

Maryland Register

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Volume 40 • Issue 16 • Pages 1329—1402

IN THIS ISSUE

Judiciary
Regulations
Errata
Special Documents
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 22, 2013, 5 p.m.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 July 22, 2013.

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.

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other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.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

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

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Contents

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register	1333
---	------

COMAR Research Aids

Table of Pending Proposals	1334
----------------------------------	------

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
03 Comptroller of the Treasury	1340
07 Department of Human Resources	1341
08 Department of Natural Resources	1338, 1342
09 Department of Labor, Licensing, and Regulation	1342
10 Department of Health and Mental Hygiene	1343, 1348, 1349
11 Department of Transportation	1363
12 Department of Public Safety and Correctional Services	1364
13A State Board of Education	1345
13B Maryland Higher Education Commission	1386
21 State Procurement Regulations	1345, 1391
26 Department of the Environment	1345
31 Maryland Insurance Administration	1391
33 State Board of Elections	1346
36 Maryland State Lottery and Gaming Control Agency	1347

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The Judiciary

COURT OF APPEALS OF MARYLAND	
DISCIPLINARY PROCEEDINGS	1337
SCHEDULE	1337

Emergency Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES	
FISHERIES SERVICE	
Oysters	1338

Final Action on Regulations

03 COMPTROLLER OF THE TREASURY	
OFFICE OF THE COMPTROLLER	
General Regulations.....	1340
SALES AND USE TAX	
Sales and Use Tax.....	1340
Sales and Use Tax.....	1340
Sales and Use Tax.....	1340
Sales and Use Tax.....	1340
Sales and Use Tax.....	1341
Sales and Use Tax.....	1341
Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes	1341
Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes	1341

07 DEPARTMENT OF HUMAN RESOURCES	
SOCIAL SERVICES ADMINISTRATION	
Out-of-Home Placement Program	1341
08 DEPARTMENT OF NATURAL RESOURCES	
BOATING — SPEED LIMITS AND OPERATION OF VESSELS	
Chester River.....	1342
Choptank River	1342
09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION	
REAL ESTATE COMMISSION	
General Regulations	1342
BOARD OF ARCHITECTS	
Continuing Professional Competency Requirements	1342
10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
FREESTANDING AMBULATORY CARE FACILITIES	
Freestanding Ambulatory Surgical Facilities	1343
HOSPITALS	
Residential Service Agencies	1343
Assisted Living Programs.....	1344
LABORATORIES ADMINISTRATION	
Medical Laboratories — Fees.....	1344
BOARD OF NURSING — ELECTROLOGY PRACTICE COMMITTEE	
Licensure	1344
Continuing Education.....	1344
Fees	1344
13A STATE BOARD OF EDUCATION	
SUPPORTING PROGRAMS	
Interscholastic Athletics in the State	1345
21 STATE PROCUREMENT REGULATIONS	
SOCIOECONOMIC POLICIES	
Minority Business Enterprise Policies	1345
26 DEPARTMENT OF THE ENVIRONMENT	
AIR QUALITY	
Permits, Approvals, and Registration	1345
33 STATE BOARD OF ELECTIONS	
VOTER REGISTRATION	
Changes, Deaths, Convictions	1346
CANVASSING	
Definitions; General Provisions.....	1346
Post-Election Verification and Audit.....	1346
VOTING SYSTEMS — CERTIFICATION AND GENERAL REQUIREMENTS	
Definitions; General Provisions.....	1346
Minimum System Requirements	1346
State Board Certification — Preliminary Submissions....	1346
State Board Certification — Evaluation and Decision	1346
State Board — Acquisition and Acceptance.....	1346
Implementation and Use.....	1346
Compliance and Decertification	1346
VOTING SYSTEMS — SYSTEM REQUIREMENTS AND PROCEDURES	
AccuVote-TS.....	1346
ABSENTEE BALLOTS	
Definitions; General Provisions.....	1346
Applications	1346
Issuance and Return.....	1346
Canvass of Ballots — Procedures.....	1346
CAMPAIGN FINANCING	
Definitions	1347
Authority Line Requirements; Electronic Media.....	1347
Prohibitions	1347

Contents

1332

PRECINCTS, POLLING PLACES, AND FACILITIES	
New or Changed Precincts.....	1347
PROVISIONAL VOTING	
Canvass of Ballots — Procedures.....	1347
36 MARYLAND STATE LOTTERY AND GAMING	
CONTROL AGENCY	
GAMING PROVISIONS	
General	1347
Investigation and Licensing	1347
Video Lottery Operation License.....	1347
Unannounced Inspections.....	1347
Enforcement of Voluntary Exclusion Program.....	1347
Mandatory Exclusion.....	1347
Collection of Taxes, Fees, and Penalties.....	1347
Junkets	1347
Video Lottery Facility Minimum Internal Control	
Standards	1347
Facility Standards	1347
Transportation and Testing of Video Lottery Terminals	
and Table Game Equipment.....	1347

Withdrawal of Regulations

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
MEDICAL CARE PROGRAMS	
Nurse Practitioner Services.....	1348
Family Planning Program	1348

Proposed Action on Regulations

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
PROCEDURES	
Health Care Practitioner User Fee Collection.....	1349
HEALTH STATISTICS	
Vital Records	1349
MEDICAL CARE PROGRAMS	
Physicians' Services	1350
General Medical Assistance Provider Participation	
Criteria.....	1351
DEVELOPMENTAL DISABILITIES	
Definitions	1351
Respite Services in the State Residential Center (SRC).....	1351
Eligibility for and Access to Community Services for	
Individuals with Developmental Disability	1351
Admission of Individuals to State Residential Facilities	
Under the Jurisdiction of the Developmental	
Disabilities Administration.....	1351
Waiting List Equity Fund	1351
BOARD OF EXAMINERS FOR AUDIOLOGISTS,	
HEARING AID DISPENSERS, AND SPEECH-	
LANGUAGE PATHOLOGISTS	
Licensure and Continuing Education.....	1353
ALCOHOL AND DRUG ABUSE ADMINISTRATION	
Prescription Drug Monitoring Program	1353
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM	
FOR WOMEN, INFANTS, AND CHILDREN (WIC)	
Local Agency.....	1354
BOARD OF PROFESSIONAL COUNSELORS AND	
THERAPISTS	
Supervision Requirements for Licensed Graduate	
Alcohol and Drug Counselors and Graduate-Level	
Trainees	1355
Supervision Requirements for Certified Alcohol and	
Drug Counselors and Trainees Pursuing	
Certification.....	1359

11 DEPARTMENT OF TRANSPORTATION	
MOTOR VEHICLE ADMINISTRATION — VEHICLE	
REGISTRATION	
Vehicle Registration Suspension and Nonrenewal for	
Failure to Pay Toll.....	1363
12 DEPARTMENT OF PUBLIC SAFETY AND	
CORRECTIONAL SERVICES	
CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL	
REPOSITORY	
Implementation of the Criminal Justice Information System	
Statute.....	1364
Criminal History Records Check of Individuals Who Care	
for or Supervise Children	1364
Criminal History Records Check for Individuals Who	
Work for an Adult Dependent Care Program	1364
Criminal History Record Information Checks for	
Applicants for Hazardous Materials Endorsements —	
Commercial Driver's Licenses	1364
Use of Private Provider Services for Non-Criminal Justice	
Purposes	1364
13B MARYLAND HIGHER EDUCATION COMMISSION	
NONPUBLIC SCHOOLS	
Minimum Requirements for Private Career Schools	1386
ACADEMIC REGULATIONS	
Minimum Requirements for In-State Degree-Granting	
Institutions.....	1386
Academic Programs — Degree-Granting Institutions	1386
Exemption Procedures for Religious Educational	
Institutions.....	1389
FULLY ONLINE PROGRAMS	
Registration	1390
21 STATE PROCUREMENT REGULATIONS	
SOCIOECONOMIC POLICIES	
Prevailing Wage — Contracts for Public Works	1391
31 MARYLAND INSURANCE ADMINISTRATION	
HEALTH INSURANCE — GENERAL	
Uniform Claims Forms.....	1391
Utilization Review of Treatment for Autism and Autism	
Spectrum Disorders	1391

Errata

COMAR 08.02.05.02	1394
-------------------------	------

Special Documents

DEPARTMENT OF THE ENVIRONMENT	
SUSQUEHANNA RIVER BASIN COMMISSION	
Public Review and Comment; Public Hearing — 2013	
Update of Comprehensive Plan.....	1395
Public Hearing.....	1395
WATER MANAGEMENT ADMINISTRATION	
Notice of Tentative Determination to Issue Permit and	
Public Hearing Notice/General Permit for Stormwater	
Associated with Construction Activity	1397
DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
Request for Comment on Sodium Reduction in Long Term	
Care, Adult Medical Day Care, and Assisted Living	
Facilities	1397

General Notices

BOARD OF ARCHITECTS	
Public Meeting	1399

Contents

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE
 Reduction of Bond Authorization Announcement 1399

BOARD OF MASTER ELECTRICIANS
 Public Meeting 1399

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MENTAL HYGIENE ADMINISTRATION
 Public Notice of the FY 2014 State Mental Health Plan 1399

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)
 Public Meeting 1400
 Public Meeting 1400

MARYLAND INSURANCE ADMINISTRATION
 Public Meeting 1400
 Public Meeting 1400

FACILITIES ADVISORY BOARD-JUVENILE SERVICES
 Public Meeting 1400

STATE ADVISORY BOARD FOR JUVENILE SERVICES
 Public Meeting 1400

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD
 Public Meeting 1400

MARYLAND HEALTH CARE COMMISSION
 Public Meeting 1400

PRINCE GEORGE’S COUNTY JUVENILE COURT AND SCHOOL SAFETY WORKGROUP
 Public Meeting 1400

BOARD OF PUBLIC ACCOUNTANCY
 Public Meeting 1400

RETIREMENT AND PENSION SYSTEM — ADMINISTRATIVE COMMITTEE
 Public Meeting 1400

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES
 Public Meeting 1401

BOARD OF REVENUE ESTIMATES
 Public Meeting 1401

SEXUAL OFFENDER ADVISORY BOARD
 Public Meeting 1401

STATE TREASURER’S OFFICE
 Public Meeting 1401

WORKERS’ COMPENSATION COMMISSION
 Public Meeting 1401

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES through JANUARY 24, 2014

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
August 23	August 5	August 14	August 12
September 6**	August 19	August 26	August 23
September 20**	August 29	September 11	September 9
October 4	September 16	September 25	September 23
October 18	September 30	October 9	October 7
November 1**	October 11	October 23	October 21
November 15	October 28	November 6	November 4
December 2***	November 8	November 18	November 15
December 13	November 25	December 4	December 2
December 27**	December 9	December 16	December 13
January 10**	December 23	December 30	December 27
January 24**	January 6	January 14	January 13

* 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

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

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

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

Subtitles 10 — 22 (3rd Volume)

- 10.12.04.02 • 40:11 Md. R. 988 (5-31-13)
- 10.15.07.02,.06 • 40:13 Md. R. 1089 (6-28-13)
- 10.22.01.01 • 40:16 Md. R. 1351 (8-9-13)
- 10.22.02.13 • 40:11 Md. R. 989 (5-31-13)
- 10.22.11.04,.06 • 40:16 Md. R. 1351 (8-9-13)
- 10.22.12.02,.03,.07 • 40:16 Md. R. 1351 (8-9-13)
- 10.22.13.02,.03 • 40:16 Md. R. 1351 (8-9-13)
- 10.22.15.02 • 40:16 Md. R. 1351 (8-9-13)

Subtitles 23 — 36 (4th Volume)

- 10.24.01.01 • 39:25 Md. R. 1622 (12-14-12)
- 10.24.08.01 • 40:15 Md. R. 1240 (7-26-13) (ibr)
- 10.24.13.01 • 40:15 Md. R. 1241 (7-26-13) (ibr)
- 10.29.01.01,.10—,13 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.03.04 • 40:10 Md. R. 931 (5-17-13)
- 10.29.16.01,.02 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.17.01—,10 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.18.01—,06 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.19.01—,12 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.20.01,.02 • 39:20 Md. R. 1326 (10-5-12)
- 10.29.21.01—,11 • 40:11 Md. R. 990 (5-31-13)
- 10.32.10.04,.05,.05-1,.05-2,.06 • 40:2 Md. R. 106 (1-25-13)
- 10.34.03.02,.03,.06,.12,.17 • 40:13 Md. R. 1089 (6-28-13)
- 10.34.22.02,.03,.03-1,.05,.09—,11 • 40:8 Md. R. 742 (4-19-13)
- 10.34.23.03,.09 • 40:11 Md. R. 993 (5-31-13)

Subtitles 37—60 (5th Volume)

- 10.41.03.05 • 40:16 Md. R. 1353 (8-9-13)
- 10.41.08.11 • 40:14 Md. R. 1195 (7-12-13)
- 10.47.07.04,.08 • 40:16 Md. R. 1353 (8-9-13)
- 10.54.01.19 • 40:6 Md. R. 485 (3-22-13)
- 10.54.02.18 • 40:16 Md. R. 1354 (8-9-13)
- 10.58.13.01—,08 • 40:16 Md. R. 1355 (8-9-13)
- 10.58.14.01—,08 • 40:16 Md. R. 1359 (8-9-13)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

- 11.01.17.01—,10 • 40:15 Md. R. 1242 (7-26-13)
- 11.07.07.01—,09 • 40:15 Md. R. 1248 (7-26-13)

Subtitles 11—22 (MVA)

- 11.11.05.02 • 39:22 Md. R. 1454 (11-2-12)
- 11.11.05.03 • 40:12 Md. R. 1050 (6-14-13)
- 11.15.28.01—,06 • 40:16 Md. R. 1363 (8-9-13)

**12 DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

- 12.04.01.09,.14 • 40:7 Md. R. 619 (4-5-13)
- 12.04.02.03 • 40:7 Md. R. 620 (4-5-13)
- 12.10.01.01,.02,.04,.05,.08,.11,.13—,18,
.20 • 40:14 Md. R. 1196 (7-12-13)
- 12.10.05.02 • 40:14 Md. R. 1196 (7-12-13)
- 12.10.05.06 • 40:7 Md. R. 620 (4-5-13)
- 12.15.01.02—,20 • 40:16 Md. R. 1364 (8-9-13)
- 12.15.02.01—,13 • 40:16 Md. R. 1364 (8-9-13)

- 12.15.03.01—11 • 40:16 Md. R. 1364 (8-9-13)
- 12.15.04.01,.03—,06,.08.09 • 40:16 Md. R. 1364 (8-9-13)
- 12.15.05.02—,09 • 40:16 Md. R. 1364 (8-9-13)

13A STATE BOARD OF EDUCATION

- 13A.02.02.02—,05 • 40:15 Md. R. 1252 (7-26-13) (ibr)
- 13A.04.15.02—,07 • 40:15 Md. R. 1273 (7-26-13) (ibr)
- 13A.07.06.01 • 40:9 Md. R. 805 (5-3-13)
- 13A.12.01.02,.06,.11 • 39:22 Md. R. 1458 (11-2-12)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.01.01.02,.19 • 40:16 Md. R. 1386 (8-9-13)
- 13B.02.02.16 • 40:16 Md. R. 1386 (8-9-13)
- 13B.02.03.24 • 40:16 Md. R. 1386 (8-9-13)
- 13B.02.04.01—,06 • 40:16 Md. R. 1389 (8-9-13)
- 13B.05.01.02,.04,.05,.07 • 40:16 Md. R. 1390 (8-9-13)

14 INDEPENDENT AGENCIES

- 14.07.02.01—,04,.06—,08 • 40:12 Md. R. 1051 (6-14-13)
- 14.26.04.01—,07,.09,.11,.12 • 40:13 Md. R. 1091 (6-28-13)
- 14.30.07.04 • 39:6 Md. R. 448 (3-23-12)
- 14.30.11.12 • 39:6 Md. R. 448 (3-23-12)

15 DEPARTMENT OF AGRICULTURE

- 15.20.06.01,.02,.04,.05,.07 • 40:2 Md. R. 157 (1-25-13)
- 15.20.07.02 • 40:2 Md. R. 162 (1-25-13) (ibr)
- 15.20.08.05 • 40:2 Md. R. 162 (1-25-13)
- 15.20.10.01—,03,.05,.07—,17 • 40:2 Md. R. 157 (1-25-13)

17 DEPARTMENT OF BUDGET AND MANAGEMENT

- 17.04.13.03,.03-1 • 40:15 Md. R. 1254 (7-26-13)

21 STATE PROCUREMENT REGULATIONS

- 21.11.11.05,.06,.07 • 40:16 Md. R. 1391 (8-9-13)

23 BOARD OF PUBLIC WORKS

- 23.03.06.01—,04 • 40:11 Md. R. 1000 (5-31-13) (ibr)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

- 26.09.01.02,.03 • 40:15 Md. R. 1255 (7-26-13) (ibr)
- 26.09.02.02,.03,.05,.07,.11 • 40:15 Md. R. 1255 (7-26-13)
- 26.09.03.01,.02,.04,.05,.09 • 40:15 Md. R. 1255 (7-26-13)
- 26.09.04.06—,14 • 40:15 Md. R. 1255 (7-26-13)
- 26.11.29 • 39:17 Md. R. 1177 (8-24-12) (err)
- 26.11.29.01—,05 • 39:16 Md. R. 1124 (8-10-12)
- 26.11.30.01—,08 • 39:16 Md. R. 1122 (8-10-12)
- 26.12.01.01 • 40:10 Md. R. 932 (5-17-13) (ibr)

PENDING PROPOSALS

1336

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

27.01.01.01 • 40:6 Md. R. 489 (3-22-13)
27.01.04.03 • 40:6 Md. R. 489 (3-22-13)
27.01.09.01 • 40:13 Md. R. 1094 (6-28-13)
27.03.01.01,.04 • 40:6 Md. R. 489 (3-22-13)

31 MARYLAND INSURANCE ADMINISTRATION

31.08.03.06 • 40:14 Md. R. 1199 (7-12-13)
31.08.05.02,.03 • 39:20 Md. R. 1345 (10-5-12)
40:9 Md. R. 810 (5-3-13)
31.08.12.02—.06 • 39:20 Md. R. 1346 (10-5-12)
40:14 Md. R. 1200 (7-12-13)
31.08.13.01—.06 • 39:26 Md. R. 1674 (12-28-12)
31.08.15.01—.09 • 40:14 Md. R. 1201 (7-12-13)
31.10.11.10 • 40:16 Md. R. 1391 (8-9-13)
31.10.39.01—.04 • 40:16 Md. R. 1391 (8-9-13)
31.12.02.11 • 40:12 Md. R. 1053 (6-14-13)

33 STATE BOARD OF ELECTIONS

33.04.01.02 • 40:13 Md. R. 1095 (6-28-13)
33.05.01.02 • 40:13 Md. R. 1096 (6-28-13)
33.05.02.02—.06 • 40:13 Md. R. 1096 (6-28-13)
33.05.03.01,.03 • 40:13 Md. R. 1096 (6-28-13)
33.05.04.03 • 40:13 Md. R. 1096 (6-28-13)
33.11.01.01 • 40:13 Md. R. 1098 (6-28-13)
33.11.02.01—.04 • 40:13 Md. R. 1098 (6-28-13)
33.11.03.04 • 40:13 Md. R. 1098 (6-28-13)
33.13.10.02 • 40:12 Md. R. 1055 (6-14-13) (err)
33.17.03.01 • 40:13 Md. R. 1099 (6-28-13)

**36 MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY**

36.06.01.01—.03 • 40:4 Md. R. 381 (2-22-13)
36.06.02.01,.02 • 40:4 Md. R. 381 (2-22-13)
36.06.03.01—.16 • 40:4 Md. R. 381 (2-22-13)
36.06.04.01—.05 • 40:4 Md. R. 381 (2-22-13)
36.06.05.01—.10 • 40:4 Md. R. 381 (2-22-13)
36.07.01.01—.03 • 40:5 Md. R. 431 (3-8-13)
36.07.02.01—.18 • 40:5 Md. R. 431 (3-8-13)
36.07.03.01—.03 • 40:5 Md. R. 431 (3-8-13)
36.07.04.01—.19 • 40:5 Md. R. 431 (3-8-13)
36.07.05.01 • 40:5 Md. R. 431 (3-8-13)

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated July 18, 2013, **MICHAEL WENYUE LU**, 932 Hungerford Drive, Suite 8, Rockville, Maryland 20850, has been reprimanded by consent.

* * * * *

This is to certify that by an Order of this Court dated July 22, 2013, **MALIK JAMES TUMA**, 3047 Murdock Road, Kensington, Maryland 20895, has been reprimanded by consent.

[13-16-25]

SCHEDULE

Wednesday, September 4, 2013

Bar Admissions

AG 2 Attorney Grievance Commission of Maryland v.
(2011 T.) Michelle Hamilton Davy
No. 1 Hector Butler, Jr. v. S&S Partnership, et al.
No. 2 Flora Lipitz, et al. v. William A. Hurwitz
No. 79 Shelton Burris a/k/a Tyrone Burris v. State of
(2012 T.) Maryland

Monday, September 9, 2013

AG 83 Attorney Grievance Commission of Maryland v.
(2011 T.) Anthony Maurice Harmon
No. 3 Carolyn Delorise Patton v. Wells Fargo Financial
Maryland, Inc.
No. 8 State of Maryland v. Stanley Goldberg, et al.

Tuesday, September 10, 2013

AG 68 Attorney Grievance Commission of Maryland v.
(2012 T.) Patrick Edward Vanderslice
No. 120 Millicent Sumpter v. Sean Sumpter
(2011 T.)
No. 99 BJ's Wholesale Club, Inc. v. Russell Rosen,
(2012 T.) Individually, etc., et al.

Wednesday, September 11, 2013

No. 89101 Geneva LLC v. Ethel E. Wynn, et al.
(2012 T.)
No. 98 Jamar Holt v. State of Maryland
(2012 T.)
No. 5 Susan Mummert, et al. v. Massoud B. Alizadeh, et al.

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

After September 11, 2013 the Court will recess until October 3, 2013.

BESSIE M. DECKER
CLERK

[13-16-24]

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 08 DEPARTMENT OF NATURAL RESOURCES Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

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

Notice of Emergency Action [13-211-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulation .04 under **COMAR 08.02.04 Oysters**.

Emergency status began: July 19, 2013.

Emergency status expires: January 15, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact. The emergency action may have an economic impact on stakeholders and the Department.

II. Types of Economic Impact.

	Revenue (R+/R-)	
Expenditure (E+/E-)		Magnitude
A. On issuing agency:		
Tags	(E-)	Approximately \$8,050/year
B. On other State agencies:		
	NONE	
C. On local governments:		
	NONE	

	Benefit (+)	
	Cost (-)	Magnitude

D. On regulated industries or trade groups:

(1) Harvesters — tags	(-)	Indeterminable
(2) Dealers — tags	(+)	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. On average, over the last five seasons the oyster harvest has been 161,000 bushels per year. The tags cost approximately 5 cents each. The amount will vary due to the unknown number of individuals that will participate in the fishery, the unknown number that will use their own tag, and the unpredictable harvest.

D(1). Individuals harvesting wild oysters will have to purchase tags from the Department, from a private company, or print their own. There have been an average of 682 individuals who paid the oyster surcharge over the last five oyster seasons. It is unknown where these harvesters will purchase their tags or what the materials will cost if they print their own.

D(2). Being able to use a dealer tag instead of a harvester tag will give individuals some business flexibility. They may benefit economically since they will not have to purchase both types of tags. The actual amount is undeterminable due to the unknown number of individuals that will participate.

Economic Impact on Small Businesses

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

Please see the explanations under Estimate of Economic Impact.

.04 Oyster Container and Tagging Requirements.

A. Containers.

(1) [Notwithstanding Natural Resources Article, §4-1018(a), Annotated Code of Maryland, oysters] *Oysters* harvested from waters of the State shall be stored prior to leaving the bar from which they were harvested in a:

- (a) — (d) (text unchanged)

(2) — (3) (text unchanged)

(4) Oysters stored in accordance with §A of this regulation shall remain in the original container until a tag is no longer required on the container in accordance with [§B(3)(b)] §B(5)(d) of this regulation.

(5) (text unchanged)

B. Tagging.

(1) [An] *Except as provided in §B(3) and (4) of this regulation, an individual storing oysters in accordance with §A(1)—(3) and (5)(a) of this regulation shall complete and affix a Department-issued tag to each container of oysters prior to leaving the bar from which the oysters were harvested.*

(2) [An] *Except as provided in §B(3) of this regulation, an individual storing oysters in accordance with §A(5)(b) of this regulation shall complete one Department-issued tag for the group of oysters not in containers and affix a Department-issued tag to each container of oysters prior to leaving the bar from which the oysters were harvested.*

(3) *An individual storing oysters in accordance with §A(1)—(3) and (5)(b) of this regulation may use a tag not supplied by the Department if:*

(a) *The individual:*

(i) *Is licensed and certified to sell shellfish by the Department of Health and Mental Hygiene in accordance with COMAR 10.15.07; and*

(ii) *Follows the tagging requirements of the National Shellfish Sanitation Program Model Ordinance, incorporated by reference by the Department of Health and Mental Hygiene in COMAR 10.15.07.01; or*

(b) *Each tag contains the statement “Wild Shellfish” and, in the order specified, the following information:*

(i) *The harvester’s license number as assigned by the Department;*

(ii) *The date of harvest, including the year;*

(iii) *The name of the state in which the harvest occurred;*

(iv) *The bar name;*

(v) *The name of the region or the National Oceanic and Atmospheric Administration code for the area in which the harvest occurred;*

(vi) *The type and quantity of shellfish; and*

(vii) *The statement “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS” in bold capitalized type.*

(4) *An individual storing oysters in accordance with §A(5)(a) of this regulation may use a tag not supplied by the Department if:*

(a) *The individual:*

(i) *Is licensed and certified to sell shellfish by the Department of Health and Mental Hygiene in accordance with COMAR 10.15.07; and*

(ii) *Follows the tagging requirements of the National Shellfish Sanitation Program Model Ordinance, incorporated by reference by the Department of Health and Mental Hygiene in COMAR 10.15.07.01; and*

(b) *Each tag contains:*

(i) *The statement “Farm Raised Shellfish”; and*

(ii) *The lease number.*

[(3)] (5) *Tags:*

(a) *Shall be durable and waterproof;*

(b) *Shall be at least 5-1/2 x 2-3/4 inches in size;*

[(a)] (c) (text unchanged)

[(b)] (d) *Shall stay affixed to the container until the container is in the possession of a person who is licensed and certified to sell shellfish by the Department of Health and Mental Hygiene in accordance with COMAR 10.15.07; and*

[(c)] (e) *May not be reused; and*

(d) *May only be transferred to another individual during a license transfer in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland].*

[(4)] (6) (text unchanged)

[(5)] (7) *An individual shall only possess one type of [Department-issued] tag, wild shellfish or farm raised shellfish, while harvesting oysters.*

(8) *An individual may not use a farm raised shellfish tag to tag wild shellfish.*

(9) *An individual may not use a wild shellfish tag to tag farm raised shellfish.*

[(6)] (10) *[Except as provided in §B(3)(d) of this regulation, tags] Tags issued to individuals harvesting from a lease shall only be used by the individual to whom the tags were originally issued.*

(11) *If a tidal fish licensee obtains tags from the Department, the licensee shall be assessed an annual surcharge for the costs incurred by the Department for the tags.*

[(7)] (12) (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Final Action on Regulations

Symbol Key

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

Title 03 COMPTROLLER OF THE TREASURY

Subtitle 01 OFFICE OF THE COMPTROLLER

03.01.01 General Regulations

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

Notice of Final Action

[13-063-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation **.04** under **COMAR 03.01.01 General Regulations**. This action, which was proposed for adoption in 40:3 Md. R. 221—222 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

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

Notice of Final Action

[13-064-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation **.08** under **COMAR 03.06.01 Sales and Use Tax**. This action, which was proposed for adoption in 40:3 Md. R. 222—223 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

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

Notice of Final Action

[13-068-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation **.09** under **COMAR 03.06.01 Sales and**

Use Tax. This action, which was proposed for adoption in 40:3 Md. R. 223 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

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

Notice of Final Action

[13-065-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation **.10** under **COMAR 03.06.01 Sales and Use Tax**. This action, which was proposed for adoption in 40:3 Md. R. 223—224 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102, 2-103, 11-204, and 11-206, Annotated Code of Maryland

Notice of Final Action

[13-067-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation **.22** under **COMAR 03.06.01 Sales and Use Tax**. This action, which was proposed for adoption in 40:3 Md. R. 224—226 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX

03.06.01 Sales and Use Tax

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

Notice of Final Action

[13-020-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation **.28** under **COMAR 03.06.01 Sales and Use Tax**. This action, which was proposed for adoption in 40:2 Md. R. 77 (January 25, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX**03.06.01 Sales and Use Tax**

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

Notice of Final Action

[13-062-F]

On July 22, 2013, the Comptroller of the Treasury adopted new Regulation .43 under COMAR 03.06.01 Sales and Use Tax. This action, which was proposed for adoption in 40:3 Md. R. 226 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX**03.06.01 Sales and Use Tax**

Authority: Tax-General Article, §§2-102, 2-103, 11-104(h), and 11-410, Annotated Code of Maryland

Notice of Final Action

[13-066-F]

On July 22, 2013, the Comptroller of the Treasury adopted new Regulation .45 under COMAR 03.06.01 Sales and Use Tax. This action, which was proposed for adoption in 40:3 Md. R. 227 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX**03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes**

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

Notice of Final Action

[13-060-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation .02 under COMAR 03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes. This action, which was proposed for adoption in 40:3 Md. R. 227—228 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Subtitle 06 SALES AND USE TAX**03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes**

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

Notice of Final Action

[13-061-F]

On July 22, 2013, the Comptroller of the Treasury adopted amendments to Regulation .05 under COMAR 03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes. This action, which was proposed for adoption in 40:3 Md. R. 228 (February 8, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

PETER FRANCHOT
Comptroller of the Treasury

Title 07**DEPARTMENT OF HUMAN RESOURCES****Subtitle 02 SOCIAL SERVICES ADMINISTRATION****07.02.11 Out-of-Home Placement Program**

Authority: Family Law Article, §§5-501, 5-504, 5-524—5-534; 5-701, and 5-709; Courts and Judicial Proceedings Article, §§3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Human Services Article, §9-101 et seq.; Education Article, §§7-101(b) and 15-106.1; Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference: 42 U.S.C. §§620 et seq., 670 et seq.; 45 CFR §205.10; 45 CFR §303.72; 45 CFR 1355—1357)

Notice of Final Action

[13-122-F]

On July 26, 2013, the Secretary of Human Resources adopted amendments to regulation .12 under COMAR 07.02.11 Out-of-Home Placement Program. This action, which was proposed for adoption in 40:9 Md. R. 775—826 (May 3, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General's Certification

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

Regulation .12(B): Text has been amended to clarify that the local department of social services completes the best interest determination.

.12 Education for the Child in Out-of-Home Placement.

A. (proposed text unchanged)

B. *School Stability*

(1) — (4) (proposed text unchanged)

(5) *A child shall continue to be enrolled in and maintain attendance in the school of origin until the [[placement agency]] local department of social services completes the best interests determination in accordance with this section.*

(6) (proposed text unchanged)

THEODORE DALLAS
Secretary of Human Resources

Title 08
DEPARTMENT OF NATURAL
RESOURCES

Subtitle 18 BOATING — SPEED
LIMITS AND OPERATION OF
VESSELS

08.18.08 Chester River

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

Notice of Final Action
[13-162-F]

On July 30, 2013, the Secretary of the Maryland Department of Natural Resources adopted amendments to Regulations .01—.04 and new Regulation .05 under **COMAR 08.18.08 Chester River**. This action, which was proposed for adoption in 40:12 Md. R. 1045—1046 (June 14, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED
LIMITS AND OPERATION OF
VESSELS

08.18.09 Choptank River

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

Notice of Final Action
[13-161-F]

On July 30, 2013, the Secretary of Natural Resources adopted amendments to Regulations .01—.03, the repeal of existing Regulation .04, and amendments to and the recodification of existing Regulations .05—.11 to be Regulations .04—.10 under **COMAR 08.18.09 Choptank River**. This action, which was proposed for adoption in 40:12 Md. R. 1046—1047 (June 14, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION

Subtitle 11 REAL ESTATE
COMMISSION

09.11.01 General Regulations

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

Notice of Final Action
[13-150-F]

On July 17, 2013, the Real Estate Commission adopted the repeal of Regulation .05 and amendments to Regulation .14 and under **COMAR 09.11.01 General Regulations**. This action, which was proposed for adoption in 40:11 Md. R. 986 — 987 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

J. NICHOLAS D’AMBROSIA
Chairman
Real Estate Commission

Subtitle 21 BOARD OF ARCHITECTS

09.21.05 Continuing Professional Competency
Requirements

Authority: Business Occupations and Professions Article, §§3-208, 3-309, 3-309.1, and 3-309.2, Annotated Code of Maryland

Notice of Final Action
[13-128-F]

On July 24, 2013, the Board of Architects adopted new Regulations .01 — .12 under a new chapter, **COMAR 09.21.05 Continuing Professional Competency Requirements**. This action, which was proposed for adoption in 40:9 Md. R. 796 — 798 (May 3, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General’s Certification

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

Regulation .02(B): Changed to align references to a commonly used term “health, safety, and welfare subjects” to the national standards established for the same by the National Council of Architectural Registration Boards.

Regulation .04(A): Changed to clarify that the acceptable content areas must relate to the health, safety, and welfare subjects.

Regulation .04(B): Changed to delete duplicative references to the defined term “health, safety, and welfare subjects”.

.02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1) — (2) (proposed text unchanged)

(3) “Health, safety, and welfare subjects” means *[[technical and professional subjects more specifically described in Regulation .04 below that the Board deems necessary and appropriate in order to accomplish the following goals:*

(a) *To safeguard the public; and*

(b) *To properly evaluate, design, construct, and utilize buildings and the built environment]] content areas identified as such by NCARB, as those content areas may be updated or otherwise amended from time to time.*

(4) (proposed text unchanged)

.04 Professional Development Activities.

A. Professional development activity shall meet the following criteria:

(1) (proposed text unchanged)

(2) *Expand the knowledge of health, safety, and welfare subjects [[or]] and offer a skill set geared towards maintaining and enhancing professional competency of licensed architects;*

(3) — (4) (proposed text unchanged)

[[B. Professional development activity shall fall into one or more of the health, safety, and welfare content areas identified by NCARB, as updated or otherwise amended from time to time.]]

[[C.] B.— [[D.]] C. (proposed text unchanged)

DIANE CHO
Chair

State Board of Architects

Title 10

**DEPARTMENT OF HEALTH
AND MENTAL HYGIENE**

**Subtitle 05 FREESTANDING
AMBULATORY CARE FACILITIES**

**10.05.05 Freestanding Ambulatory Surgical
Facilities**

Authority: Health-General Article, §19-3B-01, et seq., Annotated Code of Maryland

Notice of Final Action

[12-184-F]

On July 26, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .03 under **COMAR 10.05.05 Freestanding Ambulatory Surgery Facilities**. This action, which was proposed for adoption in 39:15 Md. R. 976—977 (July 27, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General’s Certification

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

Regulation .03: The decrease in the proposed fee is not substantive because it could have been reasonably anticipated by the participants in the regulatory process that comments received during the process would lead the Department to adopt a smaller fee increase than originally proposed. In addition, the decrease in the proposed fee does not decrease the benefits that will be achieved by this regulation

and does not increase, but in fact decreases, the burden on the regulated industry.

.03 Licensing Procedure.

In addition to meeting all of the requirements of COMAR 10.05.01.03A—C, the applicant shall submit a nonrefundable fee of *[[[\$4,000]] \$3,000 for a 3 year period*, with an application for initial licensure, or submit a nonrefundable fee of *[[[\$4,000]] \$3,000* with an application for license renewal for a 3 year period.

JOSHUA M. SHARFSTEIN, M.D.
Secretary 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

[12-192-F]

On July 26, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .04 under **COMAR 10.07.05 Residential Service Agencies**. This action, which was proposed for adoption in 39:15 Md. R. 977—978 (July 27, 2012), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General’s Certification

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

Regulation .04A(2)(l) and I(2): The decrease in the proposed fee is not substantive because it could have been reasonably anticipated by the participants in the regulatory process that comments received during the process would lead the Department to adopt a smaller fee increase than originally proposed. In addition, the decrease in the proposed fee does not decrease the benefits that will be achieved by this regulation and does not increase, but in fact decreases, the burden on the regulated industry.

.04 Licensing Procedures.

A. Application for License.

(1) (proposed text unchanged)

(2) An applicant shall submit:

(a)—(k) (proposed text unchanged)

(l) A nonrefundable 1-year license fee of *[[[\$1,000]] \$700* made payable to the Department.

B.—H. (proposed text unchanged)

I. License Renewal. A licensee shall submit to the Department:

(1) (proposed text unchanged)

(2) A nonrefundable 1-year license renewal fee of *[[[\$1,000]] \$700* payable to the Department;

(3)—(5) (proposed text unchanged)

J.—K. (proposed text unchanged)

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

Subtitle 07 HOSPITALS

10.07.14 Assisted Living Programs

Authority: Health-General Article, Title 19, Subtitle 18, Annotated Code of Maryland

Notice of Final Action

[12-183-F]

On July 26, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .07 under **COMAR 10.07.14 Assisted Living Programs**. This action, which was proposed for adoption in 39:15 Md. R. 978—979 (July 27, 2012), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General's Certification

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

Regulation .07A(3)(b)—(e): The decrease in the proposed fee is not substantive because it could have been reasonably anticipated by the participants in the regulatory process that comments received during the process would lead the Department to adopt a smaller fee increase than originally proposed. In addition, the decrease in the proposed fee does not decrease the benefits that will be achieved by this regulation and does not increase, but in fact decreases, the burden on the regulated industry.

.07 Licensing Procedure.

A. Application for License.

(1)—(2) (proposed text unchanged)

(3) Fees. The annual license fee schedule for assisted living programs is as follows:

(a) (proposed text unchanged)

(b) 5—15 beds: ~~[[\$550]]~~ \$300 annually;

(c) 16—49 beds: ~~[[\$650]]~~ \$450 annually;

(d) 50—99 beds: ~~[[\$800]]~~ \$650 annually;

(e) 100—149 beds: ~~[[\$1,200]]~~ \$1,000 annually; and

(f) 150 plus beds: \$1,500 annually.

(4)—(5) (proposed text unchanged)

B.—D. (proposed text unchanged)

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

Subtitle 10 LABORATORIES ADMINISTRATION

10.10.04 Medical Laboratories — Fees

Authority: Health-General Article, §§17-204, 17-205, 17-207, 17-209, 17-502, 17-503, and 17-506, Annotated Code of Maryland

Notice of Final Action

[12-172-F]

On July 26, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .02 under **COMAR 10.10.04 Medical Laboratories — Fees**. This action, which was proposed for adoption in 39:15 Md. R. 979 (July 27, 2012), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following

changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .02A, B, and C(1)(b) and (4)(a): The decrease in the proposed fee is not substantive because it could have been reasonably anticipated by the participants in the regulatory process that comments received during the process would lead the Department to adopt a smaller fee increase than originally proposed. In addition, the decrease in the proposed fee does not decrease the benefits that will be achieved by this regulation and does not increase, but in fact decreases, the burden on the regulated industry.

.02 Licensing — Letter of Exception and Permit.

A. Letter of Exception. Except as set forth in §C (4) of this regulation, a person applying for a letter of exception for a POL or POCL shall submit a *licensing fee* of ~~[[\$300]]~~ \$200.

B. Letter of Exception—Limited Testing for Rare Diseases. A person applying for a letter of exception-limited testing for rare diseases for a laboratory shall submit a licensing fee of ~~[[\$300]]~~ \$200 with an initial application and biennially after that with each renewal application.

C. Permit—General.

(1) A person applying for a permit to operate a laboratory shall submit with each initial application a partial licensing fee of:

(a) (proposed text unchanged)

(b) ~~[[\$300]]~~ \$200 when the application covers more than three disciplines.

(2)—(3) (proposed text unchanged)

(4) A person who qualifies for a letter of exception as set forth in COMAR 10.10.03.02 and performs one or more tests that require obtaining or renewing a permit shall pay initially, and biennially after that, a licensing fee of:

(a) ~~[[\$300]]~~ \$200 as set forth in §A of this regulation; and

(b) (proposed text unchanged)

(5) (proposed text unchanged)

D. (proposed text unchanged)

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

Subtitle 53 BOARD OF NURSING — ELECTROLOGY PRACTICE COMMITTEE

Notice of Final Action

[13-143-F]

On July 30, 2013, the Secretary of Health and Mental Hygiene adopted amendments to:

(1) Regulation .04 under **COMAR 10.53.02 Licensure**;

(2) Regulations .02—.04 under **COMAR 10.53.04 Continuing Education**; and

(3) Regulation .01 under **COMAR 10.53.12 Fees**.

This action, which was proposed for adoption in 40:11 Md. R. 994-995 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

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

Title 13A STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

13A.06.03 Interscholastic Athletics in the State

Authority: Education Article, §§2-205 and 2-303(k), Annotated Code of Maryland

Notice of Final Action [13-147-F]

On July 23, 2013, the Maryland State Board of Education adopted amendments to Regulations .02—, .07, .09, and .11 under **COMAR 13A.06.03 Interscholastic Athletics in the State**. This action, which was proposed for adoption in 40:11 Md. R. 995—1000 (May 31, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: August 19, 2013.

Attorney General's Certification

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

Regulation .03B(1)(l): This is a nonsubstantive style edit. The second sentence of (l)(iv) is moved to (l)(v) so that the soccer schedule list matches the scheduling list format for other sports in the regulation. The revision does not alter the maximum number of contests permitted during a season for the sport.

Regulation .04C(6): This nonsubstantive edit changes the reference from §J to §H. This edit is required because of the relettering of the regulation sections from §J to §H.

.03 Sports Season.

Member MPSSAA schools shall conduct all interscholastic athletic contests and practice sessions in accordance with the following:

A. (proposed text unchanged)

B. Maximum Number of Contests Permitted During a Sports Season.

(1) All school athletic schedules shall be established before the first *MPSSAA allowable play date* of each sport's season according to the following instructions:

(a)—(k) (proposed text unchanged)

(l) Soccer:

(i)—(ii) (proposed text unchanged)

(iii) *Three games in one week may be scheduled twice during the season;[[and]]*

(iv) *A team may elect to play in one designated optional two or three-game tournament[[.]] ; and*

(v) *If a team elects to play in a designated optional three-game tournament, only 11 regular season games may be scheduled.*

(m)—(q) (proposed text unchanged)

(2)—(3) (proposed text unchanged)

.04 Operational Guidelines.

The regulations given below are established for all MPSSAA interscholastic sports:

A.—B. (proposed text unchanged)

C. Limits of Participation.

(1)—(5) (proposed text unchanged)

(6) *Member* MPSSAA schools shall practice with or play against only high school teams as defined in [[§J]] §H of this regulation.

(7)—(9) (proposed text unchanged)

D.—H. (proposed text unchanged)

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

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.03 Minority Business Enterprise Policies

Authority: State Finance and Procurement Article, §14-302, Annotated Code of Maryland; *Ch. 154, Acts of 2012*

Notice of Final Action [13-164-F]

On July 30, 2013, the Special Secretary of the Governor's Office of Minority Affairs adopted amendments to Regulations .01 and .09 under **COMAR 21.11.03 Minority Business Enterprise Policies**. This action, which was proposed for adoption in 40:12 Md. R. 1052—1053 (June 14, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

ZENITA WICKHAM HURLEY
Special Secretary
Governor's Office of Minority Affairs

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.02 Permits, Approvals, and Registration

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

Notice of Final Action [12-327-F]

On July 17, 2013, the Secretary of the Environment adopted amendments to Regulations .17 and .19 under **COMAR 26.11.02 Permits, Approvals, and Registration**. This action, which was proposed for adoption in 39:24 Md. R. 1584—1587 (November 30, 2012), has been adopted as proposed.

Effective Date: August 19, 2013.

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

Title 33 STATE BOARD OF ELECTIONS

Subtitle 05 VOTER REGISTRATION

33.05.06 Changes, Deaths, Convictions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-101, 3-301(c), 3-504, and 3-505; Courts and Judicial Proceedings Article, §8-212; *Annotated Code of Maryland*; 42 U.S.C. 1973aa-1(e)

Notice of Final Action

[13-151-F]

On July 25, 2013, the State Board of Elections adopted amendments to Regulation .03 under **COMAR 33.05.06 Changes, Deaths, Convictions**. This action, which was proposed for adoption in 40:11 Md. R. 1001—1002 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 08 CANVASSING

Notice of Final Action

[13-152-F]

On July 25, 2013, the State Board of Elections adopted:

(1) Amendments to Regulation .01 under **COMAR 33.08.01 Definitions; General Provisions**; and

(2) New Regulation .01, the recodification of existing Regulations .01, .02, and .04 — .06 to be Regulations .02, .03, and .05 — .07, respectively, and amendments to and the recodification of existing Regulation .03 to be Regulation .04 under **COMAR 33.08.05 Post-Election Verification and Audit**.

This action, which was proposed for adoption in 40:11 Md. R. 1002 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 09 VOTING SYSTEMS — CERTIFICATION AND GENERAL REQUIREMENTS

Notice of Final Action

[13-153-F]

On July 25, 2013, the State Board of Elections adopted:

(1) Amendments to Regulations .01 — .05 and .07 under **COMAR 33.09.01 Definitions; General Provisions**;

(2) Amendments to Regulation .04 under **COMAR 33.09.02 Minimum System Requirements**;

(3) Amendments to Regulations .01, .02, and .04 — .06 and new Regulation .08 under **COMAR 33.09.03 State Board Certification — Preliminary Submissions**;

(4) Amendments to Regulations .01 and .03, new Regulation .05, and amendments to and the recodification of existing Regulations .05 and .06 to be Regulations .06 and .07 under **COMAR 33.09.04 State Board Certification — Evaluation and Decision**;

(5) Amend Regulations .02 and .03, the repeal of Regulations .04 and .05, and amendments to and the recodification of existing Regulation .06 to be Regulation .04 under **COMAR 33.09.05 State Board — Acquisition and Acceptance**;

(6) Amendments to Regulation .01, the repeal of Regulations .02 and .03, and amendments to and the recodification of existing Regulation .04 to be Regulation .02 under **COMAR 33.09.06 Implementation and Use**; and

(7) Amendments to Regulations .02, .06, and .08 under **COMAR 33.09.07 Compliance and Decertification**.

This action, which was proposed for adoption in 40:11 Md. R. 1002—1005 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 10 VOTING SYSTEMS — SYSTEM REQUIREMENTS AND PROCEDURES

33.10.02 AccuVote-TS

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(b) and (i), 11-308, and 11-403(a)(1), *Annotated Code of Maryland*

Notice of Final Action

[13-154-F]

On July 25, 2013, the State Board of Elections adopted amendments to Regulation .14 under **COMAR 33.10.02 AccuVote-TS**. This action, which was proposed for adoption in 40:11 Md. R. 1006 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 11 ABSENTEE BALLOTS

Notice of Final Action

[13-155-F]

On July 25, 2013, the State Board of Elections adopted:

(1) Amendments to Regulation .01 under **COMAR 33.11.01 Definitions; General Provisions**;

(2) Amendments to Regulations .03 and .06 under **COMAR 33.11.02 Applications**;

(3) Amendments to Regulation .08 under **COMAR 33.11.03 Issuance and Return**; and

(4) Amendments to Regulation .03 under **COMAR 33.11.04 Canvass of Ballots — Procedures**.

This action, which was proposed for adoption in 40:11 Md. R. 1006—1007 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING**Notice of Final Action**

[13-158-F]

On July 25, 2013, the State Board of Elections adopted:

(1) Amendments to Regulation **.01** under **COMAR 33.13.01**

Definitions:

(2) Amendments to Regulations **.01** and **.02**, new Regulation **.05**, and the recodification of existing Regulation **.05** to be Regulation **.06** under **COMAR 33.13.07 Authority Line Requirements; Electronic Media**; and

(3) Amendments to Regulation **.02** and new Regulation **.03** under **COMAR 33.13.10 Prohibitions**.

This action, which was proposed for adoption in 40:11 Md. R. 1007—1009 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 15 PRECINCTS, POLLING PLACES, AND FACILITIES**33.15.02 New or Changed Precincts**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 2-303(g), Annotated Code of Maryland

Notice of Final Action

[13-156-F]

On July 25, 2013, the State Board of Elections adopted amendments to Regulation **.05** under **COMAR 33.15.02 New or Changed Precincts**. This action, which was proposed for adoption in 40:11 Md. R. 1009—1010 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 16 PROVISIONAL VOTING**33.16.05 Canvass of Ballots — Procedures**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

Notice of Final Action

[13-157-F]

On July 25, 2013, the State Board of Elections adopted amendments to Regulation **.02** under **COMAR 33.16.05 Canvass of Ballots — Procedures**. This action, which was proposed for adoption in 40:11 Md. R. 1010 (May 31, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

LINDA H. LAMONE
State Administrator of Elections

**Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY****Subtitle 03 GAMING PROVISIONS****Notice of Final Action**

[13-071-F]

On July 22, 2013, the Maryland State Lottery and Gaming Control Agency adopted the following new chapters under a new subtitle, **Subtitle 03 Gaming Provisions**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**:

(1) New Regulations **.01 — .04** under **COMAR 36.03.01 General**;

(2) New Regulations **.01 — .18** under **COMAR 36.03.02 Investigation and Licensing**;

(3) New Regulations **.01 — .09** under **COMAR 36.03.03 Video Lottery Operation License**;

(4) New Regulations **.01 — .03** under **COMAR 36.03.05 Unannounced Inspections**;

(5) New Regulations **.01 — .03** under **COMAR 36.03.06 Enforcement of Voluntary Exclusion Program**;

(6) New Regulations **.01 — .08** under **COMAR 36.03.07 Mandatory Exclusion**;

(7) New Regulations **.01 — .04** under **COMAR 36.03.08 Collection of Taxes, Fees, and Penalties**;

(8) New Regulations **.01** and **.02** under **COMAR 36.03.09 Junkets**;

(9) New Regulations **.01 — .49** under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**;

(10) New Regulations **.01 — .08** under **COMAR 36.03.11 Facility Standards**; and

(11) New Regulations **.01 — .06** under **COMAR 36.03.12 Transportation and Testing of Video Lottery Terminals and Table Game Equipment**.

The proposal to adopt new Regulations **.01—07** under **COMAR 36.03.04 Enforcement** was withdrawn in 40:10 Md. R. 933 (May 17, 2013).

This action, which was proposed for adoption in 40:6 Md. R. 490—541 (March 22, 2013), has been adopted as proposed.

Effective Date: August 19, 2013.

STEPHEN L. MARTINO
Director
Maryland State Lottery and Gaming Control Agency

Withdrawal of Regulations

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Withdrawal

[13-166-W]

The Secretary of Health and Mental Hygiene withdraws proposed amendments to: (1) Regulations **.01—.05** under **COMAR 10.09.01 Nurse Practitioner Services**; (2) Regulations **.01—.05** under **COMAR 10.09.21 Nurse Midwife Services**; and (3) Regulation **.04** under **COMAR 10.09.58 Family Planning Program**, as published in 40:12 Md. R. 1048—1049 (June 14, 2013).

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

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 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.01 Health Care Practitioner User Fee Collection

Authority: Health Occupations Article, §1-209, Annotated Code of Maryland

Notice of Proposed Action

[13-223-P]

The Secretary of Health and Mental Hygiene proposes to repeal in their entirety Regulations **.01—.05** under **COMAR 10.01.01 Health Care Practitioner User Fee Collection**.

Statement of Purpose

The purpose of this action is to repeal in its entirety COMAR 10.01.01, which gives the now defunct Health Care Access and Cost Commission (HCACC) the authority to impose a health care practitioner user fee on certain health care practitioners. This authority is duplicated in COMAR 10.25.02, which gives the Maryland Health Care Commission, the successor to HCACC, the same authority.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

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

Subtitle 03 HEALTH STATISTICS

10.03.01 Vital Records

Authority: Health-General Article, §4-212, Annotated Code of Maryland

Notice of Proposed Action

[13-217-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.01** and **.14** under **COMAR 10.03.01 Vital Records**.

Statement of Purpose

The purpose of this action is to define the term “physician assistant” and provide physician assistants and nurse practitioners with the authority to amend a death certificate.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(17) (text unchanged)

(18) *“Physician Assistant” means an individual who is licensed under Health Occupations Article, Title 15, Annotated Code of Maryland, to practice medicine with physician supervision.*

[(18)] (19)—[(21)] (22) (text unchanged)

.14 Death Certificate — Amendment.

A. In order for the name of the deceased, the cause of death and medical certification, the manner of death, the date and time of death, and the place where the death occurred to be amended on a death certificate, the facts necessitating the amendment shall be certified to the Secretary by the physician, *physician assistant*, or *nurse practitioner* who filled out and signed the death certificate, or by the medical examiner.

B. (text unchanged)

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.02 Physicians’ Services

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

Notice of Proposed Action

[13-225-P-I]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .07 under **COMAR 10.09.02 Physicians’ Services**.

Statement of Purpose

The purpose of this action is to update the rates in the fee schedule for Physician’s Services. These changes bring the State in compliance with federal requirements under the Affordable Care Act of 2010 which required states to pay primary care physicians at the Medicare fee schedule for Calendar Year 2013 and 2014. The regulation is intended to encourage physician participation in the Medical Assistance Program as the number of Medicaid enrollees increases with the implementation of health care reform.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The changes will cost approximately \$21.5 million in total funds for Calendar Year 2013.

Revenue (R+/R-)

Expenditure

II. Types of Economic Impact. (E+/E-) Magnitude

A. On issuing agency: (E-) \$21,500,000

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups: (+) \$21,500,000

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. The Department will be increasing reimbursements to physicians.

D. There will be benefits to physicians as a result of increased reimbursements.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, Revision April 2013, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), 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.

.07 Payment Procedures.

A.—C. (text unchanged)

D. The Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, Revision [July — December 2011] *April 2013*, is contained in the Medical Assistance Provider Fee Manual, dated October 1986. All the provisions of this document, unless specifically excepted, are incorporated by reference.

E.—Q. (text unchanged)

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.36 General Medical Assistance Provider Participation Criteria

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

Notice of Proposed Action
[13-224-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.09.36 General Medical Assistance Provider Participation Criteria**.

Statement of Purpose

The purpose of this action is to allow the Medical Assistance Program to conduct on-site visits of any and all provider locations.

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 A. Phinney, Director, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.03 Conditions for Participation.

A. To participate in the Program, the provider shall comply with the following criteria:

(1)—(3) (text unchanged)

(4) *Allow the Department or its agents to conduct an unannounced on-site visit of any and all provider locations to verify compliance with State and federal statutes and regulations*

[(4)] (5)—[(17)] (18) (text unchanged)

B.—E. (text unchanged)

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

Subtitle 22 DEVELOPMENTAL DISABILITIES

Notice of Proposed Action
[13-219-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation .01 under **COMAR 10.22.01 Definitions**;

(2) Regulations .04 and .06 under **COMAR 10.22.11 Respite Services in the State Residential Center (SRC)**;

(3) Regulations .02, .03, and .07 under **COMAR 10.22.12 Eligibility for and Access to Community Services for Individuals with Developmental Disability**;

(4) Regulations .02 and .03 under **COMAR 10.22.13 Admission of Individuals to State Residential Facilities Under the Jurisdiction of the Developmental Disabilities Administration**; and

(5) Regulation .02 under **COMAR 10.22.15 Waiting List Equity Fund**.

Statement of Purpose

The purpose of this action is to replace obsolete language with current terminology.

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, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

10.22.01 Definitions

Authority: Health-General Article, §7-904, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(20) (text unchanged)

(20-1) “Forensic residential center (FRC)” means a facility that

is:

(a) Licensed to provide a continuum of integrative services to individuals with [mental retardation] *intellectual disabilities*:

(i) (text unchanged)

(ii) Court-committed for care or treatment to the Department as incompetent to stand trial or not criminally responsible who are dangerous as a result of [mental retardation] *intellectual disabilities*; or

(iii) (text unchanged)

(b)—(c) (text unchanged)

(21)—(54) (text unchanged)

(55) “State residential center (SRC)” means a State owned and operated facility for individuals with [mental retardation] *intellectual disabilities*.

(56)—(64) (text unchanged)

10.22.11 Respite Services in the State Residential Center (SRC)

Authority: Health-General Article, §7-509, Annotated Code of Maryland

.04 Eligibility.

To be eligible to receive respite care in the SRC, the individual:

A. (text unchanged)

B. Shall have an appropriate evaluation with the diagnosis of [mental retardation] *an intellectual disability*;

C.—D. (text unchanged)

.06 Procedures for Respite Requests.

A. (text unchanged)

B. The regional office shall arrange for the following:

(1) (text unchanged)

(2) The collection of information to substantiate a diagnosis of [mental retardation] *an intellectual disability*; and

(3) (text unchanged)

C.—F. (text unchanged)

10.22.12 Eligibility for and Access to Community Services for Individuals with Developmental Disability

Authority: Health-General Article, §7-401, Annotated Code of Maryland

.02 Scope.

A. (text unchanged)

B. This chapter is not intended to address the criteria for access to specific services funded by the DDA. COMAR 10.22.13 addresses the admission of individuals with [mental retardation] *intellectual disabilities* to State residential centers under the jurisdiction of the Developmental Disabilities Administration.

C. (text unchanged)

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(13) (text unchanged)

(14) “Home and Community Based Waiver [for the Mentally Retarded] (waiver)” means the document and any amendments to it submitted by the single State agency for Title XIX and approved by the Secretary of Health and Human Services, which authorizes the waiver of statutory requirements limiting coverage for home and community based services under the Medicaid State Plan.

(15)—(17) (text unchanged)

(18) “Knott class” means individuals with [mental retardation] *intellectual disabilities* who were or are deemed inappropriately placed within Mental Hygiene Administration facilities.

(19)—(30) (text unchanged)

(31) “State residential center (SRC)” means a place that:

(a) (text unchanged)

(b) Provides residential services for individuals with [mental retardation] *intellectual disabilities* and who, because of [mental retardation] *intellectual disabilities*, require specialized living arrangements; and

(c) Admits nine or more individuals with [mental retardation] *intellectual disabilities*.

(32) (text unchanged)

.07 Eligibility Determination Process — Determination of Service Priority Category and Description of Categories.

A. (text unchanged)

B. Description of Categories.

(1)—(4) (text unchanged)

(5) Category V—Knott Class.

(a) To qualify for this priority category, the applicant shall have:

(i) [Mental retardation] *An intellectual disability*; and

(ii) (text unchanged)

(b) (text unchanged)

(6) Category VI—Inappropriate Institutionalization.

(a) To qualify for this priority category, the applicant shall

be a:

(i) (text unchanged)

(ii) Resident of [a mental retardation/] *an intermediate care facility for individuals with intellectual disabilities or persons with related conditions (ICF/IID)* and not meet the criteria for admission or retention for that facility as determined by the hearing examiner;

(iii) (text unchanged)

(iv) Resident in an institution under the auspices of the Mental Hygiene Administration who has a developmental disability, but is not an individual with [mental retardation] *an intellectual disability* and who does not meet the criteria for admission or retention in a State psychiatric hospital and whose primary need is not for a mental health service.

(b)—(d) (text unchanged)

(7)—(8) (text unchanged)

10.22.13 Admission of Individuals to State Residential Facilities Under the Jurisdiction of the Developmental Disabilities Administration

Authority: Health-General Article, §7-502, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) Admission.

(a) “Admission” means the process by which an individual with [mental retardation] *an intellectual disability* is accepted as a resident in a State residential center.

(b) (text unchanged)

(2)—(5) (text unchanged)

.03 Hearing Procedures.

A.—I. (text unchanged)

J. Admission Requirements.

(1) At the hearing, in order to certify the admission of the individual, it shall be affirmatively shown by clear and convincing evidence that the conclusions leading to the decision to admit the individual were supported by the following findings:

(a) That the individual whose admission is sought has [mental retardation] *an intellectual disability*;

(b)—(c) (text unchanged)

(2)—(5) (text unchanged)

K. (text unchanged)

10.22.15 Waiting List Equity Fund

Authority: Health-General Article, §7-206, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(14) (text unchanged)

(15) “State residential center (SRC)” means a place that:

(a) (text unchanged)

(b) Provides residential services for an individual with [mental retardation] *an intellectual disability* and who, because of [mental retardation] *an intellectual disability*, requires specialized living arrangements and meets the criteria under Health-General Article, §§7-502 and 7-505, Annotated Code of Maryland; and

(c) Admits nine or more individuals with [mental retardation] *intellectual disabilities*.

(16)—(18) (text unchanged)

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

**Subtitle 41 BOARD OF EXAMINERS
FOR AUDIOLOGISTS, HEARING AID
DISPENSERS, AND SPEECH-
LANGUAGE PATHOLOGISTS**

10.41.03 Licensure and Continuing Education

Authority: Health Occupations Article, §§2-205 and 2-308, Annotated Code of Maryland

Notice of Proposed Action
[13-218-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .05 under **COMAR 10.41.03 Licensure and Continuing Education**. This action was considered at a public meeting on March 21, 2013, notice of which was given by publication on the Board’s website: <http://www.dhmh.state.md.us/boardsahs/> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require that audiologist and speech-language pathologist licenses be renewed in the year they expire instead of all being renewed in even numbered years.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.05 Renewal of Licensure.

- A. (text unchanged)
- B. Full Licensure.

(1) [All licenses] *A license shall be renewed on or before May 31 of [each even numbered year] the year in which it expires.*

(2) (text unchanged)

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

**Subtitle 47 ALCOHOL AND DRUG
ABUSE ADMINISTRATION**
10.47.07 Prescription Drug Monitoring Program

Authority: Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland

Notice of Proposed Action
[13-228-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .04 and .08 under **COMAR 10.47.07 Prescription Drug Monitoring Program**.

Statement of Purpose

The purpose of this action is to add the Division of Drug Control to the list of units of the Department that may request prescription monitoring data from the Program and allow for the redisclosure of PDMP data to a State or local child fatality review team or a medical review committee established by the Secretary or a local health department for the purpose of reviewing information on fatal drug and alcohol overdoses and preventing overdose deaths.

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 changes will likely have a positive, though small, economic impact on DHMH, regulated industry, and the general public. The Division of Drug Control (DDC) may see cost savings from decreased staff time related to requesting and analyzing prescription information during investigations. Pharmacies may experience reduced staff time related to producing documents in response to DDC investigations. The general public may experience economic benefits from improved health and welfare of individuals at high risk for overdose.

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

B. DDC may experience reduced staff time related to acquiring and reviewing prescription information from pharmacies when conducting investigations as PDMP will be available in electronic rather than paper form.

D. Pharmacies may experience reduced staff time needed to produce records pursuant to DDC investigations.

F. The public will experience benefits from improved agency collaboration on overdose prevention activities.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 9, 2013. A public hearing has not been scheduled.

.04 Disclosure of Prescription Monitoring Data.

A.—G. (text unchanged)

H. Upon request, the Program may disclose prescription monitoring data to the Office of the Chief Medical Examiner, the Maryland Medical Assistance Program, the Office of the Inspector General of the Department, [and] the Office of Health Care Quality, and the Division of Drug Control provided that the request:

(1)—(4) (text unchanged)

I.—J. (text unchanged)

.08 General Provisions.

A.—C. (text unchanged)

D. Redisclosure of [prescription] *Prescription Monitoring Data*.

(1) *Prescription* monitoring data received under Health-General Article, §21-2A-06, Annotated Code of Maryland, and Regulation .04 of this chapter [is prohibited unless intended to] *may be redisclosed only:*

(a) *To facilitate the treatment of a patient and [is] in a manner consistent with all other State and federal laws and regulations governing the security and confidentiality of protected health information and personal medical records[.] ;*

(b) *To a State or local child fatality review team established under Health-General Article, Title 5, Subtitle 7, Annotated Code of Maryland; or*

(c) *To a medical review committee established under Health-Occupations Article, §1-401(b)(3), Annotated Code of Maryland, for the purpose of reviewing information on fatal drug and alcohol overdoses and preventing overdose deaths.*

(2) The release of prescription monitoring data by a prescriber or dispenser to a licensed health care professional solely for treatment purposes in a manner otherwise consistent with State and federal law is not a violation of Health-General Article, [§21-2A] *Title 21, Subtitle 2A*, Annotated Code of Maryland.

E.—F. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary 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 Proposed Action

[13-222-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .18 under **COMAR 10.54.02 Local Agency**.

Statement of Purpose

The purpose of this action is to reflect changes in federal funding that will affect the amounts local agencies will be paid for providing WIC Program services. Participation categories used to determine base funding for local agencies have been changed, yielding a net increase in the total amount of base funding that will be paid to local agencies. Funding from the federal WIC Program Funding Grant has been decreased, hence reducing the funding amount awarded for each participant enrolled. In addition, a decrease in funding available from the Breastfeeding Peer Counselor Funding Grant will affect the amount local agencies will be paid to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant enrolled.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The State WIC Office is changing the rates local agencies will be paid for base funding. Decreases in both federal WIC funding and the Breastfeeding Peer Counselor Funding Grant are causing reductions in the amounts paid to local agencies per participant enrolled, and support for breastfeeding through use of breastfeeding peer counselors.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	\$1,141,730
B. On other State agencies:	NONE	
C. On local governments:	(E-)	\$818,506
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Johns Hopkins Univ Bloomberg School of Pub. Health	(-)	\$40,631
(2) Community Clinic, Inc.	(-)	\$247,299
(3) Greater Baden Medical Services, Inc.	(-)	\$35,294
E. On other industries or trade groups:	NONE	
F. Direct and indirect	(+)	Undeterminable

effects on public:

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

A. The cost of administering the WIC Program in FY 14 is \$24,255,373, and this amount has been requested in the FY 14 budget. This is a decrease of \$1,141,730 as compared to FY 13 (\$25,397,103). This figure reflects three different funding streams: 1) local agency base funding, 2) per participant funding, and 3) funds to promote and support breastfeeding by breastfeeding peer counselors.

In FY 14 the Department will award total base funding of \$9,125,000 to local agencies, an increase of \$275,000 over FY 13. Due to a reduction in reimbursement per participant (\$98 in FY 14 compared to \$102 in FY 13) and fewer participants being served (146,525 in FY 14; 151,120 in FY 13), total per participant annual awards will decrease by \$1,054,790 to \$14,359,450. Funds provided for breastfeeding promotion and support through a Breastfeeding Peer Counselor Funding Grant decrease by \$361,942 to \$770,923; as a result reimbursement per participant has been reduced from FY 13's \$53.50 to \$37.52 (based on an estimate of 20,547 participants).

Figures cited in Item II reflect the cumulative effect of each of these three elements on local agency funding.

C. Fifteen Local Health Departments (LHDs) serve as local agencies and receive operating funds through the DHMH Unified Grant Award (UGA) process.

D(1). The Johns Hopkins University Bloomberg School of Public Health serves WIC participants in several designated geographic areas of Baltimore City. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(2). Community Clinic, Inc. serves WIC participants in Montgomery County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(3). Greater Baden Medical Services, Inc. serves WIC participants in several designated geographic areas of Prince George's County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

F. Combined, local agencies will serve an average of 146,525 participants monthly, providing supplemental food and nutrition education to improve dietary habits of qualifying women, infants, and children under age 5.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY:800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.18 Payment to a Local Agency.

A. (text unchanged)

B. Effective July 1, [2012] 2013, the Department shall award to the local agency a base funding of:

(1) [\$450,000] \$430,000 for a case load up to [8,999] 3,999 participants; [and]

(2) [\$575,000] \$465,000 for a case load of [9,000 or more] 4,000 to 7,999 participants[.];and

(3) \$620,000 for a case load of 8,000 or more participants.

C. Effective July 1, [2012] 2013, the Department shall award to the local agency:

(1) [\$102] \$98 per participant annually, based on case load assignment; and

(2) [\$25.50] \$24.50 per quarter for each additional participant added by the Department to the initial case load assignment.

D. (text unchanged)

E. Effective July 1, [2012] 2013 the Department shall award to the local agency the following additional funds to promote and support breastfeeding by breastfeeding peer counselors:

(1) [\$53.50] \$37.52 per pregnant or breastfeeding participant annually, based on caseload assignment; and

(2) [\$13.375] \$9.38 per quarter for each additional pregnant or breastfeeding participant added by the Department to the initial caseload assignment.

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

**Subtitle 58 BOARD OF
PROFESSIONAL COUNSELORS AND
THERAPISTS**

***10.58.13 Supervision Requirements for Licensed
Graduate Alcohol and Drug Counselors and
Graduate-Level Trainees***

Authority: Health Occupations Article, §§17-101(w), 17-205, 17-301, 17-302, 17-308, 17-309, and 17-406, Annotated Code of Maryland

Notice of Proposed Action

[13-226-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.08 under a new chapter, **COMAR 10.58.13 Supervision Requirements for Licensed Graduate Alcohol and Drug Counselors and Graduate-Level Trainees**. This action was considered at a public meeting on March 15, 2013, notice of which was given by publication on the Board's website, <http://dhmh.maryland.gov/bopc/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Establish supervision standards and qualifications for licensees in the State who provide supervision for licensed graduate alcohol and drug counselors and graduate-level trainees pursuing licensure;

(2) Establish supervision requirements for licensed graduate alcohol and drug counselors and graduate-level trainees pursuing licensure who are obtaining the supervised clinical experience required by Health Occupations Article, §17-302, Annotated Code of Maryland;

(3) Establish the responsibilities of supervisors and supervisees;

(4) Require that a licensed graduate alcohol and drug counselor obtain a certain amount of supervised clinical experience hours under

the supervision of certain licensed clinical mental health care providers;

(5) Require a supervisor to complete certain tasks before beginning supervision;

(6) Require that supervision include instruction in certain subjects; and

(7) Prohibit certain individuals from being a supervisor.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.01 Scope.

A. This chapter establishes standards of supervision and the responsibilities of supervisors and supervisees in the practice of clinical alcohol and drug counseling.

B. This chapter applies to:

(1) Licensees in the State who practice clinical alcohol and drug counseling, clinical professional counseling, clinical marriage and family therapy, and clinical art therapy and who provide supervision for licensed graduate alcohol and drug counselors, and graduate-level trainees pursuing licensure; and

(2) Licensed graduate alcohol and drug counselors and graduate-level trainees pursuing licensure who are obtaining the supervised clinical experience required by Health Occupations Article, §17-302, Annotated Code of Maryland.

C. Except as otherwise specified in this chapter, this chapter does not apply to personnel or management practices associated with contractual relationships or employment.

.02 Definitions.

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

B. Terms Defined.

(1) "Applicant" means an individual applying for licensure as a clinical alcohol and drug counselor.

(2) "Approved clinical alcohol and drug supervisor" means:

(a) A licensed clinical alcohol and drug counselor; or

(b) A health-care provider licensed under the Health Occupations Article, Annotated Code of Maryland, who:

(i) Is approved by the Board; and

(ii) Has 3 years of documented experience in alcohol and drug counseling.

(3) "Board" means the State Board of Professional Counselors and Therapists.

(4) "Clinical supervision" means that the supervisor:

(a) Controls the supervisees' work and provides supervision that is face-to-face or immediately available;

(b) Evaluates completed work for technical soundness, appropriateness, and conformity to policy and requirements; and

(c) Confirms that all diagnoses are clinically supported by appropriate criteria as defined in the current editions of the Diagnostic and Statistical Manual or the International Statistical Classification of Diseases and Related Health Problems and as documented by signature and credentials.

(5) "Clinical supervisor" means:

(a) A licensed clinical alcohol and drug counselor;

(b) A licensed clinical professional counselor, licensed clinical marriage and family therapist, or licensed clinical professional art therapist who:

(i) Is approved by the Board; and

(ii) Meets the requirements for licensure under Health Occupations Article, Title 17, Annotated Code of Maryland; or

(c) An individual who is:

(i) Approved by the Board; and

(ii) A licensed clinical mental health care provider under the Health Occupations Article, Annotated Code of Maryland.

(6) "Diagnosis" means the identification of psychological problems or emotional or mental disorders by a licensed clinician, using specified terms and criteria identified in the current editions of the Diagnostic and Statistical Manual of Mental Disorders or the International Classification of Diseases.

(7) "Direct supervision" means a supervisor is present on the premises where services are provided, and is available for consultation within the treatment area.

(8) Face-to-Face.

(a) "Face-to-face" means supervision in the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or using video conferencing that allows individuals to hear and see each other in actual points in time.

(b) "Face-to-face" does not include telephone supervision or internet communication such as email, social networking websites, or instant messaging that does not involve real time video conferencing.

(9) "Group supervision" means the provision of face-to-face supervision to more than one individual at a time.

(10) "Immediately available" means supervision provided by a supervisor who is instantly available in person, by telephone, by other electronic means, or by designation of one or more supervisors in the absence of the supervisor of record.

(11) "Licensed mental health care provider" means:

(a) A licensed clinical alcohol and drug counselor; or

(b) A licensed clinical professional counselor, licensed clinical marriage and family therapist, licensed clinical professional art therapist, licensed certified social worker-clinical, psychiatrist, psychologist, or psychiatric nurse practitioner who is authorized by law to practice a health occupation which includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

(12) Ongoing Process of Supervision.

(a) "Ongoing process of supervision" means that the supervisor is available to provide support for the supervisee's day-to-day practice of alcohol and drug counseling throughout the course of the supervisee's scheduled work hours.

(b) "Ongoing process of supervision" includes, but is not limited to, direct, face-to-face individual or group supervision.

(13) Participating in the Development of a Diagnostic Impression.

(a) "Participating in the development of a diagnostic impression" means gathering information to support a diagnosis through:

(i) Screening and assessment activities;

(ii) Observations of signs and symptoms;

(iii) Reports of behaviors;

(iv) Collateral information acquired with the appropriate release; and

(v) The identification of specific disorders to be ruled out by the diagnosing clinician.

(b) "Participating in the development of a diagnostic impression" does not include diagnosis.

(14) "Relative" means:

- (a) Spouse or domestic partner;
- (b) Parent, stepparent, or legal guardian;
- (c) Sibling or stepsibling;
- (d) Child, stepchild, foster child, or ward;
- (e) Mother-in-law or father-in-law;
- (f) Son-in-law or daughter-in-law;
- (g) Sister-in-law or brother-in-law;
- (h) Grandparent or grandchild;
- (i) Aunt or uncle;
- (j) Niece or nephew; or
- (k) Cousin.

(15) "Scope of competence" means that area within which the individual is proficient to practice based on education, training, supervised experience, and professional credentials.

(16) "Supervised clinical experience in alcohol and drug counseling" means the provision of alcohol and drug counseling services conducted under the clinical supervision of an approved, licensed clinical alcohol and drug supervisor.

(17) "Supervisee" means a licensed graduate alcohol and drug counselor, or a graduate-level trainee, who is fulfilling the experiential or course of study requirements under Health Occupations Article, §17-302, Annotated Code of Maryland.

(18) Supervision.

(a) "Supervision" means a formalized professional relationship between a supervisor and supervisee that involves directing, guiding, monitoring, instructing, and evaluating the supervisee's alcohol and drug counseling practice while promoting the development of the supervisee's knowledge, skills, and abilities to provide clinical alcohol and drug services in an ethical and competent manner throughout an ongoing process of supervision and which utilizes clinical levels of supervision.

(b) "Supervision" includes an acceptance of direct responsibility for the patient services rendered by the supervisee, including continuous availability to the supervisee in person, through written instructions, by telephone, or by electronic means, and by designation of one or more supervisors in the absence of the supervisor of record as defined in this chapter.

(19) Supervision Training.

(a) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by licensed clinical counselors and therapists in a variety of settings.

(b) "Supervision training" includes, but is not limited to, the following content areas:

- (i) The role and responsibilities of the supervisor;
- (ii) The needs of the supervisee, supervisor, and the clinical services setting while maintaining a clear ethical perspective;
- (iii) The role of the supervisor as gatekeeper to the profession;
- (iv) Methods for building effective and appropriate relationships with clients;
- (v) Methods for group supervision; and
- (vi) Models and modalities for practice intervention.

(20) "Under the clinical supervision of an approved, licensed clinical alcohol and drug supervisor" means engaging in an ongoing process of receiving direction from a Board-approved licensed supervisor that includes:

(a) Monitoring the performance of a licensed graduate alcohol and drug counselor or master's degree-level trainee; and

(b) Providing documented and direct consultation, guidance, and instruction with respect to clinical skill and competency.

(21) "Written contract for supervision" means an agreement between the supervisee and approved supervisor that is initiated before beginning supervision and that details the scope of supervision and includes at a minimum the following:

- (a) Primary purpose, goals, and objectives of the supervision process;
- (b) Frequency of supervision provided;
- (c) Documentation;
- (d) Duties and responsibilities of the supervisor and supervisee;
- (e) Procedural considerations in the case of the supervisor's absence; and
- (f) Supervisor's scope of competence.

.03 Composition of Supervised Clinical Experience.

Provided that the supervisor is able to document a minimum of 3 years of experience delivering clinical alcohol and drug counseling services, a licensed graduate alcohol and drug counselor or a graduate-level trainee shall complete the requisite supervised clinical experience hours under the supervision of an approved clinical alcohol and drug supervisor, including:

- A. A licensed clinical alcohol and drug counselor;
- B. A licensed clinical marriage and family therapist;
- C. A licensed clinical professional counselor;
- D. A licensed clinical professional art therapist; or
- E. Another licensed clinical mental health care provider approved by the Board.

.04 Required Hours of Supervised Experience.

A. To qualify for a license to practice clinical alcohol and drug counseling, an applicant shall meet the supervised experience requirements listed in §B or C of this regulation.

B. An applicant holding a master's degree shall:

(1) Complete not less than 3 years of supervised clinical experience in alcohol and drug counseling, 2 years of which shall have been completed after the awarding of the master's degree; and

(2) Within the 3 years of experience required by §B(1) of this regulation, complete a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling which:

- (a) Is approved by the Board;
- (b) Includes at least 1,500 hours completed after the awarding of the master's degree with 60-credit hours; and
- (c) Includes 100 hours of face-to-face clinical supervision, 50 hours of which may be in group supervision.

C. An applicant holding a doctoral degree shall:

(1) Complete not less than 3 years of supervised clinical experience in alcohol and drug counseling, 1 year of which shall have been completed after the award of the 90-credit doctoral degree; and

(2) Within the 3 years of experience required by §C(1) of this regulation, complete a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling, which:

- (a) Is approved by the Board; and
- (b) Includes 50 hours of face-to-face clinical supervision, of which 25 may be in group supervision.

.05 Standards for Supervision.

A. A supervisor shall:

- (1) Supervise only in those areas within the supervisor's competence, as determined by education, training, and experience;
- (2) Provide supervision appropriate to the particular level of licensure being applied for or maintained;
- (3) Provide supervision in the general content areas established in Health Occupations Article, §17-302, Annotated Code of Maryland; and
- (4) Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 17, Annotated Code of Maryland, and this subtitle, with special emphasis on the Code of Ethics chapter, COMAR 10.58.03.

B. In addition to the requirements of §A of this regulation, the supervisor shall specifically instruct and provide guidance relating to:

- (1) The supervisee's scope of practice of clinical alcohol and drug counseling under Health Occupations Article, §17-101(s), Annotated Code of Maryland;
- (2) Appropriate billing practices if applicable to the practice site, including:
 - (a) Financial record keeping and disclosure; and
 - (b) Establishment and disclosure to clients of:
 - (i) Fees for services;
 - (ii) Payment arrangements;
 - (iii) Payment plans;
 - (iv) Financial services; and
 - (v) Terms and conditions of service;
- (3) The provision of services involving the application of counseling principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups, as required by Health Occupations Article, §17-308, Annotated Code of Maryland; and
- (4) Appropriate maintenance and destruction of clinical and financial records.

C. The following individuals may not provide clinical supervision for a licensed graduate alcohol and drug supervisee:

- (1) A relative;
- (2) A licensed graduate alcohol and drug counselor, licensed graduate professional counselor, licensed graduate marriage and family therapist, or licensed graduate professional art therapist;
- (3) A certified professional counselor–alcohol and drug;
- (4) A certified associate counselor–alcohol and drug;
- (5) A certified supervised counselor–alcohol and drug;
- (6) An alcohol and drug trainee; or
- (7) An individual with whom there is a personal, legal, or professional relationship.

.06 Supervisors — Qualifications.

A. Licensure. An individual providing supervision shall be:

- (1) Licensed by the Board as a clinical alcohol and drug counselor;
- (2) A clinical professional counselor, a clinical marriage and family therapist, or a clinical professional art therapist, who is approved by the Board; or
- (3) A licensed mental health care provider as defined in Regulation .02B of this chapter, and who is approved by the Board.

B. Education, Training, or Supervision Experience.

- (1) A supervisor approved and licensed by the Board under Health Occupations Article, Title 17, Annotated Code of Maryland, or any Board-approved mental health care provider licensed under Health Occupations Article, Annotated Code of Maryland, with 3 years of documented experience in alcohol and drug counseling,

including 3,000 hours of direct client contact, shall complete any of the following options by December 31, 2016:

- (a) 2 years of documented experience providing counselor supervision;
- (b) At least 3 semester credit hours or 5 quarter-credit hours of graduate-level academic course work that includes counseling supervision;
- (c) A Board-approved continuing education program in counseling supervision, that includes a minimum of 18 direct clock hours with the trainer or trainers; or
- (d) Hold the National Association of Alcohol and Drug Abuse Counselors Approved Clinical Supervisor credential or the International Certification and Reciprocity Consortium Clinical Supervisor credential.

(2) A licensed individual who applied for and was granted Board-approved supervisor status before December 31, 2016, based on 2 years of documented experience providing counselor supervision, may continue to provide counselor supervision after that date.

(3) After December 31, 2016, licensees applying for Board-approved supervisor status shall:

- (a) Have 3 years of documented experience in alcohol and drug counseling, as approved by the Board; and
- (b) Complete either §B(1)(b), (c), or (d) of this regulation.
- (4) Supervision training required by §B(1) of this regulation may be obtained in a graduate course as listed in §B(1)(b) of this regulation, or continuing education as listed in §B(1)(c) of this regulation, and may include, but is not limited to, training in:

- (a) The role and responsibilities of the supervisor;
- (b) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective, including the maintenance of appropriate boundaries, and making clinically appropriate diagnoses;
- (c) The role of the supervisor as gatekeeper to the profession;
- (d) Methods for building effective and appropriate relationships with clients;
- (e) Models for group supervision; and
- (f) Models and modalities for practice intervention.

C. Pre-Supervision Responsibilities of a Supervisor. In addition to meeting the requirements of this regulation, the supervisor shall:

- (1) File with the Board the licensed clinical alcohol and drug approved supervisor application form provided by the Board;
- (2) Provide each supervisee with a copy of the Board's licensed clinical alcohol and drug approved supervisor letter; and
- (3) Have a license that is unencumbered and without restrictions or conditions due to disciplinary action for the 2 years preceding an application for licensed clinical alcohol and drug approved supervisor status.

.07 Responsibilities of a Clinical Alcohol and Drug Supervisor.

A supervisor shall:

- A. Establish a written contract for supervision initiated before beginning supervision;
- B. Ensure that the supervisee is practicing within the scope of the supervisee's credentialing;
- C. Determine the skill level at which the supervisee may practice;
- D. Focus on primary data from the supervisee's practice;
- E. Maintain documentation for at least 7 years of supervisory sessions, including dates, duration, and focus of the supervisory sessions;
- F. Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 17, Annotated Code of Maryland, and COMAR 10.58;

G. Within a reasonable period of time before termination of supervision, provide the supervisee and employer with a written notice of termination to avoid or minimize any harmful effect on the supervisee's clients or patients;

H. Be responsible for the clinical professional practices of supervisees;

I. In the absence of the supervisor of record, provide for emergency supervision and direction to a supervisee by a Board-approved supervisor;

J. Provide a written evaluation of the supervisee's progress to the supervisee every 3 months;

K. Provide a copy of the documentation required by Regulation .06 of this chapter:

- (1) On request of the supervisee; or
- (2) On request of the Board or its authorized agent; and

L. Comply with a Board audit of a supervisor's compliance with regard to the supervision requirements and supervisory responsibilities.

.08 Responsibilities of a Supervisee.

A. A supervisee shall:

(1) Verify that the supervisee's supervisor has been approved by the Board;

(2) Agree to the written contract for supervision established with the supervisor of record before beginning supervision;

(3) Prepare for supervision using case materials related to the supervisee's clinical counseling practice;

(4) Maintain documentation of supervisory sessions for at least 7 years, including dates, duration, and focus of the supervision, to be available for verification to the Board, on request of the Board or its authorized agent; and

(5) Follow all terms of the written contract for supervision.

B. A supervisee may not engage in the practice of clinical alcohol and drug counseling independent of supervision.

C. A supervisee shall provide each client with a copy of the supervisee's professional disclosure statement, as required by Health Occupations Article, §17-507, Annotated Code of Maryland, stating:

(1) That the supervisee's counseling services are provided under clinical supervision; and

(2) The name of the supervisor, including address and contact information.

D. A supervisee shall obtain from each client a signed informed consent for treatment form which indicates that the client:

(1) Is aware that counseling services are being provided under clinical supervision; and

(2) Consents to the recording of counseling sessions, and the sharing of client information, acknowledging that all these materials may be shared with:

- (a) The approved supervisor of record; or
- (b) The instructor supervising an education-related practicum.

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

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification

Authority: Health Occupations Article, §§17-101(i), 17-205, 17-301, 17-302, 17-305, 17-403—17-407, 17-507, Annotated Code of Maryland

Notice of Proposed Action
[13-227-P]

The Secretary of Department of Health and Mental Hygiene proposes to adopt new Regulations .01—,08 under a new chapter, **COMAR 10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification**. This action was considered at a public meeting on March 15, 2013, notice of which was given by publication on the Board's website, <http://dhmh.maryland.gov/bopc/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Establish supervision standards and qualifications for licensees in the State who provide supervision for certified professional counselors—alcohol and drug, certified associate counselors—alcohol and drug, certified supervised counselors—alcohol and drug and alcohol and drug trainees pursuing certification;
- (2) Establish supervision requirements for certified professional counselors—alcohol and drug, certified associate counselors—alcohol and drug, certified supervised counselors—alcohol and drug and trainees pursuing alcohol and drug certification who are obtaining the supervised clinical experience required by Health Occupations Article, §17-302, Annotated Code of Maryland;
- (3) Establish the responsibilities of supervisors and supervisees;
- (4) Require that certified professional counselors—alcohol and drug, certified associate counselors—alcohol and drug, certified supervised counselors—alcohol and drug obtain a certain amount of supervised clinical experience hours under the supervision of certain licensed clinical mental health care providers;
- (5) Require a supervisor to complete certain tasks before beginning supervision;
- (6) Require that supervision include instruction in certain subjects; and
- (7) Prohibit certain individuals from being a supervisor.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.01 Scope.

A. This chapter establishes standards of supervision and the responsibilities of supervisors and supervisees in the practice of alcohol and drug counseling.

B. This chapter applies to:

(1) Licensees and certificate holders who practice clinical alcohol and drug counseling or alcohol and drug counseling and who provide supervision for all levels of certified alcohol and drug counselors including trainees; and

(2) Any other health care provider licensed or certified under the Health Occupations Article, Annotated Code of Maryland, who:

(a) Is approved by the Board; and

(b) Provides supervision for all levels of certified alcohol and drug counselors including trainees.

C. Except as otherwise specified in this chapter, this chapter does not apply to personnel or management practices associated with contractual relationships or employment.

.02 Definitions.

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

B. Terms Defined.

(1) "Applicant" means an individual applying for certification as a certified associate counselor—alcohol and drug, a certified supervised counselor—alcohol and drug, or as a trainee, or for renewal as a certified professional counselor—alcohol and drug.

(2) "Approved alcohol and drug supervisor" means:

(a) A licensed clinical alcohol and drug counselor;

(b) A certified professional counselor—alcohol and drug;

(c) A certified associate counselor—alcohol and drug who is approved by the Board;

(d) A licensed clinical professional counselor, a licensed clinical marriage and family therapist, or a licensed clinical professional art therapist who:

(i) Is approved by the Board; and

(ii) Meets the requirements for licensure under COMAR 10.58; or

(e) An individual who is:

(i) Approved by the Board; and

(ii) A licensed mental health care provider under the Health Occupations Article, Annotated Code of Maryland.

(3) "Board" means the State Board of Professional Counselors and Therapists.

(4) "Close supervision" means that the supervisor:

(a) Closely controls the supervisees' work, and provides supervision that is direct, face-to-face, and on-site;

(b) Maintains control through review of case management and progress notes, treatment plan reviews, and other documentation as appropriate;

(c) Evaluates completed work for accuracy, detail, and adherence to instructions and established procedures; and

(d) For all activities related to participating in the development of diagnostic impressions and new treatment plans, reviews and approves content, as documented by the supervisor's signature and credentials.

(5) "Diagnosis" means the identification of psychological problems, emotional or mental disorders by a licensed clinician,

using specified terms and criteria identified in the current editions of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the International Classification of Diseases (ICD).

(6) "Direct supervision" means a supervisor is:

(a) Present on the premises where services are provided; and

(b) Available for consultation within the treatment area;

(7) Face-to-Face.

(a) "Face-to-face" means supervision in the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or using video conferencing that allows individuals to hear and see each other in actual points in time.

(b) "Face-to-face" does not include telephone supervision or internet communication such as email, social networking websites, or instant messaging that does not involve real time video conferencing.

(8) "Immediately available" means supervision provided by a supervisor who is instantly available in person, by telephone, or by other electronic means, or by designation of one or more supervisors in the absence of the supervisor of record.

(9) "Licensed mental health care provider" means:

(a) A licensed clinical alcohol and drug counselor; or

(b) A licensed clinical professional counselor, licensed clinical marriage and family therapist, licensed clinical professional art therapist, licensed certified social worker-clinical, psychiatrist, psychologist, or psychiatric nurse practitioner who is authorized by the Annotated Code of Maryland to practice a health occupation which includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

(10) "Moderate supervision" means that the supervisor:

(a) Controls the supervisees' work, and provides supervision that is face-to-face or immediately available;

(b) Ensures that completed work and methods used are technically accurate and in compliance with instructions or established procedures;

(c) Provides more intense review for difficult assignments, if the supervisee has not previously performed similar assignments; and

(d) For all activities related to participating in the development of diagnostic impressions and treatment plans, reviews and approves content, as documented by the supervisor's signature and credentials.

(11) "On-site supervision" means supervision provided by a supervisor who is:

(a) Physically present in the facility where patient or client services are rendered; and

(b) Able to respond in person without delay.

(12) Ongoing Process of Supervision.

(a) "Ongoing process of supervision" means that the supervisor is available to provide support for the supervisee's day-to-day practice of alcohol and drug counseling, throughout the course of the supervisee's scheduled work hours.

(b) "Ongoing process of supervision" includes, but is not limited to direct, face-to-face individual or group supervision.

(13) "Participating in the development of a diagnostic impression" has the same meaning as in COMAR 10.58.07.02B.

(14) "Relative" means a:

(a) Spouse, or domestic partner;

(b) Parent, stepparent or legal guardian;

(c) Sibling or stepsibling;

(d) Child, stepchild, foster child, or ward;

(e) Mother-in-law or father-in-law;

(f) Son-in-law or daughter-in-law;

(g) Sister-in-law or brother-in-law;

- (h) Grandparent or grandchild;
- (i) Aunt or uncle;
- (j) Niece or nephew; or
- (k) Cousins.

(15) "Supervised experience in alcohol and drug counseling" means the provision of alcohol and drug counseling services conducted under the supervision of an approved alcohol and drug supervisor.

(16) "Supervisee" means a certified associate counselor—alcohol and drug, a certified supervised counselor—alcohol and drug, or a trainee, in the process of obtaining the supervised experience required by Health Occupations Article, §§17-403, 17-404, and 17-406b, Annotated Code of Maryland.

(17) Supervision.

(a) "Supervision" means a formalized professional relationship between a supervisor and supervisee that involves directing, guiding, monitoring, instructing, and evaluating the supervisee's alcohol and drug counseling practice, while promoting the development of the supervisee's knowledge, skills, and abilities to provide clinical alcohol and drug services in an ethical and competent manner, throughout an ongoing process of supervision, and which utilizes close or moderate levels of supervision.

(b) "Supervision" includes an acceptance of direct responsibility for the patient services rendered by the supervisee, including continuous availability to the supervisee in person, through written instructions, by telephone, or by electronic means, and by designation of one or more supervisors in the absence of the supervisor of record as defined in COMAR 10.58.13.

(18) Supervision Training.

(a) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by approved alcohol and drug supervisors in a variety of settings.

(b) "Supervision training" includes, but is not limited to, the following content areas:

- (i) The role and responsibilities of the supervisor;
- (ii) The needs of the supervisee, supervisor, and the alcohol and drug counseling services setting, while maintaining a clear ethical perspective;
- (iii) The role of the supervisor as gatekeeper to the profession;
- (iv) Methods for building effective and appropriate relationships with clients;
- (v) Methods for group supervision;
- (vi) Models and modalities for practice intervention.

(19) "Under the supervision of an approved alcohol and drug supervisor" means engaging in an ongoing process of receiving direction from an approved alcohol and drug supervisor that includes:

- (a) Monitoring the performance of a certified alcohol and drug counselor or trainee; and
- (b) Documented and direct consultation, guidance, and instruction with respect to alcohol and drug counseling skills and competency.

(20) "Written contract for supervision" means an agreement initiated before beginning supervision, between the supervisee and approved supervisor that details the scope of supervision that includes the following elements:

- (a) Name and credentials of both supervisor and supervisee;
- (b) Primary purpose, goals, and objectives of the supervision process;
- (c) Details of provisions, including frequency, format, and case or chart review;
- (d) Methods of documentation;

- (e) Duties and responsibilities of both supervisor and supervisee;
- (f) Procedural considerations; and
- (g) Information regarding the supervisor's scope of competence.

.03 Composition of Supervised Experience.

A. A certified professional counselor—alcohol and drug, certified associate counselor—alcohol and drug, certified supervised counselor—alcohol and drug, or a trainee shall complete the requisite supervised, compensated work experience hours under the supervision of:

- (1) A licensed clinical alcohol and drug counselor;
- (2) A certified professional counselor—alcohol and drug; or
- (3) One of the following, who has been approved by the

Board:

- (i) A certified associate counselor—alcohol and drug;
- (ii) A licensed clinical professional counselor;
- (iii) A licensed clinical marriage and family therapist;
- (iv) A licensed clinical professional art therapist; or
- (v) A mental health care provider licensed under the Health Occupations Article, Annotated Code of Maryland.

B. Individuals listed in §A(3) of this regulation shall document a minimum of 5 years of experience delivering alcohol and drug counseling services, including but not limited to the activities listed in Regulation .05B of this chapter.

.04 Required Hours of Supervised Experience.

A. To qualify for certification to practice alcohol and drug counseling as a certified associate counselor—alcohol and drug, an applicant shall have completed:

- (1) Not less than 3 years of compensated work experience, with a minimum of 2,000 hours of experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor including 2 years of compensated work experience and 1,750 hours of supervised experience completed after the award of the Bachelor's degree; or
- (2) Not less than 5 years of compensated work experience with a minimum of 2,000 hours of supervised experience.

B. To qualify for certification to practice alcohol and drug counseling as a certified supervised counselor—alcohol and drug, an applicant shall have completed:

- (1) Not less than 2 years of compensated work experience, with a minimum of 2,000 hours of experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor including 1 year of compensated work experience and 1,000 hours of supervised experience completed after the award of the Associate's degree; or
- (2) Not less than 5 years of compensated work experience with a minimum of 2,000 hours of supervised experience.

.05 Standards for Supervision.

A. A supervisor shall:

- (1) Supervise only in those areas within the supervisor's competence as determined by education, training, and experience;
- (2) Provide supervision appropriate to the particular level of certification being applied for or maintained as follows:

(a) For certified supervised counselors—alcohol and drug with an Associate's degree or less, supervision shall be direct, face-to-face, and immediately available; and

(b) For certified associate counselors—alcohol and drug and trainees with a Bachelor's degree, supervision shall be face-to-face or immediately available;

(3) Provide supervision in the general content areas established in Health Occupations Article, §§17-403, 17-404, and 17-406, Annotated Code of Maryland; and

(4) Ensure that a supervisee has read and is knowledgeable about:

(a) Health Occupations Article, Title 17, Annotated Code of Maryland; and

(b) COMAR 10.58, including the code of ethics chapter, COMAR 10.58.03.

B. In addition to the requirements of §A of this regulation, the supervisor shall specifically instruct and provide guidance relating to:

(1) The supervisee's scope of practice of Alcohol and Drug Counseling as defined in Health Occupations Article, §17-101(p), Annotated Code of Maryland;

(2) The following activities:

(a) Biopsychosocial evaluation, including screening, assessment, and participating in the development of diagnostic impressions for Substance Use Disorders (SUDs) and Co-Occurring Disorders (CODs);

(b) The development of treatment plans for SUDs and CODs, including initial, ongoing, discharge, relapse prevention, and continuity of care plans;

(c) Referral;

(d) Client, family, and community education;

(e) Documentation;

(f) Service coordination, and case management in the areas of SUDs and CODs; and

(g) Counseling and psycho-education with individuals, families, and groups in the areas of SUDs, CODs, trauma informed care;

(3) Professional and ethical responsibilities, including a working knowledge of the Board's code of ethics, as outlined in COMAR 10.58.03; and

(4) Appropriate billing practices, if applicable to the practice site, including:

(a) Financial record keeping and disclosure; and

(b) Establishment and disclosure to clients of:

(i) Fees for services;

(ii) Payment arrangements;

(iii) Payment plans;

(iv) Financial services; and

(v) Terms and conditions of service.

C. The following individuals may not provide supervision for certified professional counselors—alcohol and drug, certified associate counselors—alcohol and drug, certified supervised counselors—alcohol and drug, and trainee supervisees:

(1) A relative;

(2) A licensed graduate alcohol and drug counselor;

(3) A licensed graduate professional counselor;

(4) A licensed graduate marriage and family therapist;

(5) A licensed graduate professional art therapist;

(6) A licensed graduate social worker;

(7) A certified supervised counselor—alcohol and drug; or

(8) A trainee.

.06 Supervisors — Qualifications.

A. Qualifications.

(1) Licensure or Certification. An individual providing supervision shall be:

(a) Licensed by the Board as a clinical alcohol and drug counselor;

(b) Licensed by the Board as a clinical professional counselor, a clinical marriage and family therapist, or a clinical professional art therapist and approved by the Board;

(c) A licensed mental health care provider:

(i) As defined in Regulation .02B of this chapter; and

(ii) Approved by the Board;

(d) Certified by the Board as a certified professional counselor—alcohol and drug; or

(e) Certified by the Board as a certified associate counselor—alcohol and drug for at least 2 years, and approved by the Board.

(2) Education, Training, or Supervision Experience.

(a) A supervisor licensed or certified by the Board, or any mental health-care provider licensed under the Health Occupations Article, Annotated Code of Maryland, with 3 years documented experience in alcohol and drug counseling, including 3,000 hours of direct client contact, shall be approved by the Board and complete one of the following options by December 31, 2016:

(i) 2 years of documented experience providing counselor supervision;

(ii) At least 3 semester credit hours of undergraduate or graduate-level academic coursework that includes counseling supervision;

(iii) A Board-approved continuing education program in counseling supervision, that includes a minimum of 18 direct clock hours with the trainer or trainers;

(iv) Hold the National Association of Alcohol and Drug Addiction Counselors (NAADAC) Approved Clinical Supervisor (ACS) credential; or

(v) Hold the International Certification and Reciprocity Consortium (ICRC) Clinical Supervisor (CS) credential.

(b) An individual who applied for and was granted Board-approved supervisor-certification level status before December 31, 2016 based on 2 years of documented experience providing counselor supervision, may continue to provide counselor supervision after that date.

(c) After December 31, 2016, applicants for Board-approved supervisor-certification level status will be required to complete either §A(2)(a)(ii), (iii), or (iv) of this regulation;

(d) Supervision training required by §A(2)(a) of this regulation may be obtained in a graduate or undergraduate course as listed in §A(2)(a)(ii) of this regulation or continuing education as listed in §A(2)(a)(iii) of this regulation, and may include, but is not limited to, the following subject areas:

(i) The role and responsibilities of the supervisor;

(ii) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective;

(iii) The role of the supervisor as gatekeeper to the profession;

(iv) Methods for building effective and appropriate relationships with clients;

(v) Models for group supervision; and

(vi) Models and modalities for practice intervention.

(3) Practice Experience. To qualify as an approved alcohol and drug supervisor, applicants shall obtain:

(a) Licensure as a clinical alcohol and drug counselor;

(b) 3 years of active clinical alcohol and drug treatment delivery experience while practicing as a licensed clinical professional counselor, a licensed clinical marriage and family therapist, a licensed clinical professional art therapist, or as a licensed mental health care provider as defined in Regulation .02B(9) of this chapter after obtaining licensure; or

(c) 2 years of active alcohol and drug treatment delivery experience while practicing as a:

(i) Certified professional counselor—alcohol and drug;

or

(ii) Certified associate counselor—alcohol and drug.

B. Pre-Supervision Responsibilities of a Supervisor. In addition to meeting the requirements under §A of this regulation, before beginning supervision, the supervisor shall:

- (1) File with the Board the approved alcohol and drug supervisor form, to be provided by the Board;
(2) Provide each supervisee with a copy of the letter authorizing approved alcohol and drug supervisor status;
(3) Have a license or certification that is in good standing; and
(4) Be approved as a supervisor by the Board.

.07 Responsibilities of a Supervisor.

A supervisor shall:

- A. Establish a written contract for supervision initiated before beginning supervision;
B. Ensure that the supervisee is practicing within the scope of the supervisee's credentialing;
C. Determine the skill level at which the supervisee may practice;
D. Focus on primary data from the supervisee's practice;
E. Maintain documentation of supervisory sessions for at least 7 years, including dates, duration, and focus of the supervisory sessions;
F. Ensure that a supervisee has read and is knowledgeable about:
(1) Health Occupations Article, Title 17, Annotated Code of Maryland; and
(2) COMAR 10.58, with special emphasis on the code of ethics chapter, COMAR 10.58.03;
G. Provide the supervisee and employer with a written notice of termination within 30 days before termination of supervision to avoid or minimize any harmful effect on the supervisee's clients or patients;
H. Be responsible for the professional practices of supervisees;
I. In the absence of the supervisor of record, provide for emergency supervision and direction to a supervisee by a Board-approved supervisor;
J. Provide a written evaluation of the supervisee's progress to the supervisee every 3 months;
K. Provide a copy of the documentation required by Regulation .06 of this chapter when requested by the:
(1) Supervisee; or
(2) Board or its authorized agent; and
L. Comply with a Board audit of a supervisor's compliance with regard to the supervision requirements and supervisory responsibilities.

.08 Responsibilities of a Supervisee.

A. A supervisee shall:

- (1) Verify that the supervisee's supervisor has been approved by the Board;
(2) Agree to the written contract for supervision established with the supervisor of record before beginning supervision;
(3) Prepare for supervision using case materials related to the supervisee's clinical counseling practice;
(4) Maintain documentation of supervisory sessions for at least 7 years, including dates, duration, and focus of the supervision, to be available for verification to the Board, on request by the Board or its authorized agent; and
(5) Follow all terms of the written contract for supervision.

B. A supervisee may not engage in the practice of alcohol and drug counseling independent of supervision.

C. A supervisee shall provide each client with a copy of the supervisee's professional disclosure statement in accordance with Health Occupations Article, §17-507, Annotated Code of Maryland, stating:

- (1) That the supervisee's counseling services are provided under supervision; and
(2) The name of the supervisor, including the supervisor's address and contact information.

D. A supervisee shall obtain a signed informed consent for treatment form from each client which indicates that the client:

- (1) Is aware that counseling services are being provided under supervision;
(2) Consents to the recording of counseling sessions, and the sharing of client information, acknowledging that all these materials may be shared with:
(a) The approved supervisor of record; or
(b) The instructor supervising an education-related practicum.

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

Title 11
DEPARTMENT OF
TRANSPORTATION

Subtitle 15 MOTOR VEHICLE
ADMINISTRATION — VEHICLE
REGISTRATION

11.15.28 Vehicle Registration Suspension and
Nonrenewal for Failure to Pay Toll

Authority: Transportation Article, §§12-104(b), 21-1414, and 27-110,
Annotated Code of Maryland

Notice of Proposed Action
[13-220-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations .01 —.05 and repeal Regulation .06 under COMAR 11.15.28 Vehicle Registration Suspension and Nonrenewal for Failure to Pay Toll.

Statement of Purpose

The purpose of this action is to amend regulations to update and clarify procedures to refuse the renewal, transfer, or suspension of a vehicle registration for failure to pay a notice of toll in order to conform to H.B. 420, Ch. 113, Acts of 2013.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There will be an estimated increase of \$214,200 in revenues to the Transportation Trust Fund for FY2014 based on the requirements to refuse, transfer, or suspend the registration of any motor vehicle incurring a toll violation if notified by MDTA that a registered owner has been served a citation and has failed to pay the citation or failed to contest the citation.

Table with 3 columns: II. Types of Economic Impact, Revenue (R+/R-), Expenditure (E+/E-), Magnitude. Rows include: A. On issuing agency: Administrative flag fee (R+) \$214,200; B. On other State agencies: NONE; C. On local governments: NONE

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

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

A. An increase in revenues is anticipated as a result of the administrative flag fee MVA would collect. It is anticipated that there would be 25,500 citation transactions affected by this proposed bill. MVA anticipates collecting flag fees for approximately 7,140 citations. The administrative flag fee is \$30. Therefore, it is estimated that MVA would collect \$214,200 (7,140 citations times \$30).

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 Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway, N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.01 Scope.

This chapter establishes procedures governing the suspension or nonrenewal by the Administration of vehicle registrations for the failure to pay [tolls] a notice of toll due, pursuant to Transportation Article, §§21-1414 and 27-110, Annotated Code of Maryland.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Toll [violations] violation” [have] has the meaning [stated in COMAR 11.07.07] stated in Transportation Article, §21-1414(a)(9), Annotated Code of Maryland.

.03 Request for Nonrenewal.

A. The Administration shall refuse [to renew a vehicle] the registration of any motor vehicle incurring a toll violation upon [written or electronic request by] notification from the Authority.

B. [The Authority’s request shall specify the reason for the request.

C.]The registered owner of a vehicle shall resolve with the Authority all outstanding toll violations, including fees and fines[, before the Administration may renew the registration].

[D.] C. The Administration may renew or transfer the vehicle registration only after the Authority [shall notify] notifies the Administration [in writing or by electronic transmission when] that all toll violations have been fully satisfied in accordance with COMAR 11.07.07.08A.

[E. Upon receipt of this notice, the Administration may renew the vehicle registration.]

.04 Vehicle Registration Suspension.

A. The Administration shall suspend [a vehicle] the registration of any motor vehicle incurring a toll violation upon [written or electronic request by] notification from the Authority.

B. [The Authority’s request shall specify the reason for the request.

C.] The registered owner of a vehicle shall resolve with the Authority all outstanding toll violations, including fees and fines[, before the Administration may lift the suspension].

[D.] C. The Administration may lift the suspension only after the Authority [shall notify] notifies the Administration [in writing or by electronic transmission when] that all toll violations have been fully satisfied in accordance with COMAR 11.07.07.08B.

[E. Upon receipt of this notice, the Administration may lift the suspension.]

.05 Notice of Suspension.

A notice of a proposed suspension by the Administration of a vehicle registration for failure to pay a toll [or tolls] violation shall:

A.—C. (text unchanged)

D. Advise the individual[:

(1) Of the right, within 10 business days of the notice date, to file a written request for a hearing before the Administration,

(2) That any hearing shall be limited to the issue of mistaken identity, and

(3) That] that all toll violations must be resolved with the Authority before the suspension may be lifted.

JOHN T. KUO

Administrator

Motor Vehicle Administration

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY

Notice of Proposed Action

[13-209-P]

The Secretary of Public Safety and Correctional Services proposes to:

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

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

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

(4) Amend Regulations .01, .03—.06, .08, and .09 under **COMAR 12.15.04 Criminal History Record Information Checks**

for Applicants for Hazardous Materials Endorsements — Commercial Driver’s Licenses; and
 (5) Amend Regulations .02—.09 under COMAR 12.15.05 Use of Private Provider Services for Non-Criminal Justice Purposes.

Statement of Purpose

The purpose of this action is to implement changes determined necessary as the result of the Regulatory Review process that identified style, format, and language changes necessary to make COMAR match existing practices. This proposal also amends FBI fees to reflect a \$2.75 reduction in the fees charged by the FBI.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

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

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

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

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

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

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

F. An individual obtaining a FBI criminal history records check and is not reimbursed by a State or local government or prospective employer for the cost associated with obtaining the FBI criminal history records check, the individual would realize the \$2.75 savings.

Economic Impact on Small Businesses

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

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robyn Lyles, Policy Director, Information Technology & Communications Division, Maryland Department of Public Safety and Correctional Services, 6776 Reisterstown Road Baltimore, MD 21215, or call 410 585 3100. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

12.15.01 Implementation of the Criminal Justice Information System Statute

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

.02 [Applicability] Scope.

These regulations apply to:

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

.03 Definitions.

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

(1) *“Advisory Board” has the meaning stated in Criminal Procedure Article, §10-201, Annotated Code of Maryland.*

[(1)] (2) (text unchanged)

[(1-1)] (3) *“Collection” [refers to] means* the receipt, organization, and processing of CHRI by a criminal justice agency, a criminal justice repository, or the Criminal Justice Information System Central Repository (Central Repository).

[(2)] (4) *Conviction Criminal History Record Information.*

(a) *“Conviction criminal history record information” means [CHRI regarding] reportable events [which] that have resulted in a finding of guilt.*

(b) *“Conviction criminal history record information” includes:*

- (i) [For the purpose of dissemination, the acceptance of a] A plea of nolo contendere *accepted* by a court[, or]; *and*
- (ii) [a probation] *Probation* before judgment[, shall be considered as conviction CHRI].

[(3)] (5) “Criminal history record information (CHRI)” [means data initiated or collected by a criminal justice agency on a person pertaining to a reportable event, and includes data from an agency required to report to the Central Repository under Health-General Article, Title 12, Annotated Code of Maryland. The term does not include:

(a) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(b) Data pertaining to a proceeding under Courts and Judicial Proceedings Article (Juvenile Causes), Title 3, Subtitle 8, Annotated Code of Maryland, but it does include data pertaining to a person following waiver of jurisdiction by a juvenile court;

(c) Wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions;

(d) Data pertaining to violations of the traffic laws of the State or any other traffic law, ordinance, or regulation, or violations of local ordinances, or State or local regulations, or violations of the Natural Resources Article of the Annotated Code of Maryland, or public local laws;

(e) Data concerning the point system established by the Motor Vehicle Administration in accordance with the provisions of Transportation Article, Title 16, Annotated Code of Maryland;

(f) Presentence investigation and other reports prepared by a probation department for use by a court in the exercise of criminal jurisdiction or by the Governor in the exercise of his power of pardon, reprieve, commutation, or nolle prosequi] *has the meaning stated in Criminal Procedure Article, §10-201, Annotated Code of Maryland.*

(6) *Criminal History Records Check.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A criminal justice agency:

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

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

(b) (text unchanged)

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

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

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

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

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

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

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

(11) *Fingerprinting.*

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

(b) “Fingerprinting” may be performed:

(i) Manually, using ink and paper; or

(ii) Electronically, using a Livescan device.

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

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

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

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

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

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

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

(e) [Acquittals] An acquittal; or

(f) [Dismissals] A dismissal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(3)] (b) [Authority to inspect] Inspect and evaluate [the] procedures and facilities relating to the privacy and security of CHRI

in [any] an agency bound by these regulations, and to enforce [the] sanctions agreed upon with the Central Repository;

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

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

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

A. Access to [Criminal History Record] CHRI.

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

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

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

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

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

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

C. Filing Request to Review CHRI.

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

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

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

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

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

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

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

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

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

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

- (1) [satisfactorily] *Satisfactorily* establishes [his] *the client's* identity[.];
- (2) [presents] *Presents* [a] written authorization from the attorney's client[.]; and
- (3) [submits a] *Pays the fee* [, as specified] *established in Regulation [.14] .15* of this chapter.

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

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

- (a) *Is authorized by* the Central Repository[.];
- (b) *Is properly completed;* and
- (c) [including] *Includes* [the individual's right thumbprint or other available print if the right thumb cannot be fingerprinted,] *a complete set of legible fingerprints; and*

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

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

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

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

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

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

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

- (a) The subject of [that record] *the CHRI;* or
- (b) Entitled to review the [record] *CHRI* under [the limitations set forth in] *Criminal Procedure Article, §10-226, Annotated Code of Maryland.*

(2) [The reason for denial of review] *If the Central Repository or a criminal justice agency denies a request to review CHRI, the Central Repository or criminal justice agency denying the request shall:*

- (a) [be indicated on the application form by the Central Repository or other agency which denies access, and] *Provide written notification of the denial, including the reason for the denial;*
- (b) *Send the* [form shall be returned] *written notification of denial to the individual making the request within 30 days[.]; and*

[(3)] (c) [The] *Provide the* individual [shall be advised in writing] *written notification* of the individual's right to appeal the denial of *the request to review CHRI.*

[L.] *K. The Central Repository or a criminal justice agency receiving a request to review CHRI shall retain a copy of the application [form].*

[M. When an individual returns to review the individual's criminal history record, the individual:

- (1) Shall countersign the application form;
- (2) May make notes of the information; and
- (3) May obtain a copy at the individual's expense.]

[N.] *L. [A person who challenges the individual's criminal history record information] An individual may only challenge the following concerning CHRI:*

- (1) [completeness,] *Completeness;*
- (2) [contents,] *Content;*
- (3) [accuracy,] *Accuracy;* or
- (4) [dissemination of this information] *Dissemination.*

.06 Right of an Individual to Challenge a Denial to [Inspect] Review CHRI.

A. If [an individual] *a request to review CHRI* is denied [the right to inspect his criminal history record,] pursuant to the procedures [in] *under Regulation .05* of this chapter, the individual may challenge [this] *the denial* [in accordance with the procedures in this regulation. This regulation does not pertain to court procedures or court records where inspection has been] *except if the request to review CHRI was denied by the courts.*

B. *Challenge to Denial.*

(1) An individual [may file a challenge to] *challenging* a denial of [the] *a request to* [inspect a record by submitting] *review CHRI shall submit:*

(a) [An] *The challenge to the Central Repository using an* application form [specified] *authorized by* the Central Repository; and

(b) A complete set of fingerprints taken at [the location of the individual's original request by the original agency, or at] a location designated by the [Director,] Central Repository.

(2) [A] *The challenge shall be filed within 10 days of the date of the denial to* [inspect a record] *review CHRI.*

[C. The Secretary has the authority to designate a review officer.]

[D.] *C. The Secretary, or [the Secretary's] a designee, shall:*

(1) *Designate a review officer;*

[(1)] (2) Set a [review] date *to conduct the review that is within 30 days of the date the challenge was [filed] received by the Central Repository;* and

[(2)] (3) Within the 30-day period *before the date of the review,* compare the full set of fingerprints submitted by the [person who challenged the record] *individual submitting the challenge* with the fingerprints on the arrest record.

[E.] *D. The Secretary, or a designee, shall issue [to the individual and to the Central Repository] a written decision stating whether the individual filing the challenge is or is not the individual in the record[.] and provide copies of the decision to the:*

- (1) *Individual submitting the challenge; and*
- (2) *Central Repository.*

E. [A] *Upon receipt of a decision under §D of this regulation the Central Repository shall:*

(1) *Maintain a copy of the decision [shall be retained by the Central Repository and copies shall be disseminated by the Central Repository to any other]; and*

(2) *Send a copy of the decision to a criminal justice agency [which is a party to] affected by the denial [process] to review CHRI.*

F. If the Secretary, or a designee, decides that the [challenger] *the individual submitting the challenge* is:

(1) The subject of the [record] *CHRI*, the [challenger may,] *the individual submitting the challenge*:

(a) [upon submission of the written decision of the Secretary] *May submit the Secretary's decision* to the [official who denied access to the record, or to the Central Repository, view the record] *agency denying the request to review CHRI; and*

(b) *Upon receipt of the Secretary's decision by the appropriate agency, shall be permitted to review the applicable CHRI; or*

(2) Not the subject of the [record] *CHRI*, the [challenger] *individual submitting the challenge of the denial* may not [be permitted to inspect] *review the [record] CHRI*.

G. The [challenger] *individual submitting the challenge of the denial to review CHRI* or the agency maintaining the [record] *CHRI* may appeal the decision of the Secretary[, and this appeal shall be taken] in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.07 Right of an Individual to Challenge Completeness, [Contents] Content, Accuracy, and Dissemination of CHRI.

A. An individual [who has inspected his criminal history record information] *having reviewed CHRI* may *only challenge the following related to CHRI*:

- (1) [the completeness,] *Completeness*;
- (2) [contents,] *Content*;
- (3) [accuracy,] *Accuracy*; or
- (4) [dissemination of this information] *Dissemination*.

B. Challenge to [Inaccurate] *Completeness, Content, Accuracy, or Dissemination of CHRI*.

(1) [The] *An individual challenging CHRI under this regulation* shall submit the *challenge using a form [specified] authorized by the Central Repository [as notice of the challenge]* to the:

- (a) Central Repository; and
- (b) [to the agency at which] *Agency responsible for the location where the individual [inspected] reviewed the [information] CHRI*, if other than the Central Repository.

(2) Upon receipt of the [notice] *challenge form*, the Central Repository shall [conduct an examination of that] *examine the part of the individual's [criminal history record information which] CHRI that has been challenged [as to completeness, contents, accuracy, and dissemination] under this regulation*.

(3) As part of the examination *under §B(2) of this regulation*, the Central Repository may require [any] *a criminal justice agency that was the source of challenged [information] CHRI* to verify the [information] *CHRI*.

[(3)] (4) The Central Repository shall notify the individual *submitting the challenge under this regulation*:

- (a) [in] *In writing of the results of [its] the examination and [determination] decision concerning the basis of the challenge; and*
- (b) [within] *Within 90 days after [receipt of the individual's notice of] the date the challenge was received by the Central Repository*.

[(4)] (5) If the challenge or any part of [it] *the challenge* is rejected by the Central Repository, the notification [of results] *under §B(4) of this regulation* shall [inform the individual of] *include information concerning the individual's right [of] to appeal the Central Repository's rejection of the challenge*.

C. Correction of CHRI.

(1) If [a] *the Central Repository determines that the individual's challenge under this regulation* is [determined to be] valid, the Central Repository shall:

(a) Make the appropriate correction on the Central Repository's [record] *CHRI*; and

(b) Notify [any] *the criminal justice or other agency [which has custody of] responsible for the [incomplete or inaccurate information, of this] CHRI requiring correction*.

(2) [The criminal justice] *An agency receiving notification under §C(1)(b) of this regulation* shall:

(a) [correct its records] *Correct the agency's CHRI*; and

(b) [certify] *Provide certification* to the Central Repository that the correction was made.

(3) [Upon request, an] *If requested by the individual whose [record has been] CHRI was corrected, the agency disseminating the individual's CHRI* shall [be given] *provide the individual with the names of [all] noncriminal justice agencies or [individuals] persons to whom the [data has been given] CHRI was disseminated during the [prior 12-month period] 12 months immediately preceding the date the individual reviewed the CHRI*.

D. Notice of Correction.

(1) A criminal justice agency or other agency required to correct [any criminal history record information] *CHRI under §C(2) of this regulation* that had [previously] disseminated [this incorrect information] *CHRI before the CHRI was corrected* shall give written notice of the correction to [any agency or individual to whom the information had been disseminated] *the person receiving the uncorrected CHRI*.

(2) The [recipient agency or individual] *person receiving notification under §D(1) of this regulation* shall:

(a) [promptly make] *Make the correction [on its records] to the CHRI in the person's possession[,]; and*

(b) [certify] *Provide certification that the correction has been made to the [disseminating] agency making notification under §D(1) of this regulation [that the correction was made]*.

E. Appeal.

(1) If [the individual's] *a challenge to the completeness, [contents] content, accuracy, or dissemination* is denied by the Central Repository, the individual may appeal the decision.

(2) An individual shall:

(a) [file] *Use a form [specified] authorized by the Central Repository to appeal a denial of a challenge under this regulation; and*

(b) *File the appeal* within 30 days of the date of the denial of the challenge with the:

[(a)] (i) Secretary;

[(b)] (ii) [Law enforcement] *Criminal justice* agency [which] *that contributed to or created the [record] CHRI*; and

[(c)] (iii) Central Repository.

[F. The Secretary may designate a hearing officer to hear the challenge.]

[G.] F. The Secretary, or [the Secretary's] *a designee*, shall:

(1) *Designate a hearing officer*;

(2) [set] *Set a hearing date* within 30 days of the date the appeal was [filed,] *received by the Central Repository*; and

(3) *Ensure that the date set for the hearing [shall be held] is within 60 days of the date the appeal was [filed] received by the Central Repository*.

[H.] G. [Failure of an applicant to] *If the individual filing an appeal under this regulation does not appear at the hearing [shall be cause to deny] on the date set under §F of this regulation, the [challenge] appeal shall be denied by the hearing officer*.

[I.] *H.* At the [challenge] *appeal* hearing, the [applicant who filed] *individual filing* the [challenge] *appeal* and [any] *a criminal justice agency* [party to] *affected by* the [challenge] *appeal* may:

(1) — (2) (text unchanged)

(3) Interrogate persons responsible for recording or maintaining the [criminal history record in question] *CHRI under review*.

[J.] *I.* *Appeal of a Hearing Decision* [of Hearing].

(1) The Secretary, *or a designee*, shall [issue] *provide* a written [order] *decision* stating the [decision] *outcome* of the *appeal* hearing *under §F of this regulation* to the:

(a) [Applicant] *Individual filing the appeal*; and

(b) (text unchanged)

(2) [The] *Upon receipt of a decision under §I(1)(b) of this regulation*, the Central Repository shall:

(a) Retain a copy of the [order] *written decision*; and

(b) Disseminate a copy of the [order] *written decision* to [any other agency or] *a person* [who is party to] *affected by* the hearing.

[K.] *J.* [Secretary's Order] *Appeal Decision*.

(1) If [the Secretary's order] *a decision under §I of this regulation* concludes that the challenge to the completeness, [contents] *content*, accuracy, or dissemination of the [record] *CHRI* is [correct] *valid*, the [order] *written decision* shall direct that the [record] *CHRI* is to be corrected.

(2) The Central Repository and the [local law enforcement] *criminal justice agency* [which contributed] *contributing to* or [created] *maintaining* the [record] *CHRI* shall:

(a) Correct [its records] *the CHRI maintained by the agency*; and

(b) Certify to the Secretary, *or a designee*, that the [correction was made] *CHRI was corrected*.

[L.] *K.* A criminal justice agency required to correct [any criminal history record information pursuant to § K--M] *CHRI under §J of this regulation*, that had [previously] disseminated [this information] *the CHRI before being corrected*, shall give written notice to the [agency or] person [to whom the information was disseminated.] *receiving the uncorrected CHRI of the correction*. That agency or], *and the person* shall:

(1) [promptly make] *Make* the correction [on its records,] *to the person's CHRI*; and

(2) [certify] *Certify* to the disseminating agency that the correction was made.

[M.] *L.* A party to [the matter may further] *an appeal of the decision* [of the Secretary, and this appeal shall be taken] *under §I of this regulation may appeal the decision* in accordance with [the Administrative Procedure Act,] State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

[N.] *M.* Central Repository records relating to the individual's right to review and challenge shall be:

(1) Centrally maintained in the place and manner designated by the Secretary, *or a designee*; and

(2) Retained for a minimum of 4 years, [with the exception of] *except for the respective fingerprint card* [which] *that* shall be retained for a minimum of 15 years.

.08 Collection.

A. The Central Repository shall collect and store CHRI from [all] criminal justice agencies or CHRI repositories in the State.

B. [Receipt by the] *The Central Repository* [of] *shall maintain CHRI* [shall be organized so as] to:

(1) [accurately reflect the] *Reflect* processing of an individual through the criminal justice system; and

(2) [to ensure] *Ensure* complete, accurate, [private] *confidential*, and secure [records] *CHRI*.

C. [Information collected by the] *The Central Repository* [pertaining to arrests of juveniles is]:

(1) *Shall maintain information related to a juvenile arrest as confidential*. Storage and dissemination of this information shall be in accordance with Courts and Judicial Proceedings Article, §3-828(a), Annotated Code of Maryland[, as follows:].

[(1)] (2) [Records concerning a juvenile shall be maintained] *Shall maintain information related to a juvenile* separately from adult [records;] *CHRI*.

[(2)] (3) [Dissemination of the records of a juvenile may be made] *May only disseminate information related to a juvenile* to:

(a) The Department of Juvenile Services[.];

(b) Comply with an order of a court upon good cause shown[.]; and

(c) (text unchanged)

.09 Reporting.

A. Each criminal justice agency or CHRI repository shall report CHRI[, whether collected manually or by means of an automated system.] to the Central Repository in accordance with *Criminal Procedure Article, §10-215, Annotated Code of Maryland*, and the following [provisions]:

(1) [Data pertaining to] *Information concerning* an arrest or the issuance of an arrest warrant shall be reported within 72 hours after the arrest is made or the warrant is issued[, whichever first occurs]; *and*

[(2)] Data pertaining to the release of a person after arrest without the filing of a charge shall be reported within 30 days after the person is released;]

[(3)] (2) [Data pertaining to any other] *Information concerning another reportable event not included under §A(1) of this regulation* shall be reported within 60 days after [occurrence] *the date* of the *reportable* event.

B. [CHRI shall be reported by all] *A criminal justice* [agencies] *agency shall report CHRI* to the Central Repository in [an organized] *a manner that ensures the CHRI*:

(1) [Reflects the identification of] *Accurately identifies* the offender *through fingerprint comparison or other compelling information*;

(2) [and the movements of that individual] *Accurately tracks the individual* through the criminal justice system; [and]

[(2)] (3) Conforms to federal and State laws and regulations [as supplemented by]; *and*

(4) [operational] *Complies with Central Repository* procedures [issued by the Central Repository relating to the completeness, accuracy, privacy, and security] *for collection, reporting, maintenance, and dissemination* of CHRI.

C. The Secretary, *or a designee*, shall specify the content, format, and media for CHRI reported to the Central Repository.

[.09-1] .10 Fingerprint Process.

A. [Fingerprint cards] *Fingerprints* for each juvenile and adult arrested shall be submitted to the [CJIS] Central Repository within 72 hours of the arrest.

B. [Adults] *An adult* who [have] *has* been arrested shall be fingerprinted [on an arrest fingerprint card] *according to procedures* approved by the [Director of the CJIS] Central Repository [and on an arrest fingerprint card approved by the Director of the Federal Bureau of Investigation].

C. A juvenile who has been arrested shall be fingerprinted [on the arrest fingerprint card] *according to procedures* approved by the [Director of the CJIS] Central Repository.

D. The arresting [agency] *law enforcement agency* or the agency responsible for processing an arrested individual shall complete and submit [all] available information [on the fingerprint cards] *according to procedures approved by the Central Repository*.

E. The [Director of the CJIS] Central Repository may authorize an agency to *electronically* submit arrest information [electronically, including] and fingerprint images[,] to the [CJIS] Central Repository [instead of using the CJIS Central Repository fingerprint card set forth in B and C of this regulation].

[.10] .11 Dissemination of CHRI — General.

A. The Central Repository and [other] a criminal justice [agencies] agency [may not access or] shall collect, report, maintain, and disseminate [criminal history record information except] CHRI in accordance with federal and State laws and regulations [and the regulations promulgated] pursuant to Criminal Procedure Article, §10-221, Annotated Code of Maryland.

B. Noncriminal Justice Agency.

(1) [Only] Except under §A(2) of this regulation, only the Central Repository may disseminate CHRI to a noncriminal justice agency or individual.

(2) [However, the] The Central Repository, through agreement with [another] a criminal justice agency, may:

(a) [specify] Designate [the other] a criminal justice agency as a location [at which] where a noncriminal justice agency or individual may [inquire to] initiate a request for the Central Repository [for the purpose of receiving] to provide CHRI for a noncriminal justice purpose.

(b) [The agreement may also provide for the Central Repository to authorize the] Authorize a criminal justice agency to disseminate to [the] a noncriminal justice agency [appropriate] or individual CHRI maintained by the criminal justice agency.

(3) [Under these circumstances the disseminating] If a criminal justice agency is authorized to disseminate CHRI under §B(1) of this regulation, the criminal justice agency shall maintain a log of each [dissemination, showing] recording in the log the:

(a) [the date] Date the request was made[.];

(b) [the purpose for which] Purpose of the request [was made.];

(c) [the information] CHRI disseminated[.];

(d) [the agency or person] Person receiving the information[.]; and

(e) [the date] Date [of] the [dissemination] CHRI was disseminated.

(4) The Central Repository shall maintain [in its] a log [the fact that it authorized the] recording:

(a) [criminal] A criminal justice agency authorized to disseminate [the] CHRI for noncriminal justice purposes; and

(b) [the] The name of the agency or individual [to whom] receiving the CHRI [was disseminated] for noncriminal justice purposes from the authorized criminal justice agency.

C. [An] The Central Repository or a criminal justice agency or individual authorized to access CHRI may not confirm the existence or nonexistence of CHRI to [any] a person [or agency] that [would] is not [be] eligible to receive the [information itself] CHRI.

D. [Logs] A log required to be kept under this chapter shall be maintained for at least 3 years.

E. The use of CHRI by an authorized agency or individual:

(1) [is] Is limited to the specific purpose [or purposes] stated in this chapter; and

(2) [may] May not be disseminated further [except with] without specific authorization by the Central Repository.

F. In addition to [any other] another remedy or penalty authorized by law, the Secretary, or a designee, may:

(1) [determine any] Determine that an individual or agency [to be] is in violation of the provisions of this chapter; and

(2) [may take] Initiate the necessary [steps] action to enforce compliance with this chapter, including:

(a) [termination of] Terminating authorization to access [to] CHRI[.];

(b) [revocation of any] Revoking an agreement between the agency and the Central Repository[.]; and

(c) [as well as appropriate judicial or administrative] Criminal or civil proceedings.

G. Dissemination of CHRI.

(1) The Secretary, or [the Secretary's] a designee, shall, [from time to time,] review agreements [and approved petitions] to determine if continued dissemination of CHRI based on the agreements [and petitions] is consistent with current law, regulation, and policy.

(2) If the Secretary, or a designee, determines that continued dissemination under an agreement [or petition] is not consistent with current law, regulation, or policy, the Secretary, or a designee, shall:

(a) [revoke] Revoke the agreement [or petition.];

(b) [terminate] Terminate access to CHRI[.]; and

(c) [send] Send written notice of the revocation to the individual, agency, private employer, or organization stating the reasons for the revocation.

(3) An individual, agency, private employer, or organization whose access is terminated by the Secretary, or a designee, may appeal the action in accordance with the [Administrative Procedure Act,] State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

[.11] .12 Dissemination of CHRI — Criminal Justice Agency.

A. [Subject to the provisions of] In accordance with requirements under Regulation [.12B] .13B of this chapter, the Central Repository [and other] or a criminal justice [agencies] agency shall disseminate CHRI[, be it conviction or nonconviction criminal history record information.] to a criminal justice agency [upon a request made in accordance with applicable regulations adopted by the Secretary].

B. A criminal justice agency may request [this information] CHRI from the Central Repository or [another] a criminal justice agency only if [it has a need for] the [information] CHRI is used:

(1) In the performance of [its] the agency's function as a criminal justice agency; or

(2) For the purpose of hiring or retaining [its own] the criminal justice agency's employees [and agents].

[B.] C. Dissemination Between Criminal Justice Agencies.

(1) [A] Except for provisions under §C(4) of this regulation, a criminal justice agency may not disseminate CHRI to another criminal justice agency [until] unless the [disseminating] criminal justice agency disseminating the CHRI has requested and received from the Central Repository verification that the [information] CHRI to be disseminated is complete, accurate, and current.

(2) [The] Before a criminal justice agency or the Central Repository disseminates CHRI to a criminal justice agency, the criminal justice agency or the Central Repository shall verify the identity of the criminal justice agency [to which the disseminating agency intends to provide the information] requesting the CHRI.

(3) A criminal justice agency or the Central Repository [may satisfy the verification requirement through the use of an automated] may verify the identity of a criminal justice agency using information [system provided by] available from the Department [of Public Safety and Correctional Services].

(4) [The] If a criminal justice agency requesting CHRI demonstrates to the criminal justice agency maintaining the requested CHRI or the Central Repository that a delay in the receipt of CHRI will unduly impede necessary action by the requesting criminal justice agency or will violate or materially impair a substantive right of the individual who is the subject of the CHRI, the

disseminating criminal justice agency or the Central Repository shall:

(a) Provide the requested CHRI without meeting requirements under §§C(2) and (3) of this regulation; and

(b) [maintain a record or] Record the transaction in the respective criminal justice agency's log [of the request showing] including the:

[(a)] (i) Date the request for CHRI was made [of dissemination];

[(b)] (ii) [Information to be] CHRI disseminated;

[(c)] (iii) Criminal justice agency receiving the [information] CHRI; and

[(d)] (iv) Date [of] the CHRI was [dissemination] disseminated.

[(5) This section does not apply if the receiving criminal justice agency demonstrates to a responsible official of the disseminating criminal justice agency or the Central Repository that a delay in the receipt of information from the Central Repository will unduly impede necessary action by the requesting criminal justice agency or will violate or materially impair a substantive right of the person about whom the information is needed. However, the disseminating agency shall maintain a log of each dissemination under these conditions, showing the:

(a) Date of dissemination;

(b) Information disseminated;

(c) Criminal justice agency to whom it was disseminated;

and

(d) Date of the dissemination.]

[C.] D. [When] If a request for [the dissemination of] CHRI is made by a criminal justice agency from another state, [disseminations] dissemination shall be limited to the purposes for which CHRI is disseminated to a criminal justice [agencies within] agency in Maryland.

[D. A fee, as specified in Regulation .14 of this chapter, shall be charged for each request for access to CHRI for other than a criminal justice purpose.]

E. The Central Repository shall maintain a log of requests under §D of this regulation including the:

(1) Date the request for CHRI was made;

(2) CHRI disseminated;

(3) Criminal justice agency receiving the CHRI; and

(4) Date the CHRI was disseminated.

[.12].13 Dissemination of CHRI — Noncriminal Justice Agency.

A. [Subject to the provisions of Regulations .10B, .11B, and §C of this regulation, and except as otherwise authorized by] Except for provisions under §B of this regulation, the Central Repository may not disseminate to a noncriminal justice federal, State, or local government agency [the following]:

(1) Conviction CHRI [unless the person or agency to whom the information is to be disseminated], except:

(a) If the recipient of the CHRI is expressly authorized by statute, ordinance, executive order, or court rule, decision, or order to grant, deny, suspend, revoke, or terminate a license, employment, or other right or privilege[.]; and

(b) [the] If the statute, ordinance, order, or rule specifies the existence or nonexistence of a prior conviction or other criminal conduct as a condition to the grant, denial, suspension, revocation, or termination of the license, employment, right, or privilege. [References to "good moral character", "trustworthiness", or other less specific traits are sufficient to authorize dissemination when they are determined by the courts to be inclusive of criminal conduct.]

(2) Nonconviction CHRI [unless the person or agency to whom the information is to be disseminated] except:

(a) If the recipient of the CHRI is expressly authorized by statute, ordinance, executive order, or court rule, decision, or order to grant, deny, suspend, revoke, or terminate a license, employment, or other right or privilege[.]; and

(b) [the] If the statute, ordinance, executive order, or court rule, decision, or order specifies access to nonconviction CHRI in consideration of the decision to grant, deny, suspend, revoke, or terminate a license, employment, right, or privilege.

B. The [following noncriminal justice persons and agencies may receive from the] Central Repository may disseminate conviction and nonconviction CHRI to the following for the purpose and under the conditions stated:

(1) [For the purpose of determining] To determine suitability for employment or eligibility for security clearances[, the following agencies may receive this information]:

(a) (text unchanged)

(b) Other appointing authority of [the] a federal, State, or local unit of government.

(2) [For the purpose of the defense of] To defend a client in a pending criminal proceeding[, the following persons may receive this information]:

(a) (text unchanged)

(b) [A defense] Defense counsel of record.

(3) A bail bondsman [may receive this information relating to] working with a client who is the subject of the CHRI, if authorized by the Maryland Rules of Practice and Procedure of the Court of Appeals.

(4) The Department of Juvenile Services [may receive this information] for the purposes of carrying out [its] statutory duties.

(5) Research, Evaluation, and Statistical Analysis.

(a) [For the purpose of] To conduct research, evaluation, and statistical analysis of criminal activity [the following may receive this information]:

(i) (text unchanged)

(ii) The Maryland Justice Analysis Center of the [Institute of Criminal Justice and Criminology of the University of Maryland] Governor's Office of Crime Control and Prevention;

(iii) (text unchanged)

(iv) [Another] Other office, board, commission, or task force and the designated agents of these organizations established and granted CHRI access by Executive Order of the Governor or directive of the Secretary.

(b) [Statistical] Results of research, evaluation, and analyses derived from [this information] CHRI may not include the name of any individual or any other unique identifiers relating to the individual.

(6) A person or agency under contract with a criminal justice agency to provide specific services required by the criminal justice agency to perform [any of its] criminal justice functions [may.] pursuant to an agreement with the Secretary[, receive this information necessary in order to carry out its contract].

(7) The Attorney Grievance Commission and [any of its] subunits, the Board of Law Examiners and [any of its] subunits, the Commission on Judicial Disabilities, and a judicial nominating commission [may receive and use CHRI] for the purpose of exercising [their] respective functions in connection with lawyer discipline, bar admissions, judicial discipline, and judicial selection.

C. (text unchanged)

D. For CHRI disseminated to a noncriminal justice agency, the Central Repository or the [designated] criminal justice agency disseminating the CHRI shall:

(1) Verify the identity of the [noncriminal justice agency and the] person requesting to receive the [information] CHRI for noncriminal justice purposes; and

(2) Maintain a [record or] log of a request [showing] including the:

- (a) Date the request for CHRI was made[.];
- (b) Purpose for which the request was made[.];
- (c) [Information] CHRI disseminated[.];
- (d) [Agency or person receiving] Recipient of the [information,] CHRI; and
- (e) Date [of] the [dissemination] CHRI was disseminated.

E. A fee, as specified in Regulation [.14] .15 of this chapter, shall be charged for each request for [access to] CHRI for [other than] a [criminal] noncriminal justice purpose.

[.13] .14 Dissemination of CHRI — Private Party Petitioner.

A. [Subject to the provisions of §B of this regulation and Regulations .10B, .11B, and .12C, and except] Except as otherwise authorized [by Regulation .12B] under this chapter, the Central Repository may not disseminate to a private party petitioner the following:

(1) Conviction CHRI concerning current or prospective employees, occupants of leased real property, volunteers, or members of an association, [unless] except if the private party petitioner convincingly demonstrates to the [Secretary] Central Repository that the subject of the [request will] requested CHRI could, in the subject’s status as an employee, occupant of the leased real property, volunteer, or member of the association, have the capability to:

- (a) Jeopardize the life or safety of [individuals,] an individual;
- (b) Cause significant loss or damage by illegally accessing or misusing the fiscal or nonfiscal assets of the employer, landlord, association or its members, or the public[.]; or
- (c) Otherwise engage or participate in criminal conduct in violation of State, local, and federal law[.];

(2) Nonconviction CHRI [unless] except if the private party petitioner is expressly authorized by statute, ordinance, executive order, or court rule, order, or decision specifying the right [of] to access [to] nonconviction CHRI and the purpose and conditions for access.

B. [A procedure when] The Central Repository shall establish a procedure for a private party [petitioners may petition for the right to be granted] to petition for access to conviction CHRI consistent with §A(1) of this regulation [shall be established by the Secretary in accordance with the following:

(1) The petition shall require the] that includes a requirement for a petitioner to list the instances when access is [desired] necessary and the reason for [requesting the access] accessing CHRI consistent with this regulation.

(2) The Secretary, with the advice of the Advisory Board, shall:

- (a) Develop specific classes for which access consistent with this chapter is to be provided; and
- (b) Maintain for each class a list of all private party petitioners who have petitioned for and been granted access.]

(3) C. [Access to CHRI may not be granted under this section] The Central Repository shall deny access to CHRI under §A of this regulation if the private party petitioner is otherwise authorized under law, regulation, or agreement to access CHRI [for the requested class].

[(4) Each petitioner shall pay a \$5 per individual conviction CHRI record check at the time of the request to the Department of Public Safety and Correctional Services.]

[C.] D. A fee, as specified in Regulation [.14] .15 of this chapter, shall be charged for each request for access to CHRI for [other than] a [criminal] noncriminal justice purpose.

[.14] .15 Fees — CHRI Checks for [Other Than Criminal] Noncriminal Justice Purposes.

A. A person requesting [a] CHRI [check], for [other than criminal] noncriminal justice purposes, of [records] CHRI maintained by the [CJIS—CR] Central Repository shall submit a nonrefundable CHRI access fee of \$18 with each request for an individual CHRI [check].

B. A nonrefundable fee to cover the costs of providing the requested [information] CHRI shall be submitted with each request to access CHRI for research, evaluation, and statistical analysis for [other than criminal] noncriminal justice purposes as defined in Regulation [.12B(5) and (6)] .13 of this chapter. The fee shall be comprised of costs, when applicable, for computer programming, computer processing, computer output media, handling, shipping, and other associated expenses based upon current rates.

C. Fingerprinting Service Fee.

(1) The [CJIS—CR] Central Repository shall collect a nonrefundable fingerprinting service fee of \$20 for each request for an individual CHRI [check].

(2) The [CJIS—CR] Central Repository shall collect the fingerprinting service fee to cover the cost for [CJIS—CR] Central Repository to collect demographic data about an applicant and perform fingerprinting for an applicant.

(3) The [CJIS—CR] Central Repository shall collect the fingerprinting service fee only if the [CJIS—CR] Central Repository collects the demographic data about the applicant and performs fingerprinting for an applicant.

D. The [CJIS—CR] Central Repository shall display a current list of [all] fees and the specified amount of each fee at [CJIS—CR locations] a Central Repository location operated for the purpose of applying for a CHRI check.

E. The following chart contains the fees collected by [CJIS—CR] Central Repository for a [non-criminal] noncriminal justice CHRI check:

CHRI CHECK	FEE COLLECTED FOR	AMOUNT
CHRI Check—State only— for: Adoption (Add \$1 if gold seal) Adult dependent care Attorney/client—civil action Government employment/non-criminal justice Government licensing or certification Immigration/visa (Add \$1 if gold seal) Individual review MSP licensing or certification Private party petition Public housing	CHRI access fee Fingerprinting service fee (Only if [CJIS—CR] The Central Repository collects demographic data and performs fingerprinting for the applicant)	\$18 \$20

Full background—State and FBI CHRI check—for: Child care (FLA) (minus \$8 if volunteer) Government employment Government licensing or certification	CHRI access fee Fingerprinting service fee (Only if [CJIS—CR] <i>The Central Repository</i> collects demographic data and performs fingerprinting for the applicant) FBI fee [(\$17.25) \$14.50 plus \$2 processing fee)	\$18 \$20 [\$19.25] \$16.50
HAZ MAT endorsement on CDL (COMAR 12.15.04)	Threat assessment processing fee CHRI access fee Fingerprinting service fee (Only if [CJIS—CR] <i>The Central Repository</i> collects demographic data and performs fingerprinting for the applicant) FBI fee [(\$17.25) \$14.50 plus \$2 processing fee) Threat assessment fee	\$2 \$18 \$20 [\$19.25] \$16.50 \$34
Criminal justice (employment or investigation) Attorney/client—criminal proceeding (case number must be provided) Individual challenge	No fee	

F. The [CJIS—CR] *Central Repository* requires payment to be made as follows:

- (1) (text unchanged)
- (2) The applicant shall make a check or money order payable to [CJIS—CR] *the Central Repository*;
- (3) A Maryland government unit may pay fees by interagency fund transfer [authorizations] *authorization*.

G. Requests for national CHRI access passing through the Central Repository to the Federal Bureau of Investigation (FBI) require the submission of an additional fee as specified by the FBI to cover the FBI's costs [of] *for* processing the request.

[.15].16 Security.

A. The [Secretary] *Central Repository* hereby incorporates by reference the specific federal regulations regarding security of CHRI under [41 FR (March 19, 1976)] *28 CFR §20.20*.

B. [Criminal] *A criminal* justice [agencies are] *agency* is responsible for reporting [in a timely manner breaches or failures] *a breach* of physical or operational security *concerning CHRI* to the [Secretary or the Secretary's designee] *Central Repository*.

C. If there is a breach of the physical security of CHRI or a failure to meet physical security standards [of] *for* CHRI [as stipulated in these regulations and as supplemented] *required* by [operational policies issued by the] *federal or State statute or regulation or Central Repository procedures* relating to the physical security of CHRI, the [Secretary of Public Safety and Correctional Services] *Central Repository* [has the responsibility to] *shall* ensure that the breach is corrected.

D. If there is a failure to comply with personnel policies relating to CHRI [as stipulated in these regulations and as supplemented by

personnel policies issued by the] *established by federal or State statute or regulation or Central Repository procedures* relating to CHRI, the [Secretary of Public Safety and Correctional Services has the responsibility to] *Central Repository shall* ensure that [this] *the* failure is corrected.

E. If there is a breach of the operational security of the Criminal Justice Information System as defined in Criminal Procedure Article, §10-201(e), Annotated Code of Maryland, or a failure to meet the operating security standards of [that system as stipulated in these regulations and as supplemented by operational] *federal or State statute or regulation or Central Repository* procedures [issued by the Central Repository] relating to the security of [operations in the Criminal Justice Information System] *CJIS*, the [Secretary of Public Safety and Correctional Services has the responsibility to] *Central Repository shall* ensure that this breach [or failure] is corrected.

F. If the privacy or confidentiality of CHRI has been intentionally or inadvertently abused or [when] the potential for [this] abuse [may exist] *exists*, the [Secretary of Public Safety and Correctional Services has the responsibility to] *Central Repository shall* ensure that [this] *the* abuse or potential for abuse is corrected.

[.16].17 Auditing.

A. Audit of CHRI.

(1) As required by applicable federal and State [laws] *statutes* and regulations, criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* shall be audited [on site] *by the Central Repository* for compliance with applicable laws, regulations, and agreements [pertaining] *related* to the security, dissemination, completeness, and accuracy of CHRI.

(2) [An annual on-site audit] *The Central Repository shall conduct audits* of a random sample[, representative] of State and local criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* [shall be made at the direction of the Secretary. The audit shall] *to* ensure that CHRI is:

- (a) [accurate] *Accurate* and complete; and
- (b) [that it is collected] *Collected*, reported, and disseminated in accordance with the provisions of Criminal Procedure Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(3) At a minimum, the [on-site] audit shall evaluate [a criminal justice agency's] compliance with applicable rules, regulations, agreements, and laws pertaining to physical, personal, and operational security, dissemination, completeness, and accuracy of CHRI.

[(4) An audit of a representative sample of CHRI shall be made not less than quarterly.]

[(5)] (4) As required, other methods, procedures, and standards for auditing criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* may be established [at the direction of the Secretary] *by the Central Repository*.

B. Criminal justice agencies, [and] CHRI repositories, *and noncriminal justice agencies* shall retain and provide access to CHRI source documents, dissemination logs, security manuals, and other [data] *CHRI related information* as deemed necessary to perform the audit in §A of this regulation.

C. [Records] *Except for provisions under §D of this regulation, information required under §B of this regulation* shall be retained [a minimum of 15 years] *by an agency subject to a Central Repository CHRI audit according to the agency's approved records retention schedule*.

D. *Information required under §B of this regulation related to employment shall be destroyed as soon as the employee who is the subject of the information is no longer employed by the agency.*

[.17].18 Agreements.

A. Agreements [shall be developed] between the [Secretary] *Central Repository* and a criminal justice [agencies and] *agency*,

CHRI [repositories] repository, noncriminal justice agency, [and] other agencies, private employers, organizations, and individuals[, as provided in this chapter, which] shall incorporate the principles and requirements of applicable federal and State laws and regulations pertaining to the privacy, security, completeness, accuracy, and dissemination of CHRI.

B. [Each] An agreement shall be [a written document] in writing and signed by the individual, agency, private employer, organization, or repository, and the Secretary, or [the Secretary's] a designee.

.19 Issuance of a Revised Printed Statement (State Rap Back Program).

A. If an employer or regulatory authority is authorized by State statute to receive a revised printed statement, the Central Repository shall:

- (1) Enroll the employer or regulatory authority in the State Rap Back Program;
- (2) Maintain a record of each previously processed individual who works for, or is regulated by an authorized employer or regulatory authority;
- (3) Issue a revised printed statement for each previously processed individual when new information is added to the individual's CHRI indicating:
 - (a) An arrest;
 - (b) The issuance of an arrest warrant;
 - (c) The filing of a charging document;
 - (d) A disposition of conviction;
 - (e) A verdict of not criminally responsible; or
 - (f) A disposition of probation before judgment; and
- (4) Send the revised printed statement to the employer, the regulatory authority, and the covered individual who is the subject of the printed statement.

B. Annual Review of Previously Processed Individuals.

- (1) At least annually the Central Repository shall prepare and distribute a list of previously processed individuals to each employer or regulatory authority enrolled in the State Rap Back Program.
- (2) From the list of previously processed individuals required under §B(1) of this regulation, the:
 - (a) Employer shall delete an individual who no longer works for and may not resume work for the employer; and
 - (b) Regulatory authority shall delete an individual who is no longer licensed by the regulatory authority.
- (3) The employer or regulatory authority shall return the adjusted list required under §B(2) of this regulation to the Central Repository within 15 working days of receipt.
- (4) The Central Repository shall cease sending revised printed statements when notified that the previously processed individual has been deleted from the annually prepared list.

C. The Central Repository shall distribute CHRI in accordance with FBI Rap Back service and federal regulations.

D. Except when prohibited by law, the Central Repository may charge a fee for providing the Rap Back Program service.

.20 Designated Law Enforcement and Other Agencies Approved for Fingerprinting.

A. The Central Repository may designate State and local law enforcement agencies or other agencies to provide fingerprinting services for criminal justice and noncriminal justice purposes.

B. A designated law enforcement agency shall:

- (1) Provide fingerprinting services according to requirements established in this chapter; and
- (2) Verify the proof of identity of the individual requesting fingerprint services at the time the individual is fingerprinted.

C. The following law enforcement agencies are designated by the Central Repository to provide fingerprinting services under this regulation:

- (1) Allegany County:
 - (a) Allegany County Sheriff's Department;
 - (b) Cumberland Police Department;
 - (c) Frostburg State University Police Department; and
 - (d) Frostburg Police Department;
- (2) Anne Arundel County:
 - (a) Anne Arundel County Police Department; and
 - (b) Annapolis Police Department;
- (3) Baltimore City:
 - (a) Baltimore City Police Department;
 - (b) University of Maryland at Baltimore Police;
 - (c) Morgan State University Police Department; and
 - (d) Coppin State University Police Department;
- (4) Baltimore County:
 - (a) Baltimore County Police Department;
 - (b) Towson University Police Department;
 - (c) University of Maryland at Baltimore County Police Department; and
 - (d) Baltimore County Sheriff's Department;
- (5) Calvert County — Calvert County Sheriff's Department;
- (6) Caroline County:
 - (a) Denton Police Department;
 - (b) Federalsburg Police Department;
 - (c) Greensboro Police Department;
 - (d) Preston Police Department; and
 - (e) Ridgely Police Department;
- (7) Carroll County:
 - (a) Carroll County Sheriff's Department;
 - (b) Hampstead Police Department;
 - (c) Manchester Police Department;
 - (d) Sykesville Police Department;
 - (e) Taneytown Police Department; and
 - (f) Westminster Police Department;
- (8) Cecil County:
 - (a) Cecil County Sheriff's Department;
 - (b) Elkton Police Department;
 - (c) North East Police Department; and
 - (d) Rising Sun Police Department;
- (9) Charles County:
 - (a) Charles County Sheriff's Office; and
 - (b) La Plata Police Department;
- (10) Dorchester County:
 - (a) Dorchester County Sheriff's Department;
 - (b) Cambridge Police Department; and
 - (c) Hurlock Police Department;
- (11) Frederick County:
 - (a) Frederick County Sheriff's Department;
 - (b) Brunswick Police Department;
 - (c) Frederick City Police Department; and
 - (d) Thurmont Police Department;
- (12) Garrett County — Garrett County Sheriff's Office;
- (13) Harford County:
 - (a) Harford County Sheriff's Department;
 - (b) Aberdeen Police Department;
 - (c) Bel Air Police Department; and
 - (d) Havre de Grace Police Department;
- (14) Howard County:
 - (a) Howard County Sheriff's Department; and
 - (b) Howard County Police Department;
- (15) Kent County:
 - (a) Kent County Sheriff's Department; and
 - (b) Chestertown Police Department;

- (16) *Montgomery County:*
 - (a) *Montgomery County Sheriff's Department;*
 - (b) *Montgomery County Police Department;*
 - (c) *Montgomery County Division of the Maryland National-Capital Park Police;*
 - (d) *Rockville City Police Department;*
 - (e) *Takoma Park Police Department;* and
 - (f) *Chevy Chase Police Department;*
- (17) *Prince George's County:*
 - (a) *Prince George's County Sheriff's Department;*
 - (b) *Prince George's County Police Department;*
 - (c) *Berwyn Heights Police Department;*
 - (d) *Bowie State College Police Department;*
 - (e) *Bladensburg Police Department;*
 - (f) *District Heights Police Department;*
 - (g) *Greenbelt Police Department;*
 - (h) *Hyattsville City Police Department;*
 - (i) *Landover Hills Police Department;*
 - (j) *Laurel Police Department;*
 - (k) *Prince George's County Division of the Maryland National-Capital Park Police;*
 - (l) *Riverdale Police Department;* and
 - (m) *Mount Ranier Police Department;*
- (18) *Queen Anne's County:*
 - (a) *Queen Anne's County Sheriff's Department;* and
 - (b) *Centreville Police Department;*
- (19) *St. Mary's County — St. Mary's County Sheriff's Department;*
- (20) *Somerset County:*
 - (a) *Somerset County Sheriff's Department;*
 - (b) *Crisfield Police Department;* and
 - (c) *University of Maryland Eastern Shore Police Department;*
- (21) *Talbot County:*
 - (a) *Talbot County Sheriff's Department;*
 - (b) *Easton Police Department;*
 - (c) *Oxford Police Department;* and
 - (d) *St. Michael's Police Department;*
- (22) *Washington County:*
 - (a) *Washington County Sheriff's Department;*
 - (b) *Hagerstown Police Department;*
 - (c) *Fort Ritchie Office of Security and Intelligence;* and
 - (d) *Hancock Police Department;*
- (23) *Wicomico County:*
 - (a) *Wicomico County Sheriff's Department;*
 - (b) *Delmar Police Department;*
 - (c) *Fruitland Police Department;*
 - (d) *Salisbury Police Department;* and
 - (e) *Salisbury State University Police Department;*
- (24) *Worcester County:*
 - (a) *Worcester County Sheriff's Department;*
 - (b) *Berlin Police Department;*
 - (c) *Ocean City Police Department;* and
 - (d) *Pocomoke City Police Department;*
- (25) *Except for John F. Kennedy Barrack M, all Department of State Police barracks;*
- (26) *All Department of Natural Resources Police Force detachments;* and
- (27) *University of Maryland Police at College Park.*

D. *The Central Repository may designate additional law enforcement agencies where fingerprint services under this regulation may be provided.*

E. *Approved Agency.*

(1) *The Central Repository shall designate an approved agency to provide fingerprinting services for noncriminal justice purposes*

under this regulation after the agency's employees have satisfactorily completed approved training.

(2) *The Central Repository may require an employee of an approved agency receiving approved training to submit a set of fingerprints.*

(3) *An employee of an approved agency may not perform fingerprinting services for the purpose of obtaining a printed statement under this chapter until the employee has satisfactorily completed approved training.*

(4) *A list of approved agencies may be found on the Department's website.*

F. *Quality Control and Compliance Procedures.*

(1) *The Central Repository shall establish procedures to:*

(a) *Evaluate the quality of fingerprints taken by a designated law enforcement agency or an approved agency; and*

(b) *Monitor compliance with approved training requirements by an approved agency.*

(2) *The Central Repository may require retraining for an employee of an approved agency who takes an unsatisfactory number of fingerprints as determined by the Central Repository.*

(3) *The Central Repository:*

(a) *For just cause may remove an approved agency from the list of approved agencies.*

(b) *Shall notify, in writing, an agency that is removed from the list of agencies authorized to provide fingerprint services under this regulation.*

12.15.02 Criminal History Records Check of Individuals Who Care for or Supervise Children

Authority: Correctional Services Article, §2-109; Family Law Article, §§5-560—[5-568] 5-569; Annotated Code of Maryland

.01 Purpose.

This chapter establishes procedures for [the] processing [of] a criminal history records check under Family Law Article, §§5-560—5-568] —5-569, Annotated Code of Maryland.

.02 Definitions.

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

B. *Terms Defined.*

(1) (text unchanged)

(2) "Approved agency" means a government or nongovernment agency, other than a law enforcement agency designated by the Secretary, [at which] *where* fingerprints may be taken.

(3) "Approved training" means [Departmental] *Department of Public Safety and Correctional Services (Department)* training of an employee of an approved agency [in the proper method of taking] *to properly take* fingerprints.

(4) "Authorization number" means the identifier given to an employer, a regulatory authority, or a licensed child placement agency that authorizes [it to receive] *receipt of* a printed statement.

(5) — (6) (text unchanged)

(7) *Covered Individual.*

(a) (text unchanged)

(b) "Covered individual" includes an employee *who is* 14 years old or older as of the date of an application for a criminal history records check.

(8) *Criminal History Records Check.*

(a) "Criminal history records check" means a record check of the criminal history record information (*CHRI*) maintained by the Central Repository [and received from] *or* the Federal Bureau of Investigation.

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

[(9) “Department” means the Department of Public Safety and Correctional Services.]

[(10)] (9) (text unchanged)

[(11)] (10) [Disseminate.

(a) “Disseminate” [means to transmit in oral or written form the information contained in a printed statement issued by the Central Repository.

(b) “Disseminate” does not include transmittal of this information to a State’s attorney for investigating an alleged commission of perjury or other violation by a covered individual under Family Law Article, §§5-560—5-568, Annotated Code of Maryland] *has the meaning stated in COMAR 12.15.01.02.*

[(12)] (11) (text unchanged)

[(13)] (12) [Employee.

(a)]“Employee” [means an individual who works for compensation in a facility under] *has the meaning stated in* Family Law Article, [§5-561] §5-560, Annotated Code of Maryland[, and who:

(i) Cares for or supervises a child in the facility; or

(ii) Has access to a child who is cared for or supervised in the facility.

(b) “Employee” includes an individual who works in a facility on a part-time or temporary basis].

[(14)] (13) [Employer.

(a) “Employer” [means an owner, operator, proprietor, or manager of a facility under] *has the meaning stated in* Family Law Article, [§5-561] §5-560, Annotated Code of Maryland[, who has frequent contact with children cared for or supervised in the facility.

(b) “Employer” does not include a State or local agency responsible for the temporary or permanent placement of children in a facility under Family Law Article, §5-561, Annotated Code of Maryland].

(14) “Facility” *means a facility designated under Family Law Article, §5-561, Annotated Code of Maryland, whereby the employer and an employee are required to obtain a criminal history records check.*

(15) — (16) (text unchanged)

(17) “Printed statement” means a document issued by the Central Repository containing the results of a criminal history records check *under this chapter.*

(18) “Private entity” means:

(a) [a] nongovernment agency[, organization,]; or

(b) [employer] *An employer.*

(19) — (21) (text unchanged)

(22) Valid Photo Identification Document.

(a) “Valid photo identification document” means [an unexpired] *a current, government-issued document containing the name, photograph, and date of birth of a covered individual that is used for positive identification.*

(b) “Valid photo identification document” includes:

(i) — (v) (text unchanged)

(vi) [An unexpired] *A current foreign passport;*

(vii) — (ix) (text unchanged)

.03 Application Process.

A. A covered individual [shall apply] *applying* for a printed statement [by] *shall*:

(1) [Completing] *Complete* and [submitting] *submit an application* to the Central Repository[, on] *using* a form approved by the [Director, an application containing] *Central Repository that provides* identifying information, including the covered individual’s

Social Security number, *that is used by the Central Repository to verify identity and preserve the security of [the record] information maintained by the Central Repository;*

(2) [Submitting two] *Submit a complete [sets] set* of legible fingerprints [taken on forms] *in a format* approved by the [Director] *Central Repository* and the [Federal Bureau of Investigation] *FBI*; and

(3) [Paying the] *Except for provisions under §B of this regulation, pay processing fees authorized* under Family Law Article, §5-561(g), Annotated Code of Maryland, and Regulation .04 of this chapter.

B. [Under] *The processing fee required under §A(3) of this regulation established under:*

(1) Regulation .04A of this chapter[,] *may be paid* by an employer or other party [may pay a covered individual’s processing fees.]; *or*

(2) [Under] Family Law Article, §5-561(h)(2), Annotated Code of Maryland, *shall be reimbursed* by a local department of social services [shall reimburse] *to an adult who is a covered individual residing in a foster care home [for the costs borne by the adult under Regulation .03A(3) of this chapter].*

C. (text unchanged)

D. Fingerprinting Process.

(1) A covered individual *applying for a printed statement* shall have [two] *a complete [sets] set* of legible fingerprints taken [on fingerprint card forms,] *in a format* approved by the [Director] *Central Repository* [and the Federal Bureau of Investigation,] at a designated law enforcement agency or approved agency.

(2) (text unchanged)

(3) After verifying identification *of a covered individual*, a designated law enforcement agency or approved agency shall fingerprint the covered individual.

(4) Payment of the Fingerprinting Fee.

(a) The fee, if any, for taking fingerprints shall be paid directly to the designated law enforcement agency or approved agency *providing the fingerprinting service.*

(b) [This] *The fee [is exclusive of] under §D(4)(a) of this regulation excludes* the processing fees under Family Law Article, [§5-561(g)] §5-561, Annotated Code of Maryland.

(5) Rejection of Illegible Fingerprints.

(a) If a covered individual’s fingerprints are rejected as illegible by the Central Repository or the [Federal Bureau of Investigation] *FBI*, the *covered individual* shall be refingerprinted [at the originally] *by the designated law enforcement agency or approved agency taking the rejected fingerprints.*

(b) If *the Central Repository rejects* a covered individual’s [prints are rejected two additional times] *fingerprints a second time* as illegible, the Central Repository [shall determine whether] *may decide* to waive the [taking of fingerprints] *fingerprint requirement* and [determine if] *require* other documentation [may be submitted] *for use* to complete the criminal history records check.

[(c) The Central Repository shall coordinate fingerprint processing procedures with the Department of Human Resources in a case involving a waiver of fingerprints under Family Law Article §5-562(c), Annotated Code of Maryland.]

E. Previously Processed [Covered] Individual.

(1) Resuming Work for Same Employer.

(a) [Subject to §E(1)(b) of this regulation, an] *A previously processed individual who [has been previously processed,] ceases working[, but] and later resumes work for the same employer is not required to resubmit an application with fingerprints and fees under §A of this regulation if the employer has maintained the previously processed individual’s name [is retained by the employer] on the Central Repository’s list of previously processed individuals [under Regulation .08 of this chapter].*

(b) Upon resuming work, an employer may require [an] *a previously processed* individual to obtain a national criminal history records check and pay the applicable fee.

(2) Additional or Subsequent Employment.

(a) Except as provided under Family Law Article, §5-564(d)(2), Annotated Code of Maryland, and §E(2)(b)—(d) of this regulation:

(i) An employee who has been previously processed shall submit an application, with fingerprints and the State and federal processing fees [under Family Law Article, §5-561(g), Annotated Code of Maryland], when applying to work for another employer[; and].

(ii) A criminal history records check contained in a printed statement may not be disseminated.

(b) [By completing and submitting a form approved by the Director, an] *An employee may request, using a form approved by the Central Repository, that the Central Repository send a copy of the State and national printed statement under Regulations .06 and .07 of this chapter to an additional or subsequent employer.*

(c) [The] *A request under §E(2)(b) of this regulation shall contain identifying information, including the:*

[i] Employee's Social Security number;]

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

(d) [A] *The Central Repository shall issue a copy of the [State and national] printed statement [will be issued only] if:*

(i) [a] *A written request from [an employee] the previously processed individual is received by the Central Repository;*

(ii) *The written request is received within 180 days of the date of the receipt of the most recent child care application; and*

(iii) [that] *The most recent child care application included fingerprints and the required processing fees.*

F. Access to Fingerprinting Services.

(1) Except for legal holidays, a designated law enforcement agency *and approved agency* shall establish [times to be open and available] *a schedule* for [the taking of fingerprints] *fingerprinting services* and make the schedule available to the public.

[(2) Designated law enforcement agencies, with locations for taking fingerprints within the same jurisdiction, shall coordinate schedules to assure appropriate and convenient access to this service.]

[(3)] (2) The Central Repository shall [take fingerprints] *provide fingerprinting services* and process an application for the printed statement during regular State office hours.

.04 Payment of Processing Fees.

A. The Central Repository shall collect the nonrefundable fees for a printed statement *authorized* under Family Law Article, [§5-561(g)] *§5-561*, Annotated Code of Maryland, and COMAR [12.15.01.14] *12.15.01.15*.

B. Except as provided in §C of this regulation, [the] processing fees shall be:

(1) [be paid when] *Due at the time* the application and fingerprints are submitted to the Central Repository[.];

(2) [Payment may be made by] *Except under §B(3) of this regulation, payable to the Central Repository in the form of:*

(a) [certified] *Certified* check[.];

(b) [cashier's] *Cashier's* check[.];

(c) [money] *Money* order[.]; or

(d) [personal] *Personal* check [made payable to the Central Repository,]; or

(3) [by any other] *Rendered by an alternative* method approved in writing by the [Director] *Central Repository*.

C. The Central Repository may establish a separate *processing fee* payment procedure [with] *for a government agency or private organization*.

D. [Payment of the] *A covered individual is not required to pay a processing fee [is not required of a covered individual] to:*

(1) Update and issue a revised printed statement [under Family Law Article, §5-564(a), Annotated Code of Maryland];

(2) Contest a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or a pending criminal charge reported in a Maryland printed statement [under Family Law Article, §5-565, Annotated Code of Maryland]; or

(3) Request a copy of a [State and national] printed statement to be submitted to an additional or subsequent employer [under Family Law Article, §5-564(d)(2), Annotated Code of Maryland, and Regulation .03E(2)(b) of this chapter].

.05 Designated Law Enforcement Agencies and Approved Agencies for Fingerprinting.

[A. A designated law enforcement agency shall:

(1) Comply with the provisions for access to fingerprinting services under Regulation .03F of this chapter; and

(2) Verify the proof of identity provided by a covered individual under Regulation .03D(2) of this chapter at the time of fingerprinting.

B. The following law enforcement agencies are designated by the Secretary to take fingerprints:

(1) Allegany County-----Allegany County Sheriff's Department, Cumberland Police Department, Frostburg State University Police Department, and Frostburg Police Department;

(2) Anne Arundel County-----Anne Arundel County Police Department and Annapolis Police Department;

(3) Baltimore City-----Baltimore City Police Department, University of Maryland at Baltimore Police, Morgan State University Police Department, and Coppin State University Police Department;

(4) Baltimore County-----Baltimore County Police Department, Towson University Police Department, University of Maryland at Baltimore County Police Department, and Baltimore County Sheriff's Department;

(5) Calvert County----- Calvert County Sheriff's Department;

(6) Caroline County-----Denton Police Department, Federalsburg Police Department, Greensboro Police Department, Preston Police Department, and Ridgely Police Department;

(7) Carroll County-----Carroll County Sheriff's Department, Hampstead Police Department, Manchester Police Department, Sykesville Police Department, Taneytown Police Department, and Westminster Police Department;

(8) Cecil County-----Cecil County Sheriff's Department, Elkton Police Department, North East Police Department, and Rising Sun Police Department;

(9) Charles County-----Charles County Sheriff's Office and La Plata Police Department;

(10) Dorchester County-----Dorchester County Sheriff's Department, Cambridge Police Department, and Hurlock Police Department;

(11) Frederick County-----Frederick County Sheriff's Department, Brunswick Police Department, Frederick City Police Department, and Thurmont Police Department;

(12) Garrett County-----Garrett County Sheriff's Office;

(13) Harford County-----Harford County Sheriff's Department, Aberdeen Police Department, Bel Air Police Department, and Havre de Grace Police Department;

(14) Howard County-----Howard County Sheriff's Department and Howard County Police Department;

(15) Kent County-----Kent County Sheriff's Department and Chestertown Police Department;

(16) Montgomery County-----Montgomery County Sheriff's Department, Montgomery County Police Department, Montgomery County Division of the Maryland National-Capital Park Police,

Rockville City Police Department, Takoma Park Police Department, and Chevy Chase Police Department;

(17) Prince George's County-----Prince George's County Sheriff's Department, Prince George's County Police Department, Berwyn Heights Police Department, Bowie State College Police Department, Bladensburg Police Department, District Heights Police Department, Greenbelt Police Department, Hyattsville City Police Department, Landover Hills Police Department, Laurel Police Department, Prince George's County Division of the Maryland National-Capital Park Police, Riverdale Police Department, and Mount Ranier Police Department;

(18) Queen Anne's County-----Queen Anne's County Sheriff's Department and Centreville Police Department;

(19) St. Mary's County-----St. Mary's County Sheriff's Department;

(20) Somerset County-----Somerset County Sheriff's Department, Crisfield Police Department, and University of Maryland Eastern Shore Police Department;

(21) Talbot County-----Talbot County Sheriff's Department, Easton Police Department, Oxford Police Department, and St. Michael's Police Department;

(22) Washington County-----Washington County Sheriff's Department, Hagerstown Police Department, Fort Ritchie Office of Security and Intelligence, and Hancock Police Department;

(23) Wicomico County-----Wicomico County Sheriff's Department, Delmar Police Department, Fruitland Police Department, Salisbury Police Department, and Salisbury State University Police Department;

(24) Worcester County-----Worcester County Sheriff's Department, Berlin Police Department, Ocean City Police Department, and Pocomoke City Police Department;

(25) Except for John F. Kennedy Barrack M, all Department of State Police barracks and the Department of Natural Resources Police Force detachments; and

(26) University of Maryland Police at College Park.

C. The Secretary may designate additional law enforcement agencies where fingerprints shall be taken.

D. Approved Agency.

(1) The Director shall designate an approved agency to take fingerprints when its employees have satisfactorily completed approved training.

(2) An employee of an approved agency who receives the approved training may be required by the Director to submit a set of fingerprints on forms approved by the Director.

(3) Only an employee who has satisfactorily completed approved training is authorized to take fingerprints at an approved agency.

E. Quality Control and Compliance Procedures.

(1) The Central Repository shall establish procedures to:

(a) Evaluate the quality of fingerprints taken by a designated law enforcement agency or an approved agency and advise it of the results; and

(b) Monitor compliance by an approved agency under §D of this regulation.

(2) The procedures may include retraining an employee who takes an unsatisfactory number of illegible fingerprints as determined by the Central Repository.

(3) The Director may remove an approved agency from the list of approved agencies and shall notify that agency if it is removed.]

The Central Repository may designate State and local law enforcement or other approved agencies to provide fingerprinting services according to provisions under COMAR 12.15.01.20.

.06 Conducting the Criminal History Records Check.

A. The Central Repository shall process an application for a [State and national] criminal history records check [under] *according to provisions in* Family Law Article, §§5-563 and 5-564, Annotated Code of Maryland.

B. Subject to Regulation .07 of this chapter, the Central Repository shall issue separate printed statements containing the results of the:

(1) *State criminal history records check; and*

(2) [and national] *National* criminal history records check [upon completion of each.].

[C. The Central Repository shall issue a printed statement disclosing the Maryland criminal history records check to a covered individual, appropriate regulatory authority, or licensed child placement agency.

D. The Central Repository shall implement other operational procedures for conducting a criminal history records check under this chapter.]

.07 Processing a Criminal History Records Check Received From the [Federal Bureau of Investigation] FBI.

A. Except as provided in §B of this regulation, the Central Repository shall issue a printed statement to a regulatory authority and a covered individual that discloses the results of a national criminal history records check received from the [Federal Bureau of Investigation] *FBI*.

[B. Screening the Results of a National Criminal History Records Check. For adoption or placement of a child by a licensed child placement agency under Family Law Article, §5-561(c), Annotated Code of Maryland, or for a private entity, the Central Repository shall screen a covered individual's criminal history records check received from the Federal Bureau of Investigation for the following crimes, attempted crimes, or a criminal offense that is equivalent to them:

- (1) Abduction;
- (2) Abuse or neglect of an adult;
- (3) Arson;
- (4) Assault;
- (5) Assault with intent to commit a crime;
- (6) Battery;
- (7) Breaking and entering;
- (8) Burglary;
- (9) Carjacking;
- (10) Carrying or wearing a weapon;
- (11) Child abuse;
- (12) Child selling;
- (13) Confinement of an unattended child;
- (14) Contributing to certain conditions of a minor (delinquency, in need of supervision or assistance);
- (15) Cruelty to animals;
- (16) False imprisonment;
- (17) Forgery;
- (18) Hiring, soliciting, engaging, or using a minor for the purpose of manufacturing, distributing, or delivering a controlled dangerous substance;
- (19) Housebreaking;
- (20) Incest;
- (21) Indecent exposure;
- (22) Keeping a disorderly house or maintaining a nuisance;
- (23) Kidnapping;
- (24) Maiming or mayhem;
- (25) Malicious destruction of property;
- (26) Manslaughter or murder;
- (27) Manufacturing, distributing, or dispensing a controlled dangerous substance;

- (28) Criminal nonsupport and desertion of a spouse or minor child;
- (29) Perjury;
- (30) Pornography;
- (31) Possession of or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance;
- (32) Prostitution or pandering;
- (33) Rape;
- (34) Reckless endangerment;
- (35) Religious or ethnic crimes;
- (36) Robbery;
- (37) Sex offenses;
- (38) Sodomy;
- (39) Unlawful entry;
- (40) Unnatural or perverted practices; and
- (41) A weapons or firearms violation of federal or state laws]

B. *The Central Repository shall distribute a printed statement according to federal law and regulations governing dissemination of FBI identification records.*

C. Limits of Disclosure in a Printed Statement.

(1) [After screening the criminal history records check received from the Federal Bureau of Investigation in accordance with §B of this regulation, the] *The Central Repository shall issue a printed statement to a:*

(a) — (b) (text unchanged)

(2) Except for necessary administrative or personal identification information[,] and the date on which the criminal history records check was completed, the printed statement shall *only* contain [only the following information, stated in the affirmative or negative:] *a statement that the*

[(a) Whether the] Central Repository [has or has] *did or did* not [conducted the] *conduct* a criminal history records check [under] *according to requirements under* Regulation .06 of this chapter [and this section and §B of this regulation; and

(b) Whether the covered individual is or is not the subject of a pending charge, has or has not been convicted, has or has not received a probation before judgment disposition, or has or has not received a not criminally responsible disposition of a crime or attempted crime identified in §B of this regulation].

(3) [The] A printed statement *issued under this regulation* [may not identify or disclose a specific crime or attempted crime discovered by the criminal history records check of a covered individual] *shall be issued according to federal law and regulation governing the dissemination of FBI identification records.*

[.08 Verification of Continued Employment or Coverage.

A. At least annually, the Central Repository shall prepare and distribute a list of previously processed covered individuals to an employer, regulatory authority, and licensed child placement agency which was issued a printed statement.

B. An employer shall delete from the list of previously processed covered individuals those who no longer work and will not resume work at an employer’s facility.

C. The employer shall return the adjusted list to the Central Repository within 15 working days of its receipt.

D. The regulatory authority or licensed child placement agency shall:

(1) Delete the name of an employer or other covered individual who is no longer subject to its authority or regulation under Family Law Article, §5-561(b), (c), or (e), Annotated Code of Maryland; and

(2) Return the adjusted list to the Central Repository within 15 working days of its receipt.]

[.09 .08 Issuance of a Revised Printed Statement.

[After verifying continued employment or other coverage, the Central Repository shall issue a revised printed statement on a

covered individual’s State criminal record for a conviction, probation before judgment disposition, not criminally responsible disposition, or pending charge occurring in the State after the date of the issuance of the initial printed statement. The statement shall be sent to a previously processed covered individual, the appropriate regulatory authority, or a licensed child placement agency which was issued an initial printed statement.] *A revised statement shall be processed and distributed according to provisions under COMAR 12.15.01.19.*

[.10] .09 Confidentiality and Dissemination of Information.

A. [The] A criminal history records check conducted by the Central Repository is confidential and may not be:

(1) — (2) (text unchanged)

B. [Under Regulations .06 and .07 of this chapter, the confidential information] *The results of a criminal history records check* may be disseminated only to:

(1) A covered individual *who is the subject of the criminal history records check;* and

(2) An employer, appropriate regulatory authority, licensed child placement agency, or private entity involved in the licensing, registration, hiring, certification, or approval process *authorized by statute or regulation.*

C. Confidential information obtained from the [Department] *Central Repository* shall be maintained in a manner [that ensures] *to ensure* that only [those] *a person* authorized under Family Law Article, §§5-563(b) and 5-564(d), Annotated Code of Maryland, and this chapter[,] have access to that information.

D. An employer, regulatory authority, private entity, or licensed child placement agency *authorized to receive a printed statement from the Central Repository under these regulations for a covered individual* shall provide *the covered individual, who is the subject of the printed statement,* with a copy of the printed statement if the covered individual requests a copy *of the printed statement.*

[.11] .10 Right of a Covered Individual to Appeal the Findings in a Printed Statement.

A. A covered individual may appeal the findings in a printed statement containing a conviction, probation before judgment disposition, not criminally responsible disposition, or [a] pending charge received from the [Federal Bureau of Investigation] *FBI* by complying with applicable federal regulations to challenge and seek to correct a record. [Upon receipt of a corrected record from the Federal Bureau of Investigation, the Central Repository shall issue a revised statement to recipients of the initial statement.]

B. A covered individual may appeal the [findings contained in] *content of* a printed statement containing a conviction, probation before judgment disposition, not criminally responsible disposition, or pending charge occurring in the State [as follows:] *according to provisions under COMAR 12.15.01.07.*

[(1) The covered individual shall contact the Director in writing and a hearing shall be convened within 20 working days of the receipt of the letter, unless the hearing is subsequently waived by the covered individual;

(2) A certified copy of a record of a conviction, a probation before judgment disposition, or a not criminally responsible disposition received from the court is conclusive evidence and grounds for denial of the appeal;

(3) In a case where a pending charge is contested, a certified copy of the court docket received from the court showing that the charge has not been fully adjudicated is conclusive evidence of the pending charge and grounds for denial of the appeal;

(4) The Director shall render a decision regarding the appeal within 5 working days of the hearing’s conclusion and notify the covered individual of the decision.

C. If an appeal is sustained, the Central Repository shall comply with COMAR 12.15.01.07C and D for correction of criminal history record information.]

[.12] .11 Referrals of Alleged Violations of Law.

A criminal violation under Family Law Article, §5-566, Annotated Code of Maryland, shall be referred to the State's attorney of the jurisdiction [in which] *where* the alleged violation occurred.

12.15.03 Criminal History Records Check for Individuals Who Work for an Adult Dependent Care Program

Authority: Health-General Article, §§19-1901—19-1912; Correctional Services Article, §2-109; Annotated Code of Maryland

.01 Purpose.

A. [The purpose of this] *This* chapter [is to establish] *establishes* procedures for [the] processing [of] a criminal history records check under Health-General Article, §§19-1901 — 19-1912, Annotated Code of Maryland.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) “Approved agency” [means a government or nongovernment agency, other than a law enforcement agency designated by the Department of Public Safety and Correctional Services, at which fingerprints may be taken] *has the meaning stated in COMAR 12.15.02.02.*

(4) “Approved training” [means Departmental training of an employee of an approved agency in the proper method of taking fingerprints] *has the meaning stated in COMAR 12.15.02.02.*

(5) “Central Repository” [means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services] *has the meaning stated in COMAR 12.15.02.02.*

(6) — (8) (text unchanged)

(9) “Department” [means the Department of Public Safety and Correctional Services] *has the meaning stated in COMAR 12.15.02.02.*

(10) “Director” means the Director of the [Criminal Justice Information System] Central Repository.

(11) (text unchanged)

(12) [Disseminate.

(a) “Disseminate” [means to transmit in oral or written form the information contained in a printed statement issued by the Central Repository .

(b) “Disseminate” does not include transmittal of information to a State's attorney to investigate an alleged commission of perjury or other violation of Health-General Article, Title 19, Subtitle 19, Annotated Code of Maryland, by a covered individual] *has the meaning stated in COMAR 12.15.02.02.*

(13) — (15) (text unchanged)

(16) “Printed statement” [means a document issued by the Central Repository in response to an application for a criminal history records check] *has the meaning stated in COMAR 12.15.02.02.*

(17) (text unchanged)

(18) “Secretary” [means the Secretary of Public Safety and Correctional Services] *has the meaning stated in COMAR 12.15.02.02.*

(19) [Valid Photo Identification Document.

(a)] “Valid photo identification document” [means an unexpired, government-issued document containing the name, photograph, and date of birth of a covered individual that is used for positive identification.

(b) “Valid photo identification document” includes:

(i) A Maryland driver's license;

(ii) A driver's license issued by another state, the District of Columbia, a United States territory, or a foreign government;

(iii) A United States passport;

(iv) A certificate of United States citizenship;

(v) A certificate of naturalization;

(vi) An unexpired foreign passport;

(vii) An alien registration card;

(viii) A United States military identification card; or

(ix) An identification card issued by a state or local government agency, the District of Columbia, a United States territory, or a foreign government] *has the meaning stated in COMAR 12.15.02.02.*

.03 Application Process.

A. An adult dependent care program shall[, for each covered individual,] apply for a [criminal history records check] *printed statement for a covered individual by:*

(1) Completing and submitting to the Central Repository an application[, on a form] approved by the [Director] *Central Repository*[, containing] *that provides* identifying information[, including a covered individual's Social Security number,] *that is used by the Central Repository to verify identity and preserve the security of the [record] information maintained by the Central Repository;*

(2) Submitting a complete set of legible fingerprints [taken on a form] *in a format* approved by the [Director] *Central Repository*; and

(3) Paying the processing fee *authorized* under Health-General Article, §§19-1902(c) and 19-1904(b), Annotated Code of Maryland, *and established by the Central Repository.*

B. When to Apply.

(1) An adult dependent care program shall apply for a [criminal history records check on] *printed statement for an eligible employee* before that eligible employee may begin *to work* for the program.

(2) An adult dependent care program shall decide if and when to submit an application for a [criminal history records check on a volunteer or other] *printed statement for another individual.*

C. Fingerprinting Process.

(1) A covered individual shall have a complete set of legible fingerprints taken [on fingerprint card forms,] *in a format* approved by the [Director,] *Central Repository* at a designated law enforcement agency or approved agency.

(2) Before being fingerprinted, a covered individual shall present a valid photo identification document *to the designated law enforcement agency or approved agency.*

(3) [Upon verification of identification, a] A designated law enforcement agency or approved agency shall:

(a) *Verify the covered individual's identification; and*

(b) [fingerprint] *Fingerprint* the covered individual *in a format approved by the Central Repository.*

(4) [Payment of the Fingerprinting Fee. The] A *fingerprinting fee*, if any, [for the taking of fingerprints shall be] *that does not include the fee authorized under Health - General Article, §§10-1902(c) and 19-1904(b), Annotated Code of Maryland, is to be paid directly to the designated law enforcement agency or approved agency. [This fee is exclusive of the processing fee under Health-General Article, 19-1902(c) and 19-1904(b), Annotated Code of Maryland.]*

(5) Rejection of Illegible Fingerprints.

(a) The [Department] *Central Repository* may waive the requirement [that] *for a complete set of legible fingerprints to be*

submitted as part of the application under Health-General Article, §19-1904(c), Annotated Code of Maryland.

(b) [Subject to the waiver] *Except under* provisions of §C(5)(a) of this regulation, a covered individual, whose fingerprints are rejected as illegible, shall be refingerprinted [at the originally] *by* the designated law enforcement agency or approved agency *taking the illegible fingerprints.*

D. Previously Processed [Covered Individuals] *Individual.*

(1) Resuming Work for the Same Program. A previously processed [covered] individual, who ceases working[, but] *for a program and* later resumes work for the same program[,] is not required to resubmit an application *with fingerprints* and [fee] *fees* under §A of this regulation if the [covered] *program retained the previously processed* individual [is retained by the program] on the Central Repository's list of previously processed [covered] individuals under [Regulation .07 of this chapter] *COMAR 12.15.01.19.*

(2) [Working] *Additional or Subsequent Employment for Another Adult Dependent Care Program.*

(a) An application [with] *for a printed statement,* fingerprints, and [the processing fee shall be submitted] *applicable fees are required* for a [covered] *previously processed* individual who [has been previously processed when applying] *applies* to work for [another] a program *that the previously processed individual has not worked for in the past.*

(b) [A criminal history records check] *Information* contained in a printed statement may not be disseminated, other than to a person specified in Regulation [.09B] *.08B* of this chapter.

E. Access to Fingerprinting Services.

(1) Except for legal holidays, a designated law enforcement agency *or approved agency* shall establish [times to be open and available] *a schedule* for [the taking of fingerprints] *providing fingerprinting services* and make the schedule available to the public.

[2] Designated law enforcement agencies with locations for taking fingerprints within the same jurisdiction shall coordinate their schedules to assure appropriate and convenient access to this service.]

[3] (2) The Central Repository shall [take fingerprints] *provide fingerprinting services* and process an application for [the] a printed statement during regular State [business] *work day* office hours.

.04 Payment of Processing Fee.

A. The Central Repository shall collect a nonrefundable fee for a [criminal history records check] *a printed statement authorized* under Health-General Article, §§19-1902(c) and 19-1904(b), Annotated Code of Maryland, and [as specified] *established* in COMAR [12.15.01.14] *12.15.01.15.*

B. Except as provided under §C of this regulation, the processing fee shall:

(1) [be] *Be* paid by the program [when] *at the time* the application and fingerprints are submitted by the program to the Central Repository.

(2) [A program may make payment] *Except under §D of this regulation, be payable to the Central Repository in the form of:*

(a) [by certified] *Certified* check[.];

(b) [cashier's] *Cashier's* check[.];

(c) [money] *Money* order[.];

(d) [personal] *Personal* check[.]; or

(e) [other] *Rendered by an alternative* method approved in writing by the [Director]. A payment shall be payable to the] Central Repository.

C. The Central Repository may establish a *separate processing fee* payment procedure [with] *for a government agency or a program.*

D. Payment of the processing fee *for a covered individual* is not required [of a covered individual] to:

(1) Update and issue a revised printed statement [under Health-General Article, §19-1907(a)(2), Annotated Code of Maryland]; or

(2) Contest a [criminal history records check reported in a] printed statement under Health-General Article, §19-1908, Annotated Code of Maryland.

.05 Designated Law Enforcement Agencies and Approved Agencies for Fingerprinting.

[A.] A designated law enforcement agency shall[:

(1) Comply with the provisions for access to] *provide* fingerprinting services [under Regulation .03E of this chapter; and

(2) Verify the proof of identity of a covered individual under Regulation .03C(2) of this chapter at the time of fingerprinting] *according to requirements established under COMAR 12.15.01.20.*

[B. The following law enforcement agencies are designated by the Secretary to take fingerprints:

(1) Allegany County-----Allegany County Sheriff's Department, Cumberland Police Department, Frostburg State University Police Department, and Frostburg Police Department;

(2) Anne Arundel County-----Anne Arundel County Police Department and Annapolis Police Department;

(3) Baltimore City-----Baltimore City Police Department, University of Maryland at Baltimore Police, Morgan State University Police Department, and Coppin State University Police Department;

(4) Baltimore County-----Baltimore County Police Department, Towson University Police Department, University of Maryland at Baltimore County Police Department, and Baltimore County Sheriff's Department;

(5) Calvert County-----Calvert County Sheriff's Department;

(6) Caroline County-----Denton Police Department, Federalsburg Police Department, Greensboro Police Department, Preston Police Department, and Ridgely Police Department;

(7) Carroll County-----Carroll County Sheriff's Department, Hampstead Police Department, Manchester Police Department, Sykesville Police Department, Taneytown Police Department, and Westminster Police Department;

(8) Cecil County-----Cecil County Sheriff's Department, Elkton Police Department, North East Police Department, and Rising Sun Police Department;

(9) Charles County-----Charles County Sheriff's Department and La Plata Police Department;

(10) Dorchester County-----Dorchester County Sheriff's Department, Cambridge Police Department, and Hurlock Police Department;

(11) Frederick County-----Frederick County Sheriff's Department, Brunswick Police Department, Frederick City Police Department, and Thurmont Police Department;

(12) Garrett County-----Garrett County Sheriff's Department;

(13) Harford County-----Harford County Sheriff's Department, Aberdeen Police Department, Bel Air Police Department, and Havre de Grace Police Department;

(14) Howard County-----Howard County Sheriff's Department and Howard County Police Department;

(15) Kent County-----Kent County Sheriff's Department and Chestertown Police Department;

(16) Montgomery County-----Montgomery County Sheriff's Department, Montgomery County Police Department, Montgomery County Division of the Maryland National-Capital Park Police, Rockville City Police Department, Takoma Park Police Department, and Chevy Chase Police Department;

(17) Prince George's County-----Prince George's County Sheriff's Department, Prince George's County Police Department, Berwyn Heights Police Department, Bowie State College Police

Department, Bladensburg Police Department, District Heights Police Department, Greenbelt Police Department, Hyattsville City Police Department, Landover Hills Police Department, Laurel Police Department, Prince George's County Division of the Maryland National-Capital Park Police, Riverdale Police Department, and Mount Ranier Police Department;

(18) Queen Anne's County-----Queen Anne's County Sheriff's Department and Centreville Police Department;

(19) St. Mary's County-----St. Mary's County Sheriff's Department;

(20) Somerset County-----Somerset County Sheriff's Department, Crisfield Police Department, and University of Maryland Eastern Shore Police Department;

(21) Talbot County-----Talbot County Sheriff's Department, Easton Police Department, Oxford Police Department, and St. Michael's Police Department;

(22) Washington County-----Washington County Sheriff's Department, Hagerstown Police Department, Fort Ritchie Office of Security and Intelligence, and Hancock Police Department;

(23) Wicomico County-----Wicomico County Sheriff's Department, Delmar Police Department, Fruitland Police Department, Salisbury Police Department, and Salisbury State University Police Department;

(24) Worcester County-----Worcester County Sheriff's Department, Berlin Police Department, Ocean City Police Department, and Pocomoke City Police Department;

(25) Except for John F. Kennedy Barrack M, all Department of State Police barracks and the Department of Natural Resources Police Force detachments; and

(26) University of Maryland Police at College Park.

C. The Secretary may designate additional law enforcement agencies where fingerprints may be taken.

D. Approved Agency.

(1) The Director shall designate an approved agency to take fingerprints when its employees have satisfactorily completed approved training.

(2) An employee of a nongovernment agency who receives the approved training may be required by the Director to submit a set of fingerprints on forms approved by the Director.

(3) Only an employee who has satisfactorily completed approved training may be authorized to take fingerprints at an approved agency.

E. Quality Control and Compliance Procedures.

(1) The Central Repository shall establish procedures to:

(a) Evaluate the quality of fingerprints taken at a designated law enforcement agency and advise it of the results;

(b) Evaluate the quality of the fingerprints taken at an approved agency; and

(c) Monitor compliance by an approved agency under §D of this regulation.

(2) The procedures may include retraining of an employee who takes an unsatisfactory number of illegible fingerprints as determined by the Central Repository.

(3) The Director shall determine whether to remove an approved agency from the list of approved agencies and notify it if it is removed]

.06 Conducting the Criminal History Records Check.

A. The Central Repository shall process an application for a [criminal history records check and issue a] printed statement *according to provisions* under Health-General Article, §§9-1904, 19-1905, and 19-1907, Annotated Code of Maryland.

B. The Central Repository shall issue a printed statement *under this chapter* only to:

(1) [an] An adult dependent care program [and]; *or*

(2) [the] A covered individual.

[C. The Central Repository shall implement other operational procedures for processing a request for a criminal history records check under this chapter.]

[.07 Verification of Continued Work for a Program.

A. At least annually, the Central Repository shall prepare and distribute a list of previously processed covered individuals to a program which was issued a printed statement.

B. The program shall delete from the list of previously processed covered individuals those who no longer work and will not resume work in a program.

C. The program shall return the adjusted list to the Central Repository within 15 working days of its receipt.]

[.08].07 Issuance of a Revised Printed Statement.

[Upon verification of continued work for a program, the Central Repository shall issue a revised printed statement on a covered individual under Health-General Article, §19-1907(a)(2), Annotated Code of Maryland, and send it to the program and the covered individual.] *A revised printed statement shall be issued according to provisions established under COMAR 12.15.01.19.*

[.09].08 Confidentiality and Dissemination of Information.

A. [The] A criminal history records check conducted by the Central Repository is confidential and may not be:

(1) — (2) (text unchanged)

B. The [confidential information] *results of a criminal history records check* may *only* be disseminated [only] to:

(1) — (2) (text unchanged)

C. Confidential information obtained from the [Department] *Central Repository* shall be maintained [in a manner that ensures] *to ensure* that only [those] *a person* authorized under Health-General Article, §19-1907(c), Annotated Code of Maryland, and this chapter have access to the information.

[.10].09 Right of a Covered Individual to Appeal the Findings in a Printed Statement.

A. *Requesting an Appeal of the Findings in a Printed Statement.*

(1) *A covered individual may appeal the content of a printed statement issued under provisions of this chapter.*

[A.] (2) [The] A covered individual shall contact the [Director] *Central Repository*, in writing, *requesting to appeal the content of the covered individual's printed statement under this chapter.*

[(2)] (3) [and a hearing] *The Central Repository* shall [be convened] *conduct a hearing* within 20 working days of the receipt of the [letter] *written request from a covered individual, unless the requesting covered individual waives* the hearing [is subsequently waived by the covered individual].

B. [A record of] *The Central Repository may deny a request to appeal a printed statement if the Central Repository has a record of a conviction of a crime or a certified copy of [it received from the court is conclusive evidence of the conviction and grounds for denial of the appeal] the conviction.*

C. [In a case where] *If an appeal concerns* a pending charge or other criminal history record information [is appealed], *the Central Repository may deny the appeal if the Central Repository:*

(1) *Has* a certified copy of the court docket [received] from the court showing that the charge has not been finally adjudicated; or

(2) [that] *Finds* the other criminal history record information is accurate and complete [shall be conclusive evidence and grounds for denial of the appeal].

D. The [Director] *Central Repository* shall:

(1) [render] *Issue* a decision regarding the appeal within 5 working days of the hearing's conclusion *or the date the hearing is waived by the covered individual making the request;* and

(2) [notify] *Notify* the covered individual, *in writing*, of the decision.

E. If an appeal *under this regulation* is sustained, the Central Repository shall comply with *provisions under* COMAR 12.15.01.07[C and D] for [correction of criminal history record information] *correcting CHRI*.

[.11] .10 Referrals of Alleged Violations of Law.

A criminal violation under Health-General Article, §19-1909, Annotated Code of Maryland, shall be referred to the State’s attorney of the jurisdiction [in which] *where* the alleged violation occurred.

12.15.04 Criminal History Record Information Checks for Applicants for Hazardous Materials Endorsements—Commercial Driver’s Licenses

Authority: Criminal Procedure Article, §10-221; Transportation Article, §16-815; Courts and Judicial Proceedings Article, §3-8A-27; Annotated Code of Maryland

.01 Purpose.

This chapter establishes procedures to obtain the required [criminal history record information] *CHRI* check if an individual is applying for a hazardous materials endorsement, new or renewal, for a commercial driver’s license.

.03 Definitions.

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

(1) “Access fee” means a cost paid to the [CJIS—CR] *Central Repository* for conducting a CHRI check and providing CHRI to an applicant.

(2) “Applicant” means an individual submitting information to [CJIS—CR] *the Central Repository* to obtain [a] CHRI [check] for a CDL—HME.

(3) — (4) (text unchanged)

(5) Criminal History Record Information (CHRI).

(a) (text unchanged)

(b) “Criminal history record information (CHRI)” obtained for the purposes of an HME includes a check of State records conducted by the [CJIS—CR] *Central Repository* and national records conducted by the Federal Bureau of Investigation (FBI).

(6) “Criminal Justice Information System—Central Repository [(CJIS—CR)] (*Central Repository*)” has the meaning stated in Criminal Procedures Article, §10-213, Annotated Code of Maryland.

(7) (text unchanged)

(8) [Fingerprinting].

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

(b) “Fingerprinting” may be performed:

- (i) Manually, using ink and paper; or
- (ii) Electronically, such as using a LiveScan device.

(c) “Fingerprinting” includes recording images of an individual’s available fingers and thumbs] *has the meaning stated in COMAR 12.15.01.03*.

[(9) “Fingerprint card” means an approved document used to record and store impressions of the minute ridge formations or patterns on an individual’s fingers and thumbs.]

[(10)] (9) “Fingerprinting service fee” [means a cost paid to the agency collecting demographic data and performing fingerprinting for an applicant] *has the meaning stated in COMAR 12.15.01.03* .

[(11)] (10) — [(13)] (12) (text unchanged)

.04 CDL—HME CHRI Check — Application.

An applicant shall:

A. Provide the [CJIS—CR] *Central Repository*, in a format determined by the [CJIS—CR] *Central Repository*, the following concerning the applicant:

(1) — (4) (text unchanged)

B. (text unchanged)

.05 CDL—HME CHRI [Check] — Fees.

A. An applicant shall submit to the [CJIS—CR] *Central Repository* at the time of application the fees as provided in this regulation.

B. Threat Assessment Fee. The [CJIS—CR] *Central Repository* collects the threat assessment fee under COMAR [12.15.01.14E] *12.15.01.15* and submits the fee, less a \$2 handling charge, to the TSA.

C. FBI Fee. The [CJIS—CR] *Central Repository* collects the FBI fee under COMAR [12.15.01.14E] *12.15.01.15* and submits the fee, less a \$2 handling charge, to the FBI.

D. The [CJIS—CR] *Central Repository* collects and retains the [CJIS—CR] *Central Repository* access fee under COMAR [12.15.01.14E] *12.15.01.15*.

E. Fingerprinting Service Fee. The [CJIS—CR] *Central Repository* collects and retains the fingerprinting service fee under COMAR [12.15.01.14E] *12.15.01.15*.

.06 Application Processing.

A. An applicant shall submit the request to the [CJIS—CR] *Central Repository*.

B. The [CJIS—CR] *Central Repository* shall accept an applicant’s properly completed fingerprints and application and the [CJIS—CR] *Central Repository* shall:

(1) — (5) (text unchanged)

[C. If new CHRI is received for an applicant after the CJIS—CR forwarded the printed statement under §B(5) of this regulation, the CJIS—CR shall forward a revised printed statement with the new information as required under §B(5) of this regulation.]

.08 Use of CHRI Information.

An applicant or other person receiving CHRI from the [CJIS—CR] *Central Repository* under this chapter:

A. — B (text unchanged)

.09 Challenges to CHRI Received from the [CJIS—CR] *Central Repository*.

A. Under the provisions of Criminal Procedures Article, §10-223, Annotated Code of Maryland, an applicant may challenge the completeness, contents, or accuracy of the contents of the [CJIS—CR CHRI] *Central Repository* printed statement produced according to Regulation .06B(4) of this chapter.

B. A challenge of the completeness, contents, or accuracy of the contents of a [CJIS—CR CHRI] *Central Repository* printed statement shall be made by the applicant and processed by the [CJIS—CR] *Central Repository* according to procedures under COMAR 12.15.01.07.

C. After the [CJIS—CR] *Central Repository* processes a challenge and makes a decision and that decision results in a change, or changes, to the original [CJIS—CR CHRI] *Central Repository* printed statement, the [CJIS—CR] *Central Repository* shall forward a revised [CHRI] printed statement according to provisions under Regulation .06B(5) of this chapter.

12.15.05 Use of Private Provider Services for Non-Criminal Justice Purposes

Authority: Criminal Procedure Article, §10-221, Annotated Code of Maryland

.02 Definitions.

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

(1) — (7) (text unchanged)

(8) “Non-criminal justice purpose” [means the use of criminal history record information for licensing and employment purposes] *has the meaning stated in COMAR 12.15.01.03.*

(9) — (11) (text unchanged)

.03 Private Provider Performing Fingerprinting Services and Demographic Data Collection.

- A. — B (text unchanged)

C. Fingerprinting services and demographic data collection for non-criminal justice purposes include:

(1) Electronic transmission of an individual’s fingerprints and demographic data to the Central [Repository] *Repository* for a criminal history records check for non-criminal justice purposes;

(2) — (3) (text unchanged)

- D. — E. (text unchanged)

.04 Private Provider Agreement and Authorization Certificate.

- A. (text unchanged)

B. Before the Central Repository enters into a private provider agreement with or issues an authorization certificate, original or renewal, to a private provider requesting to perform fingerprinting and demographic data collection under this chapter, the private provider shall:

(1) (text unchanged)

(2) Provide the Central Repository with [documents] *documentation* indicating that the private provider *or the private provider’s staff* has [been] *at least 5 cumulative years* providing fingerprinting services and demographic data collection [for at least 5 years immediately preceding application];

(3) — (6) (text unchanged)

C. The Central Repository shall issue an [Authorization Certificate] *authorization certificate* to a private [party] *provider* meeting the requirements of this chapter that:

(1) Is valid for [2] *3* years from the date of issuance, unless suspended by the Central Repository; and

(2) May be renewed every [2] *3* years upon application by a private provider, unless the Central Repository has suspended the authorization certificate.

- D. — E. (text unchanged)

.05 Private Provider Business Location Requirements.

- A. (text unchanged)

B. A private provider’s location plan, at a minimum, shall have:

(1) — (2) (text unchanged)

(3) A method of securing and maintaining records that meets Central Repository requirements; *and*

[(4) A dedicated telephone line used exclusively for private provider communication with the Central Repository; and]

[(5)] *(4)* (text unchanged)

.06 Records.

- A. — D. (text unchanged)

E. A private provider may not receive [criminal history records check information] *CHRI*.

.07 Fees.

- A. — B. (text unchanged)

C. Upon receipt of the invoice under §B of this regulation, the private provider shall forward payment to the Central Repository within 7 business days of receipt of *the* invoice.

D. A private provider may charge fees for providing fingerprinting services and demographic data collection in addition to fees as specified under COMAR [12.15.01.14] *12.15.01.15*.

E. If a private provider charges fees in addition to those required under COMAR [12.15.01.14] *12.15.01.15*, the private provider shall:

(1) Identify, report, and control the additional fees separately from those required to be collected by the Central Repository under COMAR [12.15.01.14] *12.15.01.15*; and

(2) Include in any public notice of the availability of fingerprinting *services* and demographic data collection for non-criminal justice purposes:

(a) The fees required under COMAR [12.15.01.14] *12.15.01.15*; and

(b) (text unchanged)

.08 Criminal History Records Check for Private Provider Employees.

- A. — B. (text unchanged)

C. The Central Repository may consider CHRI received under §B of this regulation when determining:

(1) [Whether to] *To* authorize a private provider to perform fingerprinting services and demographic data collection under this chapter; or

(2) (text unchanged)

.09 Surety Bond.

- A. (text unchanged)

B. A private provider shall provide the Central Repository with:

(1) (text unchanged)

(2) An agreement from the bonding company that the bonding company shall give the Central Repository at least [45 days] *60 days’* notice by registered or certified mail of cancellation of the private provider’s bond; and

(3) As part of the agreement under §B(2) of this regulation, written assurance that the bond will be in full force and effect for a period of at least [45] *60* days after notice of cancellation is given to the Central Repository.

C. The bond value shall increase to 10 percent of the total amount invoiced to the private provider the previous fiscal year if the invoiced amount exceeded \$100,000.

[C.] *D.* (text unchanged)

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 01 NONPUBLIC SCHOOLS

13B.01.01 Minimum Requirements for Private Career Schools

Authority: Education Article, §§11-105(u) and 11-402, Annotated Code of Maryland

Notice of Proposed Action

[13-215-P]

The Maryland Higher Education Commission proposes to amend Regulation .02 and repeal Regulation .19 under **COMAR 13B.01.01 Minimum Requirements for Private Career Schools**. This action was considered by the Commission at an open meeting held on June 20, 2013, notice of which was given as required by State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to repeal provisions relating to solicitors' permits for private career schools in COMAR 13B.01.01.

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 Dr. Lauren Jones-Lush, Director, Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3268, or email to ljones-lush@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (29) (text unchanged)

[(30) "Solicitor" means a person engaged, for compensation, in the business of soliciting or offering to solicit students in this State to enroll in or apply for a program offered by a school outside the State.]

[(31)] (30) – [(32)] (31) (text unchanged)

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

Subtitle 02 ACADEMIC REGULATIONS

Notice of Proposed Action

[13-212-P]

The Maryland Higher Education Commission proposes to amend:

- (1) Regulation .16 under **COMAR 13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions**; and
- (2) Regulation .24 under **COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions**.

This action was considered by the Commission at an open meeting held on June 20, 2013, notice of which was given as required by State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations relating to graduation requirements and degree programs at institutions of higher education.

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 Dr. Lauren Jones-Lush, Director, Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3268, or email to ljones-lush@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions

.16 Graduation Requirements.

A. Associate Degree.

(1) *Credit Hour Requirement.*

(a) An associate degree requires the satisfactory completion of not less than 60 or more than 70 [semester hours of academic credit, or equivalent hours of college credit] *credit hours*, representing a planned sequence of learning experiences.

(b) *Beginning with the Fall 2015 academic year, the standard number of credit hours required for an associate's degree from a public community college is 60 credit hours.*

(c) *The standard number of credit hours required under §A(1)(b) of this regulation does not apply if:*

(i) *The degree program is defined as more than a 2-year associate's degree;*

(ii) *Professional accreditation requires a higher number of credit hours or requires course work that cannot be completed in 60 credit hours; or*

(iii) *Certification requirements result in a need for credit hours in excess of 60.*

(d) *In consultation with the Commission, the governing board of a public community college may approve additional exceptions to the credit hour requirements of this subsection.*

(2) (text unchanged)

(3) A student shall earn at least 30 [semester] *credit hours* [of academic credit] by direct instruction for conferral of a degree.

(4) A student shall earn at least 15 [semester] *credit hours* [of academic credit] at the institution granting the degree.

(5) An institution may not include credit awarded for remedial education towards the [academic credit] *credit hours* required for graduation.

B. Baccalaureate Degree.

(1) *Credit Hour Requirement.*

(a) An in-State institution shall require the satisfactory completion of not less than 120 [semester hours of academic credit, or equivalent hours of college] *credit hours*, distributed according to the requirements of the curriculum, for a baccalaureate degree.

(b) *The standard number of credit hours required for a baccalaureate degree from a public senior higher education institution is 120 credit hours.*

(c) *The standard number of credit hours required under §B(1)(b) of this regulation does not apply if:*

(i) *The degree program is defined as a 5-year baccalaureate program;*

(ii) *Professional accreditation requires a higher number of credit hours or requires course work that cannot be completed in 120 credit hours; or*

(iii) *Certification requirements result in a need for credit hours in excess of 120.*

(d) *In consultation with the Commission, the governing board of a public senior higher education institution may approve additional exceptions to the credit hour requirements of this subsection.*

(2) (text unchanged)

(3) A student shall earn, by direct instruction, at least 60 [semester hours of the credits] *credit hours* required for the conferral of the baccalaureate degree.

(4) A student shall earn at least 30 [semester hours of academic] *credit hours*, of which at least 15 [semester hours of] *credit hours* are upper division [credits] *credit hours*, at the institution awarding the degree.

(5) An institution may not include credit awarded for remedial education towards the [academic credits] *credit hours* required for graduation.

C. (text unchanged)

D. Credit Hours.

(1) An in-State institution shall award 1 [semester hour of] *credit hour* for:

(a) — (d) (text unchanged)

(2) One quarter hour of credit is awarded for instruction equivalent to 2/3 of the contact hours required for 1 [semester hour of] *credit hour*.

E. General Education Requirement.

(1) (text unchanged)

(2) A private institution shall satisfy the general education requirement by:

(a) Requiring each associate degree program to include not less than 20 [semester] *credit hours* and that each baccalaureate degree program shall include not less than 40 [semester] *credit hours* of required arts and science core courses, with at least one [3-semester-hour] *3-credit hour* course from each of the following five areas:

(i) — (v) (text unchanged)

(b) — (c) (text unchanged)

F. (text unchanged)

G. Credit for Practica, Clinical Experience, Internships, and Cooperative Work Experiences.

(1) An in-State institution awarding [academic] *credit hours* for practica, clinical experiences, internships, and cooperative work

experiences shall ensure that the credit [is] *hours are* being awarded for actual academic learning.

(2) (text unchanged)

(3) An institution granting baccalaureate or higher degrees may not award more than 45 [semester] *credit hours* of the minimum 120 *credit hours* required for the baccalaureate degree or a proportional amount of a greater number of *credit hours* [through credit offered in this manner] *for practica, clinical experiences, internships, and cooperative work experiences.*

(4) An associate degree-granting institution may not award more than 30 [semester] *credit hours* of the minimum 60 *credit hours* required for the associate degree or a proportional amount of a greater number of *credit hours* [through credit offered in this manner] *for practica, clinical experiences, internships, and cooperative work experiences.*

H. Credit for Prior Learning.

(1) An in-State institution may not award more than 1/2 the number of [credits] *credit hours* required for graduation, regardless of the method of assessing the [credits] *credit hours*, [for credit] for prior learning or experience.

(2) An institution may [grant] *award credit hours* for prior learning or experience based upon successful completion of an acceptable standardized examination such as the College Level Examination Program.

(3) An institution may not award more than:

(a) 30 [semester] *credit hours* of the minimum 120 *credit hours* required for the baccalaureate degree or a proportional amount of a greater number of *credit hours*; or

(b) 15 [semester] *credit hours* of the minimum 60 [semester] *credit hours* required for the associate degree or a proportional amount of a greater number of *credit hours* [for credit] for prior learning [granted] *awarded* based on examinations developed by the institution and on portfolio assessments.

(4) An institution shall have on file copies of whatever examinations, test results, portfolios, and portfolio assessment reviews are used for the award of *credit hours* for prior learning. Faculty of the institution in the appropriate discipline shall conduct the assessment. The institution shall maintain the results of the assessments in the student's academic file.

I. An in-State institution shall require satisfactory completion of the requirements of a program of studies representing a planned sequence of learning experiences that consists of:

(1) At least 12 [semester] *credit hours* at the freshman or sophomore levels, or both, to confer a lower division certificate;

(2) At least 12 [semester] *credit hours* at the junior or senior levels, or both, to confer an upper division certificate;

(3) At least 12 [semester] *credit hours* at the graduate or upper divisional level, the majority of which are at the master's or specialized postgraduate level, to confer a post-baccalaureate certificate;

(4) At least 30 [semester] *credit hours* or the equivalent of graduate-level courses to confer a master's degree;

(5) At least 12 [semester] *credit hours* of graduate study or the equivalent beyond the master's degree, to confer a post-master's certificate;

(6) At least 30 [semester] *credit hours* of graduate study or the equivalent beyond the master's degree, to confer a certificate of advanced study;

(7) — (8) (text unchanged)

J. An in-State institution may award an informal award certifying satisfactory completion of a course or sequence of courses that are either noncredit or less than 12 [semester hours of] *credit hours*.

K. An in-State institution may not [grant] *award* transfer of course *credit hours* for courses completed:

(1) — (2) (text unchanged)

L. An in-State institution may accept transfer credit *hours* for courses that are:

(1)—(4) (text unchanged)

M. COMAR 13B.06.01 governs the transfer of credit *hours* from public associate degree-granting institutions to public institutions granting baccalaureate or higher degrees.

N. — O. (text unchanged)

13B.02.03 Academic Programs — Degree-Granting Institutions

.24 Degree Programs.

A. Degree Levels.

(1) The [following] degree levels *described in this regulation* are available to institutions in this State, as approved in accordance with COMAR 13B.02.02.10.

(2) *Public community colleges and senior public higher education institutions shall comply with the credit hour standards of COMAR 13B.02.02.16A(1) and B(1).*

B. Associate of Applied Science (A.A.S.).

(1) An institution may award an Associate of Applied Science (A.A.S.) degree for successful completion of not less than 60 and not more than 70 [semester] credit hours in vocational-technical occupational skills, including law enforcement, computer technology, and engineering technology.

(2) (text unchanged)

C. Associate of Arts (A.A.).

(1) An institution may award an Associate of Arts (A.A.) degree for successful completion of not less than 60 and not more than 70 [semester] credit hours in the liberal arts (social sciences, humanities, and similar subjects) and in the fine arts (music, art, etc.).

(2) (text unchanged)

D. An institution may award an Associate of Art in Teaching (A.A.T.) degree that:

(1) — (3) (text unchanged)

(4) If achieved, transfers up to 64 [semester] credit hours, satisfying all lower-division teacher education program outcomes without further review by in-State 4-year public and independent institutions.

E. An institution may award an Associate of Fine Arts (A.F.A.) degree for successful completion of not less than 60 and not more than 70 [semester] credit hours in the professional arts in programs that:

(1) — (3) (text unchanged)

F. Associate of Science (A.S.).

(1) An institution may award an Associate of Science (A.S.) degree for successful completion of not less than 60 and no more than 70 [semester] credit hours in science or technology (engineering, agriculture, the natural sciences) with a heavy emphasis on undergraduate mathematics or science.

(2) (text unchanged)

G. Associate of Science in Engineering (A.S.E.).

(1) An institution may award an Associate of Science in Engineering (A.S.E.) degree that:

(a) — (b) (text unchanged)

(c) If conferred, transfers without further review or course-by-course match by in-State 4-year public and participating independent institutions into a bachelor's parallel program, except that transfer students may be treated like non-transfer students with regard to [semester] credit hours earned through Advanced Placement (AP), International Baccalaureate (IB), and transcribed credits.

(2) — (3) (text unchanged)

(4) The president or president's designee of an in-State 4-year independent institution that wishes to participate in the Statewide articulation agreement shall submit a letter to the Secretary stating

that the A.S.E. shall transfer to its institution without further review or course-by-course match, except that [semester] credit hours earned through Advanced Placement (AP), International Baccalaureate (IB), or transcribed credit, may be treated as they would be with non-transfer students at the institution.

H. An institution may award a Bachelor of Arts (B.A.), Bachelor of Fine Arts (B.F.A.), or Bachelor of Science (B.S.) degree for successful completion of a program of 120 or more undergraduate [semester] credit hours.

I. Bachelor of Technical Studies (B.T.S.) or Bachelor of Professional Studies (B.P.S.).

(1) An institution may award a Bachelor of Technical Studies (B.T.S.) or Bachelor of Professional Studies (B.P.S.) degree of at least 120 [semester] credit hours awarded for the successful completion of an A.A.S. degree, an advanced program of study in the designated area of concentration, and a three-credit *hour* internship related to the program.

(2) Under an articulated agreement, students who have completed an A.A.S. degree may obtain a Bachelor of Technical Studies or a Bachelor of Professional Studies in a related, specialized area of concentration at an institution with degree-granting authority in this State. The area of concentration shall be specified by the institution granting the Bachelor of Technical Studies or Bachelor of Professional Studies. The receiving institution shall accept not less than 60 [semester] credit hours and not more than 64 [semester] credit hours for the Associate of Applied Science (A.A.S.) degree.

(3) (text unchanged)

(4) A memorandum of understanding shall be drafted and agreed to by institutions. The memorandum of understanding shall address procedures for admissions, registration, advising, student services, financial aid, tuition, and faculty resources. Programmatic and degree requirements shall also be identified. The program shall include an internship which encompasses specific competencies and is a minimum of three [credits] *credit hours*. The program shall be made available at the principal location or other convenient locations, or both. The program may also be delivered through distance education.

(5) (text unchanged)

[I.] J. An institution may award a Master's Degree for successful completion of at least 30 [semester] credit hours or the equivalent of graduate-level courses.

[J.] K. An institution may award a Doctoral Degree for the highest level of formal collegiate study in a field, typically requiring successful completion of at least 60 [semester] credit hours or the equivalent at the graduate level, including completion of a dissertation, final project, or other form of culminating academic work.

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

Subtitle 02 ACADEMIC REGULATIONS

13B.02.04 Exemption Procedures for Religious Educational Institutions [and Religious Institutions]

Authority: Education Article, §§11-105(o) and (u) and 11-202.1, Annotated Code of Maryland

Notice of Proposed Action

[13-214-P]

The Maryland Higher Education Commission proposes to amend Regulations **.01—**.03, recodify existing Regulation **.04** to be Regulation **.05**, amend and recodify existing Regulation **.05** to be Regulation **.04**, and adopt new Regulation **.06** under **COMAR 13B.02.04 Exemption Procedures for Religious Educational Institutions**. This action was considered by the Commission at an open meeting held on June 20, 2013, notice of which was given as required by State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify and update regulations relating to exemption of religious educational institutions from certificate of approval requirements.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Lauren Jones-Lush, Director, Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3268, or email to ljones-lush@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to establish the procedures by which the Commission determines the status of an institution of *postsecondary education* as a religious educational institution [or a religious institution] eligible for exemption from the approval authority of the Commission.

.02 Scope of Exemption.

A. [If determined to be exempt under this chapter, an institution] *An institution of postsecondary education may obtain an exemption as a religious educational institution and operate without a certificate of approval from the [Maryland Higher Education] Commission [under this chapter so long as] if the institution:*

[(1) A religious educational institution certifies, in accordance with procedures established by the Commission, that it:

(a) Is founded and operated by a church or other religious institution or organization of churches or religious institutions as an integral part of the religious ministry of that institution or organization;]

(1) *Is established for religious educational purposes;*

(2) *Provides educational programs only for religious vocations or purposes;*

[(b)] (3) Offers *only* sectarian instruction [only] designed for and aimed at [persons] *individuals* who hold or seek to learn *the* particular religious faiths or beliefs [of religious institutions or religious organizations, and provides only educational programs for religious vocations; and] *taught by the institution;*

(4) *Does not offer instruction in nonsectarian or general education; and*

[(c)] (5) States on the certificate or diploma the religious nature of the award[; or

(2) A church or other religious institution offers a postsecondary instructional program leading to a certificate or diploma, only if the program is designed for and aimed at persons who hold or seek to learn the particular religious faith or beliefs of that church or religious institution and provides only educational programs for religious purposes].

B. (text unchanged)

.03 [Exemption Procedures.] *Initial Application.*

A. An institution seeking an exemption *as a religious educational institution* [from the approval authority of the Commission] shall submit [the following items] to the [Commission] *Secretary*:

(1) An application *and a financial statement, both* in the form required by the [Commission] *Secretary*[, and the accompanying documentation required by the Commission];

(2) [A financial statement in the form required by the Commission, and the] *The* accompanying documentation required by the [Commission] *Secretary, including the proposed catalog of courses, and evidence from the State Department of Assessments and Taxation that the institution is in good standing; and*

(3) An application fee in the amount of [50] \$250.

B. *Adequate Financial Resources.*

(1) An institution seeking an exemption [from the approval authority of the Commission] *as a religious educational institution* shall demonstrate *that it possesses adequate financial resources to support the institution's educational program.*

(2) *An institution shall submit a financial statement for the most recent calendar year, or if possible, the 2 most recent calendar years, compiled by an independent accountant, showing, at a minimum, that:*

[(1)] (a) [It] *The institution holds at least \$250,000 [of] in total assets [or more within] in Maryland; and*

[(2)] (b) [Its] *The total [liabilities] assets of the institution [do not] exceed its total [assets] liabilities.*

C. If the Secretary is satisfied on the basis of the materials submitted that the institution qualifies for exemption from the approval authority of the Commission, the Secretary shall grant the institution an exemption *as a religious educational institution.*

D. *An exemption is valid for 2 years.*

E. *Upon granting an institution an exemption under this regulation, the Secretary shall designate the date on which the institution's first renewal application required by Regulation .04 of this chapter shall be submitted to the Secretary.*

F. *An exempt religious educational institution shall promptly notify the Secretary of any address change.*

[.05] .04 [Financial Resources.] *Renewal application.*

A. [Each institution authorized to operate without a certificate of approval shall submit every 2 years a financial statement compiled by an independent accountant, indicating that the institution possesses adequate financial resources to support its educational program.] *Each religious educational institution granted an exemption under this chapter shall submit to the Secretary every 2 years:*

(1) *An application and financial statements, both in the form required by the Secretary;*

(2) *The accompanying documentation required by the Secretary, including the current catalog of courses, and evidence from the State Department of Assessments and Taxation that the institution is in good standing; and*

(3) *A renewal application fee in the amount of \$250.*

B. [The financial statement required by §A of this regulation shall be submitted to the Secretary on the date, in the format, and on the forms established by the Commission.] *Adequate Financial Resources.*

(1) *An institution seeking a renewal of its exemption as a religious educational institution shall demonstrate that it possesses adequate financial resources to support the institution's educational program.*

(2) *An institution shall submit a financial statement for the 2 most recent calendar years, compiled by an independent accountant, showing, at a minimum, that:*

(a) *The institution holds at least \$250,000 in total assets in Maryland; and*

(b) *The total assets of the institution exceed its total liabilities.*

C. *If the Secretary is satisfied on the basis of the materials submitted that the institution qualifies for renewal of its exemption from the approval authority of the Commission, the Secretary shall grant the institution an exemption as a religious educational institution.*

D. *A renewal of an exemption is valid for 2 years.*

[C.] E. Upon granting an institution [an] *a renewal of its exemption under [Regulation .03 of this chapter] this regulation, the Secretary shall designate the date on which the institution's [first financial statement] next renewal application shall be submitted to the Secretary.*

.06 Notice to the Public.

A. *A religious educational institution may not advertise that it is approved to operate in Maryland as an institution of postsecondary education.*

B. *An institution granted an exemption as a religious educational institution under this chapter shall post on its website and in all advertising the following statement:*

"[Institution Name] is a religious educational institution operating in the State of Maryland pursuant to an exemption granted by the Maryland Higher Education Commission, without a certificate of approval from the Commission, as specified in the Code of Maryland Regulations 13B.02.04."

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

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

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

Notice of Proposed Action

[13-213-P]

The Maryland Higher Education Commission proposes to amend Regulations **.02**, **.04**, **.05**, and **.07** under **COMAR 13B.05.01 Registration**. This action was considered by the Commission at an open meeting held on June 20, 2013, notice of which was given as required by State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations relating to registration of institutions offering fully online programs in Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Lauren Jones-Lush, Director, Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3268, or email to ljones-lush@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.02 Scope.

This chapter does not apply to an online program that:

- A. [is] *Is subject to program review [for approval or recommendation] by the Commission under COMAR 13B.02.03; or*
- B. *Participates in the Southern Regional Education Board's Electronic Campus.*

.04 Registration Required.

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

- A. *Shall file an application for registration with the Commission before or 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] enrollment of Maryland students without registering with the Commission before or within [6] 3 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] *that is not accredited by an accrediting body recognized and approved by the U.S. Department of Education may not receive a registration from the Commission.*

.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] enrollment of Maryland students.*

B. — E. (text unchanged)

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

Title 21 STATE PROCUREMENT REGULATIONS

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 Proposed Action

[13-216-P]

The Commissioner of Labor and Industry proposes to adopt new Regulation .05 and recodify existing Regulations .05 and .06 to be Regulations .06 and .07 under **COMAR 21.11.11 Prevailing Wage — Contracts for Public Works**.

Statement of Purpose

The purpose of this action is to amend the prevailing wage regulations to provide that apprentices be paid the full amount of the bona fide fringe benefits except where the apprentice's apprenticeship program, subject to the approval of the Maryland Apprenticeship and Training Council, provides for the payment of a percentage of the bona fide fringe benefit amount.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposal has a potential positive economic impact on businesses. The proposed action would allow businesses who employ apprentices on Maryland prevailing wage jobs and who have received appropriate approval from the Maryland Apprenticeship and Training Council to pay their apprentices a percentage of the bona fide fringe benefit amount rather than the full fringe benefit amount. This could be a cost savings for affected employers.

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:	(+)	Undeterminable
E. On other industries or trade groups:	NONE	

F. Direct and indirect effects on public: NONE

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

D. The proposed amendment may not only positively benefit regulated employers in potential cost savings, but the proposed action will make Maryland consistent with federal apprenticeship and training standards. The result will be that businesses will not have to expend additional work time to ensure compliance with differing standards.

Economic Impact on Small Businesses

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

The proposed action has a potential positive economic impact on small businesses. The proposed action would allow small businesses who employ apprentices on Maryland prevailing wage jobs and who have received appropriate approval from the Maryland Apprenticeship and Training Council to pay their apprentices a percentage of the bona fide fringe benefit amount rather than the full fringe benefit amount. This could be a cost savings.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to dstone@dllr.state.md.us, or fax to 410-767-2986. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

.05 Apprentice Bona Fide Fringe Benefits.

An apprentice shall be paid the full amount of the bona fide fringe benefit in the prevailing wage determination for the applicable classification unless the apprentice's apprenticeship program as approved by the Maryland Apprenticeship and Training Council provides for the payment of a percentage of the bona fide fringe benefit amount.

J. RONALD DEJULIIS
Commissioner of Labor and Industry

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

Notice of Proposed Action

[13-221-P]

The Insurance Commissioner proposes to:

- (1) Amend Regulation .10 under **COMAR 31.10.11 Uniform Claims Forms**; and
- (2) Adopt new Regulations .01—.04 under a new chapter, **COMAR 31.10.39 Utilization Review of Treatment for Autism and Autism Spectrum Disorders**.

Statement of Purpose

The purpose of this action is to establish criteria for the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders as required by H.B. 1055, Ch. 294, §2, Acts of 2012.

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 has an economic impact because new criteria that are established for the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders may result in coverage of certain services that may have been denied as experimental or investigational services in the past.

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

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

B. This action may have an impact on the Department of Budget and Management as the new criteria for the treatment of autism and autism spectrum disorders may impact the costs of health benefits provided to State employees.

C. This action may have an impact on local governments to the extent that the new criteria for the treatment of autism and autism spectrum disorders may impact the costs of health benefits provided to employees of local governments.

D. This action may have an impact on insurers, nonprofit health service plans and health maintenance organizations to the extent that any additional costs of the services identified in the new criteria will be borne by these carriers, who may pass those costs on to their policyholders.

F. The public may benefit from the adoption of these regulations insofar as services that may have been previously denied as experimental or investigational may now be covered for those children with autism or autism spectrum disorders who need these services.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

Children who are diagnosed with autism or autism spectrum disorders may be eligible for benefits for certain treatments that in the past were considered by carriers to be experimental or investigational.

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 katrina.lawhorn@maryland.gov, or fax to 410-468-2020. Comments will be accepted through September 9, 2013. A public hearing has not been scheduled.

31.10.11 Uniform Claims Forms

Authority: Insurance Article, §§2-109, 15-701, 15-704, 15-706, 15-711, 15-712, and 15-1003—15-1005; Health-General Article, §§19-712.1 and 19-712.3; Health Occupations Article, §1-207; Annotated Code of Maryland

.10 Attachments to Uniform Claims Forms.

A. A third-party payor may require a health care practitioner, hospital, or person entitled to reimbursement to include any of the following attachments to a HCFA Form UB-92 or HCFA Form 1500, respectively, for a claim to qualify as a clean claim:

(1) — (13) (text unchanged)

(14) Adjunct claims documentation pursuant to Health-General Article, §19-710.1(b)(3), Annotated Code of Maryland[.];

(15) *A prescription from a child's primary care provider or specialty physician that includes one or more specific treatment goals, if the claim is for habilitative services for a child diagnosed with autism or autism spectrum disorder.*

B. — C. (text unchanged)

31.10.39 Utilization Review of Treatment for Autism and Autism Spectrum Disorders

Authority: Insurance Article, §§2-109(a)(1) and 15-835, Annotated Code of Maryland; Ch. 294, §2, Acts of 2012

.01 Scope.

This chapter establishes the manner in which carriers and private review agents acting on behalf of carriers may apply utilization review criteria and impose documentation requirements regarding the treatment of children diagnosed with autism or autism spectrum disorders, when covered under a habilitative services benefit under a health benefit plan.

.02 Definitions.

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

B. Terms Defined.

(1) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

(2) "Behavioral health treatment" means professional counseling and treatment programs, including applied behavior analysis, that are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.

(3) "Carrier" means an insurer, a nonprofit health service plan, or a health maintenance organization.

(4) "Child" means an individual who is:

(a) Younger than 19 years of age; and

(b) Diagnosed with autism or autism spectrum disorder.

(5) “Commissioner” means the Maryland Insurance Commissioner.

(6) “Habilitative services” means evidence-based services to enhance a child’s ability to function, including behavioral health treatment, psychological care, and therapeutic care.

(7) “Health benefit plan” has the meaning stated in Insurance Article, § 15-1301, Annotated Code of Maryland.

(8) “Health maintenance organization” has the meaning stated in Health-General Article, §19-701, Annotated Code of Maryland.

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

(10) “Nonprofit health service plan” means a person who has received a certificate of authority from the Commissioner to act as a nonprofit health service plan in the State.

(11) “Private review agent” has the meaning stated in Insurance Article, §15-10B-01, Annotated Code of Maryland.

(12) “Psychological care” means direct or consultative services provided by a psychologist or social worker licensed in the state in which the services are provided.

(13) “Therapeutic care” means services provided by a speech-language pathologist, occupational therapist, or physical therapist licensed in the state in which the services are provided.

(14) “Utilization review” has the meaning stated in Insurance Article, §15-10B-01, Annotated Code of Maryland.

.03 Utilization Review Criteria for Treatment of Autism and Autism Spectrum Disorders.

A. The utilization review criteria of a carrier or private review agent acting on behalf of a carrier may not be more restrictive for habilitative services for the treatment of autism and autism spectrum disorders than the criteria listed in this regulation.

B. Utilization review criteria of a carrier or private review agent acting on behalf of a carrier may require:

(1) A comprehensive evaluation of a child by the child’s primary care provider or specialty physician identifying the need for habilitative services for the treatment of autism or autism spectrum disorder;

(2) A prescription from a child’s primary care provider or specialty physician that includes specific treatment goals; and

(3) An annual review by the prescribing primary care provider or specialty physician, in consultation with the habilitative services provider, that includes:

- (a) Documentation of benefit to the child;
- (b) Identification of new or continuing treatment goals; and
- (c) Development of a new or continuing treatment plan.

C. A carrier or private review agent acting on behalf of a carrier may not deny coverage based solely on the number of hours of habilitative services prescribed, for:

(1) Less than or equal to 25 hours per week in the case of a child who is at least 18 months of age and who has not reached the child’s sixth birthday, or

(2) Less than or equal to 10 hours per week in the case of a child who has reached the child’s sixth birthday and who has not reached the child’s nineteenth birthday.

(3) Notwithstanding §C(1) and (2) of this regulation, a carrier may authorize additional hours of habilitative services that are medically necessary and appropriate for the treatment of autism or autism spectrum disorders.

D. A carrier may limit payment for habilitative services to payment for services provided by individuals who are licensed, certified, or otherwise authorized under the Health Occupations Article or similar licensing, certification, or authorization requirements of another state or U.S. territory where the habilitative services are provided.

E. Location of services.

(1) A carrier may not deny payment for habilitative services if a treatment goal identifies the location of the habilitative services as the child’s educational setting.

(2) Nothing in §E(1) of this regulation shall be construed to require a carrier to provide services to a child under an individualized education program or any obligation imposed on a public school by the Individuals With Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended from time to time.

F. A carrier or a private review agent acting on behalf of a carrier may not deny payment for applied behavior analysis on the basis that it is experimental or investigational.

.04 Coverage for Habilitative Services.

Coverage required under this chapter may be subject to limitations in a health benefit plan relating to coordination of benefits, participating provider requirements, restrictions on services provided by family or household members, case management provisions, and co-payments, co-insurance, and deductible amounts.

THERESE M. GOLDSMITH
Insurance Commissioner

Errata

COMAR 08.02.05.02

At 40:15 Md. R. 1222 (July 26, 2013), column 1, before line 20
from the bottom:

Insert: [(a)] (1)—[(c)] (3) (text unchanged)
 [13-16-26]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Public Review and Comment; Public Hearing — 2013 Update of Comprehensive Plan

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: On June 20, 2013, the Susquehanna River Basin Commission released a proposed 2013 Update of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin Commission (2013 Update of the Comprehensive Plan) for public review and comment. In accordance with Section 14.1 of the Susquehanna River Basin Compact, the Commission shall develop and adopt, and may from time to time review and revise a comprehensive plan for management of the basin's water resources. As part of the public comment process, the Commission will hold a public hearing to hear testimony on the 2013 Update of the Comprehensive Plan. Written comments may be submitted at any time during the public comment period.

DATES: The public hearing will convene on August 15, 2013, at 3:00 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 26, 2013, at which time the public comment period will close.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436.

The 2013 Update of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin and other related information are available at <http://www.srbc.net/planning/compplanfiles.asp>.

Opportunity to Appear and Comment:

At the public hearing for the 2013 Update to the Comprehensive Plan, interested parties may appear at the hearing to offer comments to the Commission. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments may be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102-2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before August 26, 2013, to be considered.

SUPPLEMENTARY INFORMATION: On June 20, 2013, the Susquehanna River Basin Commission released a proposed 2013 Update of the Comprehensive Plan for public review and comment. The public should take note that the August 15, 2013, public hearing will be the only opportunity to offer oral comment to the Commission on the 2013 Update of the Comprehensive Plan. Written comments may be submitted at any time during the public comment period, which closes on August 26, 2013. The 2013 Update of the Comprehensive Plan is intended to be scheduled for Commission action at a future business meeting, tentatively scheduled for December 12, 2013, which will be noticed separately.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: June 21, 2013.

[13-16-26]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on August 15, 2013, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 19, 2013, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is August 26, 2013.

DATES: The public hearing will convene on August 15, 2013, at 1:00 p.m. The public hearing will end at 2:45 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 26, 2013.

ADDRESS: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbc.net/wrp. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%20209-10-09.PDF.

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project listed below. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed below may also be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102-2391 (beginning July 29, 2013, the Commission's address is 4423 North Front Street, Harrisburg, Pa. 17110-1788), or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before August 26, 2013, to be considered.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Rescission Action:

Project Sponsor and Facility: Chevron Appalachia, LLC (Cambria Somerset Authority), Summerhill Township, Cambria County, Pa. (Docket No. 20110630).

Project Sponsor and Facility: Chevron Appalachia, LLC (Highland Sewer and Water Authority), Portage Township, Cambria County, Pa. (Docket No. 20110631).

Projects Scheduled for Action:

Project Sponsor and Facility: Borough of Akron, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.396 mgd (30-day average) from Well 5A (Docket No. 19811201).

Project Sponsor and Facility: Borough of Akron, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.166 mgd (30-day average) from Well 6 (Docket No. 19820101).

Project Sponsor and Facility: Borough of Akron, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 8 (Docket No. 19820101).

Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.500 mgd (peak day).

Project Sponsor and Facility: Bending River Estates (Tioga River), Town of Lindley, Steuben County, N.Y. Application for surface water withdrawal of up to 0.400 mgd (peak day).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Modification to increase surface water withdrawal by an additional 0.446 mgd (peak day), for a total of 0.500 mgd (peak day) (Docket No. 20121202).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.500 mgd (peak day).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090603).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20090604).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Terry Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20090605).

Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6 (Docket No. 20000203).

Project Sponsor and Facility: Town of Erwin, City of Corning, Steuben County, N.Y. Application for groundwater withdrawal of up to 0.504 mgd (30-day average) from Well 5R.

Project Sponsor and Facility: Global Tungsten & Powders Corp., Towanda Borough, Bradford County, Pa. Application for groundwater withdrawal of up to 4.800 mgd (30-day average) from a Well Field (Wells 1, 2, 6, 7, 8, 9, 10, 11, and 12).

Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, Pa. Application for groundwater withdrawal of up to 0.537 mgd (30-day average) from Well 14R.

Project Sponsor and Facility: LHP Management, LLC (Fishing Creek – Clinton Country Club), Bald Eagle Township, Clinton County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090906).

Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, Pa. Application for renewal of groundwater withdrawal of up to 0.173 mgd (30-day average) from Well 10 (Docket No. 19830309).

Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, Pa. Application for renewal of groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 11 (Docket No. 19830309).

Project Sponsor and Facility: Southwestern Energy Production Company (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for renewal of surface water withdrawal with modification to increase by an additional 0.500 mgd (peak day), for a total of 2.000 mgd (peak day) (Docket No. 20090914).

Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 41 (Docket No. 19820501).

Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 43 (Docket No. 19820501).

Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.720 mgd (30-day average) from Well 53 (Docket No. 19820501).

Project Sponsor and Facility: Susquehanna Gas Field Services, L.L.C. (Meshoppen Creek), Meshoppen Borough, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20090628).

Project Sponsor: SWEPI LP (Tioga River), Richmond Township, Tioga County, Pa. Application for renewal of surface water withdrawal with modification to increase by an additional 0.843 mgd (peak day), for a total of 0.950 mgd (peak day) (Docket No. 20090612).

Project Sponsor and Facility: Winner Water Services, Inc. (Manor #44 Deep Mine), Girard Township, Clearfield County, Pa. Application for surface water withdrawal of up to 0.144 mgd (peak day).

Project Scheduled for Action Involving a Diversion:

Project Sponsor: Winner Water Services, Inc. Project Facility: Sykesville Mine AMD, Borough of Sykesville, Jefferson County, Pa. Application for an into-basin diversion of up to 1,000 mgd from the Ohio River Basin.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806-808.

Dated: July 12, 2013.

PAUL O. SWARTZ
Executive Director

[13-16-16]

WATER MANAGEMENT ADMINISTRATION

Notice of Tentative Determination to Issue Permit and Public Hearing Notice/General Permit for Stormwater Associated with Construction Activity

The Maryland Department of the Environment (MDE) has reached a tentative determination to reissue the General Permit for Stormwater Associated with Construction Activity, MDRC (General Permit).

A public hearing will be held on Monday, August 12, 2013, at 10:30 am at the Maryland Department of the Environment Aeris/Aqua/Terra Conference Rooms, 1800 Washington Blvd., Baltimore, Maryland, 21230.

The permit is necessary to protect water quality and to meet federal and State requirements under Code of Federal Regulations 40 CFR 122.26 and 40 CFR 450, as well as Code of Maryland Regulations COMAR 26.08.04.09A. It replaces all prior General Permits for Stormwater Associated with Construction Activity that have been previously issued. All construction activity in Maryland disturbing one or more acres needs to be covered under the General Permit. The new proposed permit includes numerous changes from previous permits and should be reviewed carefully. Several key changes that should be noted are: (1) a change to the public notification period following submission of the NOI before permit coverage is approved; (2) specific requirements to meet federal effluent limitation guidelines at 40 CFR 450; (3) emergency authorization procedures in the event of public emergencies; and (4) several clarifications, including which types of projects and discharges are eligible for coverage under the General Permit.

Fees for permit coverage are proposed to remain the same unless changed in the Code of Maryland Regulations (COMAR).

Persons who wish to present information regarding the tentative determination may speak at the public hearing, submit written comments at the public hearing, or submit a written statement to the Department no later than August 19, 2013. All comments will be considered in the preparation of a final determination. Written comments should be addressed to the Maryland Department of the Environment, Water Management Administration, 1800 Washington Blvd., Baltimore, Maryland, 21230-1708, Attn: Karen Smith. Supporting information for the tentative determination, including a copy of the permit, will be available no later than July 12, 2013, and may be viewed on the Department website, www.mde.state.md.us. Any hearing impaired person may request an interpreter to be present at the public hearing by giving five days' notice at the address listed above or by contacting Ms. Smith at 410-537-3510.

[13-16-27]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Request for Comment on Sodium Reduction in Long Term Care, Adult Medical Day Care, and Assisted Living Facilities

Approximately 9 out of 10 Americans consume an unhealthy amount of sodium.¹ The 2010 Dietary Guidelines for Americans from the United States Department of Agriculture (USDA) and Department of Health and Human Services (HHS) recommend a maximum of 2,300 mg of sodium per day. Despite these recommendations, the average sodium intake for Americans age 2 and older is roughly 3,400 mg/day.² Data shows that dietary sodium is derived largely from processed and restaurant foods, while salt added at the table appear to account for an estimated 11% of total sodium intake.³ Excess sodium intake has been shown to be the primary modifiable risk factor for hypertension.⁴ Hypertension, or high blood pressure, is the single largest modifiable risk factor for cardiovascular mortality in the United States, affecting 68 million Americans or 31% of all Americans.⁵

There are an estimated 1.4 million adults in Maryland with hypertension.⁶ Hypertension prevalence rises with age, with an estimated 7% prevalence of hypertension in 18-24 year olds, compared to 34% in 45-54 year olds, and 65% in those aged 75 or older. Thus, the elderly are at greatest risk for hypertension, and a reduction in sodium intake by the elderly may result in measurable improvements in health. Scientific evidence reviewed in the 2013 *Sodium Intake In Populations: Assessment of Evidence* IOM report consistently associated excessive dietary sodium with an increased risk of CVD stroke outcomes, CVD mortality, and elevated blood pressure as a surrogate indicator of CVD risk.⁷ In addition to discrepancies in prevalence based on age, there exist wide disparities in the prevalence of hypertension by race and location. African Americans are at higher risk for hypertension (39.2%) compared to the average risk (28.4%) across the entire population. Geography also appears to be a factor, suggested by the fact that the highest rates of hypertension in Maryland among age and race controlled populations are found in Baltimore City, Somerset County, and Allegany County.⁸ It is estimated that an incremental reduction of sodium intake of 4% annually for 10 years until recommended levels are reached would result in 380,000 fewer deaths from CHD and 80,000 fewer deaths from stroke annually.⁹

¹Centers for Disease Control and Prevention. Where's the Sodium? CDC Vital Signs. February 2012. Online at www.cdc.gov/VitalSigns/pdf/2012-02-vitalsigns.pdf

²Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion. Sodium Fact Sheet. Online at: http://www.cdc.gov/salt/pdfs/Sodium_Fact_Sheet.pdf

³Mattes R, Donnelly D. Relative contributions of dietary sodium sources. *Journal of the American College of Nutrition* 1991 Aug;10(4):383-93.

⁴National Heart, Lung, and Blood Institute Statement on Sodium Intake and High Blood Pressure. Online at: <http://www.nhlbi.nih.gov/news/press-releases/1998/statement-on-sodium-intake-and-high-blood-pressure.html>

⁵Vital Signs: Prevalence, Treatment, and Control of Hypertension --- United States, 1999--2002 and 2005--2008. Online at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6004a4.htm>

⁶Maryland Behavioral Risk Factor Surveillance System (BRFSS), 2011

⁷Institute of Medicine (IOM): "Sodium Intake in Populations: Assessment of the Evidence" May 14, 2013. Online at:

<http://www.iom.edu/Reports/2013/Sodium-Intake-in-Populations-Assessment-of-Evidence.aspx>

⁸Maryland Assessment Tool for Community Health (MATCH). Online at <http://matchstats.org>

⁹Ibid.

The impact of excess sodium consumption on blood pressure may pose a particular risk for elderly Marylanders residing in Long Term Care (LTC) and Assisted Living Facilities (ALFs) or attending Adult Medical Day Care Centers (AMDCCs). This population is at high risk for hypertension due to advanced age and may be offered meals in facilities with sodium amounts exceeding 2,300 mg per day. Currently in Maryland, there are 232 LTC facilities with a resident capacity of 27,299; 1,384 ALFs with a resident capacity of 20,032; and 118 AMDCCs with a capacity of 8,550 residents – a total population of 50,000 or more elderly residents who may benefit from reduced sodium intake.¹⁰

At the same time, if sodium reduction makes food for the elderly less palatable, there is a potential risk of reduction in intake, which poses a different type of health risk.

The Department's regulations currently address nutrition and dietary services in LTCs, ALFs and AMDCCs. COMAR 10.07.02.13 states that, in the LTCs food services, "[t]o the extent medically possible, the current 'Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences', adjusted for age, sex, and activity shall be observed." COMAR 10.07.14.28 directs ALFs to ensure that "[m]eals and snacks are . . . of sufficient quality and quantity to meet the daily nutritional needs of each resident." Under COMAR 10.12.04.19, AMDCCs are required to provide minimum numbers of meals and snacks to meet certain percentages of the recommended dietary allowance of the Food and Nutrition Board of the National Research Council, depending on how many hours the adult is present at the facility.

The Department of Health and Mental Hygiene, pursuant to §§14-206(a) and 19-308(a)(7) of the Health-General Article, seeks comment from members of the public, interested parties, health professionals, and persons knowledgeable about sodium reduction in long term care, adult medical day care, and assisted living facilities.

The Secretary requests comment specifically addressing (a) the risks of excess sodium consumption, particularly by residents of the facilities and participants in the programs identified above; (b) whether there are potential unforeseen consequences to reducing sodium consumption, and if so, whether and how adverse consequences can be mitigated; (c) whether the Department should take steps, such as encouraging voluntary action or enhancing regulatory requirements, to support recommended levels of sodium intake in programs and facilities for the elderly.

In addressing the above issues, the Department encourages commenters to identify any studies of the risks or benefits of reducing sodium consumption of individuals residing in LTCs or ALFs or participating in AMDCCs. The Secretary may appoint an advisory panel to review comments and to recommend what action, if any, should be taken. Comments should be submitted by September 6, 2013.

Comments may be submitted by mail to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston St., Room 512, Baltimore, MD, 21201; by email to dhmh.regs@maryland.gov; or by fax to (410)767-6483.

[13-16-19]

¹⁰ Figures taken from Maryland Department of Health and Mental Hygiene Office of Health Care Quality Licensee Directory. Online at <http://dhmh.maryland.gov/ohcq/SitePages/Licensee%20Directory.aspx>

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

BOARD OF ARCHITECTS

Subject: Public Meeting
Date and Time: August 28, 2013, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[13-16-21]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Reduction of Bond Authorization Announcement

Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that if, within 2 years after the date of an authorization of State debt, no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item #7 dated July 24, 2013, we submit for publication the following cancellation of bond authorizations in accordance with the above-referenced article:

St. Mary's Hospital of St. Mary's County Loan of 2006:

Ch. 46, Acts of 2006; \$57,418.99; authorized the proceeds for the planning, design, renovation, expansion, repair, construction, and capital equipping of the behavioral health and medical/surgical units at St. Mary's Hospital of St. Mary's County, located in Leonardtown.

Wicomico County Youth and Civic Center Loan of 2007:

Ch. 488, Acts of 2007; \$30,742.57; authorized the proceeds for repair, construction, repair, renovation, and reconstruction of the Wicomico Youth and Civic Center, located in Salisbury.

Harford Memorial Hospital Loan of 2010:

Ch. 483, Acts of 2010; \$47,868.37; authorized the proceeds to assist design, construction, renovation, and expansion of a vacant space to create additional medical surgical bed capacity and an improved family waiting area.

Battleridge Place Stream Valley Restoration Loan of 2011:

Legislative Senate Initiative; Ch. 396, Acts of 2011; \$20,000; authorized the proceeds for the repair and renovation of the Battleridge Place stream valley, located in Montgomery Village.

Knights of St. John Hall Loan of 2005:

Ch. 445, Acts of 2005; \$149,100; authorized the proceeds for the repair, renovation, and capital equipping of the historic meeting hall of the Knights of St. John, located in Bowie.

Knights of St. John Hall Loan of 2005:

Ch. 445, Acts of 2005; \$50,000; authorized the proceeds for the repair, renovation, and capital equipping of the historic meeting hall of the Knights of St. John, located in Bowie.

Multicultural Use Center Loan of 2008:

Ch. 336, Acts of 2008; \$10,000; authorized the proceeds for the renovation of the Center for Educational Partnership, located in Riverdale.

Evangel Assembly Family Life Center Loan of 2010:

Ch. 483, Acts of 2010; Legislative Senate Initiative; \$6,652.50; authorized the proceeds for the planning and reconstruction of the Evangel Assembly Family Life Center, located in Temple Hills.

Oakland B&O Museum Loan of 2010:

Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; Legislative Senate Initiative; \$9.68; authorized the proceeds for the planning, design, construction, capital equipping, renovation, and reconstruction of the Oakland B&O Museum, located in Oakland.

Exploration of Captain John Smith Exhibit Loan of 2009:

Ch. 485, Acts of 2009, amended by Ch. 396, Acts of 2011; \$78.50; authorized the proceeds for the planning, design, construction, and capital equipping of the Exploration of Captain John Smith Exhibit, located in North Beach.

Mental Health Association HVAC Replacement Loan of 2011:

Ch. 396, Acts of 2011, amended by Ch. 7, Acts of 2012; \$155.00; authorized the proceeds for the construction, renovation, and replacement of the HVAC system at the Mental Health Association, located in Rockville.

Clifton Mansion Loan of 2005:

Ch. 445, Acts of 2005; \$49.64; authorized the proceeds for restoration, repair, renovation, reconstruction and capital equipping of the Clifton Mansion, located in Baltimore City.

Rehena L. Rentuma

Fiscal Specialist

Administration and Finance

Contact: Re Rentuma (410) 260-7909

[13-16-23]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting

Date and Time: September 24, 2013, 10 a.m. — 12 p.m.

Place: 500 N. Calvert St., Baltimore, MD

Contact: Gae Herzberger (410) 230-6163

[13-16-03]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MENTAL HYGIENE ADMINISTRATION

Subject: Public Notice of the FY 2014 State Mental Health Plan

Place: DHMH — Mental Hygiene Administration, Spring Grove Hospital Center, Mitchell Bldg., 55 Wade Ave., Catonsville, MD

Add'l. Info: The Mental Hygiene Administration has completed the development of the FY 2014 State Mental Health Plan. The State Mental Health Plan is also a part of the application for the FY 2014 — 2015 Federal Mental Health Block Grant (MHBG) funds. Final submission of the FY 2014 — 2015 MHBG application to

GENERAL NOTICES

1400

the federal Substance Abuse and Mental Health Services Administration, Center for Mental Health Services will occur by September 3, 2013. Written requests for copies of the State Plan may be sent to Greta Carter, Mental Hygiene Administration, Office of Planning and Training, at the above address, or email to Greta.Carter@maryland.gov. Any general comments regarding the FY 2014 State Mental Health plan or specific comments regarding drafts to finalization of the MHBG application will be considered and incorporated as appropriate. The Plan and Implementation Report will be available after their due dates. Comments on the plan may also be made after submission of the MHBG to the Federal Government.

Contact: Cynthia Petion (410) 402-8473 [13-16-17]

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

Subject: Public Meeting Date and Time: August 14, 2013, 10:30 a.m. — 1 p.m. Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD Contact: John Papavasiliou (410) 230-6160 [13-16-08]

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

Subject: Public Meeting Date and Time: September 11, 2013, 10 a.m. — 12:30 p.m. Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD Contact: John Papavasiliou (410) 230-6160 [13-16-09]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting Date and Time: August 22, 2013, 9:30 — 11:30 a.m. Place: 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD Add'l. Info: Meeting of the Workgroup on Access to Habilitative Services Benefits Contact: Tinna Damaso Quigley (410) 468-2202 [13-16-01]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting Date and Time: September 18, 2013, 9:30 — 11:30 a.m. Place: 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD Add'l. Info: Meeting of the Workgroup on Access to Habilitative Services Benefits Contact: Tinna Damaso Quigley (410) 468-2202 [13-16-02]

FACILITIES ADVISORY BOARD- JUVENILE SERVICES

Subject: Public Meeting Date and Time: August 20, 2013, 6 — 8 p.m. Place: Western Maryland Children's Center, 18420 Roxbury Rd., Hagerstown, MD Contact: Mark Bishop (301) 745-6071 [13-16-13]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting Date and Time: September 17, 2013, 2 — 4 p.m. Place: Annapolis DJS Office, 49 Old Solomons Island Rd., Ste. 300, Annapolis, MD Contact: Tim Gilbert (410) 230-3488 [13-16-10]

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

Subject: Public Meeting Date and Time: September 11, 2013, 10 a.m. Place: Auditorium at 300 W. Preston St., Baltimore, MD Add'l. Info: The MOSH Advisory Board will meet to discuss issues related to occupational safety and health, including proposed regulations on Occupational Exposure to Hazardous Drugs. Contact: Debbie Stone (410) 767-2225 [13-16-22]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting Date and Time: September 19, 2013, 1 p.m. Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD Contact: Valerie Wooding (410) 764-3460 [13-16-04]

PRINCE GEORGE'S COUNTY JUVENILE COURT AND SCHOOL SAFETY WORKGROUP

Subject: Public Meeting Date and Time: August 26, 2013, 10 a.m. — 12 p.m. Place: Largo Government Center, 9201 Basil Ct., Penthouse, Rm. 500, Lake Arbor, MD Add'l. Info: 2013 HB 1338 Contact: Tim Gilbert (410) 627-5318 [13-16-14]

BOARD OF PUBLIC ACCOUNTANCY

Subject: Public Meeting Date and Time: September 10, 2013, 9 a.m. — 12 p.m. Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD Contact: Dennis L. Gring (410) 230-6224 [13-16-12]

RETIREMENT AND PENSION SYSTEM — ADMINISTRATIVE COMMITTEE

Subject: Public Meeting Date and Time: September 3, 2013, 9:30 a.m. Place: 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD Add'l. Info: Meeting date, time, and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note that the meeting may include a closed session. Sign language, interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY. Contact: Angie Jenkins (410) 625-5609 [13-16-20]

**RETIREMENT AND PENSION
SYSTEM — BOARD OF TRUSTEES****Subject:** Public Meeting**Date and Time:** August 20, 2013, 10 a.m.**Place:** 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note that the meeting may include a closed session. Sign language, interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.**Contact:** Angie Jenkins (410) 625-5609

[13-16-18]

BOARD OF REVENUE ESTIMATES**Subject:** Public Meeting**Date and Time:** September 17, 2013, 3 — 4 p.m.**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD**Contact:** Linda I. Vasbinder (410) 260-7833

[13-16-11]

**SEXUAL OFFENDER ADVISORY
BOARD****Subject:** Public Meeting**Date and Time:** September 20, 2013, 2 — 4 p.m.**Place:** 6776 Reisterstown Rd., South Tower Entrance, 1st Fl., Centralized Hiring Unit Conf. Rm., Baltimore, MD**Contact:** Sherry R. Bailey (410) 585-3655

[13-16-05]

STATE TREASURER'S OFFICE**Subject:** Public Meeting**Date and Time:** September 12, 2013, 2 — 3:30 p.m.**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD**Add'l. Info:** Review the State's Capital Programs and Size and Condition of Debt of Higher Education Institutions**Contact:** Amber Teitt (410) 260-7920

[13-16-15]

**WORKERS' COMPENSATION
COMMISSION****Subject:** Public Meeting**Date and Time:** September 12, 2013, 9 — 11 a.m.**Place:** 10 E. Baltimore St., Baltimore, MD**Add'l. Info:** Portions of this meeting may be held in closed session.**Contact:** Amy Lackington (410) 864-5302

[13-16-07]

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Title 08	Natural Resources	\$78	\$51	_____	_____
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Title 22	State Retirement and Pension System	\$22	\$13	_____	_____
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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 and Massage Therapy 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 Forensic Laboratories
- 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
- 60 Board of Environmental Health Specialists

### Title 11

Department of Transportation – Volume & Subtitles

#### Volume 1

- 01 Office of the Secretary
  - 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 State Railroad Administration
  - 09 Vacant
  - 10 Vacant
- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
  - 14 MVA – Vehicle Inspections
  - 15 MVA – Vehicle Registration
  - 16 MVA – Vehicle Operations
  - 17 MVA – Driver Licensing and Identification Documents
  - 18 MVA – Financial Responsibility Requirements
  - 19 MVA – School Vehicles
  - 20 MVA – Motorcycle Safety Program
  - 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

#### Part 1

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

#### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

#### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances —  
Radioactive Hazardous Substances

- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

#### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under  
Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
- 23 Nontidal Wetlands
- 24 Tidal Wetlands
- 25 Ballast Water Management
- 26 Community Right-to-Know Fund
- 27 Hazardous Material Security



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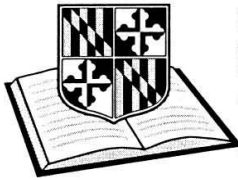
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