

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before March 2, 2015, 5 p.m.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 March 2, 2015.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

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

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

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

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

CLOSING DATES AND ISSUE DATES through JULY 24, 2015

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

The regular closing date for Proposals and Emergencies is Monday.

COMAR Online

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

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- 14.31.06.05 • 42:1 Md. R. 93 (1-9-15)
- 14.31.10.01—.08 • 41:25 Md. R. 1523 (12-12-14)
- 14.35.08.01—.06 • 42:4 Md. R. 435 (2-20-15)
- 14.35.09.01—.06 • 42:4 Md. R. 435 (2-20-15)
- 14.35.10.01—.16 • 42:4 Md. R. 435 (2-20-15)
- 14.35.11.01—.14 • 42:3 Md. R. 389 (2-6-15)
- 14.35.12.01—.08 • 42:3 Md. R. 394 (2-6-15)
- 14.35.13.01—.10 • 42:3 Md. R. 394 (2-6-15)
- 14.35.14.01—.07 • 42:3 Md. R. 399 (2-6-15)
- 14.36.05.01—.05 • 42:6 Md. R. 541 (3-20-15)
- 14.36.06.01—.03 • 42:6 Md. R. 541 (3-20-15)

15 DEPARTMENT OF AGRICULTURE

- 15.15.01.10 • 41:25 Md. R. 1530 (12-12-14)

19A STATE ETHICS COMMISSION

- 19A.01.03.11 • 41:22 Md. R. 1330 (10-31-14)
- 19A.03.01.03,.04 • 41:22 Md. R. 1330 (10-31-14)
- 19A.03.02 • 41:22 Md. R. 1330 (10-31-14)
- 19A.03.03.01 • 41:22 Md. R. 1330 (10-31-14)
- 19A.03.04.01—.04 • 41:22 Md. R. 1330 (10-31-14)
- 19A.04.03.04 • 41:22 Md. R. 1332 (10-31-14)
- 19A.05.03.02,.03 • 41:22 Md. R. 1332 (10-31-14)
- 19A.05.04.01,.02 • 41:22 Md. R. 1332 (10-31-14)
- 19A.07.01.03,.04 • 41:22 Md. R. 1333 (10-31-14)
- 19A.07.01.18 • 41:22 Md. R. 1334 (10-31-14)

20 PUBLIC SERVICE COMMISSION

- 20.31.01.02 • 42:4 Md. R. 441 (2-20-15)
- 20.31.03.01 • 42:4 Md. R. 441 (2-20-15)

21 STATE PROCUREMENT REGULATIONS

- 21.11.14.04 • 41:14 Md. R. 857 (7-11-14)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

- 26.04.11.01—.16 • 41:25 Md. R. 1531 (12-12-14)

Subtitles 08—12 (Part 2)

- 26.12.01.01 • 41:22 Md. R. 1336 (10-31-14)

Subtitles 13—18 (Part 3)

- 26.13.01.03,.05 • 42:2 Md. R. 247 (1-23-15)
- 26.13.02.03,.04,.04-6,.16,.17,.19-6,.19-7,.19-8,
.25 • 42:2 Md. R. 247 (1-23-15)
- 26.13.10.11 • 42:2 Md. R. 247 (1-23-15)
- 26.14.02.02,.02-1,.02-2,.02-3,.02-4,
.02-5 • 41:22 Md. R. 1337 (10-31-14) (ibr)
- 26.16.01.01—.05,.07—.20 • 42:2 Md. R. 254 (1-23-15)

Subtitles 19—27 (Part 4)

- 26.19.01.01—.58 • 42:1 Md. R. 94 (1-9-15) (ibr)

29 DEPARTMENT OF STATE POLICE

- 29.01.05.01—.05 • 42:2 Md. R. 264 (1-23-15)

31 MARYLAND INSURANCE ADMINISTRATION

- 31.04.14.03 • 42:1 Md. R. 116 (1-9-15)
- 31.10.21.02-1 • 42:2 Md. R. 271 (1-23-15)
- 31.10.42.01—.04 • 42:1 Md. R. 117 (1-9-15)
- 31.11.01.03 • 42:1 Md. R. 118 (1-9-15)
- 31.11.02.08 • 42:1 Md. R. 118 (1-9-15)
- 31.11.03.08 • 42:1 Md. R. 118 (1-9-15)
- 31.11.04.08 • 42:1 Md. R. 118 (1-9-15)
- 31.11.05 • 42:1 Md. R. 118 (1-9-15)
- 31.12.01 • 42:2 Md. R. 272 (1-23-15)
- 31.12.03.02 • 42:2 Md. R. 272 (1-23-15)
- 31.12.04.02,.04 • 42:2 Md. R. 272 (1-23-15)
- 31.12.05.02 • 42:2 Md. R. 272 (1-23-15)
- 31.12.06 • 42:2 Md. R. 272 (1-23-15)
- 31.12.07.04,.05 • 42:2 Md. R. 272 (1-23-15)
- 31.13.01.04,.09,.13,.17,.24 • 42:2 Md. R. 274 (1-23-15)
- 31.13.03.19 • 42:2 Md. R. 274 (1-23-15)

33 STATE BOARD OF ELECTIONS

- 33.13.10.01—.03 • 41:25 Md. R. 1544 (12-12-14)
- 33.14.02.06 • 41:16 Md. R. 955 (8-8-14)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

- 36.03.01.03 • 42:6 Md. R. 543 (3-20-15)
- 36.05.06.19,.20 • 42:6 Md. R. 543 (3-20-15)
- 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 General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> and click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

SYNOPSIS NO. 4

House Bills

- HB1160** Del Luedtke. State Racing Commission - Employees of Licensees - Repeal of Citizenship Requirement.
- HB1161** Del Krimm, et al. Ethan Saylor Center for Self-Advocates as Educators.
- HB1162** Washington County Delegation. Washington County - Tax Increment Financing - Application of Bond Proceeds.
- HB1163** Del Glenn, et al. Consumer Protection - Maryland Telephone Consumer Protection Act.
- HB1164** Washington County Delegation. Washington County - Property Tax Credit - Economic Development Projects.
- HB1165** Del Conaway, et al. Creation of a State Debt - Baltimore City - North Avenue Gateway II.
- HB1166** Del Davis. Public Utilities - Telecommunications Law - Modernization.
- HB1167** Del Kipke. State Board of Cosmetologists - Mobile Beauty Salons and Practice Location Requirement Repeal.
- HB1168** Del McConkey, et al. Real Property - Foreclosure - Residential Property - Prefile Mediation.
- HB1169** Del Parrott. Natural Resources - Black Fly Management and Control - Washington County.
- HB1170** Washington County Delegation. Washington County - Hotel Rental Tax Revenue Distribution - Annual Reports.
- HB1171** Washington County Delegation. Washington County - Property Tax Credit - Disabled Veterans.
- HB1172** Chr HGO (Dept). Individuals With Developmental Disabilities - Providers - Licenses.
- HB1173** Del Hammen. Department of Health and Mental Hygiene - Certified Community Behavioral Health Clinic Demonstration Program - Grant Application.
- HB1174** Del Jacobs, et al. Kent County - Fisheries - Use of Haul Seines.
- HB1175** Del Walker. Education - Concussion Impact Sensor Pilot Program.
- HB1176** Dels Knotts and Luedtke. Harness Racing - Purses - Deductions Paid to an Organization.
- HB1177** Prince George's County Delegation. Prince George's County - Tax Sales - Limited Auction for County Employees PG 425-15.
- HB1178** Del Lafferty. Recordation and Transfer Taxes - Exemption - Purchase Money Mortgage or Purchase Money Deed of Trust.
- HB1179** Del Beitzel. Sprinkler System Requirements - Tents - Exemption.
- HB1180** Chr Balt Co Deleg (Balt Co Orphns' Court). Baltimore County - Orphans' Court Judges - Compensation.
- HB1181** Frederick County Delegation. Frederick County - Deer Management Permit - Use of Rifles.
- HB1182** Chr APP (Dept). Academic Facilities Bonding Authority.
- HB1183** Del Knotts. Real Property - Contract for Sale of New Home.
- HB1184** Del Knotts. Real Property - Foreclosure Moratorium and Study (Foreclosure Relief Act of 2015).
- HB1185** Del Dumais. Family Law - Application for Divorce - Residency Requirement.
- HB1186** Del Carter, et al. Domestic Violence - Confidentiality Program - Name of Victim.
- HB1187** Dels Carter and Anderson. Public Safety - Law Enforcement Officers - Whistleblower Protections.
- HB1188** Chr JUD (Dept). Maryland Capitol Police of the Department of General Services.
- HB1189** Del Sample-Hughes. Creation of a State Debt - Dorchester County - Chesapeake Grove Senior Housing and Intergenerational Center.
- HB1190** Del Kipke. Health Insurance and Discount Medical Plans - Vision Care Services and Materials.
- HB1191** Del B. Wilson. Criminal Law - Sexual Offenses - Evidence of Defendant's Past Conduct.
- HB1192** Del Carter, et al. Family Law - Child Support - Custody and Visitation Determinations.
- HB1193** Del Hixson, et al. Supplemental Public School Construction Matching Fund Program.
- HB1194** Del McKay. Creation of a State Debt - Washington County - Cushwa Basin Area.
- HB1195** Del B. Robinson, et al. Fair Foreclosure Act of 2015.
- HB1196** Del Kelly, et al. Commission on the Long-Term Care Medical Assistance Program Eligibility Determination Process.
- HB1197** Del B. Robinson. Real Property - Foreclosure - Owner-Occupied Residential Property - Prohibition on Collection of Deficiency.
- HB1198** Del Oaks, et al. Baltimore City Civilian Review Board.
- HB1199** Del Carter, et al. Baltimore City - Renters Tax Credit Program.
- HB1200** Del Kittleman, et al. State Board of Education - High School Assessment - Government.
- HB1201** Del Hayes, et al. Health Occupations - Professional Counselors and Therapists - Provisional Licenses.
- HB1202** Dels Beidle and Carey. Highway Construction and Maintenance - Use of Recycled Aggregate.
- HB1203** Del Beidle. Motor Vehicles - Registration - Class S (Drivers' School) Vehicle.
- HB1204** Del Sophocleus, et al. Anne Arundel County - Assistant to the Sheriff - Appointment.
- HB1205** Del Anderson (St Atty for Balt City). Criminal Law - Sexual Offenses - Evidence of Defendant's Past Conduct.
- HB1206** Del Chang, et al. Creation of a State Debt - Anne Arundel County - Glen Burnie Masonic Lodge 213.
- HB1207** Del Anderson, et al. Public Health - Forensic Laboratories - Regulation.
- HB1208** Del Hixson, et al. Public Schools - Health and Safety - Food Transparency.
- HB1209** Del Hixson, et al. Education - Health and Safety - School Wellness Committees.
- HB1210** Del Cassilly, et al. Public Safety - Maryland Building Performance Standards - Adoption, Implementation, and Enforcement of Modifications.
- HB1211** Del Korman, et al. State Budget - Board of Public Works - Notice of Reductions in Appropriations.
- HB1212** Del Valentino-Smith, et al. Creation of a State Debt - Prince George's County - Champ House.
- HB1213** Del Miele. State Finance and Procurement - One Maryland Blue Ribbon Commission.

HB1214 Del C. Wilson. Civil Actions - Child Sexual Abuse - Statute of Limitations and Limitation of Damages.
HB1215 Del B. Robinson. Foreclosure - Indorsement of Debt Instrument, Lost Note Affidavit, and Penalties for False Statements.
HB1216 Del Knotts. Task Force to Study the Effect of the Drug Ritalin on School Children.
HB1217 Del McCray, et al. Creation of a State Debt - Baltimore City - Great Blacks in Wax Museum Expansion.
HB1218 Dels West and Aumann. Creation of a State Debt - Baltimore County - Lutherville Volunteer Fire Company Station Expansion.
HB1219 Cecil County Delegation. Public Safety - Fire Police - Cecil County.
HB1220 Del Mautz. Creation of a State Debt - Caroline County - Mt. Calvary United Methodist Church.
HB1221 Del Pena-Melnyk, et al. Maryland Affordable Housing Trust - Award Criteria - Preference for Multijurisdictional Applicants.
HB1222 Del Rosenberg, et al. Creation of a State Debt - Baltimore City - Elder Abuse Shelter and Office.
HB1223 Del Chang, et al. Creation of a State Debt - Anne Arundel County - The Arc of the Central Chesapeake Region.
HB1224 Chr HGO (Dept). Procurement - Contracts for Pretreatment and Removal of Snow and Ice.
HB1225 Del Knotts. Creation of a State Debt - Prince George's County - Crossland High School.
HB1226 Chr ECM (Dept). Apprenticeship and Training - Replacement of Obsolete References.
HB1227 Chr ECM (Dept). Real Estate Appraisers - Licensing and Certification - Examination Waiver Requirements.
HB1228 Dels C. Howard and Vaughn. Creation of a State Debt - Prince George's County - Town of Capitol Heights Public Works Modular Home.
HB1229 Chr ENV (Dept). Commercial Motor Vehicles - Denial, Cancellation, Suspension, or Revocation of Registration.
HB1230 Del C. Howard, et al. Standardbred Racing - Purse Dedication Account - Operating Assistance to Rosecroft Raceway.
HB1231 Del Waldstreicher, et al. Public Utilities - Transportation Network Services.
HB1232 Del Rosenberg. Real Property - Ground Rents.
HB1233 Del Walker. Tax Amnesty Program.
HB1234 Mont Co Deleg and PG Co Deleg. Washington Suburban Sanitary Commission - Customer Affordability Program MC/PG 107-15.
HB1235 Del Valentino-Smith. Courts - Juvenile Causes - Informal Adjustment.
HB1236 Del Vaughn, et al. Real Estate Brokers - Licensing - Experience Requirement.
HB1237 Chr JUD (Dept). Police and Correctional Training Commissions - Applicants - Criminal History Records Checks.
HB1238 Del Barve, et al. Creation of a State Debt - Montgomery County - Jewish Foundation for Group Homes Renovations.
HB1239 Del Lierman, et al. Civil Penalties for Shoplifting and Employee Theft - Repeal.
HB1240 Frederick County Delegation. Frederick County - Alcoholic Beverages Licenses.
HB1241 Chr ENV (Dept). Maryland Transportation Authority - Payment of Tolls and Related Fees.
HB1242 Del Gutierrez, et al. Creation of a State Debt - Montgomery County - The Writer's Center.
HB1243 Del Beidle. Creation of a State Debt - Anne Arundel County - James Brice House.
HB1244 Chr ECM (Dept). Education and Workforce Training Coordinating Council for Correctional Institutions - Name Change.

HB1245 Del Davis, et al. Creation of a State Debt - Prince George's County - Park Berkshire Neighborhood Park.
HB1246 Dels Carter and Proctor. Maryland Law Enforcement Communications Technology Procurement Task Force.
HB1247 Del Davis, et al. Creation of a State Debt - Prince George's County - Mt. Calvary Softball Field.
HB1248 Del S. Robinson, et al. Medical Schools - Use of Animals in Medical Training - Prohibited.
HB1249 Dels Haynes and P. Young. Task Force to Improve Suicide Prevention Programs for Veterans.
HB1250 Del Mautz. Creation of a State Debt - Talbot County - Phillips Wharf Aquaculture Job Training Center.
HB1251 Del W. Miller. General Provisions - Open Meetings Act - Required Training.
HB1252 Del Hayes, et al. Creation of a State Debt - Baltimore City - Center Stage.
HB1253 Del Jameson, et al. Motor Vehicle Insurance - Entry-Level Commercial Truck Driver's License Holders - Study.
HB1254 Del Arentz. State Boat Act - Registered Vessel - Disclosure of Owner Information.
HB1255 Del Impallaria. Maryland Locksmith Act - Public Lists of Licensees - Remedies for Violations.
HB1256 Del Bromwell. Maryland Health Care Commission - Certificates of Need - Application of Bed Need Projections.
HB1257 Del Bromwell. Orphans' Court - Change of Name to Probate Court.

[15-06-41]

Senate Bills

SB0822 Sens Jennings and Klausmeier. Creation of a State Debt - Baltimore County - Angel Park.
SB0823 Sen Bates. Election Laws - Loans to a Campaign Finance Entity.
SB0824 Sen Edwards. Maryland Income Tax Refunds - Allegany County - Warrant Intercept Program.
SB0825 Sen Edwards. Allegany County - Video Lottery Facilities - Distribution of Proceeds.
SB0826 Sen Astle. Energy Efficiency Programs - Transferring Development to the Maryland Energy Administration.
SB0827 Sen Astle. Creation of a State Debt - Anne Arundel County - Camp Woodlands Restoration Project.
SB0828 Sen Muse. Creation of a State Debt - Prince George's County - The New Beginnings Community Development Computer Lab Project.
SB0829 Sen Conway. Audiologists and Speech-Language Pathologists - Licensure Exemption - Clinical Training.
SB0830 Sen Conway. Health Occupations - Professional Counselors and Therapists - Provisional Licenses.
SB0831 Balt Co Sens (By Req - Balt Co Orph Ct). Baltimore County - Orphans' Court Judges - Compensation.
SB0832 Sen Madaleno, et al. Commission on the Long-Term Care Medical Assistance Program Eligibility Determination Process.
SB0833 Sen Benson. Procurement - Prevailing Wage Rate Law - Penalties and Liquidated Damages.
SB0834 Sens Pugh and Benson. Maryland Health Benefit Exchange - Qualified Health Plans - Standards.
SB0835 Sen Muse. Real Property - Foreclosure Moratorium and Study (Foreclosure Relief Act of 2015).
SB0836 Sen Simonaire. General Assembly - Name Submitted by Central Committee to Fill Vacancy - Required Appointment by Governor.
SB0837 Sen Waugh. Real Property - Actions to Quiet Title.
SB0838 Sen Waugh. St. Mary's County - Animal Regulations.

- SB0839** Sen Waugh. St. Mary's County - Violations of Ordinances, Rules, and Regulations - Penalties.
- SB0840** Sen Waugh. St. Mary's County - Property Maintenance - Voluntary Agreements.
- SB0841** Sen Waugh. Calvert County - Personal Property Tax - Exemption.
- SB0842** Sen Waugh. St. Mary's County - Personal Property Tax - Exemption.
- SB0843** Sen Waugh, et al. Higher Education - Military Dependents - In-State Tuition.
- SB0844** Sens Young and Hough. Frederick County - Deer Management Permit - Use of Rifles.
- SB0845** Sen Edwards. Sprinkler System Requirements - Tents - Exemption.
- SB0846** Sen Mathias. Creation of a State Debt - Worcester County - Delmarva Discovery Center and Museum.
- SB0847** Sens Miller and Jennings. Judges - Mandatory Retirement Age.
- SB0848** Sens Hough and Young. Interagency Disabilities Board - Membership and Duties - Community Inclusion Training Oversight.
- SB0849** Sen Cassilly. Criminal Procedure - Life Without Parole - Jury Sentencing Repeal.
- SB0850** Sen DeGrange. Creation of a State Debt - Anne Arundel County - Glen Burnie Masonic Lodge 213.
- SB0851** Sens Gladden and Raskin. Real Property - Ground Rents.
- SB0852** Sen Young, et al. Public Information Act - List of Contact Information for Governmental Unit Representatives.
- SB0853** Sens Young and Montgomery. Ethan Saylor Center for Self-Advocates as Educators.
- SB0854** Sen Young, et al. State Government - Administrative Procedure Act - Effective Date of Adopted Regulations.
- SB0855** Eastern Shore Senators. Maryland Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program.
- SB0856** Sen Ramirez. Courts - Juvenile Causes - Informal Adjustment.
- SB0857** Sen Middleton. Creation of a State Debt - Charles County - Lions Camp Merrick Septic System.
- SB0858** Sen Eckardt. Creation of a State Debt - Talbot County - Phillips Wharf Aquaculture Job Training Center.
- SB0859** Sen Eckardt. Lead - Risk Reduction Standard - Exemption for Affected Properties.
- SB0860** Sen Middleton. Income Tax - Subtraction Modification - Commercial Fertilizer.
- SB0861** Sen Klausmeier. Department of Health and Mental Hygiene - Birth Registrations - Notice of Placement of Security Freezes.
- SB0862** Sen Kasemeyer. Maryland Park Service - Operations Revenue - Mandated Appropriation.
- SB0863** Sen Miller, et al. Watershed Protection and Restoration Programs - Revisions.
- SB0864** Sen Klausmeier. State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors - Cease and Desist Orders - Authority.
- SB0865** Sen Peters. Edward T. and Mary A. Conroy and Jean B. Cryor Memorial Scholarship Programs - Eligibility.
- SB0866** Sen Peters. Prince George's County - Alcoholic Beverages - Licenses, Salaries, and Inspectors.
- SB0867** Sen Peters, et al. Prince George's County Board of Education - Public High Schools - Outdoor Synthetic Turf Fields.
- SB0868** Sen Ferguson. Public Utilities - Transportation Network Services.
- SB0869** Sens Edwards and Serafini. Health Insurance - Ambulance Service Providers - Direct Reimbursement - Repeal of Termination Date.
- SB0870** Sen Edwards. Garrett County - Memorial Hospital - Board of Governors.
- SB0871** Sen Pugh. Health Insurance - Specialty Drugs - Participating Pharmacies.
- SB0872** Sen Ferguson. Creation of a State Debt - Baltimore City - Chesapeake Shakespeare Company's Downtown Theater and Educational Annex.
- SB0873** Sen Klausmeier. Workers' Compensation - Temporary Total Disability Benefits - Credit.
- SB0874** Sen Klausmeier. Workers' Compensation - Temporary Total Disability - Incarcerated Employees.
- SB0875** Sen Benson, et al. Real Property - Foreclosure - Owner-Occupied Residential Property - Prohibition on Collection of Deficiency.
- SB0876** Sen Benson, et al. Foreclosure - Indorsement of Debt Instrument, Lost Note Affidavit, and Penalties for False Statements.
- SB0877** Sen Benson, et al. Fair Foreclosure Act of 2015.
- SB0878** Harford County Senators. Creation of a State Debt - Harford County - Regional Fire and Rescue Boat.
- SB0879** Sen Bates. Open Meetings Act - Requirements for Providing Agendas.
- SB0880** Sen Bates. Income Tax - Expensing of Business Property and Bonus Depreciation.
- SB0881** Sen McFadden. Creation of a State Debt - Baltimore City - Men and Families Center.
- SB0882** Sen Conway, et al. Baltimore City Civilian Review Board.
- SB0883** Sen Nathan-Pulliam. Creation of a State Debt - Baltimore County - National Center on Institutions and Alternatives Expansion.
- SB0884** Sen Serafini. Income Tax - Flat Tax.
- SB0885** Sen Conway. Education Funding and Formulas - Amendment - Supermajority Vote.
- SB0886** Sens Hough and Young. Frederick County Property Tax Fairness Act of 2015 (Strengthening Frederick Municipalities).
- SB0887** Sen Conway. Health Occupations - Dentistry - Scope of Practice and Licensure Exception.
- SB0888** Sen Conway. Task Force to Study the Issuance of Beer and Wine Licenses to Chain Stores.
- SB0889** Sens Conway and Muse. General Provisions - Commemorative Days - Thurgood Marshall Day.
- SB0890** Sen Currie. Creation of a State Debt - Prince George's County - Park Berkshire NeIGHBORhood Park.
- SB0891** Sen Pugh. Creation of a State Debt - Baltimore City - Center Stage.
- SB0892** Sen Nathan-Pulliam. Environment - Nitrogen Oxide Emissions - Pollution and Combustion Control Technologies.
- SB0893** Sen Manno. Commission on Free Trade, Currency Manipulation, and State Sovereignty - Establishment.
- SB0894** Sen Pugh, et al. Procurement Preferences - Blind Industries and Services of Maryland - Janitorial Products.
- SB0895** Sen Simonaire. Creation of a State Debt - Anne Arundel County - Pasadena Baseball Club.
- SB0896** Sen Jennings, et al. Military Personnel and Veteran-Owned Small Business No-Interest Loan Program and Fund.
- SB0897** Sen Muse. Creation of a State Debt - Prince George's County - Crossland High School.
- SB0898** Sen Klausmeier. Workers' Compensation - Permanent Partial Disability Benefits - Compensation.
- SB0899** Sen Waugh, et al. Offshore Wind - Application for Proposed Project - Evaluation and Approval.
- SB0900** Sen Waugh, et al. Public Health - Abortions - Physician Requirements.
- SB0901** Sen Benson. Standardbred Racing - Purse Deductions and Operating Assistance to Rosecroft Raceway.

SB0902 Sens Young and Hough. Frederick County - Alcoholic Beverages Licenses.

SB0903 Sen Rosapepe. State Board of Tree Experts - Establishment.

SB0904 Sen Ready. Criminal Law - Human Trafficking - Adult Victim - Penalty.

SB0905 Sen Kasemeyer. Income Tax - Film Production Activity Tax Credit.

SB0906 Sen Mathias. Somerset County - Alcoholic Beverages - Selling Near Schools, Places of Worship, Public Libraries, and Youth Centers.

SB0907 Sen Klausmeier. Ironworkers - Apprenticeship Program and Certification Program and Use of Certified Ironworkers on Construction Projects.

SB0908 Sens Klausmeier and Raskin. Maryland Benefit Corporations - Purposes, Duties of Directors, and Liability.

SB0909 Sen Middleton. Tri-County Council for Southern Maryland - Powers - Property Interests.

[15-06-40]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court dated February 13, 2015, **ROBERT LEE SHIELDS, JR.**, 10408 Cascade Run Court, Owings Mills, Maryland 21117, has been disbarred by consent, effective immediately from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Opinion and Order of the Court dated February 23, 2015, **DARLENE M. COCCO**, P.O. Box 684, Lusby, Maryland 20657, has been disbarred, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Opinion and Order of the Court dated February 23, 2015, **BRUCE MICHAEL SMITH**, 700 Trout Dale Terrace, Bel Air, Maryland 21014, has been indefinitely suspended, effective immediately from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Order of the Court dated February 23, 2015, **MICHAEL RON WORTHY**, 14404 Old Mill Road, Suite 101, Upper Marlboro, Maryland 20772, has been indefinitely suspended by consent, effective immediately from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Order of the Court dated February 24, 2015, **DENISE NICOLE JAMES**, 10205 Cove Ledge Court, Montgomery Village, Maryland 20886, has been disbarred by consent, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Opinion and Order of the Court dated March 2, 2015, **SHERON ANDREA BARTON**, 1050 Connecticut Avenue, NW, Suite 100, Washington, DC 20036, has been indefinitely suspended, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Opinion and Order of the Court dated March 4, 2015, **MIRA SUGARMAN BURGHARDT**, P.O. Box 793, Yarmouth, ME 04096, has been indefinitely suspended, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Order of the Court dated March 4, 2015, **RONALD ALLEN WRAY**, 141 Willowdale Drive, Apt. 41, Frederick, Maryland 21702, has been indefinitely suspended by consent, effective immediately from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

[15-06-42]

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 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §§4-407 and 4-602, Annotated Code of Maryland

Notice of Final Action

[15-051-F]

On March 10, 2015, the Acting Secretary of Natural Resources adopted new Regulation **.13** under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 42:2 Md. R. 162—163 (January 23, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: March 30, 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:

The change to the text of the proposed regulation removes Big Mill Pond as a Fishery Management Area. The land is being transferred to the Maryland Parks Service and is no longer under the control of the Fisheries Service. For this reason, the change is nonsubstantive, and the regulation does not need to be repropoed.

.13 Fishery Management Areas.

A—B. (proposed text unchanged)

C. *Fishery Management Public Fishing Areas.*

(1) *The following areas are Fishery Management Public Fishing Areas:*

[[*(a) Big Mill Pond — Queen Anne's County;*]]

[[*(b) (a) — (q) (p)*]] (proposed text unchanged)

(2)—(5) (proposed text unchanged)

D. (proposed text unchanged)

MARK J. BELTON

Acting Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Final Action

[15-053-F]

On March 10, 2015, the Acting Secretary of Natural Resources adopted amendments to Regulations **.03**, **.06**, **.07**, and **.14** under **COMAR 08.02.03 Crabs**. This action, which was proposed for adoption in 42:2 Md. R. 163—164 (January 23, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: March 30, 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 **.14**: The text of the proposed regulation is changed from requiring a different size limit for all peeler crabs during a particular time period to only requiring this size limit for female crabs during this time period. After further consideration and discussions with the industry, the Department believes that applying this change to only female crabs is sufficient to uphold the agreed upon fishing reductions with Virginia in order to meet the crab abundance target and maintain a sustainable fishery. This change would be less restrictive than what was proposed since it now only applies to female crabs. Additionally, text referring to the Atlantic Ocean crab size limit is removed because existing text now covers this fishery and it does not need to be further clarified. For this reason, the change is nonsubstantive, and the regulation does not need to be repropoed.

.14 General Prohibitions.

A.—D. (proposed text unchanged)

E. Notwithstanding Natural Resources Article, §4-809, Annotated Code of Maryland, a person may not:

(1)—(6) (proposed text unchanged)

(7) *Catch or possess more than 10 female peeler crabs per bushel or more than 20 per float which are[[:*

(a) Less than 3-1/4 inches across the shell from tip to tip of the spike during the period from April 1, 2015 through July 14, 2015 in the Atlantic Ocean, its coastal bays and their tributaries;

(b) Less than 3-1/2 inches across the shell from tip to tip of the spike during the period from July 15, 2015 through December 31, 2015 in the Atlantic Ocean, its coastal bays and their tributaries; and

(c) Less]] less than 3-1/2 inches across the shell from tip to tip of the spike in the Chesapeake Bay and its tidal tributaries during the period from April 1, 2015 through December 15, 2015; or

(8) (proposed text unchanged)

F.—G. (proposed text unchanged)

MARK J. BELTON

Acting Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE**08.02.05 Fish**

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

Notice of Final Action

[15-055-F]

On March 10, 2015, the Acting Secretary of Natural Resources adopted amendments to Regulation **.29** under **COMAR 08.02.05 Fish**. This action, which was proposed for adoption in 42:2 Md. R. 167—168 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

MARK J. BELTON
Acting Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE**08.02.15 Striped Bass**

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

Notice of Final Action

[15-052-F]

On March 10, 2015, the Acting Secretary of Natural Resources adopted amendments to Regulation **.07** under **COMAR 08.02.15 Striped Bass**. This action, which was proposed for adoption in 42:2 Md. R. 168 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

MARK J. BELTON
Acting Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION**08.19.03 Model Forest Conservation Ordinance**

Authority: Natural Resources Article, §§5-1601—5-1613, Annotated Code of Maryland

Notice of Final Action

[15-069-F]

On March 10, 2015, the Acting Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.19.03 Model Forest Conservation Ordinance**. This action, which was proposed for adoption in 42:2 Md. R. 168—169 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

MARK J. BELTON
Acting Secretary of Natural Resources

Subtitle 19 FOREST CONSERVATION**08.19.04 State Forest Conservation Program**

Authority: Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland

Notice of Final Action

[15-068-F]

On March 10, 2015, the Acting Secretary of Natural Resources adopted amendments to Regulation **.09** under **COMAR 08.19.04 State Forest Conservation Program**. This action, which was

proposed for adoption in 42:2 Md. R. 169 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

MARK J. BELTON
Acting Secretary of Natural Resources

Title 09**DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION****Subtitle 24 BOARD OF PUBLIC
ACCOUNTANCY****09.24.02 Continuing Education**

Authority: Business Occupations and Professions Article, §§2-207(a), 2-311, and 2-312, Annotated Code of Maryland

Notice of Final Action

[14-356-F]

On March 3, 2015, the Board of Public Accountancy adopted amendments to Regulation **.01**, new Regulation **.02**, amendments to and the recodification of existing Regulations **.02—04** to be Regulations **.03—05**, and the recodification of existing Regulation **.05** to be Regulation **.06** under **COMAR 09.24.02. Continuing Education**. This action, which was proposed for adoption in 41:25 Md. R. 1501—1504 (December 12, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

ELIZABETH S. GANTNIER
Chair
Maryland Board of Public Accountancy

Title 10**DEPARTMENT OF HEALTH
AND MENTAL HYGIENE****Subtitle 09 MEDICAL CARE
PROGRAMS****10.09.05 Dental Services**

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

Notice of Final Action

[15-021-F-I]

On March 3, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01**, **.04**, and **.07** under **COMAR 10.09.05 Dental Services**. This action, which was proposed for adoption in 42:1 Md. R. 29 (January 9, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.08 Freestanding Clinics

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

Notice of Final Action
[15-025-F]

On March 10, 2015, the Secretary of Health and Mental Hygiene adopted the repeal of Regulations .01—.13 and new Regulations .01—.14 under **COMAR 10.09.08 Freestanding Clinics**. This action, which was proposed for adoption in 42:1 Md. R. 30—36 (January 9, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: April 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 .07B: The effective date was corrected to correspond with the date the regulations become effective.

.07 Freestanding Clinic Reimbursement Methodology.

A. (proposed text unchanged)

B. *Reimbursement for Abortion Clinics. For dates of service on or after [January 1, 2015] April 1, 2015, the Department shall pay the abortion clinics the lower of the provider’s usual and customary charge, but no more than the maximum reimbursement allowed for similar procedures or services required in the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, which is incorporated by reference in COMAR 10.09.02.07.*

C.—D. (proposed text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

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

Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY

Notice of Final Action
[14-170-F]

On February 21, 2015, the Secretary of Public Safety and Correctional Services, in cooperation with the Criminal Justice Information Advisory Board, adopted:

(1) Amendments to Regulations .15 and .19 under **COMAR 12.15.01 Implementation of the Criminal Justice Information Statute**; and

(2) New Regulations .01 — .04 under a new chapter, **COMAR 12.15.06 Federal Bureau of Investigation, Next Generation Identification Rap Back Program**.

This action, which was proposed for adoption in 41:12 Md. R. 693—694 (June 13, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services

**Title 13A
STATE BOARD OF EDUCATION**

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.06 Child Care Subsidy Program

Authority: Family Law Article, §§5-550, 5-561, and 5-570, Annotated Code Maryland
Agency Note: Federal Regulatory Reference—*Child Care and Development Fund 45 CFR 98.50*

Notice of Final Action
[14-394-F]

On February 24, 2015, the State Superintendent of Schools adopted amendments to Regulations .02—.05, the repeal of existing Regulations .06 and .12, new Regulations .06, .07, .10, .13, and .14, and amendments to and the recodification of existing Regulations .07, .08, .09, .10, and .11 to be Regulations .08, .09, .11, .12, and .15, respectively, under **COMAR 13A.14.06 Child Care Subsidy Program**. This action, which was proposed for adoption in 42:1 Md. R. 70—90 (January 9, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

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

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.08 Child Care Training Approval

Authority: Family Law Article, §§5-551 and 5-573, Annotated Code of Maryland

Notice of Final Action
[14-392-F]

On February 11, 2015, the State Superintendent of Schools adopted amendments to Regulations .01—.07 under **COMAR 13A.14.08 Child Care Training Approval**. This action, which was proposed for adoption in 41:26 Md. R. 1590—1591 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

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

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.09 Maryland Child Care Credential Program

Authority: Family Law Article, §§5-551 and 5-573, Annotated Code of Maryland

Notice of Final Action

[14-396-F]

On February 11, 2015, the State Superintendent of Schools adopted amendments to Regulations .02—, .08, the repeal of existing Regulation .09, and amendments to and the recodification of existing Regulation .10 to be Regulation .09 under **COMAR 13A.14.09 Maryland Child Care Credential Program**. This action, which was proposed for adoption in 41:26 Md. R. 1591—1595 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

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

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.12 Maryland After-School Opportunity Fund Program

Authority: Article 41, §§6-801—6-807, Annotated Code of Maryland

Notice of Final Action

[15-011-F]

On February 24, 2015, the State Superintendent of Schools adopted the repeal of Regulations .01—, .08 under **COMAR 13A.14.12 Maryland After-School Opportunity Fund Program**. This action, which was proposed for adoption in 42:1 Md. R. 90 (January 9, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

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

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.14 Maryland EXCELS

Authority: Family Law Article, §§5-502 and 5-573, Annotated Code of Maryland; Agency Note: Federal Statutory Reference—Child Care and Development Fund, 45 CFR 98.51

Notice of Final Action

[14-391-F]

On February 11, 2015, the State Superintendent of Schools adopted new Regulations .01—, .07 under a new chapter, **COMAR 13A.14.14 Maryland EXCELS**. This action, which was proposed for adoption in 41:26 Md. R. 1595—1598 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

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

Title 14 INDEPENDENT AGENCIES

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.02 Negotiability Dispute

Authority: Education Article, §§2-205(e), 6-408(c), 6-510(c), and 6-806, Annotated Code of Maryland

Notice of Final Action

[14-397-F]

On February 9, 2015, the Public School Labor Relations Board adopted the repeal of existing Regulations .01 and .03 and the recodification of existing Regulation .02 to be Regulation .01 under **COMAR 14.34.02 Negotiability Dispute**. This action, which was proposed for adoption in 41:26 Md. R. 1598 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.03 Impasse Determination

Authority: Education Article, §§2-205(e), 6-408(e), 6-510(e), and 6-806, Annotated Code of Maryland

Notice of Final Action

[14-398-F]

On February 9, 2015, the Public School Labor Relations Board adopted new Regulation .01 under a new chapter, **COMAR 14.34.03 Impasse Determination**. This action, which was proposed for adoption in 41:26 Md. R. 1599 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.04 Charge of Statutory Violation

Notice of Final Action

Authority: Education Article, §§2-205(e), 6-401 — 6-411, 6-501 — 6-514, 6-806, and 6-807, Annotated Code of Maryland

[14-384-F]

On February 9, 2014, the Public School Labor Relations Board adopted new Regulations .01 — .17 under a new chapter, **COMAR 14.34.04 Charge of Statutory Violation**, at its public meeting held on February 9, 2015. This action, which was proposed for adoption in 41:26 Md. R. 1599—1603 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

14.34.05 Public Information Act Requests

Authority: Education Article, §6-806; General Provisions Article, §§4-401 — 4-601; Annotated Code of Maryland

Notice of Final Action

[14-399-F]

On February 9, 2015, the Public School Labor Relations Board adopted new Regulations **.01 — .12** under a new chapter, **COMAR 14.34.05 Public Information Act Requests**. This action, which was proposed for adoption in 41:26 Md. R. 1603 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

ERICA LELL SNIPES
Executive Director

Subtitle 34 PUBLIC SCHOOL LABOR RELATIONS BOARD

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

Authority: Education Article, §6-806; General Provisions Article, §3-303; Annotated Code of Maryland

Notice of Final Action

[14-400-F]

On February 9, 2015, the Public School Labor Relations Board adopted new Regulations **.01— .04** under a new chapter, **COMAR 14.34.06 Attendance, Recording, Photographing, and Broadcasting of Open Sessions**. This action, which was proposed for adoption in 41:26 Md. R. 1605 (December 26, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

ERICA LELL SNIPES
Executive Director

**Title 17
DEPARTMENT OF BUDGET AND MANAGEMENT**

Subtitle 05 COUNCIL ON MANAGEMENT AND PRODUCTIVITY

17.05.01 Competitive Re-Engineering Pilot Program

Authority: State Finance and Procurement Article, §§18-101—18-104, Annotated Code of Maryland

Notice of Final Action

[15-023-F]

On February 24, 2015, the Secretary of Budget and Management adopted the repeal of Regulations **.01— .08** under **COMAR 17.05.01 Competitive Re-Engineering Pilot Program**. This action, which

was proposed for adoption in 42:1 Md. R. 94 (January 9, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

DAVID R. BRINKLEY
Secretary of Budget and Management

**Title 24
DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**

Subtitle 05 ECONOMIC DEVELOPMENT

24.05.21 Regional Institution Strategic Enterprise Zone Program

Authority: Economic Development Article, §§2-108, 5-1401—5-1407; Tax Property Article, §9-103.1; Tax General Article, §10-702; Annotated Code of Maryland

Notice of Final Action

[15-061-F]

On March 10, 2015, the Acting Secretary of Business and Economic Development adopted new Regulations **.01— .13** under a new chapter, **COMAR 24.05.21 Regional Institution Strategic Enterprise Zone Program**. This action, which was proposed for adoption in 42:2 Md. R. 244—247 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

R. MICHAEL GILL
Acting Secretary of Business and Economic Development

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

Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS

Notice of Final Action

[15-077-F]

On March 10, 2015, the State Emergency Medical Services Board adopted amendments to:

- (1) Regulation **.02** under **COMAR 30.08.01 General Provisions**; and
- (2) Regulations **.01— .15** under **COMAR 30.08.12 Perinatal and Neonatal Referral Center Standards**.

This action, which was proposed for adoption in 42:2 Md. R. 265—271 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

KEVIN G. SEAMAN, M.D., FACEP
Executive Director

Title 36

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 01 GENERAL PROVISIONS

36.01.02 Administrative Procedures

Authority: State Government Article, §9-110, Annotated Code of Maryland

Notice of Final Action

[15-046-F]

On March 10, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulation **.01 under COMAR 36.01.02 Administrative Procedures**. This action, which was proposed for adoption in 42:2 Md. R. 275—276 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

STEPHEN L. MARTINO
Director

Subtitle 03 GAMING PROVISIONS

36.03.03 Video Lottery Operation License

Authority: State Government Article, §9-1A-24(f), Annotated Code of Maryland

Notice of Final Action

[14-344-F]

On March 2, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulation **.07 under COMAR 36.03.03 Video Lottery Operation License**. This action, which was proposed for adoption in 41:24 Md. R. 1455 (December 1, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

STEPHEN L. MARTINO
Director

Subtitle 03 GAMING PROVISIONS

36.03.10 Video Lottery Facility Minimum Internal Control Standards

Authority: State Government Article, §§9-1A-04(d) and 9-1A-24(b), (d), and (f), Annotated Code of Maryland

Notice of Final Action

[14-370-F]

On March 2, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulations **.07— .09, .18, .20, .24, .26— .28, .30, .32, .34, .35, .38, .41— .43, and .49 under COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**. This action, which was proposed for adoption in 41:25 Md. R. 1546—1551 (December 12, 2014), has been adopted as proposed.

Effective Date: March 30, 2015.

STEPHEN L. MARTINO
Director

Subtitle 05 TABLE GAMES

36.05.04 Blackjack Rules

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

Notice of Final Action

[15-045-F]

On March 2, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulations **.02, .06, and .13 under COMAR 36.05.04 Blackjack Rules**. This action, which was proposed for adoption in 42:2 Md. R. 276—277 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

STEPHEN L. MARTINO
Director

Subtitle 05 TABLE GAMES

36.05.18 Let It Ride Poker Rules

Authority: 36.05.18: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

Notice of Final Action

[15-044-F]

On March 2, 2015, the Maryland Lottery and Gaming Control Agency adopted new Regulations **.01— .13** under a new chapter, **COMAR 36.05.18 Let It Ride Poker Rules**. This action, which was proposed for adoption in 42:2 Md. R. 277—284 (January 23, 2015), has been adopted as proposed.

Effective Date: March 30, 2015.

STEPHEN L. MARTINO
Director

Withdrawal of Regulations

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

31.03.05 Bail Bonds

Authority: Insurance Article, §§2-108 and 2-109, and Title 10 [Subtitle 3]
Subtitles 1 and 3, Annotated Code of Maryland

Notice of Withdrawal

[14-045-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulations **.01—07**, adopt new Regulations **.08, .09, and .12**, and amend and recodify existing Regulations **.08, .09, .10, .11, and .12** to be Regulations **.10, .11, .13, .14, and .15**, respectively, under **COMAR 31.03.05 Bail Bonds**, which was published in 41:3 Md. R. 256—258 (February 7, 2014), has been withdrawn by operation of law.

BRIAN MORRIS
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 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.21 Potomac River

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

Notice of Proposed Action

[15-100-P]

The Acting Secretary of the Maryland Department of Natural Resources proposes to amend Regulation .04 under **COMAR 08.18.21 Potomac River**.

Statement of Purpose

The purpose of this action is to change in the regulation the name of Caledon Natural Area (DCR) to Caledon State Park, King George County, Virginia. This accurately reflects the current name of the facility.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Grant, Regulations Coordinator, Maryland Department of Natural Resources, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8013, or email to Michael.Grant@Maryland.gov, or fax to 410-260-8453. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

.04 Potomac River Prohibited Areas.

A. (text unchanged)

B. Adjacent to Caledon [Natural Area (DCR)] *State Park*, King George County, Virginia. Except for boats used in commercial fishing operations pursuant to a commercial fishing license, and operating at a 6-knot or less speed limit, and boats operated under the supervision of the Caledon [Natural Area (DCR)] *State Park*, all boats are prohibited from that portion of the Potomac River within 1,000 feet of the mean low water mark adjacent to Caledon [Natural Area DCR,] *State Park*, King George County, Virginia, as designated by buoys, at or near Lat. 38° 22.180' N., Long. 77° 7.652' W., then running 278° (True) to a point, at or near Lat. 38° 22.227' N., Long. 77° 8.063' W., then running 275° (True) to a point, at or near Lat. 38° 22.242' N., Long. 77° 8.275' W., then running 244° (True) to a point, at or near Lat. 38° 22.168' N., Long. 77° 8.467' W., then running 221° (True) to a point, at or near Lat. 38° 21.918' N., Long. 77° 8.745' W., then running 218° (True) to a point, at or near Lat. 38° 21.662' N., Long. 77° 9.003' W., then running 213° (True) to a point, at or near Lat. 38° 21.392' N., Long. 77° 9.223' W., then running 219° (True) to a point, at or near Lat. 38° 21.145' N., Long. 77° 9.475' W., then running 228° (True) to a point, at or near Lat. 38° 20.930' N., Long. 77° 9.775' W., then running 252° (True) to a point, at or near Lat. 38° 20.835' N., Long. 77° 10.153' W., then running 248° (True) to a point, at or near Lat. 38° 20.713' N., Long. 77° 10.532' W., then running 247° (True) to a point, at or near Lat. 38° 20.650' N., Long. 77° 10.720' W. during the boating season.

FRANK W. DAWSON
Acting Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

Notice of Proposed Action

[15-090-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulations **.02** and **.05** under **COMAR 10.38.01 General Regulations**; and

(2) Regulations **.01** and **.03** under **COMAR 10.38.06 Foreign-Educated Licensure Requirements**.

This action was considered at a public meeting on December 16, 2014, notice of which was given on the Board’s website at <http://dhmh.maryland.gov/bphte/Lists/Calendar/calendar.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Require criminal history records of new applicants and foreign-educated applicants for licensure as physical therapists or physical therapist assistants; and

(2) Prohibit the Board from issuing a license if the criminal history records check information has not been received.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost of the criminal history records check would be paid by the applicant for licensure to the Central Repository of the Criminal Justice Information System (CJIS) within the Department of Public Safety and Correctional Services. The Board cannot estimate the number of applicants per year, so the impact to the profession and to CJIS is unknown.

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

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

B. The cost of the criminal history records check (approximately \$65) would be paid by the applicant applying for licensure to the Central Repository of the Criminal Justice Information System (CJIS) within the Department of Public Safety and Correctional Services. CJIS will thus realize an increase in revenue, but, given that the Board cannot estimate how many applicants will apply per year, the amount of the revenue increase is unknown.

D. The cost of the criminal history records check (approximately \$65) would be paid by the applicant applying for licensure. The Board cannot estimate how many applicants will apply per year.

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 April 20, 2015. A public hearing has not been scheduled.

10.38.01 General Regulations

Authority: Health Occupations Article, §§13–206, 13–302, 13–302.1, and 13–305, Annotated Code of Maryland

.02 Requirements for Licensure.

The following are requirements for an applicant educated in an approved physical therapy or approved physical therapist assistant curriculum in any state:

A.—C. (text unchanged)

D. Additional Requirements. Applicants for licensure shall:

(1) Achieve a passing score on the licensing examinations; [and]

(2) Attend an interview unless the Board waives this requirement; *and*

(3) *Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13–302.1, Annotated Code of Maryland.*

.05 Restrictions.

A.—D. (text unchanged)

E. The Board may not issue a license under this subtitle if the results of the criminal history records check required pursuant to Regulation .02D(3) of this chapter has not been received.

10.38.06 Foreign-Educated Licensure Requirements

Authority: Health Occupations Article §§13–206, 13–302, 13–302.1, and 13–305, [and 13–313], Annotated Code of Maryland

.01 Requirements for Licensure.

A.—B. (text unchanged)

C. Additional Requirements. Applicants for licensure shall:

(1) Achieve a passing score on the licensing examinations; [and]

(2) Attend an interview unless the Board waives this requirement; *and*

(3) *Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13-302.1, Annotated Code of Maryland.*

.03 Issuance of Licenses.

A.—D. (text unchanged)

E. *The Board may not issue a license under this subtitle if the results of the criminal history records check required pursuant to Regulation .01C(3) of this chapter has not been received.*

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

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

Notice of Proposed Action

[15-102-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend Regulation **.05** under **COMAR 10.41.03 Licensure and Continuing Education**;
- (2) Amend Regulation **.11** and adopt new Regulation **.12** under **COMAR 10.41.08 Hearing Aid Dispensers**; and
- (3) Amend Regulation **.08** under **COMAR 10.41.11 Speech-Language Pathology Assistants**.

This action was considered at a public meeting on June 19, 2014, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/boardsahs/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Authorize the Board to impose a penalty or take disciplinary action for failure to complete continuing education requirements for licensees of the Board; and
- (2) Authorize the Board to issue a cease and desist order and take certain disciplinary action against a licensee of the Board for practicing on an expired license.

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 April 20, 2015. A public hearing has not been scheduled.

10.41.03 Licensure and Continuing Education

Authority: Health Occupations Article, §§2-205, 2-308, 2-312(b), 2-314(11), and 2-314.9, Annotated Code of Maryland

.05 Renewal of Licensure.

A. (text unchanged)

B. Full Licensure.

(1)—(2) (text unchanged)

(3) *A licensee who fails to complete the continuing education requirements within the time frame specified under Regulation .06 of this chapter may be subject to:*

- (a) *Informal or formal discipline for failure to meet the requirements; and*
- (b) *A monetary fine not to exceed \$250.*

C. *Failure to Renew a License. A licensee who has failed to renew a license to practice in this State by June 30 of the year in which the license is due to be renewed is prohibited from practicing in this State.*

D. *If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:*

- (1) *Order the licensee to immediately cease and desist practice in this State until the license has been reinstated by the Board; and*
- (2) *Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:*
 - (a) *Issue a nonpublic consent agreement in which the licensee agrees to make an anonymous donation of \$250 to a charitable institution and to perform 40 hours of Board-approved pro bono services;*
 - (b) *Provide the licensee with a settlement conference; or*
 - (c) *Charge the licensee with unprofessional conduct as provided in Health Occupations Article, §2-314(10), Annotated Code of Maryland, for practicing without a license.*

10.41.08 Hearing Aid Dispensers

Authority: Health Occupations Article, §§2-205, 2-308, 2-312(b), 2-314(10) and (11), and 2-314.9, Annotated Code of Maryland

.11 Continuing Education Requirements.

A. (text unchanged)

B. *A licensee who fails to complete the continuing education requirements within the time frame specified under COMAR 10.41.03.06 may be subject to:*

- (1) *Informal or formal discipline for failure to meet the requirements; and*
- (2) *A monetary fine not to exceed \$250.*

[B.] C.—[D.] E. (text unchanged)

.12 Renewal of Licensure.

A. *A licensee who has failed to renew a license to practice in this State by March 3 of the year in which the license is due to be renewed is prohibited from practicing in this State.*

B. *If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:*

- (1) *Order the licensee to immediately cease and desist practice in this State until the license has been reinstated by the Board; and*
- (2) *Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:*
 - (a) *Issue a nonpublic consent agreement in which the licensee agrees to make an anonymous donation of \$250 to a charitable institution and to perform 40 hours of Board-approved pro bono services;*
 - (b) *Provide the licensee with a settlement conference; or*
 - (c) *Charge the licensee with unprofessional conduct as provided in Health Occupations Article, §2-314(10), Annotated Code of Maryland, for practicing without a license.*

10.41.11 Speech-Language Pathology Assistants

Authority: Health Occupations Article, §§2-205, 2-308, 2-312(b), 2-314(10), and 2-319, Annotated Code of Maryland

.08 Term and Renewal of Speech-Language Pathology Assistant License.

A.—E. (text unchanged)

F. A licensee who has failed to renew a license to practice in this State by June 30 of the year in which the license is due to be renewed is prohibited from practicing in this State.

G. If the Board determines that a licensee has practiced in this State after the license has expired, the Board may:

(1) Order the licensee to immediately cease and desist practice in this State until the license has been reinstated by the Board; and

(2) Take action as follows against a licensee for unprofessional conduct if it determines that the licensee practiced in this State after the license has expired:

(a) Issue a nonpublic consent agreement in which the licensee agrees to make an anonymous donation of \$100 to a charitable institution and to perform 40 hours of Board-approved pro bono services;

(b) Provide the licensee with a settlement conference; or

(c) Charge the licensee with unprofessional conduct as provided in Health Occupations Article, §2-314(10), Annotated Code of Maryland, for practicing without a license.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING COMMISSION

12.04.01 General Regulations

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

Notice of Proposed Action [15-097-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, proposes to amend Regulations .09 and .12 under COMAR 12.04.01 General Regulations. This action was considered by the Police Training Commission at public meetings held on October 8, 2014 and January 7, 2015.

Statement of Purpose

The purpose of this action is to allow police officers to complete required annual in-service training requirements over approved electronic mediums. It also requires that police officers receive training in life saving techniques, including CPR, as part of entrance-level training and, by December 31, 2016, as part of an annual in-service training.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas C. Smith, Director Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, Maryland 21784, or call 410-875-3605, or email to tcsmith@dpscs.state.md.us, or fax to 410-875-3584. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

.09 Minimum Standards for Entrance-Level Training for Police Officers.

A.—B. (text unchanged)

C. Commission-Required Subject Areas.

(1) For the Commission to approve an entrance-level training program for police officers, the entrance-level training program shall include the following subject areas:

(a) — (d) (text unchanged)

(e) Emergency medical care, which shall also provide training in lifesaving techniques, including cardiopulmonary resuscitation (CPR);

(f) — (o) (text unchanged)

(2) (text unchanged)

D.—I. (text unchanged)

.12 Police Officer Annual In-Service Training and Qualification.

A. Police Officer Annual In-Service Training Requirements.

(1) — (2) (text unchanged)

(3) For annual in-service training, the Commission may approve independent electronic instruction through which information on an identified topic is provided to a police officer through the officer's interaction with an electronic medium, and without the immediate supervision or assistance of an individual identified as the training instructor.

[(3)] (4) — [(7)] (8) (text unchanged)

(9) No later than December 31, 2016, and within every 2 years after that date, a police officer required to complete annual in-service training under this regulation shall successfully complete a Commission-approved training program on lifesaving techniques, including cardiopulmonary resuscitation (CPR).

B.—H. (text unchanged)

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services

Subtitle 04 POLICE TRAINING COMMISSION

12.04.01 General Regulations

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

Notice of Proposed Action

[15-096-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, proposes to amend Regulation .14 under COMAR 12.04.01 General Regulations. This action was considered by the Police Training Commission at a public meeting held on January 7, 2015.

Statement of Purpose

The purpose of this action is to provide that, if the Police Training Commission denies providing a waiver of the Commission's General Regulation requirements for an individual, the request for the waiver on behalf of the individual may not be again submitted to the Commission for 2 years.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas C. Smith, Director Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, Maryland 21784, or call 410-875-3605, or email to tcsmith@dpsc.state.md.us, or fax to 410-875-3584. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Correctional Training Commission during a public meeting to be announced.

.14 Waiver of a Selection or Training Standard.

A. — D. (text unchanged)

E. Waiver of an Entrance-Level Training Standard.

(1) — (7) (text unchanged)

(8) An agency head may [request] *petition* the Commission to review a decision by the Deputy Director to deny a waiver of an entrance-level training requirement.

F. A petition for a waiver on behalf of an individual may not again be submitted under this regulation within two years after the date on which the Commission has:

(1) *Denied the petition for the waiver on behalf of the individual; or*

(2) *Upheld the decision of the Deputy Director to deny the petition for a waiver.*

STEPHEN T. MOYER

Secretary of Public Safety and Correctional Services

Subtitle 10 CORRECTIONAL TRAINING COMMISSION

12.10.01 General Regulations

Authority: Correctional Services Article, §§2-109 and 8-208; *Public Safety Article*, §§3-207; Annotated Code of Maryland

Notice of Proposed Action

[15-098-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, proposes to amend Regulation .02 under **COMAR 12.10.01 General Regulations**. This action was considered by the Correctional Training Commission at a public meeting held on October 22, 2014.

Statement of Purpose

The purpose of this action is to clarify that the Correctional Training Commission has authority to audit records related to reporting requirements, selection standards, and training established by the Commission under COMAR 12.10.01. It provides the minimum time for records to be retained by a correctional unit or academy. It also provides the manner and time within which a correctional agency head is to report a term of incarceration served by a mandated employee.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas C. Smith, Director Policy and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, Maryland 21784, or call 410-875-3605, or email to tcsmith@dpsc.state.md.us, or fax to 410-875-3584. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

.02 Processing and Reporting Employment Status.

A. — B. (text unchanged)

C. Notification of Change in Employment or Certification Status.

(1) — (3) text unchanged

(4) Criminal Charges.

(a) (text unchanged)

(b) An agency head shall include in the notification required under §C(4)(a) of this regulation information concerning the conviction, *term of incarceration*, or allegations being reported.

(c) An agency head shall submit the notification under §C(4)(a) of this regulation to the Commission in a format or on a form approved by the Commission within 10 days of the date:

(i) A conviction *or term of incarceration* under §C(4)(a)(i), [or] (ii), (iii), or (iv) of this regulation became known to the agency head;

(ii) — (iii) (text unchanged)

(5) (text unchanged)

(6) *Audit and Records.*

(a) *The Commission has the legal authority to audit records of reporting requirements, selection standards and training provided according to this chapter.*

(b) *A correctional unit or academy shall retain records of an individual's:*

(i) *Training for a minimum of 3 years from the date the individual completed the training; and*

(ii) *Selection standards for a minimum of 5 years from the date an application for certification or recertification is submitted on behalf of the individual.*

STEPHEN T. MOYER

Secretary of Public Safety and Correctional Services

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

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

Authority: Education Article, §§2-205, 4-111, 7-203, 7-205, 7-205.1, and 8-404, Annotated Code of Maryland

Notice of Proposed Action

[15-095-P]

The Maryland State Board of Education proposes to amend Regulations .02, .06, and .09 under **COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland**. This action was considered at the Maryland State Board of Education meeting held on December 16, 2014.

Statement of Purpose

The purpose of this action is to revise assessment requirements during the upcoming 2 years of transition from HSA English and Algebra Assessments to the PARCC English 10 and Algebra I assessments.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Jack R. Smith, Chief Academic Officer, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-3646 (TTY 410-333-6442), or email to jack.smith@maryland.gov, or fax to 410-333-2275. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 19, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) “HSA” means the high school assessment aligned with the Maryland State Curriculum standards.

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

[(5)] (6) “Maryland High School Assessments” means the HSA, PARCC, or other tests in algebra, biology, English, and government developed or adopted by the Department that are aligned with and

measure a student’s skills and knowledge as set forth in the content standards for those subjects.

[(6)] (7) (text unchanged)

(8) “PARCC Assessment” means the assessment aligned with the Maryland College and Career Readiness standards.

.06 Maryland High School Assessments.

A. —D. (text unchanged)

E. Bridge Plan for Academic Validation.

(1) Eligibility Criteria. [A] *Except for the students identified in §G of this regulation, a student shall participate in the Bridge Plan for Academic Validation if the student has:*

(a)—(e) (text unchanged)

(2) (text unchanged)

F. Reporting Student Performance.

(1) (text unchanged)

(2) For the purpose of this section, “met all assessment requirements” means achieving a passing score on all Maryland High School Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge Plan in those assessment areas that the student did not pass[.] *or, for students identified in §G of this regulation, taking the assessments aligned with the HSA or PARCC Algebra I and/or English 10.*

G. Prior to the 2016—2017 school year, if a student has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course and has passed the course(s) but failed the assessment aligned with the course(s) that student is exempt from completing a Bridge Plan for Academic Validation.

.09 Diplomas and Certificates.

A. (text unchanged)

B. Maryland High School Diploma. Except as provided in Regulation .12 of this chapter, *and in §C of this regulation*, to be awarded a Maryland high school diploma, a student shall:

(1)—(2) (text unchanged)

(3) Satisfy one of the following:

(a) (text unchanged)

(b) Achieve [an overall] *a* combined score(s) as established by the Department on the Maryland High School Assessments [for algebra, biology, English, and government];

(c) Achieve a score as established by the Department on Department-approved substitute assessments for algebra, biology, English, and government, aligned with the Maryland High School Assessments such as Advanced Placement examinations, SAT I, SAT II, ACT, and International Baccalaureate examinations; [or]

(d) [If the] *In school years 2016—2017 and beyond, if a student is unable to meet the requirements in §B(3)(a)—(c) of this regulation, then satisfactorily complete the requirements of the Bridge Plan for Academic Validation as set forth in Regulation .06E of this chapter[.]; or*

(e) Prior to the 2016—2017 school year, if a student has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course and has passed the course(s) but failed the assessment aligned with the course(s) that student is exempt from completing a Bridge Plan for Academic Validation.

C. *Any student who has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course prior to the 2016—2017 school year may meet the graduation requirements for Algebra I and/or English 10 in the following ways:*

(1) *Passing the course(s) and passing the assessments aligned with the Algebra I and/or English 10 course; or*

(2) *Passing the course(s) and taking the assessment aligned with the Algebra I and/or English 10 course at least one time.*

[C.] D. Maryland High School Diploma by Examination.

(1)—(2) (text unchanged)

[D.] E. Maryland High School Certificate of Program Completion.

- (1) (text unchanged)
 - (a) (text unchanged)
 - (i)—(iii) (text unchanged)
 - (iv) [Day programming] *Other services that are integrated in the community;* or
 - (b) (text unchanged)
- (2) (text unchanged)
- (3) The *final* decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student’s last year in high school.
- (4) —(5) (text unchanged)

[E.] F. Local Endorsements. Consistent with procedures established by the Department, each local school system may add endorsements to the diploma as incentives for students to meet locally established requirements and outcomes in instruction beyond the minimums specified by the State.

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

Subtitle 15 FAMILY CHILD CARE

Notice of Proposed Action

[15-091-P]

The State Superintendent of Schools proposes to:

- (1) Amend Regulation .02 under **COMAR 13A.15.02 Registration Application and Maintenance;**
- (2) Amend Regulations .02—.05 under **COMAR 13A.15.03 Management and Administration;**
- (3) Amend Regulation .04 under **COMAR 13A.15.05 Home Environment and Equipment;**
- (4) Amend Regulation .02 under **COMAR 13A.15.06 Provider Requirements;**
- (5) Amend Regulation .01 and repeal Regulation .03 under **COMAR 13A.15.08 Child Supervision;**
- (6) Amend Regulations .01 and .02 under **COMAR 13A.15.09 Program Requirements;**
- (7) Amend Regulation .04 under **COMAR 13A.15.11 Health;** and
- (8) Amend Regulation .01 under **COMAR 13A.15.12 Nutrition.**

Statement of Purpose

The purpose of this action is to permit temporary admission to care under certain circumstances; require a plan of action in response to a notice of contaminated water; establish requirements to accommodate breast-feeding mothers; strengthen requirements for accommodation of children with special needs; limit the use of noneducational electronic media by children in care; and clarify requirements regarding the provision of milk and other beverages.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 (TTY 410-333-6442), or email to elizabeth.kelley@maryland.gov, or fax to 410-333-6622. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

13A.15.02 Registration Application and Maintenance

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Initial Registration.

- A. (text unchanged)
- B. An applicant for an initial registration shall:
 - (1)—(6) (text unchanged)
 - (7) As applicable, submit documentation that:
 - (a) (text unchanged)
 - (b) If the home is located in a condominium or residence which requires homeowners’ association membership, the applicant has homeowner’s liability insurance coverage as required by Maryland law; [and]
 - (8) Submit documentation that the applicable training requirements specified in COMAR 13A.15.06.02 have been met[.]; and
 - (9) *Submit documentation showing that the home has met all applicable lead-safe environment requirements set forth in COMAR 13A.15.05.02.*
- C. (text unchanged)

13A.15.03 Management and Administration

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Admission to Care.

- A. The provider may not admit a child to the home for child care or allow a child to remain in care unless the provider has received:
 - (1) An emergency form for the child as required in Regulation .04A(1) of this chapter; and
 - [(2) A written report of a health assessment of the child on a form supplied or approved by the office; and
 - (3) Evidence, on a form supplied or approved by the office, that the child has had immunizations appropriate for the child’s age that meet the immunization guidelines set by the Maryland Department of Health and Mental Hygiene.]
 - (2) *Unless the child is temporarily admitted or retained pursuant to §D of this regulation:*
 - (a) *A written report of a health assessment of the child on a form supplied or approved by the office; and*
 - (b) *Evidence, on a form supplied or approved by the office, that the child has had immunizations appropriate for the child’s age that meet the immunization guidelines set by the Maryland Department of Health and Mental Hygiene.*
- B.—C. (text unchanged)

D. Temporary Admission.

(1) A provider may temporarily admit or retain a child in care if the child's parent or guardian is unable to provide documentation of immunization as required in §A(3)(a) and (b) of this regulation.

(2) For a child to be temporarily admitted or retained in care, the parent or guardian shall present evidence of the child's appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening;

(b) Receive a required immunization;

(c) Acquire evidence of age-appropriate immunizations on a form approved by the office; or

(d) Reconstruct a lost record.

(3) The date of appointment, set pursuant to §D(2) of this regulation, may not be later than 20 calendar days following the date the child was temporarily admitted or retained in care.

(4) A provider shall exclude from care a child who has been temporarily admitted or retained in care if the parent fails to provide the documentation required by §A(2) of this regulation within 3 business days after the date of the appointment made pursuant to §D(2) of this regulation.

.03 Program Records.

The provider or substitute shall:

A.—D. (text unchanged)

E. Document that, on or before the date of a child's admission to care, the child's parent was given, or was advised how to obtain, [the consumer education pamphlet on child care supplied by the office] information that is supplied by the office concerning:

(1) Consumer education on child care; and

(2) How to file a complaint with the office against a child care provider.

F.—G. (text unchanged)

.04 Child Records.

A.—A-1. (text unchanged)

B. During the period of a child's enrollment and for 2 years after the child's disenrollment, a provider shall maintain a file for each child that includes records of:

(1) (text unchanged)

(2) The child's health assessment, immunizations, and allergies, if any, to include:

(a) If the child is [less] younger than 6 years old, evidence that the child has received an appropriate lead screening as required by State or local law; and

(b) (text unchanged)

(3)—(6) (text unchanged)

C. A medical evaluation and, if applicable, documentation of an appropriate lead screening that are transferred directly from another registered family child care home, a licensed child care center, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of §B(2) of this regulation.

.05 Notifications.

The provider or substitute shall:

A.—F. (text unchanged)

G. Within 10 business days of receiving notice of a contaminated drinking water supply, send a written notice of the drinking water contamination to the parent or legal guardian of each child enrolled that:

(1) Identifies the contaminants and their levels; and

(2) Describes how the provider will furnish uncontaminated drinking water for children in care until the original water supply is determined by the appropriate authority to be safe for consumption.

13A.15.05 Home Environment and Equipment

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Rooms Used for Care.

A.—C. (text unchanged)

D. In a home approved to provide care for infants or toddlers, the provider shall designate space for mothers to breastfeed or express breast milk that:

(1) Is not located in a bathroom;

(2) Has access to an electrical outlet;

(3) Has appropriate seating;

(4) Has access to running water; and

(5) Accommodates a mother's need for privacy.

13A.15.06 Provider Requirements

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Training Requirements.

A. Preservice Training. An individual who applies for an initial registration shall:

(1) (text unchanged)

(2) Provide documentation of having successfully completed:

(a)—(f) (text unchanged)

(g) Other course work approved by the office; [and]

(3) Complete approved training on emergency and disaster planning[.]; and

(4) If applying on or after January 1, 2016, complete:

(a) Approved training in supporting breastfeeding practices;

(b) 3 clock hours of approved training in complying with the Americans with Disabilities Act; and

(c) Approved training in medication administration.

B.—G. (text unchanged)

H. Medication Administration Training. Effective January 1, 2016:

(1) The office may not approve an application for an initial registration or a continuing registration unless the applicant has completed medication administration training approved by the office; and

(2) A currently registered provider shall have completed medication administration training approved by the office.

13A.15.08 Child Supervision

Authority: Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 General Supervision.

A. (text unchanged)

B. Except as provided in Regulation .02C and D of this chapter, when a child is in attendance, the individual responsible for supervising the child shall at all times:

(1)—(4) (text unchanged)

(5) Provide supervision *that is* appropriate to the individual age, needs, capabilities, activities, and location of the child[.] *and may include, but not be limited to:*

(a) *Making reasonable accommodations for a child with special needs in accordance with applicable federal and State laws; and*

(b) *If applicable, allowing an adult who provides specialized services to a child in care having special needs to provide those services at the home in accordance with the child’s individualized education plan, individualized family services plan, or written behavioral plan.*

C. (text unchanged)

[D.] (proposed for repeal)

D. *Supervision of Resting Children.*

(1) *If a resting or napping child is younger than 2 years old, the provider or substitute shall:*

(a) *Remain within sight and sound of the child; and*

(b) *Observe the child at least every 15 minutes to determine that the child is safe, breathing normally, and in no physical distress.*

(2) *If a resting or napping child is 2 years old or older, the child:*

(a) *May be on a different level of the home from the provider or substitute if:*

(i) *That level is approved by the office for child care use;*

and

(ii) *The provider has informed the child’s parent that the child is permitted to be on a different level of the home; and*

(b) *Shall be observed by the provider or substitute to ensure the child’s safety and comfort at intervals appropriate to the child’s age and individual need.*

(3) *If a resting or napping child is in a different room from the provider or substitute and that room can be closed off from the rest of the home by a door, screen, or similar furnishing, the provider or substitute shall ensure that the door, screen, or similar furnishing remains open so that the view into the room is unobstructed.*

E. *The provider may use a video and sound monitoring system to meet the sound and sight requirement in §D(1)(a) of this regulation.*

[E.] F. (text unchanged)

(7) *Include outdoor play in the morning and afternoon, except that outdoor play need not be included:*

(a) *When the weather is inclement; or*

(b) *If the provider is only caring for school age children before school hours.*

B. *Screen Time Activities.*

(1) *Definitions. In this section, the following terms have the meanings indicated:*

(a) *“Interactive technology” means educational and age-appropriate technology, including programs, applications (apps), noncommercial television programming, videos, streaming media, and ebooks, that is designed to:*

(i) *Facilitate active and creative use of technology; and*

(ii) *Encourage social engagement with other children and adults.*

(b) *“Passive technology” means noninteractive television, videos, and streaming media.*

(2) *Limited use of appropriate interactive technology may support, but may not replace, creative play, physical activity, hands-on exploration, outdoor experiences, social interactions, and other developmentally appropriate learning activities for children 2 years old or older.*

(3) *Viewing Restrictions. Except as set forth in §B(4) of this regulation, a child in attendance who is:*

(a) *Younger than 2 years old may not be permitted to view any passive technology; and*

(b) *2 years old or older may not be permitted to view more than 30 minutes of age-appropriate, educational passive technology per week.*

(4) *Exceptions.*

(a) *An occasional exception to the weekly passive technology viewing limit set forth in §B(3) of this regulation may be made for a special event or project, including a holiday or birthday celebration, or for educational content that is related to the family child care home’s curriculum.*

(b) *If an exception to the weekly passive technology viewing limit is made, a written record of the exception shall be made and retained on file that documents the:*

(i) *Nature and duration of the programming viewed; and*

(ii) *Reason for the exception.*

(5) *No child may be permitted to view any:*

(a) *Passive or interactive technology during a meal or a snack; or*

(b) *Media with brand placement or advertising for unhealthy or sugary food or beverages.*

(6) *The provider shall give the parent of each enrolled child a written screen time policy that addresses the use of passive and interactive technology during child care hours.*

.02 Materials and Equipment.

A. *Activity materials shall:*

(1) (text unchanged)

(2) *Support learning in:*

(a) (text unchanged)

(b) [Mathematics] *Mathematical thinking;*

(c) [Science] *Scientific thinking;*

(d) *Social studies; [and]*

(e) [The arts.] *Creative arts and dramatic play; and*

(f) *Gross motor and small motor skills.*

B. (text unchanged)

13A.15.09 Program Requirements

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Activities.

[Each child in care shall be provided with indoor and outdoor activities that are appropriate to the age, needs, and capabilities of the child.]

A. *The provider shall prepare, post, and follow a written schedule of daily activities and offer activities that:*

(1) *Promote the sound emotional, social, intellectual, and physical growth of each child;*

(2) *Are appropriate to the age, needs, and capabilities of the individual child;*

(3) *Include opportunities for individual and group participation;*

(4) *Include a balance between self-selected and provider-directed activities;*

(5) *Include a balance between active and quiet periods;*

(6) *Include periods of rest appropriate to the age, needs, and activities of the child; and*

13A.15.11 Health

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Medication Administration and Storage.

A.—F. (text unchanged)

G. *Effective January 1, 2016, medication may be administered to a child in care only by an individual who has completed approved medication training, unless:*

(1) *The individual is a registered nurse, licensed practical nurse, or medication technician certified by the Maryland Board of Nursing to administer medication to children in care; or*

(2) *Responsibility for administering medication to children in care has been delegated to the individual by a delegating nurse in accordance with COMAR 10.27.11.*

13A.15.12 Nutrition

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Nutrition and Food Served.

[A.]—[C.] (proposed for repeal)

A. *Food and beverages that are furnished by a provider for meals or snacks, or both, shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.*

B. *For children in care, the provider shall furnish:*

(1) *All beverages, including beverages for meals and snacks; and*

(2) *Milk with all meals.*

C. *A beverage furnished by the provider may not contain an added sweetener or caffeine, except for:*

(1) *Infant formula; or*

(2) *A beverage prescribed for a child by a health care provider.*

D. *If the child is:*

(1) *Younger than 2 years old, milk furnished to the child shall be supplied or approved by the child’s parent; or*

(2) *2 years old or older, milk furnished to the child by the provider shall be 1% fat milk or nonfat milk, unless otherwise ordered by a health care provider or requested by the child’s parent.*

E. *The provider may arrange with the child’s parent to furnish milk of a type that is different from the milk ordinarily furnished by the provider.*

F. *Except during approved hours of overnight care, a provider shall serve meals and snacks at intervals of not more than 3 hours according to the following schedule:*

<i>If a child is at providers home for:</i>	<i>The child shall receive at least:</i>
<i>Less than 4 consecutive hours</i>	<i>1 snack</i>
<i>4 to 7 consecutive hours</i>	<i>1 meal and 1 snack</i>
<i>7 to 11 consecutive hours</i>	<i>1 meal and 2 snacks or 2 meals and 1 snack</i>
<i>11 to 14 consecutive hours</i>	<i>2 meals and 2 snacks or 3 meals and 1 snack</i>

G. If a provider chooses not to provide meals, the provider shall make arrangements with the parent of each child to provide food for meals.

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

Subtitle 16 CHILD CARE CENTERS

Notice of Proposed Action

[15-092-P]

The State Superintendent of Schools proposes to amend:

(1) Regulation .02 under **COMAR 13A.16.01 Scope and Definitions;**

(2) Regulations .02—.04 and .06 under **COMAR 13A.16.02 License Application and Maintenance;**

(3) Regulations .02 and .04—.06 under **COMAR 13A.16.03 Management and Administration;**

(4) Regulation .03 under **COMAR 13A.16.05 Physical Plant and Equipment;**

(5) Regulations .02, .05, .06, and .08—.13 under **COMAR 13A.16.06 Staff Requirements;**

(6) Regulations .01—.03 under **COMAR 13A.16.08 Child Supervision;**

(7) Regulation .01 under **COMAR 13A.16.09 Program Requirements;**

(8) Regulation .01 under **COMAR 13A.16.12 Nutrition;** and

(9) Regulation .06 under **COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools.**

Statement of Purpose

The purpose of this action is to permit temporary admission to care under certain circumstances; require a plan of action in response to a notice of contaminated water; establish requirements to accommodate breast-feeding mothers; strengthen requirements for accommodation of children with special needs; limit the use of noneducational electronic media by children in care; and clarify requirements regarding the provision of milk and other beverages.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 (TTY 410-333-6442), or email to elizabeth.kelley@maryland.gov, or fax to 410-333-6622. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

13A.16.01 Scope and Definitions

Authority: Family Law Article, §§5-502, 5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(13) (text unchanged)

(14) Child Care.

(a) (text unchanged)

(b) “Child care” does not mean:

(i) [Group lessons or classes providing specialized training in a specific subject, unless provided in a pattern indicating that a child care center is being operated or that custodial supervision of children is being provided in addition to the specialized training] *A before-school or after-school activity conducted or sponsored by a public or nonpublic school that is approved or exempt from approval by the Maryland State Department of Education;*

(ii) (text unchanged)

[(iii) School-age recreational or supplementary education programs operated by a local department of recreation and parks, law enforcement agency, or a public or nonpublic school, if custodial supervision is not the primary purpose of the program;]

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

(15) Child Care Center.

(a) “Child care center” means an agency, institution, or establishment that, [for part or all of the day] *on a regular schedule for at least 2 days per week and for at least 2 hours per day*, or on a 24-hour basis [on a regular schedule, and at least twice a week], offers or provides child care to children who do not have the same parentage, except as otherwise provided for in law or regulation.

(b) “Child care center” includes:

(i) A nonpublic nursery school approved under Education Article, §2-206, Annotated Code of Maryland, in which an educational program is offered or provided for children who are 2 years old or older but younger than 5 years old; [and]

(ii) *A facility providing specialized training in a specific discipline or subject that also offers a child-related service such as, but not limited to, transportation, free play, meals or snacks, tutoring, or homework sessions; and*

[(ii)] (iii) (text unchanged)

(c) (text unchanged)

(16)—(53) (text unchanged)

(54) School Building.

(a) “School building” means a facility that houses [an instructional program for kindergarten, a higher grade or grades, or any combination of grades.];

(i) *A nursery school;*

(ii) *An instructional program for kindergarten, a higher grade or grades, or any combination of grades; or*

(iii) *A combination of the entities specified in §B(54)(a)(i) and (ii) of this regulation.*

[(b) “School building” may include a facility that houses a nursery school as well as higher grades.]

[(c)] (b) (text unchanged)

(55)—(60) (text unchanged)

13A.16.02 License Application and Maintenance

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Initial License.

A. An individual or organization not currently licensed and wanting to operate a child care center shall:

(1) (text unchanged)

(2) File a notice of intent with the office before applying for permits in connection with construction or operation of a center; [and]

(3) Submit to the office at least 60 days before the proposed opening date a completed and signed application form, supplied by the office, that contains a statement of truthfulness and commitment to comply with this subtitle[.]; *and*

(4) *Ensure that an application for a federal and State criminal background check is submitted for:*

(a) *The applicant, if the applicant is an individual who will have frequent contact with children who are cared for in the facility;*

(b) *The director;*

(c) *Each employee, including paid substitutes; and*

(d) *Each individual 14 years old or older living on the child care center premises.*

B. Before the proposed opening date, the applicant shall submit the following items to the office, if not submitted at the time the written application form was submitted:

[(1) Documentation of application for criminal background checks for:

(a) The applicant, if the applicant is an individual who will have frequent contact with children who are cared for in the facility;

(b) The director;

(c) Each employee, including paid substitutes; and

(d) Each individual 14 years old or older living on the same premises as the child care center;]

[(2)] (1)—[(13)] (12) (text unchanged)

.03 Continuing License.

A. Obtaining a Continuing License. An operator shall submit to the office, before expiration of the initial license:

(1) (text unchanged)

(2) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about all individuals, as applicable, specified at Regulation [.02B(2)] .02B(1) of this chapter; and

(3) (text unchanged)

B. (text unchanged)

C. Maintaining a Continuing License.

(1)—(2) (text unchanged)

(3) By the end of each 24-month period after the date of issuance of a continuing license, the operator shall provide to the office:

(a) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about all individuals, as applicable, specified at Regulation [.02B(2)] .02B(1) of this chapter; and

(b) (text unchanged)

(4) (text unchanged)

.04 Provisional and Conditional Status.

A. Provisional Status.

(1) (text unchanged)

(2) An initial license may not be approved if the Office has not yet received evidence that the applicant and each individual, as applicable, specified at Regulation [.02B(1) and (2)] .02A(4) and B(1) of this chapter has successfully passed a federal and State criminal background check and a review of child *and adult* abuse and neglect records.

(3)—(4) (text unchanged)

B. (text unchanged)

.06 Denial of License.

A. An office may deny an application for an initial license or a continuing license if:

(1)—(5) (text unchanged)

(6) An evaluation of criminal records or records of abuse or neglect of children and adults indicates, for those identified in Regulation [.02B(1) and (2)] .02A(4) and .02B(1) of this chapter, behavior harmful to children; or

(7) (text unchanged)

B.—C. (text unchanged)

13A.16.03 Management and Administration

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Admission to Care.

A. An operator may not admit a child for care unless the operator has:

- (1) Met the applicable requirements of this regulation; and
- (2) Received the written records required by Regulation .04C—

H of this chapter, *unless the child is temporarily admitted or retained in care on a temporary basis pursuant to §F of this regulation.*

B. (text unchanged)

C. As part of the admission process, the operator shall:

(1) Give the parent, or advise the parent how to obtain, [a consumer education pamphlet on child care that is supplied by the office; and] *information that is supplied by the office concerning:*

- (a) *Consumer education on child care;*
- (b) *How to file a complaint against the child care center;*

and

(2) (text unchanged)

D.—E. (text unchanged)

F. *Temporary Admission to Care.*

(1) *An operator may temporarily admit or retain a child in care if:*

- (a) *The child is homeless; or*
- (b) *The child's parent is unable to provide the health-related records specified in Regulation .04D, E, G, or H of this chapter.*

(2) *For a child to be temporarily admitted or retained in care, the parent shall present evidence of the child's appointment with a health care provider or local health department to:*

- (a) *Receive a medical evaluation to include, if applicable, a lead screening;*
- (b) *Receive a required immunization;*
- (c) *Acquire evidence of age-appropriate immunizations on a form approved by the office; or*
- (d) *Reconstruct a lost health record.*

(3) *The date of the appointment required by §F(2) of this regulation may not be later than 20 calendar days after the date the child was temporarily admitted or retained.*

(4) *An operator shall exclude from care a child who has been temporarily admitted or retained in care if the parent fails to provide*

evidence of the required health-related information within 3 business days after the date of the appointment made pursuant to §F(2) of this regulation.

.04 Child Records.

A.—D. (text unchanged)

E. If the child is younger than 6 years old, there shall be documentation that the child has received an appropriate lead screening as required by State or local law, *unless the child is a school-age child who attends a school-age program located in the child's school.*

F. A medical evaluation and, if applicable, documentation of an appropriate lead screening that are transferred directly[, without a gap in time longer than 3 months,] from a registered family [day] child care home, another licensed child care center, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of §§D(3) and E of this regulation.

G. [There shall be] *Unless a school-age child attends a school-age program located in the child's school, the operator shall obtain, and maintain at the center, an immunization record showing that:*

(1)—(4) (text unchanged)

H.—K. (text unchanged)

.05 Staff Records.

The operator shall:

A.—B. (text unchanged)

C. During an individual's employment at the center and for 2 years after the date of the individual's last employment there, maintain a record for each individual that includes:

- (1)—(2) (text unchanged)
- (3) [Employment] *An employment medical evaluation;*
- (4) *Criminal background check results, except that the operator shall destroy the record of those results immediately after the last day of the individual's employment; and*

(5) [Date] *The date on which the staff member received the written information required by COMAR 13A.16.06.02;*

D.—E. (text unchanged)

.06 Notifications.

The operator shall:

A. Within 5 working days of [adding a new employee or staff member, provide to the office] *its occurrence, provide written notification to the office about the:*

[(1) Written notification of the individual's addition to the center staff;

(2) Information about the individual's work assignment; and

(3) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about the individual;]

(1) *Addition of a new employee or staff member that includes:*

(a) *The individual's full name, date of birth, and date of hire;*

(b) *Information about the individual's work assignment; and*

(c) *Signed and notarized permission to examine records of abuse and neglect of children and adults for information about the individual; and*

(2) *Ending of employment, for whatever reason, of an individual that includes the:*

(a) *Individual's full name; and*

(b) *Date of the individual's last day of employment.*

B.—D. (text unchanged)

[E. Immediately notify the office if an employee's criminal background check received on or after October 1, 2005, reports a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime listed at COMAR 12.15.02.07B;]

[F.] E. Immediately notify the office of:

- (1) (text unchanged)
- (2) A change at the center which may affect the status of the license, including but not limited to:
 - (a)—(b) (text unchanged)
 - (c) Telephone number; [and]

[G.] F. Within 5 working days after there is a new resident on the premises who is 18 years old or older:

- (1) (text unchanged)
- (2) [Ensure that the resident applies] *Direct the resident to apply for a federal and State criminal background check[.]; and*

G. *Within 10 business days of receiving notice from the center's supplier of water that the drinking water is contaminated, send a written notice of the contamination to the parent of each child enrolled that:*

- (1) *Identifies the contaminants and their levels; and*
- (2) *Describes the plan for dealing with the water contamination problem until the water is determined by the appropriate authority to be safe for consumption.*

13A.16.05 Physical Plant and Equipment

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.03 Indoor Space.

A.—B. (text unchanged)

C. In centers that care for infants or toddlers[, diapering stations shall be included in calculating the square footage of floor space provided for each child.]:

(1) *Diapering stations shall be included in calculating the square footage of floor space provided for each child; and*

(2) *The operator shall designate space for mothers to breastfeed or express breast milk that:*

- (a) *Is not located in a bathroom;*
- (b) *Has access to an electrical outlet;*
- (c) *Has appropriate seating; and*
- (d) *Has access to running water.*

D. In a [small] center *located in a residence*, the space for children may include space within the family living area.

13A.16.06 Staff Requirements

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Staff Orientation.

On or before assignment, an operator shall [ensure and] document that each employee and staff member has been informed in writing about all areas pertinent to the health and safety of the children, including:

A.—H. (text unchanged)

I. Signs and symptoms of abuse and neglect in children; [and]

J. The content of the most current regulations in this subtitle[.]; and

K. *The community resources available to the family of a child who may have special needs.*

.05 Directors of All Child Care Centers — General Requirements.

A. (text unchanged)

B. To qualify as a director of a center, an individual shall:

(1)—(2) (text unchanged)

(3) Have successfully completed:

(a) 9 clock hours of approved preservice training in communicating with staff, parents, and the public, *or at least one academic college course for credit; [and]*

(b) 3 semester hours or their equivalent of approved administrative training[.]; *unless approved as a school-age center director in a center authorized to serve only school-age children; and*

(c) *Effective January 1, 2016, 3 clock hours of approved training in complying with the Americans with Disabilities Act;*

(4)—(5) (text unchanged)

C. (text unchanged)

.06 Directors of Preschool Centers — Specific Requirements.

A. In a preschool center with infants or toddlers in care, a director, in addition to meeting the requirements of §§B—D of this regulation, as applicable, shall have [3 semester hours of approved training or the equivalent related exclusively to the care of infants and toddlers.]:

(1) *3 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; and*

(2) *Effective January 1, 2016, approved training in supporting breastfeeding practices.*

B.—F. (text unchanged)

.08 Specific Requirements for Directors in Combined Preschool and School Age Centers.

A.—B. (text unchanged)

C. If a school age center *located in a public or nonpublic school* enrolls [any infants or toddlers or] more than five children younger than kindergarten age *who are not enrolled in that school*, the operator shall provide a director who meets the requirements, based on the total capacity of the center, for both a preschool center director and a school age center director.

.09 Child Care Teachers in Preschool Centers.

A. To qualify as a child care teacher in a preschool center, an individual shall be 19 years old or older, and meet one of the following criteria:

(1) The individual holds or has successfully completed:

(a)—(b) (text unchanged)

(c) 9 clock hours of approved preservice training in communicating with staff, parents, and the public, *or at least one academic college course for credit; [and]*

(d) *Effective January 1, 2016, 3 clock hours of approved training in complying with the Americans with Disabilities Act; and*

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

(2)—(4) (text unchanged)

B. (text unchanged)

C. [Unless qualified by the office before July 1, 2008, to supervise a group of infants or toddlers, a] *A child care teacher wishing to supervise a group of infants or toddlers shall:*

(1) [Meet the requirements of §A of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; or] *Unless qualified by the office before July 1, 2008, to supervise a group of infants or toddlers:*

(a) *Meet the requirements of §A of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; or*

(b) *Meet the requirements of §A(1)(a), (c), and (d) of this regulation and have completed 6 semester hours of approved*

training, or the equivalent, related exclusively to the care of infants and toddlers; and

(2) [Be 19 years old or older and:

(a) Meet the requirements of §A(1)(a), (c), and (d) of this regulation; and

(b) Have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers.] *Effective January 1, 2016, have completed approved training in supporting breastfeeding practices.*

.10 Child Care Teachers in School Age Centers.

A. (text unchanged)

B. The individual shall meet one of the following:

(1) The individual has successfully completed:

(a) (text unchanged)

(b) 9 clock hours of approved preservice training in communicating with staff, parents, and the public[; and], *or at least one academic college course for credit;*

(c) *Effective January 1, 2016, 3 clock hours of training in ADA compliance; and*

[(c)] (d) (text unchanged)

(2) *The individual holds a bachelor's degree in:*

(a) *Early childhood education, elementary education, special education, or child development; or*

(b) *Any academic subject and has 1,800 hours of experience working with school-age children in an approved setting.*

[(2)] (3)—[(3)] (4) (text unchanged)

C. (text unchanged)

.11 Assistant Child Care Teacher.

A. To qualify as an assistant child care teacher in a school age center, an individual shall:

(1)—(2) (text unchanged)

(3) Have completed 9 clock hours of approved preservice training in communicating with staff, parents, and the public, *or have completed at least one academic college course for credit;* and

(4) (text unchanged)

B.—E. (text unchanged)

.12 Aides.

A. (text unchanged)

B. [An individual hired on or after January 1, 2009, to work as an aide] *Unless an individual, hired on or after January 1, 2009, to work as an aide, has completed 90 clock hours or the equivalent in early childhood education preservice training, the individual shall complete, within 6 months after the date of hire, an orientation session that follows guidelines established by the office and includes, but is not limited to:*

(1)—(3) (text unchanged)

.13 Substitutes.

A.—D. (text unchanged)

E. *In a center where staff/child ratio and group size requirements set forth in COMAR 13A.16.08.03 require the presence of only one staff member, the substitute shall be qualified as a director or a teacher.*

13A.16.08 Child Supervision

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Individualized Attention and Care.

An operator shall ensure that:

A. Each child receives:

(1) Attention to the child's individual needs[; and], *including but not limited to:*

(a) *Making reasonable accommodations for a child with special needs in accordance with applicable federal and State laws; and*

(b) *Allowing an adult who provides specialized services to a child with special needs access to provide those services on the facility premises as specified in the child's individualized education plan, individualized family service plan, or written behavioral plan; and*

(2) (text unchanged)

B.—E. (text unchanged)

.02 Supervision by Qualified Staff.

A. At all times while in care, each child shall be assigned to a group of children that is supervised by [a child care teacher who meets the requirements of COMAR 13A.16.06.09 or .10, depending on the age composition of the group.] *an individual who:*

(1) *Meets the requirements of COMAR 13A.16.06.09 or .10, depending on the age composition of the group; or*

(2) *Has received a variance, issued by the Office, from the requirements of COMAR 13A.16.06.09 or .10 in order to serve as a teacher for the purpose of providing instruction to the group in a specific discipline such as, but not limited to, karate, dance, or music.*

B.—D. (text unchanged)

.03 Group Size and Staffing.

A.—C. (text unchanged)

[D.]—[F.] (proposed for repeal)

D. *Mixed-Age Groups.*

(1) *In a mixed-age group with infants or toddlers, the following minimum staffing levels apply:*

Group Composition	Maximum Group Size	Minimum Staffing Level
Group includes 1 or 2 infants	9	2 staff members
Group includes 3 or more infants	6	2 staff members
Group includes 1 or 2 toddlers	12	2 staff members
Group includes 3 toddlers	9	2 staff members
Group includes 4 or more toddlers	9	3 staff members
Group includes no infants, 1 or 2 toddlers, and 6 or more 2 year olds	12	3 staff members

(2) *In a mixed-age group with preschool children:*

(a) *The group size may not exceed 20 children;*

(b) *If the group contains preschool children 3 years old or older, the staff-to-child ratio is 1 to 10;*

(c) *If the group size is 13 to 20 children, the group may not contain more than six 2-year-olds; and*

(d) If the group contains children who are 2 years old and the group size varies, the following minimum staffing levels apply:

Group Composition	Group Size	Minimum Staffing Level
Group includes one to three 2-year-old children	7 to 10	1 staff member
Group includes four or more 2-year-old children	7 to 10	2 staff members
Group includes one to three 2-year-old children	13 to 20	2 staff members
Group includes four to six 2-year-old children	13 to 20	3 staff members

(3) School-Age Groups. In a group where 3-year-old and 4-year-old children, enrolled in a public or nonpublic school, are mixed with school-age children, the following minimum staffing levels and maximum group size requirements apply:

Group Composition	Maximum Group Size	Minimum Staffing Level
Group includes up to five children 3 or 4 years old	30	1 school-age teacher and 1 assistant or aide
Group includes 6 to 9 children 3 or 4 years old	30	1 school-age teacher and 2 assistants or 1 school age teacher, 1 assistant and 1 aide
Group includes 6 to 9 children 3 or 4 years old	25	1 school-age teacher and 1 assistant or aide
Group includes 10 or more children 3 or 4 years old	20	1 preschool teacher and 1 assistant or aide

[G.] E. (text unchanged)

13A.16.09 Program Requirements

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Schedule of Daily Activities for All Children.

A.—B. (text unchanged)

C. Screen Time Activities.

(1) Definitions. In this section, the following terms have the meanings indicated:

(a) “Interactive technology” means educational and age-appropriate technology, including programs, applications (apps), noncommercial television programming, videos, streaming media, and ebooks, that is designed to:

- (i) Facilitate active and creative use of technology; and
- (ii) Encourage social engagement with other children and adults.

(b) “Passive technology” means noninteractive television, videos, and streaming media.

(2) Limited use of appropriate interactive technology may support, but may not replace, creative play, physical activity, hands-

on exploration, outdoor experiences, social interactions, and other developmentally appropriate learning activities for children 2 years old or older.

(3) Viewing Restrictions. Except as set forth in §C(4) of this regulation, a child in attendance who is:

(a) Younger than 2 years old may not be permitted to view any passive technology; and

(b) 2 years old or older may not be permitted to view more than 30 minutes of age-appropriate, educational passive technology per week.

(4) Exceptions.

(a) An occasional exception to the weekly passive technology viewing limit set forth in §C(3) of this regulation may be made for a special event or project, including a holiday or birthday celebration, or for educational content that is related to the center’s curriculum.

(b) If an exception to the weekly passive technology viewing limit is made, a written record of the exception shall be made and retained on file that documents the:

- (i) Nature and duration of the programming viewed; and
- (ii) Reason for the exception.

(5) No child may be permitted to view any:

(a) Passive or interactive technology during a meal or a snack; or

(b) Media with brand placement or advertising for unhealthy or sugary food or beverages.

(6) The operator shall give the parent of each enrolled child a written screen time policy that addresses the use of passive and interactive technology during child care hours.

13A.16.12 Nutrition

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Food Service.

A. [Food and beverages which are furnished by an operator for meals or snacks, or both, shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.] *Food and Beverages.*

(1) Food and beverages that are furnished by an operator for meals or snacks, or both, shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.

(2) For children in care, the operator shall furnish:

(a) All beverages, including beverages for meals and snacks; and

(b) Milk with all meals.

(3) A beverage furnished by the operator may not contain an added sweetener or caffeine, except for:

(a) Infant formula; or

(b) A beverage prescribed for a child by a health care provider.

(4) If a child is:

(a) Younger than 2 years old, milk furnished to the child shall be supplied or approved by the child’s parent; or

(b) 2 years old or older, milk furnished to the child by the operator shall be 1% fat milk or nonfat milk, unless otherwise ordered by a health care provider or requested by the child’s parent.

(5) *The operator may arrange with a child's parent to furnish milk of a type that is different from the milk ordinarily furnished by the operator.*

(6) *The operator shall keep a supply of nutritious food on hand in order to provide food to a child whose parent has not supplied:*

(a) *Food for meals or snacks; or*

(b) *Sufficient food to meet the standards of the Child and Adult Care Food Program of the U.S. Department of Agriculture.*

B. (text unchanged)

[C.] (proposed for repeal)

[D.] C.—[E.] D. (text unchanged)

[F.] (proposed for repeal)

[G.] E. (text unchanged)

13A.16.16 Educational Programs in Nonpublic Nursery Schools

Authority: Education Article, §§2-206 and 2-303; Family Law Article, §§5-570, 5-573, and 5-577; Annotated Code of Maryland

.06 Personnel Qualifications.

A. Educational Program Administrator.

(1) (text unchanged)

(2) An individual hired as the educational program administrator at a minimum shall meet the standards established in [§B(3)] §C(3) of this regulation.

(3)—(4) (text unchanged)

B. (text unchanged)

C. Teachers.

(1) (text unchanged)

(2) A teacher, regardless of whether the employment status of the teacher is full-time, part-time, paid, volunteer, or substitute, shall meet the requirements of [§B(3)] §C(3) of this regulation.

(3)—(4) (text unchanged)

(5) If the degree, college credit, or foreign credential required [at §B(3)] by §C(3) of this regulation does not include at least 6 semester hours of approved early childhood coursework, the teacher shall, in addition:

(a)—(b) (text unchanged)

(6)—(8) (text unchanged)

D. An individual who provides assistance to a teacher in a class is not required to meet the requirements of [§B(3)] §C(3) or (7) of this regulation.

E. (text unchanged)

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

Subtitle 17 CHILD CARE — LETTERS OF COMPLIANCE

Notice of Proposed Action

[15-093-P]

The State Superintendent of Schools proposes to amend:

(1) Regulation .02 under COMAR 13A.17.01 **Scope and Definitions**;

(2) Regulations .02—.04 and .06 under COMAR 13A.17.02 **Letter of Compliance Application and Maintenance**;

(3) Regulations .02 and .04—.06 under COMAR 13A.17.03 **Management and Administration**;

(4) Regulation .02 under COMAR 13A.17.06 **Staff Requirements**;

(5) Regulation .01 under COMAR 13A.17.08 **Child Supervision**;

(6) Regulation .01 under COMAR 13A.17.09 **Program Requirements**; and

(7) Regulation .01 under COMAR 13A.17.12 **Nutrition**.

Statement of Purpose

The purpose of this action is to permit temporary admission to care under certain circumstances; require a plan of action in response to a notice of contaminated water; establish requirements to accommodate breast-feeding mothers; strengthen requirements for accommodation of children with special needs; limit the use of noneducational electronic media by children in care; and clarify requirements regarding the provision of milk and other beverages.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 (TTY 410-333-6442), or email to elizabeth.kelley@maryland.gov, or fax to 410-333-6622. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

13A.17.01 Scope and Definitions

Authority: Family Law Article, §§5-502, 5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) “Child” means an individual:

(a) [6 weeks] 2 years old or older and younger than 16 years old; or

(b) (text unchanged)

(9)—(40) (text unchanged)

(41) School Building.

(a) “School building” means a facility that houses [an instructional program for kindergarten, a higher grade or grades, or any combination of grades.]:

(i) A nursery school;

(ii) An instructional program for kindergarten, a higher grade or grades, or any combination of grades; or

(iii) A combination of the entities specified in §B(41)(a)(i) and (ii) of this regulation.

[(b) “School building” may include a facility that houses a nursery school as well as higher grades.]

[(c)] (b) (text unchanged)

(42)—(46) (text unchanged)

13A.17.02 Letter of Compliance Application and Maintenance

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Initial Letter of Compliance.

A. Application Requirements. An individual or organization that does not currently hold a letter of compliance and wishes to operate a nursery school or child care program under this subtitle shall:

(1) File a notice of intent with the office before applying for permits in connection with construction or operation of a facility; [and]

(2) File with the office at least 60 days before the proposed opening date a signed and completed application form supplied by the office[.]; and

(3) Ensure that an application for a federal and State criminal background check is submitted for:

(a) The applicant, if the applicant is an individual who will have frequent contact with children who are cared for in the facility;

(b) The director;

(c) Each employee, including paid substitutes; and

(d) Each individual 14 years old or older living on the child care facility premises.

B. Before the proposed opening date, the applicant shall submit the following items to the office, if not submitted at the time the written application form was submitted:

[(1) Documentation of application for criminal background checks for:

(a) The applicant, if the applicant is an individual who will have frequent contact with children who are cared for in the facility;

(b) The director;

(c) Each employee, including paid substitutes; and

(d) Each individual 14 years old or older living on the same premises as the child care facility;]

[(2)] (1)—[(13)] (12) (text unchanged)

.03 Continuing Letter of Compliance.

A. Obtaining a Continuing Letter of Compliance. An operator shall submit to the office, before expiration of the initial letter of compliance:

(1) (text unchanged)

(2) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about all individuals, as applicable, specified at Regulation [.02B(2)] .02B(1) of this chapter; and

(3) (text unchanged)

B. (text unchanged)

C. Maintaining a Continuing Letter of Compliance.

(1) (text unchanged)

(2) By the end of each 24-month period after the date of issuance of a continuing letter of compliance, the operator shall provide to the office:

(a) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about all individuals, as applicable, specified in Regulation [.02B(2)] .02B(1) of this chapter; and

(b) (text unchanged)

(3) (text unchanged)

.04 Provisional and Conditional Status.

A. Provisional Status.

(1) (text unchanged)

(2) An initial letter of compliance may not be approved if the office has not yet received evidence that the applicant and each individual, as applicable, specified at Regulation [.02B(1) and (2)] .02A(3) and B(1) of this chapter has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records.

(3)—(4) (text unchanged)

B. (text unchanged)

.06 Denial of Letter of Compliance.

A. An office may deny an application for an initial letter of compliance or a continuing letter of compliance if:

(1)—(5) (text unchanged)

(6) An evaluation of criminal records or records of abuse or neglect of children and adults indicates, for those identified in Regulation [.02B(1) and (2)] .02A(3) and B(1) of this chapter, behavior harmful to children; or

(7) (text unchanged)

B.—C. (text unchanged)

13A.17.03 Management and Administration

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Admission to Care.

A. An operator may not admit a child for care unless the operator has:

(1) (text unchanged)

(2) [Received] If the child is temporarily admitted or retained in care on a temporary basis pursuant to §E of this regulation, received the written records required by Regulation .04C—H of this chapter.

B. (text unchanged)

C. As part of the admission process, the operator shall:

(1) Give the parent, or advise the parent how to obtain, [a consumer education pamphlet on child care that is supplied by the office; and] information that is supplied by the office concerning:

(a) Consumer education on child care;

(b) How to file a complaint against the child care facility;

and

(2) (text unchanged)

D. (text unchanged)

E. Temporary Admission to Care.

(1) An operator may temporarily admit or retain a child in care if:

(a) The child is homeless; or

(b) The child's parent is unable to provide the health-related records specified in Regulation .04D—H of this chapter.

(2) For a child to be temporarily admitted or retained in care, the parent shall present evidence of the child's appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening;

(b) Receive a required immunization;

(c) Acquire evidence of age-appropriate immunizations on a form approved by the Office; or

(d) Reconstruct a lost health record.

(3) *The date of the appointment required by §E(2) of this regulation may not be later than 20 calendar days after the date the child was temporarily admitted or retained.*

(4) *An operator shall exclude from care a child who has been temporarily admitted or retained in care if the parent fails to provide evidence of the required medical evaluation, immunization, or health record within 3 business days after the date of the appointment made pursuant to §E(2) of this regulation.*

.04 Child Records.

A.—C. (text unchanged)

D. Unless a parent objects to a child’s medical examination because of bona fide religious beliefs and practices, a health assessment of the child shall be provided by the child’s parent that:

(1)—(2) (text unchanged)

(3) Includes a medical evaluation, signed and dated by a physician, that states the child is medically cleared to attend child care and is based on an examination completed by the physician within the last[:

(a) 2 months before admission for a child younger than 9 months old;

(b) 3 months before admission for a child between 9 and 24 months old; or

(c)] 12 months before *the child’s* admission [for a child 2 years old or older].

E.—J. (text unchanged)

.05 Staff Records.

The operator shall:

A. (text unchanged)

B. During an individual’s employment at the facility and for 2 years after the date of the individual’s last employment there, maintain a record for each individual that includes:

(1) (text unchanged)

(2) [Employment] *An employment* medical evaluation;

(3) Criminal background check *results, except that the operator shall destroy the record of those results immediately after the last day of the individual’s employment;* and

(4) [Date] *The date on which the staff member received the information required by COMAR 13A.17.06.02;*

C.—D. (text unchanged)

.06 Notifications.

The operator shall:

A. [Upon adding a new employee or staff member] *Within 5 business days of its occurrence, provide written notification to the office about the:*

(1) [Provide to the office, within 5 working days after the date of hire, a signed and, if required by the office, notarized permission to examine records of abuse and neglect of children and adults for information about the individual; and] *Addition of a new employee or staff member that includes:*

(a) *The individual’s full name, date of birth, and date of hire;*

(b) *Information about the individual’s work assignment; and*

(c) *Signed and notarized permission to examine records of abuse and neglect of children and adults for information about the individual; or*

(2) *Ending of employment, for whatever reason, of an individual that includes the:*

(a) *Individual’s full name; and*

(b) *Date of the individual’s last day of employment;*

[(2)] B. Have on file in the nursery school or child care program the following information *about each employee or staff member:*

[(a)] (1)—[(c)] (3) (text unchanged)

[B.] C.—[C.] D. (text unchanged)

[D. Immediately notify the office of an employee’s criminal background check result received on or after October 1, 2005, that reports a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime listed at COMAR 12.15.02.07B;]

E. Immediately notify the office of:

(1) (text unchanged)

(2) A change at the child care facility which may affect the status of the letter of compliance, including but not limited to:

(a)—(b) (text unchanged)

(c) Telephone number; [and]

F. Within 5 working days after there is a new resident on the premises who is 18 years old or older:

(1) (text unchanged)

(2) [Ensure that the resident applies] *Direct the resident to apply for a federal and State criminal background check[.]; and*

G. *Within 10 business days of receiving notice from the facility’s supplier of water that the drinking water is contaminated, send a written notice of the contamination to the parent of each enrolled child that:*

(1) *Identifies the contaminants and their levels; and*

(2) *Describes the facility’s plan for dealing with the water contamination problem until the water is determined by the appropriate authority to be safe for consumption.*

13A.17.06 Staff Requirements

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Staff Orientation.

On or before assignment, an operator shall [ensure and] document that each employee and staff member has been informed in writing about all areas pertinent to the health and safety of the children, including:

A.—H. (text unchanged)

I. Signs and symptoms of abuse and neglect in children; [and]

J. The content of the most current regulations in this subtitle[.]; and

K. *The community resources available to the family of a child who may have special needs.*

13A.17.08 Child Supervision

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Individualized Attention and Care.

An operator shall ensure that:

A. Each child receives:

(1) Attention to the child’s individual needs, *including but not limited to making reasonable accommodations for a child with special needs in accordance with applicable federal and State laws;* and

(2) (text unchanged)

B.—E. (text unchanged)

13A.17.09 Program Requirements

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Materials and Equipment.

A.—D. (text unchanged)

E. Screen Time Activities.

(1) *Definitions.* In this section, the following terms have the meanings indicated:

(a) “Interactive technology” means educational and age-appropriate technology, including programs, applications (apps), noncommercial television programming, videos, streaming media, and ebooks, that is designed to:

- (i) Facilitate active and creative use of technology; and
- (ii) Encourage social engagement with other children and adults.

(b) “Passive technology” means noninteractive television, videos, and streaming media.

(2) *Limited use of appropriate interactive technology may support, but may not replace, creative play, physical activity, hands-on exploration, outdoor experiences, social interactions, and other developmentally appropriate learning activities for children.*

(3) *Viewing Restrictions.* Except as set forth in §E(4) of this regulation, a child in attendance may not be permitted to view more than 30 minutes of age-appropriate, educational passive technology per week.

(4) *Exceptions.*

(a) *An occasional exception to the weekly passive technology viewing limit set forth in §E(3) of this regulation may be made for a special event or project, including a holiday or birthday celebration.*

(b) *If an exception to the weekly passive technology viewing limit is made, a written record of the exception shall be made and retained on file that documents the:*

- (i) *Nature and duration of the programming viewed; and*
- (ii) *Reason for the exception.*

(5) *No child may be permitted to view any:*

- (a) *Passive or interactive technology during a meal or a snack; or*
- (b) *Media with brand placement or advertising for unhealthy or sugary food or beverages.*

(6) *The operator shall give the parent of each enrolled child a written screen time policy that addresses the use of passive and interactive technology during child care hours.*

13A.17.12 Nutrition

Authority: Family Law Article, §§5-560, 5-564, and 5-570—5-585; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Food Service.

A. [Food and beverages which are furnished by an operator for meals or snacks, or both, shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.] *Food and Beverages.*

(1) *Food and beverages that are furnished by an operator for meals or snacks, or both, shall comply with the guidelines of the*

Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.

(2) *For children in care, the operator shall furnish:*

(a) *All beverages, including beverages for meals and snacks; and*

(b) *Milk with all meals.*

(3) *Except as prescribed for a child by a health care provider, a beverage furnished by the operator may not contain an added sweetener or caffeine.*

(4) *Unless otherwise ordered by a health care provider or requested by the child’s parent, milk furnished to a child by the operator shall be 1% fat milk or nonfat milk.*

(5) *The operator may arrange with a child’s parent to furnish milk of a type that is different from the milk ordinarily furnished by the operator.*

(6) *The operator shall keep a supply of nutritious food on hand in order to provide food to a child whose parent has not supplied:*

(a) *Food for meals or snacks; or*

(b) *Sufficient food to meet the standards of the Child and Adult Care Food Program of the U.S. Department of Agriculture.*

B. (text unchanged)

[C. The operator shall furnish and serve milk with all meals.]

[D.] C.—[E.] D. (text unchanged)

[F. An operator shall keep a supply of nutritious food on hand in order to provide food to a child whose parent has not supplied food or beverages for meals or snacks.]

[G.] E. (text unchanged)

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

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Notice of Proposed Action

[15-094-P]

The State Superintendent of Schools proposes to amend:

- (1) Regulations **.02—.05** under **COMAR 13A.18.02 Registration Application and Maintenance;**
- (2) Regulations **.03—.06** under **COMAR 13A.18.03 Management and Administration;**
- (3) Regulation **.03** under **COMAR 13A.18.05 Home Environment and Equipment;**
- (4) Regulations **.02** and **.05—.07** under **COMAR 13A.18.06 Provider and Staff Requirements;**
- (5) Regulation **.01** under **COMAR 13A.18.08 Child Supervision;**
- (6) Regulation **.01** under **COMAR 13A.18.09 Program Requirements;** and
- (7) Regulation **.01** under **COMAR 13A.18.12 Nutrition.**

Statement of Purpose

The purpose of this action is to permit temporary admission to care under certain circumstances; require a plan of action in response to a notice of contaminated water; establish requirements to accommodate breast-feeding mothers; strengthen requirements for accommodation of children with special needs; limit the use of noneducational electronic media by children in care; and clarify requirements regarding the provision of milk and other beverages.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 (TTY 410-333-6442), or email to elizabeth.kelley@maryland.gov, or fax to 410-333-6622. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

13A.18.02 Registration Application and Maintenance

Authority: Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Initial Registration.

A. (text unchanged)

B. *Unless converting an existing small center to a large family child care home pursuant to Regulation .01A(2) of this chapter, an applicant for an initial registration shall complete an orientation to large family child care home regulations that is offered or approved by the office.*

[B.] C. Before the proposed opening date of the child care home, an applicant for initial registration shall [submit the following items to the office, if not submitted at the time the written application form was submitted]:

(1) [Documentation of application for criminal background checks for] *Ensure that an application for a federal and State criminal background check is submitted for:*

(a)—(c) (text unchanged);

(2) *Submit the following items to the office, if not submitted at the time the written application form was submitted:*

[(2)] (a) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about:

[(a)] (i)—[(e)] (v) (text unchanged)

[(3)] (b) [Submit a] A medical evaluation for the applicant and each resident in the home that:

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

[(4)] (c)—[(12)] (k) (text unchanged)

[(13)] (l) If the child care home is located in a condominium or residence which requires homeowners' association membership, written proof of homeowner's liability insurance coverage as required by Maryland law; [and]

(m) *Documentation that the home has met all lead safety requirements, as applicable, set forth in COMAR 13A.18.05.05; and*

[(14)] (n) All other documentation required by law or regulation, including but not limited to:

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

[C.] D. (text unchanged)

.03 Continuing Registration.

A. Application for Continuing Registration. To obtain a continuing registration, a provider shall submit to the office before expiration of the initial registration:

(1)—(2) (text unchanged)

(3) A medical evaluation that meets the requirements of Regulation [.02B(3)].02B(2)(b) of this chapter for:

(a)—(c) (text unchanged)

(4)—(6) (text unchanged)

B. (text unchanged)

.04 Provisional Status and Conditional Registration.

A. Provisional Status.

(1) (text unchanged)

(2) An initial registration may not be approved if the office has not yet received evidence that the applicant and, as applicable, each individual specified in Regulation .02B(1) and [(2)] (2)(a) of this chapter has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records.

(3)—(4) (text unchanged)

B. (text unchanged)

.05 Resumption of Service.

A. (text unchanged)

B. The application to resume service shall meet all initial registration application requirements, except that:

(1) (text unchanged)

(2) The office may accept as applicable to the new application the:

(a) Individual's original completion of the orientation [process under] *specified in* Regulation [.02B(1)].02B of this chapter, *if required;*

(b)—(c) (text unchanged)

(d) Results of the original child and adult abuse and neglect clearances conducted pursuant to Regulation [.02B(2)].02B(2)(a) of this chapter, if the clearances were completed within 12 months of the application; and

(e) (text unchanged)

13A.18.03 Management and Administration

Authority: Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.03 Program Records.

The provider shall:

A.—C. (text unchanged)

D. [Display a copy of the consumer education pamphlet on child care supplied by the office so that it is freely available for reference to parents.] *Give, or advise the parent how to obtain, information supplied by the office concerning:*

(1) *Consumer education on child care; and*

(2) *How to file a complaint with the office against a child care provider.*

.04 Child Records.

A. [For each child admitted to, or continuing in care, the] *Unless a child is temporarily admitted to or retained in care pursuant to §L of this regulation, the provider shall maintain written records, on forms provided or approved by the office, that meet the requirements of this regulation for each child admitted to or continuing in care.*

B.—E. (text unchanged)

F. A medical evaluation and, if applicable, documentation of an appropriate lead screening that are transferred directly[, without a gap in time longer than 3 months,] from another registered child care home, a licensed child care center, or a public or nonpublic school in

Maryland may be accepted as meeting the requirements of §§D(3) and E of this regulation.

G.—K. (text unchanged)

L. *Temporary Admission.*

(1) *A provider may temporarily admit or retain a child in care if the child's parent or guardian is unable to provide the health-related records specified in §§D—H of this regulation.*

(2) *For a child to be temporarily admitted or retained in care, the parent or guardian shall present evidence of the child's appointment with a health care provider or local health department to:*

(a) *Receive a medical evaluation to include, if applicable, a lead screening;*

(b) *Receive a required immunization;*

(c) *Acquire evidence of age-appropriate immunizations on a form approved by the office; or*

(d) *Reconstruct a lost record.*

(3) *The date of appointment, set pursuant to §L(2) of this regulation, may not be later than 20 calendar days following the date the child was temporarily admitted or retained in care.*

(4) *A provider shall exclude from care a child who has been temporarily admitted or retained in care if the parent fails to provide evidence of the required medical evaluation, immunization, or health record within 3 business days after the date of the appointment made pursuant to §L(2) of this regulation.*

.05 Staff Records.

The provider shall:

A.—B. (text unchanged)

C. *During an individual's employment at the child care home and for 2 years after the date of the individual's last employment there, maintain a record for each individual that includes:*

(1)—(3) (text unchanged)

(4) *Criminal background check, except that the provider shall destroy the record of those results immediately after the last day of the individual's employment; and*

(5) (text unchanged)

D.—F. (text unchanged)

.06 Notifications.

The provider shall:

A. *[Within 5 working days of adding a new staff member, provide to the office] Within 5 working day of its occurrence, provide written notification to the office about the:*

[(1) *Written notification of the individual's addition to the child care home staff;*

(2) *Information about the individual's work assignment; and*

(3) *Signed and notarized permission to examine records of abuse and neglect of children and adults for information about the individual;]*

(1) *Addition of a new staff member that includes:*

(a) *The individual's full name, date of birth, and date of hire;*

(b) *Information about the individual's work assignment; and*

(c) *Signed and notarized permission to examine records of abuse and neglect of children and adults for information about the individual; or*

(2) *Ending of employment, for whatever reason, of an individual that includes the:*

(a) *Individual's full name; and*

(b) *Date of the individual's last day of employment.*

B.—D. (text unchanged)

[E.] (proposed for repeal)

[F.] *E. Immediately notify the office of:*

(1) (text unchanged)

(2) *A change at the child care home that may affect the status of the registration, including but not limited to:*

(a)—(b) (text unchanged)

(c) *Telephone number; [and]*

[G.] *F. Within 5 working days after there is a new resident who is 18 years old or older:*

(1) (text unchanged)

(2) *Ensure that the resident applies for a federal and State criminal background check[.]; and*

G. Within 10 business days of receiving notice from the home's supplier of water that the drinking water is contaminated, send a written notice of the contamination to the parent of each enrolled child that:

(1) *Identifies the contaminants and their levels; and*

(2) *Describes the provider's plan for dealing with the water contamination problem until the water is determined by the appropriate authority to be safe for consumption.*

13A.18.05 Home Environment and Equipment

Authority: Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.03 Rooms Used for Care.

A.—E. (text unchanged)

F. If approved to provide care for infants or toddlers, the provider shall designate space for mothers to breastfeed or express breast milk that:

(1) *Is not located in a bathroom;*

(2) *Has access to an electrical outlet;*

(3) *Has appropriate seating; and*

(4) *Has access to running water.*

13A.18.06 Provider and Staff Requirements

Authority: Family Law Article, §§5-501, 5-502, 5-505, 5-550—5-557.1, and 5-560—5-563; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Staff Orientation.

On or before assignment, a provider shall ensure and document that each staff member has been informed in writing about all areas pertinent to the health and safety of the children, including:

A.—H. (text unchanged)

I. *Signs and symptoms of abuse and neglect in children; [and]*

J. The community resources available to a family of a child who may have special needs; and

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

.05 Child Care Home Directors.

A.—D. (text unchanged)

E. Except as set forth at §F of this regulation, to qualify as a director in a large family child care home, an individual shall:

(1)—(2) (text unchanged)

(3) *Have successfully completed:*

(a) *9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit; [and]*

(b) *3 semester hours or their equivalent of approved administrative training; and*

(c) *Effective January 1, 2016:*

(i) *3 clock hours of approved training in ADA compliance; and*

(ii) *Approved training in supporting breastfeeding practices.*

(4)—(6) (text unchanged)

F.—G. (text unchanged)

.06 Family Child Care Teachers.

A. (text unchanged)

B. Except as set forth at §C of this regulation, to qualify as a family child care teacher, an individual:

(1) Shall hold or have successfully completed:

(a) (text unchanged)

(b) *Either 9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit; and*

(c) (text unchanged)

(2) (text unchanged)

C.—E. (text unchanged)

.07 Aides.

A. (text unchanged)

B. [Except as set forth at §C of this regulation] *Unless an individual has completed 90 clock hours or the equivalent in early childhood education preservice training, and except as set forth in §C of this regulation, an individual hired to work as an aide shall complete, within 6 months after the date of hire, an orientation session that follows guidelines established by the office and includes, but is not limited to:*

(1)—(3) (text unchanged)

C. (text unchanged)

13A.18.08 Child Supervision

Authority: Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Individualized Attention and Care.

A provider shall ensure that:

A. Each child receives:

(1) Attention to the child’s individual needs[; and], *including but not limited to:*

(a) *Making reasonable accommodations for children with special needs in accordance with applicable federal and State laws; and*

(b) *Allowing an adult who provides specialized services to a child with special needs access to provide those services on the facility premises as specified in the child’s individual education plan, individual family service plan, or written behavioral plan; and*

(2) (text unchanged)

B.—E. (text unchanged)

13A.18.09 Program Requirements

Authority: Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563; Human Services Article, §1-202; State Government Article, §10-617; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Schedule of Daily Activities for All Children.

A.—B. (text unchanged)

C. Screen Time Activities.

(1) *Definitions. In this section, the following terms have the meanings indicated:*

(a) *“Interactive technology” means educational and age-appropriate technology, including programs, applications (apps), noncommercial television programming, videos, streaming media, and ebooks, that is designed to:*

(i) *Facilitate active and creative use of technology; and*

(ii) *Encourage social engagement with other children and adults.*

(b) *“Passive technology” means noninteractive television, videos, and streaming media.*

(2) *Limited use of appropriate interactive technology may support, but may not replace, creative play, physical activity, hands-on exploration, outdoor experiences, social interactions, and other developmentally appropriate learning activities for children 2 years old or older.*

(3) *Viewing Restrictions. Except as set forth in §C(4) of this regulation, a child in attendance who is:*

(a) *Younger than 2 years old may not be permitted to view any passive technology; and*

(b) *2 years old or older may not be permitted to view more than 30 minutes of age-appropriate, educational passive technology per week.*

(4) *Exceptions.*

(a) *An occasional exception to the weekly passive technology viewing limit set forth in §C(3) of this regulation may be made for a special event or project, including a holiday or birthday celebration, or for educational content that is related to the child care home’s curriculum.*

(b) *If an exception to the weekly passive technology viewing limit is made, a written record of the exception shall be made and retained on file that documents the:*

(i) *Nature and duration of the programming viewed; and*

(ii) *Reason for the exception.*

(5) *No child may be permitted to view any:*

(a) *Passive or interactive technology during a meal or a snack; or*

(b) *Media with brand placement or advertising for unhealthy or sugary food or beverages.*

(6) *The provider shall give the parent of each enrolled child a written screen time policy that addresses the use of passive and interactive technology during child care hours.*

13A.18.12 Nutrition

Authority: Family Law Article, §§5-501, 5-505, 5-550—5-557.1, and 5-560—5-563; State Government Article, §10-617; Human Services Article, §1-202; Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.01 Food Service.

[A.]—[G.] (proposed for repeal)

A. *Food and beverages that are furnished by a provider for meals or snacks, or both, shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.*

B. *For children in care, the provider shall furnish:*

(1) *All beverages, including beverages for meals and snacks; and*

(2) *Milk with all meals.*

C. *A beverage furnished by the provider may not contain an added sweetener or caffeine, except for:*

(1) *Infant formula: or*

(2) A beverage prescribed for a child by a health care provider.

D. If the child is:

(1) Younger than 2 years old, milk furnished to the child shall be supplied or approved by the child's parent; or

(2) 2 years old or older, milk furnished to the child by the provider shall be 1% fat milk or nonfat milk, unless otherwise ordered by a health care provider or requested by the child's parent.

E. The provider may arrange with the child's parent to furnish milk of a type that is different from the milk ordinarily furnished by the provider.

F. Except during approved hours of overnight care, a provider shall serve meals and snacks at intervals of not more than 3 hours according to the following schedule:

If a child is at providers home for:	The child shall receive at least:
Less than 4 consecutive hours	1 snack
4 to 7 consecutive hours	1 meal and 1 snack
7 to 11 consecutive hours	1 meal and 2 snacks or 2 meals and 1 snack
11 to 14 consecutive hours	2 meals and 2 snacks or 3 meals and 1 snack

G. If a provider chooses not to provide meals, the provider shall make arrangements with the parent of each child to provide food for meals.

H. A provider shall keep a supply of nutritious food on hand in order to provide food to a child whose parent has not supplied:

(1) Food for meals or snacks; or

(2) Sufficient food to meet the standards of the Child and Adult Care Food Program of the U.S. Department of Agriculture.

I. Menus. A provider shall:

(1) Post in a conspicuous place a weekly planned menu of foods and beverages furnished by the provider for meals and snacks; and

(2) Keep a dated record of food actually served in the home, and to each child on a modified diet, on file for at least 4 weeks, correcting the planned menu if necessary.

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

Title 14

INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

Notice of Proposed Action

[15-101-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend:

(1) Regulations .10 and .17 under **COMAR 14.22.01 General Regulations**; and

(2) Regulation .02 under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.

Statement of Purpose

The purpose of this action is to clarify in COMAR 14.22.01.10 the instructions for scoring the prior adult criminal record when there are convictions out of jurisdiction, to clarify in COMAR 14.22.01.17 sentences deemed to be within the guidelines, and to indicate modifications to the table of seriousness categories in COMAR 14.22.02.02.

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 David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Road, Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu, or fax to 301-403-4164. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

.10 Computation of the Offender Score.

A. (text unchanged)

B. Four Components of the Offender Score.

(1) — (2) (text unchanged)

(3) Prior Adult Criminal Record.

(a) — (c) (text unchanged)

(d) Convictions Out of Jurisdiction. If an offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties. *If there is a question as to the analogous guidelines offense for an out-of-State conviction, that question should be brought to the attention of the judge at sentencing.*

(e) — (g) (text unchanged)

(4) (text unchanged)

C. (text unchanged)

.17 Sentences Deemed to Be Within Guidelines.

Notwithstanding the actual guidelines range, the Commission on Criminal Sentencing Policy shall deem a sentence within the guidelines range if a judge:

A — B. (text unchanged)

C. Imposed a sentence of correctional options if the defendant's:

(1) (text unchanged)

(2) Current sentence or sentences and any pending charges do not include a violation of:

(a) — (c) (text unchanged)

(d) A law of the United States or of any other state or the District of Columbia similar to [§B(2)(a)—(c)] §C(2)(a)—(c) of this regulation.

PROPOSED ACTION ON REGULATIONS

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14.22.02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—9-1 (text unchanged)									
9-2	Animals, Crimes Against Animal cruelty	1-0500 <i>1-0501</i> <i>1-0503</i>	CR, §10-604	Misd.	90D		Property	VII	\$1,000
9-3—41 (text unchanged)									
41-1	Burglary and Related Crimes Home invasion	<i>1-1338</i>	CR, §6-202(d)	Felony	25Y		Person	III	
42—199 (text unchanged)									
199-1	Harboring, Escape, and Contraband Possess, possess with intent to deliver, receive telecommunication device or accessory	<i>1-1327</i> <i>1-1328</i> <i>1-1329</i> <i>1-1330</i>	CR, §9-417	Misd.	5Y		Property	VI	\$3,000
200—207-3 (text unchanged)									
207-4	Identity Fraud Use an interactive computer service to disclose personal identifying information of an individual in order to annoy, threaten, embarrass, or harass	<i>1-1337</i>	CR, §8-301(b)(1) CR, §8-301(g)(4) (penalty)	Misd.	18M		Property	VII	\$500
207-5—215-2 (text unchanged)									
215-3	Influencing or Intimidating Judicial Process Tampering with or fabricating physical evidence	<i>1-1332</i> <i>1-1333</i> <i>1-1334</i>	CR, §9-307	Misd.	3Y		Person	V	\$5,000
216—231 (text unchanged)									
232	Lotteries Prohibited acts relating to State lottery	<i>1-0114</i> <i>2-1173</i>	SG, §9-124	Misd.	3Y		Property	VII	\$2,500
233—244 (text unchanged)									
244-1	[Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act] Marriage, Crimes Against Bigamy	<i>1-3804</i>	[CL, §14-1915 (penalty)] CR, §10-502(b)	Misd.	[3Y] 9Y		[Property] <i>Person</i>	VI	[\$5,000]
244-2	[Marriage, Crimes Against Bigamy] Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act	[1-3804]	[CR, §10-502(b)] CL, §14-1915 (penalty)	Misd.	[9Y] 3Y		[Person] <i>Property</i>	VI	\$5,000
244-3—308 (text unchanged)									

308-1	Prostitution and Related Crimes Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for the purpose of committing a sexual crime	1-1336	CR, §11-305	Felony	25Y ♦		Person	II	\$5,000
309—345-2 (text unchanged)									
346	Securities Fraud and Related Crimes Securities fraud and other violations of Maryland Securities Act	1-5574 1-5575 1-5576 2-0670 2-0671	CA, §11-705(a)(1) (penalty)	Misd.	3Y		Property	VII	\$50,000
347—360-1 (text unchanged)									
360-2	Sexual Crimes Use of personal identifying information of an individual to invite another to commit sexual crime	1-1340	CR, §3-325	Felony	20Y		Person	IV	\$25,000
361—365-2 (text unchanged)									
365-3	Stalking and Harassment Revenge porn	1-1326	CR, §3-809	Misd.	2Y		Person	VII	\$5,000
365-4—387-1 (text unchanged)									
387-2	Threat of Mass Violence Threatening to commit or cause a crime of violence that would place others at risk	1-1335	CR, §3-1001	Misd.	10Y		Person	V	\$10,000
387-3—420 (text unchanged)									

Footnotes (text unchanged)

General Rules:

(a) — (b) (text unchanged)

(c) For Prior Record calculations involving offenses in which the offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties. *If there is a question as to the analogous guidelines offense for an out of-State conviction, that question should be brought to the attention of the judge at sentencing.*

DAVID SOULE
Executive Director

Subtitle 36 MARYLAND LONGITUDINAL DATA SYSTEM CENTER

Notice of Proposed Action [15-099-P]

The Maryland Longitudinal Data System Governing Board proposes to adopt:

- (1) New Regulations .01 — .05 under a new chapter, **COMAR 14.36.05 Data Collection**; and
- (2) New Regulations .01 — .03 under a new chapter, **COMAR 14.36.06 Center Staff**.

This action was considered by the Maryland Longitudinal Data System Governing Board at an open meeting held on December 16, 2014, notice of which was given by publication on the MLDS

website pursuant to State Government Article, §10-506(c) Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish procedures for the Maryland Longitudinal Data System Center to obtain approval to collect data, establish a data collection schedule, establish data transmission requirements, and clarify the sources from which data is received. This action also establishes a process for authorizing Center staff and mandating certain security requirements be met.

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 Ross Goldstein, Executive Director, Maryland Longitudinal Data System Center, 525 West Redwood Street, Baltimore, MD 21201, or call 410-706-2085, or email to ross.goldstein@maryland.gov. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

14.36.05 Data Collection

Authority: Education Article, §§24-706 and 24-707, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1) "Center" means the Maryland Longitudinal Data System Center.

(2) "Data" means student and workforce data as defined under Education Article, §24-701, Annotated Code of Maryland.

(3) "Governing Board" has the meaning stated in Education Article, §24-701, Annotated Code of Maryland.

(4) "State agencies" means the:

- (a) Maryland State Department of Education;
- (b) Maryland Higher Education Commission; and
- (c) Maryland Department of Labor, Licensing, and Regulation.

.02 Data Inventory.

A. General. The Center may not collect, use, or warehouse data that is not listed in a data inventory approved by the Governing Board.

B. Data Inventory Requirements. The data inventory shall specify:

- (1) Each data element collected and warehoused in the system;
- (2) The source of the data;
- (3) The date range for the data; and
- (4) Any data element that has been removed upon determination that it is no longer necessary to carry out the mission of the Center.

C. Required Review. The Governing Board shall review and approve the data inventory:

(1) Each December prior to the submission of the annual report required under Education Article, §24-705, Annotated Code of Maryland; and

(2) Each time the Center proposes adding or removing a data element.

.03 Data Collection Schedule.

The Governing Board shall approve a data collection schedule that establishes deadlines for each data source to transfer its data to the Center.

.04 Data Transmission.

The Center shall establish a data transmission method that each entity providing data to the Center shall follow when transferring data to the Center.

.05 Data Source.

A. State Data.

(1) As provided in Education Article, §24-707(a), Annotated Code of Maryland, the Center may collect student and workforce data directly from local education agencies, community colleges, public senior higher education institutions, or State agencies.

(2) The Center shall collect student and workforce data from a State agency if the State agency is already collecting that data or agrees to collect the data on behalf of the Center.

B. Private Secondary School Data.

(1) As provided in Education Article, §24-707(b), Annotated Code of Maryland, a private secondary school may transfer student and workforce data to the Center.

(2) If such data is transferred, the Center may designate the Maryland State Department of Education as its agent for collecting data from the private secondary schools.

C. For-Profit and Private Nonprofit Institutions of Higher Education Data.

(1) As provided in Education Article, §24-707(c), Annotated Code of Maryland, certain for-profit and private nonprofit institutions of higher education are required to transfer student-level data to the Center.

(2) The Center may designate the Maryland Higher Education Commission as its agent for collecting data from the for-profit and private nonprofit institutions of higher education.

D. Third-Party Data.

(1) The Center may collect and incorporate data from an entity other than a State or local agency, if the data collected by that entity:

- (a) Is permissible student data or workforce data;
- (b) Is determined to be accurate and reliable; and
- (c) Is approved for inclusion by the Governing Board.

(2) Examples of permissible third-party data include data from:

- (a) The Integrated Postsecondary Education Data System (IPEDS) from the U.S. Department of Education, National Center for Education Statistics;
- (b) The National Student Clearinghouse; and
- (c) The U.S. Census.

14.36.06 Center Staff

Authority: Education Article, §§24-703(g) and 24-706, Annotated Code of Maryland

.01 Authorized Staff.

A. Purpose. Education Article, §24-703(g), Annotated Code of Maryland, restricts access to data in the Maryland Longitudinal Data System to authorized staff of the Center. This regulation sets out a procedure for authorizing Center staff.

B. General. Authorized staff of the Center shall include:

- (1) State employees of the Center; and
- (2) Individuals authorized by the Executive Director pursuant to §C of this regulation.

C. Authorization by Executive Director.

(1) Limitations.

(a) The Executive Director may only authorize individuals to serve as staff of the Center who are necessary to carry out the mission of the Center.

(b) Center staff shall be restricted in number for the purpose of maintaining control over access to the Maryland Longitudinal Data System in strict compliance with State and federal privacy laws.

(2) The Executive Director may designate the following individuals as authorized staff of the Center:

- (a) Researchers, including:
 - (i) Faculty within the University System of Maryland who are assigned to the Research Services Branch of the Center through an interagency agreement;
 - (ii) Doctoral students working with faculty assigned to the Center; and
 - (iii) Additional researchers, identified by the Director of the Research Services Branch to provide additional analysis in furtherance of the Center's functions and duties as specified in

Education Article, §24-703(f)(4) and (5), Annotated Code of Maryland;

(b) Information technology experts and technicians necessary to:

- (i) Install, maintain, and repair data center equipment;
- (ii) Provide assistance in maintaining system security; or
- (iii) Provide system development support; and

(c) A State agency employee or contractor as needed to provide information technology expertise to assist with data sharing or system administration.

.02 Background Investigations.

A. All staff of the Center shall have a State and federal criminal history background check within 5 business days of starting as staff of the Center.

B. An individual is not eligible to have access to the longitudinal data system until the individual has completed and passed the criminal history background investigation.

C. An individual is deemed to have an unsatisfactory criminal history background investigation if the individual:

- (1) Has been convicted of a felony of any nature; or
- (2) Within the last 10 years, has been convicted of a crime that qualifies as an infamous crime under Maryland law.

.03 Security Requirements.

A. General. The Center’s Executive Director shall require all authorized staff of the Center to:

- (1) Comply with the rules of security behavior that are provided to staff;
- (2) Receive and review the MLDS Center’s Data Security and Safeguarding Plan; and
- (3) Periodically take security and privacy training classes.

B. Required Compliance. The Executive Director shall remove a staff member’s system access if the staff member fails to remain in compliance with the requirements in §A of this regulation.

ROSS GOLDSTEIN
Executive Director

“unclaimed jackpot” and to clarify the provisions governing claiming an unclaimed jackpot and distributing the proceeds of an unclaimed jackpot.

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 of 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 410-230-8727. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

.03 Unclaimed Video Lottery Terminal Jackpots.

A. In this regulation, “unclaimed jackpot” means any cash, annuity, merchandise, cashable credit as defined in COMAR 36.03.10.01, or gaming ticket as defined in COMAR 36.03.10.01 to be paid or dispensed to a player.

[A.] B. A video lottery terminal player shall have a maximum of 182 days from the date [a] an unclaimed jackpot is won to claim [the jackpot] it.

[B.] C. After 182 days, an unclaimed jackpot shall [be the property of the State] be distributed as proceeds under State Government Article, §9-1A-27, Annotated Code of Maryland.

STEPHEN L. MARTINO
Director

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

Subtitle 03 GAMING PROVISIONS

36.03.01 General

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

Notice of Proposed Action

[15-104-P]

The Maryland Lottery and Gaming Control Agency proposes to amend Regulation .03 under COMAR 36.03.01 General. This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on December 16, 2014, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the Regulations of the Maryland Lottery and Gaming Control Agency to define the term

Subtitle 05 TABLE GAMES

36.05.06 Poker Rules

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

Notice of Proposed Action

[15-103-P]

The Maryland Lottery and Gaming Control Agency proposes to adopt new Regulations .19 and .20 under COMAR 36.05.06 Poker Rules. This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on January 22, 2015, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to offer two new poker games at casinos, Five-Card Omaha Poker and Badugi Poker, to establish procedures for dealing cards at these poker style games, and to determine completion of game play.

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 of 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 410-230-8727. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

.19 Five-Card Omaha Poker; Procedures for Dealing; Completion of Play.

A. A facility operator that offers Five-Card Omaha High or Five-Card Omaha High-Low Split Eight or Better Poker shall follow the procedures in this regulation.

B. No more than eight players may participate in a Five-Card Omaha Poker game.

(1) A player who elects to participate in a round of play may be required to place an Ante bet.

(2) The rules governing the placement and amount of an Ante bet, and the Kill or Half-Kill option, must be specified in the facility operator's Rules Submission under COMAR 36.05.03.19 and posted on a sign at each Poker table.

C. The dealer shall use a button to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

(1) At commencement of play, the dealer shall place the button in front of:

(a) The first player to the right of the dealer; or

(b) A player randomly determined by rank of a single card dealt; and

(2) Thereafter, the dealer shall rotate the button around the table in a clockwise manner after each round of play.

D. Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet.

(1) A facility operator may require additional Blind Bets to be made immediately after the initial Blind Bet.

(2) The amount and number of all Blind Bets required must be specified in the facility operator's Rules Submission under COMAR 36.05.03.19 and posted on a sign at the table.

E. If the facility operator offers the Straddle Bet, the player to the left of the player who placed a Blind Bet may place a Straddle Bet.

(1) The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet shall be specified in the facility operator's Rules Submission under COMAR 36.05.03.19 and posted on a sign at each Poker table.

(2) No more than one Straddle Bet may be made during a round of play.

F. Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal five rounds of cards face down to each player, so that the player with the button shall be the last player to receive a card each time.

G. After each player has been dealt five cards in accordance with §F of this regulation, each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, and continuing around the table in a clockwise manner, may fold, call, or raise the bet.

(1) The option to raise also applies to a player who made a Blind Bet or Straddle Bet.

(2) After the last player has responded to the most recent bet, the betting round is complete.

H. The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table.

(1) The first player to the left of the button who has not folded shall commence the next betting round and may bet or check.

(2) Each subsequent player may, in clockwise rotation, fold, call, raise, or, if preceding players have not made a bet, make an opening bet or check.

(3) After the last player has responded to the most recent bet, the betting round is complete.

I. Upon completion of the betting round, the dealer shall burn the top card of the deck and deal a fourth community card face up in the center of the table, and commence and complete the next betting round as required under §H of this regulation.

J. Upon completion of the betting round, the dealer shall burn the top card of the deck and deal a fifth and final community card face up in the center of the table, and commence and complete the final betting round as required under §H of this regulation.

K. If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot.

(1) Each player remaining in the game shall form a Five-Card hand using two of the five cards dealt to the player and three of the five community cards.

(2) The winner of the pot shall be:

(a) In Five-Card Omaha High Poker, the player with the highest ranking Five-Card high hand; or

(b) In Five-Card Omaha High-Low Split Eight or Better Poker, the player with the highest ranking Five-Card high hand and the player with the highest ranking Five-Card low hand, subject to §L of this regulation, shall divide the pot equally.

(3) The player with the highest ranking Five-Card high hand and the player with the highest ranking Five-Card low hand, subject to §L of this regulation, shall divide the pot equally.

(4) If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(5) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players.

(6) If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high card by suit or to the player specified in the facility operator's Rules Submission under COMAR 36.05.03.19.

(7) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players.

(8) If the low hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low hand Poker card by suit or to the player specified in the facility operator's Rules Submission under COMAR 36.05.03.19.

(9) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest rank suit in order as follows: spades, hearts, diamonds, and clubs.

L. In Five-Card Omaha High-Low Split Eight or Better Poker:

(1) A winning low hand may not contain a pair, a three-of-a-kind, a four-of-a-kind, or a 9, 10, jack, queen, or king.

(2) If none of the hands of the remaining players satisfies the requirement in §L(1) of this regulation, the entire pot shall be awarded to the player with the highest ranking high hand.

(3) The player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot.

(4) A hand shall consist of any three of the community cards and any two of five cards dealt to the player.

(5) A player may use the same Five-Card grouping to make a high hand and a low hand.

(6) An ace may be used concurrently as a low hand card to make up a low hand and as a high card to make up a high hand.

M. In Five-Card Omaha High-Low Split Eight or Better Poker the facility operator may use either the Half-Kill or Kill option.

N. If a facility operator elects to use either option described in §M of this regulation, the facility operator shall indicate which option is being used in the facility operator's Rules Submission under COMAR 36.05.03.19 and post on a sign at each Omaha Poker table which option is being used and the minimum value of a qualifying pot.

.20 Badugi Poker; Procedures for Dealing; Completion of Play.

A. A facility operator that offers Badugi Poker shall follow the procedures in this regulation.

B. No more than nine players may participate in a Badugi Poker game.

(1) A player who elects to participate in a round of play may be required to place an Ante bet.

(2) The rules governing the placement of an Ante bet and the amount of the Ante bet, and the Kill or Half-Kill option, shall be specified in the facility operator's Rules Submission under COMAR 36.05.03.19 and posted on a sign at each Poker table.

C. The dealer shall use a button to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with the following procedures:

(1) At commencement of play, the dealer shall place the button in front of:

- (a) The first player to the right of the dealer; or
- (b) The player randomly determined by rank of a single card dealt; and

(2) Thereafter, the dealer shall rotate the button around the table in a clockwise manner after each round of play.

D. Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet.

(1) A facility operator may require additional Blind Bets to be made immediately after the initial Blind Bet.

(2) The amount and number of all Blind Bets required must be specified in the facility operator's Rules Submission under COMAR 36.05.03.19 and posted on a sign at the table.

E. If the facility operator offers the Straddle Bet, the player to the left of the player who placed a Blind Bet may place a Straddle Bet.

(1) The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet shall be specified in the facility operator's Rules Submission under COMAR 36.05.03.19 and posted on a sign at each Poker table.

(2) No more than one Straddle Bet may be made during a round of play.

F. Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down to each player so that the player with the button shall be the last player to receive a card each time.

G. After each player has been dealt four cards in accordance with §F of this regulation, each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, and continuing around the table in a clockwise manner, may fold, call, or raise the bet.

(1) The option to raise also applies to a player who made a Blind Bet or Straddle Bet.

(2) After the last player has responded to the most recent bet, the betting round is complete.

H. The dealer shall then burn the top card of the deck.

(1) A player who has not folded, starting with the player to the immediate left of the button and continuing in a clockwise rotation, may draw new cards.

(2) A player may keep the player's original hand or discard as many cards as the player chooses.

(3) The dealer shall replace a discarded card with a new card from the deck, and, if an insufficient number of cards remain in the deck for a player to draw new cards, the dealer shall reshuffle the discarded cards and deal new cards to the player.

(4) The first player to the left of the button who has not folded shall commence the next betting round and may bet or check.

(5) Each subsequent player may, in clockwise rotation, fold, call, raise, or, if preceding players have not made a bet, make an opening bet or check.

(6) After the last player has responded to the most recent bet, the second betting round is complete.

I. Upon completion of the second betting round, the dealer shall burn the top card of the deck, and commence and complete the next betting round as required under §H of this regulation.

J. Upon completion of the third betting round, the dealer shall burn the top card of the deck, and commence and complete the next betting round as required under §H of this regulation.

K. Upon completion of the fourth betting round, the dealer shall burn the top card of the deck, and commence and complete the final betting round as required under §H of this regulation.

L. If more than one player remains in the round of play after the final betting round has been completed, the dealer shall use a showdown to determine the winner of the pot.

(1) Each player remaining in the game shall form a Badugi hand of four cards from different suits and ranked in accordance with COMAR 36.05.06.06 with the best hand being an ace, 2, 3, and 4.

(2) In Badugi Poker, the winner of the pot is the player with the lowest Badugi hand.

(3) If none of the hands of the remaining players satisfies the requirement in §L(1) of this regulation, the player with the lowest three card hand from different suits and ranks wins.

(4) If none of the hands of the remaining players satisfies the requirement in §L(3) of this regulation, the player with the lowest two card hand from different suits and ranks wins.

(5) If none of the hands of the remaining players satisfies the requirement in §L(4) of this regulation, the player with the lowest card wins.

(6) If a tie exists between two or more players for the highest ranking low hand, the pot shall be divided equally among the tied players.

(7) If the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking Poker card by suit or to the player specified in the facility operator's Rules Submission under COMAR 36.05.03.19.

STEPHEN L. MARTINO
Director

Errata

COMAR 10.09.26.20

At 42:3 Md. R. 335 (February 6, 2015), column 2, line 32 from the top:

For: (c) “*Developmental disability*” in §C(2)(b) of this

Read: (c) “*Developmental disability*” in §D(2)(b) of this

[15-06-29]

COMAR 13A.14.06

At 42:1 Md. R. 14 (January 9, 2015), column 1, line 17 from the top:

For: **Emergency status expires: April 1, 2015.**

Read: **Emergency status expires: March 30, 2015.**

[15-06-45]

COMAR 14.34.05.08

At 41:26 Md. R. 1604 (December 26, 2014), col. 1, line 10 from the bottom:

For: *General Provisions Article, §4-, Annotated Code of Maryland.*

Read: *General Provisions Article, §4-358, Annotated Code of Maryland.*

[15-06-44]

Special Documents

MARYLAND HEALTH CARE COMMISSION NURSING HOME LICENSED BEDS OCCUPANCY BY REGION AND JURISDICTION: MARYLAND, FISCAL YEAR 2013

Region/Jurisdiction		Percent Occupancy Rate*
Western Maryland		89.12
	Allegany County	87.12
	Carroll County	90.23
	Frederick County	86.30
	Garrett County	94.42
	Washington County	91.11
Montgomery County		84.71
Southern Maryland⁽¹⁾		90.69
	Calvert County	84.64
	Charles County	91.43
	Prince Georges County	92.03
	St Mary's County ⁽¹⁾	83.33
Central Maryland		87.96
	Anne Arundel County	86.67
	Baltimore City	87.81
	Baltimore County	88.79
	Harford County	90.34
	Howard County	81.71
Eastern Shore		86.10
	Caroline County	93.73
	Cecil County	85.89
	Dorchester County	87.77
	Kent County	74.92
	Queen Anne's County	85.36
	Somerset County	89.55
	Talbot County	92.82
	Wicomico County	84.46
	Worcester County	84.41
MD Total ⁽¹⁾		87.81
*Licensed Beds Occupancy Rate is based on a ratio of total patient days to total available licensed nursing home days, which excludes temporarily delicensed beds.		
Source: Maryland Health Care Commission, 2013 Long Term Care Survey, 2013 Nursing Home Bed Inventory Records; Maryland Medical Assistance Program, unaudited 2013 cost reports		
⁽¹⁾ Excludes Charlotte Hall Veterans Home		

**REQUIRED MARYLAND MEDICAL ASSISTANCE PARTICIPATION RATES
FOR NURSING HOMES BY REGION
AND JURISDICTION: FISCAL YEAR 2013**

Region/Jurisdiction		Required Medicaid Participation Rate*
Western Maryland		46.17
	Allegany County	54.70
	Carroll County	44.64
	Frederick County	37.59
	Garrett County	61.70
	Washington County	44.36
Montgomery County		41.62
Southern Maryland⁽¹⁾		44.00
	Calvert County	37.50
	Charles County	53.94
	Prince Georges County	42.45
	St Mary's County ⁽¹⁾	51.06
Central Maryland		47.01
	Anne Arundel County	37.38
	Baltimore City	58.18
	Baltimore County	42.21
	Harford County	48.57
	Howard County	44.03
Eastern Shore		51.25
	Caroline County	51.70
	Cecil County	49.00
	Dorchester County	57.04
	Kent County	41.56
	Queen Anne's County	56.44
	Somerset County	61.18
	Talbot County	46.20
	Wicomico County	51.28
	Worcester County	51.26
MD Total⁽¹⁾		45.99

* Participation Rates are based on weighted mean Medicaid participation (calculated as total county Medicaid days divided by total county patient days) minus 15.5%.

Source: Maryland Health Care Commission, 2013 Long Term Care Survey, 2013 Nursing Home Bed Inventory Records; Maryland Medical Assistance Program, unaudited 2013 cost reports

⁽¹⁾Excludes Charlotte Hall Veterans Home

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.

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: April 15, 2015, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Thomas C. Smith (410) 875-3605
 [15-06-25]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: April 6, 2015, 10 a.m.
Place: 200 St Paul Pl., 3rd Fl., Baltimore, MD
Contact: Shirley Leach (410) 230-6195
 [15-06-09]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: May 11, 2015, 1 — 3 p.m.
Place: 300 E. Joppa Rd. Ste. 1105, Baltimore, MD
Add'l. Info: Juvenile Council Meetings
Contact: Jessica Wheeler (410) 821-2828
 [15-06-02]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: April 2, 2015, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [15-06-20]

JOINT CHAIRS OF THE DESIGN BOARDS

Subject: Public Meeting
Date and Time: April 9, 2015, 1:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [15-06-37]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: April 14, 2015, 9 — 11 a.m.; part of the meeting may include a closed session
Place: 653 W. Pratt St., Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [15-06-17]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Request for Reverification
Place: MIEMSS, 653 W. Pratt St., Baltimore, MD
Add'l. Info: Pursuant to COMAR 30.08.02.10D, the Maryland Institute for Emergency Medical Services Systems gives notice that Shore Health Emergency Center at Queenstown has requested reverification as a Freestanding Emergency Medical Facility. Any person with knowledge of any reason why the above-listed hospital should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by April 17, 2015.

In addition, pursuant to COMAR 30.08.02.10D, hospitals not designated but who wish to be considered for designation as a Freestanding Emergency Medical Facility under COMAR 30.08.15.02 should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by May 19, 2015. Applications will be considered from Freestanding Emergency Medical Facilities that are licensed under Health-General Article, §18-3A-07, Annotated Code of Maryland. For more information, contact Lisa Myers, Director, Cardiac and Special Programs, at (410) 706-4740 or email lmyers@miemss.org.

Contact: Leandrea Gilliam (410) 706-4449
 [15-06-45]

UNINSURED EMPLOYERS' FUND BOARD

Subject: Public Meeting
Date and Time: March 25, 2015, 12 p.m.
Place: 300 E. Joppa Rd., Ste. 402, Towson, MD
Contact: Roxanne Pitts (410) 321-4136 Ext. 211
 [15-06-23]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: April 9, 2015, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [15-06-36]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Public Hearing
Date and Time: May 7, 2015, 9 a.m. — 1 p.m.
Place: UMBC Research and Technology Park—South Campus, 1450 S. Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Pharmacy Program's Pharmacy & Therapeutics Committee (Preferred Drug List). As soon as available, classes of drugs to be reviewed, agenda, and driving directions will be posted on the Maryland Pharmacy Program website at:
<https://mmcp.dhnh.maryland.gov/pap/SitePages/Public%20Meeting%20Announcement%20and%20Procedures%20for%20Public%20Testimony.aspx>
 Submit email questions to:
dhnh.marylandpdlquestions@maryland.gov
Contact: Shawn Singh (410) 767-6896
 [15-06-21]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: April 23, 2015, 4 — 6 p.m.
Place: 201 W. Preston St., Conf. Rm. L1, Baltimore, MD
Contact: Ashley Fried (410) 767-5121
 [15-06-22]

GENERAL NOTICES

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: May 14, 2015, 12 — 1 p.m.
Place: Columbia Gateway Bldg., 6751 Columbia Gateway Dr., Rm. 401, Columbia, MD
Contact: Joyce Dantzler (410) 767-1372 [15-06-30]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Evaluation and Management Rate Decrease
Add'l. Info: On January 7, 2015, Maryland Board of Public Works approved cuts to the State Fiscal Year Budget. The following Maryland Medical Assistance services were impacted by such cuts.
For dates of service beginning April 1, 2015, the Maryland Medical Assistance reimbursement rates for covered Evaluation and Management (E&M) codes will decrease to 87 percent of 2014 Medicare rates as opposed to the previously budgeted 100 percent of 2014 Medicare rates. This represents an estimated \$23,230,952 total fund savings (42 percent General funds, \$9,685,000, and 58 percent federal funds, \$13,545,952) for these codes between April 1, 2015 and June 30, 2015.

Copies of the proposed changes are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Michael Cimmino, Office of Health Services, DHMH, 201 W. Preston St., Room 128D, Baltimore, MD 21201, or call at 410-767-0579 or email to Michael.Cimmino@maryland.gov.
Contact: Michael Cimmino (410) 767-0579 [15-06-32]

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

Subject: Public Meeting
Date and Time: April 8, 2015, 10:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Robin Bailey (410) 230-6160 [15-06-07]

HOME IMPROVEMENT COMMISSION

Subject: Public Meeting
Date and Time: April 2, 2015, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: John Papavasiliou (410) 230-6169 [15-06-16]

DEPARTMENT OF INFORMATION TECHNOLOGY

Subject: Public Meeting
Date and Time: April 14, 2015, 10 a.m. — 12 p.m.
Place: Maryland Dept. of Transportation Headquarters, 7201 Corporate Center Dr., Harry Hughes Conf. Rm., Hanover, MD
Add'l. Info: Maryland Council on Open Data
Contact: Betsy Jackson (410) 260-6614 [15-06-31]

FACILITIES ADVISORY BOARD — JUVENILE SERVICES

Subject: Public Meeting
Date and Time: April 11, 2015, 10 a.m. — 12 p.m.
Place: Baltimore City Juvenile Justice Center, 300 N. Gay St., 2nd Fl. Large Conf. Rm., Baltimore, MD
Contact: Bridgett Tucker (410) 752-3500 x 130 [15-06-15]

COMMISSION ON KIDNEY DISEASE

Subject: Public Meeting
Date and Time: April 23, 2015, 2 p.m.
Place: 4201 Patterson Ave., Rm. 108, Baltimore, MD
Add'l. Info: A portion of this meeting may be closed for executive session.
Contact: Eva Schwartz (410) 764-4799 [15-06-18]

COMMISSION ON KIDNEY DISEASE

Subject: Public Meeting
Date and Time: July 23, 2015, 2 p.m.
Place: 4201 Patterson Ave., Rm. 108, Baltimore, MD
Add'l. Info: A portion of this meeting may be closed for executive session.
Contact: Eva Schwartz (410) 764-4799 [15-06-19]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: April 1, 2015, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262 [15-06-35]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: April 16, 2015, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460 [15-06-08]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: Add'l Info: On February 20, 2015 the Maryland Health Care Commission (MHCC) received two Certificate of Need applications submitted by:

Anne Arundel Medical Center — Matter No. 15-02-2360 — Establish a cardiac surgery, research and training program in partnership with Johns Hopkins Medicine at the hospital located Annapolis. Proposed Cost: \$2,500,000.

Baltimore Washington Medical Center — Matter No. 15-02-2361 — Establish a cardiac surgery services program at the hospital in Glen Burnie, as a third location for the existing University of Maryland Cardiac Surgery Services Program. Proposed Cost: \$1,259,117.

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 [15-06-28]

MARYLAND HEALTH CARE COMMISSION

Subject: Notice of Receipt of Letters of Intent and Review for Track One Alcoholism and Drug Abuse Intermediate Care Facility

Add'l. Info: On February 10, 2015, the MHCC received Letters of Intent from:

- 11100 Billingsley Road OPCO, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 190 beds to be located at 11100 Billingsley Road, Waldorf, Charles County;
- 11000 Mattaponi Road OPCO, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 73 beds to be located at 1100 Mattaponi Road, Upper Marlboro, Prince George's County;
- 4620 Melwood Road OPCO, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 96 beds to be located at 4620 Melwood Road, Upper Marlboro, Prince George's County;
- 314 Grove Neck Road OPCO, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 5 beds to be located at 314 Grove Neck Road, Earleville, Cecil County;
- 201 Wye Woods Avenue OPCO, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 80 beds to be located at 201 Wye Woods Way, Queenstown, Queen Anne's County; and
- 560-600 Aspen Drive OPCO, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 100 beds to be located at 600 Aspen Drive, Queenstown, Queen Anne's County.

Pursuant to COMAR 10.24.01.08A(3) the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish a Track One Alcoholism and Drug Abuse Treatment Facility. Additional Letters of Intent should be submitted to the MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215, and are due by the close of business on April 20, 2015.

Contact: Ruby Potter (410) 764-3276
[15-06-43]

MARYLAND PUBLIC TELEVISION

Subject: Public Meeting

Date and Time: April 21, 2015, 8:30 — 10:30 p.m.

Place: 11767 Owings Mills Blvd., Owings Mills, MD

Contact: Laura Taylor (410) 581-4141
[15-06-10]

GOVERNOR'S COMMISSION ON MARYLAND MILITARY MONUMENTS

Subject: Public Meeting

Date and Time: April 8, 2015, 2 — 3:30 p.m.

Place: Annapolis Armory, 18 Willow St., Annapolis, MD

Contact: Denise Nooe (410) 260-3840
[15-06-27]

DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE

Subject: Public Notice — 2015 Commercial Individual Transferable Quota Striped Bass Season Modification

Add'l. Info: The Acting Secretary of the Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces that the 2015 commercial individual transferable quota (ITQ) striped bass fishery season for gill net will be extended from 3 a.m. March 2, 2015 through 11:59 p.m. March 13, 2015; weekends excluded.

This extension is intended to help address the loss of fishing opportunity and income to the commercial fleet due to the extreme cold temperatures and ice on the Bay for the last couple of weeks. This extension poses little to no risk to the conservation and sustainability of the striped bass resource. A commercial striped bass permit holder in the ITQ fishery is limited to the quota assigned to their striped bass permit. All other rules and restrictions will remain in effect. The 2015 gill net common pool fishery will remain closed as the quota has already been achieved for February.

For more information, see the Director of the Fisheries Service's memo to the Sport Fisheries and Tidal Fisheries Advisory Commissions here:

http://dnr2.maryland.gov/fisheries/Documents/2015SB_ITQGNExtensionMemo.pdf

Mark J. Belton
Acting Secretary
Maryland Department of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[15-06-33]

DEPARTMENT OF NATURAL RESOURCES/FISHERIES SERVICE

Subject: Public Notice — 2015 Recreational Black Sea Bass Fishery

Add'l. Info: The Secretary of Natural Resources, pursuant to COMAR 08.02.05.21F, announces the season, catch limit, and minimum size for the recreational black sea bass fishery for 2015, effective 12:01 a.m. on February 28, 2015:

- The season will be open May 15, 2015 through September 18, 2015 and October 18, 2015 through December 31, 2015. The season is closed all other dates in 2015.
- Anglers may keep up to 15 black sea bass per person per day.
- The minimum size is 12.5 inches.

Mark J. Belton

Acting Secretary

Maryland Department of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[15-06-34]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: April 9, 2015, 1 p.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-06-11]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: May 14, 2015, 1 p.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-06-12]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: June 11, 2015, 1 p.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-06-13]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: July 9, 2015, 1 p.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Contact: Sheri Henderson (410) 764-4785
[15-06-14]

GENERAL NOTICES

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POLICE TRAINING COMMISSION

Subject: Public Meeting
Date and Time: April 8, 2015, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Thomas C. Smith (410) 875-3605
[15-06-24]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: April 9, 2015, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300
[15-06-06]

PROTOCOL FOR SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS AND PLANNING COMMITTEE

Subject: Public Meeting
Date and Time: April 9, 2015, 10 a.m. — 12 p.m.
Place: Columbia Gateway Bldg., 6751 Columbia Gateway Dr., Rm. 401, Columbia, MD
Contact: Joyce Dantzler (410) 767-1372
[15-06-03]

STATE TREASURER'S OFFICE

Subject: Public Meeting
Date and Time: April 15, 2015, 2 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. 114—116, Annapolis, MD
Add'l. Info: Annual Meeting to Recommend a State Tax Rate on Real Personal Property
Contact: Nikki Griffith (410) 260-7920
[15-06-38]

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION

Subject: Public Meeting
Date and Time: April 21, 2015, 10:30 a.m. — 1 p.m.; Inclement Weather Date: April 28, 2015, same time, same location
Place: MDOT, 7201 Corporate Center Dr., Hanover, MD
Contact: Denise Nooe (410) 260-3840
[15-06-26]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: May 21, 2015, 10 a.m. — 4 p.m.
Place: MDE, 1800 Washington Blvd., Aqua Conf. Rm., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Pat Kratochvil (410) 537-3167
[15-06-01]

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Title 19A	State Ethics Commission	\$33	\$20	_____	_____
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Title 21	State Procurement Regulations	\$65	\$42	_____	_____
Title 22	State Retirement and Pension System	\$33	\$18	_____	_____
Title 23	Board of Public Works	\$26	\$15	_____	_____
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Title 26	Environment (All parts) **	\$241	\$160	_____	_____
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Department of Health and Mental Hygiene: Part & Subtitles

#### Part 1

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

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
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- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
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- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
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Dispensers, and Speech-Language Pathologists
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- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
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- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing—Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program  
Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
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Department of Transportation – Volume & Subtitles

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  - 02 Transportation Service Human Resources System
  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
  - 05 Maryland Port Administration
  - 06 Mass Transit Administration
  - 07 Maryland Transportation Authority
  - 08 State Railroad Administration
  - 09 Vacant
  - 10 Vacant
- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
  - 14 MVA – Vehicle Inspections
  - 15 MVA – Vehicle Registration
  - 16 MVA – Vehicle Operations
  - 17 MVA – Driver Licensing and Identification Documents
  - 18 MVA – Financial Responsibility Requirements
  - 19 MVA – School Vehicles
  - 20 MVA – Motorcycle Safety Program
  - 21 MVA – Commercial Motor Vehicles
  - 22 MVA – Preventive Maintenance Program
  - 23 MVA – Drivers' Schools, Instructors & Driver Education Program

### Title 26

Department of the Environment – Part & Subtitles

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- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
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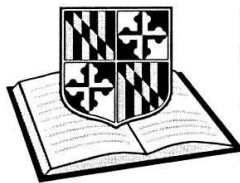
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