

Maryland Register

Issue Date: August 21, 2015

Volume 42 • Issue 17 • Pages 1099—1162

IN THIS ISSUE

Governor
Judiciary
Regulations
Errata
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 3, 2015, 5 p.m.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 August 3, 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 <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined.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

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

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

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.

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

Illustrations by Carolyn Anderson, Dept. of General Services

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

Contents

1101

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register	1103
---	------

COMAR Research Aids

Table of Pending Proposals	1104
----------------------------------	------

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
08 Department of Natural Resources	1110
10 Department of Health and Mental Hygiene	1112
11 Department of Transportation	1131
12 Department of Public Safety and Correctional Services	1111
13B Maryland Higher Education Commission	1140
14 Independent Agencies	1149
17 Department of Budget and Management	1150
26 Department of the Environment	1111, 1151
31 Maryland Insurance Administration	1152

PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

The Governor

EXECUTIVE ORDER 01.01.2015.21	1107
-------------------------------------	------

The Judiciary

COURT OF APPEALS OF MARYLAND DISCIPLINARY PROCEEDINGS	1109
--	------

Final Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES	
FISHERIES SERVICE	
Striped Bass	1110
WILDLIFE	
Open Seasons, Bag Limits for Game Birds and Game Animals.....	1110
Open Seasons, Bag Limits for Game Birds and Game Animals.....	1110
Forest Wildlife	1110
Upland Game Birds and Mammals	1110
Wildlife Possession.....	1111
Waterfowl Outfitting and Guiding	1111
12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES	
POLICE TRAINING COMMISSION	
General Regulations.....	1111
CORRECTIONAL TRAINING COMMISSION	
General Regulations.....	1111
General Regulations.....	1111
26 DEPARTMENT OF THE ENVIRONMENT	
AIR QUALITY	
Control of NOx Emissions from Coal-Fired Electric Generating Units	1111

Proposed Action on Regulations

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
MEDICAL CARE PROGRAMS	
Maryland Medicaid Managed Care Program: Managed Care Organizations	1112
Community First Choice	1116
LABORATORIES	
Controlled Dangerous Substances	1116
MARYLAND HEALTH CARE COMMISSION	
State Health Plan for Facilities and Services: Specialized Health Care Services — Cardiac Surgery and Percutaneous Coronary Intervention Services	1117
BOARD OF PODIATRIC MEDICAL EXAMINERS	
Hearing Procedures	1118
BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS	
Alcohol and Drug Counselors—Requirements for Certification and Licensure	1123
Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification.....	1123
BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS	
General Regulations	1126
Licensing Procedures	1126
Approved Training	1126
Fee Schedule	1126
11 DEPARTMENT OF TRANSPORTATION	
MARYLAND TRANSPORTATION AUTHORITY	
Public-Private Partnership Program	1131
Electronic Toll Collection and Toll Violation Enforcement	1138
13B MARYLAND HIGHER EDUCATION COMMISSION	
FINANCIAL AID	
2 + 2 Transfer Scholarship Program	1140
Janet L. Hoffman Loan Assistance Repayment Program... Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program	1141
Delegate Scholarship Program	1144
Jack F. Tolbert Memorial Student Grant Program.....	1148
14 INDEPENDENT AGENCIES	
WORKERS' COMPENSATION COMMISSION	
General Administrative	1149
Requirements for Filing and Amending Claims	1149
17 DEPARTMENT OF BUDGET AND MANAGEMENT	
PERSONNEL SERVICES AND BENEFITS	
Maryland Rx Program	1150
26 DEPARTMENT OF THE ENVIRONMENT	
WATER POLLUTION	
General	1151
Permits.....	1151
31 MARYLAND INSURANCE ADMINISTRATION	
GENERAL PROVISIONS	
General	1152
PROPERTY AND CASUALTY INSURANCE	
Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage	1153

Errata

COMAR 10.54.02	1154
COMAR 12.04.01	1154

Contents

Special Documents

DEPARTMENT OF THE ENVIRONMENT
SUSQUEHANNA RIVER BASIN COMMISSION
Projects Approved for Consumptive Uses of Water 1155
MARYLAND HEALTH CARE COMMISSION
SCHEDULE FOR CERTIFICATE OF CONFORMANCE
REVIEWS 1157
SCHEDULE FOR CERTIFICATE OF ONGOING
PERFORMANCE REVIEWS 1157

General Notices

BOARD OF BARBERS
Public Meeting 1159
BOARD OF COSMETOLOGISTS
Public Meeting 1159
CRIMINAL JUSTICE INFORMATION ADVISORY BOARD
Public Meeting 1159
BOARD OF DIETETIC PRACTICE
Public Meeting 1159
STATEWIDE EMERGENCY MEDICAL SERVICES
ADVISORY COUNCIL (SEMSAC)
Public Meeting 1159
EMERGENCY MEDICAL SERVICES BOARD
Public Meeting 1159
MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
SERVICES SYSTEMS
Public Meeting 1159
BOARD FOR PROFESSIONAL ENGINEERS
Public Meeting 1159
STATE BOARD OF STATIONARY ENGINEERS
Public Meeting 1159
BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS
Public Meeting 1159
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Public Meeting 1159
Public Meeting 1159
Call for Physician Nomination for DUR Board 1159
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE/MEDICAID PHARMACY AND
THERAPEUTICS COMMITTEE
Public Hearing 1160
BOARD OF HEATING, VENTILATION, AIR-
CONDITIONING, AND REFRIGERATION
CONTRACTORS (HVACR)
Public Meeting 1160
INTER-AGENCY HEROIN AND OPIOID COORDINATING
COUNCIL
Public Meeting 1160
DEPARTMENT OF INFORMATION TECHNOLOGY
Public Meeting 1160
DIVISION OF LABOR AND INDUSTRY
Public Meeting 1160
DIVISION OF LABOR AND INDUSTRY/AMUSEMENT
RIDE SAFETY ADVISORY BOARD
Public Meeting 1160
DIVISION OF LABOR AND INDUSTRY/MARYLAND
APPRENTICESHIP AND TRAINING COUNCIL
Public Meeting 1160
BOARD FOR PROFESSIONAL LAND SURVEYORS
Public Meeting 1160
LAND SURVEYORS CPC COMMITTEE
Public Meeting 1161

MARYLAND HEALTH CARE COMMISSION
Public Meeting 1161
Public Meeting 1161
Request for Additional Letters of Intent 1161
MARYLAND HEALTH CARE COMMISSION/PROVIDER
CARRIER WORKGROUP SELF REFERRAL STUDY
Public Meeting 1161
DEPARTMENT OF NATURAL RESOURCES/FISHERIES
SERVICE
Public Notice — Commercial Striped Bass Common Pool
Season Modification 1161
BOARD OF OCCUPATIONAL THERAPY PRACTICE
Public Meeting 1161
BOARD OF PODIATRIC MEDICAL EXAMINERS
Public Meeting 1161
Public Meeting 1161
Public Meeting 1161
Public Meeting 1161
Public Meeting 1161
Public Meeting 1161
RACING COMMISSION
Public Meeting 1162
REAL ESTATE COMMISSION
Public Meeting 1162
Public Hearing 1162
LISTING OF THE PLANNING COMMITTEE TO
IMPLEMENT IMPROVED ACCESS TO SEXUAL
ASSAULT MEDICAL FORENSIC EXAMINATIONS IN
MARYLAND COMMITTEE MEETINGS
Public Meeting 1162
STATE TREASURER'S OFFICE
Public Meeting 1162
Public Meeting 1162
BOARD OF WATERWORKS AND WASTE SYSTEMS
OPERATORS
Public Meeting 1162
BOARD OF WELL DRILLERS
Public Meeting 1162
WORKERS' COMPENSATION COMMISSION
Public Meeting 1162

COMAR Online

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

The Maryland Register is also available at www.dsd.state.md.us.

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

Availability of Monthly List of Maryland Documents

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

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

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.
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.

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.

02 OFFICE OF THE ATTORNEY GENERAL

02.06.03.01—.10 • 42:13 Md. R. 798 (6-26-15)

07 DEPARTMENT OF HUMAN RESOURCES

07.01.06.02—.06 • 41:25 Md. R. 1489 (12-12-14)
 07.02.07.01—.26 • 42:2 Md. R. 148 (1-23-15)
 07.02.26.01—.15 • 42:2 Md. R. 159 (1-23-15)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.03.09,.10 • 42:15 Md. R. 1021 (7-24-15)
 08.02.04.07,.12 • 42:16 Md. R. 1057 (8-7-15)
 08.02.04.13 • 42:16 Md. R. 1059 (8-7-15)
 08.03.03.06 • 42:16 Md. R. 1060 (8-7-15)
 08.03.04.02 • 42:16 Md. R. 1061 (8-7-15)
 08.03.04.05 • 42:16 Md. R. 1062 (8-7-15)
 08.03.10.07 • 42:14 Md. R. 886 (7-10-15)
 08.04.08.01—.04 • 42:16 Md. R. 1063 (8-7-15)
 08.07.07.07,.08 • 42:13 Md. R. 803 (6-26-15)
 08.18.02.03—.06 • 42:16 Md. R. 1063 (8-7-15)
 08.18.07.02 • 42:16 Md. R. 1064 (8-7-15)
 08.18.33.02 • 42:16 Md. R. 1064 (8-7-15)
 08.18.40.01—.07 • 42:16 Md. R. 1064 (8-7-15)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.03.06.02,.24,.25 • 42:2 Md. R. 170 (1-23-15)
 09.09.02.01 • 41:25 Md. R. 1500 (12-12-14)
 09.10.03.01-1 • 42:15 Md. R. 1023 (7-24-15)
 09.12.44.01,.02 • 42:1 Md. R. 25 (1-9-15)
 09.12.81.01-1,.04-1 • 42:2 Md. R. 173 (1-23-15)
 09.14.04.01,.02,.04 • 42:1 Md. R. 26 (1-9-15)
 09.19.04.01,.02 • 42:2 Md. R. 174 (1-23-15)
 09.19.12.02 • 42:2 Md. R. 174 (1-23-15)
 09.23.04.03 • 41:25 Md. R. 1500 (12-12-14)

09.38.01.01—.03 • 42:16 Md. R. 1065 (8-7-15)

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitles 01—08 (1st volume)

10.01.08.04 • 41:25 Md. R. 1504 (12-12-14)
 10.01.18.01—.08 • 41:22 Md. R. 1322 (10-31-14)
 10.06.02.01—.04,.06,.07,.09—.11,.13 • 42:2 Md. R. 177 (1-23-15)

Subtitle 09 (2nd volume)

10.09 • 42:15 Md. R. 1031 (7-24-15) (err)
 10.09.02.05 • 42:2 Md. R. 181 (1-23-15)
 10.09.20.01—.19 • 42:2 Md. R. 182 (1-23-15)
 10.09.23.04 • 42:16 Md. R. 1066 (8-7-15)
 10.09.26 • 42:4 Md. R. 443 (2-20-15) (err)
 42:6 Md. R. 546 (3-20-15) (err)
 10.09.26.01—.53 • 42:3 Md. R. 328 (2-6-15)
 10.09.28.01—.11 • 42:16 Md. R. 1066 (8-7-15)
 10.09.49.01—.12 • 42:14 Md. R. 886 (7-10-15)
 10.09.59.01—.09,.12,.13 • 42:15 Md. R. 1023 (7-24-15)
 10.09.65.03 • 42:14 Md. R. 890 (7-10-15)
 10.09.65.19,.19-3 • 42:17 Md. R. 1112 (8-21-15)
 10.09.67.04,.07,.27 • 42:14 Md. R. 890 (7-10-15)
 10.09.69.17 • 42:14 Md. R. 890 (7-10-15)
 10.09.70.02,.03 • 42:14 Md. R. 898 (7-10-15)
 10.09.72.06 • 42:14 Md. R. 890 (7-10-15)
 10.09.75.01—.05 • 42:13 Md. R. 804 (6-26-15)
 10.09.80.01—.08 • 42:16 Md. R. 1067 (8-7-15)
 10.09.84.06,.23 • 42:17 Md. R. 1116 (8-21-15)

Subtitles 10 — 22 (3rd Volume)

10.15.07.01 • 42:15 Md. R. 1026 (7-24-15) (ibr)
 10.19.03.03 • 42:17 Md. R. 1116 (8-21-15)
 10.22.14.03,.05—.11 • 41:21 Md. R. 1272 (10-17-14)
 10.22.17.06—.08 • 42:16 Md. R. 1071 (8-7-15)

10.22.18.04 • 42:16 Md. R. 1071 (8-7-15)

Subtitles 23 — 36 (4th Volume)

10.24.17.01 • 42:17 Md. R. 1117 (8-21-15) (ibr)

10.25.17.02—.05 • 42:13 Md. R. 805 (6-26-15)

10.36.05.04 • 42:5 Md. R. 490 (3-6-15) (err)

Subtitles 37—62 (5th Volume)

10.37.01.08 • 42:9 Md. R. 651 (5-1-15)

10.37.10.26-1 • 42:15 Md. R. 1026 (7-24-15)

10.38.12.01—.04 • 41:19 Md. R. 1090 (9-19-14)

10.40.02.03 • 42:16 Md. R. 1080 (8-7-15)

10.40.05.01—.10 • 42:17 Md. R. 1118 (8-21-15)

10.42.06.02—.04,.07,.08,.10,.11 • 42:14 Md. R. 908 (7-10-15)

10.44.20.02 • 42:3 Md. R. 387 (2-6-15)

10.46.01.01,.02,.04 • 42:13 Md. R. 807 (6-26-15)

10.46.06.04—.09 • 42:13 Md. R. 807 (6-26-15)

10.54.02.18 • 42:16 Md. R. 1081 (8-7-15)

10.57.01.01 • 42:14 Md. R. 909 (7-10-15)

10.57.03.02—.13 • 42:14 Md. R. 909 (7-10-15)

10.57.07.01 • 42:14 Md. R. 909 (7-10-15)

10.58.02.02 • 42:14 Md. R. 911 (7-10-15)

10.58.04.10 • 42:13 Md. R. 810 (6-26-15)

10.58.07.03—.07 • 42:17 Md. R. 1123 (8-21-15)

10.58.14.04 • 42:17 Md. R. 1123 (8-21-15)

10.60.01.01—.05 • 42:17 Md. R. 1126 (8-21-15)

10.60.02.01—.05,.08—.10 • 42:17 Md. R. 1126 (8-21-15)

10.60.03.01,.02 • 42:17 Md. R. 1126 (8-21-15)

10.60.06.01 • 42:17 Md. R. 1126 (8-21-15)

10.62.01.01 • 42:13 Md. R. 812 (6-26-15)

10.62.02.01—.04 • 42:13 Md. R. 812 (6-26-15)

10.62.03.01—.03 • 42:13 Md. R. 812 (6-26-15)

10.62.04.01—.06 • 42:13 Md. R. 812 (6-26-15)

10.62.05.01,.02 • 42:13 Md. R. 812 (6-26-15)

10.62.06.01—.07 • 42:13 Md. R. 812 (6-26-15)

10.62.07.01—.06 • 42:13 Md. R. 812 (6-26-15)

10.62.08.01—.11 • 42:13 Md. R. 812 (6-26-15)

10.62.09.01—.09 • 42:13 Md. R. 812 (6-26-15)

10.62.10.01—.08 • 42:13 Md. R. 812 (6-26-15)

10.62.11.01—.04 • 42:13 Md. R. 812 (6-26-15)

10.62.12.01—.08 • 42:13 Md. R. 812 (6-26-15)

10.62.13.01,.02 • 42:13 Md. R. 812 (6-26-15)

10.62.14.01,.02 • 42:13 Md. R. 812 (6-26-15)

10.62.15.01—.08 • 42:13 Md. R. 812 (6-26-15)

10.62.16.01—.05 • 42:13 Md. R. 812 (6-26-15)

10.62.17.01—.04 • 42:13 Md. R. 812 (6-26-15)

10.62.18.01—.06 • 42:13 Md. R. 812 (6-26-15)

10.62.19.01—.09 • 42:13 Md. R. 812 (6-26-15)

10.62.20.01—.09 • 42:13 Md. R. 812 (6-26-15)

10.62.21.01—.07 • 42:13 Md. R. 812 (6-26-15)

10.62.22.01—.06 • 42:13 Md. R. 812 (6-26-15)

10.62.23.01—.07 • 42:13 Md. R. 812 (6-26-15)

10.62.24.01 • 42:13 Md. R. 812 (6-26-15)

10.62.25.01—.10 • 42:13 Md. R. 812 (6-26-15)

10.62.26.01—.09 • 42:13 Md. R. 812 (6-26-15)

10.62.27.01—.09 • 42:13 Md. R. 812 (6-26-15)

10.62.28.01—.05 • 42:13 Md. R. 812 (6-26-15)

10.62.29.01,.02 • 42:13 Md. R. 812 (6-26-15)

10.62.30.01—.09 • 42:13 Md. R. 812 (6-26-15)

10.62.31.01 • 42:13 Md. R. 812 (6-26-15)

10.62.32.01—.03 • 42:13 Md. R. 812 (6-26-15)

10.62.33.01—.08 • 42:13 Md. R. 812 (6-26-15)

10.62.34.01—.04 • 42:13 Md. R. 812 (6-26-15)

10.62.35.01 • 42:13 Md. R. 812 (6-26-15)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

11.07.02.01,.04 • 42:15 Md. R. 1027 (7-24-15)

11.07.05.02,.04 • 42:15 Md. R. 1027 (7-24-15)

11.07.06.01—.14 • 42:17 Md. R. 1131 (8-21-15)

11.07.07.02,.04,.06,.08,.09 • 42:17 Md. R. 1138 (8-21-15)

11.07.10.01,.06,.07 • 42:15 Md. R. 1027 (7-24-15)

11.07.11.02,.05,.16 • 42:15 Md. R. 1027 (7-24-15)

13A STATE BOARD OF EDUCATION

13A.02.06.02 • 42:14 Md. R. 912 (7-10-15)

13A.08.01.01 • 42:14 Md. R. 912 (7-10-15)

13A.08.02.01 • 42:14 Md. R. 912 (7-10-15)

13A.08.07.06 • 42:8 Md. R. 614 (4-17-15)

13A.12.01.01—.14 • 42:14 Md. R. 912 (7-10-15)

13B MARYLAND HIGHER EDUCATION COMMISSION

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

42:17 Md. R. 1140 (8-21-15)

13B.08.02.01—.12 • 42:17 Md. R. 1141 (8-21-15)

13B.08.03.01—.12 • 42:17 Md. R. 1144 (8-21-15)

13B.08.05.01—.11 • 42:17 Md. R. 1146 (8-21-15)

13B.08.06.01—.10 • 42:17 Md. R. 1148 (8-21-15)

14 INDEPENDENT AGENCIES

14.09.01.04 • 42:17 Md. R. 1149 (8-21-15)

14.09.02.02 • 42:17 Md. R. 1149 (8-21-15)

14.13.01.02,.03,.06 • 42:16 Md. R. 1082 (8-7-15)

14.31.10.01—.08 • 41:25 Md. R. 1523 (12-12-14)

15 DEPARTMENT OF AGRICULTURE

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

17 DEPARTMENT OF BUDGET AND MANAGEMENT

17.04.02.09 • 42:13 Md. R. 845 (6-26-15)

17.04.15.02—.04 • 42:17 Md. R. 1150 (8-21-15)

20 PUBLIC SERVICE COMMISSION

20.08.01.01—.08 • 42:11 Md. R. 733 (5-29-15)

22 STATE RETIREMENT AND PENSION SYSTEM

22.01.03.03 • 42:16 Md. R. 1083 (8-7-15)

22.01.06.01—.04 • 42:16 Md. R. 1084 (8-7-15)

23 BOARD OF PUBLIC WORKS

23.03.02.05,.06 • 42:13 Md. R. 846 (6-26-15)

23.03.05.02 • 42:13 Md. R. 846 (6-26-15)

23.03.06.01—.03 • 42:13 Md. R. 846 (6-26-15) (ibr)

PENDING PROPOSALS

1106

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

- 26.08.01.01 • 42:17 Md. R. 1151 (8-21-15)
- 26.08.03.01 • 42:14 Md. R. 920 (7-10-15)
- 26.08.04.01 • 42:14 Md. R. 920 (7-10-15)
- 26.08.04.09 • 42:17 Md. R. 1151 (8-21-15)

Subtitles 08—12 (Part 2)

- 26.11.19.26,.26-1 • 42:13 Md. R. 848 (6-26-15)
- 26.12.01.01 • 42:13 Md. R. 852 (6-26-15) (ibr)
42:15 Md. R. 1029 (7-24-15) (ibr)

Subtitles 13—18 (Part 3)

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

Subtitles 19—27 (Part 4)

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

28 OFFICE OF ADMINISTRATIVE HEARINGS

- 28.03.01.03 • 42:11 Md. R. 738 (5-29-15)
- 28.03.01.06 • 42:11 Md. R. 738 (5-29-15)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

- 30.01.02.01 • 42:13 Md. R. 852 (6-26-15)
- 30.01.04.01,.02,.07,.11 • 42:12 Md. R. 771 (6-12-15)
- 30.01.05.01—.03,.07 • 42:12 Md. R. 771 (6-12-15)
- 30.06.02.08 • 42:12 Md. R. 771 (6-12-15)
- 30.08.01.04 • 42:12 Md. R. 771 (6-12-15)
- 30.08.02.03,.05 • 42:12 Md. R. 771 (6-12-15)
- 30.08.03.01 • 42:12 Md. R. 771 (6-12-15)
- 30.08.13.03 • 42:12 Md. R. 771 (6-12-15)

31 MARYLAND INSURANCE ADMINISTRATION

- 31.01.01.01,.04,.05 • 42:17 Md. R. 1152 (8-21-15)
- 31.03.05.01—.14 • 42:16 Md. R. 1085 (8-7-15)
- 31.08.03.07,.08 • 42:17 Md. R. 1153 (8-21-15)
- 31.13.01.04,.09,.13,.17,.24 • 42:2 Md. R. 274 (1-23-15)
42:15 Md. R. 1029 (7-24-15)
- 31.13.03.19 • 42:2 Md. R. 274 (1-23-15)

33 STATE BOARD OF ELECTIONS

- 33.14.02.06 • 41:16 Md. R. 955 (8-8-14)
- 33.21.01.01—.03 • 42:14 Md. R. 921 (7-10-15)
- 33.21.02.01,.02 • 42:14 Md. R. 922 (7-10-15)
- 33.21.03.01—.07 • 42:14 Md. R. 922 (7-10-15)
- 33.21.04.01—.06 • 42:14 Md. R. 924 (7-10-15)
- 33.21.05.01—.03 • 42:14 Md. R. 925 (7-10-15)
- 33.21.06.01—.03 • 42:14 Md. R. 926 (7-10-15)

- 33.21.07.01—.03 • 42:14 Md. R. 926 (7-10-15)
- 33.21.08.01,.02 • 42:14 Md. R. 927 (7-10-15)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

- 36.03.02.01,.02,.12 • 42:14 Md. R. 927 (7-10-15)
- 36.05.04.02,.06,.13 • 42:16 Md. R. 1088 (8-7-15)
- 36.05.06.08 • 42:13 Md. R. 853 (6-26-15)
- 35.05.19.01—.13 • 42:16 Md. R. 1090 (8-7-15)
- 36.06.01—.03 • 42:14 Md. R. 930 (7-10-15)
- 36.06.02.01,.02 • 42:14 Md. R. 930 (7-10-15)
- 36.06.03.01—.08 • 42:14 Md. R. 930 (7-10-15)
- 36.06.04.01—.04 • 42:14 Md. R. 930 (7-10-15)
- 36.06.05.01—.06 • 42:14 Md. R. 930 (7-10-15)
- 36.06.06.01 • 42:14 Md. R. 930 (7-10-15)
- 36.08.01.01,.02 • 42:14 Md. R. 936 (7-10-15)
- 36.08.02.01 • 42:14 Md. R. 936 (7-10-15)
- 36.08.03.01 • 42:14 Md. R. 936 (7-10-15)

The Governor

EXECUTIVE ORDER 01.01.2015.21

Maryland Redistricting Reform Commission

WHEREAS, The integrity of elections is essential to the success of our democracy;

WHEREAS, Fairness in process and good governance are what the citizens of Maryland expect and deserve;

WHEREAS, The process of redistricting should be fully transparent and subject to input and scrutiny from the public;

WHEREAS, An overwhelming majority of Marylanders favor an independent, non-partisan commission for redistricting over the existing process for drawing district lines;

WHEREAS, It could be considered a conflict of interest for politicians to redraw the districts in which they run for re-election;

WHEREAS, National publications have listed Maryland as having some of the most “gerrymandered” congressional districts in the United States;

WHEREAS, Maryland’s redistricting can negatively impact the creation of majority-minority districts causing underrepresentation of racial minorities;

WHEREAS, Every effort should be made to keep communities, counties, and municipalities within a single election district to help ensure all Marylanders have effective representation;

WHEREAS, Independent commissions in other states have greatly reduced politics and partisanship in redistricting and have established more election districts based on population, compactness, and natural boundaries;

WHEREAS, Maryland should lead on this issue and should not wait for the federal government or other states to act on the issue of redistricting reform; and

WHEREAS, The establishment of the Maryland Redistricting Reform Commission would benefit the State by gathering citizens, experts, and interested parties to conduct a comprehensive examination of Maryland’s redistricting process and make recommendations on ways to reform our system.

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 LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Maryland Redistricting Reform Commission (Commission).

B. Membership. The Commission consists of the following voting members:

(1) Two members of the Maryland Senate, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;

(2) Two members of the Maryland House of Delegates, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House of Delegates;

(3) Two representatives from policy research organizations;

(4) One representative from a non-profit voter advocacy organization;

(5) One representative from a government reform advocacy organization; and

(6) Up to five additional members appointed by the Governor.

C. The members identified in Sections B(3) through B(6) shall be appointed by the Governor and shall serve at the pleasure of the Governor.

D. The Governor shall designate the Chair or Co-Chairs from among the members.

E. In the event of a vacancy, the Governor shall appoint a successor to fill the remainder of the term.

F. To the extent practicable, the members of the Commission shall reflect the diversity of the population of the State.

G. Procedures.

(1) The majority of voting members of the Commission shall constitute a quorum for the transaction of any business.

(2) The Commission shall hold publicly announced meetings at such times and such places as it deems necessary. The meetings shall be accessible to the general public in accordance with the Maryland Open Meetings Act or other applicable law.

(3) The Commission may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees.

(4) The Chair or Co-Chairs may, with the consent of the Commission, designate additional individuals, including interested citizens, elected officials, educators, or specialists with relevant expertise, to serve on any committee.

(5) The Commission may consult with the principal departments of State government to obtain such technical assistance and advice as it deems necessary to complete its duties. All Executive Branch departments shall cooperate with and assist the Commission in carrying out its responsibilities.

H. Duties. The Commission shall:

(1) Conduct a comprehensive examination of ideas that could enhance the integrity of Maryland’s congressional and legislative redistricting process;

(2) Review approaches of other states that have established independent, non-partisan redistricting commissions;

(3) Conduct regional summits in various parts of the State, including the Eastern Shore, Southern Maryland, Western Maryland, and Central Maryland to allow citizens to offer their ideas and input on redistricting reform;

(4) Provide an electronic portal for citizens to submit their comments to the Commission;

(5) Develop a recommendation for a constitutional amendment on congressional and legislative redistricting; and

(6) Promote redistricting reform publicly across the State as an essential component of ensuring fair elected representation and election integrity in Maryland.

I. Reports and Recommendations.

(1) The Commission shall issue a report addressing the duties listed in Section H.

(2) The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Delegates, no later than November 3, 2015.

THE GOVERNOR

1108

(3) The Commission may issue additional reports as directed by the Governor.

J. Termination of the Commission. The Commission shall terminate on November 8, 2016, unless the Governor declares before that date that the Commission shall remain in operation.

Given Under my Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 6th Day of August, 2015.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[15-17-55]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated June 25, 2015, **ABRAHAM ALLAN GERTNER**, 814 North Calvert Street, Baltimore, Maryland 21202, has been indefinitely suspended by consent, effective July 27, 2015, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated July 27, 2015, **SHAUNTESE CURRY TRYE**, 12 E. Pleasant Street, Baltimore, Maryland 21202, has been disbarred, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated July 27, 2015, **MELISSA DONNELLE GRAY**, 13413 Blenfield Road, Phoenix, Maryland 21131, has been disbarred, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated June 30, 2015, **MELODIE VENEER SHULER**, 430 Caufield Court, Holly Hills, South Carolina 29059, has been suspended for thirty (30) days, effective July 30, 2015, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

* * * * *

This is to certify that by an Opinion and Order of the Court of Appeals dated August 6, 2015, **TAWANA SHEPHARD**, 105 Springtowne Circle, Parkville, Maryland 21234, a non-admitted attorney is excluded under Maryland Rule 16-760(k) from exercising the privilege of practicing law in this State.

[15-17-51]

Final Action on Regulations

Symbol Key

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

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

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

Notice of Final Action

[15-167-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.07** under **COMAR 08.02.15 Striped Bass**. This action, which was proposed for adoption in 42:13 Md. R. 798—800 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

Notice of Final Action

[15-161-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 42:13 Md. R. 800 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §§10-205, 10-405, and 10-406, Annotated Code of Maryland

Notice of Final Action

[15-162-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.07** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 42:13 Md. R. 800-801 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §10-408, Annotated Code of Maryland

Notice of Final Action

[15-163-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.05** under **COMAR 08.03.04 Forest Wildlife**. This action, which was proposed for adoption in 42:13 Md. R. 801 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.05 Upland Game Birds and Mammals

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

Notice of Final Action

[15-164-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.04** under **COMAR 08.03.05 Upland Game Birds and Mammals**. This action, which was proposed for adoption in 42:13 Md. R. 801-802 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE**08.03.09 Wildlife Possession**

Authority: Natural Resources Article, §10-408, Annotated Code of Maryland

Notice of Final Action

[15-165-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation .11 under **COMAR 08.03.09 Wildlife Possession**. This action, which was proposed for adoption in 42:13 Md. R. 802 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE**08.03.14 Waterfowl Outfitting and Guiding**

Authority: Natural Resources Article, §10-309, Annotated Code of Maryland

Notice of Final Action

[15-166-F]

On August 11, 2015, the Secretary of Natural Resources adopted amendments to Regulation .06 under **COMAR 08.03.14 Waterfowl Outfitting and Guiding**. This action, which was proposed for adoption in 42:13 Md. R. 802—803 (June 26, 2015), has been adopted as proposed.

Effective Date: August 31, 2015

MARK J. BELTON
Secretary of Natural Resources

Title 12**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES****Subtitle 04 POLICE TRAINING COMMISSION****12.04.01 General Regulations**

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

Notice of Final Action

[15-097-F]

On July 8, 2015, the Secretary of Public Safety and Correctional Services, in cooperation with the Police Training Commission, adopted amendments to Regulations .09 and .12 under **COMAR 12.04.01 General Regulations**. This action, which was proposed for adoption in 42:6 Md. R. 520 (March 20, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services

Subtitle 10 CORRECTIONAL TRAINING COMMISSION**12.10.01 General Regulations**

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

Notice of Final Action

[15-098-F]

On July 15, 2015, the Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, adopted amendments to Regulation .02 under **COMAR 12.10.01 General Regulations**. This action, which was proposed for adoption in 42:6 Md. R. 521 (March 20, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services

Subtitle 10 CORRECTIONAL TRAINING COMMISSION**12.10.01 General Regulations**

Authority: Correctional Services Article, §§2-109 and 8-208, Annotated Code of Maryland

Notice of Final Action

[15-110-F]

On July 15, 2015, the Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, adopted amendments to Regulation .19 under **COMAR 12.10.01 General Regulations**. This action, which was proposed for adoption in 42:8 Md. R. 611—612 (April 17, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services

Title 26**DEPARTMENT OF THE ENVIRONMENT****Subtitle 11 AIR QUALITY****26.11.38 Control of NO_x Emissions from Coal-Fired Electric Generating Units**

Authority: Environmental Article, §§1-404, 2-103, and 2-301—2-303, Annotated Code of Maryland

Notice of Final Action

[15-141-F]

On August 4, 2015, the Secretary of the Environment adopted new Regulations .01 — .05 under a new chapter, **COMAR 26.11.38 Control of NO_x Emissions from Coal-Fired Electric Generating Units**. This action, which was proposed for adoption in 42:11 Md. R. 734—738 (May 29, 2015), has been adopted as proposed.

Effective Date: August 31, 2015.

BENJAMIN H. GRUMBLES
Secretary of the Environment

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 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

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

Notice of Proposed Action [15-231-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .19 and .19-3 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**.

Statement of Purpose

The purpose of this action is to implement the calendar year 2015 HealthChoice MCO's rates, clarify how interim rate adjustments are calculated, and update the rural access incentive amount.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The net economic impact of the HealthChoice CY 2015 MCO rate adjustment is a decrease of \$32,470,660 or 11.7 percent. This decrease includes a 4.1 percent substance use disorder (SUD) carve out from MCOs and the overall impact of an observed medical trend reduction. Additionally, the childless adult population within HealthChoice was moved down in the rate range to reflect observed lower costs for this new population. The impact also includes an \$10 million increase for the CY 2015 Rural Access incentive.

II. Types of Economic Impact.

- A. On issuing agency:
- B. On other State agencies:
- C. On local governments:

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
-----------------	---------------------	-----------

(E-)	\$32,470,660
NONE	
NONE	

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

- D. On regulated industries or trade groups:
- E. On other industries or trade groups:
- F. Direct and indirect effects on public:

(-)	\$32,470,660
NONE	
NONE	

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

- A. There is a 7.6% decrease to the Department and a 4.1 percent shift of the SUD services to fee for service. Overall decrease of 11.7 percent in MCO expenditures.
- D. There is an overall 11.7 percent decrease to the MCOs revenue.

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

PROPOSED ACTION ON REGULATIONS

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 September 21, 2015. A public hearing has not been scheduled.

B. Capitation Rate-Setting Methodology.

(1)—(3) (text unchanged)

(4) Except to the extent of adjustments required by §D of this regulation or by Regulations .19-1—.19-4 of this chapter, the Department shall make payments monthly at the rates specified in the following tables:

.19 MCO Reimbursement.

A. (text unchanged)

[(a)]—[(d)] (proposed for repeal)
 (a) *Rate Table for Families and Children*
 Effective January 1, 2015 — December 31, 2015

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest of State
	<i>Under age 1 Birth Weight 1500 grams or less</i>	<i>Both</i>	\$8,006.05	\$6,748.87	\$7,054.48
	<i>Under age 1 Birth Weight over 1500 grams</i>	<i>Both</i>	\$436.61	\$368.05	\$384.72
	<i>1—5</i>	<i>Male</i>	\$216.20	\$182.25	\$190.51
		<i>Female</i>	\$172.02	\$145.01	\$151.58
	<i>6—14</i>	<i>Male</i>	\$101.64	\$85.68	\$89.56
		<i>Female</i>	\$100.55	\$84.76	\$88.60
	<i>15—20</i>	<i>Male</i>	\$113.75	\$95.89	\$100.23
		<i>Female</i>	\$183.21	\$154.44	\$161.43
	<i>21—44</i>	<i>Male</i>	\$243.29	\$186.65	\$213.66
		<i>Female</i>	\$371.11	\$284.71	\$325.91
	<i>45—64</i>	<i>Male</i>	\$538.05	\$412.79	\$472.52
		<i>Female</i>	\$592.45	\$454.52	\$520.30
<i>ACG—adjusted cells</i>					
<i>ACG 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1200, 1300, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3800, 4210, 5100, 5110, 5200 5230, 5310, 5339</i>	<i>RAC 1F</i>	<i>Both</i>	\$218.65	\$167.75	\$192.02
<i>ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340</i>	<i>RAC 2F</i>	<i>Both</i>	\$344.07	\$ 263.97	\$ 302.17
<i>ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820</i>	<i>RAC 3F</i>	<i>Both</i>	\$449.26	\$344.67	\$394.55
<i>ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040</i>	<i>RAC 4F</i>	<i>Both</i>	\$628.34	\$482.06	\$551.82
<i>ACG 4430, 4730, 4930, 5030, 5050</i>	<i>RAC 5F</i>	<i>Both</i>	\$839.11	\$643.75	\$736.92
<i>ACG 4940, 5060</i>	<i>RAC 6F</i>	<i>Both</i>	\$1,082.58	\$830.54	\$950.74
<i>ACG 5070</i>	<i>RAC 7F</i>	<i>Both</i>	\$1,733.84	\$1,330.19	\$1,522.69
<i>ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200</i>	<i>RAC 1G</i>	<i>Both</i>	\$83.36	\$ 70.27	\$ 73.45

PROPOSED ACTION ON REGULATIONS

1114

ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310	RAC 2G	Both	\$114.52	\$96.54	\$100.91
ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339	RAC 3G	Both	\$145.74	\$122.85	\$128.42
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 4G	Both	\$204.31	\$172.23	\$180.03
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 5G	Both	\$269.76	\$227.40	\$237.69
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 6G	Both	\$340.20	\$286.77	\$299.76
ACG 4430, 4730, 4930, 4940, 5030, 5050, 5060, 5070	RAC 7G	Both	\$809.71	\$682.56	\$713.47
SOBRA Mothers			\$714.28	\$547.99	\$627.29
Persons with HIV	All	Both	\$597.09	\$597.09	\$597.09

(b) Rate Table for Disabled Individuals
Effective January 1, 2015—December 31, 2015

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest of State
	<i>Under Age 1</i>	<i>Both</i>	\$4,841.19	\$4,841.19	\$4,841.19
	<i>1—5</i>	<i>Male</i>	\$1,115.44	\$1,115.44	\$1,115.44
		<i>Female</i>	\$1,131.86	\$1,131.86	\$1,131.86
	<i>6—14</i>	<i>Male</i>	\$285.98	\$285.98	\$285.98
		<i>Female</i>	\$404.39	\$404.39	\$404.39
	<i>15—20</i>	<i>Male</i>	\$185.77	\$185.77	\$185.77
		<i>Female</i>	\$429.88	\$429.88	\$429.88
	<i>21—44</i>	<i>Male</i>	\$1,031.61	\$822.15	\$828.68
		<i>Female</i>	\$1,216.51	\$969.50	\$977.21
	<i>45—64</i>	<i>Male</i>	\$1,780.08	\$1,418.65	\$1,429.92
		<i>Female</i>	\$1,964.98	\$1,566.01	\$1,578.45
<i>ACG—adjusted cells</i>					
ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1900, 2400, 2600, 2900, 3400, 5100, 5110, 5200, 5310	RAC 10	Both	\$263.48	\$209.98	\$211.65
ACG 400, 500, 700, 900, 1000, 1200, 1740, 1741, 1742, 1750, 1751, 1752 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330	RAC 11	Both	\$327.86	\$261.29	\$263.37
ACG 600, 1760, 1761, 1762, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820	RAC 12	Both	\$648.82	\$517.08	\$521.19

ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320	RAC13	Both	\$703.48	\$560.64	\$565.10
ACG 800, 4430, 4510, 4610, 5040, 5340	RAC14	Both	\$913.18	\$727.77	\$733.55
ACG 1770, 1771, 1772, 4520, 4620, 4830, 4920, 5050	RAC15	Both	\$1,253.18	\$998.73	\$1,006.67
ACG 4730, 4930, 5010	RAC16	Both	\$1,340.07	\$1,067.98	\$1,076.46
ACG 4940, 5020, 5060	RAC17	Both	\$1,794.04	\$1,429.77	\$1,441.13
ACG 5030, 5070	RAC 18	Both	\$3,247.21	\$2,587.89	\$2,608.45
Persons with AIDS	All	Both	\$2,388.35	\$1,498.39	\$1,498.39
Persons with HIV	All	Both	\$1,661.43	\$1,661.43	\$1,661.43

(c) Rate Table for Supplemental Payments for Delivery/Newborn and Hepatitis C Therapy Effective January 1, 2015—December 31, 2015

	Age	Gender	Baltimore City	Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	Rest of State
Supplemental Payment Cells					
Delivery/Newborn—all births except live birth weight 1,500 grams or less	All	Both	\$14,084.76	\$11,149.01	\$11,700.64
Delivery/Newborn—live birth weight 1,500 grams or less	All	Both	\$70,225.77	\$70,225.77	\$70,225.77
Delivery/Newborn by same enrollee—subsequent live birth weight 1,500 grams or less	All	Both	\$14,084.76	\$11,149.01	\$11,700.64
Hepatitis C Therapy (per member per month)	All	Both	\$37,206.19	\$37,206.19	\$37,206.19

(d) Rate Table for Childless Adult Population Effective January 1, 2015—December 31, 2015

	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest of State
Under 45 Male	\$354.03	\$271.61	\$310.91
Under 45 Female	\$471.24	\$361.53	\$413.85
45—64 Male	\$722.73	\$554.47	\$634.71
45—64 Female	\$731.42	\$561.14	\$642.35
HIV	\$934.91	\$717.26	\$821.05

(e)—(h) (text unchanged)

(5) (text unchanged)

C. (text unchanged)

D. Interim Rates Adjustments.

(1) (text unchanged)

(2) The Department shall adjust the payment rates specified in [§B(4)(a)—(c)] §B(4)(a)—(d) of this regulation to reflect service cost changes that qualify under §D(3) of this regulation and result from:

(a)—(b) (text unchanged)

(c) [An] Effective January 1, 2015, an increase or decrease in the preliminary current year Statewide [hospital charge-per-case as approved] Medicaid MCO inpatient per capita as calculated using data provided annually by the Health Services Cost Review Commission (HSCRC) during the agreed on rate setting timeline as compared to the data originally available relative to the Statewide HSCRC derived inpatient all-payer per capita and updated information for the prior period years; or

(d) An increase or decrease in the preliminary current year Statewide Medicaid MCO [hospital] outpatient per capita as calculated using data provided annually [rate update factor as approved] by the Health Services Cost Review Commission during the agreed on rate setting timeline as compared to the data originally available relative to the Statewide HSCRC derived outpatient all-payer per capita and updated information for prior period years.

(3)—(6) (text unchanged)

.19-3 MCO Rural Access Incentive.

A.—B. (text unchanged)

C. Amount of Rural Access Incentive.

(1) [The] Effective January 1, 2015, the Department shall allocate a maximum of [\$6,000,000], \$11,000,000 for each of the payments in §B(1) and (2) of this regulation, among each of the rural counties specified in §D of this regulation, based on the total MCO enrollment in each county.

(2) (text unchanged)

(3) [Any] *Effective January 1, 2015, any outstanding funds not awarded in §C(2) of this regulation shall be distributed to all Statewide MCOs in accordance with each MCO's Statewide enrollment, or if there are no Statewide MCOs, to all MCOs in accordance with each MCO's total enrollment* regardless of participation in a rural area or whether an MCO is accepting new members.

D. Rural Enrollment Counties. For purposes of this regulation, the following are rural counties:

- (1) (text unchanged)
 - [(2) Calvert;]
 - [(3)] (2)—[(4)] (3) (text unchanged)
 - [(5) Charles;]
 - [(6)] (4)—[(10)] (8) (text unchanged)
 - [(11) Saint Mary's;]
 - [(12)] (9)—[(16)] (13) (text unchanged)
- E. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.84 Community First Choice

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

Notice of Proposed Action [15-236-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.06** and **.23** under **COMAR 10.09.84 Community First Choice**.

Statement of Purpose

The purpose of this action is to specify dates by which participant-employed providers of personal assistance may no longer enroll, or bill, and by which plans of service may no longer include participant-employed providers. It also establishes a requirement for agencies that provide personal assistance services to collect and maintain documentation to verify services rendered.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

The proposed action will phase out participation by participant-employed providers of personal assistance services. All personal assistance services will therefore be provided by agencies, which are virtually all small businesses. This means that enrolled agencies may have increased opportunities to provide services, and that more small businesses may seek to enroll as agency providers.

Impact on Individuals with Disabilities

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

The proposed action affects providers of services to individuals with disabilities, but should have no significant impact on eligibility, access, or amount of services received by individuals.

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 September 21, 2015. A public hearing has not been scheduled.

.06 Specific Conditions for Provider Participation — Personal Assistance Services.

- A.—B. (text unchanged)
- C. An agency that provides personal assistance services shall:
 - (1)—(8) (text unchanged)
 - (9) Apply for a new license if applicable, whenever ownership is to be transferred from the person or organization named on the license to another person or organization in time to assure continuity of services; [and]

(10) Submit a Medicaid provider application to the Department if the new owner chooses to participate in the Program; *and*

(11) *At least monthly, collect and maintain the participant's signature, or that of the participant's representative when applicable, verifying services rendered.*

D.—F. (text unchanged)

G. A participant-employed provider may not be enrolled on or after July 1, 2015.

.23 Limitations.

- A.—B. (text unchanged)
- C. The Program does not cover the following services:
 - (1)—(5) (text unchanged)
 - (6) Personal assistance services provided outside the State for more than 14 days per calendar year; *or*
 - (7) *Personal assistance services rendered by a participant-employed provider on or after October 1, 2015.*

D. The Department may not accept or approve plans of service with participant-employed providers on or after August 1, 2015.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 19 LABORATORIES

10.19.03 Controlled Dangerous Substances

Authority: Criminal Law Article, §5-302, Annotated Code of Maryland

Notice of Proposed Action [15-235-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation **.03** under **COMAR 10.19.03 Controlled Dangerous Substances**.

Statement of Purpose

The purpose of this action is to:

- (1) Extend the registration certification period from 2 years to 3 years pursuant to Ch. 489, Acts of 2015;
- (2) Modify the fee for CDS registration certificates from \$60 per year for a 2-year period (\$120) to \$60 per year for a 3-year period (\$180); and
- (3) Modify the fee for change of ownership from \$72 per year for a 2-year period (\$144) to \$72 per year for a 3-year period (\$216) to be commensurate with the expanded 3-year renewal period.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele 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 September 21, 2015. A public hearing has not been scheduled.

.03 Registration; Registration Certificate.

A.—B. (text unchanged)

C. Fees.

(1) A person required to obtain and maintain a registration certificate as set forth under this chapter shall pay the appropriate fees as set in this regulation. Fees include the following:

(a) Registration every [2] 3 years—[\$120] \$180;

(b)—(c) (text unchanged)

(2) (text unchanged)

(3) Payment of Prorated Fees.

(a) A registrant applying for a registration certificate shall pay a prorated registration fee when a registration certificate is issued for less than [24] 36 months.

(b) (text unchanged)

(4)—(5) (text unchanged)

D. Issuance. The Secretary may issue a registration certificate that:

(1) Is valid for not more than [2] 3 years; and

(2) (text unchanged)

E. (text unchanged)

F. Assignment, Transfer, or Termination.

(1)—(3) (text unchanged)

(4) Change of Ownership.

(a) A registrant who changes ownership of the business or professional practice as stated in §C(2)(c) of this regulation, shall:

(i) (text unchanged)

(ii) Submit a registration application to change the current registration and a [\$144 2-year] \$216 3-year registration fee at least 30 days before the change in the ownership of the registrant's business or professional practice occurs; and

(iii) (text unchanged)

(b) (text unchanged)

(5) (text unchanged)

G. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

10.24.17 State Health Plan for Facilities and Services: Specialized Health Care Services — Cardiac Surgery and Percutaneous Coronary Intervention Services

Authority: Health-General Article, §§19-109(a)(1), [and] 19-118, 19-120, and 19-120.1, Annotated Code of Maryland

Notice of Proposed Action

[15-225-P-I]

The Maryland Health Care Commission proposes to amend Regulation .01 under **COMAR 10.24.17 State Health Plan for Facilities and Services: Specialized Health Care Services—Cardiac Surgery and Percutaneous Coronary Intervention Services**. This action was considered This action was considered by the Commission at an open meeting on July 16, 2015, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-301, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the document incorporated by reference in Regulation .01 to ensure consistent external review of percutaneous coronary intervention cases by specifying in greater detail the patient information to be evaluated, describing how to randomly select cases, stating the specific questions to be answered by an external reviewer, and establishing minimum qualifications for external reviewers. In addition, the document incorporated by reference establishes minimal standards for internal review of interventionalists. The methodology for calculating the case volume of a cardiac surgery program to evaluate compliance with performance standards and for evaluating the need for a new cardiac surgery program has also been updated based on discussion with the Cardiac Service Advisory Committee, the standing advisory committee established in regulations to provide advice to Commission staff on updating COMAR 10.24.17. Other additional minor corrections have also been made.

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 Eileen Fleck, Chief, Acute Care Policy and Planning, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore MD 21215, or call 410-764-3287, or email to eileen.fleck@maryland.gov, or fax to 410-358-1236. Comments will be accepted through 4:30 p.m. September 21, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Commission during a public meeting to be held on October 15, 2015 at 1:00 pm, at Room 100, 4160 Patterson Avenue, Baltimore MD 21215.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the State Health Plan for Facilities and Services: Specialized Health Care Services—Cardiac Surgery and Percutaneous Coronary Intervention Services has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 42:1 Md. R. 9 (January 9, 2015), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference. (text unchanged)

CRAIG P. TANIO, M.D.
Chairman

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

10.40.05 Hearing Procedures

Authority: Health Occupations Article, §§16–313 and 16–314; State Government Article, §10–206; Annotated Code of Maryland

Notice of Proposed Action
[15-217-P]

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations **.01—**.10 and adopt new Regulations **.01—**.10 under **COMAR 10.40.05 Hearing Procedures**. This action was considered at a public meeting on May 14, 2015, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/mbpme/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update and make clarifying changes to the Board’s disciplinary procedures to be more consistent with the disciplinary procedures of other Health Occupations Boards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.01 Scope.

This chapter governs procedures for disciplinary matters and hearings before the State Board of Podiatric Medical Examiners.

.02 Definitions.

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

B. Terms Defined.

(1) “Administrative law judge” means the hearing officer assigned to preside over a hearing in a case the Board has delegated to the Office of Administrative Hearings.

(2) “Administrative Procedure Act” means State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, which governs contested cases arising from charges brought by the Board.

(3) “Administrative prosecutor” means the attorney assigned by the Office of the Attorney General to prosecute disciplinary charges for the Board.

(4) “Board” means the State Board of Podiatric Medical Examiners.

(5) “Case resolution conference” means an informal, confidential meeting between the parties to a contested case and the Board’s case resolution conference committee to discuss possible settlement of a disciplinary matter pending before the Board.

(6) “Case resolution conference committee” means a committee composed of one or more members of the Board that makes recommendations to the Board regarding settlement of disciplinary matters.

(7) “Cease and desist letter” means an informal action consisting of a nonpublic letter issued by the Board ordering:

(a) A licensee to cease a specified activity; or

(b) An unlicensed individual to cease the unauthorized practice of podiatry.

(8) “Charging document” means a nonpublic record issued by the Board which:

(a) Alleges conduct by a licensee which the Board believes constitutes a violation under the Maryland Podiatry Act;

(b) Sets forth provisions of the Maryland Podiatry Act that the Board believes were violated; and

(c) Provides notice to the licensee of disciplinary proceedings before the Board.

(9) “Complaint” means a written allegation received by the Board that a licensee may have violated the Maryland Podiatry Act and which may be grounds for an investigation or disciplinary action by the Board.

(10) “Consent order” means a public record issued by the Board that is a final order of the Board that has been negotiated and agreed to by both the licensee and the Board to resolve a disciplinary matter.

(11) “Contested case” means a proceeding conducted under the Administrative Procedure Act.

(12) “Disposition agreement” means a nonpublic agreement entered into with a licensee instead of formal disciplinary action, in which the licensee agrees to comply with certain conditions.

(13) “Final order” means a public record issued by the Board resolving a contested case either by consent or after an adjudication, which includes findings of fact, conclusions of law, and a disposition which:

(a) Denies a license;

(b) Sanctions by reprimand, probation, fine, or suspension or revocation of a license;

(c) Summarily suspends a license;

(d) Dismisses charges;

(e) Surrenders a license; or

(f) Takes any other action that the Board may do by law.

(14) “Imperatively requires emergency action” means a finding by the Board that an emergency action be taken against a licensee under State Government Article, §10-226(c)(2), Annotated Code of Maryland, based on investigative facts that raise a substantial likelihood of risk of harm to the public health, safety, or welfare before a full evidentiary hearing can be held.

(15) “Informal action” means that the Board closes a case without taking formal disciplinary action or without issuing a final order, by imposing a disciplinary sanction consisting of a:

- (a) Letter of education;
- (b) Letter of admonishment;
- (c) Cease and desist letter; or
- (d) Disposition agreement.

(16) “Investigation” means the gathering of information to assist the Board in determining if there is reasonable cause to charge a licensee with a violation of the Maryland Podiatry Act.

(17) Letter of Admonishment.

(a) “Letter of admonishment” means informal action consisting of a nonpublic letter issued by the Board closing a case, if the Board believes a licensee has engaged in conduct that violates the Maryland Podiatry Act, admonishing the licensee not to repeat the conduct.

(b) “Letter of admonishment” may include an agreement that the licensee perform certain conditions instead of the Board taking formal disciplinary action.

(18) “Letter of education” means informal action consisting of a nonpublic letter to a licensee:

(a) Issued by the Board if the Board does not believe that conduct rose to the level of a violation of the Maryland Podiatry Act; and

(b) In which the Board educates the licensee concerning the laws and standards of the practice of podiatry.

(19) Letter of Surrender.

(a) “Letter of surrender” means a public letter accepted by the Board in which the licensee agrees to surrender the license to practice podiatry.

(b) “Letter of surrender” may include conditions for the Board’s acceptance of the surrender as a resolution of the case.

(20) “Licensure” means permission to engage in the practice of podiatry which is evidenced by a license issued by the Board.

(21) “Maryland Podiatry Act” means Health Occupations Article, Title 16, Annotated Code of Maryland.

(22) “Notice of initial denial” means a nonpublic record issued by the Board by which an applicant or licensee is notified that the Board intends to deny a license, a change in licensure status, or some other benefit sought by the licensee.

(23) “Preliminary review” means the gathering of information to be used by the Board to determine if the Board should dismiss a complaint or conduct further investigation to determine if there is reasonable cause to charge a licensee with a violation of the Maryland Podiatry Act.

(24) “Probation” means a sanction imposed by the Board in a public final order in which the licensee is:

- (a) Monitored by the Board for a period of time; and
- (b) Required to comply with certain conditions to avoid further disciplinary action.

(25) “Public record” means a document that the Board is permitted or required to disclose to the public under General Provisions Article, Title 4, Annotated Code of Maryland.

(26) “Recommended decision” means a nonpublic record issued to the Board by an administrative law judge that sets out proposed findings of fact, proposed conclusions of law, a proposed sanction, or any combination of them.

(27) “Recusal” means the disqualification of a member of the Board to participate in a proceeding because of interest, bias, or

some other reason that may interfere with the Board member’s participation in a case.

(28) “Respondent” means a licensee, subject to the jurisdiction of the Board, that has been:

(a) Given notice to answer allegations concerning violations of the Maryland Podiatry Act;

(b) Notified as to a potential emergency suspension under State Government Article, §10-226(c), Annotated Code of Maryland; or

(c) Notified as to potential violation of Health Occupations Article, §16-501 or §16-502, Annotated Code of Maryland.

(29) “Revocation” means the removal of a podiatrist’s license to practice podiatry.

(30) “Sanction” means an action by the Board, including a:

- (a) Reprimand;
- (b) Placement on probation;
- (c) Fine; or
- (d) Suspension or revocation of a license.

(31) “Show cause hearing” means a nonevidentiary hearing before the Board in which the licensee has the opportunity to demonstrate to the Board why the Board should not issue a proposed order or take an action that the Board may take.

(32) “Summary suspension” means the indefinite suspension of a license under State Government Article, §10-226(c)(2), Annotated Code of Maryland, taken if the Board believes the action is necessary to protect the public health, safety, or welfare.

(33) “Surrender” means the voluntary relinquishing of a license to practice podiatry that may be subject to certain conditions set by the Board.

(34) “Suspension” means a temporary denial of the right to use a license and is usually defined by:

- (a) A specific period of time;
- (b) Specific dates; or
- (c) Specific conditions.

(35) “Violation” means an act or omission prohibited under Health Occupations Article, §16-311, Annotated Code of Maryland.

.03 Confidentiality of Proceedings.

A. Except as otherwise provided by law, the proceedings of the Board are confidential. The parties may not waive the confidentiality provided by this regulation.

B. The Office of Administrative Hearings’ proceedings involving the adjudication of a Board-contested case and the administrative law judge’s recommended decision are confidential. The respondent may not waive the confidentiality of the proceedings or of the patients whose medical records or care are reflected in the record of the proceedings.

C. To the extent possible, even after a final order is entered into by the Board, the parties shall refrain from revealing legal documents, oral statements, or information that would reveal the identity of any patients referred to in the Board’s order.

.04 Representation by Counsel.

A. A respondent may be represented by counsel at any stage of a formal disciplinary action.

B. If a hearing is held on a matter, the respondent shall be represented:

- (1) In proper person; or
- (2) By an attorney who has been:
 - (a) Admitted to the Maryland Bar; or
 - (b) Specially admitted to practice law under Maryland Rules, Rules Governing Admission to the Bar of Maryland, Rule 14, Annotated Code of Maryland.

C. The Board may request the Office of the Attorney General to participate in a hearing to present the case on behalf of the State.

D. The member of the Office of the Attorney General presenting the case on behalf of the State has the same rights as any party with regard to:

- (1) Submission of evidence, examination, and cross-examination of witnesses; and
- (2) The filing of objections, exceptions, and motions.

E. The Board may request a member of the Office of the Attorney General to act as legal advisor to the Board on questions of:

- (1) Procedure;
- (2) Evidence; and
- (3) Law.

.05 Proceedings under Health Occupations Article, §16-311, Annotated Code of Maryland.

A. Investigation of Complaints.

(1) The Board may:

- (a) Make a preliminary review of each complaint; and
- (b) Recommend that cases involving complaints over which the Board lacks jurisdiction be closed.

(2) The Board may send a copy of the complaint, either in its entirety or redacted, to the licensee that is the subject of the complaint in order to obtain a response to the allegations made in the complaint.

(3) Board subpoenas may be issued by the Board over the signature of the administrator.

B. Prosecution of Complaint.

(1) After reviewing any completed investigative information or reports for each complaint, the Board shall:

- (a) Dismiss the complaint;
- (b) Close the case with informal action;
- (c) Issue a cease and desist order;
- (d) Refer the matter for further investigation; or
- (e) Vote to:

(i) Charge a licensee with a violation of Health Occupations Article, §19-311, Annotated Code of Maryland;

(ii) Consider the matter as a basis for summary suspension if the Board finds that the matter imperatively requires emergency action under State Government Article, §10-226(c)(2), Annotated Code of Maryland;

(iii) Initially deny licensure or reinstatement of a license; or

(iv) Accept the surrender of a license subject to conditions acceptable to the Board.

(2) The Board may refer a complaint or other disciplinary matter to the administrative prosecutor at any time, regardless of whether it has voted to charge a licensee with violations of the Maryland Podiatry Act.

C. Charges and Notice of Initial Denial.

(1) If the Board issues charges or a notice of initial denial, the document shall be:

- (a) Served upon the respondent by certified mail at the address the respondent is required to maintain with the Board;
- (b) Hand-delivered in person; or
- (c) Served by other means reasonable to effect service.

(2) Charges or a notice of initial denial shall:

(a) Inform the respondent of the statutory basis for the charges or denial of licensure;

(b) Allege sufficient facts which the Board believes constitute either a basis for:

- (i) Violation of the Maryland Podiatry Act; or
- (ii) Denial of licensure;

(c) Notify the respondent of:

(i) Any proceedings scheduled before the Board or of an opportunity to request a hearing within a certain period of time; and

(ii) The consequences of failing to appear for scheduled proceedings or failing to request a hearing; and

(d) Be accompanied by a letter of procedure notifying respondent of the applicability of the Administrative Procedure Act to the Board's proceedings.

(3) If the Board is unable to serve the charges or notice of initial denial upon the respondent as described in §C(1) of this regulation, the Board may nevertheless proceed in prosecuting the case.

(4) If the Board issues a notice of initial denial to an applicant for a license, the applicant may not withdraw the application without approval of the Board.

D. Discovery.

(1) Discovery on Request. By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce, within 15 days:

- (a) A list of the witnesses to be called;
- (b) Copies of all documents intended to be produced at the hearing; or
- (c) Both §D1(a) and (b) of this regulation.

(2) Mandatory Discovery.

(a) Each party shall provide to the other party, not later than 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier:

(i) The name and curriculum vitae of any expert witness that will testify at the hearing; and

(ii) A detailed written report summarizing the expert's testimony, which includes the opinion offered and the factual basis and reasons underlying the opinion.

(b) If the Board or the Office of Administrative Hearings, as appropriate, finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of §D(2)(a) of this regulation, the Board or the Office of Administrative Hearings, as appropriate, shall exclude from the hearing the testimony of the expert and any report of the expert.

(c) The Board or the Office of Administrative Hearings, as appropriate, shall consider and decide arguments on the sufficiency of the report:

- (i) At the prehearing conference, if scheduled; or
- (ii) Immediately before the scheduled hearing.

(d) If an expert adopts a sufficiently specific charging document as the expert's report, that adoption satisfies the requirements set forth in §D(2)(a)(ii) of this regulation.

(3) Parties are not entitled to discovery of items other than those listed in §D(1) and (2) of this regulation.

(4) Both parties have a continuing duty to supplement their disclosures of witnesses and documents.

(5) Absent unforeseen circumstances which would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list after:

- (a) The prehearing conference, if scheduled; or
- (b) 15 days before the hearing, if no prehearing conference is scheduled.

(6) The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

(7) Construction.

(a) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, this regulation shall be construed, whenever possible, as supplementing and in harmony with COMAR 28.02.01.

(b) In a conflict between this regulation and COMAR 28.02.01, this regulation applies.

E. Case Resolution Conference.

(1) After service of charges or notice of initial denial, the Board shall offer a respondent the opportunity for a case resolution conference.

(2) At any other time during disciplinary proceedings, the Board may offer or the respondent may request a case resolution conference to discuss a disciplinary matter.

(3) Except as provided in Regulation .05E(1) of this chapter, the Board may deny a respondent's request for a case resolution conference.

(4) Matters admitted, revealed, negotiated, or otherwise discussed at a case resolution conference are without prejudice and may not be used by the respondent, administrative prosecutor, or the Board in any subsequent proceedings, unless the information is otherwise discovered or available through another source.

(5) Recommendations of the case resolution conference are not binding on the Board, which may:

(a) Modify a proposed settlement;

(b) Require additional conditions; or

(c) Reject the recommendation and require the respondent to proceed to a hearing.

(6) If the respondent and the administrative prosecutor are unable to reach an agreement for settlement that is recommended by the case resolution conference committee and ratified by the Board, the matter shall proceed to a hearing on the charges or notice of initial denial.

(7) If the respondent disagrees with the recommendation of the case resolution conference committee, the respondent may elect to proceed to a hearing in the matter, regardless of whether the Board has ratified the recommendation of the case resolution conference committee.

(8) Participation in a case resolution conference is not ordinarily a basis for recusal of a Board member, Board counsel, or Board prosecutor from further proceedings in a case.

.06 Sanctions, Hearings, and Final Order.

A. Surrender of License.

(1) The Board may require conditions for surrender of a license, including:

(a) An admission of a violation of the Maryland Podiatry Act;

(b) An admission of facts;

(c) A statement of the circumstances under which the surrender was offered or accepted;

(d) Restrictions on future licensure;

(e) Conditions for reinstatement of the license; or

(f) An agreement that the respondent may not apply for reinstatement of the license.

(2) Unless the Board determines that disclosure of the surrender is not in the public interest, a letter of surrender is a final order of the Board and is a public record under the General Provisions Article, § 4-101 et seq., Annotated Code of Maryland.

B. Hearings on Charges or Notice of Initial Denial.

(1) Hearings shall be conducted under State Government Article, Title 10, Annotated Code of Maryland.

(2) The Board may delegate its authority to hear contested cases to the Office of Administrative Hearings.

(3) Proceedings may not be open to the public.

(4) All records, including the recommended decision, shall be confidential and sealed.

(5) If a matter has been delegated to the Office of Administrative Hearings, the administrative law judge presiding over the proceedings shall issue to the Board a recommended decision containing:

(a) Proposed or final findings of fact;

(b) Proposed or final conclusions of law;

(c) A proposed sanction; or

(d) A combination of §B(5)(a)–(c) of this regulation pursuant to the Board's delegation.

C. Burden of Proof.

(1) A licensee to whom the Board has issued a notice of initial denial has the burden to demonstrate by a preponderance of the evidence that the licensee is entitled to licensure or to receive the benefit sought which the Board has initially denied.

(2) The Board has the burden to demonstrate by a preponderance of the evidence that the licensee has committed a violation or violations of the Maryland Podiatry Act.

D. Exceptions and Exceptions Hearing.

(1) If a matter has been delegated by the Board to the Office of Administrative Hearings, a party may file exceptions to the administrative law judge's proposed findings of fact, proposed conclusions of law, and proposed sanction, as set out in the recommended decision, before the Board makes a final decision.

(2) Unless otherwise permitted by the Board, within 15 days after the issuance of the recommended decision, or as otherwise specified by the administrative law judge in the recommended decision, either party may file written exceptions with the Board.

(3) Unless otherwise permitted by the Board, a party's written exceptions may not be longer than 25 double-spaced pages, and shall state with particularity the finding of fact, conclusion of law, or other matter excepted to, and the relevant portions of the record supporting the party's exception.

(4) Unless otherwise permitted by the Board, within 10 days after a party's exceptions are filed with the Board, the opposing party may file an answer to exceptions.

(5) Unless otherwise permitted by the Board, a party's answer to exceptions may not be longer than 25 double-spaced pages, and shall state with particularity a response to an exception and the relevant portions of the record supporting that response.

(6) Unless otherwise permitted, the Board may not consider a party's response to an answer to the exceptions.

(7) Unless otherwise agreed by the parties and permitted by the Board, an exceptions hearing shall be scheduled for the next meeting of the Board after receipt of the parties' exceptions and any answer to exceptions.

(8) Exceptions Hearing.

(a) An exceptions hearing shall be held before the Board.

(b) The hearing shall be a nonevidentiary hearing to provide the parties with an opportunity for oral argument on the exceptions and answers to exceptions.

(c) The Board member presiding at the hearing shall determine all procedural issues and may impose reasonable time limits on each party's oral argument.

(d) The presiding Board member shall make rulings reasonably necessary to facilitate the effective and efficient progress of the hearing.

(e) The respondent and the administrative prosecutor each may not exceed 30 minutes to present oral argument.

(f) The party who filed the exceptions shall proceed first and may reserve part of the allotted time for rebuttal.

(9) Unless otherwise agreed by the parties and permitted by the Board, the parties may not, in an answer to exceptions or in the hearing on exceptions, reference any document or other evidence or offer an exhibit that is outside the record of the evidentiary hearing before the administrative law judge.

(10) If neither party files exceptions within the time specified in §D(2) of this regulation, the Board shall consider only the recommended decision of the administrative law judge and the record of the evidentiary hearing in making its final decision.

E. Board Final Decision and Order.

(1) After review of the record and deliberation, the Board shall issue a final order consisting of findings of fact, conclusions of law, and the sanction or disposition to be imposed.

(2) Upon a finding that there has been a violation of the Maryland Podiatry Act, the Board may order that the licensee be fined, reprimanded, placed on probation, or the license suspended or revoked.

.07 Probation and Violation of Probation Proceedings.

A. If the Board imposes a period of probation as a sanction, the Board may impose conditions of probation which the Board considers appropriate, including but not limited to:

- (1) Reeducation or completion of approved courses;
- (2) Payment of a fine;
- (3) Providing free podiatry services in a Board-approved program;
- (4) Practicing under supervision;
- (5) Monitoring by the Board or by an individual or entity approved by the Board, with periodic reporting to the Board;
- (6) Periodic review of a licensee's clinical practices or billing;
- (7) Periodic audits of a licensee's billing practices;
- (8) An examination by a physician or other appropriate health care provider;
- (9) Limitation of the licensee's practice;
- (10) Obtaining a passing score on an appropriate examination;

or

(11) Any other condition the Board considers appropriate for the rehabilitation or retraining of a licensee.

B. A term of probation may be defined by a specific period of time or the successful completion of certain conditions or acts by the licensee.

C. A licensee seeking termination of probation shall do so only by petitioning the Board to lift the probation when:

- (1) The specific period of time has passed; or
- (2) The licensee has successfully completed the conditions or acts required for termination.

D. If the Board determines that the licensee is not in compliance with the conditions of probation, the Board shall:

- (1) Charge the licensee with a violation of probation;
- (2) Take any action the final order or consent order provides for a violation of probation, including suspension of the license;
- (3) Consider a summary suspension of the license; or
- (4) Take any other action the Board considers appropriate and may take by law.

E. Charges for Violation of Probation.

(1) If the Board issues charges for a violation of probation, the service shall be as provided for in Regulation .05C(1) and (3) of this chapter.

(2) The charging document for a violation of probation shall:

(a) Inform the respondent of the statutory provision, condition of probation, or provision of the Board's order which the Board believes has been violated;

(b) Allege facts that constitute a basis for a violation of probation; and

(c) Notify the respondent of:

(i) Any proceedings scheduled before the Board or of an opportunity to request a hearing within a certain period of time; and

(ii) The consequences of failing to appear for those proceedings or failing to request a hearing.

(3) If the respondent requests a hearing on the charge of a violation of probation, the Board shall, before the hearing, provide the respondent with a case resolution conference as provided in Regulation .05E of this chapter, to discuss settlement of the matter.

F. Violation of Probation Hearing. A hearing for a violation of probation shall be held as set out in Regulation .05E of this chapter.

G. If the Board determines that a respondent has violated probation, the Board shall:

(1) Take any action the consent order or final order provides for a violation of probation;

(2) Impose additional conditions of probation; or

(3) Impose a sanction or take any other action the Board considers appropriate and may take by law.

.08 Post-Disciplinary Reinstatement of a License.

A. Reinstatement.

(1) A licensee shall petition the Board for a termination of a suspension of a license or a reinstatement after revocation or surrender of a license.

(2) A licensee that petitions the Board for reinstatement under the terms and conditions for reinstatement set out in a final order, letter of surrender, or other order of the Board, shall apply for reinstatement only under those terms and conditions.

(3) A licensee whose license has been revoked or surrendered for 5 or more years before filing a petition for reinstatement is ineligible for reinstatement but may apply for initial licensure.

(4) In addition to complying with any conditions for reinstatement ordered by the Board, an applicant for reinstatement shall:

(a) File an application for reinstatement with the Board; and

(b) Meet the requirements for reinstatement.

B. Consideration of a Petition for Reinstatement

(1) In considering a petition for reinstatement, the Board may review the licensee's entire Board file, including any information the Board received after the licensee's suspension, revocation, or surrender.

(2) The Board may require the licensee to undergo medical, psychological, psychiatric evaluations, and/or require drug and alcohol testing to determine the licensee's fitness to have their license reinstated.

(3) It is the licensee's burden, as an applicant for reinstatement, to demonstrate that the licensee meets all of the Board's requirements for reinstatement of the license at the time of the submission of the petition for reinstatement.

C. If the Board grants reinstatement of a license, it may impose any restrictions or conditions on the license or the licensee's practice that it considers appropriate.

.09 Judicial Review.

A final order of the Board is subject to judicial review as provided in Health Occupations Article, §16-315 and State Government Article, §10-222, Annotated Code of Maryland.

.10 Cost Recovery.

If after a hearing, a licensee is found to have violated any of the provisions of Health Occupations Article, §16-311, Annotated Code of Maryland, the Board shall be entitled to reimbursement of costs by the licensee including any or all of the following items:

A. Services rendered by court reporters;

B. Transcription of the hearing record by court reporters;

C. Expenses related to witnesses appearing for the State;

D. Obtaining or reproducing documents, exhibits, or other evidentiary items;

E. Hearing-related per diems and expenses for Board members; and

F. Other expenses directly related to the investigation and prosecution of the disciplinary action against the licensee.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

**Subtitle 58 BOARD OF
PROFESSIONAL COUNSELORS AND
THERAPISTS**

Notice of Proposed Action
[15-230-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulations **.03—.07** under **COMAR 10.58.07 Alcohol and Drug Counselors—Requirements for Certification and Licensure**; and

(2) Regulation **.04** under **COMAR 10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification**.

This action was considered at a public meeting on May 15, 2015, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/bopc/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Implement in regulation the changes made to the Board statute as a result of Chapter 368 (2015);
- (2) Clarify and modify education and experience requirements for the various alcohol and drug credentials issued by the Board to ensure a viable workforce and high quality services to the public;
- (3) Clarify that certain exams are required;
- (4) Require that certain applicants be of good moral character and comply with the Board’s practice act and code of ethics;
- (5) Clarify supervision and practice requirements; and
- (6) To provide that, for any licensed clinical alcohol and drug counselor whose license has expired more than 5 calendar years before a request for reinstatement, a new application for certification shall be completed and the current licensure requirements shall be met.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.reg@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

**10.58.07 Alcohol and Drug
Counselors—Requirements for Certification
and Licensure**

Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-302, 17-308, 17-309(a), (b), and (c), 17-403, 17-404, 17-502, and 17-505, Annotated Code of Maryland

.03 Licensure—Licensed Clinical Alcohol and Drug Counselors.

A. To qualify for licensure as a clinical alcohol and drug counselor, the applicant shall [complete]:

- (1) *Complete* an application on a form approved by the Board[, pay] and include documentation of post-graduate experience;
- (2) Pay the required non-refundable fee set forth in COMAR 10.58.02[, and have completed or achieved:];

[(1) One of the following] (3) *Hold a doctoral or master’s degree in a health and human services counseling field from a regionally accredited educational institution approved by the Board or [in a health and human services counseling field from an accredited educational institution approved by the Board or a degree] in a program of studies determined by the Board to be substantially equivalent in subject matter; [and training:*

- (a) A doctoral degree with a minimum of 90 graduate semester credit hours or 135 graduate quarter hours; or
- (b) A master’s degree with a minimum of 60 graduate semester credit hours or 90 graduate quarter credit hours;]

[(2) A] (4) *Complete a minimum of 60 semester credit hours or 90 quarter credit hours in alcohol and drug counselor training, including a minimum of [27] 39 semester credit hours or [45] 65 quarter credit hours in alcohol and drug counselor training from [an] a regionally accredited educational institution [of higher education] approved by the Board with[:*

(a) At[*at least one 3 semester credit [hours] hour or 5 quarter credit [hours] hour course in [ethics in professional practice that includes a specific focus on ethics in alcohol and drug counseling; and*

(b) The remaining credits from the following content areas, each of which shall be at least 3 semester credits or 5 quarter credits:

(i) Pharmacology of psychoactive drugs, including brain structure and function relating to psychoactive drugs and classes of psychoactive drugs, including addiction potential, withdrawal symptoms, and associated medical problems;

(ii) Individual counseling techniques, including the formation of therapeutic relationships and therapeutic communication skills;

(iii) Group therapy techniques, including therapeutic factors in groups, stages of development, and types of therapy groups;

(iv) Abnormal psychology, including major categories of mental disorders and theoretical models of mental disorders;

(v) Addictions treatment delivery, including screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, assessment and diagnosis based on standard criteria and treatment planning;]

- (a) *Medical aspects of chemical dependency;*
- (b) *Group counseling;*
- (c) *Individual counseling;*
- (d) *Addictions treatment delivery;*
- (e) *Ethics that includes alcohol and drug counseling issues;*
- (f) *Human development;*
- (g) *Abnormal psychology;*
- (h) *Theories of counseling;*
- (i) *Treatment of co-occurring disorders;*

[(vi)] (j) Topics in alcohol and drug dependency, including various theories of addictive disorders, models of treatment, and other topics related to alcohol and drug dependency; and

[(vii)] (k) (text unchanged)

[(viii)] Theories of counseling and psychopathology, including major theoretical schools and theorists; and

(ix) Human growth and development, including developmental stages and expected milestones;]

(5) *An internship in alcohol and drug counseling that total 6 semester credit hours or 10 quarter credit hours;*

[(3) A] (6) *Complete a minimum of 3 graduate semester credit hours or 5 quarter hours in each of the following content areas:*

(a) *Personality development, including:*

(i) *The various stages of human development over the life span;*

(ii) *Theories of personality and human development; and*

(iii) *The influence of human development and experiences on the development of psychopathology;*

[(a)] (b) (text unchanged)

[(b)] (c) *Psychotherapy and treatment of mental and emotional disorders with instruction including, but not limited to:*

(i) (text unchanged)

(ii) *Models of substance use [, abuse, and dependence.] disorders including recovery and relapse processes; and*

(iii) *Use of the current edition of the American Society of Addiction Medicine's Patient Placement Criteria or criteria from a successor organization; [and]*

[(c)] Addictions treatment delivery including:

(i) *Clinical evaluation, to include screening and assessment;*

(ii) *Treatment planning;*

(iii) *Referral;*

(iv) *Service coordination, including case management and consultation;*

(v) *Counseling, orientation, and crisis intervention;*

(vi) *Client, family, and community education;*

(vii) *Documentation, including intake and record keeping; and*

(viii) *Professional and ethical responsibilities;*

(4) *A minimum of 3 undergraduate or graduate semester credit hours or 5 quarter credit hours in pharmacology of psychoactive drugs, including:*

(a) *Brain structure and function relating to psychoactive drugs; and*

(b) *Classes of psychoactive drugs, including addiction potential withdrawal symptoms and associated medical problems;]*

[(5) Not] (7) *Complete not less than [3] 2 years with a minimum of 2,000 hours of supervised experience in alcohol and drug counseling obtained under the supervision of an approved licensed clinical alcohol and drug supervisor acquired after the award of the master's degree or doctoral degree as determined by the Board, of which:*

(a) (text unchanged)

(b) *100 hours shall be face-to-face clinical supervision hours, of which:*

(i) (text unchanged)

(ii) *A maximum of 50 hours may be face-to-face group clinical supervision; [and]*

[(iii)] *2 years shall be acquired after the award of the master's degree, doctoral degree, or its substantial equivalent as determined by the Board;]*

[(6) A] (8) *Achieve a passing score on the Examination for Masters Addiction Counseling (EMAC) of the National Board for Certified Counselors (NBCC); [and]*

[(7) A] (9) *Achieve a passing score on an examination of Health Occupations Article, Title 17, Annotated Code of Maryland, and this subtitle;*

(10) *Be of good moral character; and*

(11) *Comply with:*

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(b) *The code of ethics as set forth in COMAR 10.58.03.*

B.—C. (text unchanged)

D. Reinstatement.

(1)—(2) (text unchanged)

(3) *For any licensed clinical alcohol and drug counselor whose license has expired more than [one] 5 calendar [year] years before the request for reinstatement, a new application for certification shall be completed and the current licensure requirements shall be met.*

(4) (text unchanged)

E. (text unchanged)

.04 Licensure—Licensed Graduate Alcohol and Drug Counselors.

A. To qualify for licensure as a graduate alcohol and drug counselor, an applicant shall [complete]:

(1) *Complete an application on a form approved by the Board[, pay];*

(2) *Pay the required [non-renewable] non-refundable fee set forth in COMAR 10.58.02[, and have:];*

[(1) Completed one of the following] (3) *Hold a master's or doctoral degree from [an] a regionally accredited college or university approved by the Board[:]*

(a) *A master's degree] in a health and human services counseling field with a minimum of [60] 48 graduate semester credit hours or [90] 72 graduate quarter credit hours[: or*

(b) *A doctoral degree in alcohol and drug counseling with a minimum of 90 semester credit hours or 135 graduate quarter credit hours;*

(2) *Completed a minimum of 3 credit hours or 5 quarter credit hours in ethics in professional practice that includes a specific focus on ethics in alcohol and drug counseling and the remaining credits from instruction among the topic areas described in Regulation .03A(2)(b) and (4) of this chapter] including:*

(a) *A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following:*

(i) *Medical aspects of chemical dependency;*

(ii) *Addictions treatment delivery;*

(iii) *Ethics that includes alcohol and drug counseling issues;*

(iv) *Abnormal psychology;*

(v) *Group counseling; and*

(vi) *Individual counseling; and*

(b) *Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:*

(i) *Family counseling;*

(ii) *Theories of counseling;*

(iii) *Human development;*

(iv) *Topics in substance-related and addictive disorders; and*

(v) *Treatment of co-occurring disorders;*

[(3) Completed a minimum of 3 graduate semester credit hours or 5 quarter credit hours in each of the content areas described in Regulation .07A(3) of this chapter;]

(4) *[Passed the Examination for Masters Addiction Counselors;] Pass:*

(a) *A national alcohol and drug counselor examination approved by the Board; and*

(b) *An examination of Health Occupations Article, Title 17, Annotated Code of Maryland and this subtitle;*

(5) [Good] *Be of good moral character; and*

(6) [Complied] *Comply with the Board's code of ethics as set forth in COMAR 10.58.03.*

B.—C. (text unchanged)

D. *A licensed graduate alcohol and drug counselor shall practice alcohol and drug counseling under the supervision of a Board-approved alcohol and drug supervisor who is:*

(1) *A licensed clinical alcohol and drug counselor;*

(2) *A licensed clinical professional counselor;*

(3) *A licensed clinical marriage and family therapist;*

(4) *A licensed clinical professional art therapist; or*

(5) *An approved clinical alcohol and drug supervisor as defined in COMAR 10.58.13.02.*

E. *A licensed graduate alcohol and drug counselor may not:*

(1) *Practice independently; or*

(2) *Provide supervision.*

[D.] F. (text unchanged)

.05 Certification: Certified Professional Counselor—Alcohol and Drug.

A. (proposed for repeal)

[B.] A.—[C.] B. (text unchanged)

.06 Certification: Certified Associate Counselor—Alcohol and Drug.

A. To qualify for certification as a certified associate counselor—alcohol and drug (CAC—AD) an applicant shall [complete]:

(1) *Complete an application on a form approved by the Board[, submit];*

(2) *Pay the required non-refundable fee set forth in COMAR 10.58.02[, and have completed or achieved:];*

[(1) One] (3) *Hold one of the following:*

(a) *A bachelor's degree from [an] a regionally accredited educational institution approved by the Board in a health and human services counseling field; or*

(b) *A bachelor's degree from a regionally accredited educational institution approved by the Board in a program of studies determined by the Board to be substantially equivalent in subject matter [and extent of training] to [§A(1)] §A(3)(a) of this regulation;*

[(2) A] (4) *Complete a minimum of [21] 33 semester credit hours or 50 quarter credit hours in alcohol and drug counselor training from [an] a regionally accredited institution of higher education approved by the Board [with at least 1 credit hour in the ethics of alcohol and drug counseling, and the remaining credits from among the topic areas specified in Regulation .03A(2)(b) of this chapter, each of which shall be at least 3 credits with not more than one course in each topic area] including:*

(a) *A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following:*

(i) *Medical aspects of chemical dependency;*

(ii) *Addictions treatment delivery;*

(iii) *Group counseling;*

(iv) *Individual counseling;*

(v) *Ethics that includes alcohol and drug counseling issues; and*

(vi) *Abnormal psychology; and*

(b) *Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:*

(i) *Family counseling;*

(ii) *Theories of counseling;*

(iii) *Human development;*

(iv) *Topics in substance-related and addictive disorders; and*

(v) *Treatment of co-occurring disorders; and*

(5) *Complete an internship in alcohol and drug counseling that total 6 semester credit hours or 10 quarter credit hours;*

[(3) Not] (6) *Complete not less than [3 years] 1 year with a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling under the [moderate] supervision of [an approved] a Board-approved alcohol and drug supervisor[, of which 2 years shall be completed after the award of the bachelor's degree or its substantial equivalent as determined by the Board];*

[(4)] (7) *Achieve a passing score on the examination developed by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA), or other national examination as approved by the Board; [and]*

[(5)] (8) (text unchanged)

(9) *Be of good moral character; and*

(10) *Comply with:*

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(b) *The code of ethics as set forth in COMAR 10.58.03.*

B. (text unchanged)

C. *A certified associate counselor—alcohol and drug:*

(1) *May provide only:*

(a) *Alcohol and drug counseling as an employee of an agency or a facility that is certified or licensed by the State;*

(b) *Alcohol and drug counseling under the moderate supervision of a Board-approved supervisor as specified in Health Occupations Article, §17–403, Annotated Code of Maryland; and*

(c) *Supervision with approval by the Board; and*

(2) *May not practice independently.*

[C.] D.—[E.] F. (text unchanged)

.07 Certification: Certified Supervised Counselor—Alcohol and Drug.

A. To qualify for certification as a supervised counselor—alcohol and drug, an applicant shall [complete]:

(1) *Complete an application on a form approved by the Board[, submit];*

(2) *Pay the required non-refundable fee set forth in COMAR 10.58.02[, and have completed or achieved:];*

[(1) One] (3) *Hold one of the following:*

(a) *An associate's degree from [an] a regionally accredited educational institution approved by the Board in a health or human services counseling field; or*

(b) *[A] An associate's degree from a regionally accredited educational institution approved by the Board in a program of studies determined by the Board to be substantially equivalent in subject matter [and extent of training to §A(1) of this regulation];*

[(2) A] (4) *Complete a minimum of [15] 24 semester credit hours or 37 quarter credit hours in alcohol and drug counselor training from [an] a regionally accredited institution of higher education approved by the Board [with at least 1 credit hour in the ethics of alcohol and drug counseling, and the remaining credits from among the topic areas specified in Regulation .03A(2)(b) of this chapter, each of which shall be at least 3 credits with not more than one course in each topic area] including:*

(a) *A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following courses:*

(i) *Medical aspects of chemical dependency;*

(ii) *Addictions treatment delivery; and*

(iii) *Ethics that includes alcohol and drug counseling issues; and*

(b) Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:

- (i) Group counseling;
- (ii) Individual counseling;
- (iii) Family counseling;
- (iv) Theories of counseling;
- (v) Human development;
- (vi) Abnormal psychology;
- (vii) Topics in substance-related and addictive disorders;

and

(viii) Treatment of co-occurring disorders;

(5) Complete an internship in alcohol and drug counseling that total 6 semester credit hours or 10 quarter credit hours;

[(3) Not less than 2 years with a minimum of 2,000 hours of supervised clinical experience in alcohol and drug counseling under the close supervision of an approved alcohol and drug supervisor, of which 1 year shall be completed after the award of the associate's degree or its substantial equivalent as determined by the Board;]

[(4) Achieve] (6) Achieve a passing score on the examination developed by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA) or other national examination as approved by the Board; [and]

[(5)] (7) (text unchanged)

(8) Be of good moral character; and

(9) Comply with:

(a) Health Occupations Article, Title 17, Annotated Code of Maryland; and

(b) The code of ethics as set forth in COMAR 10.58.03.

B. (text unchanged)

C. A certified supervised counselor—alcohol and drug:

(1) May provide only:

(a) Alcohol and drug counseling as an employee of an agency or facility that is certified or licensed by the State; and

(b) Alcohol and drug counseling under the close supervision of a Board-approved supervisor as specified in Health Occupations Article, §17-404, Annotated Code of Maryland; and

(2) May not:

(a) Provide supervision; or

(b) Practice independently.

D. A certified supervised counselor—alcohol and drug shall practice alcohol and drug counseling under the close supervision of a Board-approved alcohol and drug supervisor who is:

(1) A licensed clinical alcohol and drug counselor;

(2) A certified professional counselor—alcohol and drug;

(3) A certified associate counselor—alcohol and drug; or

(4) One of the following who has documented expertise in alcohol and drug counseling and is approved by the Board:

(a) A licensed clinical professional counselor;

(b) A licensed clinical marriage and family therapist;

(c) A licensed clinical professional art therapist; or

(d) A health care provider licensed under the Health Occupations Article, Annotated Code of Maryland.

[C.] E.—[E.] G. (text unchanged)

10.58.14 Supervision Requirements for Certified Alcohol and Drug Counselors and Trainees Pursuing Certification

Authority: Health Occupations Article, 17-205 and 17-403, Annotated Code of Maryland

.04 Required Hours of Supervised Experience.

[A.] To qualify for certification to practice alcohol and drug counseling as a certified associate counselor-alcohol and drug, an applicant shall [have completed:]

[(1) Not] *complete not* less than [3 years] *1 year* of [compensated] work experience, with a minimum of 2,000 hours of experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor [including 2 years of compensated work experience and 1,750 hours of supervised experience completed after the award of the Bachelor's degree; or

(2) Not less than 5 years of compensated work experience with a minimum of 2,000 hours of supervised experience.

B. To qualify for certification to practice alcohol and drug counseling as a certified supervised counselor-alcohol and drug, an applicant shall have completed:

(1) Not less than 2 years of compensated work experience, with a minimum of 2,000 hours of experience in alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor including 1 year of compensated work experience and 1,000 hours of supervised experience completed after the award of the Associate's degree; or

(2) Not less than 5 years of compensated work experience with a minimum of 2,000 hours of supervised experience].

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Notice of Proposed Action

[15-216-P]

The Secretary of Health and Mental Hygiene proposes to:

(1) Amend Regulations .01—.05 under **COMAR 10.60.01 General Regulations;**

(2) Amend Regulations .01—.05, repeal existing Regulation .08, and adopt new Regulations .08—.10 under **COMAR 10.60.02 Licensing Procedures;**

(3) Amend Regulations .01 and .02 under **COMAR 10.60.03 Approved Training;** and

(4) Amend Regulation .01 under **COMAR 10.60.06 Fee Schedule.**

This action was considered at a public meeting on February 4, 2015, notice of which was given on the Board's website at <http://dhmh.maryland.gov/behs/SitePages/Home.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Clarify who can be an environmental health sponsor;

(2) Repeal a definition and define certain new terms;

(3) Authorize the Board to waive an examination under certain circumstances;

(4) Authorize the Board to reduce the 24 month length of approved training time for an environmental health specialist-in-training provided certain conditions are met;

(5) Set new experience requirements for an environmental health specialist-in-training program;

(6) Prohibit the Board from taking additional action on an incomplete application for licensure and require the Board to notify the applicant for certain additional information within a certain period of time;

(7) Require the Board to post examination dates on its website;

(8) Prohibit the Board from renewing an environmental health specialist-in-training certificate after it has been extended by the Board;

(9) Repeal certificates of eligibility for supervised training;

(10) Authorize the Board to renew an environmental health specialist-in-training certificate for a temporary employee for a period of 24 months;

(11) Establish a process for a temporary employee who is being converted to or hired as a permanent employee to maintain their certificate;

(12) Repeal the reinstatement process and establish inactive status for licensees who apply and meet certain conditions, require the Board to make a certain notification to licensees placed on inactive status, and authorize the Board to reactivate a license under certain circumstances;

(3) Require the Board to place a licensee on non-renewed status for no longer than 4 years if the licensee fails to renew the license, require the Board to send a certain notification to the licensee, and authorize the Board to reactivate a license under certain circumstances;

(14) Authorize the Board to reactivate a license that was on inactive or non-renewed status after the inactive or non-renewed status expired under certain circumstances;

(15) Establish that a Board-approved training courses may be an online course or may include authoring a paper published in a peer-reviewed journal; and

(16) Repeal certain fees and establish new fees.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There will be an impact to licensees who want to reactivate a license that has been put on non-renewed status, to licensees who want to put their license on inactive status, and to those who want to renew their certificate of training for a temporary employee. These are new fees that the Board is proposing to adopt. The Board is repealing fees to apply for a licensure by reciprocity and to verify an examination score. The current fee to reinstate a license is being replaced with a reactivation fee of the same amount. The Board cannot estimate the exact impact on the Board finances or on the licensee base because it cannot estimate how many licensees will apply for inactive status, reactivation, renewal of a certificate, or for licensure by reciprocity.

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

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminate
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 current fee to reinstate a license is \$100 plus the \$200 renewal fee. This is being replaced by a \$300 reactivation fee, so there is no increase or decrease to the Board or to the licensee base for this proposed change. Regarding the other fee changes, as stated above, the Board cannot estimate the fiscal impact because it cannot estimate how many licensees will apply for inactive status, reactivation, renewal of a certificate, or for licensure by reciprocity.

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 September 21, 2015. A public hearing has not been scheduled.

10.60.01 General Regulations

Authority: Health Occupations Article, §§21-101, 21-205, 21-303, and 21-305, 21-306, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Certificate” means any of the following certificates issued by the Board:

(a) A certificate of eligibility for obtaining employment; *and*

(b) An environmental health specialist-in-training certificate; *and*

(c) A certificate of eligibility for supervised training].

(6) “Environmental health specialist-in-training” means an individual who [meets]:

(a) *Meets* the educational qualifications set forth in Regulation .03B of this chapter; *and*

(b) *Has a valid environmental health specialist-in-training certificate.*

(7) (text unchanged)

(8) Environmental Health Sponsor.

(a) (text unchanged)

(b) “Environmental health sponsor” includes:

(i) [A licensed environmental health specialist] *For public employees, an environmental health director, equivalent agency officer, or their designee; or*

(ii) [An] *For private sector employees, an environmental professional, [or administrator not required to be licensed by the Board under Environment Article, §11-301(b), Annotated Code of Maryland; or] who, like an environmental health director or equivalent agency supervisor, makes discretionary decisions affecting food safety, water quality, air quality, sewage systems, and other aspects of the environment affecting the public health*

[(iii) A supervisor acceptable to the Board].

(9) (text unchanged)

(10) *“Full-time employment” means employment of at least 34 hours per week.*

[(10)] (11)—[(15)] (16) (text unchanged)

[(16)] (17) *Party.*

(a) *“Party” means a person or agency named or admitted as a party, or properly seeking and entitled to the right to be admitted as a party, in formal hearings.*

(b) *“Party” includes a person or agency admitted for limited purposes.*

(18) *“Permanent employee” means an individual who is:*

(a) *Employed to practice as an environmental health specialist; and*

(b) *Not a temporary employee.*

[(17)] (19) (text unchanged)

[(18) *“Seasonal employee” means an individual who is employed to practice as an environmental health specialist under an environmental health specialist-in-training certificate who:*

(a) *Performs the duties of an environmental health specialist-in-training on a seasonal basis;*

(b) *Is employed for a length of time, not to exceed 5 consecutive months, pursuant to a contract of employment; and*

(c) *Is not required to complete the total months of experience in an environmental health specialist-in-training program as a full-time employee under Regulation .03B of this chapter on a consecutive monthly basis.]*

(20) *“Subject matter expert” means an individual with in-depth knowledge or expertise in performing a specialized job, duty or skill within an organization.*

(21) *“Temporary employee” means an individual who is:*

(a) *Employed to practice as an environmental health specialist on a temporary basis for a length of time not to exceed 6 consecutive months within a consecutive 12-month period; and*

(b) *Not required to complete the total months of experience in an environmental health specialist-in-training program under Regulation .03B of this chapter on a consecutive monthly basis.*

.02 Prohibitions.

A. An individual may not practice as an environmental health specialist in the State unless the individual:

(1) (text unchanged)

(2) *Is employed under a valid environmental health specialist-in-training certificate [or a certificate of eligibility for supervised training] issued by the Board.*

B. An individual may not practice as an environmental health specialist under an environmental health specialist-in-training certificate for more than a total of 3 years, unless approved by the Board in accordance with COMAR [10.60.02.05D(3)] *10.60.02.05B.*

.03 Licensing and Examination.

A. (text unchanged)

B. An applicant is eligible to take the examination if the applicant has satisfied one of the following combinations of education and experience:

[(1) Combination 1:

(a) *Graduated from an accredited college or university with a baccalaureate degree in environmental science or environmental health; and*

(b) *Obtained 12 months of experience in an environmental health specialist-in-training program approved by the Board;]*

[(2)] (1)—[(4)] (3) (text unchanged)

.04 Waivers.

A. The Board may waive any examination requirement under this chapter if [the]:

(1) *The Board considers the applicant to be recognized as outstanding in the field of environmental health; or*

(2) *The applicant has:*

(a) *Satisfied the education and experience requirements set forth in Regulation .03 of this chapter;*

(b) *Passed an examination as a condition of licensure or registration in another state;*

(c) *Been licensed or registered as an environmental health specialist or its equivalent in another state; and*

(d) *Performed at least 24 months of compensated work as an environmental health specialist or its equivalent in the other state.*

B. (text unchanged)

.05 Environmental Health Specialist-In-Training Program.

A. (text unchanged)

B. At a minimum, an environmental health specialist-in-training program shall:

(1) (text unchanged)

(2) *Provide the environmental health specialist-in-training with an opportunity for [formal] education and training in the [study areas]:*

(a) *Areas identified in Regulation .01B(19) of this chapter; and*

(b) *Subject areas included in the recognized examination approved by the Board [under §E of this regulation]; and*

(3) (text unchanged)

C. The environmental health sponsor of a Board-approved environmental health specialist-in-training program shall [certify in writing to the Board each major component of employment of the environmental health specialist-in-training] *ensure that the program complies with §B of this regulation.*

D. Experience Requirements.

(1) [Only approved experience] *Experience* obtained under the direction of the environmental health sponsor shall be credited toward the experience requirements of [an] *a Board-approved environmental health specialist-in-training program.*

(2) (text unchanged)

(3) *The Board may approve[, as part of an internship program,] and apply experience that was obtained [to satisfy the degree requirements of an academic institution] from prior employment as part of an environmental health specialist-in-training program.*

(4) [Approved experience shall be credited to] *The Board may reduce the 24 month length of approved training time for an environmental health specialist-in-training [program as follows] certificate holder provided that:*

(a) *The environmental-health-specialist-in-training certificate holder has completed a minimum of 12 months of [experience shall equal 12 calendar months of full-time employment as determined by the employer] training approved by the Board; [and]*

(b) [Experience gained at rates other than those in §D(4)(a)] *The environmental health specialist-in-training certificate holder has satisfied requirements outlined in §B of this regulation [shall be credited on a prorated basis.]; and*

(c) *The Board receives written requests from the environmental health specialist-in-training certificate holder and the environmental health sponsor that the certificate holder:*

(i) *Has satisfied the requirements of §B(1) or (2) of this regulation; and*

(ii) *Is requesting a reduction to the minimum 24 month length of approved training to take the examination.*

(5) [Except as provided in §D(3) of this regulation, approved] *Approved* experience [does not include] *shall be credited to an environmental health specialist-in-training as follows:*

(a) [Experience obtained to satisfy the degree requirements of an academic institution] *Each month of full time employment is credited as 1 month of experience;*

(b) [Experience gained at the rate of less than 2 months per calendar year] *Each month of less than full-time employment is credited on a prorated basis; [or] and*

(c) [Experience obtained during a time period in] *No experience credit is given for any month during which the environmental health specialist-in-training's job performance [has been] is rated as unsatisfactory in writing by that individual's supervisor.*

(6) *Except for an internship approved by an environmental health sponsor, approved experience does not include experience obtained to satisfy the degree requirements of an academic institution.*

[E. Training and Education.

(1) The Board shall identify each of the study areas on the license examination and the approximate number of questions that the examination contains for each area.

(2) The Board shall, upon request, classify approved training into the study areas identified under §E(1) of this regulation.]

10.60.02 Licensing Procedures

Authority: Health Occupations Article, §§21-205, 21-301, 21-302, 21-304, 21-305, 21-307, and 21-310, Annotated Code of Maryland

.01 Application Procedure.

A.—B. (text unchanged)

C. An applicant for a license who claims experience as an environmental health specialist shall [have three reference letters submitted directly] *provide* to the Board *independent written verification* from the applicant's [current or former employers or supervisors] *employer* describing the nature and duration of the applicant's experience.

.02 Incomplete Application.

A. The Board [may]:

(1) *May not take any action on an incomplete application; and*

(2) *Shall notify the applicant of the need for additional information within 45 days of receipt of the application.*

B. An application is not complete until all required material, including the fee and supporting documentation, [has been] *is* received by the Board.

C. (text unchanged)

.03 Action on an Application.

A. [Notification to Applicant. Following its review of the application, the] *The* Board shall notify [the] *an* applicant in writing that [the applicant]:

(1) [Qualifies] *The applicant qualifies* for a license under COMAR 10.60.01.03 or .04;

(2) [Qualifies] *The applicant qualifies* for [examination or a certificate of eligibility] :

(a) *Examination under COMAR 10.60.01.03; or*

(b) *A certificate of eligibility under COMAR 10.60.02.05;*

(3) [Does] *The applicant does not* qualify to receive a license or a certificate of eligibility, or to take the examination, for one or more of the reasons set forth in §C of this regulation; or

(4) [Shall provide the Board with additional information before the Board can complete its review of the application.] *The*

application is incomplete, the reasons the application is incomplete, and that the application will be invalid in 1 year.

B.—D. (text unchanged)

.04 Examination.

A. The Board shall [offer]:

(1) *Offer* written examinations at least 3 times a year[.]; *and*

(2) *Post the examination dates on the Board's website.*

B.—D. (text unchanged)

E. An applicant who fails the examination may apply for reexamination if the applicant [submits]:

(1) *Submits* an application in accordance with §D(2) and (3) of this regulation; *or*

(2) *Applies directly to the recognized examination service to take the on-line version of the examination.*

F. *The Board may waive any examination requirement under this regulation if the Board considers the applicant to be recognized as outstanding in the field of environmental health.*

G. *To be recognized as outstanding by the Board, an applicant shall:*

(1) *Meet the criteria set forth in COMAR 10.60.01.03 and 10.60.02.01 for an environmental health specialist-in-training;*

(2) *Be considered a subject matter expert in one or more of the following areas covered by the Board:*

(a) *The manufacture, preparation, handling, distribution, or sale of food and milk;*

(b) *Water supply and treatment;*

(c) *Wastewater treatment and disposal;*

(d) *Solid waste management and disposal;*

(e) *Vector control;*

(f) *Insect and rodent control;*

(g) *Air quality;*

(h) *Noise control;*

(i) *Product safety;*

(j) *Recreational sanitation; or*

(k) *Institutional and residential sanitation;*

(3) *Demonstrate at least one of the following career pathways with a minimum of 15 years of progressive responsibilities with:*

(a) *A demonstrated technical knowledge and experience including obtaining a Master's or Doctorate degree in an environmental or public health-related area wherein the time devoted to technical scientific research may be applied towards the minimum time criteria as follows:*

(i) *If obtaining a Master's degree, 1 year; or*

(ii) *If obtaining a Doctorate degree, 2 years;*

(b) *A managerial hierarchy similar to that of an environmental health specialist, such as:*

(i) *Health specialist in training;*

(ii) *Licensed environmental health specialist;*

(iii) *Supervisor;*

(iv) *Program manager; or*

(v) *Director; or*

(c) *A combination of §G(3)(a) or (b) of this regulation;*

(4) *Has demonstrated and documented involvement in at least one of the following activities:*

(a) *Research;*

(b) *Has been published in peer review publications;*

(c) *Has given court testimony or served as an expert witness qualified by a court system;*

(d) *Has teaching experience in an area covered by the Board; or*

(5) *Where applicable, received a professional license through a Maryland or other recognized licensure body in the candidate's field.*

.05 Certificates.

A. Certificate of Eligibility for Obtaining Employment.

(1) The Board shall issue a certificate of eligibility for obtaining employment to an applicant who:

(a)—(c) (text unchanged)

(d) Has not previously completed an environmental health specialist-in-training program under an environmental health specialist-in-training certificate [or a certificate of eligibility for supervised training from] issued by the Board.

(2) (text unchanged)

B. Environmental Health Specialist-In-Training Certificates.

(1) (text unchanged)

(2) The environmental health specialist-in-training certificate shall expire 36 months after its effective date unless the expiration date has been extended in writing by the Board in accordance with [§D(3)] §B(4) of this regulation.

(3) *The Board may not renew an environmental health specialist-in-training certificate for which the expiration date has been extended.*

[C. Active Certificates of Eligibility for Supervised Training.

(1) The Board shall replace a certificate of eligibility for supervised training with an environmental health specialist-in-training certificate if:

(a) The certificate of eligibility for supervised training expires after the effective date of these regulations; and

(b) The certificate holder is employed to practice as an environmental health specialist.

(2) An environmental health specialist-in-training certificate issued under §C(1) of this regulation expires 36 months after the date that the certificate holder began the period of supervised training.

D. Expired Certificates of Eligibility for Supervised Training.

(1) The Board shall issue a health specialist-in-training certificate to an individual who holds a certificate of eligibility for supervised training that expired before the effective date of these regulations if the certificate holder:

(a) Is employed to practice as an environmental health specialist; and

(b) Applies to the Board on a form supplied by the Board.

(2) An environmental health specialist-in-training certificate issued under §D(1) of this regulation expires 12 months after its issuance date.]

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

[(4)] (5) If the holder of an environmental health specialist-in-training certificate is a [seasonal] temporary employee as defined in COMAR 10.60.01.01, the Board, upon written request from the holder of the environmental health specialist-in-training certificate and upon receipt of the renewal fee as required by COMAR 10.60.06, may [extend the] renew a valid certificate for [the number of] a period of 24 months [necessary to complete the environmental health specialist-in-training program under COMAR 10.60.01.05].

(6) *If a temporary employee is hired as or otherwise converted to a permanent employee:*

(a) *The employee shall submit the employee's current environmental health specialist-in-training certificate to the Board within 30 days;*

(b) *Upon receipt of the certificate referenced in §D(6)(a) of this regulation, the Board shall renew a new environmental health specialist-in-training certificate that is valid for 36 months; and*

(c) *The Board may reduce the required number of months of experience in an environmental health specialist-in-training program.*

.08 Inactive Status.

A. *The Board shall place a licensed environmental health specialist on inactive status for a period not to exceed 4 years if the licensee:*

(1) *Submits to the Board a written application for inactive status on a form the board requires; and*

(2) *Pays to the Board the inactive status fee set by the Board.*

B. *The Board shall provide to a licensed environmental health specialist who is placed on inactive status written notification of:*

(1) *The date the license has or will expire;*

(2) *The date the inactive status became effective;*

(3) *The date the inactive status expires; and*

(4) *The consequences of not reactivating the license before the inactive status expires.*

C. *Except as provided in Regulation .10 of this chapter, the Board shall reactivate the license of a licensed environmental health specialist who is on inactive status if the licensee:*

(1) *Applies to the Board for reactivation of the license before the inactive status expires;*

(2) *Complies with the license renewal requirements that are in effect when the licensee applies for reactivation;*

(3) *Has completed 20 credit hours of approved continuing education in the past 24 month period; and*

(4) *Pays to the Board the reactivation fee established by COMAR 10.60.06(7).*

.09 Non-renewed Status.

A. *The Board shall place a licensed environmental health specialist on non-renewed status for a period not to exceed 4 years if the licensed environmental health specialist fails to renew the license for any reason.*

B. *The Board shall provide to the licensee who is placed on non-renewed status written notification of:*

(1) *The date the license expired;*

(2) *The date the non-renewed status became effective;*

(3) *The date the non-renewed status expires; and*

(4) *The consequences of not reactivating the license before the non-renewed status expires.*

C. *Except as provided in Regulation .10 of this chapter, the Board shall reactivate the license of a licensed environmental health specialist who is on non-renewed status if the individual:*

(1) *Applies to the Board for reactivation of the license before the non-renewed status expires;*

(2) *Complies with the license renewal requirements that are in effect when the individual applies for reactivation;*

(3) *Has completed 20 credit hours of approved continuing education in the past 24 month period; and*

(4) *Pays to the Board the reactivation fee established by COMAR 10.60.06.*

.10 Reactivation.

Notwithstanding Regulations .08 and .09 of this chapter, the Board shall reactivate the license of a licensed environmental health specialist who was placed on inactive or non-renewed status if the individual:

A. *Applies to the Board for reactivation after the inactive or non-renewed status expired;*

B. *Pays to the Board the reactivation fee established by COMAR 10.60.06;*

C. *Provides any documentation required by the Board; and*

D. *Passes the examination that is required at time of reactivation.*

10.60.03 Approved Training

Authority: Health Occupations Article, §§21-205 and 21-309, Annotated Code of Maryland

.01 Approval of Training.

A.—B. (text unchanged)

C. Board-approved training may consist of participation in any of the following:

(1)—(2) (text unchanged)

(3) Extension studies, *on-line courses*, and correspondence courses, if there is satisfactory proof of completion, acceptable to the Board;

(4) (text unchanged)

(5) [Papers] *Authoring a paper* published in a professional [journals and] *journal* requiring peer review;

(6) (text unchanged)

D. (text unchanged)

E. Assignment of Credit.

(1) The Board shall determine the hours of approved training as follows:

(a) (text unchanged)

(b) Credit hours for training such as *on-line courses*, correspondence courses, [and] extension studies, and *authored papers* shall be determined by the Board on a case-by-case basis.

(2) Approved training obtained within the [appropriate] license renewal period shall be credited *to the same license renewal period*.

(3) (text unchanged)

F. (text unchanged)

.02 Proof of Training.

A. (text unchanged)

B. Proof of training consists of:

(1) [Official transcripts] *Transcripts* from [the] *an* educational institution *attesting to the satisfactory completion of training*;

(2)—(3) (text unchanged)

10.60.06 Fee Schedule

Authority: Health Occupations Article, §§21-205, 21-206, and 21-309, Annotated Code of Maryland

.01 Scope.

A.—C. (text unchanged)

D. The following fees apply:

(1)—(2) (text unchanged)

[(3) Application for licensure by reciprocity — \$100;]

[(4)] (3)—[(6)] (5) (text unchanged)

[(7) Reinstatement of license (in addition to required license renewal fee) — \$100]

(6) *Reactivation processing fee to change from inactive status to active status* — \$300;

(7) *Reactivation processing fee to change from non-renewed status to active status* — \$500;

(8) *Inactive status fee* — \$25;

[(8)] (9)—[(9)] (10) (text unchanged)

[(10) Examination score verification — \$25]

(11) (text unchanged)

(12) *24-month renewal of certificate of in training for temporary employee* — \$25;

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 11
DEPARTMENT OF
TRANSPORTATION
Subtitle 07 MARYLAND
TRANSPORTATION AUTHORITY

11.07.06 Public-Private Partnership Program

Authority: State Finance and Procurement Article, §§10A-101 et seq., 10A-201 et seq., 10A-301 et seq., 10A-401 et seq., and 11-203(h), Annotated Code of Maryland

Notice of Proposed Action

[15-234-P]

The Executive Director of the Maryland Transportation Authority proposes to repeal existing Regulations **.01 — .14** under existing **COMAR 11.07.06 Transportation Public-Private Partnership** and adopt new Regulations **.01 — .10** under a new chapter, **COMAR 11.07.06 Public-Private Partnership Program**.

This action was considered by the Chairman and members of the Maryland Transportation Authority (MDTA) at an open meeting held on May 28, 2015, notice of which was given through placement on the MDTA website (www.mdta.maryland.gov). The MDTA Board will consider and approve final regulations at the conclusion of the Maryland Register public comment period. The MDTA Board meeting will be open to the public. Notice of the meeting will be placed on the MDTA website (www.mdta.maryland.gov).

Statement of Purpose

The purpose of this action is to repeal existing regulations and adopt new regulations to clarify the process of public-private partnerships pursuant to H.B. 560, Ch. 5, Acts of 2013.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patrick A. Fleming, Manager of Government Relations, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1089, or email to pfleming2@mdta.maryland.gov, or fax to 410-537-5657. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Transportation Authority during a public meeting to be held on September 24, 2015, at 9 a.m., 2310 Broening Hwy., Baltimore, MD 21224.

.01 Purpose.

The purpose of this chapter is to:

A. *Establish a Maryland Transportation Authority Public-Private Partnership Program (Program) to enhance the State's transportation systems, assets, functions, and infrastructure; and*

B. Describe and provide a process for the development, solicitation, evaluation, award, and delivery of public-private partnerships in the Authority's Program.

.02 Scope.

A. In accordance with State Finance and Procurement Article, §10A-101(g)(3), Annotated Code of Maryland, the Authority is a reporting agency that may establish public-private partnerships and execute public-private partnership agreements in connection with any public infrastructure assets for which it is responsible.

B. Within the Authority, the Executive Director shall be responsible for administering the Program.

.03 Definitions.

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

B. Terms Defined.

- (1) "Authority" means the Maryland Transportation Authority.
- (2) "Budget committees" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.
- (3) "Chairman" has the meaning stated in Transportation Article, §4-202(a), Annotated Code of Maryland.
- (4) "Department" means the Maryland Department of Transportation and its modal administrations.
- (5) "Executive" means the Executive Director of the Authority.
- (6) "Industry forum" means a presolicitation information gathering event that may include public and private sector participants.
- (7) "Industry review meeting" means a meeting during the solicitation process with shortlisted private entities.
- (8) "Members of the Authority" means those persons that compose the Authority Board and are appointed in accordance with Transportation Article, §4-202(b), Annotated Code of Maryland.
- (9) "Multistep solicitation process" means a public-private partnership solicitation process that includes some or all of the following steps:
 - (a) Issuance of a request for qualifications;
 - (b) Preproposal conference;
 - (c) Issuance of a draft request for proposals;
 - (d) Industry review meetings; and
 - (e) Issuance of a final request for proposals.
- (10) "Private entity" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.
- (11) "Program" means the structure, process, methodology, and terms and conditions applicable to the Authority's development, solicitation, evaluation, award, and delivery of transportation public infrastructure assets for which it is responsible in accordance with State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.
- (12) "Public infrastructure asset" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.
- (13) "Public notice of solicitation" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.
- (14) "Public-private partnership" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.
- (15) "Public-private partnership candidate concept application" means the documentation that must be submitted to the Steering Committee to initiate and inform a high-level review of a public-private partnership concept generated from within the Authority.

(16) "Reporting agency" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.

(17) "Responsibility determination" has the meaning stated in State Finance and Procurement Article, §10A-101, Annotated Code of Maryland.

(18) "Shortlisted private entity" means a private entity that has been both qualified based on its response to a request for qualifications and selected as one of the highest qualified private entities, allowing them to continue in the solicitation process.

(19) "Steering Committee" is the Authority's Transportation Public-Private Partnership Steering Committee established to advise the Chairman and members of the Authority on the structure and implementation of the Authority's Program and composed of Authority and other State employees identified by the Executive Director.

.04 Transportation Public-Private Partnerships Steering Committee.

A. The Steering Committee is established to advise the Chairman and members of the Authority on the structure and implementation of the Authority's Program, including, but not limited to, the following:

- (1) Identifying potential public-private partnership opportunities for screening;
- (2) Screening of public-private partnership opportunities, including both high-level and detailed-level;
- (3) Prioritization of public-private partnership opportunities for solicitation;
- (4) Developing presolicitation and solicitation plans and processes for public-private partnerships;
- (5) Ongoing monitoring of public-private partnerships; and
- (6) Communication and coordination with other State reporting agencies.

B. The Steering Committee shall be composed of Authority and other State employees as identified by the Executive Director.

C. The Steering Committee shall be chaired by an Authority employee who is identified by the Executive Director and referred to as the Steering Committee chair.

.05 Identification Process.

A. Public-private partnership concepts and opportunities will be identified within the Authority and through other State, regional, local, and municipal processes.

(1) Potential public-private partnership concepts and opportunities may be identified through periodic transportation planning, communication, and evaluation processes that are carried out within the Authority, the Department, and through other State, regional, local, and municipal processes, including but not limited to:

- (a) The Consolidated Transportation Program;
- (b) The Statewide Transportation Improvement Program;
- (c) Long-range transportation plans developed by metropolitan planning organizations; and
- (d) County Priority Letters.

(2) Public-Private Partnership Candidate Concept Application.

(a) To initiate a high-level review, screening, and policy analysis of a proposed public-private partnership concept or opportunity, a Public-Private Partnership Candidate Concept Application shall be submitted to the Steering Committee chair by an internal sponsor.

(b) A Public-Private Partnership Candidate Concept Application may be submitted at any time, and may be supplemented with additional information as needed.

(c) Relevant supporting information or documentation shall be included in the submission of the Public-Private Partnership

Candidate Concept Application, to the extent such information is available, including but not limited to:

- (i) Preliminary ideas of public-private partnership scope, schedule, and project lifecycle considerations;
- (ii) Preliminary qualitative evaluation of relevant benefits and cost;
- (iii) Preliminary description of financial concepts;
- (iv) Rationale for a public-private partnership delivery method relative to a conventional project delivery approach; and
- (v) Additional information, as necessary, to support a high-level screening process, as outlined in Regulation .06C(1) of this chapter.

(d) The format and required contents of the Public-Private Partnership Candidate Concept Application will be:

- (i) Developed and updated as needed by the Steering Committee; and
- (ii) Approved by the Executive Director, Chairman, and members of the Authority.

B. Unsolicited Proposals to the Authority.

(1) In accordance with State Finance and Procurement Article, §10A-301, Annotated Code of Maryland, the Authority is permitted to accept, reject, or evaluate unsolicited proposals for public-private partnerships that will assist the Authority in implementing its functions in a manner consistent with State policy.

(2) Assets not defined as a transportation facilities project under Transportation Article, §4-101(h), Annotated Code of Maryland, are not covered by the Authority's Program and should be submitted to the appropriate State agency.

(3) An unsolicited proposal may be submitted at any time.

(4) An unsolicited proposal shall:

(a) Be sealed and delivered to the Authority's Headquarters to the attention of the Executive Director, bearing the private entity's name, address, and the words "Public-Private Partnership Unsolicited Proposal" clearly on the outside; and

(b) Consist of 15 hardcopies and 1 electronic copy.

(5) Unsolicited Informational Meetings.

(a) Private entities may request meetings with the Steering Committee to discuss potential unsolicited proposals prior to submission.

(b) Requests for unsolicited informational meetings shall be submitted to the Steering Committee chair.

(c) The Steering Committee is not required to grant meetings in response to a request.

(d) During unsolicited informational meetings, the Steering Committee may provide informal feedback and comments to the private entity.

(e) The primary purpose of unsolicited informational meetings is to avoid private entities spending unnecessary time and resources on the development of unsolicited proposals that do not directly meet the State's transportation needs.

(f) A formal review and screening of an unsolicited proposal will be undertaken only after a private entity completes the formal submission process.

(6) An unsolicited proposal shall be conceptual, containing only the information required for the Steering Committee to conduct a high-level review and screening of the proposed public-private partnership concept.

(7) An unsolicited proposal shall include, at a minimum, the following:

(a) An executive summary of the major elements of the unsolicited proposal, including:

- (i) The title of the proposed concept;
- (ii) A brief description and justification of the proposed concept;

(iii) The name and address of the public-private partnership private entity; and

(iv) A signature of an individual authorized to act on behalf of and bind the private entity, along with the individual's telephone number and email address;

(b) Summary of the experience, expertise, technical and financial competence, and professional qualifications of the private entity;

(c) A summary narrative that describes:

(i) The key components of the proposed public-private partnership concept;

(ii) Preliminary ideas of public-private partnership scope, schedule, and project lifecycle considerations;

(iii) Preliminary qualitative evaluation of relevant benefits and costs;

(iv) Preliminary description of financial concepts;

(v) The relevance of the public-private concept to other transportation facilities or other public infrastructure assets for which the Authority is responsible; and

(vi) A statement of the public-private partnership concept's consistency with existing governmental transportation planning or project documents and governing law;

(d) A high-level description of financial feasibility that includes:

(i) Amounts and sources of any public funding that may be required;

(ii) How estimated funding from all relevant sources would be sufficient to support all asset delivery activities, including design, property and equipment acquisition, construction, long-term capital replacement activities, financing, operations, and maintenance; and

(iii) How estimated funding from all relevant sources would be sufficient to provide for contingencies to meet the terms and conditions under which the public infrastructure asset shall be handed back to the Authority at the expiration or termination of the public-private partnership agreement;

(e) Rationale for a public-private partnership delivery method relative to a conventional project delivery approach;

(f) A clear indication of any proprietary information that should be protected in accordance with State Finance and Procurement Article, §10A-301(d)(2), Annotated Code of Maryland; and

(g) Additional information, as necessary, to support a high-level screening process, as outlined in Regulation .06C(1) of this chapter.

(8) Unsolicited Proposal Fee.

(a) Each unsolicited proposal that addresses a project already in the Consolidated Transportation Program for which the Authority is responsible shall be accompanied by a check in the amount of \$10,000 made payable to the Maryland Transportation Authority.

(b) Each unsolicited proposal that does not address a project already in the Consolidated Transportation Program and concerns a public infrastructure asset for which the Authority is responsible shall be accompanied by a check in the amount of \$25,000 made payable to the Maryland Transportation Authority.

(c) The Authority reserves the right, in its sole discretion, to determine whether submitted alternates and variations of proposals will be considered separate proposals that require separate proposal fees.

(d) Unsolicited proposal fees are nonrefundable.

.06 Screening Process.

A. The purpose of screening is to assist the Authority in determining the appropriateness, viability, and effectiveness of

delivering a public infrastructure asset for which it is responsible using a public-private partnership methodology.

B. The screening methodology is a means to systematically apply uniform and consistent factors to both internally generated public-private partnership concepts and unsolicited public-private partnership concepts.

C. Two-Phase Screening Process.

(1) High-Level Screening Phase.

(a) Factors to be considered during the high-level screening may include, but are not limited to:

(i) Ability to meet State transportation, socio-economic development, workforce, and environmental goals;

(ii) Technical implementation considerations;

(iii) Potential need for coordination with other State agencies, including but not limited to the Department;

(iv) Opportunities to accelerate asset delivery implementation;

(v) Ability to allocate and share risks in a cost-effective manner that is consistent with State law and in the best interests of the State;

(vi) Opportunities to reduce reliance on public funds or finance, or both;

(vii) Public affordability considerations;

(viii) Potential for increased revenue generation and revenue sharing with the Authority; and

(ix) Potential impact on the workforce, including existing State employee workforce, if any.

(b) For internally generated public-private partnership concepts, the high level screening is conducted based on the Public-Private Partnership Candidate Concept Application and supporting information available from the internal sponsor.

(c) For unsolicited public-private partnership concepts, the high-level screening is conducted based on information provided by the private entity in an unsolicited proposal and any supplementary information available within the Authority.

(d) Based on the findings of the high level screening, the Steering Committee may recommend to the Executive Director that specific public-private partnership concepts be advanced or not be advanced to the detailed-level screening phase.

(e) Based on the findings of the high-level screening and the recommendation of the Steering Committee, the Executive Director may recommend to the Chairman and members of the Authority that specific public-private partnership concepts be advanced or not be advanced to the detailed-level screening phase.

(f) The determination is to be made by the Chairman and members of the Authority to advance or not advance a public-private partnership concept to the detailed-level screening phase.

(g) Within 45 days after receipt of a Public-Private Partnership Candidate Concept Application or an unsolicited proposal, the Steering Committee shall:

(i) Notify the internal sponsor or private entity of the date that the concept will be presented to the Chairman and members of the Authority for the determination of whether the project will be advanced or not advanced to the detailed-level screening phase; or

(ii) Request additional information from the internal sponsor or private entity.

(2) Detailed-Level Screening Phase.

(a) The detailed-level screening phase is more comprehensive than the high-level screening phase.

(b) In addition to the findings of the high-level screening phase, analyses and documentation during the detailed-level screening phase may include some or all of the following categories:

(i) Scope, design concepts, and phasing schedules;

(ii) Compliance with federal and State environmental and transportation planning requirements;

(iii) Technical and financial feasibility analyses;

(iv) Evaluation of operations and maintenance requirements;

(v) Asset lifecycle costs and revenue estimates;

(vi) Risk assessment of key asset delivery elements;

(vii) In the event that a public-private partnership delivery method may have a potential impact on the workforce or existing State employees, a preliminary assessment of the potential impact and potential options for mitigating that impact, including the protections allotted to State employees that are in effect at the time that the P3 agreement is approved by the Board of Public Works; and

(viii) Other analyses to determine the appropriateness, viability, and effectiveness of a public-private partnership delivery method.

(c) The types of analyses and resources committed to a detailed-level screening phase will be determined by the Steering Committee and the Executive Director, on a case-by-case basis.

(d) Based on the findings of the detailed-level screening, the Steering Committee will make recommendations to the Executive Director as to which public-private partnership concepts should be advanced and which should not be advanced to submission of a presolicitation report.

(e) Based on the findings of the detailed-level screening and the recommendation of the Steering Committee, the Executive Director may recommend to the Chairman and members of the Authority that specific public-private partnership concepts be advanced or not be advanced to submission of a presolicitation report.

(f) The determination is to be made by the Chairman and members of the Authority to advance or not advance a public-private partnership concept to submission of a presolicitation report.

(g) Within 45 days after advancement of a public-private partnership concept to the detailed-level screening analysis phase, the Steering Committee shall:

(i) Notify the internal sponsor or private entity of the date that the concept will be presented to the Chairman and members of the Authority for the determination of whether the project will be advanced or not advanced to submission of a presolicitation report; or

(ii) Request additional information from the internal sponsor or private entity.

.07 Presolicitation.

A. Presolicitation Report Development.

(1) The development of a presolicitation report for submission involves a broad range of activities that may run concurrent to the high-level and detailed-level screening phases.

(2) In consultation with the Steering Committee, the Executive Director shall determine:

(a) The tasks required for the development of a presolicitation report; and

(b) The responsible parties within the Authority.

(3) The development of a presolicitation report containing all elements required in State Finance and Procurement Article, §10A-201(b)(1), Annotated Code of Maryland, may entail a variety of tasks, including but not limited to:

(a) Analyses and documentation, including some or all of the following categories:

(i) Scope, design concepts, and phasing schedules;

(ii) Compliance with federal and State environmental and transportation planning requirements;

(iii) Technical and financial feasibility analyses;

(iv) Evaluation of operations and maintenance requirements;

(v) Asset lifecycle costs and revenue estimates;

(vi) Risk assessment of key asset delivery elements;
 (vii) Other analyses determined to be necessary to determine the appropriateness, viability, and effectiveness of a public-private partnership delivery method; and

(viii) In the event that a public-private partnership delivery method may have a potential impact on existing State employees, an analysis of the potential impact and potential options for mitigating that impact;

(b) Issuing public requests for information to obtain additional information that may help the Authority confirm or refine key assumptions; and

(c) Organizing public industry forums to obtain additional information that may help the Authority confirm or refine key assumptions.

(4) If it is determined that the proposed public-private partnership delivery method will impact existing State employees, the Authority shall arrange for meetings between the Executive Director, or the Executive Director's designee, and representatives of the affected bargaining units, if any, for a preliminary discussion of potential impact and potential options for mitigating the impact.

B. The Authority may not issue a public notice of solicitation for a public-private partnership until:

(1) The Chairman and members of the Authority approve the presolicitation notice;

(2) A presolicitation report concerning the proposed public-private partnership is submitted to the budget committees and the Department of Legislative Services in accordance with State Finance and Procurement Article, §10A-201(a), Annotated Code of Maryland, that contains the information required by State Finance and Procurement Article, §10A-201(b)(1), Annotated Code of Maryland; and

(3) The Authority has sought and received:

(a) The official designation of the Board of Public Works of the public infrastructure asset as a public-private partnership; and

(b) The approval of the Board of Public Works of the method of solicitation.

.08 Solicitation Process.

A. General.

(1) The solicitation process for public-private partnerships shall be competitive, regardless of whether the public-private partnership concept originated internally within the Authority or from an unsolicited proposal.

(2) For each private entity that responds to a public notice of solicitation, the Authority shall make a responsibility determination in accordance with State Finance and Procurement, §10A-202(c), Annotated Code of Maryland.

B. Solicitations Relating to Concepts Described in Unsolicited Proposals.

(1) The competitive solicitation process shall protect any proprietary information that is identified as such and included in the unsolicited proposal in accordance with State Finance and Procurement, §10A-301(d)(2), Annotated Code of Maryland.

(2) An individual or firm that has submitted an unsolicited proposal may participate in any subsequent competitive solicitation process, in accordance with State Finance and Procurement, §10A-301(e), Annotated Code of Maryland.

(3) The private entity shall be responsive to all components of the subsequent competitive solicitation process even if certain information requested by the subsequent competitive solicitation process has already been submitted as part of the private entity's unsolicited proposal.

(4) The Authority reserves the right to issue a public notice of solicitation relating to a concept described in an unsolicited proposal

after the rejection or termination of the evaluation of the unsolicited proposal or any competing proposals.

C. Multistep Solicitation Process.

(1) The Authority may use a multistep solicitation process that includes, but is not limited to, some or all of the following steps:

(a) Issuance of a request for qualifications;

(b) Preproposal conference;

(c) Issuance of a draft request for proposals;

(d) Industry review meetings; and

(e) Issuance of a final request for proposals.

(2) The determination to use some or all of the solicitation steps will be on a case-by-case basis.

(3) The Authority may include additional solicitation steps on a case-by-case basis as set forth in the public notice of solicitation.

(4) Request for Qualifications.

(a) The purpose of a request for qualifications is to:

(i) Identify private entities that qualify as participants in the solicitation process; and

(ii) Identify a shortlist of the highest qualified candidates for continuing in the solicitation process, which are the shortlisted private entities.

(b) Based on the responses to the request for qualifications, the Authority may:

(i) Identify one or more private entities as qualified; and

(ii) Develop a shortlist of one or more of the highest qualified candidates for continuing in the solicitation process, which are the shortlisted private entities.

(c) Only candidates that have been selected to continue in the solicitation process as shortlisted private entities are eligible to:

(i) Participate in industry review meetings;

(ii) Receive drafts of the request for proposals;

(iii) Submit comments on drafts of the request for proposals;

(iv) Receive the final request for proposals; and

(v) Submit a written proposal in response to the final request for proposals.

(5) Preproposal Conference.

(a) The purpose of a preproposal conference is to facilitate better understanding of solicitation requirements and processes.

(b) A preproposal conference may be scheduled by the Authority after the initial public notice of solicitation for a public-private partnership.

(c) Preproposal conferences are open to all interested private entities.

(6) Draft Request for Proposals.

(a) As part of a multistep solicitation process, the Authority may issue one or more draft requests for proposals to shortlisted private entities.

(b) Draft requests for proposals may include, but are not limited to:

(i) Instructions to private entities for responding to the request for proposals;

(ii) Technical provisions;

(iii) Scope of work; and

(iv) Public-private partnership agreement key terms and components.

(c) Only shortlisted private entities may submit written or verbal comments and questions concerning the draft request for proposals to the Authority to the extent permitted by the solicitation process.

(d) The Authority may use comments and questions from shortlisted private entities for subsequent revisions to the draft request for proposals.

(7) *Industry Review Meetings.*

(a) *The Authority may conduct industry review meetings as part of a multistep solicitation process.*

(b) *The purpose of industry review meetings is to:*

(i) *Obtain comments and make revisions to the draft request for proposals;*

(ii) *Obtain the best value for the State;*

(iii) *Facilitate the full understanding regarding the requirements of the State for the public-private partnership concept;*

(iv) *Facilitate the full understanding of the contents of the proposals required to be submitted by shortlisted private entities; and*

(v) *Finalize the requirements for the request for proposals.*

(c) *Agreement negotiations may not be conducted during industry review meetings.*

(d) *Industry review meetings are restricted to candidates that have been selected to continue in the solicitation process as shortlisted private entities.*

(e) *Industry review meetings may be:*

(i) *Joint workshops with all shortlisted private entities invited to participate; or*

(ii) *One-on-one meetings between the Authority and individual shortlisted private entities.*

(f) *The Authority may use comments and questions obtained from shortlisted private entities through industry review meetings for subsequent revisions to the draft request for proposals.*

(8) *Final Request for Proposals.*

(a) *In a solicitation process involving a request for qualifications phase, a final request for proposals shall be issued to shortlisted private entities selected to continue in the solicitation process.*

(b) *The contents of the final request for proposals may be based on information gathered during earlier solicitation phases, including but not limited to:*

(i) *Preproposal conference;*

(ii) *Request for qualifications; and*

(iii) *Industry review meetings.*

(c) *The Authority may issue a final request for proposals without previously:*

(i) *Issuing a request for qualifications;*

(ii) *Issuing a draft request for proposals; or*

(iii) *Conducting industry review meetings.*

(9) *Information Availability During Solicitation.*

(a) *The Authority may make relevant technical and financial information available to private entities through an electronic data room.*

(b) *The Authority may respond to relevant additional information requests by private entities in support of due diligence reviews, including requests for site inspections.*

(c) *Information or site access provided to individual private entities pursuant to an additional information request shall also be made available to all other interested private entities if a shortlist of qualified private entities has not yet been established.*

(d) *Information or site access provided to individual shortlisted private entities pursuant to an additional information request shall also be made available to all other shortlisted private entities if a shortlist of qualified private entities has been established.*

(e) *Private entities may be required to sign confidentiality agreements prior to release of information deemed confidential.*

D. Reimbursement.

(1) *The Authority may reimburse a private entity in accordance with State Finance and Procurement Article, §10A-202(f), Annotated Code of Maryland.*

(2) *If the Authority elects to reimburse a private entity, the specific terms, conditions, method, and timing for reimbursing a*

private entity will be described in the public notice of solicitation associated with the specific public-private partnership.

(3) *The reimbursement terms and conditions may include the requirement for the private entity to execute a stipend agreement and to transfer rights to use the work product produced by the private entity during the solicitation process to the Authority as a condition to receiving reimbursement.*

(4) *The Authority will only consider reimbursement for shortlisted private entities.*

(5) **Maximum Reimbursement Amount.**

(a) *The Authority may not provide a reimbursement in excess of \$3,000,000 to an individual private entity for costs incurred in response to the solicitation of a public-private partnership.*

(b) *The Authority may establish a reimbursement less than the maximum prescribed in §D(5)(a) of this regulation on a case-by-case basis.*

(6) *Except as set forth in the solicitation documents, should the solicitation process or negotiations be suspended, discontinued, or terminated, the private entity shall have no rights of recourse, including reimbursement of the private entity's unsolicited proposal review fees or costs associated, directly or indirectly, with the solicited or unsolicited proposal developments.*

E. Reservation of Rights.

(1) *The Authority reserves all rights available by law and in equity in its public-private partnership solicitation process, including without limitation the right to:*

(a) *Reject any and all submittals, responses, qualifications, and proposals, whether solicited or unsolicited, at any time or for any reason;*

(b) *Issue addenda, supplements, and modifications to a public notice of solicitation;*

(c) *Cancel a solicitation in whole or in part at any time prior to the execution of a public-private partnership agreement, subject to any agreed upon compensation to proposers set forth in the solicitation documents or pursuant to State Finance and Procurement Article, §10A-202(f), Annotated Code of Maryland;*

(d) *Issue a new public notice of solicitation after withdrawal of a public notice of solicitation;*

(e) *Establish protocols for private entities to remedy minor deficiencies in responses to requests for qualifications or proposals within a specified period of time;*

(f) *Disqualify any private entity at any point during a solicitation process for violating any rules or requirements of the solicitation set forth in the public notice of solicitation, in any communication from the Authority, or as otherwise set forth by applicable law;*

(g) *Determine whether to pursue federal credit assistance on behalf of the private entities;*

(h) *Publically disclose information received during the solicitation process as governed by law and by the public notice of solicitation, pursuant to State Finance and Procurement, §10A-203(b), Annotated Code of Maryland;*

(i) *Exercise any other rights reserved or afforded to the Authority under applicable law and the public notice of solicitation; and*

(j) *Disqualify any private entity for any conflict of interest or other conduct manifesting a lack of responsibility.*

(2) *Additional reservations of the Authority's rights may be included in the solicitation documents for a public-private partnership.*

.09 Evaluation, Negotiation, and Award.

A. Evaluation of Submitted Responses.

(1) *The Authority will conduct evaluations of submitted responses to requests for qualifications and submitted proposals using the information submitted by the private entity.*

(2) Submitted information will be evaluated against the requirements of the solicitation and the evaluation criteria that the Authority specifies in the solicitation for the particular public-private partnership opportunity;

(3) The objective of this evaluation process is to select the private entity that provides the best value solution for the State;

(4) The Authority's evaluation criteria shall be clearly set forth in each request for solicitation; and

(5) A failure to provide all requested information may result in the Authority eliminating a response or proposal from further consideration.

B. The processes for evaluating submitted responses to requests for qualifications and for evaluating submitted proposals will be described and submitted to the Board of Public Works as part of the presolicitation process the Board of Public Works is being asked to approve.

C. The Executive Director shall establish one or more evaluation committees on a case-by-case basis that may:

(1) Be composed of:

- (a) Authority employees;
- (b) Department employees; and
- (c) Other State employees;

(2) Review statements of qualifications;

(3) Review proposals; and

(4) Seek advice from the Authority, the Department, other State agencies and State employees, and outside experts and consultants during the evaluation process.

D. Best and Final Offers.

(1) After the evaluation of all responsive proposals, the Executive Director may request best and final offers from private entities determined by the evaluation committees to be eligible to submit best and final offers.

(2) The Executive Director may request multiple iterations of best and final offers.

(3) A best and final offer process is not required.

E. After an apparent best value private entity has been selected by the evaluation committees, in consultation with the Chairman and members of the Authority, the Executive Director may enter into negotiations with that private entity.

F. The Executive Director may determine that negotiations be completed by a negotiations committee either composed of members of the evaluation committees or established separately from the evaluation committee that may:

(1) Be composed of:

- (a) Authority employees;
- (b) Department employees; and
- (c) Other State employees;

(2) Review the apparent best value private entity's response to the request for proposals;

(3) Review the apparent best value private entity's best and final offer, if any; and

(4) Receive assistance from outside experts and consultants during the evaluation process.

G. The Authority, in its sole discretion, may initiate negotiations with a private entity other than the apparent best value private entity if:

(1) Negotiations with the apparent best value private entity are unsuccessful; or

(2) The apparent best value private entity does not provide sufficient information or timely feedback to finalize the agreement in accordance with the Authority's schedule for the public-private partnership solicitation.

H. After completion of successful negotiations, the negotiations committee shall recommend a best value private entity to the Chairman and members of the Authority for review and approval.

I. After the Chairman and members of the Authority provide approval of the best value private entity, the Authority shall:

(1) Finalize and prepare the public-private partnership agreement for execution, in coordination with the best value private entity;

(2) Commence the final agreement review process in accordance with State Finance and Procurement, §10A-203, Annotated Code of Maryland; and

(3) Arrange for meetings between the Executive Director or their designee and appropriate bargaining unit representatives to provide notice and discuss plans for impacted State employees, in the event that the proposed public-private partnership delivery method has an impact on existing State employees.

J. Final Agreement Review.

(1) The Executive Director shall comply with the final agreement review process established in State Finance and Procurement, §10A-203, Annotated Code of Maryland.

(2) A final agreement report shall accompany a final agreement submitted under State Finance and Procurement, §10A-203, Annotated Code of Maryland, containing the following items, if relevant:

(a) The financial plan, including annual cash flows, for any public-private partnership including:

- (i) State contributions;
- (ii) Federal loans or credit assistance;
- (iii) Private investments;
- (iv) Local contributions; and
- (v) Other funding contributions;

(b) The ongoing financial costs and increases associated with any operating and maintenance contracts;

(c) The impact any public-private partnership agreement may have on the Authority's debt affordability measures;

(d) The authority a private entity may have to recover its investment through tolls or other fees, including how future increases in tolls or other fees may increase;

(e) An analysis of why the proposed agreement is more advantageous than a conventional project delivery;

(f) A description, including the estimated value, of any land, buildings, or other structures or assets that are transferred or exchanged with a private entity as part of the public-private partnership;

(g) A summary of the performance measures included in the ongoing operation of the public-private partnership;

(h) A summary of the penalties associated with nonperformance relating to the ongoing maintenance and operation; and

(i) A plan for how the long-term operating and maintenance contract will be overseen by the Authority.

.10 Delivery.

Procedures for Public-Private Partnership Agreements. In the development of a public-private partnership agreement, the Authority shall comply with the provisions established in State Finance and Procurement Article, §10A-401, Annotated Code of Maryland.

BRUCE W. GARTNER
Executive Director

**Subtitle 07 MARYLAND
TRANSPORTATION AUTHORITY**

11.07.07 Electronic Toll Collection and Toll Violation Enforcement

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

Notice of Proposed Action

[15-233-P]

The Executive Director of the Maryland Transportation Authority proposes to amend Regulations **.02, .04, .06, .08, and .09** under **COMAR 11.07.07 Electronic Toll Collection and Toll Violation Enforcement**.

This action was considered by the Chairman and Members of the Maryland Transportation Authority (MDTA) Board of Directors at an open meeting held on May 28, 2015, notice of which was published pursuant to General Provisions Article, §3-301, Annotated Code of Maryland. Final action on these proposed regulations will be open to the public. Notice of the meeting will be placed on the MDTA website (www.mdtamaryland.gov) and will be announced through publication in the Maryland Register, pursuant to General Provisions Article, §3-301, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to make definitions consistent with statute, correct a reference error, and detail business practices in compliance with H.B. 1241, Ch. 122, Acts of 2015.

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 Patrick A. Fleming, Manager of Government Relations, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1089, or email to pfleming2@mdta.maryland.gov, or fax to 410-537-5653. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (13) (text unchanged)

(14) “Pay” means the Authority receives [the] payment [of a toll] by:

(a) — (c) (text unchanged)

(15) “Person alleged to be liable” [means:

(a) The registered owner of a motor vehicle involved in a video toll transaction; or

(b) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with Transportation Article, §21-1414, Annotated Code of Maryland and this chapter] *has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.*

(16) — (17) (text unchanged)

(18) “Registered owner” [means, with respect to a vehicle, the person or persons designated as the registered owner in the records of the state agency that is responsible for vehicle registration] *has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.*

(19) — (22) (text unchanged)

(23) “Toll violation” means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due and as otherwise provided in a response from the [MDTA] Authority regarding a denial of a transfer of liability.

(24) — (27) (text unchanged)

(28) “Video toll” [means the amount assessed by the Authority when a video toll transaction occurs] *has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.*

(29) “Video toll transaction” [means any transaction in which a vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system] *has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.*

.04 Terms and Conditions for E-ZPass Account Holders.

A. — F. (text unchanged)

G. Speed Violations — Procedures.

(1) A speed violation notice [shall] *may* be sent per E-ZPass account for E-ZPass private [accounts] and [per transponder for E-ZPass] business accounts.

(2) Notice of Warning for a Speed Violation. A warning notice [shall] *may* be sent for the first speed violation in a toll lane and the notice shall include the consequences for receiving a second violation.

(3) Notice of E-ZPass Account Suspension for a Speed Violation.

(a) (text unchanged)

(b) An E-ZPass account suspension notice [shall] *may* be sent for a second speed violation in a toll lane occurring within 180 days of the first speed violation for which notice has been given by the Authority.

(c) — (d) (text unchanged)

(4) Notice of E-ZPass Account Closure for a Speed Violation.

(a) An E-ZPass account closure notice [shall] *may* be sent for the third speed violation in a toll lane occurring within 180 days of the first speed violation for which notice has been given by the Authority.

(b) — (c) (text unchanged)

(5) The Authority may issue speed violation notices by *email or first class U.S. mail.*

.06 Video Toll Transactions.

A. Notice of Toll Due (NOTD).

(1) The Authority shall send the person alleged to be liable that was involved in a video toll transaction a NOTD containing:

(a) — (h) (text unchanged)

(i) A warning that failure to pay the video toll, request a transfer of liability in the manner and time prescribed, or the late payment of the video toll, will result in a Toll Violation [with issuance of] *subject to* a citation and a civil penalty, in the amount set forth in Regulation .09 of this chapter, and that continued failure to pay may lead to refusal or suspension of the motor vehicle registration and referral to the CCU;

(j) — (k) (text unchanged)

(2) Except as provided in §B of this regulation, the person alleged to be liable [for the video toll transaction shall pay the amount due within] *who receives a NOTD shall have at least 30 days to pay the video toll* from the mailing date of the NOTD.

(3) Except as provided for in §B of this regulation, failure of the person alleged to be liable to pay the video toll by the NOTD payment due date shall constitute a toll violation subject to a citation and a civil penalty, in the amount set forth in Regulation .09 of this chapter.

(4) (text unchanged)

B. Transfer of Liability.

(1) (text unchanged)

(2) The Authority [shall] *must* receive the request for a transfer of liability, including all supporting documentation by the NOTD payment due date.

(3) If the Authority does not receive payment of the video toll or a request for a transfer of liability by the NOTD payment due date, a toll violation [shall] *will* result [and the Authority shall issue] *subject to issuance of a citation [for a toll violation] and a civil penalty* as set forth in Regulation .07 of this chapter.

(4) — (5) (text unchanged)

(6) If the Authority denies the request for transfer of liability as described in this regulation:

(a) The person alleged to be liable [shall] *will* receive a determination of a request for transfer of liability from the Authority indicating it is denied;

(b) (text unchanged)

(c) If payment is not received in accordance with §B(6)(b) of this regulation, a toll violation will result with a date relating back to the day after the original NOTD payment due date [and the Authority shall issue] *subject to a citation and a civil penalty* for a toll violation as set forth in Regulation .07 of this chapter.

.08 [Collection and Suspension] Collection, Suspension, and Waiver.

A. Notice of Referral to the MVA for Refusal.

(1) The Authority may send to the registered vehicle owner in Maryland or any state with which the Authority has entered into a reciprocal agreement in accordance with Transportation Article, §21-1415, Annotated Code of Maryland, a past due notice indicating that failure to pay will result in refusal of the vehicle registration for any vehicle incurring at least one unpaid final toll violation, under the provisions of Transportation Article, §27-110, Annotated Code of Maryland.

(a) If [full payment is] *payment of all outstanding video tolls or civil penalties* is not received by the Authority within 15 days of the mailing date on the past due notice, the Authority shall notify the MVA to refuse to renew or transfer the vehicle registration in accordance with COMAR 11.15.28.03.

(b) The Authority shall notify the [MVA to permit the renewal or transfer of the vehicle registration] *MVA*:

(i) [When payment is made in full for any outstanding unpaid final toll violations, including those that may have occurred after the referral to MVA, whether collection is being sought through the CCU or directly at the Authority and payment is made to the MVA in accordance with §A(2)(e) of this regulation] *Within 3 business days, to permit the renewal or transfer of the vehicle registration when no outstanding video tolls or civil penalties exist for any final toll violations, including those that may have occurred after the referral to MVA, when the Authority receives payment directly or is notified by CCU of payment; or*

(ii) [If amounts have been referred to the CCU, the registered owner of the vehicle enters into a confessed judgment with the CCU to pay the amount due to the Authority and payment is made to the MVA in accordance with §A(2)(e) of this regulation] *Within 3 business days, to permit the renewal or transfer of the vehicle registration if amounts have been referred to CCU, and the registered owner of the vehicle enters into a confessed judgment with*

the CCU to pay the amount due to the Authority and the Authority is notified by CCU of the confessed judgment.

(c) (text unchanged)

(2) (text unchanged)

[3) Additional unpaid final toll violations that accrue after the final toll violation that leads to referral to MVA shall be added to the total amount due and are to be paid in accordance with §A(1)(b) of this regulation.]

(3) Additional unpaid final toll violations that accrue after the final toll violation that lead to referral to MVA shall be added to the total amount due and are to be paid in accordance with §A(1)(a) of this regulation.

B. Notice of Referral to the MVA for Suspension.

(1) The Authority may send to the registered owner in Maryland or any state with which the Authority has entered into reciprocal agreement in accordance with Transportation Article, §21-1415, Annotated Code of Maryland, a past due notice for any vehicle incurring at least \$1,000 in unpaid final toll violations, under the provisions of Transportation Article, §27-110, Annotated Code of Maryland, indicating that failure to pay will result in referral to the MVA for suspension of the vehicle registration.

(a) (text unchanged)

(b) If [full payment is] *payment of all outstanding video tolls or civil penalties* is not received by the Authority within 15 days of the mailing date on the past due notice, the Authority shall notify the MVA to suspend the vehicle registration in accordance with COMAR 11.15.28.04.

(c) The Authority shall notify the MVA [to lift suspension of the vehicle registration]:

(i) [When payment is made in full for any outstanding unpaid final toll violations, including those that may have occurred after the referral to MVA, whether collection is being sought through the CCU or directly at the Authority and payment is made to the MVA in accordance with §B(2)(e) of this regulation] *Within 3 business days, to lift suspension of the vehicle registration when no outstanding video tolls or civil penalties exist for any final video toll violations, including those that may have occurred after the referral to MVA, when the Authority receives payment directly or is notified by CCU of payment; or*

(ii) [If amounts have been referred to CCU, the registered owner of the vehicle enters into a confessed judgment with CCU to pay the amount due to the Authority and payment is made to the MVA in accordance with §B(2)(e) of this regulation.] *Within 3 business days, to lift suspension of the vehicle registration if amounts have been referred to CCU, and the registered owner of the vehicle enters into a confessed judgment with CCU to pay the amount due to the Authority and the Authority is notified by CCU of the confessed judgment.*

(d) (text unchanged)

(2) (text unchanged)

[3) Additional unpaid final toll violations that accrue after the referral to MVA shall be added to the total amount due and are to be paid in accordance with §B(1)(c) of this regulation.]

(3) Additional unpaid final toll violations that accrue after the referral to MVA shall be added to the total amount due and are to be paid in accordance with §B(1)(b) of this regulation.

C. Final Notice — Referral to the CCU.

(1) The Authority may send to a person that has incurred unpaid final toll violations that total the amount established by the CCU, a final notice of possible referral to the CCU. The CCU shall act as the authorized agent for any civil action instituted for the collection of unpaid Final Toll Violations pursuant to Transportation Article, §21-1414(d)(6)(i), Annotated Code of Maryland.

(a) (text unchanged)

(b) If [full payment is] *payment of all outstanding video tolls or civil penalties* is not received by the Authority within 15 days of the mailing date on the final notice to avoid referral to the CCU, the Authority will refer those final toll violations to the CCU.

(2) — (4) (text unchanged)

D. Waiver of Tolls and Civil Penalties.

(1) *Notwithstanding any provision of the electronic toll collection process as set forth in this chapter, until the Authority refers the debt to the CCU, the Authority may waive any portion of the video toll due or civil penalty assessed under Transportation Article, §21-1414, Annotated Code of Maryland.*

(2) *A person alleged to be liable who receives an NOTD or citation may request a waiver of any portion of the video toll due and the civil penalty.*

(3) *The person alleged to be liable shall provide documentation to the Authority to support the person's request for the waiver.*

(4) *Waivers may be granted based upon, but not limited to, the following:*

(a) *Notice related issues, including, but not limited to, receipt or processing and handling delays;*

(b) *Extended absences of the person alleged to be liable, including, but not limited to, hospitalization, incarceration, and long-term out-of-State travel;*

(c) *License plate issues, including but not limited to, theft, fraud, or lost plates;*

(d) *Emergency traffic diversion onto a toll collection facility; and*

(e) *Payment error, including, but not limited to, referencing an incorrect payee, providing an incorrect payment amount, and using an incorrect mailing address for payment to the Authority.*

(5) *Additional information related to waivers is maintained by the Authority on its website.*

.09 Fees.

A. (text unchanged)

B. Fees established by the Authority are as follows[.]:

(1) — (4) (text unchanged)

BRUCE W. GARTNER
Executive Director

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.01 2 + 2 Transfer Scholarship Program

Authority: Education Article, §§11-105(u) and 18-204(c) [[and Title 18, Subtitle 25; State Government Article, Title 10, Subtitle 2;]], Annotated Code of Maryland

Notice of Proposed Action
[15-012-R]

The Maryland Higher Education Commission proposes to adopt new Regulations **.01 —.10** under **COMAR 13B.08.01 2 + 2 Transfer Scholarship Program**, under a new subtitle, **Subtitle 08 Financial Aid**. Since substantive changes have been made to the original proposal as published in 42:1 Md. R. 91—93 (January 9, 2015), this action is being repropose at this time.

This action was considered by the Commission at an open meeting held on May 27, 2015, notice of which was given as required by General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement the 2 + 2 Transfer Scholarship Program established under Education Article, §18-2501, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Arial Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.01 Purpose. (originally proposed text unchanged)

.02 Eligibility. (originally proposed text unchanged)

.03 Application Procedures.

A. (originally proposed text unchanged)

B. *Students applying for the 2+2 Transfer Scholarship shall provide:*

(1)—(2) (originally proposed text unchanged)

(3) [[[An]]] **A current official** [[[college]]] **transcript from a community college in the State reflecting** [[[that the applicant has earned an associate's degree from a community college in the State]]] **the applicant's grade point average;** [[[and]]]

(4) Upon graduation, an official transcript from a community college in the State reflecting that an Associate's Degree has been conferred; and

[[[(4)]]] **(5) Documentation the student has registered with the Selective Service System, if applicable.**

C. (originally proposed text unchanged)

D. *Each student shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, to sign an authorization for the release of information to OSFA for the purpose of administering this program. The student's failure or refusal to provide requested*

information or a signed release may result in a determination of ineligibility[[[.]]] **and** the cancellation of an award[[[, and the denial of a request for the deferment or waiver of a service obligation]]].

.04 Award Amount. (originally proposed text unchanged)

.05 Selections of Recipients and Award Notification. (originally proposed text unchanged)

.06 Verification and Payment. (originally proposed text unchanged)

.07 Renewal and Continuation. (originally proposed text unchanged)

.08 Nonrenewal of Award. (originally proposed text unchanged)

.09 Appeals.

A. Basis of Appeal. An appeal may [[[only]]] be filed **only** on the basis of:

(1) Failure to maintain full-time enrollment; [[[or]]]

(2) Failure to maintain a 2.5 cumulative grade point average[[[.]]]; **and**

(3) Changed financial circumstances.

B. (originally proposed text unchanged)

C. Appeal Based on Grade Point Average.

(1) If a student fails to meet **the** grade point average requirement, the student may appeal on the basis of:

(a)—(e) (originally proposed text unchanged)

(2) (originally proposed text unchanged)

(3) The student's appeal shall be supported by documentation from an appropriate professional, such as a treating physician, psychologist, or health professional, sufficient to substantiate the student's claim.

D. Appeal Based on Changed Financial Circumstances.

(1) A student may appeal if the student's financial circumstances change, after the filing of the student's application under Regulation .03, as a result of one of the following reasons:

(a) The student's parent or spouse dies;

(b) The student or the student's parents' divorce or separate;

(c) The student, student's parent (if dependent), or student's spouse (if independent) as defined by FAFSA becomes involuntarily unemployed for at least 10 consecutive weeks in the current year; or

(d) The student or the student's parent(s) loses, as a result of the student reaching the age of majority, benefits from Social Security, AFDC, or child support.

(2) The student's appeal shall be supported by appropriate documentation sufficient to substantiate the student's claim, including, but not limited to, copies of:

(a) A death certificate;

(b) A divorce decree or separation agreement;

(c) A notice of job termination or layoff;

(d) Federal tax transcript or W-2; and

(e) A copy of a termination notice of unemployment benefits.

(3) If OSFA sustains a student's appeal, OSFA shall provide the following relief:

(a) If the appeal was based on the death of the student's parent or spouse, OSFA shall adjust the student's FASFA income information to exclude the income of the deceased;

(b) If the appeal was based on the student or the student's parents' divorce or separation, OSFA shall adjust the student's FASFA income information to exclude the income of the affected parent or spouse;

(c) If the appeal was based on the student, student's parent (if dependent), or student's spouse (if independent) becoming involuntarily unemployed for at least 10 consecutive weeks in the current year, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year; and

(d) If the appeal was based on the student or the student's parent losing, as a result of the student reaching the age of majority, benefits from Social Security, TNAF, or child support, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year.

[[[D.]]] **E.** (originally proposed text unchanged)

.10 Funding. (originally proposed text unchanged)

JENNIE C. HUNTER-CEVERA, Ph.D.
Acting Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.02 Janet L. Hoffman Loan Assistance Repayment Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-1503, Annotated Code of Maryland

Notice of Proposed Action

[15-239-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—,12 under a new chapter, COMAR 13B.08.02 Janet L. Hoffman Loan Assistance Repayment Program, under a new subtitle, Subtitle 08 Financial Aid. This action was considered by the Commission at an open meeting held on May 27, 2015, notice of which was given as required by General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement the Janet L. Hoffman Loan Assistance Repayment Program under Education Article, §18-502 et seq., Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Janet L. Hoffman Loan Assistance Repayment Program (Hoffman LARP) is to attract qualified individuals to fields of employment in government and the nonprofit sector, particularly

those in which there are critical manpower shortages in the State and lower salaries than in the private sector, by providing State assistance in the repayment of educational loans.

.02 Eligibility.

A. To be eligible for assistance under the Hoffman LARP, an applicant:

(1) Shall possess:

(a) An undergraduate, graduate, or professional degree from a college or university located in Maryland;

(b) A law degree from any school of law; or

(c) A resident teacher certificate from the Maryland State Department of Education after completing an alternative teaching preparation program approved by the State Superintendent of Education;

(2) Shall have obtained employment with the State (not including employment as a judicial clerk in any court), a local government, or an organization, institution, association, society, or corporation that is tax exempt under 501(c)3 or (4) of the Internal Revenue Code of 1986;

(3) May not be in default on any higher education loan;

(4) Shall have a higher education loan for undergraduate, graduate, professional, or resident teacher certificate study obtained for tuition, educational expenses, or living expenses from a college, university, government, or commercial source; and

(5) Shall meet annual income requirements as established by the Office of Student Financial Assistance.

B. In addition to the eligibility requirements in Regulation .02A, an applicant for a Nancy Grasmick Teacher Award shall have:

(1) Taught in a public school in the State for at least 2 years:

(a) In science, technology, engineering, or math; or

(b) In a school in which at least 75 percent of the students are enrolled in the free and reduced lunch program; and

(2) Received the highest performance evaluation rating possible for the most recent year.

C. In addition to the eligibility requirements in Regulation .02A, an applicant employed as a Licensed Clinical Counselor shall work in a high-need geographic area of the State, as determined by the Department of Health and Mental Hygiene, in one of the following fields:

(1) Licensed Clinical Alcohol and Drug Counselor;

(2) Licensed Clinical Marriage and Family Therapy Counselors; or

(3) Licensed Clinical Professional Counselor.

.03 Application Procedures.

A. To be considered for the Hoffman LARP, an applicant shall provide:

(1) A completed application;

(2) A copy of the applicant's Maryland tax return for the most recent available year or, if not filed with the State, a copy of the applicant's most recent federal return. If the applicant has not filed, they shall submit verification from the IRS confirming nonfiling status;

(3) Proof of graduation from a college or university in Maryland, a school of law, or completion of a resident teacher certificate, as appropriate;

(4) A statement from an eligible employer confirming the nature of the job, length of employment, full-time status, and annual salary; and

(5) Current repayment data on all education loans.

B. Except as provided in §C of this regulation, applications shall be received between July 1 and September 30 of each year.

C. Applications from law school students shall be received between July 1 and December 1 of each year.

D. Each student shall agree to provide any information or documentation requested by the Office of Student Financial Assistance (OSFA) for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. The student's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, the cancellation of an award, and the denial of a request for the deferment or waiver of a repayment obligation.

.04 Selection of Recipients.

A. Recipients will receive an award depending upon their level of debt for a 3-year period.

B. Award funds are distributed in annual amounts as long as the recipient remains eligible and continues to submit required annual employment, lender, and tax documentation.

C. Priority for participation in the program will be given to an individual who:

(1) Graduated from an institution of higher education in the last 3 years;

(2) Is a resident of Maryland;

(3) Is employed on a full-time basis; and

(4) As the principal part of the individual's employment, provides legal services to low-income residents in the State who cannot afford legal services, provides nursing services in nursing shortage areas in the State as defined in Education Article, §18-802, Annotated Code of Maryland, or provides other services in an eligible field of employment in which there is a shortage of qualified practitioners to low-income or underserved residents or areas of the State, or qualifies for a Nancy Grasmick Teacher Award.

D. Priority fields of employment are:

(1) Legal services;

(2) Nursing services;

(3) Teachers who qualify for a Nancy Grasmick Teacher Award; and

(4) Other fields of employment in which there is a shortage of qualified practitioners providing services to low-income or underserved residents or areas of the State as identified by the Office of Student Financial Assistance using appropriate workforce shortage data.

E. No more than 50 percent of the awards under the Hoffman LARP may be awarded to Nancy Grasmick Teacher Scholars.

.05 Awarding Procedures.

A. Eligible applicants employed in priority fields shall be grouped according to the field and the number of awards will be proportionally distributed among priority fields.

B. Within priority fields, individuals shall be ranked according to graduation date, with the most recent graduation date receiving the highest priority, and then application completion date, with the earliest application completion date receiving the highest priority.

C. Under circumstances in which individuals have identical graduation dates and application completion dates, applicants shall be ranked according to income, with the lowest income receiving the highest priority.

D. The top 50 percent of applicants, determined by the priority rankings, shall receive an award for 3 years and the remaining applicants shall receive an award for 1 year but may reapply annually for 2 additional years.

E. Except as provided in Regulation .03F of this chapter, award decisions shall be announced in December of each year.

F. Award decisions for law school students shall be announced in mid-January of each year.

G. The Office of Student Financial Assistance has the authority to verify information concerning applicants and recipients for the purpose of administering this program.

.06 Award Calculation.

A. Awards shall be determined by an applicant's overall reported debt at the time of the application as follows:

Total Debt	Overall Award Limit	Yearly Payment
\$75,001 — over	\$30,000	\$10,000
\$40,001 — \$75,000	\$18,000	\$6,000
\$15,001 — \$40,000	\$9,000	\$3,000
\$15,000 — below	\$4,500*	\$1,500

* Payment amount cannot exceed total debt; amount will be adjusted.

B. Recipients shall lock in to an award level that contains set award amounts for each year the recipient continues to remain eligible.

C. Payments vary for each award level.

D. One-time 1-year only award amounts shall be equivalent to the yearly payment for the overall debt range for the applicant.

.07 Obligation of Award Recipients.

A. A recipient shall furnish the Office of Student Financial Assistance (OSFA) with written acceptance of the award and sign a promissory note and service obligation agreement with OSFA.

B. The promissory note and service obligation agreement shall include:

- (1) The obligations of the recipient;
- (2) The total and annual amounts of the award;
- (3) Penalties for breach of contract;
- (4) Circumstances under which the obligation may be canceled, suspended, or waived; and
- (5) Any other terms the Secretary considers necessary.

C. A recipient shall:

- (1) Verify eligible employment and salary level initially, after 6 months, and at the end of each year in the program;
- (2) Verify the current status on all education loans each year in the program;
- (3) Submit a copy of their Maryland tax returns for any year during which an award is received, and a copy of their federal return if requested; and
- (4) Notify OSFA and their lending institutions of any change in employment status and/or salary level.

.08 Payment.

A. Recipients of the Hoffman LARP are eligible to receive a monthly or annual payment.

B. A recipient is eligible for the monthly loan repayment option under the following conditions and provisions:

- (1) The recipient applies to a federal loan forgiveness program;
- (2) The recipient notifies the Office of Student Financial Assistance (OSFA), in writing with accompanying documentation, each year by the designated deadline;
- (3) OSFA shall verify the recipient's employment and lender verification;
- (4) OSFA shall issue a monthly check co-payable to the student and the lender not to exceed 12 payments;
- (5) Every attempt will be made to issue the check on or before the student's monthly due date as assigned by their lender;
- (6) The student's monthly payment amount shall be a portion of the total annual award amount awarded to the student; and
- (7) The student shall pay any amount owed the lender which is not covered by the monthly payment amount.

C. A recipient who is not in a federal loan forgiveness program or a recipient that applies to a federal loan forgiveness program and declines to receive a monthly repayment option shall receive an

annual loan repayment under the following conditions and provisions:

- (1) OSFA shall verify the recipient's employment and lender verification;
- (2) OSFA shall issue an annual check co-payable to the recipient and the lender; and
- (3) The recipient shall endorse the check and forward it to the lender.

D. If a recipient fails to notify OSFA that they receive other loan repayment assistance, their award shall be canceled.

.09 Repayment.

A. If a recipient fails to carry out the obligations required under this program, the recipient shall repay the State the amount of the award plus interest.

B. Repayment may be prorated if the recipient partially fulfills the obligation, as determined by the Office of Student Financial Assistance.

C. Interest on the funds advanced shall accrue at an interest rate equal to the interest rate established by the United States Department of Education for the federal Stafford Loan on the first day of July of each year.

D. Interest shall begin accruing as of the date the funds were provided to the student.

.10 Deferment of Repayment.

A. A recipient may request that repayment be deferred if the recipient is:

- (1) Unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse or child who is disabled;
- (2) Assigned military duty outside the State, not to exceed 3 years without filing an appeal; or
- (3) Married to a spouse assigned military duty outside the State, not to exceed 3 years without filing an appeal.

B. A recipient's deferment request shall include satisfactory supporting documentation. Such documentation shall consist of the following, as appropriate:

- (1) A sworn affidavit by a qualified physician that the recipient is unable to find employment because they must care for a spouse or child who is disabled; or
- (2) A copy of military orders.

C. The Office of Student Financial Assistance (OSFA) shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period.

D. A recipient need not make scholarship repayments and interest does not accrue during the period of an approved deferment.

E. OSFA shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, or the spouse of an individual assigned military duty outside the State, that exceeds the 3-year deferral limit. Appeals shall be in writing and include a copy of the military orders.

.11 Waiver of Repayment Obligations.

The Office of Student Financial Assistance shall waive a recipient's repayment if it determines on the basis of a death certificate or other evidence of death that is conclusive under State law that the recipient has died.

.12 Report.

The Office of Student Financial Assistance shall submit an annual statement by January 1 of each year to the General Assembly on the implementation of the Hoffman LARP.

JENNIE C. HUNTER-CEVERA, Ph.D.
Acting Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.03 Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-603.1, Annotated Code of Maryland

Notice of Proposed Action
[15-237-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.12 under a new chapter, **COMAR 13B.08.03 Chapter 3 Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program**, under a new subtitle, **Subtitle 08 Financial Aid**. This action was considered by the Commission at an open meeting held on May 27, 2015, notice of which was given as required by General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship under Education Article, §18-603.1, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program (Riley Scholarship) is to encourage members of the fire-fighting, ambulance, and rescue organizations serving Maryland communities to pursue credited courses that lead to a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

.02 Eligibility.

A. To be eligible for a Riley Scholarship, an individual shall be:

- (1) A resident of Maryland;
- (2) Actively engaged as:
 - (a) A career firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State; or
 - (b) A volunteer firefighter or ambulance rescue squad member in an organized fire department or ambulance or rescue squad in the State; and

(3) Accepted for admission or enrolled as a full-time (12 credits or more per semester) or part-time (6—11 credits per semester) student in a:

- (a) Regular undergraduate program at an eligible institution (public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission); or
- (b) 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate degree program in an eligible institution.

B. In this section “actively engaged” means that:

- (1) A volunteer member:
 - (a) Within a county or municipality that operates a length of service award program (LOSAP), has recorded at least 50 LOSAP points as part of a fire, ambulance, or rescue squad in the tax year prior to the award year, and the points have been earned in at least two different categories; and
 - (b) Within a county or municipality that does not operate an LOSAP, has recorded at least 50 points under the point system established by the county or municipality to identify active members as part of a fire, ambulance, or rescue squad in the tax year prior to the award year, and the points have been earned in at least two different categories; and
- (2) A career member has worked a minimum of 1,000 hours as part of a fire, ambulance, or rescue squad in the tax year prior to the award year.

.03 Application Procedures.

A. Students applying for the Riley Scholarship shall submit the following materials to the Office of Student Financial Assistance (OSFA):

- (1) Completed Free Application for Federal Student Aid, by March 1st;
- (2) Completed online application form, by March 1st;
- (3) Proof of official acceptance in a program of fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management; and
- (4) Completed notarized statement from an eligible employer confirming active employment or volunteer service.

B. Individuals may submit applications beginning January 1st.

C. Each applicant or recipient shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, to sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant’s or recipient’s failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, the cancellation of an award, and the denial of a request for the deferment or waiver of a service obligation.

.04 Award Amount.

A. The Office of Student Financial Assistance shall determine each recipient’s scholarship award as provided in §B of this regulation.

B. The annual award shall be at least 50 percent of the student’s actual annual tuition and mandatory fees at an eligible institution, but may not exceed the annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate for courses credited toward a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

.05 Selection of Recipients and Award Notification.

A. For award year 2015—2016, all applications shall be categorized as initial applicants and shall be ranked according to the submission date of their completed online application form.

B. For award year 2016—2017 and thereafter, eligible applicants who are renewals shall be given priority over initial applicants. Within these groups, applicants shall be ranked and awarded according to the submission date of their completed online application form.

C. Recipients shall be notified in writing of the scholarship award.

D. A recipient shall provide written acceptance of the award to the Office of Student Financial Assistance by the date specified in the award notice or the award will be forfeited.

E. Applicants who are not selected shall be placed on the waitlist pending the availability of funding.

F. Applicants not selected in an academic year may reapply for consideration in a subsequent academic year and will be ranked according to the submission date of their completed online application form.

.06 Verification and Payment.

A. The Office of Student Financial Assistance (OSFA) has the authority to verify information concerning applicants and recipients for the purpose of administering this program.

B. Each semester, eligible institutions shall certify on billing rosters provided by OSFA that each recipient is:

- (1) A Maryland resident;
- (2) Enrolled either full-time or part-time in an eligible academic program;
- (3) Making satisfactory academic progress towards a degree; and
- (4) Maintaining the standards of the institution.

.07 Renewal.

A. An award shall be automatically renewed on an annual basis, pending the annual submission of a Free Application for Federal Student Aid, up to a maximum of 5 years of full-time study or 8 years of part-time study as long as the student continues to meet all of the eligibility requirements set forth in Regulation .02 of this chapter, maintains satisfactory academic progress at the institution attended, maintains a grade point average of at least 2.5 on a 4.0 scale, and sufficient funding is available.

B. The award shall be canceled if the recipient fails to meet and maintain each eligibility requirement in §A of this regulation.

C. A recipient who is academically ineligible shall forfeit the award and may reapply as an initial applicant in a subsequent award year if they meet and maintain each eligibility requirement in §A of this regulation.

D. A student transferring from one institution to another may continue to receive the award if the student meets all of the scholarship eligibility requirements in §A of this regulation.

.08 Appeals.

A. Any appeal of a decision of ineligibility shall be filed with the Director of the Office of Student Financial Assistance (OSFA).

B. The appeal shall be in writing and state clearly the basis for the appeal.

C. The appeal shall be submitted with 30 days of notice of ineligibility or cancellation of award.

D. The Director of OSFA shall review each appeal and issue a decision no later than 60 days after receiving the appeal.

E. All decisions of the Director are final.

.09 Service Obligation.

A. A recipient shall serve for 1 year as a volunteer or career firefighter or ambulance or rescue squad member, in a full-time or

part-time capacity, of an organized fire department or ambulance or rescue squad in the State after completion of an eligible program.

B. Each applicant offered an award shall sign and return a promissory note agreeing to begin fulfillment of the service obligation as a career or volunteer firefighter or ambulance or rescue squad member for which the award was received within 1 year of completing the degree for which they received assistance. The service obligation begins after completion of the degree program and cannot be fulfilled prior to completion.

C. If a recipient holds this scholarship with any other State award requiring a service obligation, the obligations shall be served in consecutive years.

.10 Repayment.

A. If a recipient fails to carry out the obligations required under this program, the recipient shall repay the State the portion of the scholarship not forgiven.

B. Repayment may be prorated if the recipient partially fulfills the obligation, as determined by the Office of Student Financial Assistance.

C. Interest on the funds advanced shall accrue at an interest rate equal to the interest rate established by the United States Department of Education for the federal Stafford Loan on the first day of July of each year.

D. Interest shall begin accruing as of the date of a recipient's graduation or termination from an institution of higher education.

.11 Service Obligation Deferment.

A. A recipient may request that their service obligation be deferred during the time the recipient is:

- (1) Enrolled in a full-time (12 or more credits per semester) or part-time (6—11 credits per semester) undergraduate course of study, or a full-time (9 or more credits per semester) or part-time (6—8 credits per semester) graduate course of study at an institution of higher education in a degree granting program;
- (2) On a temporary leave of absence from required employment as a career or volunteer firefighter or ambulance or rescue squad member approved by the employer for a period not to exceed 12 months;
- (3) Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;
- (4) Unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse or child who is disabled;
- (5) Assigned military duty outside the State, not to exceed 3 years without filing an appeal; or
- (6) Married to a spouse assigned military duty outside the State, not to exceed 3 years without filing an appeal.

B. A recipient's deferment request shall include satisfactory supporting documentation. Such documentation shall consist of the following, as appropriate:

- (1) Certification by the office of the registrar that the recipient has returned to a full-time or part-time course of study at an eligible institution of higher education;
- (2) Certification by the employer that the recipient is on a temporary approved leave of absence;
- (3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;
- (4) A sworn affidavit by a qualified physician that the recipient is unable to find employment because they must care for a spouse or child who is disabled;
- (5) A certified statement including a list of possible eligible employers, with their addresses and telephone numbers, to which application has been made if the recipient has been unable to find

full-time employment as required as a career or volunteer firefighter or ambulance or rescue squad member; or

(6) A copy of military orders.

C. The Office of Student Financial Assistance (OSFA) shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period.

D. Before a deferment based on inability to find employment or volunteer service is granted, OSFA shall review the recipient's documentation and other available information and determine if the recipient has sought employment aggressively in all regions of the State in which opportunities exist.

E. A recipient need not make scholarship repayments and interest does not accrue during the period of an approved deferment.

F. OSFA shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, or the spouse of an individual assigned military duty outside the State, that exceeds the 3 year deferral limit. Appeals must be in writing and include a copy of the military orders.

.12 Waiver of Service and Repayment Obligations.

The Office of Student Financial Assistance shall waive a recipient's service and repayment obligations if it determines:

A. On the basis of a sworn affidavit of two qualified physicians, that the recipient is physically unable to fulfill any of the possible service obligations on a full-time or part-time basis because of a permanent impairment; or

B. On the basis of a death certificate or other evidence of death that is conclusive under State law that the recipient has died.

JENNIE C. HUNTER-CEVERA, Ph.D.
Acting Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.05 Delegate Scholarship Program

Authority: Education Article, §§11-105(u) and 18-204(c), Annotated Code of Maryland

Notice of Proposed Action

[15-238-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.11 under a new chapter, **COMAR 13B.08.05 Delegate Scholarship Program**, under a new subtitle, **Subtitle 08 Financial Aid**. This action was considered by the Commission at an open meeting held on May 27, 2015, notice of which was given as required by General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement the Delegate Scholarship Program under Education Article, §18-501 et seq., Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Delegate Scholarship Program is for Delegates in the Maryland General Assembly to provide financial assistance to full-time and part-time students pursuing an undergraduate, graduate, or professional education.

.02 Eligibility.

A. The recipient shall be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution or be enrolled in an associate's degree or certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

B. The recipient shall attend an eligible institution for the number of credit hours for which the award was made.

C. Full-time enrollment is defined as 12 credit hours per semester for undergraduates and 9 credit hours per semester for graduate students.

D. Part-time enrollment is defined as 6 to 11 credits per semester for undergraduates and 6 to 8 hours for graduate students.

E. A recipient shall be enrolled at least part-time.

.03 Eligible Institutions.

The following are eligible institutions:

A. A Maryland public or private college or university;

B. A private career school approved by the Commission to operate in Maryland;

C. An out-of-State institution that makes special provisions for disabled students and comparable special provisions are not available to that student at a Maryland institution; and

D. An out-of-State institution which offers a program not offered in Maryland under the following conditions and provisions:

(1) The applicant shall submit a written request to the Director of the Office of Student Financial Assistance identifying their major as one not offered at an institution in the State, attaching a copy of the relevant section of the out-of-State institution's catalog, and providing the applicant's full name, address, social security number, and State legislative district; and

(2) The Director shall notify the student of a decision within 45 days of receipt of the request.

.04 Methods of Awarding and Award Amount.

A. Each Delegate shall have a choice of two methods for awarding scholarships, the tuition and mandatory fees method and the set dollar method.

B. Each Delegate shall make an irrevocable selection of either the tuition and mandatory fees method or the set dollar method on an annual basis during each 4-year term.

C. Tuition and Mandatory Fees Method.

(1) Each Delegate shall award the equivalent of four, 4-year, full-time scholarships.

(2) A Delegate Scholarship award shall equal the actual tuition and mandatory fees charged to the recipient as follows:

College Type	Amount of Assistance
Community College	Tuition and mandatory fees
Public 4-year college/university	Undergraduate tuition and mandatory fees
Private 2-year or 4-year college/university	Up to undergraduate tuition and mandatory fees maximum

Out-of-State school	Up to undergraduate tuition and mandatory fees maximum
All graduate programs	Up to undergraduate tuition and mandatory fees maximum

(3) A Delegate Scholarship may be awarded for a period of 1, 2, 3, or 4 years.

(4) A Delegate may award two part-time scholarships for each full-time scholarship available, provided that a part-time Delegate Scholarship may be renewed for a maximum of 8 years and that the student is enrolled for between 6 credits and 11 credits each semester.

(5) A full-time tuition and mandatory fees Scholarship may not exceed the maximum tuition and mandatory fees at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

(6) Mid-term increases in Scholarship funds will be awarded only if sufficient funds are available in the Delegate program.

(7) A summer session shall constitute a full semester for award calculation and administration purposes.

D. Set Dollar Method.

(1) Each Delegate shall have an annual budget in the amount of four times the tuition and mandatory fees at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

(2) The Delegate shall determine a set dollar amount to award each recipient.

(3) The minimum award shall be \$200 for the academic year and the maximum shall be 1/2 of the Delegate's budget for that academic year.

(4) Unawarded funds remaining in a Delegate's account at the end of an award year shall carry over into the following year for awarding.

.05 Application and Selection Procedures.

A. Each Delegate shall establish a written application and selection process for applicants.

B. A Delegate's written selection process may use any factors that the Delegate considers appropriate.

C. The Office of Student Financial Assistance shall refer applicant inquiries directly to the appropriate Delegates.

.06 Awarding Procedures.

A. A Delegate shall inform the Office of Student Financial Assistance (OSFA) when they have selected a recipient.

B. OSFA will provide the Delegate with demographic student information of students assigned in their district. The Delegate is required to notify OSFA of their method of awarding and how the awards will be administered for the year.

C. If the Delegate requests that OSFA award recipients on their behalf, student awards will be determined based on eligibility criteria outlined in Regulation .02 of this chapter.

D. For each recipient selected, the delegate shall provide OSFA with written notification of the student's:

- (1) Full name;
- (2) Social Security number;
- (3) Date of birth;
- (4) Address;
- (5) Award amount;
- (6) Name of school attending; and
- (7) Enrollment status.

E. Upon receipt of the information in §D of this regulation, OSFA shall officially notify the student of the award offer.

F. An award recipient shall accept the Delegate Scholarship within the time frame established by OSFA.

G. In the event an award is canceled due to the lack of a timely response, it will be reinstated upon written request provided that funds are available.

H. A Delegate may choose to utilize an outside organization in determining scholarship awards under the following provisions:

(1) The organization shall adhere to all pertinent statutory and regulatory provisions;

(2) OSFA shall send all information concerning applicants and the awarding of scholarship funds directly to the Delegate, who shall forward the information to the outside organization to recommend awards;

(3) The organization shall forward the names of all students recommended for an award to the Delegate's office for approval;

(4) The Delegate shall forward all students selected for award to OSFA for processing; and

(5) The outside organization may not share any student information with any party other than the Delegate.

.07 Payment.

A. At the beginning of each school term, institutions shall be asked to review billing rosters provided by the Office of Student Financial Assistance (OSFA) and certify that the Delegate Scholarship recipient is a Maryland resident, enrolled in an eligible program for the number of credits for which the award was made, and making satisfactory academic progress.

B. Upon receipt of the institution's certification, OSFA shall disburse the respective funds directly to the institution to be credited to the student's account.

.08. Renewal and Continuation.

A. Delegate Scholarship awards are not automatically renewed on an annual basis. Recipients must reapply to their delegate annually.

B. A recipient shall inform the Office of Student Financial Assistance in writing of any change to the student's name, address, institution of attendance, or enrollment status.

.09 Revocation of Award.

An award shall be revoked under the following circumstances:

A. The criteria in Regulations .07 and .08 of this chapter are not met;

B. The recipient makes a change to their name, address, state of residence, institution of attendance, or enrollment status and fails promptly to inform the Office of Student Financial Assistance in writing; or

C. Funds are no longer available.

.10 Appeals Procedures.

A. An applicant may appeal a decision of ineligibility or of the revocation of an award.

B. An applicant may not appeal a denial of a Delegate Scholarship made for reasons other than a determination of ineligibility.

C. An appeal shall be filed with the Director of the Office of Student Financial Assistance (OSFA) within 30 calendar days of the date of the notice of ineligibility or revocation..

D. An appeal shall be in writing and detail reasons and/or circumstances that would justify reversal of the original decision.

E. The Director of OSFA or designee will review each appeal in consultation with the Delegate and issue a decision no later than 60 calendar days after receiving the appeal.

F. All decisions of the Director or designee are final.

.11 Notification of Delegate Funds Balance.

A. The Office of Student Financial Assistance (OSFA) shall notify each Delegate of their scholarship funds balance.

B. OSFA shall send an Applicant Roster to each Delegate at the end of April which lists all students who have filed a need-based application by the March 1 deadline and award renewals.

C. OSFA will continue to update Delegates of Applicant Roster information including the names of new applicants and new awardees.

D. OSFA may update rosters throughout the year.

E. If a Delegate does not award all of their scholarship funds during the fiscal year, those funds shall be carried forward into the following fiscal year.

JENNIE C. HUNTER-CEVERA, Ph.D.
Acting Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.06 Jack F. Tolbert Memorial Student Grant Program

Authority: Education Article, §§11-105(u) and 18-204(c), Annotated Code of Maryland.

Notice of Proposed Action
[15-240-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.10 under a new chapter, **COMAR 13B.08.06 Jack F. Tolbert Memorial Student Grant Program**, under a new subtitle, **Subtitle 08 Financial Aid**. This action was considered by the Commission at an open meeting held on May 27, 2015, notice of which was given as required by General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the Jack F. Tolbert Memorial Student Grant Program under Education Article, §18-1201 et seq., Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Jack F. Tolbert Memorial Student Grant Program (Tolbert Grant Program) is to provide financial assistance to full-time students attending an approved private career school in Maryland.

.02 Institutional Eligibility.

A. Definition.

(1) In this chapter, the following term has the meaning indicated.

(2) Term Defined. "Private career school" has the meaning stated in Education Article, §10-101, Annotated Code of Maryland.

B. To be eligible to participate in the Tolbert Grant Program, a private career school:

(1) Shall be approved by the Commission for a minimum of 2 years to operate a private career school in Maryland;

(2) May not have any outstanding Notice of Deficiencies issued to the school by the Secretary; and

(3) Shall have signed a participation agreement provided by the Commission.

.03 Student Eligibility.

To be eligible to participate in the Tolbert Grant Program, a student shall:

A. Be enrolled in a private career school;

B. Be enrolled full-time (a minimum of 18 clock hours of instruction per week) in an approved program which is at least 100 clock hours in length;

C. Be a resident of the State of Maryland;

D. Pledge not to violate state or federal law concerning controlled dangerous substances during the term of the award; and

E. Demonstrate financial need and meet any other financial requirement of this program.

.04 Award Amount.

A. A Tolbert Grant award shall be \$500 per student per fiscal year.

B. A Tolbert Grant award shall be used for tuition only.

C. A recipient of a Tolbert Grant shall also be eligible to receive a Senatorial or Delegate Scholarship.

.05 Institutional Allocation and Notification.

A. At the beginning of each fiscal year, each eligible school shall be notified of the number of grant awards that may be awarded to students attending the school during the fiscal year.

B. Each eligible school shall be allocated a minimum of six grant awards for the fiscal year.

C. Any remaining grant awards shall be allocated proportionately based on student enrollment as follows:

(1) Each eligible school's total enrollment for all eligible programs shall be divided by the total enrollment for all eligible programs offered by all eligible schools;

(2) The percent derived from the calculation in §C(1) of this regulation shall be multiplied by the total number of awards not allocated, and the result shall be the additional allocation per school; and

(3) Calculations under this section shall be based on the enrollments reported in the most recent annual reports submitted to the Commission by eligible schools for their eligible programs.

.06 Application for Student to Participate.

A student shall apply by submitting the following documents to the private career school the student attends:

A. An application on a form provided by the Commission; and

B. A Student Aid Report from a processed Free Application for Federal Student Aid.

.07 Qualification and Selection of Recipients.

A. A private career school shall rank all applicants according to the Expected Family Contribution (EFC) from the applicant's Student Aid Report (SAR).

B. Each eligible applicant shall be ranked from lowest to highest based on the applicant's reported EFC.

C. Awards shall be given to applicants beginning with the applicant with the lowest EFC (e.g., \$0) and proceeding through the rankings until all awards have been made.

D. To be eligible for the grant program, a student shall demonstrate financial need. The EFC shall be at least \$500 less than the cost of tuition annually.

E. During the fiscal year, a school shall select candidates for awards up to the total number of awards which the school has been allocated.

F. A school shall submit candidates to the Office of Student Financial Aid in accordance with the following:

(1) The school shall submit the names of candidates, a copy of their SAR, and verification of their selection to the Commission by the assigned deadline date provided by the Commission for each semester during summer, fall, and spring;

(2) A school must use at least 66 percent of its allocated awards by March 15; and

(3) The school shall verify in a form approved by the Commission that each student selected has met each requirement identified in Regulation .03 of this chapter and was selected in accordance with this regulation and Regulation .06 of this chapter.

.08 Disbursement and Reallocation of Funds.

A. The Commission shall accept award candidates from each eligible school three times per year by the assigned deadline date provided by the Commission for each semester during summer, fall, and spring.

B. The Commission shall transmit funds to a school in the amount of the grant awards following verification by the Commission that the candidates have been reviewed and selected by the school on the basis of the requirements of these regulations.

C. A school shall credit an award to the student's account within 5 business days of receiving the funds from the Commission.

D. If a school fails to use 66 percent or more of its allocated awards by March 15 the remaining unused awards shall be redistributed to schools meeting the 66 percent requirement, on a pro-rata basis, unless the school losing the awards can show that it has eligible candidates to whom it will make the remaining awards.

E. The Commission shall notify schools of any reallocation of awards made after March 15.

.09 Continuation and Renewal.

A Tolbert Grant is renewable for a total of 2 years provided the recipient:

A. Continues to meet all requirements for eligibility identified in Regulation .03 of this chapter; and

B. Is making satisfactory progress towards a certificate of completion according to the approved academic and attendance standards of the private career school.

.10 Record Keeping and Audits.

A. All financial books, records, and documents pertaining to this program shall be opened to inspection, review, and audit at all reasonable times by the Commission, the State auditor, or their authorized representatives.

B. A private career school shall retain all financial books, records, and documents relating to an award for 5 years after the close of the fiscal year in which the award was made.

C. A private career school shall include this program in any independent audit conducted for the school on financial aid programs.

JENNIE C. HUNTER-CEVERA, Ph.D.
Acting Secretary of Higher Education

**Title 14
INDEPENDENT AGENCIES
Subtitle 09 WORKERS'
COMPENSATION COMMISSION**

**Notice of Proposed Action
[15-232]**

The Workers' Compensation Commission proposes to amend:
(1) Regulation .04 under **COMAR 14.09.01 General Administrative**; and
(2) Regulation .02 under **COMAR 14.09.02 Requirements for Filing and Amending Claims**.

This action was considered at a public meeting held on June 25, 2015, notice of which was given by publication in 42:12 Md. R. 786 (June 12, 2015), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the current regulations to provide a claimant the means to cure an improperly submitted claim within a reasonable time, in accordance with *Hranicka v. Chesapeake Surgical*, ___ Md. ___ (Md., June 18, 2015).

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on September 24, 2015, at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.01 General Administrative

Authority: Labor and Employment Article, §§9-307, 9-309, 9-314, 9-602, 9-603, 9-689, 9-701, 9-709, 9-710, 9-711, 9-736, and 9-6A-07; State Government Article, §10-1103; Annotated Code of Maryland

.04 Filing Forms and Documents with the Commission.

A. [Forms] *With the exception of filing and amending claims in accordance with Regulation 14.09.02.02, forms and documents may be filed with the Commission by one of the following methods:*

(1) — (3) (text unchanged)

B. (text unchanged)

14.09.02 Requirements for Filing and Amending Claims

Authority: Labor and Employment Article, §§9-309, 9-314, 9-602, 9-701, 9-709, 9-710, [and] 9-711, and 9-736; State Government Article, §10-1103; Annotated Code of Maryland

.02 Requirements for Filing and Amending Claims.

A. Claim for Benefits.

(1) — (7) (text unchanged)

(8) Date of Filing *When Filed Exclusively by Paper Form.*

(a) [A] *Except as provided in §A(9) of this regulation, a claim is considered filed on the date that a completed and signed claim form, including the signed authorization for disclosure of health information, is received by the Commission in person or by mail addressed to the Commission's principal office in Baltimore City.*

(b) (text unchanged)

(9) *Date of Filing Following Electronic Submission.*

(a) A claim that is submitted electronically is not considered filed until the signed claim form, including the signed authorization for disclosure of health information, is received by the Commission in person or by mail addressed to the Commission's principal office in Baltimore City.

(b) [The] *For any claim form that has not been rejected or returned as incomplete under §A(2) of this regulation, the Commission's date of receipt is determined by the date stamp affixed on the electronically submitted claim form, provided that the signed claim form, including the signed authorization for disclosure of health information, is received by the Commission in person or by mail addressed to the Commission's principal office in Baltimore City within 30 days of the electronically submitted claim.*

(c) *For any claim electronically submitted but not received by the Commission as provided in §A(9)(b) of this regulation, the claim will be dismissed without prejudice.*

B. — C. (text unchanged)

LAUREN SFEKAS GODWIN
Acting Appointing Authority

**Title 17
DEPARTMENT OF BUDGET
AND MANAGEMENT**

**Subtitle 04 PERSONNEL SERVICES
AND BENEFITS**

17.04.15 Maryland Rx Program

Authority: State Personnel and Pensions Article, §§2-502.1 and 2-503, Annotated Code of Maryland

Notice of Proposed Action

[15-229-P]

The Secretary of Budget and Management proposes to amend Regulations .02—.04 under **COMAR 17.04.15 Maryland Rx Program.**

Statement of Purpose

The purpose of this action is to amend eligibility criteria and member responsibilities to facilitate a lucrative Program that will attract an array of participants for the Maryland Rx Program.

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 410 767-4787, or email to anne.timmons@maryland.gov, or fax to 410 333-7122. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

[(5) Member.]

[(a)] (6) ["Member"] "*Participant*" means an employee or retired employee of a purchasing pool member who is eligible to elect coverage in a purchasing pool member's prescription benefits plan.

[(b)] (5) "Member" may include benefits coverage for the [member] *participant* and for the [member's] *participant's* dependents, according to the eligibility requirements and plan design of the purchasing pool member.

[(6) "Participant" means an individual enrollee in a pharmacy or prescription benefits plan sponsored by a purchasing pool member.]

(7)—(10) (text unchanged)

.03 Eligibility and Application.

A.—B. (text unchanged)

C. The determination whether an entity is eligible to be a purchasing pool member shall be made by the [Director] *Pharmacy Benefits Manager (PBM)*. *The PBM shall provide verifying documentation as requested by the Director for auditing purposes.*

D. An entity who has been determined by the [Director] *PBM* to be ineligible to be a purchasing pool member may appeal the decision to the [Secretary] *Director*. The appeal shall be submitted in writing to the [Secretary] *Director* within 30 calendar days of the date of the written denial from the [Director] *PBM*. The [Secretary's] *Director's* decision is final.

.04 Purchasing Pool Member Responsibilities.

A. Each purchasing pool member shall:

(1) (text unchanged)

[(2) Permit the Department to have access to aggregate claims and utilization information, excluding any information that identifies individuals receiving prescription benefits, for purposes of Maryland Rx Program administration;]

[(3)] (2) — [(5)] (4) (text unchanged)

[(6)] (5) Commit to participating in the Maryland Rx Program for a full 12 month plan year period at a time; *and*

[(7) Disclose to the State upon leaving the Maryland Rx Program whether the entity continues with the Department's contractor, agent, or representative identified by the Department for management and administration of the Maryland Rx Program as the purchasing pool member's pharmacy or prescription benefits

manager and to provide aggregate enrollment information to the State for administration of the Maryland Rx Program; and]

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

B. Plan Design.

[(1) The plan design of the pharmacy or prescription benefits plan sponsored by a purchasing pool member and administered as part of the Maryland Rx Program shall include the following:

(a) Have the same formulary and preferred drug list as the State prescription drug benefits plan operated as part of the Program;

(b) Use the same pharmacy network as the State prescription drug benefits plan operated as part of the Program;

(c) Have the same number and structure for copayments as the State prescription benefits plan operated as part of the Program;

(d) Have at least a \$10 differential between brand formulary (for example, preferred) and brand nonformulary (for example, nonpreferred) drugs covered through the plan; and

(e) Coverage for up to a 45-day supply for a single copayment.]

(1) A purchasing pool member may choose a copayment structure for the plan design of the pharmacy or prescription benefits plan that it shall sponsor and administer as part of the Maryland Rx Program and is not limited by the copayment structure set by the State for the State's prescription benefits plan operated as part of the Program.

(2) (text unchanged)

C.—D. (text unchanged)

DAVID R. BRINKLEY
Secretary of Budget and Management

Title 26
DEPARTMENT OF THE
ENVIRONMENT

Subtitle 08 WATER POLLUTION

Notice of Proposed Action

[15-223-P]

The Secretary of the Environment proposes to amend:

- (1) Regulation .01 under COMAR 26.08.01 General; and
(2) Regulation .09 under COMAR 26.08.04 Permits.

Statement of Purpose

The purpose of this action is to 1) reduce confusion about who is covered; 2) provide better coverage under one permit for activities currently requiring two general permits (or, in some cases, an individual permit); and 3) expand coverage to address a technology called hydrodemolition.

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 regulation provides developers and operators with consistent requirements that can be budgeted and planned for, whereas the current method of developing individual permits for each instance creates uncertainty in their planning process and potential delays in acquiring permit coverage. The change will also allow these activities to be more effectively regulated, and the Department to issue permits with consistent content and on a timely basis, both of which will improve enforceability and compliance.

Revenue (R+/R-)

II. Types of Economic Impact.

Expenditure (E+/E-) Magnitude

A. On issuing agency: (E-) Minimal

B. On other State agencies: NONE

C. On local governments: NONE

Benefit Cost (-) (+) Magnitude

D. On regulated industries or trade groups: (+) Minimal

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: (+) Minimal

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

A. The agency will be able to be more efficient as it will spend less time customizing permit requirements for each individual project. Environmental risks are reduced due to the fact that the permit requirements are more conservative as the permit must be protective for the entire category of dischargers.

D. The new certainty allows applicants to understand up front the requirements for doing business in the State. The permittee may face more stringent requirements than with an individual permit but the overall outcome is considered to be B+.

F. This provides the public with a consistent set of requirements in a single document to review, understand, and comment on.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Richardson, Division Chief, MDE/Wastewater Permits Program, 1800 Washington Blvd, or call 410-537-3599 (TTY 800-735-2258), or email to michael.richardson@maryland.gov, or fax to 410-537-3163. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

26.08.01 General

Authority: Environment Article, §§9-313—9-316, 9-319, 9-320, 9-325, 9-327, and 9-328, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (36) (text unchanged)

(36-1) "Hydrodemolition" means a concrete removal technique which utilizes high-pressure water to remove deteriorated and sound concrete as well as asphalt and grout.

(37) — (103) (text unchanged)

26.08.04 Permits

Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

.09 General Discharge Permits.

A. — I. (text unchanged)

J. General Discharge Permit for Mineral Mines, Quarries, Borrow Pits, and Concrete and Asphalt Plants.

(1) Exceptions. This permit may not cover the following discharges:

(a) (text unchanged)

(b) Discharges from industrial sand facilities *that utilize HF flotation* as regulated by 40 CFR §436.40.

(2) Eligible Discharges. This permit covers all new and existing discharges of:

(a) — (b) (text unchanged)

(c) Stormwater runoff *to surface waters* from mine sites (*facilities classified within Standard Industrial Classifications 10 and 14*), concrete plants (*facilities classified within Standard Industrial Classification 32*), and asphalt plants [to surface waters] (*facilities classified within Standard Industrial Classification 29*);

(d) *Stormwater runoff to surface waters from industrial activities co-located or appurtenant to a permitted activity specified in §J(2)(c) of this regulation;*

[(d)] (e) Wastewater from washing mixer trucks and concrete mixing equipment to surface or ground waters; [and]

[(e)] (f) Miscellaneous wastewater from spillage at ready-mix plants to surface or ground waters; *and*

(g) *Wastewater from hydrodemolition to ground waters.*

K. — P. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

Subtitle 01 GENERAL PROVISIONS

31.01.01 General

Authority: Insurance Article, §2-109, Annotated Code of Maryland

Notice of Proposed Action
[15-228-P]

The Insurance Commissioner proposes to amend Regulations **.01**, **.04**, and **.05** under **31.01.01 General**.

Statement of Purpose

The purpose of this action is to make technical changes to this chapter consistent with the Maryland Insurance Administration’s Evaluation Report for COMAR 31.01 under the Regulatory Review and Evaluation Act. The changes update certain definitions and cross-references.

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 Saint Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

.01 Authority and Purpose.

This chapter is promulgated as an aid to [effectuation of] *carry out* the statutory provisions set forth in the Insurance Article, Annotated Code of Maryland. Its purpose is to establish standards for the construction and application of all regulations heretofore and hereafter made in order to permit brevity, avoid needless repetition of language, and facilitate reference to related Code sections.

.04 Definitions Section Reference List.

Definitions	Section
Admitted Assets (text unchanged)	
<i>Adviser</i>	10-201(b)
Affiliate — Association (text unchanged)	
<i>Attorney in fact</i>	3-212(a)
Authorized Insurer — Insurance (text unchanged)	
[Insurance Advisor	10-201(b)]
Insurance Business — Person (text unchanged)	
[Personal Insurance Insurable Interest	12-201]
Policy — Public Adjuster (text unchanged)	
<i>Qualified Jurisdiction</i>	5-901(d)
<i>Qualified United States Financial Institution</i>	5-901(e)
Receiver — State (text unchanged)	
State, <i>Impaired Entities</i>	9-201(n)
Stock Insurer — Title Insurance (text unchanged)	
<i>Ultimate Controlling Person</i>	7-101(h)
Unauthorized Insurer — Wholesale Life Insurance (text unchanged)	

.05 Penalties Section Reference List.

	Section
Annual Statement Filing—[Forfeiture] <i>Penalty</i>	4-116
[Acquisitions Disclosure & Control Act—Willful Violation, etc.	7-801— 7-807
Acquisitions Disclosure & Control Act—Additional Penalties	7-108]
Insurance Producer—Fine in Lieu of Revocation, etc. — Fraternal Benefit Society—Misrepresentation (text unchanged)	
General <i>Criminal</i> Penalty, Willful Violation	1-301
Insurance Adviser—License Revocation, etc. (text unchanged)	
Insurer—[License] <i>Certificate of Authority</i> Revocation, etc.	[3-208,] 4-113, 8-424(e), 9-308(b)
Insurer—Penalties in Lieu of Revocation, etc. — Nonprofit Health Service Plans—License Revocation (text unchanged)	
Nonprofit Health Service Plans— [Fines, etc.] <i>Criminal Penalties</i>	14-140

Premium Finance Registrations—Revocation & Fines — Rating Violation—Title Insurance (text unchanged)	
Reciprocal Insurer—[License] <i>Certificate of Authority</i> Revocation	3-208
Rules and Regulations — Surplus Lines—Broker’s Licenses	
Surplus Lines—Evidence of Insurance— <i>Misdemeanor</i>	3-326
[Surplus Lines—Statements and Taxes	3-325]
Unauthorized Insurers Premium Penalty <i>For Late Payment</i>	4-211
Unauthorized Insurers Act Violation — Unfair Claim Settlement Practices (text unchanged)	4-212
Unfair Trade Practices, [Prohibited] <i>Cease and Desist</i>	27-103
Witnesses and Evidence, <i>Failure to Comply With Subpoena, Inquiry</i>	2-203

NOTE: The forms referenced in the following regulations appear at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.

.07 MIA Form 1006-A.

.08 MIA Form 1006-B.

ALFRED REDMER, JR.
Insurance Commissioner

ALFRED REDMER, JR.
Insurance Commissioner

Subtitle 08 PROPERTY AND CASUALTY INSURANCE

31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage

Authority: Insurance Article, §§2-109, 27-613, and 27-614, Annotated Code of Maryland

Notice of Proposed Action
[15-227-P]

The Insurance Commissioner proposes to adopt amendments to Regulations .07 and .08 under **COMAR 31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage**.

Statement of Purpose

The purpose of this action is to update the address for the Maryland Automobile Insurance Fund (MAIF) that is set forth in the notices contained in these regulations. MAIF has notified the Maryland Insurance Administration (MIA) that it will be relocating its offices on or after July 6, 2015.

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, or fax to 410-468-2020. Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

NOTICE OF PREMIUM INCREASE (15% OR LESS)

Name and Address of Insurer:		Name and Address of Producer:	
Type of Policy:		Binder/Policy Number:	
Name and Address of Insured:	Date of Mailing:	Effective Date of Increase:	
If you have any questions regarding this increase in premium or if you believe the information contained in this notice of premium increase is incorrect, you should contact your insurance producer, agent or broker, or your insurance company.			
Total Premium for Current Policy Period:		Total Premium for Renewal Policy Period:	
Total Amount of Increase Subject to Notice: \$ _____ / _____%			
This does not include any increase in your premium due to a general rate increase or due to changes in coverage made at your request. These types of increases are not subject to this notice.			
The actual reason or reasons for the increase are:			

"Right of Protest"

You may protest the action proposed by this notice as provided under Insurance Article, §27-614, Annotated Code of Maryland. For your protest to be duly filed, you must sign **one copy** of this notice and **send the entire** notice, by mail or facsimile, within **thirty (30) days** after the above date of mailing, to:

Insurance Commissioner
Maryland Insurance Administration
200 St. Paul Place
Baltimore, Maryland 21202
Fax Number 410-468-2334 or 410-468-2307

1. If your protest is filed late, the Insurance Commissioner will not consider your protest.
2. Your timely filed protest **does not** stay the action proposed by this notice. If you have filed a timely protest, you must continue to pay your premiums when due (including the amount of the proposed increase), or else your policy will expire or otherwise terminate.
3. If you have timely filed a protest of the proposed increase in premium, the Commissioner will determine whether the proposed premium increase is lawful and will notify you in writing.
4. If the Commissioner determines that your protest has merit, the increase will be disallowed. If the increase is disallowed, the insurer, within thirty (30) days of the determination, must return to you all disallowed premium and pay interest on the disallowed premium received from you calculated at a rate of ten (10) percent per annum from the date the disallowed premium was received to the date the disallowed premium was returned. If the insurer fails to return any disallowed premium and interest to the insured within thirty (30) days after the Commissioner disallows the action of the insurer, the insurer shall pay interest on the disallowed premium calculated at a rate of twenty (20) percent per annum beginning on the thirty-first (31st) day following the disallowance of the premium increase until the date the disallowed premium is returned.
5. If the Commissioner determines that your protest is without merit, the insurer can retain the amount of premium it has already collected.

(The Right of Protest is continued on the next page)

(This Right of Protest is continued from the previous page)

I protest the action proposed by the insurer. My reasons for protesting the insurer's action are:

Signed (Named Insured) _____ Date _____

Address: _____

Daytime Phone Number: _____

IMPORTANT — PLEASE READ IF BOX IS CHECKED

Offer to Exclude:

The premium for your policy is being increased because of the driving record or claims experience of the listed drivers under this policy. We (the insurer) will agree not to charge you the increase in premium if you (**the named insured**) agree to exclude coverage under the policy for the individual(s) whose driving record or claims experience justified the increase in premium. If you sign this offer to exclude, any future policies or endorsements will not provide coverage for the individual(s) named unless required by law. Any future requests to add coverage for the individual(s) excluded must be requested by the named insured. If you agree to the exclusion of the individual(s), **you cannot protest this proposed increase in premium to the Insurance Commissioner.**

Individual(s) to be excluded:	Name of Individual(s): _____	Effective Date: _____
-------------------------------	---------------------------------	--------------------------

If you agree, the policy and or coverage will be renewed with the above named individual(s) excluded from coverage and the premium for the renewal will be:	Dollar Amount: _____
---	-------------------------

I, the named insured, agree to exclude coverage for the individual(s) named above.

Signature of Named Insured _____	Date of Signature _____
-------------------------------------	----------------------------

If you have signed and dated this offer to exclude, you must return it to the insurer.

IF YOU WISH TO REPLACE THIS POLICY YOU MAY BE ELIGIBLE FOR A NEW POLICY WITH ANOTHER INSURER. IF YOU CAN NOT REPLACE THIS POLICY WITH ANOTHER INSURER YOU MAY REQUEST INSURANCE THROUGH THE MARYLAND AUTOMOBILE INSURANCE FUND (MAIF).

Please contact your insurance producer for information concerning MAIF or you can contact MAIF at: [1750 Forest Drive, Annapolis, Maryland 21401] 1215 E. Fort Avenue, Suite 300, Baltimore, Maryland 21230-5281 / Telephone: 800-492-7120 or 410-269-1680

NOTICE OF PREMIUM INCREASE (GREATER THAN 15%)		
Name and Address of Insurer:	Name and Address of Producer:	
Type of Policy:	Binder/Policy Number:	
Name and Address of Insured:	Date of Mailing:	Effective Date of Increase:
If you have any questions regarding this increase in premium or if you believe the information contained in this notice of premium increase is incorrect, you should contact your insurance producer, agent or broker, or your insurance company.		
Total Premium for Current Policy Period:	Total Premium for Renewal Policy Period:	
Total Amount of Increase Subject to Notice: \$ _____ / _____%		
This does not include any increase in your premium due to a general rate increase or due to changes in coverage made at your request. These types of increases are not subject to this notice.		
The actual reason or reasons for the increase are:		

"Right of Protest"
You may protest the action proposed by this notice as provided under Insurance Article, §27-614, Annotated Code of Maryland. For your protest to be duly filed, you must sign one copy of this notice and send the entire notice, by mail or facsimile, within thirty (30) days after the above date of mailing, to:
Insurance Commissioner Maryland Insurance Administration 200 St. Paul Place Baltimore, Maryland 21202 Fax Number 410-468-2334 or 410-468-2307
<ol style="list-style-type: none"> 1. If your protest is filed late, the Insurance Commissioner will not consider your protest. 2. Your timely filed protest may result in a stay of the action proposed by this notice if the Commissioner makes a finding that the premium increase may cause you undue harm and that it is in violation of the insurer's filed rating plan. 3. Even though you have filed a timely protest, you must continue to pay your premium when due unless the Commissioner has ordered a stay of the increase, or else your policy will expire or otherwise terminate. 4. If you have timely filed a protest of the proposed increase in premium, the Commissioner will determine whether the proposed premium increase is lawful and will notify you in writing. 5. If the Commissioner determines that your protest has merit, the increase will be disallowed. If the increase is disallowed, the insurer, within thirty (30) days of the determination, must return to you all disallowed premium and pay interest on the disallowed premium received from you calculated at a rate of ten (10) percent per annum from the date the disallowed premium was received to the date the disallowed premium was returned. If the insurer fails to return any disallowed premium and interest to the insured within thirty (30) days after the Commissioner disallows the action of the insurer, the insurer shall pay interest on the disallowed premium calculated at a rate of twenty (20) percent per annum beginning on the thirty-first (31st) day following the disallowance of the premium increase until the date the disallowed premium is returned. 6. If the Commissioner determines that your protest is without merit, the insurer may apply the proposed increase.
(The Right of Protest is continued on the next page)

(This Right of Protest is continued from the previous page)

7. If either you or the insurer is dissatisfied with the determination of the Commissioner, you or the insurer may request a hearing within thirty (30) days after the mailing date of the determination. In the event that a hearing is requested, you must continue to pay your premiums when due, unless the Commissioner has ordered a stay of the increase, or else your policy will expire or otherwise terminate.
8. If a hearing is requested, all parties will be notified in writing of the time and place of the hearing at least ten (10) days before the hearing.
9. The Commissioner shall order the insurer to pay reasonable attorney fees incurred by you for representation at the hearing if the Commissioner finds that: (1) the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with §27-501 of the Insurance Article, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a premium increase; and (2) the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

I protest the action proposed by the insurer. My reasons for protesting the insurer's action are:

Signed (Named Insured) _____ Date _____

Address: _____

Daytime Phone Number: _____

IMPORTANT — PLEASE READ IF BOX IS CHECKED

Offer to Exclude:

The premium for your policy is being increased because of the driving record or claims experience of the listed drivers under this policy. We (the insurer) will agree not to charge you the increase in premium if you (**the named insured**) agree to exclude coverage under the policy for the individual(s) whose driving record or claims experience justified the increase in premium. If you sign this offer to exclude, any future policies or endorsements will not provide coverage for the individual(s) named unless required by law. Any future requests to add coverage for the individual(s) excluded must be requested by the named insured. If you agree to the exclusion of the individual(s), **you cannot protest this proposed increase in premium to the Insurance Commissioner.**

Individual(s) to be excluded:	Name of Individual(s): _____	Effective Date: _____
-------------------------------	--	---------------------------------

If you agree, the policy and or coverage will be renewed with the above named individual(s) excluded from coverage and the premium for the renewal will be:	Dollar Amount: _____
---	--------------------------------

I, the named insured, agree to exclude coverage for the individual(s) named above.

Signature of Named Insured _____	Date of Signature _____
--	-----------------------------------

If you have signed and dated this offer to exclude, you must return it to the insurer.

IF YOU WISH TO REPLACE THIS POLICY YOU MAY BE ELIGIBLE FOR A NEW POLICY WITH ANOTHER INSURER. IF YOU CAN NOT REPLACE THIS POLICY WITH ANOTHER INSURER YOU MAY REQUEST INSURANCE THROUGH THE **MARYLAND AUTOMOBILE INSURANCE FUND (MAIF).**

Please contact your insurance producer for information concerning MAIF or you can contact MAIF at: [1750 Forest Drive, Annapolis, Maryland 21401] *1215 E. Fort Avenue, Suite 300, Baltimore, Maryland 21230-5281* / Telephone: 800-492-7120 or 410-269-1680

Errata

COMAR 10.54.02

At 42:16 Md. R. 1081 (August 7, 2015), col. 2, lines 11 — 15
from the bottom:

For:

Revenue (R+/R-)

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

A. On issuing agency: (E-) \$437,352

Read:

Revenue (R+/R-)

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

A. On issuing agency: (E+) \$437,352

[15-17-53]

COMAR 12.04.01

At 42:16 Md. R. 1055 (August 7, 2015), col. 2, line 16 from the
top:

For: in 46:6 Md. R. 520—521 (March 20, 2015), has been
adopted as

Read: in 42:6 Md. R. 520—521 (March 20, 2015), has been
adopted as

[15-17-46]

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: June 1-30, 2015.

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

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

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

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

Chief Oil & Gas, LLC, Pad ID: B & B Investment Group Drilling Pad #1, ABR-201010068.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: June 1, 2015.

Range Resources – Appalachia, LLC, Pad ID: Mohawk Lodge Unit, ABR-20100619.R1, Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 1, 2015.

SWEPI LP, Pad ID: Vandergrift 290, ABR-20100442.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 1, 2015.

Talisman Energy USA Inc., Pad ID: Gardiner 01 071, ABR-20100522.R1, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: June 1, 2015.

Talisman Energy USA Inc., Pad ID: Vanblarcom 03 054, ABR-20100523.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: June 1, 2015.

Talisman Energy USA Inc., Pad ID: Cole 03 016, ABR-20100549.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: June 1, 2015.

Talisman Energy USA Inc., Pad ID: Wilber 03 065, ABR-20100552.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: June 1, 2015.

XTO Energy Incorporated, Pad ID: Moser 8521H, ABR-20100641.R1, Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 1, 2015.

Chesapeake Appalachia, LLC, Pad ID: Gregory, ABR-201011004.R1, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: DCNR 595 1V, ABR-20090432.R1, Bloss Township, Tioga County, Pa.; Consumptive Use of Up to 0.099 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: Wilcox (TEOG 1), ABR-20090433.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 0.099 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: Wilcox Pad F, ABR-20090505.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: J. Pino Pad G, ABR-20090717.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: T. Wivell Horizontal Pad, ABR-20090814.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: D.M. Pino Pad H, ABR-20090933.R1, Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

Seneca Resources Corporation, Pad ID: Murray Pad A, ABR-20100317.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

SWEPI LP, Pad ID: Fowler 6707, ABR-20100405.R1, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 2, 2015.

SWEPI LP, Pad ID: State 6721, ABR-20100440.R1, Elk Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 2, 2015.

SWEPI LP, Pad ID: Gee 832, ABR-20100444.R1, Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

XTO Energy Incorporated, Pad ID: MARQUARDT 8534H, ABR-20100664.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 2, 2015.

EQT Production Company, Pad ID: Ginger, ABR-201506001, Jay Township, Elk County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 8, 2015.

Cabot Oil & Gas Corporation, Pad ID: ForwoodE P1, ABR-201506002, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: June 8, 2015.

Cabot Oil & Gas Corporation, Pad ID: FergusonA P1, ABR-201506003, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: June 8, 2015.

Pennsylvania General Energy Company, LLC, Pad ID: Reed Run Norwich Pad D, ABR-201012028.R1, Norwich Township,

- McKean County, Pa.; Consumptive Use of Up to 3.500 mgd; Approval Date: June 12, 2015.
- Warren Marcellus, LLC, Pad ID: Ruark East 1 1H, ABR-201008001.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 12, 2015.
- Warren Marcellus, LLC, Pad ID: Mirabelli Pad 1-1H, ABR-201008138.R1, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 12, 2015.
- Warren Marcellus, LLC, Pad ID: P&G Warehouse 1-1H, ABR-201008156.R1, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 12, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Weisbrod, ABR-201011010.R1, Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 15, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Zaleski, ABR-201011021.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 15, 2015.
- SWEPI LP, Pad ID: Johnson 434, ABR-20100501.R1, Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 15, 2015.
- SWEPI LP, Pad ID: Red Run Mountain 736, ABR-20100502.R1, McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 15, 2015.
- SWEPI LP, Pad ID: Newlin 476, ABR-20100503.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 15, 2015.
- SWEPI LP, Pad ID: Walker 438, ABR-20100516.R1, Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 15, 2015.
- SWEPI LP, Pad ID: Dandois 482, ABR-20100517.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 15, 2015.
- XTO Energy Incorporated, Pad ID: Jenzano, ABR-20090713.R1, Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 15, 2015.
- Energy Corporation of America, Pad ID: Whitetail Gun & Rod Club #1, ABR-20090418.R1, Goshen Township, Clearfield County, Pa.; Consumptive Use of Up to 0.900 mgd; Approval Date: June 16, 2015.
- EXCO Resources (PA), LLC, Pad ID: Flook Drilling Pad #1, ABR-20100505.R1, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: June 16, 2015.
- XTO Energy Incorporated, Pad ID: Lucella 8564H, ABR-201009074.R1, Moreland Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 16, 2015.
- Chief Oil & Gas, LLC, Pad ID: PMG God Drilling Pad #1, ABR-201011068.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: June 17, 2015.
- XTO Energy Incorporated, Pad ID: Hazlak, ABR-20090715.R1, Shrewsbury Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: June 17, 2015.
- EOG Resources, Inc., Pad ID: PHC Pad A, ABR-20100353.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 22, 2015.
- EOG Resources, Inc., Pad ID: PHC 21V, ABR-20100427.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 0.999 mgd; Approval Date: June 22, 2015.
- Inflection Energy (PA), LLC, Pad ID: Hensler Well Site, ABR-201506004, Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2015.
- Seneca Resources Corporation, Pad ID: Gamble Pad P, ABR-201506005, Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2015.
- Seneca Resources Corporation, Pad ID: Gamble Pad C, ABR-201506006, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2015.
- SWEPI LP, Pad ID: Patel 914, ABR-20100529.R1, Abbott Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 22, 2015.
- SWEPI LP, Pad ID: Greenwood Hunting Lodge 427, ABR-20100532.R1, McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2015.
- SWEPI LP, Pad ID: Simonetti 817 (rev), ABR-20100545.R1, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 22, 2015.
- SWEPI LP, Pad ID: Breon 492, ABR-20100553.R1, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2015.
- SWEPI LP, Pad ID: Coon Hollow 904, ABR-20100560.R1, West Branch Township, Potter County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: June 22, 2015.
- SWEPI LP, Pad ID: Parker 727, ABR-201203022.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Yvonne, ABR-201010015.R1, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 25, 2015.
- Chesapeake Appalachia, LLC, Pad ID: Tama, ABR-201010057.R1, North Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: HARKNESS 2H, ABR-20091220.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: COP Pad A, ABR-20100531.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: PHC Pad B, ABR-20100352.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: REITER 1H Pad, ABR-201008048.R1, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: JANOWSKY 1H, ABR-201008054.R1, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: KINGSLEY 4H, ABR-201008079.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: MELCHIONNE 1H Pad, ABR-201008087.R1, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
- EOG Resources, Inc., Pad ID: SEAMAN 1H Pad, ABR-201008091.R1, Ridgebury Township, Bradford County, Pa.;

Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: MICCIO 1H Pad, ABR-201008119.R1, Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: JACKSON 1H Pad, ABR-201009053.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: NICHOLS 2H Pad, ABR-201107020.R1, Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EXCO Resources (PA), LLC, Pad ID: Warburton Unit #1H Drilling Pad, ABR-20090816.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: Houseknecht 2H, ABR-20090419.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 0.490 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: JENKINS 1H, ABR-20100426.R1, Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.999 mgd; Approval Date: June 25, 2015.

EOG Resources, Inc., Pad ID: PHC Pad Q, ABR-20100551.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: COP Pad B, ABR-20100645.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EOG Resources, Inc., Pad ID: PHC Pad T, ABR-201009039.R1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: June 25, 2015.
 EXCO Resources (PA), LLC, Pad ID: Falk Unit #1H, ABR-20090920.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: June 25, 2015.

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

Dated: July 23, 2015.

STEPHANIE L. RICHARDSON
 Secretary to the Commission
 [15-17-39]

MARYLAND HEALTH CARE COMMISSION SCHEDULE FOR CERTIFICATE OF CONFORMANCE REVIEWS

Percutaneous Coronary Intervention Services

The Maryland Health Care Commission hereby provides notice that the schedule for Certificate of Conformance application reviews published in the *Maryland Register* on August 21, 2015 is applicable to the review of Certificate of Conformance applications for the establishment of primary percutaneous coronary intervention (PCI) programs and elective PCI programs. This schedule supersedes the schedules previously published in the *Maryland Register*. Letters of Intent and applications by acute care general hospitals for a Certificates of Conformance to establish a primary or elective PCI program may only be received and reviewed according to this published schedule. All Letters of Intent and applications must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, no later than 4:30 p.m.** on the scheduled date of submission. For further information regarding this review schedule or procedures, contact Paul Parker, (410) 764-3261.

Primary Percutaneous Coronary Intervention Services

Letter of Intent Due Date	Application Submission Date
September 11, 2015	October 16, 2015

Elective Percutaneous Coronary Intervention Services

Letter of Intent Due Date	Application Submission Date
September 11, 2015	October 16, 2015

[15-17-42]

SCHEDULE FOR CERTIFICATE OF ONGOING PERFORMANCE REVIEWS

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Ongoing Performance by hospitals for their primary percutaneous intervention (PCI) services, non-primary PCI services, and cardiac surgery services programs, if they are subject to on-going performance review in accordance with COMAR 10.24.17.

SPECIAL DOCUMENTS

1158

Applications must be submitted no later than the published due date and will only be received and reviewed in accordance with this published schedule. All applications, including the required number of copies, must be received at the offices of the Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m. on the scheduled date of submission. For further information about the review schedules or procedures, contact Eileen Fleck, Chief, Acute Care Policy and Planning, at eileen.fleck@maryland.gov or 410-764-3287.

Cardiac Surgery

Planning Region	Application Submission Date
Washington Metropolitan, Lower Eastern Shore, Western	February 12, 2016
Baltimore Upper Shore	October 16, 2016

Percutaneous Coronary Intervention Services

Hospitals	Application Submission Date
Anne Arundel Carroll Howard County General Johns Hopkins Bayview MedStar Franklin Square St. Agnes UM Baltimore Washington UM Upper Chesapeake	February 10, 2017
MedStar Union Memorial Peninsula Regional Sinai of Baltimore The Johns Hopkins University of Maryland (UM) UM St. Joseph Western Maryland	June 9, 2017
Frederick Memorial Holy Cross of Silver Spring MedStar Southern Maryland Meritus Prince George's Shady Grove Adventist Suburban Washington Adventist	October 6, 2017

Note: Due to the concentration of PCI programs in the Baltimore Upper Shore region, review of this region's hospitals have been distributed over two review cycles, with the first cycle covering Baltimore Upper Shore hospitals that currently provide PCI services only and the second cycle covering Baltimore Upper Shore hospitals with both cardiac surgery and PCI services.

[15-17-43]

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 BARBERS

Subject: Public Meeting
Date and Time: September 14, 2015, 9:30 a.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Shirley Leach (410) 230-6195
 [15-17-15]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: August 31, 2015, 10 a.m. — 2 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Shirley Leach (410) 230-6195
 [15-17-29]

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting
Date and Time: September 21, 2015, 1 — 3 p.m.
Place: Judicial Training Center, 2009-D Commerce Park Dr., Rms. 9 and 10, Annapolis, MD
Contact: Robyn Lyles (410) 585-3185
 [15-17-41]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: September 17, 2015, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Rm. 106, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [15-17-37]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: September 3, 2015, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Advisory Committee (SEMSAC) meets regularly on the 1st Thursday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [15-17-34]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: September 8, 2015, 9 — 11 a.m.; part of the meeting may include a closed session.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.
Contact: Leandrea Gilliam (410) 706-4449
 [15-17-35]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Subject: Public Meeting
Date and Time: September 18, 2015, 10 a.m. — 12 p.m.
Place: 653 W. Pratt St., Ste. 508, Baltimore, MD
Add'l. Info: The Provider Review Panel (PRP) meets regularly on the 3rd Friday of every other month.
Contact: Leandrea Gilliam (410) 706-4449
 [15-17-33]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: September 10, 2015, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [15-17-52]

STATE BOARD OF STATIONARY ENGINEERS

Subject: Public Meeting
Date and Time: September 15, 2015, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Rm. 201, Baltimore, MD
Contact: Robin Bailey (410) 230-6160
 [15-17-20]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting
Date and Time: September 2, 2015, 10 a.m. — 3 p.m.
Place: 8720 Old Montgomery Rd., Columbia, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: James T. Merrow (410) 764-5911
 [15-17-22]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: September 15, 2015, 10 a.m. — 12 p.m.
Place: The Maryland Dept. of Transportation (MDOT), 7201 Corporate Center Dr., Rm. HH3, Hanover, MD
Add'l. Info: Bring picture ID to Sign in at front desk. Please RSVP to Joan Patterson, State CFR Coordinator if planning to attend because meetings are closed to the public if there is to be any case discussion (Joan.patterson@maryland.gov).
Contact: Joan Patterson (410) 767-6727
 [15-17-30]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: September 28, 2015, 2 — 4 p.m.
Place: 45 Calvert St., Rm .164, Annapolis, MD
Contact: Allison Taylor (410) 767-6481
 [15-17-26]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Call for Physician Nomination for DUR Board
Add'l. Info: : The Maryland Department of Health and Mental Hygiene Drug Utilization Review (DUR) Board is currently recruiting for one physician to serve on the Maryland DUR Board beginning in December 2015.

The implementation of the Omnibus Budget Reconciliation Act of 1990 requires that the Maryland Department of Health and Mental Hygiene establish a DUR

GENERAL NOTICES

1160

Board. The DUR Board is comprised of both physicians and pharmacists and has been in operation since November 1992. The activities of the DUR Board include:

- Overseeing retrospective and prospective DUR within the Maryland Medicaid Program.
- Approving DUR criteria and standards.
- Making recommendations concerning education and other types of interventions based on prospective and retrospective DUR findings.
- Preparing an annual report for submission to the Centers for Medicare and Medicaid (CMS) describing the nature and scope of the DUR program, summarizing educational/interventional strategies used, and estimating cost savings generated.
- Reviewing individual recipient profiles and make recommendations to restrict patients who might be abusing Medicaid prescription drugs.

The DUR Board has quarterly 3-hour meetings in the Baltimore area. Meetings are normally scheduled on a Thursday morning during the months of March, June, September, and December. Members serve terms of 3 years from the date of their appointment with the option to serve an additional 3 year term.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in at least one of the following areas:

- (1) The clinically appropriate prescribing of outpatient drugs.
- (2) The clinically appropriate dispensing and monitoring of outpatient drugs.
- (3) Drug use review, evaluation and intervention.
- (4) Medical quality assurance.

For an application packet, please contact Gina Homer at The Maryland Medicaid Pharmacy Program at 410-767-1749 or via email at Gina.Homer@Maryland.gov. The application deadline is September 30, 2015.
Contact: Gina Homer (410) 767-1749

[15-17-54]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Public Hearing

Date and Time: November 5, 2015, 9 a.m. — 12 p.m.

Place: UMBC Research and Technology Park—South Campus, 1450 South Rolling Rd., Halethorpe, MD

Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy & Therapeutics Committee (Preferred Drug List).

As soon as available, classes of drugs to be reviewed, agenda, speaker registration guidelines, and driving directions will be posted on the Maryland Pharmacy Program website at <https://mmcp.dhmh.maryland.gov/pap/SitePages/Public%20Meeting%20Announcement%20and%20Procedures%20for%20Public%20Testimony.aspx>.

Submit email questions to Dhmh.marylandpdlquestions@maryland.gov.

Contact: Shawn Singh (410) 767-6896

[15-17-38]

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

Subject: Public Meeting

Date and Time: September 9, 2015, 10:30 a.m. — 12 p.m.

Place: 500 N. Calvert St., Rm. 201, Baltimore, MD

Contact: Robin Bailey (410) 230-6160

[15-17-40]

INTER-AGENCY HEROIN AND OPIOID COORDINATING COUNCIL

Subject: Public Meeting

Date and Time: September 16, 2015, 10 — 11:30 a.m.; Thursday, November 5, 2015, 10 — 11:30 a.m.

Place: Harry Hughes Conf. Center, Maryland Dept. of Transportation, 7201 Corporate Center Dr., 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/OVERDOS_E_PREVENTION/SitePages/interagency-heroin-council.aspx.

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

[15-17-16]

DEPARTMENT OF INFORMATION TECHNOLOGY

Subject: Public Meeting

Date and Time: September 3, 2015, 10 a.m. — 12 p.m.; Next Meeting: November 5, 2015, 1 — 3 p.m.

Place: MDOT, 7201 Corporate Center Dr, Hanover, MD

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

Contact: Betsy Jackson (410) 260-6614

[15-17-32]

DIVISION OF LABOR AND INDUSTRY

Subject: Public Meeting

Date and Time: September 14, 2015, 10 a.m. — 12 p.m.; October 19, 2015, 10 a.m. — 12 p.m.

Place: 1100 N. Eutaw St., Rm. 600 Conference Room, Baltimore, MD

Contact: Michael Harrison (410) 230-6008
[15-17-48]

DIVISION OF LABOR AND INDUSTRY/AMUSEMENT RIDE SAFETY ADVISORY BOARD

Subject: Public Meeting

Date and Time: August 28, 2015, 10 a.m.

Place: Timonium Fair Grounds, 2200 York Rd., Administration Bldg., 2nd Fl., Timonium, MD

Add'l. Info: The Amusement Ride Safety Advisory Board is scheduled to meet to discuss issues relating to amusement ride safety. Interested persons should call to confirm date and time of meeting.

Contact: Melissa Myer (410) 767-2182

[15-17-56]

DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: September 8, 2015, 9 a.m. — 12 p.m.

Place: Ironworkers Local No. 5, Joint Apprenticeship and Training Committee, 9110 Old Marlboro Pk., Upper Marlboro, MD

Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs and other business which may come before the Council.

Contact: C. Edward Poarch II (410) 767-2246

[15-17-47]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting

Date and Time: September 2, 2015, 10 a.m.

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

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

[15-17-49]

GENERAL NOTICES

LAND SURVEYORS CPC
COMMITTEE

Subject: Public Meeting
Date and Time: September 2, 2015, 1 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
[15-17-50]

MARYLAND HEALTH CARE
COMMISSION

Subject: Public Meeting
Date and Time: September 2, 2015, 3 — 5 p.m.
Place: 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Provider Carrier Workgroup — Self-Referral Study: Aligning Quality and Cost Initiatives. Meeting rescheduled from August 26, 2015.
Contact: Erin Dorrien (410) 764-3460
[15-17-31]

MARYLAND HEALTH CARE
COMMISSION

Subject: Public Meeting
Date and Time: September 17, 2015, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[15-17-04]

MARYLAND HEALTH CARE
COMMISSION

Subject: Request for Additional Letters of Intent
Add'l. Info: Notice of Receipt of a Letter of Intent and Review for Track One Alcoholism and Drug Abuse Intermediate Care Facility
On July 23, 2015, the MHCC received a Letter of Intent from:
Maryland House Detox, LLC — Establish a Track One Alcoholism and Drug Abuse Intermediate Care Facility with 16 beds to be located at 817 S. Camp Meade Road, Linthicum, Maryland 21090, Anne Arundel County
Pursuant to COMAR 10.24.01.08A(3) the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish a Track One Alcoholism and Drug Abuse Treatment Facility. Additional Letters of Intent should be submitted to the MHCC, 4160

Patterson Avenue, Baltimore, Maryland 21215, and are due by the close of business, September 21, 2015.
Contact: Ruby Potter (410) 764-3276
[15-17-45]

MARYLAND HEALTH CARE
COMMISSION/PROVIDER CARRIER
WORKGROUP SELF REFERRAL
STUDY

Subject: Public Meeting
Date and Time: August 26, 2015, 3 — 5 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Aligning Quality and Cost Initiatives
Contact: Erin Dorrien (410) 764-3284
[15-17-18]

DEPARTMENT OF NATURAL
RESOURCES/FISHERIES SERVICE

Subject: Public Notice — Commercial Striped Bass Common Pool Season Modification
Add'l. Info: The Secretary of Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12(H), announces the re-opening of the 2015 commercial Striped Bass common pool hook and line fishery on Tuesday, August 4, 2015, one hour before sunrise, with a catch limit of 200 lbs/permittee/week and 400 lbs/vessel/day. The common pool fishery will close on Wednesday, August 5, 2015, one hour before sunset. A re-opening will be announced by public notice.
Mark J. Belton
Secretary
Contact: Jacob Holtz (410) 260-8262
[15-17-44]

BOARD OF OCCUPATIONAL
THERAPY PRACTICE

Subject: Public Meeting
Date and Time: September 17, 2015, 8:30 a.m. — 5 p.m.; September 18, 2015, 8:30 a.m. — 12 p.m.
Place: The Aspen Wye River Conference Center, 600 Aspen Ln., Queenstown, MD
Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals

with disabilities will be provided upon request. Please call 1-800-735-2255.
Contact: Marilyn Pinkney (410) 402-8556
[15-17-36]

BOARD OF PODIATRIC MEDICAL
EXAMINERS

Subject: Public Meeting
Date and Time: September 10, 2015, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[15-17-05]

BOARD OF PODIATRIC MEDICAL
EXAMINERS

Subject: Public Meeting
Date and Time: October 8, 2015, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[15-17-06]

BOARD OF PODIATRIC MEDICAL
EXAMINERS

Subject: Public Meeting
Date and Time: November 12, 2015, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[15-17-07]

BOARD OF PODIATRIC MEDICAL
EXAMINERS

Subject: Public Meeting
Date and Time: December 10, 2015, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[15-17-08]

BOARD OF PODIATRIC MEDICAL
EXAMINERS

Subject: Public Meeting
Date and Time: January 14, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[15-17-10]

BOARD OF PODIATRIC MEDICAL
EXAMINERS

Subject: Public Meeting
Date and Time: February 11, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785
[15-17-11]

GENERAL NOTICES

1162

RACING COMMISSION

Subject: Public Meeting
Date and Time: September 15, 2015, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682

[15-17-23]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: September 16, 2015, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6199

[15-17-12]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: September 16, 2015, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Charlene Faison (410) 230-6199

[15-17-13]

LISTING OF THE PLANNING COMMITTEE TO IMPLEMENT IMPROVED ACCESS TO SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS IN MARYLAND COMMITTEE MEETINGS

Subject: Public Meeting
Date and Time: September 10, 2015, 10 a.m. — 12 p.m.
Place: Columbia Gateway Bldg., 6751 Columbia Gateway Dr., Rm. 401, Columbia, MD
Add'l. Info: Carole Mays (410) 706-3932
Contact: Joyce Dantzler (410) 767-1372

[15-17-28]

STATE TREASURER'S OFFICE

Subject: Public Meeting
Date and Time: September 2, 2015, 2 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: This meeting is to discuss legislative review and the size and condition of tax-supported debt.
Contact: Nikki Griffith (410) 260-7920

[15-17-24]

STATE TREASURER'S OFFICE

Subject: Public Meeting
Date and Time: September 16, 2015, 2 p.m.
Place: Louis L. Goldstein Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD

Add'l. Info: Meeting to review the State's capital programs and the size and number of debt of higher education institutions.

Contact: Nikki Griffith (410) 260-7920

[15-17-25]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: September 17, 2015, 10 a.m. — 4 p.m.

Place: Back River WWTP, Eastern Ave., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session

Contact: Pat Kratochvil (410) 537-3167

[15-17-01]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: September 30, 2015, 9 a.m. — 4 p.m.

Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., #1006, Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session

Contact: Willie Everett (410) 537-3644

[15-17-02]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: September 10, 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

[15-17-14]

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: _____

Return form & payment to: Office of the Secretary of State, Division of State Documents ~
State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

~~~~~

## SPECIAL COMAR PUBLICATIONS

| Publication / Handbook                                             | Print Price | S & H | Quantity | Total |
|--------------------------------------------------------------------|-------------|-------|----------|-------|
| Control of Ionizing Radiation (through supplement 25)              | \$163       | \$12  | _____    | _____ |
| Control of Ionizing Radiation Supplement 25 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) (salmon cover)       | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                             | \$48        | \$9   | _____    | _____ |
|                                                                    |             |       | Total    | _____ |

**If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.**

## COMAR SUBSCRIPTION SCHEDULES

| PDF QUARTERLY UPDATES            | PRINT SEMI-ANNUAL UPDATES       |
|----------------------------------|---------------------------------|
| After March 30 <sup>th</sup>     | After June 30 <sup>th</sup>     |
| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
| After December 31 <sup>st</sup>  |                                 |

**PDF – A replacement title(s) in its entirety will be sent in electronic format.**

**PRINT – Entire chapters affected will be sent for replacement and insertion into COMAR title book(s).**



**COMAR IN PDF — ORDER FORM**

| Titles                                     | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity      | Total |
|--------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------|-------|
| <b>Complete set of COMAR in PDF format</b> |                                                                  | \$1,000            | \$500                     | _____         | _____ |
| <b>Title 01</b>                            | Executive Department                                             | \$35               | \$24                      | _____         | _____ |
| <b>Title 02</b>                            | Office of the Attorney General                                   | \$22               | \$13                      | _____         | _____ |
| <b>Title 03</b>                            | Comptroller of the Treasury                                      | \$30               | \$20                      | _____         | _____ |
| <b>Title 04</b>                            | General Services                                                 | \$16               | \$10                      | _____         | _____ |
| <b>Title 05</b>                            | Housing and Community Development                                | \$78               | \$50                      | _____         | _____ |
| <b>Title 07</b>                            | Human Resources                                                  | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Natural Resources                                                | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Labor, Licensing and Regulation                                  | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Health & Mental Hygiene (All parts) **                           | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      | _____         | _____ |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      | _____         | _____ |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      | _____         | _____ |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      | _____         | _____ |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      | _____         | _____ |
| <b>Title 12</b>                            | Public Safety and Correctional Services                          | \$67               | \$43                      | _____         | _____ |
| <b>Title 13A</b>                           | Board of Education                                               | \$63               | \$42                      | _____         | _____ |
| <b>Title 13B</b>                           | Higher Education Commission                                      | \$25               | \$15                      | _____         | _____ |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      | _____         | _____ |
| <b>Title 15</b>                            | Agriculture                                                      | \$48               | \$30                      | _____         | _____ |
| <b>Title 16</b>                            | Juvenile Service                                                 | \$23               | \$15                      | _____         | _____ |
| <b>Title 17</b>                            | Budget and Management                                            | \$28               | \$16                      | _____         | _____ |
| <b>Title 18</b>                            | Assessments and Taxation                                         | \$20               | \$12                      | _____         | _____ |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      | _____         | _____ |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      | _____         | _____ |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      | _____         | _____ |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      | _____         | _____ |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
| <b>Title 24</b>                            | Business and Economic Development                                | \$34               | \$20                      | _____         | _____ |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       | _____         | _____ |
| <b>Title 26</b>                            | Environment (All parts) **                                       | \$189              | \$125                     | _____         | _____ |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      | _____         | _____ |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      | _____         | _____ |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      | _____         | _____ |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      | _____         | _____ |
| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      | _____         | _____ |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       | _____         | _____ |
| <b>Title 29</b>                            | State Police                                                     | \$30               | \$18                      | _____         | _____ |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems              | \$25               | \$17                      | _____         | _____ |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      | _____         | _____ |
| <b>Title 32</b>                            | Aging                                                            | \$25               | \$15                      | _____         | _____ |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      | _____         | _____ |
| <b>Title 34</b>                            | Planning                                                         | \$31               | \$18                      | _____         | _____ |
| <b>Title 35</b>                            | Veterans Affairs                                                 | \$16               | \$9                       | _____         | _____ |
| <b>Title 36</b>                            | Maryland State Lottery and Gaming Control Agency                 | \$48               | \$30                      | _____         | _____ |
|                                            | Binders ( <u>not</u> included in PDF price)                      | \$15               | + S & H                   | _____         | _____ |
|                                            |                                                                  |                    |                           | <b>Total:</b> | _____ |

Prices are for single-user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

<sup>1</sup> Price is per copy of each Title.

<sup>2</sup> Annual Subscription - Receive updated COMAR Title(s) quarterly. ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents.

**COMAR IN PRINT — ORDER FORM (8 ½ x 11 format)**

| Titles                                                   | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity                  | Total |
|----------------------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------------------|-------|
| <b>Complete set of COMAR in Print (includes binders)</b> |                                                                  | \$1,425            | \$700                     | _____                     | _____ |
| <b>Title 01</b>                                          | Executive Department                                             | \$47               | \$30                      | _____                     | _____ |
| <b>Title 02</b>                                          | Office of the Attorney General                                   | \$31               | \$20                      | _____                     | _____ |
| <b>Title 03</b>                                          | Comptroller of the Treasury                                      | \$41               | \$25                      | _____                     | _____ |
| <b>Title 04</b>                                          | General Services                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 05</b>                                          | Housing and Community Development                                | \$103              | \$70                      | _____                     | _____ |
| <b>Title 07</b>                                          | Human Resources                                                  | \$104              | \$70                      | _____                     | _____ |
| <b>Title 08</b>                                          | Natural Resources                                                | \$102              | \$70                      | _____                     | _____ |
| <b>Title 09</b>                                          | Labor, Licensing and Regulation                                  | \$116              | \$75                      | _____                     | _____ |
| <b>Title 10</b>                                          | Health & Mental Hygiene (All Parts)**                            | \$350              | \$230                     | _____                     | _____ |
| <b>Title 10</b>                                          | Part 1 **                                                        | \$65               | \$40                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 2 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 3 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 4 **                                                        | \$69               | \$42                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 5 **                                                        | \$91               | \$62                      | _____                     | _____ |
| <b>Title 11</b>                                          | Transportation (All parts) **                                    | \$137              | \$85                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 1 (Transportation)**                                        | \$55               | \$35                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 2 (MVA) **                                                  | \$102              | \$70                      | _____                     | _____ |
| <b>Title 12</b>                                          | Public Safety and Correctional Services                          | \$86               | \$55                      | _____                     | _____ |
| <b>Title 13A</b>                                         | Board of Education                                               | \$83               | \$60                      | _____                     | _____ |
| <b>Title 13B</b>                                         | Higher Education Commission                                      | \$34               | \$20                      | _____                     | _____ |
| <b>Title 14</b>                                          | Independent Agencies                                             | \$103              | \$70                      | _____                     | _____ |
| <b>Title 15</b>                                          | Agriculture                                                      | \$63               | \$40                      | _____                     | _____ |
| <b>Title 16</b>                                          | Juvenile Service                                                 | \$32               | \$20                      | _____                     | _____ |
| <b>Title 17</b>                                          | Budget and Management                                            | \$38               | \$25                      | _____                     | _____ |
| <b>Title 18</b>                                          | Assessments and Taxation                                         | \$28               | \$18                      | _____                     | _____ |
| <b>Title 19A</b>                                         | State Ethics Commission                                          | \$33               | \$20                      | _____                     | _____ |
| <b>Title 20</b>                                          | Public Service Commission                                        | \$64               | \$42                      | _____                     | _____ |
| <b>Title 21</b>                                          | State Procurement Regulations                                    | \$65               | \$42                      | _____                     | _____ |
| <b>Title 22</b>                                          | State Retirement and Pension System                              | \$33               | \$18                      | _____                     | _____ |
| <b>Title 23</b>                                          | Board of Public Works                                            | \$26               | \$15                      | _____                     | _____ |
| <b>Title 24</b>                                          | Business and Economic Development                                | \$47               | \$25                      | _____                     | _____ |
| <b>Title 25</b>                                          | State Treasurer                                                  | \$23               | \$12                      | _____                     | _____ |
| <b>Title 26</b>                                          | Environment (All parts) **                                       | \$241              | \$160                     | _____                     | _____ |
| <b>Title 26</b>                                          | Part 1 **                                                        | \$72               | \$42                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 2 **                                                        | \$109              | \$72                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 3 **                                                        | \$76               | \$50                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 4 **                                                        | \$51               | \$30                      | _____                     | _____ |
| <b>Title 27</b>                                          | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$26               | \$15                      | _____                     | _____ |
| <b>Title 28</b>                                          | Office of Administrative Hearings                                | \$23               | \$12                      | _____                     | _____ |
| <b>Title 29</b>                                          | State Police                                                     | \$40               | \$22                      | _____                     | _____ |
| <b>Title 30</b>                                          | MD Institute for Emergency Medical Services Systems              | \$34               | \$20                      | _____                     | _____ |
| <b>Title 31</b>                                          | Maryland Insurance Administration                                | \$90               | \$62                      | _____                     | _____ |
| <b>Title 32</b>                                          | Aging                                                            | \$34               | \$18                      | _____                     | _____ |
| <b>Title 33</b>                                          | State Board of Elections                                         | \$57               | \$35                      | _____                     | _____ |
| <b>Title 34</b>                                          | Planning                                                         | \$42               | \$25                      | _____                     | _____ |
| <b>Title 35</b>                                          | Veterans Affairs                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 36</b>                                          | Maryland State Lottery and Gaming Control Agency                 | \$65               | \$43                      | _____                     | _____ |
|                                                          | Additional Binder                                                | \$15               | + S & H                   | _____                     | _____ |
| <b>Shipping &amp; Handling Total:</b> _____              |                                                                  |                    |                           | <b>Order Total:</b> _____ |       |

<sup>1</sup> Price is per copy of each Title and includes binders.

<sup>2</sup> Annual Subscription - Receive updated information semi-annually ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents

*Note: COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than three months old, call the COMAR Subscription Manager (410-260-3876) to confirm prices. **Fees are not refundable.***

| <b>Shipping/Handling</b>                              |                 |
|-------------------------------------------------------|-----------------|
| <u>Publication Total</u>                              | <u>Shipping</u> |
| \$ 0-50                                               | \$15            |
| \$ 51-150                                             | \$20            |
| \$ 151-300                                            | \$25            |
| \$ 301-400                                            | \$35            |
| \$400 + please call Subscription Department.          |                 |
| <i>State agencies using courier, may omit S&amp;H</i> |                 |

## CODE OF MARYLAND REGULATIONS

Titles 10, 11, and 26 are available in Parts, listed below with Subtitles, and may be purchased separately.

### Title 10 Department of Health and Mental Hygiene

#### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)

- 19 Dangerous Devices and Substances

- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic and Massage Therapy Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program  
Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission

### Title 11 Department of Transportation

#### Part 1

- 01 Office of the Secretary
  - 02 Transportation Service Human Resources System
  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
  - 05 Maryland Port Administration
  - 06 Mass Transit Administration
  - 07 Maryland Transportation Authority
  - 08 State Railroad Administration
  - 09 Vacant
  - 10 Vacant
- #### Part 2
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
  - 14 MVA – Vehicle Inspections
  - 15 MVA – Vehicle Registration
  - 16 MVA – Vehicle Operations
  - 17 MVA – Driver Licensing and Identification Documents
  - 18 MVA – Financial Responsibility Requirements
  - 19 MVA – School Vehicles
  - 20 MVA – Motorcycle Safety Program
  - 21 MVA – Commercial Motor Vehicles
  - 22 MVA – Preventive Maintenance Program
  - 23 MVA – Drivers' Schools, Instructors & Driver Education Program

### Title 26 Department of the Environment

#### Part 1

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

#### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

#### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances —  
Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

#### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under  
Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
- 23 Nontidal Wetlands
- 24 Tidal Wetlands
- 25 Ballast Water Management
- 26 Community Right-to-Know Fund
- 27 Hazardous Material Security



Date: \_\_\_\_\_

Subscriber Id.# \_\_\_\_\_

# Maryland Register

## Archive Order Form

The Division of State Documents has created pdf files of all the Maryland Register issues since 1974. The issues from 1974—2003 are scanned images of the actual Register in pdf format and, as such, are not searchable, while the issues beginning with 2004 are *searchable text* in pdf format files.

❖ Single issues of the Maryland Register from 1974—present

\_\_\_\_\_ \$10 Per issue of the Register from 1974—present via emailed pdf file.  
Please specify **Issue(s)**: \_\_\_\_\_

\_\_\_\_\_ \$15 Per issue of the Maryland Register from 1974—present via mailed hard-copy  
Please specify **Issue(s)**: \_\_\_\_\_

❖ An archival library of all Maryland Register issues from 1974—2014:

\_\_\_\_\_ \$375 2 DVDs (1974 — 2014)

\_\_\_\_\_ \$50 One year of the Maryland Register from 1974—2003 (unsearchable):  
Please specify **Year(s)**: \_\_\_\_\_

❖ \_\_\_\_\_ \$100 A single year of issues from 2004 forward will be available in January of the year following their publication. These will be searchable files, on CD.

Please specify year(s) between 2004 through 2014: \_\_\_\_\_

**Note:** All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland).

**By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.**

❖ Please order by *faxing* the completed form to:

Fax: 410-280-5647

Business/Agency: \_\_\_\_\_

Name: \_\_\_\_\_

❖ By *mailing* it to:

Division of State Documents

State House

Annapolis, MD 21401

Billing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

❖ By *emailing* it to:

[subscriptions@sos.state.md.us](mailto:subscriptions@sos.state.md.us)

Recipient's Email: \_\_\_\_\_

❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

Money Order or Check # _____ Amount: \$ _____ or

VISA, MasterCard, American Express, Discover ~ Amount: \$ _____

Card # _____ Card Exp. Date: _____

Signature: _____ Phone: _____



Date: _____

Subscriber Id.# _____

Maryland Register

Print and E-Version Order Form

The Maryland Register is a biweekly publication containing proposed, emergency, and final administrative regulations as well as other State government information. The Register serves as the temporary supplement to the Code of Maryland Regulations (COMAR). 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.

See separate [Order Form](#) for the Maryland Register Archive Issues from 1974 — 2014.

- ❖ _____ \$225 A single year of the Maryland Register in Print ~ 1st Class Mail Delivery.
- ❖ _____ \$ 15 1 Binder for half a year of Maryland Register issues in Print.
- ❖ _____ \$ 25 2 Binders for a full year of Maryland Register issues in Print.
- ❖ _____ \$190 A **single-user** annual e-Subscription, which provides a searchable pdf text file of each issue, emailed directly to one recipient's email address.
- ❖ _____ \$130 *Per additional user, per account subscription.* Call 410-260-3876 for details.

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

- ❖ Please order by *faxing* the completed form to: Business/Agency: _____
 Fax: 410-280-5647 Name: _____
- ❖ By *mailing* it to: Billing Address: _____
 Division of State Documents _____
 State House City, State, Zip _____
 Annapolis, MD 21401 Tel: _____ Fax: _____
- ❖ By *emailing* it to: Recipient's Email: _____
dsubscriptions_sos@Maryland.gov
- ❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

**Money Order or Check # \_\_\_\_\_ Amount: \$ \_\_\_\_\_ or**

**VISA, MasterCard, American Express, Discover ~ Amount: \$ \_\_\_\_\_**

Card # \_\_\_\_\_ Card Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**Fees are not refundable.**

Last updated 4/2015

Date: \_\_\_\_\_

**DHMH Pamphlets ORDER FORM**

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_ P. O. Box: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

| <b><u>Codification #</u></b> | <b><u>Pamphlet Title</u></b>                                                                             | <b><u>Price / #</u></b> |
|------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------|
| COMAR 10.05                  | Freestanding Ambulatory Care Facilities — Aug 2013 .....                                                 | * \$10 × _____          |
| COMAR 10.07.01               | Acute General Hospitals and Special Hospitals — Nov 2014 .....                                           | \$10 × _____            |
| COMAR 10.07.02               | Comprehensive Care Facilities and Extended Care Facilities — May 2014.....                               | \$15 × _____            |
| COMAR 10.07.03               | Health Care Staff Agencies — Sep 2014 .....                                                              | \$ 9 × _____            |
| COMAR 10.07.05               | Residential Service Agencies — June 2014 .....                                                           | \$11 × _____            |
| COMAR 10.07.06               | Hospital Patient Safety Program — Apr 2004 .....                                                         | \$ 8 × _____            |
| COMAR 10.07.07               | Nursing Referral Service Agencies — Dec 2006.....                                                        | \$ 8 × _____            |
| COMAR 10.07.09               | Residents’ Bill of Rights: Comprehensive Care Facilities<br>and Extended Care Facilities — Aug 2009..... | \$ 9 × _____            |
| COMAR 10.07.10               | Home Health Agencies — Aug 2002 .....                                                                    | \$ 8 × _____            |
| COMAR 10.07.11               | Health Maintenance Organizations — Aug 2010.....                                                         | \$10 × _____            |
| COMAR 10.07.14               | Assisted Living Programs — Aug 2013 .....                                                                | \$15 × _____            |
| COMAR 10.07.21               | Hospice Care Programs — Sep 1998 .....                                                                   | \$ 9 × _____            |
| COMAR 10.10                  | Laboratory Regulations — Jun 2013.....                                                                   | \$15 × _____            |
| COMAR 10.12.04               | Day Care for the Elderly and Adults with a Medical Disability — Jan 2015 .....                           | \$ 9 × _____            |
| COMAR 10.15.03               | Food Service Facilities — May 2014 .....                                                                 | \$15 × _____            |
| COMAR 10.21                  | Mental Hygiene Regulations — May 2014 .....                                                              | \$27 × _____            |
| COMAR 10.22                  | Developmental Disabilities — May 2014 .....                                                              | \$20 × _____            |
| COMAR 10.47                  | Alcohol And Drug Abuse Administration — May 2014 .....                                                   | \$15 × _____            |
| COMAR 10.51                  | Forensic Laboratories — May 2014.....                                                                    | \$15 × _____            |
| COMAR                        | Nurse Practice Act — Jan 2015.....                                                                       | \$25 × _____            |

TOTAL: \$ \_\_\_\_\_

*\* Price of pamphlets includes shipping.*

Payment Method, \_\_\_\_\_ Check enclosed, made payable to: “**The Division of State Documents**”

Choose/Check one: \_\_\_\_\_ VISA / Master Card / American Express / Discover card payment:

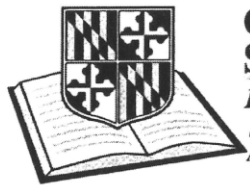
Acct.# \_\_\_\_\_ Exp. Date: \_\_\_\_\_

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

**Return form and payment to:** Office of the Secretary of State  
Division of State Documents ~ State House ~ Annapolis, MD 21401  
Tel: 410-260-3876 ~ 800-633-9657 ~ Fax: 410-280-5647

**Note:** COMAR prices may change. Check the date on the lower right hand corner of this form. If the form is more than 3 months old, call the Subscription Manager 410-260-3876 to confirm prices.





**Office of the  
Secretary of State**

*Division of State Documents*

*State House  
Annapolis, MD 21401*

***PUBLISHERS OF:***

The Code of Maryland Regulations (COMAR)

The Maryland Register

*For information, contact:*

Telephone: 410.260.3876 or 800.633.9657

E-Mail address: [dsubscriptions\\_sos@maryland.gov](mailto:dsubscriptions_sos@maryland.gov)

Website: [www.dsd.state.md.us](http://www.dsd.state.md.us)