

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 15, 2014, 5 p.m.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 September 15, 2014.

Brian Morris
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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CLOSING DATES AND ISSUE DATES through JULY 24, 2015

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October 31**	October 10	October 22	October 20
November 14	October 27	November 5	November 3
December 1***	November 7	November 17	November 13
December 12	November 24	December 3	December 1
December 26**	December 5	December 15	December 11
January 9	December 22	December 30	December 29
January 23	January 5	January 14	January 12
February 6**	January 16	January 28	January 26
February 20	February 2	February 11	February 9
March 6**	February 13	February 25	February 23
March 20	March 2	March 11	March 9
April 3	March 16	March 25	March 23
April 17	March 30	April 8	April 6
May 1	April 13	April 22	April 20
May 15	April 27	May 6	May 4
May 29**	May 11	May 19	May 15
June 12**	May 21	June 3	June 1
June 26	June 8	June 17	June 15
July 10	June 22	July 1	June 29
July 24	July 6	July 15	July 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 Chapter Section Paragraph
 Subtitle Regulation Subsection 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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 12.10.01.09 • 41:8 Md. R. 484 (4-18-14)
 12.10.05.02 • 41:12 Md. R. 693 (6-13-14)
 12.11.06.01—.08 • 40:20 Md. R. 1677 (10-4-13)
 12.11.11.01—.15 • 40:18 Md. R. 1498 (9-6-13)

12.12.18.01—.08 • 40:18 Md. R. 1498 (9-6-13)
 12.15.01.15,.19 • 41:12 Md. R. 693 (6-13-14)
 12.15.06.01—.04 • 41:12 Md. R. 693 (6-13-14)

13A STATE BOARD OF EDUCATION

13A.01.02.06 • 41:20 Md. R. 1172 (10-3-14)
 13A.07.09 • 41:17 Md. R. 991 (8-22-14) (err)
 13A.07.09.01—.08 • 41:16 Md. R. 952 (8-8-14) (ibr)
 13A.12.01.01—.13 • 41:11 Md. R. 624 (5-30-14)

13B MARYLAND HIGHER EDUCATION COMMISSION

13B.02.01.03,.04-1 • 41:12 Md. R. 703 (6-13-14)
 13B.05.01.06,.11 • 41:14 Md. R. 838 (7-11-14)

14 INDEPENDENT AGENCIES

14.22.02.01,.02 • 41:18 Md. R. 1026 (9-5-14)
 14.26.07.01—.03 • 41:13 Md. R. 773 (6-27-14)
 14.36.01.01—.16 • 41:18 Md. R. 1031 (9-5-14)
 14.36.02.01—.11 • 41:18 Md. R. 1031 (9-5-14)
 14.36.03.01—.06 • 41:18 Md. R. 1031 (9-5-14)
 14.36.04.01—.08 • 41:18 Md. R. 1031 (9-5-14)

15 DEPARTMENT OF AGRICULTURE

15.20.04.11 • 40:21 Md. R. 1840 (10-18-13)
 15.20.07.02 • 40:21 Md. R. 1840 (10-18-13) (ibr)
 15.20.08.05 • 40:21 Md. R. 1840 (10-18-13)

17 DEPARTMENT OF BUDGET AND MANAGEMENT

17.04.11.04 • 41:18 Md. R. 1036 (9-5-14)

21 STATE PROCUREMENT REGULATIONS

21.11.01.06 • 41:18 Md. R. 1037 (9-5-14)
 21.11.14.04 • 41:14 Md. R. 857 (7-11-14)

22 STATE RETIREMENT AND PENSION SYSTEM

22.07.02.04 • 41:16 Md. R. 955 (8-8-14)

23 BOARD OF PUBLIC WORKS

23.03.02.29 • 41:17 Md. R. 979 (8-22-14)

**24 DEPARTMENT OF BUSINESS AND ECONOMIC
DEVELOPMENT**

24.05.26.03 • 41:20 Md. R. 1173 (10-3-14)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.03.13.01,.03,.04 • 41:7 Md. R. 433 (4-4-14)
 26.04.04.01—.39 • 41:18 Md. R. 1037 (9-5-14) (ibr)
 26.04.05.01—.03 • 40:25 Md. R. 2105 (12-13-13)
 26.04.11.01—.16 • 41:1 Md. R. 47 (1-10-14)

PENDING PROPOSALS

1108

Subtitles 08—12 (Part 2)

26.08.02.09 • 41:10 Md. R. 575 (5-16-14)

26.08.04.01 • 41:10 Md. R. 575 (5-16-14)

Subtitles 13—18 (Part 3)

26.17.06.01,.04—.09 • 40:22 Md. R. 1887 (11-1-13) (ibr)

41:19 Md. R. 1092 (9-19-14) (ibr)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.05.01—.15 • 41:3 Md. R. 256 (2-7-14)

31.05.04.01,.02,.05—.08 • 41:17 Md. R. 980 (8-22-14)

31.08.14.01,.02 • 40:20 Md. R. 1729 (10-4-13)

31.08.14.01—.03 • 41:12 Md. R. 717 (6-13-14)

31.08.16.01—.05 • 40:26 Md. R. 2210 (12-27-13)

31.15.13.01—.04 • 40:20 Md. R. 1730 (10-4-13)

41:12 Md. R. 720 (6-13-14)

33 STATE BOARD OF ELECTIONS

33.13.15.01—.07 • 41:17 Md. R. 984 (8-22-14)

33.13.16.01,.02 • 41:17 Md. R. 985 (8-22-14)

33.14.01.02 • 41:17 Md. R. 986 (8-22-14)

33.14.02.06 • 41:16 Md. R. 955 (8-8-14)

33.14.05.01,.02 • 41:17 Md. R. 986 (8-22-14)

33.20.03.01,.02 • 41:17 Md. R. 987 (8-22-14)

36 MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY

36.03.01.02 • 41:17 Md. R. 987 (8-22-14)

36.03.03.04 • 41:17 Md. R. 988 (8-22-14)

36.04.01.01 • 41:17 Md. R. 987 (8-22-14)

36.05.01.02 • 41:17 Md. R. 987 (8-22-14)

36.05.05.06 • 41:20 Md. R. 1173 (10-3-14)

36.05.09.02,.06,.07,.10—.12 • 41:17 Md. R. 989 (8-22-14)

36.06.01.01—.03 • 41:12 Md. R. 723 (6-13-14)

36.06.02.01,.02 • 41:12 Md. R. 723 (6-13-14)

36.06.03.01—.09 • 41:12 Md. R. 723 (6-13-14)

36.06.04.01—.04 • 41:12 Md. R. 723 (6-13-14)

36.06.05.01—.06 • 41:12 Md. R. 723 (6-13-14)

36.06.06.01 • 41:12 Md. R. 723 (6-13-14)

The Judiciary

COURT OF APPEALS OF MARYLAND

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Friday, October 10, 2014, 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.

[14-20-40]

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 07

DEPARTMENT OF HUMAN RESOURCES

Notice of Availability of Evaluation Report

Pursuant to State Government Article, §10-135(b)(1), Annotated Code of Maryland, Regulatory Review and Evaluation Act, and Executive Order 01.01.2003.20, notice is hereby given that the Evaluation Report regarding COMAR 07.01, 07.02, 07.03, 07.05, and 07.07 is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Department of Human Resources, 311 W. Saratoga Street, Suite 270, Baltimore, MD 21201. Information and appointments may be obtained by contacting Andrea Shuck, Regulations Coordinator, at 410-767-2149 or 410-260-7787, by email to andrea.shuck@maryland.gov.

[14-20-50]

- 13B.02.04 Exemption Procedures for Religious Educational Institutions and Religious Institutions

SUBTITLE 06 GENERAL EDUCATION AND TRANSFER

- 13B.06 General Education and Transfer

SUBTITLE 07 COMMUNITY COLLEGES

- 13B.07.01 Scope and Definitions
- 13B.07.02 General Regulations and Policies for Community Colleges
- 13B.07.03 Community College Finance
- 13B.07.04 Construction Procedures
- 13B.07.05 Space Allocation Guidelines

Interested parties may submit comments to Lee Towers, Director of Legislative Affairs, by mail to 6 North Liberty Street, 10th Floor, Baltimore, Maryland 21201; by fax to (410) 332-0275; or by email to lee.towers@maryland.gov. Comments must be submitted by November 3, 2014.

[14-20-39]

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Notice of Opportunity for Public Inspection and Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article §§ 10-130-10-139, Annotated Code of Maryland, The Maryland Higher Education Commission (MHEC) is reviewing and evaluating regulations codified within COMAR Title 13B. The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions.

Regulations being reviewed include:

SUBTITLE 01 NONPUBLIC SCHOOLS

- 13B.01.01 Minimum Requirements for Private Career Schools
- 13B.01.02 Joseph A. Sellinger Program – Aid to Non-Public Higher Education Institutions

SUBTITLE 02 ACADEMIC REGULATIONS

- 13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland
- 13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions
- 13B.02.03 Academic Programs – Degree-Granting Institutions

Final Action on Regulations

Symbol Key

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

Title 03 COMPTROLLER OF THE TREASURY

Subtitle 03 MOTOR FUEL TAX

03.03.05 Motor Fuel Inspection

Authority: Tax-General Article, §2-103; Business Regulation Article, §§10-202 and 10-323.1; Annotated Code of Maryland

Notice of Final Action

[14-180-F]

On September 23, 2014, the Comptroller of the Treasury adopted amendments to Regulation .04 under **COMAR 03.03.05 Motor Fuel Inspection**. This action, which was proposed for adoption in 41:13 Md. R. 756 — 757 (June 27, 2014), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 13, 2014.

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:

The changes made to the final regulation only push back the effective date to allow the industry to adopt to the amended regulations.

.04 Specifications for No. 1 and No. 2 Fuel Oil (ASTM D-396).

No. 1 fuel oil is a distillate oil intended for vaporizing pot-type and similar burners. No. 2 fuel oil is a distillate oil for general purpose domestic heating use in burners not requiring No. 1 fuel oil. Both shall meet the requirements of the following specifications, when tested in accordance with the latest version of the American Society for Testing and Materials Methods of Tests:

	No. 1 Fuel Oil	No. 2 Fuel Oil
A.—F. (text unchanged)		
G. Sulfur (ASTM D-1552) percent by mass shall not exceed the following maximums:		
(1) On and after [[July 1, 2014]] <u>November 1, 2014</u>	0.20	0.20
(2) On and after July 1, [[2015]] <u>2016</u>	0.05	0.05
(3) No. 1 and No. 2 Fuel Oil that was stored in this State by the ultimate final consumer prior to July 1, [[2015]] <u>2016</u> , which met the applicable maximum allowable sulfur		

content for fuel oil before July 1, ~~[[2015]]~~ 2016, set forth in §G(2) of this regulation at the time it was stored, may be used by the ultimate consumer in the State on and after July 1, ~~[[2015]]~~ 2016, until the supply is depleted.

H.—I. (text unchanged)

*(note unchanged)

PETER FRANCHOT
Comptroller

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 19 HOMEBUYER EDUCATION AND COUNSELING

05.19.03 Foreclosure Prevention and Housing Counseling Grant Programs

Authority: Commercial Law Article, §12-1303; Housing and Community Development Article, §§2-102 and 4-507; Real Property Article, §7-105.1, Annotated Code of Maryland

Notice of Final Action

[14-213-F]

On September 15, 2014, the Acting Secretary of Housing and Community Development adopted new Regulations .01—.12 under a new chapter, **COMAR 05.19.03 Foreclosure Prevention and Housing Counseling Grant Programs**. This action, which was proposed for adoption in 41:15 Md. R. 895—898 (July 25, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

CLARENCE J. SNUGGS
Acting Secretary of Housing and Community Development

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.02 Harness Racing

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

Notice of Final Action

[14-162-F]

On September 16, 2014, the Maryland Racing Commission adopted amendments to Regulation .19 under **COMAR 09.10.02 Harness Racing**. This action, which was proposed for adoption in 41:12 Md. R. 683—684 (June 13, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

J. MICHAEL HOPKINS
Executive Director

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

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

Notice of Final Action

[14-201-F]

On September 16, 2014, the Maryland Racing Commission adopted amendments to Regulation .01-1 under **COMAR 09.01.03 Prohibited Acts**. This action, which was proposed for adoption in 41:14 Md. R. 808—809 (July 11, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

J. MICHAEL HOPKINS
Executive Director

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.22 Continuing Education

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

Notice of Final Action

[14-069-F]

On September 12, 2014, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .04, .06, and .08 under **COMAR 10.44.22 Continuing Education**. This action, which was

proposed for adoption in 41:3 Md. R. 239 (February 7, 2014), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 13, 2014.

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 .04C, D, and I and Regulation .06A: Reinstating the existing text that was being proposed for deletion does not substantially affect the rights, duties, or obligations of the regulated group or the public.

.04 Requirements.

A.—B. (text unchanged)

[[[]]]C. A licensee seeking renewal in 2011 and thereafter shall complete a Board-approved course of 2 hours in abuse and neglect.

D. The 2-hour, board-approved course in abuse and neglect required by §C of this regulation shall:

- (1) Be completed by each licensee every other renewal cycle;
- (2) Relate to Maryland law on the subject of abuse and neglect;

and

- (3) Count toward the 30 full hours of required continuing education. [[[]]]

[[[C.]]] E. (proposed text unchanged)

[[[D.]]] E. *The 2-hour Board-approved course on proper prescribing and disposal of prescription drugs required by [[[\$C]]] §E of this regulation shall be completed by each dentist every other renewal cycle.*

[[[E.]]] G.—[[[F.]]] H. (text unchanged)

[[[G.]]] L. *A licensee may receive up to 2 continuing education hours for Board-approved courses on abuse[[.]] and neglect [[, or human trafficking]].*

[[[H.]]] L.—[[[J.]]] L. (proposed text unchanged)

.06 Course and Program Eligibility.

A. Eligibility Guidelines.

- (1) (text unchanged)

(2) *Abuse [[.]] and Neglect [[, or Human Trafficking]] Courses, Cultural Competency Courses, and Pro Bono Programs.* To qualify for continuing education credit for license renewal:

(a) [[[]]]The mandatory course in abuse and neglect identified in Regulation .04C and D of this chapter: [[] *Abuse, neglect, or human trafficking courses:*]]

- (i)—(ii) (proposed text unchanged)

- (b)—(c) (text unchanged)

B. (text unchanged)

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

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

13A.12.04 Administrators and Supervisors

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705,
Annotated Code of Maryland

Notice of Final Action

[14-173-F]

On September 4, 2014, the Professional Standards and Teacher Education Board adopted amendments to Regulations **.02** and **.03** under **COMAR 13A.12.04 Administrators and Supervisors**. This action, which was proposed for adoption in 41:12 Md. R. 702 (June 13, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

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

Title 14 INDEPENDENT AGENCIES

Subtitle 31 OFFICE FOR CHILDREN

14.31.01 Local Care Teams and State Coordinating Council

Authority: Education Article, §§8-103—8-303 and 8-401—8-417; Health-General Article, §§2-102, 2-104, 2-105, 4-305—4-307, 7-1007, 10-204, 10-712, 10-1203, and 15-102.1; Human Services Article, §§2-202, 2-203, 2-209, 4-204, 4-205, 4-207, 9-202, 9-204, and 9-221; Annotated Code of Maryland

Notice of Final Action

[14-189-F]

On August 26, 2014, the Children's Cabinet adopted the repeal of existing Regulation **.05** and adopted new Regulation **.05** under **COMAR 14.31.01 Local Care Teams and State Coordinating Council**. This action, which was proposed for adoption in 41:14 Md. R. 839 (July 11, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

ANNE SHERIDAN
Executive Director
Governor's Office for Children

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 06 FIRE PREVENTION COMMISSION

29.06.04 Fees for Fire Prevention Services

Authority: Public Safety Article, §6-206, Title 6, Subtitle 3, and Title 9,
Subtitle 7, Annotated Code of Maryland

Notice of Final Action

[14-229-F]

On September 22, 2014, the Secretary of State Police adopted amendments to Regulations **.01**—**.05** under **COMAR 29.06.04 Fees for Fire Prevention Services**. This action, which was proposed for adoption in 41:15 Md. R. 915 (July 25, 2014), has been adopted as proposed.

Effective Date: November 1, 2014.

MARCUS L. BROWN
Secretary of State Police

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

Subtitle 01 GENERAL

30.01.02 Documents Incorporated by Reference

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

Notice of Final Action

[14-212-F-I]

On September 9, 2014, the Maryland State Emergency Medical Services Board adopted amendments to Regulation **.01** under **COMAR 30.01.02 Documents Incorporated by Reference**. This action was taken at a public meeting, notice of which was given by publication in 41:17 Md. R. 993 (August 22, 2014) under State Government Article, §10-506(c), Code of Maryland. This action, which was proposed for adoption in 41:15 Md. R. 915—916 (July 25, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

JEANNIE ABRAMSON
Chief Administrative Officer

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

31.03.02 Insurance Producers — Continuing Education Requirements

Authority: Insurance Article, §§2-109, 10-115, and 10-116, Annotated Code of Maryland

Notice of Final Action

[14-187-F]

On September 12, 2014, the Insurance Commissioner adopted amendments to Regulations .01 — .04, .06 — .08, and .16, new Regulation .09, amendments to and the recodification of existing Regulations .09 — .14 to be Regulations .10 — .15, and the repeal of existing Regulation .15 under COMAR 31.03.02 Insurance Producers — Continuing Education Requirements. This action, which was proposed for adoption in 41:14 Md. R. 858—861 (July 11, 2014), has been adopted with the nonsubstantive changes shown below.

Effective Date: February 1, 2015.

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 .02B(5)(c): The language “if applicable” was added. Many instructors are company personnel, some are retired personnel, both of which do not maintain a producer license. This nonsubstantive change requires an instructor to provide the instructor’s license only if applicable.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

(5) “*Course completion roster*” means a listing of candidates who have completed a continuing education course, provided in a format determined by the Commissioner, which includes the following:

(a)—(b) (text unchanged)

(c) *The instructor’s license number, if applicable; and*

(d) (text unchanged.)

(6)—(20) (text unchanged.)

THERESE M. GOLDSMITH
Insurance Commissioner

Subtitle 04 INSURERS

31.04.22 Title Insurers

Authority: Insurance Article, §§2-108, 2-109, 10-121, and 10-128.1,
Annotated Code of Maryland

Notice of Final Action

[13-406-F]

On September 22, 2014, the Insurance Commissioner adopted new Regulations .01—.08 under a new chapter, COMAR 31.04.22 Title Insurers. This action, which was proposed for adoption in 40:25 Md. R. 2138—2140 (December 13, 2013) and repropose in 41:15 Md. R. 916—917 (July 25, 2014), has been adopted as repropose.

Effective Date: December 1, 2014.

THERESE M. GOLDSMITH
Insurance Commissioner

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.08 Payment of Claims Under Life and Health Policies Annuity Contracts

Authority: Health-General Article, §19-706(g); Insurance Article, §1-301, 2-109, 2-205, 2-207, 4-113, 8-455, 10-102, 10-103, 10-118, 10-126, 10-130, 10-131, 10-401—10-406, 10-410, 14-112, 14-124, 14-407, 14-408, 14-409, 14-416, 15-1004, 15-1005, 27-102, Title 15, Subtitle 7, and Title 27, Subtitle 3,
Annotated Code of Maryland

Notice of Final Action

[14-224-F]

On September 12, 2014, the Insurance Commissioner adopted amendments to Regulation .06 under COMAR 31.15.08 Payment of Claims Under Life and Health Policies Annuity Contracts. This action, which was proposed for adoption in 41:15 Md. R. 918 (July 25, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

THERESE M. GOLDSMITH
Insurance Commissioner

Title 36

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 02 LOTTERY PROVISIONS

36.02.09 Special Operation Licenses for Instant Ticket Lottery Machines

Authority: State Government Article, §9-112, Annotated Code of Maryland

Notice of Final Action

[14-214-F]

On September 9, 2014, the Maryland Lottery and Gaming Control Agency adopted new Regulations **.01 — .05** under a new chapter, **COMAR 36.02.09 Special Operation Licenses for Instant Ticket Lottery Machines**. This action, which was proposed for adoption in 41:15 Md. R. 918 — 919 (July 25, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

STEPHEN L. MARTINO
Director

Subtitle 05 TABLE GAMES

Notice of Final Action

[14-215-F]

On September 9, 2014, the Maryland Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulation **.13** under **COMAR 36.05.04 Blackjack Rules**;
- (2) Regulations **.02, .06, .07, and .10—12** under **COMAR 36.05.11 Mississippi Stud Rules**;
- (3) Regulation **.12** under **COMAR 36.05.14 Three Card Poker Rules**; and
- (4) Regulations **.02, .06, .07, and .10—12** under **COMAR 36.05.16 Ultimate Texas Hold 'Em Rules**.

This action, which was proposed for adoption in 41:15 Md. R. 919 — 923 (July 25, 2014), has been adopted as proposed.

Effective Date: October 13, 2014.

STEPHEN L. MARTINO
Director

Withdrawal of Regulations

Title 02 OFFICE OF THE ATTORNEY GENERAL Subtitle 01 CONSUMER PROTECTION DIVISION

02.01.11 *New Home Warranty Security Plans*

Authority: Real Property Article, §10-601 et seq., Annotated Code of Maryland

Notice of Withdrawal

[13-242-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.05 under a new chapter, **COMAR 02.01.11 New Home Warranty Security Plans**, which was published in 40:17 Md. R. 1423—1425 (August 23, 2013), has been withdrawn by operation of law.

BRIAN MORRIS
Acting Administrator
Division of State Documents

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

Notice of Withdrawal

[13-377-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulations .02—.04 and adopt new Regulation .05, which was published in 40:19 Md. R. 1564—1565 (September 20, 2013), has been withdrawn by operation of law.

BRIAN MORRIS
Acting Administrator
Division of State Documents

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION Subtitle 01 OFFICE OF THE SECRETARY

09.01.09 *New Home Warranty Security Plans*

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

Notice of Withdrawal

[13-248-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to repeal Regulations .01—.09, which was published in 40:18 Md. R. 1492—1493 (September 6, 2013), has been withdrawn by operation of law.

BRIAN MORRIS
Acting Administrator
Division of State Documents

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 Withdrawal

[13-271-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations .01—.16 under a new chapter, **COMAR 14.32.09 Public Information Act Requests**, which was published in 40:19 Md. R. 1566—1567 (September 20, 2013), has been withdrawn by operation of law.

BRIAN MORRIS
Acting Administrator
Division of State Documents

**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 Withdrawal

[13-272-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations ~~.01—.04~~ under a new chapter, **COMAR 14.32.10 Attendance, Recording, Photographing, and Broadcasting of Open Sessions**, which was published in 40:19 Md. R. 1568 (September 20, 2013), has been withdrawn by operation of law.

BRIAN MORRIS
Acting Administrator
Division of State Documents

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 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.01 Model Performance Code

Authority: Public Safety Article, §§12-201 — 12-204, Annotated Code of Maryland

Notice of Proposed Action

[14-286-P-I]

The Acting Secretary of Housing and Community Development proposes to amend Regulations **.02**, **.02-1**, **.03**, and **.04** under **COMAR 05.02.01 Model Performance Code**.

Statement of Purpose

The purpose of this action is to update the referenced codes as required by Public Safety Article, §12-201, Annotated Code of Maryland. These amendments will adopt the (1) 2015 Edition of the International Building Code, (2) 2015 Edition of the International Residential Code for One- and Two-Unit Family Dwellings, (3) 2015 Edition of the International Energy Conservation Code, (4) 2015 Edition of the International Mechanical Code, and (5) 2015 Edition of the International Plumbing Code, as modified by the Department, as the Model Performance Code.

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 Ed Landon, Codes Administration, Division of Credit Assurance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410 -514-7444, or email to landon@mdhousing.org, or fax to 410-987-8902. Comments will be accepted through November 3, 2014. A public hearing has been scheduled for October 10, 2014, 1—3 p.m., at the Department of Housing and Community Development, 100 Community Place, Crownsville Maryland 21032.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the (1) 2015 Edition of the International Building Code, (2) 2015 Edition of the International Residential Code for One- and Two-Unit Family Dwellings, (3) 2015 Edition of the International Energy Conservation Code, (4) 2015 Edition of the International Mechanical Code, and (5) 2015 Edition of the International Plumbing Code have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 41:1 Md. R. 9 (January 10, 2014), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 General.

- (text unchanged)
- Application.
 - (text unchanged)

(2) For industrialized buildings approved by an approved testing facility under COMAR 05.02.04 after the effective date of these regulations:

(a) This chapter and the codes incorporated by reference apply to any approved building provided that construction begins prior to 6 months after the Department’s adoption of the [2015] 2018 edition of the International Building Code; and

(b) The approved testing facility shall state in its approval letter to the Department and the manufacturer of the building:

(i) (text unchanged)

(ii) That approval will expire for a building unless construction begins prior to 6 months after Department’s adoption of the [2015] 2018 edition of the International Building Code.

(3) For industrialized buildings approved by an approved testing facility under COMAR 05.02.04 prior to the effective date of these regulations, the previous version of COMAR 05.02.01 and the [2009] 2012 International Building Code shall apply provided that construction begins prior to 6 months after the effective date of these regulations.

C. — D. (text unchanged)

.02-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) [2012] 2015 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(2) [2012] 2015 International Plumbing Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(3) (text unchanged)

(4) [2012] 2015 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(5) [2012] 2015 International Mechanical Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(6) [2012] 2015 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(7) (text unchanged)

.03 Model Performance Code.

A. The standards incorporated by reference in Regulation .02-1 of this chapter, and modified as follows, constitute the Model Performance Code for building construction in the State:

(1) For industrialized building construction:

(a) — (e) (text unchanged)

(f) [2012] 2015 International Energy Conservation Code with the following modification: Add a note to Section 405.2.3 Specific Application Controls: For the new construction of hotels, each hotel guest room shall be equipped with a master control device in compliance with COMAR 05.02.07.04D(2);

(g) — (h) (text unchanged)

(2) For all other building construction:

(a) — (e) (text unchanged)

(f) [2012] 2015 International Energy Conservation Code with modifications related to building standards, as adopted under COMAR 05.02.07.04; and

(g) (text unchanged)

B. (text unchanged)

.04 Modifications to Model Performance Code.

A. — D. (text unchanged)

E. The administrative sections of Article 1 of the [2012] 2015 International Building Code are entirely administrative and may

require alteration to adapt them to local use. Alterations to these sections of Article 1 are therefore excluded from the requirement of concurrence by the Secretary. However, any alterations shall be forwarded to the Secretary for the Department’s records.

CLARENCE J. SNUGGS
Acting Secretary of Housing and Community Development

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.07 Maryland Building Performance Standards

Authority: Public Safety Article, §§12-501—12-508, Annotated Code of Maryland

Notice of Proposed Action

[14-287-P-I]

The Acting Secretary of Housing and Community Development proposes to amend Regulations .04 and .05 under **COMAR 05.02.07 Maryland Building Performance Standards**.

Statement of Purpose

The purpose of this action is to update the Maryland Building Performance Standards as required by Public Safety Article, §12-503, Annotated Code of Maryland, by adopting with modifications the: 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code for One- and Two-Unit Family Dwellings; and 2015 Edition of the International Energy Conservation Code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposal to adopt the 2015 Edition of the International Building Code, the 2015 Edition of International Residential Code for One- and Two-Unit Family Dwellings, and 2015 Edition of the International Energy Conservation Code 2015 as the Maryland Building Performance Standards has some economic impact. This proposal essentially updates the current standards as required by Public Safety Article, §12-503, Annotated Code of Maryland. The Department will be required to provide training to the building code officials to keep them informed of the revisions and the updated standards.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$150,000 annually for 2 years.
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. Cost to provide training to 250 building officials for 2 years.

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 Ed Landon, Codes Administration, Division of Credit Assurance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7444, or email to landon@mdhousing.org, or fax to 410-987-8902. Comments will be accepted through November 3, 2014. A public hearing will be held, A public hearing has been scheduled for October 10, 2014, 1—3 p.m., at the Department of Housing and Community Development, 100 Community Place, Crownsville Maryland 21032.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the (1) 2015 Edition of the International Building Code, (2) 2015 Edition of the International Residential Code for One- and Two-Unit Family Dwellings, (3) 2015 Edition of the International Energy Conservation Code, (4) 2015 Edition of the International Mechanical Code, and (5) 2015 Edition of the International Plumbing Code have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 41:1 Md. R. 9 (January 10, 2014), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference:

(1) [2012] 2015 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001);

(2) [2012] 2015 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001);

(3) [2012] 2015 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001); and

(4) (text unchanged)

B. Modifications to the [2012] 2015 International Building Code.

(1) — (12) (text unchanged)

C. Modifications to the [2012] 2015 International Residential Code for One- and Two-Family Dwellings:

(1) — (4) (text unchanged)

D. Modifications to the [2012] 2015 International Energy Conservation Code.

(1) — (2) (text unchanged)

E. (text unchanged)

.05 Maryland Building Performance Standards.

A. (text unchanged)

B. Local Amendments.

(1) Each local jurisdiction:

(a) — (b) (text unchanged)

(c) May not adopt any amendments that weaken the requirements of the IECC or Chapter 13 of the IBC; [and]

(d) Except as set forth in [§C of this regulation] *Public Safety Article, §12-504(a)(1)(iii), Annotated Code of Maryland*, [a local jurisdiction] may not adopt any amendments that weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; and

(e) *May not adopt amendments that weaken the wind design and wind-borne debris provisions contained in the Standards.*

(2) — (4) (text unchanged)

[C. Section B(1)(d) of this regulation does not apply to:

(1) Any local amendment to the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the 2012 IRC enacted prior to October 1, 2012;

(2) Standards governing issuance of a building permit for a property not connected to an electrical utility; or

(3) Until January 1, 2016, standards governing the issuance of a building permit for a new one- or two-family dwelling constructed on:

(a) A lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or

(b) A lot served by an existing water service line from a water main to the property line that:

(i) Is less than a nominal 1-inch size;

(ii) Is approved and owned by the public or private water system that owns the mains;

(iii) Was installed before March 1, 2011; and

(iv) Is fully operational from the public or private main to a curb stop or meter pit located at the property line.]

CLARENCE J. SNUGGS

Acting Secretary of Housing and Community Development

Subtitle 05 RENTAL HOUSING PROGRAMS

Notice of Proposed Action

[14-276-P]

The Acting Secretary of Housing and Community Development proposes to:

(1) Repeal in their entirety existing Regulations **.01— .32** under **COMAR 05.05.01 Multifamily Rental Financing Programs** and adopt new Regulations **.01— .34** under a new chapter, **COMAR 05.05.01 Rental Housing Program**;

(2) Amend Regulations **.02, .04, .06, .08, .11, and .14** and adopt new Regulation **.17** under **COMAR 05.05.02 Multifamily Bond Program**;

(3) Amend Regulations **.02— .08, .12— .14, .16, .18, and .24** under **COMAR 05.05.05 Partnership Rental Housing Program**;

(4) Repeal in their entirety Regulations **.01— .31** under **COMAR 05.05.07 Maryland Housing Rehabilitation Program — Multifamily Rehabilitation Program**; and

(5) Repeal in their entirety Regulations **.01— .28** under **COMAR 05.05.08 Nonprofit Rehabilitation Program**.

Statement of Purpose

The purpose of this action is to conform the regulations to the Multifamily Rental Housing Programs Efficiency Act, Ch. 229, Acts of 2014 (H.B. 453).

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 Elaine Cornick, Acting Director, Multifamily Housing, Division of Development Finance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7449, or email to cornick@mdhousing.org, or fax to 410-987-4097. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

05.05.01 Rental Housing Program

Authority: Housing and Community Development Article, §§4-401—4-411, Annotated Code of Maryland

.01 Scope.

A. This chapter prescribes the policies, procedures, and authorizations for making loans from and administering the Rental Housing Program.

B. This chapter is applicable to the Maryland HOME Program (rental housing development only) as set forth under COMAR 05.12.01.

C. Projects which receive funding under this chapter may also receive low-income housing tax credits, which are governed by COMAR 05.05.06 and by federal law. For these projects, if any provision of this chapter conflicts with any law or regulation related to low-income housing tax credits, the more restrictive provision shall apply.

.02 Objectives.

The basic objectives of the Rental Housing Program are to:

A. Increase or preserve the supply of decent, safe, and sanitary rental housing in the State for occupancy by households of limited income by providing financial assistance for certain costs of acquiring, constructing, or rehabilitating rental housing; and

B. Revitalize designated neighborhoods through the conversion of office and other commercial space to rental housing.

.03 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Annotated Code of Maryland, as amended.

(2) "Administration" means the Community Development Administration, a unit of the Division of Development Finance of the Department.

(3) "Annual income" means annual income as defined by HUD at 24 CFR §5.609, as amended.

(4) "Applicable codes and standards" means:

(a) The applicable construction, health, safety, fire, occupancy, and other codes and standards in force in the political subdivision in which a project is located; or

(b) If the codes and standards under §B(4)(a) of this regulation do not exist or are determined by the Secretary to be insufficient to promote the purposes of the Act, then the codes and standards prescribed in COMAR 05.02.01.

(5) "Applicant" means a person, partnership, corporation, limited liability company, or other entity applying for a loan under the Program.

(6) "Bridge loan" means an interim loan used during the construction or rehabilitation of a project and repaid with cash proceeds realized from a syndicated sale of the project or with the proceeds of permanent loans from other sources.

(7) "Capital assistance loan" means a loan to a sponsor to finance all or a portion of a project's development costs.

(8) "Closing costs" means:

(a) Financing costs such as a credit report fee, title examination, loan origination fee, title insurance fee, application fee, survey fee, recording fees, State and local transfer taxes, and recording taxes;

(b) Prepaid expenses such as property taxes, ground rent, and any mortgage insurance premiums to be paid at closing; and

(c) Other costs incidental to the closing of a loan and acceptable to the Department.

(9) "County" means a county of the State or Baltimore City.

(10) Department.

(a) "Department" means the Department of Housing and Community Development, a principal department of the State.

(b) "Department" includes the Administration.

(11) "Development costs" means costs incurred to acquire, construct, or rehabilitate a project, as approved by the Department, including:

(a) Necessary studies, surveys, plans, and specifications;

(b) Reasonable fees for architectural, engineering, legal, accounting, or other special services;

(c) Special studies, including:

(i) Appraisals;

(ii) Compaction tests;

(iii) Test borings;

(iv) Market analyses;

(v) Construction cost estimates; and

(vi) Environmental or other special engineering studies;

(d) Acquisition of land and improvements;

(e) Site preparation;

(f) Cost of labor and materials for new construction or rehabilitation, ancillary demolition and installation of improvements as set forth in approved plans and specifications;

(g) Acquisition of necessary machinery, equipment, and furnishings installed at the project, including household appliances normally supplied to tenants in the rental market;

(h) Initial occupancy expenses of the project including marketing and advertising costs;

(i) Indemnity and surety bonds;

(j) Premiums on hazard and liability insurance;

(k) Relocation expenses;

(l) Closing costs;

(m) Program administrative expenses; and

(n) Other costs and fees acceptable to the Department.

(12) "Development team" means the applicant, the sponsor, the developer or co-developer, the guarantors, and the owner, including general partners or managing members, but not including limited partners and nonmanaging members of the foregoing, and architects, general contractors, management agents, and consultants

affiliated with the project and any officer, director, or principal of any of the foregoing.

(13) "Director" means the Director of the Division of Development Finance of the Department.

(14) "Elderly Household" means:

(a) One or more individuals who occupy the same residential dwelling unit, at least one of whom is 62 years old or older;

(b) For projects which also receive funding through one or more programs administered by HUD, an elderly family, elderly person, or elderly household, all as defined by HUD;

(c) Such other definition established by the Secretary pursuant to Housing and Community Development Article, §4-101, Annotated Code of Maryland; or

(d) Such other definition established for a specific project in accordance with the standards established in the Program Guide.

(15) "Equity" means the difference between the total project costs and the aggregate amount of indebtedness of the project, whether secured by the project or otherwise, from all sources including the Program, all as determined by the Department.

(16) "Fund" means the Rental Housing Fund established under Housing and Community Development Article, §4-504, Annotated Code of Maryland, which is a nonlapsing special fund consisting of all moneys appropriated or otherwise available and allocated to the Program.

(17) Household.

(a) "Household" means one or more individuals who occupy the same residential dwelling unit as their permanent residence.

(b) "Household" includes a family as defined in 24 CFR §5.403, as amended.

(18) "Household of limited income" means a household whose total household annual income does not exceed the upper income limits established by the Secretary in accordance with Housing and Community Development Article, §§4-402(c) and 4-404(b), Annotated Code of Maryland, and Regulation .11 of this chapter.

(19) "Housing Finance Review Committee" means the Housing Finance Review Committee established under Housing and Community Development Article, §4-208, Annotated Code of Maryland.

(20) "HUD" means the United States Department of Housing and Urban Development.

(21) "Income-restricted project" means the acquisition, construction, rehabilitation, or operation of land and improvements that will be rented and occupied entirely or in part by households of limited income.

(22) "Internal Revenue Code" means the Internal Revenue Code, Title 26 of the United States Code, as amended.

(23) "Limited equity cooperative housing" means limited equity cooperative housing as defined in §143(K)(9)(C) of the Internal Revenue Code and the regulations adopted under it.

(24) "Loan" means a loan made by the Department from the Fund under the Act and this chapter.

(25) "Loan documents" means those documents required by the Department to evidence or secure the loan or enforce the requirements of the Act and this chapter.

(26) Nonprofit Organization.

(a) "Nonprofit organization" means a corporation, foundation, or other legal entity, no part of the net earnings of which inures to the benefit of a private shareholder or individual holding an interest in the entity.

(b) "Nonprofit organization" includes a qualified nonprofit organization as defined in §42(h)(5)(C) of the Internal Revenue Code.

(27) "Office or other commercial space conversion" means the conversion to rental housing of a building that:

(a) Is located in a sustainable community as defined in Housing and Community Development Article, §§6-301(b) and 6-305, Annotated Code of Maryland;

(b) Was built more than 30 years before an application is submitted to the Department to finance the conversion;

(c) Consists of at least two floors at or above ground level; and

(d) Was last used as office or other commercial space, including any improvements that might otherwise be considered residential rental property but were last used on a transient basis, such as hotels, motels, dormitories, fraternity and sorority houses, rooming houses, hospitals, nursing homes, sanitariums, rest homes, and assisted living facilities.

(28) Office and Commercial Space Conversion Project.

(a) "Office and commercial space conversion project" means the acquisition or rehabilitation, or both, of land and improvements for office or other commercial space conversion.

(b) "Office and commercial space conversion project" includes a project that is part of a larger development that may include nonresidential uses.

(29) "Operating assistance loan" means a loan to a sponsor to pay some or all of the operating expenses as described in Regulation .05A(3) of this chapter of a completed project.

(30) "Political subdivision" means a county or municipal corporation of the State.

(31) "Program" means the Rental Housing Program established under Housing and Community Development Article, Title 4, Subtitle 4, Annotated Code of Maryland.

(32) "Program Director" means the Director of Multifamily Housing in the Division of Development Finance of the Department.

(33) "Program Guide" means the Multifamily Rental Financing Program Guide adopted by the Department, as amended from time to time.

(34) Project.

(a) "Project" means the acquisition, construction, or rehabilitation of buildings and improvements.

(b) "Project" includes income-restricted projects and office and commercial space conversion projects.

(35) "Relocation expenses" means compensation given to tenants displaced either temporarily or permanently by the acquisition, demolition, or rehabilitation of existing structures in connection with a project.

(36) "Residual receipts" means any cash remaining at the end of an annual fiscal period for a project after deducting from gross income all:

(a) Sums due under the loan documents and any liens superior to the lien or other liens approved by the Department;

(b) Operating costs necessary to maintain or operate the project, including real estate taxes but excluding reserve for replacement deposits and debt service payments; and

(c) Amounts distributed to a sponsor as a permitted return on equity.

(37) "Scattered site development" means noncontiguous residential units developed and operated under a common plan of ownership and financing.

(38) "Secretary" means the Secretary of Housing and Community Development.

(39) "Shared living unit facility" means a dwelling which will accommodate two or more households when some or all of the living, dining, kitchen, or sanitary facilities are to be shared by the households, which shall include a single room occupancy unit.

(40) Sponsor.

(a) "Sponsor" means all of the following:

- (i) A borrower or obligor on a loan made by the Department to finance a project;
- (ii) The person or entity principally responsible for the project and loan application before the loan closing;
- (iii) Any person or entity who has an ownership interest in, or identity of interest with, a person or entity under §B(40)(a)(i) or (ii) of this regulation; and
- (iv) An applicant that develops a project and qualifies under §B(40)(a)(i), (ii), or (iii) of this regulation.

(b) "Sponsor" includes a nonprofit sponsor.

(41) "State" means the State of Maryland.

.04 Eligible Sponsors.

Sponsors shall meet the following minimum requirements to qualify for a loan:

- A. Be in good standing and qualified to do business in the State;
- B. Have the legal capacity and all necessary legal authorization to incur the obligations of the loan; and
- C. Meet all threshold criteria under Regulation .22 of this chapter.

.05 Eligible Uses.

A. Loan funds may be used for:

- (1) Capital assistance loans to sponsors for financing development costs of projects;
- (2) Loans to finance acquisition only of existing or completed:
 - (a) Vacant projects; or
 - (b) Occupied projects, if:
 - (i) The rental units are not occupied before acquisition or rehabilitation by households of limited income;
 - (ii) The number of units to be subject to income restrictions will be increased substantially;
 - (iii) Existing income limits will be reduced from current levels;
 - (iv) Units have been condemned or cited for code violations and the tenants are likely to be subject to displacement; or
 - (v) Any existing federal capital or operating subsidies will be lost without financing through the Program;
- (3) Operating assistance loans to sponsors for existing or completed income-restricted projects including:
 - (a) Buy down of the interest rate on a conventional permanent loan;
 - (b) Payments of principal and interest on superior mortgage liens;
 - (c) Maintenance and repair costs;
 - (d) Property taxes;
 - (e) Hazard and liability insurance premiums;
 - (f) Utilities;
 - (g) Permits and licenses;
 - (h) Reasonable management fees and expenses as determined by the Department;
 - (i) Rent subsidies;
 - (j) Closing costs;
 - (k) Department administrative expenses; and
 - (l) Other project operating expenses or fees approved by the Department;
- (4) Acquisition by the Department of a completed project or the land for a project, and subsequent transfer of the project or land, or both, to a sponsor;
- (5) Purchase or lease by the Department of a project and, after construction or rehabilitation by the Department, sale or transfer of the project to a sponsor upon terms or conditions which make it economically feasible for the sponsor to rent to households of limited income; or
- (6) Bridge loans.

B. Loan funds may not be used for:

- (1) Work-out financing for troubled projects;
- (2) Refinancing of existing debt;
- (3) Financing for a project for which the application is received after:
 - (a) Acquisition;
 - (b) Assumption by the sponsor of the liability for the costs of acquisition or rehabilitation; or
 - (c) Completion of rehabilitation intended to be financed in whole or in part by the loan;
- (4) Financing only minor improvements which are not required to make the housing decent, safe, and sanitary in accordance with applicable State and local codes;
- (5) Transaction costs and fees associated with the offering and syndication of a project; or
- (6) Developer fees.

.06 Eligible Projects.

A. Land and Improvements.

- (1) Land and improvements comprising a project shall meet the following minimum requirements:
 - (a) Be located within the State;
 - (b) When the project is complete, be in compliance with zoning requirements and applicable codes and standards;
 - (c) Be owned by the Department or a sponsor in fee simple or a leasehold estate, with title acceptable to the Department;
 - (d) If the project is contained within a larger undertaking, provide equal access to tenants of the project to any amenities and common areas within the larger undertaking;
 - (e) Provide:
 - (i) Five or more traditional rental housing units;
 - (ii) Two or more units in a shared living unit facility; or
 - (iii) Emergency or temporary shelter to multiple persons.
 - (2) Land and improvements comprising a project may be a scattered site development.
- B. A project is eligible only if:
- (1) The Department has complied with COMAR 05.01.06.06; and
 - (2) The Secretary has issued the written determination required under COMAR 05.01.06.07.

C. Loans for office and commercial space conversion projects shall meet the requirements of §§A and B of this regulation and the following additional requirements:

- (1) The sponsor shall have a commitment of funds for the project from private, local, or federal sources so that upon receipt of financial assistance from the Program there will be adequate funding to assure completion of the project;
- (2) Sufficient funds to complete the project would not be available to the sponsor without the financial assistance from the Program;
- (3) The financial assistance requested from the Program is the least amount of money necessary to complete the project as determined by the Department;
- (4) The project shall be ready to proceed upon receipt of financial assistance from the Program;
- (5) The project will provide substantial economic development to a sustainable community as defined in Housing and Community Development Article, §§6-301(b) and 6-305, Annotated Code of Maryland; and
- (6) The amount of the loan does not exceed the maximum loan amount in Regulation .14C of this chapter.

D. An income-restricted project may include structures suitable for use by households of limited income residing in the project or in surrounding communities such as cafeterias or dining halls,

community rooms or buildings, and workshops or other essential services facilities.

E. A project may not be:

- (1) A nursing home;
 - (2) A hospital;
 - (3) A sanitarium;
 - (4) A life care facility;
 - (5) A retirement home providing significant services other than housing unless licensed under Maryland law as an assisted living facility;
 - (6) A dormitory;
 - (7) Housing solely for members of a social organization, such as a fraternity or sorority house;
 - (8) Housing provided by an employer solely for its employees;
- or
- (9) A trailer park.

F. The project shall meet all threshold criteria under Regulation .22 of this chapter.

.07 Political Subdivisions; Notice and Contribution.

A. Notice.

(1) For each project for which an application is received under this chapter, the Department shall provide written notice and reasonable opportunity to comment on the project to the chief executive officer or the equivalent officer and the head or president of the legislative body of the political subdivision in which the proposed project is located.

(2) If a proposed project is in a municipal corporation, the notice required under §A(1) of this regulation shall be sent to the chief executive officer and the head or president of the legislative body of the municipal corporation, not the surrounding county.

(3) The notice provided under §A(1) of this regulation shall contain the following information about the proposed project:

- (a) Date of application;
- (b) Name and description of project;
- (c) Address of project;
- (d) Sponsor of the project and sponsor's contact information;
- (e) Amount of funding requested;
- (f) Amount, type, and provider of other sources of funding;
- (g) Total number of units;
- (h) Number of units reserved for households of limited income, including the income and rent limits; and
- (i) Such other information as the Department deems relevant.

B. Contribution. In reviewing applications for funding under the Act and this chapter, the Department shall consider the degree of political subdivision support provided to the proposed project, including contribution of land, abatement of taxes or fees, direct or indirect rental subsidies, and grants.

.08 Geographic Distribution of Funds.

A. It is the intent of the Department that Program funds be distributed and made available Statewide.

B. The Department shall undertake best efforts to ensure some Program funds are distributed Statewide, including the following geographic areas of the State:

- (1) Eastern Shore counties;
- (2) Western Maryland counties;
- (3) Baltimore metropolitan area counties; and
- (4) Washington, D.C., metropolitan area counties and Southern Maryland counties.

.09 Sponsor's Equity Contribution.

A. For income-restricted projects, the Department may establish requirements for the amount of equity a sponsor must contribute to a

project which may vary for different types of sponsors, including nonprofit sponsors.

B. Sponsors of office and other commercial space conversion projects shall make an equity contribution of at least 10 percent of the residential development costs of the project.

.10 Limit on Return of Equity.

A. Projects may be subject to a limitation on return of equity or an equity participation agreement, at the discretion of the Department.

B. Periodically, at the convenience and discretion of the Department, residual receipts held by the Department in connection with a limitation on return of equity imposed under this regulation, if any, shall be credited to the Fund. At the option of the Department, residual receipts may be disbursed for the project which generated the receipts or for any other project.

C. Sponsors of office and commercial space conversion projects are not subject to any limitation on return of equity.

.11 Income Limits.

A. The Secretary shall establish income limits for households of limited income and may revise the limits from time to time. The Secretary may establish different limits for different areas of the State and may establish lower limits within any area or for a particular project.

B. In establishing or revising income limits under this regulation, the Secretary shall consider:

- (1) The median income for the area;
- (2) The minimum income needed to afford available standard rental units in the area;
- (3) Federal income guidelines, including the requirements of the federal low-income housing tax credit program; and
- (4) Any other relevant factor.

C. Limits for Shared Housing. For the purpose of determining compliance with the income limits, the Department may not aggregate the income of two or more individuals or households living together in one unit if the unit is to provide a shared living unit facility, group housing, congregate housing, or temporary shelters.

.12 Restrictions on Ownership and Occupancy.

A. Change of Ownership. During the loan term, the sponsor of the project may not sell, cease to own, assign, transfer, or dispose of all or any part of the sponsor's interest in the project or the real property on which it is situated, without the prior written consent of the Department, except for leases of individual units or as set forth in the loan documents.

B. Income-restricted projects are subject to the occupancy requirements set forth in §§C—G of this regulation, which occupancy restrictions shall be evidenced by a covenant running with the land which shall be recorded in the land records of the county where the project is located.

C. Minimum Restricted Occupancy Period. The project shall be maintained as rental housing for households of limited income for a minimum of the greater of:

- (1) 15 years; or
- (2) The number of years required by federal law.

D. Limited Income Occupancy Requirements.

(1) The minimum number of rental units set aside under this regulation shall be the greater of:

(a) The number that bears the same ratio to the whole number of rental units in the project as the amount the Program loan bears to the whole financing of the project or undertaking; or

(b) The number of rental units chosen by the sponsor to satisfy federal occupancy requirements if the project receives federal low-income housing tax credits or is financed in part with government-issued, federally tax-exempt revenue bonds.

(2) Units restricted for occupancy to meet other federal, State or local occupancy requirements may be counted toward the minimum number of units required under §D(1) of this regulation.

(3) Units occupied by households that continue to meet applicable federal occupancy restrictions under §D(1) of this regulation shall be deemed to continue to meet the applicable restrictions of this regulation.

E. The maximum rent for each unit in a project shall equal the difference between:

(1) 30 percent of the imputed tenant income as calculated in §F of this regulation; and

(2) A utility allowance based on standards established by the Department in accordance with Treasury Regulation 1.42-10, as amended, for the low-income housing tax credit program.

F. The imputed tenant income shall equal the restricted unit income limit for:

(1) A household which is considered to have a size of 1.5 times the number of bedrooms in the unit for units with one or more bedrooms; and

(2) One person for efficiency and single room occupancy units.

G. For units occupied by elderly households, the imputed household size under §F(1) of this regulation may not exceed three persons regardless of the number of bedrooms.

H. If fewer than all of the units in a project are income-restricted, the location of the income-restricted units may change from time to time as tenants move, and the rental housing units in a project which are not income-restricted units are not required by the Program to be occupied by persons meeting income restrictions.

I. Limited Equity Cooperative Housing.

(1) The units in a limited equity cooperative housing project shall be occupied by households of limited income at the time of initial occupancy, and following any subsequent sale, resale, or transfer of shares, or subletting which results in a change in the household occupying the unit.

(2) If existing rental housing is converted to limited equity cooperative housing through the assistance of a loan from the Program, an existing tenant may not be required to vacate the premises solely because the tenant does not elect to become a stockholder in the corporation owning the limited equity cooperative housing.

.13 Prepayment.

A. A sponsor of an income-restricted project may prepay a loan at any time subject to the requirements of:

(1) §B of this regulation; and

(2) The continuing restrictions under the occupancy covenants, if the prepayment occurs before the expiration of the covenants.

B. A sponsor of an income-restricted project who prepays a program loan before maturity shall agree to:

(1) Provide written notice to each tenant residing in the project which describes the impact of the prepayment on the tenant, and, if applicable, any assistance to which the tenant is entitled;

(2) Provide notice of the prepayment to the Department, the political subdivision in which the project is located, and any interested parties registered with the Department;

(3) Offer a right of first purchase to the Department, the local political subdivision, the local public housing authority, if any, and any parties registered with the Department;

(4) Provide a lease extension for at least 1 year following the notice of the prospective prepayment action to each tenant residing in an assisted unit;

(5) Make relocation assistance payments to each tenant in an amount determined by the Department;

(6) Provide 3-year lease extensions or 3 months rent equivalent payments to 20 percent of the tenants who live in assisted units and qualify as elderly households, disabled, or households with minors; and

(7) Comply with any procedural requirements of the Department with respect to the right of first purchase, relocation payments, and lease extensions.

C. A sponsor of an office and commercial space conversion project may prepay a loan at any time.

.14 Loan Terms.

A. Interest Rates.

(1) Interest rates for each loan shall be established based on the underwriting of each project.

(2) The maximum interest rate on a loan shall be a rate which does not impair the financial viability of the project or the capability of the sponsor to provide rents which are affordable to households of limited income. The interest rate on a loan may be as low as zero percent, based upon projected cash flows for the proposed project.

(3) Bridge loans or portions of loans which will be repaid with the cash proceeds realized from a syndicated sale of the project shall have interest rates equal to private lending rates for bridge loans, unless in the determination of the Department a lower interest rate is required to ensure the financial feasibility and viability of the project. A lower rate approved by the Department under this subsection may not be less than the interest rates permitted under §A(1) and (2) of this regulation based upon the use and occupancy of the project.

(4) For income-restricted projects, the Department may establish additional provisions related to interest rates in the Program Guide.

B. Repayment.

(1) Terms for repayment of principal and interest shall be established based on the underwriting for each project and in a manner which does not impair the financial viability of the project or the capability of the sponsor to provide rents which are affordable to households of limited income.

(2) Repayment of principal and interest may be deferred at the discretion of the Department to meet the goals of this regulation.

(3) For income-restricted projects, the Department may establish additional provisions related to repayment terms in the Program Guide.

C. Maximum Loan Amount.

(1) The maximum amount of funds to be provided to an income-restricted project from the Program or the Maryland HOME Program under COMAR 05.12.01 may not exceed \$2,000,000, unless the Housing Finance Review Committee has recommended and the Secretary has approved an exception on the basis that:

(a) The following three conditions are met:

(i) Other potential sources of funds have been sought and clearly are unavailable;

(ii) It is not feasible to reduce the size or scope of the project; and

(iii) The project serves a high public purpose, such as serving a significant percentage of very low-income households or being located in a high cost area; or

(b) An increase in the loan amount addresses administrative or programmatic needs of the Department and will result in an effective and appropriate use of DHCD resources.

(2) The maximum amount of funds to be provided to an office and commercial space conversion project:

(a) From the Program, shall be the lesser of:

(i) 20 percent of the total costs for the project; or

(ii) \$1,500,000; and

(b) From all State-funded and State-administered programs, may not exceed 30 percent of the total costs of the undertaking, with the following limitations:

(i) State historic tax credits are excluded from the 30 percent limit; and

(ii) No other funds from the Fund, federal low-income housing tax credits, or State bond-allocated funds may be used on the project.

D. Term.

(1) The permanent loan term of each capital assistance loan may not exceed 40 years from the later of the date of acquisition or completion of construction or rehabilitation of the project, except when other sources of financing require a longer term.

(2) The term of a bridge loan generally may not exceed the greater of 2 years or the equity payment schedule and shall be based on the size and complexity of the project.

(3) The term of a loan during rehabilitation or construction generally may not exceed 2 years and shall be based on the size of the project and the nature of the rehabilitation or construction financed by the loan.

(4) The term of an operating assistance loan generally may not exceed 15 years and may be subject to renewal at the Department's discretion.

E. Late Charges. Late charges, as permitted by law, may be imposed.

.15 Insurance Requirements.

A. Mortgage Insurance. Mortgage insurance is not required for loans made from the Program.

B. Property, Liability, and Other Insurance.

(1) At or before closing of a loan, and at such other times as required by the Department, the sponsor shall provide evidence that the sponsor, contractor, and other parties, have obtained and maintained the following insurance:

(a) Owner's liability;

(b) Owner's property or hazard or contractor's builder's risk;

(c) Contractor's liability;

(d) Architect's errors and omissions;

(e) Engineer's errors and omissions; and

(f) Flood insurance, if the project is located in a flood hazard zone.

(2) All insurance required under §B(1) of this regulation shall meet the following requirements:

(a) Be written by a company registered with the Maryland Insurance Administration;

(b) Be in force at the time of closing;

(c) Not be terminable without prior notification to the Department; and

(d) Contain such other terms and coverage satisfactory to the Department.

(3) In addition to the requirements of §B(2) of this regulation, owner's liability insurance shall:

(a) Name the Department as an additional insured; and

(b) Remain in force for the duration of the loan.

(4) In addition to the requirements of §B(2) of this regulation, contractor's liability insurance shall:

(a) Name the Department as an additional insured; and

(b) Remain in place through final closing or such later date as the Department requires.

(5) In addition to the requirements of §B(2) of this regulation, owner's property or hazard or contractor's builder's risk insurance shall:

(a) Name the Department as a loss payee, and mortgagee; and

(b) Remain in force for the duration of the loan.

(6) For sponsors that are political subdivisions, the Department shall evaluate any self-insurance program to determine if adequate coverage and terms acceptable to the Department can be provided and accept coverage under the self-insurance program subject to this determination.

.16 Environmental Review.

A. Each project shall comply with applicable local, State, and federal environmental laws and regulations.

B. Sponsors may be required, at the discretion of the Department, to conduct a screening of the proposed site for environmental conditions, including man-made hazards, storm water runoff, underground storage tanks, lead-based paint, radon gas, PCBs, and asbestos.

C. If the initial screening indicates adverse or potentially adverse environmental conditions, the Department may require a more detailed physical investigation, review of historical records, testing and treatment, or abatement of the environmental condition as a requirement of the loan.

.17 Reserves and Security.

A. Reserve for Replacement. The Department may require the sponsor to make periodic payments to the Department or a senior lender for a reserve for replacement account for future repairs, maintenance, and improvement of the project.

B. Appraisal. The sponsor or the Department, in the Department's discretion, shall obtain an appraisal by an appraiser acceptable to the Department, showing the value of the land and any improvements on the land before and after the proposed rehabilitation or construction in a form and manner acceptable to the Department. The sponsor shall bear the cost of the appraisal.

C. Escrow Account. If there is no prior mortgage or deed of trust requiring the payment of expenses to the mortgagee, the mortgage or deed of trust securing the loan shall require monthly payments to the Department in escrow, consisting of 1/12 of annual real estate taxes, ground rent, property insurance premiums, and, when appropriate, other items for which payments are required by the Department. Interest may or may not be paid to the sponsors on escrows, in the Department's discretion.

D. Additional Security.

(1) The Department may require additional security from the sponsor both to assure completion of the construction or rehabilitation of the project, and to assure repayment of the loan.

(2) The additional security may be in the form of one or more of the following:

(a) A cash escrow;

(b) A letter of credit in an amount, in a form, and from a financial institution acceptable to the Department;

(c) Depository accounts pledged to the Department;

(d) Payment and performance bonds from a surety acceptable to the Department;

(e) A completion assurance agreement executed by the sponsor and backed by some form of monetary collateral;

(f) A guaranty of completion or loan payments, or both, executed by a third party acceptable to the Department;

(g) A pledge of syndication proceeds;

(h) A pledge of the developer's fee; or

(i) Other collateral acceptable to the Department.

E. Superior Mortgagee's Agreement. For loans secured by a subordinate lien, the sponsor shall obtain the written agreement of each superior lender:

(1) Acknowledging and consenting to the subordinate lien of the Department;

(2) Agreeing to provide timely notice to the Department in the event of default by the sponsor on the superior mortgage; and

(3) Agreeing to either suspend acceleration and foreclosure of the superior lien for a reasonable period of time if the Department brings current and maintains timely payments due on the superior mortgage or permitting the Department to cure the event of default.

.18 Additional Requirements for Certain Loans.

A. Capital assistance loans shall meet the following additional requirements:

(1) Loans shall be secured by a mortgage lien, which may be subordinate to other mortgage liens; and

(2) The Department shall require the sponsor to provide a standard American Land Title Association Loan Policy, or other form of title policy acceptable to the Department and the Office of the Attorney General, for an amount equal to the maximum principal amount of the loan:

(a) Insuring the Department;

(b) Evidencing that title to the improvements and the real property on which the improvements are located on the date of closing is vested in the sponsor; and

(c) Containing only standard exceptions and encumbrances approved by the Department.

B. Operating Assistance Loans.

(1) Security. The loans shall be made subject to either:

(a) The terms of a loan and security agreement, which need not be recorded; or

(b) A recorded mortgage lien which may be subordinate to other mortgage liens.

(2) Investment Account. Loan funds disbursed subject to a loan and security agreement shall be deposited into an interest-bearing account for the benefit of the project and shall be invested, reinvested, and disbursed in accordance with the terms of an agreement between the sponsor and the Department. The Department shall maintain control over the investment account.

(3) Insurance. At the discretion of the Department, a project receiving an operating assistance loan is not required to satisfy the insurance provisions of Regulation .15 of this chapter.

C. Deferred Payment Loans.

(1) Amount of Deferred Payments. The Department may defer payments of principal or interest, or both, in the Department's discretion, to the minimum extent necessary based on:

(a) The sponsor's ability to repay the loan and the financial feasibility and viability of the project;

(b) Conformance with the requirements of the terms and conditions of any prior mortgage or deed of trust; or

(c) Such additional provisions related to deferred payment loans established in the Program Guide.

(2) Repayment of Deferred Loans.

(a) The loan documents shall provide for repayment of deferred amounts at the maturity date or at any earlier date established by the Department, or upon any default, sale, or other transfer of the project, or sale or other transfer of any interest in the project. The Department may, but need not, charge interest on deferred interest.

(b) The Department may, in its discretion, require sponsors who receive bridge loans and who receive and syndicate an allocation of federal low-income housing tax credits or historic investment tax credits to share a portion of the proceeds of the syndication of the tax credits with the Department to repay deferred interest or pay all or a portion of the principal amount of the loan.

.19 Application Submission.

A. Applications for income-restricted projects shall be accepted:

(1) In one or more competitive rounds to be announced by the Department annually in accordance with the procedures established in Regulation .20 of this chapter; and

(2) At any time, subject to availability of funding for:

(a) Projects requesting financing from the Department's Multifamily Bond Program; or

(b) Pilot programs or other special initiatives in accordance with processing procedures established by the Department.

B. Applications for office and commercial space conversion projects shall be accepted in accordance with processing procedures established by the Department and shall be submitted by the political subdivision in which the project is located. If the project is located in a municipal corporation, the application shall be submitted by the municipal corporation, not the surrounding county.

C. Forms. Applications shall be made upon standard forms prescribed by the Department.

D. Documentation. Applications shall be accompanied by all documentation in the form and containing the information specified by the application procedures adopted by the Department, which may vary depending on the type of loan.

E. Fees and Charges.

(1) Amounts and time of payment of application fees, administration fees, financing fees, closing fees, and other fees as may be required by the Department shall be as provided in a fee schedule set forth in the Program Guide, or as otherwise provided by the Department.

(2) The Department may charge sponsors for the following items, if initially paid for by the Department:

(a) Market studies;

(b) Construction cost estimates;

(c) Recording fees and recording taxes or other charges incidental to recording;

(d) Survey;

(e) Appraisal;

(f) Title examination and title insurance; and

(g) Investment fees.

(3) The Department may charge penalties to applicants, lenders, servicers, sponsors, or other individuals or entities that participate in the Program. The Department may restrict the fees and charges that servicers, political subdivisions, or other Program participants obtain from sponsors.

(4) Fees and charges referenced in this regulation may be financed by the Program loan.

.20 Application Review.

A. Each application for an income-restricted project competing in a funding round pursuant to Regulation .19A(1) of this chapter shall be reviewed in accordance with Regulations .21 through .23 of this chapter.

B. Each application for an income-restricted project not competing in a funding round pursuant to Regulation .19A(2) of this chapter shall be reviewed in accordance with Regulation .22 of this chapter or such other procedures established by the Department.

C. Applications for office and commercial space conversion projects shall be reviewed in accordance with procedures established by the Department.

.21 Project Priority Categories.

A. The Department may establish project priority categories which must be satisfied prior to review of a project for threshold criteria pursuant to Regulation .22 of this chapter.

B. The project priority categories under §A of this regulation shall be established by the Department in the Program Guide and may be modified from time to time to eliminate or add categories or criteria.

.22 Threshold Criteria.

A. The Department shall establish detailed threshold criteria, including the following categories:

(1) Development team requirements;

- (2) Occupancy requirements;
- (3) Marketing requirements;
- (4) Tenant services;
- (5) Provisions for persons with disabilities or special needs;
- (6) Other financing commitments;
- (7) Underwriting requirements;
- (8) Readiness to proceed;
- (9) Site requirements;
- (10) Market studies; and
- (11) Development quality.

B. The threshold criteria under §A of this regulation shall be established by the Department in the Program Guide and may be modified from time to time to eliminate or add categories or criteria.

.23 Project Evaluation Criteria; State Bonus Points.

A. All projects in a round which meet the requirements of Regulations .21 and .22 of this chapter shall be evaluated on a point basis, which may include the following criteria:

- (1) Capacity of the development team;
- (2) Community context;
- (3) Public purpose;
- (4) Leveraging and cost-effectiveness; and
- (5) Development quality.

B. At the completion of the review of projects under §A of this regulation, the Department may award bonus points to one or more projects based on one or more of the following considerations:

- (1) Project priority categories;
- (2) Geographic distribution;
- (3) Unique or time sensitive financing opportunities;
- (4) Urgent or recent changes in housing needs;
- (5) Economic development opportunities;
- (6) Changes in the equity or debt market related to low-income housing tax credits or other funding sources;
- (7) Critical policy directives or goals; or
- (8) Fair housing considerations.

C. The project selection criteria and bonus points under §§A and B of this regulation shall be established by the Department in the Program Guide and may be modified from time to time to eliminate or add categories or criteria.

.24 Recommendation and Approval.

A. For income-restricted projects competing in a competitive round, after considering the scores under the project evaluation criteria of Regulation .23 of this chapter and the availability of resources, the Program staff shall select projects for review and recommendation for funding by the Housing Finance Review Committee. The number of projects selected will vary depending on the availability of funds.

B. For income-restricted projects not competing in a competitive round, the Program staff shall select projects for review and recommendation for funding by the Housing Finance Review Committee based on the availability of funding and such other procedures established by the Department.

C. For office and commercial space conversion projects, the Program staff shall select projects for review and recommendation for funding by the Housing Finance Review Committee based on the availability of funding and such other procedures established by the Department.

D. The Housing Finance Review Committee shall review the projects selected by Program staff under §A, B, or C of this regulation and recommend projects to the Secretary for reservation of funds and loan commitments, as appropriate, pursuant to Regulation .25 of this chapter.

E. Upon receipt of the recommendation of the Housing Finance Review Committee, the Secretary shall approve or disapprove the loan and the terms of the loan. A written determination that each

loan, regardless of the loan amount, is statutorily authorized and approved by the Secretary shall be executed before the issuance of a reservation of funds or loan commitment, as appropriate, pursuant to Regulation .25 of this chapter.

F. The Secretary may approve a loan without the recommendation of the Housing Finance Review Committee:

- (1) In an emergency, when urgent action is required; or
- (2) For loans below the minimum amount established by the Housing Finance Review Committee.

.25 Reservation and Commitment.

A. Reservations. All projects competing in a funding round and approved by the Secretary pursuant to Regulation .24 of this chapter shall be issued a reservation letter by the Department. The reservation letter shall include basic proposed loan terms, a list of all additional information to be submitted for further review, and a processing schedule setting forth dates for the submission and review of all requested information and documentation.

B. Commitments.

(1) For projects competing in a funding round, upon satisfaction of all requirements in the reservation letter and the Secretary's determination, if any, or as otherwise required by the Program, the Program shall issue a commitment letter setting forth the terms and conditions of the loan.

(2) For projects not competing in a funding round, upon satisfaction of the requirements in the Secretary's determination, or as otherwise required by the Program, the Program shall issue a commitment letter setting forth the terms and conditions of the loan.

.26 Rejection, Reconsideration, Modification, and Withdrawal.

A. Rejection. If a loan application is rejected, the Department shall notify the sponsor in writing. The rejection letter shall state the reason the loan is rejected.

B. Reconsideration.

(1) A sponsor of an office and commercial space conversion project or an income-restricted project not competing in a round may request reconsideration of a rejection within 7 days of receipt of notice of the rejection. The request shall be in writing and submitted to the Program Director. An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.

(2) A sponsor of an income-restricted project competing in a round may not request reconsideration of a rejection but may resubmit an application in a subsequent round or in accordance with the procedures established by the Department for income-restricted projects not competing in a round.

C. Modifications.

(1) A sponsor may not modify a project in a manner that affects any of the following factors without the prior review and approval of the Department:

- (a) The project cannot proceed in accordance with the schedule established by the Department and the sponsor;
- (b) The project changes substantially from the initial submission, including:
 - (i) A change resulting in a score reduction of the lesser of 3 percent or an amount sufficient to lower the score below the cut off score for the round in which the project was approved;
 - (ii) A significant change in the project's design, financing, or amenities;
 - (iii) A material reduction in the project's income targeting or unit count;
 - (iv) A change of the project's sponsor or other member of the development team; or
 - (v) A change in the project's site;
- (c) The project no longer meets the requirements of Regulations .21 and .22 of this chapter, as applicable; or

(d) Such other reasons as may be established in the Program Guide.

(2) If a project is modified in violation of §C(1) of this regulation, the sponsor shall provide to the Department a detailed explanation of the modification, along with a written request for approval of the modification. After review of the sponsor's request and explanation, the Department may permit the modification or notify the sponsor that the modification is not acceptable to the Department. If an unacceptable modification is not cured within a time period acceptable to the Department, the reservation or commitment, as applicable, shall be withdrawn from processing.

D. Withdrawal of Application.

(1) An applicant may withdraw an application at any time before closing of the loan by written notice to the Department.

(2) An applicant that withdraws its application may be required to bear any costs incurred by the Department, including, but not limited to:

- (a) Title examinations;
- (b) Credit reports;
- (c) Appraisals;
- (d) Market analyses;
- (e) Fees attributable to the Department's processing costs;

and

- (f) Legal fees.

(3) The Department may withdraw an application from processing for the following reasons:

(a) The project's developer, sponsor, or owner or any general partner or managing member of the foregoing files for bankruptcy or is the subject of an involuntary bankruptcy;

(b) The project is, for any other reason, no longer feasible;

(c) The project's developer, sponsor, or owner submits false, misleading, or incomplete information to the Department;

(d) The sponsor has failed to cure a modification unacceptable to the Department in the time frame provided under §C of this regulation;

(e) The project fails to meet the established time frames for processing or otherwise fails to make reasonable progress toward closing; or

(f) Such other reasons as may be established in the Program Guide.

.27 Loan Closing and Processing.

A. Initial Loan Closing. The sponsor shall furnish to the Department and its counsel satisfactory evidence of compliance with the terms and conditions of the loan before the closing of the loan. When all procedures and requirements are completed, a closing shall be arranged by counsel to the Department.

B. Loan Documents. The Department shall prescribe or approve the form and content of all documents, which may include a note, deed of trust, regulatory agreement, and other instruments that the Department may require to evidence or secure the loan or enforce the requirements of the Act or this chapter. The loan documents shall be executed at the loan closing.

C. Early Start.

(1) Construction or rehabilitation undertaken by the sponsor before the closing of the loan is at the risk of the sponsor, and does not bind or obligate the Department to make the loan.

(2) In certain circumstances and upon the request of a sponsor who has applied for a loan which has been approved by the Secretary, the Program may issue an early start letter which sets forth the conditions under which the Program may authorize the beginning of construction or rehabilitation of a project before the closing of the Department's loan.

(3) The early start approval letter sets forth various conditions, such as receipt by the Program of acceptable plans and

specifications or scope of work and evidence of the availability of acceptable assurance of completion, which shall be complied with before beginning construction or rehabilitation. If the conditions are complied with and the Program approves the beginning of construction or rehabilitation, then, when the loan is closed, loan proceeds shall be used to reimburse the sponsor, as specified in the loan closing documents, for the approved costs incurred before loan closing.

D. Construction or Rehabilitation Period Disbursement. The Department shall:

(1) Conduct regular on-site inspections of the construction or rehabilitation; and

(2) Make loan disbursements on the basis of work in place plus materials acceptably stored on site, less a retention of 10 percent or any other amount required by the loan documents.

E. Disbursement. Loan funds shall be held by the Department and disbursed in accordance with a draw schedule approved by the Department before initial closing. The draw schedule, which may be revised at the discretion of the Department during construction, shall be based upon completion of specified items or a percentage of rehabilitation work. Payment of draws shall be requested by the sponsor and approved by the Department based on completed work. Loan funds may be withheld if there is any arrearage of interest payments or escrows required by the loan documents.

F. Final Closing. A final closing of the loan shall be arranged after completion of the rehabilitation or construction and cost certification, if required, according to the procedures and documentation required by the Department.

.28 Signs.

If requested by the Department, each sponsor shall install a sign identifying the Department as a lender on the project. The sign, at the discretion of the Department, may be supplied by the Department, but in any case shall comply with the design specifications of the Department. The sponsor shall bear all costs of acquisition, delivery, and installation of a conforming sign, which costs may be included in the loan.

.29 Books and Accounts.

A. Sponsors, contractors, and subcontractors shall maintain the books, accounts, and records, and shall file with the Department the financial and other reports that the Department may from time to time require.

B. The books, accounts, and records in §A of this regulation shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.

C. Books, accounts, and records of sponsors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between the sponsor and the Department. Books, accounts, and records of contractors and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationships between them and the sponsor.

.30 Certification of Income.

A. Income-restricted projects are subject to the requirements set forth in §§B—F of this regulation.

B. The sponsor shall obtain signed certificates of annual income from all tenants occupying a project and shall certify annual incomes of all tenants to the Department. The Department may require annual recertifications of income as well as periodic occupancy reports containing the information required by the Department. Leases and certifications are subject to periodic review by the Department.

C. For projects where existing tenants continue in occupancy during rehabilitation, the sponsor shall obtain signed income

certifications from income-eligible tenants of at least the number of units required by Regulation .12 of this chapter, before loan closing.

D. The purpose of the certification of annual income and the reports is to assure compliance with the upper income limits established in accordance with the Act and Regulation .11 of this chapter. In the case of a project which receives federal assistance, including low-income housing tax credits, the procedures for the certification of income prescribed by the federal agency are acceptable, including recertification waivers under §42(g)(8)(B) of the Internal Revenue Code.

E. The sponsor shall verify the information contained in the certificate of income, upon the consent of the individual, with the source of income, and file with the Department a report disclosing the income of all individuals selected for occupancy unless the sponsor obtained a waiver under the federal low-income housing tax credit program, as provided in §1.42-5 of the Federal Income Tax Regulations.

F. The sponsor shall retain all certificates of income and documents verifying the information contained in them for a period of at least 3 years from the date on which the income certification is submitted to the sponsor.

.31 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A sponsor or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the Program.

B. A sponsor or contractor shall comply with all applicable federal, State, and local laws and Departmental policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

- (1) Title VI and VII of the Civil Rights Act of 1964, as amended;
- (2) Title VIII of the Civil Rights Act of 1968, as amended;
- (3) The Fair Housing Amendments Act of 1988, as amended;
- (4) The Department’s Minority Business Enterprise Program, as amended;
- (5) Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order;
- (6) State Government Article, Title 20, Annotated Code of Maryland, as amended; and
- (7) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.

.32 Affirmative Fair Housing Marketing Plan.

Each project shall submit for review and approval by the Department an affirmative fair housing marketing plan in accordance with the requirements of the Program Guide. The Department shall monitor the project’s compliance with the approved plan.

.33 False Statements.

A sponsor who knowingly makes or causes to be made a false statement or report, whether in the nature of an understatement or overstatement of financial condition or any other fact material to the Department’s action, is subject to immediate acceleration of the loan, in

addition to the criminal penalties authorized by Housing and Community Development Article, §4-411, Annotated Code of Maryland.

.34 Waiver and Delegation.

A. Waiver. The Secretary may waive or vary particular provisions of these regulations to the extent that the waiver is consistent with the Act, if:

(1) In the determination of the Secretary, the application of a regulation in a specific case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act; or

(2) Conformance to the requirements of any federal, State, or local agency in connection with any federal, State, or local assistance sought necessitates waiver or variance of a regulation.

B. Delegation. The Secretary may delegate to the Director, the Program Director, or any other official or employee of the Department the authority to execute or approve any loan documents, including loan commitments and early start letters, after approval of a loan by the Secretary.

05.05.02 [Multi-Family Housing Revenue Bond Financing] Multifamily Bond Program

Authority: Housing and Community Development Article, §2-111 and Title 4, Subtitle 2; State Finance and Procurement Article, §§5-7B-01—5-7B-10; Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

.02 Definitions.

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

B. Terms Defined.

(1) (text unchanged)

(2) “Administration” means the Community Development Administration, [an agency in] a unit of the Division of Development Finance of the Department of Housing and Community Development.

(3) — (9) (text unchanged)

[(10)] (10) “Families of limited income” means families or persons whose annual incomes do not exceed upper income limits established by the Secretary in accordance with Regulation .04B of this chapter.]

[(11)] (11) (text unchanged)

(11) Household.

(a) “Household” means one or more individuals who occupy the same residential dwelling unit as their permanent residence.

(b) “Household” includes a family as defined in 24 CFR §5.403, as amended.

(12) “Household of limited income” means a household whose total household annual income does not exceed the upper income limits established by the Secretary in accordance with Housing and Community Development Article, §4-212, Annotated Code of Maryland, and Regulation .04B of this chapter.

[(12)] (13) — [(16)] (17) (text unchanged)

(18) “Program Guide” means the Multifamily Rental Financing Program Guide adopted by the Department, as amended from time to time.

[(17)] (19) — [(23)] (25) (text unchanged)

.04 Eligible Projects.

A. (text unchanged)

B. Establishment of Limits.

(1) The Secretary shall establish upper income limits for [families] households of limited income taking into consideration factors including:

(a) The amount of the total annual income of the [families] households available for housing needs;

- (b) The size of the [family] *household*;
 - (c) (text unchanged)
 - (d) The ability of the [families] *households* to compete successfully in the normal private housing market; and
 - (e) (text unchanged)
- (2) Limits may be established by [family] *household* size. Limits also may be established from time to time on a regional basis. Income eligibility criteria, within limits lower than the regional limits, may be established for particular projects.
- C. — G. (text unchanged)

.06 Loan Terms and Requirements — General.

- A.—D. (text unchanged)
- E. Local [Government Approval] *Governments*.
 - [(1) Except for loans for home improvement projects which contain four or fewer dwelling units, a loan may not be closed or funded until the Administration has received a certified copy of an approving ordinance or resolution, duly adopted by the legislative body of the municipality or county in which the project is located (or the Board of Estimates in Baltimore City). If the project is located in a municipal corporation, the approval shall be from the municipal corporation, and not the county. The ordinance or resolution may be in any form as long as it contains the following information:
 - (a) Identity of the sponsor;
 - (b) Location and nature of the project; and
 - (c) Acknowledgment of the fact that the Administration will finance the project.
 - (2) In addition, before the loan closing, the county executive of a chartered county, or the mayor of a municipality (if the mayor is not a member of the city council) shall give approval of the loan. This approval may be made by endorsement of the ordinance or resolution, or by separate writing.
 - (3) Obtaining local approval is the responsibility of the sponsor.]
 - (1) *For each project for which an application is received under this chapter, the Department shall provide written notice and reasonable opportunity to comment on the project to the chief executive officer or the equivalent officer and the head or president of the legislative body of the political subdivision in which the proposed project is located.*
 - (2) *If a proposed project is in a municipal corporation, the notice required under §E(1) of this regulation shall be sent to the chief executive officer and the head or president of the legislative body of the municipal corporation, not the surrounding county.*
 - (3) *The notice provided under §E(1) of this regulation shall contain the following information about the proposed project:*
 - (a) *Date of application;*
 - (b) *Name and description of project;*
 - (c) *Address of project;*
 - (d) *Sponsor of the project and sponsor’s contact information;*
 - (e) *Amount of funding requested;*
 - (f) *Amount type and provider of other sources of funding;*
 - (g) *Total number of units;*
 - (h) *Number of units reserved for households of limited income, including the income and rent limits; and*
 - (i) *Such other information as the Department deems relevant.*

F. — P. (text unchanged)

.08 Application Processing Procedures.

- A. (text unchanged)
- B. [Eligibility Notification.] *Review of Applications*. Each application shall be subject to an initial review to make a preliminary assessment of the eligibility of the sponsor and the project in accordance with Regulations .03 and .04 and in accordance with the

Program Guide. The Administration shall notify the sponsor in writing upon completion of its assessment of eligibility.

- C. — E. (text unchanged)
- F. *Reconsideration*. Sponsors may request reconsideration of a rejection in accordance with the procedures contained in the [program guide] *Program Guide*. An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR [05.01.02.] 05.01.01.

.11 Fees; Program [Guidelines] Guide.

- A. Amounts and time of payment of application fees, construction financing fees, permanent loan commitment fees, nonusage bond issuance fees, and other fees as may be required by the Administration shall be as provided in a fee schedule set forth in the *Program Guide* [and revised from time to time by the Administration].
- B. The Administration [may] *shall* establish [from time to time detailed program guidelines containing] underwriting standards, loan processing requirements, and other requirements or matters relating to the financing of mortgage loans or to the program in the *Program Guide*.
- C. Copies of the fee schedule and [guidelines] *Program Guide* shall be available for examination at the Administration’s principal office. The Administration shall make copies available to the public upon request.

.14 Nondiscrimination [Requirements]; Drug Free and Alcohol Free Workplace.

- A. [Discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical or mental handicap, or age (except for projects for elderly persons which are in compliance with the Fair Housing Act Amendments of 1988) may not exist in selling, leasing, or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted in whole or part under the Act, or in any aspect of employment by any sponsor or contractor in the construction, repair, or maintenance of any property financed or assisted in whole or in part under the Act.] *A sponsor or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the program.*
- B. [Each sponsor shall comply with] *A sponsor or contractor shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:*
 - (1) Titles VI and VII of the Civil Rights Act of 1964, as amended[, and];
 - (2) Title VIII of the Civil Rights Act of 1968, as amended;
 - [(2)] (3) [Article 49B.] *The Fair Housing Amendments Act of 1988, as amended;*
 - (4) *State Government Article, Title 20, Annotated Code of Maryland, as amended;*
 - [(3)] (5) *The Department’s Minority Business Enterprise Program, as amended; [and]*
 - (6) *The Americans with Disabilities Act of 1990, as amended; and*

[(4)] (7) Executive Order 01.01.1989.18 [relating to], Drug and Alcohol Free [Workplaces] *Workplace*, and any [Departmental] *Department or State* regulations adopted *or to be adopted* to carry out the requirements of that Order.

C. (text unchanged)

.17 Affirmative Fair Housing Marketing Plan.

Each project shall submit for review and approval by the Administration an affirmative fair housing marketing plan in accordance with the requirements of the Program Guide. The Administration shall monitor the project's compliance with the approved plan.

05.05.05 Partnership Rental Housing Program

Authority: Housing and Community Development Article, Title 4, Subtitle 12; State Finance and Procurement Article, §§5-7B-01—5-7B-10; Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

.02 Objective.

A. The objective of the Program is to provide financing for all or a portion of the development costs of rental housing that will be occupied by [lower-income] households of lower income and is either:

(1) Owned, or to be owned, by local governments, or local government entities, for which the applicable local government provides a site *or funds to acquire a site* and any necessary off-site improvements; or

(2) Owned by private sector entities and is occupied by [lower-income] households of lower income that include one or more individuals with disabilities or special needs.

B. The Program intends to provide financing to projects that:

(1) (text unchanged)

(2) Can be maintained economically as rental housing for [lower-income] households of lower income in perpetuity if the sponsor so wishes.

C. (text unchanged)

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Administration" means the Community Development Administration, a unit of the Division of Development Finance of the Department.

[(2)] (3) — [(5)] (6) (text unchanged)

[(6)] (7) *Department*.

(a) "Department" means the Department of Housing and Community Development, a principal department of the State.

(b) "Department" includes the Administration.

[(7)] (8) (text unchanged)

[(8)] (9) "Elderly household" means: [a lower-income household in which at least one member is 55 years old or older and that meets the age limits specified by the Secretary, which may vary for different programs or types of projects.]

(a) One or more individuals who occupy the same residential dwelling unit, at least one of whom is 62 years old or older;

(b) For projects which also receive funding through one or more programs administered by HUD, an elderly family, elderly household, or elderly person, as defined by HUD; or

(c) Such other definition established by the Secretary pursuant to Housing and Community Development Article, §4-101, Annotated Code of Maryland.

[(9)] (10) (text unchanged)

[(10)] (11) *Household*.

(a) "Household" means [an individual or group of] one or more individuals who[:] occupy the same residential dwelling unit as their permanent residence.

[(a)] Occupy or intend to occupy a residential rental unit in a project; and

(b) Have resources sufficient to pay the applicable rent through employment income, pensions, other income, or assistance.]

(b) "Household" includes a family as defined in 24 CFR §5.403, as amended.

(12) *Household of Lower Income*.

(a) "Household of lower income" means a household whose annual income, upon initial occupancy, does not exceed 50 percent of the Statewide median income for a household of similar size or such lesser income level as may be established by the Secretary for any particular project or for partnership units to be occupied by one or more individuals with disabilities or special needs.

(b) "Household of lower income", for the purpose of continuing occupancy, includes a household whose annual income does not exceed an income level that the Secretary establishes or any applicable federal requirement.

[(11)] (13) — [(14)] (16) (text unchanged)

[(15) Lower-Income Household.

(a) "Lower-income household" means a household whose annual income, upon initial occupancy, does not exceed 50 percent of the Statewide median income for a household of similar size or such lesser income level as may be established by the Secretary for any particular project or for partnership units to be occupied by one or more individuals with disabilities or special needs.

(b) "Lower-income household", for the purpose of continuing occupancy, includes a household whose annual income does not exceed an income level that the Secretary establishes or any applicable federal requirement.]

[(16)] (17) — [(19)] (20) (text unchanged)

[(20)] (21) "Project" means any undertaking for the acquisition, construction, or rehabilitation of land, buildings, and improvements, or any portion thereof, financed by the Program, that will be used for rental housing to be occupied entirely by [lower-income] households of lower income, except for any units occupied by management personnel.

[(21)] (22) — [(23)] (24) (text unchanged)

[(24)] (25) "Sponsor" means all of the following:

(a) — (b) (text unchanged)

(c) Any person or entity that has an ownership interest in, or identity of interest with, a person or entity under §B[(24)](25)(a) or (b) of this regulation; and

(d) An applicant that develops a project and qualifies under §B[(24)](25)(a), (b), or (c) of this regulation.

(26) "Treasurer" means the Maryland State Treasurer.

.04 Eligible Borrowers—Local Governments and Local Government Entities.

A. — D. (text unchanged)

E. The local government or local government entity shall own the project. [A project that is owned by a local government entity shall be funded out of one of the following:

(1) Moneys appropriated by the State to the Program;

(2) 5 percent of the proceeds of general obligation bonds that may be used by private entities; or

(3) Any proceeds of general obligation bonds if approved by bond counsel.]

F. (text unchanged)

.05 Eligible Borrowers—Private Sector Entities.

A. If a project is owned by a private sector entity, the entity shall meet the following requirements to qualify for capital assistance:

(1) — (4) (text unchanged)

(5) Agree in writing to rent all partnership units to [lower-income] households of lower income that include [including] one or more individuals with disabilities or special needs.

B. (text unchanged)

.06 Management.

A. (text unchanged)

B. The management contract:

(1) (text unchanged)

(2) If the capital assistance is funded from the proceeds of tax-exempt revenue bonds, shall have a duration not greater than 1 year, unless a longer term is approved by counsel to the Treasurer, and shall contain such other provisions necessary to ensure the tax-exempt status of the bonds; and

(3) May be renewed at 1-year intervals, or such longer intervals as approved by counsel to the Treasurer, at the option of the parties.

C. (text unchanged)

.07 Eligible Uses.

A. Program funds may be used to provide capital assistance for financing development costs, including:

[(1) Acquisition of buildings, but not land, if the sponsor is a local government or local government entity;]

[(2)] (1) Acquisition of buildings and land, [if the sponsor is a private sector entity] provided, if the sponsor is a local government or local government entity, it has met the local contribution requirements of Regulation .17 of this chapter;

[(3)] (2) — [(11)] (10) (text unchanged)

B. — C. (text unchanged)

D. If a capital assistance from the program loan is funded with the proceeds of general obligation bonds issued by the State of Maryland, additional limitations on eligible uses may be applicable.

.08 Project Eligibility.

A. — C. (text unchanged)

D. Occupancy Limitation.

(1) Throughout the term of the capital assistance financing, all of the residential rental units in a project that are financed with the capital assistance, other than units occupied by management personnel, shall be:

(a) Occupied by [lower-income] households of lower income; or

(b) If the project is owned by a private sector entity, occupied by [lower-income] households [including] of lower income that include one or more individuals with disabilities or special needs.

(2) A household whose annual income after initial occupancy exceeds the income limit set by the Secretary for continuing occupancy for [lower-income] households of lower income shall be given notice requiring it to vacate on or before that date which is 24 months after the date of the notice. The sponsor or its management agent shall deliver the required notice within 2 months of the date of the certification showing that the annual income of the household exceeded the income limit for continuing occupancy for [lower-income] households of lower income.

(3) (text unchanged)

(4) Partial Financing.

(a) If capital assistance is used to partially finance a project, there shall be a minimum number of partnership units, other than units occupied by management personnel, that shall be occupied by

[lower-income] households of lower income throughout the term of the capital assistance financing.

(b) Except as provided in §D(4)(c) of this regulation, the minimum number of partnership units shall be [the greater of the:

(i) Amount] equal to the amount of the loan divided by [the total cost of the undertaking multiplied by the total number of rental units in the undertaking; or

(ii) Number of residential units selected by the sponsor to satisfy the federal requirements for projects that receive an allocation of federal low-income housing tax credits] \$75,000 or such other per unit cap as may be established by the Secretary.

(c) For capital assistance to private sector entities for rental housing for households that include one or more individuals with disabilities or special needs, the minimum number of partnership units shall be as set by the Program.

(d) (text unchanged)

(e) Only those households that reside in partnership units in a project are [required to contribute services to enhance and maintain the project or the community] subject to the tenant participation requirements as provided under Regulation .18 of this chapter.

(f) The sponsor shall provide equal access [to] for all tenants [in the partnership units] to any amenities and common areas in a project that [also includes nonpartnership units] is partially funded with capital assistance from the Program.

(g) — (j) (text unchanged)

.12 Terms and Conditions—Repayment.

A. Conditional Repayment Obligation. [A] Except as provided in §B of this regulation, a repayment of principal or interest on the capital assistance is not required unless the project ceases to be owned by the sponsor or operated in accordance with the requirements of the Act and this chapter and the terms and conditions of the capital assistance documents.

B. If necessary to comply with, or receive the benefit of, federal or other financial assistance, capital assistance provided under the program may be made available as a deferred payment loan repayable on the later of:

(1) The sale of the project;

(2) The failure of the sponsor to operate the project for the benefit of households of lower income in accordance with the agreements between the Department and the local government; or

(3) A maturity date set by the Department.

[B.] C. Amounts Due upon Sale of Project.

(1) If a project or any interest in it is sold or transferred by the sponsor, other than to a local government or local government entity in accordance with Regulations .09 and .10 of this chapter, or to another eligible borrower approved by the Department, the sponsor shall pay to the Department the principal amount of the financing, plus simple interest, if any, at the rate set forth in the capital assistance documents [one of the following:

(a) If the financing was made with State general obligation bond proceeds, an amount equal to the amount of interest paid by the State, together with the costs of redemption, on the State bonds allocable to the project; or

(b) If the financing was made with general funds appropriated to the Program or special funds, simple interest at a rate specified in the capital assistance documents].

(2) The capital assistance documents [shall] may require that the sponsor or the Department [shall] apply any proceeds of the sale of a project or any other loan repayment funds plus all sums held in any project accounts to the housing needs of low-income and moderate-income persons.

[C.] D. Amounts Due upon Default.

(1) In the event of default, the Department has the right to accelerate the indebtedness, and the amounts set forth in §[B]C(1)

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[and (2)] of this regulation shall then be due and payable by the owner.

(2) — (4) (text unchanged)

[D.] *E. Voluntary Repayment.* A sponsor may voluntarily repay Program financial assistance at any time if the sponsor complies with the following requirements:

(1) If the financing was made with State bond proceeds, provides the Department with an opinion of bond counsel, *prior to or simultaneously with the voluntary prepayment*, that the prepayment does not adversely affect the interest of the bondholders under the pertinent State bonds and the State's bond counsel for the bonds agrees;

(2) *Provides written notice to each tenant residing in the project which describes the impact of the prepayment on the tenant and, if applicable, any assistance to which the tenant is entitled;*

[(2)] (3) *Provides notice of the prepayment to the Department, the political subdivision, if not an owner of the project, the local public housing authority, if any and if not an owner of the project, and any parties registered with the Department;*

(4) *Offer a right of first purchase to the Department, the political subdivision, if not an owner of the project, the local public housing authority, if any and if not an owner of the project, and any interested parties registered with the Department;*

[(3) Provides to each tenant residing in the project written notice that describes the impact of the prepayment on the tenant and, if applicable, any assistance to which the tenant is entitled;]

[(4)] (5) *Provides a lease extension for at least 1 year following the notice of the prospective [repayment] prepayment action to each tenant residing in an assisted unit;*

[(5)] (6) *Makes relocation assistance payments to each tenant* [of:

(a) A minimum of \$475; and

(b) Upon documentation of all expenses, up to an additional \$475] *in an amount determined by the Department;*

[(6)] (7) *Provides 3-year lease extensions or payments equal to 3 months rent to 20 percent of the tenants who live in assisted units and qualify as senior citizens, [handicapped] disabled, or [families] households with minors; and*

[(7)] (8) *Complies with any procedural requirements of the Department with respect to the right of first purchase, the relocation payments, and lease extensions.*

.13 Terms and Conditions—General.

A. — D. (text unchanged)

E. *Rental Period.* For the entire period during which the capital assistance, or any part of it, is outstanding, the partnership units shall be maintained:

(1) If the project is owned by a local government *or local government entity*, as rental housing for [lower-income] households *of lower income*; or

(2) If the project is owned by a private sector entity, as housing for [lower-income] households *of lower income* that include one or more individuals with disabilities or special needs.

F. (text unchanged)

.14 Terms and Conditions — Property, Liability, and Other Insurance.

A. — B. (text unchanged)

C. In addition to the requirements of [§A] §B of this regulation, owner's liability insurance shall:

(1) — (2) (text unchanged)

D. In addition to the requirements of [§A] §B of this regulation, contractor's liability and contractor's builder's risk insurance shall:

(1) — (2) (text unchanged)

E. In addition to the requirements of [§A] §B of this regulation, owner's property or hazard insurance shall:

(1) — (2) (text unchanged)

F. (text unchanged)

.16 Capital Assistance Documents.

The Department shall prescribe or approve the form and content of all documents, which may include a note, deed of trust, regulatory agreement, and other instruments that the Department may require to evidence or secure the [loan] *capital assistance* or enforce the requirements of the Act and this chapter.

.18 Tenant Participation.

A. — B. (text unchanged)

C. *Tenant participation may not be required in connection with capital assistance if:*

(1) Private sector entities [that] receive financial assistance to provide rental housing for individuals with disabilities or special needs [are not required to provide a tenant services plan and tenants of those units are not required to contribute services]; or

(2) *Such a requirement is prohibited by a federal program applicable to the project.*

.24 Nondiscrimination; Drug Free and Alcohol Free Workplace.

A. [A sponsor may not discriminate on the basis of age, except with respect to residents in elderly projects, race, color, religion, national origin, sex, marital status, sexual orientation or physical or mental handicap in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, reconstruction, and substantial rehabilitation of any project financed under the Program.] *A sponsor or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the program.*

B. Each sponsor[, or contractor[, and subcontractor]] shall comply with all applicable federal, State, and local laws and [Departmental] *Department policies and programs regarding discrimination and equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:*

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended[, and];

(2) Title VIII of the Civil Rights Act of 1968, as amended;

(3) [, including the] *The Fair Housing Act Amendments of 1988, as amended;*

[(2)] (4) [Article 49B,] *State Government Article, Title 20, Annotated Code of Maryland, as amended;*

[(3)] (5) — [(4)] (6) (text unchanged)

[(5)] (7) Executive Order 01.01.1989.18, [relating to drug and alcohol free workplaces] *Drug and Alcohol Free Workplace*, and any [Departmental] *Department or State regulations adopted or to be adopted to carry out the requirements of that order.*

C. (text unchanged)

CLARENCE J. SNUGGS

Acting Secretary of Housing and Community Development

Subtitle 12 FEDERAL HOUSING PROGRAMS

05.12.01 Maryland HOME Program

Authority: Housing and Community Development Article, §§2-111(b) and 4-211(a)(8) and [(9)] (10); State Finance and Procurement Article, §§5-7B-01—5-7B-10; Annotated Code of Maryland Executive Order 01.01.1998.04

Notice of Proposed Action

[14-293-P]

The Acting Secretary of Housing and Community Development proposes to amend Regulations .02—, .07, .09—, .11, .14—, .16, and .18—, .22 under COMAR 05.12.01 Maryland HOME Program.

Statement of Purpose

The purpose of this action is to conform the regulations to recent changes in the federal HOME regulations (24 CFR Part 92) and to revise the HOME multifamily program to conform to recent changes made for the Rental Housing Program as a result of the Multifamily Rental Housing Programs Efficiency Act (H.B. 453 Of 2014), which is administered in conjunction with the HOME multifamily program.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dale Quisgard, HOME Program Manager, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7456, or email to Quisgard@mdhousing.org, or fax to 410-514-7291. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.02 Objectives.

The objectives of the Maryland HOME Program are to:

- A. (text unchanged)
- B. Finance programs, projects, and activities that fill a need not met by the [DHCD] Department’s housing programs, but that promote the development and rehabilitation of housing for homeowners, renters, and special populations; and
- C. (text unchanged)

.03 Definitions.

A. The terms appearing in 24 CFR Part 92 have the meanings defined there and, in addition, the meanings used in this chapter.

B. Terms Defined.

(1) “Administration” means the Community Development Administration, a unit of the Division of Development Finance of the Department.

[(1)] (2) — [(4)] (5) (text unchanged)

[(5)] (6) [“Department [DHCD]”].

(a) “Department” means the Department of Housing and Community Development, a principal department of the State.

(b) “Department” includes the Administration.

[(6)] (7) “DHCD housing programs” means collectively the [Multifamily] Rental Housing [Programs] Program, the Single

Family Programs, the Multifamily Bond Program, the Low Income Housing Tax Credit Program, and the Shelter and Transitional Facilities Grant Program, all as authorized under the Housing and Community Development Article, Annotated Code of Maryland, and this title.

[(7)] (8) (text unchanged)

[(8) “Family” means an individual or a group of individuals who occupy a dwelling unit as their permanent residence.]

(9) — (12) (text unchanged)

(13) [“]Household[“ means one or more persons occupying a housing unit].

(a) “Household” means one or more individuals who occupy the same residential dwelling unit as their permanent residence.

(b) “Household” includes a family as defined in 24 CFR §5.403, as amended.

(14) — (15) (text unchanged)

(16) [“]Income eligible household[“].

(a) “Income eligible household” means a household whose gross annual income does not exceed the income limits for low income families or very low income families as set forth in 24 CFR §92.2.

(b) “Income eligible household” does not include a student who is not eligible to receive Section 8 assistance under 24 CFR §5.612.

(17) (text unchanged)

[(18) “Moderate rehabilitation” means the rehabilitation of residential property at an average cost for the project of less than \$25,000 per dwelling unit.

(19) “Multifamily Rental Housing Programs” means the:

(a) Multi-Family Rehabilitation Program of the Maryland Housing Rehabilitation Program authorized under Housing and Community Development Article, Title 4, Subtitle 9, Annotated Code of Maryland;

(b) Nonprofit Rehabilitation Program authorized under Housing and Community Development Article, §4-929, Annotated Code of Maryland;

(c) Rental Housing Production Program authorized under Housing and Community Development Article, Title 4, Subtitle 15, Annotated Code of Maryland; and

(d) Elderly Rental Housing Program authorized under Housing and Community Development Article, Title 4, Subtitle 4, Annotated Code of Maryland.]

[(20)] (18) — [(21)] (19) (text unchanged)

[(22)] (20) “Participating jurisdiction” means a jurisdiction that:

(a) (text unchanged)

(b) As of October 1, [2005] 2013, consisted of Baltimore City and Anne Arundel, Baltimore, Harford, Howard, Montgomery, and Prince George’s counties.

[(23)] (21) (text unchanged)

(22) “Program Guide” means the Multifamily Rental Financing Program Guide adopted by the Department, as amended from time to time.

[(24)] (23) (text unchanged)

[(25)] (24) Reconstruction.

(a) — (b) (text unchanged)

(c) “Reconstruction” includes housing that was destroyed and is rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction.

[(26)] (25) — [(28)] (27) (text unchanged)

[(29)] (28) “Single Family Programs” means the:

(a) — (i) (text unchanged)

(j) Special Housing Opportunities Program authorized under Housing and Community Development Article, §§4-244—4-245, Annotated Code of Maryland; [and]

(k) Federal Lead Hazard Reduction Program authorized under Housing and Community Development Article, §4-211(a)(8) and (9), Annotated Code of Maryland[.]; and

(l) *Accessible Homes for Senior Homeowners Grant Program authorized under Housing and Community Development Article, §4-931, Annotated Code of Maryland.*

[(30)] (29) “Single room occupancy housing” means housing consisting of single room dwelling units which are the primary residence of the occupant or occupants and, if [the housing is being]:

(a) *The housing is being:*

(i) Newly constructed, converted from nonresidential space, or reconstructed, each unit contains food preparation facilities or sanitary facilities, or both; or

[(b)] (ii) Acquired or rehabilitated, the building contains at least sanitary facilities for the use of occupants[.]; and

(b) *The project’s designation as single room occupancy housing is not inconsistent with the building’s zoning and building code classification.*

[(31)] (30) (text unchanged)

[(32)] “Substantial rehabilitation” means the rehabilitation of residential property at an average cost for the project in excess of \$25,000 per dwelling unit.]

[(33)] (31) (text unchanged)

[(34)] (32) “Transitional housing” means housing that:

(a) Provides housing, together with appropriate supportive services, to people, including deinstitutionalized people with disabilities, homeless individuals with disabilities, and homeless [families] households with children; and

(b) Assists individuals and [families] households to live independently within a certain time period.

[(35)] (33) (text unchanged)

.04 Eligible Projects and Activities—Federal Criteria.

A. All projects and activities funded with HOME funds shall meet the general eligibility criteria in 24 CFR Part 92, which is incorporated by reference.

B. (text unchanged)

C. Eligible activities are:

(1) — (4) (text unchanged)

(5) [Moderate rehabilitation] *Rehabilitation;*

[(6) Substantial rehabilitation;]

[(7)] (6) — [(9)] (8) (text unchanged)

[(10)] (9) Tenant-based rental assistance under the provisions of the Maryland HOME Initiatives Program Fund set forth in Regulation .05C of this chapter, including assistance with security deposits and utility deposit assistance, but only if utility deposit assistance is provided with tenant-based rental assistance or security deposit payment;

[(11)] (10) Preconstruction costs under Regulation .09C and D of this chapter; [and]

[(12)] (11) Operating expenses of community housing development organizations (CHDOs)[.]; and

(12) *Public housing projects, only to the extent permitted under 24 CFR §92.213.*

D. Ineligible activities are:

(1) — (3) (text unchanged)

[(4) Public housing maintenance, operation, or modernization;]

[(5)] (4) (text unchanged)

[(6)] (5) Projects previously assisted by HOME funds (except for tenant-based rental assistance or assistance to first-time home buyers) during the period of affordability required under Regulation .15D of this chapter or the period specified in Regulation .17D(2) of

this chapter, except within 1 year of completion if the total HOME funds in the project do not exceed the maximum allowable subsidy amount and except as permitted by 24 CFR §92.210 for troubled HOME assisted rental housing projects;

[(7)] (6) [Facilities] *Housing* for students;

[(8)] (7) Emergency shelters; [and]

(8) *Halfway houses;*

(9) *Dormitories (including farmworker dormitories); and*

[(9)] (10) Transaction costs of privately refinanced debt.

.05 Eligible Projects and Activities—State Criteria.

A. — C. (text unchanged)

D. [Local] *Political Subdivisions; Notice and Contribution* [and Support].

(1) For rental housing development projects, the project shall comply with the [local] *political subdivision notice and contribution* [and support] requirements in COMAR 05.05.01.07.

(2) (text unchanged)

.06 Eligible Recipients.

A. (text unchanged)

B. Otherwise eligible recipients who are suspended or debarred from the Department’s or HUD’s programs may not be approved.

C. If an eligible recipient [is primarily a religious organization or controlled by a religious organization, the recipient shall covenant that the project funded through HOME will be used solely for secular purposes and be made available to all people regardless of religion] *engages in explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization, then the recipient shall perform such activities and offer such services outside of programs that are supported with federal financial assistance and separately, in time or location, from the programs or services funded with HOME funds, and participation in any such explicitly religious activities shall be voluntary for the program beneficiaries of the HOME-funded programs or services.*

.07 Eligible Costs.

HOME funds may be used to pay any costs permitted by 24 CFR Part 92. HOME funds generally may be used to pay for the following costs:

A. The actual hard costs of new construction, including the costs of complying with Regulation .14[B] of this chapter;

B. Rehabilitation hard costs to[:] *meet the property standards for rehabilitation projects in Regulation .14 of this chapter;*

[(1) Correct substandard conditions,

(2) Make essential improvements,

(3) Make energy-related repairs or improvements,

(4) Make handicapped improvements,

(5) Abate lead paint hazards,

(6) Replace major house systems,

(7) Reconstruct existing housing, and

(8) Make improvements to facilitate the ability of senior citizens to remain in their housing;]

C. The cost of refinancing existing debt secured by housing that is being rehabilitated with HOME funds:

(1) For single-family (one-to-four family) owner-occupied housing, if the overall housing costs of the sponsor will be reduced and made more affordable[,] and if the rehabilitation cost is greater than the amount of debt that is refinanced; and

(2) (text unchanged)

D. — F. (text unchanged)

[G. The cost of acquiring unimproved real property;]

[H.] G. Cost of acquiring vacant land or the cost of demolishing improvements as permitted in 24 CFR §92.205;

[I.] *H.* Reasonable and necessary soft costs related to the development of the project such as:

(1) Architectural, engineering, and related professional fees[,] *incurred not more than 24 months before the HOME funds were committed to the project;*

(2) — (8) (text unchanged)

(9) For new construction or [substantial] rehabilitation of a rental housing development project, the cost of funding an initial operating deficit reserve to meet shortfalls in project income during an initial rent-up period of up to 18 months, provided that unexpended funds are returned to the HOME Investment Trust Fund[.]; and

(10) (text unchanged)

[J.] *I.* (text unchanged)

[K.] *J.* Operating expenses of CHDOs, if the Department does not:

(1) (text unchanged)

(2) Fund, in any fiscal year, more than the greater of 50 percent of, or \$50,000 towards, the *total* operating expenses of a CHDO, including funds for organizational support, housing education, and [administrative funds] *operating expenses provided under 24 CFR §92.208.*

.09 Allocation of Funds—Community Housing Development Organizations.

A. Eligible Organizations. Community housing development organizations are eligible if they meet the [following] criteria *set forth in 24 CFR §92.2*[.]:

[(1) Are private nonprofit organizations;

(2) Are organized under State laws;

(3) Have no part of their net earnings inuring to the benefit of any member, founder, contributor, or individual;

(4) Are neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization, but may be sponsored or created by a for-profit entity, if:

(a) The for-profit entity is not an entity whose primary purpose is the development or management of housing, such as a builder, developer, or real estate management firm,

(b) The for-profit entity does not have the right to appoint more than one-third of the membership of the organization’s governing body and board members appointed by the for-profit entity may not appoint the remaining two-thirds of the board members, and

(c) The community housing development organization is free to contract for goods and services from vendors of its own choosing;

(5) Have a tax exemption ruling from the Internal Revenue Service under §501(c)(3) or (4) of the Internal Revenue Code of 1986;

(6) Do not include a public body or an instrumentality of a public body;

(7) Meet applicable federal standards of financial accountability that conform to those described under 24 CFR §92.2 in the definition of community housing development organization;

(8) Have among the CHDO purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in their charter, articles of incorporation, resolutions, or bylaws;

(9) Maintain accountability to low-income community residents by:

(a) Maintaining at least one-third of their governing boards’ membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations, and

(b) Providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing;

(10) Have a demonstrated capacity for carrying out activities assisted with HOME funds, as evidenced by:

(a) Hiring experienced, accomplished key staff members who have successfully completed similar projects, or

(b) Engaging a consultant with the same type of experience and adopting a plan to train appropriate key staff members of the organization; and

(11) Have a history of serving the community within which housing to be assisted with HOME funds is to be located.]

B. CHDO Set Asides.

(1) Fifteen percent of the total allocation to the HOME Investment Trust Fund shall be reserved for [24 months for community housing development organizations] *and used by CHDOs in accordance with 24 CFR §92.300.* Up to 10 percent of the funds reserved for CHDOs may be reserved for loans made under §§C and D of this regulation.

[(2) The CHDO shall be:

(a) For a homeownership project, the:

(i) Developer, or

(ii) Sponsor; and

(b) For a rental housing development project, the:

(i) Sole owner,

(ii) Managing general partner of the owner partnership, or

(iii) The sole parent of a wholly owned for-profit subsidiary which subsidiary is the managing general partner of the partnership.]

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

C. Eligible Uses—Technical Assistance and Site Control.

(1) — (2) (text unchanged)

(3) Loans under this section may be used to pay:

(a) — (c) (text unchanged)

(d) Legal, architectural, and engineering fees; [and]

(e) *Engagement of a development team;*

(f) *Option to acquire property; and*

[(e)] (g) Site control and title clearance.

(4) *Loans under this section may not be used to pay for the general operational expenses of a CHDO.*

[(4)] (5) (text unchanged)

D. Eligible Uses—Seed Money Loans.

(1) (text unchanged)

(2) A CHDO may apply to use HOME funds to provide CHDOs with funds to pay reasonable and customary preconstruction costs of a project[.], *including, but not limited to, the costs of:*

(a) *Obtaining firm construction loan commitments;*

(b) *Architectural plans and specifications;*

(c) *Zoning approvals;*

(d) *Engineering studies; and*

(e) *Legal fees.*

(3) In order to qualify for a loan under of this section, a CHDO is required to have:

(a) Control of the site *evidenced by a deed, a sales contract, or an option contract to acquire the property;*

(b) — (c) (text unchanged)

(4) (text unchanged)

E. (text unchanged)

.10 Terms and Conditions of Financial Assistance—General.

A. (text unchanged)

B. Maximum Amount of Financial Assistance.

(1) The maximum amount of financial assistance to a single project or activity generally may not exceed the lesser of:

(a) [\$1,500,000] *\$2,000,000*; or

(b) An amount equal to the greater of the per unit dollar limits:

(i) Set under §221(d)(3)(iii) of the National Housing Act[,] *for elevator-type projects that apply to the area in which the housing is located*; or

(ii) (text unchanged)

(2) In the discretion of the Department, a higher amount than the amount identified in §B(1)(a) of this regulation may be approved if:

(a) (text unchanged)

(b) The project serves more than the required number of income eligible [families] *households*;

(c) — (e) (text unchanged)

C. (text unchanged)

D. Term. The maximum term of financial assistance for HOME funds disbursed as loans is one of the following:

(1) (text unchanged)

(2) A term not to exceed 18 months if the HOME funds are used to fund an operating deficit for a new construction or [substantial] rehabilitation rental housing development project;

(3) (text unchanged)

E. Interest Rate.

(1) (text unchanged)

(2) For rental housing development projects, interest rates for each loan shall be established based on the underwriting for each project *and in accordance with the Program Guide*. The maximum interest rate on a loan shall be at a rate which does not impair the financial viability of the project or the capability of the sponsor to provide rents which are affordable to income eligible households. The interest rate may be as low as zero percent, based upon projected cash flows for the proposed project.

F. Repayment.

(1) — (2) (text unchanged)

(3) In the case of repayments for terminated projects, a project shall be terminated and HOME funds disbursed as loans shall be repaid to the Department before maturity upon the earlier to occur of:

(a) — (b) (text unchanged)

(c) For rental housing developments, termination of the project or activity before completion, unless the loan was to a CHDO under Regulation .09C or D of this chapter and the Department waives repayment, in whole or in part, [on the basis that project development cannot be completed due to factors reasonably beyond the control of a CHDO] *under that regulation*.

G. Security for Capital Assistance Loans.

(1) — (2) (text unchanged)

(3) Loans made to CHDOs under Regulation .09C and D of this chapter [may not] *shall* be required to be secured by a recorded mortgage [or], deed of trust, [at the option of the Department, so long as the obligations of the CHDO are secured by a recorded] *or* declaration of covenants *if the CHDO owns the site or obtains ownership of the site as a result of receipt of the loan*.

H. (text unchanged)

I. *Reduction of Units. After project completion, the number of units designated as HOME-assisted may be reduced only in the following circumstances:*

(1) *In accordance with 24 CFR §92.210 with respect to troubled HOME projects; or*

(2) *In a project consisting of all HOME-assisted units, one unit may be subsequently converted to an on-site manager's unit if:*

(a) *The conversion will contribute to the stability or effectiveness of the housing; and*

(b) *Notwithstanding the loss of one HOME-assisted unit, the costs charged to the HOME program do not exceed the actual costs of the HOME-assisted units and do not exceed the subsidy limit in §B of this regulation.*

.11 Terms and Conditions—Distribution of Sales Proceeds/Equity Sharing.

A. As a condition to receipt of HOME funds disbursed as loans, a homeowner who receives HOME funds for house acquisition is required to enter into an agreement concerning the distribution of net proceeds upon the sale of the house as described in Regulation .17[B(6)] *B-1* of this chapter.

B. — E. (text unchanged)

.14 Property Standards.

A. *Applicable Standards for Projects to Which Funds Are Committed Prior to January 24, 2015.*

(1) All housing assisted with HOME funds shall meet the housing quality standards set forth in 24 CFR §982.401.

[B.] (2) Newly constructed or [substantially] rehabilitated housing shall meet the standards set forth in 24 CFR §92.251 and all applicable local codes, ordinances, rehabilitation standards, and zoning ordinances.

[C.] (3) Before the transfer of a homeownership project that is to be rehabilitated after transfer, the Department or its designee shall:

[(1)] (a) — [(3)] (c) (text unchanged)

[D.] (4) In addition, a homeownership project that is to be rehabilitated after transfer shall:

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

[E.] (5) The purchase or rehabilitation of manufactured housing is eligible for HOME funds if, upon completion, the unit:

[(1)] (a) — [(3)] (c) (text unchanged)

[(4)] (d) Meets either the:

[(a)] (i) — [(b)] (ii) (text unchanged)

[(5)] (e) (text unchanged)

B. *Applicable Standards for Projects to Which Funds Are Committed on or After January 24, 2015.*

(1) *New construction projects. New construction projects shall meet the requirements set forth in 24 CFR §92.251(a).*

(2) *Rehabilitation Projects.*

(a) *Rehabilitation projects shall meet the Department's rehabilitation property standards, which are available either directly from the Department or on the Department's website.*

(b) *The construction contracts and construction documents shall describe the work to be undertaken in adequate detail so that inspections can be conducted. Written cost estimates shall be reviewed and shall be approved only if costs are determined to be reasonable.*

(c) *An initial property inspection shall be conducted to identify any deficiencies that must be addressed. The Department or its designee shall conduct progress and final inspections to determine that work was completed in accordance with work write-ups and the Department's rehabilitation standards.*

(3) *Acquisition of Existing Housing.*

(a) *Existing housing that is acquired with HOME assistance for rental housing, and that was newly constructed or rehabilitated less than 12 months before the date of commitment of HOME funds, shall meet the property standards of §B(1) or (2) of this regulation, as applicable. Compliance shall be documented based upon a review of approved building plans and certificates of occupancy, and an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance.*

(b) *All other existing housing that is acquired with HOME assistance for rental housing shall meet the rehabilitation property standards requirements of §B(2) of this regulation. Compliance shall be documented based upon an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance.*

(c) *Existing housing that is acquired for homeownership, including down-payment assistance, shall meet the Department's homeownership property standards, which are available either*

directly from the Department or on the Department's website. Compliance with these standards shall be documented based upon an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance.

(4) Housing occupied by tenants receiving HOME tenant-based rental assistance shall meet the standards contained in 24 CFR § 982.401, or the successor requirements as established by HUD.

(5) Manufactured Housing. Construction of all manufactured housing including manufactured housing that replaces an existing substandard unit under the definition of "reconstruction" shall meet the requirements set forth in 24 CFR §92.251(e).

(6) Ongoing property condition standards for rental housing. All HOME-funded rental housing shall meet the Department's ongoing property condition standards for rental housing throughout the affordability period. These standards are available either directly from the Department or on the Department's website.

.15 Affordable Rental Housing Requirements—Rent and Occupancy Restrictions.

A. (text unchanged)

B. Rent Limits.

(1) The rent limits in this section apply to rent plus utilities or utility allowance, as applicable.

[1)] (2) Except as provided in §B(2)(3) of this regulation, to qualify as affordable housing and a recipient of HOME funds, project rents may not exceed the lesser of:

(a) Fair market rent established by HUD for the area[, less the monthly allowance for utilities and services];

(b) An amount that does not exceed 30 percent of the adjusted income of a [family] household whose gross income equals 65 percent of median income as determined by HUD and adjusted for:

- (i) The] the number of bedrooms in the unit[, and
- (ii) A monthly allowance for utilities and services]; or
- (c) (text unchanged)

[2)](3) Unless a unit has been allocated federal low-income housing tax credits, if the income of an existing tenant of a HOME-assisted unit exceeds 80 percent of area median income adjusted for [family] household size, the rent charged for the HOME unit shall be adjusted to the lesser of:

- (a) (text unchanged)
- (b) 30 percent of the [family's] household's adjusted monthly income, as recertified annually.

C. Additional Rent Limitations for Single Room Occupancy Housing.

(1) For single room occupancy housing that has both sanitary and food preparation facilities, the maximum HOME rent is based on the zero-bedroom fair market rent. The housing shall meet the requirements of §§A and B of this regulation.

(2) For single room occupancy housing that has no sanitary or food preparation facilities or only one of the two, the maximum HOME rent is based on 75 percent of the zero-bedroom fair market rent. The project is not required to have low HOME rents in accordance with §B(1) or (2) of this regulation, but shall meet the occupancy requirements of §D of this regulation.

[C.] D. Occupancy Requirements.

(1) Multiple Unit HOME Projects.

(a) A HOME project with five or more rental units, or scattered multiple HOME projects under common ownership containing five or more rental units, is required to meet the requirements of §[C]D(1)(b)—(e) of this regulation.

(b) At least 20 percent of the units in the project shall be occupied by income eligible households[, as defined in Regulation .03B(15) of this chapter] which qualify as very low income families as defined in 24 CFR §92.2.

(c) For the units described under §[C]D(1)(b) of this regulation, rent [may not exceed the lesser of the following:

(i) The greater of 30 percent of the occupying household's monthly adjusted income, or 30 percent of a gross family income equal to 50 percent of the median income for the area, as determined by HUD; and

(ii) The rent calculated under §B of this regulation] shall meet the requirements set forth in 24 CFR §92.252(b).

(d) All units in the project which do not meet the requirements of §[C]D(1)(b) and (c) of this regulation shall be occupied by households with annual incomes that do not exceed 80 percent of area median income adjusted for [family] household size. However, a qualified household may continue to occupy a unit in a project if the household's income exceeds 80 percent of area median income and the rent is adjusted as set forth in §B(2) of this regulation.

(2) Regardless of changes in fair market rents and in median income over time, the rent limits set forth in §§B and [C]D(1)(c) of this regulation are not required to be lower than the HOME rent for the project in effect at the time of project commitment.

(3) Small HOME Projects. A HOME project with one to four rental units shall be occupied by households with annual incomes that do not exceed 80 percent of area median income adjusted for [family] household size.

(4) HOME Projects as Part of an Undertaking.

(a) If a loan is made for a project which is only a portion of the undertaking being acquired, constructed, or rehabilitated by an eligible recipient in part with HOME funds, the following formula shall be used to determine the minimum number of rental housing units which shall meet the occupancy requirements of §[C]D(1) of this regulation:

- (i) — (iii) (text unchanged)
- (iv) Equals the number of units in the HOME project subject to the requirement of §[C]D(1) of this regulation.
- (b) (text unchanged)

[D.] E. Restrictive Covenants.

(1) — (2) (text unchanged)

(3) The document setting forth the restrictive covenants specified in §[D]E(1) and (2) of this regulation shall provide that, upon foreclosure by, or a deed in lieu of foreclosure to, an after recorded deed of trust securing the lender, the restrictive covenants shall be terminated if:

(a) — (c) (text unchanged)

F. HOME-assisted rental housing shall be occupied by income eligible households within 6 months following the date of project completion.

G. Records and Reports. The owner of rental housing shall annually provide the Department with information on rents and occupancy of HOME-assisted units to demonstrate compliance with §§A—F of this regulation. If the rental housing project has floating HOME units, the owner shall provide the Department with information regarding unit substitution and filling vacancies so that the project remains in compliance with HOME rental occupancy requirements.

.16 Rental Housing Requirements—Landlord Obligations.

A. Nondiscrimination. Households having vouchers under the Section 8 Tenant-Based Assistance: Housing Choice Voucher Program (24 CFR Part 982) or other tenant-based rental assistance, including the HOME tenant-based rental assistance program, may not be excluded from units in the HOME project because of the status of the prospective tenant as a holder of such voucher or other tenant-based assistance document.

B. (text unchanged)

C. Lease Terms.

(1) (text unchanged)

(2) The lease shall be reviewed and approved by the Department to confirm that it does not contain an agreement by the tenant:

(a) — (f) (text unchanged)

(g) To waive any appeal rights or otherwise challenge a court decision concerning the lease; [and]

(h) To pay legal fees or costs if the tenant wins in court[.]; and

(i) *To accept supportive services that are offered (other than a tenant in transitional housing).*

(3) Lease Termination. A lease may only be terminated or a renewal be refused upon 30 days written notice and after:

(a) — (b) (text unchanged)

(c) Completion of [a] *the tenancy period for transitional housing or failure to follow any required transitional housing supportive services plan*; or

(d) Other good cause, *which does not include an increase in the tenant's income or refusal of the tenant to purchase the housing.*

D. Property Maintenance.

(1) [The] *During the period of affordability, the owner of HOME-assisted rental housing shall maintain the premises in compliance with [all applicable housing quality standards and local code requirements] Regulation .14A(1) or B(6) of this chapter, as applicable.*

(2) *The Department or its designee shall inspect the property in accordance with the requirements contained in 94 CFR §92.504.*

(3) *The property owner shall annually certify to the Department that each building and all HOME-assisted units in the project are suitable for occupancy and are in compliance with the Department's property standards.*

E. Tenant Selection. The owner of a rental housing development project assisted with HOME funds shall [adopt] *comply with the Department's affirmative marketing requirements, including the adoption of written tenant selection policies and criteria that:*

(1) [Are consistent with the purpose of service to income eligible households] *Limit the housing to income eligible households;*

(2) [Reasonably relate to the applicant's ability to perform under the lease and the Program requirements] *Are reasonably related to the tenant's ability to perform the obligations of the lease;*

(3) — (4) (text unchanged)

F. *Affirmative Fair Housing Marketing Plan. Each project shall submit for review and approval by the Department an affirmative fair housing marketing plan in accordance with the requirements of the Program Guide. The Department shall monitor the project's compliance with the approved plan.*

G. *Prohibited Fees. Project owners may not charge fees that are not customarily charged in rental housing, except that rental project owners may charge:*

(1) *Reasonable application fees to prospective tenants;*

(2) *Parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and*

(3) *Fees for services such as bus transportation or meals, as long as the services are voluntary and fees are charged for services provided.*

.18 Tenant-Based Rental Assistance Requirements.

A. (text unchanged)

B. Tenant-Based Rental Assistance—General Conditions.

(1) — (6) (text unchanged)

(7) Housing occupied by a household receiving HOME tenant-based rental assistance under this regulation shall meet the housing quality standards set forth in 24 CFR §982.401 *or the successor requirements as established by HUD.*

C. Rental Assistance.

(1) — (3) (text unchanged)

(4) Monthly Assistance.

(a) The amount of the monthly assistance may not exceed the difference between:

(i) A rent standard for the unit size established by the Department or its designee, which standard [may be not less than 80 percent of the published §8 Existing Housing fair market rent (in effect when the payment standard amount is adopted) for the unit size, or more than the fair market rent or HUD-approved community-wide exception rent (in effect when the Department or its designee adopts its rent standard amount) as set by HUD for the unit size or an amount based] *shall be based on the Section 8 Housing Choice Voucher Program (24 CFR Part 982) or on local market conditions;* and

(ii) (text unchanged)

(b) (text unchanged)

(5) In any case when assistance under §8 of the United States Housing Act of 1937 becomes available [to the Department or its designee], recipients of tenant-based rental assistance under this regulation shall qualify for tenant selection preferences to the same extent as when they received the HOME tenant-based rental assistance under this regulation.

D. (text unchanged)

.19 Application Procedures.

A. — B. (text unchanged)

C. Timing.

(1) (text unchanged)

(2) Maryland HOME Initiatives Program Fund applications shall be made in accordance with application and competition cycles published by the Department. The Department shall notify nonprofit organizations, CHDO, developers, local governments, and other interested persons of application cycles. Notification may be by direct mailing, notices in newspapers with major Statewide circulation, or other methods selected by the [Administration] *Department.*

.20 Processing Procedures.

A. (text unchanged)

B. Maryland HOME Initiatives Program Fund Processing.

(1) (text unchanged)

(2) Threshold Requirements. Applications may not be considered for funding unless they meet the following minimum requirements:

(a) The application shall be consistent with 24 CFR *Part 92;*

(b) — (e) (text unchanged)

(f) The [Administration] *Department* shall determine, based on the documentation provided with the application, if the project or program is feasible; the [Administration's] *Department's* review will include financial, construction, and management reviews; and

(g) The applicant shall demonstrate:

(i) That the project or program meets all of the requirements of 24 CFR *Part 92;*

(ii) (text unchanged)

(iii) The ability to satisfy all long-term monitoring, record-keeping, and reporting requirements which are required by 24 CFR *Part 92.*

(3) — (5) (text unchanged)

(6) The Department shall specify a time limit within which that loan shall be closed in the case of projects or funds shall be committed and expended in the case of programs, which time limit may be extended in the Department's sole discretion. If closing does not occur within the time limit specified in the commitment or if the recipient fails to commit and expend the funds within the time limit provided in the commitment letter, the Department may use the funds committed for the loan or program for any other loan or program permitted by [these regulations] *this chapter* and 24 CFR *Part 92.*

C. All applications for projects to use HOME funds through the [multifamily] rental housing [programs] *program* or for rental housing development projects shall be processed in accordance with the published processing procedures as stated in COMAR 05.05.01.19—.26, provided that this chapter shall prevail in the event of a conflict between any provision under COMAR 05.05.01.19—.26 and any provision of this chapter.

D. Rejection.

(1) — (2) (text unchanged)

(3) If an application for HOME funds through the [multifamily] rental housing [programs] *program* or for a rental housing development project is rejected, the project sponsor shall be notified in accordance with COMAR 05.05.01[.25].26.

E. Reconsideration.

(1) (text unchanged)

(2) Applicants rejected under §D(3) of this regulation may request reconsideration of a rejection in accordance with COMAR 05.05.01[.25].26.

(3) An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR [05.04.02] 05.01.01.

F. Loan and Grant Documents.

(1) (text unchanged)

(2) For HOME loans made for rental housing development projects, the loan documents shall comply with COMAR 05.05.01[.26].27.

.21 Nondiscrimination and Drug-Free and Alcohol-Free Workplace.

A. [Recipients of HOME funds may not discriminate against a person on the basis of race, color, religion, national origin, sex, marital status, physical or mental handicap, sexual orientation, or age in any aspect of their projects.] *A sponsor or other recipient of HOME funds or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the program.*

B. Each *sponsor or other* recipient of HOME funds *or contractor* shall comply with *all* applicable federal, State, and local laws *and Department policies and programs* regarding discrimination and equal opportunity in employment, housing, and credit practices, *and drug and alcohol free workplaces*, including:

(1) – (2) (text unchanged)

(3) [Article 49B] *State Government Article, Title 20*, Annotated Code of Maryland, *as amended*;

(4) The Americans with Disabilities Act of 1990, as amended; [and]

(5) The Department’s Minority Business Enterprise Program, as amended;

(6) *The Fair Housing Amendments Act of 1988, as amended*; and

(7) *Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department regulations adopted or to be adopted to carry out the requirements of that Order*

[C. HOME recipients shall comply with the provisions of the Governor’s Executive Order 01.01.1989.18 regarding a drug-free and alcohol-free workplace] and any regulations promulgated under it.

[D.] C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and [the recipient] *other parties*.

.22 Program Administration.

A. — C. (text unchanged)

D. The Secretary may waive or vary particular provisions of these regulations to the extent that the waiver or variance is not inconsistent with the provisions of 24 CFR *Part 92 and the HOME Investments Partnerships Act, Title 11 of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. §12701 et seq.*, if:

(1) In the written determination of the Secretary, the application of the regulations in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Program or 24 CFR *Part 92 or 42 U.S.C. §12701 et seq.*; or

(2) (text unchanged)

E. (text unchanged)

CLARENCE J. SNUGGS

Acting Secretary of Housing and Community Development

Subtitle 13 NEIGHBORHOOD BUSINESS DEVELOPMENT

05.13.01 Business Development Program

Authority: Housing and Community Development Article, §§2-201 and 2-111, Title 4, Subtitle 5, and Title 6, Subtitle 3, Annotated Code of Maryland

Notice of Proposed Action

[14-291-P]

The Acting Secretary of Housing and Community Development proposes to amend Regulations **.03** and **.05** — **.08**, adopt new Regulation **.16**, amend and recodify existing Regulation **.16** to be Regulation **.17**, and recodify existing Regulations **.17** and **.18** to be Regulations **.18** and **.19** under **COMAR 05.13.01 Business Development Program**.

Statement of Purpose

The purpose of this action is to provide guidance for implementation of Ch. 118, Acts of 2010. The statute allows the Department to establish partnerships with community-based lenders as intermediaries that would administer microenterprise loans under the Neighborhood Business Development Program, and reduces administrative barriers to making microloans. The statute also provides that microenterprises be subject to more flexible requirements than larger Neighborhood Business Development Program loans. The amended regulations would encourage more investment in Maryland microenterprise start-up and expansion.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulations would reduce administrative barriers to making microloans and provide better access to capital for establishing and sustaining microbusinesses. The regulations would also make it easier for the Department to partner with third-party intermediaries, with experience and capacity to provide technical assistance to microloan borrowers, increasing successful outcomes, while easing the administrative burden on State agencies.

Because of the nature and size of the loans, the requirement that microloans made under the Neighborhood Business Development Program be matched by non-State resources represents a substantial barrier to microentrepreneurs. The proposed regulations would

eliminate that barrier for microloans resulting in a positive economic impact to microentrepreneurs. However, the magnitude of that impact cannot be determined. The legislation would also allow the Department to partner with experienced local lending intermediaries to originate and administer microloans, resulting in ease of administration and improved technical support to borrowers. The Program would retain the authority to originate, underwrite, and service the microloans directly.

Small businesses will benefit from improved access to capital, and local governments may benefit from increased local revenue due to new business activity; however, the magnitude of this benefit cannot be determined. The proposed regulations would be implemented with existing staff and program resources.

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

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

C. Local governments may benefit from increased local revenue due to new business activity; however, the magnitude of this benefit cannot be determined.

F. Because of the nature and size of the loans, the requirement that microloans made under the Neighborhood Business Development Program be matched by non-State resources represents a substantial barrier to microentrepreneurs. The proposed regulations would eliminate that barrier for microloans resulting in a positive economic impact to microentrepreneurs.

Economic Impact on Small Businesses

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

The proposed regulations would improve access to capital for microloans to small businesses seeking financing through the Neighborhood Business Development program, resulting in a positive economic impact to microentrepreneurs. However, the magnitude of that impact cannot be determined. The legislation would also allow the Department to partner with experienced local lending intermediaries to originate and administer microloans. This would ease administration and benefit borrowers who would receive direct technical assistance and loan administration through intermediaries. However, the magnitude of that impact cannot be determined.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to John Papagni, Program Officer, Division of Neighborhood Revitalization, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-209-5807, or email to papagni@mdhousing.org, or fax to 410-685-8270. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) — (10) (text unchanged)
 - (11) “Microenterprise” means a business that:
 - (a) (text unchanged)
 - (b) Requires not more than \$35,000 in total start-up capital or financial assistance.
 - (12) — (20) (text unchanged)

.05 Eligible Uses.

- A. Except as stated in §B of this regulation, financial assistance may be used for:
 - (1) — (2) (text unchanged)
 - (3) Reduction in the principal obligation of or rate of interest payable on a loan or portion of a loan; [or]
 - (4) Prepayment of interest on a subordinate or superior loan or portion of a loan; or
 - (5) *The development costs, working capital, or business expenses of a microenterprise projects.*
- B. — F. (text unchanged)

.06 Eligible Projects.

- A. In order to be eligible for financial assistance, a project shall satisfy the following requirements:
 - (1) — (4) (text unchanged)
 - (5) [The] *Except for a microenterprise project, the* financial assistance from all State government sources, including but not limited to the Program, may not exceed 50 percent of total project costs;
 - (6) — (10) (text unchanged)
- B. (text unchanged)

.07 Terms and Conditions of Financial Assistance.

- A. (text unchanged)
- B. [There] *Except for a microenterprise project, there* shall be a cash contribution from private funds of at least 5 percent of the amount of the total financial assistance to the project.
- C. — E. (text unchanged)

.08 Limitations on Financial Assistance.

- A. Minimum and Maximum Amount of Financial Assistance.
 - (1) (text unchanged)
 - (2) [The] *Except for a microenterprise project, the* maximum amount of financial assistance from the Program to a project may not exceed the lesser of \$500,000 or 50 percent of total project costs.
- B. — D. (text unchanged)

.16 Microenterprise Loan Administration — Approved Entities

A. *General. The Department may approve nonprofit and for-profit entities to originate and administer loans to microenterprises in accordance with this chapter.*

B. *To be eligible to administer a microenterprise loan program, the entity shall submit an application to the Department and meet the following minimum criteria to the satisfaction of the Department:*

- (1) *Provide evidence satisfactory to the Department supporting the entity’s demonstrated ability to:*
 - (a) *Manage a performing portfolio of business loans for a minimum period of 5 years;*

(b) Evaluate microenterprise loan applications, underwrite microenterprise loans, and administer a microenterprise loan program;

(c) Leverage Program proceeds with other private or public sources of funding;

(d) Comply with Program statutes, regulations, guidelines, and policies;

(e) Provide adequate resources and staff to implement the Program, including staff trained to efficiently:

(i) Process loan applications, draw schedules, and other loan documentation;

(ii) Evaluate loan portfolio performance; and

(iii) Monitor the work performed with the loan proceeds;

(f) Provide substantive technical assistance to microenterprise loan borrowers;

(g) Obtain coverage by a fidelity bond or employee dishonesty liability insurance in an amount to be determined by the Department; and

(h) Be duly organized and in good standing in the State of Maryland; and

(2) Provide audited financial statements for a period of 3 years that demonstrates the entity's ability to maintain consistent:

(a) Revenues;

(b) Operating reserves;

(c) Net assets;

(d) Unrestricted assets; and

(e) Portfolio delinquency rates.

C. An approved entity shall execute and comply with the terms of an administration agreement, loan agreement, loan note, assignment, and other documents governing the duties of the entity under the Program, as required by the Department.

D. An approved entity shall be directly responsible for fulfilling all of its duties and responsibilities under the Program and may not assign its responsibilities without the prior written consent of the Department.

E. The Department may monitor an approved entity's administration of microenterprise loans funded by the Department, and may enforce its remedies under the Program loan documents, including revoking the entity's approval to administer a microenterprise loan program under this chapter.

F. Other Requirements.

(1) An approved entity shall;

(a) Maintain financial records of loan disbursements for at least 5 years, and shall make them available for review by the Department at all reasonable times; and

(b) Provide the Department with periodic reporting on:

(i) Loan disbursements to microenterprise loan borrowers; and

(ii) Other information required by the Department.

(2) Upon notice to an approved entity, and during normal business hours, the Department may inspect the files of an approved entity relating to any loans originated under the Program.

G. To fund loans under this regulation the Department may:

(1) Directly fund a loan to a microenterprise that is originated by an approved entity; or

(2) Provide financial assistance to an approved entity for the purpose of the approved entity making a loan to a microenterprise.

[.16] .17 Nondiscrimination and Drug-Free and Alcohol-Free Workplace.

A. An applicant may not discriminate [against a person] on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical or mental [handicap] disability, or age [in any aspect of the Program], except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to

time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the Program, or in any aspect of employment by any applicant, developer, or contractor involved in the project.

B. An applicant shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug[-free] and [alcohol-free] alcohol free workplaces, including:

(1) — (2) (text unchanged)

(3) [The Governor's Code of Fair Practices, as amended] *The Americans with Disabilities Act of 1990, as amended*;

(4) The Department's Minority Business Enterprise Program, as amended; [and]

(5) The Governor's Executive Order 01.01.1989.18 [on], Drug and Alcohol Free Workplaces, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order[.];

(6) State Government Article, Title 20, Annotated Code of Maryland, as amended; and

(7) *The Fair Housing Amendments Act of 1988, as amended.*

C. (text unchanged)

CLARENCE J. SNUGGS

Acting Secretary of Housing and Community Development

**Title 08
DEPARTMENT OF NATURAL
RESOURCES**

**Subtitle 01 OFFICE OF THE
SECRETARY**

08.01.03 Off-Road Vehicles

Authority: Natural Resources Article, §§1-104 and 5-209, Annotated Code of Maryland

Notice of Proposed Action

[14-282-P]

The Department of Natural Resources proposes to amend Regulations .01—.07 and .10—.12 under **COMAR 08.01.03 Off-Road Vehicles**.

Statement of Purpose

The purpose of this action is to designate one new off-road vehicle trail, delete three permanently closed off-road vehicle trails, and update the off-road vehicle regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This amendment will produce a positive economic impact through revenues generated by recreation-related expenditures from off-road vehicle trail enthusiasts, increased user fees to the State, and increased tourism-related tax revenues for county governments.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	\$30,000
B. On other State agencies:	(R+)	Negligible
C. On local governments:	(R+)	\$30,000
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

- A. DNR Off-Road Vehicle Trail permit fees
- B. No impact to other State agencies.
- C. Tax revenues from increased tourism connected to a new off-road vehicle trail.

Economic Impact on Small Businesses

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

The proposed action should increase business opportunities for businesses involved in selling off-road vehicles, sales of off-road vehicle supplies/accessories/maintenance and repair, and tourism-related businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Marian Honecny, Supervisor, Urban and Community Forestry, MD DNR Forest Service, 580 Taylor Ave E-1, Annapolis, MD 21401, or call 410-260-8511, or email to mhonecny@dnr.state.md.us, or fax to 410-260-8595. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

NOTE: All maps referenced in this chapter appear at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.01 Application.

- A.—B. (text unchanged)
- C. Emergency and Departmental vehicles are exempted from this chapter.
- D. The following are exempted from provisions of this chapter if the vehicle use is an approved [Department] Departmental activity that includes:
 - (1) Earth-moving, construction, or logging equipment;
 - (2) Vehicles used for the development, maintenance, management, or protection of Department lands; and

(3) Vehicles used by individuals [and their guests with] *holding* easements for rights-of-way through public land, *and their guests, in order* to [provide] access [to] private properties.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(2) (text unchanged)
 - (3) “Commissioned officer” means a forest or park warden, or forest or park ranger, having the [meaning] *authority* stated in Natural Resources Article, §5-206, Annotated Code of Maryland, or *Natural Resources police officer having the authority stated in Natural Resources Article, §1-204, Annotated Code of Maryland.*
 - (4) “*Deer bow season*” means those dates open for hunting deer in accordance with COMAR 08.03.03.06—.08.
 - [(4)] (5)—[(5)] (6) (text unchanged)
 - [(6)] (7) “Department lands” means the State [forests, parks, wildlife areas,] *Forests, State Parks, Wildlife Management Areas, Cooperative Wildlife Management Areas, Natural Environmental Areas, Wildlands* and [natural resource management] *Natural Resource Management Areas.*
 - [(7)] (8)—[(12)] (13) (text unchanged)
 - (14) “*Spring turkey season*” means those dates for hunting turkey in accordance with COMAR 08.03.03.03D(2).

.03 Registration and Licensing Requirements for Operating ORVs on Designated Areas.

- A. Restrictions.
 - (1) Subject to the restrictions of §A(2)—[(4)] (5) of this regulation, an individual may operate an ORV in the areas designated in Regulation .11 of this chapter.
 - (2) The operator shall be:
 - (a)—(b) (text unchanged)
 - (c) 12 years old or older and accompanied *on the trail* by a parent or legal guardian who is the holder of a valid driver’s license which is in the parent’s or guardian’s possession.
 - (3) The operator shall possess and have in the operator’s possession:
 - (a) [A certificate of] *An ORV registration issued by the Department;* or
 - (b) A copy of the *ORV lease or rental agreement* which shall contain all of the following:
 - (i) Signature of the owner or the [authorized agent] *owner’s designee[.];*
 - (ii) Signature of the person leasing or renting the ORV[.];
 - and
 - [(iii) Motor Vehicle Administration identification number of the ORV, and]
 - [(iv)] (iii) (text unchanged)
 - (4) The ORV shall be registered annually with the:
 - (a) (text unchanged)
 - (b) Motor Vehicle Administration [if the operator is in possession of a valid Maryland hunting or fishing license] *as a licensed motor vehicle for on-road use.*
 - (5) (text unchanged)
 - B. Registration stickers and certificates of registration are available [by mail or in person] at the Department’s regional service centers [, the Annapolis office,] *and from the Department* and designated agents in accordance with §E of this regulation.
 - C. The applicant shall pay an applicable annual service charge and provide the [following] *required owner and ORV information.* [on the proper forms supplied by the Department:
 - (1) Name, address, and telephone number of the owner;
 - (2) County and state of residence of the owner;
 - (3) Type of ORV;
 - (4) Make, model year, horsepower, and cylinders of the ORV;

- (5) Serial number of the ORV; and
- (6) Signature of the owner.]

D. The Department may furnish an ORV registration sticker and certificate of registration on consignment to [an individual] *a designated agent* who provides a bond or other security considered sufficient and adequate by the Department to insure payment for the registration sticker and certificate of registration.

E. A registration sticker and certificate of registration issued by the Department:

(1) Shall be [renewed annually] *valid January 1 through December 31*;

(2)—(4) (text unchanged)

F. A registration sticker shall be displayed on the left front portion of the vehicle to [insure] *ensure* visibility at 100 feet during daylight hours.

G. Daily reservation permits must be acquired online through the Department's ORV permit reservation systems. A printed copy of the online confirmation of the daily reservation permit shall be carried by the trail user while on the trail, and be available for inspection by authorized Departmental personnel upon request.

.04 Disposition of Proceeds.

The Department [may] *shall* use the service charges, collected under Regulation .03C of this chapter, to promote use of ORVs by:

A.—C. (text unchanged)

.05 ORV Standards.

A. An ORV may not be operated on [Department] *Departmental* lands unless it conforms to applicable State laws and regulations relating to registration, operation, and inspection requirements, and is equipped with:

(1) At least one headlight and one red tail light that are operational between sundown and sunrise; *and*

[(2) A braking system adequate to control the movement and to stop and hold the vehicle under all operating conditions; and]

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

B. Equipment for Riders.

(1) Headgear. An individual may not operate or ride [on a snowmobile, motorcycle, or other] *an* ORV unless the individual is wearing protective headgear that meets the [standards established in Transportation Article, §21-1306, Annotated Code of Maryland] *requirements of COMAR 11.13.05.02.*

(2) Eye Protection or Windscreen. An individual may not operate [a snowmobile, motorcycle, or other] *an* ORV unless an eye-protective device or a windscreen is used that is of a type [approved in Transportation Article, §21-1306, Annotated Code of Maryland] *that is in compliance with COMAR 11.13.05.03.*

C. (text unchanged)

D. A commissioned officer representing the Department may determine the acceptability and admissibility of an ORV on [Department] *Departmental* lands.

.06 Operating Requirements for ORVs on Department Lands.

A.—B. (text unchanged)

[C. Except for snowmobile trails designated for two-wheel and four-wheel vehicle use during deer firearm season, as set forth in COMAR 08.03.03, ORVs, other than snowmobiles, are prohibited from use on snowmobile trails from December 15 through March 15 of each year.]

[D.] C. An individual may not operate an ORV on ORV trails:

(1) (text unchanged)

(2) In [willful or wanton disregard for] *a manner that disregards* the rights or safety of an individual or property;

(3)—(4) (text unchanged)

[(5) In an area customarily used for vehicular traffic or parking;]

[(6)] (5)—[(7)] (6) (text unchanged)

[E.] D. Closings.

[(1)] A restricted area of operation may be posted at any time by the Department against public entry of the area for the protection of the environment or visitors and during:

[(a)] (1)—[(c)] (3) (text unchanged)

[(2)] If an area identified in Regulation .11 of this chapter is required to be closed for more than 6 months in a calendar year, the suitability of the area for ORV use shall be reviewed and modified according to the provisions of Regulation .10 of this chapter.]

[F. Except for an individual with a special permit under COMAR 08.03.10.09, while in or on an ORV, an individual may not:

(1) Possess a loaded weapon;

(2) Discharge a weapon on or across a road or trail; or

(3) Pursue wildlife.]

[G.] E.—[H.] F. (text unchanged)

.07 Reporting Accidents.

A. The operator of an ORV *involved in an accident* shall [file a written report with the Department on a form, available from an authorized agent of the Department] *contact the Department Communications Center as listed on the online confirmation* if the vehicle is in an accident which involves *death or injury of an individual.* [the following:

(1) Death of an individual or animal;

(2) Injuries to an individual or animal; or

(3) Property damage in excess of \$100.]

[B. If death occurs, the operator shall submit the written report to the Department within 48 hours after the accident. For other reportable accidents, the operator shall submit the written report to the Department within 5 days after the accident.

C. If the operator fails to provide the written report, the owner of the ORV shall do so.]

[D.] B. [Each written report of an accident shall contain the following:] *The operator of an ORV involved in an accident shall provide the following information to the Department Communication Center:*

(1)—(4) (text unchanged)

(5) Name, address, and age of the:

(a) Individual [preparing] *submitting* the report,

(b)—(d) (text unchanged)

(6)—(9) (text unchanged)

.10 ORV Trail Designation Procedure [and Criteria].

A. ORV trails are *generally* described in this regulation and identified on the location maps in Regulation .12 of this chapter.

B. Before acquiring or designating a trail *or road* for off-road use, the Department shall:

(1) Give public notice of [a public hearing in a:

(a) Newspaper in the county where the change is proposed,

and

(b) Newspaper of general State circulation or the Maryland Register] *the proposed new trail or road*;

(2) [Complete the public hearing and receive comments, if any, during a period of 30 days after the public hearing] *Collect public comment*; and

(3) (text unchanged)

[C. Selection Criteria.

(1) The Department shall locate ORV trails to minimize:

(a) Disturbance of wildlife or disruption of wildlife habitats;

(b) Damage to soil, watershed, vegetation, or other resources; and

(c) Conflicts between ORV use and other existing recreational uses on public lands.

(2) The Department may not locate ORV trails in:

- (a) Designated wilderness areas under Natural Resources Article, §5-1203, Annotated Code of Maryland;
- (b) Wildlife and fishery management areas;
- (c) Natural environmental areas;
- (d) Areas where the noise from the operation interferes with use of picnic or camping areas open to the public; or
- (e) Areas possessing unique natural, wildlife, historic, or recreational values as determined by the Department.

(3) The Department shall locate ORV trails where the usage of trails will be compatible with existing conditions in populated areas, taking into account noise and other factors.]

.11 Designated Trails.

A. The [Department has] *following areas are* designated [the] ORV trails [listed in this regulation after public notice and comment].

B. Garrett State Forest in Garrett County.

(1) The trails listed in this regulation may only be used [by the ORVs indicated] *in accordance with this regulation.*

(2) Piney Mountain Trail (Map Number 1)

(a) The Piney Mountain Trail beginning at the Sang Run-Cranesville Road and ending at the intersection of the Piney Mountain Road and the unnamed dirt road may [only] be used by:

- (i) Snowmobiles from December 15 through [March 15] *April 15*, except during deer firearms season; and
- (ii) Two-wheel and four-wheel vehicles [the remainder of the year] *year-round* and during the deer firearms season.

(b) (text unchanged)

(3) [Garrett] *Snaggy Mountain* Trail (Map Number 2).

(a) That portion of [Garrett] *Snaggy Mountain* Trail beginning at Cranesville Road and running south along Snaggy Mountain Road/Hutton-Switch Road to the bridge at the head of Herrington Lake may be used [only] by:

- (i) Snowmobiles from December 15 through [March 15] *April 15*, except during deer firearm season; and
- (ii) Two-wheel and four-wheel vehicles [the remainder of the year] *year-round* and during the deer firearms season.

(b) That portion of [Garrett] *Snaggy Mountain* Trail forming the eastern side of the northern loop beginning and ending at the points where the loop leaves the part of the trail running along Snaggy Mountain Road/Hutton-Switch Road, the southern portion of the trail beginning at the bridge at the head of Herrington Lake to the trail's end, and the trail connecting at midway the northern loop to the southern portion of the trail may only be used by snowmobiles and may not be used by any motorized wheeled vehicle.

C. Potomac State Forest in Garrett County.

(1) The trails described in this section may only be used [by the ORVs indicated] *in accordance with this regulation.*

(2) [Potomac River] *Wallman/Laurel Run* Trail (Map Number 3).

(a) The northern portion of [Potomac River] *Wallman/Laurel Run* Trail beginning at the western boundary of the forest at Rileys Spring Branch and running eastward toward the Potomac River along Laurel Run to the [intersection of an unnamed dirt] *parking lot at the end of the road* may be used [only] by:

- (i) Snowmobiles from December 15 through [March 15] *April 15*, except during the deer firearms season; and
- (ii) Two-wheel and four-wheel vehicles [during the remainder of the year] *year-round* and during the deer firearms season.

(b) The eastern portion of the [Potomac River] *Wallman/Laurel Run* Trail beginning at the western boundary of the forest at Rileys Spring Branch and running southward along [Audley Riley] *Wallman* Road to the [boundary of the forest near Wallman] *parking lot at the end of the Wallman Road* may be used [only] by:

- (i) Snowmobiles from December 15 through [March 15] *April 15*, except during the firearms season; and

(ii) Two-wheel and four-wheel vehicles [during the remainder of the year] *year-round* and during the deer firearms season.

(c) The western portion of the [Potomac River] *Wallman/Laurel Run* Trail beginning where it leaves the eastern portion of the trail near the [intersection of Audley Riley Road and an unnamed] dirt access road *identified as the Loop Road Snowmobile Trail*, and running south on and along the access road to the point where the trail ends when it intersects with the southern portion of the trail described in §C(2)(d) of this regulation and the center trail connecting the western and eastern portions which follow the access road may:

(i) Be used only by snowmobiles from December 15 through [March 15,] *April 15*, *except during the deer firearms season*; and

(ii) (text unchanged)

(d) The southern portion of the [Potomac River] *Wallman/Laurel Run* Trail beginning where it intersects with the western portion of the trail *at the Loop Road Snowmobile Trail* and running southward to its intersection with the eastern portion may be used only by snowmobiles, and may not be used by any motorized wheeled vehicle.

(3) Backbone Mountain Trail [(Maps 4 and 5)] (*Map Number 4*).

(a) That portion of Backbone Mountain Trail beginning near the intersection of Maryland Route 135 and Maryland Route 38 [(Map Number 4)] and running northeast to the Juvenile Services Boy's Camp [(Map Number 5)] may only be used by snowmobiles, and may not be used by any wheeled vehicle *excepting that portion of the trail that runs along the CCC Camp Road, which is open to two-wheel and four-wheel vehicles year-round and during the deer firearms season.*

(b) That portion of Backbone Mountain Trail beginning near the intersection of Swanton Hill Road and Maryland Route 135 [(Map Number 5)] and running northeast [in two branches] *along the Burkholder Trail* to the Juvenile Services Boy's Camp [and to the boundary line of the forest] may be used [only] by:

(i) Snowmobiles from December 15 through [March 15] *April 15*, except during deer firearms season; and

(ii) Two-wheel and four-wheel vehicles [during the remainder of the year] *year-round* and during the deer firearms season.

D. Savage River State Forest in Garrett County.

(1) (text unchanged)

(2) Meadow Mountain Trail (Maps Number 7, 8, 9, *and* 10[, and 11]).

(a) The northern portion of Meadow Mountain Trail beginning at and running along East Shale Road (approximately 1/4 mile south of US Route 68) southward to the point where it intersects New Germany Road may only be used by:

(i) Snowmobiles from December 15 through [March 15] *April 15*, except during the deer firearms season; and

(ii)—(iii) (text unchanged)

(b)—(c) (text unchanged)

(3) (text unchanged)

[(4) Poplar Lick Trail (Map Number 12). The Poplar Lick Trail is as shown on Map Number 12 and may only be used by motorcycles and four-wheel vehicles and contains a stream that an ORV must ford.]

[(5)] (4) Margraff Plantation Trail (Map Number [6] 5) may be used only by:

(a) A snowmobile from December 15 through [March 15] *April 15*; [and]

(b) Two-wheel and four-wheel [vehicles during the remainder of the year, except that from the end of spring turkey

gobbler season to August 15, all public access is prohibited on certain trail sections.] *ORVs from July 15 through the beginning of deer bow season; and*

(c) *Any vehicle registered with the Motor Vehicle Administration as a licensed motor vehicle for on-road use may use the Trail at any time.*

[(6)] (5) Negro Mountain Trail (Map Number [7] 6) coincides with portions of the forest access roads through compartments and may be used only by snowmobiles from December 15 through [March 15] *April 15*, and may not be used by any ORV for the remainder of the year, except as provided under Regulation .06A(3)(b) of this chapter.

(6) *St. John's Rock-Red Dog Road Trail Map Number 11 may be used only by:*

(a) *A snowmobile from December 15 through April 15;*

(b) *Two-wheel and four-wheel ORVs from April 16 through the beginning of the spring turkey season, and from the end of the spring turkey season through the beginning of the deer bow season;*

(c) *No more than 15 ORVs per day and a daily reservation permit must be obtained prior to using the Trail; and*

(d) *Any vehicle registered with the Motor Vehicle Administration as a licensed motor vehicle for on-road use may use the Trail at any time.*

[E. Green Ridge State Forest in Allegany County. The trails listed in this section may only be used by motorcycles, snowmobiles, and four-wheel vehicles:

(1) East Valley Trail (Maps Number 13 and 14); and

(2) Town Hill Trail (Maps Number 13 and 14).

F. Pocomoke State Forest in Worcester County (Map Number 15).

(1) Chandler Trail may only be used by motorcycles and four-wheel vehicles.

(2) Chandler Trail is open year round with access off Route 113.]

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

F. ORV trail status will be made public on the Department's website.

.12 Official Maps.

Map 1—Garrett State Forest, Piney Mountain Trail, Garrett County, MD—see Map 1.

Map 2—Garrett State Forest, [Garrett] *Snaggy Mountain Trail*, Garrett County, MD—see Map 2.

Map 3—Potomac State Forest, [Potomac River] *Wallman/Laurel Run Trail*, Garrett County, MD—see Map 3.

[Maps 4, 5] *Map 4*—Potomac State Forest, Backbone Mountain Trail, Garrett County, MD—see [Maps 4 and 5] *Map 4*.

Map 5—Savage River State Forest, Margraff Plantation Trail, Garrett County, MD—see Map 5.

Map 6—Savage State Forest, [Margraff Plantation] *Negro Mountain Trail*, Garrett County, MD—see Map 6.

[Map 7—Savage State Forest, Negro Mountain Trail, Garrett County, MD—see Map 7.]

Maps 7, 8, 9, 10[, 11]—Savage River State Forest, Meadow Mountain Trail, Garrett County, MD—see Maps 7, 8, 9, 10[, 11].

Map 11—Savage River State Forest, St. John's Rock/Red Dog Road Trail, Garrett County, MD—see Map 11.

[Map 12—Savage River State Forest, Poplar Lick Trail, Garrett County, MD—see Map 12.

Maps 13, 14—Green Ridge State Forest, East Valley and Town Hill Trails, Allegany County, MD—see Maps 13, 14.

Map 15—Pocomoke State Forest, Chandler Trail, Worcester County, MD—see Map 15.]

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

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

Notice of Proposed Action

[14-292-P]

The Secretary of Natural Resources proposes to amend Regulation **.03** under **COMAR 08.02.04 Oysters**.

Statement of Purpose

The purpose of this action is to make it clear that commercial licensees must harvest oysters in accordance with the National Shellfish Sanitation Program Model Ordinance.

The National Shellfish Sanitation Program (NSSP) is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. The purpose of the NSSP is to promote and improve the sanitation of shellfish moving in interstate commerce through federal/state cooperation and uniformity of State shellfish programs. Participants in the NSSP include agencies from shellfish producing and nonproducing states, FDA, EPA, NOAA, and the shellfish industry. Under international agreements with FDA, foreign governments also participate in the NSSP. Other components of the NSSP include program guidelines, State growing area classification and dealer certification programs, and FDA evaluation of State program elements.

The proposed action adds a statement that requires a commercial licensee to harvest oysters in accordance with the NSSP Model Ordinance. The model ordinance is incorporated by reference in the Department of Health and Mental Hygiene regulations. The Department is referencing the requirement to make it clear for harvesters and to aid enforcement.

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 Oyster Regulations, Regulatory Staff, Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.03 Catching Oysters for Commercial Purposes.

A.—E. (text unchanged)

F. In addition to the requirements of this chapter, a commercial licensee shall harvest oysters in accordance with the National Shellfish Sanitation Program Model Ordinance that is incorporated by reference by the Department of Health and Mental Hygiene in COMAR 10.15.07.01A.

JOSEPH P. GILL
Secretary of Natural Resources

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.02 Physicians' Services

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

Notice of Proposed Action [14-290-P-I]

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

Statement of Purpose

The purpose of this action is to update the rates in the fee schedule for Physician's Services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The changes will save the Department approximately \$2,400,000 for Fiscal Year 2015.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
<hr style="border: 1px solid black;"/>		
A. On issuing agency:	(E-)	\$2,400,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
<hr style="border: 1px solid black;"/>		
D. On regulated industries or trade groups:	(-)	\$2,400,000
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. and D. There is a cost savings of \$2,400,000 for the Department with the decrease in reimbursements to physicians.

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 November 3, 2014. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Medical Assistance Program—Physicians' Services Provider Fee Manual, Revision 2014, Effective January—December 2014, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 41:1 Md. R. 9 (January 10, 2014), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.07 Payment Procedures.

A.—C. (text unchanged)

D. The Maryland Medical Assistance Program Physicians' Services Provider Fee Manual, Revision [April 2013] *January 2014*, is contained in the Medical Assistance Provider Fee Manual, dated October 1986. All the provisions of this document, unless specifically excepted, are incorporated by reference.

E.—Q. (text unchanged)

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.49 Telemedicine Services

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

Notice of Proposed Action

[14-283-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.07, .11, and .12 under **COMAR 10.09.49 Telemedicine Services**.

Statement of Purpose

The purpose of this action is to repeal the geographic limitations on healthcare services delivered via telemedicine. This amendment is in accordance with Chs. 141 and 426, Acts of 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Department will reimburse eligible physicians and hospitals for providing health services via telemedicine. For the expansion of telemedicine services, the increase in total Medicaid expenditures is predicted to be approximately \$12,660 (total funds). Costs may be offset by savings in the outpatient category from fewer ER visits and follow-up visits to specialists.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-) Magnitude	
<hr/>		
A. On issuing agency:	(E-)	\$12,660
B. On other State agencies:	NONE	
C. On local governments:	NONE	
<hr/>		
	Benefit (+)	Magnitude
	Cost (-)	
<hr/>		
D. On regulated industries or trade groups:	(+)	\$12,660
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. The Department analyzed the number of telemedicine claims processed by CareFirst Blue Cross Blue Shield in CY 2011. CareFirst is the largest commercial payer in the State of Maryland and the Department assumes that the adoption rate of telemedicine by Medicaid providers will be similar to what CareFirst has experienced.

In CY 2011, CareFirst had a total of 2.1 million members and processed a total of 211 telemedicine claims. The current number of Medicaid participants is approximately 1.2 million and Medicaid participants typically utilize acute care services at a rate that is 50 — 60 percent higher than enrollees in a commercial plan. Given these considerations, the Department would expect that expanding telemedicine services would result in a total of approximately 169 telemedicine claims annually. Assuming that services delivered by telemedicine would incur an additional \$23.72 in provider fees, the total cost of expanding telemedicine statewide would be approximately \$25,320, subject to a federal reimbursement rate of 50 percent. The impact on the general fund would be \$12,660.

Economic Impact on Small Businesses

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

As stated above, the Department will reimburse eligible physicians and hospitals for providing health services via telemedicine.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

Telemedicine services may improve access to health services for individuals with disabilities. Some individuals with disabilities may not need to travel long distances to see specialists if their providers participate in the telemedicine program(s).

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 November 3, 2014. A public hearing has not been scheduled.

.01 Scope.

A. This chapter applies to [two] telemedicine programs [— the Rural Access Telemedicine Program and the Cardiovascular Disease and Stroke Telemedicine Program] *reimbursed by the Maryland Medicaid Program effective October 1, 2014.*

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Campus” means the physical area immediately adjacent to the provider’s main buildings, other areas, and structures that are not strictly contiguous to the main buildings but are located on the same property, and any other areas determined on an individual-case basis by the Department to be part of the provider’s campus.

[(1)] (2)—[(2)] (3) (text unchanged)

[(3) “Designated rural geographic areas” means:

- (a) Allegany County;
- (b) Calvert County;
- (c) Caroline County;
- (d) Cecil County;
- (e) Charles County;
- (f) Carroll County;
- (g) Dorchester County;
- (h) Frederick County
- (i) Garrett County;
- (j) Harford County;
- (k) Kent County;
- (l) Queen Anne’s County;
- (m) Somerset County;
- (n) St. Mary’s County;
- (o) Talbot County;
- (p) Washington County;
- (q) Wicomico County; and
- (r) Worcester County.]

(4)—(6) (text unchanged)

(7) “Originating site” means the location of an eligible Medicaid participant at the time the service being furnished via technology-assisted communication occurs, which is a site approved by the Department to provide telemedicine services [and which:

(a) For the Rural Access Telemedicine Program, is located within a designated rural geographic area, in which an eligible participant is located at the time the telemedicine service is delivered; or

(b) For the Cardiovascular Disease and Stroke Telemedicine Program, is located in an emergency room when an appropriate specialist is not available].

(8) “Originating site [facility] transmission fee” means the amount the Department reimburses an approved originating site for the telemedicine transmission.

(9) “Professional fee” means the Departmental fee schedule for clinical services which is incorporated by reference in COMAR [10.09.07.02] 10.09.02.07.

(10)—(14) (text unchanged)

.03 Approval.

The Department shall grant approval to *allow* originating and consulting *site* providers to receive State and federal funds for providing telemedicine services if the telemedicine provider meets the requirements of this chapter.

.04 Service Model.

A.—C. (text unchanged)

D. Fee-for-service reimbursement for professional services shall be in accordance with the Maryland Medical Assistance Program

Physicians' Services Provider Fee Manual, which is incorporated by reference in COMAR [10.09.07.02] 10.09.02.07.

.05 Covered Services.

[A. Rural Access Telemedicine Program.

(1). Through the Rural Access Telemedicine Program, approved providers located in designated rural geographic areas may provide medically necessary services to Medical Assistance participants through technology-assisted communication.]

[(2)] Under the [Rural Access] Telemedicine Program, the Department shall cover:

[(a)] A. (text unchanged)

[(b)] B. Medically necessary consultation services covered by the Maryland Medical Assistance Program rendered by an approved consulting provider that can be delivered using technology-assisted communication; [and]

[(c)] C. An approved originating site for the originating site [facility] *transmission* fee; and

[B. Cardiovascular Disease and Stroke Telemedicine Program.

(1) Through the Cardiovascular Disease and Stroke Telemedicine Program, approved providers may render services to Medical Assistance participants in emergency departments where no specialist is available to provide timely consultation and diagnostic evaluation for cardiovascular disease or stroke care.

(2) Under the Cardiovascular Disease and Stroke Telemedicine Program, the Department shall cover:

(a) Medically necessary services covered by the Maryland Medical Assistance Program rendered by an approved originating site provider in a hospital emergency department setting for the treatment of cardiovascular disease or stroke that are distinct from the telemedicine services provided by a consulting provider;]

[(b)] D. The professional fee for an approved consulting provider for initial telemedicine consultation for services furnished before, during, and after communicating with the Medical Assistance participant presenting in a hospital emergency department setting [with cardiovascular disease or stroke] if:

[(i)] (1) (text unchanged)

[(ii)] (2) The initial telemedicine consultation is distinct from the care provided by the physician of record or the attending physician; [and].

[(c)] An approved originating site for the originating site facility fee for telemedicine services provided to a Medical Assistance participant for the treatment of cardiovascular disease or stroke if the telemedicine services rendered are:

(i) Medically necessary;

(ii) Provided in a hospital emergency department setting in the State; and

(iii) Provided when there are no specialists available at the originating site to provide a consultation and review diagnostic tests integral to the consultation in a timely manner.]

.06 Participant Eligibility.

A participant is eligible to receive telemedicine services if the individual:

A. (text unchanged)

B. [For the Rural Access Telemedicine Program, consents] *Consents* to telemedicine services unless there is an emergency that prevents obtaining consent, which the originating site shall document in the participant's medical record; and

C. (text unchanged)

.07 Provider Conditions for Participation.

A. To participate in the Program, the provider shall:

(1) Be enrolled as a Medical Assistance Program provider;

(2)—(5) (text unchanged)

B. [Rural Access Telemedicine Program] Approved Originating Site. The following sites may be approved as an originating site for [Rural Access] Telemedicine Program service delivery:

(1)—(6) (text unchanged)

C. [Rural Access Telemedicine Program] Approved Distant Site. The following provider types who practice within the State, the District of Columbia, or a contiguous state may be approved as consulting providers for [Rural Access] Telemedicine Program consultation services:

(1)—(3) (text unchanged)

[D. Cardiovascular Disease and Stroke Telemedicine Program Approved Originating Site. A Maryland hospital may be approved as an originating site for the Cardiovascular Disease and Stroke Telemedicine Program if no specialist is available to provide timely consultation and diagnostic evaluation for cardiovascular disease or stroke care.

E. Cardiovascular Disease and Stroke Telemedicine Program Approved Distant Site. Consulting specialty providers who practice within the State, the District of Columbia, or a contiguous state may be approved as consulting providers for Cardiovascular Disease and Stroke Telemedicine Program consultation services.]

.11 Limitations.

A.—H. (text unchanged)

I. *The Department may not reimburse for home health monitoring services.*

J. *The Department may not reimburse for telemedicine services delivered by an originating and distant site provider located in different facilities in the same hospital campus.*

.12 Reimbursement.

A. There are two categories of fees that the Department shall reimburse an approved telemedicine provider, as applicable:

(1) Originating site [facility] *transmission* fee; and

(2) (text unchanged)

B. Originating Site [Facility] *Transmission* Fee.

(1) The originating site facility fee is set:

(a) In the Maryland Medical Assistance Program Physicians' Services Provider Fee Manual, which is incorporated by reference in COMAR [10.09.07.02] 10.09.02.07; or

(b) (text unchanged)

(2)—(3) (text unchanged)

C. (text unchanged)

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

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

Notice of Proposed Action

[14-288-P]

The Secretary of Health and Mental Hygiene proposes to repeal in their entirety existing Regulations .01—.11 and adopt new Regulations .01—.14 under **COMAR 10.09.59 Specialty Mental Health Services**.

Statement of Purpose

The purpose of this action is to clarify details of Medicaid's specialty mental health system, including participant access, provider requirements, and services offered.

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 November 3, 2014. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Administrative services organization (ASO)" means an entity that manages the public behavioral health system on behalf of the Department.

(2) "Department" means the Department of Health and Mental Hygiene, the State agency designated to administer the Maryland Medical Assistance Program under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq.

(3) "Hospital" means an institution which:

(a) Falls within the jurisdiction of Health-General Article, Title 19, Subtitle 3, Annotated Code of Maryland; and

(b) Is licensed under COMAR 10.07.01 or is licensed by the state in which the service is provided.

(4) "Medicare" means the insurance program administered by the federal government under Title XVIII of the Social Security Act, 42 U.S.C. §1395 et seq.

(5) "Office of Health Care Quality" means the office under the Department that oversees certification and inspection of programs.

(6) "Participant" means an individual who is certified as eligible for, and is receiving, medical assistance benefits.

(7) "Program" means the Maryland Medical Assistance Program, which administers comprehensive medical and health-related benefits to indigent and medically indigent individuals.

(8) "Provider" means an organization or an individual practitioner furnishing the services covered under this chapter which, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of a provider account number.

(9) "Public behavioral health system" is the system that provides medically necessary behavioral health services for Medical Assistance participants and certain other uninsured individuals.

(10) "Specialty mental health services" means the services covered under this chapter.

.02 License Requirements.

To participate in the Program, a provider shall meet the licensure requirements stated in COMAR 10.09.36.02.

.03 General Conditions for Provider Participation.

In general, to participate in the Program, a provider shall:

A. Meet the conditions for provider participation in the Medical Assistance Program as set forth in COMAR 10.09.36.03;

B. Have clearly defined and written patient care policies; and

C. Maintain adequate documentation of each contact with a participant as part of the medical record, which, at a minimum, includes:

(1) Date of service with service start and end times;

(2) The participant's primary mental health complaint or reason for the visit;

(3) A brief description of the service provided, including progress notes; and

(4) An official e-Signature, or a legible signature, along with the printed or typed name of the individual providing care, with the appropriate title.

.04 Provider Requirements for Participation.

A. Individual Practitioner Providers. To participate in the Program as an individual practitioner of specialty mental health services, a provider shall:

(1) Be licensed and legally authorized to practice independently by the appropriate Board to practice in the state in which the service is rendered; and

(2) Demonstrate, by training and experience, the competency to provide mental health services as one of the following:

(a) A licensed certified social worker-clinical;

(b) A nurse psychotherapist (APRN-PHM);

(c) A nurse practitioner-psychiatric (CRNP-PMH);

(d) An occupational therapist;

(e) A physician who demonstrates the competency to provide specialty mental health services;

(f) A licensed certified counselor which includes:

(i) A licensed professional counselor;

(ii) A licensed marriage and family therapist, or

(iii) A licensed counselor-alcohol and drug;

(g) A psychiatrist certified by the American Board of Psychiatry and Neurology or possessing the minimum educational and training requirements to take the Board of Psychiatry and Neurology examination for certification in psychiatry; or

(h) A psychologist.

B. Community Mental Health Program Providers. To participate as a community-based mental health program, a provider shall be approved under COMAR 10.21.16 by the Office of Health Care Quality as:

(1) A psychiatric rehabilitation program in compliance with:

(a) COMAR 10.21.17;

(b) If serving adults, COMAR 10.21.21; and

(c) If serving children, COMAR 10.21.29;

(2) A mobile treatment program in compliance with:

(a) COMAR 10.21.17; and

(b) COMAR 10.21.19;

(3) An outpatient mental health clinic in compliance with:

(a) COMAR 10.21.17; and

(b) COMAR 10.21.20; or

(4) A therapeutic nursery in compliance with:

(a) COMAR 10.21.17; and

(b) COMAR 10.21.18.

C. Other Licensed or Approved Mental Health Providers. To participate in the Program as a specialty mental health provider not defined in §B of this regulation, a provider shall be approved pursuant to COMAR as a:

(1) Targeted case management provider in compliance with:

(a) If serving children, COMAR 10.09.90; and

(b) If serving adults, COMAR 10.09.45;

(2) Residential treatment center in compliance with:

(a) COMAR 10.07.04 and 10.09.29; or

(b) COMAR 10.21.06;

(3) Hospital in compliance with COMAR 10.09.06;

(4) Non-hospital-based partial hospitalization provider in compliance with:

- (a) COMAR 10.21.17; and
- (b) COMAR 10.21.02;

(5) 1915(i) Community Options for Children, Youth, and Families Waiver provider in compliance with 10.09.89;

(6) Therapeutic behavioral service provider in compliance with COMAR 10.09.34;

(7) Traumatic brain injury provider in compliance with COMAR 10.09.46; or

(8) Medical laboratory in compliance with COMAR 10.09.09.

.05 Eligibility and Referral.

A. A participant may self-refer or be referred to the Public Behavioral Health System by a provider or by a family member or caregiver.

B. The ASO shall:

(1) Have a toll-free telephone line to accept referrals and help participants find an appropriate specialty mental health provider; and

(2) Authorize medically necessary services according to guidelines:

- (a) Established by the Department; and
- (b) In accordance with Regulation .08 of this chapter.

C. Specialty Mental Health Services.

(1) Specialty mental health services are services for which a participant's diagnosis and treatment provider meets the criteria specified in COMAR 10.09.70 and this chapter.

(2) The ASO shall reimburse specialty mental health providers.

.06 Covered Services.

The ASO shall reimburse the following specialty mental health services rendered to participants when these services are authorized by the ASO:

A. Medically necessary specialty mental health services delivered by providers listed in Regulation .04 of this chapter;

B. Telemental health services as defined in COMAR 10.21.30; and

C. Laboratory services listed as follows, when ordered by a specialty mental health provider:

36415	Collection of Blood by Venipuncture
80002—89999	Lab Services
96372	Therapeutic Injection
0300	Laboratory — Clinical Diagnostic
0301	Laboratory — Clinical Diagnostic: Chemistry
0302	Laboratory — Clinical Diagnostic: Immunology
0304	Laboratory — Clinical Diagnostic: Non-routine dialysis
0305	Laboratory — Clinical Diagnostic: Hematology
0306	Laboratory — Clinical Diagnostic: Bacteriology/microbiology
0307	Laboratory — Clinical Diagnostic: Urology
0309	Laboratory — Clinical Diagnostic: Other laboratory
0310	Laboratory — Pathology
0311	Laboratory — Pathology: Cytology
0312	Laboratory — Pathology: Histology
0730	EKG/ECG general classification
0637	Self-Administered Drugs
00104	Anesthesia for ECT
90870	ECT Single Seizure with Monitoring

.07 Limitations.

The Program does not cover the following:

A. Services not delivered in compliance with the COMAR references listed in Regulations .04 and .05 of this chapter;

- B. Services not medically necessary;
- C. Investigational or experimental drugs and procedures;
- D. Specialty mental health services for participants in an institution for mental disease as defined in 42 CFR §435.1009;
- E. Specialty mental health visits solely for the purpose of:

- (1) Prescribing medication, or
- (2) Administering medication;

F. Separate reimbursement to an employee of a program for services that have been provided by and reimbursed directly to a program;

G. Vocational counseling, vocational training at a classroom or job site, and academic or remedial educational services;

H. Services provided to or for the primary benefit of individuals other than the participant;

I. Psychiatric rehabilitation program services other than those services that are specified in COMAR 10.21.21.05, .06A—E, .06-1B and C, and .07 for adults and COMAR 10.21.29.05, .06A—D, and .07 for minors;

J. Mobile treatment program services other than those services that are specified in COMAR 10.21.19.05, .06A—E, .06-1B and C, and .07;

K. Outpatient mental health clinic services other than those services that are specified in COMAR 10.21.20.05, .06A—D, and .07—09;

L. An on-site psychiatric rehabilitation program visit by a recipient on the same day that the recipient receives medical day care services under COMAR 10.09.07;

M. Therapeutic nursery services other than those services that are specified in COMAR 10.21.18.05 and .06;

N. Mental health case management services other than those services that are specified in COMAR 10.09.45.06 for adults and COMAR 10.09.90.11 for children and youth;

O. Residential treatment center services other than those services that are specified in COMAR 10.09.29.04;

P. Partial hospitalization services other than those services that are specified in COMAR 10.21.02.01;

Q. 1915(i) Community Options for Children, Youth, and Families Waiver services other than those services that are specified in COMAR 10.09.89.09—14;

R. Therapeutic behavioral services other than those services that are specified in COMAR 10.09.34.03;

S. Telemental health services other than those services that are specified in COMAR 10.21.30.09;

T. Non-emergency services not authorized by the ASO;

U. Mental health services delivered by a primary care provider and reimbursed through Medicaid Fee for Service or the Maryland Medicaid Managed Care Program; or

V. Services reimbursed by the ASO not included in this chapter.

.08 Authorization Requirements.

A. The ASO shall establish a process, through a utilization review system, for authorization of specialty mental health services.

B. For services outlined in COMAR 10.21.25.04 and .05A(1), the specialty mental health utilization review agent may authorize up to 12 visits per fiscal year.

C. The ASO shall authorize services that are:

- (1) Medically necessary;
- (2) Of a type, frequency, and duration that are consistent with expected results and cost-effective; and
- (3) Delivered in a manner consistent with COMAR 10.21.17.03.

D. Preauthorization is not required before a provider renders services in an emergency department.

E. Except as provided in Regulation .07D of this chapter, no payment shall be rendered for services that have not been authorized.

.09 Payment Procedures.

A. Payment procedures shall be followed as specified in COMAR 10.09.36.04.

B. Unless otherwise stipulated, a provider shall bill the Program its usual and customary charge to the general public for similar services.

C. The Department shall authorize supplemental payment on Medicare claims only if:

- (1) The provider accepts Medicare assignments;
- (2) Medicare makes direct payment to the provider;
- (3) Medicare has determined that the services are medically necessary;
- (4) The services are covered by the Program; and
- (5) Initial billing is made directly to Medicare according to Medicare guidelines.

D. The Department shall make payment on Medicare claims subject to the following provisions:

- (1) Deductible and coinsurance shall be paid in full for services designated as mental health services by Medicare; and
- (2) The Program shall reimburse services not covered by Medicare, but considered medically necessary by the Program, according to the limitations of this chapter.

E. A provider may not bill the Program for:

- (1) Completion of forms and reports;
- (2) Broken or missed appointments;
- (3) Professional services rendered by mail or telephone;
- (4) Services which are provided at no charge to the general public, except as provided under Title V of the Social Security Act; or
- (5) Services not authorized consistent with Regulation .07E of this chapter.

F. Billing time limitations for claims submitted under this chapter are set forth in COMAR 10.09.36.06.

G. The Department shall reimburse providers according to the fee schedule in COMAR 10.21.25.

.10 Recovery and Reimbursement.

Recovery and reimbursement are as set forth in COMAR 10.09.36.07.

.11 Cause for Suspension or Removal and Imposition of Sanctions.

Cause for suspension or removal and imposition of sanctions are as set forth in COMAR 10.09.36.08.

.12 Provider Complaints, Hearings, and Appeals.

Appeal procedures are as set forth in COMAR 10.09.36.09.

.13 Grievance Procedure and Appeal Right — Denial of Services.

Grievance procedures are as set forth in COMAR 10.01.03 and 10.01.04.

.14 Interpretive Regulation.

State regulations are interpreted as set forth in COMAR 10.09.36.10.

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.70 Maryland Medicaid Managed Care Program: [Specialty Mental Health System] Non-Capitated Covered Services

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

Notice of Proposed Action
[14-289-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations .01—.10 and adopt new Regulations .01—.03 under **COMAR 10.09.70 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services.**

Statement of Purpose

The purpose of this action is to repeal an obsolete chapter regarding the Specialty Mental Health System, as these services are now addressed in COMAR 10.09.59, and to adopt a new chapter whose sole purpose is to describe the services that are not the responsibility of the MCOs but are covered by the Department on a fee-for-service basis.

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 November 3, 2014. A public hearing has not been scheduled.

.01 Scope.

This chapter describes the services that are not the responsibility of the MCOs but are covered by the Department on a fee-for-service basis.

.02 Behavioral Health Non-Capitated Covered Services.

A. An MCO may not be responsible for reimbursing for the following substance use disorder services, regardless of diagnosis:

- (1) Services delivered by a community-based provider as described in COMAR 10.09.80 with the following procedure codes:

H0001	Alcohol/drug assessment
H0004	Alcohol/drug individual counseling and therapy
H0005	Alcohol/drug group counseling
H0014	Alcohol and/or drug services; ambulatory detoxification
H0015	Alcohol and/or drug services; intensive outpatient
H0020	Alcohol and/or drug services; methadone administration and/or service

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(2) Substance use disorder services provided to children in an ICF-A;

(3) Lab services with the following procedure codes:

80100	Drug screening, multiple classes, chromatography, each procedure
80101	Drug screening, multiple classes, single drug class method, each drug class
80102	Drug confirmation, each procedure
80103	Tissue preparation for drug analysis
80104	Drug screening, multiple classes, other than chromatographic method, each procedure
82055	Alcohol (ethanol); any specimen except breath
82145	Amphetamine or methamphetamine
G0431	Drug screening, qualitative; multiple classes by high complexity test method, per patient encounter
G0434	Drug screen, other than chromatographic; any number of drug classes by CLIA waived test or moderate complexity test, per patient

B. An MCO may not be responsible for reimbursing for the following substance use disorder services if the MCO is billed with a primary diagnosis listed in §F of this regulation:

(1) Services delivered by an inpatient hospital with the following revenue codes:

0116	Detoxification, Private Bed
0126	Detoxification, Semi-Private Bed
0136	Detoxification, 3–4 Beds
0156	Detoxification/Ward
0912	Partial Hospitalization—Less Intensive
0913	Partial Hospitalization—Intensive
0944	Drug rehabilitation
0945	Alcohol rehabilitation

(2) Services delivered by an outpatient hospital with the following revenue codes:

0900	Behavioral Health Treatments/Services—General Classification
0905	Intensive Outpatient Services—Psychiatric
0906	Intensive Outpatient Services—Chemical Dependency
0911	Behavioral Health—Rehabilitation
0912	Partial Hospitalization—Less Intensive
0913	Partial Hospitalization—Intensive
0914	Behavioral Health—Individual Therapy
0915	Behavioral Health—Group Therapy
0916	Behavioral Health—Family Therapy
0918	Behavioral Health—Testing
0919	Behavioral Health—Other
0944	Drug rehabilitation
0945	Alcohol rehabilitation

(3) Services delivered by an emergency department with the following revenue codes:

0450	General classification
0451	EMTALA
0452	ER Beyond EMTALA
0456	Urgent Care
0459	Other Emergency Room

C. An MCO shall be responsible for reimbursing for mental health services delivered by the participant’s primary care provider.

D. An MCO may not be responsible for services billed by specialty mental health providers listed in COMAR10.09.59 when the bill

includes the specialty mental health diagnoses listed in §G in the primary diagnosis field.

E. An MCO may not be responsible for behavioral health medications.

F. Table of substance use disorder diagnoses:

291.0	Alcohol withdrawal delirium
291.3	Alcohol-induced psychotic disorder with hallucinations
291.4	Idiosyncratic alcohol intoxication
291.5	Alcohol-induced psychotic disorder with delusions
291.81	Alcohol withdrawal
291.82	Alcohol induced sleep disorders
291.89	Other alcohol-induced mental disorders
291.9	Unspecified alcohol-induced mental disorders
292.0	Drug withdrawal
292.11	Drug-induced psychotic disorder with delusions
292.12	Drug-induced psychotic disorder with hallucinations
292.2	Pathological drug intoxication
292.81	Drug-induced delirium
292.84	Drug-induced mood disorder
292.85	Drug induced sleep disorders
292.89	Other specified drug-induced mental disorders
292.9	Unspecified drug-induced mental disorder
303.00	Acute alcoholic intoxication in alcoholism, unspecified
303.01	Acute alcoholic intoxication in alcoholism, continuous
303.02	Acute alcoholic intoxication in alcoholism, episodic
303.03	Acute alcoholic intoxication in alcoholism, in remission
303.90	Other and unspecified alcohol dependence, unspecified
303.91	Other and unspecified alcohol dependence, continuous
303.92	Other and unspecified alcohol dependence, episodic
303.93	Other and unspecified alcohol dependence, in remission
304.00	Opioid type dependence, unspecified
304.01	Opioid type dependence, continuous
304.02	Opioid type dependence, episodic
304.03	Opioid type dependence, in remission
304.10	Sedative, hypnotic or anxiolytic dependence, unspecified
304.11	Sedative, hypnotic or anxiolytic dependence, continuous
304.12	Sedative, hypnotic or anxiolytic dependence, episodic
304.13	Sedative, hypnotic or anxiolytic dependence, in remission
304.20	Cocaine dependence, unspecified
304.21	Cocaine dependence, continuous
304.22	Cocaine dependence, episodic
304.23	Cocaine dependence, in remission
304.30	Cannabis dependence, unspecified
304.31	Cannabis dependence, continuous
304.32	Cannabis dependence, episodic
304.33	Cannabis dependence, in remission
304.40	Amphetamine and other psychostimulant dependence, unspecified
304.41	Amphetamine and other psychostimulant dependence, continuous
304.42	Amphetamine and other psychostimulant dependence, episodic
304.43	Amphetamine and other psychostimulant dependence, in remission
304.50	Hallucinogen dependence, unspecified
304.51	Hallucinogen dependence, continuous
304.52	Hallucinogen dependence, episodic
304.53	Hallucinogen dependence, in remission
304.60	Other specified drug dependence, unspecified
304.61	Other specified drug dependence, continuous
304.62	Other specified drug dependence, episodic
304.63	Other specified drug dependence, in remission

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304.70	Combinations of opioid type drug with any other drug dependence, unspecified
304.71	Combinations of opioid type drug with any other drug dependence, continuous
304.72	Combinations of opioid type drug with any other drug dependence, episodic
304.73	Combinations of opioid type drug with any other drug dependence, in remission
304.80	Combinations of drug dependence excluding opioid type drug, unspecified
304.81	Combinations of drug dependence excluding opioid type drug, continuous
304.82	Combinations of drug dependence excluding opioid type drug, episodic
304.83	Combinations of drug dependence excluding opioid type drug, in remission
304.90	Unspecified drug dependence, unspecified
304.91	Unspecified drug dependence, continuous
304.92	Unspecified drug dependence, episodic
304.93	Unspecified drug dependence, in remission
305.00	Alcohol abuse, unspecified
305.01	Alcohol abuse, continuous
305.02	Alcohol abuse, episodic
305.03	Alcohol abuse, in remission
305.1	Tobacco use disorder
305.20	Cannabis abuse, unspecified
305.21	Cannabis abuse, continuous
305.22	Cannabis abuse, episodic
305.23	Cannabis abuse, in remission
305.30	Hallucinogen abuse, unspecified
305.31	Hallucinogen abuse, continuous
305.32	Hallucinogen abuse, episodic
305.33	Hallucinogen abuse, in remission
305.40	Sedative, hypnotic or anxiolytic abuse, unspecified
305.41	Sedative, hypnotic or anxiolytic abuse, continuous
305.42	Sedative, hypnotic or anxiolytic abuse, episodic
305.43	Sedative, hypnotic or anxiolytic abuse, in remission
305.50	Opioid abuse, unspecified
305.51	Opioid abuse, continuous
305.52	Opioid abuse, episodic
305.53	Opioid abuse, in remission
305.60	Cocaine abuse, unspecified
305.61	Cocaine abuse, continuous
305.62	Cocaine abuse, episodic
305.63	Cocaine abuse, in remission
305.70	Amphetamine or related acting sympathomimetic abuse, unspecified
305.71	Amphetamine or related acting sympathomimetic abuse, continuous
305.72	Amphetamine or related acting sympathomimetic abuse, episodic
305.73	Amphetamine or related acting sympathomimetic abuse, in remission
305.80	Antidepressant type abuse, unspecified
305.81	Antidepressant type abuse, continuous
305.82	Antidepressant type abuse, episodic
305.83	Antidepressant type abuse, in remission
305.90	Other, mixed, or unspecified drug abuse, unspecified
305.91	Other, mixed, or unspecified drug abuse, continuous
305.92	Other, mixed, or unspecified drug abuse, episodic
305.93	Other, mixed, or unspecified drug abuse, in remission

648.30	Drug dependence of mother, unspecified as to episode of care or not applicable
648.31	Drug dependence of mother, delivered, with or without mention of antepartum condition
648.32	Drug dependence of mother, delivered, with mention of postpartum complication
648.33	Drug dependence of mother, antepartum condition or complication
648.34	Drug dependence of mother, postpartum condition or complication

G. Table of mental health diagnoses:

295.00	Simple type schizophrenia, unspecified
295.01	Simple type schizophrenia, subchronic
295.02	Simple type schizophrenia, chronic
295.03	Simple type schizophrenia, subchronic with acute exacerbation
295.04	Simple type schizophrenia, chronic with acute exacerbation
295.05	Simple type schizophrenia, in remission
295.10	Disorganized type schizophrenia, unspecified
295.11	Disorganized type schizophrenia, subchronic
295.12	Disorganized type schizophrenia, chronic
295.13	Disorganized type schizophrenia, subchronic with acute exacerbation
295.14	Disorganized type schizophrenia, chronic with acute exacerbation
295.15	Disorganized type schizophrenia, in remission
295.20	Catatonic type schizophrenia, unspecified
295.21	Catatonic type schizophrenia, subchronic
295.22	Catatonic type schizophrenia, chronic
295.23	Catatonic type schizophrenia, subchronic with acute exacerbation
295.24	Catatonic type schizophrenia, chronic with acute exacerbation
295.25	Catatonic type schizophrenia, in remission
295.30	Paranoid type schizophrenia, unspecified
295.31	Paranoid type schizophrenia, subchronic
295.32	Paranoid type schizophrenia, chronic
295.33	Paranoid type schizophrenia, subchronic with acute exacerbation
295.34	Paranoid type schizophrenia, chronic with acute exacerbation
295.35	Paranoid type schizophrenia, in remission
295.40	Schizophreniform disorder, unspecified
295.41	Schizophreniform disorder, subchronic
295.42	Schizophreniform disorder, chronic
295.43	Schizophreniform disorder, subchronic with acute exacerbation
295.44	Schizophreniform disorder, chronic with acute exacerbation
295.45	Schizophreniform disorder, in remission
295.50	Latent schizophrenia, unspecified
295.51	Latent schizophrenia, subchronic
295.52	Latent schizophrenia, chronic
295.53	Latent schizophrenia, subchronic with acute exacerbation
295.54	Latent schizophrenia, chronic with acute exacerbation
295.55	Latent schizophrenia, in remission
295.60	Schizophrenic disorders, residual type, unspecified
295.61	Schizophrenic disorders, residual type, subchronic
295.62	Schizophrenic disorders, residual type, chronic
295.63	Schizophrenic disorders, residual type, subchronic with acute exacerbation

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295.64	<i>Schizophrenic disorders, residual type, chronic with acute exacerbation</i>	296.31	<i>Major depressive affective disorder, recurrent episode, mild</i>
295.65	<i>Schizophrenic disorders, residual type, in remission</i>	296.32	<i>Major depressive affective disorder, recurrent episode, moderate</i>
295.70	<i>Schizoaffective disorder, unspecified</i>	296.33	<i>Major depressive affective disorder, recurrent episode, severe, without mention of psychotic behavior</i>
295.71	<i>Schizoaffective disorder, subchronic</i>	296.34	<i>Major depressive affective disorder, recurrent episode, severe, specified as with psychotic behavior</i>
295.72	<i>Schizoaffective disorder, chronic</i>	296.35	<i>Major depressive affective disorder, recurrent episode, in partial or unspecified remission</i>
295.73	<i>Schizoaffective disorder, subchronic with acute exacerbation</i>	296.36	<i>Major depressive affective disorder, recurrent episode, in full remission</i>
295.74	<i>Schizoaffective disorder, chronic with acute exacerbation</i>	296.40	<i>Bipolar I disorder, most recent episode (or current) manic, unspecified</i>
295.75	<i>Schizoaffective disorder, in remission</i>	296.41	<i>Bipolar I disorder, most recent episode (or current) manic, mild</i>
295.80	<i>Other specified types of schizophrenia, unspecified</i>	296.42	<i>Bipolar I disorder, most recent episode (or current) manic, moderate</i>
295.81	<i>Other specified types of schizophrenia, subchronic</i>	296.43	<i>Bipolar I disorder, most recent episode (or current) manic, severe, without mention of psychotic behavior</i>
295.82	<i>Other specified types of schizophrenia, chronic</i>	296.44	<i>Bipolar I disorder, most recent episode (or current) manic, severe, specified as with psychotic behavior</i>
295.83	<i>Other specified types of schizophrenia, subchronic with acute exacerbation</i>	296.45	<i>Bipolar I disorder, most recent episode (or current) manic, in partial or unspecified remission</i>
295.84	<i>Other specified types of schizophrenia, chronic with acute exacerbation</i>	296.46	<i>Bipolar I disorder, most recent episode (or current) manic, in full remission</i>
295.85	<i>Other specified types of schizophrenia, in remission</i>	296.50	<i>Bipolar I disorder, most recent episode (or current) depressed, unspecified</i>
295.90	<i>Unspecified schizophrenia, unspecified</i>	296.51	<i>Bipolar I disorder, most recent episode (or current) depressed, mild</i>
295.91	<i>Unspecified schizophrenia, subchronic</i>	296.52	<i>Bipolar I disorder, most recent episode (or current) depressed, moderate</i>
295.92	<i>Unspecified schizophrenia, chronic</i>	296.53	<i>Bipolar I disorder, most recent episode (or current) depressed, severe, without mention of psychotic behavior</i>
295.93	<i>Unspecified schizophrenia, subchronic with acute exacerbation</i>	296.54	<i>Bipolar I disorder, most recent episode (or current) depressed, severe, specified as with psychotic behavior</i>
295.94	<i>Unspecified schizophrenia, chronic with acute exacerbation</i>	296.55	<i>Bipolar I disorder, most recent episode (or current) depressed, in partial or unspecified remission</i>
295.95	<i>Unspecified schizophrenia, in remission</i>	296.56	<i>Bipolar I disorder, most recent episode (or current) depressed, in full remission</i>
296.00	<i>Bipolar I disorder, single manic episode, unspecified</i>	296.60	<i>Bipolar I disorder, most recent episode (or current) mixed, unspecified</i>
296.01	<i>Bipolar I disorder, single manic episode, mild</i>	296.61	<i>Bipolar I disorder, most recent episode (or current) mixed, mild</i>
296.02	<i>Bipolar I disorder, single manic episode, moderate</i>	296.62	<i>Bipolar I disorder, most recent episode (or current) mixed, moderate</i>
296.03	<i>Bipolar I disorder, single manic episode, severe, without mention of psychotic behavior</i>	296.63	<i>Bipolar I disorder, most recent episode (or current) mixed, severe, without mention of psychotic behavior</i>
296.04	<i>Bipolar I disorder, single manic episode, severe, specified as with psychotic behavior</i>	296.64	<i>Bipolar I disorder, most recent episode (or current) mixed, severe, specified as with psychotic behavior</i>
296.05	<i>Bipolar I disorder, single manic episode, in partial or unspecified remission</i>	296.65	<i>Bipolar I disorder, most recent episode (or current) mixed, in partial or unspecified remission</i>
296.06	<i>Bipolar I disorder, single manic episode, in full remission</i>	296.66	<i>Bipolar I disorder, most recent episode (or current) mixed, in full remission</i>
296.10	<i>Manic affective disorder, recurrent episode, unspecified</i>	296.7	<i>Bipolar I disorder, most recent episode (or current) unspecified</i>
296.11	<i>Manic affective disorder, recurrent episode, mild</i>	296.80	<i>Bipolar disorder, unspecified</i>
296.12	<i>Manic affective disorder, recurrent episode, moderate</i>	296.81	<i>Atypical manic disorder</i>
296.13	<i>Manic affective disorder, recurrent episode, severe, without mention of psychotic behavior</i>	296.82	<i>Atypical depressive disorder</i>
296.14	<i>Manic affective disorder, recurrent episode, severe, specified as with psychotic behavior</i>	296.89	<i>Other bipolar disorders</i>
296.15	<i>Manic affective disorder, recurrent episode, in partial or unspecified remission</i>	296.90	<i>Unspecified episodic mood disorder</i>
296.16	<i>Manic affective disorder, recurrent episode, in full remission</i>	296.99	<i>Other specified episodic mood disorder</i>
296.20	<i>Major depressive affective disorder, single episode, unspecified</i>		
296.21	<i>Major depressive affective disorder, single episode, mild</i>		
296.22	<i>Major depressive affective disorder, single episode, moderate</i>		
296.23	<i>Major depressive affective disorder, single episode, severe, without mention of psychotic behavior</i>		
296.24	<i>Major depressive affective disorder, single episode, severe, specified as with psychotic behavior</i>		
296.25	<i>Major depressive affective disorder, single episode, in partial or unspecified remission</i>		
296.26	<i>Major depressive affective disorder, single episode, in full remission</i>		
296.30	<i>Major depressive affective disorder, recurrent episode, unspecified</i>		

297.0	<i>Paranoid state, simple</i>
297.1	<i>Delusional disorder</i>
297.2	<i>Paraphrenia</i>
297.3	<i>Shared psychotic disorder</i>
297.8	<i>Other specified paranoid states</i>
297.9	<i>Unspecified paranoid state</i>
298.0	<i>Depressive type psychosis</i>
298.1	<i>Excitatory type psychosis</i>
298.2	<i>Reactive confusion</i>
298.3	<i>Acute paranoid reaction</i>
298.4	<i>Psychogenic paranoid psychosis</i>
298.8	<i>Other and unspecified reactive psychosis</i>
298.9	<i>Unspecified psychosis</i>
300.00	<i>Anxiety state, unspecified</i>
300.01	<i>Panic disorder without agoraphobia</i>
300.02	<i>Generalized anxiety disorder</i>
300.09	<i>Other anxiety states</i>
300.10	<i>Hysteria, unspecified</i>
300.11	<i>Conversion disorder</i>
300.12	<i>Dissociative amnesia</i>
300.13	<i>Dissociative fugue</i>
300.14	<i>Dissociative identity disorder</i>
300.15	<i>Dissociative disorder or reaction, unspecified</i>
300.16	<i>Factitious disorder with predominantly psychological signs and symptoms</i>
300.19	<i>Other and unspecified factitious illness</i>
300.20	<i>Phobia, unspecified</i>
300.21	<i>Agoraphobia with panic disorder</i>
300.22	<i>Agoraphobia without mention of panic attacks</i>
300.23	<i>Social phobia</i>
300.29	<i>Other isolated or specific phobias</i>
300.3	<i>Obsessive-compulsive disorders</i>
300.4	<i>Dysthymic disorder</i>
300.5	<i>Neurasthenia</i>
300.6	<i>Depersonalization disorder</i>
300.7	<i>Hypochondriasis</i>
300.81	<i>Somatization disorder</i>
300.82	<i>Undifferentiated somatoform disorder</i>
300.89	<i>Other somatoform disorders</i>
300.9	<i>Unspecified nonpsychotic mental disorder</i>
301.0	<i>Paranoid personality disorder</i>
301.10	<i>Affective personality disorder, unspecified</i>
301.11	<i>Chronic hypomanic personality disorder</i>
301.12	<i>Chronic depressive personality disorder</i>
301.13	<i>Cyclothymic disorder</i>
301.20	<i>Schizoid personality disorder, unspecified</i>
301.21	<i>Introverted personality</i>
301.22	<i>Schizotypal personality disorder</i>
301.3	<i>Explosive personality disorder</i>
301.4	<i>Obsessive-compulsive personality disorder</i>
301.50	<i>Histrionic personality disorder, unspecified</i>
301.59	<i>Other histrionic personality disorder</i>
301.6	<i>Dependent personality disorder</i>
301.81	<i>Narcissistic personality disorder</i>
301.82	<i>Avoidant personality disorder</i>
301.83	<i>Borderline personality disorder</i>
301.84	<i>Passive-aggressive personality</i>
301.89	<i>Other personality disorders</i>
301.9	<i>Unspecified personality disorder</i>
302.0	<i>Ego-dystonic sexual orientation</i>
302.1	<i>Zoophilia</i>
302.2	<i>Pedophilia</i>

302.3	<i>Transvestic fetishism</i>
302.4	<i>Exhibitionism</i>
302.50	<i>Trans-sexualism with unspecified sexual history</i>
302.51	<i>Trans-sexualism with asexual history</i>
302.52	<i>Trans-sexualism with homosexual history</i>
302.53	<i>Trans-sexualism with heterosexual history</i>
302.6	<i>Gender identity disorder in children</i>
302.81	<i>Fetishism</i>
302.82	<i>Voyeurism</i>
302.83	<i>Sexual masochism</i>
302.84	<i>Sexual sadism</i>
302.85	<i>Gender identity disorder in adolescents or adults</i>
302.89	<i>Other specified psychosexual disorders</i>
302.9	<i>Unspecified psychosexual disorder</i>
307.1	<i>Anorexia nervosa</i>
307.3	<i>Stereotypic movement disorder</i>
307.50	<i>Eating disorder, unspecified</i>
307.51	<i>Bulimia nervosa</i>
307.52	<i>Pica</i>
307.53	<i>Rumination disorder</i>
307.54	<i>Psychogenic vomiting</i>
307.59	<i>Other disorders of eating</i>
307.6	<i>Enuresis</i>
307.7	<i>Encopresis</i>
307.80	<i>Psychogenic pain, site unspecified</i>
307.89	<i>Other pain disorders related to psychological factors</i>
308.0	<i>Predominant disturbance of emotions</i>
308.3	<i>Other acute reactions to stress</i>
308.4	<i>Mixed disorders as reaction to stress</i>
308.9	<i>Unspecified acute reaction to stress</i>
309.0	<i>Adjustment disorder with depressed mood</i>
309.1	<i>Prolonged depressive reaction</i>
309.21	<i>Separation anxiety disorder</i>
309.22	<i>Emancipation disorder of adolescence and early adult life</i>
309.24	<i>Adjustment disorder with anxiety</i>
309.28	<i>Adjustment disorder with mixed anxiety and depressed mood</i>
309.29	<i>Other adjustment reactions with predominant disturbance of other emotions</i>
309.3	<i>Adjustment disorder with disturbance of conduct</i>
309.4	<i>Adjustment disorder with mixed disturbance of emotions and conduct</i>
309.81	<i>Posttraumatic stress disorder</i>
309.82	<i>Adjustment reaction with physical symptoms</i>
309.83	<i>Adjustment reaction with withdrawal</i>
309.89	<i>Other specified adjustment reactions</i>
309.9	<i>Unspecified adjustment reaction</i>
311	<i>Depressive disorder, not elsewhere classified</i>
312.00	<i>Undersocialized conduct disorder, aggressive type, unspecified</i>
312.01	<i>Undersocialized conduct disorder, aggressive type, mild</i>
312.02	<i>Undersocialized conduct disorder, aggressive type, moderate</i>
312.03	<i>Undersocialized conduct disorder, aggressive type, severe</i>
312.10	<i>Undersocialized conduct disorder, unaggressive type, unspecified</i>
312.11	<i>Undersocialized conduct disorder, unaggressive type, mild</i>
312.12	<i>Undersocialized conduct disorder, unaggressive type, moderate</i>
312.13	<i>Undersocialized conduct disorder, unaggressive type, severe</i>
312.20	<i>Socialized conduct disorder, unspecified</i>

312.21	Socialized conduct disorder, mild
312.22	Socialized conduct disorder, moderate
312.23	Socialized conduct disorder, severe
312.30	Impulse control disorder, unspecified
312.31	Pathological gambling
312.32	Kleptomania
312.33	Pyromania
312.34	Intermittent explosive disorder
312.35	Isolated explosive disorder
312.39	Other disorders of impulse control
312.4	Mixed disturbance of conduct and emotions
312.81	Conduct disorder, childhood onset type
312.82	Conduct disorder, adolescent onset type
312.89	Other conduct disorder
312.9	Unspecified disturbance of conduct
313.0	Overanxious disorder specific to childhood and adolescence
313.1	Misery and unhappiness disorder specific to childhood and adolescence
313.21	Shyness disorder of childhood
313.22	Introverted disorder of childhood
313.23	Selective mutism
313.3	Relationship problems specific to childhood and adolescence
313.81	Oppositional defiant disorder
313.82	Identity disorder of childhood or adolescence
313.89	Other emotional disturbances of childhood or adolescence
313.9	Unspecified emotional disturbance of childhood or adolescence
314.00	Attention deficit disorder without mention of hyperactivity
314.01	Attention deficit disorder with hyperactivity
314.2	Hyperkinetic conduct disorder
314.8	Other specified manifestations of hyperkinetic syndrome
314.9	Unspecified hyperkinetic syndrome
332.1	Secondary parkinsonism
333.90	Unspecified extrapyramidal disease and abnormal movement disorder
333.99	Other extrapyramidal diseases and abnormal movement disorders

.03 Non Behavioral Health Fee-For-Service Benefits.

An MCO may not be required to provide any of the following benefits or services that are reimbursed directly by the Department:

A. The remaining days of a hospital admission following enrollment in the MCO if the recipient was admitted to the hospital before the date of the recipient's enrollment;

B. Long-term care services except for those outlined in COMAR 10.09.67.07B and COMAR 10.09.67.12A;

C. Intermediate Care Facilities for Individuals with Intellectual Disabilities or Persons with Related Conditions (ICF/IID) services;

D. Personal care services pursuant to COMAR 10.09.20;

E. Medical day care services, for adults and children;

F. The following HIV/AIDS services:

(1) Genotypic, phenotypic, or other HIV/AIDS drug resistance testing used in the treatment of HIV/AIDS, if the service is:

(a) Rendered by a Department-approved provider; and

(b) Medically necessary;

(2) Viral load testing used in treatment of HIV/AIDS; and

(3) Antiretroviral drugs in American Hospital Formulary Service therapeutic class 8:18:08 used in the treatment of HIV/AIDS;

G. Audiology services including the purchase, examination, or fitting of hearing aids and supplies, and tinnitus masker for enrollees younger than 21 years old;

H. Cochlear implant devices for enrollees younger than 21 years old;

I. Physical therapy, speech therapy, occupational therapy, and audiology services when:

(1) The enrollee is younger than 21 years old; and

(2) The services are not part of home health services or an inpatient hospital stay;

J. Augmentative communication devices;

K. Dental:

(1) Services for enrollees younger than 21 years old and pregnant women; and

(2) Surgery fees for the facility and general anesthesia for pregnant women and enrollees younger than 21 years old;

L. Except when a woman has been determined eligible for Medical Assistance benefits under COMAR 10.09.11, an abortion pursuant to COMAR 10.09.02.04G;

M. Emergency transportation;

N. Transportation services provided through grants to local governments pursuant to COMAR 10.09.19; and

O. Services provided to members participating in the State's Health Home Program as described in COMAR 10.09.33

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

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.80 Community-Based Substance [Abuse] Use Disorder Services

Authority: Health-General Article, §§2-104(b), 15-103(a)(1), and 15-105(b), Annotated Code of Maryland

Notice of Proposed Action

[14-295-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01, adopt new Regulations .02, .04, and .07, amend and recodify existing Regulations .02, .03, .04, .05, and .07 to be Regulations .03, .05, .06, .08, and .10, and recodify existing Regulations .06, .08, and .09 to be Regulations .09, .11, and .12 under **COMAR 10.09.80 Community-Based Substance Use Disorder Services.**

Statement of Purpose

The purpose of this action is to amend the current chapter to include all covered community-based substance use disorder services under one chapter. The amendment clarifies the substance use disorder community-based services that are covered under the HealthChoice MCO self-referred process and covered by the Department on a fee-for-service basis.

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 November 3, 2014. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) "Alcohol and Drug Abuse Administration" means the administration within the Department that establishes regulatory requirements which substance abuse providers are to maintain in order to become certified by the Office of Health Care Quality.]

(1) "Administrative Service Organization (ASO)" means the contractor procured by the State to provide the Department with administrative support services to operate the Maryland Public Behavioral Health System.

(2) (text unchanged)

[(3) "Certification" means the approval issued to a program by the Office of Health Care Quality.]

(4) "Community-based substance abuse program" means a program that provides services in community settings not regulated by the Health Services Cost Review Commission.

(5) "Comprehensive substance abuse assessment" means the process of gathering data about an individual's biopsychosocial problems to determine whether substance abuse treatment is needed and, if so, at what level of care.]

(3) "Behavioral Health Administration" means the administration within the Department that establishes regulatory requirements that behavioral health programs are to maintain in order to become certified or licensed by the Department.

(4) "Community-based substance use disorder program" means a program that provides services in community settings not regulated by the Health Services Cost Review Commission.

(5) "Certification" means the approval issued to a program by the Office of Health Care Quality.

(6) (text unchanged)

(7) "Discharge plan" means a written description of specific goals and objectives to assist the [recipient] participant upon leaving treatment.

(8) (text unchanged)

(9) "Individualized treatment plan" means a written plan of action that is developed and periodically updated and revised to address a [recipient's] participant's specific service needs.

(10)—(11) (text unchanged)

(12) "Office of Health Care Quality" means the office within the Department responsible for certification and inspection of programs for the [Alcohol and Drug Abuse] Behavioral Health Administration.

[(13) "Program" means the Maryland Medical Assistance Program.]

(14) "Progress note" means an objective documentation of the recipient's progress in relation to specific treatment goals and objectives.

(15) "Recipient" means an individual who is eligible for Program benefits.]

(13) "Participant" means an individual who is eligible for Program benefits.

(14) "Program" means the Maryland Medical Assistance Program.

(15) "Progress note" means an objective documentation of the recipient's progress in relation to specific treatment goals and objectives.

(16) (text unchanged)

(17) "Substance [abuse] use disorder" means a maladaptive pattern of substance use leading to clinically significant impairment or distress and manifested by recurrent and significant adverse consequences related to the repeated use of substances.

(18) (text unchanged)

.02 License Requirements.

A. A community-based substance use disorder provider shall be certified by the Department in accordance with COMAR 10.47.01.

B. An opioid maintenance therapy provider shall:

(1) Be certified by the Department in accordance with COMAR 10.47.01; and

(2) Maintain approval by the Drug Enforcement Administration.

.[02].03 Conditions for [Program] Provider Participation.

A. [A] Providers shall be community-based substance [abuse] use disorder [program] programs [shall] that meet [and comply with all requirements] all conditions for participation set forth in COMAR 10.09.36.03.

B. A community-based substance [abuse] use disorder [program] provider shall:

[(1) Receive certification by the Office of Health Care Quality in accordance with COMAR 10.47.01; and

(2) Meet the requirements established by the Alcohol and Drug Abuse Administration as described in COMAR 10.47.01.]

(1) Maintain verification of licenses and credentials of all professionals employed by or under contract with the provider in their respective personnel files; and

(2) Have clearly defined, written, patient care policies.

C. A provider of substance use disorder services shall maintain adequate documentation of each face-to-face contact with each participant, which, at a minimum, shall include:

(1) Date of service;

(2) Start time and end time;

(3) Summary of interventions provided; and

(4) An official e-Signature, or a legible signature, along with the printed or typed name of the individual providing care, with the appropriate title.

D. An opioid maintenance therapy provider shall comply with federal regulation 42 CFR §8.

.04 Eligibility and Referral.

A. A participant may self-refer or be referred to substance use disorder treatment by a:

(1) Provider;

(2) Family member; or

(3) Caregiver.

B. The ASO shall have a toll free telephone line to accept referrals and help participants find an appropriate substance use disorder provider.

C. The ASO shall authorize medically necessary services according to guidelines established by the Department and in accordance with Regulation .03 of this chapter.

D. Substance Use Disorder Services.

(1) Substance use disorder services are services for which the participants' diagnosis and treatment provider meet the criteria specified in COMAR 10.09.70 and this chapter..

(2) The ASO shall reimburse substance use disorder providers.

[.03] .05 Covered Services.

[A.] The Program covers the following [medically necessary community-based substance abuse services when rendered to a recipient by a qualified program as described in Regulation .02 of this regulation]:

- (1) Comprehensive substance abuse assessment as described in §B of this regulation;
- (2) Level I Group and Individual Substance Abuse Counseling Services as described in §C of this regulation;
- (3) Level II Intensive Outpatient Services as described in §D of this regulation; and
- (4) Methadone services as described in COMAR 10.09.08.04.]

[B.] A. Comprehensive substance [abuse] *use disorder* assessment [as referenced in §A of this regulation], *which* at a minimum shall:

- (1) (text unchanged)
- (2) Include:
 - (a) An assessment of the following areas:
 - (i) (text unchanged)
 - (ii) Substance [abuse] *use disorder* treatment history;
 - (b) (text unchanged)
 - (c) Recommendation for the appropriate level of substance [abuse] *use disorder* treatment [.];

[(1)] B. Level I group and individual substance [Abuse] *use disorder counseling* [Services as referenced in §A of this regulation provide services for recipients who require services for less than 9 hours weekly for adults and 6 hours weekly for adolescents.] that shall include:

(1) *Services for participants who require less than 9 hours weekly for adults and 6 hours weekly for adolescents; and*

[(2)] Recipients who are appropriate for this level of treatment shall:

- (a) At a minimum meet eligibility criteria, using guidelines such as the American Society of Addiction Medicine Patient Placement Criteria for Level I, or other guidelines approved by the Program; and
- (b) Have a physical and emotional status that allows them to function in their usual environment.]

[(3)] (2) [Before providing Level I services described in this section, the provider shall develop a] A written individualized treatment plan, with the participation of the [recipient] *participant* based on the comprehensive assessment [and placement recommendation as described in §A of this regulation. This plan shall] *that shall*:

- (a)—(b) (text unchanged)
- (c) Include:
 - [(i)] An assessment of the recipient's individual needs;
 - [(ii)] Long-range and short-range treatment plan goals;
 - [(iii)] Specific interventions for meeting the treatment plan goals;
 - [(iv)] Target dates for completion of treatment plan goals;
 - [(v)] Criteria for successful completion of treatment;
 - [(vi)] Referrals to ancillary services, if needed; and
 - [(vii)] Referral to recovery support services, if needed.]
 - (i) An assessment of the participant's eligibility, using guidelines such as the American Society of Addiction Medicine Patient Placement Criteria for Level I, or other guidelines approved by the Program;*
 - (ii) The participant's individual needs;*
 - (iii) Long-range and short-range treatment plan goals;*
 - (iv) Specific interventions for meeting the treatment plan goals;*
 - (v) Target dates for completion of treatment plan goals;*
 - (vi) Criteria for successful completion of treatment;*
 - (vii) Referrals to ancillary services, if needed; and*
 - (viii) Referral to recovery support services, if needed;*

[(4)] (3) [Each individual and group counseling session shall be documented] *Documentation* in the [recipient's] *participant's* record through written progress notes after each counseling session[.];

[(5)] Before discharge, the provider shall give the recipient a discharge plan which includes written recommendations to assist the recipient with continued recovery efforts, as well as appropriate referral services.]

(4) Family members, if necessary, as long as the participant is also present in a Level I group counseling session; and

(5) A discharge plan which includes written recommendations to assist the participant with continued recovery efforts, as well as appropriate referral services;

[D. Level II Intensive Outpatient Services.

(1) Level II Intensive Outpatient Services as referenced in §A of this regulation provides services for recipients who require 9 to 20 hours weekly for an adult and 6 to 20 hours weekly for an adolescent.

(2) Recipients who are appropriate for this level of treatment shall:

(a) At a minimum meet eligibility criteria, using guidelines such as the American Society of Addiction Medicine Patient Placement Criteria for Level II, or other guidelines approved by the Program; and

(b) Have a physical and emotional status that allows them to function in their usual environment;]

C. Level II.1 intensive outpatient services that shall include:

(1) Services for participants who require 9 to 20 hours weekly for an adult and 6 to 20 hours weekly for an adolescent;

[(3)] (2) [Before providing Level II Intensive Outpatient Services as described in this section, the provider shall develop a] A written individualized treatment plan, with the participation of the [recipient] *participant* based on the comprehensive assessment [and recipient placement recommendation as described in §A of this regulation. This plan shall:] *that shall*:

- (a)—(b) (text unchanged)
- (c) Include:
 - [(i)] The recipient's individual needs;
 - [(ii)] Long-range and short-range treatment plan goals;
 - [(iii)] Specific interventions for meeting the treatment plan goals which includes at least one group counseling session a week and at least one individual session every 2 weeks;
 - [(iv)] Target dates for completion of treatment plan goals;
 - [(v)] Criteria for successful completion of treatment;
 - [(vi)] Referrals to ancillary services, if needed; and
 - [(vii)] Referrals to recovery support services.]
 - (i) An assessment of the participant's eligibility, using guidelines such as the American Society of Addiction Medicine Patient Placement Criteria for Level II.1, or other guidelines approved by the Program;*
 - (ii) The participant's individual needs;*
 - (iii) Long-range and short-range treatment plan goals;*
 - (iv) Specific interventions for meeting the treatment plan goals, which includes at least one group counseling session a week and at least one individual session every 2 weeks;*
 - (v) Target dates for completion of treatment plan goals;*
 - (vi) Criteria for successful completion of treatment;*
 - (vii) Referrals to ancillary services, if needed; and*
 - (viii) Referral to recovery support services, if needed;*

[(4)] (3) [Although it is expected that each Level II.] Intensive Outpatient] Service [will typically last 3 or more hours, it shall] *that last at least 2 hours in order to be billed[.] although will typically last 3 or more hours;*

[(5)] (4) A [recipient] *participant* progress note [shall be] added to the [recipient's] *participant's* record after each session[.] ; *and*

[(6)] (5) [Before discharge, the provider shall give the recipient a] A discharge plan which includes written recommendations to assist

the [recipient] participant with continued recovery efforts, as well as appropriate referral services[.];

D. Level II.5 partial hospitalization services that shall include:

(1) Services for participants who require 20 to 35 hours weekly of structured outpatient treatment;

(2) A written individualized treatment plan, with the participation of the participant based on the comprehensive assessment that shall:

(a) Be updated every 7 days;

(b) Be reviewed and approved by a licensed physician or licensed practitioner of the healing arts, within the scope of his or her practice under State law; and

(c) Include:

(i) An assessment of the participant's eligibility, using guidelines such as the American Society of Addiction Medicine Patient Placement Criteria for Level II.1, or other guidelines approved by the Program;

(ii) The participant's individual needs;

(iii) Long-range and short-range treatment plan goals;

(iv) Specific interventions for meeting the treatment plan goals, includes at least one group counseling session a week and at least one individual session every 2 weeks;

(v) Target dates for completion of treatment plan goals;

(vi) Criteria for successful completion of treatment;

(vii) Referrals to ancillary services, if needed; and

(viii) Referral to recovery support services, if needed;

(3) A participant progress note added to the participant's record after each session; and

(4) A discharge plan which includes written recommendations to assist the participant with continued recovery efforts, as well as appropriate referral services; and

E. Opioid maintenance therapy service that shall include:

(1) A Comprehensive substance use disorder assessment as described in §A of this regulation; and

(2) An individualized treatment plan as described in COMAR 10.47.01.04 that shall:

(a) Be completed and signed by the participant's substance use disorder counselor and the participant within 7 working days of the comprehensive assessment;

(b) Be updated every 90 days for the first year of treatment; and

(c) Include an individualized treatment plan updated every 180 days and signed by the substance use disorder counselor and participant after completion of continuous treatment and if the participant meets the requirements for unsupervised or take home use set forth in 42CFR §8.12(i);

(3) The following services:

(a) Pharmacological interventions, including methadone dosing, full and partial opiate agonist treatment medications to provide treatment support, and recovery to opioid-addicted participants;

(b) Substance use disorder and related counseling as recommended in the individualized treatment plan;

(c) Medical services, including, but not limited to, those required to be provided by the Program in accordance with COMAR 10.47.02.11; and

(d) Ordering and administering non-narcotic drug; and

(4) Arrangement for transportation of medication to inpatient treatment programs under the conditions outlined in COMAR 10.47.02.11.

[.04] .06 Limitations.

A. The Program under this chapter does not cover the following:

(1) Community-based substance [abuse] use disorder services not specified in Regulation [.03] .04 of this chapter;

(2) Community-based substance [abuse] use disorder services not approved by a licensed physician or other licensed practitioner of the healing arts, within the scope of his or her practice under State law;

(3) Services not medically necessary, including court-ordered assessments and services which are deemed to not be medically necessary;

(4) Investigational and experimental drugs and procedures;

(5) Services that are provided in a hospital inpatient or outpatient setting or in an intermediate care facility for behavioral health;

(6) Services beyond the provider's scope of practice; and

(7) Services that are separately billed but included as part of another service.

B. Providers may not [bill] be reimbursed by the Program for:

(1) (text unchanged)

(2) More than one comprehensive substance [abuse] use disorder assessment for a [recipient] participant per provider per 12-month period unless the patient was discharged from treatment with that provider for more than 30 days;

(3) More than one Level I group counseling session per day per [recipient] participant;

(4) More than six Level I individual counseling units as measured in 15 minute increments per day per [recipient] participant;

(5) More than four sessions of Level II.1 Intensive Outpatient treatment per week;

(6) [Services rendered but not appropriately documented;] Level I group or individual counseling during the same week as a Level II.1 Intensive Outpatient treatment unless the participant has been discharged from or admitted to a new level of care;

(7) [Services rendered by mail, telephone, or otherwise not one-to-one, in person;] Overlapping episodes of Level II.1 Intensive Outpatient treatment and Level II.5 Partial Hospitalization;

(8) [Completion of forms or reports;] Opioid Maintenance Therapy during the same week as a Level I group counseling session, Level I individual counseling session, Level II.1 Intensive Outpatient treatment or Level II.5 Community-based Partial Hospitalization;

(9) [Broken or missed appointments; and] Psychiatric day treatment program or an intensive outpatient mental health program on the same day as a Level II.1 Intensive Outpatient program or Level II.5 Community-based Partial Hospitalization program;

(10) Community-based substance use disorder services on the same day that a participant received similar services as a hospital inpatient or outpatient;

(11) Services rendered but not appropriately documented;

(12) Services rendered by mail, telephone, or otherwise not one-to-one, in person;

(13) Completion of forms or reports;

(14) Broken or missed appointments; and

[(10)] (15) Travel to and from site of service.

[C. The provider shall meet the requirement of §B(1) of this regulation by:

(1) Charging the individual in full for service rendered;

(2) Using a sliding fee scale based on the individual's income;

(3) Waiving all or part of the fee for a specific individual; or

(4) Agreeing to accept what a third party pays as payment in full, whether or not the provider bills individuals who lack this coverage.]

C. The Program shall make no direct payment to participants.

D. The provider shall meet the requirement of §B(1) of this regulation by:

(1) Charging other members of the public in full for service rendered;

(2) Using a sliding fee scale based on the other individual's income;

- (3) *Waiving all or part of the fee for a specific individual; or*
- (4) *Billing the other insurance company and agreeing to accept what other third party pays as payment in full, whether or not the provider bills individuals who lack third party coverage.*

.07 Authorization Requirements.

A. *For services outlined in Regulation .04 of this chapter, the community-based substance use disorder program shall notify the ASO and obtain authorization to provide substance use disorder services from ASO.*

B. *The ASO agent shall authorize services that are:*

- (1) *Medically necessary; and*
- (2) *Of a type, frequency, and duration that are consistent with expected results and cost-effectiveness.*

C. *No payment shall be rendered for services that have not been authorized.*

[.05].08 Payment Procedures.

A.—C. (text unchanged)

D. Rates for the services outlined in this regulation shall be as follows:

- (1) *Comprehensive substance [abuse] use disorder assessment — \$142;*
- (2) *Level I group substance [abuse] use disorder counseling — \$39 per session;*
- (3) *Level I individual substance [abuse] use disorder counseling — \$20 per 15-minute increment with a maximum of six 15-minute increments per day;*
- (4) *Level II.1 Intensive outpatient treatment — \$125 per diem; [and]*
- (5) *Methadone maintenance — See COMAR 10.09.08.04.]*
- (5) *Level II.5 Partial Hospitalization — \$130 per diem; and*
- (6) *Opioid Maintenance Therapy— \$80 per participant per week.*

E. *In order to bill an individual for Level II.1 intensive outpatient treatment as described in §D(4) of this regulation, the per diem session shall include a minimum of 2 hours, but more frequently be composed of 3-hour sessions. A maximum of 4 per diems may be billed per week.*

F. *In order to bill an individual for Level II.5 partial hospitalization, the per diem session shall include a minimum of 2 hours. Providers may bill a maximum of 7 per diems per week.*

G. *The Department shall pay participating opioid maintenance therapy programs as described in §D(6) of this regulation, per patient, per week provided the participant has received at least one face-to-face documented treatment service in the week for which the Program is billed.*

H. *Services not authorized consistent with COMAR 10.09.80.07C.*

I. *The Department shall authorize supplemental payment on Medicare claims only if:*

- (1) *The provider accepts Medicare assignments;*
- (2) *Medicare makes direct payment to the provider;*
- (3) *Medicare has determined that the services are medically necessary;*
- (4) *The services are covered by the Program; and*
- (5) *Initial billing is made directly to Medicare according to Medicare guidelines.*

J. *The Department shall make payment on Medicare claims subject to the following provisions:*

- (1) *Deductible and coinsurance shall be paid in full for services designated as mental health services by Medicare; and*
- (2) *The Program shall reimburse services not covered by Medicare, but considered medically necessary by the Program, according to the limitations of this chapter.*

[.07] .10 Cause for Suspension or Removal and Imposition of Sanctions.

A.—D. (text unchanged)

E. *The Department shall give to the provider reasonable written notice of the Department’s intention to impose sanctions. In the notice, the Department shall:*

- (1) *Establish the:*
 - (a) *Effective date of the proposed action; and*
 - (b) *Reasons for the proposed action; and*
- (2) *Advise the provider of the right to appeal.*

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Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.91 Hospital Presumptive Eligibility

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

Notice of Proposed Action

[14-296-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01—09** under a new chapter, **COMAR 10.09.91 Hospital Presumptive Eligibility**.

Statement of Purpose

The purpose of this action is to adopt new regulations that comply with the provisions of the Affordable Care Act that relate to the presumptive eligibility by hospitals.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. Hospital presumptive eligibility (HPE) will enable many uninsured individuals to access Medical Assistance coverage for roughly 30 days, until determined eligible or ineligible for full coverage. Medical Assistance will now be responsible for health services that would previously have been paid by the uninsured individual or through the uncompensated care pool. The State anticipates a cost of \$50,000,000 for FFY 2015 and \$37,500,000 for State fiscal year 2015.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$37,500,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	

F. Direct and indirect effects on public: NONE

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

A. The State calculated the federal fiscal impact for Hospital Presumptive Eligibility (HPE) based on the following methodology. Currently, \$1,000,000,000 is allocated for paying hospitals for serving the State's uninsured. The State estimated that 5 percent of this cost (\$50,000,000 total funds) would be transferred to the Medical Assistance Program with the implementation of HPE for federal fiscal year 2015. The fiscal impact would then be \$25,000,000 in State funds and \$25,000,000 in federal funds per year. However, the State will not implement until October 1, 2015 of State FY15. Thus reducing the State's predicted expenditures by 75 percent and producing a cost of \$18,750,000 in State funds and \$18,750,000 in federal funds for a total of \$37,500,000 for the State FY15. This is a conservative estimate of fiscal impact due to the inability to validate any information for HPE applicants.

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.reg@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.01 Purpose and Scope.

This chapter establishes requirements for the determination of presumptive eligibility by qualified hospitals effective October 1, 2014.

.02 Definitions.

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

B. Terms Defined.

(1) "Applicant" means an individual who has applied for presumptive eligibility at a participating hospital.

(2) "Application" means the presumptive eligibility application.

(3) "Authorized representative" has the same meaning as set forth in COMAR 10.01.04.01.

(4) "Department" means the Department of Health and Mental Hygiene which is the single State agency designated to administer the Maryland Medical Assistance Program pursuant to Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq.

(5) "Determination" means a decision regarding an applicant's presumptive eligibility.

(6) "Federal poverty level" means the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. §9902(2).

(7) "Former foster care" means an individual who:

(a) Is younger than 26 years old;

(b) Is not eligible and enrolled for coverage under a mandatory Medical Assistance group other than childless adult; and

(c) Was formerly in a Maryland out-of-home placement, including categorical Medical Assistance:

(i) On attaining age 18 and leaving out-of-home placement; or

(ii) On attaining age 19-21 during extended out-of-home placement under COMAR 07.02.11.04B.

(8) "Hospital" means an institution which:

(a) Falls within the jurisdiction of Health-General Article, Title 19, Subtitle 3, Annotated Code of Maryland; and

(b) Is licensed pursuant to COMAR 10.07.01 or other applicable standards established by the state in which the service is provided.

(9) "Income" means property or a service received by an individual in cash or in-kind, which can be applied directly, or by sale or conversion, to meet basic needs for food, shelter, and medical expenses.

(10) "Incarcerated inmate in a public institution" has the meaning stated in COMAR 10.09.24.05-5B.

(11) "Medical Assistance" means the program administered by the State under Title XIX of the Social Security Act, which provides comprehensive medical and other health-related care for eligible individuals.

(12) "Medicare" means the medical insurance program administered by the federal government under Title XVIII of the Social Security Act, 42, §U.S.C. 1395 et seq.

(13) "Presumptive eligibility" means temporary eligibility for Medical Assistance as determined by participating hospitals in accordance with these regulations.

.03 Requirements.

A. A hospital eligible to make presumptive eligibility decisions shall:

(1) Participate as a Maryland Medical Assistance Program provider in good standing; and

(2) Sign an agreement prepared by the Department.

B. The agreement required under §A of this regulation shall require that the hospital:

(1) Comply with Departmental policies and procedures supplied by the Department at the time of application and training;

(2) Meet accuracy and timeliness standards established by the Department;

(3) Submit a list to the Department of hospital employees who will attend presumptive eligibility training developed by the Department;

(4) Prohibit employees who have not attended required trainings and passed a post-training test to make presumptive eligibility decisions; and

(5) Report all requested information on a form designated by the Department.

C. Before assisting an applicant in filing a presumptive eligibility application, the hospital employee shall:

(1) Check the Department's eligibility verification system to make sure the individual is not actively enrolled in the Maryland Medical Assistance Program;

(2) Provide information concerning the full Medical Assistance application process to the individual applying for presumptive eligibility and assist or refer the applicant to an individual who can assist the applicant in completing a full Medical Assistance application;

(3) Determine that the applicant has not:

(a) Had a prior presumptive eligibility period within the last 12 months for the individual other than pregnant women; or

(b) Had a prior presumptive eligibility period during the current pregnancy for a pregnant woman.

D. The hospital employee shall fill out the presumptive eligibility application based on information supplied by the applicant.

E. The hospital employee shall make a presumptive eligibility decision and sign the presumptive eligibility application based on the following information obtained pursuant to COMAR 10.09.91.05:

- (1) Residency;
- (2) Citizenship;
- (3) Family size and composition; and
- (4) Gross family income.

F. The hospital employee shall inform the individual in writing of the hospital's presumptive eligibility decision which includes an explanation of the presumptive eligibility period.

G. The hospital shall submit the presumptive eligibility application to the Department on the date of application completion to allow the individual to have temporary Medical Assistance coverage.

H. The hospital shall:

- (1) Keep all written and signed presumptive eligibility applications on file for 6 years; and
- (2) Make the file available to the Department upon request.

.04 Hospital or Hospital Staff Disqualifications.

A. A hospital qualified to make presumptive eligibility decisions shall:

- (1) Make presumptive eligibility determinations in accordance with established Departmental policies and procedures; and
- (2) Disqualify individual hospital employees who do not follow established Departmental regulations, policies and procedures.

B. Upon a finding that a qualified hospital has failed to meet the requirements of §A of this regulation, the Department shall provide the hospital with additional training or take other reasonable corrective action measures to address the noncompliance.

C. If the remedial measures taken pursuant to §B of this regulation fail to provide a satisfactory resolution, the Department shall disqualify the hospital from making presumptive eligibility determinations.

.05 Criteria.

A. An individual, the individual's guardian, or a representative of the individual with personal knowledge shall apply for presumptive eligibility through a participating hospital.

B. An individual, the individual's guardian, or a representative of the individual with personal knowledge who applies for presumptive eligibility shall attest to:

- (1) The citizenship requirements in COMAR 10.09.24.05;
- (2) The residency requirements in COMAR 10.09.24.05-3;
- (3) The individual's pregnancy status;
- (4) The individual's family size; and
- (5) The individual's household's gross monthly income.

.06 Populations Eligible.

Presumptive eligibility may be established for the following eligibility groups:

A. Parents and other caretaker relatives whose household income is equal to or less than 133 percent of the federal poverty level;

B. Pregnant women whose income is equal to or less than 250 percent of the federal poverty level;

C. Adults without dependent children who are older than 19 years old and younger than 65 years old, whose household income is equal to or less than 133 percent of the federal poverty level;

D. Children who are younger than 19 years old who are under 300 percent of the federal poverty level; or

E. Former foster care individuals who are younger than 26 years old.

.07 Limitations.

An individual may not apply for presumptive eligibility in Maryland if the individual:

A. Is currently enrolled in the Maryland Medical Assistance Program or Medicare;

B. Is an incarcerated inmate in a public institution as defined in COMAR 10.09.24.05-5B;

C. Had a prior presumptive eligibility period during the last 12 months with the exception of pregnant women;

D. Does not meet the residency requirements stated in COMAR 10.09.24.05-3; or

E. Does not meet the citizenship requirements stated in COMAR 10.09.24.05.

.08 Certification Period.

A. Presumptive eligibility begins on the day the hospital determines that the individual is presumptively eligible.

B. Presumptive eligibility ends on the earlier of:

(1) The day in which the individual is determined eligible for Medical Assistance; or

(2) The last day of the month following the month in which the hospital determined presumptive eligibility, if:

- (a) An individual is found ineligible for Medical Assistance; or
- (b) An individual failed to apply for Medical Assistance.

C. A non-pregnant individual may be determined presumptively eligible once per a 12-month period.

D. A pregnant individual may be determined presumptively eligible once per pregnancy.

.09 Presumptive Eligibility Appeal Rights.

An individual or an organization does not have appeal rights for presumptive eligibility determinations.

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

Subtitle 32 BOARD OF PHYSICIANS

10.32.06 Licensure of Polysomnographic Technologists

Authority: Health Occupations Article, §§14-205, 14-5C-10, 14-5C-14, and 14-5C-15 Annotated Code of Maryland

Notice of Proposed Action

[14-298-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.04** and **.07** under **COMAR 10.32.06 Licensure of Polysomnographic Technologists**. This action was considered at a public meeting held on July 30, 2014, notice of which was given by publication on July 10 through 30, 2014 pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide an alternate pathway to licensure, as well as an extension of time to obtain licensure as a polysomnographic technologist if an applicant for licensure has not obtained a license by September 30, 2013, due to specified circumstances. The extension will be granted for a period of no more than 6 months and after February 28, 2015 no more extensions will be granted by the Board. Additionally the regulations repeal the requirement that the Board place a licensed polysomnographic technologist on inactive status under certain circumstances and also repeals obsolete language regarding the reinstatement of licenses of certain polysomnographic technologists.

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 November 3, 2013. A public hearing has not been scheduled.

.04 Application for Initial Licensure as a Polysomnographic Technologist.

A. An applicant shall:

[A.] (1)—[D.] (4) (text unchanged)

[E.] (5) Demonstrate spoken and written competency in English by any of the following:

[(1)] (a)—[(2)] (b) (text unchanged)

[(3)] (c) Documentation of receiving a grade of at least:

[(a)] (i)—[(b)] (ii) (text unchanged)

[F.] (6) (text unchanged)

[G.] (7) Provide documentation of one of the following:

[(1)] (a) For those candidates applying for a license on or before September 30, 2013:

[(a)] (i)—[(b)] (ii) (text unchanged)

[(2)] (b) (text unchanged)

[(3)] (c) Both of the following:

[(a)] (i) (text unchanged)

[(b)] (ii) Completion of the Committee on Accreditation for Respiratory Care’s curriculum for a polysomnography certificate that is accredited by the Commission on Accreditation of Allied Health Education Programs; [or]

[(4)] (d) Both of the following:

[(a)] (i) (text unchanged)

[(b)] (ii) Completion of an add-on track in polysomnography for electroneurodiagnostic technologists that is accredited by the Commission on Accreditation of Allied Health Education Programs; [and] or

(e) Each of the following:

(i) Graduation from a sleep technologist educational program accredited by the American Academy of Sleep Medicine;

(ii) Proof of meeting core competencies in the 3 years preceding the application as assessed by a sleep technologist credentialed as a Registered Polysomnographic Technologist, a sleep technologist with national certification approved by the Board, or a physician who is either board-eligible or board-certified in sleep medicine by the American Board of Sleep Medicine or American Board of Medical Specialties;

(iii) A letter of attestation for completion of clinical hours and competencies from a physician who is either board-eligible or board-certified in sleep medicine by the American Board of Sleep Medicine or American Board of Medical Specialties where the applicant practiced; and

(iv) The requirements listed in §B of this regulation; and

[H.] (8) (text unchanged)

B. If an applicant satisfies the requirements of §A(7) of this regulation by completing the requirements of §A(7)(e) of this regulation, the applicant shall provide proof of completion of a minimum of 546 hours of clinical experience in the 3 years preceding licensure application as either:

(1) A student supervised by a sleep technologist credentialed as a Registered Polysomnographic Technologist or a sleep technologist with national certification approved by the Board at an American Academy of Sleep Medicine accredited sleep laboratory or sleep laboratory accredited by The Joint Commission; or

(2) A sleep technologist with a current, active, unrestricted license in another state or is otherwise recognized and has practiced as a sleep technologist in another state who has:

(a) Full-time practice experience as a sleep technologist in another state at an American Academy of Sleep Medicine accredited sleep laboratory or sleep laboratory accredited by The Joint Commission for a minimum of 6 months in the 3 years preceding the application; and

(b) Maintained an average of 10 continuing education units per year for the last 2 years.

C. Extension Request.

(1) An applicant who has not satisfied the licensure requirements under §A of this regulation on or before September 30, 2013, may file a request for an extension of time with the Board.

(2) The request shall be in writing and filed before February 28, 2015.

(3) The Board shall consider and render a decision on the request within 45 days of receiving the written request.

(4) On a case-by-case basis, the Board may grant a one-time extension for no more than 6 months if the Board determines that:

(a) Failure to fulfill the licensure requirements is clearly a result of:

(i) Functional impairment;

(ii) Prolonged and serious illness;

(iii) Mandatory military service or deployment;

(iv) A prolonged absence from the United States;

(v) An officially declared disaster; or

(vi) Other exceptional circumstances beyond the control of the applicant;

(b) The applicant readily and appropriately attempted to meet the requirements;

(c) The applicant provides documentation substantiating the basis of the request, as determined by the Board; and

(d) The applicant submits a plan for completing the requirements.

(5) The Board shall deny the request for an extension for failure to comply with §C(4) of this regulation.

(6) The Board shall deny any request filed after February 28, 2015.

.07 Renewal and Reinstatement.

A. (text unchanged)

B. Reinstatement.

[(1)] The Board [shall] may reinstate the license of a polysomnographic technologist who has [not placed the license on an inactive status and who has] failed to renew the license for any reason if the polysomnographic technologist:

[(a)] (1) Applies for reinstatement [within 30 days] after the date the license expires;

[(b)] (2)—[(d)] (4) (text unchanged)

[(2)] The Board shall reinstate the license of a polysomnographic technologist who has placed the license on an inactive status if the polysomnographic technologist:

(a) Meets the renewal requirements of §A of this regulation;

(b) Submits evidence of completion of 20 hours of approved continuing education in the 2 years preceding the application for reinstatement, which meet the requirements stated in Regulation .08 of this chapter; and

(c) Pays to the Board the reinstatement fee set by the Board in Regulation .09 of this chapter.

(3) Reinstatement of Nonrenewed License after 30 Days.

(a) If an applicant's license has been nonrenewed for more than 5 years, and the applicant has not practiced polysomnography in another jurisdiction or country during the preceding 5 years, the applicant shall pass an examination approved by the Board, and meet all the requirements in §B(3)(b) of this regulation before the Board may reinstate the license.

(b) Except as provided in §B(3)(a) of this regulation, the Board may reinstate an applicant whose license has been nonrenewed for more than 30 days if the applicant:

(i) Meets the renewal requirements in §A of this regulation;

(ii) Submits evidence of completion of 20 hours of approved continuing education in the 2 years preceding the application for reinstatement, which meet the requirements stated in Regulation .08 of this chapter; and

(iii) Pays to the Board the reinstatement fee set by the Board in Regulation .09 of this chapter.

C. Inactive Status.

(1) The Board shall place a polysomnographic technologist license on inactive status, if the licensee submits to the Board:

(a) An application for inactive status on the form required by the Board; and

(b) The inactive status fee and any additional charges set by the Board in Regulation .09 of this chapter.

(2) The Board may institute or continue a disciplinary investigation or proceeding if a license has been placed on inactive status.]

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

Subtitle 32 BOARD OF PHYSICIANS

10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants

Authority: Health Occupations Article, §§14-5B-01, 14-5B-03, and 14-5B-09, Annotated Code of Maryland

Notice of Proposed Action

[14-297-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulation .04 and adopt new Regulations .04, .05, .05-1, and .05-2 under **COMAR 10.32.10 Licensure of Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants**. This action was considered at a public meeting held on July 30, 2014, notice of which was given by publication on the Board Website July 16, 2014, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide an alternative licensure pathway for applicants applying for licensure as radiographers, nuclear medicine technologists, or radiation therapists.

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.reg@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.04 Qualifications for Licensure—Radiographer.

A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.

B. An individual shall be licensed by the Board if the individual:

(1) Completes an application on a form supplied by the Board;

(2) Pays an application fee as specified in Regulation .18 of this chapter;

(3) Is 18 years old or older;

(4) Is of good moral character;

(5) Demonstrates oral and written competency in English by any of the following:

(a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;

(b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English;

(c) Receiving a grade of:

(i) At least 26 on the "Speaking Section" of the Internet-based Test of English as a Foreign Language; and

(ii) At least 79 on the Internet-based Test of English as a Foreign Language;

(6) Has successfully completed and graduated from a:

(a) Program of radiography which has been accredited by the JRCERT or one of its predecessors or successors; or

(b) Radiographer educational program that is recognized by the national certifying body as approved by the Board, if the applicant also provides documentation, satisfactory to the Board, verifying that the applicant:

(i) Possesses a current, active, unrestricted license as a radiographer in another state or is otherwise recognized as a radiographer in another state;

(ii) Has full-time practice experience as a radiographer in another state for at least 3 of the last 5 years immediately preceding the application; and

(iii) Has no history of public disciplinary action taken, or pending, against any license currently or previously held or expired;

(7) Submits verification, on a form that the Board requires, from employers, supervisors or colleagues, that the applicant has satisfactorily practiced radiography for the length of time specified in §B(6)(b)(ii) of this regulation;

(8) Has passed the examination in radiography constructed by the national certifying body as approved by the Board; and

(9) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

.05 Qualifications for Licensure—Nuclear Medicine Technologist.

A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.

B. An individual shall be licensed by the Board if the individual:

- (1) Completes an application on a form supplied by the Board;
- (2) Pays an application fee as specified in Regulation .18 of this chapter;
- (3) Is 18 years old or older;
- (4) Is of good moral character;
- (5) Demonstrates oral and written competency in English by any of the following:

- (a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;

- (b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English;

- (c) Receiving a grade of:

- (i) At least 26 on the “Speaking Section” of the Internet-based Test of English as a Foreign Language; and

- (ii) At least 79 on the Internet-based Test of English as a Foreign Language;

- (6) Has successfully completed and graduated from a:

- (a) Program of nuclear medicine technology which has been accredited by the JRCNMT or one of its predecessors or successors; or

- (b) Nuclear medicine educational program that is recognized by the national certifying body as approved by the Board, if the applicant also provides documentation, satisfactory to the Board, verifying that the applicant:

- (i) Possesses a current, active, unrestricted license as a nuclear medicine technologist in another state or is otherwise recognized as a nuclear medicine technologist in another state;

- (ii) Has full-time practice experience as a nuclear medicine technologist in another state for at least 3 of the last 5 years immediately preceding the application; and

- (iii) Has no history of public disciplinary action taken, or pending, against any license currently or previously held or expired;

- (7) Submits verification, on a form that the Board requires, from employers, supervisors or colleagues, that the applicant has satisfactorily practiced nuclear medicine technology for the length of time specified in §B(6)(b)(ii) of this regulation;

- (8) Has passed the examination in nuclear medicine technology constructed by the national certifying body as approved by the Board; and

- (9) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

.05-1 Qualifications for Licensure—Radiation Therapists.

A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.

B. An individual shall be licensed by the Board if the individual:

- (1) Completes an application on a form supplied by the Board;
- (2) Pays an application fee as specified in Regulation .18 of this chapter;
- (3) Is 18 years old or older;
- (4) Is of good moral character;
- (5) Demonstrates oral and written competency in English by any of the following:

- (a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;

- (b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English;

- (c) Receiving a grade of:

- (i) At least 26 on the “Speaking Section” of the Internet-based Test of English as a Foreign Language; and

- (ii) At least 79 on the Internet-based Test of English as a Foreign Language;

- (6) Has successfully completed and graduated from a:

- (a) Program of radiation therapy which has been accredited by the JRCERT or one of its predecessors or successors; or

- (b) Radiation therapy educational program that is recognized by the national certifying body as approved by the Board, if the applicant also provides documentation, satisfactory to the Board, verifying that the applicant:

- (i) Possesses a current, active, unrestricted license as a radiation therapist technologist in another state or is otherwise recognized as a radiation therapist in another state;

- (ii) Has full-time practice experience as a radiation therapist in another state for at least 3 of the last 5 years immediately preceding the application; and

- (iii) Has no history of public disciplinary action taken, or pending, against any license currently or previously held or expired;

- (7) Submits verification, on a form that the Board requires, from employers, supervisors or colleagues, that the applicant has satisfactorily practiced radiation therapy for the length of time specified in §B(6)(b)(ii) of this regulation;

- (8) Has passed the examination in radiation therapy constructed by the national certifying body as approved by the Board; and

- (9) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

.05-2 Qualifications for Licensure—Radiologist Assistants.

A. An individual shall be licensed by the Board if the individual meets the requirements of §B of this regulation.

B. An individual shall be licensed by the Board if the individual:

- (1) Completes an application on a form supplied by the Board;
- (2) Pays an application fee as specified in Regulation .18 of this chapter;
- (3) Is 18 years old or older;
- (4) Is of good moral character;
- (5) Demonstrates oral and written competency in English by any of the following:

- (a) Graduation from a recognized English-speaking high school or undergraduate school after at least 3 years of enrollment;

- (b) Graduation from a recognized English-speaking professional school with acceptable proof of proficiency in the oral and written communication of English; or

- (c) Receiving a grade of:

- (i) At least 26 on the “Speaking Section” of the Internet-based Test of English as a Foreign Language; and

- (ii) At least 79 on the Internet-based Test of English as a Foreign Language;

- (6) Has been educated as follows:

- (a) Completed a radiologist assistant educational program that is recognized by the national certifying body as approved by the Board; and

- (b) Successfully completed coursework that leads to a baccalaureate degree or post-baccalaureate certificate;

- (7) Has passed the examination administered by the national certifying body as approved by the Board for radiologist assistants; and

- (8) Has been certified and maintains current registration or active certification from the national certifying body as approved by the Board at the time of application.

C. In addition to the requirements specified in §B of this regulation, an applicant for a license as a radiologist assistant shall have:

- (1) A current Maryland license as a radiographer;
- (2) Completed a radiologist-directed clinical preceptorship as a part of the educational program required by §B(6) of this regulation;
- (3) Current certification in advanced cardiac life support; and
- (4) Current certification as a radiologist assistant by the national certifying body as approved by the Board.

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

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 03 MARYLAND AVIATION ADMINISTRATION

11.03.01 Baltimore/Washington International Thurgood Marshall Airport

Authority: Transportation Article, §§5-202, 5-204, 5-208, 5-805, 5-806, 5-819, Annotated Code of Maryland

Notice of Proposed Action [14-299-P-I]

The Executive Director of the Maryland Aviation Administration proposes to amend Regulations .01-1 and .12 under **COMAR 11.03.01 Baltimore/Washington International Thurgood Marshall Airport**. This action was considered by the Maryland Aviation Commission in an open meeting on May 22, 2013, notice of which was given pursuant to State Government Article §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate by reference the new certified Baltimore/Washington International Thurgood Marshall Airport (BWI) Noise Zone, reflecting the new base year of 2014 and new future years of 2019 and 2024.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Ellen Sample, Director, Office of Noise & Land Use Compatibility, MAA, P.O. Box 8766, BWI Airport MD 21240, or call 410-859-7925, or email to dsample@bwiairport.com, or fax to 410-859-7288. Comments will be accepted through November 3, 2014. A public hearing has been scheduled for Tuesday, October 21, 2014 at 991 Corporate Boulevard, Linthicum MD 21090.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Certified BWI Airport Noise Zone has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 41:1 Md. R. 9 (January 10, 2014), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01-1 Incorporation by Reference.

- A. (text unchanged)
- B. Documents Incorporated.
 - (1)—(4) (text unchanged)
 - (5) The certified Baltimore/Washington International Thurgood Marshall Airport (BWI) Noise Zone, consisting of the 65, 70, and 75 L_{dn} contours overprinted on county tax maps as indicated below:
 - (a)—(b) (text unchanged)
 - (c) Anne Arundel County Tax Maps 3, 4, [7,] 8, 9, and 15;
 - (d) Howard County Tax Maps 38, [43,] and 44.
 - (6)—(8) (text unchanged)
- C. (text unchanged)

.12 Certified Baltimore/Washington International Thurgood Marshall Airport (BWI) Noise Zone.

- A. (text unchanged)
- B. BWI Noise Zone.
 - (1)—(2) (text unchanged)
 - (3) The certified Baltimore/Washington International Thurgood Marshall Airport (BWI) Noise Zone consists of the 65, 70, and 75 L_{dn} contours overprinted on county tax maps as indicated as follows:
 - (a)—(b) (text unchanged)
 - (c) Anne Arundel County Tax Maps 3, 4, [7,] 8, 9, and 15;
 - (d) Howard County Tax Maps 38, [43,] and 44.
 - (4) The noise zone is a composite of the 65, 70, and 75 L_{dn} noise contours for the base year of [2005] 2014 and future years of [2012] 2019 and [2017] 2024.
 - (5) (text unchanged)
- C. (text unchanged)

PAUL J. WIEDEFELD
Executive Director
Maryland Aviation Administration

Subtitle 05 MARYLAND PORT ADMINISTRATION

Notice of Proposed Action [14-284-P]

The Administrator of the Maryland Port Administration proposes to amend:

- (1) Regulation .02 under **COMAR 11.05.02 Hazardous Materials**;
- (2) Regulations .02 — .05, .07 — .09, .12, and .14 under **COMAR 11.05.03 Vehicle Access, Parking, and Operation on Maryland Port Administration Property**; and
- (3) Regulation .03 under **COMAR 11.05.07 Maryland Port Terminals, Properties, and Vessels Security**.

Statement of Purpose

The purpose of this action is to revise regulations applicable to the permitting of motor vehicles, clarify the circumstances under which

the Maryland Port Administration (MPA) may bar individuals from entering MPA facilities, and clarify the definition of the law enforcement agencies authorized to operate on MPA facilities and property. The revisions make these regulations consistent with current security protocols and practices and address recurring issues such as security violations justifying revocation of access privileges.

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 Hardwick, Legislative Policy Analyst, Maryland Port Administration, 401 E Pratt Street, 20th Floor, Baltimore MD 21202, or call 410-385-4791, or email to mhardwick@marylandports.com, or fax to 410-333-4225. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

11.05.02 Hazardous Materials

Authority: Transportation Article, §§6-201, 6-202, 6-206, and 6-602, Annotated Code of Maryland

.02 Definitions.

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

(1)—(13) (text unchanged)

(14) “MdTA Police” has the meaning stated in COMAR

11.05.03.02.

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

11.05.03 Vehicle Access, Parking, and Operation on Maryland Port Administration Property

Authority: Transportation Article, §§6-201 and 6-211, Annotated Code of Maryland

.02 Definitions.

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

(1) (text unchanged)

(2) “Annual decal” means the individually numbered and adhesive backed decal that is issued annually and applied to the vehicle windshield by the [MdTA Police] MPA Office of Security or designee.

(3) “Berth permit” means a hang tag issued by the MPA Office of Security or designee that permits parking upon a berth.

[(3)] (4) — [(4)] (5) (text unchanged)

(6) “Conviction” means a plea of guilty, a finding of guilty, a plea of nolo contendere, or acceptance of probation before judgment.

[(5)] (7) “Decal” means the decal that is assigned and applied to the motor vehicle by the [MdTA Police] MPA Office of Security or designee.

(8) “Law Enforcement Agency” has the meaning stated in Public Safety Article, §3-201(d), Annotated Code of Maryland.

(9) “Law Enforcement Permit” means a hang tag issued by the MPA Office of Security or designee to law enforcement personnel.

[(6)] (10) [MdTA Police.

(a) “MdTA Police” means Maryland Transportation Authority personnel designated as members of the Police Force under Transportation Article, §4-208, Annotated Code of Maryland, or any other police officers as defined by Public Safety Article, §3-201(e), Annotated Code of Maryland, and who are authorized to perform law enforcement duties on MPA property.

[(b) “MdTA Police” includes other duly constituted police authority who are authorized to perform law enforcement duties on MPA property.]

(11) “MdTA Police Cadet” means an employee of the Maryland Transportation Authority Police or any other law enforcement agency that is authorized to enforce parking regulations on MPA property.

(12) “MdTA Police Port Detachment” means personnel of the Maryland Transportation Authority Police or any other law enforcement agency that are specifically assigned to MPA property or Port facilities and that are authorized to enforce criminal laws and the regulations in this title.

[(7)] (13) — [(9)] (15) (text unchanged)

[(10)] (16) “Permit” means:

(a) The annual [or temporary] decal that is affixed to the vehicle windshield by [an MdTA Police employee] the MPA Office of Security or designee; [or]

(b) The visitor vehicle or cargo gate pass issued by security personnel at the facility access control point[.]; or

(c) The 14-day pass issued by the MPA Office of Security or designee.

[(11)] (17) — [(12)] (18) (text unchanged)

[(13) “Temporary vehicle decal” means the document issued at the access control point by security personnel for short-term (1 week–3 months) access to a facility for a personally owned vehicle.]

[(14)] (19) — [(16)] (21) (text unchanged)

.03 Motor Vehicle Port Admission Permit.

A. Permit Requirements.

(1) A person may not operate or bring a motor vehicle on MPA property unless the motor vehicle has been issued an Annual [or Temporary] Decal[,] or a Visitor, 14-Day, or Cargo Gate Pass in accordance with this chapter.

(2) Failure to display the decal or pass properly may result in the denial of access to MPA property.

(3) Access to MPA property is subject to limitations and time frames specified by the MPA.

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

B. Types of Permits.

(1) Annual Decal. Motor vehicles regularly operated on MPA property or requiring regular visits to the property, shall display evidence of having obtained an Annual Decal. The decal shall be applied to the outside lower portion of the driver side of the vehicle’s front windshield with the expiration date clearly displayed. [Failure to display the decal properly may result in the denial of access to MPA property.]

(2) [Temporary Decal. Motor vehicles operated on MPA property on a temporary basis (1 week—3 months) shall display evidence of having obtained a Temporary Decal. The decal shall be applied to the outside lower portion of the driver side of the vehicle’s front windshield with the expiration date clearly displayed. Failure to display the decal properly may result in the denial of access to MPA property] 14-Day Pass. Motor vehicles operated by persons on MPA property on a daily basis for 7 days or longer, shall display evidence of having obtained a 14-Day Pass. Issuance of a 14-Day Pass requires prior notification of the MPA Office of Security or designee. The pass shall be placed on the dashboard in the driver’s front left windshield area of the vehicle so as to be visible from the outside.

(3) Visitor Pass. Motor vehicles, owned or operated by persons on MPA property on a daily basis for a length of time less than [1 week] *7 days*, shall display evidence of having obtained a Visitor Pass. Issuance of a [pass] *Visitor Pass* requires prior notification to the MPA via its electronic visitor database. [Failure to display the pass properly may result in the denial of access to MPA property. Access to facilities is subject to limitations and time frames specified by MPA. Evidence of the] *The pass shall be:*

[(a) Placed] *placed* on the dashboard in the driver's front left windshield area of the vehicle so as to be visible from the outside.[]

(b) Valid only for the date of issue; and

(c) Returned on exiting the facility.]

(4) Cargo Gate Pass. A motor vehicle which is designed to carry cargo or is designated as cargo is required to obtain a Cargo Gate Pass at one of the truck access control points before reporting directly to the marine terminal operator or cargo processor within MPA property that is handling the cargo. The cargo shall be registered via MPA's electronic database, [eMode] *eModal*, before entering the facility.

(5) (text unchanged)

C. Application Procedures.

(1) Requirements for an Annual [or Temporary] Decal. A person desiring an annual [or temporary] decal under this regulation shall:

(a) (text unchanged)

(b) Submit a completed permit application to the [MdTA Police] *MPA Office of Security or designee* on the form provided;

(c)—(d) (text unchanged)

(2) Requirements for a Visitor Vehicle Pass. A Visitor Vehicle Pass shall be obtained at the access control point of the facility to which access is desired. All visitors shall have received prior authorization *to enter the facility* from the MPA, the MdTA Police, or a tenant or other user of the facility. The person who authorized the visitor's entry to the facility shall provide all required identification information to the MPA in advance through MPA's electronic visitor database.

(3) *Requirements for a 14-Day Pass. A person desiring a 14-Day Pass under this regulation shall:*

(a) *Provide to the MPA Office of Security or designee evidence of hardship or exigent circumstances justifying the person's failure to obtain an annual or temporary decal; and*

(b) *Receive prior authorization from the MPA, the MdTA Police, or a tenant or other user of the Port facility to be on the facility for the requested period.*

[(3)] (4) (text unchanged)

D. Decision on Application for Annual Decals.

(1) (text unchanged)

(2) If an application is denied, the applicant may confer with the [MdTA Police tour supervisor] *MPA Director of Security* as to the reason for the denial.

(3) If the [MdTA Police tour supervisor] *MPA Director of Security* concurs in the denial, the applicant may appeal this decision to the [MdTA Port Detachment Commander] *MPA Deputy Executive Director*.

(4) (text unchanged)

E. Display of Decals and Passes.

(1) Annual Decals. Upon approval of an application for an Annual Decal, the [MdTA Police] *MPA Office of Security or designee* shall issue an identifying decal. This decal signifies to the MdTA Police and the MPA that an application is on file for the vehicle which has met all the requirements of this chapter. The decal, upon issue, shall immediately be applied to the vehicle windshield by [an MdTA police employee] *the MPA Office of Security or designee* and is the only evidence of application approval and is valid until termination.

(2) [Temporary Decals. Upon approval of an application for a Temporary Decal, the MdTA Police shall issue a Temporary Decal to the applicant. This decal, upon issue, shall immediately be applied to the vehicle by an MdTA police employee. This decal is the only evidence of application approval and is valid until termination] *14-Day Passes. Upon approval of an application for a 14-Day Pass, the MPA Office of Security or designee shall issue a 14-Day Pass to the applicant. This pass, upon issue, shall be prominently displayed within the front left windshield area of the vehicle and in full view from the exterior while the motor vehicle is on MPA property.*

(3)—(4) (text unchanged)

F. Non-Transferability of Decals [or] *and* Passes. An Annual [or Temporary] Decal[,], or Visitor Vehicle, *14-Day*, or Cargo Gate Pass may not be transferred to or displayed on any vehicle other than the vehicle to which the decal or pass has been issued. *A pass may not be transferred to or displayed by any person other than the person to whom issued.*

G. Termination of Decals and Passes.

(1) Annual Decals.

(a) (text unchanged)

(b) Annual Decal termination occurs on the earliest of:

(i)—(ii) (text unchanged)

(iii) The date the [MdTA Police] *MPA Office of Security or designee* revokes or suspends the permit.

(c) Unless Annual Validation Tabs have been issued and affixed to the Annual Decal by the [MdTA Police] *MPA Office of Security or designee*, the Annual Decal expires at midnight on June 30 of each year.

[(2) Temporary Decals.

(a) Upon termination, the Temporary Decal shall be returned to the MdTA Police.

(b) The Temporary Decal expires at the end of the calendar date designated as the termination date on the decal.

(c) Earlier termination, however, occurs on the earliest occurrence of any of the following events:

(i) The date the need for facility access stated in support of the original application no longer exists;

(ii) The date the decal is voluntarily surrendered by the owner or operator of the motor vehicle;

(iii) The date the MdTA Police revokes or suspends the decal in accordance with the provisions of this chapter.]

[(3)] (2) Visitor Vehicles Passes.

(a) (text unchanged)

(b) The Visitor Vehicle Pass automatically expires at the end of the calendar date indicated, upon its voluntary surrender, upon departure of the motor vehicle from the MPA facility at which the permit was issued, or upon revocation by the [MdTA Police or MPA Security] *MPA Office of Security or designee* in accordance with the provisions in this chapter.

(3) *14-Day Passes.*

(a) *The 14-Day Pass shall be returned to the MPA Office of Security or designee upon expiration of the pass.*

(b) *The 14-Day Pass automatically expires at the end of the calendar date indicated, upon its voluntary surrender, when the need for which the permit was issued no longer exists, or upon revocation by the MPA Office of Security or designee in accordance with the provisions in this chapter.*

H. Notice of Changes in Conditions.

(1) Changes in the information given in the original application for the decal or pass shall be reported by the applicant, or the decal or pass holder authorizing entry for a visitor, to the MPA Office of Security [and to the MdTA Police Port Detachment] *or designee* immediately after the change.

(2) (text unchanged)

I. (text unchanged)

.04 Motor Vehicle Operations.

A. Maryland Vehicle Law.

- (1) (text unchanged)
- (2) Interpretation.

(a)—(b) (text unchanged)

(c) The provisions of the Maryland Vehicle Law as incorporated in these regulations shall be interpreted as applying to the MPA in the following manner:

(i)—(ii) (text unchanged)

(iii) [“Police” shall be interpreted as referring to the MdTA Police] *“MdTA Police” has the meaning stated in Regulation .02 of this chapter.*

(d) (text unchanged)

B—D. (text unchanged)

E. Facility Speed Limits.

(1) The maximum allowable speed on MPA [property] roadways is 30 miles per hour except as otherwise posted.

(2) *The maximum allowable speed at berth, shed, and cargo areas, or at any other area not designated as a roadway, is 10 miles per hour except as otherwise posted.*

(3) *The maximum allowable speed on any non-posted MPA roadway is 15 miles per hour.*

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

F.—G. (text unchanged)

H. Restrictions on Special Vehicles.

(1) *The operation of any two-wheeled motor vehicle or self-propelled vehicle on MPA property shall be approved in writing by the MPA Office of Security or designee.*

(2) *Unlicensed motor vehicles approved for use on MPA property are prohibited from using public roadways unless authorized by the Maryland Motor Vehicle Administration.*

(3) *Without advance written approval, bicycles and other self-propelled vehicles are prohibited on MPA terminals.*

.05 Parking on MPA Property.

A. (text unchanged)

B. Permitted Areas. Motor vehicles displaying valid port admission decals or passes may be parked only in those parking areas designated by the MPA and MdTA Police. A motor vehicle parked in an area not designated for parking *or failing to display a proper permit* is in violation of this chapter.

C. Restrictions.

(1) Except when permitted by official signs, or when permitted by a member of the MdTA Police or required by a traffic control device, motor vehicles may not be parked, be permitted to stand, or be left unattended:

(a)—(j) (text unchanged)

(k) In such a way as to cause or be likely to cause a hazard to the health or safety of individuals on MPA property; [or]

(l) In any designated handicapped parking space without displaying a handicapped registration plate or placard; *or*

(m) *In any other area where parking or leaving a vehicle standing or unattended is not specifically authorized.*

(2)—(3) (text unchanged)

.07 Identification.

An individual on *or entering* MPA property shall provide proof of identity at the request of an MdTA Police officer, and shall provide the:

A. *Individual’s driver’s license and, at the discretion of the MdTA Police Officer, other official photo identification such as Transportation Worker Identification Credential (TWIC) or MPA Identification Card;*

[B.] C. — [C.] D. (text unchanged)

.08 Search of Motor Vehicles.

All motor vehicles, *including the contents thereof*, which enter, use, or are operated on MPA property are subject to reasonable search by an authorized member of the MdTA Police in accordance with the Constitution [and], laws, and regulations of the United States and the State of Maryland.

.09 Removal of Motor Vehicles.

A. (text unchanged)

B. The MdTA Police may remove a motor vehicle from a facility or to another part of the property if the MPA has jurisdiction under Regulation .05A of this chapter and the vehicle is:

(1) *Unattended near an occupied building or cargo area, within 10 feet of a perimeter fence, or in another area where the vehicle causes or is likely to cause a safety or security risk;*

[(2)] (3) — [(5)] (6) (text unchanged)

.12 Obligations of Employers.

Any employer conducting business on MPA property who knowingly permits a motor vehicle owned by him or under his control to be operated by an employee who does not have a valid driver’s license is *in violation* of these regulations. However, an employer may not be issued a citation for permitting an unlicensed driver to drive cargo-handling equipment which does not require the operator to possess a valid license.

.14 Penalties.

A. (text unchanged)

B. Parking Offenses.

(1) (text unchanged)

(2) Citations for violations of parking regulations are answerable as follows:

(a) Uncontested Cases. If the person charged in a citation elects not to contest the violation cited, the person may close all proceedings by mailing a certified check or money order, payable to the Maryland Port Administration in the amount stated on the citation, to the MPA Office of the Comptroller, [Maritime Center at Point Breeze, 2310 Broening Highway, Baltimore, Maryland 21224] *The World Trade Center, 401 East Pratt Street, Baltimore, Maryland 21202.* Payment of the fine in an uncontested case is considered a conviction.

(b) Contested Cases.

(i) A person receiving a citation for a parking violation may elect to stand trial for the offense charged by notifying by mail the MPA Office of the Comptroller, [Maritime Center at Point Breeze, 2310 Broening Highway, Baltimore, Maryland 21224] *The World Trade Center, 401 East Pratt Street, Baltimore, Maryland 21202,* that the person intends to stand trial.

(ii)—(v) (text unchanged)

(c) (text unchanged)

C. (text unchanged)

D. Revocation or Refusal of Permit Privileges.

(1) Permit privileges may be revoked or refused *by the MPA Office of Security* when:

(a) *In the sole discretion of the MPA Office of Security, the revocation or refusal is warranted in the interest of the safety or security of a port facility, or of persons or property thereon, or any vessel secured thereto;*

[(a)] (b) The owner or operator of any motor vehicle issued a permit is convicted of two [four] cited violations of these regulations within a 3-year period;

(c) *The owner or operator of any motor vehicle issued a permit is charged with any of the following violations:*

(i) *A criminal violation involving the use or possession of a weapon;*

(ii) *A criminal violation involving theft;*

(iii) *Falsification of any information on the application for an identification badge or vehicle permit, or both;*

(iv) *Misuse of another person's identification badge or vehicle permit, including but not limited to attempting to gain access to MPA property by using an identification badge or vehicle permit issued to another person; or*

[(b)] (d) The owner or operator of any motor vehicle issued a permit is convicted of any of the following violations:

(i)—(ix) (text unchanged)

(x) Failing to respond to citations issued under these regulations; or

(xi) *Misuse of another person's identification badge or vehicle permit, including but not limited to attempting to gain access to MPA property by using an identification badge or vehicle permit issued to another person.*

(2) Within [20] 15 calendar days after receipt of notification [and] of revocation or refusal, a person may petition the [MdTA Police] MPA Office of Security for reconsideration of the revocation or refusal. Unless substantial hardship or special mitigation is shown, the permit shall be revoked or refused, and for a period of 1 year no further application for a permit made by that person, as owner or operator of any motor vehicle, will be favorably acted upon. The official records of the MVA, [and] the State of Maryland Criminal Records Central Repository, the State of Maryland District and Circuit Courts, or the United States District Courts will suffice as evidence of convictions or violations under this chapter. This section does not bar the owners or operators of the vehicles for which the permits have been revoked or refused from entering the property of the MPA.

E.—F. (text unchanged)

11.05.07 Maryland Port Terminals, Properties, and Vessels Security

Authority: Transportation Article, §6-204, Annotated Code of Maryland

.03 Security.

A. Security-Based Entry and Exclusion.

(1) — (2) (text unchanged)

(3) *The MPA may revoke the authorization of any user to enter any premises on a port facility, including that leased to the user, if the person is charged with:*

(a) *A criminal violation involving the use or possession of a weapon;*

(b) *A criminal violation involving theft;*

(c) *Falsification of any information on the application for an identification badge or vehicle permit, or both; or*

(d) *Misuse of another person's identification card or vehicle permit, including but not limited to attempting to gain access to MPA property by using an identification card or vehicle permit issued to another person.*

(4) *The revocation will remain in effect:*

(a) *From the date charges are filed until the charges are adjudicated;*

(b) *For a period of 1 year from the date of a guilty plea, judgment of guilt, or acceptance of probation before judgment; or*

(c) *Permanently from the date of a guilty plea, judgment of guilt, or acceptance of probation before judgment for a second or subsequent offense under these regulations.*

B. — C. (text unchanged)

JAMES J. WHITE
Executive Director

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.02 State Superintendent of Schools

Authority: Education Article, §§2-205(g), 2-303, 2-305, 5-301, 7-103, and 7-409, Annotated Code of Maryland

Notice of Proposed Action

[14-285-P]

The State Superintendent of Schools proposes to adopt new Regulation .06 under **COMAR 13A.01.02 State Superintendent of Schools**.

Statement of Purpose

The purpose of this action is to create a Lacrosse Opportunities Program in the State Department of Education to increase opportunities for minority students to participate in lacrosse in their communities.

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 Edward Sparks, Executive Director, Athletics Programs, Division of Instruction, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0555 (TTY 410-333-6442), or email to edward.sparks@maryland.gov, or fax to 410-333-3111. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.06 Lacrosse Opportunities Program.

A. *The State Superintendent shall develop and administer the Lacrosse Opportunities Program to increase opportunities for minority students to participate in lacrosse in their communities.*

B. Definitions.

(1) *In this regulation, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) *“Agency” means a local education agency serving a population of students at least 80 percent of which are minority students.*

(b) *“Local education agency” means any of the 24 local public school systems in the State.*

(c) *“Minority student” means a student who is an Alaska Native, American Indian, Asian-American, African-American, Hispanic American, Native Hawaiian, or Pacific Islander.*

C. Grant Application.

(1) *An agency may submit an application to receive a grant on forms developed by the Department.*

- (2) *An application shall include:*
 - (i) *A description of the scope and purpose of the proposed program;*
 - (ii) *A business plan that includes the estimated total cost of the proposed program; and*
 - (iii) *Any other information required by the Department in grant application guidelines or forms.*
- D. Grant Award.*
 - (1) *An agency receiving a grant award shall provide matching funds from any combination of federal, county, municipal, or private sources.*
 - (2) *The Department shall ensure that the grant does not exceed 50 percent of the total annual cost of the grantee's program.*
 - (3) *To the extent funds are available, the State Superintendent or designee will award grants to agencies that meet the requirements for a grant under this regulation.*

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

Title 24
DEPARTMENT OF BUSINESS
AND ECONOMIC
DEVELOPMENT
Subtitle 05 ECONOMIC
DEVELOPMENT

24.05.26 Arts and Entertainment Districts

Authority: Economic Development Article, §§4-701 — 4-707[, Title 4, Subtitle 7], Annotated Code of Maryland

Notice of Proposed Action
[14-281-P]

The Secretary of Business and Economic Development proposes to amend Regulation .03 under COMAR 24.05.26 Arts and Entertainment Districts.

Statement of Purpose

The purpose of this action is to make changes to the definition of qualifying residing artist to follow the statute.

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 Pamela Dunne, Program Director, Business and Economic Development, Maryland State Arts Council, 175 W. Ostend St., Suite E, Baltimore, MD 21230, or call 410-767-6484, or email to pdunne@msac.org, or fax to 410-333-1062. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.03 Definitions.

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

(1)—(8) (text unchanged)

(9) “Qualifying residing artist” means an individual who:

(a) Owns or rents residential real property in the [county where the arts and entertainment district is located] State and conducts an arts or entertainment-related business in [the] any arts and entertainment district; and

(b) Derives income from the sale or performance within [the] any arts and entertainment district of an artistic work, excluding adult entertainment, that the individual wrote, composed, or executed within [the] any arts and entertainment district, either solely or with one or more other individuals.

(10)—(12) (text unchanged)

DOMINICK MURRAY
Secretary of Business and Economic Development

Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY
Subtitle 05 TABLE GAMES

36.05.05 Craps Rules

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

Notice of Proposed Action
[14-294-P]

The Maryland Lottery and Gaming Control Agency proposes to amend Regulation .06 under COMAR 36.05.05 Craps Rules. This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on August 14, 2014, notice of which was given pursuant to State Government Article, § 10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the regulations of the Maryland State Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for table games which are presently in operation at State gaming facilities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James B. Butler, Director, Legislative and Policy Affairs, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov, or fax to 410-230-

PROPOSED ACTION ON REGULATIONS

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8727. Comments will be accepted through November 3, 2014. A public hearing has not been scheduled.

.06 Supplemental Wagers.

A.—C. (text unchanged)

D. When a player makes a Don't Come Bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of the Don't Come Bet, the player may make a supplemental wager in support of the Don't Come Bet which may be limited by the facility operator to an amount calculated as to provide winnings not in excess of the amount originally wagered on the Don't Come Bet, and if the Don't Come Bet wins after a supplemental wager is made:

(1) (text unchanged)

(2) The supplemental wager shall be paid at odds of:

(a) 1 to 2 if the come point was [a] 4 or 10;

(b)—(c) (text unchanged)

E. Except as permitted under §F of this regulation, a facility operator may allow a supplemental wager in support of a Pass or Come Bet in an amount up to [ten] *one hundred* times the amount of the original Pass or Come Bet.

(1) A facility operator may allow a supplemental wager in support of a Don't Pass or Don't Come Bet in an amount calculated as to provide a winning player with winnings not in excess of up to [ten] *one hundred* times the amount originally wagered on the Don't Pass or Don't Come Bet.

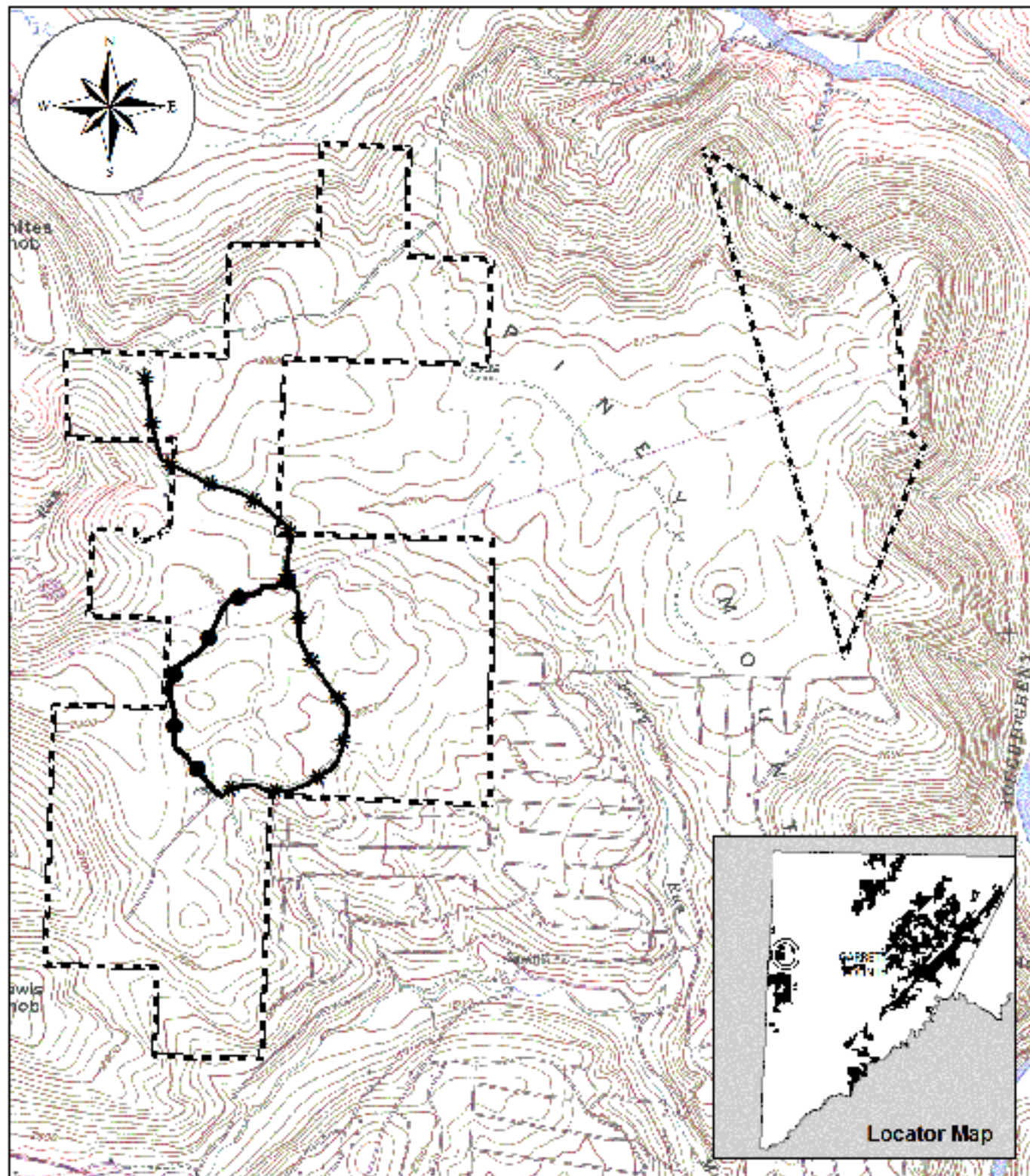
(2) (text unchanged)

F. (text unchanged)




STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

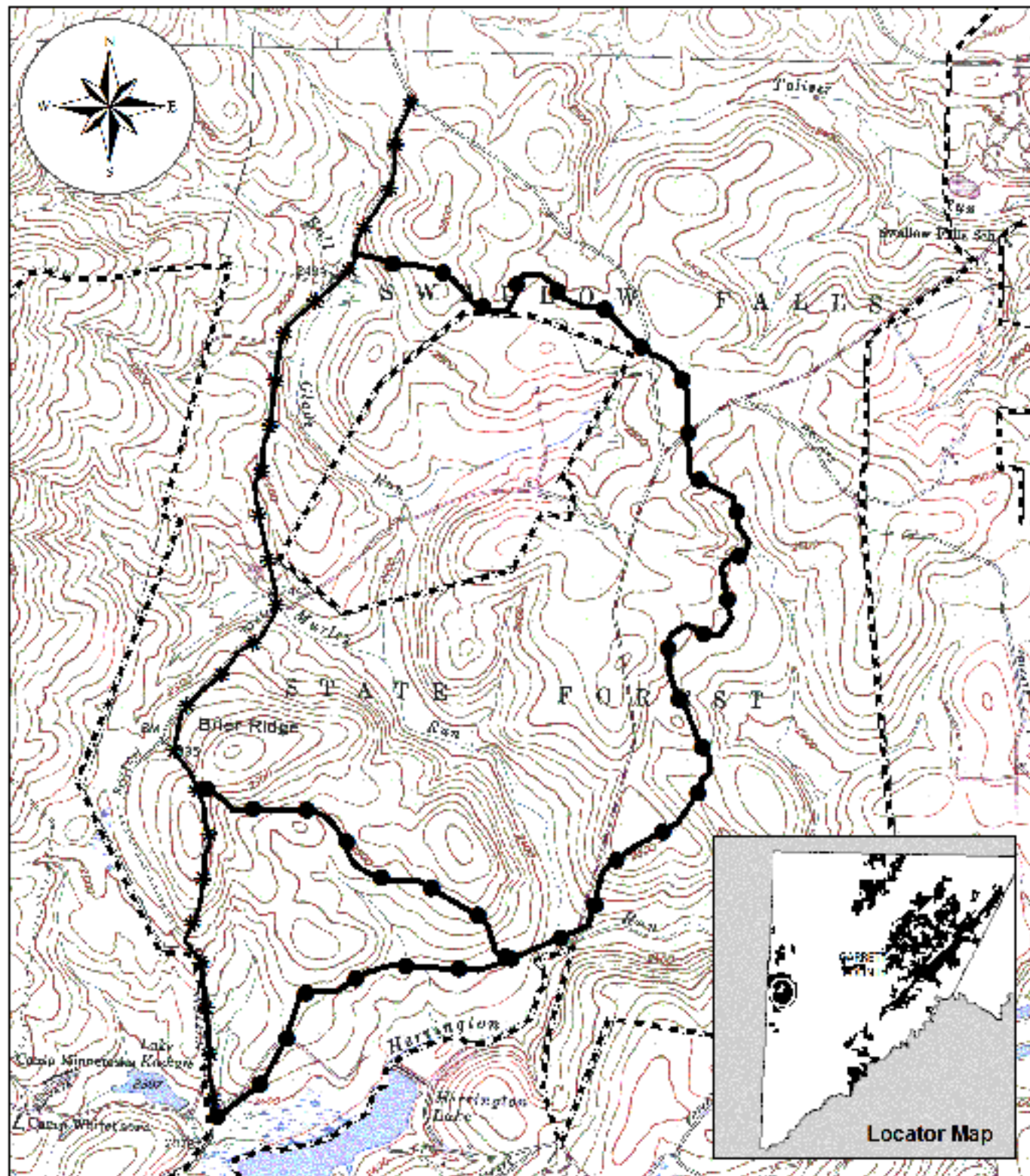


Legend




-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary



MAP 1
PINEY MOUNTAIN TRAIL
 POTOMAC STATE FOREST
 GARRETT COUNTY, MD



Legend

-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary

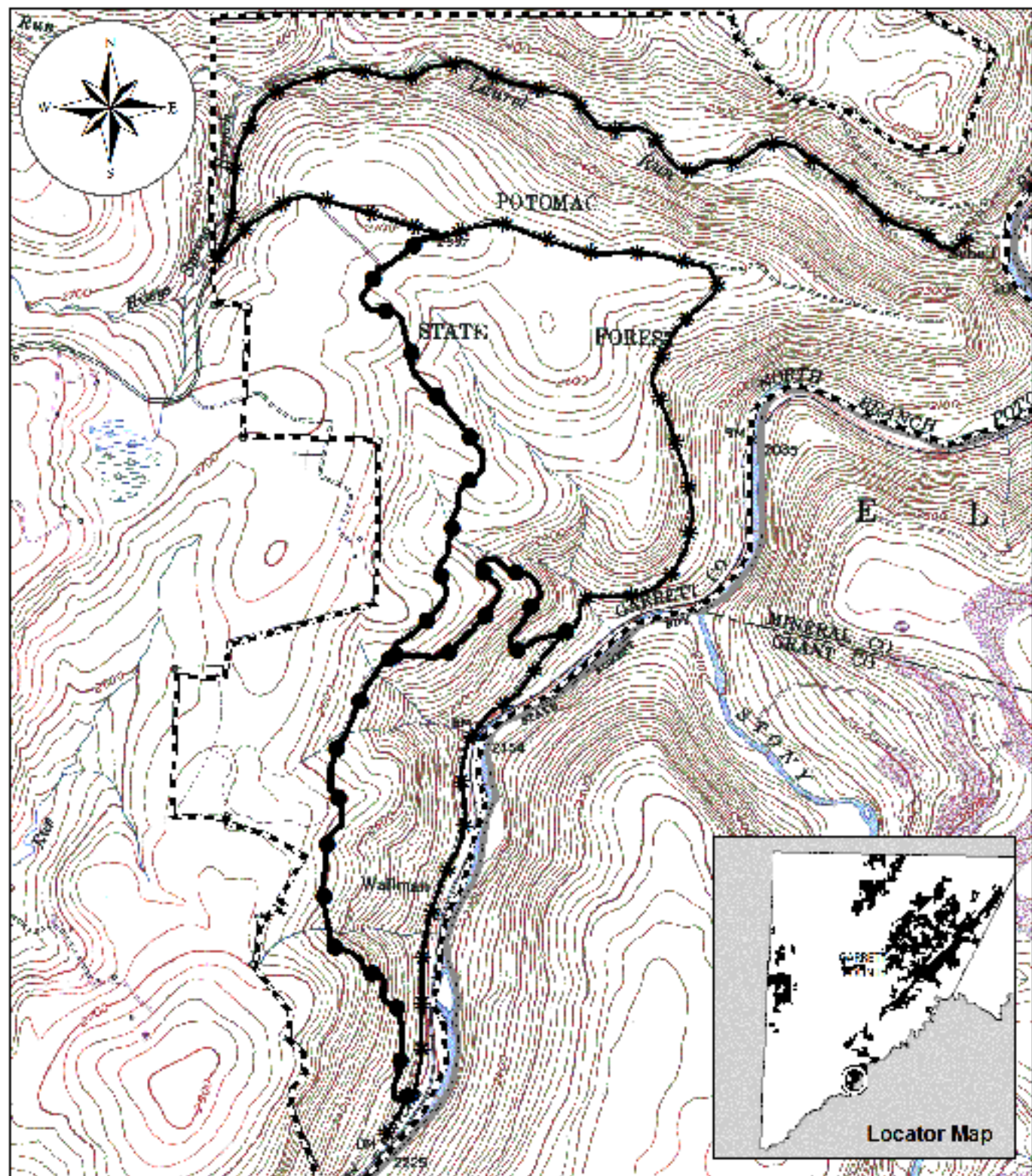


MAP 2




SNAGGY MOUNTAIN I RAIL

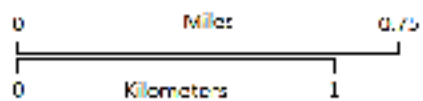
POTOMAC STATE FOREST

GARRETT COUNTY, MD

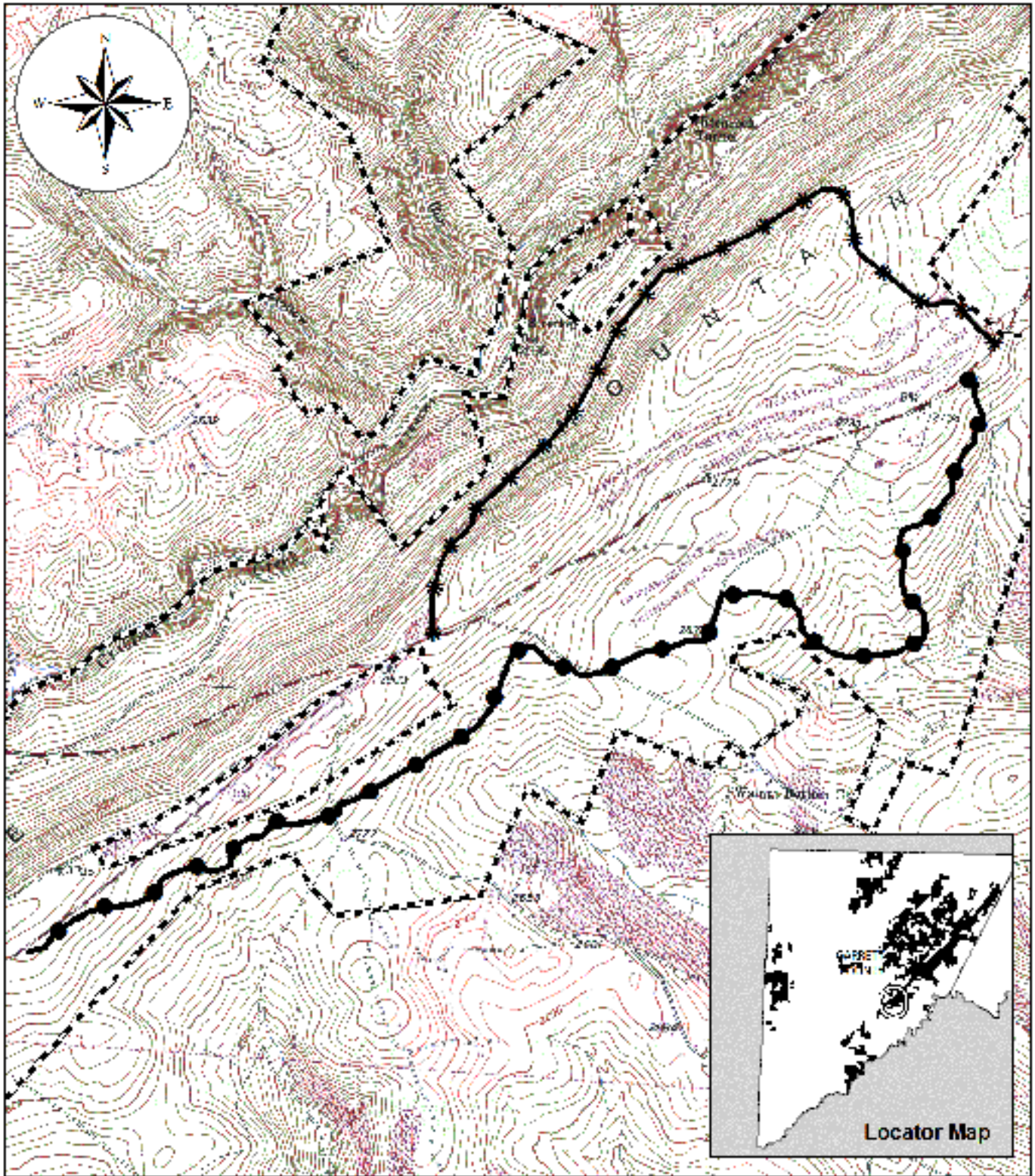


Legend




-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary

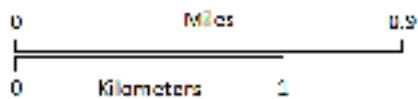


MAP 3
WALLMAN/LAUREL RUN TRAIL
POTOMAC STATE FOREST
GARRETT COUNTY, MD

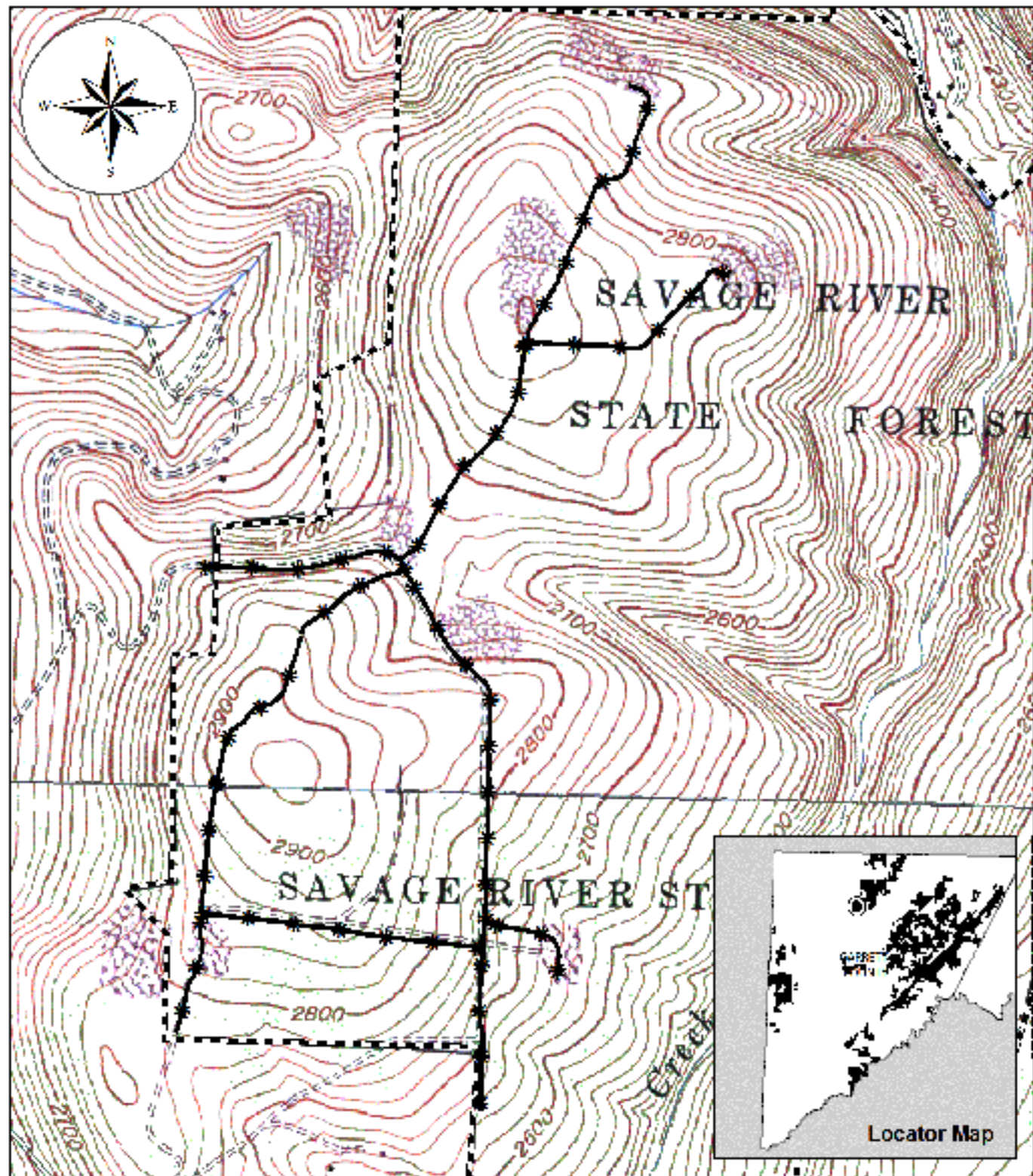


Legend




-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary



MAP 4
BACKBONE MOUNTAIN TRAIL
 POTOMAC STATE FOREST
 GARRETT COUNTY, MD

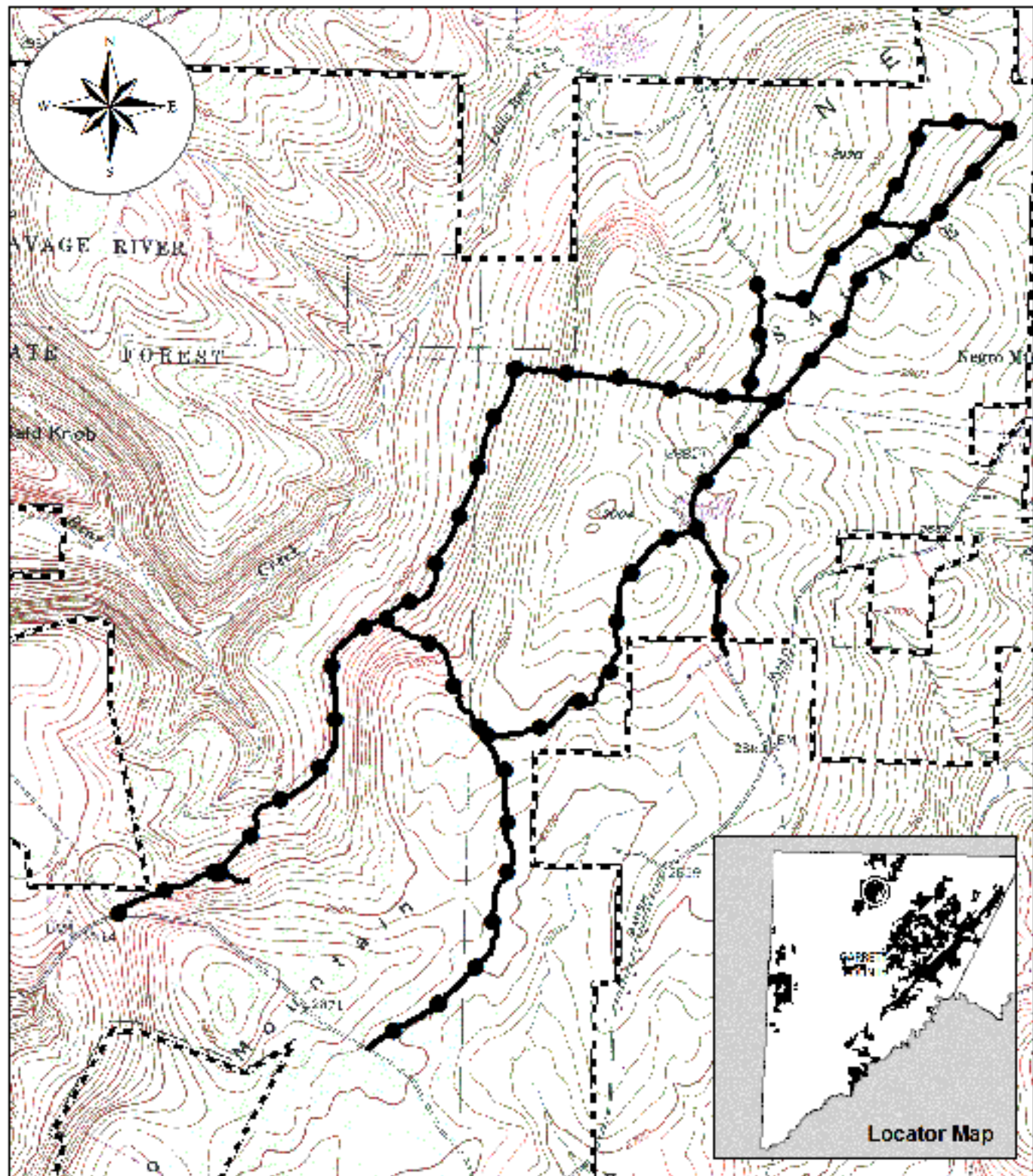


Legend




-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary

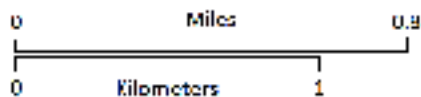


MAP 5
MARGRAFF PLANTATION
SAVAGE RIVER STATE FOREST
GARRETT COUNTY, MD

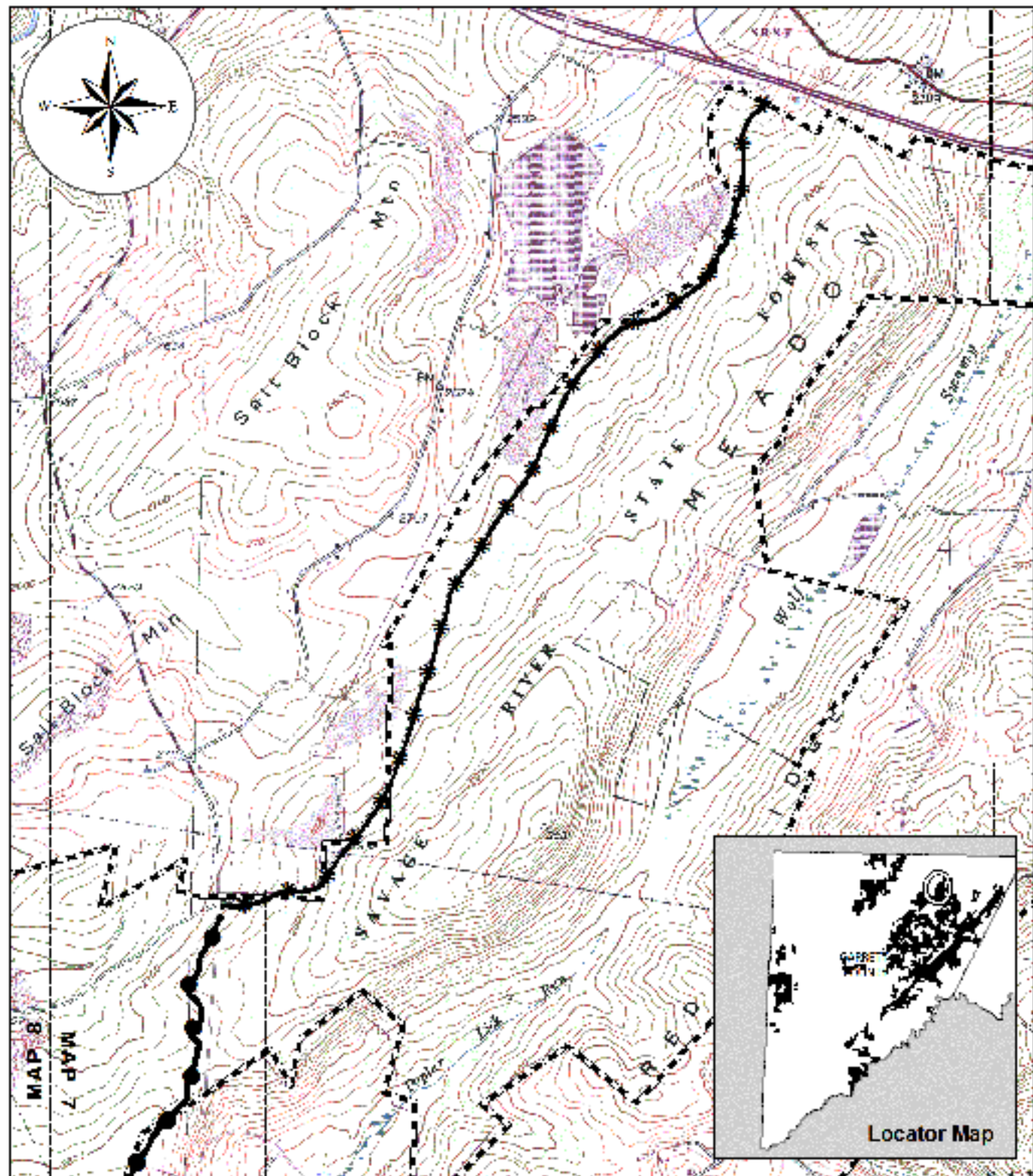


Legend




-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary

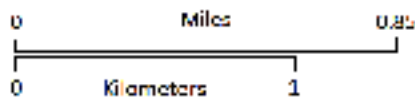


MAP 6
NEGRO MOUNTAIN TRAIL
 SAVAGE RIVER STATE FOREST
 GARRETT COUNTY, MD



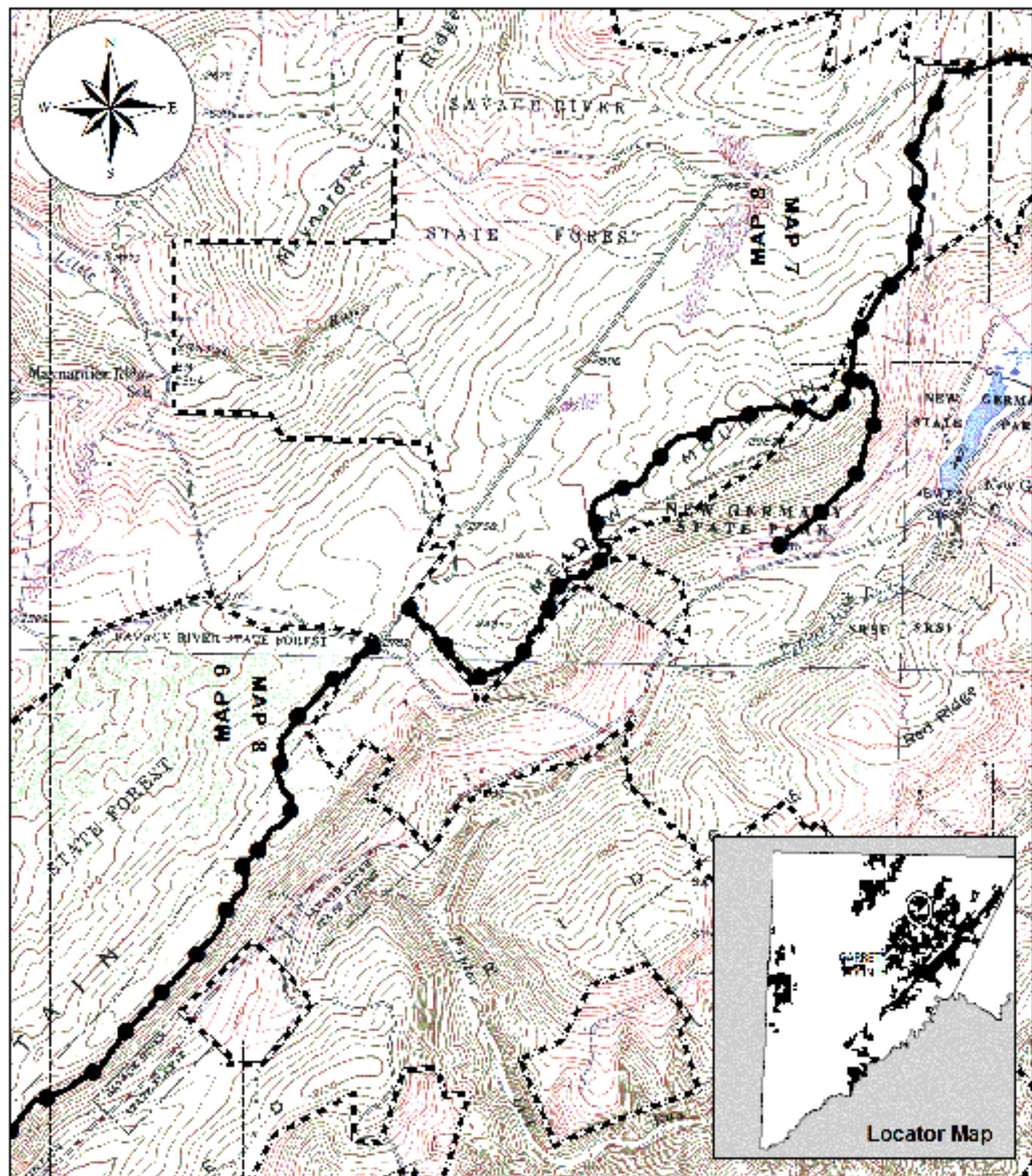
Legend

-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary






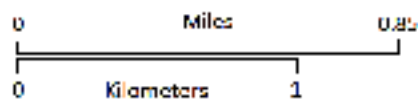
MAP 7

MEADOW MOUNTAIN STATE FOREST
SAVAGE RIVER STATE FOREST
GARRETT COUNTY, MD



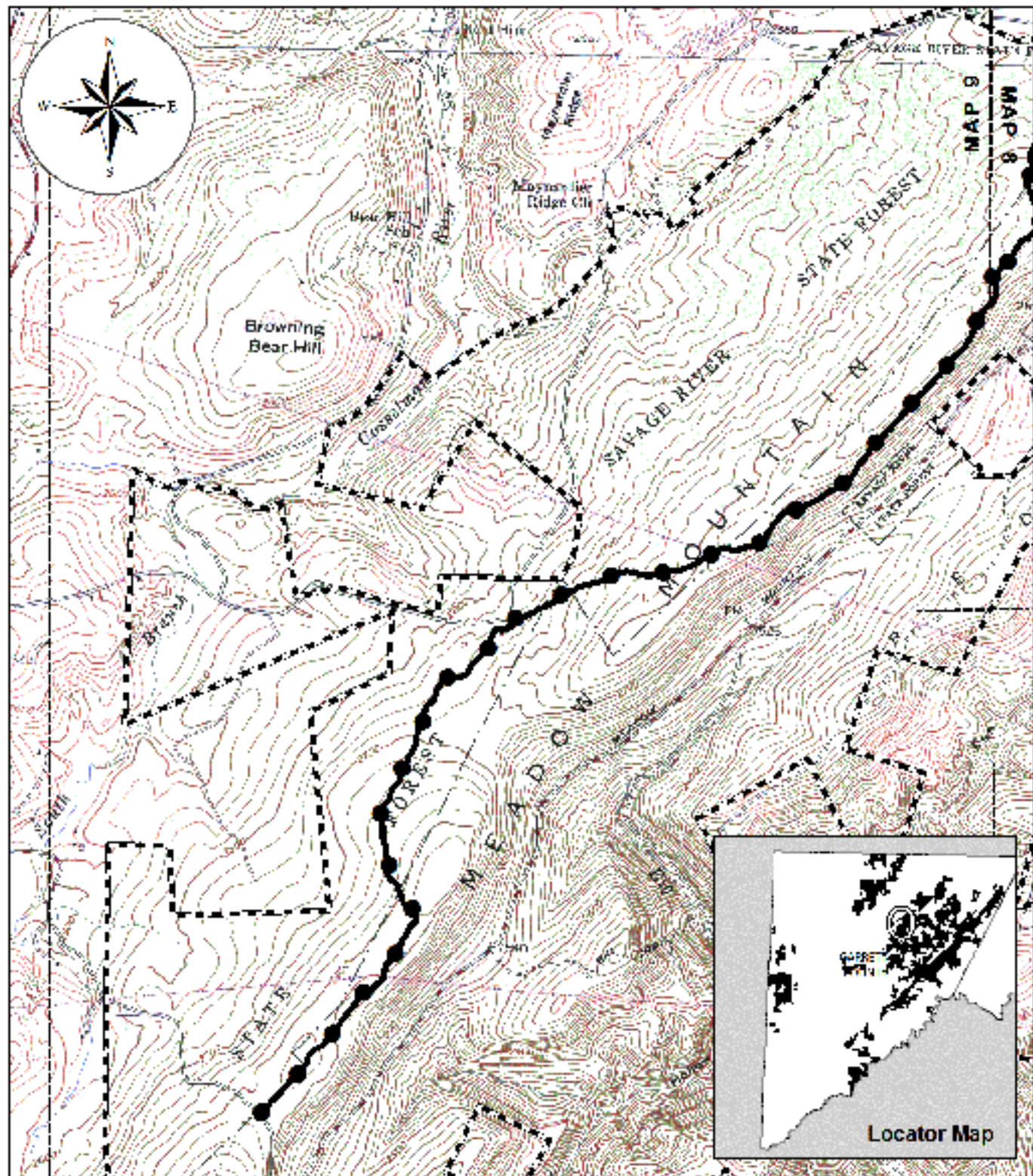
Legend

-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary



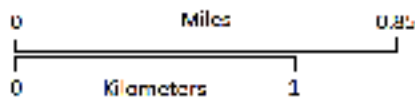
MAP 8

MEADOW MOUNTAIN I-RAIL
SAVAGE RIVER STATE FOREST
GARRETT COUNTY, MD



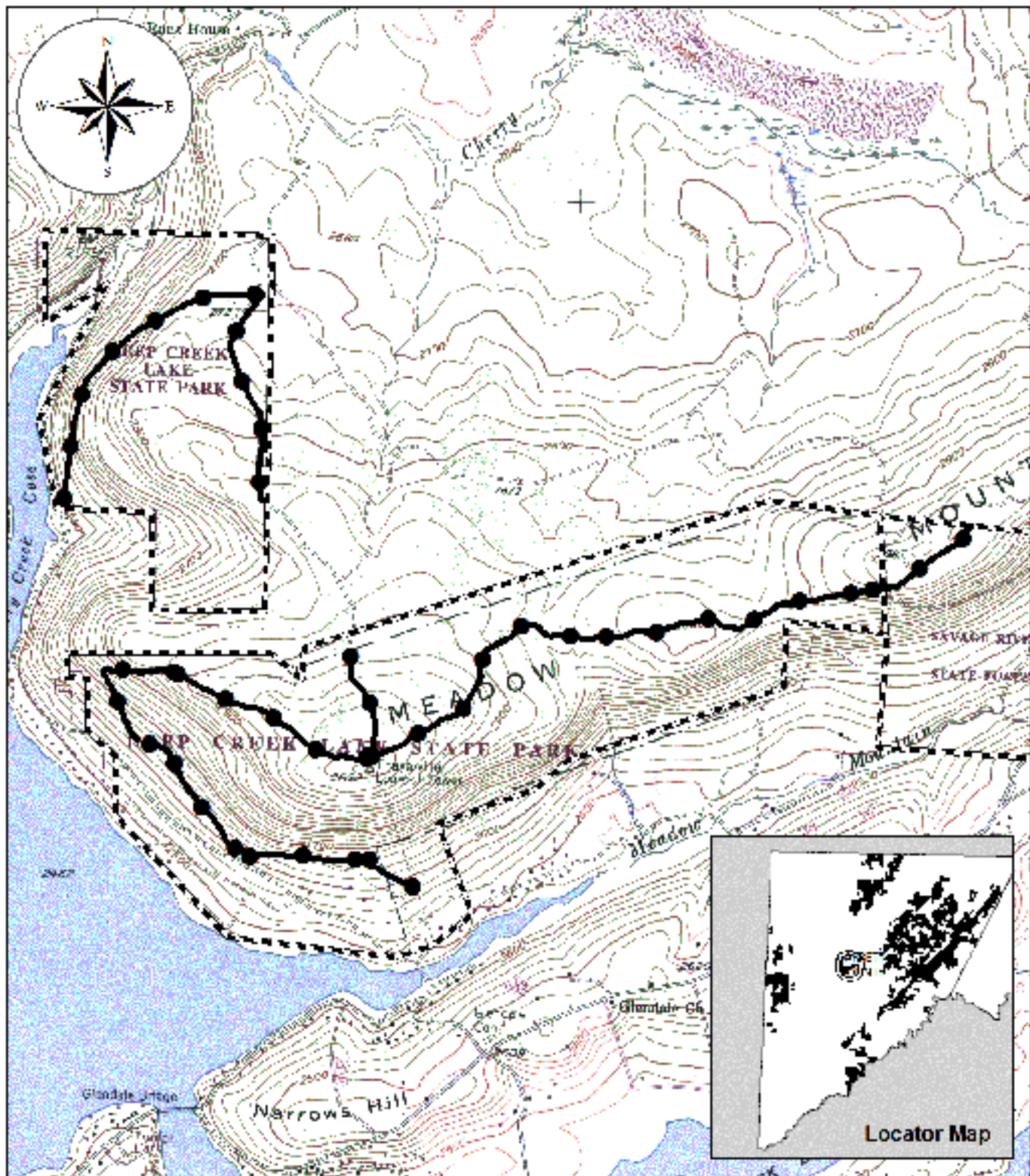
Legend

- Snowmobile Trail Only
- Snowmobile and ORV Trail
- State Forest Boundary






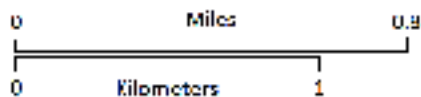
MAP 9

MEADOW MOUNTAIN TRAIL
 SAVAGE RIVER STATE FOREST
 GARRETT COUNTY, MD



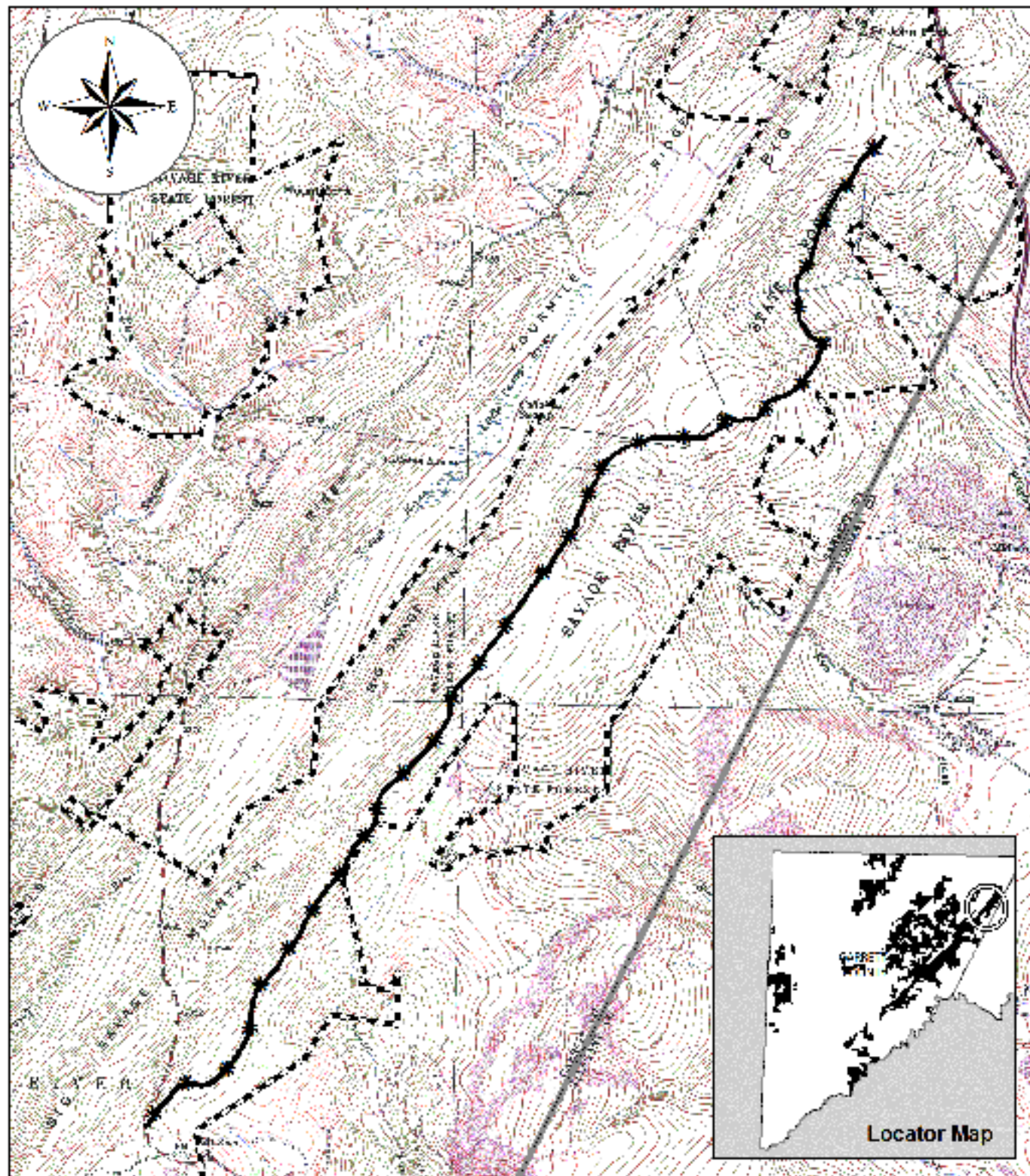
Legend

-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State Forest Boundary






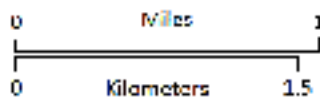
MAP 10

MEADOW MOUNTAIN I-RAIL
 SAVAGE RIVER STATE FOREST
 GARRETT COUNTY, MD



Legend

-  Snowmobile Trail Only
-  Snowmobile and ORV Trail
-  State forest Boundary



MAP 11

ST. JOHN'S ROCK/RED DOG ROAD TRAIL

SAVAGE RIVER STATE FOREST

GARRETT COUNTY, MD

Errata

COMAR 14.26.01

At 41:19 Md. R. 1082 (September 19, 2014), column 1, line 10
from the bottom:

For: On July 25, 2014, the Maryland Energy Administration
adopted

Read: On September 9, 2014, the Maryland Energy
Administration adopted

[14-20-47]

At 41:19 Md. R. 1082 (September 19, 2014), column 1, line 16
from the bottom:

For: **14.26.01 Jane E. Lawton Energy Conservation**

Read: **14.26.01 Jane E. Lawton Conservation**

[14-20-42]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 806, Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule program.

DATES: Comments on these proposed rules may be submitted to the Commission on or before November 17, 2014. The Commission has scheduled a public hearing on the proposed rulemaking, to be held November 6, 2014, in Harrisburg, Pennsylvania. The location of the public hearing is listed in the addresses section of this notice.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., Regulatory Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788, or by e-mail to regcomments@srbc.net.

The public hearing will be held on November 6, 2014, at 1:30 p.m., at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa. 17101. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., Regulatory Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's web site at www.srbc.net.

SUPPLEMENTARY INFORMATION: Background and Purpose of Amendments

The basic purpose of the regulatory amendments set forth in this proposed rulemaking is to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule (ABR) program.

Currently, certain hydrocarbon development projects and unconventional natural gas development projects are subject to the Commission's consumptive water use regulations. The Commission is proposing changes to the definitions in 18 CFR § 806.3 to clarify the water uses subject to regulation along with corresponding changes to 18 CFR § 806.22 pertaining to the ABR program. The Commission is also considering whether to increase the duration of approvals issued under the ABR program in 18 CFR § 806.22(f)(10) and is seeking public comment regarding a longer term.

The Commission is proposing a number of changes to the definitions in 18 CFR § 806.3. The Commission proposes to clarify and expand the definition of "hydrocarbon development" to "hydrocarbon development project." The new definition would

retain the current language referring to "the drilling, casing, cementing, stimulation and completion" of oil and gas wells, and would add new language to cover all water-related activities and facilities on the drilling pad site as well as specific uses of water off the drilling pad site. On the drilling pad site, the definition would cover activities and facilities associated with the production, maintenance, operation, closure, plugging and restoration of wells or drilling pad sites that would require consumptive water usage. The revised definition contains an illustrative, but not exhaustive, list of water uses on the drilling pad site. Off the drilling pad site, the regulated uses would be water used for hydro-seeding, dust suppression, and hydro-excavation of access roads and underground lines, as well as tank cleanings, related to a drilling pad site or centralized impoundments. The Commission's jurisdiction under § 806.22(f) would cease after all post-plugging restoration is completed according to applicable member jurisdiction regulations.

The Commission also proposes to add a new definition of "drilling pad site." This term is currently used in SRBC regulations, but is not defined. The Commission's intent with the proposed definition is to cover the physical four corners of the well site where drilling actually occurs or is intended to occur and not to activities and facilities off the pad site.

The Commission has also proposed corresponding changes to the definition of "project," "unconventional natural gas development," and "construction." The last sentence in the definition of "project" is deleted in this proposal, as it is not necessary with the changes proposed to "hydrocarbon development project." The definition of "unconventional natural gas development" is proposed to be amended to "unconventional natural gas development project" to match the "hydrocarbon development project" definition. As is currently the case, an "unconventional natural gas development project" remains a subset of the more broadly defined term "hydrocarbon development project."

The Commission also proposes changes to 18 CFR § 806.22 – Standards for consumptive uses of water. The Commission proposes changes to clarify 18 CFR §§ 806.22(f)(1) and (f)(4). The term "dust control" in 18 CFR § 806.22(f)(4) has been replaced with the broader term "other project related activity." In addition, changes are proposed to 18 CFR §§ 806.22(f)(11) and (f)(12) to reflect changes in the definitions as proposed. The Commission is proposing revisions to 18 CFR § 806.22(f)(10) to note that the approvals under the ABR program shall be effective upon issuance by the Executive Director. In this subsection, the Commission is also considering whether to change the duration of approvals issued under the ABR program from 5 years to a longer term of up to 15 years and is specifically seeking public comment regarding such change. The Commission is also proposing changes to 18 CFR § 806.22(e)(7) to mirror subsection (f)(10). Nothing in the proposed rulemaking changes the existing overall regulatory structure between hydrocarbon development projects generally versus unconventional natural gas projects specifically.

In addition, the Commission finds it necessary to revise the provisions of 18 CFR § 806.15(e) to reflect proposed revisions in § 806.3.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS**Subpart A – General Provisions**

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3, revise the definitions below to read as follows:

§ 806.3 Definitions

Construction. To physically initiate assemblage, installation, erection or fabrication of any facility, involving or intended for the withdrawal, conveyance, storage or consumptive use of the waters of the basin. For purposes of unconventional natural gas development projects subject to review and approval pursuant to § 806.4(a)(8), initiation of construction shall be deemed to commence upon the drilling (spudding) of a gas well, or the initiation of construction of any water impoundment or other water-related facility to serve the project, whichever comes first.

Drilling Pad Site. The area occupied by the equipment or facilities necessary for or incidental to drilling, production or plugging of one or more hydrocarbon development wells and upon which such drilling has or is intended to occur.

Hydrocarbon development project. A project undertaken for the purpose of extraction of liquid or gaseous hydrocarbons from geologic formations, including but not limited to the drilling, casing, cementing, stimulation and completion of unconventional natural gas development wells, and all other activities and facilities associated with the foregoing or with the production, maintenance, operation, closure, plugging and restoration of such wells or drilling pad sites that require water for purposes including but not limited to, re-stimulation and/or re-completion of wells, fresh water injection of production tubing, use of coiled tubing units, pumping, cement hydration, dust suppression, and hydro-seeding, until all post-plugging restoration is completed in accordance with all applicable member jurisdiction requirements. The project includes water used for hydro-seeding, dust suppression and hydro-excavation of access roads and underground lines, as well as cleaning of tanks, related to a drilling pad site and centralized impoundments.

Project. Any work, service, activity or facility undertaken, which is separately planned, financed or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources, which can be established and utilized independently, or as an additional to an existing facility, and can be considered as a separate entity for purposes of evaluation.

Unconventional natural gas development project. A hydrocarbon development project undertaken for the purpose of extraction of gaseous hydrocarbons from low permeability geologic formations utilizing enhanced drilling, stimulation or recovery techniques.

3. In § 806.15, revise paragraph (e) to read as follows:

§ 806.15 Notice of application

(e) For applications submitted under § 806.22(f)(13) for a wastewater discharge source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in each area within which the water obtained from such source will initially be used for hydrocarbon development.

4. In § 806.22, revise paragraphs (e)(7), (f)(1), (f)(4), (f)(10), (f)(11) and (f)(12) as follows:

§ 806.22 Standards for consumptive uses of water.

(e) *Approval by rule for consumptive uses.* (1) Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section . . .

(7) Approval by rule shall be effective upon issuance by the Executive Director to the project sponsor, shall expire 15 years from the date of such issuance, and supersede any previous consumptive use approvals to the extent applicable to the project.

(f) Approval by rule for consumptive use related to unconventional natural gas and other hydrocarbon development projects.

(1) Any unconventional natural gas development project subject to review and approval under § 806.4(a)(8), or any other hydrocarbon development project subject to review and approval under §§ 806.4, 806.5, or 806.6 of this part, shall be subject to review and approval by the Executive Director under this paragraph (f) regardless of the source or sources of water being used consumptively.

(4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. Daily use monitoring shall include amounts delivered or withdrawn per source, per day, and amounts used per gas well or drilling pad site, per day, for well drilling, hydrofracture stimulation, hydrostatic testing, and other project-related activity. The foregoing shall apply to all water, including stimulation additives, flowback, drilling fluids, formation fluids and production fluids, utilized by the project. The project sponsor shall also submit a post-hydrofracture report in a form and manner as prescribed by the Commission.

(10) Approval by rule shall be effective upon issuance by the Executive Director to the project sponsor, shall expire five years* from the date of such issuance, and supersede any previous consumptive use approvals to the extent applicable to the project.

(11) In addition to water sources approved for use by the project sponsor pursuant to § 806.4 or this section, a project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any of the following water sources at the drilling pad site, subject to such monitoring and reporting requirements as the Commission may prescribe: . . .

(12) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize a source of water approved by the Commission pursuant to § 806.4(a), or by the Executive Director pursuant to paragraph (f)(14) of this section, and issued to persons other than the project sponsor, provided any such source is approved for use in hydrocarbon development, the project sponsor has an agreement for its use, and at least 10 days prior to use, the project sponsor registers such source with the Commission on a form and in the manner prescribed by the Commission.

Dated: September 12, 2014.

STEPHANIE L. RICHARDSON

Secretary to the Commission

[14-20-38]

* Per the preamble to this proposed rulemaking, the Commission is considering a change of the duration of approval in this subsection from 5 years to a longer term of up to 15 years and is seeking public comment regarding the proposed change.

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

DDA'S COMMUNITY PATHWAYS WAIVER FEEDBACK SESSION

The Maryland Developmental Disabilities Administration (DDA) recently received approval from the Centers for Medicare & Medicaid Services (CMS) for the renewal of DDA's waiver, the Community Pathways waiver. The waiver renewal includes the state's New Directions waiver, which had separately provided for self-directed services.

Through negotiations with CMS, the state has received approval for a transition period of 18 months for the successful implementation of the waiver renewal. During this period of implementation, DDA would like to explore additional opportunities for ensuring that the waiver reflects and furthers the administration's priorities:

- Fostering self-determination
- Supporting families
- Facilitating individualized services and supports
- Developing accessible housing
- Promoting Employment First

We want to hear from providers of services to people in the waiver. Please join us for a public feedback session. We want to hear providers' comments related to DDA's waiver.

Please tell us what is working and what is not working.

For those who have concerns about something that is not working, we'd like to hear your specific suggestion about how you would remedy the situation.

The information gathered during these discussions will also provide an important first step toward DDA's system review to inform the waiver transition plan as required by the new federal HCBS regulations.

Please review the *Community Pathways Waiver Renewal Application* & the *Community Pathways Waiver Renewal Comparison Chart* <http://dda.dhmh.maryland.gov/SitePages/community%20pathways.aspx> and join us for one of the sessions below.

Date	Region	Location	Time	Attendees
10/22/2014	Southern	Comfort Inn Hotel & Conference Ctr. 4500 Crain Highway Bowie, MD20716	2:30-3:30 PM	Providers
10/23/2014	Western	Clarion Hotel 901 Dual Hwy Hagerstown, MD 21740	2:30-3:30 PM	Providers
10/27/2014	Central	The Meeting House Oakland Mills Interfaith Center 5885 Robert Oliver Place Columbia , MD 21045	2:30-3:30 PM	Providers
10/28/2014	Eastern	The Comfort Inn 8523 Ocean Gateway Easton, MD 21061	2:30-3:30 PM	Providers

Sessions will be limited to 1 hour.

If you need accommodations to participate in this event, please contact Amy Daugherty by **10/10/2014** at wfb.dda@maryland.gov or call (toll-free) 844-253-8694.

To comment via email please email wfb.dda@maryland.gov. Please note, "waiver feedback" in the subject line.

[14-20-34]

DDA'S COMMUNITY PATHWAYS WAIVER: PUBLIC FEEDBACK SESSION

Self — Advocates, Families, Guardians & Friends of People with Developmental Disabilities – We need your help & expertise!

The Maryland Developmental Disabilities Administration's (DDA) application to renew its Community Pathways (CP) waiver has been approved by the Centers for Medicare & Medicaid Services (CMS). This renewal application includes many changes to the CP waiver. For example: the New Directions (ND) waiver is now no longer a separate waiver, instead, it is included in the Community Pathways waiver as Self-Directed Services. *Did you know this? How does this affect you?*

DDA wants you to be aware of this change and others in the renewal, as well as new Federal rules around waiver programs. Most importantly, DDA wants to hear from you – your thoughts, concerns and suggestions – regarding these changes or others you might suggest to ensure that the waiver reflects and furthers your priorities, and those of the administration's.

Priorities:

- Support people with disabilities to self-direct their services
- Support families
- Provide support so that people with disabilities can live lives that they choose
- Develop accessible housing
- Promote employment first

Please review the *Community Pathways Waiver Renewal Application & the Community Pathways Waiver Renewal Comparison Chart* <http://dda.dhmh.maryland.gov/SitePages/community%20pathways.aspx> and join us for one of the sessions below.

Date	Region	Location	Time	Attendees
10/22/2014	Southern	Comfort Inn Hotel & Conference Center 4500 Crain Highway Bowie, Maryland 20716	5:30 – 6:30 PM	Family/Guardians/ Friends
			6:45 – 7:45 PM	Self-Advocates
10/23/2014	Western	Clarion Hotel 901 Dual Hwy Hagerstown, MD 21740	5:30 – 6:30 PM	Family/Guardians/ Friends
			6:45 – 7:45 PM	Self-Advocates
10/27/2014	Central	The Meeting House Oakland Mills Interfaith Center 5885 Robert Oliver Place Columbia, MD 21045	5:30 – 6:30 PM	Family/Guardians/ Friends
			6:45 – 7:45 PM	Self-Advocates
10/28/2014	Eastern	The Comfort Inn 8523 Ocean Gateway Easton, MD 21061	5:30 – 6:30 PM	Family/Guardians/ Friends
			6:45 – 7:45 PM	Self-Advocates

If you need accommodations to participate in this event, please contact Amy Daugherty by **10/10/2014** at wfb.dda@maryland.gov or call (toll-free) **844-253-8694**.

To participate by phone on an operator-assisted call, please call (toll-free) **855-285-7048** on 10/29/2014 by **9:25 AM**. Conference ID is **95244462**. The call will last one hour (9:30AM-10:30AM).

To comment via email, please email wfb.dda@maryland.gov.

[14-20-35]

MARYLAND HEALTH CARE COMMISSION

GROSS AND NET 2016 BED NEED PROJECTION FOR COMPREHENSIVE CARE FACILITY BEDS (CORRECTED AND UPDATED BED INVENTORY)

In accordance with COMAR 10.24.08.07, the Maryland Health Care Commission (MHCC) publishes the following notice of jurisdictional gross and net bed need for comprehensive care facility (CCF or nursing home) beds. These projections correct and update the projections published in the *Maryland Register* on April 19, 2013 and July 25, 2014. These jurisdictional gross and net bed need projections will apply in the review of Certificate of Need applications acted on by MHCC after the date of their publication. Updated projections published in the *Maryland Register* supersede any published in either the *Maryland Register* or any plan approved by MHCC. Published projections of bed need remain in effect until MHCC publishes updated CCF bed need projections. Projections of net bed need can change during the interim between bed need projection updates as a result of changes in the number of nursing home beds counted in the inventory, in accordance with the rules at COMAR 10.24.08.07F, or changes to correct errors in the data or computation.

Jurisdiction	Bed Inventory as of September 1, 2014					2016 Projected Bed Need			
	Licensed Beds	Temporarily Delicensed Beds	CON Approved Beds	Waiver Beds	Total Bed Inventory	Gross Bed Need Projection	Unadjusted Net Bed Need	Community-Based Services Adjustment	2016 Net Bed Need
WESTERN MARYLAND									
Allegany	869	40	0	22	931	784	-147	40	0
Carroll	934	0	0	10	944	750	-194	45	0
Frederick	1,062	11	0	7	1,080	1,235	155	89	66
Garrett	306	10	0	0	316	262	-54	12	0
Washington	1,113	25	0	6	1,144	1,003	-141	54	0
MONTGOMERY COUNTY									
Montgomery	4,500	72	0	35	4,607	3,651	-956	235	0
SOUTHERN MARYLAND									
Calvert	302	0	0	0	302	325	23	28	0
Charles	418	4	67	0	489	421	-68	31	0
Prince George's	2,775	35	150	43	3,003	2,817	-186	169	0
St. Mary's	277	8	0	0	285	317	32	18	14
CENTRAL MARYLAND									
Anne Arundel	1,726	37	0	53	1,816	1,761	-55	97	0
Baltimore City	3,828	297	0	43	4,168	4,048	-120	380	0
Baltimore County	5,408	16	0	116	5,540	4,585	-955	228	0
Harford	769	2	21	14	806	951	145	48	97
Howard	562	0	0	16	578	734	156	27	129
EASTERN SHORE									
Caroline	187	0	0	0	187	151	-36	5	0
Cecil	406	48	0	2	456	423	-33	24	0
Dorchester	237	21	23	0	281	226	-55	11	0
Kent	228	0	0	0	228	188	-40	19	0
Queen Anne's	120	0	0	0	120	190	70	11	59
Somerset	211	0	0	3	214	172	-42	7	0
Talbot	260	0	0	0	260	272	12	16	0
Wicomico	607	36	0	0	643	543	-100	38	0
Worcester	287	41	0	0	328	359	31	39	0

NOTE: "Net Bed Need" stated as "0" when "Unadjusted Net Bed Need" minus "Community-Based Services Adjustment" is less than zero.

[14-20-49]

SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and potential developers of projects involving health services and facilities that are subject to Certificate of Need (“CON”) review and approval. The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards.

This Certificate of Need review schedule updates and extends the schedule published in 41:7 *Md. Register*, pages 444-448 (April 4, 2014), as modified in 41:9 *Md. Register*, page 538 (May 2, 2014), by repealing each previously published scheduled review for which the due date for receipt of Letters of Intent has not yet occurred. This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission.

For further information about review schedules or procedures, call Kevin McDonald, Chief, Certificate of Need, at (410) 764-5982.

Acute Care Hospital Projects: Capital Construction and Changes to Bed Capacity

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by acute care general hospitals, for projects that involve: (1) capital expenditures by or on behalf of acute care hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity or operating room capacity at existing hospitals; (3) the relocation of an acute care hospital; and/or (4) a change in the type or scope of any health care service offered by an acute care hospital, as specified at COMAR 10.24.01.02A, except for neonatal intensive care (4). Note that the following schedules do not apply to a project to establish a new acute care hospital.

Schedule One: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	November 7, 2014	November 19, 2014	January 9, 2015
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	December 5, 2014	December 17, 2014	February 6, 2015
Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, Worcester	January 9, 2015	January 21, 2015	March 13, 2015
Calvert, Charles, Montgomery, Prince George’s, St. Mary’s	February 6, 2015	February 18, 2015	April 10, 2015

Schedule Two: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	May 1, 2015	May 13, 2015	July 6, 2015
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	June 5, 2015	June 17, 2015	August 7, 2015
Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, Worcester	July 10, 2015	July 22, 2015	September 11, 2015
Calvert, Charles, Montgomery, Prince George’s, St. Mary’s	August 7, 2015	August 19, 2015	October 9, 2015

Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of applications for any action related to facilities within the “special hospital” license category (psychiatric, chronic, rehabilitation, or pediatric), including a replacement facility for an existing special hospital, capital expenditures for new construction or renovation at an existing special hospital, or changes to service categories or bed capacity in an existing special hospital. Note that the following schedules do not apply to a project to establish a new special hospital.

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For this special hospital services schedule, the Commission will use the following regional configuration of counties:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery :</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George's, St. Mary's
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

**Schedule One
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 7, 2014	November 19, 2014	January 9, 2015
Montgomery County	December 5, 2014	December 17, 2014	February 6, 2015
Southern Maryland	January 9, 2015	January 21, 2015	March 13, 2015
Central Maryland	February 6, 2015	February 18, 2015	April 10, 2015
Eastern Shore	March 6, 2015	March 18, 2015	May 8, 2015

**Schedule Two
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 1, 2015	May 13, 2015	July 6, 2015
Montgomery County	June 5, 2015	June 17, 2015	August 7, 2015
Southern Maryland	July 10, 2015	July 22, 2015	September 11, 2015
Central Maryland	August 7, 2015	August 19, 2015	October 9, 2015
Eastern Shore	September 4, 2015	September 16, 2015	November 6, 2015

Alcohol and Substance Abuse Treatment Facilities

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications involving establishment, relocation, changes in bed capacity, or any other capital projects of intermediate care facilities for the treatment of alcohol and substance abuse that require Certificate of Need review and approval. Applications will be considered according to this schedule for "Track 1," or privately-funded facilities, as defined in the State Health Plan.

Letters of intent and applications to establish "Track 2," or publicly-funded facilities, as defined by the State Health Plan, may be submitted at any time.

In the State Health Plan for this service and in this schedule, the following regional configuration of counties applies:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery:</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George's, St. Mary's
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

**Schedule One: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	November 7, 2014	November 19, 2014	January 9, 2015
Eastern Shore	December 5, 2014	December 17, 2014	February 6, 2015
Montgomery County	January 9, 2015	January 21, 2015	March 13, 2015
Western Maryland	February 6, 2015	February 18, 2015	April 10, 2015
Central Maryland	March 6, 2015	March 18, 2015	May 8, 2015

**Schedule Two: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	May 1, 2015	May 13, 2015	July 6, 2015
Eastern Shore	June 5, 2015	June 17, 2015	August 7, 2015
Montgomery County	July 10, 2015	July 22, 2015	September 11, 2015
Western Maryland	August 7, 2015	August 19, 2015	October 9, 2015
Central Maryland	September 4, 2015	September 16, 2015	November 6, 2015

Freestanding Ambulatory Surgical Facilities

The Commission hereby establishes the following schedules for the submission of applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by or on behalf of a freestanding ambulatory surgical facility that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

**Schedule One
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	November 7, 2014	November 19, 2014	January 9, 2015
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	December 5, 2014	December 17, 2014	February 6, 2015
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	January 9, 2015	January 21, 2015	March 13, 2015
Allegany, Frederick, Garrett, Washington	February 6, 2015	February 18, 2015	April 10, 2015

**Schedule Two
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	May 1, 2015	May 13, 2015	July 6, 2015
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	June 5, 2015	June 17, 2015	August 7, 2015
Caroline, Cecil, Dorchester, Kent, Queen	July 10, 2015	July 22, 2015	September 11, 2015

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Anne's, Somerset, Talbot Wicomico, Worcester			
Allegany, Frederick, Garrett, Washington	August 7, 2015	August 19, 2015	October 9, 2015

Comprehensive Care Facility Projects

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities (“CCFs”). Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent State Health Plan need projection (COMAR 10.24.08, effective October 3, 2014) identifies a net need for beds in the forecast year of 2016 and for which no letters of intent or applications have been filed.. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects, that do not involve an increase in CCF bed capacity in a jurisdiction. These include projects that involve a proposed capital expenditure for new construction or renovation at an existing CCF, the relocation of an existing facility, or the proposed relocation of some or all of the CCF bed capacity from an existing facility to a new site within the same jurisdiction.

In the State Health Plan for this service, the following configuration of jurisdictions by region applies:

Western Maryland: Allegany, Carroll, Frederick, Garrett, Washington	Central Maryland: Anne Arundel, Baltimore, Harford, Howard, Baltimore City
Montgomery : Montgomery County	Southern Maryland: Calvert, Charles, Prince George's, St. Mary's
Eastern Shore: Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

Schedule One:

Part A: Proposed New Comprehensive Care Facility Beds

Jurisdiction	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Queen Anne’s County	November 7, 2014	November 19, 2014	January 9, 2015
Harford County	December 5, 2014	December 17, 2014	February 6, 2015
Frederick County	January 9, 2015	January 21, 2015	March 13, 2015
Howard County	February 6, 2015	February 18, 2015	April 10, 2015

Schedule One:

Part B: Other Comprehensive Care Facility Projects

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	November 7, 2014	November 19, 2014	January 9, 2015
Western Maryland	December 5, 2014	December 17, 2014	February 6, 2015
Montgomery County	January 9, 2015	January 21, 2015	March 13, 2015
Central Maryland	February 6, 2015	February 18, 2015	April 10, 2015
Southern Maryland	March 6, 2015	March 18, 2015	May 8, 2015

Schedule Two:

Part B: Other Comprehensive Care Facility Projects

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	May 1 , 2015	May 13, 2015	July 6, 2015
Western Maryland	June 5, 2015	June 17, 2015	August 7, 2015
Montgomery County	July 10, 2015	July 22, 2015	September 11, 2015

Central Maryland	August 7, 2015	August 19, 2015	October 9, 2015
Southern Maryland	September 4, 2015	September 16, 2015	November 6, 2015

General Hospice Projects

The Commission hereby publishes the following schedule for Certificate of Need review of proposed projects involving the establishment of a general hospice or the expansion of an existing general hospice into a jurisdiction that the existing general hospice has not been authorized to serve. This schedule will only have force and effect if need projections for general hospice services based on the methodology in COMAR 10.24.13.06 are published in the *Maryland Register* and those published need projections identify either of the following jurisdictions listed in the following table as jurisdictions that, in the target year, have net need for general hospice services greater than the volume threshold, in accordance with proposed COMAR 10.24.13.06H(2)(k).

Schedule One General Hospice Projects

Jurisdiction	Letter of Intent Date	Pre-Application Conference Date	Application Submission Date
Prince George's	June 3, 2016	June 15, 2016	August 5, 2016
Baltimore City	October 7, 2016	October 19, 2016	December 9, 2016

[14-20-48]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

BOARD OF ARCHITECTS

Subject: Public Hearing on Regulations
Date and Time: October 22, 2014, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: The Board will hold a public hearing at 11 a.m. to hear comments on proposed regulations to allow licensees to use digital signatures on architectural documents.
Contact: Pamela J. Edwards (410) 230-6262
 [14-20-41]

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: October 22, 2014, 2 — 4 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [14-20-44]

CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: November 6, 2014, 9 — 11 a.m.
Place: MD Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD
Contact: Rachel Hess-Mutinda (410) 767-2196
 [14-20-51]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: October 9, 2014, 10 a.m.
Place: DHMH, 4201 Patterson Ave., Rm. 108/109, Baltimore, MD
Add'l. Info: This constitutes official PUBLIC NOTICE that the MD Board of Chiropractic and Massage Therapy Examiners will hold an open PUBLIC MEETING AND VOTE at its October 9, 2014, 10 a.m. General Session Meeting to discuss promulgation of regulations under COMAR 10.433.01 et seq. regarding implementation of H.B. 401 (Mandatory Records Check for New Applicants) and H.B. 1157 (Revisions to Massage Education and Licensing/Registration Regulations). An initial public meeting was

held on July 10th, 2014, at which time the public attended and provided comments.
Contact: James Gamble (410) 764-5902
 [14-20-24]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: November 3, 2014, 10 a.m. — 4:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Sheryl Leach (410) 230-6195
 [14-20-12]

GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING

Subject: Public Meeting
Date and Time: October 18, 2014, 11 a.m. — 2 p.m.
Place: 9525 Durness Ln., Laurel, MD
Add'l. Info: Leonardo da Vinci Meeting Room
Contact: Lisa Kornberg (410) 767-1497
 [14-20-23]

ELEVATOR SAFETY REVIEW BOARD

Subject: Public Meeting
Date and Time: October 24, 2014, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: Raquel M. Meyers (410) 230-6379
 [14-20-13]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: October 14, 2014, 9 — 11 a.m.; part of the meeting may include a closed session.
Place: 653 W. Pratt St., Ste. 2 12, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [14-20-14]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: October 16, 2014, 9:30 a.m.
Place: Maryland Fire and Rescue Institute, HQ Bldg., 4500 Paint Branch Pwy., 1st Fl., Classroom #2, College Park, MD
Add'l. Info: Portions of the meeting may be held in closed session. 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
 [14-20-32]

BOARD OF FORESTERS

Subject: Public Meeting
Date and Time: October 20, 2014, 10 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Dennis Gring (410) 230-6224
 [14-20-03]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: October 23, 2014, 4 — 6 p.m.
Place: 201 W. Preston St., Conf. Rm. L1, Baltimore, MD
Contact: Ashley Fried (410) 767-5121
 [14-20-30]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: November 6, 2014, 9 a.m. — 1 p.m.
Place: UMBC Research and Technology Park — South Campus, 1450 South Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List).

As soon as available, classes of drugs to be reviewed, agenda, speaker registration guidelines, and driving directions will be posted on the Maryland Pharmacy Program website at:

<https://mmcp.dhmh.maryland.gov/pap/SitePages/Public%20Meeting%20Announcement%20and%20Procedures%20for%20Public%20Testimony.aspx>

Submit email questions to
dhmh.marylandpdlquestions@maryland.gov
Contact: Shawn Brice (410) 767-6896
[14-20-15]

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

Subject: Public Meeting
Date and Time: October 8, 2014, 10:30
a.m. — 12:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf.
Rm., Baltimore, MD
Contact: Robin Bailey (410) 230-6160
[14-20-18]

**MARYLAND STATEWIDE
INDEPENDENT LIVING COUNCIL**

Subject: Public Meeting
Date and Time: October 17, 2014, 12 — 3
p.m.
Place: Independent Now, Inc., 12301 Old
Columbia Pk., Ste. #101, Large Conf. Rm.,
Baltimore, MD
Add'l. Info: For more information please
call Denise Thomas (240) 638-0074 or
email marylandsilc@gmail.com
Contact: Denise Thomas (240) 638-0074
[14-20-01]

**STATE ADVISORY BOARD FOR
JUVENILE SERVICES**

Subject: Meeting Rescheduled (See
Below)
Date and Time: October 21, 2014, 2 — 4
p.m.
Place: DJS Annapolis Office, 49 Old
Solomons Island Rd., Annapolis, MD
Add'l. Info: The October meeting will be
held on October 27th.
Contact: Tim Gilbert (410) 230-3488
[14-20-19]

**STATE ADVISORY BOARD FOR
JUVENILE SERVICES**

Subject: Public Meeting
Date and Time: October 27, 2014, 2 — 4
p.m.
Place: DJS Annapolis Office, 49 Old
Solomons Island Rd., Annapolis, MD
Contact: Tim Gilbert (410) 230-3488
[14-20-20]

**FACILITIES ADVISORY BOARD —
JUVENILE SERVICES**

Subject: Public Meeting
Date and Time: October 11, 2014, 10 a.m.
— 12 p.m.; 2nd Saturday of each month,
except July and August

Place: Baltimore City Juvenile Justice
Center, 300 N. Gay St., Baltimore, MD
Contact: Bridgett Tucker (410) 752-3500
x 130
[14-20-43]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting
Date and Time: October 16, 2014, 1 p.m.
Place: Maryland Health Care Commission,
4160 Patterson Ave., Conf. Rm. 100,
Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[14-20-17]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Receipt of Application
Add'l. Info: Add'l Info: On September 12,
2014 the Maryland Health Care
Commission (MHCC) received two
Certificate of Need applications submitted
by:

Brook Grove Rehab & Nursing Center –
Matter No. 14-15-2354 –Construction of a
70 bed replacement unit to the existing
Brook Grove Facility with a new increase
of 22 CCF beds from 168 to 190 beds. The
22 additional CCF beds will be purchased
from National Lutheran/Village at
Rockville . Proposed Cost: \$23,966,000.

Ingleside at Kings Farm – Matter No.
14-15-2355 – Conversion of 20 existing
CCRC beds to public beds through the
purchase and relocation of 20 public beds
from National Lutheran/Village at
Rockville. Proposed Cost: \$160,000.

The MHCC shall review the
applications 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
applications. All further notices of
proceedings on the applications 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
applications. A copy of the applications are
available, for review, in the office of the
MHCC, during regular business hours by
appointment, or on the Commission's
website at www.mhcc.maryland.gov.

All correspondence should be addressed
to Paul Parker, Deputy Director, Center for
Health Care Facilities Planning &
Development, MHCC, 4160 Patterson
Avenue, Baltimore, Maryland 21215.
Contact: Ruby Potter (410) 764-3276
[14-20-36]

**MARYLAND PUBLIC
BROADCASTING COMMISSION**

Subject: Public Meeting
Date and Time: October 28, 2014, 8:30
a.m.
Place: Maryland Public Television,
Owings Mills, MD
Contact: Sharon Abernathy (410) 581-
4141
[14-20-02]

**DEPARTMENT OF NATURAL
RESOURCES/FISHERIES SERVICE**

Subject: Public Notice
Add'l. Info: 2014 Recreational Black Sea
Bass Fishery

The Secretary of Maryland Department
of Natural Resources, pursuant to COMAR
08.02.05.21F, announces the extension of
the season for the recreational black sea
bass fishery for 2014. The recreational
season for catching black sea bass in
Maryland waters (Chesapeake Bay and 0—
3 miles off the coast) will now be open
through 11:59 p.m. on September 21, 2014.
The season will reopen 12:01 a.m., October
18, 2014, and close 11:59 p.m., December
31, 2014. The recreational season is closed
all other dates. The possession limit will
remain 15 fish per person. The minimum
size will remain 12.5 inches.

For federal waters in the Exclusive
Economic Zone (EEZ) (3—200 miles off
the coast), the National Marine Fisheries
Service (NMFS) published a final rule
which was effective July 7, 2014 opening
the season for black sea bass from May 19,
2014 to September 21, 2014 and October
18, 2014 to December 31, 2014 with a
12.5-inch size limit and a 15-fish
possession limit.

Contact: Jacob Holtz (410) 260-8262
[14-20-33]

BOARD OF PLUMBING

Subject: Public Meeting
Date and Time: October 16, 2014, 10 a.m.
— 12:30 p.m.
Place: 500 N. Calvert St., Rm. 302,
Baltimore, MD
Contact: Brenda Clark (410) 230-6164
[14-20-22]

**BOARD OF PODIATRIC MEDICAL
EXAMINERS**

Subject: Public Meeting
Date and Time: October 9, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110,
Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[14-20-25]

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BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: November 13, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [14-20-26]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: December 11, 2014, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [14-20-27]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: January 8, 2015, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [14-20-28]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: February 12, 2015, 1 p.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Sheri Henderson (410) 764-4785 [14-20-29]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Hearing
Date and Time: October 10, 2014, 9 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD
Add'l. Info: Proposed changes to COMAR may be discussed. Sign language interpreters/other appropriate accommodations for qualified individuals with disabilities will be provided upon request.
Contact: Dorothy Kutcherman (410) 764-4703 [14-20-31]

BOARD OF PUBLIC ACCOUNTANCY

Subject: Public Meeting
Date and Time: November 7, 2014, 9 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., MD

Contact: Dennis L. Gring (410) 230-6224 [14-20-07]

RACING COMMISSION

Subject: Public Meeting
Date and Time: October 21, 2014, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682 [14-20-11]

GOVERNOR'S TASK FORCE TO ENSURE RETIREMENT SECURITY FOR ALL MARYLANDERS

Subject: Public Meeting
Date and Time: December 1, 2014, 1 — 3 p.m.
Place: University of Maryland, Stamp Student Union, Banneker-Key Rm., 2nd Fl., College Park, MD
Contact: Donni Turner (410) 230-6008 [14-20-46]

STATE BOARD OF INDIVIDUAL TAX PREPARERS

Subject: Public Meeting
Date and Time: October 20, 2014, 1 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Douglas Blackstone (410) 230-6244 [14-20-21]

MARYLAND DEPARTMENT OF TRANSPORTATION

Subject: Public Hearing
Date and Time: October 27, 2014, 10:30 a.m.
Place: MDOT Headquarters, 7201 Corporate Center Dr., Hanover, MD
Add'l. Info: MARYLAND BOARD OF AIRPORT ZONING APPEALS

Notice of Hearing

The Maryland Board of Airport Zoning Appeals (BAZA) will hold a hearing on Monday, October 27, 2014. The hearing will begin at 10:30 a.m. in the Board Room of the Maryland Department of Transportation located at 7201 Corporate Center Drive, Hanover, Maryland 21076. The Board will hear the following cases:

Docket Number 398

J & R Roofing Company, Inc. on behalf of BWI Marriott is proposing to utilize a temporary crane during roof construction located at 1743 West Nursery Road, Linthicum, Maryland. This location is approximately 4,000 feet north of Runway 15R at BWI Marshall Airport. The proposed height of the temporary crane is 142 feet above ground level (AGL)/308

feet mean sea level (MSL). The temporary crane height will exceed the Code of Federal Regulations (FAR) Part 77, Objects Affecting Navigable Airspace by 15 feet. Code of Maryland Regulations (COMAR) 11.03.06.03 and 11.03.06.04, Height Limits in Airport Districts enables the proponents to seek a variance from the Board of Airport Zoning Appeals (BAZA) for any proposed penetration of FAR Part 77. Therefore, the Maryland Aviation Administration will present BAZA Case 398 to the Board of Airport Zoning Appeals on Monday, October 27, 2014 at 10:30 a.m.

Docket Number 399

SCE Engineering, Inc. on behalf of Verizon Wireless is proposing to utilize a temporary crane during construction of a telecommunications monopole located at the intersection of Sandy Farm Road and MD Route 100, Severn, Maryland. This location is approximately 9,600 feet south of Runway 10/28 at BWI Marshall Airport. The proposed height of the temporary crane is 155 feet above ground level (AGL)/312 feet mean sea level (MSL). The temporary crane height will exceed the Code of Federal Regulations (FAR) Part 77, Objects Affecting Navigable Airspace by 19 feet. Code of Maryland Regulations (COMAR) 11.03.06.03 and 11.03.06.04, Height Limits in Airport Districts enables the proponents to seek a variance from the Board of Airport Zoning Appeals (BAZA) for any proposed penetration of FAR Part 77. Therefore, the Maryland Aviation Administration will present BAZA Case 399 to the Board of Airport Zoning Appeals on Monday, October 27, 2014 at 10:30 a.m.

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

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

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

[14-20-37]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: November 20, 2014, 10 a.m. — 4 p.m.
Place: Howard Co. Bureau of Utilities, Columbia, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167

[14-20-08]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: November 19, 2014, 9 a.m. — 4 p.m.

Place: MDE, 1800 Washington Blvd. Terra Conf. Rm., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Willie Everett (410) 537-3644
[14-20-09]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting on Regulations

Date and Time: October 23, 2014, 9 — 11 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting will be held in a closed session. Amendments are being made to COMAR 14.09.15.02 (Open Meetings) and COMAR 14.09.16.03 (Public Information Act Requests) to update the now-obsolete Code references.

Contact: Amy Lackington (410) 864-5302
[14-20-45]

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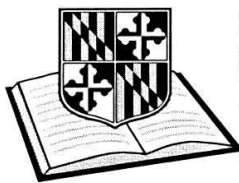
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