris-Davis (410) 230-6228
 [12-17-15]

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: September 12, 2012, 3 — 6 p.m.
Place: Loews Hotel, Annapolis, MD
Contact: Heather Adams (410) 974-2941
 [12-17-18]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: September 13, 2012, 10 a.m. — 1 p.m.
Place: Dept. of Health and Mental Hygiene, 4201 Patterson Ave., Rm. 108/109, Baltimore, MD
Contact: Maria Ware (410) 764-5902
 [12-17-12]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting on Regulations
Date and Time: September 20, 2012, 10 a.m. — 2 p.m.
Place: Department of Health and Mental Hygiene, 4201 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Maria Ware (410) 764-5902
 [12-17-36]

COMPTROLLER OF THE TREASURY

Subject: Public Meeting
Date and Time: September 17, 2012, 3:30 — 4:30 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. Annapolis, MD
Contact: Linda Vasbinder (410) 260-7450
 [12-17-17]

CONSUMER COUNCIL OF MARYLAND

Subject: Public Meeting
Date and Time: September 7, 2012, 9:15 — 11 a.m.
Place: 200 St. Paul Pl., 16th Fl., Baltimore, MD
Contact: Stephanie A. Hodge (410) 576-6557
 [12-17-21]

JOINT CHAIRS OF THE PROFESSIONAL DESIGN BOARDS

Subject: Public Meeting
Date and Time: September 13, 2012, 1:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: This is a quarterly meeting of the Chairs of the Boards of Architects, Certified Interior Designers, Landscape Architects, Professional Land Surveyors, and Professional Engineers.
Contact: Pamela J. Edwards (410) 230-6262
 [12-17-34]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: September 20, 2012, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., R 110, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [12-17-16]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: October 23, 2012, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [12-17-11]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: September 6, 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: Leandra Gilliam (410) 706-4449
 [12-17-09]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: September 11, 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: Leandra Gilliam (410) 706-4449
 [12-17-10]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: September 13, 2012, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [12-17-33]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting
Date and Time: September 11, 2012, 9:30 — 11 a.m.
Place: 10946 Golden West Dr., Hunt Valley, MD
Add'l. Info: A joint meeting will be held for the Board of Stationary Engineers and the Board of Boiler Rules.
Contact: Gae Herzberger (410) 230-6163
 [12-17-27]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting
Date and Time: September 11, 2012, 11 a.m. — 1 p.m.
Place: 10946 Golden West Dr., Hunt Valley, MD
Contact: Gae Herzberger (410) 230-6163
 [12-17-26]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting
Date and Time: September 5, 2012, 10 a.m. — 2 p.m.
Place: Howard Co., Bureau of Utilities Bldg., 8270 Montgomery Rd., Columbia, MD
Contact: James T. Merrow (410) 764-3512
 [12-17-41]

FIRE PREVENTION COMMISSION

Subject: Public Hearing on Regulations
Date and Time: August 30, 2012, 10 a.m.
Place: City of Laurel Municipal Bldg., 8103 Sandy Spring Rd., Council Chambers, Laurel, MD
Contact: Heidi Ritchie (301) 766-3899
 [12-17-24]

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

Subject: Public Meeting
Date and Time: September 12, 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
 [12-17-13]

HOME IMPROVEMENT COMMISSION

Subject: Public Meeting
Date and Time: September 6, 2012, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: Steven Smitson (410) 230-6169
 [12-17-04]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting
Date and Time: September 4, 2012, 10 a.m. — 12 p.m.
Place: Maryland Insurance Administration (MIA), 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD
Add'l. Info: Third Meeting of the Workgroup on Lead Liability Protection for Rental Property
Contact: Tinna Damaso Quigley (410) 468-2202
 [12-17-39]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting
Date and Time: September 19, 2012, 9 — 11 a.m.
Place: Maryland Insurance Administration (MIA), 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD
Add'l. Info: Fourth meeting of the Workgroup on Access to Habilitative Services Benefits. Meeting information and meeting notes are available on the MIA website at <http://www.mdinsurance.state.md.us/sa/news-center/legislative-information.html>.
Contact: Tinna Damaso Quigley (410) 468-2202
 [12-17-40]

DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting
Date and Time: September 11, 2012, 9 a.m. — 12 p.m.
Place: Heat and Frost Insulators and Allied Workers Local No. 24 Joint Apprenticeship Committee, 901 Montgomery St., Laurel, MD
Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.
Contact: C. Edward Poarch II (410) 767-2246
 [12-17-35]

DIVISION OF LABOR AND INDUSTRY/BOARD OF BOILER RULES

Subject: Public Meeting
Date and Time: September 11, 2012, 9:30 a.m.
Place: 10946 Golden West Dr., Ste. 160, Hunt Valley, MD
Add'l. Info: The Board of Boiler Rules will hold a joint meeting with the Board of Stationary Engineers to discuss issues relating to boiler and pressure vessel safety. Following the joint meeting, the Board of Boiler Rules will hold their regularly scheduled board meeting and may consider requests for variance from regulations. Interested persons should call the contact person to confirm the meeting.
Contact: Debbie Stone (410) 767-2225
 [12-17-30]

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD

Subject: Public Meeting
Date and Time: September 5, 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 relating to occupational safety and health, including the Hazard Communication Standard.
Contact: Debbie Stone (410) 767-2225
 [12-17-20]

GENERAL NOTICES

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BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: September 5, 2012, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[12-17-32]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: September 20, 2012, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460

[12-17-01]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On August 3, 2012, the Maryland Health Care Commission (MHCC) received an application for Certificate of Need submitted by Anne Arundel Medical Center — Matter No. 12-02-2338 — Build-out the 3rd floor shell space (as approved and modified with Certificate of Need 04-02-2153) as a 30-bed medical/surgical unit. Cost: \$8,027,342.

The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available for review in the office of the MHCC, during regular business hours by appointment. All correspondence should be addressed to Paul Parker, Deputy Director, Center for Hospital Services, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276

[12-17-25]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: September 5, 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

[12-17-06]

PROCUREMENT ADVISORY COUNCIL (PAC)

Subject: Public Meeting
Date and Time: September 5, 2012, 9:30 a.m. — 11:30 p.m.
Place: Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD
Contact: Melissa Hodges (410) 260-7335

[12-17-14]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Hearing
Date and Time: September 14, 2012, 9 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD
Add'l. Info: Sign language interpreters/other appropriate accommodations for qualified individuals with disabilities will be provided upon request. Proposed changes to regulations may be discussed.

Contact: Dorothy Kutcherman (410) 764-4703

[12-17-23]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: September 26, 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

[12-17-02]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: September 26, 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

[12-17-03]

SEXUAL OFFENDER'S ADVISORY BOARD MEETING

Subject: Public Meeting
Date and Time: September 12, 2012, 10:30 a.m. — 1 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Classroom Number C-202, Sykesville, MD
Add'l. Info: Please call 410-875-3404 for directions. Parking for attendees is located in Lot D. All guests must wear a government-issued ID while in the building.
Contact: Elizabeth Bartholomew (410) 585-3604

[12-17-22]

MARYLAND DEPARTMENT OF TRANSPORTATION

Subject: Public Hearing
Date and Time: September 21, 2012, 10 a.m.
Place: MDOT Headquarters, 7201 Corporate Center Dr., Hanover, MD
Add'l. Info: The Maryland Board of Airport Zoning Appeals (BAZA) will hold a hearing on Friday, September 21, 2012. The hearing will begin at 10 a.m. in the Board Room of the Maryland Department of Transportation located at 7201 Corporate Center Drive, Hanover, Maryland 21076. The Board will hear the following case(s):

Docket Number 392

As required by Transportation Article, §5-821 (d), Annotated Code of Maryland, New Boston Seneca Parkway, LLC, is seeking approval of a variance from the Board of Airport Zoning Appeals (BAZA) to construct 150 dwelling units on Wright Road in Hanover, Maryland, a portion of which is located within the Baltimore/Washington International Thurgood Marshall Airport Noise Zone. Therefore, the Maryland Aviation Administration will present BAZA Case No. 392 to the Board of Airport Zoning Appeals on Friday, September 21, 2012, at approximately 10 a.m.

For additional information, please contact Deborah Mahoney-Fowler at 410-865-1233.

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. Please call 410-865-1233 (voice) or MD Relay (TTY Users).

Contact: Deborah Mahoney-Fowler (410) 865-1233

[12-17-19]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting on Regulations
Date and Time: September 13, 2012, 9 —
11 a.m.
Place: 10 E. Baltimore St., 7th Fl.,
Baltimore, MD
Add'l. Info: Portions of this meeting may
be held in closed session.
Contact: Amy Lackington (410) 864-5300
[12-17-07]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting on Regulations
Date and Time: September 27, 2012, 9 —
11 a.m.
Place: 10 E. Baltimore St., 7th Fl.,
Baltimore, MD
Add'l. Info: Portions of this meeting may
be held in closed session.
Contact: Amy Lackington (410) 864-5300
[12-17-08]

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Title 26	Environment (All parts) **	\$189	\$125	_____	_____
Title 26	Part 1 **	\$54	\$35	_____	_____
Title 26	Part 2 **	\$83	\$52	_____	_____
Title 26	Part 3 **	\$57	\$38	_____	_____
Title 26	Part 4 **	\$37	\$24	_____	_____
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Title 28	Office of Administrative Hearings	\$16	\$9	_____	_____
Title 29	State Police	\$30	\$18	_____	_____
Title 30	MD Institute for Emergency Medical Services Systems	\$25	\$17	_____	_____
Title 31	Maryland Insurance Administration	\$68	\$45	_____	_____
Title 32	Aging	\$25	\$15	_____	_____
Title 33	State Board of Elections	\$42	\$25	_____	_____
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Title 11	Transportation (All parts) **	\$137	\$85	_____	_____
Title 11	Part 1 (Transportation)**	\$55	\$35	_____	_____
Title 11	Parts 2 & 3 (MVA) **	\$102	\$70	_____	_____
Title 12	Public Safety and Correctional Services	\$86	\$55	_____	_____
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Title 17	Budget and Management	\$38	\$25	_____	_____
Title 18	Assessments and Taxation	\$28	\$18	_____	_____
Title 19A	State Ethics Commission	\$33	\$20	_____	_____
Title 20	Public Service Commission	\$64	\$42	_____	_____
Title 21	State Procurement Regulations	\$65	\$42	_____	_____
Title 22	State Retirement and Pension System	\$33	\$18	_____	_____
Title 23	Board of Public Works	\$26	\$15	_____	_____
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Title 25	State Treasurer	\$23	\$12	_____	_____
Title 26	Environment (All parts) **	\$241	\$160	_____	_____
Title 26	Part 1 **	\$72	\$42	_____	_____
Title 26	Part 2 **	\$109	\$72	_____	_____
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Title 26	Part 4 **	\$51	\$30	_____	_____
Title 27	Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays	\$26	\$15	_____	_____
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Title 30	MD Institute for Emergency Medical Services Systems	\$34	\$20	_____	_____
Title 31	Maryland Insurance Administration	\$90	\$62	_____	_____
Title 32	Aging	\$34	\$18	_____	_____
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### Title 10

Department of Health and Mental Hygiene: Part & Subtitles

#### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 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
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Vacant
- 52 Preventive Medicine
- 53 Board of Nursing—Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 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
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- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
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  - 19 MVA – School Vehicles
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  - 21 MVA – Commercial Motor Vehicles
  - 22 MVA – Preventive Maintenance Program
  - 23 MVA – Drivers' Schools, Instructors, Driver Education Program

### Title 26

Department of the Environment – Part & Subtitles

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- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
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- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

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- 10 Oil Pollution and Tank Management
- 11 Air Quality
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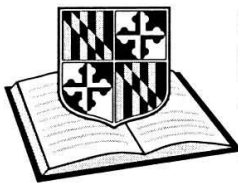
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