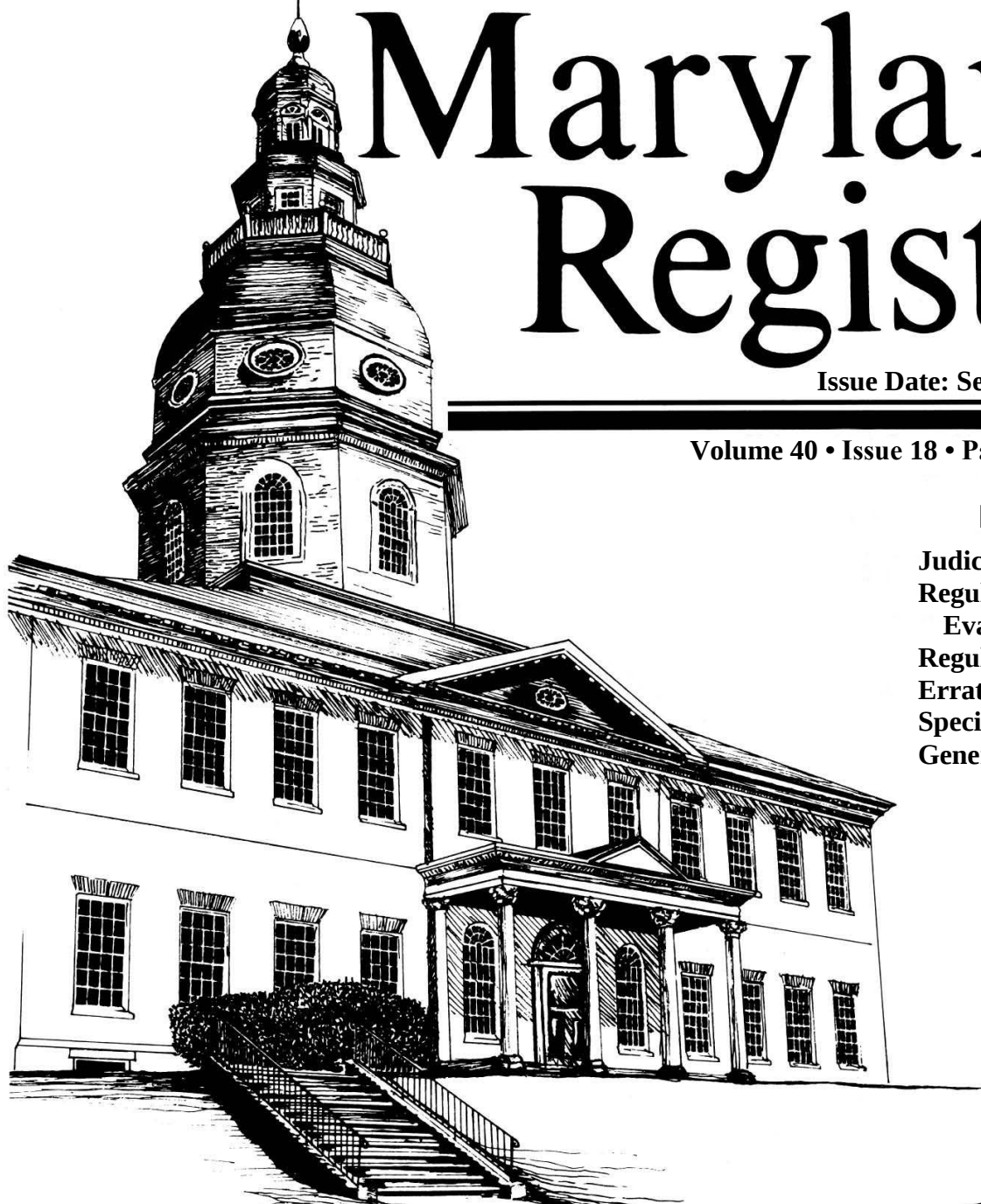




Maryland Register

Issue Date: September 6, 2013

Volume 40 • Issue 18 • Pages 1467—1528

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Judiciary
Regulatory Review and
Evaluation
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 19, 2013, 5 p.m.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 August 19, 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.

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.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

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

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.
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Illustrations by Carolyn Anderson, Dept. of General Services

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31 Maryland Insurance Administration	1479, 1516
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PERSONS WITH DISABILITIES

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COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES through JANUARY 24, 2014

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

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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02 OFFICE OF THE ATTORNEY GENERAL

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09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

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10.01.01.01—05 • 40:16 Md. R. 1349 (8-9-13)
10.03.01.01,14 • 40:16 Md. R. 1349 (8-9-13)
10.07.04.02 • 40:11 Md. R. 988 (5-31-13)
10.07.13.02,04 • 40:11 Md. R. 988 (5-31-13)
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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)

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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 • 40:18 Md. R. 1519 (9-6-13) (err)
10.47.07.04,.08 • 40:16 Md. R. 1353 (8-9-13)
10.50.01.06 • 40:18 Md. R. 1497 (9-6-13)
10.54.01.19 • 40:6 Md. R. 485 (3-22-13)
10.54.02.18 • 40:16 Md. R. 1354 (8-9-13)
10.58.09.01—.07 • 40:17 Md. R. 1432 (8-23-13)
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)

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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)
11.15.09.04 • 40:17 Md. R. 1435 (8-23-13)
11.15.28.01—.06 • 40:16 Md. R. 1363 (8-9-13)

**12 DEPARTMENT OF PUBLIC SAFETY AND
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12.02.16.01—.08 • 40:18 Md. R. 1498 (9-6-13)
12.04.01 • 40:18 Md. R. 1519 (9-6-13) (err)
12.04.01.01,.18 • 40:18 Md. R. 1503 (9-6-13)
12.04.01.02,.03,.05,.08—.14 • 40:17 Md. R. 1436 (8-23-13)
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.20** • 40:14 Md. R. 1196 (7-12-13)
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12.11.11.01—.15 • 40:18 Md. R. 1498 (9-6-13)
12.12.18.01—.08 • 40:18 Md. R. 1498 (9-6-13)
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13A.02.02.02—.05 • 40:15 Md. R. 1252 (7-26-13) (ibr)
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14.30.11.12 • 39:6 Md. R. 448 (3-23-12)

15 DEPARTMENT OF AGRICULTURE

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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)

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26.09.02.02,.03,.05,.07,.11 • 40:15 Md. R. 1255 (7-26-13)

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**27 CRITICAL AREA COMMISSION FOR THE
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29 DEPARTMENT OF STATE POLICE

29.04.04.01—.03 • 40:17 Md. R. 1457 (8-23-13)

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

30.01.01.02 • 40:18 Md. R. 1508 (9-6-13)

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30.09.07.02 • 40:18 Md. R. 1508 (9-6-13)

30.09.11.02 • 40:18 Md. R. 1508 (9-6-13)

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31 MARYLAND INSURANCE ADMINISTRATION

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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)

31.08.11.04,.05 • 40:17 Md. R. 1459 (8-23-13)

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)

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36.07.03.01—.03 • 40:5 Md. R. 431 (3-8-13)

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36.07.05.01 • 40:5 Md. R. 431 (3-8-13)

The Judiciary

ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE MEMORANDUM 13-2

ADMINISTRATIVE REGULATION XVII — PRE-SET FINES — MOTOR VEHICLE AND/OR PENALTY DEPOSITS MOTOR VEHICLE LAWS

By direction of Chief Judge Mary Ellen Barbera, and for the information and guidance of all concerned, the attached notice is published for the purpose of advising of the revision to the District Court Administrative Regulation to become effective October 1, 2013. The attached revision has been adopted by the Chief Judge of the District Court.

PAMELA HARRIS
State Court Administrator

August 15, 2013

NOTICE

Under the authority of Courts Article '7-301 of the Maryland Code, certain District Court Pre-Set Fines and or Penalty Deposits for Motor Vehicle Laws have been revised and are to be in force and effective October 1, 2013. Printed herewith are the revisions to DCAR XVII.

BEN C. CLYBURN
Chief Judge
District Court of Maryland

August 15, 2013

DCAR XVII SCHEDULE OF PRESET FINES AND/OR PENALTY DEPOSITS MOTOR VEHICLE LAWS

[Brackets around text] indicate language deleted from existing fine schedule.
Underlined text indicate language added to existing fine schedule.

Transportation Article	Sec.	Para.	Charge	Fine	Points	Cont. to Accident	Fine	Points
	13	401	[b] Operating unregistered motor vehicle	290	00			00
			<u>b1</u>					
	21	106	[c] <u>Driver of</u> [Non-] emergency [use of] veh. <u>using</u> (flashing lights, bell, siren, <u>c3i</u> exhaust whistle) <u>while returning from call</u>	90	01	130		03
	21	502	a2 Driver failure to stop for pedestrian in crosswalk [not contributing to accident] [Driver failure to stop for pedestrian in crosswalk contributing to accident]	80	01	MA		03
	21	502	c Driver passing veh. stopped for pedestrian at crosswalk [not contributing to accident] [Driver passing veh. stopped for pedestrian at crosswalk contributing to accident]	80	01	MA		03
	21	604	c Driver turning [veh,] <u>vehicle</u> without giving [adequate] <u>appropriate</u> signal <u>as required</u>	90	01	130		03
	21	604	d Driver [failure] <u>failing</u> to give [required] <u>turn</u> signal <u>continuously during last 100' of travel</u> [intention to turn] <u>before turning</u>	90	01	130		03
	21	706	a Failure to stop for stopped <u>school</u> veh. operating alternately flashing red lights	570	03			03
	<u>21</u>	<u>10A04</u>	<u>b Charging party that retakes poss. of veh. w/i 48 hrs for cost of providing notice under TR 21-10A-04</u>	<u>MA</u>	<u>00</u>			<u>00</u>
	21	1124	c Driver under 18, operating motor veh. while using a wireless communication device [(Secondary Action)]	70	01	110		03
	21	1124.2	c1 Driver of a Class H. veh. that is carrying passengers and in motion using handheld telephone [Secondary Action]					
			1 st offense	[40]	00	[40]		03
				<u>83</u>		<u>83</u>		
			2 nd offense	[100]	[01]	[100]		03
				<u>140</u>	<u>00</u>	<u>140</u>		
			<u>3rd offense</u>	<u>160</u>	<u>00</u>	<u>160</u>		<u>03</u>

THE JUDICIARY

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21	1124.2	c2	Holder of (<i>learner's permit, provisional license</i>) [driving motor vehicle while] using a handheld telephone <u>while operating m/v</u> [Secondary Action]				
			1 st offense	[40] <u>83</u>	00	[40] <u>83</u>	03
			2 nd offense	[100] <u>140</u>	[01] <u>00</u>	[100] <u>140</u>	03
			<u>3rd offense</u>	<u>160</u>	<u>00</u>	<u>160</u>	<u>03</u>
21	1124.2	d2	Driver using hands to use handheld telephone while motor vehicle is in motion [Secondary Action]				
			1 st offense	[40] <u>83</u>	00	[40] <u>83</u>	03
			2 nd offense	[100] <u>140</u>	[01] <u>00</u>	[100] <u>140</u>	03
			<u>3rd offense</u>	<u>160</u>	<u>00</u>	<u>160</u>	<u>03</u>
[21]	[1128]		[Driving veh. (w/ TV-type receiving equip, video disp. equip. that is on and visible to the driver) on hwy]	[60]	[01]	[100]	[03]
22	412.2	d	Failing to secure child under age of 8 in child safety seat when transporting in motor vehicle	[58] <u>83</u>	00		00
22	412.2	e	Fail to transport child under age 16 in (<i>child safety seat per instructions, a seat belt</i>)	[58] <u>83</u>	00		00
22	412.2	g	Using a (<i>child safety seat, seat belt</i>) to (<i>restrain, seat, position</i>) more than one individual	[58] <u>83</u>	00		00
22	412.3	b	Oper. m/v with (<i>operator, occupant under age 16</i>) not restrained by (<i>seat belt, child safety seat</i>)	[25] <u>83</u>	00		00
22	412.3	[c]	Passenger age 16 or more in outboard front seat of motor vehicle w/o seat belt restraint	[25] <u>83</u>	00		00
<u>22</u>	<u>412.3</u>	<u>c3</u>	<u>Passenger age 16 or more in rear seat of motor vehicle w/o seat belt restraint (Secondary Action)</u>	<u>83</u>	<u>00</u>		<u>00</u>
<u>22</u>	<u>611</u>	<u>b</u>	<u>Operating commercial m/v equipped w/engine brake w/o (connected, functioning, operating) exhaust muffler system</u>	<u>533</u>	<u>00</u>		<u>00</u>
<u>22</u>	<u>611</u>	<u>c</u>	<u>Disabling exhaust muffler system of a commercial motor vehicle equipped with engine brake</u>	<u>533</u>	<u>00</u>		<u>00</u>
[24]	[106.2]	[a]	[Transporting (<i>lumber, pipe, steel, logs, poles</i>) with improperly enclosed veh.]	[90]	[00]		[00]
24	106.2	[b]	Transporting (<i>piling, poles, mill logs, lumber, pipe, steel</i>) w/o proper (<i>front, rear</i>) fastening	90	00		00
[24]	[106.2]	[c]	[Transporting (<i>lumber, pipe, steel, logs, poles</i>) w/o proper (<i>front, rear</i>) fastening device]	[90]	[00]		[00]
[24]	[106.2]	[d]	[Failure to fasten (<i>chains, authorized devices</i>) with (<i>adequate standard load binder, other appropriate device</i>) when required on (<i>lumber, pipe, steel, log, pole</i>) carrying veh.]	[90]	[00]		[00]
[24]	[106.2]	[e]	[(<i>Repairing, Replacing</i>) (<i>chain, authorized alternative device links</i>) by use of unauthorized material]	[90]	[00]		[00]
25	108	[b]	Driving <u>electric drive</u> plug-in vehicle in HOV lane without (<i>permit, required number of passengers</i>)	90	00		00
27	105	c1	(1) \$[25] <u>33.00</u> plus, 1 cent for each pound for the first 1,000 lbs. over limit;	[25] <u>33</u>			
27	105	d	(1) \$[25] <u>33.00</u> plus, 1 cent for the first 1,000 lbs. over any allowable weight;	[25] <u>33</u>			
BR 10	308	c	Introducing additives without (<i>Class "A" dealer license, authorization from Comptroller</i>)	MA	00		00
MR 11	392.9	a	Operating w/o Motor Carrier authority (MMC number) when for hire	[130] <u>140</u>	00		00
<u>MR 11</u>	<u>392.82</u>		<u>Using hand-held mobile phone while operating a commercial motor vehicle</u>	<u>290</u>	<u>00</u>		<u>00</u>

MR 11	393.62	Improper emergency exits on bus	290	00	00
[MR 11]	[393.92]	[Bus emergency door not clearly marked as required]	[70]	[00]	[00]

[13-18-51]

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court dated August 14, 2013, **MICHAEL CLIFFORD HICKEY, JR.**, 3809 Maryland Avenue, Abingdon, Maryland 21009, has been indefinitely suspended by consent, from the further practice of law in the State, and his name as an attorney at law will be stricken from the register of attorneys in this Court (Maryland Rule 16-772 (d)).

* * * * *

This is to certify that the name **ERNEST STEVEN NICHOLS**, 1412 Valbrook Court S., Bel Air, Maryland 21015, has been replaced upon the register of attorneys in the Court of Appeals as of August 14, 2013. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

* * * * *

This is to certify that by an Order of the Court dated August 12, 2013, **HEE JUNG JENNY SHIN**, 6191 Freds Oak Road, Fairfax Station, VA 22039, has been disbarred by consent, from the further practice of law in the State, and her name as an attorney at law will be stricken from the register of attorneys in this Court (Maryland Rule 16-772 (d)).

* * * * *

This is to certify that by an Order of this Court dated August 9, 2013, **NEAL MARCELLAS JANEY, SR.**, P.O. Box 1054, Baltimore, MD 21203, has been reprimanded by consent.

* * * * *

This is to certify that by an Order of this Court dated June 11, 2013, **GRANT MATTHEW MURCHISON**, 202 East Main Street, Westminster, Maryland 21157, has been disbarred by consent effective August 12, 2013 from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this State (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by a Per Curiam Opinion and Order of this Court dated August 19, 2013, **ANTHONY MAURICE HARMON**, P.O. Box 6628, Largo, Maryland 20792, has been indefinitely suspended, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by a Per Curiam Opinion and Order of this Court dated August 19, 2013, **JOHN THANH HOANG**, 11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030, 3985 Pearlberry Court, Woodbridge, Virginia 22193, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

[13-18-59]

SCHEDULE

Thursday, October 3, 2013

Bar Admissions

- No. 15 In Re: Victoria C.
- No. 20 Melvin D. Williams v. State of Maryland
- No. 12 State Center, LLC, et al. v. Lexington Charles Limited Partnership, et al.
- No. 13 James Kulbicki v. State of Maryland

Friday, October 4, 2013:

- No. 16 Brittany Ellis v. Housing Authority of Baltimore City
- No. 17 Tyaira Johnson v. Housing Authority of Baltimore City
- No. 18 Housing Authority of Baltimore City v. Amafica K. Woodland

Monday, October 7, 2013:

- AG 39 Attorney Grievance Commission of Maryland v. David (2012 T.) Eugene Bocchino
- No. 14 Terry Wayne Hammonds v. State of Maryland
- No. 9 Taquez Price v. State of Maryland

Tuesday, October 8, 2013:

- No. 11 Emmanuel Ford Robinson v. State of Maryland
- No. 21 American Bank Holdings, Inc. v. Brian Kavanagh, et al.
- No. 19 Clara A. Henriquez Aleman v. State of Maryland

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 October 8, 2013, the Court will recess until October 31, 2013.

BESSIE M. DECKER
Clerk

[13-18-57]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

TITLE 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

Notice of Opportunity for Public Inspection and Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Department of Health and Mental Hygiene is reviewing and evaluating certain regulations codified within Subtitle 01 of Title 10 of the Code of Maryland Regulations, entitled Procedures. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Chapters being reviewed include the following:

- 10.01.07 Petitions for Adoption, Amendment, or Repeal of Regulations

Interested parties may submit comments regarding COMAR 10.01.07 to Michele Phinney, Director, Office of Regulation and Policy Coordination, 201 West Preston Street, Room 512, Baltimore, MD 21201; by fax to (410) 767-6483; or by email to dhmh.regs@maryland.gov. Comments must be received by September 16, 2013.

- 10.04.04 Human Services Agreements Manual

Interested parties may submit comments regarding COMAR 10.04.04 to Gregory Jones, Chief, Gregory Jones, Sr., Chief, Division of Grants & Local Health Accounting Office, 201 West Preston Street, Room 541, Baltimore, MD 21201; by fax to (410) 383-1624; or by email to gregory.jones@maryland.gov. Comments must be received by September 16, 2013.

[13-17-28]

TITLE 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 13 CREDIT LIFE AND CREDIT HEALTH INSURANCE

Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Maryland Insurance Administration (MIA) is reviewing and evaluating certain regulations codified within Subtitle 13 of Title 31 of the Code of Maryland Regulations, entitled Credit Life and Credit Health Insurance. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Regulations being reviewed include:

- 31.13.01 Standards for Credit Life and Credit Health Insurance
- 31.13.02 Credit Life and Credit Health Reinsurance
- 31.13.03 Standards for Credit Involuntary Unemployment Benefit Insurance

Interested parties may submit comments to Nancy Egan, Assistant Director of Government Relations, and transmitted by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202; by fax to (410) 468-2020; or by email to InsuranceRegReview.mia@maryland.gov. Comments must be received by October 1, 2013.

[13-17-12]

Final Action on Regulations

Symbol Key

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

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 34 BOARD OF PHARMACY

10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities

Authority: Health Occupations Article, §§12-205, 12-301, 12-401, and 12-403, Annotated Code of Maryland

Notice of Final Action

[13-142-F]

On August 26, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .03 and .09 under **COMAR 10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities**. This action, which was proposed for adoption in 40:11 Md. R. 993—994 (May 31, 2013), has been adopted as proposed.

Effective Date: September 16, 2013.

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

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION —

ADMINISTRATIVE PROCEDURES

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §§12-104(b) and 12-301, Annotated Code of Maryland and as cited in Regulations .02—.06 of this chapter

Notice of Final Action

[13-165-F]

On July 31, 2013, the Administrator of the Motor Vehicle Administration adopted amendments to Regulation .03 under **COMAR 11.11.05 Motor Vehicle Fees**. This action, which was proposed for adoption in 40:12 Md. R. 1050—1051 (June 14, 2013), has been adopted as proposed.

Effective Date: September 16, 2013.

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 12 HEALTH MAINTENANCE ORGANIZATIONS; ENTITIES THAT ACT AS HEALTH INSURERS

31.12.02 Health Maintenance Organizations — Contract Forms and Premium Rates

Authority: Health-General Article, Title 19, Subtitle 7; Insurance Article, §§2-109 and 15-122; Annotated Code of Maryland

Notice of Final Action

[13-163-F]

On August 14, 2013, the Insurance Commissioner adopted the repeal of existing Regulation .11 under **COMAR 31.12.02 Health Maintenance Organizations — Contract Forms and Premium Rates**. This action, which was proposed for adoption in 40:12 Md. R. 1053—1054 (June 14, 2013), has been adopted as proposed.

Effective Date: January 1, 2014.

THERESE M. GOLDSMITH
Insurance Commissioner

Title 33

STATE BOARD OF ELECTIONS

Subtitle 04 INSPECTION AND COPYING OF PUBLIC RECORDS

33.04.01 In General

Authority: Election Law Article, §§2-102(b)(4), 3-204.1, and 3-506(a)(2); State Government Article, §§10-613(b), 10-615(2)(i), and 10-621; Annotated Code of Maryland

Notice of Final Action

[13-171-F]

On August 22, 2013, the State Board of Elections adopted amendments to Regulation .02 under **COMAR 33.04.01 In General**. This action, which was proposed for adoption in 40:13 Md. R. 1095—1096 (June 28, 2013), has been adopted as proposed.

Effective Date: September 16, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 05 VOTER REGISTRATION

Notice of Final Action

[13-170-F]

On August 22, 2013, the State Board of Elections adopted:

(1) Amendments to Regulation .02 under **COMAR 33.05.01 Definitions; General Provisions;**

(2) Amendments to Regulation .02, new Regulation .03, amendments to and the recodification of existing Regulations .03 and .04 to be Regulations .04 and .05, and the recodification of existing Regulation .05 to be Regulation .06 under **COMAR 33.05.02 Voter Registration Applications;**

(3) Amendments to Regulations .01 and .03 under **COMAR 33.05.03 Dissemination of VRA Forms;** and

(4) Amendments to Regulation .03 under **COMAR 33.05.04 Processing VRAs and Other Requests.**

This action, which was proposed for adoption in 40:13 Md. R. 1096—1097 (June 28, 2013), has been adopted as proposed.

Effective Date: September 16, 2013.

LINDA H. LAMONE
State Administrator of Elections

(b) (proposed text unchanged)
D. — F. (proposed text unchanged)

LINDA H. LAMONE
State Administrator of Elections

Subtitle 17 EARLY VOTING

33.17.03 Public Notice of Early Voting

Authority: Election Article, §§2-102(b)(4), 7-105, and 10-301.1(h), Annotated Code of Maryland

Notice of Final Action

[13-168-F]

On August 22, 2013, the State Board of Elections adopted amendments to Regulation .01 under **COMAR 33.17.03 Public Notice of Early Voting.** This action, which was proposed for adoption in 40:13 Md. R. 1099 (June 28, 2013), has been adopted as proposed.

Effective Date: September 16, 2013.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 11 ABSENTEE BALLOTS

Notice of Final Action

[13-169-F]

On August 22, 2013, the State Board of Elections adopted amendments to:

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

(2) Regulations .01—.04 under **COMAR 33.11.02 Applications;** and

(3) Regulation .04 under **COMAR 33.11.03 Issuance and Return.**

This action, which was proposed for adoption in 40:13 Md. R. 1098—1099 (June 28, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: September 16, 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:

COMAR 33.11.02.02C(4)(a): The change is to substitute “absentee ballot application” for “voter registration application” to correct a mistake in the wording of the proposed rule. The context makes clear that “absentee ballot application” — not voter registration application — was the meaning originally intended.

33.11.02 Applications

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 11-301, and 11-302, Annotated Code of Maryland

.02 Formal Request.

A. — B. (proposed text unchanged)

C. *Online Absentee Ballot Application — Voter Authentication.*

(1) — (3) (proposed text unchanged)

(4) *The online absentee ballot application shall immediately verify the information required in §C(2) of this regulation with information on file with MVA.*

(a) *If the MVA verifies the information, the voter may submit the online [[voter registration]] absentee ballot application.*

Withdrawal of Regulations

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 12 RADIATION MANAGEMENT

26.12.01 Radiation Protection

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

Notice of Withdrawal

[13-133-W-I]

The Secretary of the Environment withdraws the proposal to amend Regulation **.01** under **COMAR 26.12.01 Radiation Protection**, as published in 40:10 Md. R. 932—933 (May 17, 2013).

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

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 02

OFFICE OF THE ATTORNEY GENERAL

Subtitle 01 CONSUMER PROTECTION DIVISION

Notice of Change to Opportunity for Public Comment

[13-242-P]

The Opportunity for Public Comment which appeared in 40:17 Md. R. 1424 (August 23, 2013) has been changed. The correct notice follows.

Opportunity for Public Comment

Comments may be sent to Steven M. Sakamoto-Wengel, Assistant Attorney General, Consumer Protection Division, 200 St. Paul Place, 16th floor, Baltimore, MD 21202, or call 410-576-6307, or email to stevesw@oag.state.md.us, or fax to 410-576-6566. Comments will be accepted through September 23, 2013. A public hearing will be held on Thursday, October 24, 2013 at 10 a.m. after notice of hearing is published in two daily newspapers at least 15 days before the hearing. The hearing will take place at the Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202. Please call 410-576-6557 not later than Thursday, October 17, 2013 to inform the Division of your intention to attend the hearing and to learn the room assignment.

STEVEN M. SAKAMOTO-WENGEL
Deputy Chief

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.; and Education Article, §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 Proposed Action

[13-256-P]

The Secretary of Human Resources proposes to amend Regulation .12 under **COMAR 07.02.11 Out-of-Home Placement Program**.

Statement of Purpose

The purpose of this action is to implement the provisions of S.B. 414 and H.B. 1012 of the 2013 Regular Session by updating current regulations to include youth in guardianship placement or youth who are adopted by a guardianship family, and youth enrolled in a vocational certificate program at a public institution of higher education, as foster care recipients who are eligible to receive a tuition waiver.

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 Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 West Saratoga Street, 2nd Floor, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

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

A. — J. (text unchanged)

K. Tuition Waiver.

(1) The Maryland tuition waiver provides a waiver of tuition for a Maryland public institution of higher education and is applicable to certain youth in, or formerly in, out-of-home care. In order to qualify for the tuition waiver, the youth shall be placed by a local department of social services in an out-of-home placement within the State:

(a) (text unchanged)

(b) On the youth's 13th birthday and the youth is *placed into guardianship* or [is] adopted from out-of-home placement after the youth's 13th birthday; or

(c) If the youth is the younger sibling of a youth, as described in [§J(1)(b)] §K(1)(b) of this regulation and is concurrently *placed into guardianship* or adopted from an out-of-home placement by the same *guardianship* or adoptive family.

(2) The youth [may] *shall* be exempted from paying *any* tuition at a Maryland public institution of higher education, *regardless of the youth's receipt of scholarships or grants*, if the youth:

(a) Is enrolled as a candidate for an associate's degree, [or] a bachelor's degree, *or a vocational certificate* at a Maryland public institution of higher education on or before age 25; and

(b) (text unchanged)

(3) Tuition is determined by the [Maryland Higher Education Commission (MHEC) and does not include room, board, books, transportation, or other costs] *individual public institution of higher education and includes the cost of tuition and registration fees as well as all fees that are required as a condition of enrollment. Tuition does not include the cost of room, board, books, and transportation.*

(4) (text unchanged)

(5) The waiver is applied [only to the remaining balance of tuition after all other grants and scholarships have been exhausted] *to the cost of tuition and registration fees as well as all fees that are required as a condition of enrollment. Scholarships and grants that the youth receives may not be used to pay for these costs.*

(6) (text unchanged)

(7) The youth is responsible for adherence to all financial aid policies of the [MHEC] *Maryland Higher Education Commission* and the Maryland public institution of higher education at which the youth is enrolled.

(8) (text unchanged)

L. (text unchanged)

THEODORE DALLAS
Secretary of Human Resources

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §4-1006.1, Annotated Code of Maryland

Notice of Proposed Action

[13-258-P]

The Secretary of Natural Resources proposes to adopt new Regulation .12 under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to delineate submerged aquatic vegetation (SAV) protection zones. The SAV protection zones are delineated by the Department for the protection from uprooting and the restoration of SAV. Using a hydraulic clam dredge, a bottom dredge, or a shinnecock rake in a SAV protection zone is prohibited.

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 SAV Protection Zones, Regulatory Staff, Department of Natural Resources Fisheries Service, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.12 Submerged Aquatic Vegetation (SAV) Protection Zones.

A. General. A person may not use the following gear in the areas established in §B of this regulation:

- (1) Hydraulic clam dredge;
- (2) Bottom dredge; or
- (3) Shinnecock rake.

B. Submerged Aquatic Vegetation (SAV) Protection Zones.

(1) Somerset County.

(a) All of the waters of Fishing Creek north of a line beginning at a point at or near the shore at the west side of Fishing Creek defined by Lat. 38°08' 54.1" N, Long. 75°53' 18.2" W; then running approximately 72° True to a point at or near the shore at the east side of Fishing Creek defined by Lat. 38°08' 57.0" N, Long. 75°53' 6.8" W.

(b) All of the waters of Cow Point Creek east of a line beginning at a point at or near the shore at the north side of Cow Point Creek defined by Lat. 37°56' 18.8" N, Long. 75°53' 39.9" W; then running approximately 193° True to a point at or near the shore at the south side of Cow Point Creek defined by Lat. 37°56' 7.4" N, Long. 75°53' 43.1" W.

(c) All of the waters of Tangier Sound, Terrapin Sand Cove, Back Cove, Fog Point Cove, Big Thorofare, Chesapeake Bay, Shanks

Creek, and Tyler Creek enclosed by a line beginning at a point at or near the Maryland-Virginia Line at Horse Hammock defined by Lat. 37°57'11.6" N, Long. 75°59'33.9" W; then running approximately 21° True to a point defined by Lat. 37°57'38.4" N, Long. 75°59'20.7" W; then running approximately 22° True to a point defined by Lat. 37°58'15.3" N, Long. 75°59'2.1" W; then running approximately 18° True to a point defined by Lat. 37°59'13.7" N, Long. 75°58'38.4" W; then running approximately 20° True to a point defined by Lat. 38°00'14.8" N, Long. 75°58'10.9" W; then running approximately 331° True to a point defined by Lat. 38°01'25.4" N, Long. 75°58'59.6" W; then running approximately 307° True to a point defined by Lat. 38°02'12.7" N, Long. 76°00'18.3" W; then running approximately 302° True to a point defined by Lat. 38°02'26.6" N, Long. 76°00'45.9" W; then running approximately 260° True to a point defined by Lat. 38°02'11.8" N, Long. 76°02'34.6" W; then running approximately 163° True to a point at or near the shore at Fog Point defined by Lat. 38°01'59.0" N, Long. 76°02'29.8" W; then running southerly along the west shore of Smith Island to a point at or near the shore at the north side of the entrance of Big Thorofare defined by Lat. 38°00'35.1" N, Long. 76°02'57.1" W; then running approximately 194° True to a point defined by Lat. 38°00'1.9" N, Long. 76°03'7.8" W; then running approximately 175° True to a point defined by Lat. 37°57'13.2" N, Long. 76°02'50.2" W; then running easterly along the Maryland-Virginia state line to the point of beginning.

(d) All of the waters of Cedar Island Creek, Green Straits, and Pocomoke Sound east and north of a line beginning at a point at or near the shore at the north side of Cedar Island Creek defined by Lat. 37°55'12.5" N, Long. 75°53'44.8" W; then running approximately 144° True to a point defined by Lat. 37°55'4.3" N, Long. 75°53'37.2" W; then running approximately 185° True to a point defined by Lat. 37°54'51.4" N, Long. 75°53'38.6" W; then running approximately 202° True to a point defined by Lat. 37°54'40.2" N, Long. 75°53'44.5" W; then running approximately 239° True to a point at or near the Maryland-Virginia Line defined by Lat. 37°54'37.3" N, Long. 75°53'50.5" W; then running approximately 85° True to a point at or near the Maryland-Virginia boundary corner at Watkins Point defined by Lat. 37°54'40.7" N, Long. 75°52'58.8" W; then running approximately 89° True to a point at or near the Maryland-Virginia Line defined by Lat. 37°54'41.0" N, Long. 75°52'35.7" W; then running approximately 12° True to a point defined by Lat. 37°54'54.6" N, Long. 75°52'32.1" W; then running approximately 79° True to a point defined by Lat. 37°54'59.8" N, Long. 75°51'57.2" W; then running approximately 78° True to a point defined by Lat. 37°55'1.7" N, Long. 75°51'45.9" W; then running approximately 319° True to a point at or near the shore at Cedar Island Marsh defined by Lat. 37°55'5.4" N, Long. 75°51'50.0" W.

(e) All of the waters of Fishing Creek east of a line beginning at a point at or near the shore at Cedar Island Marsh defined by Lat. 37°56'5.4" N, Long. 75°53'41.8" W; then running approximately 159° True to a point defined by Lat. 37°55'57.6" N, Long. 75°53'38.0" W; then running approximately 194° True to a point at or near the shore at Cedar Island Marsh defined by Lat. 37°55'40.5" N, Long. 75°53'43.6" W.

(f) All of the waters of Broad Creek west of a line beginning at a point at or near the shore at Cedar Island Marsh defined by Lat. 37°55'12.2" N, Long. 75°51'39.8" W; then running approximately 87° True to a point defined by Lat. 37°55'12.6" N, Long. 75°51'29.1" W; then running approximately 62° True to a point defined by Lat. 37°55'16.4" N, Long. 75°51'20.0" W; then running approximately 35° True to a point defined by Lat. 37°55'19.9" N, Long. 75°51'16.9" W; then running approximately 13° True to a point defined by Lat. 37°55'36.8" N, Long. 75°51'11.9" W; then running approximately 7° True to a point defined by Lat. 37°55'50.7" N, Long. 75°51'9.5" W; then running approximately

302° True to a point defined by Lat. 37°55'54.6" N, Long. 75°51'17.5" W; then running approximately 275° True to a point at or near the shore at the west side of Broad Creek defined by Lat. 37°55'54.9" N, Long. 75°51'21.3" W.

(g) All of the waters of Broad Creek northwest of a line beginning at a point at or near the shore at the north entrance to the Prong defined by Lat. 37°56'8.1" N, Long. 75°51'41.0" W; then running approximately 117° True to a point defined by Lat. 37°56'4.6" N, Long. 75°51'32.2" W; then running approximately 88° True to a point defined by Lat. 37°56'4.7" N, Long. 75°51'28.2" W; then running approximately 356° True to a point defined by Lat. 37°56'18.1" N, Long. 75°51'29.5" W; then running approximately 347° True to a point defined by Lat. 37°56'25.0" N, Long. 75°51'31.5" W; then running approximately 272° True to a point at or near the shore at the west side of Broad Creek defined by Lat. 37°56'25.1" N, Long. 75°51'33.8" W.

(h) All of the waters of Broad Creek north of a line beginning at a point at or near the shore at the east side of Broad Creek defined by Lat. 37°56'25.2" N, Long. 75°51'28.0" W; then running approximately 175° True to a point defined by Lat. 37°56'4.6" N, Long. 75°51'25.7" W; then running approximately 123° True to a point defined by Lat. 37°55'58.9" N, Long. 75°51'14.4" W; then running approximately 133° True to a point defined by Lat. 37°55'53.3" N, Long. 75°51'6.9" W; then running approximately 349° True to a point defined by Lat. 37°55'56.2" N, Long. 75°51'7.6" W; then running approximately 354° True to a point defined by Lat. 37°56'4.3" N, Long. 75°51'8.8" W; then running approximately 337° True to a point at or near the shore at the west side of Fishing Ditch defined by Lat. 37°56'12.2" N, Long. 75°51'13.0" W.

(i) All of the waters of Fishing Ditch north of a line beginning at a point at or near the shore at the north side of Fishing Ditch defined by Lat. 37°56'15.1" N, Long. 75°51'3.6" W; then running approximately 165° True to a point defined by Lat. 37°56'10.6" N, Long. 75°51'2.0" W; then running approximately 130° True to a point defined by Lat. 37°56'8.5" N, Long. 75°50'59.0" W; then running approximately 167° True to a point defined by Lat. 37°56'6.9" N, Long. 75°50'58.5" W; then running approximately 113° True to a point defined by Lat. 37°56'5.2" N, Long. 75°50'53.6" W; then running approximately 20° True to a point defined by Lat. 37°56'6.6" N, Long. 75°50'53.0" W; then running approximately 61° True to a point at or near the shore at the north side of Fishing Ditch defined by Lat. 37°56'9.9" N, Long. 75°50'45.1" W.

(j) All of the waters of Massey Creek north of a line beginning at a point at or near the shore at the southwest entrance of Massey Creek defined by Lat. 37°56'5.0" N, Long. 75°49'53.4" W; then running approximately 26° True to a point at or near the shore at the northeast entrance of Massey Creek defined by Lat. 37°56'15.0" N, Long. 75°49'47.2" W.

(k) All of the waters of Broad Creek Gut and Cow Gap Creek north of a line beginning at a point at or near the shore at Eastward Point defined by Lat. 37°55'25.9" N, Long. 75°50'54.5" W; then running approximately 64° True to a point defined by Lat. 37°55'37.9" N, Long. 75°50'23.9" W; then running approximately 33° True to a point defined by Lat. 37°55'47.2" N, Long. 75°50'16.3" W; then running approximately 79° True to a point at or near the shore at Oystershell Point defined by Lat. 37°55'49.5" N, Long. 75°50'0.8" W.

(l) All of the waters of Broad Creek east of a line beginning at a point at or near the shore of the east side of Broad Creek defined by Lat. 37°55'53.5" N, Long. 75°50'57.6" W; then running approximately 294° True to a point defined by Lat. 37°55'53.9" N, Long. 75°50'58.6" W; then running approximately 212° True to a point defined by Lat. 37°55'50.3" N, Long. 75°51'1.5" W; then running approximately 205° True to a point defined by Lat.

37°55'45.2" N, Long. 75°51'4.4" W; then running approximately 183° True to a point defined by Lat. 37°55'34.6" N, Long. 75°51'5.1" W; then running approximately 143° True to a point at or near the shore at the east side of Broad Creek defined by Lat. 37°55'27.0" N, Long. 75°50'58.0" W.

(m) All of the waters of Cedar Creek, Pond Creek, Muddy Creek, and the Little Annessex River south of a line beginning at a point at or near the shore at the east side of the entrance of Cedar Creek defined by Lat. 37°57'1.8" N, Long. 75°52'11.2" W; then running approximately 270° True to a point defined by Lat. 37°57'1.8" N, Long. 75°52'18.1" W; then running approximately 278° True to a point defined by Lat. 37°57'3.8" N, Long. 75°52'35.9" W; then running approximately 347° True to a point defined by Lat. 37°57'20.6" N, Long. 75°52'41.0" W; then running approximately 293° True to a point defined by Lat. 37°57'29.5" N, Long. 75°53'7.0" W; then running approximately 265° True to a point at or near Great Point defined by Lat. 37°57'28.0" N, Long. 75°53'29.3" W.

(n) All of the waters of Jenkins Creek east of a line beginning at a point at or near the shore of the Little Annessex River defined by Lat. 37°57'53.9" N, Long. 75°52'0.9" W; then running approximately 162° True to a point defined by Lat. 37°57'39.9" N, Long. 75°51'55.3" W; then running approximately 191° True to a point defined by Lat. 37°57'32.5" N, Long. 75°51'57.2" W; then running approximately 123° True to a point defined by Lat. 37°57'29.7" N, Long. 75°51'51.8" W; then running approximately 177° True to a point at or near the shore at the south side of Jenkins Creek defined by Lat. 37°57'11.8" N, Long. 75°51'50.5" W.

(o) All of the waters of the Little Annessex River east of a line beginning at a point at or near the shore on the east side of the Little Annessex River defined by Lat. 37°58'27.7" N, Long. 75°51'47.9" W; then running approximately 171° True to a point defined by Lat. 37°58'24.1" N, Long. 75°51'47.2" W; then running approximately 204° True to a point defined by Lat. 37°58'18.7" N, Long. 75°51'50.2" W; then running approximately 184° True to a point defined by Lat. 37°58'13.2" N, Long. 75°51'50.7" W; then running approximately 215° True to a point defined by Lat. 37°58'1.0" N, Long. 75°52'1.5" W; then running approximately 163° True to a point at or near the shore on the east side of the Little Annessex River defined by Lat. 37°57'58.8" N, Long. 75°52'0.6" W.

(p) All of the waters of Old House Cove and the Little Annessex River enclosed by a line beginning at a point at or near the west shore of Old House Gut defined by Lat. 37°58'28.1" N, Long. 75°53'37.7" W; then running approximately 91° True to a point defined by Lat. 37°58'28.0" N, Long. 75°53'33.4" W; then running approximately 58° True to a point defined by Lat. 37°58'34.4" N, Long. 75°53'20.5" W; then running approximately 7° True to a point defined by Lat. 37°58'43.3" N, Long. 75°53'19.1" W; then running approximately 150° True to a point defined by Lat. 37°58'39.0" N, Long. 75°53'16.0" W; then running approximately 190° True to a point defined by Lat. 37°58'34.8" N, Long. 75°53'16.9" W; then running approximately 208° True to a point defined by Lat. 37°58'27.7" N, Long. 75°53'21.7" W; then running approximately 123° True to a point defined by Lat. 37°58'7.8" N, Long. 75°52'42.2" W; then running approximately 57° True to a point defined by Lat. 37°58'25.7" N, Long. 75°52'7.3" W; then running approximately 8° True to a point defined by Lat. 37°58'33.7" N, Long. 75°52'5.8" W; then running approximately 72° True to a point defined by Lat. 37°58'35.6" N, Long. 75°51'58.9" W; then running approximately 5° True to a point defined by Lat. 37°58'47.3" N, Long. 75°51'57.7" W; then running approximately 92° True to a point at or near the shore at the east side of the Little Annessex River defined by Lat. 37°58'47.1" N, Long. 75°51'52.6" W.

(q) All of the waters of Rock Hole and Rock Pond east of a line beginning at a point at or near the shore of James Island defined by Lat. 38°01'36.2" N, Long. 75°52'28.0" W; then running

approximately 163° True to a point defined by Lat. 38°01'29.7" N, Long. 75°52'25.5" W; then running approximately 97° True to a point defined by Lat. 38°01'28.2" N, Long. 75°52'10.5" W; then running approximately 212° True to a point defined by Lat. 38°01'16.8" N, Long. 75°52'19.5" W; then running approximately 160° True to a point at or near the shore of James Island defined by Lat. 38°01'6.3" N, Long. 75°52'14.6" W.

(r) All of the waters of the Big Annessex River and Red Hole Creek south of a line beginning at a point at or near the shore at Lawsons Marsh defined by Lat. 38°02'1.7" N, Long. 75°50'48.5" W; then running approximately 346° True to a point defined by Lat. 38°02'12.9" N, Long. 75°50'52.1" W; then running approximately 294° True to a point defined by Lat. 38°02'19.7" N, Long. 75°51'11.3" W; then running approximately 352° True to a point defined by Lat. 38°02'21.8" N, Long. 75°51'23.8" W; then running approximately 249° True to a point at or near the shore at Tenth Point defined by Lat. 38°02'18.2" N, Long. 75°51'36.0" W.

(s) All of the waters of Jones Creek, Daugherty Creek, and Acre Creek south of a line beginning at a point at or near the south shore of Jones Creek defined by Lat. 38°01'38.0" N, Long. 75°49'25.0" W; then running approximately 358° True to a point defined by Lat. 38°01'43.7" N, Long. 75°49'25.3" W; then running approximately 274° True to a point defined by Lat. 38°01'44.1" N, Long. 75°49'32.8" W; then running approximately 338° True to a point defined by Lat. 38°01'50.4" N, Long. 75°49'35.9" W; then running approximately 307° True to a point defined by Lat. 38°01'56.5" N, Long. 75°49'46.3" W; then running approximately 246° True to a point defined by Lat. 38°01'53.9" N, Long. 75°49'53.7" W; then running approximately 313° True to a point defined by Lat. 38°02'1.8" N, Long. 75°50'4.6" W; then running approximately 246° True to a point defined by Lat. 38°01'53.5" N, Long. 75°50'28.0" W; then running approximately 213° True to a point defined by Lat. 38°01'49.3" N, Long. 75°50'31.4" W; then running approximately 149° True to a point defined by Lat. 38°01'36.7" N, Long. 75°50'21.8" W; then running approximately 298° True to a point defined by Lat. 38°01'45.4" N, Long. 75°50'42.9" W; then running approximately 227° True to a point defined by Lat. 38°01'37.1" N, Long. 75°50'54.1" W; then running approximately 186° True to a point defined by Lat. 38°01'24.0" N, Long. 75°50'56.0" W; then running approximately 334° True to a point defined by Lat. 38°01'43.1" N, Long. 75°51'7.7" W; then running approximately 79° True to a point defined by Lat. 38°01'44.8" N, Long. 75°50'56.4" W; then running approximately 15° True to a point at or near the shore on the north side of Acre Creek defined by Lat. 38°01'58.5" N, Long. 75°50'51.7" W.

(t) All of the waters of Jones Creek north of a line beginning at a point at or near the north shore of Jones Creek defined by Lat. 38°01'56.5" N, Long. 75°49'32.1" W; then running approximately 167° True to a point defined by Lat. 38°01'45.3" N, Long. 75°49'28.7" W; then running approximately 85° True to a point at or near the north shore of Jones Creek defined by Lat. 38°01'45.9" N, Long. 75°49'21.1" W.

(u) All of the waters of Jones Creek, the Big Annessex River, and Joes Cove enclosed by a line beginning at a point at or near the shore at the east side of Joes Cove defined by Lat. 38°02'39.8" N, Long. 75°49'1.9" W; then running approximately 314° True to a point defined by Lat. 38°02'51.9" N, Long. 75°49'17.8" W; then running approximately 262° True to a point defined by Lat. 38°02'48.0" N, Long. 75°49'50.7" W; then running approximately 223° True to a point defined by Lat. 38°02'20.8" N, Long. 75°50'23.0" W; then running approximately 141° True to a point defined by Lat. 38°02'11.8" N, Long. 75°50'13.6" W; then running approximately 49° True to a point defined by Lat. 38°02'18.1" N, Long. 75°50'4.4" W; then running approximately 112° True to a point defined by Lat. 38°02'15.4" N, Long.

75°49'55.7" W; then running approximately 171° True to a point defined by Lat. 38°02'7.2" N, Long. 75°49'54.1" W; then running approximately 118° True to a point defined by Lat. 38°02'5.5" N, Long. 75°49'50.0" W; then running approximately 65° True to a point defined by Lat. 38°02'7.9" N Long. 75°49'43.4" W; then running approximately 103° True to a point defined by Lat. 38°02'5.8" N, Long. 75°49'31.6" W; then running approximately 118° True to a point defined by Lat. 38°02'3.4" N, Long. 75°49'26.1" W; then running approximately 227° True to a point at or near the shore on the north side of Jones Creek defined by Lat. 38°01'58.5" N, Long. 75°49'32.7" W.

(v) All of the waters of Moon Bay north of a line beginning at a point at or near the shore of Moon Bay defined by Lat. 38°04'19.2" N, Long. 75°48'0.7" W; then running approximately 109° True to a point at or near the shore of Moon Bay defined by Lat. 38°04'16.3" N, Long. 75°47'50.3" W.

(w) All of the waters of an unnamed cove of the Big Annemessex River north of a line beginning at a point at or near the shore at Mud Point defined by Lat. 38°04'13.5" N, Long. 75°47'42.8" W; then running approximately 73° True to a point at or near the shore at Horsehead Point defined by Lat. 38°04'15.7" N, Long. 75°47'33.6" W.

(x) All of the waters of Mine Cove, Shirtpond Cove, Flatland Cove, Muddy Creek, Fords Cove, and the Big Annemessex River north of a line beginning at a point at or near the shore at the west side of Mine Cove defined by Lat. 38°03'33.0" N, Long. 75°51'58.6" W; then running approximately 83° True to a point defined by Lat. 38°03'34.2" N, Long. 75°51'45.8" W; then running approximately 112° True to a point defined by Lat. 38°03'31.2" N, Long. 75°51'36.6" W; then running approximately 46° True to a point defined by Lat. 38°03'37.6" N, Long. 75°51'28.2" W; then running approximately 358° True to a point defined by Lat. 38°03'53.2" N, Long. 75°51'28.8" W; then running approximately 41° True to a point defined by Lat. 38°04'2.2" N, Long. 75°51'18.9" W; then running approximately 94° True to a point defined by Lat. 38°04'0.8" N, Long. 75°50'54.5" W; then running approximately 36° True to a point defined by Lat. 38°04'11.8" N, Long. 75°50'44.3" W; then running approximately 73° True to a point defined by Lat. 38°04'13.5" N, Long. 75°50'37.7" W; then running approximately 119° True to a point defined by Lat. 38°04'9.2" N, Long. 75°50'28.1" W; then running approximately 113° True to a point defined by Lat. 38°04'0.7" N, Long. 75°50'2.6" W; then running approximately 68° True to a point, defined by Lat. 38°04'5.4" N, Long. 75°49'48.2" W; then running approximately 94° True to a point defined by Lat. 38°04'4.7" N, Long. 75°49'34.6" W; then running approximately 90° True to a point defined by Lat. 38°04'4.7" N, Long. 75°49'27.6" W; then running approximately 357° True to a point defined by Lat. 38°04'11.4" N, Long. 75°49'28.1" W; then running approximately 89° True to a point defined by Lat. 38°04'11.5" N, Long. 75°49'20.7" W; then running approximately 123° True to a point defined by Lat. 38°04'7.5" N, Long. 75°49'12.8" W; then running approximately 69° True to a point defined by Lat. 38°04'8.2" N, Long. 75°49'10.7" W; then running approximately 144° True to a point defined by Lat. 38°04'4.3" N, Long. 75°49'7.2" W; then running approximately 239° True to a point defined by Lat. 38°04'1.5" N, Long. 75°49'13.3" W; then running approximately 139° True to a point defined by Lat. 38°03'47.8" N, Long. 75°48'58.2" W; then running approximately 152° True to a point at or near the shore at Scott Point defined by Lat. 38°03'33.1" N, Long. 75°48'48.2" W.

(y) All of the waters of Hazard Cove east of a line beginning at a point at or near the shore of Hazard Island defined by Lat. 38°04'7.6" N, Long. 75°52'20.5" W; then running approximately 189° True to a point at or near the shore of Pat Island defined by Lat. 38°03'59.2" N, Long. 75°52'22.2" W.

(z) All of the waters of Hazard Cove north of a line beginning at a point at or near the shore at Hazard Point defined by Lat. 38°04'29.8" N, Long. 75°52'46.7" W; then running approximately 103° True to a point at or near the shore on the north side of Hazard Cove defined by Lat. 38°04'26.0" N, Long. 75°52'25.0" W.

(aa) All of the waters of Mine Creek southeast of a line beginning at a point at or near the shore of Mine Creek defined by Lat. 38°04'39.5" N, Long. 75°51'32.2" W; then running approximately 244° True to a point defined by Lat. 38°04'36.4" N, Long. 75°51'40.2" W; then running approximately 205° True to a point at or near shore on the south side of Mine Creek defined by Lat. 38°04'26.1" N, Long. 75°51'46.4" W.

(bb) All of the waters of Mine Creek north of a line beginning at a point at or near the shore at the north entrance of Mine Creek defined by Lat. 38°05'19.8" N, Long. 75°52'22.2" W; then running approximately 179° True to a point defined by Lat. 38°05'11.6" N, Long. 75°52'22.1" W; then running approximately 159° True to a point defined by Lat. 38°05'8.7" N, Long. 75°52'20.7" W; then running approximately 118° True to a point defined by Lat. 38°05'3.8" N, Long. 75°52'8.9" W; then running approximately 104° True to a point defined by Lat. 38°05'1.8" N, Long. 75°51'58.4" W; then running approximately 140° True to a point defined by Lat. 38°04'59.4" N, Long. 75°51'55.9" W; then running approximately 169° True to a point defined by Lat. 38°04'53.6" N, Long. 75°51'54.5" W; then running approximately 169° True to a point defined by Lat. 38°04'47.5" N, Long. 75°51'53.0" W; then running approximately 151° True to a point defined by Lat. 38°04'42.1" N, Long. 75°51'49.2" W; then running approximately 114° True to a point defined by Lat. 38°04'40.6" N, Long. 75°51'45.0" W; then running approximately 90° True to a point defined by Lat. 38°04'40.6" N, Long. 75°51'38.0" W; then running approximately 36° True to a point at or near the shore on the north side of Mine Creek defined by Lat. 38°04'43.8" N, Long. 75°51'35.0" W.

(cc) All of the waters of Goose Creek enclosed of a line beginning at a point at or near the shore on the south side of Goose Creek defined by Lat. 38°05'16.7" N, Long. 75°51'46.7" W; then running approximately 67° True to a point defined by Lat. 38°05'19.4" N, Long. 75°51'38.7" W; then running approximately 307° True to a point defined by Lat. 38°05'28.4" N, Long. 75°51'53.7" W.; then running approximately 276° True to a point defined by Lat. 38°05'29.6" N, Long. 75°52'8.3" W; then running approximately 250° True to a point at or near the shore at Prickly Point defined by Lat. 38°05'26.6" N, Long. 75°52'18.7" W.

(dd) All of the waters of Drum Point Cove and Goose Creek enclosed by a line beginning at a point at or near the shore at the east side of Drum Point Cove defined by Lat. 38°05'55.2" N, Long. 75°51'33.2" W; then running approximately 288° True to a point defined by Lat. 38°06'0.2" N, and Long. 75°51'52.3" W; then running approximately 212° True to a point defined by Lat. 38°05'45.0" N, Long. 75°52'4.2" W; then running approximately 136° True to a point at or near the shore on the north shore of Goose Creek defined by Lat. 38°05'33.0" N, Long. 75°51'49.3" W.

(ee) All of the waters of Saint Peter's Creek north of a line beginning at a point at or near the shore of Saint Peter's Creek defined by Lat. 38°08'51.8" N, Long. 75°49'20.5" W; then running approximately 101° True to a point at or near the shore of Saint Peter's Creek defined by Lat. 38°08'50.3" N, Long. 75°49'10.8" W.

(ff) All of the waters of Geanquakin Creek north of a line beginning at a point at or near the shore of the Manokin River defined by Lat. 38°08'42.0" N, Long. 75°50'30.0" W; then running approximately 52° True to a point defined by Lat. 38°08'53.6" N, Long. 75°50'11.5" W; then running approximately 19° True to a point defined by Lat. 38°08'57.8" N, Long. 75°50'9.6" W; then

running approximately 78° True to a point at or near the shore of the Manokin River defined by Lat. 38°09'0.9" N, Long. 75°49'51.7" W.

(gg) All of the waters of Broad Creek north and west of a line beginning at a point at or near the shore of the Manokin River defined by Lat. 38°08'26.8" N, Long. 75°51'26.3" W; then running approximately 86° True to a point defined by Lat. 38°08'27.7" N, Long. 75°51'11.4" W; then running approximately 358° True to a point at or near the west shore of Broad Creek defined by Lat. 38°08'42.8" N, Long. 75°51'12.0" W.

(hh) All of the waters of Big Sound and Little Sound creeks north of a line beginning at a point at or near the shore of Little Sound Creek defined by Lat. 38°08'54.3" N, Long. 75°54'56.4" W; then running approximately 173° True to a point defined by Lat. 38°08'36.0" N, Long. 75°54'53.5" W; then running approximately 42° True to a point defined by Lat. 38°08'48.7" N, Long. 75°54'38.9" W; then running approximately 112° True to a point at or near the east shore of Big Sound Creek defined by Lat. 38°08'45.9" N, Long. 75°54'29.7" W.

(ii) All of the waters of Laws Thorofare and Laws Gut north of a line beginning at a point at or near the entrance of Laws Gut defined by Lat. 38°09'5.2" N, Long. 75°55'28.6" W; then running approximately 220° True to a point defined by Lat. 38°08'59.3" N, Long. 75°55'34.8" W; then running approximately 141° True to a point defined by Lat. 38°08'48.2" N, Long. 75°55'23.4" W; then running approximately 127° True to a point defined by Lat. 38°08'38.1" N, Long. 75°55'6.0" W; then running approximately 22° True to a point at or near the shore of Laws Thorofare defined by Lat. 38°08'47.2" N, Long. 75°55'1.3" W.

(jj) All of the waters of Laws Thorofare enclosed by a line beginning at a point at or near the west shore of Laws Thorofare defined by Lat. 38°08'40.1" N, Long. 75°55'50.8" W; then running approximately 101° True to a point defined by Lat. 38°08'37.3" N, Long. 75°55'32.4" W; then running approximately 43° True to a point defined by Lat. 38°08'41.6" N, Long. 75°55'27.5" W; then running approximately 311° True to a point defined by Lat. 38°08'58.9" N, Long. 75°55'52.8" W; then running approximately 212° True to a point at or near the west shore of Laws Thorofare defined by Lat. 38°08'47.0" N, Long. 75°56'2.3" W.

(kk) All of the waters of Lower Thorofare and Man Gut north of a line beginning at a point at or near the west shore of Man Gut defined by Lat. 38°07'58.1" N, Long. 75°56'39.6" W; then running approximately 179° True to a point defined by Lat. 38°07'46.5" N, Long. 75°56'39.4" W; then running approximately 91° True to a point defined by Lat. 38°07'46.2" N, Long. 75°56'25.0" W; then running approximately 360° True to a point at or near the north shore of Lower Thorofare defined by Lat. 38°07'55.6" N, Long. 75°56'25.1" W.

(ll) All of the waters of the Manokin River north of a line beginning at a point at or near the shore of Little Deal Island defined by Lat. 38°06'50.0" N, Long. 75°56'15.6" W; then running approximately 36° True to a point at or near the shore at Claw Point defined by Lat. 38°07'1.6" N, Long. 75°56'5.1" W.

(mm) All of the waters of Piney Creek north of a line beginning at a point at or near the shore at Pin Point defined by Lat. 38°06'42.2" N, Long. 75°56'27.0" W; then running approximately 43° True to a point at or near the shore on the west side of Piney Creek defined by Lat. 38°06'48.5" N, Long. 75°56'19.5" W.

(nn) All of the waters of Muscle Hole Creek north of a line beginning at a point at or near the west shore of Muscle Hole Creek defined by Lat. 38°04'30.6" N, Long. 76°00'37.2" W; then running approximately 48° True to a point at or near the east shore of Muscle Hole Creek defined by Lat. 38°04'39.0" N, Long. 76°00'25.1" W.

(oo) All of the waters of Sheepshead Harbor east of a line beginning at a point at or near the shore at the north side of Sheepshead Harbor defined by Lat. 38°05'0.4" N, Long. 76°01'37.9" W;

then running approximately 216° True to a point defined by Lat. 38°04'47.7" N, Long. 76°01'49.5" W; then running approximately 174° True to a point defined by Lat. 38°04'29.2" N, Long. 76°01'47.2" W; then running approximately 104° True to a point at or near the shore at the east entrance of Sheepshead Harbor defined by Lat. 38°04'19.6" N, Long. 76°00'59.4" W.

(pp) All of the waters of Pry Cove south of a line beginning at a point at or near the south shore of Pry Cove defined by Lat. 38°05'20.6" N, Long. 76°02'7.0" W; then running approximately 331° True to a point defined by Lat. 38°05'37.3" N, Long. 76°02'18.6" W; then running approximately 297° True to a point defined by Lat. 38°05'43.8" N, Long. 76°02'34.9" W; then running approximately 207° True to a point at or near the south shore of Pry Cove defined by Lat. 38°05'26.5" N, Long. 76°02'46.1" W.

(qq) All of the waters of Pry Cove north of a line beginning at a point at or near the north shore of Pry Cove defined by Lat. 38°06'4.7" N, Long. 76°02'23.7" W; then running approximately 134° True to a point defined by Lat. 38°05'59.7" N, Long. 76°02'17.2" W; then running approximately 106° True to a point at or near the north shore of Pry Cove defined by Lat. 38°05'55.3" N, Long. 76°01'58.2" W.

(rr) All of the waters of Johnson Cove and Little Pungers Creek east of a line beginning at a point at or near the north entrance of Johnson Cove defined by Lat. 38°07'3.9" N, Long. 76°02'37.2" W; then running approximately 207° True to a point defined by Lat. 38°06'56.4" N, Long. 76°02'42.2" W; then running approximately 189° True to a point defined by Lat. 38°06'42.0" N, Long. 76°02'45.0" W; then running approximately 135° True to a point at or near the south shore of Johnson Cove defined by Lat. 38°06'34.7" N, Long. 76°02'35.7" W.

(ss) All of the waters of Pungers Creek south of a line beginning at a point at or near the shore at the east side of Pungers Creek defined by Lat. 38°07'28.3" N, Long. 76°02'1.7" W; then running approximately 254° True to a point at or near the shore at the west side of Pungers Creek defined by Lat. 38°07'27.4" N, Long. 76°02'5.7" W.

(tt) All of the waters of Gunbarrel Cove south of a line beginning at a point at or near the shore at the east side of Gunbarrel Cove defined by Lat. 38°07'23.7" N, Long. 76°01'45.4" W; then running approximately 306° True to a point at or near the shore at the west side of Gunbarrel Cove defined by Lat. 38°07'31.8" N, Long. 76°01'59.6" W.

(uu) All of the waters of Pungers Creek, Pungers Cove, and Sound Gut west of a line beginning at a point at or near the shore on the east side of South Marsh Island defined by Lat. 38°06'13.6" N, Long. 76°01'2.7" W; then running approximately 14° True to a point defined by Lat. 38°06'20.2" N, Long. 76°01'0.7" W; then running approximately 345° True to a point defined by Lat. 38°06'30.4" N, Long. 76°01'4.2" W; then running approximately 16° True to a point at or near the shore on the east side of Old Ground Marsh defined by Lat. 38°07'18.4" N, Long. 76°00'47.1" W.

(2) Dorchester County.

(a) All of the waters of Okahanikan Cove, Pone Cove, Holland Straits, and Northeast Cove enclosed by a line beginning at a point at or near the shore of Okahanikan Cove defined by Lat. 38°11'32.2" N, Long. 76°03'31.6" W; then running approximately 273° True to a point defined by Lat. 38°11'37.1" N, Long. 76°05'23.8" W; then running approximately 182° True to a point defined by Lat. 38°10'18.4" N, Long. 76°05'27.3" W; then running approximately 181° True to a point defined by Lat. 38°09'39.1" N, Long. 76°05'27.8" W; then running approximately 181° True to a point defined by Lat. 38°09'9.1" N, Long. 76°05'28.4" W; then running approximately 180° True to a point defined by Lat. 38°08'41.1" N, Long. 76°05'28.5" W; then running approximately 180° True to a point defined by Lat. 38°08'8.6" N, Long.

76°05'28.3" W; then running approximately 111° True to a point defined by Lat. 38°07'58.0" N, Long. 76°04'52.5" W; then running approximately 143° True to a point defined by Lat. 38°07'49.6" N, Long. 76°04'44.5" W; then running approximately 20° True to a point defined by Lat. 38°08'57.4" N, Long. 76°04'13.2" W; then running approximately 96° True to a point at or near the shore at Cove Point on Bloodsworth Island defined by Lat. 38°08'51.7" N, Long. 76°03'7.6" W.

(b) All of the waters of Piney Island Cove west of a line beginning at a point at or near the shore of Bloodsworth Island on the south side of Piney Island Cove defined by Lat. 38°11'2.2" N, Long. 76°01'49.0" W; then running approximately 330° True to a point at or near the shore of Bloodsworth Island on the north side of Piney Island Cove defined by Lat. 38°11'33.7" N, Long. 76°02'11.8" W.

(c) All of the waters of Brannock Bay east of a line beginning at a point at or near the south side of Cook's Point defined by Lat. 38°36'35.9" N, Long. 76°16'38.6" W; then running approximately 185° True to a point defined by Lat. 38°35'51.4" N, Long. 76°16'43.2" W; then running approximately 201° True to a point defined by Lat. 38°35'7.5" N, Long. 76°17'5.0" W; then running approximately 249° True to a point at or near Mills Point defined by Lat. 38°34'59.5" N, Long. 76°17'31.5" W.

(d) All of the waters of Cook's Point Cove south of a line beginning at a point at or near the shore at the east side of Cooks Point Cove defined by Lat. 38°37'2.2" N, Long. 76°15'39.4" W; then running approximately 268° True to a point defined by Lat. 38°37'1.5" N, Long. 76°16'4.3" W; then running approximately 296° True to a point at or near the east shore of Cook's Point defined by Lat. 38°37'9.4" N, Long. 76°16'25.2" W.

(e) All of the waters of Cook's Point Cove east of a line beginning at a point at or near the shore of the west side of Todd's Point defined by Lat. 38°37'16.7" N, Long. 76°15'12.6" W; then running approximately 227° True to a point defined by Lat. 38°37'7.5" N, Long. 76°15'25.1" W; then running approximately 179° True to a point at or near the shore defined by Lat. 38°36'52.5" N, Long. 76°15'24.8" W.

(f) All of the waters of Todd's Point Cove west of a line beginning at a point at or near the shore at the south side of Todd's Point Cove defined by Lat. 38°36'46.8" N, Long. 76°13'46.6" W; then running approximately 19° True to a point defined by Lat. 38°36'58.1" N, Long. 76°13'41.7" W; then running approximately 339° True to a point defined by Lat. 38°37'15.0" N, Long. 76°13'50.1" W; then running approximately 339° True to a point defined by Lat. 38°37'31.3" N, Long. 76°13'58.3" W; then running approximately 255° True to a point at or near the east shore of Todds Point defined by Lat. 38°37'29.7" N, Long. 76°14'5.8" W.

(3) Talbot County.

(a) All of the waters of Blackwalnut Cove enclosed by a line beginning at a point at or near the west shore of Blackwalnut Cove defined by Lat. 38°40'47.3" N, Long. 76°20'21.0" W; then running approximately 32° True to a point defined by Lat. 38°40'55.1" N, Long. 76°20'14.7" W; then running approximately 123° True to a point defined by Lat. 38°40'53.2" N, Long. 76°20'10.9" W; then running approximately 153° True to a point defined by Lat. 38°40'49.5" N, Long. 76°20'8.5" W; then running approximately 168° True to a point defined by Lat. 38°40'43.8" N, Long. 76°20'6.9" W; then running approximately 262° True to a point at or near the west shore of Blackwalnut Cove defined by Lat. 38°40'42.5" N, Long. 76°20'18.4" W.

(b) All of the waters of Blackwalnut Cove enclosed by a line beginning at a point at or near the east shore of Blackwalnut Cove defined by Lat. 38°40'46.8" N, Long. 76°19'56.2" W; then running approximately 252° True to a point defined by Lat. 38°40'46.0" N, Long. 76°19'59.5" W; then running approximately 327° True to a

point defined by Lat. 38°40'51.4" N, Long. 76°20'4.0" W; then running approximately 360° True to a point defined by Lat. 38°40'54.8" N, Long. 76°20'4.0" W; then running approximately 359° True to a point defined by Lat. 38°40'58.3" N, Long. 76°20'4.0" W; then running approximately 20° True to a point defined by Lat. 38°41'3.9" N, Long. 76°20'1.5" W; then running approximately 100° True to a point at or near the east shore of Blackwalnut Cove defined by Lat. 38°41'3.0" N, Long. 76°19'54.8" W.

(c) All of the waters of the Choptank River west of a line beginning at a point at or near the shore at Upper Bar Neck Point defined by Lat. 38°41'19.9" N, Long. 76°19'18.8" W; then running approximately 166° True to a point defined by Lat. 38°40'55.0" N, Long. 76°19'10.9" W; then running approximately 260° True to a point at or near the shore of Bar Neck defined by Lat. 38°40'53.4" N, Long. 76°19'22.8" W.

(d) All of the waters of the Choptank River southwest of a line beginning at a point at or near the shore of Tilghman Island defined by Lat. 38°41'38.1" N, Long. 76°19'39.7" W; then running approximately 87° True to a point defined by Lat. 38°41'38.5" N, Long. 76°19'28.2" W; then running approximately 164° True to a point at or near the shore of Tilghman Island, north of Upper Bar Neck Point defined by Lat. 38°41'27.7" N, Long. 76°19'24.1" W.

(e) All of the waters of the Choptank River southwest of a line beginning at a point at or near the shore of Tilghman Island defined by Lat. 38°42'1.3" N, Long. 76°19'56.5" W; then running approximately 129° True to a point defined by Lat. 38°41'52.3" N, Long. 76°19'42.6" W; then running approximately 183° True to a point at or near the shore of Tilghman Island defined by Lat. 38°41'45.3" N, Long. 76°19'43.1" W.

(4) Saint Mary's County.

(a) All of the waters of Calvert Bay and Calvert Creek northeast of a line beginning at a point at or near the shore of Calvert Bay defined by Lat. 38°05'57.2" N, Long. 76°23'25.0" W; then running approximately 300° True to a point defined by Lat. 38°06'3.1" N, Long. 76°23'37.7" W; then running approximately 319° True to a point at or near the shore of Tick Neck defined by Lat. 38°06'15.6" N, Long. 76°23'51.7" W.

(b) All of the waters of Saint Mary's River enclosed by a line beginning at a point at or near the shore at Windmill Point defined by Lat. 38°09'31.3" N, Long. 76°26'59.6" W; then running approximately 34° True to a point defined by Lat. 38°09'43.3" N, Long. 76°26'49.5" W; then running approximately 167° True to a point defined by Lat. 38°09'30.9" N, Long. 76°26'45.8" W; then running approximately 195° True to a point defined by Lat. 38°09'19.2" N, Long. 76°26'49.8" W; then running approximately 325° True to a point at or near the shore at Windmill Point defined by Lat. 38°09'31.2" N, Long. 76°27'0.3" W.

(c) All of the waters of Saint Mary's River west of a line beginning at a point at or near the shore at Edmund Point defined by Lat. 38°08'22.2" N, Long. 76°27'40.3" W; then running approximately 89° True to a point defined by Lat. 38°08'22.3" N, Long. 76°27'35.6" W; then running approximately 173° True to a point defined by Lat. 38°07'58.2" N, Long. 76°27'32.1" W; then running approximately 219° True to a point at or near the shore at Cherryfield Point defined by Lat. 38°07'41.1" N, Long. 76°27'49.9" W.

(d) All of the waters of Saint Mary's River and Saint George's Creek west of a line beginning at a point at or near the shore at Indigo Point of Saint Georges Island defined by Lat. 38°06'34.6" N, Long. 76°28'1.9" W; then running approximately 53° True to a point defined by Lat. 38°06'42.4" N, Long. 76°27'49.0" W; then running approximately 359° True to a point at or near the shore at Cherryfield Point defined by Lat. 38°07'41.6" N, Long. 76°27'50.2" W; and south of a line beginning at a point at or near the east shore of Price Cove defined by Lat. 38°08'22.8" N, Long. 76°28'18.3" W; then running approximately 234° True to a

point at or near a point at or near the west shore of Price Cove defined by Lat. 38°08'15.8" N, Long. 76°28'30.4" W; and east of a line beginning at a point at or near the shore at Taylor Point defined by Lat. 38°08'32.7" N, Long. 76°29'37.5" W; then running approximately 145° True to a point at or near the shore on an unnamed island defined by Lat. 38°08'31.7" N, Long. 76°29'36.6" W; and east of a line beginning at a point at or near the shore of an unnamed island defined by Lat. 38°08'29.8" N, Long. 76°29'39.1" W; then running approximately 227° True to a point defined by Lat. 38°08'12.9" N, Long. 76°30'1.7" W; then running approximately 132° True to a point at or near the north tip of Saint George's Island defined by Lat. 38°08'9.3" N, Long. 76°29'56.7" W.

(5) Worcester County.

(a) All of the waters of Parker Bay enclosed by a line beginning at a point at or near the north side of Purnell Point defined by Lat. 38°01.960' N, Long. 75°21.443' W; then running northwesterly along the shore to a point defined by Lat. 38°02.157' N, Long. 75°21.793' W; then running approximately 29° True to a point at or near the shore defined by Lat. 38°02.169' N, and Long. 75°21.785' W; then running northerly along the shore to a point at or near the north side of Georges Island Landing defined by Lat. 38°02.487' N, Long. 75°21.684' W; then running approximately 34° to a point defined by Lat. 38°03.024' N, Long. 75°21.220' W; then running approximately 59° True to a point at or near the northwest tip of Mills Island defined by Lat. 38°03.223' N, Long. 75°20.799' W; then running easterly along the shore of Mills Island to a point defined by Lat. 38°03.236' N, Long. 75°20.630' W; then running approximately 115° True to a point at or near the west shore of Mills Island defined by Lat. 38°03.226' N, Long. 75°20.603' W; then running southwesterly along the west shore of Mills Island to a point at or near the southwest tip of Mills Island defined by Lat. 38°02.228' N, Long. 75°21.337' W; then running approximately 197° True to the point of beginning.

(b) All of the waters of Chincoteague Bay enclosed by a line beginning at a point at or near the shore of a cove on the east side of Mills Island defined by Lat. 38°02.713' N, Long. 75°19.987' W; then running approximately 41° True to a point at or near the shore of a cove on the east side of Mills Island defined by Lat. 38°02.998' N, Long. 75°19.670' W; then running southwesterly along the shore of Mills Island to the point of beginning.

(c) All of the waters of Johnson Bay enclosed by a line beginning at a point at or near the shore of a cove on the north side of Mills Island defined by Lat. 38°03.212' N, Long. 75°20.589' W; then running approximately 91° True to a point at or near the shore of a cove on the north side of Mills Island defined by Lat. 38°03.206' N, Long. 75°19.742' W; then running westerly along the shore of Mills Island to the point of beginning.

(d) All of the waters of Johnson Bay enclosed by a line beginning at a point defined by Lat. 38°04.196' N, and Long. 75°19.748' W; then running approximately 294° True to a point defined by Lat. 38°04.514' N, and Long. 75°20.662' W; then running approximately 34° True to a point at or near the south shore of Tizzard Island defined by Lat. 38°04.609' N, Long. 75°20.582' W; then running southeasterly along the shore of Tizzard Island to a point defined by Lat. 38°04.302' N, Long. 75°19.695' W; then running approximately 201° True to the point of beginning.

(e) All of the waters of Rowley Bay enclosed by a line beginning at a point defined by Lat. 38°04.954' N, and Long. 75°20.991' W; then running approximately 347° True to a point at or near the shore defined by Lat. 38°05.008' N, and Long. 75°21.007' W; then running easterly along the shore to a point defined by Lat. 38°05.145' N, Long. 75°20.736' W; then running approximately 126° True to a point defined by Lat. 38°05.091' N, Long. 75°20.644' W; then running approximately 213° True to a point defined by Lat.

38°04.975' N, Long. 75°20.740' W; then running approximately 264° True to the point of beginning.

(f) All of the waters of Chincoteague Bay enclosed by a line beginning at a point at or near the west side of Assateague Island near the Maryland-Virginia state line defined by Lat. 38°01.598' N, Long. 75°15.023' W; then running approximately 264° True to a point defined by Lat. 38°01.409' N, Long. 75°17.131' W; then running approximately 30° True to a point defined by Lat. 38°02.031' N, Long. 75°16.676' W; then running approximately 72° True to a point defined by Lat. 38°02.102' N, Long. 75°16.398' W; then running approximately 31° to a point defined by Lat. 38°02.859' N, Long. 75°15.815' W; then running approximately 348° True to a point defined by Lat. 38°04.103' N, Long. 75°16.150' W; then running approximately 37° True to a point defined by Lat. 38°06.194' N, Long. 75°14.132' W; then running approximately 75° True to a point defined by Lat. 38°06.374' N, Long. 75°13.297' W; then running approximately 40° True to a point defined by Lat. 38°07.492' N, Long. 75°12.089' W; then running approximately 350° True to a point defined by Lat. 38°11.081' N, Long. 75°12.915' W; then running approximately 45° True to a point defined by Lat. 38°12.131' N, Long. 75°11.571' W; then running approximately 62° True to a point defined by Lat. 38°12.640' N, Long. 75°10.331' W; then running approximately 357° True to a point defined by Lat. 38°13.262' N, Long. 75°10.374' W; then running approximately 37° True to a point defined by Lat. 38°14.220' N, Long. 75°09.473' W; then running approximately 48° True to a point defined by Lat. 38°14.660' N, Long. 75°08.862' W; then running southerly along the west shore of Assateague Island to the point of beginning.

(g) All of the waters of Sinepuxent Bay west of a line beginning at a point at or near Green Point defined by Lat. 38°13.868' N, and Long. 75°10.241' W; then running approximately 41° True to a point defined by Lat. 38°14.237' N, Long. 75°09.829' W; then running approximately 46° True to a point defined by Lat. 38°14.768' N, Long. 75°09.125' W; then running approximately 316° True to a point at or near the shore of Sinepuxent Neck defined by Lat. 38°14.807' N, Long. 75°09.174' W; then running southwesterly along the shore of Sinepuxent Neck to the point of beginning.

(h) All of the waters of Newport Bay enclosed by a line beginning at a point at or near South Point defined by Lat. 38°12.467' N, Long. 75°11.563' W; then running approximately 211° True to a point defined by Lat. 38°12.423' N, Long. 75°11.597' W; then running approximately 263° True to a point defined by Lat. 38°12.401' N, Long. 75°11.814' W; then running approximately 332° True to a point defined by Lat. 38°12.900' N, Long. 75°12.154' W; then running approximately 77° True to a point at or near Island Point defined by Lat. 38°12.921' N, Long. 75°12.038' W; then running southeasterly along the shore of Lower Sinepuxent Neck to the point of beginning.

(i) All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the shore of the MD Route 611 causeway defined by Lat. 38°14.583' N, Long. 75°08.739' W; then running approximately 40° True to a point defined by Latitude 38°15.073' North and Longitude 75°08.219' West; then running approximately 22° True to a point defined by Lat. 38°15.633' N, Long. 75°07.929' W; then running approximately 97° True to a point at or near the west shore of Assateague Island defined by Lat. 38°15.613' N, Long. 75°07.712' W; then running southerly along the shore to the point of beginning.

(j) All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the shore at Sandy Point defined by Lat. 38°14.807' N, Long. 75°09.103' W; then running approximately 24° True to a point defined by Lat. 38°15.126' N, Long. 75°08.919' W; then running approximately 343° True to a point at or near the shore of Lower Sinepuxent Neck defined by Lat. 38°15.647' N, Long.

75°09.117' W; then running southerly along the shore to the point of beginning.

(k) All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the shore at Sandy Cove defined by Lat. 38°15.773' N, Long. 75°08.941' W; then running approximately 69° True to a point defined by Lat. 38°15.941' N, Long. 75°08.402' W; then running approximately 16° True to a point at or near the shore at Grays Point defined by Lat. 38°16.576' N, Long. 75°08.171' W; then running southerly along the shore to the point of beginning.

(l) All of the waters of Sinepuxent Bay enclosed by a line beginning at a point at or near the west shore of Assateague Island defined by Lat 38°16.331' N, Long. 75°07.358' W; then running approximately 325° True to a point defined by Lat. 38°16.796' N, Long. 75°07.778' W; then running approximately 5° True to a point defined by Lat. 38°17.377' N, Long. 75°07.709' W; then running approximately 29° True to a point defined by Lat. 38°17.533' N, Long. 75°07.598' W; then running approximately 41° True to a point defined by Lat. 38°17.929' N, Long. 75°07.157' W; then running approximately 91° True to a point at or near the west shore of Assateague Island defined by Lat. 38°17.923' N, and Long. 75°06.754' W; then running southerly along the shore to the point of beginning.

(m) All of the waters of Isle of Wight Bay and Assawoman Bay enclosed by a line beginning at a point at or near the shore defined by Lat. 38°22.195' N, Long. 75°04.430' W; then running approximately 336° True to a point defined by Lat. 38°23.262' N, Long. 75°05.038' W; then running approximately 19° True to a point defined by Lat. 38°24.152' N, Long. 75°04.644' W; then running approximately 355° True to a point defined by Lat. 38°24.659' N, Long. 75°04.698' W; then running approximately 51° True to a point at or near the shore defined by Lat. 38°25.017' N, Long. 75°04.127' W; then running southerly along the shore to the point of beginning.

(n) All of the waters of Assawoman Bay enclosed by a line beginning at a point defined by Lat. 38°25.160' N, Long. 75°04.639' W; then running approximately 360° True to a point defined by Lat. 38°25.342' N, Long. 75°04.639' W; then running approximately 90° True to a point defined by Lat. 38°25.342' N, Long. 75°04.417' W; then running approximately 180° True to a point defined by Lat. 38°25.160' N, Long. 75°04.417' W; then running approximately 270° True to the point of beginning.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.01 General

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland; Ch. 427, Acts of 2013

Notice of Proposed Action

[13-261-P]

The Department of Natural Resources proposes to amend Regulation .01 under **COMAR 08.03.01 General**.

Statement of Purpose

The purpose of this action is to define school for the purposes of establishing a 300-yard safety zone around public and private schools within which hunting will not be allowed during school hours or at times when a school-approved activity is in effect.

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 Glenn D. Therres, Associate Director, DNR — Wildlife and Heritage Service, 580 Taylor Avenue, E-1, Annapolis, MD 21401, or call 410-260-8572, or email to gtherres@dnr.state.md.us, or fax to 410-260-8596. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (27) (text unchanged)

(28) School.

(a) "School" means an accredited public, parochial, or private learning institution for one or more grades, kindergarten through 12th grade.

(b) "School" does not include a home school or an institute of higher education such as a college or university.

[(28)] (29) — [(38)] (39) (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

Notice of Proposed Action

[13-259-P]

The Department of Natural Resources proposes to amend Regulations .01, .07, and .08 under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**.

Statement of Purpose

The purpose of this action is to amend the 2013—2014 hunting seasons for game birds and mammals in the State to be compliant with legislation passed during the 2013 Session of the General Assembly adding Sunday hunting opportunities in certain counties and spring turkey hunting in certain counties. The Department is proposing to add Sundays for deer hunting in those counties, clarifying when a bonus antlered deer stamp is valid, and expanding Sunday turkey hunting to public lands in Dorchester County.

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 Peter Jayne, Associate Director, DNR — Wildlife and Heritage Service, P.O. Box 68, Wye Mills, MD

21679, or call 410-827-8612 x104, or email to pjayne@dnr.state.md.us, or fax to 410-827-5186. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.01 Bag Limits and Possession Limits.

A. — C. (text unchanged)

D. Hunting on Sunday.

(1) (text unchanged)

(2) An individual may hunt on Sunday, if the individual is:

(a) — (c) (text unchanged)

(d) Hunting white-tailed or sika deer on private property as described in Regulations .07 and .08 of this chapter:

(i) On the first Sunday in November during the [white-tailed and sika] deer bow [seasons] *season* and the first Sunday of the [white-tailed and sika] deer firearms [seasons] *season* in Anne Arundel, Cecil, Kent, and Montgomery[, and Queen Anne's] counties;

(ii) On the last three Sundays in October and the first two Sundays in November during the [white-tailed and sika] deer bow [seasons] *season* and the first Sunday of the [white-tailed and sika] deer firearms [seasons] *season* in Allegany, [Carroll,] Dorchester, Frederick, Garrett, Talbot, Washington, and Wicomico counties;

(iii) On the last three Sundays in October and the first two Sundays in November during the [white-tailed] deer bow season and all Sundays during the [white-tailed] deer firearms season in Calvert, Caroline, Charles, Harford, *Queen Anne's*, Somerset, St. Mary's and Worcester counties; [and]

(iv) *On the last three Sundays in October and the first two Sundays in November during the deer bow season, all Sundays in December and January during the deer muzzleloader season, and all Sundays in the deer firearms season in Carroll County; and*

[(iv)] (v) (text unchanged)

(e) (text unchanged)

(f) Hunting wild turkeys as described in Regulation .03 of this chapter on private property on any Sunday during the *Junior Hunt* and spring season in Calvert, Caroline, Charles, [Dorchester] and St. Mary's counties; and

(g) [Hunting wild turkeys during the Junior Hunt as described in Regulation .03 of this chapter on private property in Calvert, Caroline, Charles, Dorchester and St. Mary's counties] *Hunting wild turkeys as described in Regulation .03 of this chapter on public or private land on any Sunday during the Junior Hunt and spring season in Dorchester County.*

E. — F. (text unchanged)

.07 White-Tailed Deer — Seasons and Regional Bag Limits.

A. A person may not take more than two antlerless deer on the following lands owned or controlled by the Department in Region A with any combination of bow, muzzleloader, and firearms bag limits, excluding the Junior Hunt day:

(1) (text unchanged)

(2) *Cunningham Swamp WMA*;

[(2)] (3) — [(15)] (16) (text unchanged)

	Season Dates Subject to COMAR 08.03.03.01D	Season Bag Limits
B. Antlered.		
(1) (text unchanged)		
(2) Muzzleloader Season.		
	October 18, 2012—October 20, 2012 December 15, 2012—December 29, 2012 October 17, 2013—October 19, 2013 December 21, 2013—January 4, 2014	1 antlered During the October segment in Region A, a total of one deer, antlered or antlerless may be taken. <i>The Bonus Antlered Deer Stamp may not be used during the October segment in Region B.</i>
(3) Firearms Season.		
(a) Region B.		1 antlered
	January 4, 2013—January 5, 2013 January 10, 2014—January [11]12, 2014	
(b) (text unchanged)		
(4) (text unchanged)		
C. Antlerless.		
(1) (text unchanged)		
(2) Region B.		
(a) — (b) (text unchanged)		
(c) Firearms Season.		
	November 24, 2012—December 8, 2012 January 4, 2013—January 5, 2013 November 30, 2013—December 14, 2013 January 10, 2014—January [11] 12, 2014	10 antlerless
D. (text unchanged)		

.08 Sika Deer.

A. (text unchanged)

Species	Season Dates Subject to COMAR 08.03.03.01D	Season Bag Limits
B. — C. (text unchanged)		
D. Firearms Season.		
Antlered or antlerless	November 24, 2012 — December 8, 2012 January 4, 2013 — January 5, 2013 November 30, 2013 — December 14, 2013 January 10, 2014 — January [11] 12, 2014	2 deer No more than 1 antlered.
E. (text unchanged)		

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.10 General Wildlife Hunting Regulations

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland; *Ch. 427, Acts of 2013*

Notice of Proposed Action
[13-260-P]

The Department of Natural Resources proposes to adopt new Regulation **.16** under **COMAR 08.03.10 General Wildlife Hunting Regulations**.

Statement of Purpose

The purpose of this action is to clarify when the new 300-yard safety zone around schools is in effect. The General Assembly in 2013 expanded safety zones around public and private schools to 300 yards during school hours and at a time when a school-approved activity is taking place.

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 Glenn D. Therres, Associate Director, DNR — Wildlife and Heritage Service, 580 Taylor Avenue, E-1, Annapolis, MD 21401, or call 410-260-8572, or email to gtherres@dnr.state.md.us, or fax to 410-260-8596. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.16 Hunting Near a School.

A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a school building containing one or more classrooms while the building is occupied.

JOSEPH P. GILL
Secretary of Natural Resources

Title 09

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

**Subtitle 01 OFFICE OF THE
SECRETARY**

09.01.09 New Home Warranty Security Plans

Authority: Real Property Article, Title 10, Subtitle 6, Annotated Code of Maryland

Notice of Proposed Action
[13-248-P]

The Secretary of Labor, Licensing, and Regulation proposes to repeal Regulations **.01 — .09** under **COMAR 09.01.09 New Home Warranty Security Plans**.

Statement of Purpose

The purpose of this action is to repeal the existing regulations covering new home warranty security plans because they are being replaced by new regulations being proposed by the Consumer Protection Division of the Office of the Attorney General. Authority over new home warranty security plans has been transferred by the General Assembly from the Department of Labor, Licensing, and Regulation to the Consumer Protection Division. The effective date of the repeal will be set to coincide with the effective date of the replacement regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Elizabeth Trimble, Assistant Attorney General, Department of Labor, Licensing, and Regulation, 500 N.

Calvert Street, Suite 406, Baltimore, MD 21202, or call 410-230-6110, or email to etrimble@dllr.state.md.us, or fax to 410-333-6503. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

LEONARD J. HOWIE III
Secretary of Labor, Licensing, and Regulation

Subtitle 35 ELEVATOR SAFETY REVIEW BOARD

09.35.04 Continuing Professional Competency

Authority: Public Safety Article, §12-833(d), Annotated Code of Maryland

Notice of Proposed Action

[13-263-P]

The Elevator Safety Review Board proposes to adopt new Regulations .01 — .10 under a new chapter, **COMAR 09.35.04 Continuing Professional Competency**. This action was considered by the Elevator Safety Review Board at a public meeting held on June 21, 2013, notice of which was given pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to comply with the statutory mandate that the Elevator Safety Review Board adopt regulations to require a demonstration of continuing professional competency (CPC) as a condition of license renewal, to establish criteria for CPC course providers, to provide for a temporary waiver of CPC requirements under specific circumstances, and to set record keeping criteria for CPC course providers. The regulations also set forth the number of continuing competency units required for each 2-year renewal period, establish a committee of the Board to approve providers, designate certain organizations as authorized providers without need for approval by the committee, require the licensee to maintain records verifying CPC course completion and to attest to that completion on the renewal form, subject a licensee who fails to complete the requirements to disciplinary action, allow a licensee to reinstate a license under certain circumstances, and provide for a phase-in of the CPC requirements based on the license renewal date.

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 John Papavasiliou, Executive Director, Elevator Safety Review Board, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6160, or email to jpapavasiliou@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through October 11, 2013. A public hearing has not been scheduled.

.01 Purpose.

The public interest requires that licensees holding applicable licenses pursuant to Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland, provide competent services in all areas of practice. The State legislature has determined that it is in the best

interest of the public to require licensees to comply with the continuing professional competency requirements as a prerequisite to the renewal of an applicable license.

.02 Definitions.

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

B. Terms Defined.

(1) "Activity" means attending and completing qualifying courses, seminars, workshops, technical presentations, and other qualifying programs that meet the criteria and objectives of continuing professional competency.

(2) "Authorized provider" means an organization or individual reviewed and approved by the CPC Standards Committee.

(3) "Board" means the Elevator Safety Review Board.

(4) "Continuing Professional Competency (CPC) unit" means 1 hour of instruction, presentation, or other activity.

(5) "Course" means a qualifying offering with a clear purpose and objective to maintain, improve, or expand the skills and knowledge of a licensee's field of practice.

(6) "CPC Standards Committee" means a committee of Board members as established in Regulation .05 of this chapter.

(7) "Qualifying program" means any course, seminar, workshop, technical presentation, or any other qualifying offering that meets the criteria set forth in Regulation .04 of this chapter.

.03 Requirements.

A licensee shall complete a minimum of 8 CPC units during each licensing renewal period.

.04 Criteria for Qualifying Programs.

Programs shall meet at least the following criteria in order to be considered qualifying programs:

A. Maintain and enhance professional competency of licensees regulated by the Board;

B. Foster improvement, advancement, and extension of the mechanical and other appropriate professional skills and knowledge related to the work performed by licensees regulated by the Board;

C. Be offered by an authorized provider;

D. Have a stated purpose and defined content area;

E. Be presented by presenters who are qualified in the defined content area; and

F. Have a clearly stated time duration.

.05 Authorization of Providers.

A. Responsibility for Authorizing Providers.

(1) The Board shall select and establish a committee to recommend the approval of providers of the CPC units (the "CPC Standards Committee").

(2) The CPC Standards Committee shall consist of the following individuals:

(a) One renovator member; and

(b) Two members from the following three categories of Board members:

(i) A major elevator manufacturing company or its authorized representative;

(ii) An elevator servicing company; or

(iii) A representative of labor involved in the installation, maintenance, and repair of elevators.

(3) The Board shall assign to the CPC Standards Committee the responsibility for reviewing and recommending the approval of providers to the Board. The Committee shall establish guidelines and procedures for the recommendation of approval of authorized providers in accordance with the objectives stated in this regulation and Regulation .04 of this chapter.

(4) If requested by the Board, the CPC Standards Committee shall submit quarterly reports to the Board containing the list of

authorized providers approved by the Committee in the previous calendar quarter, together with any other information requested by the Board.

B. Providers' Eligibility.

(1) The following are authorized providers without any further action by the CPC Standards Committee or the Board:

- (a) National Association of Elevator Contractors;
- (b) American Society of Mechanical Engineers;
- (c) National Elevator Industry Educational Program; and
- (d) Elevator Industry Work Preservation Fund.

(2) The CPC Standards Committee may recommend to the Board approval of other providers or programs, if:

(a) The provider's program meets the criteria set forth in Regulation .04 of this chapter; and

(b) The provider submits general information that will enable the Board to evaluate the provider's qualifications, including, at a minimum, the following information with each application for approval:

(i) The types and descriptions of proposed or existing courses intended to be offered;

(ii) The number of CPC units to be awarded for each course;

(iii) The identity and qualifications of the course instructors; and

(iv) The proposed course outlines detailing the content of instruction to be offered.

(3) The Board may suspend or revoke authorization as a provider if, in the judgment of the Board, the provider no longer meets the objective of providing useful, current, and technically accurate information to the licensees.

(4) Individuals or organizations that have not been recommended for authorized provider status by the Committee may appeal that decision to the Board within 30 days after the CPC Standards Committee notifies the individual or organization of the recommendation.

(5) The Board may require approved providers to document the CPC activities for audit by the Board at any time. Documentation shall include registration and attendance records, stated purpose, content, presentation, time and length of the activity, and participant evaluations.

C. The Board shall maintain and make available to licensees the roster of approved providers.

.06 Record Keeping.

A. Responsibility to Maintain Records.

(1) It is the responsibility of the licensee to maintain records to be used to support the licensee's continuing professional competency credit claim.

(2) A licensee shall maintain the records for a period of at least 4 years from the date of completion of the qualifying program.

B. Documentation referred to in §A(2) of this regulation includes, but is not limited to, the following:

- (1) Certificates of participation;
- (2) Transcripts, if appropriate;
- (3) Title and description of the activity;
- (4) Dates attended;
- (5) Presenter's name; and
- (6) Any other appropriate information.

.07 Reporting Requirements for License Renewal.

A. A licensee shall attest on the license renewal form to the fact that the licensee has completed all applicable CPC requirements set forth in this chapter by the last day of the month preceding the month in which the licensee's individual license is required to be renewed for the following 2-year licensing term.

B. The Board at its discretion may audit randomly selected licensees to verify compliance with CPC requirements.

C. Licensees who are audited shall provide any additional documentation required by the Board to complete the audit.

.08 Failure to Meet the CPC Requirements.

In the event a licensee fails to comply with the CPC requirements set forth in this chapter, the Board, subject to the hearing provisions of Public Safety Article, §12-838, Annotated Code of Maryland, may take disciplinary action pursuant to Public Safety Article, §12-837, Annotated Code of Maryland.

.09 Reinstatement of License.

A licensee who wishes to reinstate a license after failing to complete the CPC requirements shall fulfill past due CPC requirements for the previous CPC reporting periods up to 16 CPC units (8 CPC units for up to two licensing periods) and pay all past due fees, unless the Board finds extenuating circumstances that establish good cause for a temporary waiver of the licensee's failure to complete the CPC requirements.

.10 Effective Dates.

The following phase-in provisions apply to the respective license renewal dates:

A. If a license expires before July 1, 2014, a licensee is not required to fulfill the CPC requirements.

B. If a license expires on or after July 1, 2014, a licensee is required to fulfill the full CPC requirements as provided in this chapter.

C. The Board may consider, for the purposes of compliance with the CPC requirements of this chapter, only CPC units earned on or after January 1, 2014.

EDWARD M. HOARD
Chairman
Elevator Safety Review Board

Subtitle 37 WORKFORCE DEVELOPMENT AND ADULT LEARNING

09.37.02 Correctional Institutions Mandatory Educational and Workforce Skills Training Program

Authority: Labor and Employment Article, §§11-902(b) and 11-903,
Annotated Code of Maryland

Notice of Proposed Action

[13-255-P]

The Secretary of Labor, Licensing, and Regulation proposes to adopt new Regulations .01—.08 under a new chapter, **COMAR 09.37.02 Correctional Institutions Mandatory Educational and Workforce Skills Training Program**.

Statement of Purpose

The purpose of this action is to establish the requirements and procedures for inmate participation in the mandatory Educational and Workforce Skills Training Program in State correctional facilities.

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 Alice Wirth, Director of Correctional Education, Department of Labor, Licensing, and Regulation, 1100 N. Eutaw Street, Baltimore, MD 21201, or call 410-767-9769, or email to awirth@dlr.state.md.us, or fax to 410-225-7208. Comments will be accepted through October 9, 2013. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Case Management" means the Department of Public Safety and Correctional Services employees responsible for oversight of the Correctional Education mandatory educational program and workforce skills training program.

(2) "Correctional Education" means the Department of Labor, Licensing and Regulation employees responsible for administering the correctional education and workforce skills training programs at correctional institutions.

(3) "Department" means the Department of Labor, Licensing, and Regulation.

(4) "GED®" means testing offered as an alternate and acceptable way for an individual older than the age requirement for compulsory school attendance to earn a Maryland high school diploma.

(5) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

.02 Purpose.

The purpose of this regulation is to implement a mandatory educational and workforce skills training program in each of the correctional institutions in the Department of Public Safety and Correctional Services (DPSCS) to meet the needs of the inmates.

.03 Exemption From Participation.

An inmate is not required to participate in a mandatory educational and workforce skills training program if the inmate has a medical, developmental, or learning disability, which justifies an exemption, verified by:

A. An Individualized Education Program (IEP) pursuant to the Individuals with Disabilities in Education Act (IDEA); or

B. Other competent medical or educational documentation acceptable to the Secretary or his designee.

.04 Required Participation.

An inmate is required to participate in a mandatory educational and workforce skills training program if the inmate:

A. Does not possess a verified high school diploma or a GED® diploma;

B. Was received by the DPSCS after July 1, 1987;

C. Has 18 months or more remaining to be served on the inmate's sentence before a mandatory supervision release date; and

D. Is not exempted due to a medical, developmental, or learning disability under Regulation .03 of this chapter.

.05 Program Participation.

A. If an inmate meets the participation requirements of Regulation .04 of this chapter, Case Management shall refer the inmate to the mandatory educational and workforce skills training program.

B. If Case Management determines that the individual should pursue an educational program:

(1) The inmate shall be assessed by Correctional Education with the Test of Adult Basic Education (TABE) or comparable educational assessment and placed into Beginning Literacy, Adult Basic Education, or Adult Secondary Educational Program, as appropriate, pursuant to the inmate's personalized education plan;

(2) The inmate shall actively participate in a mandatory educational program for not less than 120 days, with the educational standard being the attainment of a high school diploma.

(3) An inmate may continue in the education program beyond 120 days at Case Management's discretion.

(4) Time of participation shall be calculated as follows:

(a) Days shall mean calendar days, with the calculation beginning on the first day the inmate is assigned to attend class by Case Management, counting continuously until 120 days are complete;

(b) The calculation may be suspended at the discretion of Case Management due to the inmate's illness, removal, reassignment, or transfer to another institution and shall continue from where it was suspended upon an inmate's return to an educational program, unless Case Management deems such calculation to be inappropriate;

(c) The 120 days requirement for mandatory education shall be waived if the inmate acquires a high school diploma before the expiration of 120 days.

(5) The inmate shall comply with Correctional Education and Case Management rules of attendance and conduct.

(6) Infractions of the rules or DPSCS disciplinary action for conduct outside the educational program may result in Case Management removing the inmate from the educational program for:

(a) Refusal to submit to TABE or educational assessment;

(b) Refusal to attend scheduled educational program classes;

(c) Lack of demonstrated academic progress;

(d) Inappropriate behavior; or

(e) Conviction of violating an institutional rule.

(7) An inmate who is 21 years of age or younger shall have priority status for placement.

C. If Case Management determines that the inmate should pursue a workforce skills training program in lieu of an educational program:

(1) The inmate shall be assessed by Correctional Education and, in consultation with Case Management, be placed into an appropriate workforce skills training program;

(2) The inmate shall actively participate in a workforce skills training program until the inmate is able to demonstrate proficiency in the subject skill as determined by Correctional Education and Case Management.

(3) The inmate may participate in additional workforce skills training programs at Case Management's discretion.

(4) The inmate shall comply with Correctional Education and Case Management rules of attendance and conduct.

(5) Infractions of these rules or DPSCS disciplinary action for conduct outside the workforce program may result in Case Management removing the inmate from the workforce program for:

(a) Refusal to submit to assessment;

(b) Refusal to attend scheduled training;

(c) Lack of demonstrated progress;

(d) Inappropriate behavior; or

(e) Conviction of violating an institutional rule.

.06 Removal from the Mandatory Educational and Workforce Skills Training Program.

A. If an inmate is removed from a mandatory educational program or a workforce skills training program for an infraction of Regulation .05C of this chapter, the inmate may:

- (1) Be charged with a Category II rule violation;
- (2) Lose all good time credits and all special project credits;
- (3) Have all visits suspended indefinitely; and
- (4) Be placed on unassigned status and not be assigned to any other job or program assignment, waiting list or job bank.

B. An inmate may be returned to an educational program by Case Management after removal for an infraction of Regulation .05 of this chapter if the inmate:

- (1) Agrees to submit to TABE or educational assessment;
- (2) Agrees to attend scheduled educational program classes;
- (3) Demonstrates academic progress;
- (4) Agrees to refrain from inappropriate behavior; and
- (5) Agrees to refrain from violating institutional rules.

C. An inmate may be returned to a workforce program after removal for an infraction of Regulation .05 of this chapter if Case Management deems it appropriate.

.07 Reporting Requirement.

The DPSCS shall report to the Parole Commission the progress of an inmate upon completion of or removal from the mandatory educational and workforce skills training program.

.08 Inmate under an IEP.

Notwithstanding the provisions of this chapter, an inmate 21 years of age or younger with an Individualized Education Program (IEP) pursuant to the Individuals with Disabilities in Education Act (IDEA) must be provided educational services pursuant to the IEP upon admission to a correctional institution and for the duration required under the IEP. DPSCS shall promptly notify Case Management of an inmate's IEP status.

LEONARD J. HOWIE III
Secretary of Labor, Licensing, and Regulation

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 16 HOUSING

10.16.05 Health Permits for Outdoor Musical Festivals

Authority: Business Regulation Article, §17-1404, Health-General Article, §§2-104(b) and (l), and 20-303, Annotated Code of Maryland

Notice of Proposed Action

[13-245-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01 under **COMAR 10.16.05 Health Permits for Outdoor Musical Festivals**.

Statement of Purpose

The purpose of this action is to remove the requirement that a promoter of an outdoor musical festival shall obtain a safety permit. This permit is no longer required as a result of H.B. 350, Ch. 100, Acts of 2013, Business Regulation — Outdoor Musical Festival Promoter License — Repeal of Safety Permit Requirement.

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 October 7, 2013. A public hearing has not been scheduled.

.01 Scope.

A. (text unchanged)

B. In addition to a health permit, a person who wants to be a promoter of an outdoor musical festival shall obtain [a safety permit and] a promoter license in accordance with Business Regulation Article, §§17-1401—17-1407, Annotated Code of Maryland.

C.—D. (text unchanged)

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

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services

Authority: Health-General Article, §§19-121 and 19-109(a)(1), Annotated Code of Maryland

Notice of Proposed Action

[13-252-P-I]

The Maryland Health Care Commission proposes to repeal existing Regulation .01 and adopt new Regulation .01 under **COMAR 10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services —Acute Inpatient Rehabilitation Services**. This action was considered by the Commission at an open meeting held on July 18, 2013, notice of which was given through publication in the Maryland Register, under State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the Acute Inpatient Rehabilitation Services chapter of the State Health Plan for Facilities and Services. The amended chapter accounts for changes in the health care system that have occurred since the chapter was last amended in 2001. The amended chapter includes policies, Certificate of Need review standards, and a need projection methodology. The chapter is intended to provide a policy blueprint for the Commission and affected industries to address issues related to the provision of acute inpatient rehabilitation services in Maryland. It also provides standards and a methodology to guide the Certificate of Need review process.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This replacement chapter of the State Health Plan for Facilities and Services: Acute Inpatient Rehabilitation provides planning policies, certificate of need review standards, and a need methodology to guide the development of acute inpatient rehabilitation services and is likely to lead to the receipt of applications regarding such services.

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

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

A. Maryland Health Care Commission. The Commission accepts Certificate of Need (CON) proposals from applicants when need has been identified. This Chapter identifies some need for increase in acute inpatient rehabilitation capacity. There may also be CON reviews that occur due to purchase, reconfiguration, or relocation of existing inpatient units. There are new policy directions for acute inpatient rehabilitation care articulated in the Chapter. Any anticipated CON reviews and staff efforts to support this Chapter can be accommodated by current staff within the Commission's budget.

B(1). Medicaid. Medicaid accounts for approximately seven percent of acute inpatient rehabilitation discharges. Therefore, any development of acute inpatient rehabilitation programs should have a small impact on the Medicaid program. Medicare accounts for about two-thirds of discharges.

B(2). Office of Health Care Quality. Any new acute inpatient rehabilitation programs approved by the Commission would need to be licensed by the Office of Health Care Quality (OHCQ). Since there is only a moderate increase in overall capacity projected, this will have a minimal impact on the number of licensing and certification surveys currently conducted by OHCQ staff and thus can be accommodated within their budget. There are policies and goals articulated within the Chapter that involve the Commission working with OHCQ, and this is consistent with the policy direction of OHCQ and the Commission.

D. Regulated Industries or Trade Groups. The proposed regulations are expected to have a positive impact on regulated

industries. By providing clear policy direction, projecting small controlled growth, and developing standards and policies for CON review, the Commission is providing direction for future growth and changes in the industry.

F. Public. Since the chapter includes a methodology to project need for acute inpatient rehabilitation services, these programs can be developed to meet projected demand for 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 no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Eileen Fleck, Acting Chief, Specialized Services Policy and Planning, Center for Hospital Services, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, or call (410) 764-3287, or fax to (410) 358-1311. Comments will be accepted through 4:30 p.m. on October 7, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Commission during a public meeting to be held on November 21, 2013, 1 p.m., at 4160 Patterson Ave, Baltimore, Maryland 21215.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, The State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services 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.

.01 Incorporation by Reference.

The State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services is incorporated by reference.

CRAIG P. TANIO, M.D.

Chairman

Maryland Health Care Commission

Subtitle 50 TISSUE BANKS

10.50.01 Tissue Banks

Authority: Health-General Article, §§17-304 and 17-310, Annotated Code of Maryland

Notice of Proposed Action

[13-254-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .06 under **COMAR 10.50.01 Tissue Banks**.

Statement of Purpose

The purpose of this action is to lengthen the licensure renewal period for tissue banks from 1 year to 2 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 October 7, 2013. A public hearing has not been scheduled.

.06 Permits.

A. (text unchanged)

B. Issuance.

(1) (text unchanged).

(2) Permit. The Secretary may issue a permit that is valid for [1year] a 2-year term.

(3) (text unchanged)

C. Expiration and Renewal.

(1) (text unchanged)

(2) Renewal Applications. Before a permit expires, the permit holder may renew the permit for an additional [1-year] 2-year term, if the permit holder:

(a)—(c) (text unchanged.)

(3) (text unchanged)

D. Fees.

(1) (text unchanged)

(2) Amounts.

(a) Fee to apply for a permit — [\$100] \$200;

(b) Fee to renew a permit — [\$100] \$200;

(c) Permit or provisional permit fee for each class of tissue bank. — [\$100] \$200

(d)—(f) (text unchanged)

(3) (text unchanged)

E.—I. (text unchanged)

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

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

Notice of Proposed Action

[13-262-P]

The Secretary of Public Safety and Correctional Services proposes to:

(1) Repeal Regulations .01—.08 under **COMAR 12.02.16 Visits to Inmates**;

(2) Adopt new Regulations .01 — .15 under a new chapter, **COMAR 12.11.11 Visiting Individuals Confined in a Correctional Facility**; and

(3) Repeal Regulations .01—.08 under **COMAR 12.12.18 Visits to Inmates**.

Statement of Purpose

The purpose of this action is to update, consolidate, and standardize inmate visiting procedures for Department of Public Safety and Correctional Services correctional facilities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to George Hall, Director, Policy and Regulations, Maryland Department of Public Safety and Correctional Services, 300 E. Joppa Road, Towson, MD 21286, or call 410 339 5000, or fax to 410 339 4228. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

Subtitle 11 OFFICE OF THE **SECRETARY**

12.11.11 Visiting Individuals Confined in a **Correctional Facility**

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

.01 Definitions.

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

B. Terms Defined.

(1) Background Check.

(a) “Background check” means researching an individual’s personal information to support decisions concerning the individual’s visitor eligibility.

(b) “Background check” may include, but is not limited to, physical, electronic, or computer searches of records for information to:

(i) Validate an individual’s identity;

(ii) Determine past and present criminal history record information;

(iii) Determine the individual’s relationship to the inmate being visited;

(iv) Determine Department employment status, if any; and

(v) Identify a threat to the safety and security of the facility, the public, inmates, and employees.

(2) “Certified religious visitor” means a person who:

(a) Is currently certified by the appropriate faith-based organization to perform services related to the faith-based organization; and

(b) Has been authorized according to Department procedure to visit individually with an inmate.

(3) "Contact visit" means a visit which permits limited physical contact between the inmate and the inmate's visitor.

(4) Contraband.

(a) "Contraband" means any item, material, or substance that:

(i) Is not authorized for an individual to possess in a correctional facility; or

(ii) Is improperly brought into a correctional facility.

(b) "Contraband" does not include:

(i) The amount of an item, material, substance, or other thing that exceeds the quantity of the item, material, substance, or other thing that is otherwise authorized for an inmate to possess; or

(ii) A Department owned and issued telecommunication device approved for an employee to use when conducting Department business while at a correctional facility.

(c) "Contraband" includes, but is not limited to:

(i) An alcoholic beverage;

(ii) A controlled dangerous substance;

(iii) An unauthorized telecommunication device; and

(iv) A weapon.

(5) "Correctional facility (facility)" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.

(6) "Department" means the Department of Public Safety and Correctional Services.

(7) Employee.

(a) "Employee" means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.

(b) "Employee" includes:

(i) A volunteer;

(ii) A contractor; and

(iii) An intern.

(8) "Exigent circumstances" mean a set of temporary and unforeseen conditions that require immediate action in order to combat a threat to the safety or security of the facility.

(9) "Frisk search" means a nonintrusive examination of an individual performed by running hands over the entire, clothed body, applying gentle pressure to determine if the individual is concealing contraband.

(10) Immediate Family.

(a) "Immediate family" means a parent, spouse, sibling, grandparent, child, or grandchild.

(b) "Immediate family" includes an individual who serves in a capacity equivalent to those under §B(10)(a) of this regulation by law or marriage.

(11) Inmate.

(a) "Inmate" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.

(b) "Inmate" does not include an individual detained for the purpose of an initial appearance before a court commissioner.

(12) "Managing official" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.

(13) "Photographic identification" means a document issued by an official federal, state, or local government that:

(a) Is legally in the possession of the bearer;

(b) Is used to validate the identity of the bearer;

(c) At a minimum, contains the bearer's:

(i) Name;

(ii) Date of birth (Month, day, and year);

(iii) Residential address (number, street name, city, and state); and

(iv) Photograph; and

(d) Has not:

(i) Expired;

(ii) Been revoked, suspended, or recalled by the issuing authority; or

(iii) Been altered.

(14) Regular Visit.

(a) "Regular visit" means when an individual who is on an inmate's approved visitor list meets with the inmate.

(b) "Regular visit" does not include a visit by:

(i) The inmate's attorney of record;

(ii) An authorized religious visitor; or

(iii) A special visitor.

(15) "Relative" means an individual who is not immediate family, but otherwise related to the inmate such as an aunt, uncle, or cousin.

(16) "Special visitor" means an individual authorized to enter a correctional facility as an exception to normal inmate visiting procedures.

(17) "Visitor" means a person entering a correctional facility who is authorized by the managing official to meet with an inmate.

.02 General.

A. These regulations do not apply to an individual being detained for the purpose of an initial appearance before a court commissioner.

B. The Department:

(1) Views visitation as integral part of inmate development and case management; and

(2) Reserves the right to effectively manage this privilege through effective procedures to ensure the safety and security of the correctional facility and employees, members of the public, and the inmates.

C. Any procedure or requirement included in this chapter:

(1) Shall be applicable at all times to Department staff, facilities, or inmates unless otherwise stated; and

(2) Is not intended to create nor convey for an inmate an enforceable:

(a) Right;

(b) Entitlement;

(c) Benefit; or

(d) Interest.

D. The Deputy Secretary for Operations, or a designee, shall, to the degree possible, ensure that inmate visiting policy and procedures are uniform for all Department correctional facilities.

E. A managing official, or a designee, shall ensure that:

(1) Policy and procedures for inmate visits are available to or otherwise effectively communicated to each inmate at the time the inmate is placed in the facility;

(2) Visiting rules are displayed in each area designated for inmate visits;

(3) Visiting rules are displayed at visitor entrances and waiting areas;

(4) If the facility security level permits contact visits, there is visiting space available to accommodate contact visits;

(5) Visiting areas are effectively supervised to ensure the safety and security of the facility, the inmates, visitors and employees;

(6) If space is available and security levels permit, the visiting area accommodates visitors with children;

(7) Space is available to accommodate legal visits;

(8) Space is available for noncontact visits with inmates on:

(a) Administrative segregation;

(b) Disciplinary segregation; or

(c) Protective custody; and

(9) If requested, reasonable accommodations are made to facilitate visiting by inmates or visitors with disabilities.

.03 Regular Visiting Days and Times, Frequency of Visits, Length of Visit, and Number of Visitors.

A. Regular Visiting Days and Times.

(1) Except under exigent circumstances, at a minimum, inmate visits at a facility shall be conducted on:

- (a) Saturday; and
- (b) Sunday.

(2) Except for inmate meal service, which may differ from facility to facility, generally, visiting hours are between 10 a.m. and 5 p.m.

(3) To the extent possible, a managing official may consider requests, based on a demonstrated undue hardship, alternative visiting arrangements for visiting days and times.

B. Frequency of Regular Visits.

(1) Except as provided under §B(2) of this regulation, an inmate may have two visits in a week (Sunday through Saturday).

(2) If inmate visiting at a facility is limited to Saturday and Sunday, an inmate may have visits on either Saturday or Sunday, but not both days.

(3) A managing official, or a designee, may increase the frequency of visits for an inmate based on the volume of visitation at the facility.

C. Length of a Regular Visit.

(1) At a minimum, an individual visit with an inmate is limited to 30 minutes.

(2) A managing official, or a designee, may extend the time limit for a visit based on the volume of visitation at the facility.

D. Number of Visitors at a Regular Visit.

(1) A maximum of three individuals may visit with an inmate during a single regular visit.

(2) A managing official, or a designee, may adjust the number of individuals visiting an inmate during a single visit based on:

- (a) Available visiting area space;
- (b) Volume of visitation at the facility; and
- (c) Exigent circumstances.

.04 Restrictions on Regular Visiting.

A. A managing official, or a designee, may, based upon factors under §F of this regulation:

- (1) Deny an individual being placed on an inmate's visitor list;
- (2) Suspend visits by an individual already on an inmate's visitor list;
- (3) Ban an individual from visiting at the facility;
- (4) Suspend an inmate's visiting privileges; or
- (5) Permit only certain individuals on an inmate's visitor list to visit the inmate.

B. A current or former employee may not visit an inmate, except if the managing official approves a written request from the current or former employee that documents that:

- (1) The current or former employee is a member of the inmate's immediate family;
- (2) If a former employee, the individual left Department service in good standing; and
- (3) The safety and security of the facility, visitor, inmate, or employee would not be compromised by the presence of the individual.

C. An individual younger than 18 years old may not visit an inmate if the individual is the victim of the inmate's crime.

D. A managing official, or a designee, may determine a visit to be a noncontact visit based upon reasonable grounds to believe that a contact visit may be a threat to the safety and security of the facility, visitor, inmate, or employee.

E. A visitor shall:

- (1) Be on the inmate's approved visitor list;

(2) Provide two forms of photographic identification sufficient to verify the individual's identity;

(3) If available, submit to fingerprint identification and related fingerprint records check to:

- (a) Verify the visitor's identity; and
- (b) Identify criminal history record information indicating that the individual may pose a threat to the security and safety of the facility, visitors, inmates, or employees;
- (4) Be 18 years old or older or, if younger than 18 years old, accompanied by an individual who is 18 years old or older;
- (5) Comply with the visitor dress code;
- (6) Comply with Department and facility rules;
- (7) Comply with directions from facility staff;
- (8) Submit to a frisk search of their person and search of items in the individual's possession; and
- (9) Successfully pass electronic scanning requirements.

F. A visitor may not:

- (1) Pose a threat to the safety and security of the facility, visitor, inmate, or employee;
- (2) Be under the influence of drugs or alcohol;
- (3) Refuse to be searched;
- (4) Refuse to permit the search of items possessed by the visitor;
- (5) Be verbally or physically disruptive during the visit;
- (6) Be overly physical with an inmate during a contact visit;
- (7) Possess contraband;
- (8) Be a fugitive from a federal, state, or local criminal justice agency; or
- (9) Have an open arrest warrant.

G. Inmate visits may not be conducted during emergency conditions or exigent circumstances.

H. Animals certified to assist individuals with disabilities, such as service dogs and seeing-eye dogs may be permitted to be with a visitor at the facility if appropriate documentation is provided supporting the animal's certification.

I. The following, at a minimum, shall be considered in conjunction with the Department's obligation to maintain safety and security of the facility, public, inmates, and employees by a managing official, or a designee, when deciding to permit entry of a visitor with a criminal record:

- (1) The nature and seriousness of an offense;
- (2) The extent of the criminal record; and
- (3) The recentness of the violations.

J. A decision to permit an individual with a criminal record to visit an inmate under §I of this regulation requires specific approval by the managing official.

.05 Inmate Visitor List.

A. An inmate may:

- (1) Refuse to meet with an authorized visitor arriving at the facility; or
- (2) Generally decline to have visitors.

B. Depending on the circumstances of the inmate's placement in the correctional facility, as soon as possible, but no later than 24 hours after intake, the managing official shall ensure that appropriate facility staff:

- (1) Provide the inmate with or, if necessary, instruct the inmate in the visitor policy and procedures that, at a minimum, addresses:
 - (a) Facility address and general information telephone number;
 - (b) General directions to the facility;
 - (c) Information about available public transportation;
 - (d) Days and hours for inmate visits;
 - (e) Visitor dress code;
 - (f) Visitor identification requirements;

- (g) Items that are not permitted in the facility;
- (h) Visitor search procedures; and
- (i) Visitor fingerprint identification;
- (2) Obtain from the inmate, on a form approved by the Deputy Secretary for Operations or a designee, an initial list of up to 15 visitors who are:
 - (a) 18 years old or older; and
 - (b) Immediate family members;
- (3) Ensure that, at a minimum, the list includes the visitor's:
 - (a) Full name;
 - (b) Address; and
 - (c) Relationship to the inmate; and
- (4) If the inmate refuses to provide a visitor list, ensure that the:
 - (a) Inmate indicates on the list that no visitors are requested and signs the blank list; and
 - (b) Signed list is placed in the inmate's base file.
- C. An inmate may request to add or delete requested visitors from the inmate's initial visitor list.
- D. If an inmate requests a visitor who is not immediate family, before the individual is approved to visit the inmate the individual is required to provide information to support a background check on the requested visitor that, at a minimum, includes the individual's:
 - (1) Full name;
 - (2) Date of birth (month, day, and year);
 - (3) Home address;
 - (4) Relationship to the inmate; and
 - (5) Telephone number.
- E. An inmate's authorized legal representative is not counted against the 15-visitor maximum.
- F. Depending on the circumstances of the inmate's placement in the correctional facility, as soon as possible, but no later than 10 days after receipt of the visitor list from the inmate, the managing official shall ensure that appropriate facility staff:
 - (1) Review the initial list and subsequent changes to the list;
 - (2) If possible, attempt to validate the relationship to the inmate;
 - (3) Ensure the list is placed in the inmate's base file;
 - (4) Include reasons for denying an individual requested as a visitor in the inmate's base file;
 - (5) Forward a copy of the visitor list to the visiting room officer; and
 - (6) Provide the inmate with a copy of the approved visitor list and reasons for denying individuals as visitors.
- G. The inmate is responsible for:
 - (1) Notification of approved and denied visitors; and
 - (2) Providing a visitor with documentation available from the facility concerning visiting policy and procedures.
- H. An individual who is younger than 18 years old is not required to be on an inmate's visitor list and may visit an inmate if the individual is:
 - (1) A member of the inmate's or authorized visitor's immediate family; and
 - (2) Accompanied by an authorized visitor who is 18 years old or older.
- I. Friends and Associates.
 - (1) Visitor status may be extended to an inmate's friends and associates.
 - (2) A friend or associate may be placed on the inmate's visitor list if:
 - (a) The friend or associate established the relationship with the inmate before the inmate's placement in the correctional facility; and
 - (b) Permitting the visit does not pose a threat to the safety and security of the facility, the public, an inmate, or an employee.

J. When an inmate is transferred from one Department facility to another Department facility, the sending facility shall forward the inmate's visitor list and record of visits to the receiving facility at the time of the transfer to:

- (1) Ensure a continuous record of an inmate's visits; and
- (2) Eliminate the need for a new visitor list to be established.

.06 Legal Visits.

- A. Inmates shall be permitted to meet with legal representatives.
- B. An attorney or legal assistant is not required to be included on an inmate's visitor list.
- C. An attorney is required to provide the following when attempting to enter the facility to visit an inmate:
 - (1) At least one form of photographic identification; and
 - (2) A State Bar Association identification card or a receipt from the Client Security Trust Fund.
- D. A legal assistant intending to visit an inmate shall, in addition to one form of photographic identification, present a letter of introduction signed by an attorney on the attorney's or legal firm's stationery.
- E. When possible, an attorney or legal assistant shall provide the managing official, or a designee, as much advance notice as possible of the intent to visit an inmate.
- F. A legal assistant intending to meet with an inmate may not be a member of the inmate's immediate family.
- G. In order to ensure that the inmate is available, an out-of-State attorney or legal assistant shall contact the facility at least one day in advance of a requested visit to:
 - (1) Schedule a legal visit; and
 - (2) Arrange for documenting the attorney's or legal assistant's credentials.
- H. Unless the managing official, or a designee, has made other arrangements with the legal representative, the time limit for a legal visit is based on established visiting hours for the facility.
- I. Legal visits shall take place during regular facility visiting hours, except when the attorney or legal assistant requests an exception that is granted by the managing official, or a designee.
- J. The number of attorneys and legal assistants visiting an inmate is limited by the space available to accommodate the visit.
- K. The managing official, or a designee, shall ensure that:
 - (1) The visiting area provides for confidentiality of the legal visit, but still meets safety and security requirements;
 - (2) Security staff are positioned so as not to be able to listen to or intentionally overhear conversation between the legal representative and the inmate; and
 - (3) Conversation between the legal representative and the inmate is not recorded.
- L. An attorney or legal assistant visiting an inmate may have appropriate legal materials and a portable computer that have been searched and determined to be appropriate for conducting the legal visit.
- M. Except for the provisions under this regulation, an attorney or legal assistant is required to comply with all other visitor requirements established under this chapter.

.07 Religious Visits.

- A. A certified religious visitor is required to be included in an inmate's visitor list, but a certified religious visitor is not counted against the 15-visitor limit.
- B. An inmate may have one certified religious visitor during a week (Sunday through Saturday), and that visit may not be counted against the maximum number of visits an inmate may have in a week.
- C. Except for conditions established under the Department's religious services program, only one certified religious visitor may be on an inmate's visitor list.

D. A certified religious visitor is exempt from the requirement of having established a relationship with the inmate before the inmate's placement in the facility.

E. A certified religious visitor may not be an inmate's immediate family member or relative.

F. The facility chaplain shall validate the credentials of an individual claiming to be a certified faith-based leader intending to conduct religious visits.

G. Except when other arrangements have been requested in advance and approved by the managing official, or a designee, religious visits shall be conducted in the facility visiting area on days and at times established for visiting inmates at the facility.

H. A certified religious visitor:

(1) May bring appropriate faith-based items to be used in connection with the faith-based services provided;

(2) Shall submit the faith-based items for inspection and approval by facility security staff; and

(3) Shall leave the facility with the faith-based items with which the individual was permitted to enter.

I. Except for the provisions under this regulation, a certified religious visitor is required to comply with all other visitor requirements established under this chapter.

.08 Special Visits.

A. A managing official, or a designee, may approve special visiting privileges when requested by an inmate and special circumstances exist, such as:

(1) The requested visitor is from out-of-town and travel exceeds 200 miles from the facility;

(2) An emergency involving the requested visitor exists; or

(3) Other exigent circumstances exist.

B. A request for a special visit shall be made by the inmate at least 2 business days (Monday through Friday, except for holidays) in advance of the intended visit.

C. Except for the provisions under this regulation, a special visitor is required to comply with all other visitor requirements established under this chapter.

.09 Visitor Dress Code.

A. Visitors shall dress appropriately for inmate visits.

B. The following clothing items may not be worn when visiting an inmate:

(1) Tube tops;

(2) Tank tops;

(3) Halter tops;

(4) See-through clothing;

(5) Miniskirts;

(6) Minidresses;

(7) Shorts;

(8) Skorts;

(9) Culottes (at or above the kneecap);

(10) Form-fitting clothes such as leotards;

(11) Spandex;

(12) Leggings;

(13) Clothes that expose a person's midriff, side, or back; and

(14) Tops or dresses that have revealing necklines and excessive splits or both.

C. Outerwear such as coats, jackets, and shawls shall be stored in available lockers before entering the visiting area.

D. Items such as suit jackets, dress coats, or sport coats may be worn.

.10 Contraband.

A. Except for legal and religious visits and special conditions approved by the managing official, a visitor may not take a personal item to visit with an inmate.

B. Visitor personal items legally possessed are to be stored before entering the secure area of a facility.

C. Visitors found to possess contraband after being instructed to remove and store personal items may be denied entry to the facility.

D. Visitors found in possession of items that are illegal are subject to criminal prosecution.

.11 Suspension — Regular Visiting Privileges.

A. A managing official may suspend or set restrictions on an inmate's visiting privileges:

(1) As part of the inmate disciplinary process; or

(2) By written order because:

(a) The inmate has acted or there is reasonable belief that the inmate will act in a manner that is a threat to the safety and security of the facility, the public, inmates, and employees; or

(b) There is a reasonable belief that the inmate is engaged in or attempting to engage in criminal or other prohibited behavior.

B. A managing official may suspend authorization for an individual to visit an inmate based on a reasonable belief that continued visitation by the individual poses a threat to the safety and security of the facility, public, inmates and employees.

C. The managing official shall ban an individual from visiting inmates if the individual introduces or attempts to bring into a facility a weapon, controlled dangerous substance, or item that may be used to support escape.

D. If a managing official suspends an individual's authorization to visit an inmate or bans an individual from visiting inmates, the managing official, or a designee, shall:

(1) Notify the following in writing:

(a) The visitor;

(b) The inmate; and

(c) The visiting area officer;

(2) Ensure that the suspended or banned visitor information is entered into the Department's inmate information system; and

(3) Ensure that the original notification is placed in the facility's suspended or banned visitor file.

E. The notification under §D(1) of this regulation shall, at a minimum, include:

(1) The reason for the action;

(2) The duration of the action;

(3) A statement informing the individual that this action prohibits the individual from visiting an inmate at any Department facility; and

(4) Information advising that the individual may appeal the action to the managing official, or a designee, and instructions as to how to file the appeal and the appeal process.

.12 Termination or Denying a Visit.

A. A managing official, or a designee, may terminate a visit already in progress or deny a visit for violations of provisions established under this chapter.

B. Before terminating a visit in progress, the managing official, or a designee, shall, if circumstance permit, make reasonable attempts to stop the prohibited behavior.

C. If a visitor refuses to leave facility property after a visit is denied or terminated, the managing official, or a designee, shall:

(1) Immediately notify the duty officer;

(2) Advise the individual refusing to leave that the individual is trespassing and violating Criminal Law Article, §6-409, Annotated Code of Maryland;

(3) Request the local police respond to the incident;

(4) Notify the Department Internal Investigations Unit and follow instructions provided; and

(5) Once the situation has stabilized, complete a serious incident report.

D. The shift commander shall:

- (1) Complete a report detailing the circumstances supporting termination or denial of a visit; and*
- (2) Submit the report to the:*
 - (a) Managing official; and*
 - (b) Chief of security.*

.13 Record of Inmate Visits.

A. A record of individuals visiting with an inmate shall be maintained as part of the inmate's visitor list.

B. Each time an authorized visitor meets with an inmate, the visiting area officer shall record on the inmate's visitor list the:

- (1) Visitor's name; and*
- (2) Date of the visit.*

.14 Visitor Searches.

A. An individual entering a facility to visit an inmate is required to:

- (1) Be frisk searched by a correctional officer who is the same sex as the individual being frisk searched;*
- (2) Be electronically searched using a hand scanner; and*
- (3) Pass through an electronic scanning station.*

B. A visitor is required to complete and sign a consent to search form before a search is conducted.

C. A copy of the visitor's signed consent to search form shall be placed in the base file of the inmate the individual intends to visit.

D. The managing official, or a designee, shall maintain the original of a visitor's consent to search form.

E. A visitor who refuses to complete and sign a consent to search form shall be denied the visit for that day.

.15 Inmate Requirements.

A. An inmate shall comply with all facility rules and procedures.

B. The only item of jewelry an inmate is authorized to wear during a visit is a wedding ring.

C. Religious head gear may be permitted consistent with requirements of the Department's religious services program.

D. An inmate's clothing shall be:

- (1) Neat and clean;*
- (2) Appropriate to the situation; and*
- (3) In good condition.*

E. An inmate may be authorized to wear clothing provided by the facility for wearing in the visiting area.

F. An inmate leaving the visiting area shall be strip searched according to established Department strip search procedures in a private area immediately upon leaving the visiting area.

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Subtitle 04 POLICE TRAINING COMMISSION

12.04.01 General Regulations

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208(a); Annotated Code of Maryland

Notice of Proposed Action

[13-247-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, proposes to amend Regulation .01 and adopt new Regulation .18 under **COMAR 12.04.01 General Regulations**. This action was considered by the Police Training Commission at a public meeting held on July 10, 2013.

Statement of Purpose

The purpose of this action is to establish:

- (1) A requirement for a police officer to complete law police officer motorcycle training approved by the Police Training Commission before the police officer is permitted to operate a law enforcement agency motorcycle.
- (2) An exception to required training for police officers currently authorized to operate a law enforcement agency motorcycle.
- (3) Minimum subject matter requirements for police officer motorcycle training.
- (4) A panel to review and make recommendations to the Police Training Commission concerning police officer motorcycle training.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas C. Smith, Director Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street Sykesville, MD 21784, or call 410 875 3605, or email to tcsmith@dpscs.state.md.us, or fax to 410 975 3584. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (13) (text unchanged)

(14) "Motorcycle" has the meaning stated in Transportation Article, §11-136, Annotated Code of Maryland, and is designated as an emergency vehicle in accordance with Transportation Article, §11-118(1), Annotated Code of Maryland.

[(14)] (15) — [(20)] (21) (text unchanged)

.18 Minimum Standards — Police Officer Motorcycle Training.

A. A police officer who is authorized by the police officer's employing law enforcement agency to operate a law enforcement agency motorcycle on January 1, 2014, is not required to complete motorcycle training established under this regulation for as long as the authorization in effect on January 1, 2014, continuously remains in effect.

B. Except under §A of this regulation, before a police officer is authorized to operate a law enforcement agency motorcycle, the police officer shall successfully complete police officer motorcycle training approved by the Commission.

C. For police officer motorcycle training to be approved by the Commission, the police officer motorcycle training shall, at a minimum, include the following subjects:

- (1) Capabilities of a motorcycle;
- (2) Factors contributing to motorcycle accidents;
- (3) Accident avoidance maneuvers;
- (4) Fundamentals of handling and riding a motorcycle;
- (5) Emergency and nonemergency motorcycle operation and handling techniques;
- (6) Motorcycle braking techniques;
- (7) Impact of adverse weather conditions on operation and handling of a motorcycle;

(8) Daylight and reduced-lighting motorcycle operation and handling;

(9) Operating and handling a motorcycle in confined areas; and

(10) Officer survival related to motorcycle traffic stops and violator contact.

D. Police officer motorcycle training shall include activities to ensure that the police officer meets performance objectives, approved by the Commission, that are based on:

(1) Evaluations of investigations of law enforcement agency motorcycle accidents that occurred within the previous 5 years; and

(2) Recommendations developed by a Statewide panel.

E. The Statewide panel under §D of this regulation shall:

(1) Be composed of one supervisory law enforcement agency motorcycle operator from each Maryland law enforcement agency that uses a motorcycle for law enforcement purposes;

(2) Annually designate a chairman from panel membership; and

(3) Make recommendations to the Commission concerning police officer motorcycle operator training.

GARY D. MAYNARD

Secretary

Department of Public safety and Correctional Services

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Notice of Change to Open Meeting

[13-199-P-I]

The Open Meeting notice which appeared in 40:15 Md. R. 1254 (July 26, 2012) has been changed. The correct notice follows.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on September 24, 2013, at 200 West Baltimore Street, Baltimore, Maryland 21201.

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

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 15 MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

15.15.05 Easement Termination Requests

Authority: Agriculture Article, §§2-504 and 2-514, Annotated Code of Maryland

Notice of Proposed Action

[13-264-P]

The Secretary of Agriculture proposes to amend Regulation .07 under COMAR 15.15.05 Easement Termination Request.

Statement of Purpose

The purpose of this action is to set forth a new standard by which a landowner shall request termination of an easement held by the Agricultural Land Preservation Foundation, and establishes the repayment process.

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 Carol West, Executive Director, Maryland Department of Agriculture, Maryland Agricultural Land Preservation Foundation, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5860, or email to Carol.West@maryland.gov, or fax to 410-841-5730. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.07 Landowner Repurchase of Easement.

A. [Appraisal] *Order of Two Appraisals* at Landowner's Expense. The landowner shall remit good funds as instructed by the Foundation within 10 days of approval to pay for the cost of [an appraisal] *two appraisals*, which shall then be ordered by the [Foundation] *Department of General Services* within 20 days of the receipt of the funds. The date of valuation shall be the date [of approval] *that the Foundation approved the landowner's termination request. The Department of General Services shall order two appraisals of the land's fair market value and, as provided by §C(1) of this regulation, its agricultural value.*

[B. Repurchase. The landowner has a maximum of up to 180 days following the date of the completion of the appraisal set forth in §A of this regulation to repurchase the easement by paying to the Foundation the difference between the fair market value and the agricultural value of the subject land, as determined by the appraisal, pursuant to Agriculture Article, §2-514(f), Annotated Code of Maryland, and subject to Board of Public Works Approval, as set

forth in State Finance and Procurement Article, §10-301 et seq., Annotated Code of Maryland.

C. Upon receipt of payment of all required funds as specified in §§A and B of this regulation, the Foundation shall prepare, execute, and deliver to the landowner for recording, a Termination of Easement.]

B. *Determining Fair Market Value.* After review of the two appraisals of the subject property, the Department of General Services shall determine the land's fair market value and promptly notify the Foundation in writing of its determination. For purposes of this regulation, the fair market value of land is the price as of the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property if it was not subject to an agricultural land preservation easement.

C. *Determining Agricultural Value.*

(1) *Based on the Ordered Appraisals.* If, at the time the Foundation acquired the easement, the land's agricultural value was determined by an appraisal, the Department of General Services, after reviewing the two appraisals ordered for the subject land, shall determine the land's agricultural value and promptly notify the Foundation of its determination. For purposes of this regulation, the agricultural value of land, as determined by an appraisal, is the price as of the valuation date which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property as a farm unit, to be used for agricultural purposes.

(2) *Based on the Agricultural Formula.* If, at the time the Foundation acquired the easement, the land's agricultural value was determined by the agricultural formula, the Foundation shall use the formula in effect at the time for determining the lands agricultural value.

D. *The Foundation shall notify the landowner of the land's approved fair market value and agricultural value after:*

(1) *The Department of General Services has notified the Foundation of these approved values as provided in §§B and C(1) of this regulation; and*

(2) *If applicable, the Foundation determines the land's agricultural value as provided in §C(2) of this regulation.*

E. *Repurchase.* The landowner has a maximum of up to 180 days following the notification set forth in §D of this regulation to repurchase the easement by paying to the Foundation the difference between the fair market value and the agricultural value of the subject land, subject to Board of Public Works approval, as set forth in State Finance and Procurement Article, §10-301 et seq., Annotated Code of Maryland.

F. Upon receipt of payment of all required funds as specified in §§A and E of this regulation, the Foundation shall prepare, execute, and deliver to the landowner for recording a Termination of Easement.

EARL F. HANCE
Secretary of Agriculture

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 03 WATER SUPPLY, SEWERAGE, SOLID WASTE AND POLLUTION CONTROL PLANNING AND FUNDING

26.03.13 Bay Restoration Fund Implementation

Authority: Environment Article, §9-1605.2, Annotated Code of Maryland

Notice of Proposed Action

[13-265-P]

The Secretary of the Environment proposes to adopt new Regulations .01—.04 under a new chapter, COMAR 26.03.13 Bay Restoration Fund Implementation.

Statement of Purpose

The purpose of this action is to adopt new regulations that specify the procedures for implementing the Bay Restoration Fund authorized under Environment Article, §9-1605.2, Annotated Code of Maryland. The Bay Restoration Fund is administered by the Maryland Water Quality Financing Administration, a unit of the Department, and is comprised of two sub-funds:

(1) *Wastewater Fund:* Bay Restoration Fund fees collected from customers or users of wastewater treatment facilities are deposited by the Comptroller into this Fund and are used to provide grants for the upgrade of wastewater treatment plants with enhanced nutrient removal technology, a portion of the operation and maintenance costs related to ENR, and other authorized uses.

(2) *Onsite Sewage Disposal System Fund:* Bay Restoration Fund fees collected from users of onsite sewage disposal systems (such as septic systems or holding tanks) are deposited by the Comptroller into this Fund and are used to provide grants or loans for the upgrade of onsite sewage disposal systems with best available technology for removal of nitrogen, and other authorized uses.

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 regulations to implement the requirements of the Environment Article, §9-1605.2, Annotated Code of Maryland, will provide sewer construction related contract opportunities.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(R+)	\$15.0 million per year in septic system grants

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(+)	\$14 million per year
F. Direct and indirect effects on public:	(+)	\$14 million per year

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

- C. BRF septic system grant awards
- E. Nitrogen removal technology manufacturers and septic construction contractors will benefit from additional work.
- F. Public homeowners will benefit from the septic grant awards/nitrogen recovery septic systems.

Economic Impact on Small Businesses

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

Additional work and part of the \$15 million per year in grants for septic systems upgrade.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jag Khuman, Director, Water Quality Financing Administration, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3981, or email to Jag.Khuman@maryland.gov, or fax to 410-537-3968. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.01 Scope.

This chapter specifies the procedures for implementing the Bay Restoration Fund authorized under Environment Article, §9-1605.2, Annotated Code of Maryland. The Bay Restoration Fund is administered by the Maryland Water Quality Financing Administration, a unit of the Department, and is comprised of two sub-funds:

A. Wastewater Fund: Bay Restoration Fund fees collected from customers or users of wastewater treatment facilities are deposited by the Comptroller into this fund and are used to provide grants for the upgrade of wastewater treatment plants with enhanced nutrient removal technology, a portion of the operation and maintenance costs related to ENR, and other authorized uses.

B. Onsite Sewage Disposal System Fund: Bay Restoration Fund fees collected from users of onsite sewage disposal systems (such as septic systems or holding tanks) are deposited by the Comptroller into this fund and are used to provide grants or loans for the upgrade of onsite sewage disposal systems with best available technology for removal of nitrogen, and other authorized uses.

.02 Definitions.

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

B. Terms Defined.

(1) "Administration" means the Maryland Water Quality Financing Administration.

(2) "Biological nutrient removal" has the meaning stated in Environment Article, §9-1601, Annotated Code of Maryland.

(3) "Department" means the Maryland Department of the Environment.

(4) "Eligible cost" has the meaning stated in Environment Article, §9-1605.2(i), Annotated Code of Maryland.

(5) "Enhanced nutrient removal" or "ENR" has the meaning stated in Environment Article, §9-1601, Annotated Code of Maryland.

(6) "Low-income homeowner" means a household with an income less than the income eligible standards established by the Maryland Department of Human Resources for its Energy Assistance Program.

(7) "Nonconforming onsite sewage disposal systems" means existing onsite sewage disposal systems that do not comply with current State or local laws, regulations, or policies.

(8) "Onsite Sewage Disposal System" means a sewage system that discharges treated effluent into the ground, such as a septic system.

.03 Wastewater Fund.

A. Bay Restoration Fund fees deposited into the Wastewater Fund shall be used:

(1) To provide a source of revenue or security for the payment of principal and interest on bonds issued by the Administration, and the cost of issuance, if the bond proceeds are deposited in the Bay Restoration Fund;

(2) To provide grant awards to wastewater facilities whose users have contributed to the Bay Restoration Fund:

(a) For up to 100 percent of the eligible cost to upgrade wastewater treatment facilities from biological nutrient removal treatment levels to enhanced nutrient removal treatment levels at the design capacity approved by the Department;

(b) For a portion of the operation and maintenance costs, starting in FY 2010, of wastewater treatment facilities that operate at the enhanced nutrient removal treatment levels, not to exceed 10 percent of the amount deposited into the Wastewater Fund annually;

(c) For the following categories in priority order, effective FY 2018:

(i) For up to 100 percent of the eligible cost to upgrade wastewater treatment facilities with design capacity of 500,000 gallons or more per day, from biological nutrient removal treatment levels to enhanced nutrient removal treatment levels;

(ii) For up to 100 percent of the eligible cost to upgrade wastewater treatment facilities with design capacity of less than 500,000 gallons per day, from biological nutrient removal treatment levels to achieve enhanced nutrient removal treatment levels;

(iii) For annual fund transfer to the Onsite Sewage Disposal System Fund to be used for the upgrade of onsite sewage disposal systems and other eligible uses under Environment Article, §9-1605.2(h)(2)(i)1, Annotated Code of Maryland. These funds to be utilized under the Onsite Sewage Disposal System Fund regulations;

(iv) For up to 50 percent of the eligible cost of cost-effective and efficient stormwater projects undertaken by local governments who have implemented a system of charges under Environment Article, §4-204, Annotated Code of Maryland. The local governments shall have funds available to cover the balance of project costs;

(3) To provide for reasonable operating expenses to administer the Bay Restoration Wastewater Fund not to exceed 1.5 percent of the fees deposited into the Wastewater Fund annually;

(4) To provide for future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvements at ENR treatment levels or better;

(5) To earn interest.

B. Project Prioritization.

(1) Before FY 2018, priority for funding ENR upgrades shall be:

(a) First for ENR upgrades at wastewater treatment plants with a design capacity of 500,000 gallons per day or more that discharge to the Chesapeake Bay;

(b) Second for ENR upgrades at wastewater treatment plants with a design capacity of less than 500,000 gallons per day that discharge to the Chesapeake Bay;

(c) Third for ENR upgrades at wastewater treatment plants that discharge into the Atlantic Coastal Bay or other waters of the State;

(d) Fourth for future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvements at ENR treatment levels or better.

(2) Starting in FY 2018, priority for funding shall be:

(a) First for ENR upgrades at wastewater treatment plants with a design capacity of 500,000 gallons per day or more that discharge to the Chesapeake Bay;

(b) Second for ENR upgrades at wastewater treatment plants with a design capacity of less than 500,000 gallons per day that discharge to the Chesapeake Bay;

(c) Third for ENR upgrades at wastewater treatment plants that discharge into the Atlantic Coastal Bay or other waters of the State;

(d) Fourth for future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvements at ENR treatment levels or better;

(e) Fifth for upgrades of onsite sewage disposal system with best available technology for nitrogen reduction by transferring funds annually from the Wastewater Fund to the Onsite Sewage Disposal System Fund to meet the excess demand during the fiscal year;

(f) Sixth for eligible stormwater projects by local governments who have implemented a system of charges under Environment Article, §4-204, Annotated Code of Maryland.

C. Priority System. The Department shall seek applications for financial assistance annually and prepare a project priority list that ranks individual projects based on the following factors:

(1) Nutrient loads currently discharged and projected nutrient load reduction;

(2) Cost-effectiveness in providing water quality benefits;

(3) Relative effectiveness of water quality benefit to the Chesapeake Bay or other body of water identified by the Department as impaired under Section 303(d) of the Clean Water Act;

(4) The existence of an Administrative or Civil Compliance Order or of a compliance schedule in a discharge permit;

(5) Readiness to proceed to construction;

(6) Other factors established by the Department.

D. Funding Allocation. Each fiscal year, the total available grant funds, net of revenue needed for payment of debt service on outstanding bonds, operation and maintenance grants, and allowed operating expenses shall be allocated in priority order to projects within each subcategory below. Once the eligible cost for all construction ready projects for the fiscal year in subcategory (1) are fully funded, any remaining grant funds shall be allocated next to subcategory (2), and so on, until the all of the available funds for the budget fiscal year are fully allocated in the priority order below:

(1) Major wastewater facilities for ENR upgrade that discharge to the Chesapeake Bay;

(2) Minor wastewater facilities for ENR upgrade that discharge to the Chesapeake Bay;

(3) Other wastewater facilities for ENR upgrade that discharge to the Atlantic Coastal Bay or other waters of the State;

(4) Other wastewater facilities for future upgrades to achieve additional nutrient removal or water quality improvements at ENR treatment levels or better;

(5) OSDS Fund for Nitrogen Reduction, starting in fiscal year 2018;

(6) Stormwater management, starting in fiscal year 2018.

E. Enhanced Nutrient Removal Operation and Maintenance Grants.

(1) In fiscal year 2010 and thereafter, up to 10 percent of the fees collected annually in the Wastewater Fund shall be given to owners of wastewater treatment facilities that are operating at the enhanced nutrient removal treatment level as grant awards to partially offset the cost of operation and maintenance.

(2) Subject to annual budget appropriations, the operation and maintenance grant for wastewater treatment facilities operating at the enhanced nutrient removal treatment levels shall be at the base rate of \$25,000 per year for every one million gallons per day design flow, not to exceed \$250,000 per year. Facilities with less than one million gallons per day design flow shall receive the base rate of \$25,000 per year. This formula may be increased or decreased if the Bay Restoration Fund fee amount is increased or decreased, if there is a change in the Bay Restoration Fund statute, if the amount appropriated in the budget is reduced, or in the sole discretion of the Department.

(3) The Department may, in its sole discretion, offer a prorated amount of an operations and maintenance grant to correspond with the number of months that a wastewater treatment facility operated at the enhanced nutrient removal treatment level in the first year of project completion.

(4) To qualify for the annual operation and maintenance grant, the following criteria shall be met:

(a) The users of the wastewater treatment facilities pay the Bay Restoration Fund fee;

(b) The owner shall file an application with the Department on or before January 31 of each year, or by a date specified by the Department;

(c) The owner shall demonstrate, by submitting performance data for the prior calendar year, that the facility was operated in a manner that optimized enhanced nutrient removal and used its best efforts to achieve equal to or less than 3 mg/l total nitrogen and equal to or less than 0.3 mg/l total phosphorus in wastewater effluent concentration;

(d) The owner shall assist the Department by providing requested data in reporting the impact of the Bay Restoration Fund on growth as required by Environment Article, §9-1605.2, Annotated Code of Maryland.

.04 Onsite Sewage Disposal System Fund.

A. Bay Restoration Fund fees deposited into the Onsite Sewage Disposal System Fund shall be used:

(1) To provide grants or loans up to 100 percent for:

(a) The cost to upgrade an existing onsite sewage disposal system with the best available technology for the removal of nitrogen;

(b) The cost difference between an existing conventional onsite sewage disposal system and a new onsite sewage disposal system that utilizes the best available technology for the removal of nitrogen;

(c) The cost of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards. Cost may not exceed the sum of the cost difference between conventional onsite sewage disposal systems and new onsite sewage disposal systems that use the best available technology for removing nitrogen;

(d) The cost of connecting onsite sewage disposal systems to an existing wastewater treatment facility that meets enhanced nutrient removal standards. Costs may not exceed the sum of the cost of onsite sewage disposal systems that include best available technology for removing nitrogen.

(2) To provide grants or loans up to 100 percent for the cost of repairing or replacing failing onsite sewage disposal systems with a system that uses the best available technology for the removal of nitrogen. This option is available only to low-income homeowners. The cost is the total cost of repair, replacement and upgrade including wastewater disposal drainfields, provided that funds are available after addressing the priorities listed in §A(1)(a)—(d) of this regulation.

(3) The cost of operating expenses, including technical assistance, to administer the Bay Restoration Onsite Sewage Disposal System Fund not to exceed 8 percent of fees deposited into the Onsite Sewage Disposal System Fund.

B. Project Prioritization. Funding shall be based on the following order of priority:

(1) Failing onsite sewage disposal systems in the Chesapeake and Atlantic Coastal Bays Critical Area, with best available technology for the removal of nitrogen;

(2) Failing onsite sewage disposal systems outside the Chesapeake and Atlantic Coastal Bays Critical Area, with best available technology for the removal of nitrogen;

(3) Nonconforming onsite sewage disposal systems in the Chesapeake and Atlantic Coastal Bays Critical Area, with best available technology for the removal of nitrogen;

(4) Nonconforming onsite sewage disposal systems outside the Chesapeake and Atlantic Coastal Bays Critical Area, with best available technology for the removal of nitrogen;

(5) Other onsite sewage disposal systems in the Chesapeake and Atlantic Coastal Bays Critical Area including new construction, with best available technology for the removal of nitrogen;

(6) Other onsite sewage disposal systems outside the Chesapeake and Atlantic Coastal Bays Critical Area, including new construction, with best available technology for the removal of nitrogen.

C. Grant Awards. The Department shall seek applications for financial assistance annually, subject to annual budget appropriation, and shall award grants based on the following factors:

(1) Total number of septic systems within a county;

(2) Number of septic systems within the Chesapeake Bay and Atlantic Coastal Bays Critical Area within a county;

(3) Grant funding requested by the county or the county's authorized agent.

D. Income Based Grant Eligibility.

(1) Homeowners with existing onsite sewage disposal systems or new onsite sewage disposal system construction may qualify for grant funding based on their income as follows:

(a) Up to 100 percent of the approved cost for annual household income of \$300,000 or less;

(b) Up to 50 percent of the approved cost for annual household income above \$300,000.

(2) Not for profit entities with existing onsite sewage disposal systems or proposing new onsite sewage disposal system construction may qualify for up to 100 percent of the approved cost as grant funding.

(3) Businesses with existing onsite sewage disposal systems or proposing a new onsite sewage disposal system construction can qualify for up to 50 percent of the approved cost as grant funding.

(4) The grant eligibility percentages in this section may be adjusted in the future based on higher or lower funding demands for the upgrade of onsite sewage disposal systems.

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

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

Notice of Proposed Action

[13-246-P]

The Maryland Emergency Medical Services Board proposes to amend:

- (1) Regulation .02 under COMAR 30.01.01 Definitions;
- (2) Regulations .02—.09 under COMAR 30.02.02 Licensure and Certification;
- (3) Regulation .01 under COMAR 30.02.03 Scope of Practice and Duties;
- (4) Regulation .08 under COMAR 30.03.04 Quality Assurance;
- (5) Regulation .01 under COMAR 30.04.01 Definitions;
- (6) Regulations .07—.13 under COMAR 30.04.03 Basic Life Support Education Programs;
- (7) Regulations .02 and .04 under COMAR 30.04.05 Continuing Education;
- (8) Regulation .02 under COMAR 30.09.01 Definitions;
- (9) Regulation .02 under COMAR 30.09.07 Operational Requirements;
- (10) Regulation .02 under COMAR 30.09.11 ALS Service;
- and
- (11) Regulations .04 and .05 under COMAR 30.09.14 Specialty Care Transport Service.

Statement of Purpose

The purpose of this action is to change the nomenclature used for the different levels of emergency medical services providers to be consistent with new national standards and Education Article, §13-516, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Sarah M. Sette, 653 West Pratt Street, Baltimore, MD 21201, or call (410)706-8514, or email to ssette@miemss.org, or fax to (410)706-2138. Comments will be accepted through October 7, 2014. A public hearing has not been scheduled.

Subtitle 01 GENERAL

30.01.01 Definitions

Authority: Education Article, §13-516, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Advanced life support (ALS)” means care that may only be rendered by [EMT-Ps] *paramedics* or CRTs under the Maryland Medical Protocols for Emergency Medical Services Providers.

(2) — (4) (text unchanged)

(5) “Basic life support (BLS)” means care rendered by [EMT-Bs] *emergency medical technicians* or [first] *emergency medical responders* under the Maryland Medical Protocols for Emergency Medical Services Providers that is not ALS care.

(6) (text unchanged)

[(6-1)] (7) — [(7)] (8) (text unchanged)

(9) *Emergency medical responder (EMR)*” means an individual certified by the EMS Board as an *emergency medical responder*.

[(8)] (10) — [(10)] (12) (text unchanged)

[(11)] (13) “Emergency medical technician[*-basic* (EMT-B) (EMT)]” means an individual certified by the EMS Board as an [EMT-B] *emergency medical technician*.

[(12)] “Emergency medical technician-paramedic (EMT-P *paramedic*)” means an individual licensed by the EMS Board as an EMT-P *paramedic*.]

[(13)] (14) — [(14)] (15) (text unchanged)

[(15)] “First responder (FR)” means an individual certified by the EMS Board as a first responder].

(16) — (19) (text unchanged)

(20) “*Paramedic*” means an individual licensed by the EMS Board as a *paramedic*.

[(20)] (21) (text unchanged)

Subtitle 02 EMERGENCY MEDICAL SERVICES PROVIDERS

30.02.02 Licensure and Certification

Authority: Education Article, §13-516, Annotated Code of Maryland

.02 Fees.

A. (text unchanged)

B. The fee for the [first] *emergency medical responder* written examination and each reexamination is \$25.

C. The fee for the [EMT-B] *emergency medical technician* written examination and each reexamination is \$25.

D. The fee for the practical examination for [EMT-B] *emergency medical technician* is \$60.

E. The fee for the CRT and [EMT-P] *paramedic* written examinations and each written reexamination is \$25 per examination.

F. The fee for the health care provider to [EMT-B] *emergency medical technician* program examination and each reexamination is \$25.

G. The fee for reciprocal certification or licensure is \$35.

.03 Requirements.

A. (text unchanged)

B. To qualify for licensure or certification, an applicant other than an applicant under §A of this regulation shall be 18 years old or older, except an individual:

(1) Who is between the ages of 16 and 18 may apply for [first] *emergency medical responder* or [EMT-B] *emergency medical*

technician examination and certification with written permission from a parent or legal guardian;

(2) — (3) (text unchanged)

C. In addition to the requirements of §B of this regulation, an applicant for [first] *emergency medical responder* certification shall:

(1) Have successfully completed [a first] *an emergency medical responder* course approved by the EMS Board;

(2) Have successfully completed the practical certification examination administered in conjunction with the [first] *emergency medical responder* course; and

(3) Have passed [a first] *an emergency medical responder* written certification examination administered by an EMS educational program approved by the EMS Board.

D. In addition to the requirements of §B of this regulation, an applicant for [EMT-B] *emergency medical technician* certification shall:

(1) Have successfully completed:

(a) An [EMT-B] *emergency medical technician* course approved by the EMS Board; or

(b) If the applicant is a licensed nurse, licensed physician, or certified physician assistant, the health care provider to [EMT-B] *emergency medical technician* program;

(2) (text unchanged)

(3) Have passed an [EMT-B] *emergency medical technician* written certification examination approved by MIEMSS;

(4) Have successfully completed the [EMT-B] *emergency medical technician* practical certification examination administered by MIEMSS; and

(5) (text unchanged)

E. In addition to the requirements of §B of this regulation, an applicant for initial CRT licensure shall:

(1) (text unchanged);

(2) Have successfully completed immediately before application for licensure:

(a) At least 12 full months of experience in providing patient care as an [EMT-B] *emergency medical technician* with an EMS operational program; or

(b) (text unchanged)

(3) — (6) (text unchanged)

F. In addition to the requirements of §B of this regulation, an applicant for [EMT-P] *paramedic* licensure shall:

(1) Have successfully completed:

(a) [An EMT-P] *A paramedic* course approved by the EMS Board;

(b) If the applicant is a licensed nurse, licensed physician, or certified physician assistant, the health care provider to [EMT-P] *paramedic* program; or

(c) If the applicant is a CRT, the [EMT-P] *paramedic* bridge course;

(2) Have successfully completed immediately before application for licensure:

(a) At least 12 full months of experience in providing patient care as an [EMT-B] *emergency medical technician* with an EMS operational program;

(b) (text unchanged)

(c) If the applicant is a licensed nurse, licensed physician, or certified physician assistant, the health care provider to [EMT-P] *paramedic* program; or

(d) If the applicant is a CRT, the [EMT-P] *paramedic* bridge course;

(3) Submit evidence of current active status registration as [an EMT-P] *a paramedic* with the National Registry of Emergency Medical Technicians;

(4) — (5) (text unchanged)

(6) Have passed a written [EMT-P] *paramedic* licensure examination approved by MIEMSS.

G. (text unchanged)

.04 Reciprocity.

A. To obtain reciprocal licensure or certification, an applicant shall:

(1) — (2) (text unchanged)

(3) Be currently affiliated with an EMS operational program providing at least the level of services for which the individual is seeking reciprocal licensure or certification, unless applying for reciprocal certification as [a first] *an emergency medical responder*.

B. In addition to the requirements of §A of this regulation, an applicant for [first] *emergency medical responder* reciprocal certification shall:

(1) Submit evidence of current:

(a) Certification as [a first] *an emergency medical responder* in another state; or

(b) Registration with the National Registry of Emergency Medical Technicians as [a first] *an emergency medical responder*.

C. In addition to the requirements of §A of this regulation, an applicant for [EMT-B] *emergency medical technician* reciprocal certification shall:

(1) Submit evidence of current:

(a) Certification as an [EMT-B] *emergency medical technician* in another state if that state follows the national standards;

(b) Registration with the National Registry of Emergency Medical Technicians as an [EMT-B] *emergency medical technician*;

(c) (text unchanged)

(d) Registration with the National Registry of Emergency Medical Technicians as [an EMT-P] *a paramedic*; and

(2) (text unchanged)

D. (text unchanged)

E. In addition to the requirements of §A of this regulation, an applicant for reciprocal [EMT-P] *paramedic* licensure shall:

(1) Submit evidence of current active status registration as [an EMT-P] *a paramedic* with the National Registry of Emergency Medical Technicians;

(2) (text unchanged)

(3) Pass [an EMT-P] *a paramedic* licensure examination approved by MIEMSS.

F. (text unchanged)

.05 Examination and Reexamination.

A. — D. (text unchanged)

E. If an applicant for EMD or [first] *emergency medical responder* fails a third written certification or licensure examination, the applicant shall successfully complete another approved EMS training course, in its entirety, before taking another examination.

F. An applicant for [EMT-P] *paramedic* or CRT who fails a fourth written licensure examination shall successfully complete a Maryland protocol review session approved by MIEMSS.

G. If an applicant for [EMT-B] *emergency medical technician* has passed the practical examination but fails the third written examination, the applicant may take the [first] *emergency medical responder* examination within 1 year of successful completion of the [EMT-B] *emergency medical technician* practical certification examination.

H. If an applicant for [EMT-B] *emergency medical technician* fails a first or second practical certification examination, the applicant may retake the practical examination:

(1) — (2) (text unchanged)

I. If an applicant for [EMT-B] *emergency medical technician* certification fails the third written or practical certification examination, the applicant shall successfully complete another approved [EMT-B] *emergency medical technician* training course in

its entirety and pass an [EMT-B] *emergency medical technician* written certification examination approved by MIEMSS before taking another [EMT-B] *emergency medical technician* practical certification examination.

.06 Issuance of License or Certificate.

A. — G. (text unchanged).

H. Unless the certificate is the initial certificate issued under COMAR 30.02.02.04 or is extended, revoked, or suspended, the certificate of [a first] *an emergency medical responder* or [EMT-B] *emergency medical technician* is valid:

(1) In the initial certification period for at least 36 months, but not more than 42 months, as follows:

(a) Applicants for [first] *emergency medical responder* and [EMT-B] *emergency medical technician* certification who successfully complete the certification examinations between January 1 and June 30 are issued a certificate which is effective from the date of successful completion of all required certification examinations and expires on June 30, 3 years from the year of issuance[.]; or

(b) Applicants for [first] *emergency medical responder* and [EMT-B] *emergency medical technician* certification who successfully complete the [EMT-B] *emergency medical technician* examination between July 1 and December 31 are issued a certificate which is effective from the date of successful completion of all required certification examinations and expires on December 31, 3 years from the year of issuance; and

(2) (text unchanged).

I. (text unchanged).

J. Unless the license is extended, revoked, or suspended, the license of [an EMT-P] *a paramedic* is valid:

(1) — (2) (text unchanged)

K. (text unchanged).

.07 Renewal.

A. — C. (text unchanged).

D. If applying for renewal as [a first] *an emergency medical responder*, the individual shall submit to MIEMSS evidence of:

(1) Current active status registration as [a first] *an emergency medical responder* or higher with the National Registry of Emergency Medical Technicians;

(2) — (3) (text unchanged)

E. If applying for renewal as an [EMT-B] *emergency medical technician*, the individual shall submit to MIEMSS evidence of:

(1) Current active status registration as an [EMT-B] *emergency medical technician* or higher with the National Registry of Emergency Medical Technicians;

(2) — (4) (text unchanged)

F. (text unchanged).

G. If applying for renewal as [an EMT-P] *a paramedic*, the individual shall submit to MIEMSS evidence of current active status registration as [an EMT-Paramedic] *a paramedic* with the National Registry of Emergency Medical Technicians[.];

H. — K. (text unchanged)

.08 Inactive Status.

A. The Board may place an EMS provider on inactive status if the EMS provider:

(1) — (2) (text unchanged)

(3) In the case of [an EMT-P] *a paramedic* or a CRT initially licensed after June 30, 2001, fails to maintain continuous, active status registration with the National Registry of Emergency Medical Technicians as a provider, unless the provider has requested and received an extension of the individual's license from MIEMSS.

B. (text unchanged)

C. An EMS provider on inactive status may apply for active status if the individual:

(1) — (2) (text unchanged)

(3) If applying for reinstatement as [an EMT-P] *a paramedic*, provides evidence of current active status registration as [an EMT-P] *a paramedic* with the National Registry of Emergency Medical Technicians; and

(4) (text unchanged)

D. — F. (text unchanged)

.09 Reinstatement.

A. (text unchanged)

B. An applicant for reinstatement as an EMS provider shall apply for reinstatement:

(1) As [a first] *an emergency medical responder* or [EMT-B] *emergency medical technician*, not later than 3 years after the expiration of the applicant's [first] *emergency medical responder* or [EMT-B] *emergency medical technician* certification;

(2) — (3) (text unchanged)

(4) As [an EMT-P] *a paramedic*, at any time if the applicant has current active status registration as [an EMT-P] *a paramedic* with the National Registry of Emergency Medical Technicians.

C. An applicant for reinstatement as an EMS provider shall:

(1) (text unchanged)

(2) If applying for reinstatement as an EMD, [EMT-B] *emergency medical technician*, CRT, or [EMT-P] *paramedic*, be affiliated with an EMS operational program.

D. If applying for reinstatement more than 1 year after the expiration of the individuals licensure or certification, in addition to the requirements of §C of this regulation, within 6 months of completion of the required continuing education, an applicant for reinstatement shall, if applying for reinstatement as:

(1) [A first] *An emergency medical responder*, pass the [first] *emergency medical responder*:

(a) — (b) (text unchanged)

(2) An [EMT-B] *emergency medical technician*, pass the [EMT-B] *emergency medical technician* written and practical certification examinations approved by MIEMSS;

(3) (text unchanged)

(4) [An EMT-P] *A paramedic*:

(a) (text unchanged)

(b) Pass [an EMT-P] *a paramedic* licensure examination approved by MIEMSS; or

(5) (text unchanged)

E. (text unchanged)

30.02.03 Scope of Practice and Duties

Authority: Education Article, §13-516, Annotated Code of Maryland

.01 Scope of Practice.

A. (text unchanged)

B. The following EMS providers shall provide emergency medical services in accordance with the procedures indicated in this section:

(1) (text unchanged)

(2) [A first] *An emergency medical responder* not utilizing an AED shall provide emergency medical services in accordance with the [first] *emergency medical responder* curriculum approved by the EMS Board; and

(3) [A first] *An emergency medical responder* utilizing an AED shall provide emergency medical services in accordance with the [first] *emergency medical responder* curriculum approved by the EMS Board and the portions of the "Maryland Medical Protocols for EMS Providers" concerning use of an AED.

C. (text unchanged)

Subtitle 03 EMS OPERATIONAL PROGRAMS

30.03.04 Quality Assurance

Authority: Education Article, §§13-509, 13-510, and 13-516, Annotated Code of Maryland

.08 Quality Assurance Officer.

A. (text unchanged)

B. Qualifications of an EMS Operational Program Quality Assurance Officer. An EMS operational program Quality Assurance Officer shall:

(1) Be certified or licensed as an [EMT-B] *emergency medical technician*, CRT, or [EMT-P] *paramedic* in Maryland;

(2) — (3) (text unchanged)

C. Duties of an EMS Operational Program QA Officer. [A.] The EMS operational program QA officer shall be responsible for:

(1) — (6) (text unchanged)

(7) Ensuring that issues regarding Advance Life Support providers are delegated to a member of the Medical Review Committee who is an Advance Life Support provider for review if the QA officer is certified as an [EMT-B] *emergency medical technician*.

Subtitle 04 EMERGENCY MEDICAL SERVICES EDUCATION PROGRAMS AND COURSES

30.04.01 Definitions

Authority: Education Article, §13-516(d), Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) "Basic life support (BLS)" means the level of care which may be rendered by an individual certified under Education Article, §13-516, Annotated Code of Maryland, as:

(a) An emergency medical technician[-basic] (EMT[-B]); or

(b) [A first] *An emergency medical responder*.

(5) — (17) (text unchanged)

(18) "Emergency medical responder instructor" means an individual who is currently approved by MIEMSS to teach FR courses and approved continuing education.

[(18)] (19) "Emergency medical services (EMS) operational program" means

(a) — (b) (text unchanged)

[(19)] (20) "[EMT-B] *Emergency medical technician instructor*" means an individual who can teach [EMT-B] *emergency medical technician* or [FR] *EMR courses* and meets the requirements of COMAR 30.04.03.09A.

[(20)] "First Responder means an individual certified by the EMS Board as a first responder].

(21) — (31) (text unchanged)

30.04.03 Basic Life Support Education Programs

Authority: Education Article, §13-516(d), Annotated Code of Maryland

.07 Human Resources — Medical Director.

A. Each BLS education program offering [EMT-B] *emergency medical technician* courses or [FR] *emergency medical responder*

courses, which include the automated external defibrillator module, shall have a medical director who:

(1) — (4) (text unchanged)

B. (text unchanged)

.08 Human Resources — Program Coordinator.

A. Each education program offering [EMT-B] *emergency medical technician* courses shall have a program coordinator who has:

(1) — (4) (text unchanged)

B. The [EMT-B] *emergency medical technician* program coordinator shall:

(1) Have overall responsibility for the success of the [EMT-B] *emergency medical technician* education program, including continuous quality review and improvement of the education program;

(2) — (3) (text unchanged)

.09 Human Resources — [EMT-B] *Emergency Medical Technician* Instructors.

A. Each [EMT-B] *emergency medical technician* course shall be taught by an [EMT-B] *emergency medical technician* instructor, or an interim instructor under the supervision of an [EMT-B] *emergency medical technician* instructor, who:

(1) Is currently certified as an MICRB Level II emergency services instructor who has successfully:

(a) Completed at least 12 hours of an [EMT-B] *emergency medical technician* instructor skills development course;

(b) Completed two practice teachings (one didactic and one practical) evaluated by an [EMT-B] *emergency medical technician* instructor who is also approved as an MICRB evaluator; and

(c) Taught one [EMT-B] *emergency medical technician* course as an interim instructor, and been twice successfully evaluated by an [EMT-B] *emergency medical technician* instructor who is also approved as an MICRB evaluator; and

(2) Has at least 3 consecutive years of experience as an [EMT-B] *emergency medical technician* or higher;

(3) Maintains a Maryland EMS certification or license as an [EMT-B] *emergency medical technician* or higher; and

(4) (text unchanged)

B. The [EMT-B] *emergency medical technician* instructor is responsible for:

(1) (text unchanged)

(2) Any interim or additional [EMT-B] *emergency medical technician* instructors assisting with the course.

C. An [EMT-B] *emergency medical technician* instructor shall remain current by:

(1) Completing requirements as an MICRB instructor and:

(a) Receiving a satisfactory [EMT-B] *emergency medical technician* course teaching evaluation and no subsequent unsatisfactory evaluations from an [EMT-B] *emergency medical technician* instructor who is also an approved MICRB evaluator; and

(b) One of the following:

(i) Instructing at least 60 hours of [EMT-B] *emergency medical technician* course material; or

(ii) If a training supervisor, instructing at least 9 hours of [EMT-B] *emergency medical technician* course material;

(2) Maintaining a valid Maryland EMS certification of [EMT-B] *emergency medical technician* or higher; and

(3) (text unchanged)

D. If qualified, the [EMT-B] *emergency medical technician* instructor may also function as the [EMT-B] *emergency medical technician* program coordinator.

E. [EMT-B] *Emergency Medical Technician* Instructor Reinstatement.

(1) A former [EMT-B] *emergency medical technician* instructor whose approval has lapsed may apply to the sponsoring

agency for reinstatement within 3 years of expiration. The [EMT-B] *emergency medical technician* instructor reinstatement candidate shall:

(a) (text unchanged)

(b) Maintain Maryland EMS certification or licensure as an [EMT-B] *emergency medical technician* or higher; and

(c) (text unchanged)

(2) An [EMT-B] *emergency medical technician* instructor whose approval status has been expired for more than 3 years shall meet initial [EMT-B] *emergency medical technician* instructor requirements.

F. [EMT-B] *Emergency Medical Technician* Field Training Coaches.

(1) Each BLS education program shall have access to [EMT-B] *emergency medical technician* field training coaches who shall supervise and evaluate each student's internship performance in an approved prehospital setting or MIEMSS-approved equivalent.

(2) An [EMT-B] *emergency medical technician* field training coach shall possess appropriate:

(a) Working knowledge of the [EMT-B] *emergency medical technician* curriculum;

(b) (text unchanged)

(c) Expertise to supervise students during the [EMT-B] *emergency medical technician* internship.

(3) The ratio of students to [EMT-B] *emergency medical technician* field training coach shall be one to one to ensure effective learning and supervision.

(4) Each [EMT-B] *emergency medical technician* field training coach shall complete [EMT-B] *emergency medical technician* field training coach orientation, and be approved by the local EMS operational program.

.10 Human Resources — [FR] *EMR* Program Coordinator.

A. Each education program offering [FR] *EMR* courses shall have a program coordinator who:

(1) — (2) (text unchanged)

B. The [FR] *EMR* program coordinator shall have overall responsibility for the success of the education program including:

(1) — (8) (text unchanged)

(9) Continuous quality review and improvement of the [FR] *EMR* education program.

C. The [EMT-B] *emergency medical technician* program coordinator can also be the [FR] *EMR* program coordinator.

.11 Human Resources — [FR] *EMR* Instructors.

A. [FR] *EMR* courses shall be taught by:

(1) [FR] *EMR* instructors;

(2) Interim [FR] *EMR* instructors under the supervision of an [FR] *EMR* instructor; or

(3) [EMT-B] *Emergency medical technician* instructors.

B. An [FR] *EMR* instructor who is not an [EMT-B] *emergency medical technician* instructor shall:

(1) (text unchanged)

(2) Successfully complete a MIEMSS [FR] *EMR* instructor course and a MIEMSS-approved [FR] *EMR* written examination, with a minimum score as approved by MIEMSS;

(3) Successfully complete 2 hours of supervised practice teaching consisting of 1 hour didactic and 1 hour practical skills, and receive a satisfactory evaluation from a MIEMSS-approved [FR] *EMR* instructor evaluator or an [EMT-B] *emergency medical technician* instructor who is also an approved MICRB evaluator;

(4) Teach 40 hours as an interim instructor and receive two consecutive satisfactory evaluations from a MIEMSS-approved [FR] *EMR* instructor evaluator, or an [EMT-B] *emergency medical technician* instructor who is also an approved MICRB evaluator; and

(5) Submit to MIEMSS at the end of the interim teaching:

(a) (text unchanged)

(b) A completed [FR] *EMR* instructor application showing two consecutive successful evaluations and practice teaching dates.

C. Approval as an [FR] *EMR* instructor shall be for up to 3 years.

D. Maintaining [FR] *EMR* Instructor Approval. To maintain [FR] *EMR* instructor approval, an individual during the 3-year period of approval shall:

(1) Satisfy all of the following:

(a) Teach at least:

(i) 20 hours of [FR] *EMR* instruction with 6 hours devoted to skills; or

(ii) 14 hours of [FR] *EMR* instruction and attend an approved skills refresher;

(b) Receive at least one satisfactory teaching evaluation with no subsequent unsatisfactory evaluation by a MICRB evaluator who is an [EMT-B] *emergency medical technician* instructor or MIEMSS-approved [FR] *EMR* instructor evaluator;

(c) (text unchanged)

(d) Attend [FR] *EMR* instructor workshops as necessary;

(e) (text unchanged)

(f) Apply to MIEMSS for renewal as an [FR] *EMR* instructor; or

(2) Maintain current MIEMSS approval as an [EMT-B] *emergency medical technician* instructor and attend [FR] *EMR* instructor workshops as necessary.

E. The [FR] *EMR* instructor may also function as the [FR] *EMR* program coordinator if qualified.

F. [FR] *EMR* Instructor Reinstatement.

(1) A former [FR] *EMR* instructor whose approval has expired may apply to MIEMSS for reinstatement within 3 years of expiration. The [FR] *EMR* instructor reinstatement candidate shall:

(a) Be certified or licensed as a Maryland [FR] *EMR* or higher level EMS provider;

(b) Have successfully completed, within the last 3 years, 1 hour didactic and 1 hour practical skills supervised practice teaching with a satisfactory evaluation from a MIEMSS-approved [FR] *EMR* instructor evaluator or an [EMT-B] *emergency medical technician* instructor who is an approved MICRB evaluator; and

(c) A completed [FR] *EMR* instructor application showing two consecutive successful evaluations from practice teaching.

(2) Approval as an [FR] *EMR* instructor shall be for 3 years or concurrent with the [FR, EMT-B] *EMR, the emergency medical technician*, or the MICRB certification period.

(3) An [FR] *EMR* instructor whose lapsed approval status is in excess of 3 years is required to meet initial [FR] *EMR* instructor requirements.

.12 BLS Physical Resources.

A. (text unchanged)

B. [EMT-B] *Emergency Medical Technician* Internships. Each BLS education program shall provide students access to internships with appropriate medical oversight and supervision within any MIEMSS-approved EMS operational program which shall include:

(1) — (3) (text unchanged)

C. (text unchanged)

.13 BLS Financial Resources.

Each [EMT-B] *emergency medical technician* education program shall have sufficient financial resources to ensure complete course delivery for all enrolled students.

30.04.05 Continuing Education

Authority: Education Article, §13-516(d), Annotated Code of Maryland

.02 Continuing Education Courses Eligible for Credit Under COMAR 30.02.02.07.

A. Skills and full refresher courses eligible for credit under COMAR 30.02.02.07 shall be provided under the requirements of this chapter by EMS Board approved:

(1) — (3) (text unchanged)

(4) Programs listed in COMAR 30.04.05.02C which:

(a) — (e) (text unchanged)

(f) Utilize only [EMT-B] *emergency medical technician* refresher or skills courses instructors who meet the requirements under COMAR 30.04.03.09; and

(g) (text unchanged)

B. — D. (text unchanged)

.04 Instructors.

A. All non-distance education continuing education courses shall be taught by:

(1) — (3) (text unchanged)

(4) An EMD, [EMT-B] *emergency medical technician*, or [FR] *EMR* instructor; or

(5) (text unchanged).

B. The following continuing education instructors shall teach skills at the level for which they are approved:

(1) (text unchanged)

(2) [FR] *EMR* instructors may only teach [FR] *EMR* material;

(3) [EMT-B] *Emergency medical technician* instructors may only teach BLS material;

(4) — (5) (text unchanged)

Subtitle 09 COMMERCIAL AMBULANCE SERVICES

30.09.01 Definitions

Authority: Education Article, §§13-508 and 13-515, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Advanced life support provider” means an individual licensed by the EMS Board as [an EMT-P] *a paramedic* or CRT.

(3) — (6) (text unchanged)

(7) “Basic life support provider” means an individual certified by the EMS Board as [a first] *an emergency medical responder* or an [EMT-B] *emergency medical technician*.

(8) — (17) (text unchanged)

(18) “*Emergency medical responder (EMR)*” means an individual certified by the EMS Board as an *emergency medical responder*.

[(20)] (21) “*Emergency medical technician[–basic] (EMT[–B])*” means an individual certified by the EMS Board as an [EMT-B] *emergency medical technician*.

[(21)] “*Emergency medical technician-paramedic (EMT-P)*” means an individual licensed by the EMS Board as an EMT-P.]

(22) — (24) (text unchanged)

[(25)] “*First responder (FR)*” means an individual certified by the EMS Board as a first responder.]

- [(26)] (25) — [(30)] (29) (text unchanged)
- [(31)] Repealed.]
- [(32)] (30) — [(36)] (34) (text unchanged)
- (35) “Paramedic” means an individual licensed by the EMS Board as a paramedic.
- [(37)] (36) — [(42)] (41) (text unchanged)

30.09.07 Operational Requirements

Authority: Education Article, §§13-508 and 13-515, Annotated Code of Maryland

.02 Operational Requirements for Commercial Ambulance Services.

A. Staffing. A commercial ambulance service shall:

- (1) — (2) (text unchanged)
 - (3) Assure that each BLS licensed ground ambulance is staffed with:
 - (a) A driver who is certified as [first] *emergency medical responder* or higher and possesses and, while on duty, carries a valid motor vehicle license; and
 - (b) An individual in addition to the driver who is an [EMT-B] *emergency medical technician* or higher, who is responsible for the patient until the patient is:
 - (i) — (ii) (text unchanged)
 - (4) Assure that each ALS licensed ground ambulance is staffed with:
 - (a) A driver who is certified as [EMT-B] *emergency medical technician* or higher and possesses and, while on duty, carries a valid motor vehicle license; and
 - (b) (text unchanged)
 - (5) — (10) (text unchanged).
- B. — F. (text unchanged)

30.09.11 ALS Service

Authority: Education Article, §13-515, Annotated Code of Maryland

.02 Additional Operational Requirements.

- A. An ALS commercial ambulance service shall retain at least one licensed [EMT-P] *paramedic* to function as an ALS coordinator who:
 - (1) — (3) (text unchanged).
- B. — C. (text unchanged)

30.09.14 Specialty Care Transport Services

Authority: Education Article, §13-515, Annotated Code of Maryland

.04 Additional Staffing Requirements for Specialty Care Commercial Ambulance Services.

- A. (text unchanged)
- B. If the care required is outside the scope of practice of [an EMT-P] *a paramedic* credentialed to provide specialty care transport under the Maryland Medical Protocols for EMS Providers:
 - (1) (text unchanged)
 - (2) At least two additional individuals who meet the following requirements:
 - (a) One shall be at least:
 - (i) At the level of [an EMT-P] *a paramedic* who has successfully completed a paramedic specialty care transport course approved by the EMS Board or equivalent as determined by MIEMSS and is credentialed by the specialty care transport service under COMAR 30.03.03.06; or
 - (ii) [An EMT-P] *A paramedic* who has successfully completed an orientation to specialty care transport; and

- (b) (text unchanged)

C. If the care required is within the scope of practice of [an EMT-P] *a paramedic* with specialty care transport training:

- (1) (text unchanged)
- (2) At least one individual who is:
 - (a) [An EMT-P] *A paramedic* who has successfully completed a paramedic specialty care transport course approved by the EMS Board and credentialed by the specialty services under COMAR 30.03.03.06; or
 - (b) (text unchanged)
- (3) At least one individual who:
 - (a) Is one of the following:
 - (i) (text unchanged)
 - (ii) [An EMT-P] *A paramedic*; and
 - (b) (text unchanged)

.05 Additional Requirements for [EMT-P] *Paramedic* with Specialty Care Transport Training.

- A. The [EMT-P] *paramedic* shall provide documentation to the licensed commercial ambulance service that they have successfully completed a specialty care transport course that meets the requirements of COMAR 30.04.03.
- B. The medical director is responsible for credentialing the [EMT-P] *paramedic* as required in COMAR 30.03.03.06.
- C. The [EMT-P] *paramedic* shall receive at least 12 hours of specialty care continuing education every 2 years.

ROBERT R. BASS, M.D.

Executive Director

Maryland Institute for Emergency Medical Services Systems (MIEMSS)

Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS

30.08.15 Freestanding Emergency Medical Facilities

Authority: Education Article, §13-509, Annotated Code of Maryland

Notice of Proposed Action

[13-257-P]

The State Emergency Medical Services Board proposes to amend Regulation .02 under **COMAR 30.08.15 Freestanding Emergency Medical Facility**. This action was considered and approved by the State Emergency Medical Services Board at its regular meeting on June 11, 2013, notice of which was given by publication in 40:11 Md. R. 1017 (May 31, 2013), under State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow free standing emergency medical facilities to serve as base stations should they choose to do so provided they meet the necessary qualifications.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The free standing emergency medical facility will need to train staff and make them available for radio consultation as needed.

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

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

F. Patients transported to a free standing emergency medical facility will receive consultation and needed medical orders from facility at which they will receive treatment.

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 E. Fremont Magee, Assistant Attorney General, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, Maryland 21201, or call 410-706-8531, or email to fmagee@miemss.org, or fax to 410-706-2138. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.02 Freestanding Emergency Medical Facility.

A. Freestanding Emergency Medical Facility. A freestanding emergency medical facility:

(1) — (6) (text unchanged)

[(7) May not provide on-line physicians orders to EMS;]

[(8)] (7) — [(9)] (8) (text unchanged)

B. — C. (text unchanged)

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

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.26 Uniform Credentialing Form

Authority: Insurance Article, §§2-109 and 15-112.1, Annotated Code of Maryland

Notice of Proposed Action

[13-249-P]

The Insurance Commissioner proposes to amend Regulation .03 under **COMAR 31.10.26 Uniform Credentialing Form.**

Statement of Purpose

The purpose of this action is to provide an exception for managed care organizations with regard to the use of the uniform credentialing form. Specifically, a managed care organization may require a health care provider to submit a disclosure form required by federal regulations that is not included in the uniform credentialing form.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will have a minimal impact on managed care organizations and the health care providers that apply to be on the panels of the managed care organizations. This amendment will eliminate a contradiction between federal and Maryland regulations. Federal regulations require that health care providers that contract with managed care organizations to provide services to Medicaid enrollees must submit a certain disclosure form to the managed care organization as a part of the credentialing process. This action will allow the managed care organizations to require the federal disclosure form in addition to the Maryland uniform credentialing form.

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

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

B. The amendment will have a positive impact on the Department of Health and Mental Hygiene by eliminating a contradiction between Maryland and federal regulations that will impact the managed care organizations that contract with Medicaid.

D. The amendment prevents regulated managed care organizations from the possibility of penalties by either the State or federal government due to conflicting regulations.

E. The amendment may result in certain health care providers that contract with managed care organizations being required to complete a disclosure form, in addition to the uniform credentialing form.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2450, or email to Katrina.Lawhorn@Maryland.Gov, or fax to 410-468-2020. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

.03 Uniform Credentialing Form — Carrier and Credentialing Intermediary Requirements.

A. (text unchanged)

B. A carrier may not, for purposes of credentialing or recredentialing, require a health care provider to:

(1) — (3) text unchanged

(4) Submit any additional information not specified by the uniform credentialing form, *except as stated in §F of this regulation.*

C. — E. (text unchanged)

F. *A carrier that is a managed care organization may require a provider to make the disclosure required by 42 CFR §1002.3.*

THERESE M. GOLDSMITH
Insurance Commissioner

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.02 Advertisements of All Insurance Contracts Which Include Any Accident, Sickness, Hospital, Surgical or Medical Coverages

Authority: Insurance Article, §§2-109 and 27-203, Annotated Code of Maryland

Notice of Proposed Action

[13-250-P]

The Insurance Commissioner proposes to amend Regulations .01, .06, .07, .11, .12, .15, .17, and .18 and adopt new Regulation .17-1 under COMAR 31.15.02 Advertisements of All Insurance Contracts Which Include Any Accident, Sickness, Hospital, Surgical or Medical Coverages.

Statement of Purpose

The purpose of this action is to update Maryland marketing standards to meet those set forth by the federal government in 45 CFR §147.104(e) and to make nonsubstantive updates to regulations.

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 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 October 7, 2013. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Advertisement" includes:

(a) Printed and published material and descriptive literature of [an insurer] *a carrier* used in or on newspapers, magazines, or any other publication, radio and TV scripts, matchbooks, blotters, calendars, posters, billboards, and similar displays;

(b) Descriptive literature and sales aids of all kinds issued by [an insurer] *a carrier* for presentation to members of the public, including but not limited to circulars, pamphlets, leaflets, booklets, depictions, illustrations, and form letters; and

(c) Prepared sales talks, presentations, and material for use by [agents and brokers] *producers*, and representations made by [agents and brokers] *producers* in accordance therewith.

[(2) "Insurer" includes any individual, agent, broker, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyd's, fraternal benefit society, and any other legal entity advertising or causing the advertisement of a policy as defined in these regulations.]

(2) "*Carrier*" includes an insurer, a nonprofit health service plan, a health maintenance organization, a dental plan organization, and any other person engaged in the business of insurance.

(3) "Policy" includes any policy, plan, certificate, contract, agreement, statement of coverage, rider, or endorsement which provides accident or sickness benefits, or medical, surgical, *dental*, or hospital expense benefits, whether on a cash indemnity, reimbursement, or service basis, except:

(a) — (b) (text unchanged)

(4) "*Producer*" has the meaning set forth in Insurance Article §1-101(u), Annotated Code of Maryland.

.06 Testimonials.

Testimonials used in advertisements shall be genuine, represent the current opinion of the author, be applicable to the policy advertised and be accurately reproduced. The [insurer] *carrier* or *producer*, in using a testimonial, makes as its own all of the statements contained in the testimonial, and the advertisement including these statements is subject to all of the provisions of this chapter.

.07 Use of Statistics.

An advertisement relating to the dollar amounts of claims paid, the number of persons insured, or similar statistical information relating to any [insurer] *carrier* or policy may not be used unless it accurately reflects all of the relevant facts. The advertisement may not imply that the statistics are derived from the policy advertised unless that is the fact.

.11 Jurisdictional Licensing.

A. An advertisement which is intended to be seen or heard beyond the limits of the jurisdiction in which the [insurer] *carrier* or *producer* is licensed may not imply licensing beyond those limits.

B. Advertisements by direct mail [insurers] *carriers* or *producers* shall indicate that the [insurer] *carrier* or *producer* is licensed in a specified state or states only, or is not licensed in a specific state or states, by use of some language such as "This Company is licensed only in State A" or "This Company is not licensed in State B".

.12 Identity of [Insurer] Carrier or Producer.

The identity of the [insurer] *carrier* or *producer* shall be made clear in all of its advertisements. An advertisement may not use a trade name, service mark, slogan, symbol, or other device which has the tendency to mislead or deceive as to the true identity of the [insurer] *carrier* or *producer*.

.15 Approval or Endorsement by Third Parties.

A. An advertisement may not state or imply that [an insurer] *a carrier* or a policy has been approved or [an insurer's] *a carrier's* financial condition has been examined and found to be satisfactory by a governmental agency.

B. An advertisement may not state or imply that [an insurer] *a carrier* or a policy has been approved or endorsed by any individual, group of individuals, society, association, or other organization, unless that is the fact.

.17 Statements About [an Insurer] a Carrier.

An advertisement may not contain statements which are untrue in fact or by implication misleading with respect to the [insurer's] *carrier's* assets, corporate structure, financial standing, age, or relative position in the insurance business.

.17-1 Discouraging Enrollment.

A carrier or producer may not employ an advertisement that will have the effect of discouraging the enrollment of individuals with significant health needs in health insurance coverage.

.18 Special Enforcement Procedures.

A. Advertising File. Each [insurer] *carrier* or *producer* shall maintain at its home or principal office a complete file containing every printed, published, or prepared advertisement of individual policies and typical printed, published, or prepared advertisements of blanket, franchise, and group policies hereafter disseminated in this or any other state whether or not licensed in the other state, with a notation attached to each advertisement which shall indicate the manner and extent of distribution and the form number of any policy advertised. The file shall be subject to regular and periodical inspection by [this Division] *the Commissioner*. These advertisements shall be maintained in this file for a period of not less than 3 years.

B. Certificate of Compliance. Each [insurer] *carrier* or *producer* required to file an annual statement which is now or which hereafter becomes subject to the provisions of this chapter shall file with [this Division] *the Commissioner* together with its annual statement, a certificate executed by an authorized officer of the [insurer] *carrier* or *producer* in which it is stated that to the best of the officer's

knowledge, information, and belief the advertisements which were disseminated by the [insurer] *carrier* or *producer* during the preceding statement year complied or were made to comply in all respects with the provisions of the Insurance Laws of Maryland and the regulations issued thereunder by the State Insurance Commissioner.

C. The chief executive officer of each [insurer] *carrier* or *producer* to which this chapter is addressed, shall acknowledge its receipt and indicate the [insurer's] *carrier's* or *producer's* intention to comply.

THERESE M. GOLDSMITH
Insurance Commissioner

Title 36

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 05 TABLE GAMES

Notice of Proposed Action

[13-251-P]

The Maryland State Lottery and Gaming Control Agency proposes to amend:

- (1) Regulation .15 under COMAR 36.05.03 **Table Games Procedures**;
- (2) Regulation .12 under COMAR 36.05.09 **Four Card Poker Rules**; and
- (3) Regulation .12 under COMAR 36.05.11 **Mississippi Stud Rules**.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on June 27, 2013, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define Table Games operation and conform to the Agency's functions for expanded gambling contained in Senate Bill 1 - 2012 Second Special Session and passed by referendum on November 6, 2012.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to robert.howells@maryland.gov, or fax to 410-230-8727. Comments will be accepted through October 7, 2013. A public hearing has not been scheduled.

36.05.03 Table Games Procedures

Authority: State Government Article, §§9-1A-02 and 9-1A-04, Annotated Code of Maryland

.15 Table Game Taxes and Gross Table Game Revenue.

A. The tax on table game revenue shall be payable to the Commission [on the next] *within* 2 business days, with the exception of Maryland State holidays, and must be based upon the gross table game revenue derived during a gaming day reported in the manner prescribed by the Commission.

B. — C. (text unchanged)

D. The net revenue for an individual banking table game must be equal to the total of §D(1)—(3) of this regulation, minus the total of §D(4)—[(5)] (6) of this regulation:

(1) — (3) (text unchanged)

(4) The inventory of value chips, coins, and plaques at the gaming table as reported on the Table Inventory Slip for a table game that remained open for gaming activity when the table was being dropped at the end of the previous gaming day or the Table Inventory Slip for a table game that was opened during the gaming day; [and]

(5) The sum of all Fill Slips and payments for counter checks and markers made at the table for the gaming table for that gaming day[.]; *and*

(6) *The sum of all promotional instruments that are allowed to be excluded from taxable proceeds under COMAR 36.03.10.36.*

E. — J. (text unchanged)

36.05.09 Four Card Poker Rules

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

.12 Payout Odds; Envy Bonus; Rate of Progression.

A. — C. (text unchanged)

D. If a facility operator offers a Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the facility operator in its Rules Submission:

(a) (text unchanged)

(b) Paytable B:

(i)—(iii) (text unchanged)

(iv) For Three-of-a-kind the payout is 15 for 1[.];

(c) Paytable C:

(i) For Royal Flush the payout is 100 percent of meter;

(ii) For Straight Flush the payout is 10 percent of meter;

(iii) For Four-of-a-kind the payout is 300 for 1;

(iv) For a Full House the payout is 50 for 1;

(v) For Flush the payout is 40 for 1;

(vi) For Straight the payout is 30 for 1; or

(vii) For Three-of-a-kind the payout is 9 for 1.

(2) (text unchanged)

(3) A facility operator shall include in its Rules Submission:

(a) (text unchanged)

(b) The initial and reset amount, which shall be at least:

(i) \$5,000 for Paytable A; [and]

(ii) \$1,000 for Paytable B[.]; *and*

(iii) \$10,000 for Paytable C.

(4) (text unchanged)

E. (text unchanged)

F. An Envy Bonus payout for \$1 Progressive Payout Wager shall be paid according to:

(1) (text unchanged)

(2) Paytable B Envy Bonus:

(a) (text unchanged)

(b) For Four-of-a-kind the payout is \$25; or

(3) Paytable C Envy Bonus:

(a) For Four aces the payout is \$1,000; and

(b) For Four-of-a-kind the payout is \$300.

G. An Envy Bonus payout for \$5 Progressive Payout Wager shall be paid according to:

(1) (text unchanged)

(2) Paytable B Envy Bonus:

(a) (text unchanged)

(b) For Four-of-a-kind the payout shall be \$125; or

(3) Paytable C Envy Bonus:

(a) For Four aces the payout is \$5,000; and

(b) For Four-of-a-kind the payout is \$1,500.

36.05.11 Mississippi Stud Rules

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

.12 Payout Odds; Envy Bonus; Rate of Progression.

A. — C. (text unchanged)

D. A facility operator shall pay each winning Three Card Bonus Wager at the odds in one of the following paytables selected by the facility operator in its Rules Submission:

(1) Paytable A:

[(a) For a Mini-royal the payout is 40 to 1;]

[(b)] (a) — [(f)] (e) (text unchanged)

(2) Paytable B:

[(a) For a Mini-royal the payout is 40 to 1;]

[(b)] (a) — [(f)] (e) (text unchanged)

(3) (text unchanged)

(4) Paytable D:

(a)—(e) (text unchanged)

(f) For a Pair the payout is 1 to 1[.];

(5) Paytable E:

(a) For a Straight flush the payout is 40 to 1;

(b) For a Three-of-a-kind the payout is 30 to 1;

(c) For a Straight the payout is 6 to 1;

(d) For a Flush the payout is 3 to 1; or

(e) For a Pair the payout is 1 to 1; or

(6) Paytable F:

(a) For a Mini-royal the payout is 50 to 1;

(b) For a Straight flush the payout is 40 to 1;

(c) For a Three-of-a-kind the payout is 30 to 1;

(d) For a Straight the payout is 6 to 1;

(e) For a Flush the payout is 4 to 1; or

(f) For a Pair the payout is 1 to 1.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

Errata

COMAR 10.47.07

At 40:16 Md. R. 1354 (August 9, 2013), col. 1, line 16 from the top:

For: be accepted through August 9, 2013. A public hearing has not been

Read: be accepted through September 9, 2013. A public hearing has not been

[13-18-52]

COMAR 10.54.02

At 40:17 Md. R. 1418 (August 23, 2013), column 1, line 6 from the bottom:

For: **Emergency status expires: December 27, 2103.**

Read: **Emergency status expires: December 27, 2013.**

[13-18-63]

COMAR 12.04.01

At 40:17 Md. R. 1436 (August 23, 2013), column 2, line 27 from the top:

For: **12.04.0101 General Regulations**

Read: **12.04.01 General Regulations**

[13-18-66]

Special Documents

MARYLAND HEALTH CARE COMMISSION

SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and potential developers of projects involving health services and facilities that are subject to Certificate of Need (CON) review and approval. The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards.

This Certificate of Need review schedule updates and extends the schedule published in 40:8 *Md. Register*, pages 768-771 (April 19, 2013), by repealing each previously published scheduled review for which the due date for receipt of Letters of Intent has not yet occurred. This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission.

For further information about review schedules or procedures, call Joel Riklin, Acting Chief, Certificate of Need, at (410) 764-5596.

Acute Care Hospital Projects: Capital Construction and Changes to Bed Capacity

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by acute care general hospitals, for projects that involve capital expenditures related to replacement of hospital facilities, new construction or renovation to existing hospitals, proposed changes in bed capacity or operating room capacity at existing hospitals, or projects that involve more than one of these categories. Note that the following schedules do not apply to a project to establish a new acute care hospital.

Schedule One: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	November 1, 2013	November 13, 2013	January 3, 2014
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	December 6, 2013	December 18, 2013	February 7, 2014
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	January 3, 2014	January 15, 2014	March 7, 2014
Calvert, Charles, Montgomery, Prince George's, St. Mary's	February 7, 2014	February 19, 2014	April 11, 2014

Schedule Two: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	May 2, 2014	May 14, 2014	July 7, 2014
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	June 6, 2014	June 18, 2014	August 8, 2014
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	July 11, 2014	July 23, 2014	September 12, 2014
Calvert, Charles, Montgomery, Prince George's, St. Mary's	August 1, 2014	August 13, 2014	October 3, 2014

Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of applications for any action related to facilities within the “special hospital” license category (psychiatric, chronic, rehabilitation, or pediatric), including a replacement facility for an existing special hospital, capital expenditures for new construction or renovation at an existing special hospital, or changes to service categories or bed capacity in an existing special hospital. Note that the following schedules do not apply to a project to establish a new special hospital.

For this special hospital services schedule, the Commission will use the following regional configuration of counties:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery :</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George’s, St. Mary’s
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, Worcester	

Schedule One**Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 1, 2013	November 13, 2013	January 3, 2014
Montgomery County	December 6, 2013	December 18, 2013	February 7, 2014
Southern Maryland	January 3, 2014	January 15, 2014	March 7, 2014
Central Maryland	February 7, 2014	February 19, 2014	April 11, 2014
Eastern Shore	March 7, 2014	March 19, 2 014	May 10, 2014

Schedule Two**Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 2, 2014	May 14, 2014	July 7, 2014
Montgomery County	June 6, 2014	June 18, 2014	August 8, 2014
Southern Maryland	July 11, 2014	July 23, 2014	September 12, 2014
Central Maryland	August 1, 2014	August 13, 2014	October 3, 2014
Eastern Shore	September 5, 2014	September 17, 2015	November 7, 2014

Neonatal Intensive Care Units

The Commission hereby publishes the following schedules for the submission of applications to establish a new neonatal intensive care unit at an acute care hospital.

Schedule One**Neonatal Intensive Care Units**

	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
All regions	December 6, 2013	December 18, 2013	February 7, 2014

SPECIAL DOCUMENTS

Schedule Two
Neonatal Intensive Care Units

	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
All regions	July 11, 2014	July 23, 2014	September 12, 2014

Alcohol and Substance Abuse Treatment Facilities

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish intermediate care facilities for the treatment of alcohol and substance abuse. Applications will be considered according to this schedule for “Track 1,” or privately-funded facilities, as defined in the State Health Plan.

Letters of intent and applications to establish “Track 2,” or publicly-funded facilities, as defined by the State Health Plan, may be submitted at any time.

In the State Health Plan for this service and in this schedule, the following regional configuration of counties applies:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery:</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George’s, St. Mary’s
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, Worcester	

Schedule One: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	November 1, 2013	November 13, 2013	January 3, 2014
Eastern Shore	December 6, 2013	December 18, 2013	February 7, 2014
Montgomery County	January 3, 2014	January 15, 2014	March 7, 2014
Western Maryland	February 7, 2014	February 19, 2014	April 11, 2014
Central Maryland	March 7, 2014	March 19, 2014	May 10, 2014

Schedule Two: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	May 2, 2014	May 14, 2014	July 7, 2014
Eastern Shore	June 6, 2014	June 18, 2014	August 8, 2014
Montgomery County	July 11, 2014	July 23, 2014	September 12, 2014
Western Maryland	August 1, 2014	August 13, 2014	October 3, 2014
Central Maryland	September 5, 2014	September 17, 2015	November 7, 2014

Freestanding Ambulatory Surgical Facilities

The Commission hereby establishes the following schedules for the submission of applications for new freestanding ambulatory surgical facilities, as defined in statute at Health-General Article §19-114(b).

**Schedule One
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	November 1, 2013	November 13, 2013	January 3, 2014
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	December 6, 2013	December 18, 2013	February 7, 2014
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot Wicomico, Worcester	January 3, 2014	January 15, 2014	March 7, 2014
Allegany, Frederick, Garrett, Washington	February 7, 2014	February 19, 2014	April 11, 2014

**Schedule Two
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	May 2, 2014	May 14, 2014	July 7, 2014
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	June 6, 2014	June 18, 2014	August 8, 2014
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot Wicomico, Worcester	July 11, 2014	July 23, 2014	September 12, 2014
Allegany, Frederick, Garrett, Washington	August 1, 2014	August 13, 2014	October 3, 2014

Comprehensive Care Facility Projects

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities ("CCFs"). Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent State Health Plan need projection (COMAR 10.24.08, effective April 19, 2013) identifies a net need for beds in the forecast year of 2016 and for which no letters of intent or applications have been filed.. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects, that do not involve an increase in CCF bed capacity in a jurisdiction. These include projects that involve a proposed capital expenditure for new construction or renovation at an existing CCF, the relocation of an existing facility, or the proposed relocation of some or all of the CCF bed capacity from an existing facility to a new site within the same jurisdiction.

In the State Health Plan for this service, the following configuration of jurisdictions by region applies:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery :</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George's, St. Mary's
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

**Schedule One:
Part A: Proposed New Comprehensive Care Facility Beds**

Jurisdiction	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Queen Anne's County	November 1, 2013	November 13, 2013	January 3 2014
Worcester County	November 1, 2013	November 13, 2014	January 3, 2014
Frederick County	December 6, 2013	December 18, 2013	February 7, 2014
Howard County	January 3, 2014	January 15, 2014	March 7, 2014

**Schedule One:
Part B: Other Comprehensive Care Facility Projects**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	November 1, 2013	November 13, 2013	January 3, 2014
Western Maryland	December 6, 2013	December 18, 2013	February 7, 2014
Montgomery County	January 3, 2014	January 15, 2014	March 7, 2014
Central Maryland	February 7, 2014	February 19, 2014	April 11, 2014
Southern Maryland	March 7, 2014	March 19, 2 014	May 10, 2014

**Schedule Two:
Part B: Other Comprehensive Care Facility Projects**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	May 2, 2014	May 14, 2014	July 7, 2014
Western Maryland	June 6, 2014	June 18, 2014	August 8, 2014
Montgomery County	July 11, 2014	July 23, 2014	September 12, 2014
Central Maryland	August 1, 2014	August 13, 2014	October 3, 2014
Southern Maryland	September 5, 2014	September 17, 2015	November 7, 2014

General Hospice Projects

The Commission hereby publishes the following schedule for Certificate of Need review of proposed projects involving the establishment of a general hospice or the expansion of an existing general hospice into a jurisdiction that the existing general hospice has not been authorized to serve. This schedule will only have force and effect if: (1) The State Health Plan for Facilities and Services: Hospice Services, COMAR 10.24.13, for which notice of adoption as proposed permanent regulations was published in the *Maryland Register* on July 26, 2013, is adopted as final regulations by the Maryland Health Care Commission and becomes effective; (2) Need projections for general hospice services based on the methodology in proposed COMAR 10.24.13.06 are published in the *Maryland Register*; and (3) Those published need projections identify either of the following jurisdictions listed in the following table as jurisdictions that, in the target year, have net need for general hospice services greater than the volume threshold, in accordance with proposed COMAR 10.24.13.06H(2)(k).

**Schedule
General Hospice Projects**

Jurisdiction	Letter of Intent Date	Pre-Application Conference Date	Application Submission Date
Prince George's	June 5, 2015	June 17, 2015	August 7, 2015
Baltimore City	October 2, 2015	October 14, 2015	December 4, 2015

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: September 25, 2013, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262`
 [13-18-48]

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: September 11, 2013, 2 — 5 p.m.
Place: Bladensburg Waterfront Park, Bladensburg, MD
Contact: Heather Adams (410) 974-2941
 [13-18-42]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting
Date and Time: September 13, 2013, 9:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn A. Joyner (410) 764-5996
 [13-18-17]

CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL

Subject: Public Hearing on Regulations
Date and Time: September 18, 2013, 9 — 11 a.m.
Place: Maryland Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD
Contact: Rachel Hess-Mutinda (410) 767-2196
 [13-18-64]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: September 12, 2013, 10 a.m.
Place: 4201 Patterson Ave., Rm. 108-109, Baltimore, MD
Contact: Emily Jones (410) 764-4665
 [13-18-29]

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting
Date and Time: September 16, 2013, 1 — 3 p.m.
Place: Judiciary Training Center, 2009-D Commerce Park Rd., Annapolis, MD
Contact: Karen Sullivan (410) 585-3170
 [13-18-54]

GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING/MARYLAND ADVISORY COUNCIL ON THE DEAF AND HARD OF HEARING

Subject: Public Meeting
Date and Time: September 11, 2013, 9:30 a.m. — 12:30 p.m.
Place: Hearing and Speech Agency, 5900 Metro Dr., Baltimore, MD
Contact: Lisa Kornberg (410) 767-1497
 [13-18-55]

GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING

Subject: Public Meeting
Date and Time: September 27, 2013, 2 — 4 p.m.
Place: Hearing and Speech Agency (Auditorium), 5900 Metro Dr., Baltimore, MD
Add'l. Info: Town Hall Meeting
Contact: Lisa Kornberg (410) 767-1497
 [13-18-56]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: September 18, 2013, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Rm. 105, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [13-18-26]

COMMISSION ON SPECIAL EDUCATION ACCESS AND EQUITY

Subject: Public Meeting
Date and Time: September 30, 2013, 1 — 3:30 p.m.
Place: Center for Technology in Education, 6740 Alexander Bell Dr., Rm. 211-212, Columbia, MD
Add'l. Info: The Commission on Special Education Access and Equity (Commission) is pleased to receive oral public comment at

each of its meetings. In order to allow the Commission sufficient time to conduct its business at each meeting, 30 minutes will be allocated for public comment. Individuals seeking to address the Commission must contact Ms. Donna Riley, Division of Special Education/Early Intervention Services, at (410) 767-0249 or via email at driley@msde.state.md.us at least 24 hours prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. To ensure effective use of the time available for public comment, speakers are encouraged to provide multiple written copies of their comments or any other documents supporting their oral comments. Appropriate accommodations for individuals with disabilities will be provided upon request. To allow time to arrange accommodations, 8 business days notice prior to the meeting is requested. Contact Ms. Donna Riley at (410) 767-0249 or via email at driley@msde.state.md.us. This notice is provided pursuant to State Government Article, §10-506 (c), Annotated Code of Maryland.

Contact: Donna Riley (410) 767-0249
 [13-18-47]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: September 19, 2013, 10 a.m. — 12 p.m.
Place: Miller Senate Office Bldg., 11 Bladen St., #3 East, Finance Committee Rm., Annapolis, MD
Add'l. Info: Task Force Meeting (Continuing Education)
Contact: John Papavasiliou (410) 230-6160
 [13-18-43]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: October 3, 2013, 10 a.m. — 12 p.m.
Place: Miller Senate Office Bldg., 11 Bladen St. # 3 East, Finance Committee Rm., Annapolis, MD
Add'l. Info: Task Force Meeting (Continuing Education)
Contact: John Papavasiliou (410) 230-6160
 [13-18-45]

GENERAL NOTICES

**BOARD OF MASTER
ELECTRICIANS**

Subject: Public Meeting
Date and Time: October 22, 2013, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [13-18-31]

**STATE BOARD OF STATIONARY
ENGINEERS**

Subject: Public Meeting
Date and Time: October 15, 2013, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [13-18-30]

**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
 [13-18-08]

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

Subject: Public Meeting
Date and Time: October 9, 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
 [13-18-09]

**HISTORIC ST. MARY'S CITY
COMMISSION**

Subject: Public Meeting
Date and Time: September 14, 2013, 10 a.m. — 12 p.m.
Place: St. John's Site, St. Mary's City, MD
Contact: Porzia Purves (240) 895-4960
 [13-18-46]

**HOME IMPROVEMENT
COMMISSION**

Subject: Public Meeting
Date and Time: October 3, 2013, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: Steven Smitson (410) 230-6169
 [13-18-24]

**MARYLAND STATEWIDE
INDEPENDENT LIVING COUNCIL**

Subject: Public Meeting
Date and Time: October 18, 2013, 11 a.m. — 3 p.m.; December 20, 11 a.m. — 3 p.m.
Place: Workforce and Technology Center, 2301 Argonne Dr., Rm. T-130, Baltimore, MD
Contact: Denise Thomas (240) 638-0074
 [13-18-10]

**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
 [13-18-03]

**MARYLAND INSURANCE
ADMINISTRATION**

Subject: Public Meeting
Date and Time: October 29, 2013, 10 a.m. — 12 p.m.
Place: Maryland Insurance Administration, 200 St. Paul Pl., 22nd Floor, Francis Scott Key Conf. Rm., Baltimore, MD
Add'l. Info: Two advisory boards, charged with assisting the Insurance Commissioner in reviewing continuing education courses, examinations, and other matters relating to the education and qualification of insurance producers, will hold quarterly public meetings. Maryland Insurance Commissioner Therese M. Goldsmith earlier this year appointed members, all volunteers, to serve on the Life and Health Producer Licensing Advisory Board and the Property and Casualty Producer Licensing Advisory Board. Under Insurance Article, §10-110, Annotated Code of Maryland, the Insurance Commissioner has the authority to appoint board members to 4-year terms.

Please visit our website, www.mdinsurance.state.md.us, to sign up for eNotices and receive specific information related to producer licensing, including notifications of quarterly scheduled meetings. In addition meeting announcements will be listed on the MIA website and in the Maryland Register. For more information or to apply to serve on one of the boards contact Shelley Taylor.
Contact: Shelley Taylor (410) 468-2442
 [13-18-58]

**STATE ADVISORY BOARD FOR
JUVENILE SERVICES**

Subject: Public Meeting
Date and Time: September 17, 2013, 2 — 4 p.m.
Place: Annapolis Office, 49 Old Solomon's Island Rd., Ste. 300, Annapolis, MD
Contact: Tim Gilbert (410) 627-5318
 [13-18-40]

**FACILITIES ADVISORY BOARD —
JUVENILE SERVICES**

Subject: Public Meeting
Date and Time: September 14, 2013, 10 a.m. — 12 p.m.; Additional Dates: October 12 and November 9, 2013, 10 a.m. — 12 p.m.
Place: Baltimore City Juvenile Justice Center, 300 N. Gay St., 2nd Fl. Large Conf. Rm., Baltimore, MD
Add'l. Info: BCJJC Facility Advisory Board
Contact: Bridgett Tucker (410) 752-3500
 [13-18-41]

**BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS**

Subject: Public Meeting
Date and Time: September 16, 2013, 1:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [13-18-49]

**LANDSCAPE ARCHITECT CPC
COMMITTEE**

Subject: Public Meeting
Date and Time: September 20, 2013, 10:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [13-18-50]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: September 11, 2013, 3 — 5 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Telemedicine Technology Solutions and Standards Advisory Group Meeting
Contact: Christine Karayinopoulos (410) 764-3444

[13-18-38]

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

[13-18-04]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review — Notice of Docketing
Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for renewal of a waiver to provide primary percutaneous coronary intervention in a hospital without on-site cardiac surgery:
 Carroll Hospital Center (Docket No. 13-06-0072 WR)

The MHCC shall review the application under COMAR 10.24.17. Please refer to the Docket Number listed above in any correspondence on the application. The application is available for review in the office of the MHCC during regular business hours by appointment. All correspondence should be addressed to Paul Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215. Contact: Paul Parker (410) 764-3261.

Contact: Ruby Potter (410) 764-3276

[13-18-61]

MARYLAND PUBLIC BROADCASTING COMMISSION

Subject: Public Meeting
Date and Time: September 24, 2013, 8:30 a.m.
Place: Maryland Public Television, Owings Mills, MD
Contact: Sharon Abernathy (410) 581-4141

[13-18-15]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: September 18, 2013, 8:30 a.m. — 5 p.m.
Place: 7201 Corporate Center Dr., Hanover, MD
Contact: Antonio Cabanas (410) 865-1260

[13-18-60]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting
Date and Time: September 11, 2013, 9:30 a.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Patricia Hannigan (410) 764-4750

[13-18-21]

OPEN MEETINGS COMPLIANCE BOARD

Subject: Public Meeting
Date and Time: September 20, 2013, 10 a.m. — 12 p.m.
Place: 200 St. Paul Pl., Baltimore, MD
Contact: Deborah P. Spence (410) 576-6327

[13-18-53]

COMMISSION TO STUDY THE REGULATION OF PAYROLL SERVICES

Subject: Public Meeting
Date and Time: September 19, 2013, 2 — 4 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Annapolis, MD
Contact: Linda I. Vasbinder (410) 260-7833

[13-18-18]

BOARD OF PHYSICIANS

Subject: Public Meeting
Date and Time: September 25, 2013, 9 a.m. — 5 p.m.
Place: 4201 Patterson Ave., Rm. 108-109, Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Christine Farrelly (410) 764-4777

[13-18-32]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: September 12, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[13-18-34]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: October 10, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[13-18-35]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: November 14, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[13-18-36]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: December 12, 2013, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[13-18-37]

GENERAL NOTICES

**MARYLAND PORT
ADMINISTRATION — HARBOR
DEVELOPMENT**

Subject: Public Meeting
Date and Time: November 21, 2013, 10 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., Rm. 302, Baltimore, MD
Contact: Brenda Clark (410) 230-6164
 [13-18-33]

**PRINCE GEORGE'S COUNTY
JUVENILE COURT AND SCHOOL
SAFETY WORKGROUP**

Subject: Public Meeting
Date and Time: September 30, 2013, 10 a.m. — 12 p.m.
Place: Largo Government Center, 9201 Basil Ct., Penthouse, Rm. 500, Lake Arbor, MD
Add'l. Info: H.B. 1338 of 2013
Contact: Tim Gilbert (410) 627-5318
 [13-18-20]

BOARD OF PUBLIC ACCOUNTANCY

Subject: Public Meeting
Date and Time: October 1, 2013, 9 a.m. — 12 p.m.
Place: 500 North Calvert Street, 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Dennis L. Gring (410) 230-6224
 [13-18-16]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: September 24, 2013, 10:30 a.m.
Place: Dept of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
 [13-18-11]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: September 24, 2013, 12:30 p.m.
Place: Dept of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
 [13-18-12]

**RETIREMENT AND PENSION
SYSTEM — ADMINISTRATIVE
COMMITTEE**

Subject: Public Meeting
Date and Time: October 1, 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
 [13-18-25]

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
 [13-18-14]

**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
 [13-18-06]

**BOARD OF SOCIAL WORK
EXAMINERS**

Subject: Public Meeting
Date and Time: September 13, 2013, 11 a.m. — 3 p.m.
Place: Metro Office Building, 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Merrow (410) 764-4788
 [13-18-19]

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
 [13-18-22]

STATE TREASURER'S OFFICE

Subject: Public Meeting
Date and Time: September 25, 2013, 1:30 — 2:30 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD
Add'l. Info: Recommendation of General Obligation Bond Authorization
Contact: Amber Teitt (410) 260-7920
 [13-18-23]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

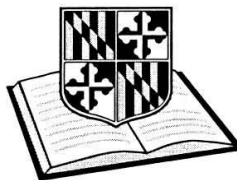
Subject: Public Meeting
Date and Time: October 17, 2013, 10 a.m. — 4 p.m.
Place: Little Patuxent Reclamation Plant, Savage, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167
 [13-18-01]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: October 23, 2013, 9 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Willie Everett (410) 537-3644
 [13-18-02]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting
Date and Time: October 10, 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) 864-5300
 [13-18-07]



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