



Maryland Register

Issue Date: September 20, 2013

Volume 40 • Issue 19 • Pages 1529—1604

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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 29, 2013, 5 p.m.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 29, 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)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is \$225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

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.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

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CLOSING DATES AND ISSUE DATES through JANUARY 24, 2014

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October 4	September 16	September 25	September 23
October 18	September 30	October 9	October 7
November 1**	October 11	October 23	October 21
November 15	October 28	November 6	November 4
December 2***	November 8	November 18	November 15
December 13	November 25	December 4	December 2
December 27**	December 9	December 16	December 13
January 10**	December 23	December 30	December 27
January 24**	January 6	January 14	January 13

* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

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

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

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

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.

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

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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)

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 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)
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 12.04.02.02 • 40:17 Md. R. 1436 (8-23-13)
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 12.15.03.01—.11 • 40:16 Md. R. 1364 (8-9-13)
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 12.15.05.02—.09 • 40:16 Md. R. 1364 (8-9-13)

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17 DEPARTMENT OF BUDGET AND MANAGEMENT

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26 DEPARTMENT OF THE ENVIRONMENT

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**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
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 40:14 Md. R. 1200 (7-12-13)
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33.13.02.02 • 40:19 Md. R. 1594 (9-20-13)
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**36 MARYLAND STATE LOTTERY AND GAMING
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36.06.03.01—.16 • 40:4 Md. R. 381 (2-22-13)
36.06.04.01—.05 • 40:4 Md. R. 381 (2-22-13)
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36.05.03.15 • 40:18 Md. R. 1517 (9-6-13)
36.05.09.12 • 40:18 Md. R. 1517 (9-6-13)
36.05.11.12 • 40:18 Md. R. 1517 (9-6-13)
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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

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of the Court dated August 22, 2013, **GARLAND HOWE STILLWELL**, 145 Fleet Street, Suite 163, National Harbor, Maryland 20745, has been suspended for six (6) months, effective immediately, 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 Court (Maryland Rule 16-760 (e)).

* * * * *

This is to certify that by a Per Curiam Order of the Court dated September 5, 2013, **MICHELLE DAVY**, P.O. Box 6034, Largo, Maryland 20774, has been disbarred, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

[13-19-47]

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Friday, October 11, 2013, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

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

[13-19-33]

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 08 DEPARTMENT OF NATURAL RESOURCES

Comments should be directed to Richard Norling, Legislative Director, by mail to Department of Natural Resources, 580 Taylor Avenue, C-4, Annapolis, MD 21401; by fax to 410-260-8111 or by email to rnorling@dnr.state.md.us. Comments must be received by October 31, 2013.

[13-19-45]

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 Department of Natural Resources is currently reviewing and evaluating the following chapters of COMAR:

SUBTITLE 01 OFFICE OF THE SECRETARY

- 08.01.01 Advisory Committees
- 08.01.02 Wildlands in Maryland
- 08.01.03 Off-Road Vehicles
- 08.01.05 Criteria for Certain Activities on Private Property
- 08.01.06 Public Information Act Requests
- 08.01.07 Chesapeake Forest Lands

SUBTITLE 02 FISHERIES SERVICE

- 08.02.09 Aquatic Animals
- 08.02.14 Aquaculture Permits
- 08.02.16 Oyster Recovery Areas
- 08.02.17 Fish Refuges

SUBTITLE 03 WILDLIFE

- 08.03.02 Use of Wildlife Areas
- 08.03.05 Upland Game Birds and Mammals
- 08.03.06 Furbearer Wildlife
- 08.03.07 Waterfowl
- 08.03.08 Threatened and Endangered Species
- 08.03.12 Wildlife Rehabilitation

Pursuant to its work plan, the Department will evaluate the need to retain, amend, or repeal any obsolete or duplicative provisions based on whether the regulations are:

- Still necessary for the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal and other State regulations;
- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete or otherwise appropriate for amendment or repeal.

The Department would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes.

Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Extension of Emergency Status

[13-193-E-1]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to:

- (1) Regulation .07 under **COMAR 08.02.05 Fish**; and
- (2) Regulation .03 under **COMAR 08.02.12 Endangered and Threatened Fish Species**.

Emergency status has been extended to: September 2, 2013.

Emergency action was published in: 40:15 Md. R. 1225 — 1226 (July 26, 2013).

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §§4-2A-03 and 4-701, Annotated Code of Maryland

Notice of Emergency Action

[13-273-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .24 under **COMAR 08.02.05 Fish**.

Emergency status began: August 27, 2013.

Emergency status expires: February 23, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action has an economic impact.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-)

Magnitude

A. On issuing agency:

(1) Permit fees	(R+)	\$400
(2) Program administration	(E+)	Indeterminable

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)
Cost (-)

Magnitude

D. On regulated industries or trade groups:

(1) Limited entry fishery participants	(+)	Indeterminable
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(2) Commercial licensees not in limited entry fishery	(-)	Indeterminable
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E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A(1). The action creates a limited entry fishery for spiny dogfish. Participants in the fishery will be required to purchase a permit in order to participate. The Department anticipates approximately 20 individuals will purchase this permit at a cost of \$25, for a total increase in revenue of \$400.

A(2). The action creates a limited entry fishery for spiny dogfish. The Department may have increased expenditures as a result of this new program that exceed permit revenue. These responsibilities will be handled by existing staff.

D(1). By creating a limited entry fishery, participants in the fishery will have less competition for their product. This should increase the value of their product, but it is not known at this time how much the value will increase.

D(2). By creating a limited entry fishery, those commercial licensees who do not qualify for, or who choose to not participate in the limited entry fishery will have their ability to catch spiny dogfish limited. While they will still be allowed to harvest spiny dogfish, they will have a lower daily limit than those licensees who participate in the limited entry fishery. It is not known at this time how many commercial licensees this will affect, or the magnitude of the affect.

Economic Impact on Small Businesses

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

Please see Part A(II)(D) for analysis of the economic impact to small businesses (commercial licensees).

.24 Spiny Dogfish.

[A. An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the federal Exclusive Economic Zone (EEZ), which are defined as those ocean waters between 3 and 200 miles offshore, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.]

[B.] A. (text unchanged)

B. Commercial Licenses and Permits.

(1) A person shall be licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to catch, possess, or land spiny dogfish for commercial purposes.

(2) A vessel which is used to catch, possess, or land spiny dogfish for commercial purposes from the waters of the federal Exclusive Economic Zone (EEZ) of the Atlantic Ocean, which are defined as those ocean waters between 3 and 200 miles offshore, shall be permitted by the National Marine Fisheries Service in accordance with 50 CFR §648.4.

C. Commercial Catch Limits.

(1) The annual commercial quota for Maryland is established by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.

(2) An individual licensed to catch fish for commercial purposes may not catch, possess, or land more than 1,000 pounds of spiny dogfish per vessel per day from the Atlantic Ocean, its coastal bays, and their tributaries unless the individual possesses a Maryland spiny dogfish landing permit.

(3) An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the EEZ, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.

(4) Regardless of the number of authorized individuals with Maryland spiny dogfish landing permits on board any one federally permitted vessel, not more than one spiny dogfish vessel trip limit may be landed from one vessel per trip.

D. Spiny Dogfish Landing Permit Declaration.

(1) In order to obtain a spiny dogfish landing permit a tidal fish licensee shall declare their intent to fish for spiny dogfish by October 1, 2013 and thereafter between March 1 and March 31 of each year.

(2) A tidal fish licensee who has not declared by October 1, 2013 or March 31 of subsequent years may apply to the Director of Fisheries Service, provided the licensee shows good reason why the application should be processed:

(a) Until October 14, 2013; or

(b) If the licensee has not declared late in either of the 2 preceding years, until April 14 of the current year, or the next business day if April 14 occurs on a weekend.

(3) An exception to the deadlines in §D(2) of this regulation will be considered only for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the declaration time period.

(4) An individual who fails to declare for 2 consecutive years may no longer declare in subsequent years unless the individual receives a permit through §F of this regulation.

(5) Vessel Requirements.

(a) An individual shall own or have a share of ownership in a vessel to be eligible to declare for a spiny dogfish landing permit.

(b) If there is more than one owner of a vessel, a licensee may declare the vessel on the spiny dogfish landing permit if the licensee:

(i) Owns at least 51 percent of the vessel; or

(ii) Has permission from the other owners who, whether individually or in combination, own at least 51 percent of the vessel.

(c) Only one owner of a vessel may declare the vessel on a spiny dogfish landing permit.

(d) The federally registered name or the State registration numbers of the vessel owned by the permittee shall be indicated at the time of application for the permit and declared on the Maryland spiny dogfish landing permit.

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

(6) The fee for a spiny dogfish landing permit is \$25.

E. Spiny Dogfish Landing Permit.

(1) An individual is eligible to declare for a permit to catch and land spiny dogfish in Maryland if they are licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland and meet the following requirements:

(a) The individual provides proof that they owned or had a share of ownership in a vessel that landed at least 1,000 pounds of spiny dogfish between May 1, 2004 and March 8, 2013, and have not previously held a Maryland spiny dogfish landing permit;

(b) The individual has declared an intent to fish for spiny dogfish in accordance with §D of this regulation within the previous 2 year period and has not transferred the permit;

(c) The individual, beginning March 2015, has declared an intent to fish for spiny dogfish in accordance with §D of this regulation within 2 years of the current declaration, not transferred the permit, and owned a vessel that landed a minimum of 10,000 pounds of spiny dogfish within 2 years of the current declaration period; or

(d) The individual has received a spiny dogfish landing permit through a transfer in accordance with §F of this regulation within the past license year.

(2) A spiny dogfish landing permit is valid from May 1 of the year of issuance through April 30 of the following year.

(3) An individual may not be issued more than two spiny dogfish landing permits regardless of the number of qualifying vessels the individual owns or in which the individual has a share of ownership.

(4) Proof of eligibility for a Maryland spiny dogfish landing permit as required in §E(1) of this regulation shall be documented by records of the Department or records of the National Marine Fisheries Service.

(5) A permittee may catch, possess, or land spiny dogfish for commercial purposes on a vessel other than the vessel declared on the permittee's permit only if in possession of the permit issued to the permittee.

(6) *Operators.*

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

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

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

(7) *Temporary transfers of spiny dogfish landing permits are not permitted.*

F. Permanent Transfer of a Landing Permit.

(1) *A commercial tidal fish licensee may permanently transfer a spiny dogfish landing permit if:*

(a) The transferor:

(i) *Applies to the Department for the transfer on forms provided by the Department;*

(ii) *Held the permit for four or more consecutive years; and*

(iii) *Harvested a minimum of 20,000 pounds within the previous 4- year period on the same vessel that qualified for the permit under §E(1) of this regulation; and*

(b) The transferee:

(i) *Is a valid commercial tidal fish licensee; and*

(ii) *Has paid the applicable fees required by Natural Resources Article, §4-701, Annotated Code of Maryland.*

(2) *An authorized representative of a deceased licensee may permanently transfer a spiny dogfish landing permit:*

(a) *Regardless of the number of years the deceased licensee held the spiny dogfish landing permit;*

(b) *Regardless of the amount of spiny dogfish the deceased licensee landed; and*

(c) *Without transferring the deceased's tidal fish license.*

G. Reporting and Penalties.

(1) *In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, an individual in possession of a Maryland spiny dogfish landing permit shall record the harvest of spiny dogfish on the permit daily and submit the completed permit to the Department within 30 days from the end of the spiny dogfish season.*

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

(3) *The Department may deny an application for a spiny dogfish landing permit for failing to comply with this Chapter.*

[C.] H. General.

(1) — (2) (text unchanged)

(3) *Spiny dogfish harvested for commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the EEZ and landed in Maryland shall be sold to a dealer with a federal permit.*

(4) *Spiny dogfish harvested for commercial purposes shall only be harvested from a vessel.*

JOSEPH P. GILL
Secretary of Natural Resources

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.07 Electronic Toll Collection and Toll Violation Enforcement

Authority: Transportation Article, §§ 4-205, 4-312, 21-1414, 21-1415, 26-401, and 27-110[.]; Courts and Judicial Proceedings Article, §§ 7-301, 7-302; Annotated Code of Maryland

Notice of Emergency Action

[13-195-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the repeal of existing Regulations .01—.06 and the adoption of new Regulations .01—.09 under COMAR 11.07.07 Electronic Toll Collections and Toll Violations Enforcement.

Emergency status began: September 1, 2013.

Emergency status expires: February 27, 2014.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:15 Md. R. 1248—1252 (July 26, 2013), referenced as [13-195-P].

HAROLD BARTLETT
Executive Secretary

Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

11.15.28 Vehicle Registration Suspension and Nonrenewal for Failure to Pay Toll

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

Notice of Emergency Action

[13-220-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01—.05 and the repeal of Regulation .06 under COMAR 11.15.28 Vehicle Registration Suspension and Nonrenewal for Failure to Pay Toll.

Emergency status began: September 1, 2013.

Emergency status expires: February 27, 2014.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:16 Md. R. 1363—1364 (August 9, 2013), referenced as [13-220-P].

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Notice of Emergency Action

[13-262-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

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

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

(3) The repeal of Regulations .01—.08 under **COMAR 12.12.18 Visits to Inmates**.

Emergency status began: August 26, 2013.

Emergency status expires: December 31, 2013.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:18 Md. R. 1498—1503 (September 6, 2013), referenced as [13-262-P].

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Title 36

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 05 TABLE GAMES

Notice of Emergency Action

[13-251-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to:

(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**.

Emergency status began: August 26, 2013.

Emergency status expires: December 27, 2013.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:18 Md. R. 1517—1518 (September 6, 2013), referenced as [13-251-P].

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

Final Action on Regulations

Symbol Key

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

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Notice of Final Action

[13-206-F]

On September 4, 2013, the Secretary of Human Resources adopted amendments to:

- (1) Regulation **.02** under **COMAR 07.02.07 Child Protective Services — Investigation of Child Abuse and Neglect**; and
- (2) Regulation **.04** under **COMAR 07.02.25 LDSS Foster Home Requirements**.

This action, which was proposed for adoption in 40:15 Md. R. 1234 — 1235 (July 26, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

THEODORE DALLAS
Secretary of Human Resources

Subtitle 05 SOCIAL SERVICES ADMINISTRATION — PRIVATE CHILD PLACEMENT AGENCIES

07.05.02 Private Foster Care

Authority: Family Law Article, §§5-501—5-503, 5-313, 5-524—5-534, 5-560, and 5-701 et seq.; Courts and Judicial Proceedings Article, §3-801 et seq.; Annotated Code of Maryland

Agency Note: Federal Regulatory Reference: 42 U.S.C. §621 et seq.; 45 CFR 1355—1357

Notice of Final Action

[13-200-F]

On September 4, 2013, the Secretary of Human Resources adopted amendments to Regulations **.09**, **.13—15**, and **.17** under **COMAR 07.05.02 Private Foster Care**. This action, which was proposed for adoption in 40:15 Md. R. 1235—1236 (July 26, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

THEODORE DALLAS
Secretary of Human Resources

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.10 Eastern Bay

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

Notice of Final Action

[13-208-F]

On September 10, 2013, the Secretary of Natural Resources adopted amendments to Regulations **.01—.04** under **COMAR 08.18.10 Eastern Bay**. This action, which was proposed for adoption in 40:15 Md. R. 1236 (July 26, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.12 Little Annemessex River

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

Notice of Final Action

[13-207-F]

On September 10, 2013, the Secretary of Natural Resources adopted amendments to Regulations **.01—.04** under **COMAR 08.18.12 Little Annemessex River**. This action, which was proposed for adoption in 40:15 Md. R. 1237 (July 26, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

JOSEPH P. GILL
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.04 Home Health Services

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

Notice of Final Action

[13-177-F]

On September 6, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01, .03, and .07 under **COMAR 10.09.04 Home Health Services**. This action, which was proposed for adoption in 40:13 Md. R. 1084 (June 28, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.23 Early and Periodic Screening, Diagnosis and Treatment

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

Notice of Final Action

[13-186-F]

On September 6, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .07 under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services**. This action, which was proposed for adoption in 40:14 Md. R. 1179 (July 12, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.33 Health Homes

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

Notice of Final Action

[13-188-F]

On September 9, 2013, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.13 under a new chapter, **COMAR 10.09.33 Health Homes**. This action, which was proposed for adoption in 40:14 Md. R. 1179—1184 (July 12, 2013), has been adopted with the nonsubstantive changes shown below.

Effective Date: September 30, 2013.

Attorney General's Certification

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

Regulation .01B(10), Regulation .06B(2), (3)(b), (4)(a), Regulation .06C(3) and (6): Replaced “Individualized treatment plan (ITP)” with “Care plan” to be more inclusive of all types of care, treatment, and service plans.

Regulation .01B(15), Regulation .02C, Regulation .03A(2)(a) and B, Regulation .04D, Regulation .061, Regulation .07A(1), Regulation .08A and D(1), Regulation .09A(1)(a): Replaced “Mobile treatment (MT)” with “Mobile treatment services (MTS)” for clarification.

Regulation .01B(2)—(10): Numbering was adjusted to reflect terms in alphabetical order, including (10) which replaced “Individualized treatment plan” with “Care plan.”

Regulation .02A—D: Replaced “licensed” with “approved” for clarification.

Regulation .04B: Replaced “licensure” with “approval” for clarification.

Regulation .01B(13): Updated reference to COMAR 10.09.45.

Regulation .03A(2)(a): Added “Rehabilitation or...services” for further clarification

Regulation .04I(3)(a)—(c): Added “health home” for further clarification.

Regulation .04I(3): Added “may be combined with the existing MTS, PRP, or OTP care plan, and” for further detail and clarification.

Regulation .04M: Changed “team” to “staff” for clarification.

Regulation .04N: Changed “patient” to “participant” for clarification.

Regulation .05A(2)(b): Changed “coordinator” to “manager” for clarification.

Regulation .05A(3): Added “consultant” for further specificity and clarification.

Regulation .05D and E: Added in response to a request from a stakeholder for additional detail and clarification.

Regulation .06D(1)(b): Added the word “avoided” for clarification.

Regulation .06D(1)(e)(i): Replaced “inpatient” with “acute care” for clarification.

Regulation .06E(1)(b): The phrase “Supporting participants in” was added for clarification.

Regulation .06E(1)(d): Added the word “participants” for clarification.

Regulation .06E(2)(c): “plan of care” was replaced with “treatment” for clarification.

Regulation .06F: The words “and coordinating” were added for clarification.

Regulation .06H(1): The word “staff” was replaced with “team” for clarification.

Regulation .07B(2): The phrase “and coordinate with other staff to provide appropriate” was added for clarification and detail.

Regulation .07C(1): The words “that includes” were added for clarification.

Regulation .08C(3): The phrase “that are not comprehensive transitional care services delivered by the health home” was added for clarification.

Regulation .08D(1): The words “or rehabilitation” were added and the word, “an” was deleted for clarification.

.01 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(2) (proposed text unchanged)

(3) “Care plan” means a written plan of action that is developed and modified to address a patient’s specific behavioral, somatic, and social service needs, which is maintained in the individual’s medical record and satisfies the following conditions:

(a) Meets the requirements of COMAR 10.47.01.04C; or

(b) Meets the requirements of COMAR 10.21.21.06C.

[(3)] (4)—[(9)] (10) (proposed text unchanged)

[(10)] “Individualized treatment plan (ITP)” means a written plan of action that is developed and modified to address a patient’s specific service needs, which is maintained in the individual’s medical record and satisfies the following conditions:

(a) Meets the requirements of COMAR 10.47.01.04C; or

(b) Meets the requirements of COMAR 10.21.21.06C.]]

(11)—(12) (proposed text unchanged)

(13) “Mental health case management” means services covered under [(this chapter)] COMAR 10.09.45 which assist participants in gaining access to the full range of mental health services, and necessary medical, social, financial assistance, counseling, educational, housing, and other support services.

(14) (proposed text unchanged)

(15) “Mobile treatment [(MT)] services (MTS) program” means a program approved under COMAR 10.21.28.

(16)—(19) (proposed text unchanged)

.02 Licensing Requirements.

A. A PRP serving adults and participating as a health home shall be [(licensed)] approved pursuant to COMAR 10.21.21.

B. A PRP serving minors and participating as a health home shall be [(licensed)] approved pursuant to COMAR 10.21.29.

C. A [(MT)] MTS program participating as a health home shall be [(licensed)] approved pursuant to COMAR 10.21.19.

D. An OTP participating as a health home shall be [(licensed)] approved to provide opioid maintenance therapy pursuant to COMAR 10.47.02.11.

.03 Participant Eligibility.

A. An individual is eligible for health home services if the individual:

(1) (proposed text unchanged)

(2) Meets the following criteria:

(a) Receives outpatient mental health rehabilitation or treatment services with a PRP or [(MT)] MTS program for a serious and persistent mental illness or serious emotional disturbance, and is not currently receiving:

(i)—(ii) (proposed text unchanged)

(b) (proposed text unchanged)

B. A health home participant that is no longer receiving services from their PRP, [(MT)] MTS program, or OTP provider may continue to receive health home services for up to 6 months for the purposes of reengagement or transition to another level of care.

.04 Conditions for Health Home Provider Participation.

To be eligible as a health home, a provider shall:

A. (proposed text unchanged)

B. Meet the [(licensure)] approval requirements set forth in Regulation .02 of this chapter;

C. (proposed text unchanged)

D. For PRP and [(MT)] MTS health homes serving minors, demonstrate a minimum of 3 years of experience serving minors, which may be achieved as an independent practice or as a member of a broader agency, with exceptions designated by the Department;

E. At the time of enrollment as a health home, be enrolled or be able to provide documentation of starting the process of enrollment with [(the following:)] CRISP in order to receive hospital encounter alerts and pharmacy data;

[(1)] CRISP in order to receive hospital encounter alerts; and

(2) The State’s ASO in order to access real-time pharmacy data for participants;]]

F.—H. (proposed text unchanged)

I. Maintain a health home file for each participant that includes:

(1)—(2) (proposed text unchanged)

(3) [(An ITP)] A care plan, updated every 6 months, which may be combined with the existing MTS, PRP, or OTP care plan, and includes, at a minimum:

(a) The participant’s health home goals;

(b) Time frames for meeting the health home goals;

(c) Proposed interventions for meeting the health home goals;

(d)—(f) (proposed text unchanged)

J.—L. (proposed text unchanged)

M. Convene health home [(team)] staff meetings every 6 months, at minimum, to plan and implement goals and objectives of functioning as a health home;

N. Collaborate with MCOs and the ASO to improve [(patient)] participant outcomes; and

O. (proposed text unchanged)

.05 Health Home Provider Staff.

A. Health Home Staffing Requirements.

(1) (proposed text unchanged)

(2) Health Home Director.

(a) (proposed text unchanged)

(b) A health home requiring a health home director and health home care [(coordinator)] manager of .5 FTE each may employ 1 FTE individual to serve in both roles, provided that individual meets the requirements for both positions.

(c) A health home requiring more than [(1)] .5 FTE health home director, may choose to designate a lead health home director and fulfill the additional FTE requirement with key management staff who meet the requirements of §A(2)(d)(i) or (ii) of this regulation.

(d) (proposed text unchanged)

(3) Physician or Nurse Practitioner Consultant.

(a)—(c) (proposed text unchanged)

(4) (proposed text unchanged)

B.—C. (proposed text unchanged)

D. Health home staff members shall be dedicated to health home duties at a level of .5 FTE minimally, and staffing requirements may not be divided among staff at levels below .5 FTE each.

E. To begin offering health home services, a provider shall have in place a health home director and health home care manager at levels of .5 FTE each, minimally. Additional staff required to meet the staffing levels specified in §§A-D of this regulation shall be hired within 30 days of beginning service provision.

.06 Covered Services.

A. (proposed text unchanged)

B. Comprehensive Care Management. The health home shall collaborate to provide comprehensive care management services including:

(1) (proposed text unchanged)

(2) Development of [(an ITP)] a care plan within 30 days following enrollment, in accordance with Regulation .04I(3) of this chapter;

(3) Delineation of roles, which includes:

(a) Assigning each [(team)] staff member clear roles and responsibilities; and

(b) Ensuring that participant [(ITPs)] care plans identify providers and specialists involved in the participant’s care; and

(4) Monitoring and reassessment, which includes:

(a) Monitoring and documenting participant health status and progress toward [(ITP)] care plan goals;

(b)—(c) (proposed text unchanged)

C. Care Coordination and Health Promotion.

(1)—(2) (proposed text unchanged)

(3) *The health home shall assign each participant a health home care manager who is responsible for coordinating the participant's care and ensuring implementation of the [[ITP]] care plan.*

(4)—(5) (proposed text unchanged)

(6) *The health home shall assist participants with the implementation of their [[ITP]] care plan, including:*

(a)—(d) (proposed text unchanged)

(7)—(8) (proposed text unchanged)

D. Comprehensive Transitional Care.

(1) *The health home shall provide services designed to:*

(a) (proposed text unchanged)

(b) *Reduce avoidable hospital admissions;*

(c)—(d) (proposed text unchanged)

(e) *Ensure timely and proper follow-up care across settings, including from:*

(i) *An [[inpatient]] acute care setting to other settings;*

and

(ii) (proposed text unchanged)

(2)—(4) (proposed text unchanged)

E. Individual and Family Support Services.

(1) *Services shall include, but are not limited to:*

(a) (proposed text unchanged)

(b) *[[Obtaining]] Supporting participants in obtaining and adhering to medications and other prescribed treatments;*

(c) (proposed text unchanged)

(d) *Improving participants' health literacy;*

(e)—(g) (proposed text unchanged)

(2) *The health home shall utilize peer supports, support groups, and self-care programs to:*

(a)—(b) (proposed text unchanged)

(c) *Promote participants' adherence to their [[treatment]] plan of care; and*

(d) (proposed text unchanged)

(3) (proposed text unchanged)

F. Referral to Community and Social Support Services. The health home shall provide assistance in accessing and coordinating, as appropriate:

(1)—(6) (proposed text unchanged)

G. (proposed text unchanged)

H. Use of HIT to Link Services. [[The provider shall use HIT including CRISP, eMedicaid and pharmacy data from the ASO to:]] The provider shall use HIT, including CRISP and eMedicaid, to:

(1) *Facilitate communication between health home [[team]] staff members, the participant, and their caregivers; and*

(2) (proposed text unchanged)

I. Health home services provided by PRP, [[MT]] MTS, or OTP staff qualify as covered services.

.07 Health Home Participant Flow.

A. Enrollment

(1) *The health home shall enroll an individual only after the individual has been enrolled in the health home provider's applicable PRP, [[MT]] MTS, or OTP services.*

(2)—(6) (proposed text unchanged)

B. Participation.

(1) (proposed text unchanged)

(2) *An assigned [[nurse]] health home care manager shall monitor the participant's care and health status[, with the health home team providing]] and coordinate with other staff to provide appropriate health home services.*

C. Discharge.

(1) *In the event of discharge, the health home shall create a discharge plan [[with]] that includes referrals to appropriate services and providers.*

(2) (proposed text unchanged)

.08 Limitations.

A. An eligible individual may not receive services from a health home provider that is not the individual's PRP, [[MT]] MTS, or OTP provider.

B. (proposed text unchanged)

C. A health home may not bill the Department for:

(1)—(2) (proposed text unchanged)

(3) *Activities delivered as part of institutional discharge planning that are not comprehensive transitional care services delivered by the health home; or*

(4) (proposed text unchanged)

D. The Department may not reimburse for monthly health home services unless the individual receiving health home services:

(1) *Is Medicaid eligible at the time of service delivery and engaged in treatment or rehabilitation with either [[an]] OTP or PRP or [[MT]] MTS services;*

(2)—(3) (proposed text unchanged)

E.—F. (proposed text unchanged)

.09 Payment Procedures.

A. (proposed text unchanged)

B. Request for Payment.

(1) *The health home provider is authorized to bill for the intake and ongoing PMPM rate for a participant when:*

(a) *The participant is receiving PRP, [[MT]] MTS, or OTP services; and*

(b) (proposed text unchanged)

(2)—(3) (proposed text unchanged)

C. (proposed text unchanged)

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.49 Telemedicine Services

Authority: Health-General Article, §2-104(b), Annotated Code of Maryland;
Ch. 280, Acts of 2013

Notice of Final Action

[13-185-F]

On September 6, 2013, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—.12** under a new chapter, **COMAR 10.09.49 Telemedicine Services**. This action, which was proposed for adoption in 40:14 Md. R. 1184—1188 (July 12, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

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

Subtitle 15 FOOD

10.15.07 Shellfish Sanitation

Authority: Health-General Article, §§18-102, 21-211, 21-234, 21-304, 21-321, and 21-350, Annotated Code of Maryland

Notice of Final Action

[13-176-F]

On September 6, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.02** and **.06** under **COMAR 10.15.07 Shellfish Sanitation**. This action, which was proposed for adoption in 40:13 Md. R. 1089 (June 28, 2013), has been adopted as proposed.

Effective Date: September 30, 2013.

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

Subtitle 34 BOARD OF PHARMACY

10.34.03 Institutional Pharmacy

Authority: Authority: Health Occupations Article, §12-205, Annotated Code of Maryland

Notice of Final Action

[13-178-F]

On September 6, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.02**, **.03**, **.06**, and **.12** and new Regulation **.17** under **COMAR 10.34.03 Institutional Pharmacy**. This action, which was proposed for adoption in 40:13 Md. R. 1089—1091 (June 28, 2013), has been adopted as proposed.

Effective Date: May 31, 2014.

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

Withdrawal of Regulations

Title 14

INDEPENDENT AGENCIES

Subtitle 26 MARYLAND ENERGY ADMINISTRATION

14.26.04 Clean Energy Grant Program

Authority: State Government Article, §9-20B-01 et seq., Annotated Code of Maryland

Notice of Withdrawal

[13-175-W]

The Director of the Maryland Energy Administration withdraws the proposal to amend Regulations **.02**, **.09**, and **.11**, repeal existing Regulations **.01** and **.03—07**, and adopt new Regulations **.01**, **.03—07**, and **.12**, as published in 40:13 Md. R. 1091—1094 (June 28, 2013).

ABIGAIL ROSS HOPPER
Director
Maryland Energy Administration

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 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.23 Shellfish Aquaculture and Leasing

Authority: Maryland Natural Resources, §4-11A-23, Annotated Code of Maryland

Notice of Proposed Action

[13-375-P]

The Secretary of Natural Resources proposes to adopt new Regulation .08 under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**.

Statement of Purpose

The purpose of this action is to implement House Bill 306 to allow individuals to grow shellfish seed outside of a leased area when issued a Shellfish Nursery Permit by the Department. These nurseries may be located on shore or in State waters. This regulation implements the restrictions pertaining to in-water structures used in shellfish nurseries, as delineated in HB 306, as well as additional restrictions the Department believes are necessary for health and safety purposes. This action also sets the application fee for these permits at \$100. The Aquaculture Coordinating Council recommended a fee of \$100 or less. Finally, the action establishes reporting requirements and the penalties for failure to comply with the regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an economic impact.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:		
(1) Permit Fees (On-Land Structures)	(R+)	500
(2) Permit Fees (In-Water Structures)	(R-)	1,000
(3) Administrative Expenses	(E+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
<hr/>		
D. On regulated industries or trade groups:		
(1) Expanded Business Opportunities	(+)	Indeterminable
(2) Permit Fees (On-Land Structures)	(-)	\$100/person
(3) Permit Fees (In-Water Structures)	(+)	\$200/person
E. On other industries or trade groups:		
Manufacturing and Retail Sales	(+)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

A(1). These regulations establish the requirements for issuing shellfish nursery permits including imposing an application fee of \$100 for these permits. This will increase revenues to the Department but the total annual increase will be dependent on the overall number of applications received and interest in starting shellfish nurseries within the private industry. It is estimated that approximately 15 permits will be issued each year for the next three years. It is not known at what rate the permits will continue to be issued after that point. Of the 15 anticipated permits per year, it is estimated that 5 of these permits will be for on-land structures. These applicants previously would have been issued a free permit; this regulation will charge them \$100 each for an anticipated total increase in revenue of \$500 for on-land structures.

A(2). (1) These regulations establish the requirements for issuing shellfish nursery permits including imposing an application fee of \$100 for these permits. This will increase revenues to the Department but the total annual increase will be dependent on the overall number of applications received and interest in starting shellfish nurseries within the private industry. It is estimated that approximately 15 permits will be issued each year for the next 3 years. It is not known at what rate the permits will continue to be issued after that point. Of the 15 anticipated permits per year, it is estimated that 10 permits will be for in-water structures. Currently, the only way individuals would be able to have in-water structures for nursery activities would be through a water column lease. The application fee for a water column lease is \$300. By offering this permit, the Department will lose \$200 per application, for a total anticipated decrease in revenue of \$1,000 per year.

A(3). The costs of administering the nursery permit will be indeterminable, but based on the number of applications for permits the Department receives.

D(1). The regulations will have an overall positive economic impact on the regulated industry as these regulations will facilitate the establishment of shellfish nurseries and help to support diversity within existing and new shellfish aquaculture businesses, increasing their gross revenue.

D(2). There is an increase in expenditures to the industry with regards to on-land structures as they are required to pay a \$100 fee when submitting a shellfish nursery permit application to the Department.

D(3). Previously, the only way individuals would be able to have in-water structures for nursery activities would be through a water column lease. The application fee for a water column lease is \$300. Those applicants who would have previously applied for a water column lease that now apply for a shellfish nursery permit will save \$200 per person.

E. These regulations will have a positive impact on businesses that manufacture and sell the equipment used in shellfish nurseries, including pumps, piping, tanks and prefabricated production systems. Shellfish nursery businesses will be purchasing these materials from suppliers. The total revenue increase to equipment/gear suppliers is dependent on the number of nursery businesses established in Maryland.

Economic Impact on Small Businesses

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

The regulations will have an overall positive economic impact on small businesses as these regulations will facilitate the establishment of shellfish nurseries and help to support diversity within existing and new shellfish aquaculture businesses, increasing their gross revenue.

The regulations will also have a positive impact on businesses that manufacture and sell the equipment used in shellfish nurseries, including pumps, piping, tanks and prefabricated production systems. Shellfish nursery businesses will be purchasing these materials from suppliers.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Shellfish Nursery Permit Regulations, Regulatory Staff, Maryland Department of Natural Resources Fisheries Service, 580 Taylor Avenue, 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 21, 2013. A public hearing has not been scheduled.

.08 Shellfish Nursery Permits.

A. Application.

(1) *An individual shall submit an application for a shellfish nursery permit prior to engaging in shellfish nursery activities.*

(2) *An application shall be submitted on a form provided by the Department.*

(3) *The fee for a shellfish nursery permit application shall be \$100 and shall be nonrefundable.*

B. A shellfish nursery permit:

(1) *Shall be valid for a 5-year term beginning on the day of issuance;*

(2) *May be renewed for a new term upon the Department's receipt of:*

(a) *All completed reports required under this regulation;* and

(b) *Confirmation that renewal is desired by the permittee;*

(3) *May not be transferred; and*

(4) *Shall be issued for each facility separately.*

C. *Reporting. A permittee under this regulation shall submit an annual report of shellfish nursery activities on a form provided by the Department not later than December 31 of the reporting year.*

D. *Size Limits. A permittee under this regulation shall only be authorized to culture shellfish seed to a maximum size measuring no greater than 1 inch in length from hinge to bill.*

E. In-Water Structures.

(1) *An in-water shellfish nursery structure:*

(a) *May not be larger than 200 square feet at any one site or physical address;*

(b) *Shall be moored to an existing permitted wharf or other structure approved by the United States Army Corps of Engineers;*

(c) *May not be located within a Submerged Aquatic Vegetation Protection Zone;*

(d) *May not be located within 150 feet of a public shellfish fishery area or a registered pound net site; and*

(e) *If located within an oyster sanctuary, as defined in COMAR 08.02.04.15, may not be located within 150 feet of a Yates bar.*

(2) *A shellfish nursery permit for an in-water structure may only be issued to:*

(a) *The owner of a wharf or other structure constructed on or about the water and approved by the United States Army Corps of Engineers; or*

(b) *To a person with the permission of the owner of such a wharf or other structure.*

F. Records and Inspection. A shellfish nursery permittee shall:

(1) *Maintain quarterly shipping and receiving records for each species cultivated at the facility that estimate:*

(a) *Stocks on hand; and*

(b) *The transfer of shellfish seed to or from the facility or leased area;*

(2) *Keep all shipping and receiving records for a minimum of 3 years; and*

(3) *Allow the Department to inspect at reasonable hours the shellfish nursery facility and any of the permittee's equipment, records, or product that are part of the permit holder's shellfish nursery operations.*

G. Suspension or Revocation of Permit. The Department may revoke or suspend a permit at any time for noncompliance with the requirements established in §4-11A-23, regulations adopted under this section, or the terms and conditions of the permit.

H. General.

(1) *A shellfish nursery permittee shall:*

(a) *Obtain all necessary permits and comply with all applicable federal, State and local laws and regulations;*

(b) *Follow the requirements of the National Shellfish Sanitation Program Model Ordinance that is incorporated by reference in COMAR 10.15.07.01A; and*

(c) *Notify the Department immediately upon discovery of any disease or mass mortality event affecting the shellfish at the facility that has the potential to contaminate native or naturalized animals.*

(2) *The shellfish nursery permit shall be:*

(a) *Displayed at the facility at all times; or*

(b) *In the possession of the permittee or any other individual engaged in shellfish nursery activities at the facility.*

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.15 Miles River

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

Notice of Proposed Action

[13-376-P]

The Secretary of Natural Resources proposes to amend Regulations .01 and .02 and adopt new Regulation .03 under COMAR 08.18.15 Miles River.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries and to ensure safe boating on Maryland's waterways.

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 Donna Morrow, Acting Division Director, Clean Waterways, Facilities and Regulations Division,

Maryland Department of Natural Resources - Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to dmorrow@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

.01 Miles River.

The Miles River encompasses all the waters of the Miles River and its tributaries[, except Wye River,] southerly of a line [from Lat. 38°51'46.10"N., Long. 76°15'10.20"W., running 105° True to the opposite shore, Lat. 38°51'10.06"N., Long. 76°12'21.16"W.] beginning at a point at or near Lat. 38° 51.77' N., Long. 76° 15.17' W., then running 105° (True) to a point, at or near Lat. 38° 51.17' N., Long. 76° 12.35' W., except the Wye River, northeast of a line beginning at Bennett Point at or near Lat. 38° 51.147' N., Long. 76° 12.340' W., then running 134° (True) to Wyetown Point, at or near Lat. 38° 50.767' N., Long. 76° 11.838' W.

.02 St. Michaels Harbor.

St. Michaels harbor encompasses the area [beginning at a point Lat. 38°47'12.26"N., Long. 76°12'58.75"W. (Parrott Point), a line running 346° True to the opposite shore, Lat. 38°47'23.94"N., Long. 76°13'02.56"W. (Navy Point),] upstream of a line beginning at Parrott Point at or near Lat. 38° 47.203' N., Long. 76° 12.972' W., then running 338° (True) to a point, at or near Lat. 38° 47.397' N., Long. 76° 13.072' W., and running to the head of the harbor, including Fogg Cove. This area has a 6-knot [(6.9 MPH)] speed limit all year.

.03 St. Michaels Harbor Entrance.

St. Michaels harbor entrance encompasses all of the area enclosed by a line beginning at a point on shore at or near Lat. 38° 47.687' N., Long. 76° 12.873' W., then running 153° (True) to a point, at or near Lat. 38° 47.335' N., Long. 76° 12.644' W., then running 243° (True) to Parrott Point, at or near Lat. 38° 47.203' N., Long. 76° 12.972' W., then running 338° (True) to a point, at or near Lat. 38° 47.397' N., Long. 76° 13.072' W. This area has a 6-knot speed limit Saturdays, Sundays, and State holidays, during the boating season.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.16 Nanticoke River

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

Notice of Proposed Action

[13-374-P]

The Secretary of the Maryland Department of Natural Resources proposes to amend Regulations .01 and .02 under COMAR 08.18.16 Nanticoke River.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries ad to ensure safe boating on Maryland's waterways.

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 Donna Morrow, Acting Division Director, Clean Waterways, Facilities and Regulations Division, Maryland Department of Natural Resources, Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to dmorrow@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

.01 Nanticoke River.

The Nanticoke River encompasses all the waters of the Nanticoke River and its tributaries [northerly of a line from Lat. 38°13'56.69"N., Long. 75°58'18.68"W., running 095° True to the opposite shore, Lat. 38°13'38.03"N., Long. 75°53'31.03"W.] *north of a line beginning at a point at or near Lat. 38° 13.950' N., Long. 75° 58.317' W., then running 95° (True) to a point, at or near Lat. 38° 13.633' N., Long. 75° 53.517' W.*

.02 Marshyhope Creek.

A. Lower Marshyhope Creek encompasses the area beginning at a point [Lat. 38°39'37.14"N., Long. 75°47'34.25"W., a line running 180° True to the opposite shore Lat. 38°39'33.78"N., Long. 75°47'34.25"W., and running north upstream to a line beginning at a point Lat. 38°40'34"N., Long. 75°46'28"W., a line running 100° True to the opposite shore Lat. 38°40'33 N., Long. 75°46'26"W.] *at or near Lat. 38° 39.680' N., Long. 75° 47.815' W., then running 147° (True) to a point, at or near Lat. 38° 39.653' N., Long. 75° 47.793' W., then running 99° (True) to a point, at or near Lat. 38° 39.625' N., Long. 75° 47.570' W., then running 180° (True) to a point, at or near Lat. 38° 39.577' N., Long. 75° 47.570' W.* This area has a minimum wake zone from March 1 through June 15 [each year].

B. Upper Marshyhope Creek encompasses the area beginning at a point [Lat. 38°40'34" N., Long. 75°46'28"W., a line running 100° True to the opposite shore Lat. 38°40'33"N., Long. 75°46'26"W.,] *at or near Lat. 38° 39.625' N., Long. 75° 47.570' W., then running 180° (True) to a point, at or near Lat. 38° 39.577' N., Long. 75° 47.570' W., and running to the head of the creek.* This area has a minimum wake zone all year.

JOSPEH P. GILL

Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.05 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§15-101, 15-208, 15-209, 15-311, 15-312, and 15-314; Annotated Code of Maryland

Notice of Proposed Action

[13-284-P]

The Board for Professional Land Surveyors proposes to amend Regulation .03 under **COMAR 09.13.05 Fees**. This action was considered by the Board at a public meeting held on August 7, 2013, notice of which was published in 40:15 Md. R. 1327 (July 26, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to increase license fees previously set by the Board in 2003 and then decreased in 2007. Pursuant to the authority set forth in Business Regulation Article, §§2-106, 2-106.1, and 2-106.2, Annotated Code of Maryland, the Maryland design boards, including the Board for Professional Land Surveyors, may set various fees, including a license fee, in order to cover the actual documented direct and indirect costs of fulfilling their statutory and regulatory duties. The law provides that the Secretary must calculate these costs on an annual basis and provide them to the design boards for the purposes of fee-setting. Based on the current levels of revenues and expenses, as certified to the design boards by the Department, it has become evident to the design boards that an increase in license fees is necessary in order for the boards to strive to meet their statutory obligations. The need for increase in fees is a result of a number of factors, including, but not limited to, increase in personnel costs, as well as in fixed and indirect costs. The statute governing the design boards' special fund limits a fee increase to 12.5 percent annually. As a result, the design boards, both individually and as members of the design boards special fund cluster, decided to uniformly increase their applicable license/certificate fees by 12.5 percent.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There are currently 750 licensed surveyors. Due to staggered license renewals, 375 licensees are expected to renew their licenses annually. In addition, an average of 20 individuals become licensed every year. Based on the assumption that these numbers remain constant, the State Occupational and Professional Design Boards'

Fund will receive additional revenues totaling \$3,357.50.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
State Occupational and Professional Design Boards	(R+)	\$3,357.50
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Applicants and Licenses (-)		\$8.50 per applicant or licensee
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Assuming 375, or 50 percent of current licensees, renew their licenses in the first year, and 20 individuals receive new licenses, revenues totaling \$3,357.50 (395 x \$8.50) will be received by the Fund.

D. Applicants for new licenses and current licensees are presently paying \$68 for a 2-year license. The proposed amendment will raise the fee to \$76.50, an increase of \$8.50.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dlr.state.md.us, or fax to 410-333-0021. Comments will be accepted through October 21, 2013. A public hearing will be held October 2, 2013, 11 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on December 4, 2013, 10 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

(1) License fee—[\$68:] \$76.50;

(2)—(6) (text unchanged)

B.—F. (text unchanged)

JOHN V. METTEE III

Chairman

State Board for Professional Land Surveyors

Subtitle 18 BOARD OF CERTIFIED INTERIOR DESIGNERS

09.18.01 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§8-101, 8-206, 8-207, 8-304, 8-305, 8-307, and 8-309; Annotated Code of Maryland

Notice of Proposed Action

[13-281-P]

The Board of Certified Interior Designers proposes to amend Regulation .03 under **COMAR 09.18.01 Fees**. This action was considered by the Board at a public meeting held on April 22, 2013, notice of which was published in 40:7 Md. R. 683 (April 5, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to increase certificate fees previously set by the Board in 2003 and then decreased in 2007. Pursuant to the authority set forth in Business Regulation Article, §§2-106, 2-106.1, and 2-106.2, Annotated Code of Maryland, the Maryland design boards, including the Board of Certified Interior Designers, may set various fees, including a certificate fee, in order to cover the actual documented direct and indirect costs of fulfilling their statutory and regulatory duties. The law provides that the Secretary must calculate these costs on an annual basis and provide them to the design boards for the purposes of fee-setting. Based on the current levels of revenues and expenses, as certified to the design boards by the Department, it has become evident to the design boards that an increase in license fees is necessary in order for the boards to strive to meet their statutory obligations. The need for increase in fees is a result of a number of factors, including, but not limited to, increase in personnel costs, as well as in fixed and indirect costs. The statute governing the design boards' special fund limits a fee increase to 12.5 percent annually. As a result, the design boards, both individually and as members of the design boards special fund cluster, decided to uniformly increase their applicable license/certificate fees. Therefore, the license/certificate fee for each Board is being raised by 12.5 percent.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There are currently 330 certified interior designers. Due to staggered renewals, 165 certificate holders are expected to renew their certificates annually. In addition, an average of 25 individuals become certified every year. Based on the assumption that these numbers remain constant, the State Occupational and Professional Design Boards' Fund will receive additional revenues totaling \$1,615.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: State Occupational and Professional Design Boards	(R+)	\$1,615
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups: Applicants and Certificate Holders	(-)	\$8.50 per applicant or certificate holder
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Assuming 165, or 50 percent of current licensees, renew their licenses in the first year, and 25 individuals receive new certificates, revenues totaling \$1,615 (190 x \$8.50) will be received by the Fund.

D. Applicants for new certificates and current certificate holders are presently paying \$68 for a 2-year certificate. The proposed amendment will raise the fee to \$76.50, an increase of \$8.50.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dlr.state.md.us, or fax to 410-333-0021. Comments will be accepted through October 28, 2013. A public hearing will be held October 28, 2013, 2:30 p.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202, to hear comments from the public concerning the license fee increase.

Open Meeting

Final action on the proposal will be considered by the Board of Certified Interior Designers during a public meeting to be held on January 27, 2014, at 2 p.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

- (1) Certificate fee — [\$68;] \$76.50;
- (2)—(3) (text unchanged)

B. (text unchanged)

CARLA VIAR PULLEN

Acting Chair

State Board of Certified Interior Designers

Subtitle 21 BOARD OF ARCHITECTS**09.21.04 Fees**

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§3-101, 3-208, 3-209, 3-306, 3-307, 3-309, and 3-310; Annotated Code of Maryland

Notice of Proposed Action

[13-282-P]

The Board of Architects proposes to amend Regulation .03 under **COMAR 09.21.04 Fees**. This action was considered by the Board at a public meeting held on February 27, 2013, notice of which was published in The Daily Record on February 21, 2013, in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to increase license fees previously set by the Board in 2003 and then decreased in 2007. Pursuant to the authority set forth in Business Regulation Article, §§2-106, 2-106.1, and 2-106.2, Annotated Code of Maryland, the Maryland design boards, including the Board of Architects, may set various fees, including a license fee, in order to cover the actual documented direct and indirect costs of fulfilling their statutory and regulatory duties. The law provides that the Secretary must calculate these costs on annual basis and provide them to the design boards for the purposes of fee-setting. Based on the current levels of revenues and expenses, as certified to the design boards by the Department, it has become evident to the design boards that an increase in license fees is necessary in order for the boards to meet their statutory obligations. The need for increase in fees is a result of a number of factors, including, but not limited to, increase in personnel costs, as well as in fixed and indirect costs. The statute governing the design board's special fund limits a fee increase to 12.5 percent annually. As a result, the design boards, both individually and as members of the design boards special fund cluster, decided to uniformly increase their applicable license/certificate fees. Therefore, the license fees for each Board are being raised by 12.5 percent

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There are currently 5,800 licensed architects. Due to staggered license renewals, 2,900 licensees are expected to renew their licenses annually. In addition, an average of 300 individuals become licensed every year. Based on

the assumption that these numbers remain constant, the State Occupational and Professional Licensing Design Boards' Fund will receive additional revenues totaling \$27,200.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
State Occupational and Professional Design Boards'	(R+)	\$27,200
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Applicants and Licensees	(-)	\$8.50 per applicant or licensee
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Assuming 2,900, or 50 percent of current licensees, renew their licenses in the first year and 300 individuals receive new licenses, revenues totaling \$27,200 (3,200 x \$8.50) will be received by the Fund.

D. Applicants for new license and current licensees are presently paying \$68 for a 2-year license. The proposed amendment will raise the fee to \$76.50, an increase of \$8.50.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through October 30, 2013. A public hearing will be held October 30, 2013 at 11 a.m., 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202, to hear comments from the public regarding the license fee increase.

Open Meeting

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on December 16, 2013, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

(1) License fee — [\$68;] \$76.50;

(2)—(4) (text unchanged)

B.—D. (text unchanged)

DIANE CHO

Chair

State Board of Architects

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.04 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§14-101, 14-208, 14-209, 14-311, 14-312, 14-314, and 14-316; Annotated Code of Maryland

Notice of Proposed Action

[13-285-P]

The Board for Professional Engineers proposes to amend Regulation .03 under COMAR 09.23.04 Fees. This action was considered by the Board at a public meeting held on February 14, 2013, notice of which was published in 40:2 Md. R. 177 (January 25, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to increase license fees previously set by the Board in 2003 and then decreased in 2007. Pursuant to the authority set forth in Business Regulation Article, §§2-106, 2-106.1, and 2-106.2, Annotated Code of Maryland, the Maryland design boards, including the Board for Professional Engineers, may set various fees, including a license fee, in order to cover the actual documented direct and indirect costs of fulfilling their statutory and regulatory duties. The law provides that the Secretary must calculate these costs on an annual basis and provide them to the design boards for the purposes of fee-setting. Based on the current levels of revenues and expenses, as certified to the design boards by the Department, it has become evident to the design boards that an increase in license fees is necessary in order for the boards to strive to meet their statutory obligations. The need for increase in fees is a result of a number of factors, including, but not limited to, increase in personnel costs, as well as in fixed and indirect costs. The statute governing the design boards' special fund limits a fee increase to 12.5 percent annually. As a result, the design boards, both individually and as members of the design boards special fund cluster, decided to uniformly increase their applicable license/certificate fees by 12.5 percent.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There are currently 18,000 licensed engineers. Due to staggered license renewals, 9,000 licensees are expected to renew their licenses annually. In addition, an average of 1,000 individuals become licensed every year. Based on the assumption that these numbers remain constant, the State

Occupational and Professional Design Boards' Fund will receive additional revenues totaling \$85,000.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: State Occupational and Professional Design Boards	(R+)	\$85,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		\$8.50 per applicant or licensee
Applicants/Licensees	(-)	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Assuming 9,000, or 50 percent of current licensees, renew their licenses in the first year, and 1,000 individuals receive new licenses, revenues totaling \$85,000 (10,000 x \$8.50) will be received by the Fund.

D. Applicants for new licenses and current licensees are presently paying \$68 for a 2-year license. The proposed amendment will raise the fee to \$76.50, an increase of \$8.50.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dlr.state.md.us, or fax to 410-333-0021. Comments will be accepted through October 21, 2013. A public hearing will be held October 10, 2013, 11 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202, to hear comments regarding the licensee fee increase.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on November 14, 2013, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

(1) License fee—[\$68] \$76.50;

(2)—(8) (text unchanged)

B.—E. (text unchanged)

HOWARD C. HARCLERODE II

Chairman

State Board for Professional Engineers

Subtitle 28 BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

09.28.03 Fees

Authority: Business Regulation Article, §§2-106, 2-106.1 and 2-106.2; Business Occupations and Professions Article, §§9-101, 9-206, 9-207, 9-306, 9-307, 9-309, and 9-314; Annotated Code of Maryland

Notice of Proposed Action

[13-283-P]

The Board of Examiners of Landscape Architects proposes to amend Regulation .03 under **COMAR 09.28.03 Fees**. This action was considered by the Board at a meeting held on March 18, 2013, notice of which was published in 40:5 Md. R. 448 (March 8, 2013), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to increase license fees previously set by the Board in 2003 and then decreased in 2007. Pursuant to the authority set forth in Business Regulation Article, §§2-106, 2-106.1, and 2-106.2, Annotated Code of Maryland, the Maryland design boards, including the Board of Examiners of Landscape Architects, may set various fees, including a license fee, in order to cover the actual documented direct and indirect costs of fulfilling their statutory and regulatory duties. The law provides that the Secretary must calculate these costs on annual basis and provide them to the design boards for the purposes of fee-setting. Based on the current levels of revenues and expenses, as certified to the design boards by the Department, it has become evident to the design boards that an increase in license/certificate fees is necessary in order for the boards to meet their statutory obligations. The need for increase in fees is a result of a number of factors, including but not limited to, increase in personnel costs, as well as in fixed and indirect costs. The statute governing the design boards' special fund limits a fee increase to 12.5 percent annually. As a result, the design boards, both individually and as members of the design boards special fund cluster, decided to uniformly increase their applicable license/certificate fees. Therefore, the license fee for each Board is being raised by 12.5 percent.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There are currently 960 licensed landscape architects. Due to staggered license renewals, 480 licensees are expected to renew their licenses annually. In addition, an average of 30 individuals become licensed every year. Based on the assumption that these numbers remain constant, the State

Occupational and Professional Licensing Design Boards' Fund will receive additional revenues totaling \$4,335.00.

(2)—(4) (text unchanged)
B.—C. (text unchanged)

CHRISTOPHER L. SCHEIN
Chairman

State Board of Examiners of Landscape Architects

II. Types of Economic Impact.

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
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A. On issuing agency: State Occupational and Professional Design Boards	(R+)	\$4,335
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups: Applicants and Licensees	(-)	\$8.50 per applicant or licensee
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. Assuming 480, or 50 percent of current licensees, renew their licenses in the first year and 30 individuals receive new licenses, additional revenues totaling \$4,335 (510 x \$8.50) will be received by the Fund.

D. Applicants for new licenses and current licensees are presently paying \$68 for a 2-year license. The proposed amendment will raise the fee to \$76.50, an increase of \$8.50.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Professional Licensing Boards, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dlr.state.md.us, or fax to 410-333-0021. Comments will be accepted through January 20, 2014. A public hearing will be held January 21, 2014, 1:30 p.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Open Meeting

Final action on the proposal will be considered by the Board of Examiners of Landscape Architects during a public meeting to be held on January 21, 2014, 2 p.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

(1) License fee — [\$68] \$76.50;

Subtitle 41 OIL AND GAS LAND PROFESSIONALS

Notice of Proposed Action

[13-373-P]

The Secretary of Labor, Licensing, and Regulation proposes to adopt:

(1) New Regulations .01—.06 under a new chapter, **COMAR 09.41.01 General Regulations** under a new subtitle, **Subtitle 41 Oil and Gas Land Professionals**; and

(2) New Regulation .01 under a new chapter, **COMAR 09.41.02 Fees**, under a new subtitle, **Subtitle 41 Oil and Gas Land Professionals**.

Statement of Purpose

The purpose of this action is to implement the provisions of Chapter 642 of the 2013 Laws of Maryland, which requires the registration of certain individuals as oil and gas land professionals. Regulations .01—.06 under COMAR 09.41.01 provide certain registration and renewal requirements. Regulation .01 under COMAR 09.41.02 establishes a schedule of fees for initial registration and renewal.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Vorgetts, Acting Commissioner, Occupational and Professional Licensing, Department of Labor, Licensing, and Regulation, 500 N. Calvert St., Room 301 Baltimore, MD 21202, or call 410-230-6225, or email to mvorgetts@dlr.state.md.us, or fax to 410-333-6314. Comments will be accepted through October 25, 2013. A public hearing has not been scheduled.

09.41.01 General Regulations

Authority: Business Occupations and Professions Article, §10.5-105, Annotated Code of Maryland

.01 Registration Form.

In accordance with the provisions of Business Occupations and Professions Article, §10.5-105, Annotated Code of Maryland, each applicant shall use the initial or renewal registration form, as appropriate, provided by the Department.

.02 Name and Address Requirements.

A. An applicant for registration as an Oil and Gas Land Professional may not provide a post office box number as a primary address.

B. When a registered Oil and Gas Land Professional changes the registrant's name or address, the registrant shall notify the Secretary in writing within 10 days of the change.

.03 Disclosure of Professional Designation or Recognized Professional Credential.

A. An applicant for registration as an Oil and Gas Land Professional shall disclose to the Department any professional designation or recognized professional credential held by the applicant if the applicant intends to advertise the credential in the exercise of the applicant's activities as a registered Oil and Gas Land Professional.

B. The Department may disclose the credential, along with any relevant information regarding the nature of the credential, to the public.

.04 Registration Number and Certificate.

The Department shall issue to each applicant who submits a completed application form and the required fee:

- (1) A registration number; and*
- (2) A registration certificate valid for 2 years.*

.05 Notice of Renewal.

The Department shall notify a registered Oil and Land Gas Professional at least 60 days prior to the expiration of the individual's registration.

.06 Renewal Certificate.

The Department shall issue a 2-year registration renewal certificate to a registrant who submits a completed renewal application form and the required fee prior to the expiration of the registrant's current registration.

09.41.02 Fees

Authority: Business Occupations and Professions Article, §10.5-105, Annotated Code of Maryland

.01 Application and Renewal Fees.

Fees charged by the Secretary are as follows:

- A. Application Fee—\$50*
- B. Registration Renewal Fee—\$50*

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

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.10 Nursing Facility Services

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

Notice of Proposed Action

[13-267-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .07, .08, .10, and .11 under **COMAR 10.09.10 Nursing Facility Services**.

Statement of Purpose

The purpose of this action is to increase Medicaid rates for nursing facility services by 1.725 percent, consistent with the Program's budget for Fiscal Year 2014. Specifically, the amendments will:

- (1) Increase net Medicaid payments in the Administrative/Routine, Other Patient Care, and Capital cost centers by 3.2 percent;
- (2) Extend the ceiling of 112 percent in the Administrative/Routine cost center to June 30, 2014;
- (3) Extend the efficiency allowance of 40 percent in the Administrative/Routine cost center to June 30, 2014;
- (4) Extend the net capital value rental rate of 7.57 percent to June 30, 2014 for providers other than those located in Baltimore City;
- (5) Extend the ceiling for nursing profit of 3 percent of the maximum nursing rate to June 30, 2014;
- (6) Extend the cost threshold of 10 percent for providers to request an interim rate change due to higher costs in the Administrative/Routine, Other Patient Care and Capital cost centers to June 30, 2014; and
- (7) Delete the requirement to update the work measurement study of nursing procedures in nursing homes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Increasing Medicaid rates for nursing facility services by 1.725 percent in Fiscal Year 2014 will increase Program expenditures by \$22,883,000.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$22,883,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Nursing Home Providers	(+)	\$22,883,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. The Program projects that increasing reimbursement for nursing facility services by 1.725 percent will increase the average nursing home rate by \$4.06 per Medicaid day of care. With a projection of 5,636,232 Medicaid days in Fiscal Year 2014, the result is an increase in nursing home reimbursement of \$22,883,000.

D. Provider reimbursement for nursing facilities will be increased by \$22,883,000 during Fiscal Year 2014 as described in Section A above.

Economic Impact on Small Businesses

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

Thirty-eight nursing homes, which qualify as small businesses, are expected to account for 773,000 Medicaid days during Fiscal Year 2014. At an average increase in rates of \$4.06 per day, the impact on small businesses is estimated as an increase in revenue of \$3,138,000.

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 W. 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 21, 2013. A public hearing has not been scheduled.

.07 Payment Procedures — Maryland Facilities.

A. The Department shall pay the provider the sum of the rates calculated under the provisions of Regulations .08—.11 of this chapter. All interim per diem rates shall remain unchanged during the rate year unless documentation is submitted by the provider to the Department or its designee to demonstrate that a recalculation of the provider's interim per diem rate for the Administrative and Routine, Other Patient Care, or Capital cost center would change by 5 percent (10 percent during the period July 1, 2009 through June 30, [2013] 2014), or more or unless otherwise authorized by the Department. A provider may request an interim rate change in the Nursing Service cost center by submitting documentation to the Department or its designee to demonstrate that a recalculation of the provider's interim per diem rate would change by 2 percent or more. For the cost of power wheelchairs or power wheelchair repairs, there is no requirement of a percent change in the Capital cost center. The revised interim per diem rates shall be applicable from the first whole month after submission of the request for revision to the end of the rate year. A provider may not request an interim rate change more than two times during the same rate year. Interim and maximum per diem rates shall be increased or decreased as necessary to the extent these adjustments are required by State law or Title XIX of the Social Security Act.

B.—C-1. (text unchanged)

C-2. *With the exception of interim rate changes allowed in accordance with §A of this regulation, for services provided during the period July 1, 2013 through June 30, 2014, interim and maximum reimbursement rates shall remain unchanged from those in effect for the period November 1, 2008 through July 31, 2009, except that rates calculated under the provisions of Regulations .08, .09, and .10 of this chapter shall be increased by 3.2 percent.*

D. (text unchanged)

.08 Rate Calculation — Administrative and Routine Costs.

A. (text unchanged)

B. The final per diem rate for administrative and routine costs in each reimbursement class is the sum of:

(1) (text unchanged)

(2) An efficiency allowance equal to the lesser of 50 percent (40 percent for the period November 1, 2008 through June 30, [2013] 2014) of the amount by which the allowable per diem costs in §B(1) of this regulation are below the maximum per diem rate for this cost center, or 10 percent of the maximum per diem rate for the cost center.

C.—D. (text unchanged)

E. Maximum per diem rates for administrative and routine costs in each reimbursement class shall be established according to the following:

(1)—(4) (text unchanged)

(5) The maximum per diem rate for each reimbursement class shall be 114 percent (112 percent for the period November 1, 2008 through June 30, [2013] 2014) of the lowest aggregate indexed current interim per diem cost, from §E(1) of this regulation, which is equal to the aggregate indexed current interim per diem costs associated with at least 50 percent of the paid Medical Assistance days in the reimbursement class.

F.—H. (text unchanged)

.10 Rate Calculation — Capital Costs.

A.—F. (text unchanged)

G. The net capital value rental for those facilities which are subject to rate determination under §C of this regulation is determined through the following steps:

(1)—(8) (text unchanged)

(9) The value of net capital from §G(7) of this regulation shall be multiplied by 0.0857 (0.0757 for the period November 1, 2008 through June 30, [2013] 2014) except that, effective July 1, 2012, the value of the net capital for facilities located in Baltimore City shall be multiplied by 0.0942, in order to generate the net capital value rental.

H.—N. (text unchanged)

.11 Rate Calculation — Nursing Service Costs.

A.—B. (text unchanged)

C. The final Medical Assistance reimbursement for nursing services is the lesser of:

(1) (text unchanged)

(2) The sum of:

(a) (text unchanged)

(b) 60 percent of the difference between the amount of the reimbursement calculated under §B(1) of this regulation and the amount of the costs under §C(2)(a) of this regulation, subject to a maximum of the reimbursements calculated under §B(1) of this regulation multiplied by 0.04 (0.035 for the period July 1, 2008 through October 31, 2008 and 0.03 for the period November 1, 2008 through June 30, [2013] 2014);

(c)—(d) (text unchanged)

D.—F. (text unchanged)

G. The resident-specific standard reimbursement rates shall be determined by the following steps:

(1)—(6) (text unchanged)

(7) Multiply the hourly wages plus benefits applicable to each reimbursement class by procedure and activity times using the weights associated with each personnel category to determine the nursing service unadjusted standard per diem reimbursement rates for each reimbursement class. Current procedure and activity times and personnel category weights are established by the table under Regulation .25B of this chapter, and shall be recalibrated as follows:

(a) Effective July 1, 2006, [and at subsequent 7-year intervals,] procedure and activity times and personnel category weights shall be recalibrated based on a work measurement study of nursing procedures in nursing homes. The work measurement study sample may not include:

(i)—(v) (text unchanged)

(b) (text unchanged)

(8)—(9) (text unchanged)

H.—V. (text unchanged)

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

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

Notice of Proposed Action

[13-275-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**.

Statement of Purpose

The purpose of this action is to update the core performance measures and the incentive and penalty calculation methodology for CY 2014.

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 W. 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 21, 2013. A public hearing has not been scheduled.

.03 Quality Assessment and Improvement.

A. (text unchanged)

B. An MCO shall participate in all quality assessment activities required by the Department in order to determine if the MCO is providing medically necessary enrollee health care. These activities include, but are not limited to:

(1)—(2) (text unchanged)

(3) The annual collection and evaluation of a set of performance measures with targets as determined by the Department as follows:

(a) The composition of the core performance measures [is] are listed in [§B(3)(g)] §B(3)(d) and (e) of this regulation;

(b)—(d) (text unchanged)

(e) Effective January 1, 2014, the core performance measures are:

(i) Adolescent well care visits;

(ii) Adult Body Mass Index (BMI) assessment;

(iii) Ambulatory care for Supplemental Security Income (SSI) adults;

(iv) Ambulatory care for Supplemental Security Income (SSI) children;

(v) Breast cancer screening;

(vi) Childhood immunizations—Combo 3;

(vii) Comprehensive diabetes care—HbA1c testing;

(viii) Controlling high blood pressure;

(ix) Immunization for adolescents;

(x) Lead screening for children 12—23 months old;

(xi) Medication management for people with asthma—75 percent grouping;

(xii) Postpartum care; and

(xiii) Well child visits, 3—6 years old.

[(e)] (f)—[(i)] (j) (text unchanged)

(k) Starting with the 2014 performance measures, the Department shall implement the following methodology for imposing penalties and incentives:

(i) There shall be three levels of performance;

(ii) Performance shall be evaluated separately for each measure, and each measure shall have equal weight;

(iii) On any of the measures in §B(3)(e)(i)—(xiii) of this regulation for which the MCO does not meet the minimum target, as determined by the Department, a penalty of 1/13 of 1 percent of the total capitation amount paid to the MCO during the measurement year shall be collected;

(iv) The total amount of the penalties as described in §B(3)(k)(iii) of this regulation may not exceed 1 percent of the total capitation amount paid to the MCO during the same measurement year;

(v) On any of the measures in §B(3)(e) of this regulation for which the MCO meets or exceeds the incentive target, as determined by the Department, the MCO shall be paid an incentive payment of up to 1/13 of 1 percent of the total capitation paid to the MCO during that measurement year;

(vi) The total amount of the incentive payments as described in §B(3)(k)(v) of this regulation paid to the MCOs each year may not exceed the total amount of the penalties as described in §B(3)(k)(iii) of this regulation collected from the MCOs in that same year, plus any additional funds allocated to the Department for a quality initiative; and

(vii) Any funds remaining after the payment of the incentives due under §B(3)(k)(v) of this regulation shall be distributed to the MCOs receiving the four highest normalized scores for Value Based Purchasing for all thirteen performance measures at a rate calculated by multiplying each MCO's adjusted enrollment as of December 31 of the measurement year by a per enrollee amount;

(l) The adjusted enrollment amount in §B(3)(k)(vii) of this regulation shall be calculated by:

(i) Multiplying four times the enrollment of the MCO with the highest normalized score;

(ii) Multiplying three times the enrollment of the MCO with the second highest normalized score;

(iii) Multiplying two times the enrollment of the MCO with the third highest normalized score; and

(iv) Using the actual enrollment of the MCO with the fourth highest normalized score;

(m) The per enrollee amount in §B(3)(k)(vii) of this regulation shall be calculated by dividing the sum of the calculations in §B(3)(l)(i)—(iv) of this regulation into the funds remaining as described in §B(3)(k)(vii) of this regulation;

[(i)] (n) text unchanged

(4)—(6) text unchanged

C. (text unchanged)

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

Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

10.36.01 Procedures

Authority: Health Occupations Article, §§18-206 and 18-309, Annotated Code of Maryland

Notice of Proposed Action

[13-269-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .08 under **COMAR 10.36.01 Procedures**. This action was considered by the Board of Examiners of Psychologists at a public meeting on May 10, 2013 notice of which was given by publication in 40:8 Md. R. 774 (April 19, 2013), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow the Board to send out license renewal notices electronically or by mail. The Board is required to send the notice to licensees at least 90 days before a license expires, either by postal mail, or if the licensee requests, by electronic mail. The renewal notice shall contain certain information and a procedure is established if a renewal notice sent by electronic means is returned to the Board as undeliverable. This regulation corresponds with H.B. 98 that passed during the 2013 legislative session.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action does not have an economic impact; however it does have an unquantifiable positive benefit on the public.

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	
<hr/>		
	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:	(+)	Unquantifiable

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

F. As a result of the proposed amendment, the public will be safer.

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 21, 2013. A public hearing has not been scheduled.

.08 License Renewal, Expiration, and Inactive Status.

A. Renewal.

(1) The Board shall notify psychologists in a timely manner of the renewal date of March 31.

(2) The Board shall include in the notification the:

- (a) Procedure to follow;
- (b) Fees for renewal; and
- (c) Continuing education requirements.]

(1) *A license shall expire on March 31, unless it is renewed for an additional term as provided in this section.*

(2) *A license may not be renewed for a term longer than 2 years.*

(3) *At least 90 days before the license expires, the Board shall send a renewal notice to the licensee:*

(a) *By first class mail to the last known address of the licensee; or*

(b) *If requested by the licensee, by electronic means to the last known electronic mail address of the licensee.*

(4) *If a renewal notice sent by electronic means under §A(3)(b) of this regulation is returned to the Board as undeliverable, the Board shall send a renewal notice to the licensee by first-class mail to the last known address of the licensee.*

(5) *The renewal notice shall state:*

- (a) *The procedure to follow;*
- (b) *Continuing education requirements;*
- (c) *The date on which the current license expires;*

(d) *The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and*

(e) *The amount of the renewal fee.*

B.—C. (text unchanged)

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

Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

10.36.06 Fee Schedule

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

Notice of Proposed Action

[13-270-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under **COMAR 10.36.06 Fee Schedule**. This action was considered by the Board of Examiners of Psychologists at a public meeting on May 10, 2013 notice of which was given by publication in 40:8 Md. R. 774 (April 19, 2013), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require an administrative fee from psychologists that are not licensed in Maryland, but want to provide temporary services to a Maryland resident.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Psychologists, who are not licensed in Maryland, will be required to pay a fee in order to provide short term psychological services to Maryland residents.

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

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

A. and D. It is estimated that about 30 psychologists not licensed in Maryland may apply for a temporary exception to practice in a year. $\$100 \times 30 = \$3,000$

F. As a result of implementing this regulation, the public will be safer.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

.02 Fees.

The following fees are established by the Board:

A.—J. (text unchanged)

K. Duplicate license:

(1) (text unchanged)

(2) Wallet card ... \$10[.];

L. Temporary Exception to Practice ... \$100.

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

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.27 Dental Hygiene Practice — General Supervision — Private Office

Authority: Health Occupations Article, §4-308, Annotated Code of Maryland

Notice of Proposed Action

[13-266-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.44.27 Dental Hygiene Practice—General Supervision—Private Office**. This action was considered by the Board of Dental Examiners at a public meeting held on July 3, 2013 notice of which was given under the Notice of Public Meetings link on the Board's website pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the calculation of unsupervised clinical hours worked by a dental hygienist in a private dental office. The existing regulation provides that the number of unsupervised clinical hours worked by a dental hygienist in any given calendar week shall be less than 60 percent of the dental hygienist's total hours worked. The proposal provides that the number of unsupervised clinical hours worked by a supervised dental hygienist in any given 3-month period shall be less than 60 percent of the dental hygienist's total hours worked during that 3-month period.

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 21, 2013. A public hearing has not been scheduled.

.04 Guidelines for Operating under General Supervision in a Private Dental Office.

A.—D. (text unchanged)

E. The number of unsupervised clinical hours worked by a dental hygienist in any given [calendar week] *3-month period* shall be less than 60 percent of the dental hygienist's total hours worked *during that 3-month period*. To insure compliance with this provision, the supervising dentist and the dental hygienist shall maintain a written record of the dental hygienist's total [weekly] *monthly* hours worked and the total number of [weekly] *monthly* hours worked by the dental hygienist when a dentist was not on the premises.

F. (text unchanged)

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

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

Notice of Proposed Action

[13-253-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend Regulation .03 and adopt new Regulation .08-1 under COMAR 10.47.01 Requirements; and
- (2) Amend Regulation .11 under COMAR 10.47.02 Specific Program Requirements.

Statement of Purpose

The purpose of this action is to:

- (1) Prohibit an immediate family member of an employee of an Alcohol and Drug Abuse Administration (ADAA) program to serve as a voting member of the governing body, board of directors, or advisory committee;
- (2) Prohibit a person who is compensated for providing goods or services to an ADAA program to serve on the governing body, board of directors, or advisory committee;
- (3) Require ADAA to annually evaluate all publicly funded ADAA programs for performance and outcome measures and require ADAA programs to provide certain requested information to ADAA; and
- (4) Allow opioid treatment programs to update treatment plans every 180 days after 1 year of continuous treatment and after meeting the requirements set forth in CFR 42 Part 8.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, 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 21, 2013. A public hearing has not been scheduled.

10.47.01 Requirements

Authority: Health-General Article, §§8-401—8-405 and 19-308, Annotated Code of Maryland

.03 Governance.

A. The program shall:

[A.] (1) Have a governing body legally responsible for overseeing the management and operation of the program and for ensuring compliance with applicable laws and regulations by:

- [(1)] (a) Approving the program's:
- [(a)] (i)—[(e)] (v) (text unchanged)

[(2)] (b)—[(5)] (e) (text unchanged)

[B.] (2) Implement fiscal policies and procedure which include:

[(1)] (a)—[(5)] (e) (text unchanged)

[C.] (3) Implement personnel policies and procedures that include:

[(1)] (a) (text unchanged)

[(2)] (b) Personnel policies that include:

[(a)] (i)—[(j)] (x) (text unchanged)

[(3)] (c) Maintaining a personnel file, in accordance with State and federal confidentiality requirements, for each employee, contractual staff, intern, or volunteer, that includes the individual's:

[(a)] Written application or resume including:

- (i) Name;
- (ii) Home address;
- (iii) Current telephone number;
- (iv) Educational and training background; and
- (v) Employment history;

(i) Written application or resume including, name, home address, current telephone number, educational and training background, and employment history;

[(b)] (ii)—[(j)] (x) (text unchanged)

[(4)] (d) (text unchanged)

[D.] (4) Manage the program by:

[(1)] (a) Implementing a policy and procedure manual that contains:

[(a)] An all hazards emergency protocol plan, approved by the Administration and updated at the time of recertification, that includes:

- (i) The name of the contact person for access to medical and clinical records;
- (ii) The written agreement or agreements with another facility to provide services in case of an emergency;
- (iii) Notification procedures for the State Methadone Authority, program staff, and patients;
- (iv) A policy regarding patient access to emergency mental health services necessitated by a hazardous event; and
- (v) A policy assuring that correctional levels of care comply with the institution's all hazards emergency plan;

(i) An all hazards emergency protocol plan, approved by the Administration and updated at the time of recertification, that includes the name of the contact person for access to medical and clinical records, the written agreement or agreements with another facility to provide services in case of an emergency, notification procedures for the State Methadone Authority, program staff, and patients, a policy regarding patient access to emergency mental health services necessitated by a hazardous event, and a policy assuring that correctional levels of care comply with the institution's all hazards emergency plan;

[(b)] (ii)—[(h)] (viii) (text unchanged)

[(i)] Procedures for staff orientation, supervision, training, and education that include, but are not limited to, ethics and State and federal laws regarding confidentiality including, but not limited to:

- (i) Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland;
- (ii) 42 CFR Part 2;
- (iii) The Health Insurance Portability Assurance and Accountability Act (HIPAA); and
- (iv) 45 CFR Parts 160 and 164; and
- (ix) Procedures for staff orientation, supervision, training, and education that include, but are not limited to, ethics and State and federal laws regarding confidentiality including, but not limited to, Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland, 42 CFR Part 2, The Health Insurance Portability Assurance and Accountability Act (HIPAA), and 45 CFR Parts 160 and 164; and

[(2)] (b) Implementing a program service plan, approved by the Administration, that is based on the levels of treatment to be provided as defined in COMAR 10.47.02.03—.11 and describes how the program shall comply with the regulatory requirements, is updated annually, and includes:

[(a)] (i)—[(c)] (iii) (text unchanged)

[(d)] A list of services to be delivered, including:

(i) Types of medication and controlled dangerous substances to be prescribed;

(ii) Types of group sessions, including education;

(iii) Types of individual sessions; and

(iv) A complete family services plan;]

(iv) *A list of services to be delivered, including the types of medication and controlled dangerous substances to be prescribed, the types of group sessions, including education, the types of individual sessions and a complete family services plan;*

[(e)] (v)—[(g)] (vii) (text unchanged)

[E.] (5) Implement a continuous quality review process that includes:

[(1)] (a)—[(2)] (b) (text unchanged)

[(3)] (c) A plan to identify problems and initiate actions to correct deviations from the program's established standards, which includes:

[(a)] (i)—[(d)] (iv) (text unchanged)

[(4)] (d) An opportunity for all staff to participate on the teams described in §E of this regulation; and

[F.] (6) Report critical incidents to the Administration within 5 business days of the incident[.];

(7) *Limit an individual's role on the governing body to being a nonvoting member if the individual has an immediate family member who:*

(a) *Is employed by the program;*

(b) *Consults on behalf of the program;*

(c) *Owens the program; or*

(d) *Sits on an advisory committee for the program; and*

(8) *Refuse to allow an individual to serve on the program's governing body if the individual receives any monetary benefit from the program.*

B. *The program may not allow:*

(1) *An immediate family member of an employee of an organization to serve as a voting member of the governing body, board of directors, or advisory committee; or*

(2) *An individual who is compensated for providing goods or services to the program to serve on the governing body, board of directors, or advisory committee.*

.08-1 Outcome Evaluation.

A. *The Administration shall annually evaluate all publicly funded substance abuse treatment programs certified under this subtitle, using federal outcomes measures or other subsequently adopted federal standards, to determine the extent that individuals who have received treatment under these programs have:*

(1) *Been successfully retained in the treatment program;*

(2) *Been successfully discharged from the treatment program;*

(3) *Reduced their substance use;*

(4) *Successfully attained, maintained, or increased their employment;*

(5) *Demonstrated a decrease in engaging in criminal activity; and*

(6) *Successfully established or maintained stable living arrangements.*

B. *All publicly funded programs shall fully comply with the Administration's reporting requirements completing all data fields required within the Administration's management information system as directed.*

10.47.02 Specific Program Requirements

Authority: Health-General Article, §§8-401—8-405 and 19-308, Annotated Code of Maryland

.11 Opioid Maintenance Therapy.

A.—C. (text unchanged)

D. An opioid maintenance therapy program shall:

(1) Have hours that meet the needs of the patients; [and]

(2) Establish an answering system when the program is closed which provides direct contact or call back by a staff member capable of addressing emergency patient issues; *and*

(3) *Complete an individualized treatment plan which is described in COMAR 10.47.01.04 as follows:*

(a) *Completed and signed by the alcohol and drug counselor and patient within 7 working days of the comprehensive assessment;*

(b) *Updated every 90 days for the first year of treatment; and*

(c) *After completion of 1 year of continuous treatment and if the patient meets the requirements for unsupervised or take home use set forth in CFR 42 §8.12(i), the individualized treatment plan may be updated every 180 days and signed by the alcohol and drug counselor and patient.*

E.—K. (text unchanged)

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

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 11 OFFICE OF THE SECRETARY

12.11.09 Inmate Welfare Fund

Authority: Correctional Services Article, §§2-109 and 10-502; Annotated Code of Maryland, Annotated Code of Maryland

Notice of Proposed Action

[13-277-P]

The Secretary of Public Safety and Correctional Services proposes to amend Regulations .02—.04 and adopt new Regulation .05 under COMAR 12.11.09 Inmate Welfare Fund.

Statement of Purpose

The purpose of this action is to update existing terminology to reflect current practices and add provisions for an Inmate Welfare Fund Board with oversight for management of inmate welfare funds.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to George Hall, Director, Policy and Regulations, Maryland Department of Public Safety and Correctional Services, 300 E. Joppa Road, Suite 1000 Towson, MD 21286, or call 410-339-5000, or fax to 410-339-4228. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) Commissary.

(a) "Commissary" means a *contractual* service operation from which an inmate may purchase food, health items, and other sundry merchandise to enhance the inmate's health and welfare needs.

(b) (text unchanged)

[(2) "Commissioner" means the Commissioner of Correction and the Commissioner of Pretrial Detention and Services.

(3) "Director" means the Director of the Patuxent Institution.]

[(4)] — [(6)] (2) — (4) (text unchanged)

[(7) "Warden" means the warden of a Division of Correction institution, warden of the Baltimore City Detention Center, or warden of the Patuxent Institution or designee.]

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

[(8)] (6) (text unchanged)

.03 Funding Administration.

A. (text unchanged)

[B. Before November 1 of each fiscal year, the Director of the Division of Financial Services along with each Commissioner and the Director shall:

(1) Review existing and proposed cost allocations for inmate-related programs; and

(2) Transfer allocations from the respective institutional inmate welfare funds to identified inmate-related programs.]

B. *The Inmate Welfare Fund Board (Board) shall oversee inmate welfare fund administrative activities.*

C. *Board membership shall consist of the following:*

(1) *Department of Public Safety and Correctional Services (Department) personnel:*

(a) *Secretary (Chairman);*

(b) *Deputy Secretary for Operations (DSO);*

(c) *Deputy Secretary for Administration (DSA);*

(d) *Chief of Staff (COS);*

(e) *Executive Director—North Region;*

(f) *Executive Director—Central Region;*

(g) *Executive Director—South Region;*

(h) *Director of Programs and Services;*

(i) *Director of Financial Services; and*

(j) *Director of Administrative Services for Operations; and*

(2) *The Assistant Attorney General assigned to the Department.*

D. *The Board, at a minimum, shall:*

(1) *Review existing and proposed cost allocations for Department inmate-related programs to determine the use of inmate welfare funds in the subsequent budget year;*

(2) *Identify and quantify priority projects to be supported with inmate welfare funding;*

(3) *Identify the type of expenditures that require Board approval;*

(4) *Identify the type of expenditures and the dollar amount delegated to Operations that may be disbursed without Board approval;*

(5) *Determine the amount each correctional facility's inmate welfare fund is obligated to contribute to Department inmate-related program; and*

(6) *Prepare a year- end report that identifies all inmate welfare fund expenditures by type and dollar amount for the previous fiscal year.*

E. *The Board, at a minimum, shall meet in January and June of each year.*

F. *The Deputy Secretary for Administration shall provide administrative support staff for the Board who shall:*

(1) *Schedule meetings;*

(2) *Document Board discussions and decisions;*

(3) *File and maintain records of discussions and decisions; and*

(4) *Perform other duties related to Board activities.*

.04 Inmate Welfare Fund Expenditures.

A. [Inmate goods and services shall include all of] *The Board may consider using inmate welfare funds for the following:*

(1) *Medical supplies and services [as authorized by the Commissioner or the Director];*

[(2) Commissary goods for resale;]

[(3)] — [(7)] (2) — (6) (text unchanged)

[(8)] (7) *Other goods and services [as approved by the Commissioner or the Director for their respective facilities].*

B. Each [warden or facility administrator of this regulation] *managing official* [an inmate welfare fund] shall have the authority to approve inmate welfare fund expenditures [for the categories in §A(2)—(7)] *authorized by the Board under Regulation .03 of this chapter, if the correctional facility's:*

(1) *Working capital requirement, as defined under Regulation [.02B(8)] .02 of this chapter, is maintained; and*

(2) *Allocation, determined under Regulation [.03B] .03 of this chapter, to the Department's inmate-related programs is made by the end of the fiscal year.*

C. Before [using] *a managing official uses* inmate welfare funds to procure goods or services [not included in §B of this regulation] *that have not been authorized by the Board[;*

(1) *A warden], the managing official shall obtain authorization from the[warden's Commissioner or Director] Board[; or*

(2) *A facility administrator shall obtain authorization from the facility administrator's warden who shall receive authorization required under §C(1) of this regulation].*

D. *A request to the Board under §C of this regulation shall include:*

(1) — (4) (text unchanged)

(5) *The average working capital requirement for the [institution] correctional facility.*

E. *A copy of the Board's approval of a request submitted under §C of this regulation shall be attached to the related purchase order.*

F. *Emergency Procurement Exception.*

(1) *In an emergency, a [warden] managing official may use inmate welfare funds to obtain goods or services necessary to address the emergency;*

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

(2) *A managing official using inmate welfare funds under §F(1) of this regulation shall advise the Board of the expenditure according to requirements under §D of this regulation.*

.05 Interest Earned on Inmate Welfare Funds.

Interest earned on inmate welfare fund money, except for operating expenses, shall be deposited in the inmate welfare fund.

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Title 14

INDEPENDENT AGENCIES

Subtitle 32 STATE LABOR RELATIONS BOARD

14.32.09 Public Information Act Requests

Authority: State Personnel and Pensions Article, §3-206; State Government Article, §§10-611—10-630; Annotated Code of Maryland

Notice of Proposed Action

[13-271-P]

The State Labor Relations Board proposes to adopt new Regulations .01—.16 under a new chapter, **COMAR 14.32.09 Public Information Act Requests**. This action was considered at a public meeting on July 30, 2013.

Statement of Purpose

The purpose of this action is to assist the agency in monitoring and fulfilling information requests submitted to board members and staff.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erica Snipes, Executive Director, Maryland State Labor Relations Boards, 7500 Ritchie Highway, Room 204-2A, Glen Burnie, MD 21061, or call 410-421-8478, or email to erica.snipes@maryland.gov, or fax to 410-421-8467. Comments will be accepted through Monday, October 21, 2013. A public hearing has not been scheduled.

.01 Scope.

This chapter sets out procedures under the Public Information Act for filing and processing requests to the State Labor Relations Board for the inspection and copying of public records of the Board.

.02 Policy.

It is the policy of the Board to facilitate access to the public records of the Board, when access is allowed by law, by minimizing costs and time delays to applicants.

.03 Definitions.

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

B. Terms Defined.

(1) "Act" means the Public Information Act, State Government Article, §§10-611—10-630, Annotated Code of Maryland.

(2) "Applicant" has the meaning stated in §10-611 of the Act.

(3) "Board" means the State Labor Relations Board.

(4) "Custodian" has the meaning stated in §10-611 of the Act.

(5) "Day" or "Days" means a calendar day unless otherwise specified.

(6) "Executive Director" means the Executive Director of the State Labor Relations Board.

(7) "Official custodian" has the meaning stated in §10-611 of the Act.

(8) "Public record" has the meaning stated in §10-611 of the Act.

(9) "Working day" means a day other than Saturday, Sunday, or a State holiday.

.04 Executive Director as Official Custodian.

Unless otherwise provided by law, the Executive Director is the official custodian of the public records of the Board.

.05 Who May Request Public Records.

Any person may request to inspect or copy public records of the Board.

.06 Necessity for Written Request.

A. Inspection.

(1) *Except as otherwise provided in this chapter, the custodian shall make public records of the Board available for inspection by an applicant without demanding a written request.*

(2) *The custodian shall require a written request if the custodian reasonably believes that:*

(a) *The Act or any other law may prevent the disclosure of the public record to the applicant; or*

(b) *A written request will materially assist the Board in responding.*

B. Copies.

(1) *If the applicant requests one or more copies of any public record of the Board, the custodian may require a written request.*

.07 Contents of Written Request.

A written request shall:

A. *Contain the applicant's name and address;*

B. *Be signed by the applicant; and*

C. *Reasonably identify, by brief description, the public record sought.*

.08 Addressee.

A. *A request to inspect or copy a public record of the Board shall be addressed to the custodian of the record.*

B. *If the custodian is unknown, the request may be addressed to the Executive Director.*

.09 Response to Request.

A. *If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection:*

(1) *Immediately; or*

(2) *Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.*

B. *If the custodian decides to deny a request for inspection:*

(1) *The custodian shall do so within 30 days after the request; and*

(2) *Immediately notify the applicant of the denial.*

C. *If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:*

(1) *The reasons for the denial;*

(2) *The legal authority for the denial; and*

(3) *Notice of the remedies available for review of the denial.*

D. *If a requested public record is not in the custody or control of the person to whom application is made, that person shall, within 10 working days after receipt of the request, notify the applicant:*

(1) *That the person does not have custody or control of the requested public record; and*

(2) *If the person knows:*

(a) *The name of the custodian of the public record; and*

(b) The location or possible location of the public record.

E. With the consent of the applicant, any time limit imposed by §§A—D of this regulation may be extended for an additional period of up to 30 days.

.10 Notice to and Consideration of Views of Person Potentially Affected by Disclosure.

A. Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Board to any person who, in the judgment of the custodian, could be adversely affected by disclosure of that public record.

B. The custodian may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

.11 Public Record Temporarily Unavailable.

A. If a requested public record of the Board is in the custody and control of the person to whom application is made but is not immediately available for inspection or copying, the custodian shall promptly:

(1) Notify the applicant that the public record is not immediately available; and

(2) Schedule a date within a reasonable time for inspection or copying.

.12 Public Record Destroyed or Lost.

A. If the person to whom application is made knows that a requested public record of the Board has been destroyed or lost, that person shall promptly:

(1) Notify the applicant that the public record is not available; and

(2) Explain the reasons why the public record cannot be produced.

.13 Review of Denial.

A. If the custodian denies a request to inspect or copy a public record of the Board, the applicant may, within 30 days after receipt of the notice of denial, request an administrative hearing.

B. If the applicant requests a hearing:

(1) The hearing shall be governed by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland; and

(2) The Executive Director shall issue the final decision of the Board unless the Executive Director delegates final decision authority.

C. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the circuit court under §10-623 of the Act.

D. If the applicant does not request a hearing, the applicant may file an action for judicial enforcement under §10-623 of the Act without exhausting that administrative remedy.

.14 Disclosure Against Public Interest.

A. Denial Pending Court Order.

(1) If, in the opinion of the Executive Director, disclosure of a public record of the Board otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Executive Director may temporarily deny the request to obtain a court order allowing nondisclosure.

(2) The temporary denial shall be in writing.

B. Circuit Court Review.

(1) Within 10 working days after the denial, the Executive Director shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.

(2) Notice of the Executive Director's complaint shall be served on the applicant in the manner provided for service of process by the Maryland Rules of Procedure.

.15 Fees.

A. The fee schedule for copying and certifying copies of public records of the Board is as follows:

(1) Copies.

(a) The fee for each copy made by a photocopying machine within the Board is 25 cents per page.

(b) The fee for each copy made otherwise shall be based on the actual cost of reproduction.

(2) Certification of Copies. If a person requests that a copy of a public record be certified as a true copy, an additional fee of \$1 per page (or if appropriate, per item) shall be charged.

(3) Minimum Fee. No charge shall be made if the total fee is \$1 or less.

B. Notwithstanding §A of this regulation, if the fee for copies or certified copies of any public record of the Board is specifically set by a law other than the Act or this regulation, the custodian shall charge the prescribed fee.

C. If the custodian cannot copy a public record within the Board, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Board.

D. The custodian shall:

(1) Collect from the applicant a fee to cover the actual cost of reproduction; or

(2) Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

E. Before copying a public record of the Board, the custodian shall estimate the cost of reproduction and either:

(1) Obtain the agreement of the applicant to pay the cost; or

(2) Demand prepayment of the cost.

F. Except as provided in §E of this regulation, the custodian may charge a reasonable fee for time that an official or employee of the Board spends:

(1) To search for requested public records; or

(2) To prepare public records for inspection and copying.

G. The custodian may not charge a search or preparation fee for the first 2 hours that an official or employee of the Board spends to respond to a request for public records.

H. Waiver or Reduction of Fee.

(1) The official custodian may waive or reduce any fee set under this regulation if:

(a) The applicant requests a waiver; and

(b) The custodian determines that the waiver or reduction is in the public interest.

(2) The official custodian shall consider, among other relevant factors, the ability of the applicant to pay the fee.

I. If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the custodian may charge the applicant for the cost of postage or delivery.

.16 Time and Place of Inspection.

A. An applicant may inspect any public record of the Board that the applicant is entitled to inspect during the normal working hours of the Board.

B. The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

JUNE M. MARSHALL
Chair
State Labor Relations Board

Subtitle 32 STATE LABOR RELATIONS BOARD

14.32.10 Attendance, Recording, Photographing, and Broadcasting of Open Sessions

Authority: State Personnel and Pensions Article, §3-206; State Government Article, §10-507; Annotated Code of Maryland

Notice of Proposed Action [13-272-P]

The State Labor Relations Board proposes to adopt new Regulations **.01—.04** under a new chapter, **COMAR 14.32.10 Attendance, Recording, Photographing, and Broadcasting of Open Sessions**. This action was considered at a public meeting on July 30, 2013.

Statement of Purpose

The purpose of this action is to define the rules for persons attending public meetings of the Board, and determine what is a part of the public record at meetings.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erica Snipes, Executive Director, Maryland State Labor Relations Boards, 7500 Ritchie Highway, Room 204-2A, Glen Burnie MD 21061, or call 410-421-8478, or email to erica.snipes@maryland.gov, or fax to 410-421-8467. Comments will be accepted through Monday, October 21, 2013. A public hearing has not been scheduled.

.01 Public Attendance.

A. At any open session of the Board, the general public is invited to attend and observe.

B. Except in instances when the Board expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, no member of the public attending an open session may participate in the session.

.02 Disruptive Conduct.

A. A person attending an open session of the Board may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupt the session or that interfere with the right of members of the public to attend and observe the session.

B. The presiding officer may order any person who persists in conduct prohibited §A of this regulation, or who violates any other regulation concerning the conduct of the open session, to be removed from the session and may request police assistance to restore order.

C. The presiding officer may recess the session while order is restored.

.03 Recording, Photographing, and Broadcasting of Open Session.

A. A member of the public, including any representative of the news media, may record discussions of the Board at an open session

by means of a tape recorder or any other recording device if the device does not create an excessive noise that disturbs members of the Board or other persons attending the session.

B. A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the Board at an open session by means of any type of camera if the camera:

(1) Is operated without excessively bright artificial light that disturbs members of the Board or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Board or other persons attending the session.

C. A representative of the news media may broadcast or televise the proceedings of the Board at an open session if the equipment used:

(1) Is operated without excessively bright artificial light that disturbs members of the Board or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Board or other persons attending the session.

D. The presiding officer may restrict the movement of a person who is using a recording device, camera, or broadcasting or television equipment if such restriction is necessary to maintain the orderly conduct of the session.

.04 Recording Not Part of Record.

A. A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the Board.

JUNE M. MARSHALL

Chair

State Labor Relations Board

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 03 WEAPONS REGULATIONS

29.03.01 Regulated Firearms

Authority: Public Safety Article, §5-105; Criminal Law Article, Title 4, Subtitle 3; Annotated Code of Maryland.

Notice of Proposed Action [13-287-P]

The Secretary of the Department of State Police proposes to repeal existing Regulations **.01—.32** and adopt new Regulations **.01—.58** under **COMAR 29.03.01 Regulated Firearms**.

Statement of Purpose

The purpose of this action is to establish regulations for the purchase of regulated firearms that comply with the Maryland Firearms Safety Act of 2013 that was introduced during the 2013 legislative session and signed into law with an effective date of October 1, 2013.

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 L. Vondersmith, Jr., Administrator, Department of State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4253, or email to thomas.vondersmith@maryland.gov, or fax to 410-653-4250. Comments will be accepted through October 21, 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) “Adjudicated delinquent” means an act that was found to be a delinquent act, as defined in Courts and Judicial Proceedings Article, §3-801(k), Annotated Code of Maryland, at an adjudicatory hearing, as defined in Courts and Judicial Proceedings Article, §3-801(b), Annotated Code of Maryland.

(2) “Ammunition” has the meaning stated in Public Safety Article, §5-133.1(a), Annotated Code of Maryland.

(3) “Antique firearm” has the meaning stated in Criminal Law Article, §4-201(b), Annotated Code of Maryland.

(4) “Assault long gun” has the meaning stated in Criminal Law Article, §4-301(b), Annotated Code of Maryland.

(5) “Assault pistol” has the meaning stated in Criminal Law Article, §4-301(c), Annotated Code of Maryland.

(6) “Assault weapon” has the meaning stated in Criminal Law Article, §4-301(d), Annotated Code of Maryland.

(7) “Central Repository” has the meaning stated in Public Safety Article, §5-117.1(f)(1), Annotated Code of Maryland.

(8) “Copycat weapon” has the meaning stated in Criminal Law Article, §4-301(d), Annotated Code of Maryland.

(9) “Crime Laboratory” means the Forensic Sciences Division, Department of State Police.

(10) “Crime of violence” has the meaning stated in Public Safety Article, §5-101(c), Annotated Code of Maryland.

(11) “Dealer” has the meaning stated in Public Safety Article, §5-101(d), Annotated Code of Maryland.

(12) “Dealer’s license” has the meaning stated in Public Safety Article, §5-101(e), Annotated Code of Maryland.

(13) “Designated law enforcement agency” has the meaning stated in Public Safety Article, §5-101(f), Annotated Code of Maryland.

(14) “Detachable magazine” has the meaning stated in Criminal Law Article, §4-301(f), Annotated Code of Maryland.

(16) “External safety lock” has the meaning stated in Public Safety Article, §5-132(a)(3), Annotated Code of Maryland.

(17) “Firearm” has the meaning stated in Public Safety Article, §5-101(h), Annotated Code of Maryland.

(18) “Firearms Registration Section” means the operational unit of the Licensing Division, Department of State Police that is the primary repository for all files and records relating to the administration of firearms laws and is also responsible for the investigation and processing of:

(a) Applications to purchase or transfer a regulated firearm; and

(b) Applications for a regulated firearms dealer’s license.

(19) “Firearms Safety Training Certificate” means a certificate, letter, or other written documentation verifying satisfactory completion of a Firearms Safety Training Course.

(20) “Firearms Safety Training Course” means a firearms training course that satisfies the requisite minimum requirements of Regulation .29 of this chapter.

(21) “Fugitive from justice” has the meaning stated in Public Safety Article, §5-101(k), Annotated Code of Maryland.

(22) “Gun show” has the meaning stated in Public Safety Article, §5-130(a), Annotated Code of Maryland.

(23) “Habitual drunkard” has the meaning stated in Public Safety Article, §5-101(l), Annotated Code of Maryland.

(24) “Habitual user” of controlled dangerous substances has the meaning stated in Public Safety Article, §5-101(m), Annotated Code of Maryland.

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

(26) “Handgun Qualification License” has the meaning stated in Public Safety Article, §5-101(o), Annotated Code of Maryland.

(27) “Integrated mechanical safety device” has the meaning stated in Public Safety Article, §5-132(a)(6), Annotated Code of Maryland.

(28) “Manufacturer” has the meaning stated in Public Safety Article, §5-131(a)(2), Annotated Code of Maryland.

(29) “Mental disorder” has the meaning stated in Health—General Article, §10-101(f), Annotated Code of Maryland.

(30) “Mental health facility” has the meaning stated in Health—General Article, §10-101(e), Annotated Code of Maryland.

(31) “Minor” has the meaning stated in Criminal Law Article, §1-101(g), Annotated Code of Maryland.

(32) “Pepper mace” has the meaning stated in Public Safety Article, §5-134(d)(1)(ii)(3), Annotated Code of Maryland.

(33) “Permit” has the meaning stated in Public Safety Article, §5-301(d), Annotated Code of Maryland.

(34) “Person” has the meaning stated in Public Safety Article, §1-101(c), Annotated Code of Maryland.

(35) “Projectile” has the meaning stated in Public Safety Article, §5-131(a)(3), Annotated Code of Maryland.

(36) “Qualified Handgun Instructor” has the meaning stated in Public Safety Article, §5-101(q), Annotated Code of Maryland.

(37) “Qualified Handgun Instructor License” means a license issued by the Secretary in accordance with Regulation .38 of this chapter, certifying a person’s ability to instruct firearms training courses as a Qualified Handgun Instructor.

(38) “Regulated firearm” has the meaning stated in Public Safety Article, §5-101(r), Annotated Code of Maryland.

(39) “Rent” has the meaning stated in Public Safety Article, §5-101(s), Annotated Code of Maryland.

(40) “Rifling characteristics” means the number of lands and grooves in the barrel of a handgun, including right or left twist.

(41) “Secondary sale” has the meaning stated in Public Safety Article, §5-101(t), Annotated Code of Maryland.

(42) “Secretary” has the meaning stated in Public Safety Article, §5-101(u), Annotated Code of Maryland.

(43) “Seller” means a person who is selling, renting, or transferring a regulated firearm through a secondary sale.

(44) “Shell casing” has the meaning stated in Public Safety Article, §5-131(a)(4), Annotated Code of Maryland.

(45) “Straw purchase” has the meaning stated in Public Safety Article, §5-101(v), Annotated Code of Maryland.

.02 Generally.

A. This chapter restricts the sale, rental, transfer, purchase, receipt, possession, and transport of regulated firearms and assault weapons in the State.

B. A dealer or other person may not:

(1) Sell, rent, transfer, purchase, receive, or possess a regulated firearm in violation of this chapter;

- (2) Participate in a straw purchase in violation of this chapter;
- (3) Transport a regulated firearm into the State for the purpose of unlawfully selling or trafficking the regulated firearm; or
- (4) Obliterate, remove, change, or alter the manufacturer's identification mark or number on a firearm.

C. Except as provided in §D or E of this regulation, a person may not:

- (1) Possess, sell, offer to sell, transfer, purchase, or receive an assault weapon in the State; or
- (2) Transport an assault weapon into the State.

D. The prohibitions in §C of this regulation do not apply to:

(1) Personnel of the United States government or an agency or department of the United States while acting within the scope of official business;

(2) A railroad police officer, authorized under 49 U.S.C. §28101 or Public Safety Article, Title 3, Annotated Code of Maryland, while acting within the scope of official business;

(3) Possession, purchase, sale, manufacture, receipt for manufacture, shipment for manufacture, importation, and transport to or by a licensed firearms dealer or manufacturer who is:

(a) Providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempt under §D(1) or (2) of this regulation;

(b) Acting to sell or transfer an assault weapon or detachable magazine to a licensed firearms dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or

(c) Acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair; or

(4) Receipt and possession of an assault weapon or detachable magazine by inheritance, in accordance with Regulation .10 of this chapter, if the decedent lawfully possessed the assault weapon and the person inheriting the assault weapon or detachable magazine is not otherwise prohibited from possessing a regulated firearm;

(5) Receipt of an assault weapon or detachable magazine by a personal representative of an estate for the purposes of exercising the representative's powers and duties, if the representative is not otherwise prohibited from possessing a firearm;

(6) Possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local law enforcement agency in the State and is not otherwise prohibited from possessing an assault weapon or detachable magazine, if:

(a) The assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement; or

(b) The assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or

(7) Possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland;

(8) Possession, receipt, transfer, and shipping to or from:

(a) An ISO 17025 accredited ballistics-testing laboratory approved by the National Institute of Justice; or

(b) A facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems; or

(9) Possession or transport by an individual who lawfully possessed the assault pistol before June 1, 1994, if it was registered with the Secretary before August 1, 1994;

(10) Possession or transport by individual who lawfully possessed, had a purchase order for, or completed an application to

purchase the assault long gun or copycat weapon before October 1, 2013; or

(11) Possession, sale, offer for sale, or transfer by a dealer of an assault long gun or a copycat weapon that the dealer lawfully possessed on or before October 1, 2013.

E. This chapter does not apply to:

(1) The sale, transfer, or possession of an antique firearm;

(2) A firearm modified to render it permanently inoperative;

(3) An unserviceable firearm sold, transferred, or possessed as a curio or museum piece;

(4) Law enforcement personnel of any unit of the federal government or law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties;

(5) Members of the armed forces of the United States or the National Guard while acting within the scope of their official duties;

(6) A sale, rental, transfer, or use of a regulated firearm by a person authorized or required to do so as part of the person's duties as a member of:

(a) An official police force or other law enforcement agency;

(b) The armed forces of the United States, including all official reserve organizations; or

(c) The Maryland National Guard;

(7) Purchases, sales, and transportation to or by a federally licensed firearm manufacturer, dealer, or importer;

(8) The transfer or possession of a regulated firearm or detachable magazine by a federally licensed firearm manufacturer, dealer, or importer for testing or experimentation authorized by the Secretary;

(9) An organization that is required or authorized by federal law governing its specific business or activity to maintain firearms; or

(10) A signal pistol or other visual distress signal that the United States Coast Guard approves as a marine safety device.

F. Unless exempted pursuant to §D or E of this regulation, an assault pistol possessed in this State shall be registered with the Secretary on or before August 1, 1994. An assault pistol is presumed to be properly registered with the Secretary if it was purchased before June 1, 1994, and an application to purchase a regulated firearm was properly completed.

G. A regulated firearm or assault weapon that is sold, rented, transferred, purchased, received, possessed, or transported in violation of this chapter may be seized as contraband and disposed of by a law enforcement agency.

(1) An assault weapon seized as contraband shall be disposed of as follows:

(a) Turned over to the Secretary for disposal;

(b) Destroyed by the law enforcement agency that seized the assault weapon; or

(c) Retained for law enforcement purposes by the law enforcement agency that seized the assault weapon.

(2) An assault weapon seized as contraband may not be sold or rented.

H. This chapter supersedes any restriction that a local jurisdiction in the State imposes on the sale, transfer, or possession of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the sale of a regulated firearm.

.03 Possession.

A. A person may not possess a regulated firearm if the person:

(1) Is a habitual drunkard;

(2) Is addicted to or a habitual user of a controlled dangerous substance;

(3) Is a fugitive from justice;

- (4) *Has been convicted of:*
 - (a) *A crime of violence;*
 - (b) *Any violation classified as a felony in this State;*
 - (c) *Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or*
 - (d) *Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years; or*
 - (5) *Has received probation before judgment for a crime of violence, except for assault in the second degree;*
 - (6) *Has received probation before judgment for a domestically related crime, as defined in Criminal Procedure Article, §6-233, Annotated Code of Maryland;*
 - (7) *Has been found not criminally responsible under Criminal Procedure Article, §3-110, Annotated Code of Maryland;*
 - (8) *Has been found incompetent to stand trial under Criminal Procedure Article, §3-106, Annotated Code of Maryland;*
 - (9) *Has a mental health disorder and a history of violent behavior;*
 - (10) *Has been voluntarily admitted for more than 30 consecutive days to a mental health facility;*
 - (11) *Has been involuntarily admitted to a mental health facility;*
 - (12) *Is under the protection of a guardian appointed by a court under Estates of Trusts Article, §13-201(c) or 13-705, Annotated Code of Maryland, unless the appointment of the guardian was solely a result of a physical disability;*
 - (13) *Is a respondent against whom a current non ex parte civil protection order has been entered under Family Law Article, §4-506, Annotated Code of Maryland;*
 - (14) *Is a respondent against whom an order for protection, as defined in Family Law Article, §4-508.1, Annotated Code of Maryland, has been issued by a court of another state or a Native American tribe and is in effect;*
 - (15) *Is younger than 30 years old and has been adjudicated delinquent by a juvenile court for committing an act that would be:*
 - (a) *A crime of violence if committed by an adult;*
 - (b) *A violation classified as a felony in this State if committed by an adult; or*
 - (c) *A violation classified as a misdemeanor in this State that carries a statutory penalty of more than two years if committed by an adult; or*
 - (16) *Is prohibited from otherwise possessing a firearm by federal or State law.*
- B. A person younger than 21 years old may not possess a regulated firearm or ammunition solely designed for a regulated firearm, unless the person is not otherwise prohibited from possessing a regulated firearm and is:
- (1) *A member of the armed forces of the United States or the National Guard and is performing official duties;*
 - (2) *Required to possess a regulated firearm for employment purposes and holds a valid permit under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland;*
 - (3) *Temporarily transferring or possessing a regulated firearm or ammunition and is:*
 - (a) *Under the supervision of another who is at least 21 years old or older and who is not prohibited by federal or State law from possessing a firearm; and*
 - (b) *Acting with the permission of the parent or legal guardian of the person;*
 - (4) *Temporarily transferring or possessing a regulated firearm or ammunition and is:*
 - (a) *Participating in marksmanship training of a recognized organization; and*
 - (b) *Under the supervision of a qualified instructor; or*

(5) *Possessing the firearm for self-defense or the defense of others against a trespasser into the person's residence or a residence in which the person is an invited guest.*

C. This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protection order requiring the surrender of the regulated firearm and:

- (1) *The regulated firearm is unloaded;*
- (2) *The respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protection order; and*
- (3) *The respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.*

D. This section supersedes any restrictions that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

.04 Lost or Stolen Firearms.

A. If a regulated firearm is lost or stolen, the owner of the firearm shall report the loss or theft to the local law enforcement agency within 72 hours after the owner first discovers the loss or theft.

B. On receipt of a report of a lost or stolen regulated firearm, a local law enforcement agency shall report to the Secretary and enter into the National Crime Information Center database, as prescribed by the Secretary and to the extent known, the caliber, make, model, manufacturer, and serial number of the firearm and any other distinguishing number or identification mark on the regulated firearm.

C. A dealer or any other person who sells or transfers a regulated firearm shall notify the purchaser or recipient of that regulated firearm at the time of the purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm to the local law enforcement agency within 72 hours after discovery of the loss or theft.

.05 New Residents of the State.

A. A person who moves into the State with the intent of becoming a resident shall register all regulated firearms within 90 days after establishing residency by submitting a registration application in the format prescribed by the Secretary.

B. The registration application shall include:

- (1) *The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers; and*
- (2) *The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of each regulated firearm.*

C. The application must be accompanied by a nonrefundable payment of \$15, regardless of the number of firearms registered.

.06 Ammunition.

A. A person may not possess ammunition if the person is prohibited from possessing a regulated firearm under Regulation .03A of this chapter or Public Safety Article, §5-133(b)-(c), Annotated Code of Maryland.

B. A person who violates this section may be punished by imprisonment for a period of not more than one year, or a fine of not more than \$1,000, or both.

.07 Magazine Capacity.

A. Except as provided in §B of this regulation, a person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than ten rounds of ammunition for a firearm.

B. This section does not apply to:

- (1) A .22 caliber rifle with a tubular magazine;*
- (2) A law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or a law enforcement agency in the State; or*
- (3) An exemption listed in Regulation .02D of this chapter.*

.08 Straw Purchases.

A. A person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

B. A person may not complete an application to purchase or transfer a regulated firearm with the intent to sell, rent, loan, or transfer that regulated firearm to another individual.

C. A person may not use another person to purchase or receive a regulated firearm.

D. A person may not transport a regulated firearm into the State with the intent to illegally sell, rent, or transfer the regulated firearm.

E. A dealer or person may not sell, rent, or transfer a regulated firearm to a person whom the dealer or person knows or has reasonable cause to believe is a participant in a straw purchase.

F. This regulation does not apply to a person purchasing a regulated firearm as a gift pursuant to Regulation .09 of this chapter.

.09 Gifts.

A. A person does not participate in a straw purchase in violation of Regulation .08 of this chapter when purchasing a regulated firearm as a gift if:

- (1) The recipient of the gift is a resident of the State;*
- (2) The recipient of the gift is not prohibited from purchasing or possessing a regulated firearm by State or federal law; and*
- (3) Except to the extent provided in §§B and C of this regulation, both the purchaser and the recipient of the gift shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland, pertaining to the possession, sale, rental, transfer, purchase, or receipt of a regulated firearm.*

B. If a gift of a regulated firearm is in the form of a gift certificate, then only the recipient of the gift must comply with the requirements of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland, pertaining to the possession, sale, rental, transfer, purchase, or receipt of a regulated firearm.

C. If a gift of a regulated firearm is to the person's spouse, parent, grandparent, grandchild, brother, sister, son, or daughter:

- (1) The recipient shall complete an application to purchase or transfer a regulated firearm;*
- (2) The recipient shall submit the application to the Secretary within 5 days after receipt of the regulated firearm; and*
- (3) The Secretary shall waive the regulated firearm application fee of \$10.*

.10 Inheritance.

A. For the transfer or receipt of a regulated firearm by inheritance, the recipient shall submit a completed firearm application to the Secretary in the prescribed format.

B. For the transfer of a regulated firearm by inheritance to a recipient who is younger than 21 years old:

- (1) The title of the firearm may be transferred to the recipient;*
- (2) The estate shall retain possession of the firearm until the recipient is 21 years old; and*
- (3) On receipt of the firearm, the recipient shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.*

.11 Secondary Sales.

A. A secondary sale is a transaction in which neither party is a dealer or involved in the dealing or repairing of firearms as a regular course of trade or business.

B. A person may not sell, rent, or transfer a regulated firearm to:

(1) An applicant whose firearm application is disapproved or is placed on hold because of an open disposition of criminal proceedings against the firearm applicant, unless the disapproval or hold is subsequently withdrawn by the Secretary or overruled by a court;

(2) A purchaser, lessee, or transferee who the person knows or has reasonable cause to believe is prohibited from possessing a regulated firearm under Regulation .03 of this chapter; or

(3) A purchaser, lessee, or transferee who is visibly under the influence of alcohol or drugs.

C. A person may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time the firearm application is completed by the applicant and submitted to the Secretary by a dealer or a designated law enforcement agency.

D. The following procedure shall be used for all secondary sales of regulated firearms.

(1) The applicant shall complete a firearm application as prescribed in Regulation .16 of this chapter, except for the signature, which shall be completed in the presence of a dealer or a designated law enforcement agency.

(2) The regulated firearm to be purchased shall be transported by the seller to a dealer or a designated law enforcement agency.

(3) The firearm shall be transported unloaded, with no ammunition being readily available, and in a locked box, enclosed case, or enclosed holster.

(4) The seller shall contact the dealer or the designated law enforcement agency before removing the firearm from the vehicle and advise the dealer or the designated law enforcement agency that the applicant is applying for a secondary sale.

(5) The firearm may not be worn or carried into a dealer's place of business or a designated law enforcement installation without prior notification to the dealer or the designated law enforcement agency.

(6) The applicant shall sign the firearm application in the presence of the seller and dealer or the seller and designated law enforcement agent.

(7) The dealer or the designated law enforcement agency shall:

(a) Review and verify the applicant information on the application;

(b) Review and verify the seller information on the application;

(c) Review and verify the regulated firearm information on the application to ensure that a sale of a handgun manufactured after January 1, 1985, is permitted only if the handgun is on the handgun roster;

(d) Ensure that the applicant understands the declarations on the application;

(e) Review and verify the signatures and the date on the application;

(f) Sign and date the application as a reviewer; and

(g) Submit the application and the application fee to the Secretary.

(8) The seller shall complete the sale, rental, or transfer of the firearm within 90 days after the firearm application is marked by the Secretary as not disapproved.

(9) After completing the sale, rental, or transfer, the seller shall submit a copy of the completed application with a signature verifying the sale, rental, or transfer to the Secretary within 7 days after delivery of the regulated firearm in accordance with Regulation .12 of this chapter.

(10) If the sale, rental, or transfer of the firearm is not completed within 90 days, the seller shall return the firearm application to the Secretary within 7 days.

E. An applicant for a secondary sale of a regulated firearm through a dealer shall pay the dealer a processing fee not exceeding \$20.

.12 Reports of Sales.

A. Sales, Rentals, and Transfers.

(1) A sale, rental, or transfer of a regulated firearm shall be reported to the Firearms Registration Section within 7 days after the completed sale.

(2) A dealer or person who sells, rents, or transfers a regulated firearm shall submit notification of the completed transaction to the Firearms Registration Section in the manner prescribed by the Secretary.

(3) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, manufacturer's serial number, and any other special or peculiar characteristic or marking by which the firearm may be identified.

B. A dealer shall submit to the Firearms Registration Section, with the proper notification, applications held by the dealer that have been disapproved by the Secretary.

C. A dealer shall submit to the Firearms Registration Section, with the proper notification, applications held by the dealer that have expired pursuant to the 90-day limit of Regulation .19 of this chapter.

D. The Secretary shall maintain a permanent record of notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

.13 Sale or Transfer After Seven-Day Waiting Period.

A. If a dealer or person does not receive notification of disapproval or a hold for an open disposition of a criminal proceeding within the 7-day waiting period after submission of the regulated firearm application, then the dealer or person may sell, rent, or transfer the regulated firearm in accordance with all other applicable provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

B. The dealer or person shall submit the firearm application at the time that the purchase or transfer is completed and shall include a notation that the firearm was purchased or transferred before the application was marked as not disapproved.

C. Upon receiving a firearm application that contains a notation that the firearm was purchased or transferred before the application was marked as not disapproved, the Secretary shall:

(1) If the application is not disapproved after the investigation under Regulation .18 of this chapter, mark the application as not disapproved and notify the dealer or person.

(2) If the application is disapproved after the investigation under Regulation .18 of this chapter, mark the application as disapproved, notify the dealer or person, and notify the applicant.

D. The sale or transfer of a regulated firearm to a law enforcement officer or a member of the armed forces of the United States or the National Guard shall be processed as any other sale or transfer. The 7-day waiting period is in effect unless certification is received from the individual's commanding officer that the firearm is to be used in an official capacity.

.14 Sales to Minors.

A. A person may not sell, rent, or transfer a firearm, a regulated firearm, ammunition, pepper mace, or other deadly weapon to a minor.

B. A person may not sell, rent, or transfer a regulated firearm or ammunition solely designed for a regulated firearm to a person who is younger than 21 years old.

.15 Out-of-State Purchases.

A. A person who purchases a regulated firearm from an out-of-State, federally-licensed importer, manufacturer, or dealer shall have the out-of-State importer, manufacturer, or dealer ship the regulated firearm to a dealer in this State for processing.

B. A purchase pursuant to this regulation shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

.16 Regulated Firearm Application—Generally.

A. A regulated firearm application is required to purchase, rent, or transfer a regulated firearm.

B. The regulated firearm application shall be submitted in the format prescribed by the Secretary.

C. The regulated firearm application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) The dealer's name, address, telephone number, and identification number, and the salesperson's name;

(3) The seller's name, address, driver's license or photographic identification soundex number, Social Security number, date of birth, race, sex, and home and work telephone numbers;

(4) The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of the regulated firearm;

(5) Whether the firearm is new or used;

(6) For a handgun manufactured after January 1, 1985, whether it is listed on the handgun roster;

(7) For a handgun manufactured on or before December 31, 2002, whether it was sold, offered for sale, rented, or transferred with an external safety lock;

(8) For a handgun manufactured on or after January 1, 2003, whether it is equipped with an approved integrated mechanical safety device;

(9) For a handgun, including a replacement handgun as described under 27 CFR §178.147, which was shipped or transported by a manufacturer on or after October 1, 2000 and has not been sold, rented, or transferred to a person not licensed as a dealer, a statement by the dealer as to:

(a) The date of manufacture;

(b) The name of the manufacturer;

(c) The federal firearms license number of the manufacturer; and

(d) Whether a shell casing was included in the box with the handgun; and

(10) Authorization by the applicant to the Department of Health and Mental Hygiene, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; and

(11) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun;

(12) A declaration by the applicant, under penalty of perjury, that the applicant is not participating in a straw purchase; and

(13) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The application shall contain the following required statement: "Any false information supplied or statement made in this application is a crime which is punishable by imprisonment for a period of not more than 3 years or a fine of not more than \$5,000, or both."

E. The application must include a signature by the applicant and be witnessed by a dealer or a designated law enforcement agency.

F. The application must be accompanied by a nonrefundable payment of \$10.

G. If a firearm applicant is a corporation, a corporate officer who is a resident of the State shall complete and execute the firearm application.

H. A regulated firearm application that is marked as not disapproved by the Secretary is valid only for the purchase, rental, or transfer of the firearm listed on the application.

I. The Secretary shall adopt a continuation form which shall be used for the purchase of more than one regulated firearm at the same time. The information on the continuation form must match the information provided on the firearm application pursuant to §C of this regulation.

.17 Regulated Firearm Application—False or Omitted Information.

A. Any false information supplied or statement made in the application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$5,000, or both.

B. An applicant shall not provide false information on a regulated firearm application, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

C. Any knowing material omission or false statement may be considered grounds for disapproval of an application or for criminal prosecution.

.18 Regulated Firearm Application—Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant may purchase or receive a regulated firearm and whether the information and statements on the application are true and accurate.

B. In conducting the investigation, the Secretary may request the assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in any county not maintaining a police force.

C. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

.19 Regulated Firearm Application—Expiration.

A. A firearm application expires 90 days after the application is marked by the Secretary as not disapproved.

B. A dealer or person shall complete the sale, rental, or transfer of a regulated firearm before the application expires.

C. After the expiration of the 90-day limit, the application is void and the dealer or person shall return the application to the Firearms Registration Section within 7 days, in the manner prescribed by the Secretary.

D. The Secretary shall void a firearm application that is returned as an incomplete sale, rental, or transfer.

E. After the expiration of the 90-day limit, the prospective purchaser may submit another regulated firearm application.

.20 Regulated Firearm Application—Disapproval.

A. If the Secretary disapproves a regulated firearm application, the Secretary shall provide written notice of the disapproval to the dealer or prospective seller, lessor, or transferor within seven days after receiving a properly completed application. The written notice shall contain the reasons the application was disapproved.

B. After providing written notice to the dealer or prospective seller, lessor, or transferor, the Secretary shall provide written notice of the disapproval to the applying purchaser, lessee, or transferee. The written notice shall contain the reasons the application was disapproved and a statement of the applicant's appeal rights.

.21 Regulated Firearm Application—Appeal.

A. A person whose regulated firearm application is disapproved may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of disapproval was sent by the Secretary.

B. Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days and the hearing shall be held in the county of the legal residence of the person requesting the hearing.

C. The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Regulation .22 of this chapter and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.22 Regulated Firearm Application—Conduct of Hearing.

A. An applicant may be represented at a hearing by an attorney-at-law licensed to practice in Maryland. The attorney shall file a notice of appearance and, when appropriate, a notice of substitution before the hearing or at the attorney's first appearance.

B. The notice of appearance remains in effect until the:

(1) Applicant files a written revocation of the attorney's authority;

(2) Attorney files a written statement of the attorney's withdrawal from the case;

(3) Attorney states on the record at the hearing that the attorney is withdrawing from the case; or

(4) Hearing officer receives notice of the attorney's disqualification or death.

C. After filing a notice of appearance in accordance with this regulation, and as long as the notice remains in effect, copies of all written communications or notices shall be sent to the attorney of record. Service on the applicant's attorney is service on the applicant.

D. The hearing resulting from the appeal of a disapproval of the application to purchase or transfer a regulated firearm shall be conducted in accordance with the Administrative Procedure Act and COMAR 28.02.01.

E. The review of the record by the administrative law judge consists of a review of all information available to the Secretary which formed the basis for the decision to disapprove the application, as well as any additional information that may be required by the State, the administrative law judge, or other sources.

F. The decision by the administrative law judge after a hearing or review of the record shall be issued in writing or stated for the record, and shall be accompanied by findings of fact and conclusions of law. A copy of the written decision shall be mailed or delivered to the applicant or the applicant's attorney of record.

G. The applicant may appeal the final decision to the circuit court under the provisions of the Administrative Procedure Act.

H. The burden of proof for the disapproval of an application to purchase a regulated firearm is the responsibility of the State.

.23 Multiple Purchases—Generally.

A. Except as provided in §§B and C of this regulation, a person may not purchase more than one regulated firearm in a 30-day period.

B. The restriction in §A of this regulation does not apply to:

- (1) A law enforcement agency;
- (2) An agency authorized to perform law enforcement duties;
- (3) A state or local correctional facility;
- (4) A private security company licensed to do business within the State;
- (5) A purchase of an antique firearm;
- (6) A purchase by a dealer;
- (7) An exchange or replacement of a regulated firearm by a dealer or seller for a regulated firearm purchased from the dealer or seller by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement; or
- (8) A person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:

(a) The person provides the dealer with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the application to purchase or transfer a regulated firearm;

(b) The official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location and date of the loss or theft, and the date on which the loss or theft was reported to the law enforcement agency; and

(c) The date of the loss or theft as reflected on the official police report or official summary of the report occurred within 30 days immediately before the attempt to replace the regulated firearm.

C. A person may apply for a multiple purchase of regulated firearms if the purchase of the regulated firearms is:

- (1) A bulk purchase from an estate sale;
- (2) For a private collection or a collector series;
- (3) For the purpose of taking advantage of a dealer's discounted price available only for a multiple purchase and:

(a) The purchase does not exceed two regulated firearms; and

(b) The purchaser will not purchase a regulated firearm during the following 30-day period, unless approved for a multiple purchase under §C(1) or (2) of this regulation; or

(4) For other similar purposes.

.24 Multiple Purchases—Application.

A. Except as provided in Regulation .23B of this chapter, a multiple purchase application is required to purchase more than one regulated firearm in a 30-day period.

B. Except as provided in §F of this regulation, the multiple purchase application shall be attached to the application to purchase a regulated firearm and forwarded to the Secretary by a dealer or a designated law enforcement agency.

C. The multiple purchase application shall be submitted by a dealer or a designated law enforcement agency in the format prescribed by the Secretary.

D. The multiple purchase application shall include:

- (1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;
- (2) The number of regulated firearms to be purchased;
- (3) The type of regulated firearms to be purchased;
- (4) A brief statement as to the purpose of the multiple purchase, which shall satisfy one of the requirements in Regulation .23C of this chapter;

(5) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun;

(6) A declaration by the applicant, under penalty of perjury, that the applicant is not participating in a straw purchase; and

(7) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

E. The application must include a signature by the applicant and be witnessed by a dealer or a designated law enforcement agency.

F. An individual who has already been designated as a collector by the Secretary pursuant to Regulation .25 of this chapter is not required to complete and submit a multiple purchase application.

.25 Multiple Purchases—Collectors.

A. A person shall be designated as a collector by the Secretary before applying for a multiple purchase of regulated firearms as a collector.

B. A person may submit an application to be designated as a collector if the person:

- (1) Devotes time and attention to acquiring certain types of regulated firearms for the enhancement of the collector's personal collection; or
- (2) Possesses a Federal Collector's License (Curio and Relics).

C. The designated collector application shall be submitted in the format prescribed by the Secretary.

D. The designated collector application shall include:

- (1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;
- (2) A description of the nature of the applicant's collecting activities;

(3) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a firearm; and

(4) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

E. If a designated collector application is approved or denied by the Secretary, the Secretary shall provide written notification to the person within a reasonable time after receiving a properly completed application.

F. The Secretary shall revoke without prejudice a person's designated collector status by written notification, either in person or by mail to the person's last known address, if the person is:

- (1) Under indictment for a crime of violence; or
- (2) Arrested for any violation that would prohibit the purchase or possession of a regulated firearm.

G. A person whose designated collector application is denied or whose designated collector status is revoked may submit a written request to the Secretary for a review of the decision within 30 days after the date that the written notice of denial or revocation was sent by the Secretary.

(1) The person may request a review of the decision in writing or may request a hearing before the Commander of the Licensing Division, the Supervisor of the Firearms Registration Section, or the denying officer.

(2) The person shall be granted a review of the denial or revocation within 30 days after the person's request for review.

.26 Handgun Qualification License—Generally.

A. Except as provided in §B of this regulation, a person shall possess a valid Handgun Qualification License before the person may purchase, rent, or receive a handgun.

B. A person is not required to possess a Handgun Qualification License if the person:

(1) Possesses valid credentials or retirement credentials from a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;

(2) Is an active or retired member of the armed forces of the United States or the National Guard, and possesses a valid military identification card; or

(3) Purchases, rents, or receives an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

C. A person who has a valid permit issued under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland may submit a written request to the Secretary for a Handgun Qualification License without submitting the Handgun Qualification License application or fee under Regulation .28 of this chapter.

.27 Handgun Qualification License—Eligibility.

A. Exemptions. A person is not required to possess a Handgun Qualification License to purchase a handgun if the person satisfies one of the exceptions set forth in Regulation .26B of this chapter.

B. Qualifications. In accordance with Public Safety Article, §5-117.1(d), Annotated Code of Maryland, a person is eligible for issuance of a Handgun Qualification License only if the person:

(1) Is 21 years old or older;

(2) Is a resident of the State; and

(3) Is not prohibited from possessing a handgun under Regulation .03 of this chapter or otherwise prohibited from purchasing or possessing a handgun under federal or State law.

.28 Handgun Qualification License—Application.

A. A Handgun Qualification License application shall be submitted in the format prescribed by the Secretary.

B. The Handgun Qualification License application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) Proof of the applicant's completion of, or exemption from, a Firearms Safety Training Course within the previous 3 years, in the manner prescribed by the Secretary on the application;

(3) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Secretary on the application;

(4) Authorization by the applicant to the Department of Health and Mental Hygiene, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; and

(5) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun; and

(6) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

C. The application must be accompanied by a nonrefundable payment of \$50.

D. A Handgun Qualification License expires 10 years from the date of issuance.

.29 Handgun Qualification License—Training Requirement.

A. Except as provided in §B of this regulation, an applicant shall complete a Firearms Safety Training Course and submit a Firearms Safety Training Certificate issued by a Qualified Handgun Instructor. The submission of the Firearms Safety Training Certificate shall constitute proof that the applicant satisfactorily completed a Firearms Safety Training Course.

B. An applicant does not need to complete a Firearms Safety Training Course if the applicant:

(1) Has satisfactorily completed a firearms training course approved by the Secretary as an exemption from the Firearms Safety Training Course;

(2) Has satisfactorily completed a course of instruction in competency and safety in the handling of firearms as prescribed by the Department of Natural Resources under Natural Resources Article, §10-301.1, Annotated Code of Maryland;

(3) Is a Qualified Handgun Instructor in accordance with Regulation .37 of this chapter;

(4) Is an honorably discharged member of the armed forces of the United States or the National Guard;

(5) Is a former law enforcement officer of the State or a local law enforcement agency in the State who has successfully completed initial law enforcement training;

(6) Is an employee of an armored car company and has a permit issued under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland; or

(7) Lawfully owns a regulated firearm.

C. A Firearms Safety Training Course shall consist of a minimum of 4 hours of instruction by a Qualified Handgun Instructor and include the following minimum curricula.

(1) State Firearm Law. Overview of the State firearm laws, including discussion of what constitutes a regulated firearm, how to properly purchase or transfer a firearm, where allowed to carry or transport a firearm, when necessary to possess a carry permit, and who is prohibited from possessing firearms.

(2) Home Firearm Safety. Overview of handgun and firearm safety in the home, including discussion of access to minors, locking and storing of firearms, and use of safety devices, such as secure lock boxes.

(3) Handgun Mechanisms and Operation. Overview of the proper operation and safe handling of a handgun, including cleaning and maintenance, the loading and unloading of ammunition, and the differences between revolvers and semi-automatic handguns.

(4) Operation and Handling Demonstration. Orientation that demonstrates the applicant's safe operation and handling of a firearm, including a practice component in which the applicant safely fires at least one round of live ammunition.

.30 Handgun Qualification License—False or Omitted Information.

A. An applicant shall not provide false information on an application for a Handgun Qualification License, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

B. Any knowing material omission or false statement may be considered grounds for denial of a license or for criminal prosecution.

.31 Handgun Qualification License—Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant satisfies the criteria for issuance of a license.

B. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

.32 Handgun Qualification License—Issuance and Denial.

A. In accordance with Public Safety Article, §5-117.1(h), Annotated Code of Maryland, the Secretary shall issue a Handgun Qualification License or provide a written denial of the application within 30 days after receiving a properly completed application.

B. A properly completed application satisfies all the requirements prescribed by the Secretary.

C. A written denial provided by the Secretary shall contain the reasons the application was denied and a statement of the applicant's appeal rights.

D. In accordance with Public Safety Article, §5-117.1(h)(2), Annotated Code of Maryland, an individual whose fingerprints have been submitted to the Central Repository, and whose application has been denied, may request that the record of the fingerprints be expunged by obliteration.

.33 Handgun Qualification License—Replacement.

A. A person may submit a written request to the Secretary for a replacement license if the license is lost or stolen.

B. A request for a replacement Handgun Qualification License must be accompanied by a nonrefundable fee of \$20.

C. Upon receipt of a properly submitted request, the Secretary shall issue a replacement license within a reasonable time if the applicant is not otherwise disqualified from possessing a Handgun Qualification License.

.34 Handgun Qualification License—Renewal.

A. A Handgun Qualification License may be renewed for successive periods of 10 years.

B. The Handgun Qualification License renewal application shall be submitted in the format prescribed by the Secretary.

C. The Handgun Qualification License renewal application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) The identification number from the applicant's prior Handgun Qualification License;

(3) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun; and

(4) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The renewal application must be accompanied by a nonrefundable payment of \$20.

E. Upon receipt of a properly submitted renewal application, the Secretary shall issue a renewed Handgun Qualification License within a reasonable time if the applicant is not otherwise disqualified from possessing a Handgun Qualification License.

.35 Handgun Qualification License—Revocation.

A. The Secretary may revoke a Handgun Qualification License on a finding that the licensee no longer satisfies the qualifications set forth in Public Safety Article, §5-117.1(d), Annotated Code of Maryland.

B. The Secretary shall provide written notification to a person whose Handgun Qualification License is revoked.

C. A written notice of revocation shall contain the reasons the license was revoked and a statement of the person's appeal rights.

D. A person whose Handgun Qualification License is revoked shall return the license to the Licensing Division, Department of State Police within 5 days after receipt of the notice of revocation.

.36 Handgun Qualification License—Appeal.

A. A person whose original or renewal Handgun Qualification License application is denied or whose Handgun Qualification License is revoked may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of denial or revocation was sent by the Secretary.

B. Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days and the hearing shall be held in the county of the legal residence of the person requesting the hearing.

C. The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.37 Qualified Handgun Instructor—Generally.

A. A person is a Qualified Handgun Instructor if the person has:

(1) A valid Qualified Handgun Instructor License issued by the Secretary in accordance with Regulation .38 of this chapter;

(2) Been recognized by the Maryland Police and Correctional Training Commissions; or

(3) A valid instructor certification issued by a nationally recognized firearms organization.

B. A Qualified Handgun Instructor shall provide proof of certification or qualification to the Secretary before providing instruction to an applicant for a Handgun Qualification License or a handgun permit.

C. Upon a person's satisfactory completion of an applicable firearms training course, a Qualified Handgun Instructor shall:

(1) Provide the person a Firearms Safety Training Certificate that includes:

(a) The person's name and date of birth;

(b) The instructor's name;

(c) Whether the completed course was a Firearms Safety Training Course or a Handgun Permit Training Course;

(d) The length in hours of the course;

(e) The date of course completion;

(f) The location of the training;

(g) A declaration certifying that the course met the minimum standards prescribed by the Secretary; and

(h) A declaration certifying that the person completed the course; and

(2) Submit the requisite information to the Licensing Division, Department of State Police, as prescribed by the Secretary.

.38 Qualified Handgun Instructor License—Application.

A. If a person has not been recognized by the Maryland Police and Correctional Training Commissions or does not have a valid certification issued by a nationally recognized firearms organization, then the person shall obtain a Qualified Handgun Instructor License before acting as a Qualified Handgun Instructor.

B. A Qualified Handgun Instructor License application shall be submitted in the format prescribed by the Secretary.

C. The Qualified Handgun Instructor License application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) Proof of the applicant's formal training in the care, safety, and use of handguns, including a minimum qualification score of 80 percent on a practical police course; and

(3) Proof of the applicant's minimum of 1 year of experience in instruction in the care, safety, and use of handguns.

D. Upon receipt of a properly completed application, the Secretary shall issue a Qualified Handgun Instructor License to the applicant within a reasonable time.

E. A *Qualified Handgun Instructor License* expires 4 years from the date of issuance.

.39 *Qualified Handgun Instructor License—Renewal.*

A. A *Qualified Handgun Instructor License* may be renewed for successive periods of 4 years.

B. A *Qualified Handgun Instructor License* renewal application shall be submitted in the format prescribed by the Secretary.

C. The *Qualified Handgun Instructor License* renewal application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers; and

(2) Proof of the applicant's experience in instruction in the care, safety, and use of handguns within the past 4 years.

D. Upon receipt of a properly completed renewal application, the Secretary shall issue a renewed *Qualified Handgun Instructor License* within a reasonable time.

.40 *Qualified Handgun Instructor License—Revocation.*

A. The Secretary may revoke a *Qualified Handgun Instructor License* for cause. Sufficient cause may include, but is not limited to, evidence of:

- (1) Unsafe range practices;
- (2) False reporting of Firearm Safety Training Course completion or Handgun Permit Training Course completion;
- (3) Falsification of permit applicant qualification scores;
- (4) Failure to satisfy the minimum requirements of training courses;

(5) Conviction for a criminal offense that would preclude the licensee from purchasing or possessing a firearm; or

(6) Conviction for a criminal offense involving the distribution, use, or possession of a controlled substance.

B. The Secretary shall provide written notification to a person whose *Qualified Handgun Instructor License* is revoked.

C. A written notice of revocation shall contain the reasons the license was revoked and a statement of the person's appeal rights.

D. A person whose *Qualified Handgun Instructor License* is revoked shall return the license to the Licensing Division, Department of State Police within 10 days after receipt of the notice of revocation.

.41 *Qualified Handgun Instructor License—Appeal.*

A. A person whose original or renewal *Qualified Handgun Instructor License* application is denied or whose *Qualified Handgun Instructor License* is revoked may submit a written request to the Secretary for an informal review within 10 days after receipt of the notice of denial or revocation.

B. Upon receipt of a valid request, the informal review shall be conducted by a person designated by the Secretary who shall sustain or reverse the initial action and provide written notification of the decision to the person who requested the informal review within 30 days after the informal review.

C. An informal review is not subject to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.42 *Dealers—Generally.*

A. A person shall lawfully possess a dealer's license issued by the Secretary before the person engages in the business of selling, renting, or transferring regulated firearms.

B. A dealer's license is required for each place of business where regulated firearms are sold.

C. A dealer may not sell, rent, or transfer a regulated firearm to:

(1) An applicant whose firearm application is disapproved or is placed on hold because of an open disposition of criminal

proceedings against the firearm applicant, unless the disapproval or hold is subsequently withdrawn by the Secretary or overruled by a court;

(2) A purchaser, lessee, or transferee who the dealer knows or has reasonable cause to believe is prohibited from possessing a regulated firearm under Regulation .03 of this chapter; or

(3) A purchaser, lessee, or transferee who is visibly under the influence of alcohol or drugs.

D. A dealer may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time a firearm application is completed by the applicant and submitted to the Secretary by the dealer.

.43 *Dealers—Records.*

A. Recordkeeping.

(1) A dealer shall keep records of all acquisitions, receipts, sales, rentals, transfers, and other dispositions of firearms affected in connection with the dealer's business, including a copy of all firearm applications, for a minimum of 3 years.

(2) The records shall include:

(a) The name and address of each person from whom the dealer acquires a firearm;

(b) The name and address of each person to whom the dealer sells, rents, transfers, or otherwise disposes of a firearm;

(c) The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of each firearm acquired, sold, rented, transferred, or otherwise disposed of; and

(d) The date of each acquisition, receipt, sale, rental, transfer, or other disposition.

(3) The records shall be maintained in alphabetical or chronological order, in the manner prescribed by the Secretary.

(4) Records maintained under 18 U.S.C. §923(g)(1)(a) may be used to satisfy the requirements of this section, if the Secretary is granted access to those records.

B. A dealer shall respond within 48 hours after receipt of a request from the Secretary for information contained in the records required to be kept under this regulation when the information is requested in connection with a bona fide criminal investigation. The information shall be provided in the manner required by the Secretary.

C. When the Secretary provides written notification to a dealer, the dealer shall submit to the Secretary the information required to be kept under §A of this regulation for the time period specified by the Secretary.

D. The Secretary may inspect the inventory and records of a dealer at any time during the normal business hours of the dealer's business. The Secretary shall inspect the records and inventory of a dealer at least once every 2 years.

E. The Secretary may make available to a federal, state, or local law enforcement agency any information obtained relating to the identities of persons who have unlawfully purchased or received firearms.

F. When a dealer's business is discontinued and succeeded by a new dealer, the records required under §A of this regulation shall reflect the business discontinuance and succession and shall be delivered to the successor dealer.

.44 *Dealer's License—Generally.*

A. A dealer shall have a valid dealer's license conspicuously displayed at each place of business. The license shall identify the dealer and the location of the place of business.

B. A dealer's license is not transferable to a new place of business or another person.

C. Change of Business Location.

(1) Before changing the physical location of a place of business, a dealer shall provide written notice to the Firearms Registration Section and surrender the dealer's license for that place of business.

(2) Unless cause exists to revoke the dealer's license, the Secretary shall issue a new dealer's license without charge to cover the new place of business for the remaining unexpired term of the surrendered license.

(3) The dealer's license for the new place of business may be renewed under Regulation .49 of this chapter.

.45 Dealer's License—Application.

A. A dealer's license application is required for each place of business where the applicant intends to sell or rent regulated firearms.

B. A dealer's license application shall be submitted in the format prescribed by the Secretary.

C. The dealer's license application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) A clear and recognizable photograph of the applicant, taken and submitted in the manner prescribed by the Secretary on the application, unless the photograph has been submitted with an application within the preceding 5 years;

(3) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Secretary on the application, unless the fingerprints have been submitted with an application within the preceding 5 years;

(4) A copy of the applicant's current valid federal firearms license;

(5) A copy of the applicant's current retail sales tax license;

(6) A copy of the applicant's current trader's license, if an inventory is maintained;

(7) Authorization by the applicant to the Department of Health and Mental Hygiene, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders;

(8) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a firearm; and

(9) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The application shall contain the following required statement: "Any false information supplied or statement made in this application is a crime which is punishable by imprisonment for a period of not more than 3 years or a fine of not more than \$5,000, or both."

E. The application must include a signature by the applicant and be notarized.

F. The application must be accompanied by a nonrefundable payment of \$50.

G. If an applicant is a corporation, a corporate officer who is a resident of the State shall complete and execute the application.

H. A dealer's license expires on the first June 30 after its effective date, unless renewed under Regulation .49 of this chapter.

.46 Dealer's License—False or Omitted Information.

A. An applicant may not provide false information on an application for a dealer's license, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

B. Any knowing material omission or false statement may be considered grounds for denial of a license or for criminal prosecution.

.47 Dealer's License—Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant possesses the qualifications for a license and whether the information and statements on the application are true and accurate.

B. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

.48 Dealer's License—Issuance and Denial.

A. The Secretary shall issue a dealer's license or provide a written denial of the application within a reasonable time after receiving a properly completed application.

B. The Secretary shall deny a dealer's license application if the Secretary determines that the applicant:

(1) Supplied false information or made a false statement on the application or during the course of the investigation;

(2) Did not properly complete the application in the form and manner prescribed by the Secretary; or

(3) Intends that a person who is not eligible to be issued a dealer's license or whose dealer's license has been revoked or suspended will:

(a) Participate in the management or operation of the business for which the license is sought; or

(b) Hold a legal or equitable interest in the business for which the license is sought.

C. The Secretary shall deny a dealer's license application if the Secretary receives a written notification from the applicant's licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or another.

D. If the Secretary denies a dealer's license application, the Secretary shall provide written notice of the denial to the person whose license was denied. The written notice shall contain the reasons the license was denied and a statement of the applicant's appeal rights.

E. A person whose dealer's license application is denied may not engage in the business of selling, renting, or transferring regulated firearms, unless the denial has been subsequently withdrawn by the Secretary or overruled by a court.

.49 Dealer's License—Renewal.

A. A dealer's license may be renewed for successive periods of 1 year. A renewal license expires each year on June 30.

B. A dealer seeking a renewal license shall submit a renewal application on or before June 1.

C. The renewal application shall include the information and comply with the provisions of Regulation .45 of this chapter.

D. The renewal application must be accompanied by a nonrefundable payment of \$25.

E. Upon receipt of a properly submitted renewal application, the Secretary shall issue a renewal license within a reasonable time if the applicant is not otherwise disqualified from possessing a dealer's license.

.50 Dealer's License—Suspension or Revocation.

- A. The Secretary shall suspend a dealer's license if the dealer is:
- (1) Under indictment for a crime of violence; or
 - (2) Arrested for a violation that would prohibit the purchase or possession of a regulated firearm.
- B. The Secretary may suspend a dealer's license if the dealer is not in compliance with the recordkeeping and reporting requirements of Regulation .43 of this chapter. The Secretary may lift this suspension after the dealer provides evidence that the violation has been corrected.
- C. The Secretary shall revoke a dealer's license if the dealer:
- (1) Supplied false information or made false statements in the dealer's license application or renewal application;
 - (2) Is prohibited from possessing a regulated firearm;
 - (3) Has knowingly or willfully manufactured, sold, or offered to sell a handgun not on the handgun roster in violation of Public Safety Article, §5-406, Annotated Code of Maryland;
 - (4) Has knowingly or willfully participated in a straw purchase of a regulated firearm; or
 - (5) Has sold, rented, transferred, transported, delivered, or acquired a regulated firearm without complying with all applicable State laws and regulations.
- D. If the Secretary suspends or revokes a dealer's license, the Secretary shall provide written notice of the suspension or revocation to the person whose license was suspended or revoked. The written notice shall contain the reasons the license was suspended or revoked and a statement of the person's appeal rights.
- E. A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring regulated firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overruled by a court.

.51 Dealer's License—Appeal.

- A. Application Denial.
- (1) A person whose initial or renewal dealer's license application is denied may file an appeal to the circuit court of the county where the person's place of business is to be located within 30 days after the date that the written notice of denial or revocation was sent by the Secretary.
 - (2) The Secretary or the applicant may appeal the decision of the circuit court to the Court of Special Appeals.
- B. Suspension, Revocation, and Fines.
- (1) A person whose dealer's license is suspended or revoked or who is fined for a violation may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of suspension or revocation was sent by the Secretary.
 - (2) Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days.
 - (3) The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Regulation .22 of this chapter and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.52 Gun Shows—Generally.

- A. The Secretary has the sole authority to regulate the sale of regulated firearms at a gun show.
- B. A person shall be a resident of this State to sell, rent, or transfer a regulated firearm at a gun show in this State.
- C. A person other than a dealer shall obtain a Temporary Transfer Permit in accordance with Regulation .53 of this chapter before the person displays a regulated firearm for sale, rental, or transfer at a gun show.
- D. A dealer may not be issued a Temporary Transfer Permit. A dealer may conduct business at a gun show only if:
- (1) All business conducted at the gun show is from a table or fixed display;

(2) A legible photostatic copy of a valid dealer's license is displayed prominently in public view as part of the table or display; and

(3) The dealer conducts business in compliance with the applicable provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

E. A person who possesses a Federal Firearms License is considered to be engaged in the business of selling firearms at wholesale or retail, and may not be issued a Temporary Transfer Permit. The person may not sell, rent, or transfer a regulated firearm in this State unless the person possesses a valid dealer's license.

F. A person who possesses a Federal Firearms License may sell, rent, or transfer a rifle or shotgun that is not a regulated firearm if:

- (1) The purchase, rental, or transfer of the firearm is legal; and
- (2) The purchaser, lessee, or transferee of the firearm is a resident of Maryland, Pennsylvania, Delaware, or West Virginia.

G. A person attending a gun show may not sell, offer for sale, rent, or transfer any handgun manufactured after January 1, 1985, that is not on the handgun roster in compliance with Public Safety Article, Title 5, Subtitle 4, Annotated Code of Maryland.

.53 Gun Shows—Temporary Transfer Permits.

- A. The Secretary has the sole authority to issue a Temporary Transfer Permit.
- B. A Temporary Transfer Permit shall be prominently displayed in public view as a part of a table or fixed display of a person other than a dealer who displays a regulated firearm for sale, rental, or transfer at a gun show.
- C. A Temporary Transfer Permit is valid only for the gun show for which it was issued and is not transferable.
- D. A Temporary Transfer Permit may not be voided or replaced with another Temporary Transfer Permit.
- E. Application.
- (1) An application for a Temporary Transfer Permit shall be received by the Maryland State Police a minimum of 10 business days before the first day of the gun show to be attended by the applicant.
 - (2) The application shall be submitted in the format prescribed by the Secretary.
 - (3) An initial application must be accompanied by a nonrefundable payment of \$10.
 - (4) An applicant may apply for up to four additional permits when submitting the initial application.
 - (5) An applicant may also apply for a Temporary Transfer Permit in person at the Firearms Registration Section during normal business hours.
- F. Issuance and Denial.
- (1) Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant is prohibited by law from purchasing or possessing a firearm or is engaging in the business of a dealer.
 - (2) The Secretary shall deny an application for a Temporary Transfer Permit if the information on the application is illegible, incomplete, or inaccurate.
 - (3) The Secretary shall deny an application for a Temporary Transfer Permit if the applicant is prohibited by law from purchasing or possessing a firearm or is engaging in the business of a dealer.
 - (4) The Secretary shall issue a Temporary Transfer Permit or provide a written denial of the application within 7 days after receiving a properly completed application.
 - (5) A written denial provided by the Secretary shall contain the reasons the application was denied and a statement of the applicant's appeal rights.

G. Appeal.

(1) A person whose Temporary Transfer Permit application is denied may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of denial was sent by the Secretary.

(2) Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days and the hearing shall be held in the county of the legal residence of the person requesting the hearing.

(3) The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Regulation .22 of this chapter and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

H. In addition to the initial Temporary Transfer Permit, four additional Temporary Transfer Permits may be issued each calendar year to the same applicant at no additional charge.

I. A person who displayed regulated firearms for sale, rental, trade, or transfer at more than five gun shows in a single calendar year shall obtain a dealer's license in compliance with this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

.54 Gun Shows—Sales, Rentals, and Transfers.

A. The sale, rental, or transfer of a regulated firearm at a gun show must take place from a table or fixed display.

B. A dealer or other person may not transfer a regulated firearm sold or rented at a gun show until after 7 days following the time the firearm application is completed by the applicant and submitted to the Secretary in accordance with Regulation .16 of this chapter.

C. A sale, rental, or transfer of a regulated firearm from a table or fixed display shall comply with the applicable provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

D. An individual wishing to purchase, rent, or receive a regulated firearm at a gun show shall:

(1) Properly complete and submit a firearm application in accordance with this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland; and

(2) Comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

E. A dealer or seller wishing to sell, rent, or transfer a regulated firearm at a gun show shall complete the requisite information on the firearm application. If the Temporary Transfer Permit holder is a private seller, then the seller shall write "TTP" in the section of the firearm application requiring a dealer identification number.

F. Each application to purchase a regulated firearm must be accompanied by a nonrefundable payment of \$10.

G. If a firearm application is marked as not disapproved by the Secretary, the Secretary shall send the application to the dealer or prospective seller for transfer to the purchaser.

H. If a firearm application is marked as disapproved by the Secretary, the Secretary shall comply with Regulation .20 of this chapter. The person whose application was disapproved may request a hearing under Regulation .21 of this chapter.

.55 Pawnbrokers.

A. If a person attempts to redeem a previously pawned regulated firearm, the pawnbroker shall determine whether the person is the same individual who deposited the firearm with the pawnbroker as a pledge by requiring the person to display a driver's license, an age of majority card, or other acceptable photographic identification.

B. If a person attempting to redeem a previously pawned regulated firearm is not the same individual who deposited the firearm with the pawnbroker, then the transfer of the regulated firearm shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

C. If the period allowed for redemption of a pawned regulated firearm has elapsed and the pawnbroker offers the regulated firearm for sale or rental, then the transfer of the regulated firearm shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

(1) The pawnbroker shall notify the prospective transferee that the transferee is subject to the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

(2) The pawnbroker shall write on all pawn tickets issued for pawned regulated firearms: "This pawn ticket is transferable subject to the provisions of Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland."

.56 Public Auctions and Flea Markets.

The sale, rental, or transfer of a regulated firearm at a public auction or a flea market shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

.57 Handguns—Safety Devices.

A. A dealer may not sell, offer for sale, rent, or transfer a handgun manufactured on or before December 31, 2002, unless the handgun is sold, offered for sale, rented, or transferred with an external safety lock.

B. A dealer may not sell, offer for sale, rent, or transfer a handgun manufactured on or after January 1, 2003, unless the handgun is sold, offered for sale, rented, or transferred with an approved integrated mechanical safety device.

C. The provisions of this regulation do not apply to:

(1) An antique firearm;

(2) A firearm modified to render it permanently inoperative;

(3) A sale or transfer by a dealer or manufacturer to a lawful customer outside the State; or

(4) A purchase, sale, transfer, or transport to or by a dealer or manufacturer that provides or services a handgun for:

(a) Personnel of the United States government or an agency or department of the United States government;

(b) Members of the armed forces of the United States or the National Guard;

(c) Law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; or

(d) An organization that is required by federal law or regulations governing its specific business or activity to maintain handguns and applicable ammunition.

.58 Handguns—Shell Casings.

A. Scope.

(1) The provisions of this regulation apply to a handgun, including a replacement handgun under 27 CFR §178.147, shipped or transported by a manufacturer on or after October 1, 2000, which has not been sold, rented, or transferred to a person not licensed as a dealer.

(2) A dealer is exempt from §E of this regulation if the dealer sells or transfers a handgun to another dealer for the purpose of resale, rental, or transfer to a person who is not a dealer.

(3) A dealer shall comply with §E of this regulation if the dealer receives a handgun for the dealer's personal collection or a handgun is transferred by a dealer from a business inventory to a dealer's personal collection.

B. Sealed Container.

(1) In this regulation, "sealed container" means a paper coin envelope, Kraft #5, measuring 2-7/8 by 5-1/4 inches or equivalent, and held closed by tape across the opening.

(2) The sealed container shall be forwarded to the Maryland State Police Crime Laboratory by United States registered mail, by

reputable courier service, or in person by the manufacturer or dealer.

(3) All shipping expenses shall be prepaid by the manufacturer or dealer. CODs (cash on delivery) may not be accepted by the Crime Laboratory.

(4) Multiple shell casings may be forwarded together in a suitable container if each shell casing is sent in an individual container with all prescribed forms attached by the manufacturer or dealer.

(5) An unsealed container will not be accepted by the Crime Laboratory.

C. Manufacturer Requirements—New Handguns.

(1) A manufacturer that ships or transports a handgun, including a handgun frame or receiver that contains a breech face or firing pin or both, or a frame or receiver of a firearm that contains a breech face or firing pin or both that can be readily converted into a handgun, to be sold, rented, or transferred in the State shall include in the box with the handgun, in a separate sealed container, a shell casing of a projectile discharged from that handgun and additional information that identifies the type of handgun and shell casing.

(2) The manufacturer shall type or legibly print the following information directly on the sealed container:

(a) The manufacturer's name, address, and federal firearms license number;

(b) The make, caliber, model, type, finish, barrel length, rifling characteristics, serial number, country of origin, and date of manufacture of the handgun;

(c) The date the shell casing was collected after the handgun was discharged; and

(d) The name of the technician that collected the shell casing after discharging the handgun.

(3) The technician shall include the technician's signature directly on the sealed container.

(4) The technician shall sign the technician's initials across the tape that seals the container.

D. Manufacturer Requirements—Replacement Handguns.

(1) In accordance with 27 CFR §178.147, a person not otherwise prohibited by federal, State, or local law may ship a handgun to a licensed manufacturer for any lawful purpose, and, notwithstanding any other provision of federal law, a licensed manufacturer may return in interstate or foreign commerce to that person the handgun or a replacement handgun of the same kind and type.

(2) A manufacturer that ships or transports a replacement handgun directly to a person in the State that is not licensed as a federal firearms dealer shall collect a shell casing of a projectile discharged from the handgun and place the shell casing in a separate sealed container.

(3) The manufacturer shall package the shell casing in accordance with §C of this regulation.

(4) The manufacturer shall staple the form prescribed by the Secretary to the sealed container. The form shall be available from the Firearms Registration Section. The form shall include:

(a) The manufacturer's name, address, and federal firearms license number;

(b) The transferee's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(c) The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of the handgun;

(d) The date the handgun was transferred; and

(e) The signature of the employee transferring the handgun to the transferee.

(5) The form shall be typewritten or printed legibly. If the completed form is illegible, it shall be returned to the manufacturer who submitted it for resubmission in legible form.

(6) Within 7 days after shipping or transferring the handgun, the manufacturer shall forward the sealed container with the shell casing and the Crime Laboratory copy of the completed form to the Crime Laboratory.

E. Dealer Requirements—Manufacturer Compliance.

(1) Upon the sale, rental, or transfer of an applicable handgun, a dealer shall forward confirmation to the Maryland State Police that the manufacturer complied with the law.

(2) The dealer shall forward the confirmation using the form prescribed by the Secretary. The form shall include:

(a) The dealer's name, address, license identification number, and telephone number;

(b) The make, caliber, model, type, finish, barrel length, rifling characteristics, serial number, country of origin, and date of manufacture of the handgun;

(c) The date the handgun was received; and

(d) The name and federal firearms license number of the manufacturer that shipped or transported the handgun.

(3) The dealer shall sign the form and certify under the penalty of perjury that the information in the form is true and accurate.

(4) The form shall be typewritten or printed legibly. If the completed form is illegible, it will be returned to the dealer who submitted it for resubmission in legible form.

(5) The dealer shall forward the Maryland State Police copy of the completed form to the Firearms Registration Section within 7 days after the receipt of the handgun.

(6) The dealer shall retain the Transferor Copy of the completed form for 3 years.

F. Dealer Requirements—Shell Casing.

(1) Upon the sale, rental, or transfer of an applicable handgun, a dealer shall forward the sealed container with the shell casing to the Crime Laboratory.

(2) The dealer shall staple the form prescribed by the Secretary to the sealed container. The form shall include:

(a) The dealer's name, address, license identification number, and telephone number;

(b) The transferee's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(c) The make, caliber, model, type, finish, barrel length, rifling characteristics, serial number, country of origin, and date of manufacture of the handgun; and

(d) The date the handgun was sold or transferred.

(3) The dealer shall sign the form and certify under penalty of perjury that the information in the form is true and accurate.

(4) The form shall be typewritten or printed legibly. If the completed form is illegible, it will be returned to the dealer who submitted it for resubmission in legible form.

(5) The dealer shall forward the Crime Laboratory copy of the completed form to the Crime Laboratory within 7 days after the sale, rental, or transfer of the handgun.

(6) The dealer shall retain the Transferor Copy of the completed form for 3 years.

MARCUS L. BROWN
Secretary of State Police

Subtitle 03 WEAPONS REGULATIONS

29.03.02 Handgun Permit Unit

Authority: Public Safety Article, Title 5, Subtitle 3[.]; *Criminal Law Article, §4-202*; Annotated Code of Maryland.

Notice of Proposed Action

[13-288-P]

The Secretary of the Department of State Police proposes to repeal existing Regulations **.01—14** and adopt new Regulations **.01—14** under **COMAR 29.03.02 Handgun Permit Unit**.

Statement of Purpose

The purpose of this action is to establish regulations for the issuance of handgun permits that comply with the Maryland Firearm Safety Act of 2013, which was introduced during the 2013 legislative session and signed into law with an effective date of October 1, 2013.

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 L. Vondersmith, Jr., Administrator, Department of State Police, 1201 Reisterstown Road, Pikesville, MD 21208-3899, or call 410-653-4253, or email to thomas.vondersmith@maryland.gov, or fax to 410-653-4250. Comments will be accepted through October 21, 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) “Board” has the meaning stated in Public Safety Article, §5-301(b), Annotated Code of Maryland.

(2) “Central Repository” has the meaning stated in Public Safety Article, §5-117.1(f)(1), Annotated Code of Maryland.

(3) “Designated security personnel” means an individual who receives a handgun permit for employment purposes and is a:

- (a) Holder of a special police commission;
- (b) Uniformed security guard;
- (c) Special railway police;
- (d) Watchman;
- (e) Private detective; or
- (f) Guard in the employ of:
 - (i) An armored car company;
 - (ii) A bank,
 - (iii) A savings and loan association;
 - (iv) A building and loan association; or
 - (v) An express agency.

(4) “Handgun Permit Training Certificate” means a certificate, letter, or other documentation verifying satisfactory completion of a Handgun Permit Training Course.

(5) “Handgun Permit Training Course” means a firearms training course that satisfies the requisite minimum requirements of Regulation .05 of this chapter.

(6) “Mental disorder” has the meaning stated in Health—General Article, §10-101(f), Annotated Code of Maryland.

(7) “Mental health facility” has the meaning stated in Health—General Article, §10-101(e), Annotated Code of Maryland.

(8) “Permit” has the meaning stated in Public Safety Article, §5-301(d), Annotated Code of Maryland.

(9) “Qualified Handgun Instructor” has the meaning stated in Public Safety Article, §5-101(q), Annotated Code of Maryland.

.02 Generally.

A. Pursuant to Public Safety Article, §5-306(a), Annotated Code of Maryland, the Secretary shall issue handgun permits under specified conditions.

B. Unless otherwise provided by law, a person shall have a valid permit in their possession to carry, wear, or transport a handgun.

C. A valid permit must satisfy all the requirements set forth in this chapter, including any limitations or restrictions imposed by the Secretary.

D. A permit holder may not wear, carry, or transport a handgun while under the influence of alcohol or drugs.

E. Except as provided in §F of this regulation, all valid permits must be issued by the Secretary.

F. An armored car driver’s permit from another state is valid if the driver is on duty in Maryland.

.03 Eligibility.

A. Qualifications. In accordance with Public Safety Article, §5-306, Annotated Code of Maryland, a person is eligible for issuance of a handgun permit only if the person:

- (1) Is an adult;
- (2) Is not prohibited from possessing a handgun under COMAR 29.03.01.03 or otherwise prohibited from purchasing or possessing a handgun under federal or State law;
- (3) Has not been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed, unless the person has been pardoned or the United States Attorney General has granted relief;
- (4) Has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;
- (5) Is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance, unless the habitual use of a controlled dangerous substance is under legitimate medical direction;
- (6) Has not exhibited propensity for violence or instability that may reasonably render the person’s possession of a handgun a danger to the person or another;
- (7) Has a good and substantial reason to wear, carry, or transport a handgun; and
- (8) If younger than 30 years old, has not been committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court.

B. Investigation Criteria. The following areas will be a part of the investigation of every applicant and will be considered by the Secretary in determining whether a permit will be issued:

- (1) Age of the applicant;
- (2) Occupation, profession, or employment of the applicant;
- (3) Verification of the applicant’s qualifications;
- (4) Verification of the information supplied by the applicant in the application;
- (5) Information received from personal references and other persons interviewed;
- (6) Information received from business or employment references as may be necessary in the discretion of the investigator;
- (7) Criminal record of applicant, including any juvenile record for an applicant younger than 30 years old;

(8) Medical history of applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;

(9) Psychiatric or psychological background of the applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;

(10) The applicant's propensity for violence or instability which could reasonably render the applicant's wearing, carrying, or transporting of a handgun a danger to the applicant or to others;

(11) The applicant's use of intoxicating beverages and drugs;

(12) The reasons given by the applicant for carrying, wearing, or transporting a handgun, and whether those reasons are good and substantial; and

(13) Whether the permit is necessary as a reasonable precaution for the applicant against apprehended danger.

.04 Application.

A. The handgun permit application shall be submitted in the format prescribed by the Secretary.

B. The permit application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) Proof of the applicant's completion of, or exemption from, a Handgun Permit Training Course with at least 16 hours of instruction within the previous 2 years, in the manner prescribed by the Secretary on the permit application;

(3) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Secretary on the application;

(4) Authorization by the applicant to the Department of Health and Mental Hygiene, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; and

(5) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun; and

(6) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

C. Except as provided in §D of this regulation, the application must be accompanied by a nonrefundable payment of \$75.

D. The Secretary shall not charge a fee to:

(1) A State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or

(2) A retired law enforcement officer of the State or a county or municipal corporation of the State.

E. A handgun permit expires on the last day of the holder's birth month following 2 years from the date of issuance.

.05 Training Requirement.

A. Except as provided in §B of this regulation, a person applying to obtain or renew a handgun permit shall complete a Handgun Permit Training Course and submit a Handgun Permit Training Certificate issued by a Qualified Handgun Instructor. The submission of the Handgun Permit Training Certificate shall constitute proof

that the applicant satisfactorily completed a Handgun Permit Training Course.

B. An applicant does not need to complete a Handgun Permit Training Course if the applicant:

(1) Is a law enforcement officer or has retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;

(2) Is an active member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(3) Is a Qualified Handgun Instructor in accordance with COMAR 29.03.01.37; or

(4) Has satisfactorily completed a firearms training course approved by the Secretary as an exemption from the Handgun Permit Training Course.

C. A Handgun Permit Training Course shall consist of a minimum of 16 hours of instruction by a Qualified Handgun Instructor for initial applicants or eight hours of instruction by a Qualified Handgun Instructor for renewal applicants, and shall include the following minimum curricula.

(1) State Firearm Law. Overview of the State firearm laws, including discussion of what constitutes a regulated firearm, how to properly purchase or transfer a firearm, where allowed to carry or transport a firearm, when necessary to possess a carry permit, and who is prohibited from possessing firearms.

(2) Home Firearm Safety. Overview of handgun and firearm safety in the home, including discussion of access to minors, locking and storing of firearms, and use of safety devices, such as secure lock boxes.

(3) Handgun Mechanisms and Operation. Overview of the proper operation and safe handling of a handgun, including cleaning and maintenance, the loading and unloading of ammunition, and the differences between revolvers and semi-automatic handguns, as well as training in nomenclature, sight alignment, position shooting, dry-firing, and range practice.

(4) Proficiency and Use Demonstration. Overview of handgun and firearm safety on the range, off the range, and while transporting or on duty. Orientation that demonstrates the applicant's proficiency in the operation and use of a firearm, including a shooting component in which the applicant fires live ammunition and obtains a qualifying score of 70 percent as prescribed by the Secretary. Instruction on safety shall be integrated into every phase of the training.

(a) Except as provided in §C(4)(b) of this regulation, the shooting component shall be at least 25 rounds and an applicant may not be required to fire in excess of 15 yards during qualifications.

(b) For designated security personnel, the shooting component shall be conducted on a practical police course as approved by the Secretary. The shooting component shall be at least 50 rounds and an applicant may not be required to fire in excess of 25 yards during qualifications.

.06 False or Omitted Information.

A. An applicant shall not provide false information on an application for a permit, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

B. Any knowing material omission or false statement may be considered grounds for denial of a permit or for criminal prosecution.

.07 Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant possesses the qualifications for a permit.

B. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

.08 Issuance and Denial.

A. In accordance with Public Safety Article, §5-306(a), Annotated Code of Maryland, the Secretary shall issue a permit or provide a written denial of the application within a reasonable time after receiving a properly completed application.

B. A properly completed application must satisfy all the requirements prescribed by the Secretary.

C. A written denial provided by the Secretary shall contain the reasons the application was denied and a statement of the applicant's appeal rights.

D. The Secretary may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is valid or effective.

.09 Change of Address or Employment.

A. If a permit holder's address or employment changes, the permit holder shall provide written notification to the Secretary within 10 days of the change.

B. Failure to notify the Secretary within ten days may be grounds for revocation of the permit by the Secretary.

.10 Lost or Stolen Permit.

A. If a handgun permit is lost or stolen, the permit holder shall provide written notification to the Secretary within 10 days after discovery of the loss or theft.

B. Written notification shall be accompanied by a notarized affidavit, under oath, stating that the permit has been lost or stolen.

C. Failure to notify the Secretary within 10 days may be grounds for revocation of the permit by the Secretary.

.11 Replacement or Modification.

A. A person may submit a request to the Secretary for a replacement permit if:

- (1) The permit was lost or stolen; or*
- (2) The permit needs to be modified.*

B. A request for a replacement permit must be accompanied by a nonrefundable fee of \$10, unless the replacement permit is a result of action by the Handgun Permit Review Board.

C. Upon receipt of a properly submitted request, the Secretary shall issue a replacement permit within a reasonable time if the applicant is not otherwise disqualified from possessing a handgun permit.

.12 Renewal.

A. A permit may be renewed for successive periods of 3 years.

B. The permit renewal application shall be submitted in the format prescribed by the Secretary.

C. The permit renewal application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, Social Security number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) The identification number from the applicant's prior permit;

(3) Proof of the applicant's completion of, or exemption from, a Handgun Permit Training Course with at least 8 hours of instruction within the previous 2 years, in the manner prescribed by the Secretary on the permit renewal application;

(4) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Secretary on the application;

(5) Authorization by the applicant to the Department of Health and Mental Hygiene, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; and

(6) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun; and

(7) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The renewal application must be accompanied by a nonrefundable payment of \$50.

E. Upon receipt of a properly submitted renewal application, the Secretary shall issue a renewed permit within a reasonable time if the applicant is not otherwise disqualified from possessing a permit.

F. To ensure adequate time for processing, a renewal application should be filed at least 90 days before the expiration date of the permit which is to be renewed.

.13 Revocation.

A. The Secretary may revoke a permit on a finding that the permit holder:

(1) No longer satisfies the qualifications set forth in Public Safety Article, §5-306, Annotated Code of Maryland; or

(2) Failed to carry the permit in the holder's possession whenever the holder carried, wore, or transported a handgun.

B. The Secretary shall provide written notification to a person whose permit is revoked.

C. A written notice of revocation shall contain the reasons the permit was revoked and a statement of the person's appeal rights.

D. A person whose permit is revoked shall return the permit to the Licensing Division, Department of State Police within 10 days after receipt of the notice of revocation.

.14 Appeal.

A. Informal Review.

(1) A person whose original or renewal permit application is denied or whose permit is revoked or limited may submit a written request to the Secretary for an informal review within 10 days after receipt of the notice of denial, revocation, or limitation.

(2) Upon receipt of a valid request, the Secretary shall review the action under informal review and may include a personal interview of the person requesting the informal review.

(3) The Secretary shall sustain, reverse, or modify the action under informal review and provide written notification to the person who requested the informal review within 30 days after receipt of the request for informal review.

(4) An informal review is not subject to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

B. Handgun Permit Review Board.

(1) A person whose original or renewal permit application is denied or whose permit is revoked or limited may submit a written request to the Board to review the decision of the Secretary within 10 days after receipt of the notice of denial, revocation, or limitation.

(2) A person whose original or renewal permit application is not acted on by the Secretary within 90 days after submitting the application to the Secretary may submit a written request to the Board for a hearing.

MARCUS L. BROWN
Secretary of State Police

Subtitle 09 VEHICLE TOWING

29.09.01 Vehicle Towing Services

Authority: Public Safety Article, §2-314; Transportation Article §§13-920, 21-1111(c), 22-218.2, 22-404.3, 23-104, 23-301, and 23-302; Annotated Code of Maryland

Notice of Proposed Action

[13-231-P]

The Secretary of State Police proposes to adopt new Regulations .01—.15 under a new chapter, **COMAR 29.08.01 Vehicle Towing Services**, under a new subtitle, **Subtitle .09 Vehicle Towing**.

Statement of Purpose

The purpose of this action is to establish regulations that describe the policies, procedures, and authorizations for the Secretary of State Police to administer vehicle towing as it pertains to the Department of State Police maintaining a list of approved towing companies that the Department would notify when their services were required.

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 Captain Brian Reider, Commander, Department of State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4272, or email to brian.reider@maryland.gov, or fax to 410-653-4250. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

.01 Scope.

This chapter establishes towing regulations for the Department except in jurisdictions where the Department uses contractual towing services or has contracted for towing services.

.02 Definitions.

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

B. Terms Defined.

(1) "Abandoned vehicle" has the meaning as stated in Transportation Article, §25-201(b), Annotated Code of Maryland.

(2) "Approved towing company" means a towing company that has completed the towing application process with the Department of State Police, meets all of the requirements of this chapter, and was approved to perform services at the direction of the Department of State Police.

(3) "Business location" means a location in which an approved towing company can transact business and store records and towed vehicles, and that is in compliance with all applicable zoning, building, and fire codes.

(4) "Department" means the Maryland Department of State Police.

(5) "Disabled vehicle" means a motor vehicle which is temporarily or permanently inoperative as a result of a collision or accident, as a result of wear and tear or mechanical failure, or as a result of any other cause, and for which the Department has requested the removal.

(6) "Owner's request" means the operator or owner of the vehicle has consented and requested the Department to call an approved towing company to tow a disabled vehicle.

(7) "Police-initiated towing" means towing disabled, abandoned, or recovered vehicles at the request of the Department. There are two types of police-initiated towing:

(a) Owner's request; and

(b) State's request.

(8) "Regular business day" means the period between 8 a.m. and 5 p.m., Monday through Friday, excluding State holidays.

(9) "Rotation list" means a list of approved towing companies assigned to a specific geographical area.

(10) "State's request" means the Department has requested an approved towing company to tow and take custody of a disabled vehicle without the consent of the operator or owner.

(11) "Storage facility" means a fenced-in area for 15 or more vehicles on the premises of the business location.

(12) "Tow truck" means a vehicle registered with the Motor Vehicle Administration that is capable of performing towing operations, as defined by Transportation Article, §13-920, Annotated Code of Maryland.

(13) "Tow truck operator" means a person who operates equipment used in the towing of vehicles at the request of the Department.

(14) "Towing company" means a person owning, operating, or conducting the business of recovery and towing of disabled, abandoned, or recovered vehicles at the request of the Department or at the request of the operator or owner of the vehicle.

(15) "Towing supervisor" means a noncommissioned officer of the Department, assigned by the local barrack commander, who is responsible for administering and enforcing the Department's towing regulations at the local barrack.

.03 General Requirements.

A. Application Requirements.

(1) A towing company that meets the qualifications of this chapter may submit a completed Tow Truck Service Application (MSP 194) to apply for inclusion on the Department tow list for approved towing companies. A towing company applying for tow list approval shall submit the application with all of the required documentation to the local barrack commander of the installation responsible for the area to be serviced. A towing company shall comply with all applicable federal, State, and local laws, ordinances, and regulations.

(2) An approved towing company shall be placed on a rotation list. A towing company that can provide timely police-initiated towing response times, in accordance with §E of this regulation, may be allowed to be listed on more than one specific tow area.

(3) A towing company shall have 2 years of prior commercial for-hire towing service experience prior to applying to conduct police-initiated towing for the Department.

B. Business Locations and Hours.

(1) An approved towing company shall maintain a business location and storage lot within the State.

(2) The business location shall include an office area in which business can be conducted and records can be maintained.

(3) The location of the business office shall be within 500 feet of the towing company's storage lot.

(4) An approved towing company shall post proper identification of the towing company, the business telephone number, and the hours of operation in a conspicuous location at the business location that is accessible to the general public and accords with local zoning codes.

(5) No more than one approved towing company may operate at a single business address.

C. Release of Vehicles and Property.

(1) A business location shall be open and staffed on regular business days for the purpose of releasing stored or towed vehicles and releasing personal property from stored or towed vehicles to the rightful owner or to a specific individual who has the appropriate documents to claim the vehicle or items. Appropriate documents include a title, lease agreement, driver's license, vehicle registration, Stored Vehicle Release Authorization Certificate (MSP 50), or a notarized letter from the owner giving authorization to a specific person. This chapter does not preclude business operations from extending beyond the mandatory hours of operations.

(2) In addition to being open during regular business days, an approved towing company must be available on Saturday from 8 a.m. to 12 p.m., excluding State holidays, for the purpose of releasing stored or towed vehicles and releasing personal property from stored or towed vehicles to the rightful owner or to a specific individual who has the appropriate documents to claim the items. An employee of an approved towing company shall respond to the business location when requested on a Saturday within a maximum time period of 60 minutes.

(3) An approved towing company may release a vehicle or property inside the vehicle to the owner at other times in addition to the regular business day.

(4) A towing company may not require payment for services before releasing personal property, including but not limited to packages, tools, registration plates, infant car seats, and any other item not mounted to the vehicle.

(5) A towing company may not release a vehicle towed at the State's request or personal property contained inside a vehicle that was towed at the State's request to an owner or another individual without a Stored Vehicle Release Authorization Certificate (MSP 50).

D. Towing Services.

(1) An approved towing company shall be available to respond to a police-initiated towing request 7 days per week and 24 hours per day.

(2) An approved towing company may not use third-party answering services or pagers for notification from the Department.

(3) A vehicle towed as a result of a police-initiated request shall be immediately and directly taken to a storage facility listed on the Tow Truck Service Application (MSP 194), to a location specified by the owner of the vehicle, or to a location specified by a member of the Department.

(4) The Department may cancel a request for towing services at any time prior to the tow hook-up of the vehicle. When a request is canceled, the approved towing company shall be placed back at the top of the rotation list.

(5) The State and the Department are not responsible in any way for costs incurred by an approved towing company when a service is not rendered, a police-initiated request is canceled, or the tow is an owner's request.

E. Timely Response.

(1) When requested by the Department for light duty towing, personnel and equipment from an approved towing company shall respond within 20 minutes to an interstate highway location and within 30 minutes to all other locations, while obeying all motor vehicle laws. When requested by the Department for heavy duty towing, personnel and equipment from an approved towing company shall respond within 40 minutes to an interstate highway location and

within 50 minutes to all other locations, while obeying all motor vehicle laws.

(2) When an approved towing company fails to respond in a timely manner, the Department shall call another approved towing company to the scene and cancel the request to the first towing company.

(3) If an approved towing company cannot respond within the required response times, the towing company shall notify the Department of the estimated time of response and the reasons for the delay. The Department may cancel the request for services and use the services of another approved towing company.

(4) Consideration for a delay in response time shall be given for abnormal traffic patterns, adverse weather conditions, emergencies, remote locations within the State, and requests made after or before a regular business day.

(5) In the event an approved towing company receiving a police-initiated request cannot perform the towing request in a timely manner according to this chapter, the towing company shall decline the call and the Department shall contact the next approved towing company on the rotation list.

F. Subcontracting Prohibited.

(1) An approved towing company may not subcontract any portion of the towing services provided under this chapter.

(2) An approved towing company receiving a police-initiated request may contact another approved towing company to assist in the removal of a disabled vehicle as long as the approved towing company receiving the initial request responds to the scene with a tow truck.

(3) In the event an approved towing company utilizes the assistance of another approved towing company, each vehicle towed at the request of the Department shall be taken to the storage facility of the approved towing company originally requested by the Department.

G. Fees.

(1) An approved towing company may not charge in excess of the maximum allowable towing fees established pursuant to local county code, regulation, or ordinance or by any other governmental authority in the county where the tow services were performed.

(2) An approved towing company that performs police-initiated towing must accept cash, two major credit cards, or debit cards as a form of payment. An approved towing company may also accept other forms of payments, including but not limited to personal checks, travelers checks, and money orders.

(3) An approved towing company shall post a copy of the towing rates adopted pursuant to local code, regulation, or ordinances in a conspicuous location within the business office that is accessible to the general public.

(4) An approved towing company that performs police-initiated towing may not charge a storage fee for the calendar day of the tow.

(5) An approved towing company may remain closed on Sundays and holidays, but may not charge storage fees for those days closed.

(6) An approved towing company that is open on a Sunday or a holiday to conduct business shall be open for a minimum of 4 consecutive hours between 8 a.m. and 5 p.m. in order to be able to charge a daily storage fee.

H. Records.

(1) Tow records include bills, invoices, and Stored Vehicle Release Authorization Certificates (MSP 50).

(2) An approved towing company shall maintain tow records related to Department police-initiated towing at the business office for a minimum of 2 years.

(3) Tow records maintained at the business office shall be available for inspection during normal business hours.

.04 Storage Facilities.

A. An approved towing company shall have storage facilities in the State that meet the requirements of all county and State laws, regulations, and zoning rules.

B. The storage facility shall be secured and fenced-in with a full gate. Fencing shall be kept free of holes in or under the fence and shall completely encompass the storage facility, except where fencing is securely connected to a permanent structure.

C. The storage facility shall be well-lighted or protected in some manner to prevent theft or vandalism to stored vehicles.

D. The minimum capacity of the storage facility shall be 15 vehicles. Approved heavy duty towing companies shall have additional room for one complete tractor trailer combination.

E. The storage facility may neither serve more than one approved towing company nor be shared by any other entity that is not under the ownership of the approved towing company.

F. The State is not liable for any theft, vandalism, or damage caused to vehicles stored or towed at the request of the Department.

.05 Tow Truck Service Applications.

A. A towing company shall submit a completed Tow Truck Service Application (MSP 194) with the required documentation to the barrack commander of the installation responsible for the area to be served.

B. The barrack commander will assign the towing supervisor or designee to gather and confirm the required information for the application.

C. The assigned supervisor shall conduct an on-site inspection of the company submitting the application to confirm the accuracy of the information contained within the application.

D. A towing company may not be considered for the approved list if the business owner or manager:

- (1) Does not submit the required information;
- (2) Makes any willful misstatement of fact; or
- (3) Refuses to permit an inspection of the business premises to confirm the information on the application.

E. The assigned supervisor shall check the driving record and criminal record of all tow truck operators of the company submitting the application to ensure compliance with the applicable regulations.

F. The application process shall include an inspection to ensure compliance with the Preventive Maintenance Program, in accordance with Transportation Article, §§23-301 and 23-302, Annotated Code of Maryland, prior to an application being approved.

G. The barrack commander shall review the application and attachments and make the final decision to approve or deny the application.

H. Application Denial.

(1) When an application is denied, the barrack commander shall notify the company via certified mail of the reason the application was denied.

(2) An owner of the towing company may appeal a barrack commander's decision to the Chief of the Field Operations Bureau. The appeal shall be in writing and be received within 30 days of the barrack commander's decision.

(3) Upon receipt of a valid appeal, the Chief of the Field Operations Bureau shall designate a region commander to review the towing company's appeal.

(4) The designated region commander shall complete the review and render a decision in writing. The decision shall be sent via certified mail to the towing company within 30 days from the date the appeal is received by the Chief of the Field Operations Bureau. The decision of the designated region commander is final.

I. Renewal.

(1) Following initial approval, an approved towing company shall renew its application annually during the month of August using the Tow Truck Service Application (MSP 194).

(2) If an approved towing company fails to submit the application renewal by August 31, the towing company shall be immediately suspended from the program until the application is received and approved by the barrack commander or designee.

(3) If an approved towing company fails to submit the application renewal by October 1, the towing company shall be removed from the program.

.06 Tow Company Owners.

A. Unless the region commander provides written approval, an owner, officer, or partner of an approved towing company may not have a conviction of any of the following offenses:

- (1) A felony;
- (2) A misdemeanor directly related to towing, road service, or storage of vehicles;
- (3) A sex offense;
- (4) Theft;
- (5) Assaulting police;
- (6) Impersonating police; or
- (7) Insurance fraud.

B. Criminal Background Check.

(1) Owners, officers, and partners of a towing company shall apply to the Criminal Justice Information System Central Repository for a National and State Criminal History Records Check.

(2) The Department shall conduct criminal background checks as part of a towing company's application process and as part of an approved towing company's renewal process.

(3) The Department shall maintain the results of each background check in the appropriate administrative towing file.

.07 Preliminary and Random Inspections.

A. A Department towing supervisor or designee shall conduct a preliminary on-site inspection of each applicant towing company's office and storage facility location on a regular business day to ensure compliance with all policies and regulations.

B. At least annually, the Department shall conduct periodic follow-up inspections on a random basis to ensure that each towing company satisfies all applicable criteria.

C. A barrack towing supervisor shall schedule a Preventive Maintenance Program inspection to be completed by the Commercial Vehicle Enforcement Section personnel as part of the initial application process and annually in subsequent years within 6 months of the renewal date.

D. If a towing company refuses to permit an on-site inspection by a Department towing supervisor or designee for the purpose of confirming that the towing company satisfies all established criteria, the towing company may not be considered for placement on an approved list or, if already on an approved list, shall be removed from the list.

.08 Towing Areas.

A. Tow Area Assignments.

(1) The Department shall assign an approved towing company to a specific tow area.

(2) The Department shall divide each barrack area into specific tow areas.

(3) The Department may limit the number of towing companies assigned to a specific tow area.

B. Rotation List.

(1) The Department shall maintain a rotation list of all approved towing companies assigned to each specific tow area.

(2) When a request to tow disabled vehicles is received, the Department shall contact the next approved towing company on the rotation list.

(3) If the approved towing company is not available for service or cannot respond to the scene within the time limits listed in Regulation .03E of this chapter, the Department shall contact the next approved towing company on the rotation list until a towing company is secured.

(4) The Department shall maintain and record the rotation list on a Towing Request Distribution Form (MSP 189) for each category of towing and for each specific tow. Upon written request to the barrack towing supervisor, the Towing Request Distribution Form (MSP 189) shall be made available for inspection within 30 days.

C. Special Needs Assignments.

(1) The Department may deviate from the order of the rotation list when there is a need for specialized equipment or when the Department determines that deviation is necessary for public safety.

(2) The request will be recorded as a response for the towing company that actually performs the tow.

(3) An approved towing company that is bypassed for special needs shall be requested for the next response.

D. A vehicle owner or operator may select any towing company for a tow. The Department may honor the request if the vehicle is safely out of the roadway and is not impeding the flow of traffic, unless the on-scene investigating trooper determines a traffic safety problem exists or an unreasonable time delay could create a traffic safety problem. If a request is made for a specific towing company and that towing company is on the rotation list, the tow may not be recorded as a response.

.09 Tow Truck Operators.

A. A tow truck operator shall hold a valid driver's license for the class of vehicle that the driver operates in accordance with Transportation Article, Annotated Code of Maryland. A tow truck operator shall be in compliance with Transportation Article, §25-111, Annotated Code of Maryland.

B. Unless the region commander provides written approval, an approved towing company may not employ a tow truck operator who has been convicted of, or is face pending charges for, the following:

- (1) A felony;
- (2) A misdemeanor directly related to towing, road service, or storage of vehicles;
- (3) A sex offense;
- (4) Theft;
- (5) Assaulting police;
- (6) Impersonating police; or
- (7) Insurance fraud.

C. Company Obligations.

(1) An approved towing company shall immediately notify the towing supervisor of any arrest or conviction of a tow truck operator for the violations listed in §B of this regulation as soon as the company is made aware or becomes aware.

(2) An approved towing company shall notify the towing supervisor of the employment of a new tow truck operator or the removal of an existing operator within 5 days after the operator is hired or removed.

(3) A newly employed tow truck operator is not authorized to complete any function related to a police-initiated towing service until approval is obtained from the towing supervisor.

D. Background Check.

(1) Each tow truck operator, including a newly employed operator, shall apply to the Criminal Justice Information System Central Repository for a National and State Criminal History Records Check.

(2) Criminal background checks will be conducted as part of the towing company's initial application process and as part of the approved towing company's renewal process.

(3) The Department shall maintain the results of each background check in the appropriate administrative towing file.

E. A tow truck operator shall have a valid medical examination certificate in the operator's possession while operating a company vehicle with a gross vehicle weight rating (GVWR) over 10,000 pounds.

F. Safety and Legal Compliance.

(1) A tow truck operator shall perform towing services in compliance with all applicable laws, regulations, safety procedures, and police directions.

(2) Upon arrival at a scene, a tow truck operator shall contact the investigating trooper and receive the trooper's approval prior to entering the scene to move a disabled vehicle or remove debris.

(3) When performing tow operations, a tow truck operator shall wear high-visibility safety apparel (reflective vest) that meets the Class 2 or Class 3 requirements of the ANSI/ISEA 107-2004.

(4) Unless otherwise prohibited by law, a tow truck operator shall sweep and pick up all debris from the roadway and the entire scene prior to leaving the scene, including but not limited to glass, auto parts, fluids, and absorbents. Fluids do not include gasoline and diesel fuel.

(5) The tow truck operator shall use absorbent to remove any spillage from the disabled vehicles and shall dispose of the absorbent in plastic bags or appropriate containers in accordance with applicable federal, State, and local laws and regulations.

(6) A tow truck operator and tow truck may not leave a scene until released by the investigating trooper.

(7) Prior to leaving a scene, a tow truck operator shall obtain the required information for the towing company's records from the investigating trooper, including the report number.

(8) While performing tow operations, a tow truck operator may not use profanity or discriminate in any manner against any person because of race, color, religion, creed, age, sex, marital status, sexual orientation, national origin, ancestry, or physical or mental disabilities.

.10 Categories of Towing.

A. Category I—Light Duty Towing.

(1) Light duty towing means the towing and recovery of any vehicle with a GVWR of up to 10,000 pounds.

(2) A towing company seeking authorization to conduct light duty towing and recovery in areas containing interstate highways shall have two or more properly equipped tow trucks meeting or exceeding the requirements for Light Duty Tow Truck Classification. One of the two tow trucks shall be a rollback as defined by Transportation Article, §11-151.1, Annotated Code of Maryland.

(3) A towing company that does not meet the requirements of §A(2) of this regulation but seeks authorization to conduct light duty towing and recovery on interstate highways in Carroll, Frederick, Washington, Allegany, or Garrett County may request and receive written approval from the barrack commander of the jurisdiction applied to for inclusion on any list.

(4) A towing company seeking authorization to conduct light duty towing and recovery in areas not containing interstate highways shall have one or more properly equipped tow trucks meeting or exceeding the requirements for Light Duty Tow Truck Classification.

B. Category II—Medium Duty Towing.

(1) Medium duty towing means the towing and recovery of any vehicle with a GVWR between 10,001 and 20,000 pounds.

(2) A towing company seeking authorization to conduct medium duty towing and recovery shall have one or more properly

equipped tow trucks meeting or exceeding the requirements for Medium Duty Tow Truck Classification.

C. Category III—Heavy Duty Towing.

(1) Heavy duty towing means the towing and recovery of any vehicle with a GVWR greater than 20,001 pounds.

(2) A towing company seeking authorization to conduct heavy duty towing and recovery shall have one or more properly equipped tow trucks meeting or exceeding the requirements for Heavy Duty Tow Truck Classification.

.11 Tow Truck Classifications.

A. Light Duty Tow Truck. The Light Duty Tow Truck Classification means a:

(1) Tow truck with:

(a) A 11,000 GVWR minimum chassis;

(b) A minimum boom rating of 4 tons or more;

(c) A hydraulic winch with a minimum rating of 8,000 pounds;

(d) A minimum of four chains or recovery straps, 10 feet in length, with a maximum working load capacity of 3,900 pounds;

(e) A minimum of one snatch block per winch with a minimum rating of 2 tons;

(f) A wheel lift and equipment for towing motorcycles; and

(g) Dollies equipped to be able to tow all-wheel-drive vehicles; or

(2) Flatbed car carrier with:

(a) A 17,500 GVWR minimum chassis;

(b) A hydraulic winch with a minimum rating of 8,000 pounds and with a minimum 50 feet of 3/8 cable on winch;

(c) A minimum of four chains or recovery straps, 10 feet in length, with a maximum working load capacity of 3,900 pounds;

(d) A minimum of one snatch block per winch with a minimum rating of 2 tons; and

(e) A wheel lift for a second vehicle.

B. Medium Duty Tow Truck. The Medium Duty Tow Truck Classification means a tow truck with:

(1) A 25,000 GVWR minimum chassis;

(2) A minimum boom rating of 12 tons or more;

(3) Two hydraulic winches with a minimum rating of 12,000 pounds each and with a minimum 150 feet of 7/16 cable on each winch;

(4) A minimum of four chains, 10 feet in length, with a minimum working load capacity of 5,400 pounds;

(5) A minimum of two snatch blocks per winch with a minimum rating of 4 tons; and

(6) A minimum of two recovery straps, 6 inches wide, at least 20 feet in length, with a minimum capacity of 8,400 pounds.

C. Heavy Duty Tow Truck. The Heavy Duty Tow Truck Classification means a dual axle tow truck with:

(1) A 50,000 GVWR minimum chassis;

(2) A minimum boom rating of 40 tons or more;

(3) Two hydraulic winches with a minimum rating of 25,000 pounds each and with a minimum of 200 feet of 9/16 cable on each winch;

(4) A minimum of four chains, 10 feet in length, with a minimum working load capacity of 15,000 pounds;

(5) A minimum of two snatch blocks with a minimum rating of 8 tons; and

(6) A minimum of two recovery straps, 12 inches wide, at least 20 feet in length, with a minimum capacity of 18,000 pounds.

.12 Tow Truck Equipment.

A. In addition to the requirements under Regulation .11 of this chapter, a tow truck shall carry the following equipment:

(1) Mechanic's tools necessary to complete the tow service;

(2) Lights, flags, or reflectors suitable for placing on the roadway to warn other motorists of the presence of a disabled vehicle;

(3) A dry powder or carbon dioxide fire extinguisher of not less than 10-pound capacity;

(4) A light bar mounted on the truck that is clearly visible to traffic;

(5) Absorbent in the minimum amount of at least 20 pounds;

(6) Disposable plastics bags or container capable of holding 20 pounds of debris;

(7) A shovel;

(8) A broom; and

(9) Any other towing equipment necessary for the performance of towing services.

B. A tow truck shall be lettered with the business name on each side of the vehicle. The lettering shall be legible from a distance of 50 feet and shall comply with Transportation Article, §22-404.3, Annotated Code of Maryland.

.13 Insurance.

A. A towing company shall provide a certificate of insurance coverage at the time of the initial application process and at each annual renewal process.

B. A towing company must comply with the Federal Motor Carrier Safety Administration regulations and carry "for hire property" (hazardous material) insurance coverage at a minimum of \$1,000,000.

C. In addition to §B of this regulation, a towing company shall also maintain a minimum of \$60,000 of on-hook/cargo insurance for each vehicle towed.

.14 Complaints Against Approved Towing Companies.

A. Violation of any of the requirements for inclusion on the Department's list of approved towing companies, or of any federal, State, or local laws, shall be cause for immediate warning, suspension, or removal of an approved towing company from the list following a Department investigation with a sustained finding.

B. The Department shall initiate a complaint investigation upon receiving a complaint or allegation by a citizen, police officer, or member of a private or public organization.

C. Information received by Department employees pertaining to an alleged violation of a requirement, statute, or ordinance shall be recorded on a Tow Service Complaint Form (MSP 192).

D. A Department employee receiving information of an alleged violation of a requirement, statute, or ordinance shall promptly forward the information to the appropriate barrack commander.

E. A Department police employee shall initiate the appropriate enforcement action when a requirement, statute, or ordinance has been violated and shall report such information on a Tow Service Complaint Form (MSP 192).

F. If a complaint is sustained following a complaint investigation, an installation commander shall take action that is appropriate, within the scope of the installation commander's authority, and consistent with these regulations. This may include a warning, a suspension, or removal of the towing company from the tow list.

G. If a complaint results in a sustained finding, a barrack commander shall notify the approved towing company via certified mail that:

(1) A complaint was received;

(2) A specific requirement, statute, or ordinance has been violated;

(3) A specific penalty will be imposed on the towing company;

(4) The violation or deficiency must be corrected by the towing company; and

(5) If the violation or deficiency relates to equipment or personnel qualifications, the equipment or personnel may not be used for police-initiated requests until the violation or deficiency has been

corrected and the correction has been verified by the barrack commander or designee.

H. Complaint Initiated by Towing Company.

(1) If an approved towing company wishes to file a complaint in reference to a perceived inequity of tow assignments at a barrack, the towing company shall make the complaint in writing directly to the barrack commander.

(2) The barrack commander shall address any identified inequities at the local level.

(3) The approved towing company owner may request an informal review of the decision with the barrack commander.

(4) A determination made by a barrack commander as to whether an inequity has occurred will be final.

.15 Warning, Suspension, Removal, and Appeal.

A. A Department barrack commander or designee shall warn, suspend, or remove an approved towing company in accordance with this regulation when:

(1) The Department receives a complaint regarding an approved towing company, and a barrack commander determines the approved towing company violated any of the regulations in this chapter; or

(2) The approved towing company violated any other law that may affect the approved towing company's ability to adequately perform in accordance with the provisions of this chapter.

B. *Emergency Suspension.* A barrack commander or designee, with the approval of the region commander, may emergently suspend an approved towing company if an owner, officer, or partner of an approved towing company is charged with any of the offenses specified in Regulation .06A of this chapter, until the criminal charges are adjudicated.

C. *Letter of Warning.* A barrack commander or designee shall issue a warning letter to an approved towing company via certified mail upon a sustained complaint for the first infraction of the following:

(1) Two late responses within 30 days, with allowances made for traffic, road, and weather conditions;

(2) Two nonresponses within 30 days;

(3) A defect involving a critical vehicle inspection item, which includes the:

- (a) Brake system;
- (b) Coupling devices;
- (c) Exhaust systems;
- (d) Frames;
- (e) Fuel systems;
- (f) Vehicle lighting;
- (g) Securement of cargo;
- (h) Steering mechanisms;
- (i) Suspensions;
- (j) Tires; or
- (k) Windshield wipers;

(4) A failure to satisfactorily clean a scene as determined by a trooper at the scene;

(5) A failure to maintain business hours according to Regulation .03 of this chapter;

(6) A failure to notify the towing supervisor within 5 days after hiring or removing a tow truck operator;

(7) A violation of a zoning or county code provision; or

(8) A violation of this chapter, with the exception of those provisions listed in §D of this regulation.

D. Suspensions and Revocations.

(1) A barrack commander or designee shall issue a suspension of up to 30 days to an approved towing company via certified mail upon a sustained complaint for the following:

(a) Five late responses within 90 days, with allowances made for traffic, road, and weather conditions;

(b) Five nonresponses within 90 days;

(c) One occasion of an unexcused overcharging of fees on a bill in violation of local code;

(d) One incident of causing injury or property damage through negligence;

(e) One occasion of failing to store or immediately take a disabled vehicle directly to a secured lot at the facility listed on the Tow Truck Service Application (MSP 194) or to a location specified by the owner of the vehicle;

(f) One occasion of failing to maintain required insurance without interruptions;

(g) One occasion of failing to obey the directions of police at a scene;

(h) One occasion of using of abusive language or being discourteous to a citizen or police personnel while performing tow services;

(i) One occasion of employing an unqualified operator;

(j) One occasion of utilizing another towing company to perform requested work in violation of Regulation .03 of this chapter;

(k) One occasion of violating State motor vehicle law while responding to or performing a police-initiated tow;

(l) Two occasions within 6 months of failing to satisfactorily clean a scene as determined by a trooper at the scene;

(m) Two occasions within 6 months of failing to maintain business hours in violation of Regulation .03 of this chapter;

(n) Two occasions within 6 months of failing to notify the barrack towing supervisor within 5 days after hiring or removing a tow truck operator;

(o) Two occasions within 6 months of violating of a zoning or county code provision; or

(p) Two occasions within 6 months of violating this chapter, with the exception of those provisions listed in §D(2) or (3) of this regulation.

(2) A barrack commander or designee shall issue a suspension between 45 and 90 days to an approved towing company via certified mail upon a sustained complaint for the following:

(a) Ten late responses within 180 days, with allowances made for traffic, road, and weather conditions;

(b) Ten nonresponses within 180 days;

(c) Two occasions within 6 months of an unexcused overcharging of fees on a bill in violation of local code;

(d) Two incidents within 6 months of causing injury or property damage through negligence;

(e) Two incidents within 6 months of failing to store or immediately take a disabled vehicle directly to a secured lot at the facility listed on the Tow Truck Service Application (MSP 194) or to a location specified by the owner of the vehicle;

(f) Two incidents within 24 months of failing to maintain required insurance without interruptions;

(g) Two incidents within 12 months of failing to obey the directions of police at a scene;

(h) Two incidents within 12 months of using abusive language or being discourteous to a citizen or police personnel while performing tow services;

(i) Two occasions within 12 months of employing an unqualified operator;

(j) Two occasions within 12 months of utilizing another towing company to perform requested work in violation of Regulation .03 of this chapter;

(k) Two occasions within 12 months of violating State motor vehicle law while responding to or performing a police-initiated tow;

(l) Three occasions within 12 months of failing to satisfactorily clean a scene as determined by a trooper at the scene;

(m) Three occasions within 12 months of failing to maintain business hours in violation of Regulation .03 of this chapter;

(n) Three occasions within 12 months of failing to notify the towing supervisor within 5 days after hiring or removing a tow truck operator;

(o) Three occasions within 12 months of violating a zoning or county code provision; or

(p) Three occasions within 12 months of violating this chapter, with the exception of those provisions listed in §D(1) or (3) of this regulation.

(3) A barrack commander or designee shall issue a suspension of up to 120 days or a removal from the Department tow list to an approved towing company via certified mail upon a sustained complaint for the following:

(a) 15 late responses within 12 months, with allowances made for traffic, road, and weather conditions;

(b) 15 nonresponses within 6 months;

(c) Three occasions within 12 months of an unexcused overcharging of fees on any bill in violation of local code;

(d) Three incidents within 12 months of causing injury or property damage through negligence;

(e) Three occasions within 12 months of failing to store or immediately take a disabled vehicle directly to a secured lot at the facility listed on the Tow Truck Service Application (MSP 194) or to a location specified by the owner of the vehicle;

(f) Three occasions within 48 months of failing to maintain required insurance without interruptions;

(g) Three occasions within 24 months of failing to obey the directions of police at a scene;

(h) Three occasions within 24 months of using abusive language or being discourteous to a citizen or police personnel while performing tow services;

(i) Three occasions within 24 months of employing an unqualified operator;

(j) Three occasions within 24 months of utilizing another towing company to perform requested work in violation of Regulation .03 of this chapter;

(k) Three occasions within 24 months of violating State motor vehicle law while responding to or performing a police-initiated tow;

(l) Five occasions within 24 months of failing to satisfactorily clean a scene as determined by a trooper at the scene;

(m) Five occasions within 24 months of failing to maintain business hours according to Regulation .03 of this chapter;

(n) Five occasions within 24 months of failing to notify the towing supervisor within 5 days after hiring or removing a tow truck operator;

(o) Five occasions within 24 months of violating a zoning or county code provision;

(p) Five occasions within 24 months of violating this chapter, with the exception of those provisions listed in §D(1) or (2) of this regulation;

(q) One occasion of failing to allow an inspection by a Department towing supervisor or designee;

(r) One occasion of violating criminal law directly related to towing, road service, or storage of a vehicle;

(s) One occasion of discrimination in any manner against a person because of race, color, religion, creed, age, sex, marital status, nation origin, ancestry, or physical or mental disability while performing tow operations; or

(t) One occasion of not properly conducting random testing for controlled substance and alcohol use pursuant to Federal Motor Carrier Safety Regulations Part 382 as adopted in Transportation Article, §25-111, Annotated Code of Maryland.

E. Appeal.

(1) A towing company that receives a warning, suspension, or removal pursuant to this chapter may request an informal review with the barrack commander.

(2) After conducting an informal review, the barrack commander shall render a decision in writing that upholds, modifies, or rescinds the warning, suspension, or revocation. The barrack commander shall mail the decision to the towing company via certified mail.

(3) An owner of the towing company may appeal the barrack commander's decision to the Chief of the Field Operations Bureau. The appeal shall be in writing and be received within 30 days of the barrack commander's decision.

(4) Upon receipt of a towing company's appeal, the Chief of the Field Operations Bureau shall designate a region commander to review the approved towing company's appeal.

(5) The designated region commander shall complete the review and render a decision in writing. The decision shall be sent via certified mail to the towing company within 30 days from the date the appeal is received by the Chief of the Field Operations Bureau. The decision of the designated region commander is final.

MARCUS L. BROWN
Secretary of State Police

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.14 Administrative Service Fees

Authority: Insurance Article, §§2-109 and 27-216, Annotated Code of Maryland

Notice of Proposed Action

[13-286-P]

The Insurance Commissioner proposes to adopt new Regulations .01—.06 under a new chapter, **COMAR 31.15.14 Administrative Service Fees**.

Statement of Purpose

The purpose of this action is to state the standards that apply when an insurance producer who is licensed to sell health insurance in the State of Maryland charges an administrative service fee when providing certain administrative services to an employer and to adopt the form that shall be used. The standards include completion and retention of the disclosure form set forth herein.

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 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 21, 2013. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to establish the standards applicable to insurance producers authorized to sell health insurance when providing administrative services to an employer, and to adopt the disclosure form required by Insurance Article, §27-216(g)(3), Annotated Code of Maryland.

.02 Definitions.

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

B. Terms Defined.

(1) "Administrative service" has the meaning stated in Insurance Article, §27-216(g), Annotated Code of Maryland.

(2) "Administrative service fee" means a fee that is:

(a) Charged to an employer by an insurance producer for providing an administrative service to the employer; and

(b) A reasonable amount for the administrative services provided to the employer after consideration of:

(i) The fee customarily charged to a similarly situated employer for the same or similar services in the employer's location,

(ii) The time the producer spent providing the service, and

(iii) The expenses the producer incurred to provide the administrative service to the employer, including the cost of the product or service.

(3) "Disclosure form" means the form set forth in Regulation .06 of this chapter that shall be used by an insurance producer when charging a fee for an administrative service.

(4) "Health benefit plan" has the meaning stated in Insurance Article, §2-112.2, Annotated Code of Maryland.

(5) "Health insurance" has the meaning stated in Insurance Article, §1-101(p), Annotated Code of Maryland.

(6) "Insurance producer" has the meaning stated in Insurance Article, §1-101(u), Annotated Code of Maryland.

.03 Administrative Service Fee.

A. An insurance producer who is licensed under Insurance Article, Title 10, Annotated Code of Maryland to sell health insurance may not charge an administrative service fee for providing an administrative service to an employer unless the insurance producer:

(1) Clearly and accurately completes the disclosure form set forth in Regulation .06 of this chapter in accordance with this chapter and the instructions provided in the disclosure form;

(2) Lists on the disclosure form each of the administrative services to be provided and the fee for each administrative service to be provided;

(3) If the insurance producer sells a health benefit plan to the employer, discloses the amount of commission or other compensation that the insurance producer will receive from an insurer, nonprofit health service plan, or health maintenance organization related to the sale of the health benefit plan on the disclosure form;

(4) Signs the completed disclosure form and obtains the signature of the authorized representative of the employer on the completed disclosure form; and

(5) Provides the employer with a signed copy of the completed disclosure form prior to charging an administrative service fee.

B. An insurance producer may not charge an administrative service fee:

(1) For services related to the sale, solicitation, negotiation, or servicing of a health benefit plan of an employer that are compensated by commissions or other compensation paid to the insurance producer by an insurer, nonprofit health service plan, or health maintenance organization; or

(2) For services provided when an insurance producer acts as an administrator under Insurance Article, Title 8, Subtitle 3, Annotated Code of Maryland or an Adviser under Insurance Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.04 Records.

A. An insurance producer shall retain a copy of the signed disclosure form for a period of 5 years.

B. An insurance producer shall retain documentation of the actual costs associated with providing the administrative service to an employer for a period of 5 years.

.05 Rebating, Inducement, Coerced, or Tie-in Sales.

A. An insurance producer may not provide an administrative service to an employer unless an administrative service fee is charged for the administrative service.

B. An insurance producer who provides an administrative service without charging an administrative service fee shall be subject to disciplinary action under the Insurance Article, Annotated Code of Maryland.

.06 Disclosure Form.

The disclosure form required by Regulation .03 shall read as follows:

NOTE: This form appears at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

THERESE M. GOLDSMITH
Insurance Commissioner

Title 33 STATE BOARD OF ELECTIONS

Subtitle 08 CANVASSING

33.08.05 Post Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, and 11-201, Annotated Code of Maryland

Notice of Proposed Action

[13-276-P]

The State Board of Elections proposes to amend Regulation .04 under **COMAR 33.08.05 Post Election Verification and Audit**. This action was considered by the State Board of Elections at its July 25, 2013, meeting, notice of which we given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define requirements for selecting precincts for a post- election verification and audit.

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 Nikki Baines Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

.04 Selection of Precincts.

A. (text unchanged)

B. *Each local board shall:*

(1) *Select the precincts at an open session of the local board; and*

(2) *Provide notice of the open session as required under State Government Article, §10-506, Annotated Code of Maryland.*

[B.] C.—[C.] D. (text unchanged)

LINDA H. LAMONE

State Administrator of Elections

Subtitle 09 VOTING SYSTEMS — CERTIFICATION AND GENERAL REQUIREMENTS

Notice of Proposed Action

[13-278-P]

The State Board of Elections proposes to amend:

(1) Regulations **.02** and **.05** under **COMAR 33.09.01 Definitions; General Provisions;** and

(2) Regulation **.05** under **COMAR 33.09.03 State Board Certification — Preliminary Submissions.**

This action was considered by the State Board of Elections at its July 25, 2013 meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify the applicability of the voting system certification program, add certain individuals to the list of certification specialists, and add certain requirements to voting system vendors seeking certification.

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 Nikki Baines Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

33.09.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 9-102(b), Annotated Code of Maryland

.02 Scope.

This subtitle [applies to a vendor of] *establishes the certification process for* a voting system [that is seeking for its voting system to become selected and certified] *to be used* for voting in polling places and a voting system for absentee voting as required by Election Law Article, §9-101, Annotated Code of Maryland.

.05 Specialists; Evaluation Agent.

A. Employment of Specialists.

(1) (text unchanged)

(2) The specialists may include:

(a) — (d) (text unchanged)

(e) A specialist in computer science; [and]

(f) *A specialist in computer security; and*

[(f)] (g) (text unchanged)

(3) (text unchanged)

(B) (text unchanged)

33.09.03 State Board Certification — Preliminary Submissions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 9-102(b), Annotated Code of Maryland

.05 Technical Data Package.

A. Required Information — In General. The technical data package shall contain all documentation previously submitted for the qualification testing of the system, including each of the following:

(1)—(6) (text unchanged)

(7) Customer documentation; [and]

(8) *Any known and unresolved system problems; and*

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

B.—C. (text unchanged)

LINDA H. LAMONE

State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

Notice of Proposed Action

[13-279-P]

The State Board of Elections proposes to:

(1) Amend Regulation **.01** under **COMAR 33.13.01 Definitions;**

(2) Amend Regulation **.02** under **COMAR 33.13.02 Campaign Finance Report;**

(3) Amend Regulation **.01** under **COMAR 33.13.10 Prohibitions;**

(4) Adopt new Regulations **.01—.03** under a new chapter, **COMAR 33.13.12 Legislative Party Caucus Committee;** and

(5) Adopt new Regulations **.01—.07** under a new chapter, **COMAR 33.13.13 Administrative Accounts.**

This action was considered by the State Board of Elections at its July 25, 2013, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to define certain terms, require reporting of contributions from certain entities, and establish requirements for certain committees and certain accounts and funds.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nikki Baines Charlson, Director, Election Management and Reform, State Board of Elections, P.O. Box 6486, Annapolis MD 21401-0486, or call 410-269-2843, or email to nikki.charlson@maryland.gov, or fax to 410-974-2019. Comments will be accepted through October 21, 2013. A public hearing has not been scheduled.

33.13.01 Definitions

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-245, and Title 13, Subtitle 3, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Legislative party caucus committee” has the meaning stated in Election Law Article, §1-101(bb-1), Annotated Code of Maryland.

[(5)] (6) (text unchanged)

(7) “Responsible officers” has the meaning stated in Election Law Article, §1-101(mm), Annotated Code of Maryland.

(8) “Statement of organization” means the form used to establish a political committee under Election Law Article, §13-207(c), Annotated Code of Maryland and signed by the responsible officers, and if applicable, an authorizing authority including a candidate.

(9) “Walk-around services” has the meaning stated in Election Law Article, §13-245(a), Annotated Code of Maryland.

33.13.02 Campaign Finance Report

Authority: Election Law Article, §§2-102(b)(4), 13-304(b), and 13-221(a)(3), Annotated Code of Maryland

.02 Required Contents.

A. *Report Requirements.* Except as provided in §B of this regulation, for contributions received, the campaign finance report filed by a campaign finance entity shall include:

(1)—(5) (text unchanged)

(6) Whether the contribution is from:

(a)—(b) (text unchanged)

(c) A [federal] political committee registered with the Federal Election Commission;

(d) (text unchanged)

(e) [The campaign finance entity of a Maryland candidate committee] *An authorized candidate campaign committee;*

(f) *A slate committee;*

[(f)](g) [The campaign finance entity of a] *A Maryland political party central committee;*

[(g)] (h) [The campaign finance entity of a] *A Maryland political action committee;*

(i) *A legislative party caucus committee; or*

[(h)] (j) (text unchanged)

(7) (text unchanged)

(8) For a political party central committee or a [political action committee associated with a business entity] *legislative party caucus committee*, whether the contribution was an administrative contribution;

(9) — (10) (text unchanged)

B.— E. (text unchanged)

33.13.10 Prohibitions

Authority: Election Law Article, §§2-102(b)(4) and 13-225, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Political committee organized in support of a non-federal candidate” means:

(a) *An authorized candidate campaign committee;*

(b) *A slate;*

(c) *A legislative party caucus committee, except for the administrative account;*

(d) *A political party central committee, except for the administrative account; or*

(e) *A political action committee whose major purpose is to elect candidates to non-federal offices and make coordinated expenditures or transfers to a non-federal candidate.*

33.13.12 Legislative Party Caucus Committee

Authority: Election Law Article, §§2-102(b)(4), and 13-208.1, Annotated Code of Maryland

.01 Scope.

This chapter applies to the establishment of and restrictions on legislative party caucus committees.

.02 Establishment.

A. *In General.*

(1) *Only a recognized political party may establish a legislative party caucus committee.*

(2) *Only one legislative party caucus committee may be established for each chamber of the Maryland General Assembly.*

(3) *The purpose of a legislative party caucus committee is to:*

(a) *For a Senate party committee, elect candidates to the Senate of Maryland; or*

(b) *For a House party committee, elect candidates to the Maryland House of Delegates.*

B. *By-Laws.*

(1) *The legislative party caucus committee shall develop and submit by-laws to the State Board for approval.*

(2) *The by-laws shall:*

(a) *State the purpose of the legislative party caucus committee;*

(b) *Create rules for conducting its business;*

(c) Establish permanent staff positions and define the general overall responsibilities for each such staff position; and

(d) Establish a method of amending the by-laws.

(3) All changes to the by-laws shall be submitted to the State Board within 30 days of the change for review and approval by the State Board.

(4) Except as otherwise provided in Title 13 of the Election Law Article or in this chapter, each legislative party caucus committee shall be governed according to the by-laws approved by the State Board.

C. Appointing Authority.

(1) Except as provided in §C(2) of this regulation, the appointing authority for the chairman and treasurer of a legislative party caucus committee is:

(a) For a principal political party:

(i) In the Senate of Maryland, the President of the Senate or the Senate Minority Leader; and

(ii) In the Maryland House of Delegates, the Speaker of the House or the House Minority Leader; or

(b) For a recognized, non-principal political party:

(i) If the party has elected members in the Maryland General Assembly, the highest ranking member of each respective chamber, as determined by seniority; or

(ii) If the party has no elected members in the Maryland General Assembly, the chairman of the State party central committee.

(2) The by-laws of a legislative party caucus committee may establish an alternative appointing authority.

D. Required Filings. Prior to engaging in campaign finance activity, a legislative party caucus committee shall file with the State Board:

(1) A statement of organization designating the chairman and treasurer selected by the appointing authority of the legislative party caucus committee; and

(2) By-laws that have been approved by the State Board.

.03 Restrictions.

A. Disbursements. A legislative party caucus committee may not receive or disburse money or any other thing of value unless the committee has been established in accordance with the requirements of this chapter.

B. Authority to Make Disbursements. Except as authorized and directed by the chairman, the treasurer of a legislative party caucus committee shall not make any expenditures or disbursements of the committee's assets or incur any liability on its behalf.

C. Certain Transfers and Contributions. Effective January 1, 2015, a legislative party caucus committee may make transfers or coordinated in-kind contributions greater than \$6,000 to a single candidate that it seeks to elect only if the candidate:

(1) Is a member of the recognized political party for the legislative party caucus committee; and

(2) Has filed a certificate of candidacy for the next election of the General Assembly, or a declaration of intent to seek the nomination of a recognized non-principal political party for the next election of the General Assembly; or

(3) Is an incumbent officeholder and the deadline for filing a certificate of candidacy for the office held by the incumbent has not passed.

D. Representation. Unless a legislative party caucus committee is registered with the State Board, an organization or political entity shall not represent that it is the official legislative party caucus committee for any political party.

33.13.13 Administrative Accounts

Authority: Election Law Article, §§2-102(b)(4), and 13-220.1, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following term has the meaning indicated.

B. Term Defined. "Administrative funds" means funds used for non-electoral purposes.

.02 Applicability.

Only a central committee of a recognized political party or a legislative party caucus committee may establish or maintain an administrative account.

.03 Establishment.

Prior to the receipt or disbursement of administrative funds, a central committee of a recognized political party or a legislative party caucus committee shall establish an administrative account by:

A. Opening at a financial institution that does business in the State a checking account:

(1) Designated as the administrative account; and

(2) Segregated from the campaign accounts of the political committee as required under Election Law Article, §13-220, Annotated Code of Maryland; and

B. Registering the administrative account with the financial institution and the State Board in a manner that identifies it as the administrative account of the political committee.

.04 Management.

A. Account Books. The political committee shall:

(1) Maintain account books and records for the administrative account in accordance with the requirements of Election Law Article, §13-221, Annotated Code of Maryland;

(2) Segregate the account books and records for the administrative account from the account books and records required for campaign accounts;

(3) Allow the responsible officers access to the account books and records of the administrative account; and

(4) Report all donations received, disbursements made, and outstanding obligations incurred by the administrative account on the political committee's regularly scheduled campaign finance report in accordance with Election Law Article, §13-309, Annotated Code of Maryland.

B. Other Permissible Accounts or Investments.

(1) In addition to the checking account required under Regulation .03 of this chapter, a political committee may establish additional bank accounts or temporarily invest administrative funds.

(2) Administrative funds may be invested only in:

(a) Deposit accounts at a financial institution that are insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA);

(b) Certificates of deposit with a stated rate of interest and a term of 3 years or less;

(c) Obligations of the U.S. Government or its agencies with maturities of 3 years or less; and

(d) Cash management accounts, money market accounts, or money market mutual funds that are offered and available to the general public.

C. Use of Other Permissible Accounts or Investments. Any administrative funds transferred from the administrative account into a federally insured deposit account or temporary investment vehicle shall be returned to the administrative account's checking account before such funds may be used to make disbursements.

D. Required Use of Campaign Account. Except as otherwise expressly authorized under Title 13 of the Election Law Article, all financial activity and transactions from the administrative account of

a political party central committee or legislative party caucus committee shall be governed by this regulation.

.05 Required Reporting and Contents.

A. *Disclosure.* The political committee shall report all donations received, disbursements made, and any liabilities or outstanding obligations incurred regarding the administrative accounts on the regularly scheduled campaign finance report for that political committee.

B. *Donations Received.* For donations deposited into an administrative account, the campaign finance report shall include:

- (1) The date that the donation was received;
- (2) The amount of money or fair market value of the donation;
- (3) The name of:
 - (a) The individual who made the donation;
 - (b) The business entity or other legal entity that made the donation; or
 - (c) The non-federal, out-of-State political committee that made the donation;
- (4) The address of the donor provided that:
 - (a) If the donor is an individual:
 - (i) The address where the individual resides or receives residential mail; or
 - (ii) An alternate address approved by the State Board if the State Board has granted the individual's request for confidentiality under COMAR 33.04.02; or
 - (b) If the donor is a business entity or other legal entity, the address where that business entity or other legal entity is registered, does business or receives official mail;
- (5) The method of the transaction and any other information on the transaction method required by the State Administrator;
- (6) The aggregate amount of donations received to date from the donor for the election cycle in which the campaign finance report is filed; and
- (7) A designation on the campaign finance report that the donation was to the administrative account.

C. *Disbursement Made.* For disbursements made using administrative funds, the campaign finance report shall include:

- (1) The date the disbursement was made;
- (2) The method of the disbursement transaction including any information on the transaction method required by the State Administrator;
- (3) The name and address of the payee and the ultimate recipient of the administrative funds, if other than the payee;
- (4) The amount of the disbursement;
- (5) A description of the purpose of the disbursement; and
- (6) A note on the campaign finance report explaining that the disbursement was made from the administrative account and was used for a permissible administrative purpose.

D. *Outstanding Obligations.* For outstanding obligations of the administrative account, the campaign finance report shall include:

- (1) The name and address of the person to whom an outstanding obligation is owed;
- (2) The date the outstanding obligation was incurred;
- (3) The current balance of the outstanding obligation owed at the end of the campaign finance reporting period;
- (4) For an outstanding obligation other than a loan, a brief description of the item relating to the outstanding obligation;
- (5) If the outstanding obligation is a loan, all the information required by Election Law Article, §13-230(c), Annotated Code of Maryland; and
- (6) A designation on the campaign finance report that the outstanding obligation was administrative.

.06 Permissible Uses.

A. *Permissible Use.* Administrative funds shall be used exclusively for non-campaign related activities.

B. *Permissible Activities.* The following activities are permissible non-campaign related activities and may be paid with administrative funds:

- (1) Salary for permanent staff positions, including part-time positions, as defined in the bylaws;
- (2) Office equipment and supplies for use by the committee maintaining the administrative account;
- (3) Service charges for cell phones or other electronic devices used by permanent staff;
- (4) Regular maintenance of voter files;
- (5) Voter registration activity;
- (6) Generic issue polling and research provided that such polling or research is completed more than 60 days before an election in which the committee is participating;
- (7) Research on legislative issues;
- (8) Communications with the public on legislative issues, provided that the communications occur:
 - (a) During a regular or special session of the Maryland General Assembly;
 - (b) Within 30 days before or 30 days after a regular session; and
 - (c) Within 14 days before or 14 days after a special session;
- (9) Rent, utilities and building maintenance charges for a permanent office;
- (10) Bank charges, accounting fees, tax preparation fees, or costs associated with the filing of campaign finance reports; and
- (11) Legal fees or similar professional or service fees.

.07 Prohibitions.

A. *Commingleing of Funds.* A political committee may not commingle the funds of a campaign account and an administrative account.

B. *Prohibited Activities.* The political committee may not expend administrative funds on election-related or campaign-related activities, including:

- (1) To pay for walk-around services or get-out-the-vote activities, including the cost of purchasing voter files or voter lists not maintained by the political committee;
- (2) To conduct polling specific to any State or local candidate;
- (3) To create or produce political advertising or campaign material;
- (4) To purchase supplies or equipment for use by a candidate for campaign purposes;
- (5) To pay salary or other compensation of employees, consultants, or others hired specifically to perform campaign-related activities, including get-out-the-vote activities or early voting or election day activities;
- (6) To purchase or pay usage or service charges for cell phones and other electronic devices used by get-out-the-vote consultants or other staff, employees, or volunteers brought on or hired specifically for election day activities; and
- (7) All other activities not expressly permitted in Regulation .06B of this chapter.

C. *Apportionment.* If any portion of the disbursements made in Regulation .06B of this chapter relates to a specific candidate or legislative district or to the election of a candidate except as provided as a legislative issue communication, that portion of the expense may not be paid with administrative funds.

LINDA H. LAMONE
State Administrator of Elections

Errata

COMAR 10.05.05

At 40:16 Md. R. 1343 (August 9, 2013), col. 1, line 14 from the bottom:

For: 2013), has been adopted with the nonsubstantive changes shown

Read: 2012), has been adopted with the nonsubstantive changes shown

[13-19-49]

Administrative Service Fee Disclosure Form

This form is to be completed by an insurance producer if administrative service fees are proposed to be charged an employer for administrative services performed by the producer that are not otherwise compensated by commissions or other compensation paid by an insurer, nonprofit health service plan or health maintenance organization (hereinafter, "authorized insurer"). The completed form and supporting documentation for the administrative services to be provided shall be retained by the insurance producer in paper, electronic or other retrievable format for a period of 5 years.

Employer Name:_____.

Name of authorized insurer:_____.

1. Did you sell a health benefit plan to the employer listed above? ☐ **Yes** ☐ **No**

If "**Yes**", what amount of commission or other compensation has been or will be paid to you by an authorized insurer related to the health benefit plan? \$_____.

2. If no commission or other compensation is payable to you by an authorized insurer related to the health benefit plan, will you charge a fee for services rendered in replacing health insurance?
☐ **Yes** ☐ **No**

If "**Yes**", what was the amount of the fee: \$_____ and the total amount of the premium for the employer's health benefit plan: \$_____.

3. An administrative service is a service, other than a service related to the sale, solicitation, negotiation, or servicing of a health benefit plan, that an insurance producer provides to assist an employer in the three categories of activities listed below. List under each applicable category each administrative service to be provided to the employer and the fee associated with each of the administrative services. Attach additional pages to this form if necessary. No other administrative services may be provided.

a. Assisting an employer with complying with a statutory or regulatory requirement:

\$ _____ Service_____

\$ _____ Service_____

\$ _____ Service_____

b. Providing an employee benefit on behalf of an employer:

\$ _____ Service_____

\$ _____ Service_____

\$ _____ Service_____

c. Performing functions related to the management of employees of the employer:

\$ _____ Service_____

\$ _____ Service_____

\$ _____ Service_____

Administrative Service Fee Disclosure Form

The undersigned understands that an insurance producer *may not* charge administrative service fees for services compensated by commissions or other compensation paid to the insurance producer by an insurer, nonprofit health service plan, or health maintenance organization relating to a health benefit plan of an employer or performed by an insurance producer acting as an administrator under Title 8, Subtitle 3 of the Insurance Article or an advisor under Title 10, Subtitle 2 of the Insurance Article.

Signature: Insurance Producer and MD License #

Signature: Authorized Representative of Employer

Printed Name: Insurance Producer

Printed Name: Authorized Representative of Employer

Date Signed:

Date Signed:

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting
Date and Time: October 17, 2013, 9 a.m. — 5 p.m.; All Day Event
Place: The Mid Atlantic Arts Foundation, Baltimore, MD
Add'l. Info: Sculpture Jury Date for the Individual Artist Awards
Contact: Pamela Dunne (410) 767-6484
 [13-19-37]

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting
Date and Time: October 21, 2013, 9 a.m. — 5 p.m.; All Day Event
Place: The Mid Atlantic Arts Foundation, Baltimore, MD
Add'l. Info: World Music (Composition and Performance) Jury Date
Contact: Pamela Dunne (410) 767-6484
 [13-19-38]

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting
Date and Time: October 24, 2013, 9 a.m. — 5 p.m.; All Day Event
Place: The Mid Atlantic Arts Foundation, Baltimore, MD
Add'l. Info: Dance (Choreography and Solo Performance) Jury Date
Contact: Pamela Dunne (410) 767-6484
 [13-19-40]

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting
Date and Time: October 31, 2013, 9 a.m. — 5 p.m.; All Day Event
Place: The Mid Atlantic Arts Foundation, Baltimore, MD
Add'l. Info: Classical Music (Composition and Performance) Jury Date
Contact: Pamela Dunne (410) 767-6484
 [13-19-41]

MARYLAND STATE ARTS COUNCIL

Subject: Public Meeting
Date and Time: November 15, 2013, 9 a.m. — 5 p.m.; All Day Event
Place: The Mid Atlantic Arts Foundation, Baltimore, MD
Add'l. Info: Poetry Jury Date
Contact: Pamela Dunne (410) 767-6484
 [13-19-42]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting
Date and Time: October 3, 2013, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Marilyn Harris-Davis (410) 230-6229
 [13-19-35]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting
Date and Time: October 11, 2013, 9:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Gwendolyn A. Joyner (410) 764-5996
 [13-19-06]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Reduction of Bond Authorization Announcement
Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that, if within 2 years after the date of an authorization of State debt no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item #2 BONDS dated September 4, 2013, we submit for publication the following cancellation of bond authorizations in accordance with the above referenced article:

Stadium Place Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 396, Acts of 2011; \$200,000; authorized the proceeds for the

design and construction of improvements to the Stadium Place water distribution system including the addition, replacement, and removal of equipment, expansion tanks, hot water heaters, and circulating pumps in the four existing residential senior buildings, the installation of the hydroguard4-automatic flushing system and the design and construction of the new services to the existing water distribution system, located in Baltimore City.

John E. Feggans Center Renovation Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 396, Acts of 2011, and Ch. 639, Acts of 2012; \$150,000; authorized the proceeds for the construction, repair, renovation, reconstruction, and capital equipping of the John E. Feggans Center located in Seat Pleasant.

Nuttall Avenue Park Loan of 2010: Local House Initiative, Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; \$100,000; authorized the proceeds for the construction of Nuttall Avenue Park, located in Edgewood.

Stadium Place Loan of 2010: Local House Initiative, Ch. 483, Acts of 2010, amended by Ch. 396, Acts of 2011; \$100,000; authorized the proceeds for the design and construction of improvements to the Stadium Place water distribution system including the addition, replacement, and removal of equipment, expansion tanks, hot water heaters, and circulating pumps in the four existing residential senior buildings, the installation of the hydroguard4-automatic flushing system and the design and construction of the new services to the existing water distribution system, located in Baltimore City.

Franklin Entrepreneurial and Apprenticeship Center Loan of 2010: Local House Initiative, Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; \$75,000; authorized the proceeds for the construction and renovation for the Franklin Entrepreneurial and Apprenticeship Center located in Baltimore City.

John E. Feggans Center Renovation Loan of 2010: Local House Initiative, Ch. 483, Acts of 2010, amended by Ch. 396, Acts of 2011, and Ch. 639, Acts of 2012; \$55,000; authorized the proceeds for the construction, repair, renovation, reconstruction, and capital

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equipping of the John E. Feggans Center located in Seat Pleasant.

Marlboro Meadows Senior Center Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; \$50,000; authorized the proceeds for the acquisition, planning, design, construction, repair and renovation of the Marlboro Meadows Senior Center, including acquisition and installation of security equipment, located in Upper Marlboro.

Franklin Entrepreneurial and Apprenticeship Center Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; \$45,000; authorized the proceeds for the construction and renovation for the Franklin Entrepreneurial and Apprenticeship Center located in Baltimore City.

Warner Manor Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 396, Acts of 2011; \$33,100; authorized the proceeds for the design, construction, repair, renovation, and reconstruction of the Warner Manor, located in Kensington.

Bladensburg Market Square II Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; \$21,188; authorized the proceeds for the acquisition, design, construction, repair, renovation, reconstruction, and capital equipping of the second phase of the Bladensburg Market Square Project, located in Bladensburg.

Marleigh Community Safety and Surveillance System Loan of 2010: Local Senate Initiative, Ch. 483, Acts of 2010, amended by Ch. 639, Acts of 2012; \$2,813; authorized the proceeds for acquisition, construction and capital equipping for the Marleigh Community Safety and Surveillance System, located in Bowie.

Broad Creek Maryland Boys Scouts of America Ecology Conservation Learning Center Loan of 2011: Legislative House Initiative, Ch. 396, Acts of 2011; \$250,000; authorized the proceeds for the planning, design, reconstruction, renovation, and capital equipping of the Broad Creek Maryland Boys Scouts of America Ecology Conservation Learning Center, located in Whiteford.

Mattie B. Uzzle Outreach Center Loan of 2011: Legislative House Initiative, Ch. 396, Acts of 2011; \$175,000; authorized the proceeds for the construction, repair, renovation, reconstruction, and capital equipping of the Mattie B. Uzzle Outreach Center, located in Baltimore City.

Mattie B. Uzzle Outreach Center Loan of 2011: Legislative Senate Initiative, Ch. 396, Acts of 2011; \$150,000; authorized the proceeds for the construction, repair,

renovation, reconstruction, and capital equipping of the Mattie B. Uzzle Outreach Center, located in Baltimore City.

Delta Lambda Foundation Head Start Facility Loan of 2011: Legislative House Initiative, Ch. 396, Acts of 2011; \$150,000; authorized the proceeds for the renovation of the Delta Lambda Foundation Head Start Facility, located in Baltimore City.

St. Francis Xavier Head Start Loan of 2011: Ch. 396, Acts of 2011; \$125,000; authorized the proceeds for the renovation of the St. Francis Xavier Head Start facility, located in Baltimore City.

Macdonald Knolls Center Loan of 2011: Legislative House Initiative, Ch. 396, Acts of 2011; \$100,000; authorized the proceeds for design, renovation, and capital equipping of the Macdonald Knolls Center, located in Silver Spring.

Macdonald Knolls Center Loan of 2011: Legislative Senate Initiative, Ch. 396, Acts of 2011; \$100,000; authorized the proceeds for the design, renovation, and capital equipping of the Macdonald Knolls Center, located in Silver Spring.

Glenbrooke Stormwater Management Pond Renovation Loan of 2011: Legislative Senate Initiative, Ch. 396, Acts of 2011; \$30,000; authorized the proceeds for the design, renovation, and reconstruction of the Glenbrooke stormwater management pond, located in Montgomery Village.

Rehena L. Rentuma
Fiscal Specialist
Administration and Finance
Contact: Re Rentuma (410) 260-7909
[13-19-30]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: October 22, 2013, 10 a.m. — 12 p.m.

Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Thomas C. Smith (410) 875-3605
[13-19-15]

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
[13-19-25]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: October 17, 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
[13-19-21]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: October 8, 2013, 9 — 11 a.m.; part of the meeting may include a closed session

Place: 653 W. Pratt St., Baltimore, MD

Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.

Contact: Leandrea (410) 706-4449
[13-19-22]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: October 3, 2013, 1 — 3 p.m.

Place: 653 W. Pratt Street, Ste. 212, Baltimore, MD

Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.

Contact: Leandrea Giliam (410) 706-4449
[13-19-23]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: October 10, 2013, 9 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Add'l. Info: A public hearing will be conducted at 11 a.m. to hear comments from the public on the proposed license fee increase.

Contact: Pamela J. Edwards (410) 230-6262
[13-19-32]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting

Date and Time: November 19, 2013, 10 a.m. — 12 p.m.

Place: 500 N. Calvert St., Rm. 302, Baltimore, MD

Contact: Gae Herzberger (410) 230-6163
[13-19-17]

DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION

Subject: Notice of Public Hearing on Air Quality Plan

Date and Time: October 7, 2013, 1 p.m.

Place: Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD

Add'l. Info: The Maryland Department of the Environment (MDE) gives notice of a Public Hearing concerning Baltimore Nonattainment Area PM_{2.5} Redesignation Request and Maintenance Plan.

A public hearing will be held on: October 7, 2013, at the Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230 — First Floor Conference Room — 1:00 P.M. The Public Hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410(a) and 40 CFR 51.102). Interested persons are invited to attend and express their views. After the Department considers the comments received, and revises the proposal if necessary, all related items will be submitted to the U.S. Environmental Protection Agency.

An electronic copy of the proposed revision will be available on the Maryland Department of the Environment's website at http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprograms/air_planning/index.aspx. Note: the public library systems in Maryland can be used for Internet access to view the document. An electronic copy of the document can also be obtained via email by writing to Mary Jane Rutkowski at MaryJane.Rutkowski@Maryland.gov.

Copies of the document can also be viewed at the Maryland Department of the Environment Main Office, Air and Radiation Management Administration, 1800 Washington Boulevard, Baltimore, Maryland.

Hard Copy Contact: Mary Jane Rutkowski.

Written comments may be presented at the hearing, faxed to 410-537-3203, emailed to MaryJane.Rutkowski@Maryland.gov, or mailed to Mary Jane Rutkowski, MDE ARMA, 1800 Washington Boulevard, Suite

730, Baltimore, MD, 21230. Comments must be received before 5 p.m. on July 19, 2013.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

For more information, contact Mary Jane Rutkowski, Natural Resources Planner, at (410) 537-3240. Toll free in Maryland call 1-(800) 633-6101, ext. 3240, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Ste. 730, Baltimore, Maryland 21230.

Contact: Mary Jane Rutkowski (410) 537-3240

[13-19-52]

DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION

Subject: Notice of Public Hearing on Air Quality Plan

Date and Time: October 8, 2013, 1:30 p.m.

Place: Washington Co. Planning Dept., Washington Co. Administrative Annex, 80 W. Baltimore St., Hagerstown, Maryland 21740

Add'l. Info: The Maryland Department of the Environment (MDE) gives notice of a Public Hearing concerning Washington County, MD Nonattainment Area PM_{2.5} Redesignation Request and Maintenance Plan.

The Public Hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410(a) and 40 CFR 51.102). Interested persons are invited to attend and express their views. After the Department considers the comments received, and revises the proposal if necessary, all related items will be submitted to the U.S. Environmental Protection Agency.

An electronic copy of the proposed revision will be available on the Maryland Department of the Environment's website at http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprograms/air_planning/index.aspx.

Note: the public library systems in Maryland can be used for Internet access to view the document. An electronic copy of the document can also be obtained via email by writing to Mary Jane Rutkowski at MaryJane.Rutkowski@Maryland.gov.

Copies of the document can also be viewed at the

1. The Maryland Department of the Environment, Air and Radiation

Management Administration, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland.

2. Washington County Planning Department, Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland

Hard Copy Contact: Mary Jane Rutkowski.

Written comments may be presented at the hearing, faxed to 410-537-3203, emailed to MaryJane.Rutkowski@Maryland.gov, or mailed to Mary Jane Rutkowski, MDE ARMA, 1800 Washington Boulevard, Suite 730, Baltimore, MD, 21230. Comments must be received before 5 p.m. on July 19, 2013.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

For more information, contact Mary Jane Rutkowski, Natural Resources Planner, at (410) 537-3240. Toll free in Maryland call 1-(800) 633-6101, ext. 3240, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Ste. 730, Baltimore, Maryland 21230

Contact: Mary Jane Rutkowski (410) 537-3240

[13-19-53]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting

Date and Time: October 2, 2013, 10 a.m. — 3 p.m.

Place: Howard Co. Bureau of Utilities, 8720 Old Montgomery Rd., 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) 764-4722

[13-19-24]

FIRE PREVENTION COMMISSION

Subject: Public Meeting

Date and Time: October 17, 2013, 9:30 a.m.

Place: Laurel Municipal Bldg., 8103 Sandy Spring Rd., Council Chambers, Laurel, MD

Add'l. Info: If public schools in Prince George's County are CLOSED due to inclement weather, the meeting and any appeals will be rescheduled.

Contact: Heidi Ritchie (877) 890-0199

[13-19-46]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE/MEDICAID
PHARMACY AND THERAPEUTICS
COMMITTEE**

Subject: Public Meeting
Date and Time: November 7, 2013, 9 a.m. — 1 p.m.
Place: UMBC Research and Technology Park — South Campus, 1450 Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List). Classes of drugs to be reviewed are posted on the Maryland Pharmacy Program website at <http://mmcp.dhnh.maryland.gov/pap/SitePages/Public%20Meeting%20Announcements%20and%20Procedures%20for%20Public%20Testimony.aspx>.
 See website for agenda, speaker registration, restrictions, and driving directions. Submit e-mail questions to dhnh.marylandpdquestions@maryland.gov
Contact: Paul Holly (410) 767-5395

[13-19-51]

**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

[13-19-05]

**MARYLAND INSURANCE
ADMINISTRATION**

Subject: Public Meeting
Date and Time: October 9, 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 (if needed)
Contact: Nancy Egan (410) 468-2488

[13-19-28]

**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

[13-19-26]

**FACILITIES ADVISORY BOARD-
JUVENILE SERVICES**

Subject: Public Meeting
Date and Time: October 12, 2013, 10 a.m. — 12 p.m.; November 9, 2013, 10 a.m. — 12 p.m.
Place: Baltimore City Juvenile Justice Center, 2nd Fl., Large Conf. Rm., Salisbury, MD
Add'l. Info: Baltimore City Juvenile Justice Center Facility Advisory Board meeting
Contact: Bridgett Tucker (410) 752-3500 x 130

[13-19-44]

**DIVISION OF LABOR AND
INDUSTRY/BOARD OF BOILER
RULES**

Subject: Public Meeting
Date and Time: October 7, 2013, 10 a.m.
Place: 10946 Golden West Dr., Ste. 160, Hunt Valley, MD
Add'l. Info: The Board of Boiler Rules will meet to discuss issues related to boiler and pressure vessel safety, including regulations on antiques, and may consider requests for variance from regulations.
Contact: Debbie Stone (410) 767-2225

[13-19-43]

**BOARD FOR PROFESSIONAL LAND
SURVEYORS**

Subject: Public Meeting
Date and Time: October 2, 2013, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: A public hearing will be conducted to hear comments from the public on the license fee increase at 11 a.m.
Contact: Pamela J. Edwards (410) 230-6262

[13-19-31]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: September 26, 2013, 3 — 5 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Maryland Health Care Utilization Work Group
Contact: Valerie Wooding (410) 764-3570

[13-19-36]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: October 10, 2013, 9:30 — 11:30 a.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Telemedicine Technology Solutions and Standards Advisory Group
Contact: Christine Karayinopulos (410) 764-3444

[13-19-39]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: October 17, 2013, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460

[13-19-03]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Request for Determination from Certificate of Need
Add'l. Info: The Maryland Health Care Commission received a request on September 3, 2013, from University of Maryland Shore Regional Health Inc. for the acquisition and consolidation of the hospice operations of Shore Home Care and Hospice by and under Chester River

Home Care and Hospice to form Five Rivers Hospice.

A copy of the request is available for review in the office of the MHCC during regular business hours. All correspondence should be addressed to Paul Parker, Center Director, Center for Health Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.

Contact: Ruby Potter (410) 763-3276
[13-19-29]

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 Certificate of Need:

Bellona Surgery Center — Docket No. 13-03-2344 — Relocation of the existing ambulatory surgery center from 8322 Bellona Avenue, Towson to a new site at 1427 Clarkview Road, Baltimore, and the addition of one sterile operating room and one non-sterile procedure room.

Proposed Cost: \$891,000

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business October 21, 2013. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care

Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[13-19-48]

MARYLAND HEALTH CARE COMMISSION

Subject: Notice of Receipt of Application

Add'l. Info: On September 6, 2013, the Maryland Health Care Commission (MHCC) received an application for Certificate of Need submitted by Lorien Bel Air — Matter No. 13-12-2345 — Construct a new addition to house 21 additional comprehensive care beds for a total of 90 comprehensive at the facility and the 20-unit expansion of the assisted living facility located at 1909 Emmorton Road, Bel Air.

Proposed Cost: \$6,548,938

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

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

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

Contact: Ruby Potter (410) 764-3276
[13-19-50]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: October 18, 2013, 8:30 a.m. — 2 p.m.

Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.

Contact: Marilyn Pinkney (410) 402-8556
[13-19-09]

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
[13-19-18]

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
[13-19-19]

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
[13-19-20]

POLICE TRAINING COMMISSION

Subject: Public Meeting

Date and Time: October 16, 2013, 10 a.m. — 12 p.m.

Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Thomas C. Smith (410) 875-3605
[13-19-14]

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
[13-19-08]

GENERAL NOTICES

1604

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting

Date and Time: October 2, 2013, 10 a.m.
— 12 p.m.

Place: Dept. of Aging, 301 W. Preston St.,
Rm. 1007, Baltimore, MD

Contact: Paul Ballard (410) 767-6918
[13-19-01]

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

Subject: Public Meeting

Date and Time: October 8, 2013, 10:30
a.m. — 12 p.m.

Place: 500 N. Calvert St., Baltimore, MD

Contact: Patti Schott (410) 230-6165
[13-19-02]

REAL ESTATE COMMISSION

Subject: Public Meeting

Date and Time: October 16, 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
[13-19-12]

REAL ESTATE COMMISSION

Subject: Public Hearing

Date and Time: October 16, 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
[13-19-13]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting

Date and Time: October 15, 2013, 10 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
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625-5609 or 1-800-735-2258 TTY.

Contact: Angie Jenkins (410) 625-5609
[13-19-11]

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
[13-19-10]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: October 24, 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
[13-19-04]

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- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
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- 12 Adult Health
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- 18 Human Immunodeficiency Virus (HIV) Infection and  
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- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
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#### Part 5

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- 01 Office of the Secretary
  - 02 Transportation Service Human Resources System
  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
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  - 06 Mass Transit Administration
  - 07 Maryland Transportation Authority
  - 08 State Railroad Administration
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- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
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  - 22 MVA – Preventive Maintenance Program
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- 01 General Provisions
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- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
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#### Part 2

- 08 Water Pollution
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- 13 Disposal of Controlled Hazardous Substances
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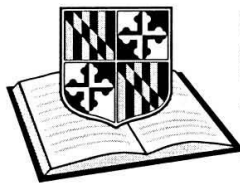
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