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# Maryland Register

Issue Date: May 1, 2015

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Volume 42 • Issue 9 • Pages 637—668

## IN THIS ISSUE

Governor  
Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 13, 2015, 5 p.m.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 April 13, 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](http://www.dsd.state.md.us/CumulativeIndex.pdf). This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

### SUBSCRIPTION INFORMATION

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

### CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.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

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

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**Lawrence J. Hogan, Jr.,** Governor; **John C. Wobensmith,** Secretary of State; **Brian Morris,** Administrator; **Gail S. Klakring,** Senior Editor; **Mary D. MacDonald,** Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.

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## Availability of Monthly List of Maryland Documents

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

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

## CLOSING DATES AND ISSUE DATES through JANUARY 22, 2016

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
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
August 7	July 20	July 29	July 27
August 21	August 3	August 12	August 10
September 4	August 17	August 26	August 24
September 18**	August 31	September 9	September 4
October 2	September 14	September 23	September 21
October 16	September 28	October 7	October 5
October 30**	October 9	October 21	October 19
November 13	October 26	November 4	November 2
November 30***	November 9	November 18	November 16
December 11**	November 20	December 2	November 30
December 28***	December 7	December 16	December 14
January 8**	December 18	December 30	December 28
January 22	January 4	January 13	January 11

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

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

\*\* Note closing date changes

\*\*\* Note issue date and closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

### COMAR Online

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

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

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

## REGULATIONS CODIFICATION SYSTEM

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

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

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

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

## Table of Pending Proposals

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

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### 08 DEPARTMENT OF NATURAL RESOURCES

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- 13A.16.08.01—.03 • 42:6 Md. R. 526 (3-20-15)
- 13A.16.09.01 • 42:6 Md. R. 526 (3-20-15)
- 13A.16.12.01 • 42:6 Md. R. 526 (3-20-15)
- 13A.16.16.06 • 42:6 Md. R. 526 (3-20-15)
- 13A.17.01.02 • 42:6 Md. R. 532 (3-20-15)
- 13A.17.02.02—.04,.06 • 42:6 Md. R. 532 (3-20-15)
- 13A.17.03.02,.04—.06 • 42:6 Md. R. 532 (3-20-15)
- 13A.17.06.02 • 42:6 Md. R. 532 (3-20-15)
- 13A.17.08.01 • 42:6 Md. R. 532 (3-20-15)
- 13A.17.09.01 • 42:6 Md. R. 532 (3-20-15)
- 13A.17.12.01 • 42:6 Md. R. 532 (3-20-15)
- 13A.18.02.02—.05 • 42:6 Md. R. 535 (3-20-15)
- 13A.18.03.03—.06 • 42:6 Md. R. 535 (3-20-15)
- 13A.18.05.03 • 42:6 Md. R. 535 (3-20-15)
- 13A.18.06.02,.05—.07 • 42:6 Md. R. 535 (3-20-15)
- 13A.18.08.01 • 42:6 Md. R. 535 (3-20-15)
- 13A.18.09.01 • 42:6 Md. R. 535 (3-20-15)
- 13A.18.12.01 • 42:6 Md. R. 535 (3-20-15)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

- 13B.08.01.01—.10 • 42:1 Md. R. 91 (1-9-15)

**14 INDEPENDENT AGENCIES**

- 14.09.04.03 • 42:7 Md. R. 573 (4-3-15)
- 14.09.11.01,.03—.05 • 42:9 Md. R. 661 (5-1-15)
- 14.22.01.10,.17 • 42:6 Md. R. 539 (3-20-15)
- 14.22.02.02 • 42:6 Md. R. 539 (3-20-15)
- 14.26.07.01—.03 • 41:13 Md. R. 773 (6-27-14)
- 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)
- 15.20.04.11 • 42:7 Md. R. 574 (4-3-15)
- 15.20.07.02 • 42:7 Md. R. 574 (4-3-15) (ibr)
- 15.20.08.01,.03,.05—.13 • 42:7 Md. R. 574 (4-3-15)

**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)

**24 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**

- 24.05.22.01—.12 • 42:8 Md. R. 615 (4-17-15)

**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)**

- 26.11.01.10 • 42:8 Md. R. 621 (4-17-15)
- 26.11.09.08 • 42:8 Md. R. 621 (4-17-15)
- 26.11.29.01—.05 • 42:8 Md. R. 625 (4-17-15)
- 26.11.30.01—.08 • 42:8 Md. R. 621 (4-17-15)
- 26.12.01.01 • 41:22 Md. R. 1336 (10-31-14)
- 42:7 Md. R. 582 (4-3-15)

**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)

**31 MARYLAND INSURANCE ADMINISTRATION**

- 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 Governor

## EXECUTIVE ORDER 01.01.2015.15

### Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2015 regular Session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2015 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 13, 2015 IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, effective this 6th Day of April, 2015.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[15-09-47]

WHEREAS, In order to waive certain regulations to facilitate emergency response and restoration activities, to activate certain emergency contracts, and to facilitate the deployment of requisite resources within provisions of Maryland law;

WHEREAS, Use of resources of the Maryland National Guard may be required;

WHEREAS, An Executive Order to implement the emergency powers of the Governor is a prerequisite for potential federal emergency assistance; and

WHEREAS, In order to implement the emergency powers of the Governor, an Executive Order of the Governor is appropriate.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 AND SECTION 13-702 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS IN BALTIMORE CITY, I CALL THE MARYLAND NATIONAL GUARD INTO ACTION AND STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY, AND COORDINATE AVAILABLE RESOURCES.

Given Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 27th day of April, 2015, the effective date.

LAWRENCE J. HOGAN, JR.  
Governor

Attest:

JOHN C. WOBENSMITH  
Secretary of State

[15-09-48]

## EXECUTIVE ORDER 01.01.2015.16

### Declaration of Emergency

WHEREAS, The State of Maryland is subject to a public emergency as defined in Section 14-301 of the Public Safety Article of the Annotated Code of Maryland;

WHEREAS, The Mayor of the City of Baltimore having applied to the Governor for a proclamation of a State of Emergency;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency there may be a need to take protective actions to protect the lives and property of citizens being currently impacted by this public emergency;



# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated April 7, 2015, **MARK EDWARD ROLLISON**, 8140 Corporate Drive, Suite 210, Baltimore, Maryland 21236, has been reprimanded by consent.

\* \* \* \* \*

This is to certify that the name **ESTHUS CHRISTOPHER AMOS**, 306 E. Meehan Avenue, Philadelphia, Pennsylvania 19119, has been replaced upon the register of attorneys in the Court of Appeals as of March 26, 2015. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

\* \* \* \* \*

This is to certify that the name **CAROLYN M. HOLT**, 12306 Marblehead Drive, Tampa, Florida 33626, has been replaced upon the register of attorneys in the Court of Appeals as of March 26, 2015. Notice of this action is certified in accordance with Maryland Rule 16-781(l).

[15-09-46]

# 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 05

# DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## Subtitle 13 NEIGHBORHOOD BUSINESS DEVELOPMENT

### 05.13.06 Food Desert Designation and Financing

Authority: Housing and Community Development Article, §6-308(a)(2),  
Annotated Code of Maryland

#### Notice of Final Action

[15-087-F]

On April 2, 2015, the Secretary of Housing and Community Development adopted new Regulations **.01—.17** under **COMAR 05.13.06 Food Desert Designation and Financing**. This action, which was proposed for adoption in 42:3 Md. R. 321—326 (February 6, 2015), has been adopted as proposed.

**Effective Date: May 11, 2015.**

KENNETH C. HOLT  
Secretary of Housing and Community Development

## Title 09

# DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 11 REAL ESTATE COMMISSION

### 09.11.02 Code of Ethics

Authority: Business Occupations and Professions Article, §17-207, Annotated  
Code of Maryland

#### Notice of Final Action

[14-279-F]

On March 18, 2015, the Real Estate Commission adopted amendments to Regulation **.02** under **COMAR 09.11.02 Code of Ethics**. This action, which was proposed for adoption in 41:19 Md. R. 1085 (September 19, 2014), has been adopted with the nonsubstantive changes shown below.

**Effective Date: June 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 .02H(1): This change removes the existing language, which is inconsistent with a statutory provision that was passed subsequent to the adoption of the regulation. The new language is consistent with, and cross-references to, the relevant statutory provision.

Regulation .02H(2): This change was made to conform the language to the relevant statutory provision.

### .02 Relations to the Client.

A. — G. (proposed text unchanged)

H. *Presentation of Offers.*

(1) ~~[[ If more than one formal written offer on a specific property is made before the owner has accepted an offer, all formal written offers presented to the licensee, whether by a prospective purchaser or another broker, shall be transmitted to the owner for a decision.~~

(2)]] *A licensee shall present all written offers or counteroffers received by the licensee to the client, as required by Business Occupations and Professions Article, §17-532(c)(ii)(3), Annotated Code of Maryland, in accordance with §H(2) of this regulation.*

(2) ~~[[All formal]] Unless otherwise specified in the brokerage agreement, all written offers ~~[[presented to the owner in accordance with §H(1) of this regulation]] or counteroffers shall be presented to the client:~~~~

(a) ~~[[in]] In full~~[[, in]]; *and*

(b) *In hard copy or electronic format.*

I. (proposed text unchanged)

J. NICHOLAS D'AMBROSIA  
Chairman  
Real Estate Commission

# Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.55 Physician Assistants

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

#### Notice of Final Action [15-019-F]

On April 9, 2015, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—10** under a new chapter, **COMAR 10.09.55 Physician Assistants**. This action, which was proposed for adoption in 42:1 Md. R. 48—51 (January 9, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: May 11, 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 .02C(6): Deleted §C(6) to remain consistent with existing practice.

Regulation .03B(2): Added language to remain consistent with existing law.

Regulation .03C: Removed text to clarify timing of requirement.

Regulation .05S and T: Deleted §§S and T to remain consistent with existing practice.

#### **.02 License and Certification Requirements.**

A.—B. (proposed text unchanged)

C. *A physician having a written agreement to supervise a physician assistant shall:*

(1)—(5) (proposed text unchanged)

[[ (6) *Jointly sign records to document accountability of both the physician and the physician assistant;* ]]

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

D. (proposed text unchanged)

#### **.03 Conditions for Participation.**

A. (proposed text unchanged)

B. *A physician assistant shall:*

(1) (proposed text unchanged)

(2) *If the primary supervising physician delegates the prescribing of controlled dangerous substances to a physician assistant, if required by applicable law, the physician assistant shall:*

(a)—(b) (proposed text unchanged)

C. *To [[continue to]] participate as a provider, the physician assistant shall submit to the Program [[periodically as necessary]] a copy of the provider's:*

(1)—(2) (proposed text unchanged)

D.—E. (proposed text unchanged)

#### **.05 Limitations.**

*The Program does not cover the following under these regulations:*

A.—Q. (proposed text unchanged)

R. *Services denied by Medicare as not medically justified; and*

[[S. *Services for which the supervising physician has not reviewed and signed the patient's medical record;*

T. *Services for which the patient has not signed a written attestation permitting the physician assistant to perform advanced duties; and]]*

[[U.]]   . (proposed text unchanged)

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 32 BOARD OF PHYSICIANS

#### Notice of Final Action [15-060-F]

On April 17, 2015, the Secretary of Health and Mental Hygiene adopted:

(1) Amendments to Regulations **.01, .09, .10, .12, and .13** under **COMAR 10.32.06 Licensure of Polysomnographic Technologists;** and

(2) New Regulation **.08** under **COMAR 10.32.11 Licensing of Respiratory Care Practitioners.**

This action, which was proposed for adoption in 42:3 Md. R. 367—371 (February 6, 2015), has been adopted as proposed.

**Effective Date: May 11, 2015.**

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

### 10.42.05 Fee Schedule

*Authority: Health Occupations Article, §§19-205, 19-206, and 19-308, Annotated Code of Maryland*

#### Notice of Final Action [15-057-F]

On April 15, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01** and **.02** under **COMAR 10.42.05 Fee Schedule**. This action, which was proposed for adoption in 42:3 Md. R. 382—383 (February 6, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: May 11, 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 .02A(13)(a) and (b): The change from “and” to “or” in both paragraphs clarifies the Board’s original intent.

#### **.02 Fees.**

A. The following fees are established by the Board:

(1)—(12) (proposed text unchanged)

(13) *Rosters:*

(a) *Bachelor [[and]] or graduate levels — \$80;*

(b) *Certified [[and]] or certified — clinical levels — \$150.*

B.—C. (proposed text unchanged)

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Subtitle 44 BOARD OF DENTAL EXAMINERS

### 10.44.12 Anesthesia and Sedation

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

#### Notice of Final Action

[15-088-F]

On April 16, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .03, .04, .08, .09, and .11, new Regulations .12 and .35, the recodification of Regulations .12—, .15, .17, .18, .21—, .25, .27, .29, .33, .35—, .37 to be Regulations .13—, .16, .18, .19, .22—, .26, .28, .30, .34, and .37—, .39, respectively, and amendments and the recodification of Regulations .16, .19, .20, .26, .28, .30—, .32, and .34 to be Regulations .17, .20, .21, .27, .29, .31—, .33, and .36, respectively, under **COMAR 10.44.12 Anesthesia and Sedation**. This action, which was proposed for adoption in 42:3 Md. R. 383—387 (February 6, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: May 11, 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 .03B(6)(b) and (c): The amendments are non-substantive in that they clarify that in order for the second dose of medication for the purpose of anesthesia to be considered an "anxiolytic", it must be the same drug as was initially dispensed. It also clarifies the point that a second drug that is not dispensed for the purpose of anesthesia does not fall within the purview of the regulation. The amendments do not expand the scope of the proposed regulation. The amendments are foreseeable non-substantive additions to the regulation. The changes do not impose additional duties on licensees. Instead, they clarify the proposed regulation.

Regulation .04B: The amendment to this regulation, although not originally proposed, is required to further explain the changes being made to Regulation .03B(6).

#### .03 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1)—(5) (proposed text unchanged)

(6) *Anxiolysis*.

(a) (proposed text unchanged)

(b) "*Anxiolysis*" includes a single dose of one sedative, narcotic, class of drugs, or medication prescribed by the treating dentist and taken the evening before a procedure or the morning of a procedure, or both, provided that the dosage complies with the definition of anxiolysis under §B(5)(a) of this regulation.

(c) "*Anxiolysis*" does not include the administering, prescribing, or dispensing of any other [[drug]] sedative, narcotic, class of drugs, or medication for the purpose of anesthesia by a dentist to a patient to be used for anesthesia or sedation, to be taken the evening before a procedure or the morning of a procedure.

(7)—(26) (proposed text unchanged)

#### .04 Anxiolysis.

A. (text unchanged)

B. The administering, prescribing, or dispensing of more than one type of sedative, narcotic, class of drug, or medication for the purpose of anesthesia to be taken the evening before a procedure, or the morning of a procedure, is not anxiolysis and shall require the appropriate anesthesia or sedation permit.

[[B.]] C.—[[E.]] F. (text unchanged)

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Title 31

# MARYLAND INSURANCE ADMINISTRATION

## Subtitle 10 HEALTH INSURANCE — GENERAL

### 31.10.21 Private Review Agents

Authority: Insurance Article, §§2-109(a)(1) and 15-10B-03(h), Annotated Code of Maryland

#### Notice of Final Action

[15-076-F]

On April 10, 2015, the Insurance Commissioner adopted amendments to Regulation .02-1 under **COMAR 31.10.21 Private Review Agents**. This action, which was proposed for adoption in 42:2 Md. R. 271—272 (January 23, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: May 11, 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 .02-1H: The time of the initial date of treatment for a condition is being removed from the uniform treatment plan form. The change is being made because the time of the initial encounter is unnecessary to determine the date of the initial encounter. The change is nonsubstantive since the change does not alter the needed information, which is the date of the initial encounter.

#### .02-1 Uniform Treatment Plan.

A.—G. (proposed text unchanged)

H. The uniform treatment plan form required by this regulation shall read as follows:

**Note: The revised form appears at the end of the Final Action on Regulations section of this issue of the Maryland Register.**

I. (proposed text unchanged)

ALFRED W. REDMER, JR.  
Insurance Commissioner

# Uniform Treatment Plan Form

(For Purposes of Treatment Authorization)

Today's Date \_\_\_\_\_

Carrier or Appropriate Recipient:  
\_\_\_\_\_

<b>PATIENT INFORMATION</b> PATIENT'S FIRST NAME _____ PATIENT'S DATE OF BIRTH _____ MEMBERSHIP NUMBER _____ AUTHORIZATION NUMBER (If Applicable) _____	<b>PRACTITIONER INFORMATION</b> PRACTITIONER ID# or TAX ID _____ PHONE NUMBER _____ PRACTITIONER/FACILITY NAME, ADDRESS, FAX AND PHONE _____ Date[[/Time]] Patient First Seen For _____ This Episode Of Treatment __/__/__ [[@__:__am/pm]]
---	--

**Level of care being requested:** Please specify benefit type:

- Mental Health    Substance Use Disorder    Outpatient    Intensive Outpatient Program    Partial Hospitalization Program  
 Acute IP    IP Rehab    Acute IP Detox    Residential    ECT    rTMS    Applied Behavior Analysis (ABA)    Psychological Testing  
 BioFeedback    Telehealth    Other \_\_\_\_\_

**Primary Dx Code:** \_\_\_\_\_ **Secondary Dx Code(s):** \_\_\_\_\_

**Current Treatment Modalities: (check all that apply)**

- Psychotherapy:    Behavioral    CBT    DBT    Exposure    Supportive Therapy    Problem Focused    Interpersonal  
 Psychodynamic    EMDR    Group    Couples    Family    Other \_\_\_\_\_  
 **Medical Evaluation and Management**

**Type of Medications(if not applicable, no response is required):**

- Antipsychotic    Anxiolytic    Antidepressant    Stimulant    Injectables    Hypnotic    Non-psychotropic    Mood Stabilizer  
 Other \_\_\_\_\_

**Current Symptoms and Functional Impairments:** Rate the patient's current status on these symptoms/functional impairments, if applicable.

	Current Ideation	Current Plan	Prior Attempt	None
Suicidal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homicidal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Symptoms/ Functional Impairments	None	Mild	Moderate	Severe
Self-Injurious Behavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Use Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Depression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agitated/aggressive Behavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mood Instability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychosis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anxiety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eating Disorder Symptoms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social/ Familial/School/WorkProblems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADL Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**If requesting additional outpatient care for a patient, why does the patient require further outpatient care:**    Maintenance treatment for a chronic condition    Consolidate treatment gains    Continued impairment in functioning    Significant regression    New symptoms and/or impairments    Supportive treatment due to other treatment plan changes    complex psychiatric and medical co-morbidity    Complex Psychiatric and Substance abuse Co-morbidity  
 other \_\_\_\_\_

Signature of Practitioner: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**My signature attests that I have a current valid license in the state to provide the requested services.**

**Complete the following if the request is for ECT or rTMS:** Provide clinical rationale including medical suitability and history of failed treatments:

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following for Applied Behavior Analysis (ABA) Requests (if the carrier classifies ABA as a mental health benefit):**

Supervising BCBA Name \_\_\_\_\_ Has Autism Spectrum Disorder been validated by MD/DO or Psychologist?  Yes  No

For initial requests, what are specific ABA treatment goals for the patient?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Date of Evaluation by MD/DO: \_\_\_\_\_

For continuing requests, assessment of functioning (observed via FBA, ABLLS, VB-MAPP, etc.) related to ASD including progress over the last year:

For continuing requests what are the treatment goals and targeted behaviors, indicating new or continued, with documentation of progress and child's response to treatment:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following if the request is for Psychological Testing:**

**Symptoms/Impairment related to need for testing:**

- |   |  |
|---|--|
| <input type="checkbox"/> Acute change in functioning from the individual's previous level | <input type="checkbox"/> Personality problems      |
| <input type="checkbox"/> Peculiar behaviors and/or thought process                        | <input type="checkbox"/> School problems           |
| <input type="checkbox"/> Symptoms of psychosis  | <input type="checkbox"/> Family issues             |
| <input type="checkbox"/> Attention problems   | <input type="checkbox"/> Cognitive impairment      |
| <input type="checkbox"/> Development delay  | <input type="checkbox"/> Mood Related Issues       |
| <input type="checkbox"/> Learning difficulties  | <input type="checkbox"/> Neurological difficulties |
| <input type="checkbox"/> Emotional problems   | <input type="checkbox"/> Physical/medical signs    |
| <input type="checkbox"/> Relationship issues  |  |
| <input type="checkbox"/> Other: _____   |  |

**Purpose of Psychological Testing:**

- Differential diagnostic clarification
- Help formulate/reformulate effective treatment plan.
- Therapeutic response is significantly different from that expected based on the treatment plan.
- Evaluation of functional ability to participate in health care treatment.
- Other: (describe) \_\_\_\_\_

Substance use in last 30 days:  Yes  No Diagnostic Assessment Completed:  Yes Date \_\_\_\_/\_\_\_\_/\_\_\_\_  No

Patient substance free for last ten days  Yes  No

Has the patient had known prior testing of this type within the past 12 months?  Yes  No

If so, why necessary now?  Unexpected change in symptoms  Evaluate response to treatment  Assess functioning  Other

Names and Number of Hours of each requested test \_\_\_\_\_

If appropriate, complete this section: Reason(s) why assessment will require more time relative to test standardization samples?

<input type="checkbox"/> Depressed mood	<input type="checkbox"/> Vegetative Symptom	<input type="checkbox"/> Processing speed	<input type="checkbox"/> Performance Anxiety	<input type="checkbox"/> Expressive/ Receptive Communication Difficulties
<input type="checkbox"/> Low frustration tolerance	<input type="checkbox"/> Suspected or Confirmed grapho-motor deficits	<input type="checkbox"/> Physical Symptoms or Conditions such as: _____ _____	<input type="checkbox"/> Other: _____ _____ _____	

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following if the request is for Biofeedback:**

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following if the request is for Telehealth:**

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

Patient Membership Number \_\_\_\_\_

UTP Page 2

**Complete for Higher Level of Care Requests (e.g. inpatient, residential, intensive outpatient and partial hospitalization):**

**Primary reason for request or admission: (check one)**  Self/Other Lethality Issues  Violent, unpredictable/uncontrolled behavior  
 Safety issues  Eating Disorder  Detox/withdrawal symptoms  Substance Use  Psychosis  Mania  Depression  
 Other \_\_\_\_\_

**Why does this patient require this higher level of care at this time? (Please provide frequency, intensity, duration of impairing behaviors and symptoms):** \_\_\_\_\_  
\_\_\_\_\_

**Medication adjustments (medication name and dose) during level of care:** \_\_\_\_\_  
\_\_\_\_\_

**Barriers to Compliance or Adherence:** \_\_\_\_\_

**Prior Treatment in past 6 months:**

Mental Health  Substance Use Disorder  Inpatient  Residential  Partial  Intensive Outpatient  Outpatient

Relevant Medical issues (if any): \_\_\_\_\_  
\_\_\_\_\_

Support System/Home Environment: \_\_\_\_\_  
\_\_\_\_\_

Treatment Plan (include objectives, goals and interventions): \_\_\_\_\_  
\_\_\_\_\_

If Concurrent Review—What progress has been made since the last review \_\_\_\_\_  
\_\_\_\_\_

Why does member continue to need level of care \_\_\_\_\_  
\_\_\_\_\_

Discharge Plan (including anticipated discharge date) \_\_\_\_\_  
\_\_\_\_\_

**Complete the following if substance use is present for higher level of care requests:**

Type of substance use disorder \_\_\_\_\_

Onset:  Recent  Past 12 Months  More than 12 months ago

Frequency:  Daily  Few Times Per Week  Few Times Per Month  Binge Pattern

Last Used:  Past Week  Past Month  Past 3 Months  Past Year  More than one year ago

Consequences of relapse:  Medical  Social  Housing  Work/School  Legal  Other \_\_\_\_\_

Urine Drug Screen:  Yes  No Vital Signs: \_\_\_\_\_

Current Withdrawal Score: (CIWA \_\_\_\_\_ COWS \_\_\_\_\_) or Symptoms ( check if not applicable) \_\_\_\_\_  
\_\_\_\_\_

History of:  Seizures  DT's  Blackouts  Other  Not Applicable

**Complete the following if the request is related to the treatment of an eating disorder for higher level of care requests:**

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ % of NBW \_\_\_\_\_

Highest weight \_\_\_\_\_ Lowest weight \_\_\_\_\_ Weight change over time (e.g. lbs lost in 1 month) \_\_\_\_\_

If purging, type and frequency \_\_\_\_\_ Potassium \_\_\_\_\_ Sodium \_\_\_\_\_ Vital signs \_\_\_\_\_

Abnormal EKG \_\_\_\_\_ Medical Evaluation  Yes  No

Please identify current symptoms, behaviors and diagnosis of any Eating Disorder issues: \_\_\_\_\_  
\_\_\_\_\_

Please include any current medical/physiological pathologic manifestations: \_\_\_\_\_  
\_\_\_\_\_





# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.15 Striped Bass

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

#### Notice of Proposed Action

[15-120-P]

The Secretary of Natural Resources proposes to amend Regulations .08 — .10 under **COMAR 08.02.15 Striped Bass**.

#### Statement of Purpose

The purpose of this action is to change the size limit for striped bass during the Chesapeake Bay recreational and charter spring trophy season to require any striped bass in possession to be between 28 inches and 36 inches, inclusive, or larger than 40 inches. This action will also increase the minimum size for striped bass in the Chesapeake Bay recreational and charter early/summer/fall season from 18 inches to 20 inches, and extend this season from December 15 to December 20. Lastly, this action will increase the minimum size for striped bass in Potomac River tributaries from 18 inches to 20 inches.

This action is necessary to implement management measures required by the Atlantic States Marine Fisheries Commission (ASMFC) to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25 percent and 20.5 percent, respectively. In order to comply with this ASMFC mandate, regulations to curtail the harvest must be in effect by the start of the spring fishing season on April 18, 2015; for this reason, an emergency action identical to this proposed action has also been submitted.

The impetus for these measures began in October 2013, when ASMFC initiated Addendum IV to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan. ASMFC scoped

Addendum IV at a public hearing on September 25, 2014 at Chesapeake College in Wye Mills. The Department also held an informational meeting to prepare stakeholders for the ASMFC hearing on September 18, 2014, at Anne Arundel Community College. Addendum IV was approved at the October 2014 meeting of ASMFC. As part of Addendum IV, Maryland is required to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25 percent and 20.5 percent, respectively. The measures implemented by this action have been scoped with the public since October 2014, beginning with the Sport Fisheries Advisory Commission and including a public scoping meeting held on November 24, 2014. The measures in this action, which are projected to achieve the required reductions in harvest, were approved by the ASMFC Atlantic Striped Bass Technical Committee on March 17, 2015, after preliminary approval by the ASMFC Board at the January 2015 meeting.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The action may have an indeterminable negative economic impact.

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

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Trips on licensed charter boats	(-)	Indeterminable
E. On other industries or trade groups:		
	NONE	
F. Direct and indirect effects on public:		
(1) Decreased availability of legal-sized fish	(-)	Indeterminable
(2) Increased future availability	(+)	Indeterminable

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

D. This action may result in fewer customers booking trips with licensed charter boats, as it will likely make it more difficult to catch legal-sized striped bass. The extent to which this action will impact the booking of charter boats is indeterminable, as it is not possible to anticipate whether anglers will choose to limit their fishing. If anglers book charters for the experience of being on the water and view being able to take fish home as a secondary benefit, the action will not have as large an impact as it would if the primary purpose of anglers booking charter trips is to catch fish to take home to eat.

F(1). By creating a slot limit in the spring season that would require striped bass between 36 inches and 40 inches to be released, and by increasing the minimum size in the early and summer/fall fisheries from 18 inches to 20 inches, there will be fewer legal-sized striped bass for recreational anglers to catch. This may lead to lower angler satisfaction, as catching fish large enough to take home may be more difficult.

F(2). By creating a slot limit which requires certain sized fish to be released in the spring season there will be an increased likelihood of the spawning stock biomass (SSB) to grow. The SSB measures how many fish (measured in pounds) contribute to growing the striped bass population. By releasing fish that contribute to the SSB, the SSB has a higher likelihood of increasing. Recreational anglers will hopefully see future benefits from this measure in the form of increased availability of striped bass.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. The proposed action will likely have an economic impact on licensed charter boats. The extent of the impact is indeterminable as the extent of this impact on recreational anglers' desire to book charter trips is not known. See Part A.II.D for further analysis.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Recreational Striped Bass Regulations, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through June 1, 2015. A public hearing has not been scheduled.

**.08 Recreational and Charter Boat Spring Fishery.**

A. (text unchanged)

B. [Minimum] Size Restrictions. A person may catch or possess striped bass during the spring season between [The minimum legal size for the spring season is] 28 inches and 36 inches, inclusive, total length, or 40 inches or larger, total length.

C.—E. (text unchanged)

**.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries.**

A. Early Season.

(1) (text unchanged)

(2) Chesapeake Bay and Its Tidal Tributaries.

(a) (text unchanged)

(b) Catch Restrictions.

(i) (text unchanged)

(ii) A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

(3) Susquehanna Flats and Northeast River.

(a) (text unchanged)

(b) Catch Restrictions.

(i) (text unchanged)

(ii) A person may catch and possess one striped bass between [18] 20 and 26 inches, inclusive, total length.

(iii) (text unchanged)

B. Summer and Fall Season.

(1) The recreational and charter boat summer and fall season for taking striped bass is June 1 through December [15] 20.

(2) (text unchanged)

(3) Catch Restrictions.

(a) (text unchanged)

(b) A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

C. (text unchanged)

**.10 Recreational and Charter Boat Summer and Fall Fishery for Maryland Tributaries of the Potomac River.**

A.—B. (text unchanged)

C. Size Limit. A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

MARK J. BELTON  
Secretary of Natural Resources

**Title 10**  
**DEPARTMENT OF HEALTH**  
**AND MENTAL HYGIENE**  
**Subtitle 27 BOARD OF NURSING**

**10.27.11 Delegation of Nursing Functions**

Authority: Health Occupations Article, §8-205(a)(1), Annotated Code of Maryland

**Notice of Proposed Action**

[15-126-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01 under **COMAR 10.27.11 Delegation of Nursing Functions**. This action was considered and approved by the Board at its regular meeting on February 25, 2015, notice of which was placed on the Board's website on January 1 and February 1, 2015.

**Statement of Purpose**

The purpose of this action is to provide an exception for youth camps from those settings where a delegating nurse case manager would ordinarily be required.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

Youth camps will not have to have a full-time, on-site delegating nurse case manager if less than 50 percent of their campers have no medical problems. There will be a cost savings, but the savings is inestimable because the salary and number of nurses is unknown.

**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 June 1, 2015. A public hearing has not been scheduled.

**.01 Exclusion from Regulations.**

This chapter is not applicable to and does not restrict or limit:

A.—E. (text unchanged)

F. An individual who performs nursing assistant tasks as a student while:

(1)—(2) (text unchanged)

(3) Practicing under the direct supervision of a nurse while working as a nursing assistant; [or]

G. A nurse from delegating a nursing task to an unlicensed individual if acceptance of delegated nursing tasks does not become a routine part of the unlicensed individual's job duties; or

*H. A youth camp regulated in accordance with COMAR 10.16.06.*

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

**Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION**

**10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**

Authority: Health-General Article, §19-217, Annotated Code of Maryland

**Notice of Proposed Action**

[15-118-P]

The Health Services Cost Review Commission proposes to amend Regulation .08 under **COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on March 11, 2015, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland. If adopted, the proposed amendments will become effective on or about June 2, 2015.

**Statement of Purpose**

The purpose of this action is to conform to the requirements set forth in Ch. 263, Acts of 2014, effective July 1, 2014, that require hospitals to notify the Commission, in writing, within 30 days before executing any financial transaction, contract, or other agreement that would result in more than 50 percent of all corporate voting rights or governance reserve powers being transferred to or assumed by another person or entity.

**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 Diana Kemp, Administrator II, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to diana.kemp@maryland.gov, or fax to 410-358-6217. Comments will be accepted through June 1, 2015. A public hearing has not been scheduled.

**.08 Notification of Certain Financial Transactions.**

A. General. A facility subject to the jurisdiction of the Commission shall notify the Commission, in writing, within 30 days before executing any financial transaction, contract, or other agreement that would:

(1) Pledge more than 50 percent of the operating assets of the facility as collateral for a loan or other obligation[; or]

(2) Result in more than 50 percent of the operating assets of the facility being sold, leased, or transferred to another person or entity; or

(3) Result in more than 50 percent of all corporate voting rights or governance reserve powers being transferred to or assumed by another person or entity.

B. Information Required. A facility shall file with the Commission within 30 days before executing a proposed financial transaction, contract, or other agreement as required in §A of this regulation, the following information:

(1) [The name and address of the person or entity to whom the operating assets of the facility are being sold, leased, transferred, or pledged as collateral for a loan or other obligations; and] *The name and address of the person or entity to whom:*

(a) *The operating assets of the facility are being sold, leased, transferred, or pledged as collateral for a loan or other obligation; or*

(b) *The corporate voting rights or governance reserve powers are being transferred or assumed.*

(2) (text unchanged)

C. — E. (text unchanged)

JOHN M. COLMERS  
Chairman  
Health Services Cost Review Commission

**Subtitle 44 BOARD OF DENTAL EXAMINERS**

**10.44.01 Dental Assistants**

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

**Notice of Proposed Action**  
[15-127-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under **COMAR 10.44.01 Dental Assistants**. This action was considered by the Board of Dental Examiners at a public hearing held on February 4, 2015, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to reduce the number of hours of a Board-approved course in infection control that an uncertified dental assistant must complete before participating in a dental sealant program. The Board has found that the subject is adequately covered in 2-hour Board-approved courses and, as a result of the 6-hour requirement, dental assistants are taking what amounts to the same course material multiple times.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The savings to dental assistants will be minimal.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	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.)

D. There may some financial savings if the dental assistant has paid for the courses but the amount is indeterminable.

**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 June 1, 2015. A public hearing has not been scheduled.

**.02 Exceptions.**

A.—D. (text unchanged)

E. In addition to the requirements in §§B and C of this regulation, a dental assistant, who provides dental assistant duties under this regulation and who is not certified by the Dental Assisting National Board as qualified in general duties or qualified in orthodontics, shall successfully complete a Board-approved course of at least [6] 2 hours in infection control with OSHA protocol.

F.—J. (text unchanged)

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

**Subtitle 51 FORENSIC LABORATORIES**

**Notice of Proposed Action**  
[15-125-P]

The Secretary of Health and Mental Hygiene proposes to amend:  
(1) Regulations .01, .02, .05, .07, .09, .10, .12, and .15 under **COMAR 10.51.05 Quality Assurance**; and  
(2) Regulations .07, .14, and .17 under **COMAR 10.51.06 Employees**.

**Statement of Purpose**

The purpose of this action is to update forensic laboratory procedural regulations as follows:

- (1) Amend the language to be more cohesive, comprehensive, and clear;
- (2) Remove the requirement for inclusion of unresolved discrepancies documented in the case record and any other laboratory document as determined by the director;
- (3) Remove the requirement to determine and identify workflow and assign and prioritize work from the policies and procedures;
- (4) Remove the requirement for marking items stored in an evidence storage area, which are not evidence;
- (5) Add a document control procedure to determine when the technical procedure has been discontinued or retired;
- (6) Clarify the requirements for maintaining a case file; and
- (7) Add a requirement for technical reviews of case files and reports conducted as determined by the Director or applicable standards.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD

21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 1, 2015. A public hearing has not been scheduled.

**10.51.05 Quality Assurance**

Authority: Health-General Article, Title 17, Subtitle 2A, Annotated Code of Maryland

**.01 Quality Assurance — General.**

To obtain or maintain a permit to operate a forensic laboratory, a person or licensee shall ensure that the forensic laboratory:

A.—J. (text unchanged)

K. Establishes a mechanism to[:

(1) Address] *address* unresolved discrepant conclusions between an analyst and the technical reviewer [; and

(2) Require that unresolved discrepancies are documented in:

(a) The case record; and

(b) Any other laboratory document as determined by the director].

**.02 Quality Assurance — Specific.**

A. *Policies and Procedure.*

(1) A licensee shall develop, establish, maintain, implement, and follow quality assurance policies and procedures that ensure that the laboratory’s quality system is maintained.

[(1)] (2) A licensee shall ensure that the laboratory has a clear procedure describing the process to[:

(a) uniquely identify evidence[;

(b) Determine and identify workflow; and

(c) Assign and prioritize work].

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

B. Identifying and Handling Evidence. A licensee shall:

(1)—(4) (text unchanged)

(5) Establish, maintain, and follow a procedure to define proper packaging and sealing of evidence requiring that:

(a) (text unchanged)

(b) Evidence is protected from:

(i)—(ii) (text unchanged)

(iii) Any harmful change; *and*

(6) Consider evidence containers properly sealed only if:

(a) (text unchanged)

(b) Entering the container results in obvious damage or alteration to the container or the container’s seal[; and

(7) Clearly mark an item that is not evidence but is stored in an evidence storage area].

C.—I. (text unchanged)

**.05 Standard Operating Procedures Manual (SOPM).**

A.—B. (text unchanged)

C. A licensee shall develop, establish, maintain, implement, and require that technical procedures meet the following:

(1)—(2) (text unchanged)

(3) [All discontinued technical procedures are signed by the laboratory director] *The laboratory has a document control procedure to determine when the technical procedure [is retired and include the date of discontinuance] has been discontinued or retired.*

(4)—(10) (text unchanged)

D.—E. (text unchanged)

**.07 Validation and Performance Checks.**

A.—B. (text unchanged)

C. A licensee shall ensure that performance checks, if applicable, are performed:

(1)—(3) (text unchanged)

(4) As needed as determined by the [technical leader] *laboratory director or the laboratory director’s designee.*

D.—E. (text unchanged)

**.09 Test Reports — General.**

A.—B. (text unchanged)

C. A licensee shall ensure that test reports:

(1)—(3) (text unchanged)

(4) Utilize a page numbering system that includes *either* the total number of pages *or a mark to signify the end of the document.*

D. A licensee shall ensure that amended reports:

(1) (text unchanged)

(2) Reference the [date of the] original report;

(3)—(4) (text unchanged)

E. (text unchanged)

**.10 Employee Training and Competency.**

A. (text unchanged)

B. A licensee shall ensure that available to all technical employees is a discipline-specific training program that includes:

(1)—(4) (text unchanged)

[(5) Expectations of job performance;]

[(6)] (5)—[(7)] (6) (text unchanged)

C. (text unchanged)

**.12 Case Records.**

A. (text unchanged)

B. In regard to examination documents, a licensee shall ensure that:

(1) (text unchanged)

(2) If examination documents consist of multiple pages, a page numbering system that includes *either* the total number of pages *or a mark signifying the end of the document* is used;

(3)—(10) (text unchanged)

**.15 Facilities.**

A. Facility Administration. A licensee shall ensure that a laboratory:

(1) (text unchanged)

(2) Has lighting, plumbing, wiring, ventilation, heat, air conditioning, and humidity to meet the laboratory’s requirements; *and*

[(3) Has a fire detection system; and]

[(4)] (3) (text unchanged)

B. (text unchanged)

C. Safety. A licensee shall:

(1)—(2) (text unchanged)

(3) Have *appropriate* safety [devices and equipment, e.g., goggles, gloves, face protectors, ear protectors, and fire extinguishers, available and in close proximity to the appropriate areas] *policies and procedures;*

(4) [Have a safety shower, eye washes, and exhaust hoods available in close proximity to the appropriate areas] *Demonstrate appropriate safety policies and procedures;*

(5) Have appropriate *safety devices and* equipment [and materials] available [for handling and storing hazardous and toxic substances and remediating spills of those substances] *and in close proximity to the appropriate areas; and*

[(6) Ensure first aid kits and employees trained in first aid are available;

(7) Ensure adequate space is provided for the safe storage of volatile, flammable, explosive, and otherwise hazardous materials; and]

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

**10.51.06 Employees**

Authority: Health-General Article, Title 17, Subtitle 2A, Annotated Code of Maryland

**.07 Director — Specific Duties and Responsibilities.**

A forensic laboratory director shall:

A. (text unchanged)

B. Ensure that:

(1)—(10) (text unchanged)

(11) A case file is maintained for a minimum of 10 years after the case is [officially closed] *received*;

(12)—(22) (text unchanged)

C.— F. (text unchanged)

**.14 Forensic Analysis Employees — Requirement.**

A licensee shall ensure:

A. [that a] *The* forensic laboratory has [a sufficient number of individuals] *at least one individual* who [meet] *meets* the employee qualification requirements of this chapter, to perform the functions set forth in this chapter, for the [volume and] type of forensic tests and examinations performed in the laboratory; *and*

B. *Technical reviews of case files and reports are conducted as determined by the Director or applicable standards.*

**.17 Forensic Analysis Employee Responsibilities — Specific.**

Regardless of the forensic analysis category, an individual who performs a forensic analysis shall:

A.—D. (text unchanged)

E. Be capable of [identifying]:

(1) *Identifying* a problem that may adversely affect performance of a forensic analysis or reporting of a forensic analysis result[.]; and [either:

(1) Correct the problem; or

(2) Immediately notify the quality assurance manager and technical leader or the director that there is a problem.]

(2) *Following the laboratory policy and procedure for addressing nonconforming testing.*

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

services, and to update and incorporate by reference the Division’s fee schedule.

**Comparison to Federal Standards**

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

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The Division of Rehabilitation Services provides services to individuals with disabilities through the Vocational Rehabilitation Programs.

Changes in the DORS Fee Schedule have been made consistent with updates in the Medicare Fee Schedule, Baltimore Metro; updated rates will not have an economic effect on individuals with disabilities. Updates in the sliding scale may have a minor impact on the very small percentage of individuals with disabilities receiving DORS services who are required to participate in the cost of services.

**Opportunity for Public Comment**

Comments may be sent to Suzanne Page, Assistant State Superintendent, Maryland State Department of Education, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, Maryland 21218, or call 410-554-9385 (TTY 443-798-2840), or email to [dors@maryland.gov](mailto:dors@maryland.gov), or fax to 410-554-9384. Comments will be accepted through June 1, 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 June 23, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**Title 13A  
STATE BOARD OF  
EDUCATION**

**Subtitle 11 PROGRAMS FOR ADULTS  
WITH DISABILITIES**

**13A.11.01 Vocational Rehabilitation Services**

Authority: Education Article, §§21-301—21-306 and 21-402—21-404, Annotated Code of Maryland

**Notice of Proposed Action**

[15-124-P-I]

The Maryland State Board of Education proposes to amend Regulations **.03-1** and **.15** under **COMAR 13A.11.01 Vocational Rehabilitation Services**. This action was considered during a Maryland State Board of Education meeting held on February 24, 2015.

**Statement of Purpose**

The purpose of this action is to update the sliding scale used to determine financial participation of eligible individuals in cost of

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) (Maryland State Department of Education, updated through August 2014) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 41:1 Md. R. 9 (January 10, 2014), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.03-1 Incorporation by Reference.**

A. (text unchanged)

B. Documents Incorporated.

(1) Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) (Maryland State Department of Education, updated through [June 2012] *August 2014*).

(2) (text unchanged)

**.15 Financial Participation Schedule.**  
(Existing table proposed for repeal)

Annual Amount of Individual/Family Financial Participation								
Available Income	1	2	3	4	5	6	7	8
\$24,000 and below	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
\$24,001—\$28,000	228	0	0	0	0	0	0	0
\$28,001—\$32,000	375	263	0	0	0	0	0	0
\$32,001—\$36,000	553	425	0	0	0	0	0	0
\$36,001—\$40,000	760	616	333	0	0	0	0	0
\$40,001—\$44,000	998	840	525	0	0	0	0	0
\$44,001—\$48,000	1,265	1,093	748	345	0	0	0	0
\$48,001—\$52,000	1,563	1,375	1,000	625	0	0	0	0
\$52,001—\$56,000	1,890	1,688	1,283	878	473	0	0	0
\$56,001—\$60,000	2,248	2,030	1,595	1,160	725	0	0	0
\$60,001—\$64,000	2,635	2,403	1,938	1,473	1,008	543	0	0
\$64,001—\$68,000	3,053	2,805	2,310	1,815	1,320	825	0	0
\$68,001—\$72,000	3,500	3,238	2,713	2,188	1,663	1,138	0	0
\$72,001—\$76,000	3,978	3,700	3,145	2,590	2,035	1,480	648	0
\$76,001—\$80,000	4,485	4,193	3,608	3,023	2,438	1,853	975	0
\$80,001—\$84,000	5,023	4,715	4,100	3,485	2,870	2,255	1,333	718
\$84,001—\$88,000	5,590	5,268	4,623	3,978	3,333	2,688	1,720	1,075
\$87,001+ *	6.5%	6.125%	5.375%	4.625%	3.875%	3.125%	2%	1.25%

\* To determine amount of individual/family participation when the available income is above \$88,000, multiply the individual/family income times the percentage. The Financial Participation Scale is based on 2014 Poverty Guidelines of the U.S. Department of Health and Human Services.

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

**Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES**

**13A.11.04 Business Enterprise Program for the Blind**

Authority: State Finance and Procurement Article, §14-109; Education Article, §§21-301—21-303, Annotated Code of Maryland; *Federal Regulatory Reference: 34 CFR 395*

**Notice of Proposed Action**  
[15-122-P]

The Maryland State Board of Education proposes to amend Regulations .02, .04, .06—08, and .10—.18, repeal existing Regulation .20, and recodify existing Regulation .21 to be Regulation .20 under **COMAR 13A.11.04 Business Enterprise Program for the Blind**. This action was considered during the Maryland State Board of Education meeting held on February 24, 2015.

**Statement of Purpose**

The purpose of this action is to be consistent with 20 U.S.C. §107 et seq.; 34 CFR 395; State Finance and Procurement Article, §14-109, Annotated Code of Maryland; COMAR 21.11.09; and current vending business practices.

**Comparison to Federal Standards**

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

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The Maryland Business Enterprise Program provides business opportunities for individuals who are legally blind on federal and State properties. This proposed action establishes a time frame within which a BEP vendor may request an administrative review of a decision of the program.

**Opportunity for Public Comment**

Comments may be sent to Suzanne Page, Assistant State Superintendent, Maryland State Department of Education, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, Maryland 21218, or call 410-554-9385 (TTY 443-798-2840), or email to dors@maryland.gov, or fax to 410-554-9384. Comments will be accepted through June 1, 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 June 23, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
- (1)—(4) (text unchanged)

(5) "Combined facility" means a facility that is unable to effectively operate independently without the support of a Primary Facility for purposes of inventory replenishment, storage, and other factors. Criteria for the establishment of a combined facility will be detailed in the Specific Criteria section of the facility bid sheet of the Administrative Manual.

[(5)] (6) (text unchanged)

(7) "Cost of goods" means the inventory cost of the products sold.

[(6)] (8)—[(7)] (9) (text unchanged)

(10) "Licensed blind vendor" means a blind person who has been licensed by the Division to operate a vending facility on federal, State, or other property.

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

[(9)] (12)—[(15)] (18) (text unchanged)

[(16)] (19) "Program funds" means income available in accordance with [Regulation .08] *this chapter* to pay for program expenses.

[(17)] (20) "Property managing agency" means the agency that owns, manages, or leases any building, land, or real property and is responsible for authorizing the establishment of a vending facility on federal, State, county, municipal, or private property.

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

(23) "Reasonable service and maintenance costs in accordance with customary business practices" means personnel and repairs costs, including equipment and transportation costs, taxes, overhead and administration costs, and vendor profit.

(24) "Receipts" means payments made to the program by a commercial vending company which operates services and maintains vending machines on property controlled by the property managing agency.

[(20)] (25)—[(25)] (30) (text unchanged)

[(26)] (31) "Vending facility" means vending machines, cafeterias, snack bars, and other [concession stands] *retail facilities* for the sale of foods, beverages, newspapers, periodicals, confections, [tobacco products,] and other merchandise including the sale or exchange of chances for any lottery authorized by State law and conducted by an agency of the State.

(32) "Vending machine" means a currency-operated machine that dispenses products or services.

[(27)] (33) "Vending machine income" means receipts, [(other than those of a blind vendor)], from vending machine operations on [federal, State, county, municipal or private] property *controlled by the property managing agency* after deducting the costs of goods sold, [(including reasonable service and maintenance costs in accordance with customary business practices of commercial vending concerns)].

[(28)] (34) (text unchanged)

**.04 Training.**

A. Establishment.

(1) The Division with the active participation of the Committee shall develop training, retraining, and upward mobility programs for blind persons who are vendors or potential vendors.

(2) The Division shall ensure that effective programs of vocational and other training services are provided to blind persons as vocational rehabilitation services under the Rehabilitation Act of 1973, as amended.

B. (text unchanged)

C. Training for Potential Vendors.

(1) (text unchanged)

(2) *Classes.*

(a) Trainees shall complete standardized classes and on-the-job training in accordance with procedures established in the Administrative Manual.

(b) Training shall be flexible enough to terminate training in a particular area once the trainee has demonstrated mastery of the area.

(c) Trainees may be given additional training in areas of deficiency.

(3) *Training Standards.*

(a) The Division with the active participation of the Committee shall establish and maintain standards to be met by trainees for entry into the training program, and for satisfactory completion of the training program.

(b) The Division shall certify as qualified to operate a vending facility all trainees who have met the standards.

(4)—(5) (text unchanged)

D. (text unchanged)

E. [Inservice] *In-Service Training.*

(1) The Division and the Committee shall jointly sponsor and establish a specific agenda, time, and place for an [inservice] *in-service* training conference for all vendors and licensed blind persons on the Ready-For-Assignment List.

(2) Funding for the conference shall be in accordance with funds budgeted by the Division and Committee for this purpose in the annual budget for the program. Conferences shall be designed to provide those attending with up-to-date information concerning developments and procedures within the program, changes in applicable laws, merchandising techniques, and such other matters as the Committee and the Division may determine to be desirable.

**.06 Assignment of Vendors.**

A. Ready-for-Assignment List.

(1) The Division with the active participation of the Committee shall establish and maintain a Ready-for-Assignment List of all licensed blind persons awaiting assignment to a vending facility by ranking the persons in the order in which they were licensed *or accrued seniority, whichever applies.*

(2) (text unchanged)

B. (text unchanged)

C. Assignment Procedures.

(1) (text unchanged)

(2) If a property managing agency relocates an existing vending facility *within the building or to a new building*, the Division shall reassign the vendor who was assigned to the existing vending facility to the new vending facility unless the property managing agency or the Division shows cause why the reassignment should not take place.

(3)—(4) (text unchanged)

D. Assignment Criteria.

(1) (text unchanged)

(2) The Division shall assign applicants to vending facilities based on qualifications, described in §D(1) of this regulation, and seniority unless the Division or the Committee can show that the senior applicant does not qualify based on the assignment criteria.

(3) If the most senior applicant does not qualify for the vending facility, the Division shall assign the next most senior applicant who qualifies to the vending facility, *subject to the opportunity for the meeting described in §E(2) of this regulation.*

E. Assignment Procedures.

(1) *Announcement.*

(a) The Division shall send announcements, including pertinent data defined in the Administrative Manual of all vending facilities not subject to assignment under §C of this regulation, by *email and first-class mail* to all licensed vendors, including those holding provisional licenses.

(b) The announcements shall contain a statement of the assignment criteria under §D which an applicant shall meet in order



to qualify for assignment on the basis of seniority and the due date for responses.

(2) *Evaluation.*

(a) After the due date for responses, the Division shall submit to the Committee Chair the name of the applicant recommended for the assignment.

(b) If the recommended applicant is not the most senior applicant, the Division shall also submit to the Committee Chair a report identifying any applicants with more seniority and the reasons for finding the applicants unqualified.

(c) The Division shall also notify the applicant who is found unqualified of the reasons for the finding and the applicant's right to appear before the Committee to present information supporting qualifications for the assignment.

(3) *Committee Meeting.* Upon receipt of the Division's recommendation, the Committee shall schedule a meeting with the Division and the applicant found unqualified if the applicant wishes to show that the applicant is qualified.

(4) *Committee Review and Recommendation.*

(a) The Committee shall agree or disagree with the Division's recommendation, or *make its own recommendation* within 7 [calendar] *business* days after receipt of the recommendation, unless the time is extended by mutual agreement.

(b) If the Committee does not respond within this period, *in writing*, the Division's recommendation shall be effective.

(c) If the Committee disagrees with the Division's recommendation, the Division and the Committee shall hold a conference to resolve the disagreement.

(d) If the Division and the Committee do not resolve the disagreement, the Division's recommendation shall be effective. An aggrieved applicant may appeal under Regulation .13 of this chapter.

F. (text unchanged)

**.07 Operating Agreement.**

A. *An Operating Agreement shall be developed with the active participation of the Committee of Blind Vendors and shall be made part of the Administrative Manual.*

[A.] *B. Terms.*

(1) The Division and the vendor shall enter into an Operating Agreement [(Regulation .20)] each time a vendor is assigned to a vending facility.

(2) The Operating Agreement shall be effective on the first day that the vendor is required to be on the location and signed by the Division and the vendor.

(3) On the effective date of the Operating Agreement, the Division shall provide the vendor a complete inventory of all equipment, a list of saleable merchandise, and petty cash provided by the Division.

(4) The Division shall provide the vendor the current value of all saleable merchandise and determine any financial obligations as described in the Administrative Manual.

(5) Payment shall be made as provided in the Administrative Manual.

[B.] *C. Period for Operating Agreement.*

(1)—(3) (text unchanged)

(4) *Termination.*

(a) The Division shall ensure that the termination of any permit or contract with the property managing agency is in compliance with applicable [federal and State] laws and regulations.

(b) In the event of termination of the permit or contract with the property managing agency, the Division shall notify the vendor in advance and afford the vendor an opportunity for an administrative review before the proposed termination of the agreement.

**.08 Vending Facility Equipment and Merchandise.**

A. (text unchanged)

B. *Initial Merchandise and Petty Cash.*

(1) The Division shall furnish each vending facility with adequate, suitable initial stock of merchandise and petty cash sufficient for the establishment and operation of the vending facility.

(2) The vendor shall maintain an inventory of saleable merchandise equal to or exceeding the value of the initial stock of merchandise furnished by the Division or the cash equivalent.

(3) The initial petty cash provided by the Division and the stock of merchandise remains the property of the Division.

[(2)] (4) When a vendor vacates a vending facility:

(a)—(b) (text unchanged)

(c) Within [30] 45 calendar days after the vendor vacates the vending facility, the vendor shall provide to the Division the current wholesale value of saleable merchandise contained in the inventory on the vending facility;

(d) If the vendor fails to comply with this provision, the vendor shall pay a penalty [of \$20 per day which shall be deducted from the value of the inventory at the time of settlement] *as set forth in the Administrative Manual*;

(e)—(g) (text unchanged)

[(3)] (5) (text unchanged)

[(4)] (6) When a vendor accepts an existing vending facility:

(a) (text unchanged)

(b) The manager shall have [30] 45 calendar days to review and dispute any discrepancies; otherwise, the inventory value is accepted as correct.

C. (text unchanged)

**.10 Set-Aside Charges.**

A. *Determination and Use of Set-Aside Charges.* [The] *On or before June 1 of each fiscal year, the Division with the active participation of the Committee shall [on or before June 1 of each fiscal year] determine the extent, if any, to which funds shall be set aside from the net proceeds of each vending facility during the [ensuing] following State budget year. [The Division shall publish and submit the schedule of set-aside charges to the Commissioner of the Rehabilitation Services Administration, United States Department of Education for approval.]*

B. *If the Division and the Committee determine that set-aside charges shall be assessed, [the charges may only be used in the extent necessary to achieve the following purposes:] the Division shall publish and submit the schedule of set-aside charges to the Commissioner of the Rehabilitation Services Administration, United States Department of Education for approval.*

C. *Set-Aside charges may only be used in the extent necessary to achieve the following purposes:*

(1)—(3) (text unchanged)

(4) *Establishment and maintenance of a retirement and health insurance plan and provision of paid sick leave and vacation time, if a majority of licensed vendors in the State holding an Operating Agreement, after having been provided full program and financial information on the benefits, determine that the benefits be provided.*

[B.] *D. (text unchanged)*

[C.] *E. Schedule of Payments.*

(1) *Vendors shall pay set-aside charges in accordance with a schedule determined annually by the Division with the active participation of the Committee.*

(2) *If a vendor fails, without good cause, to pay set-aside charges in accordance with the established schedule, the Division shall assess penalties as outlined in the Administrative Manual.*

(3) *If the vendor fails to pay the set-aside charges and accumulated penalties, if any, the Division may elect to use vending machine income due the vendor as payment.*

(4) *The vendor is not eligible for transfer to another facility until the set-aside charges are paid.*

(5) As a final recourse, the Division may suspend the vendor's Operating Agreement, or terminate the vendor's license in accordance with Regulation .12 of this chapter.

[D.] F. (text unchanged)

**.11 Vending Machine Income.**

A. Distribution of *Assigned* Vending Machine Income.

(1) The Division shall remit monthly, if available, or otherwise quarterly vending machine income which accrues from vending machines on federal, State, *local*, or private property to the vendor operating a vending facility on the property in accordance with 34 CFR §395.32.

(2) Vending machine income remitted to a vendor shall be reported separately from gross sales and shall be included in calculating the net proceeds of the vending facility.

B. Limitations on Vending Machine Income.

(1) A vendor is entitled to vending machine income not to exceed the [State or] national average income of blind vendors for the previous year[, whichever is less].

(2) Limitations may not be imposed on income from vending machines when the machines are maintained, serviced, and operated by a vendor within the confines of the vending facility.

(3) Vending machines may not be maintained, serviced, and operated by a vendor unless authorized by the Division.

C. Use of *Unassigned* Vending Machine Income.

(1) Vending machine income *that does not accrue to a vendor in accordance with §A(1) of this regulation* from federal, State, *local*, or private properties [in excess of the amount remitted to the vendors] shall be used for:

(a) *Establishment and maintenance of retirement or pension plans, for health insurance contributions if so determined by a majority licensed vendors holding an operating agreement;*

[(a)] (b)—[(c)] (d) (text unchanged)

(2) Any vending machine income from federal property not used for the purposes authorized in §C(1) of this regulation shall be used in accordance with [34 CFR §395.9(b)(1)—(4)] 34 CFR §395.8(c) and Regulation [.10A(1)—(4)] .10C of this chapter.

(3) Set-aside charges, if any, shall be reduced pro-rata in an amount equal to the total of any vending machine income used for [those] the purposes in Regulation .10C of this chapter.

[(3)] (4) (text unchanged)

**.12 Resignation, Extended Illness, and Suspension and Termination of Licenses.**

A. Resignation.

(1) *Notice.*

(a) When a vendor resigns from a vending facility or the program, the vendor shall give the Division written notice at least 90 calendar days in advance of the effective date of resignation unless the vendor is reassigned to another vending facility.

(b) The Division may waive this requirement in an emergency.

(c) If a vendor fails to comply with this requirement, the Division may terminate the vendor's license and the vendor shall be disqualified from reapplying for a license for 2 years.

[(2)] Voluntary resignation from a vending facility without good cause shall constitute grounds for termination of the vendor's license and the vendor shall be disqualified from reapplying for a license for 2 years.]

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

B.—C. (text unchanged)

D. Temporary Removal.

(1) The Division may remove a vendor temporarily from a vending facility in advance of a hearing only under emergency conditions.

(2) The Division shall give the vendor written notice of the temporary removal personally or by certified mail, return receipt requested, stating the reasons for the action and the vendor's right to appeal the action.

(3) The temporary removal shall be effective immediately after receipt of the notice by the vendor.

(4) The vendor's license and the Operating Agreement shall remain in effect during the period of the temporary removal.

(5) If the vendor appeals the action, the vendor shall continue to receive the net proceeds from the vending facility less the cost of substitute personnel until the final decision, resulting from the full evidentiary hearing, issued pursuant to Regulation .13B(12) of this chapter.

**.13 Administrative Review, Full Evidentiary Hearing, and Arbitration.**

A. Administrative Review.

(1) A vendor who is dissatisfied with any action, or actions, arising from the operation or administration of the program may obtain an administrative review of the action, or actions, by filing a written request *within 15 calendar days of such action* with the Director of the Office for Blindness and Vision Services (OBVS), Division of Rehabilitation Services stating the action, or actions, with which the vendor is dissatisfied and any remedy that the vendor seeks from the Division.

(2) Upon receipt of the written request, the Director of OBVS and the vendor shall determine a suitable date for the administrative review conference which shall be within 15 *calendar* days of the date on which the written request was received. The Director of OBVS shall provide written confirmation of the date, time, and place of the conference to the vendor and the availability of the Committee to assist in the appeal.

(3) *Conduct of Administrative Review.*

(a) The Director of OBVS shall conduct the administrative review conference in an informal manner in order to determine the merits of the dispute.

(b) The vendor may be accompanied to the conference by any person of the vendor's choosing.

(c) The Director of OBVS shall allow the vendor to fully explain the reasons for the request and the nature and type of any remedy that the vendor seeks from the Division.

(d) The conference may be recorded by any means if the parties determine that a recording is needed. If a record is made, the vendor shall be entitled to receive a copy promptly.

(4) *Written Decision.*

(a) After fully exploring the matter at the administrative review conference and considering the views of the vendor, the vendor's representative, and any representative of the Division, the Director of OBVS shall prepare a written determination affirming, reversing, or modifying the action, or actions, reviewed or make any other determination necessary to fully and fairly implement the purposes of the Randolph Sheppard Act and this chapter.

(b) The Director of OBVS shall set forth in the written determination a brief statement of the reasons for the determination.

(c) The Director of OBVS shall deliver or mail the written determination to the vendor and vendor's representative within 15 calendar days from the date of the conference.

(5) (text unchanged)

B. Full Evidentiary Hearing.

(1)—(3) (text unchanged)

(4) The Assistant Superintendent may conduct the hearing or *transfer the appeal to the Office of Administrative Hearings* [appoint a hearing or officer who has not been involved with the subject of the appeal] to conduct the hearing.

(5)—(7) (text unchanged)

(8) *Evidence.*

(a) The hearing officer shall admit into the record all relevant evidence.

(b) The hearing officer may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(c) Documentary evidence may be received in the form of copies unless the hearing officer determines that production of the original document is required to ensure a full and fair hearing.

(9) (text unchanged)

(10) *Ex Parte Communication.*

(a) The hearing officer and any other Division official or employee authorized to participate in the decisional process, may not communicate outside the presence of the vendor or the vendor's representative with any person not authorized to participate in the decisional process regarding any issue of fact or law in the case.

(b) If the hearing officer or any official or employee involved in the decisional process becomes personally aware of the prohibited communication, that person shall follow the procedures of the State Government Article, §10-213, Annotated Code of Maryland, concerning these communications.

(11) *Written Decision.*

(a) Upon conclusion of the hearing the hearing officer shall issue a written decision.

(b) If the hearing officer is the Assistant Superintendent, the decision shall contain final findings of fact and conclusions of law, separately stated.

(c) If the hearing officer is not the Assistant Superintendent, the decision issued shall contain proposed findings of facts and conclusions of law, separately stated.

(d) The decision shall affirm, modify, or reverse the administrative review determination and shall be delivered or mailed to the vendor and the vendor's authorized representative within 15 calendar days after the conclusion of the hearing.

(12) *Exceptions.*

(a) Upon receipt of a decision containing proposed findings of fact and conclusions of law, the vendor shall have 15 calendar days to file written exceptions to the decision with the Assistant Superintendent.

(b) If written exceptions are filed, the vendor shall state in writing whether the vendor desires to present argument before the Assistant Superintendent on the points of exception.

(c) If a request for argument is timely filed or if the Assistant Superintendent determines that argument would assist in resolving the appeal, the Assistant Superintendent shall schedule the case for argument.

(d) The argument before the Assistant Superintendent shall be limited to oral presentation of reasons for the points of exception.

(e) New or additional evidence may not be allowed into the record.

(f) After consideration of the exceptions and oral argument, if any, the Assistant Superintendent shall issue the final written decision in the case to [The decision shall] affirm, reverse, or modify the hearing officer's decisions.

(g) The final decision shall be delivered or mailed to the vendor and the vendor's representative within 20 calendar days of receipt of the written exception or oral argument, whichever is later, and implemented promptly.

(13) When a final decision of the Division is issued, the Assistant Superintendent shall include with the decision a written statement of [any further] the right [of appeal] to file a complaint with the Secretary of the United States Department of Education, which is available to the vendor under [the State law and the right] 34 CFR §395.13, to request the Secretary of the United States Department of Education to convene an ad hoc arbitration panel pursuant to federal law.

(14)—(15) (text unchanged)

**.14 Committee of Blind Vendors.**

A. Biennial Election.

(1) The Division shall convene a meeting of all vendors in [May] the spring of each even-numbered year to elect a Committee of Blind Vendors.

(2)—(3) (text unchanged)

(4) All licensed vendors holding an Operating Agreement are required to attend the bi-annual meeting. [All other licensees, trainees, and other interested parties may attend this meeting. However, only active licensees holding an Operating Agreement may vote.]

(5) All other licensees, trainees, and other interested parties may attend this meeting.

(6) Only active licensees holding an Operating Agreement are eligible to vote.

(7) A licensed vendor holding an Operating Agreement who fails to attend the annual meeting shall be disciplined as prescribed in Section 23 of the Administrative Manual.

B. (text unchanged)

C. Functions of the Committee.

(1) The Committee shall perform all functions and obligations imposed on it pursuant to these regulations, the Constitution adopted by the vendors, the Administrative Manual, and 34 CFR §395.14.

(2)—(3) (text unchanged)

**.15 Access to Program and Financial Information.**

A. The Division shall provide vendors with program and financial reports including audits to the extent that the disclosure does not violate the laws pertaining to disclosure of confidential information.

B. The Division shall prepare and submit to the Committee in accordance with time periods specified in the Administrative Manual written annual financial reports.

C. The reports shall set forth revenues received and available from all sources, program expenses, and changes in fund balances for the period covered by the reports. [The Division shall also submit to the Committee in accordance with the time periods specified in the Administrative Manual a copy of the certified annual audit of the program and provide the Committee an opportunity to review the audit findings with the Division.]

D. *Financial Audit.*

(1) A financial audit of the program will be conducted annually.

(2) The scope of the annual audit will be agreed to by the Division and the Committee of Blind Vendors.

**.16 Explanation of Rights and Responsibilities.**

A. The Division shall provide each vendor with a copy of this chapter, the Operating Agreement, applicable permits or contracts between the Division and property managing agency, the Administrative Manual, and the Nominee Agreement, and any other documents relating to the operation of the facility, if any.

B. The Division with the active participation of the Committee shall also provide in writing to each vendor an explanation of the vendor's rights and responsibilities under the program including the right to an administrative review, a full evidentiary hearing, and arbitration[, and judicial review] under Regulation .13 of this chapter, if the vendor is dissatisfied with any action arising from the operation or administration of the program.

C. Each vendor shall acknowledge in writing that the vendor has been supplied with a copy of the documents listed above, and a written explanation of the vendor's rights and responsibilities under the program upon assignment to a vending facility.

**.17 Division Responsibilities.**

- A. (text unchanged)
- B. Vending Facilities.

(1) The Division with the active participation of the Committee shall make decisions regarding the opening, closing or consolidating of vending facilities and the number of facilities to be established at any given site in accordance with the Administrative Manual.

(2) The Division shall give preference to expansion of the program, but every effort shall be made to assure that a vendor on the same premises will not be adversely affected by the expansion.

- C. (text unchanged)
- D. Nominee Agency.

(1) The Division may, with the active participation of the Committee of Blind Vendors, enter into an agreement with a nominee agency to furnish management services.

(2) The Division shall clearly explain in writing any responsibilities that are delegated to a nominee agency.

**.18 Administrative Manual.**

A. The Division, with the active participation of the Committee, shall develop policies and procedures as required to assure the efficient operation and administration of the program.

B. The policies and procedures shall be contained in an Administrative Manual which shall be binding on both the Division and the vendors.

C. The Division and the Committee shall review the Manual every 3 years.

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

**Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES**

**13A.11.08 Workforce and Technology Center**

Authority: Education Article, §§21-301—21-304, Annotated Code of Maryland

**Notice of Proposed Action**

[15-123-P]

The Maryland State Board of Education proposes to amend Regulations .02, .04, and .07, repeal existing Regulation .08, recodify existing Regulations .09, .10, .13, .15, and .17—.19 to be Regulations .08, .09, .12, .14, and .16—.18, respectively, and amend and recodify existing Regulations .11, .12, .14, and .16 to be Regulations .10, .11, .13, and .15, respectively, under **COMAR 13A.11.08 Workforce and Technology Center**. This action was considered during the Maryland State Board of Education meeting held on February 24, 2015.

**Statement of Purpose**

The purpose of this action is to provide technical updates and clarification regarding administration and service provision.

**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 an impact on individuals with disabilities as follows:

The Division of Rehabilitation Services provides services to individuals with significant disabilities through the Workforce and Technology Center to assist them in achieving employment, independence, and self-sufficiency. Changes are technical updates and clarifications that enhance services provided to consumers of DORS services at the Workforce and Technology Center.

**Opportunity for Public Comment**

Comments may be sent to Suzanne Page, Assistant State Superintendent, Maryland State Department of Education, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, Maryland 21218, or call 410-554-9385 (TTY 443-798-2840), or email to dors@maryland.gov, or fax to 410-554-9384. Comments will be accepted through June 1, 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 June 23, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.02 Definitions.**

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

(1)—(27) (text unchanged)

(28) “Residential services” means the provision of room, board, recreation, and other support services in the dormitory of the Center[,] or the supported residence dormitory[, or the community living skills training program dormitory].

(29)—(31) (text unchanged)

**.04 Admission Criteria.**

A.—D. (text unchanged)

E. An applicant may be admitted for residential services in the:

(1) Supported residence dormitory (SRD) of the Center, if the admission committee, case manager, or residential supervisor determines that the applicant needs assistance with activities of daily living and/or requires supervision to be able to function in a residential setting; or

(2) Dormitory of the Center, if the admission committee or case manager determines that the applicant is independent in the applicant’s activities of daily living and will be able to function in a residential setting with minimal supervision[; or

(3) Community living skills training (CLST) dormitory of the Center, if the admission committee or case manager determines that the applicant meets the standards for admission into the CLST program].

F.—H. (text unchanged)

**.07 Services.**

The Center shall provide the following services, depending on the needs of the client and the individualized program of services developed with the client:

A.—E. (text unchanged)

F. [Prevocational] *Work readiness* services;

G. (text unchanged)

H. Room, board, and [therapeutic] recreation;

I.—J. (text unchanged)

K. Special programs for clients including:

(1) (text unchanged)

(2) [Cognitive skills; and] *Autism services*;

(3) *Services for transitioning youth*; and

(4) *Deaf and hard of hearing services*.

**[.11] .10 Disciplinary Action.**

- A. (text unchanged)
- B. Restrictions on Privileges. The case manager *or residential services staff, or both, as appropriate*, may impose appropriate disciplinary actions involving restrictions on privileges and shall inform the client of the disciplinary action and the reasons for the action. The case manager *or residential services staff, or both, as appropriate*, shall, in a timely manner, notify the referral source of the disciplinary action and reasons for the action.
- C.—F. (text unchanged)

**[.12] .11 Client Orientation.**

- A. (text unchanged)
- B. The Center’s [Consumer Handbook and] Admission Packet which includes the rules and regulations shall be presented in writing to the client during the admission process. The client or, as appropriate, the client and the client’s representative, shall acknowledge receipt of a copy of the regulations and procedures associated with participation in a program of services at the Center by signing the document.
- C.—D. (text unchanged)
- E. The Center’s [Consumer Handbook and] Admission Packet which includes the Consumer Bill of Rights shall be presented in writing to the client during the admission process. The client or, as appropriate, the client and the client’s representative, shall acknowledge receipt of a copy of the Consumer Bill of Rights and confirm that they have been provided the opportunity for clarification of their rights at the Center and of the methods and procedures available to present a complaint, seek review or appeal of any decisions involving the provision or denial of services, or address any other matter which may be of concern while enrolled in the Center, by signing the document.

**[.14] .13 Career Assessment Services.**

- A.—F. (text unchanged)
- G. Based on referral information, *referral questions to be answered, questions from the person served*, the initial interview, *pre-evaluation assessment of potential modifications required to meet a person’s specific needs*, and the stated purpose of the evaluation, a specific written evaluation plan shall be developed with each client which shall identify:
  - (1)—(4) (text unchanged)
  - H. (text unchanged)

**[.16] .15 Records.**

- A. (text unchanged)
- B. The record for each client shall include:
  - (1)—(4) (text unchanged)
  - [(5) Evaluation and progress reports from each Center department providing service;]
  - [(6)] (5)—[(14)] (13) (text unchanged)
- C.—F. (text unchanged)

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

# Title 14

## INDEPENDENT AGENCIES

### Subtitle 09 WORKERS’ COMPENSATION COMMISSION

#### 14.09.11 Judicial Review Procedures

Authority: Labor and Employment Article, §§9-309, 9-701, 9-731(c) and (d), 9-737, [and] 9-739, and 9-742, Annotated Code of Maryland

#### Notice of Proposed Action [15-121-P]

The Workers’ Compensation Commission proposes to amend existing Regulations **.01** and **.03** — **.05** under **COMAR 14.09.11 Judicial Review Procedures**. This action was considered at a public meeting held on March 12, 2015, notice of which was given by publication in 42:4 Md. R. 452 (February 20, 2015) pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to comply with new Md. Rule 7-206 and 7-206.1, and to update the language to accord with Labor and Employment Article, §9-742, Annotated Code of Maryland.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Amy Lackington, Administrator, Workers’ Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to [alackington@wcc.state.md.us](mailto:alackington@wcc.state.md.us), or fax to 410-864-5301. Comments will be accepted through June 1, 2015. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Workers’ Compensation Commission during a public meeting to be held on June 25, 2014, at 10 E. Baltimore Street, Baltimore, MD 21202.

#### **.01 Petition for Judicial Review.**

A. A party seeking judicial review of a decision of the Commission [may] *shall* file a petition for judicial review in the circuit court within 30 days after the date the Commission’s order was mailed in accordance with Labor and Employment Article, §9-737, Annotated Code of Maryland, and the Maryland Rules, 7-201, et seq.

B.—C. (text unchanged)

#### **.03 Circuit Court Proceedings.**

A. (text unchanged)

B. A Cover Sheet for Action on Claims on Appeal shall be used to notify the Commission of the circuit court disposition and shall be accompanied by[:

- (1) A] a true test copy of circuit court order or verdict[; and
- (2) A copy of docket entries].

C. (text unchanged)

*D. If a party appeals the circuit court disposition, the party shall notify the Commission using a Cover Sheet for Action on Claims on Appeal accompanied by a copy of the notice of appeal.*

**.04 Appellate Proceedings.**

A.—C. (text unchanged)

*D. If a party appeals the appellate court disposition, the party shall notify the Commission using a Cover Sheet for Action on Claims on Appeal accompanied by a copy of the notice of appeal or petition for writ of certiorari.*

**.05 [Record of Subsequent Proceeding Where Case on Appeal]  
Supplemental Order Subject to Review on the Pending Appeal.**

A. If [review of a decision of the Commission has been sought in the circuit or appellate courts, and] the Commission exercises its continuing jurisdiction under Labor and Employment Article, §9-742, Annotated Code of Maryland, to [decide] *pass a supplemental order deciding* an issue, the first petitioner/appellant shall file [with the Commission a written letter] within 5 days of [disposition requesting that the Commission] *entry of the supplemental order:*

(1) [Prepare a] A copy of the [record of the proceeding in which the Commission exercised its continuing jurisdiction] *supplemental order with the circuit or appellate court in which judicial review/appeal is pending;* and

(2) [Transmit that record to the circuit or appellate court in which judicial review/appeal is pending within 60 days of the date of the Commission's order.] *A written certification with the Commission that the first petitioner/appellant has filed the copy of the supplemental order with the circuit or appellate court.*

B. The written [letter] *certification* shall contain:

(1) (text unchanged)

(2) The claimant's name; [and]

(3) The caption of the case on appeal including the parties, the name of the court, and case number[.];

(4) *A description of the supplemental order filed; and*

(5) *The date and manner of the filing.*

C. (text unchanged)

D. The petitioner/appellant shall file the written request [as soon as possible] *for any transcript required for inclusion in the record when the written certification is filed with the Commission.*

R. KARL AUMANN  
Chairman  
Workers' Compensation Commission

## Special Documents

### DEPARTMENT OF BUDGET AND MANAGEMENT

#### NOTICE OF AMOUNTS OF DEBT THAT MAY BE ISSUED PURSUANT TO EXECUTIVE ORDER 01.01.1998.07

Pursuant to Executive Order 01.01.1998.07, the Department of Budget and Management must publish in the Maryland Register the amounts of debt that may be issued, net of refunding, by the following entities as set by the Governor for the upcoming fiscal year. The amounts for Fiscal Year 2016 are as follows:

Agency	Amount
Maryland Environmental Service	\$30,000,000
Maryland Food Center Authority	\$0
Maryland Transportation Authority	\$0
Maryland Water Quality Financing Administration	\$180,000,000

[15-09-28]

### DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

#### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: January 1 – January 31, 2015.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

#### Approvals By Rule Issued Under 18 CFR §806.22(f):

- Chief Oil & Gas LLC, Pad ID: Castrogiovanni Drilling Pad #1, ABR-20100674.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.
- Chief Oil & Gas LLC, Pad ID: McCarty Drilling Pad #1, ABR-20100676.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.
- Chief Oil & Gas LLC, Pad ID: Signore Drilling Pad #1, ABR-20100697.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.
- Chief Oil & Gas LLC, Pad ID: Waldeisen-Ladd Drilling Pad, ABR-20100699.R1, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 6, 2015.
- Pennsylvania General Energy Company, LLC, Pad ID: Ogdensburg Gun Club Pad A, ABR-201501001, Union Township, Tioga County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: January 9, 2015.
- Southwestern Energy Production Company, Pad ID: NR-18 Oak Ridge Pad, ABR-201501002, Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 9, 2015.
- Cabot Oil & Gas Corporation, Pad ID: OakleyJ P1, ABR-20100603.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Post P1, ABR-20100605.R1, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.
- Cabot Oil & Gas Corporation, Pad ID: Lauffer P1, ABR-20100608.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.
- Cabot Oil & Gas Corporation, Pad ID: StockholmK P3, ABR-20100609.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.
- Cabot Oil & Gas Corporation, Pad ID: HullR P2, ABR-20100612.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.
- Cabot Oil & Gas Corporation, Pad ID: StockholmK P1, ABR-20100663.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 9, 2015.
- SWEPI LP, Pad ID: Marshlands H. Bergey Unit #1, ABR-20091230.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.
- SWEPI LP, Pad ID: Marshlands K. Thomas Unit #1, ABR-20091231.R1, Elk Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.
- SWEPI LP, Pad ID: Lick Run Pad, ABR-20091232.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.
- SWEPI LP, Pad ID: Hillside Pad, ABR-20091233.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.
- SWEPI LP, Pad ID: Button B 901 Pad, ABR-20091234.R1, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: January 9, 2015.

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Cabot Oil & Gas Corporation, Pad ID: PowersN P1, ABR-201501003, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: January 13, 2015.

Carrizo (Marcellus), LLC, Pad ID: Sickler 5H, ABR-20100679.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 1.400 mgd; Approval Date: January 14, 2015.

Carrizo (Marcellus), LLC, Pad ID: Solanick 5H, ABR-201007007.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 1.400 mgd; Approval Date: January 14, 2015.

Chief Oil & Gas LLC, Pad ID: Squier Drilling Pad #1, ABR-201007008.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 16, 2015.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 729 Pad C, ABR-201008051.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 16, 2015.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 729 Pad D, ABR-201008052.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 16, 2015.

Pennsylvania General Energy Company, LLC, Pad ID: Shannon Todd Pad A, ABR-201009006.R1, Todd Township, Huntingdon County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 16, 2015.

Inflection Energy (PA), LLC, Pad ID: Fox Well Site, ABR-201501004, Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 29, 2015.

Chesapeake Appalachia, LLC, Pad ID: Yengo, ABR-20100206.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

Chesapeake Appalachia, LLC, Pad ID: Allford, ABR-20100412.R1, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

Chesapeake Appalachia, LLC, Pad ID: A&M, ABR-201501005, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

Chesapeake Appalachia, LLC, Pad ID: Samantha, ABR-201501006, Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2015.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: April 2, 2015.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[15-09-29]



# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### BOARD OF ARCHITECTS

**Subject:** Public Meeting  
**Date and Time:** May 27, 2015, 10 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262  
 [15-09-42]

### BOARD OF BARBERS

**Subject:** Public Meeting  
**Date and Time:** June 8, 2015, 9:30 a.m.  
**Place:** 200 St Paul Pl., 3rd Fl., Baltimore, MD  
**Contact:** Shirley Leach (410) 230-6192  
 [15-09-10]

### CHESAPEAKE BAY TRUST

**Subject:** Public Meeting  
**Date and Time:** May 7, 2015, 3 — 6 p.m.  
**Place:** Masonville Cove Environmental Education Center, Baltimore, MD  
**Contact:** Heather Adams (410) 974-2941  
 [15-09-23]

### CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL

**Subject:** Public Meeting  
**Date and Time:** May 26, 2015, 9:30 — 11:30 a.m.  
**Place:** Maryland Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD  
**Contact:** Rachel Hess-Mutinda (410) 767-2196  
 [15-09-39]

### BOARD OF COSMETOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** June 1, 2015, 10 a.m.  
**Place:** 200 St Paul Pl., 3rd Fl., Baltimore, MD  
**Contact:** Shirley Leach (410) 230-6195  
 [15-09-09]

### GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

**Subject:** Public Hearing  
**Date and Time:** June 18, 2015, 12:30 — 3 p.m.  
**Place:** GOCCP, 300 E. Joppa Rd., Ste. 1105, Baltimore, MD  
**Add'l. Info:** Children's Justice Act Committee Meetings  
**Contact:** Jessica Wheeler (410) 821-2824  
 [15-09-01]

### COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Meeting  
**Date and Time:** May 19, 2015, 5:30 — 7:30 p.m.  
**Place:** Judiciary Education and Conference Center, Conf. Rm. 2, Annapolis, MD  
**Contact:** David Soule (301) 403-4165  
 [15-09-11]

### BOARD OF DIETETIC PRACTICE

**Subject:** Public Meeting  
**Date and Time:** May 21, 2015, 12:30 — 3:30 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Lenelle Cooper (410) 764-4733  
 [15-09-25]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** May 12, 2015, 9 — 11 a.m.; part of the meeting may include a closed session  
**Place:** 653 W. Pratt St., Ste. 212, 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  
 [15-09-19]

### UNINSURED EMPLOYERS' FUND BOARD

**Subject:** Public Meeting  
**Date and Time:** May 27, 2015, 12 — 1 p.m.  
**Place:** 300 E. Joppa Rd., Ste. 402, Baltimore, MD  
**Contact:** Roxanne Pitts (410) 321-4136 Ext. 211  
 [15-09-30]

### BOARD FOR PROFESSIONAL ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** May 14, 2015, 9 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262  
 [15-09-43]

### STATE BOARD OF STATIONARY ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** June 16, 2015, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Gae Herzberger (410) 230-6163  
 [15-09-37]

### BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

**Subject:** Public Meeting  
**Date and Time:** May 6, 2015, 10 a.m. — 3 p.m.  
**Place:** 8720 Old Montgomery Rd., Columbia, MD  
**Add'l. Info:** The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.  
**Contact:** James T. Merrow (410) 764-5911  
 [15-09-24]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

**Subject:** Public Meeting  
**Date and Time:** May 14, 2015, 4 p.m. — 6 p.m.  
**Place:** 500 N. Calvert St., 5th Fl. Conf. Rm., Baltimore, MD  
**Contact:** Mary L. Bahr (410) 767-5678  
 [15-09-40]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

**Subject:** Behavioral Health Plan  
**Date and Time:** Monday — Friday Through December 1, 2015, 8:30 a.m. — 5 p.m.  
**Place:** Spring Grove Hospital Center, Mitchell Bldg., 55 Wade Ave., Catonsville, MD  
**Add'l. Info:** The Behavioral Health Administration is in the process of developing the FY 2016 Behavioral Health Plan as part of its application for the FY 2016 Federal Mental Health Block Grant (MHBG) funds. Final submission of the FY 2016 MHBG application to the federal Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, will occur by September 1, 2015. Drafts of the FY 2016 Plan can be reviewed at the above address. Any general comments regarding the FY 2016

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Behavioral Health Plan or specific comments regarding drafts to finalization of the MHBG application will be considered and incorporated as appropriate. The documents will be available after their due dates and will be posted on the BHA website: http://bha.dhmm.maryland.gov. Comments on the Plan may also be made after submission of the Plan to the Federal Government
Contact: Cynthia Petion (410) 402-8473 [15-09-31]

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

Subject: Public Meeting
Date and Time: May 13, 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 [15-09-35]

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

Subject: Public Meeting
Date and Time: June 10, 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 [15-09-36]

INTER-AGENCY HEROIN AND OPIOID COORDINATING COUNCIL

Subject: Public Meeting
Date and Time: May 20, 2015, 10 — 11:30 a.m.; Additional Dates: September 16, and November 5, 2015, 10 — 11:30 a.m.
Place: Maryland Dept. of Transportation, 7201 Corporate Center Dr., Harry Hughes Conf. Center, Hanover, MD
Add'l. Info: Agendas and approved meeting minutes, as well as any updates to the date and time of the meeting, can be found on our website at: http://bha.dhmm.maryland.gov/OVERDOS\_E\_PREVENTION/SitePages/interagency-heroin-council.aspx.
Contact: Sara Cherico-Hsii (410) 767-3000 [15-09-26]

FACILITIES ADVISORY BOARD- JUVENILE SERVICES

Subject: Public Meeting
Date and Time: May 9, 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 [15-09-17]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting
Date and Time: May 19, 2015, 2 — 4 p.m.
Place: 49 Old Solomons Island Rd., Ste. 300, Annapolis, MD
Contact: Tim Gilbert (410) 230-3488 [15-09-18]

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 [15-09-20]

DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting
Date and Time: May 12, 2015, 9 a.m. — 12 p.m.
Place: Maryland Dept. of Labor, Licensing, and Regulation, 1100 N. Eutaw St., Lower Level Training Rm., Baltimore, MD
Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.
Contact: C. Edward Poarch II (410) 767-2246 [15-09-38]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: May 28, 2015, 10 a.m. — 12 p.m.
Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Marie A. Torosino (410) 230-8790 [15-09-45]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: May 21, 2015, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460 [15-09-08]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On April 10, 2015, the Maryland Health Care Commission (MHCC) received four Certificate of Need applications submitted by:

Encore at Turf Valley — Matter No. 15-13-2365 — New construction and renovation for the addition of 28 new comprehensive care beds to the facility for a total of 91 CCF beds; Proposed Cost: \$3,556,500.

Baltimore Nursing & Rehabilitation Center d/b/a Restore Health — Baltimore — Matter No. 15-24-2366 — Relocation of 80 temporarily delicensed CCF beds acquired from Johns Hopkins Bayview Medical Center to a new facility to be located at 300—306 W. Fayette Street, Baltimore; Proposed Cost: \$18,408,417.

Sheppard Pratt at Elkridge — Matter No. 15-13-2367 — The relocation and replacement of its current 92-bed psychiatric facility located at 4100 College Avenue, Ellicott City, to a new site near the intersection of Route 103 and Route 1, Elkridge with an increase of 8 beds for a total of 100 beds; Proposed Cost: \$102,653,372.

Suburban Hospital — Matter No. 15-15-2368 — Capital project for new construction and renovation to the existing hospital; Proposed Cost: \$199,853,006.

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 and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.  
**Contact:** Ruby Potter (410) 764-3276  
 [15-09-33]

#### MARYLAND PUBLIC TELEVISION

**Subject:** Public Meeting  
**Date and Time:** May 26, 2015, 8:30 — 10:30 a.m.  
**Place:** 11767 Owings Mills Blvd., Owings Mills, MD  
**Contact:** Laura Taylor (410) 581-4141  
 [15-09-12]

#### BOARD OF PLUMBING

**Subject:** Public Meeting  
**Date and Time:** May 21, 2015, 10 a.m. — 12:30 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Raquel M. Meyers (410) 230-6379  
 [15-09-16]

#### 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  
 [15-09-13]

#### 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  
 [15-09-14]

#### 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  
 [15-09-15]

#### BOARD OF PUBLIC ACCOUNTANCY

**Subject:** Public Meeting  
**Date and Time:** June 2, 2015, 9 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Linda L. Rhew (410) 230-6258  
 [15-09-03]

#### RACING COMMISSION

**Subject:** Public Meeting  
**Date and Time:** May 19, 2015, 12:30 — 1 p.m.  
**Place:** Pimlico Race Course, Baltimore, MD  
**Contact:** J. Michael Hopkins (410) 296-9682  
 [15-09-27]

#### REAL ESTATE COMMISSION

**Subject:** Public Meeting  
**Date and Time:** May 20, 2015, 10:30 a.m.  
**Place:** Dept. of Labor, Licensing and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Charlene Faison (410) 230-6199  
 [15-09-05]

#### REAL ESTATE COMMISSION

**Subject:** Public Hearing  
**Date and Time:** May 20, 2015, 12:30 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Charlene Faison (410) 230-6199  
 [15-09-06]

#### PROTOCOL FOR SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS AND PLANNING COMMITTEE

**Subject:** Public Meeting  
**Date and Time:** May 14, 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  
 [15-09-04]

#### BOARD OF SOCIAL WORK EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** May 8, 2015, 11 a.m. — 3 p.m.  
**Place:** Metro Office Bldg., 4201 Patterson Ave., Baltimore, MD  
**Add'l. Info:** The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in a closed session.  
**Contact:** Stanley Weinstein (410) 764-4722  
 [15-09-22]

#### STATE BOARD OF INDIVIDUAL TAX PREPARERS

**Subject:** Public Meeting  
**Date and Time:** May 11, 2015, 1 — 5 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Douglas Blackstone (410) 230-6244  
 [15-09-21]

#### MARYLAND DEPARTMENT OF TRANSPORTATION

**Subject:** Public Hearing  
**Date and Time:** May 19, 2015, 10:30 a.m.  
**Place:** MDOT Headquarters, 7201 Corporate Center Dr., Hanover, MD  
**Add'l. Info:** The Maryland Board of Airport Zoning Appeals (BAZA) will hold a hearing on Tuesday, May 19, 2015. The hearing will begin at 10:30 a.m. in the Board Room of the Maryland Department of Transportation located at 7201 Corporate Center Drive, Hanover, Maryland 21076. The Board will hear the following case:

#### BAZA 402

Sprint, Inc. is proposing to utilize a temporary crane for equipment removal from the BWI Airport Marriott hotel roof located at 1743 West Nursery Road, Linthicum, Maryland. This location is approximately 4,000 feet north of Runway 15R at BWI Marshall Airport. The proposed height of the temporary crane is 205 feet above ground level (AGL)/370 feet mean sea level (MSL). The temporary crane height will exceed the Code of Federal Regulations (FAR) Part 77, Objects Affecting Navigable Airspace by 77 feet. Code of Maryland Regulations (COMAR) 11.03.06.03 and 11.03.06.04, Height Limits in Airport Districts enables the proponents to seek a variance from the Board of Airport Zoning Appeals (BAZA) for any proposed penetration of FAR Part 77. Therefore, the Maryland Aviation Administration requests to present BAZA Case 402 to the Board of Airport Zoning Appeals on Tuesday, May 19, 2015 at 10:30 a.m.

For additional information, please contact Deborah Mahoney-Fowler, 410-865-1233.

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. Please call 410-865-1233 (voice) or MD Relay (TTY Users).

**Contact:** Deborah Mahoney-Fowler (410) 865-1233

[15-09-44]

#### BOARD OF WELL DRILLERS

**Subject:** Public Meeting  
**Date and Time:** June 24, 2015, 9 a.m. — 4 p.m.  
**Place:** MDE, 1800 Washington Blvd., Terra Conf.Rm. 1006, Baltimore, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Willie Everett (410) 537-3644  
 [15-09-02]

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- 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  
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- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
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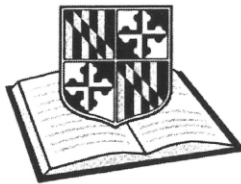
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