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# Maryland Register

Issue Date: May 15, 2015

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Volume 42 • Issue 10 • Pages 669—702

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General Assembly  
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 27, 2015, 5 p.m.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 27, 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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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.

## 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.

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## 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 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.**

## REGULATIONS CODIFICATION SYSTEM

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

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

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

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](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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**36 MARYLAND STATE LOTTERY AND GAMING  
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**36.06.01.01—03** • 41:12 Md. R. 723 (6-13-14)  
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**36.06.04.01—04** • 41:12 Md. R. 723 (6-13-14)



# The Governor

## EXECUTIVE ORDER 01.01.2015.17

### Declaration of Emergency — Special Appointment of Maryland State Police

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, Baltimore City experienced historic civic unrest resulting in more than 200 arrests, multiple structural fires, and at least 20 injured law enforcement officers;

WHEREAS, Executive Order 01.01.2015.16 was issued on April 27, 2015, declaring a state of emergency and implementing the emergency powers of the Governor;

WHEREAS, Law enforcement officers from New Jersey, Pennsylvania, and Washington, D.C., have been requested to assist and continue to assist in protecting the citizens of Baltimore City and restoring peace to the area pursuant to the Emergency Management Assistance Compact enacted as Section 14-702 of the Public Safety Article;

WHEREAS, Those law enforcement officers of the New Jersey State Police, Pennsylvania State Police, and the Metropolitan Police Department of Washington, D.C., require powers of arrest within the State of Maryland for the duration of the emergency;

WHEREAS, Pursuant to Section 2-402 of the Public Safety Article, the Secretary of Maryland State Police has the authority to appoint the employees that the Secretary considers necessary for efficient administration of the Department;

WHEREAS, Employees appointed by the Secretary have police powers and authority set forth in Section 2-412 of the Public Safety Article;

WHEREAS, Failure to waive certain requirements regarding qualifications and employment of police employees in Subtitle 4 of Title 2 of the Public Safety Article may prevent, hinder, or delay necessary action to address this emergency;

WHEREAS, It has been determined that law enforcement officers of the New Jersey State Police, Pennsylvania State Police, and the Metropolitan Police Department of Washington, D.C., are qualified by virtue of their training and experience as law enforcement officers within their home states;

WHEREAS, Use of law enforcement officers of the New Jersey State Police, Pennsylvania State Police, and the Metropolitan Police Department of Washington, D.C., may be required;

WHEREAS, Upon receipt of a special appointment as a Maryland State Police officer, these individuals shall enjoy the same immunities as Maryland State Police officers, but they shall not be entitled to any compensation or personal benefit except that which is authorized by the Emergency Management Assistance Compact; and

WHEREAS, This special and limited appointment shall immediately expire when Executive Order 01.01.2015.16 is terminated.

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 SECTION 14-107(d) OF THE PUBLIC SAFETY ARTICLE, HEREBY SUSPEND THE EFFECT OF ANY PROVISION OF MARYLAND LAW OR REGULATION, INCLUDING THE PROVISIONS OF SUBTITLE 4 OF TITLE 2 OF THE PUBLIC SAFETY ARTICLE, WHICH BAR OR IMPEDE THE IMMEDIATE APPOINTMENT OF LAW ENFORCEMENT OFFICERS FROM NEW JERSEY, PENNSYLVANIA, WASHINGTON, D.C., OR ANY OTHER STATE AS SPECIALLY APPOINTED MARYLAND STATE POLICE OFFICERS.

Given Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 28th day of April, 2015, the effective date.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[15-10-36]

## EXECUTIVE ORDER 01.01.2015.18

### Rescission of Executive Orders 01.01.2015.16 and 01.01.2015.17

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Orders 01.01.2015.16 and 01.01.2015.17 declaring a state of emergency in Baltimore City and implementing the emergency powers of the Governor to protect the lives and property of citizens impacted by the emergency; and

WHEREAS, The emergency conditions caused by recent events in Baltimore City no longer exist.

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 EMERGENCY THAT EXISTED IN THE CITY OF BALITMORE IS TERMINATED AND HEREBY RESCIND EXECUTIVE ORDERS 01.01.2015.16 AND 01.01.2015.17.

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

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[15-10-36]

# The General Assembly

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

## SYNOPSIS NO. 6

### House Bills

- HB1289** Del Dumais. Maryland Uniform Interstate Family Support Act - Revision.  
**HB1290** Del Adams, et al. Medicaid Managed Care Organizations - Pharmacy Networks - Plan.  
**HB1291** Del Bromwell. Medicaid Managed Care Organizations - Enrollees Access to Pharmacy Services (Any Willing Pharmacy).  
**HB1292** Dels Glass and McDonough. Harford County - Department of Public Works - Smart Water Meters.

[15-10-31]

### Senate Bills

- SB0937** Sen Madaleno, et al. Alcoholic Beverages - Powdered Alcoholic Beverages - Ban on Sales.  
**SB0938** Sen Hershey. Public Service Commission - Certificate of Public Convenience and Necessity - Land-Based Wind Generating Stations in Kent County.  
**SB0939** Sen Muse. Prince George's County - Maintenance of Effort - Property Tax Rate.  
**SB0940** Sens Conway and Salling. Residential Child Care Programs - Statement of Need - Exception for Relocation.  
**SB0941** Sens Raskin and Muse. Maryland Uniform Interstate Family Support Act - Revision.  
**SB0942** Sen Hough, et al. Criminal Procedure - Government-Funded Legal Representation - Initial Appearance.

[15-10-32]

### Chapters

- CH0001 HB1118 (Amended)** Del C. Wilson, et al General Provisions - Commemorative Days - Welcome Home Vietnam Veterans Day.  
**CH0002 SB0080 (Amended)** Sen Astle, et al General Provisions - Commemorative Days - Welcome Home Vietnam Veterans Day.  
**CH0003 SB0030 (Amended)** Sen Peters Procurement - Veteran-Owned Small Business Enterprise Participation - Award of Contracts.  
**CH0004 SB0061 (Amended)** Chr JPR (Md Jud Conf), et al Active Armed Forces Member - Exemption From Payment of Fees for Certain Court Records.  
**CH0005 SB0069** Sen Conway State Board of Pharmacy - Sterile Compounding - Compliance by Nonresident Pharmacies and Repeal of Permit Requirement.  
**CH0006 SB0074 (Amended)** Sen Feldman, et al Task Force to Study Maternal Mental Health.  
**CH0007 SB0076** Sen Peters (Chr Jt Com on Pnsns) State Retirement and Pension System - Noncontributory Pension Benefit - Definition.  
**CH0008 SB0077 (Amended)** Chr FIN (Md Jud Conf) Commercial Law - Secured Transactions - False Financing Statements.  
**CH0009 SB0097 (Amended)** Sen Norman, et al Election Law - Counting of Properly Cast Ballots.  
**CH0010 SB0102 (Amended)** Sen Peters (Chr Jt Com on Pnsns) State Retirement and Pension System - Accumulated Contributions of Nonvested Former Members.  
**CH0011 SB0104 (Amended)** Sen Peters (Chr Jt Com on Pnsns) Correctional Officers' Retirement System - Membership and Eligibility for Retirement.  
**CH0012 SB0109 (Amended)** Sen Conway Task Force to Study Small and Minority Design Firm Participation in State Procurement.  
**CH0013 SB0110 (Amended)** Sen Middleton, et al Developmental Disabilities Administration - Low Intensity Support Services - Definition.  
**CH0014 SB0122** Sen Eckardt, et al Public Health - Regulation of Milk Products - Revisions.  
**CH0015 HB0540** Del Mautz Public Health - Regulation of Milk Products - Revisions.  
**CH0016 SB0142** Sen Pugh, et al Property and Casualty Insurance - Premium Finance Companies - Assignment of Rights and Obligations - Repeal of Termination Date.  
**CH0017 SB0148 (Amended)** Sen Klausmeier Office of Cemetery Oversight - Preneed Burial Contracts - Report Submission Requirement.  
**CH0018 SB0178 (Amended)** Sens Kasemeyer and Waugh Estate Tax - Alternative Payment Schedule - Penalty Prohibition.  
**CH0019 SB0215** Sen Astle Pilots - Recreational Vessels - Employment Requirement.  
**CH0020 SB0217** Sen Kelley Special or Supplemental Needs Trusts - Authorization to Fund.  
**CH0021 SB0222** The Pres (DLS) Annual Curative Bill.  
**CH0022 SB0223** The Pres (DLS) Annual Corrective Bill.  
**CH0023 SB0241 (Enrolled)** Sen Astle Health Insurance - Coverage for Ostomy Equipment and Supplies - Required.  
**CH0024 SB0320 (Amended)** Sen Nathan-Pulliam University of Maryland School of Medicine - Workgroup to Study Issues Related to Uterine Fibroids.  
**CH0025 SB0325** Sen Pugh Life Insurers - Reserve Investments - Loans Secured by Real Estate.  
**CH0026 SB0339 (Enrolled)** Sen Conway Alcoholic Beverages - Baltimore City - Belvedere Square.  
**CH0027 SB0362** Calvert County Senators Calvert County - Public Facilities Bonds.  
**CH0028 SB0371 (Amended)** Sen Rosapepe State Highway Administration - Bicycle and Pedestrian Priority Areas.  
**CH0029 SB0401 (Enrolled)** Sen Astle, et al Underground Utility Damage Prevention - Connecting Buildings to Water Supply Systems and Sewerage Systems - Detectable Wires.  
**CH0030 SB0418** Sen Lee Estates - Modified Administration - Final Report and Distribution - Extension.  
**CH0031 SB0423 (Enrolled)** Sen Rosapepe Alcoholic Beverages - Towne Centre at Laurel - Class A License.  
**CH0032 SB0432 (Amended)** Sen Peters Employees' and Teachers' Pension Systems - Combination of Service - Clarification.  
**CH0033 SB0442** Sen Eckardt Employees' Pension System - Dorchester County Sanitary Commission - Eligible Governmental Unit.  
**CH0034 SB0449 (Amended)** Sen Conway State Board of Physicians - Physicians, Physician Assistants, and Allied Health Practitioners - Licensure Requirements.

- CH0035 SB0450 (Amended)** Sen Guzzone Health Insurance - Expense Reimbursement Claims Forms - Methods for Submission.
- CH0036 SB0465 (Amended)** Sen Klausmeier, et al Chesapeake Employers' Insurance Company.
- CH0037 SB0498 (Amended)** Sen Montgomery, et al Public Safety - Statewide Accounting of Sexual Assault Evidence Kits.
- CH0038 SB0541 (Amended)** Sen McFadden (BCA) Baltimore City - Property Tax Credit - Supermarkets.
- CH0039 SB0553 (Amended)** Chr FIN (Dept) Motor Clubs - Scope of Law - Fees.
- CH0040 SB0555** Chr FIN (Dept) Life Insurance - Cash Surrender Values - Supplemental Benefits.
- CH0041 SB0596 (Enrolled)** Chr FIN (Dept) Health Care Facilities - Surveys, Inspections, and External Reviews.
- CH0042 SB0602 (Amended)** Sen Miller, et al Justice Reinvestment Coordinating Council.
- CH0043 SB0604 (Amended)** Sen King, et al Human Relations - Employment Discrimination - Protection for Interns.
- CH0044 SB0626** Sens Montgomery and Lee Registered Nurses - Local Health Departments - Requirements for Personally Preparing and Dispensing Drugs and Devices.
- CH0045 SB0641 (Amended)** Sen Klausmeier Public Health - Substance Abuse Treatment Outcomes Partnership Fund.
- CH0046 SB0685 (Amended)** Sen Benson, et al Family Law - Information and Services for Foster Children and Former Foster Children.
- CH0047 SB0689** Sen Benson, et al Prince George's County - Transfer Tax - Deputy Sheriffs.
- CH0048 SB0702 (Enrolled)** Sen Jennings, et al Baltimore County - Property Tax Credit - Homes Near a Refuse Disposal System.
- CH0049 SB0707 (Amended)** Sen Eckardt Alcoholic Beverage Tax Returns - Manufacturers and Wholesalers - Due Date.
- CH0050 SB0763 (Enrolled)** Sen Peters, et al Tax Amnesty Program.
- CH0051 SB0770 (Amended)** Sen Astle Insurance - Motor Vehicle Rental Companies - Limited Lines License to Sell Insurance.
- CH0052 SB0802 (Enrolled)** Sen Cassilly, et al Transportation - Dedication of Structures (Hero's Highway Act).
- CH0053 HB0466 (Enrolled)** Del Folden, et al Transportation - Dedication of Structures (Hero's Highway Act).
- CH0054 SB0818 (Amended)** Sen Nathan-Pulliam, et al Alcoholic Beverages - Baltimore City - Transfer or Issuance of Licenses.
- CH0055 SB0886 (Amended)** Sens Hough and Young Frederick County Property Tax Fairness Act of 2015 (Strengthening Frederick Municipalities).
- CH0056 HB0005 (Amended)** Del O'Donnell, et al Department of Health and Mental Hygiene - Newborn Screening Program Fund - Establishment.
- CH0057 HB0049** Chr JUD (Md Jud Conf) Clerks of the Circuit Courts - Water and Sewer Lien Registers - Fees.
- CH0058 HB0067 (Enrolled)** The Spkr, et al General Assembly - Mandated Reports by State Agencies.
- CH0059 HB0068** The Spkr (DLS) State Board of Examiners of Nursing Home Administrators - Sunset Extension and Program Evaluation.
- CH0060 HB0082** Montgomery County Delegation Montgomery County - Free-Play Pinball Machines - Placement Restrictions - Repeal MC 2-15.
- CH0061 HB0088 (Amended)** Montgomery County Delegation Montgomery County - Alcoholic Beverages - Refillable Wine Containers MC 19-15.
- CH0062 HB0089 (Amended)** Montgomery County Delegation Montgomery County - Alcoholic Beverages - Class BD-BWL License MC 18-15.
- CH0063 HB0091** Montgomery County Delegation Montgomery County - Alcoholic Beverages Licenses - Laytonsville MC 12-15.
- CH0064 HB0092** Montgomery County Delegation Montgomery County - Alcoholic Beverages - Wine Auction Permits MC 9-15.
- CH0065 HB0093** Montgomery County Delegation Montgomery County - Alcoholic Beverages - 1-Day License for Schools, Places of Worship, and Youth Centers MC 10-15.
- CH0066 HB0095** Montgomery County Delegation City of Gaithersburg - Licensed Alcoholic Beverages Restaurants - Distance from Churches or Other Places of Worship MC 23-15.
- CH0067 HB0106** Montgomery County Delegation Montgomery County - Illegal Dumping and Litter Control Law - Adoption of Local Ordinance MC 11-15.
- CH0068 HB0123** Del Anderson (BCA) Baltimore City - Residential Retention Property Tax Credit - Modification.
- CH0069 HB0131** Chr JUD (Md Jud Conf) Criminal Procedure - Transfer to Juvenile Court - Petition for Expungement.
- CH0070 HB0134** Charles County Delegation Charles County - Property Tax Credit - New or Expanding Businesses.
- CH0071 HB0139 (Amended)** Del Beitzel Garrett County - Alcoholic Beverages - Sunday Sales.
- CH0072 HB0145** Howard County Delegation Howard County - Appointed Alcoholic Beverage Hearing Board - Compensation Ho. Co. 6-15.
- CH0073 HB0150 (Amended)** Del Morhaim Secretary of State and Attorney General - Charitable Enforcement and Protection of Charitable Assets - Workgroup Reports - Extension.
- CH0074 HB0179** Del Barron State Board of Physical Therapy Examiners - Failure to Pass Licensure Examination - Prohibition on Issuance of License.
- CH0075 HB0182 (Amended)** Dels Lafferty and Rosenberg Housing - Community Development Administration - Residential Mortgage Loans.
- CH0076 HB0201** Del S. Robinson Vehicle Laws - Special Registration Plates and Parking Placards for Individuals With Disabilities - Licensed Physical Therapists.
- CH0077 HB0202 (Amended)** Montgomery County Delegation Montgomery County - Alcoholic Beverages - Wineries MC 21-15.
- CH0078 HB0203 (Enrolled)** Del Beidle Vehicle Laws - Title Fees - Rental Vehicles.
- CH0079 HB0230 (Amended)** Del Hammen, et al Health Insurance - Assignment of Benefits and Reimbursement of Nonpreferred Providers - Repeal of Termination Date.
- CH0080 HB0233** Del Beidle Motor Vehicles - Calculation of Length - Loading Devices.
- CH0081 HB0245 (Amended)** Frederick County Delegation Frederick County - Alcoholic Beverages - Sunday Permit - Hours of Sale.
- CH0082 HB0284 (Amended)** Del Flanagan, et al Election Law - Local Petitions - Advance Determination of Sufficiency of Local Law or Charter Amendment Summary.
- CH0083 HB0286 (Amended)** Dels O'Donnell and Fisher Calvert and St. Mary's Counties - Scenic Byways - Signs.
- CH0084 HB0296** Carroll County Delegation Carroll County - Public Facilities Bonds.
- CH0085 HB0316 (Amended)** Montgomery County Delegation Montgomery County - Alcoholic Beverages - Licenses in Takoma Park MC 29-15.
- CH0086 HB0328** Harford County Delegation Harford County - Alcoholic Beverages - Applications for Licenses.
- CH0087 HB0329** Harford County Delegation Harford County - Alcoholic Beverages - Inspectors.

**CH0088 HB0358 (Amended)** Del Jameson Workers' Compensation Insurance - Cancellation and Nonrenewal - Notice.  
**CH0089 HB0399 (Amended)** Harford County Delegation Harford County - Alcoholic Beverages - Class DBR License.  
**CH0090 HB0424 (Amended)** Howard County Delegation Howard County - Alcoholic Beverages - Special Event - Education Permits Ho. Co. 05-15.  
**CH0091 HB0456 (Enrolled)** Del Morales, et al Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.  
**CH0092 HB0527** Harford County Delegation Harford County - Alcoholic Beverages - Residency Requirements.  
**CH0093 HB0549** Del Valentino-Smith, et al Video Lottery Facility Payouts - Intercepts for Restitution Payments.  
**CH0094 HB0556 (Amended)** Del Pendergrass State Board of Environmental Health Specialists - Revisions.  
**CH0095 HB0558** Del Clippinger Financial Institutions - Depository Institutions - Savings Promotion Raffles.  
**CH0096 HB0565** Dels Bromwell and Kipke Insurance - Surplus Lines - Disability Insurance.  
**CH0097 HB0589** Charles County Delegation Charles County - Alcoholic Beverages - Certification for License Application.  
**CH0098 HB0591 (Amended)** Del Miele, et al Health Occupations - Pharmacists - Refills of Prescriptions During State of Emergency.  
**CH0099 HB0598 (Amended)** Prince George's County Delegation Prince George's County - Raffles - Charitable Foundations PG 301-15.  
**CH0100 HB0666 (Amended)** Del Miele, et al Maryland Trust Act - Revocable Trusts - Creditors' Claims - Limitations.  
**CH0101 HB0705 (Amended)** Prince George's County Delegation Prince George's County - Alcoholic Beverages - Penalties PG 304-15.  
**CH0102 HB0748** Del Saab, et al Health Occupations - Board of Pharmacy - Pharmacist Rehabilitation Committee - Definition.  
**CH0103 HB0786 (Enrolled)** Del Davis, et al Self-Service Storage Facilities - Enforcement of Lien - Procedures.  
**CH0104 HB0828** Del Hixson, et al Estate Tax - Filing of Tax Returns.  
**CH0105 HB0835 (Amended)** Washington County Delegation Alcoholic Beverages - Washington County - Refillable Container Permit.  
**CH0106 HB0844** Del BranCH, et al Maryland Small Business Development Financing Authority - Small Business Surety Bond Program.  
**CH0107 HB0845** Harford County Delegation Harford County - Alcoholic Beverages - Class B Cafe Licenses.  
**CH0108 HB0859 (Amended)** Del Bromwell, et al Nonprofit Health Service Plans - Hearing and Order - Impact of Law or Regulatory Action by Another State.  
**CH0109 HB0864** Del Jacobs, et al Kent County - Board of Elections - Membership.  
**CH0110 HB0878** Del Vaughn, et al Certified Public Accountants - Definitions - Attest and Practice Certified Public Accountancy.  
**CH0111 HB0931 (Amended)** Prince George's County Delegation Alcoholic Beverages - Prince George's County - Seven Day Sales PG 318-15.  
**CH0112 HB0978 (Amended)** Del Lam, et al HIV Testing - Informed Consent and Pretest Requirements - Modification.  
**CH0113 HB1028** Del BranCH, et al Business Occupations and Professions - Real Estate Salespersons and Brokers - Formation of Business Entities and Payment of Commissions.  
**CH0114 HB1035 (Amended)** Del Oaks (BCA), et al Baltimore City - Tax Sales.  
**CH0115 HB1056** Del Vaughn, et al Real Estate Brokers and Salespersons - Continuing Education - Requirements.

**CH0116 HB1080 (Amended)** Del Pena-Melnyk, et al 9-1-1 Emergency Telephone System - Multiple-Line Telephone Systems - Direct Dial (Kari's Law).  
**CH0117 HB1111** Chr W&M (Dept) Video Lottery Facility - Areas Prohibited to Individuals Under the Age of 21 Years - Employee Exception.  
**CH0118 HB1114** Chr W&M (Dept) State Lottery and Gaming Control Agency - Raffles - Authorized.  
**CH0119 HB1115 (Amended)** Chr W&M (Dept) Gaming - Video Lottery Employee - Temporary License.  
**CH0120 HB1226** Chr ECM (Dept) Apprenticeship and Training - Replacement of Obsolete References.  
**CH0121 HB1227** Chr ECM (Dept) Real Estate Appraisers - Licensing and Certification - Examination Waiver Requirements.  
**CH0122 HB1241 (Amended)** Chr ENV (Dept) Maryland Transportation Authority - Payment of Tolls and Related Fees.  
**CH0123 HB1244** Chr ECM (Dept) Education and Workforce Training Coordinating Council for Correctional Institutions - Name Change.

[15-10-33]

# The Judiciary

## COURT OF APPEALS OF MARYLAND ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland  
April 24, 2015

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of *Rules Governing Admission to the Bar of Maryland*. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Section (k) of Rule 13 (Out-of-State Attorneys) of *Rules Governing Admission to the Bar of Maryland*.

It is thereupon the 24th day of April 2015, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 26th day of May 2015, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA  
Chief Judge  
Court of Appeals of Maryland

Filed: April 24, 2015

BESSIE M. DECKER  
Clerk

### EXHIBIT A OUT-OF-STATE ATTORNEYS EXAMINATION FEBRUARY 2015

Anderson, Sarah Weinkauf  
Anderson, Vanessa Hamilton  
Andreone, Peter Karl  
Bagrosky, Lisa Raine  
Baldrige, Buffy Maria  
Barth, Amitai Betzalel  
Bayelle, Njiniwo Conrad  
Blazek, Jessica Lauren  
Bright, Jeffrey Charles  
Brown, Leslie Susan  
Burke, Kevin Gerald  
Burns, Diann Green  
Buskirk, Pamela Minh  
Casey, Meghan Kathleen  
Chmiel, Matthew Benjamin  
Curphey, Shauna Marie  
Daroff, John Bennett  
Davison, Andrea Campbell  
Duncan, Russell David  
Farnum, John Tucker  
Gomez, Aisha Pilar

Grdina, Elizabeth Anne  
Green, Brian Scott  
Griffin, Aimee Desiree  
Hall, Matthew B.  
Hargrove, Kimberly Jill  
Haviland, Eric Alan  
Huang, Jeremy Calvin  
Huskin, John Trowbridge  
Ingle, Gilda Bethany  
Jimenez, Losmin  
Johnson, Neal Stonecliffe  
Kalish, Michael Jacob  
Kaufman Jonasen, Sandra  
Keating, Lauren Judith  
Killian, Scott Andrew  
Kyriakakis, Alana Rochelle  
Loesch, Kristen Lynn  
Mancinelli, Sarah Elizabeth  
Metcalf, Phillip O'Brian  
Mirman, Julie Dawn  
Moawad, Edward Emad  
Muffett, Adam Nemeth  
Myers, Lisa Marlene  
Myers, Zachary Augustus  
Olsen, Maria Leonard  
Pearson, Alyn Elizabeth  
Poterala, Michael Robert  
Prather, Roy D.  
Puvak, Joshua Andrew  
Sardella, Barbara  
Shaffer, Mark Edward  
Sheehan, William F.  
Shuman, Jerome Willy  
Singh, Tejinder  
Smith, Marcus Powell  
Smits, Kathryn Ellen  
Sobel, Mark Elliot  
Sriskandarajah, Atchuthan  
Tuchinda, Nicole Pryor  
Turner, Sara Kathleen  
Vaccaro, Amanda Leigh Scott  
Wainstein, Victor  
Wolfe, Erinn Leigh  
Young, Ciara Christina

[15-10-26]

## DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court dated May 1, 2015, **JOHN KIRBY BURKHARDT**, 709 Hobbs Drive, Silver Spring, Maryland 20904, has been disbarred by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

[15-10-30]

# Emergency Action on Regulations

### Symbol Key

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

### Emergency Regulations

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

## Title 08 DEPARTMENT OF NATURAL RESOURCES Subtitle 02 FISHERIES SERVICE

### 08.02.15 Striped Bass

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

#### Notice of Emergency Action

[15-132-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .04 under COMAR 08.02.15 Striped Bass.

**Emergency status began: April 14, 2015.**

**Emergency status expires: July 1, 2015.**

#### Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** This action may positively benefit the Department due to additional permit sales. This action may also positively benefit up to 43 licensed watermen who hold striped bass permits who failed to declare for the 2015 striped bass fishery in the required time period. This action may negatively impact the 2016 Maryland commercial striped bass fishery.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
-------------------------------	--	-----------

A. On issuing agency: Additional permit sales	(R+)	6,600
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
--	-------------------------	-----------

D. On regulated industries or trade groups:		
(1) Profits for 43 added striped bass permittees	(+)	76,250
(2) Future decrease to commercial harvesters	(-)	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.)

A. Striped bass permits cost \$200 to renew for holders of Hook & Line Licenses (HLI) and Unlimited Finfish Harvester Licenses (FIN) and \$150 for holders of Unlimited Tidal Fish Licenses (TFL). Of the 43 possible late declarations, 40 hold TFLs and 3 hold either a FIN or a HLI. Therefore, if all 43 individuals renew their permit, the Department will increase revenue by \$6,600.

D(1). This number is based on the 30,500 pounds of striped bass the 43 possible additional permittees hold in their allocations, worth \$2.50 per pound.

D(2). The Department is “over allocating” to provide quota to the 43 individuals who may take advantage of the additional criteria to declare late for the striped bass fishery. What this means is that the Department runs the risk of exceeding the State’s annual quota. If this happens, the Department will have to deduct the overage off of a future year’s quota. The actual impact cannot be determined because it is not known if this will happen.

#### Economic Impact on Small Businesses

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

The proposed action may have a total benefit of \$76,250 for the 43 potential new entrants to the striped bass fishery. The proposed action may have an indeterminable negative impact to the striped bass fishery as a whole. Please see the Estimate of Economic Impact for further analysis.

**.04 Tidal Fish Licensee Intent to Fish.**

## A. Registration Procedures.

## (1) Registration.

(a) A commercial tidal fish licensee, other than a fishing guide licensee, shall register for a striped bass permit to participate in a commercial striped bass fishery in accordance with §§A and B of this regulation, by August 31 of each year.

(i) (text unchanged)

[(ii) An individual that does not register by September 14 of the current year, or the close of business the next business day when September 14 occurs on a weekend, is not eligible to participate in the striped bass fishery for the next calendar year.]

[(iii)] (ii) An exception to the September 14 deadline will be considered [only] for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the registration time period established in this subsection.

(iii) *An individual who did not register for the striped bass fishery by September 14, 2014, may register for a striped bass permit to participate in the Chesapeake Bay Individual Transferrable Quota fishery between April 15, 2015, and May 8, 2015.*

(b) (text unchanged)

(2) (text unchanged)

B.—G. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE****08.02.15 Striped Bass**

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

**Notice of Emergency Action**

[15-120-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .08—.10 under **COMAR 08.02.15 Striped Bass**.

**Emergency status began: April 14, 2015.**

**Emergency status expires: October 11, 2015.**

<p>Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 42:9 Md. R. 649—650 (May 1, 2015), referenced as [15-120-P].</p>
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MARK J. BELTON  
Acting Secretary of Natural Resources

# Final Action on Regulations

## Symbol Key

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

## Title 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

#### 08.18.21 Potomac River

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

#### Notice of Final Action

[15-100-F]

On May 5, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.04** under **COMAR 08.18.21 Potomac River**. This action, which was proposed for adoption in 42:6 Md. R. 517 (March 20, 2015), has been adopted as proposed.

**Effective Date: May 25, 2015.**

MARK J. BELTON  
Secretary of Natural Resources

## Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

#### Notice of Final Action

[15-083-F]

On April 29, 2015, the Secretary of Health and Mental Hygiene adopted:

(1) Amendments to Regulations **.01—,04-4** and **.06—,08**, new Regulation **.09**, amendments to and the recodification of existing Regulation **.09** to be Regulation **.10**, and the recodification of existing Regulations **.10—,12** to be Regulations **.11—,13** under **COMAR 10.36.01 Procedures**;

(2) Amendments to Regulations **.01—,05** and **.07—,09** and new Regulation **.05-1** under **COMAR 10.36.02 Continuing Education**;

(3) Amendments to Regulations **.01, .02, .07, and .09** under **COMAR 10.36.03 Procedure for Board Hearings**;

(4) Amendments to Regulations **.01—,08** under **COMAR 10.36.05 Code of Ethics and Professional Conduct**;

(5) Amendments to Regulation **.02** under **COMAR 10.36.06 Fee Schedule**;

(6) The repeal of existing Regulations **.01—,07** and new Regulations **.01—,06** under **COMAR 10.36.07 Psychology Associate**; and

(7) Amendments to Regulations **.02—,07** under **COMAR 10.36.08 Disciplinary Sanctions, Monetary Penalties, and Civil Fines**.

This action, which was proposed for adoption in 42:3 Md. R. 371—381 (February 6, 2015), has been adopted with the nonsubstantive changes shown below.

**Effective Date: May 25, 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:

COMAR 10.36.02.05C(2): This change is being made to fix an inadvertent drafting error. The phrase “or courses” is replacing the phrase “seminars, symposia, or workshops” in accordance with the remainder of the chapter and to add appropriate context to the existing phrase that follows, “for an authorized sponsor”.

COMAR 10.36.06.02N: This change is being made to fix a typographical error in the spelling of the word “psychologist”.

COMAR 10.36.07.04B: The change is being made to fix the inadvertent omission of the word “for”.

#### 10.36.02 Continuing Education

Authority: Health Occupations Article, §18-309(f), Annotated Code of Maryland

##### .05 Types of Approved Continuing Education Activities.

A.—B. (proposed text unchanged)

C. Approved CE activities include the following:

(1) (proposed text unchanged)

(2) Three CE hours may be earned for each hour of presentation of the first offering of scholarly papers *or courses* for an authorized sponsor with a maximum of 15 CE hours *for psychologists or 9 CE hours for psychology associates* for each 2-year reporting period;

(3)—(4) (proposed text unchanged)

D.—E. (proposed text unchanged)

#### 10.36.06 Fee Schedule

Authority: Health Occupations Article, §§18-206, 18-207, 18-301, and 18-310, Annotated Code of Maryland

##### .02 Fees.

The following fees are established by the Board:

A.—M. (proposed text unchanged)

N. *Roster of licensed* ~~[[psychologistsa]]~~ *psychologists or registered psychology associates* — \$150.



**10.36.07 Psychology Associate**

Authority: Health Occupations Article, §§18-101, 18-206, and 18-301,  
Annotated Code of Maryland

**.04 Representations to the Public.**

A. (proposed text unchanged)

B. *A supervisor or registered psychology associate shall inform all clients of the supervision arrangement and its possible implications for insurance reimbursement and confidentiality.*

C.—D. (proposed text unchanged)

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

## Title 14

# INDEPENDENT AGENCIES

### Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

**Notice of Final Action**

[15-101-F]

On May 5, 2015, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to:

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

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

This action, which was proposed for adoption in 42:6 Md. R. 539—541 (March 20, 2015), has been adopted as proposed.

**Effective Date: June 1, 2015.**

DAVID SOULE  
Executive Director

## Title 19A

# STATE ETHICS COMMISSION

**Subtitle 01 PROCEDURES****19A.01.03 Enforcement Procedures**

Authority: *General Provisions* Article, §§5-206, 5-401 — 5-408, and 5-901 — 5-904, Annotated Code of Maryland

**Notice of Final Action**

[14-317-F]

On December 17, 2014, the State Ethics Commission adopted amendments to Regulation **.11** under **COMAR 19A.01.03 Enforcement Procedures**. This action, which was proposed for adoption in 41:22 Md. R. 1330 (October 31, 2014), has been adopted as proposed.

**Effective Date: May 25, 2015.**

MICHAEL LORD  
Executive Director  
State Ethics Commission

**Subtitle 03 FINANCIAL DISCLOSURE****Notice of Final Action**

[14-318-F]

On December 17, 2014, the State Ethics Commission adopted:

(1) Amendments to Regulations **.03** and **.04** under **COMAR 19A.03.01 Disclosure Required by Members of Boards and Commissions**;

(2) Amendments to the **Authority Line** under **COMAR 19A.03.02 Disclosure by Faculty Members at State Institutions of Higher Education**;

(3) Amendments to Regulation **.01** under **COMAR 19A.03.03 Disclosure by Public Officials, State Officials, and Candidates to Be State Officials**; and

(4) New Regulations **.01** — **.04** under a new chapter, **COMAR 19A.03.04 Electronic Filing**.

This action, which was proposed for adoption in 41:22 Md. R. 1330—1332 (October 31, 2014), has been adopted as proposed.

**Effective Date: May 25, 2015.**

MICHAEL LORD  
Executive Director  
State Ethics Commission

**Notice of Final Action**

[14-315-F]

On December 17, 2014, the State Ethics Commission adopted:

(1) Amendments to Regulation **.04** under **COMAR 19A.04.03 Review Procedures**;

(2) Amendments to Regulation **.02** and new Regulation **.03** under **COMAR 19A.05.03 Review Procedures**; and

(3) New Regulations **.01** and **.02** under a new chapter, **COMAR 19A.05.04 Model Regulations**.

This action, which was proposed for adoption in 41:22 Md. R. 1332—1333 (October 30, 2014), has been adopted as proposed.

**Effective Date: May 25, 2015.**

MICHAEL LORD  
Executive Director  
State Ethics Commission

**Subtitle 07 LOBBYING****19A.07.01 General**

Authority: *General Provisions* Article, §5-206 and Title 5, Subtitle 7, Annotated Code of Maryland

**Notice of Final Action**

[14-314-F]

On December 17, 2014, the State Ethics Commission adopted Amendments to Regulations **.03** and **.04** under **COMAR 19A.07.01 Lobbying General**. This action, which was proposed for adoption in 41:22 Md. R. 1333—1334 (October 31, 2014), has been adopted as proposed.

**Effective Date: May 25, 2015.**

MICHAEL LORD  
Executive Director  
State Ethics Commission

## Subtitle 07 LOBBYING

### 19A.07.01 General

Authority: *General Provisions* Article, §§5-205(e), 5-206 and 5-704.1, Annotated Code of Maryland

#### Notice of Final Action

[14-316-F]

On December 17, 2014, the State Ethics Commission adopted new Regulation .18 under **COMAR 19A.07.01 General**. This action, which was proposed for adoption in 41:22 Md. R. 1334 (October 31, 2014), has been adopted as proposed.

**Effective Date: May 25, 2015.**

MICHAEL LORD  
Executive Director  
State Ethics Commission

## Title 36

# MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

## Subtitle 03 GAMING PROVISIONS

### 36.03.01 General

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

#### Notice of Final Action

[15-104-F]

On May 5, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to Regulation .03 under **COMAR 36.03.01 General**. This action, which was proposed for adoption in 42:06 Md. R. 543 (March 20, 2015), has been adopted as proposed.

**Effective Date: May 25, 2015.**

GINA M. SMITH  
Acting Director

## Subtitle 05 TABLE GAMES

### 36.05.06 Poker Rules

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

#### Notice of Final Action

[15-103-F]

On May 5, 2015, the Maryland Lottery and Gaming Control Agency adopted new Regulations .19 and .20 under **COMAR 36.05.06 Poker Rules**. This action, which was proposed for adoption in 42:06 Md. R. 543—544 (March 20, 2015), has been adopted as proposed.

**Effective Date: May 25, 2015.**

GINA M. SMITH  
Acting Director

# Withdrawal of Regulations

## Title 10

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitle 34 BOARD OF PHARMACY

##### Notice of Withdrawal

[14-031-W]

The Secretary of Health and Mental Hygiene withdraws (1) amendments to Regulation **.02** under **COMAR 10.34.09 Fees** and (2) amendments to Regulations **.01**, **.03—09**, **.11**, **.14**, and **.16** and new Regulations **.17—21** under **COMAR 10.34.19 Sterile Compounding Preparations and Sterile Drug Products**, as published in 41:2 Md. R. 142—147 (January 24, 2014).

This proposal was adopted in 41:13 Md. R. 752 (June 27, 2014) and was to go into effect on July 1, 2015 [see 41:26 Md. R. 1614 (December 26, 2014)]. This action is being withdrawn at this time due to 2015 Emergency Legislation, S.B. 69/H.B. 181 (Ch. 5, Acts of 2015), signed by the Governor on April 14, 2015.

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

# 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 10

# DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## Subtitle 02 DIVISION OF REIMBURSEMENTS

### 10.02.01 Charges for Services Provided Through the Department of Health and Mental Hygiene

Authority: Health-General Article, §§16-201—16-407, Annotated Code of Maryland

#### Notice of Proposed Action

[15-130-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01, amend and recodify existing Regulations .01-1, .02, and .04—05 to be Regulations .02, .03, .05—11, respectively, repeal existing Regulation .03, and adopt new Regulation .04 under **COMAR 10.02.01 Charges for Services Provided Through the Department of Health and Mental Hygiene**.

#### Statement of Purpose

The purpose of this action is to update the method of determining charges for health services under programs that are operated by the Department of Health and Mental Hygiene or supported wholly or partly by funds administered by the Department to:

- (1) Reflect the current standard and customary methods used by health care providers in their communities;
- (2) Ensure that, in order to maintain long-term fiscal integrity, charges for health services provided by local health departments will be regularly updated to match national and regional standards for reimbursement;
- (3) Update and ensure uniformity in the method of determining whether to grant fee reductions or waivers at local health departments in the case of hardship; and
- (4) Update and clarify definitions.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed action will have an economic impact on the Local Health Departments, with Health Care Reform and more individuals having access to insurance. The Local Health Departments need to be strategically able to serve the community. In doing so, they need to have the ability to be reimbursed for the fee that they charge for the service, or close to it. This would help the health departments in preparing their budgets knowing what they would be reimbursed for services rendered. These changes in the rate setting process should realign the health department rates with other health care facilities. It should have a positive impact economically for the health departments.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:			
Local health departments	(R+)		Indeterminable
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.)

A. and D. The total amount cannot be determined at this time due to insufficient data.

**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 15, 2015. A public hearing has not been scheduled.

**.01 Purpose.**

It is the intent of [these regulations] *this chapter* that:

A. [Charges for health services reflect the full costs of rendering those services] *The cost of care of a recipient of services be determined in accordance with the charges for health services set under this chapter;*

B. There be a single [charge for each service rendered in each unit;] *or, if appropriate, bundled charge for each health service rendered to an individual, including an individual in a group session or family group session; and*

C. (text unchanged)

**[.01-1] .02 Scope.**

This chapter applies to:

A.—B. (text unchanged)

C. All private or public *alcohol and drug abuse* providers funded by the [Alcohol and Drug Abuse Administration] *Behavioral Health Administration;*

D. (text unchanged)

E. Family planning services funded by the [Community and Public Health Administration] *Prevention and Health Promotion Administration.*

**[.02] .03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) “Charge” means the dollar amount set or approved by the Secretary for each clinic visit, day of care, hour, *procedure*, or other unit of service, as specified in the Schedule of Charges, which is the single rate to be charged all [persons] *recipients of service*, estates, third-party payers and insurers, [before the application of an ability-to-pay determination or the elimination of disallowed costs by any third-party payer or insurer] *or chargeable persons.*

(2) “Chargeable person” means:

(a) Any responsible relative *of a recipient of services*; [and]

(b) Except for a recipient of services, any other person who is legally responsible [in an individual or representative capacity for the] *for the cost of care of the individual; and*

(c) *Any person who maintains a policy of health insurance under which a recipient of services is insured.*

(3)—(5) (text unchanged)

[(6) Direct Clinical Cost.

(a) “Direct clinic cost” means the costs at a local health department that are directly related to the delivery of individual health services in a clinic setting.

(b) “Direct clinic cost” includes the costs of services and activities related to patient care.]

[(7)] (6) “Division” means the [Division of Program Cost and Analysis] *Cost Accounting and Reimbursement Division* of the Department.

[(8) “Excluded non-clinic cost” means public health and non-eligible costs for a local health department.]

[(9)] (7) (text unchanged)

[(10)] (8) “Fee” means the charge or that part of the charge after [the application of the] *an ability-to-pay [scale] determination or the elimination of disallowed costs by any third-party payer or insurer.*

[(11)] (9) “Health service” means any [services] *service for which a charge is established that is provided to any person, client, or resident in or by a unit of the Department, political subdivision [and], or grantee which is deemed appropriate by that unit to the care and treatment of an individual under its care or enrolled in its program.*

(10) “Local health department” means a governmental agency that:

(a) *Is funded wholly or partly by the Department;*

(b) *Assumes legal and financial responsibility and accountability both for funds awarded by the Department and for the provision of health services; and*

(c) *Operates under the general direction of a health officer who is duly appointed by and reports to the Secretary pursuant to Health-General Article, Title 3, Subtitle 3, Annotated Code of Maryland.*

(11) “Medical Assistance “ means the *Maryland Medical Assistance Program, which is administered by the State and pays the medical bills of certain needy and low-income individuals pursuant to Health-General Article, Title 15, Subtitle 1, Annotated Code of Maryland, and 42 U.S.C. Chapter 7, Subchapter XIX.*

[(12) “Non-eligible cost” means those costs at the local health department that are excluded from the direct clinic costs that are included on the Schedule of Charges.]

[(13)] (12) (text unchanged)

(13) “Out-of-network services” means *health services that are provided to a recipient of services which are not subject to payment at a negotiated rate under an agreement between the provider and a public or private third-party payer or insurer for the recipient of services.*

[(14) Overhead Cost.

(a) “Overhead cost” means those costs at a local health department which benefit the operations of the local health department as a whole.

(b) “Overhead cost” includes costs:

(i) *Incurred for a common purpose, benefiting more than one functional area of the local health department; or*

(ii) *That are not readily assigned without disproportionate effort.*

(c) “Overhead cost” does not include costs that are not related to the delivery of patient care.]

[(15)] (14) “Private provider” means:

(a) All private or non-local health department *alcohol and drug abuse* service providers funded by the [Alcohol and Drug Abuse Administration] *Behavioral Health Administration;*

(b) (text unchanged)

(c) Family planning service providers funded by the [Community and Public Health Administration] *Prevention and Health Promotion Administration.*

[(16) “Program area” means the service functional area in a local health department, which delivers clinical patient care which can be identified by CPT code, or by a service specific category.]

[(17)] (15) "Provider" means [the institution, local health department, public or private nonprofit corporation, organization, agency, or other legally accountable entity that receives funds administered by the Department and that assumes legal and financial responsibility and accountability both for the awarded funds and for the performance of the health care service] a facility operated by:

- (a) The Department;
- (b) A local health department; or
- (c) A private provider.

[(18)] "Public health cost" means costs related to the delivery of health care, education, and prevention by the local health department to the general population, that are not used for development of a fee as listed on the Schedule of Charges.]

[(19)] (16) Recipient of Services.

(a) "Recipient of services" means an individual who receives care, maintenance, treatment, or support [in] from a facility [or], clinic, local health department, program, or other entity that is operated or funded wholly or partly by the Department.

(b) "Recipient of services" includes, but is not limited to an individual:

(i)—(ii) (text unchanged)

(iii) In a residential public facility or a facility from which this State obtains residential care under Health-General Article, Title 7, Annotated Code of Maryland; and

(iv) To whom juvenile screening or treatment services are provided under [Article 83C, §2-118(b)(1)(ii)] Human Services Article, §9-227(b)(1)(ii), Annotated Code of Maryland; and].

[(v)] In a facility operated by the Local and Family Health Administration.]

[(20)] "Relative value unit" is a measurement of the effort, by the provider, necessary to provide service under each CPT code which is listed in the Medicare/Medicaid Guide-Medicare Physician Fee Schedule as found in 42 CFR 400.]

[(21)] (17) "Responsible relative" means [the] one or more of the following who are legally responsible for the cost of care of a recipient of services:

- (a) [Spouse] The spouse of [a] the recipient of services;
- (b) [Parents] A parent of [a] the recipient of services who is a minor; and
- (c) [Children] An adult child of [a] the recipient of services.

[(22)] (18) "Schedule of charges" means a list of charges for health services as determined pursuant to instructions provided by the Division and this chapter, and set or approved by the Secretary.

[(23)] (19) (text unchanged)

[(24)] "Service specific-based charge" means a fee-for-service charge, exclusive of the CPT methodology, for each clinic procedure or service delivered by the Baltimore County Health Department or Howard County Health Department.]

[(25)] (20)—[(26)] (21) (text unchanged)

[(27)] "Unit" means a hospital, center, clinic, division, or other entity operated by the Department, a political subdivision, or a provider providing health or health-related services.]

(22) "Third-party payer disallowance" means the difference between the charge and the payment amount authorized by an agreement between a provider and a public or private third-party payer or insurer.

**.04 Setting of Charges for Local Health Departments.**

A. The Secretary shall approve a Schedule of Charges for each local health department containing the CPT-based charges for health services provided by the local health department which remain in effect until changed as provided in this chapter.

**B. CPT-Based Charge.**

(1) Each health service for which payment is sought shall be assigned an applicable CPT code.

(2) Approved Method for Determining CPT-Based Charges.

(a) The CPT-based charge for each health service shall be equivalent to 150 percent of the Medicare participating provider fee allowance for the corresponding CPT code in the most recent Medicare Physician's Fee Schedule for Maryland or the Washington, DC, suburbs, as appropriate, which is updated annually in the Federal Register by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, in accordance with 42 U.S.C. §1395w-4.

(b) For any health service performed by a local health department for which a rate is not assigned in the applicable Medicare Physicians Fee Schedule, the CPT-based charge shall be equivalent to 150 percent of the Maryland Medical Assistance participating provider fee allowance for the corresponding CPT code in the current Maryland Medical Assistance Program, Physicians' Services Provider Fee Manual, as published by the Department and incorporated by reference in COMAR 10.09.02.07.

(c) For any health service performed by a local health department for which a rate is not assigned on the applicable Medicare Physicians Fee Schedule or in the current Maryland Medical Assistance Program, Physicians' Services Provider Fee Manual, the CPT-based charge shall be equivalent to the average hourly rate of the employees providing the service to the recipients of services,, calculated based upon current fiscal year salaries and fringe benefits, multiplied by the projected time of service with recipient of services, plus 20 percent for indirect costs.

C. Revisions and modifications to a Schedule of Charges shall be made and approved by the Secretary pursuant to instructions issued by the Division, provided that the Schedule of Charges for each local health department is updated and approved by the Secretary at least annually.

D. Each approved Schedule of Charges, with all revisions and modifications, shall be retained by the Division and also be prominently posted at each location of the local health department where health services are provided.

**[.04] .05 Setting of Charges for State-Operated Inpatient Facilities.**

A.—B. (text unchanged)

C. Physician Charge.

(1) For each fiscal year, a charge of physician services provided at a Medicare-eligible State-operated inpatient facility shall be determined by[:

(a) Utilizing the cost of the physician services for the applicable fiscal year for the inpatient facility; and

(b) Dividing the amount determined in §C(1)(a), of this regulation, by the number of physician services provided at the inpatient facility for the applicable fiscal year to arrive at the physician service cost of care for the facility.

(2) The physician charge shall equal the physician cost of care as determined in §C(1)(b) of this regulation] utilizing the most recent Facility Medicare Physicians fee schedule for Maryland or Washington, D.C., suburbs as appropriate, which is updated annually in the Federal Register by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, pursuant to 42 U.S.C §1395w-4.

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

D. Ancillary Charge.

(1) For each fiscal year, a charge for ancillary services provided at a Medicare-eligible State-operated inpatient facility shall be determined by[:

(a) Utilizing the cost of the ancillary services for the applicable fiscal year for the inpatient facility; and

(b) Dividing the amount determined in §D(1)(a), of this regulation, by the number of ancillary services provided at the

inpatient facility for the applicable fiscal year to arrive at the ancillary service cost of care for the facility.

(2) The ancillary charge shall equal the ancillary cost of care as determined in §D(1)(b) of this regulation] *utilizing the most recent Facility Medicare Physicians fee schedule for Maryland or Washington, D.C., suburbs as appropriate, which is updated annually in the Federal Register by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, pursuant to 42 U.S.C §1395w-4.*

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

E. (text unchanged)

F. Revisions and modifications to the approved Schedule of Charges to reflect changes in [cost estimates] charges or the addition of new services shall be made when recommended by the Division and approved by the Secretary.

G. (text unchanged)

**[.05] .06 Setting of Charges for Private Providers.**

A.—B. (text unchanged)

C. Per Service Charge. A [service] charge for each service provided shall be determined for each private provider by:

(1) (text unchanged)

(2) Adjusting the actual cost determined in [§C(1)m] §C(1) of this regulation for depreciation and inflation, less equipment cost; and

(3) Dividing the amount determined in [§C(2)m] §C(2) of this regulation by the actual units of service provided.

D. If a private provider's service charges are established by the Health Services Cost Review Commission (HSCRC), the requirements of §C[,] of this regulation, do not apply.

E. A private provider's proposed [recommended] service charges shall be based on the best estimate of costs, according to generally accepted cost accounting practices, including all appropriate indirect costs. Private providers, in support of their proposed [recommended] Schedule of Charges shall report their estimates pursuant to instructions provided by the Division. When specific service charges are set by statute, the Secretary shall approve these service charges consistent with the statute.

F. Revisions and modifications to the approved Schedule of Charges to reflect changes in cost estimates or the addition *or deletion* of [new] services for a private provider shall be made when recommended by the Division and approved by the Secretary.

G. The approved Schedule of Charges for a private provider, with all revisions and modifications, shall be retained in the [Office of the Secretary] *Division* and also be prominently posted at [the office] *each location* of the private provider *where services are provided*.

**[.06] .07 Setting of Charges for Laboratories Administration.**

A.—B. (text unchanged)

C. Charge for a Laboratory Service. A laboratory service charge shall be determined by:

(1)—(2) (text unchanged)

(3) Dividing the total cost of a type of laboratory test, as determined in [§A(1)] §C(1) of this regulation, by the total number of units of each laboratory service, as determined in [§A(2)] §C(2) of this regulation.

D.—E. (text unchanged)

F. *Notwithstanding the procedure for determining a laboratory service charge set forth in §C of this regulation, the Secretary may adjust the Schedule of Charges if deemed to be in the best interest of public health.*

**[.07] .08 Determination of Ability to Pay and Fees to be Collected.**

A. For inpatient care rendered in facilities operated by the Department, fees shall be established in conformity with applicable statutory requirements and regulations issued by the Secretary. The following apply:

(1) (text unchanged)

(2) In accordance with the provisions of Health-General Article, §16-101 et seq., Annotated Code of Maryland, recipients of services and other chargeable persons shall be jointly and severally liable for payment of inpatient charges as set forth in the Schedule of Charges adopted by the Secretary pursuant to Regulation [.03] .05 of this chapter. The Department will bill all recipients of services and chargeable persons on the basis of their available financial resources including insurance and third-party payers, up to but not exceeding the full per capita daily charge for services.

B. Outpatient and Community Based Services.

(1) (text unchanged)

(2) All recipients of services and chargeable persons shall be liable for payment of the charges as set forth in the Schedule of Charges[. The greater of third-party payments or the fee determined by use of an ability-to-pay schedule may be accepted], *subject to the following:*

(a) *For uninsured recipients of services, a waiver or reduction of charges may be granted on a case-by-case basis, following an individual determination of financial need of a recipient of services or chargeable person, based upon criteria set forth by the Secretary pursuant to §B(4) of this regulation; and*

(b) *For insured, in-network recipients of services, liability for payment will be reduced to account for any contractually agreed upon third-party payer disallowance.*

(3) The Secretary shall issue and revise *annually* an ability-to-pay *method and schedule* for [services rendered adjusted for family size] *use in making an individualized determination of financial need of a recipient of services or chargeable person*. The difference between the charge for the services rendered and the fee derived from this schedule shall be an ability-to-pay allowance.

(4) All [facilities and programs operated by the Department, political subdivisions,] *local health departments* and *other* providers shall use [this] *the* uniform method of determining ability to pay as set forth by the Secretary [from time to time].

(5)—(6) (text unchanged)

**[.08] .09 Billing and Collection of Charges and Fees.**

A. (text unchanged)

B. The Secretary may require each [political subdivision] *local health department* and *other* provider to submit for approval or modification a plan for billing and collection of charges, [and] fees, and *insurance benefits*.

C. This plan shall set forth:

(1) The procedures to be followed in applying the ability-to-pay determination *method and schedule*;

(2) (text unchanged)

(3) The methods for receiving and accounting for all sums of money collected; [and]

(4) The procedure to be followed in making a reasonable effort to collect unpaid amounts due; and

(5) *The procedure to write off unpaid amounts due, as appropriate.*

**[.09] .10 Distribution and Application of Amounts Collected.**

A. (text unchanged)

B. [Political subdivisions] *Local health departments* and *other* providers shall report all funds collected as revenues which are to be treated in accordance with Department or federal grant guidelines or other agreements and contracts under which their programs are funded.

**[.10] .11 Records and Reports Required.**

A. An individual financial record for each recipient of services or chargeable person shall be maintained, which shall contain relevant financial information including:

(1) [A record concerning the] *The* ability-to-pay determination, including, when available, applicable documents appropriate to the verification of assets, income, expenses, allowances and exemptions;

(2) [A record of the] *The* types and dates of services rendered and the approved charges, the amounts and dates of collections;

(3)—(5) (text unchanged)

B.—C. (text unchanged)

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene

# Title 13A

## STATE BOARD OF EDUCATION

### Subtitle 14 CHILD AND FAMILY DAY CARE

#### 13A.14.07 Family [Day] *Child Care Provider* [Direct] Grant Fund

Authority: Family Law Article, §§5-550—5-557 and 5-559.1—5.559.8,  
Annotated Code of Maryland

**Notice of Proposed Action**

[15-129-P]

The State Superintendent of Schools proposes to amend Regulations .01, .02, .04, and .05 under COMAR 13A.14.07 *Family Child Care Provider Grant Fund*.

**Statement of Purpose**

The purpose of this action is to remove the fixed monthly award cycles and permit awards to be made at any time during a 12-month period; and to remove the requirement to update State median income amounts on an annual basis.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 (TTY 410-333-6442), or email to elizabeth.kelley@maryland.gov, or fax to 410-333-6226. Comments will be accepted through June 15, 2015. A public hearing has not been scheduled.

**.01 Scope.**

This chapter sets forth the purpose of the Family [Day] *Child Care Provider* [Direct] Grant Fund, the requirements for applying for an award under the Fund, the basis and procedure for making an award, and the penalties for providing false information [in order] to obtain an award.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Fund” means the Family [Day] *Child Care Provider* [Direct] Grant Fund.

(6)—(7) (text unchanged)

(8) “Provider” means a registered family [day] *child care* provider who cares for not more than eight children under a current certificate of registration issued under [COMAR 13A.14.01] *COMAR 13A.15*.

**.04 Applications.**

A.—C. (text unchanged)

[D.] (proposed for repeal)

[E.] D.—[F.] E. (text unchanged)

**.05 Awards.**

A. [For award purposes, the Office shall divide the annual fund allocation into 12 equal monthly funding allocations.] *The Office shall make Family Child Care Provider Grant Fund awards to eligible applicants each month until the annual fund allocation is exhausted.*

[B.] — [C.] (proposed for repeal)

[D.] B. Within 15 calendar days after the end of each month, the Office shall:

(1)—(2) (text unchanged)

[E.] C. Reconsideration for Award.

[(1)] If, due to exhaustion of the [monthly] *annual* funding allocation for a given year, an award is not made to an applicant [on the basis of the applicant’s first month of eligibility], the Office shall reconsider the applicant for an award [during the next 2 months] *under the next year’s annual funding allocation.*

[(2)] The Office may assign a new award priority to an applicant during each month that the applicant is reconsidered for an award.

(3) The Office may not reconsider an applicant for an award after the second month following the applicant’s first month of eligibility.]

[F.] (proposed for repeal)

[G.] D. (text unchanged)

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



# Title 17

## DEPARTMENT OF BUDGET AND MANAGEMENT

### Subtitle 04 PERSONNEL SERVICES AND BENEFITS

#### 17.04.13 State Employees' Health Benefits

Authority: State Personnel and Pensions Article, Title 2, Subtitle 5, [§4-106.]  
Title 4, Subtitle 1, and Title 8, Subtitle 1, Annotated Code of Maryland

#### Notice of Proposed Action

[15-131-P]

The Secretary of Budget and Management proposes to adopt new Regulation .10 under **COMAR 17.04.13 State Employees' Health Benefits**.

#### Statement of Purpose

The purpose of this action is to clarify the scope of the Wellness Program, to establish the procedures for requesting a waiver from participating in the Wellness Program or requesting a reasonable alternative to or exemption from certain requirements of the Wellness Program, and to establish the procedure for the Department to evaluate requests and issue determinations.

#### 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 Anne Timmons, Director, Employees' Benefits Division, Department of Budget and Management, 301 W. Preston Street, 5th Floor, Baltimore, MD 21201, or call 410-767-4710, or email to [anne.timmons@maryland.gov](mailto:anne.timmons@maryland.gov), or fax to 410-333-7122. Comments will be accepted through June 15, 2015. A public hearing has not been scheduled.

#### **.10 Wellness Program.**

##### A. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) *Terms Defined.*

(a) "Conscientious, religious, or cultural objection" means a statement that the individual holds sincere beliefs or practices of a religious, moral, or cultural nature that prohibit the individual from participating in one or more of the healthy activities requirements or in the Wellness Program as a whole.

(b) "Department" means the Department of Budget and Management.

(c) "Director" means the individual appointed to manage the Employee Benefits Division or unit of the Department with primary responsibility of managing the Program.

(d) "Healthy activities requirements" means those activities that must be completed in order for an individual to obtain the full rewards available under the Wellness Program, unless a reasonable

alternative is identified by the individual's personal physician and submitted to the Director, or a waiver is granted by the Director.

(e) "Reasonable alternative" means an activity that may be substituted for a healthy activity requirement and that may provide an individual with another method of qualifying for the opportunity to earn the full rewards available under the Wellness Program.

(f) "Reward" means:

(i) Obtaining an incentive, such as a waiver of all or part of a cost-sharing mechanism, which may include deductibles, copayments, or coinsurance; and

(ii) Avoidance of a penalty, such as the absence of a premium surcharge or other financial or nonfinancial disincentive.

(g) "Waiver" means a determination by the Director to exempt an individual from one or more of the healthy activities requirements or other applicable standards for obtaining a reward.

(h) "Wellness Program" means the program within the State Employee and Retiree Health and Welfare Benefits Program and described in the Guide to Your Health Benefits provided by the Department for each plan year.

B. *Scope of the Wellness Program.*

(1) The Wellness Program applies to employees, non-Medicare-eligible retirees and non-Medicare-eligible enrolled spouses, subject to the following:

(a) If the retiree is Medicare-eligible, but the spouse is not, the spouse is exempt from the wellness requirements; and

(b) The Wellness Program does not apply to retirees and retirees' spouses for whom Medicare is primary.

(2) The Wellness Program does not apply to enrolled children regardless of age.

(3) Each individual to whom the Wellness Program applies shall have the opportunity to qualify for the rewards at least once per year.

C. *Waivers.*

(1) The Wellness Program includes the opportunity to request a waiver from participating in the Wellness Program as a whole or from participating in one or more of the healthy activities requirements. A waiver is available as follows:

(a) On the basis of conscientious, religious, or cultural objection; or

(b) On the ground that the individual can provide reasonable support demonstrating that the healthy activities requirements are detrimental to or cannot improve the individual's health.

(2) An individual who obtains a waiver from participating in the Wellness Program may not qualify for incentive-based rewards or be subject to a premium surcharge or other financial or nonfinancial disincentive.

D. *Reasonable Alternatives.*

(1) The Wellness Program shall allow a reasonable alternative to or exemption from the healthy activities requirement or otherwise applicable standard for obtaining the reward for:

(a) Any individual for whom, for that period, it is unreasonably difficult due to a medical condition to satisfy the healthy activities requirement or otherwise applicable standard; and

(b) Any individual for whom, for that period, it is medically inadvisable to attempt to satisfy the healthy activities requirement or otherwise applicable standard. For these persons, a reasonable alternative determined by the individual's personal physician shall be permitted upon the individual's request, or the required healthy activity or other condition for obtaining the reward shall be waived.

(2) The Director may request verification, in the form of a signed and dated statement from the individual's personal physician, that a health factor makes it unreasonably difficult for the individual to satisfy, or medically inadvisable for the individual to attempt to

satisfy the healthy activities requirement or otherwise applicable standard in an activity-only wellness program.

(3) If the individual's personal physician states that a healthy activity requirement is not medically appropriate for that individual, the Director shall permit a reasonable alternative that accommodates the recommendations of the individual's personal physician with regard to medical appropriateness.

E. Process for Evaluating Requests for Waivers and Reasonable Alternatives.

(1) Applications.

(a) A request for a waiver or reasonable alternative shall be submitted in writing to the Employee Benefits Division and shall be signed by the individual who is seeking the waiver or reasonable alternative.

(b) A request for a waiver based on conscientious, religious, or cultural objection shall include a statement that articulates the sincerely held beliefs or practices of a religious, moral, or cultural nature that prohibit the requestor from participating in the healthy activities requirements, and an explanation of how the beliefs or practices prohibit such participation.

(c) A request for a waiver asserting that the healthy activities are detrimental to or cannot help the individual's health shall include documentation that supports the stated basis for the request.

(d) A request for reasonable alternative to the healthy activities requirements may include documentation that supports the stated basis for the request. Where an individual provides credible support that it is unreasonably difficult due to a medical condition to satisfy the healthy activities requirements or otherwise applicable standard or that it is medically inadvisable to attempt to satisfy the healthy activities requirements or otherwise applicable standard, a reasonable alternative shall be permitted, or the required healthy activity or other condition for obtaining the reward shall be waived.

(e) A physician recommendation for a reasonable alternative or physician statement in support of a request for waiver or reasonable alternative shall be on official letterhead, signed and dated, in order to be considered.

(f) All documentation submitted with a request for waiver shall be treated as confidential and shall be disclosed only as permitted by applicable law and only to those individuals who need to know its contents as part of the review, evaluation, and approval process.

(2) Committee to Review Requests for Waivers and Reasonable Alternatives.

(a) The Director may designate two or more employees as members of a Waiver Committee consistent with the specifications of this regulation, to review and evaluate requests. At least one employee member shall be from the Employee Benefits Division of the Department Office of Personnel Services and Benefits.

(b) For each request, the Waiver Committee shall make a recommendation to the Director or designee to grant or deny the request, or to request additional information from the requestor.

(c) The Director or designee has discretion to accept or reject the recommendation and may request additional information from the Waiver Committee or from the requestor.

F. Determinations by the Director.

(1) Written Determination.

(a) The Director or designee shall issue a written determination approving or denying the request as soon as practicable. Approval of a request for waiver or reasonable alternative is discretionary, subject only to abuse of that discretion, and denial may be based on any legally permissible reason.

(b) A determination approving a request for a waiver shall state the healthy activities to which it applies.

(c) A determination authorizing a reasonable alternative shall describe the reasonable alternative.

(d) A determination denying a request shall include instructions for requesting reconsideration.

(2) Reconsideration.

(a) An individual may request reconsideration of the determination.

(b) A request for reconsideration must be submitted to the Director within 10 days of receipt of the determination.

(c) A request for reconsideration shall state the reasons the individual believes the determination should be reconsidered and may be accompanied by supporting documentation.

(d) The Director or designee shall issue a response to the request for reconsideration in writing within 30 calendar days of receipt of the request.

DAVID R. BRINKLEY  
Secretary of Budget and Management

## Title 31 MARYLAND INSURANCE ADMINISTRATION

### Subtitle 10 HEALTH INSURANCE — GENERAL

#### 31.10.11 Uniform Claims Forms

Authority: [Health-General Article, §§19-712.1 and 19-712.3;] Health Occupations Article, [§1-207] §1-208; Insurance Article, §§2-109[1, 15-701, 15-704, 15-706, 15-711, 15-712,] and 15-1003—15-1005; Annotated Code of Maryland

#### Notice of Proposed Action

[15-128-P]

The Insurance Commissioner proposes to amend Regulation .02 under **COMAR 31.10.11 Uniform Claims Forms**.

#### Statement of Purpose

The purpose of this action is to update the enabling authority for COMAR 31.10.11 to reflect statutory changes and to improve accuracy; to clarify that the chapter does not apply to managed care organizations; and to update the definition of "ICD-9-CM Codes" in Regulation .02 so as to include any successor to ICD-9-CM Codes published by the Department of Health and Human Services (HHS).

#### 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 Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov), or fax to 410-468-

2020. Comments will be accepted through June 15, 2015. A public hearing has not been scheduled.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(13) (text unchanged)

(14) *ICD 9-CM Codes*.

(a) “ICD-9-CM Codes” means the current disease and procedure codes in the international classification of diseases published by the U.S. Department of Health and Human Services.

(b) “ICD-9-CM Codes” includes any successor to ICD-9-CM Codes published by the U.S. Department of Health and Human Services.

(15) (text unchanged)

[(16)] “MCO” means a managed care organization as defined in Health-General Article, §15-101(f), Annotated Code of Maryland.]

[(17)] (16)—[(22)] (21) (text unchanged) Member.

[(23)] (22) “Third-party payor” means a person that administers or provides reimbursement for health care benefits on an expense-incurred basis including:

(a) (text unchanged)

(b) A health insurer or nonprofit health service plan authorized to offer health insurance policies or contracts in this State in accordance with the Insurance Article, Annotated Code of Maryland; *or*

(c) A third-party administrator registered under Insurance Article, Title 8, Subtitle 3, Annotated Code of Maryland; *or*

(d) An MCO].

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

ALFRED W. REDMER, JR.  
Insurance Commissioner

# Special Documents

## 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: February 1 – 28, 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):

XTO Energy Incorporated, Pad ID: King Unit, ABR-20091225.R1, Shrewsbury Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: February 3, 2015.

XTO Energy Incorporated, Pad ID: Booth, ABR-20091226.R1, Shrewsbury Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: February 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Nickolyn, ABR-20100436.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 3, 2015.

Chesapeake Appalachia, LLC, Pad ID: Potter, ABR-20100401.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Crawford, ABR-20100402.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Everbreeze, ABR-20100408.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Ballibay, ABR-20100409.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Balduzzi, ABR-20100410.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Alton, ABR-20100411.R1, Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Frisbee, ABR-20100413.R1, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Blannard, ABR-20100414.R1, Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Dunham, ABR-20100418.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Brackman, ABR-20100420.R1, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Koromlan, ABR-20100421.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Johnson, ABR-20100422.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Henry, ABR-20100423.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: McGavin, ABR-20100435.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Rexford, ABR-20100437.R1, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Amburke, ABR-20100438.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Angie, ABR-20100441.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Brink, ABR-20100449.R1, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Chesapeake Appalachia, LLC, Pad ID: Breezy, ABR-201007037.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 6, 2015.

Samson Exploration, LLC, Pad ID: Pardee & Curtin Lumber Co. C-05, ABR-20100116.R1, Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.500 mgd; Approval Date: February 6, 2015.

Samson Exploration, LLC, Pad ID: Pardee & Curtin Lumber Co. C-07H, ABR-20100117.R1, Lumber Township, Cameron County, Pa.; Consumptive Use of Up to 4.500 mgd; Approval Date: February 6, 2015.

SWEPI, LP, Pad ID: Burt 518, ABR-20100221.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: February 6, 2015.

SWEPI, LP, Pad ID: Ken-Ton 902, ABR-20100102.R1, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: February 11, 2015.

- SWEPI, LP, Pad ID: Mitchell A 903, ABR-20100152.R1, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: February 11, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Yoder, ABR-20100419.R1, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Holtan, ABR-20100446.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Polomski, ABR-20100447.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Champdale, ABR-20100450.R1, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Verex, ABR-20100507.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Pauliny, ABR-20100508.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Coates, ABR-20100509.R1, Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Fred, ABR-20100524.R1, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Moose, ABR-201007019.R1, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Katzenstein NEW, ABR-201007029.R1, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 13, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Jack, ABR-20100511.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Janet, ABR-20100526.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Treat, ABR-20100527.R1, Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Morse, ABR-20100528.R1, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Hayward New, ABR-20100535.R1, Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Cerca, ABR-20100538.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Flash, ABR-20100540.R1, Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Feusner New, ABR-20100558.R1, Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Milochik, ABR-201007034.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Bluegrass, ABR-201007103.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 16, 2015.
- Chesapeake Appalachia, LLC, Pad ID: McConnell, ABR-20100525.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 20, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Madden, ABR-20100536.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 20, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Rich, ABR-20100539.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 20, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Way, ABR-20100448.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 20, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Matt Will Farms, ABR-20100544.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 20, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Kenyon, ABR-20100557.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 20, 2015.
- Chesapeake Appalachia, LLC, Pad ID: McGraw, ABR-20100537.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Forbes NEW, ABR-201007022.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Tiffany, ABR-201007025.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Robinson NEW, ABR-201007036.R1, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Pieszala, ABR-201007065.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Delima, ABR-201007078.R1, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Van DeMark, ABR-201007106.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Petty, ABR-201007126.R1, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: February 24, 2015.
- WPX Energy Appalachia, LLC, Pad ID: Blye Pad Site, ABR-20100204.R1, Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.999 mgd; Approval Date: February 25, 2015.

**SPECIAL DOCUMENTS**

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EXCO Resources (PA), LLC, Pad ID: Patterson Drilling Pad #1,  
ABR-20100146.R1, Penn Township, Lycoming County, Pa.;  
Consumptive Use of Up to 5.000 mgd; Approval Date:  
February 25, 2015.

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

Dated: April 20, 2015.

STEPHANIE L. RICHARDSON  
Secretary to the Commission  
[15-10-21]

# 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 F. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262

[15-10-28]

### ATHLETIC COMMISSION

**Subject:** Public Meeting  
**Date and Time:** May 27, 2015, 2 — 4 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patrick Pannella (410) 230-6223

[15-10-24]

### BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** May 21, 2015, 4 — 6 p.m.  
**Place:** Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD  
**Contact:** Christopher Kelter (410) 764-4726

[15-10-01]

### 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

[15-10-06]

### 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

[15-10-37]

### 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  
 [15-10-05]

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

**Subject:** Public Meeting  
**Date and Time:** July 16, 2015, 1 — 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) 821-2828  
 [15-10-02]

### MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

**Subject:** Listing of Primary Stroke Center Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation  
**Place:** MIEMSS, Office of Hospital Programs, 653 W. Pratt St., Baltimore, MD  
**Add'l. Info:** Pursuant to COMAR 30.08.02.03C, the Maryland Institute for Emergency Medical Services gives notice that the following hospital has requested reverification as a Primary Stroke Center: Washington Adventist Hospital

Any person with knowledge of any reason why the above-listed hospital should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by June 20, 2015.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated but that wish to be considered for designation as Primary Stroke Centers should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by June 14, 2015. For more information contact Anna Aycock, Chief, Health Facilities and Special Programs at (410) 706-3930 or email aaycock@miemss.org.

**Contact:** Leandrea Gilliam (410) 706-4449  
 [15-10-15]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

**Subject:** Public Meeting  
**Date and Time:** June 16, 2015, 10 a.m. — 12 p.m.

**Place:** The Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD

**Add'l. Info:** The Trainer Conference Room

**Contact:** Joan Patterson (410) 767-6727  
 [15-10-14]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

**Subject:** Public Notice-IMD Waiver Request

**Add'l. Info:** The Secretary of Health and Mental Hygiene is proposing to request a waiver of the institutions for mental diseases (IMDs) exclusion from the Centers of Medicare and Medicaid Services (CMS) as part of its §1115 HealthChoice demonstration program. Currently Medicaid is prohibited from reimbursing for services provided to Medicaid enrollees aged 21 — 64 in an "institution for mental disease" (IMD). An IMD is defined as a facility with more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases and chemical dependency disorders. This is known as the Medicaid IMD exclusion. Due to this exclusion, many Medicaid enrollees with acute psychiatric and addiction treatment needs are referred to hospital emergency departments. These emergency departments often lack the resources or expertise to provide the type of care needed to these individuals. Additionally, hospital emergency departments are not cost effective. The waiver of the IMD exclusion will allow the State to reimburse IMDs for Medicaid enrollees aged 21—64 with acute psychiatric and substance use-related treatment needs.

Further information about the requested waiver may be obtained by calling (410) 767-5806. Written comments may be sent to Tricia Roddy, Director, Planning Administration, Office of Health Care Financing, Department of Health and Mental Hygiene, 201 W. Preston St., Rm. 224, Baltimore, MD 21201, or faxed to

## GENERAL NOTICES

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(410) 333-7505, or emailed to [tricia.rodry@maryland.gov](mailto:tricia.rodry@maryland.gov).

**Contact:** Michael Cimmino (410) 767-0579

[15-10-27]

### 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

[15-10-18]

### 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.dhmh.maryland.gov/OVERD\\_OSE\\_PREVENTION/SitePages/interagency-heroin-council.aspx](http://bha.dhmh.maryland.gov/OVERD_OSE_PREVENTION/SitePages/interagency-heroin-council.aspx).

**Contact:** Sara Cherico-Hsii (410) 767-6500

[15-10-15]

### HOME IMPROVEMENT COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 4, 2015, 10 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD

**Contact:** John Papavasiliou (410) 230-6169

[15-10-09]

### DEPARTMENT OF INFORMATION TECHNOLOGY

**Subject:** Public Meeting

**Date and Time:** June 12, 2015, 10 a.m. — 12 p.m.; Additional Dates: September 3, 2015, 10 a.m. — 12 p.m.; November 5, 2015, 1 — 3 p.m.

**Place:** MDOT Headquarters, 7201 Corporate Center Dr., Harry Hughes Conf. Rm., Hanover, MD

**Add'l. Info:** Meeting for Maryland Council on Open Data

**Contact:** Betsy Jackson (410) 260-6614  
[15-10-17]

### 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

[15-10-12]

### DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH)

**Subject:** Public Meeting

**Date and Time:** June 3, 2015, 10 a.m. — 12 p.m.

**Place:** 10946 Golden West Dr., Ste. 160, Hunt Valley, MD

**Add'l. Info:** The MOSH Advisory Board will meet to discuss issues related to occupational safety and health. Please contact Melissa Myer to confirm meeting date and time.

**Contact:** Melissa Myer (410) 767-2182

[15-10-34]

### BOARD FOR PROFESSIONAL LAND SURVEYORS

**Subject:** Public Meeting

**Date and Time:** June 3, 2015, 10 a.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Pamela J. Edwards (410) 230-6262

[15-10-29]

### 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

[15-10-03]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 18, 2015, 1 p.m.

**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD

**Contact:** Valerie Wooding (410) 764-3460

[15-10-04]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Request for Determination from Certificate of Need

**Add'l. Info:** The Maryland Health Care Commission received a request on March 19, 2015 from Seasons Hospice & Palliative Care of Maryland, Inc., for the acquisition of assets from Optum Palliative and Hospice Care to provide general hospice services in Baltimore, Montgomery, and Prince George's Counties.

A copy of the request is available for review in the office of the MHCC during regular business hours. All correspondence should be addressed to Paul Parker, Center Director, Center for Health Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.

**Contact:** Ruby Potter (410) 764-3276

[15-10-22]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Notice of Receipt of Letter of Intent for Specialty Home Health Services in Maryland

**Add'l. Info:** On January 9, 2015, the MHCC received a Letter of Intent from Community Care Nursing Services — Provide specialty (pediatric) home health services in Baltimore City, Baltimore County, Harford County, Howard County, Prince George's County, and Montgomery County.

Pursuant to COMAR 10.24.01.08A(3), the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish specialty home health services. Additional Letters of Intent should be submitted to the MHCC, 4160 Patterson Ave., Baltimore, Maryland 21215 and are due by the close of business, June 15, 2015.

**Contact:** Ruby Potter (410) 764-3276

[15-10-23]

### BOARD OF EXAMINERS IN OPTOMETRY

**Subject:** Public Meeting

**Date and Time:** May 27, 2015, 9:30 a.m. — 12 p.m.

**Place:** Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD

**Add'l. Info:** Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions may be discussed/voted on. Budget information may also be discussed.



It may be necessary to go into executive session.

**Contact:** Patricia G. Bennett (410) 764-5994

[15-10-11]

**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

[15-10-07]

**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

[15-10-08]

**STATE ADVISORY COUNCIL ON  
QUALITY CARE AT THE END OF  
LIFE**

**Subject:** Public Meeting

**Date and Time:** June 19, 2015, 10 a.m. — 12 p.m.

**Place:** Spring Grove Hospital Center, Office of Health Care Quality (OHCQ), 55 Wade Ave., Administrative Conf. Rm., Catonsville, MD

**Add'l. Info:** Parking is free. The Office of Health Care Quality is on the Spring Grove Hospital Campus in the Bland Bryant Building. A map and directions may be found here:

<http://dhmh.maryland.gov/ohcq/docs/Map%20of%20Campus.pdf>

**Contact:** Paul Ballard (410) 767-6918

[15-10-20]

**WORKERS' COMPENSATION  
COMMISSION**

**Subject:** Public Meeting

**Date and Time:** May 28, 2015, 9 — 11 a.m.

**Place:** 10 E. Baltimore St., Baltimore, MD

**Add'l. Info:** Portions of this meeting may be held in closed session.

**Contact:** Amy Lackington (410) 864-5300

[15-10-10]

# COMAR ORDER INFORMATION SHEET

Date \_\_\_\_\_ Subscriber I.D. \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Tel. \_\_\_\_\_ Fax \_\_\_\_\_  
 Email: \_\_\_\_\_

\_\_\_\_\_ Check enclosed, made payable to "Division of State Documents"

\_\_\_\_\_ Visa/Master Card/American Express/Discover card payment:

**Acct.#** \_\_\_\_\_ **Exp.** \_\_\_\_\_

Signature \_\_\_\_\_ Tel: \_\_\_\_\_

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 State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

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| Control of Ionizing Radiation Supplement 24 ONLY                   | \$15        | \$0   | _____    | _____ |
| Forest Conservation Law                                            | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (grey cover)         | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                             | \$48        | \$9   | _____    | _____ |
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| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
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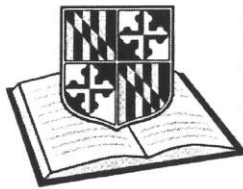
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