

Maryland Register

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Volume 43 • Issue 9 • Pages 519—576

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 11, 2016, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of April 11, 2016.

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)

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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith,** Secretary of State; **Brian Morris,** Administrator; **Gail S. Klakring,** Senior Editor; **Mary D. MacDonald,** Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.
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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.dsd.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 20, 2017

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
May 13	April 25	May 4	May 2
May 27	May 9	May 18	May 16
June 10**	May 23	June 1	May 27
June 24	June 6	June 15	June 13
July 8	June 20	June 29	June 27
July 22**	July 1	July 13	July 11
August 5	July 18	July 27	July 25
August 19	August 1	August 10	August 8
September 2	August 15	August 24	August 22
September 16**	August 29	September 7	September 2
September 30	September 12	September 21	September 19
October 14	September 26	October 5	October 3
October 28**	October 7	October 19	October 17
November 14***	October 24	November 2	October 31
November 28***	November 4	November 16	November 14
December 9**	November 18	November 30	November 28
December 23	December 5	December 14	December 12
January 6**	December 19	December 28	December 23
January 20**	December 30	January 11	January 9

* 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.

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 20.62.02.01—.11 • 43:9 Md. R. 553 (4-29-16)
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23 BOARD OF PUBLIC WORKS

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- 33.14.02.04 • 43:7 Md. R. 471 (4-1-16)
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- 36.03.02.17 • 43:9 Md. R. 566 (4-29-16)
- 36.06.01—.03 • 42:14 Md. R. 930 (7-10-15)
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The General Assembly

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

SYNOPSIS NO. 5

House Bill

HB1644 Del West, et al. Baltimore County - Alcoholic Beverages - Racetrack License.

[16-09-42]

Chapters

CH0028 HB0003 (Enrolled) Del Davis. Public Utilities - Transportation Network Services and For-Hire Transportation - Clarifications.

CH0082 HB0051 Del O'Donnell. Natural Resources - Aquaculture Coordinating Council - Membership.

CH0083 HB0057 Del Cassilly. Public Safety - Maryland Building Performance Standards - Adoption, Implementation, and Enforcement of Modifications.

CH0084 HB0060 CHr ECM (Dept). Insurance - Certificate of Qualification, Licensing, and Registration - Electronic Means.

CH0085 HB0062 CHr ENV (Dept). Natural Resources - Fishing and Hunting Licenses.

CH0086 HB0063 (Amended) CHr ENV (Dept). Natural Resources - Fishing - Regulation and Use of Commercial Finfish Trotlines.

CH0087 HB0065 CHr ENV (Dept). Tree Expert License - Application and Renewal - Repeal of Sunset Provision.

CH0088 HB0066 CHr APP (Dept). Residential Child Care Capital Grant Program - Repeal.

CH0089 HB0067 CHr W&M (Dept). Maryland Infants and Toddlers Program - Composition.

CH0090 HB0070 Del Luedtke. Business Regulation - Billiard Table License - Repeal.

CH0091 HB0074 The Spkr (Md Jud). Judgeships - Circuit Courts and District Court.

CH0092 HB0078 CHr JUD (Dept). State Fire Marshal - Reporting Requirements - Repeal.

CH0093 HB0090 (Enrolled) Del Lafferty. On-Site Sewage Disposal Systems - Operation and Maintenance Costs - Low-Income Homeowners.

CH0094 HB0119 (Amended) Del Reznik, et al. State Board of Physicians - Licensing Exemption - Physicians With Traveling Athletic and Sports Teams.

CH0095 HB0120 (Enrolled) Del Krimm, et al. State Budget - Department of Budget and Management - Statement of Dedicated State Funds.

CH0055 HB0124 (Amended) Dels Hammen and Wivell. Health Insurance - Large Employers - Disclosure of Aggregate Incurred Claims.

CH0096 HB0131 (Amended) Del Waldstreich, et al. Commercial Law - Nondisparagement Clauses in Consumer Contracts - Prohibition.

CH0097 HB0137 Charles County Delegation. Charles County - Taxing Districts for Infrastructure Improvements - Repeal of Restriction.

CH0098 HB0164 (Amended) CHr APP (Dept). State Personnel Management System - Background Investigation and Criminal History Records Check - Prospective and Current Employees.

CH0099 HB0185 Del Morhaim, et al. State Board of Physicians - Licensed Physicians - Continuing Education Requirements.

CH0100 HB0331 Del Stein. Program Open Space - Funding for Capital Improvements.

CH0060 HB0342 Dels Carey and Davis. Motor Fuel Suppliers and Retail Service Station Dealers - Promotion - Sales.

CH0101 HB0357 Del Afzali. Frederick County - Local Government Tort Claims Act - Notice of Claim.

CH0077 HB0358 Del Jacobs, et al. Kent County - Prospective Employees and Volunteers - Criminal History Records Check.

CH0102 HB0366 (Amended) Anne Arundel County Delegation. Anne Arundel County - Property Tax Credit - Blind Individuals.

CH0015 HB0368 (Enrolled) Del Korman, et al. Board of Public Works Transparency Act of 2016.

CH0103 HB0389 Del O'Donnell, et al. Chesapeake and Atlantic Coastal Bays Critical Area Protection Program - Intrafamily Transfers.

CH0104 HB0411 Del M. Washington, et al. General Assembly - Joint Committee on Ending Homelessness - Membership.

CH0039 HB0431 (Amended) Del Bromwell, et al. Maryland ACHieving a Better Life Experience (ABLE) Program - Establishment.

CH0105 HB0443 (Amended) Del Fraser-Hidalgo, et al. Agriculture - Industrial Hemp - Agricultural or Academic Research.

CH0037 HB0454 (Enrolled) The Spkr (Admin). State Employees - Merit Increases in Salary.

CH0010 HB0462 (Enrolled) The Spkr (Admin), et al. Program Open Space - Transfer Tax Repayment - Use of Funds.

CH0106 HB0470 (Amended) Del Krebs, et al. Health Occupations - Dental Hygienists - Administration of Nitrous Oxide.

CH0058 HB0511 (Amended) Del Cullison, et al. Maryland Medical Assistance Program - Former Foster Care Adolescents - Dental Care.

CH0107 HB0523 (Amended) Del Stein. E-ZPass Accounts - Transponder Theft - Reporting and Unauthorized Charges.

CH0108 HB0549 Caroline County Delegation. Caroline County - Alcoholic Beverages - Refillable Container Permit.

CH0040 HB0596 Del Flanagan, et al. State Department of Education - Hearing Aid Loan Bank Program - Age of Eligibility.

CH0109 HB0639 (Amended) Del Kelly, et al. Health Insurance - Provider Claims - Payment by Credit Card or Electronic Funds Transfer Payment Method.

CH0110 HB0642 (Amended) Anne Arundel County Delegation. Anne Arundel County - Alcoholic Beverages - Licenses.

CH0111 HB0680 Del Kipke. Health Occupations - Dental Hygienists - Local Anesthesia.

CH0029 HB0684 (Enrolled) Del Hammen, et al. Baltimore Regional Neighborhood Initiative Program - Codified.

CH0030 HB0686 (Amended) Del Hammen, et al. Department of Housing and Community Development - Strategic Demolition and Smart Growth Impact Fund - Establishment.

CH0112 HB0697 (Amended) Dels Otto and Carozza. Worcester County - Alcoholic Beverages - Class A Beer, Wine, and Liquor License.

CH0114 HB0718 (Amended) Del Kramer, et al. Consumer Protection - Asset Recovery for Exploited Seniors Act.

- CH0075** HB0730 (Amended) Del Sample-Hughes, et al. Virginia I. Jones Alzheimer's Disease and Related Disorders Council - Membership and Extension of Termination Date.
- CH0115** HB0745 Del Reilly, et al. Business Regulation - State and Harford County Juke Box Licenses - Repeal.
- CH0116** HB0752 (Amended) Del Cullison. Physicians - Prescriptions Written by Physician Assistants or Nurse Practitioners - Preparing and Dispensing.
- CH0117** HB0766 (Amended) CHr ENV (Dept). Natural Resources - Fish and Fisheries.
- CH0118** HB0779 Del Parrott. Alcoholic Beverages - Washington County - Local Penalties.
- CH0081** HB0786 Del Morales, et al. Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking - Sunset Extension.
- CH0119** HB0788 (Amended) CHr HGO (Dept). Procurement - Small Business Reserve Program - Program Oversight and Continuation.
- CH0120** HB0791 Carroll County Delegation. Carroll County - Alcoholic Beverages - Beer, Wine, and Liquor Tasting License.
- CH0121** HB0798 CHr HGO (Dept). Health Insurance - Reporting Requirements - Repeal.
- CH0122** HB0801 (Amended) CHr HGO (Dept). Health Insurance - Required Conformity With Federal Law.
- CH0123** HB0803 (Amended) Del Rosenberg, et al. Life Insurance - Freedom to Travel Act.
- CH0124** HB0827 (Amended) Del O'Donnell. Newborn Infant Screening - Testing by Nonpublic Laboratories - Notification.
- CH0125** HB0832 Cecil County Delegation. Cecil County - Marriage Licenses - Applications.
- CH0066** HB0837 Del Haynes, et al. State Finance and Procurement - Public Senior Higher Education Institutions - Policies Concerning Procurement Contracts.
- CH0126** HB0841 Frederick County Delegation. Frederick County - Alcoholic Beverages - Hotel Lobby License.
- CH0127** HB0843 (Amended) Frederick County Delegation. Frederick County - Alcoholic Beverages - Beauty Salon License.
- CH0128** HB0844 Frederick County Delegation. Frederick County - Alcohol Awareness Program - Absence From Licensed Premises.
- CH0071** HB0868 Del McKay. Washington County - Fire, Rescue, and Ambulance Service - Local Authority.
- CH0129** HB0890 St. Mary's County Delegation. St. Mary's County - Local Landlord and Tenant Law - Repeal.
- CH0130** HB1090 (Amended) Howard County Delegation. Howard County - Alcoholic Beverages - Continuing Care Retirement Community License Ho. Co. 15-16.
- CH0131** HB1101 (Amended) Montgomery County Delegation. Municipal Corporations - Closed Swimming Lake - Regulation MC 32-16.
- CH0132** HB1105 (Amended) Howard County Delegation. Howard County Public School System - Access to Public Information Ho. Co. 9-16.
- CH0133** HB1109 Frederick County Delegation. Frederick County - Dry Election Districts - Repeal.
- CH0134** HB1144 Del W. Miller. Gas and Electric Companies - Retail Choice Customer Education and Protection Fund.
- CH0135** HB1161 Del Lisanti. Municipalities - Boat Docking and Storage - User Fees - Authorized Uses.
- CH0079** HB1162 (Amended) Dels Reznik and Carozza. Foster Youth Summer Internship Program.
- CH0136** HB1220 (Amended) CHr HGO (Dept), et al. Department of Health and Mental Hygiene - Health Program Integrity and Recovery Activities.
- CH0031** HB1400 (Enrolled) Del Glenn, et al. Seed Community Development AnChor Institution Fund.
- CH0032** HB1402 (Enrolled) Del McIntosh, et al. Education - Public School Opportunities Enhancement Act.
- CH0033** HB1403 (Enrolled) Del McIntosh, et al. Next Generation SCHolars of Maryland.
- CH0034** HB1404 (Enrolled) Del Brooks, et al. Construction Education and Innovation - Establishment of Fund.
- CH0137** HB1408 Del McComas. Property and Casualty Insurance - Commercial Policies and Workers' Compensation Insurance Policies - Notices of Premium Increases.
- CH0138** HB1445 (Amended) Calvert County Delegation. Calvert County - Property Tax Credit - Commerce Zones.
- CH0139** HB1457 Dels Vaughn and Mautz. Land Surveyors - Qualifications for License - Education, Experience, and Examination Requirements.
- CH0140** HB1493 Calvert County Delegation. Calvert County - Economic Development Incentive Fund - Eligibility Criteria.
- CH0141** HB1503 Del Simonaire, et al. Adult Education - GED Testing Fees - Exemption for Homeless Youth.
- CH0142** HB1527 Del O'Donnell. Environment - Water Appropriation Permit - Aquaculture Exemption.
- CH0012** HB1581 (Amended) Harford County Delegation. Harford County Deputy Sheriffs Dailey and Logsdon Benefits Memorial Act.
- CH0042** SB0047 Sen Simonaire. Anne Arundel County - Property Tax Credit - Benefit Corporations and Benefit Limited Liability Companies.
- CH0016** SB0054 (Enrolled) Sens Middleton and Ferguson. Public Utilities - Transportation Network Services and For-Hire Transportation - Clarifications.
- CH0043** SB0061 (Amended) Sen Simonaire. Natural Resources - Forest Lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Miscellaneous Corrections and Clarifications.
- CH0044** SB0078 CHr JPR (Dept). State Lottery and Video Lottery Facility Payouts - Remittance of Intercepted Prizes.
- CH0045** SB0079 CHr JPR (Dept). State Citizens Review Board for Children - Penalties for Unauthorized Disclosure of Child Protection Case Information.
- CH0046** SB0091 (Amended) CHr FIN (Dept). Public Health - State-Identified HIV Priorities.
- CH0017** SB0098 (Enrolled) CHr FIN (Dept). Senior Citizen Activities Center Operating Fund - Distributions - Alteration.
- CH0038** SB0099 (Amended) CHr FIN (Dept). Department of Disabilities - Assistive Technology Loan Program - Board of Directors.
- CH0018** SB0104 CHr EHE (Dept). Housing and Community Development - Local Government Infrastructure Projects - Financing.
- CH0047** SB0107 (Amended) CHr EHE (Dept). Military Department - Summary Courts-Martial - Penalties.
- CH0048** SB0109 (Amended) CHr EHE (Dept). Health Occupations Boards - Criminal History Records Checks - Required.
- CH0019** SB0110 (Amended) CHr EHE (Dept) and Sen Middleton. Agriculture - Young Farmers Advisory Board - Membership.
- CH0020** SB0111 CHr EHE (Dept). State Lottery - Licensed Agents - Prize Payments.
- CH0021** SB0112 CHr EHE (Dept). Pest Control Compact - Repeal.
- CH0022** SB0113 CHr EHE (Dept). Department of Agriculture - Bees, Bee Colonies, and Used Bee Equipment - Transportation and Shipment.
- CH0049** SB0116 The Pres (DLS). State Government - Office of Legislative Audits - Alterations in Audit Requirements.

CH0050 SB0130 (Amended) Sen Mathias. Worcester County - Alcoholic Beverages - Refillable Container Permit for Draft Beer.

CH0051 SB0132 (Enrolled) Sen Mathias (CHr, Jt Com CACB Crit Areas). Critical Area Commission for the CHesapeake and Atlantic Coastal Bays - Membership From Ocean City.

CH0052 SB0146 (Amended) Harford County Senators. Harford County - State's Attorney - Salary.

CH0143 SB0190 (Enrolled) The Pres (Admin). Budget Bill (Fiscal Year 2017).

CH0027 SB0191 (Enrolled) The Pres (Admin). Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2016, and the Maryland Consolidated Capital Bond Loans of 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, and 2015.

CH0053 SB0195 (Amended) Sens Ready and Bates. Carroll County - State's Attorney's Office and CHild Support Enforcement Administration - Transfer of Personnel.

CH0054 SB0212 (Amended) Sens Middleton and Serafini. Health Insurance - Large Employers - Disclosure of Aggregate Incurred Claims.

CH0056 SB0240 (Amended) Sen Kelley. Maryland Insurance Commissioner - Responsibility for Holding Hearings - Delegation.

CH0057 SB0252 (Amended) Sen Pugh, et al. Maryland Medical Assistance Program - Former Foster Care Adolescents - Dental Care.

CH0059 SB0277 Sens Middleton and Mathias. Motor Fuel Suppliers and Retail Service Station Dealers - Promotion - Sales.

CH0061 SB0280 CHr B&T (Dept). Academic Facilities Bonding Authority.

CH0062 SB0281 CHr EHE (Dept). State Government - Members of the National Guard - Active Duty - Employment Protection.

CH0063 SB0317 Sen Kelley, et al. Coordinating Council for Juvenile Services Educational Programs - Membership.

CH0064 SB0321 (Enrolled) Sen Peters (CHr Jt Com on Pnsns). State Retirement and Pension System - Board of Trustees - Designee Appointments and Fiduciary Duties.

CH0011 SB0323 (Amended) Sen Pinsky, et al. Greenhouse Gas Emissions Reduction Act - Reauthorization.

CH0013 SB0324 (Enrolled) Sen Miller, et al. Prince George's County Regional Medical Center Act of 2016.

CH0065 SB0342 (Amended) Sen Feldman, et al. State Finance and Procurement - Public Senior Higher Education Institutions - Policies Concerning Procurement Contracts.

CH0067 SB0369 (Amended) Sen Ferguson, et al. Education - Prekindergarten Programs - Notification of Eligibility by Local Departments of Social Services.

CH0014 SB0370 (Amended) Sen Madaleno, et al. Board of Public Works Transparency Act of 2016.

CH0023 SB0378 (Amended) The Pres (Admin). State Employees - Merit Increases in Salary.

CH0068 SB0410 Sen Ferguson, et al. Distillery License Holders - Sale of Product to Participants in Guided Tours.

CH0069 SB0483 Sen Edwards. Allegany County - Alcoholic Beverages - Minimum Age to Serve Liquor.

CH0070 SB0516 Washington County Senators. Washington County - Fire, Rescue, and Ambulance Service - Local Authority.

CH0072 SB0530 Sen Eckardt. DorCHester County - Class B Beer, Wine, and Liquor License - Minimum Seating Requirement.

CH0073 SB0541 Sen Feldman. Portable Electronics Insurance - Required Notices - Method of Mailing.

CH0074 SB0549 (Enrolled) Sen Pugh, et al. Virginia I. Jones Alzheimer's Disease and Related Disorders Council - Membership and Extension of Termination Date.

CH0076 SB0629 Sen Hershey. Kent County - Prospective Employees and Volunteers - Criminal History Records Check.

CH0041 SB0724 The Pres (DLS - Code Rev). Alcoholic Beverages Article.

CH0024 SB0766 (Amended) Sen Madaleno, et al. Local Income Tax - Overpayments, Underpayments, and Wynne Repayments - Local Reserve Account Repayment.

CH0078 SB0785 (Amended) Sen Zucker, et al. Foster Youth Summer Internship Program.

CH0080 SB0863 Sen Lee, et al. Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking - Sunset Extension.

CH0113 SB0967 (Amended) Sen Mathias. Worcester County - Alcoholic Beverages - Class A Beer, Wine, and Liquor License.

CH0025 SB1052 (Enrolled) Sen Ferguson, et al. University of Maryland Strategic Partnership Act of 2016.

CH0026 SB1159 (Amended) Sen Conway, et al. Baltimore City Board of License Commissioners - Members - Terms and Appointment.

[16-09-43]

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 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 Final Action

[15-404-F]

On April 14, 2016, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.19** under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**. This action, which was proposed for adoption in 42:26 Md. R. 1618—1625 (December 28, 2015), has been adopted as proposed.

Effective Date: May 9, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.33 Prescription Drug Repository Program

Authority: Health-General Article, §§15-601—15-609, Annotated Code of Maryland

Notice of Final Action

[15-400-F]

On April 7, 2016, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.01—,06**, new Regulations **.01-1, .06-1**, and **.07**, and the repeal of existing Regulations **.07—,12** under **COMAR 10.34.33 Prescription Drug Repository Program**. This action, which was proposed for adoption in 42:26 Md. R. 1631—1633 (December 28, 2015), has been adopted as proposed.

Effective Date: May 9, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.39 Pharmacist Administration of Self-Administered Drugs

Authority: Health Occupations Article, §§12-101, 12-102(b), and 12-509, Annotated Code of Maryland

Notice of Final Action

[15-405-F]

On April 8, 2016, the Secretary of Health and Mental Hygiene adopted new Regulations **.01 — .04** under a new chapter, **COMAR 10.34.39 Pharmacist Administration of Self-Administered Drugs**. This action, which was proposed for adoption in 42:26 Md. R. 1633—1634 (December 28, 2015), has been adopted as proposed.

Effective Date: May 9, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-201, 19-207, and 19-219(c), Annotated Code of Maryland

Notice of Final Action

[16-043-F]

On April 13, 2016, the Health Services Cost Review Commission adopted amendments to Regulation **.07-1** under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action, which was proposed for adoption in 43:2 Md. R. 206 (January 22, 2016), has been adopted as proposed.

Effective Date: May 9, 2016.

JOHN M. COLMERS
Chairman

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 20 SOIL AND WATER CONSERVATION

15.20.12 Agricultural Nutrient and Sediment Credit Certification Program

Authority: Agriculture Article, §§2-103(b), 8-902, and 8-903, Annotated Code of Maryland

Notice of Final Action

[15-401-F]

On April 15, 2016, the Secretary of Agriculture adopted new Regulations .01—.11 under a new chapter, **COMAR 15.20.12 Agricultural Nutrient and Sediment Credit Certification Program**. This action, which was proposed for adoption in 42:26 Md. R. 1639—1643 (December 28, 2015), has been adopted as proposed.

Effective Date: May 9, 2016.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Notice of Final Action

[16-058-F]

On April 18, 2016, the Secretary of the Environment adopted:

- (1) Amendments to Regulation .01 under **COMAR 26.11.01 General Administrative Provisions**;
- (2) Amendments to Regulation .07 under **COMAR 26.11.14 Control of Emissions from Kraft Pulp Mills**; and
- (3) The repeal of Regulations .01—.08 under **COMAR 26.11.28 Clean Air Interstate Rule**.

This action, which was proposed for adoption in 43:3 Md. R. 286—288 (February 5, 2016), has been adopted as proposed.

Effective Date: May 9, 2016.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.10 Control of Iron and Steel Production Installations

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

Notice of Final Action

[15-431-F]

On April 18, 2016, the Secretary of the Environment adopted amendments to Regulation .06 under **COMAR 26.11.10 Control of Iron and Steel Production Installations**. This action, which was proposed for adoption in 43:3 Md. R. 288 (February 5, 2016), has been adopted as proposed.

Effective Date: May 9, 2016.

BENJAMIN H. GRUMBLES
Secretary of the Environment

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

Subtitle 02 EMERGENCY MEDICAL SERVICES PROVIDERS

30.02.02 Licensure and Certification

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

Notice of Final Action

[16-048-F]

On April 12, 2016, the State Emergency Medical Services Board adopted amendments to Regulation .05 under **COMAR 30.02.02 Licensure and Certification**. This action, which was proposed for adoption in 43:2 Md. R. 227—228 (January 22, 2016), has been adopted as proposed.

Effective Date: May 9, 2016.

KEVIN G. SEAMAN, M.D.
Executive Director

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

Notice of Final Action
[15-409-F]

On April 19, 2016, the Insurance Commissioner adopted:

(1) Amendments to the enabling authority for **COMAR 31.10.01 Health Insurance**;

(2) Amendments to the enabling authority and Regulations **.01** and **.02** under **COMAR 31.10.04 Health Insurance—Plan of Withdrawal**;

(3) Amendments to Regulation **.03** under **COMAR 31.10.16 Carrier Provider Panels—Application Process**;

(4) Amendments to the enabling authority for **COMAR 31.10.19 Independent Review Organizations and Medical Experts**;

(5) Amendments to the enabling authority, the repeal of existing Regulation **.02**, and the recodification of existing Regulations **.03—.07** to be Regulations **.02—.06** under **COMAR 31.10.20 Certification of HMO Medical Directors**;

(6) Amendments to the enabling authority for **COMAR 31.10.24 Discount Medical Plan Organizations and Discount Drug Plan Organizations**;

(7) Amendments to Regulations **.02** and **.04** under **COMAR 31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts**;

(8) Amendments to the enabling authority for **COMAR 31.10.28 Individual Health Insurance Contracts—Standard Provisions and Exclusions**; and

(9) Amendments to the enabling authority for **COMAR 31.10.37 Delivery of Policy or Certificate**.

This action, which was proposed for adoption in 42:26 Md. R. 1644—1646 (December 28, 2015), has been adopted as proposed.

Effective Date: May 9, 2016.

ALFRED W. REDMER, JR.
Insurance Commissioner

Withdrawal of Regulations

Title 33 STATE BOARD OF ELECTIONS

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.02 Statement of Contributions Requirements

Authority: Election Law Article, §§2-102(b)(4), 14-404, and 14-109,
Annotated Code of Maryland

Notice of Withdrawal

[15-278-W]

The State Board of Elections withdraws amendments to Regulations .02 and .03 under COMAR 33.20.02 **Statement of Contributions Requirements**, as published in 42:21 Md. R. 1352—1353 (October 16, 2015).

LINDA H. LAMONE
State Administrator of Elections

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

33.20.06 Contributions

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code
of Maryland

Notice of Withdrawal

[15-364-W]

The State Board of Elections withdraws new Regulations .01 and .02 under COMAR 33.20.06 **Contributions**, as published in 42:23 Md. R. 1481—1482 (November 13, 2015).

LINDA H. LAMONE
State Administrator of Elections

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 07 HOSPITALS

10.07.01 Acute General Hospitals and Special Hospitals

Authority: Health-General Article, §19-308, Annotated Code of Maryland

Notice of Proposed Action

[16-100-P-I]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.02** and **.30**, repeal existing Regulation **.03**, and recodify existing Regulation **.02** to be Regulation **.03** under **COMAR 10.07.01 Acute General Hospitals and Special Hospitals**.

Statement of Purpose

The purpose of this action is to update the 2006 incorporation by reference document regarding architectural guidelines for hospitals and outpatient facilities to the 2014 edition and to adopt a separate regulation regarding physical environment requirements.

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 May 30, 2016. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Guidelines for the Design and Construction of Hospitals and Outpatient Facilities, The Facilities Guidelines Institute (2014 Edition), 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 43:1 Md. R. 10 (January 8, 2016), 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.

.02 Incorporation by Reference.

The Guidelines for the Design and Construction of Hospitals and Outpatient Facilities, The Facilities Guidelines Institute (2014 Edition), is incorporated by reference, with the following exceptions:

- A. 2.3 *Specific Requirements for Freestanding Emergency Department*, pp. 211-213;
- B. 3.3 *Specific Requirements for Freestanding Outpatient Diagnostic and Treatment Facilities*, pp. 295-296;
- C. 3.4 *Specific Requirements for Freestanding Birthing Center*, pp. 297-302;
- D. 3.5 *Specific Requirements for Freestanding Urgent Care Centers*, pp. 303-306; and
- E. 3.6 *Specific Requirements for Freestanding Cancer Treatment Facilities*, pp. 307-309.

.30 Physical Environment.

- A. *The facility shall be in compliance with:*
 - (1) *Guidelines for the Design and Construction of Hospitals and Outpatient Facilities (2014); and*

(2) All applicable State and local governing laws, regulations, standards, ordinances, and codes for fire safety, building, and zoning requirements.

B. Any waiver or other modification of these requirements shall be addressed by the appropriate State or local authority having jurisdiction in accordance with established procedures.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 07 HOSPITALS

10.07.05 Residential Service Agencies

Authority: Health-General Article, Title 19, Subtitle 4A, Annotated Code of Maryland

Notice of Proposed Action
[16-107-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.07.05 Residential Service Agencies**.

Statement of Purpose

The purpose of this action is to align the regulations with a regulatory fee change that was proposed in the October 16, 2015 Maryland Register and became effective December 21, 2015. The initial and renewal licensure fees were reduced in Regulation .04A from \$2,100 every 3 years to \$1,000 every 3 years for residential service agencies; however, the changes were not reflected in §§H and I(2) of the same regulation. This proposal corrects that oversight.

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 May 30, 2016. A public hearing has not been scheduled.

.04 Licensing Procedures.

A.—G. (text unchanged)

H. Duration of License. A license is valid for [1 year from the date of issuance if issued before July 1, 2014 and for] 3 years from the date of issuance [if issued after July 1, 2014], unless:

(1)—(2) (text unchanged)

I. License Renewal. A licensee shall submit to the Department:

(1) (text unchanged)

(2) A nonrefundable license renewal fee [as follows:

(a) Before July 1, 2014, \$700 payable to the Department for a 1-year licensing fee; and

(b) After July 1, 2014, \$2,100] of \$1,000 made payable to the Department for a 3-year licensing fee;

(3)—(5) (text unchanged)

J.—K. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action
[16-099-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation .06 under **COMAR 10.09.01 Nurse Practitioner Services;**

(2) Regulation .07 under **COMAR 10.09.02 Physicians' Services;**

(3) Regulation .07 under **COMAR 10.09.04 Home Health Services;**

(4) Regulation .07 under **COMAR 10.09.05 Dental Services;**

(5) Regulations .07 and .10 under **COMAR 10.09.08 Freestanding Clinics;**

(6) Regulation .07 under **COMAR 10.09.09 Medical Laboratories;**

(7) Regulation .07 under **COMAR 10.09.12 Disposable Medical Supplies and Durable Medical Equipment;**

(8) Regulation .07 under **COMAR 10.09.14 Vision Care Services;**

(9) Regulation .07 under **COMAR 10.09.15 Podiatry Services;**

(10) Regulation .06 under **COMAR 10.09.17 Physical Therapy Services;**

(11) Regulation .07 under **COMAR 10.09.18 Oxygen and Related Respiratory Equipment Services;**

(12) Regulation .07 under **COMAR 10.09.21 Nurse Midwife Services;**

(13) Regulation .07 under **COMAR 10.09.22 Free-Standing Dialysis Facility Services;**

(14) Regulation .05 under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services;**

(15) Regulation .06 under **COMAR 10.09.27 Home Care for Disabled Children Under a Model Waiver;**

(16) Regulation .07 under **COMAR 10.09.29 Residential Treatment Center Services;**

(17) Regulation .04 under **COMAR 10.09.34 Therapeutic Behavioral Services;**

(18) Regulations .01 and .03 under **COMAR 10.09.36 General Medical Assistance Provider Participation Criteria;**

(19) Regulation .06 under **COMAR 10.09.39 Nurse Anesthetist Services;**

(20) Regulation .06 under **COMAR 10.09.42 Free-Standing Medicare-Certified Ambulatory Surgical Centers;**

(21) Regulation .07 under **COMAR 10.09.51 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Audiology Services;**

(22) Regulation .22 under **COMAR 10.09.54 Home and Community-Based Options Waiver;**

(23) Regulation .06 under **COMAR 10.09.77 Urgent Care Centers;**

(24) Regulations .40 and .41 under **COMAR 10.09.81 Increased Community Services (ICS) Program;**

(25) Regulation .06 under **COMAR 10.09.82 Provider-Based Outpatient Oncology Facilities;**

(26) Regulation .07 under **COMAR 10.09.87 Free-Standing Independent Diagnostic Testing Facilities;**

(27) Regulation .07 under COMAR 10.09.88 Portable X-ray Providers; and

(28) Regulation .15 under COMAR 10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families.

Statement of Purpose

The purpose of this action is to update language regarding the previous limitation prohibiting providers from billing Medicaid for services provided free of charge to other patients. This language aligns with a recent federal policy clarification on “Free Care Policy.”

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. This amendment will allow DHMH to reimburse providers for services given at no charge to the general public. Previously, these services were not reimbursable.

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

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

A. and D. The fiscal impact is indeterminable, but the Department believes it will be minimal since few providers deliver free services.

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 May 30, 2016. A public hearing has not been scheduled.

10.09.01 Nurse Practitioner Services

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

.06 Payment Procedures.

A.—B. (text unchanged)

C. [Certified nurse practitioners] *The provider* shall charge the Program [their usual and] *the provider's* customary charge to the general public for similar services and charge [their] *the provider's* acquisition cost for injectable drugs or dispensed medical supplies. *If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §D of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

D. [The Department shall pay for applicable covered services the lower of the provider's customary fees or the maximum rates according to COMAR 10.09.02.07.] *The provider shall be paid the lesser of:*

(1) *The provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*

(2) *The maximum rates according to COMAR 10.09.02.07.*

E.—F. (text unchanged)

G. The provider may not bill the Program for:

(1) (text unchanged)

(2) Broken or missed appointments; *or*

(3) Professional services rendered by mail or telephone; and].

[(4) Services which are provided to the general public at no charge.]

H.—K. (text unchanged)

10.09.02 Physicians' Services

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. [Physicians] *The Provider* shall charge the Program [their usual and] *the provider's* customary charge to the general public for similar services, except for injectable drugs, the provision of diagnostic or therapeutic radiopharmaceuticals, and dispensed medical supplies, in which case, [physicians] *the provider* shall charge the Program [their] *the provider's* acquisition cost. *If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §D of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

D. (text unchanged)

E. The Department will pay for covered services at the [lower] lesser of:

(1) Physician's customary charge or acquisition cost *unless the service is free to individuals not covered by Medicaid; or*

(2) (text unchanged)

F.—H. (text unchanged)

I. The provider may not bill the Department or the recipient for:

(1)—(2) (text unchanged)

(3) Professional services rendered by mail or telephone; *or*

[(4) Services which are provided at no charge to the general public; and]

[(5)] (4) (text unchanged)
 J.—Q. (text unchanged)

10.09.04 Home Health Services

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

.07 Payment Procedures.

A.—C. (text unchanged)
 D. Payment Rates.

(1) [For services rendered on or after October 1, 2000, payments for home health services shall be paid at the lower of the provider’s customary charge to the general public or the Department’s fee schedule.] *The provider shall be paid the lesser of:*

- (a) *The provider’s customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*
- (b) *The rate in accordance with the Department’s fee schedule.*

[(2) The Department may not pay for services rendered at no charge to the general public.]

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

[(4)] (3) The Department shall pay home health providers for medical and other supplies which are used during a covered home health visit as part of the treatment ordered by the recipient’s attending physician at a rate that is the lesser of the:

- (a) Provider’s customary charge to the general public *unless the service is free to individuals not covered by Medicaid; or*
- (b) (text unchanged)

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

E.—H. (text unchanged)

10.09.05 Dental Services

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

.07 Payment Procedures.

A.—C. (text unchanged)

D. [A provider shall bill usual and customary charges which do not exceed that which is normally charged to the general public for similar services.] *The provider shall charge the Program the provider’s customary charge to the general public for similar services. If the service is free to individuals not covered by Medicaid:*

- (1) *The provider:*
 - (a) *May charge the Program; and*
 - (b) *Shall be reimbursed in accordance with §E of this regulation; and*
- (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*

E. (text unchanged)

F. [The Department shall pay for covered services at the lower of the] *The provider shall be paid the lesser of:*

- (1) [Provider’s] *The provider’s customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*
- (2) *The rate in accordance with the Department’s fee schedule.*

G. The provider may not bill the Department for:

- (1) (text unchanged)
- (2) Broken or missed appointments; *or*
- (3) Professional services rendered by mail or telephone[; *or*].

[(4) Services which are provided at no charge to the general public.]

H.—N. (text unchanged)

10.09.08 Freestanding Clinics

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

.07 Freestanding Clinic Reimbursement Methodology.

A. Reimbursement for Family Planning Clinics. The Department shall pay the family planning clinic the [lower] *lesser* of the provider’s [usual and] customary charge or the provider’s acquisition cost, but no more than the maximum reimbursement allowed for similar procedures or services required in the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, which is incorporated by reference in COMAR 10.09.02.07. *If the service is free to individuals not covered by Medicaid:*

- (1) *The provider:*
 - (a) *May charge the Program; and*
 - (b) *Shall be reimbursed in accordance with the Provider Fee Manual; and*
- (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*

B. Reimbursement for Abortion Clinics. For dates of service on or after April 1, 2015, the Department shall pay the abortion [clinics] *clinic* the [lower] *lesser* of the provider’s [usual and] customary charge, but no more than the maximum reimbursement allowed for similar procedures or services required in the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, which is incorporated by reference in COMAR 10.09.02.07. *If the service is free to individuals not covered by Medicaid:*

- (1) *The provider:*
 - (a) *May charge the Program; and*
 - (b) *Shall be reimbursed in accordance with the Provider Fee Manual; and*
- (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*

C. (text unchanged)

D. The Department shall pay all other freestanding clinics at the [lower] *lesser* of the provider’s [usual and] customary charge, or the provider’s acquisition cost, but no more than the maximum reimbursement allowed for similar procedures or services required in the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, which is incorporated by reference in COMAR 10.09.02.07. *If the service is free to individuals not covered by Medicaid:*

- (1) *The provider:*
 - (a) *May charge the Program; and*
 - (b) *Shall be reimbursed in accordance with the Provider Fee Manual; and*
- (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*

.10 Payment Procedures.

A.—B. (text unchanged)

C. [Unless the Program provides otherwise, a] *The provider shall bill the Program the provider’s [usual and] customary charge to the general public for similar services. If the service is free to individuals not covered by Medicaid:*

- (1) *The provider:*
 - (a) *May charge the Program; and*
 - (b) *Shall be reimbursed in accordance with the Provider Fee Manual; and*
- (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*

D.—E. (text unchanged)

F. The provider may not bill the Program for:

- (1)—(3) (text unchanged)

[(4) Services which are provided at no charge to the general public;]

[(5) (4)—[(7) (6) (text unchanged)

G.—I. (text unchanged)

10.09.09 Medical Laboratories

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. [Medical laboratory providers] *Unless the service is free to individuals not covered by Medicaid, the provider shall charge the Program the [amount that is the lower of the following] lesser of:*

(1) [Provider's lowest] *The provider's customary charge to the general public; or*

(2) [Provider's lowest] *The provider's customary charge to other third-party payers.*

D.—G. (text unchanged)

H. The provider may not bill the Department for:

(1) (text unchanged)

(2) Broken or missed appointments; *or*

[(3) Services which are normally provided at no charge; and]

[(4) (3) Services listed in Regulation .05 of this chapter.

I.—P. (text unchanged)

10.09.12 Disposable Medical Supplies and Durable Medical Equipment

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129, Annotated Code of Maryland

.07 Payment Procedures.

A. (text unchanged)

B. The provider's billed charges to the Program may not exceed the provider's customary charge. *If the item is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with the provisions of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

C.—E. (text unchanged)

F. The Department shall reimburse providers for the purchase of covered services at the [lowest] *lesser of the provider's customary charge unless the service is free to individual not covered by Medicaid or:*

(1)—(2) (text unchanged)

G.—H. (text unchanged)

I. The Department shall pay for repairs to purchased durable medical equipment according to the following:

(1) (text unchanged)

(2) Labor costs [which] shall be billed in quarter hour increments using the appropriate procedure code and *shall be reimbursed the lesser of:*

(a) *The supplier's [usual and] customary charge unless the service is free to individual not covered by Medicaid; or*

(b) (text unchanged)

J.—S. (text unchanged)

T. The provider may not bill the Department for:

(1)—(2) (text unchanged)

(3) Professional services rendered by mail or telephone; *or*

[(4) Services which are provided to the general public at no charge;]

[(5) (4) (text unchanged)

U. The methodology in §§F and G of this regulation shall be used to establish a list of approved items with the corresponding procedure code, maximum allowable reimbursement amount, useful life expectancy, and maximum number allowed. This list shall be made available to the providers for ease of administration of the Program. When the approved list of items contains a price for a procedure code, the Department shall reimburse providers the lesser of the price listed in the approved list or the provider's customary charge *unless the service is free to individuals not covered by Medicaid.*

V.—Y. (text unchanged)

10.09.14 Vision Care Services

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. [Providers] *The provider shall charge the Program [their usual and] the provider's customary charge to the general public for similar professional services. If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §F of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

D. [Providers] *The provider shall charge acquisition cost for eyeglass frames, eyeglass lenses, contact lenses, and other optical aids.*

E. (text unchanged)

F. The Department will pay professional fees for covered services at the [lower] *lesser of:*

(1) *The provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*

(2) (text unchanged)

G.—I. (text unchanged)

J. The provider may not bill the Department for:

(1)—(2) (text unchanged)

(3) Broken or missed appointments; *or*

[(4) Services which are provided at no charge to the general public; and]

[(5) (4) (text unchanged)

K.—N. (text unchanged)

10.09.15 Podiatry Services

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. [Podiatrists] *The provider shall bill [their usual and] the provider's customary fees, but [they] may not bill a fee in excess of that charged the general public for similar services, except for injectable drugs and dispensed medical supplies, in which case [podiatrists] the provider shall charge the Program the [podiatrists'] provider's acquisition cost. If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §D of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

D. (text unchanged)

[E. The Department will pay for covered services the lower of the following:

- (1) Podiatrist's customary charge;
- (2) Department's fee schedule.]

[F.] E.—[G.] F. (text unchanged)

[H.] G. The provider may not bill the Department or the recipient for:

(1)—(3) (text unchanged)

[(4) Services which are provided at no charge to the general public;]

[(5)] (4) Laboratory or X-ray services not performed by the provider or under the direct supervision of the provider; [and] or

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

[I.] H.—[K.] J. (text unchanged)

10.09.17 Physical Therapy Services

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

.06 Payment Procedures.

A.—C. (text unchanged)

D. A provider shall bill the Program [his usual and] *the provider's* customary charge. *If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with the rate provisions of §E of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

E. (text unchanged)

F. The Department will pay for covered services, the [lower] lesser of:

(1) The provider's customary charge to the general public *unless the service is free to individuals not covered by Medicaid; or*

(2) (text unchanged)

G.—H. (text unchanged)

I. The provider may not bill the Department for:

(1) (text unchanged)

(2) Completion of forms and reports; *or*

(3) Broken or missed appointments[;].

[(4) Services which are provided at no charge to the general public.]

J.—K. (text unchanged)

10.09.18 Oxygen and Related Respiratory Equipment Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129, Annotated Code of Maryland

.07 Payment Procedures.

A.—B. (text unchanged)

C. The provider shall charge the Program [his usual and] *the provider's* customary charge to the general public for similar items. *If the item is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §D of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

D. (text unchanged)

E. The Department shall pay for repairs to purchased oxygen and respiratory equipment in accordance with the following:

(1) (text unchanged)

(2) Reasonable charges for labor, not to exceed the [usual and] customary charges for similar services in the provider's area *unless the service is free to individuals not covered by Medicaid; or*

(3) (text unchanged)

F.—L. (text unchanged)

M. [Providers] *The provider* may not bill the Program for:

(1) (text unchanged)

(2) Completion of forms or reports; *or*

(3) Broken or missed appointments[; and].

[(4) Services which are provided at no charge to the general public.]

N.—P. (text unchanged)

10.09.21 Nurse Midwife Services

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. [Nurse midwives] *The provider* shall charge the Program [their usual and] *the provider's* customary [charges] charge to the general public for similar services and charge [their] *the provider's* acquisition cost for injectable drugs or dispensed medical supplies. *If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §D of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

D.—H. (text unchanged)

I. The provider may not bill the Program for:

(1) (text unchanged)

(2) Broken or missed appointments; *or*

(3) Professional services rendered by mail or telephone[; and].

[(4) Services which are provided to the general public at no charge.]

J.—L. (text unchanged)

10.09.22 Free-Standing Dialysis Facility Services

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

.07 Payment Procedures.

A.—F. (text unchanged)

G. The provider may not bill the Program for:

(1)—(2) (text unchanged)

(3) Professional services rendered by mail or telephone; *or*

[(4) Services which are provided at no charge to the general public; and]

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

H.—J. (text unchanged)

10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services

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

.05 Limitations.

A.—D. (text unchanged)

E. [Providers] *The provider* covered by this chapter may not bill the Program for:

(1) Services that are:

(a)—(d) (text unchanged)

[(e) Provided at no charge to the general public;]

[(f)] (e)—[(h)] (g) (text unchanged)

(2)—(6) (text unchanged)

10.09.27 Home Care for Disabled Children Under a Model Waiver

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

.06 Payment Procedures.

A. Request for Payment.

(1)—(2) (text unchanged)

(3) [Nursing providers] *The nursing provider* shall bill the Program [their usual and] *the provider's* customary charge to the general public.

(4) (text unchanged)

(5) [Principal physician providers] *The principal physician provider* shall bill the Program [their usual and] *the provider's* customary charge to the general public.

(6) [Home health aide and certified nursing assistant providers] *The home health aide and certified nursing assistant provider* shall bill the Program [their usual and] *the provider's* customary charge to the general public.

(7) (text unchanged)

(8) *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with §C of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

B. (text unchanged)

C. Payments.

(1)—(2) (text unchanged)

(3) Payments for nursing services shall be made:

(a) (text unchanged)

(b) [According to the fee schedule for nursing services provided under COMAR 10.09.53, or the provider's customary charge to the general public, whichever is lower.] *At the lesser of:*

(i) *The provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*

(ii) *The fee schedule for nursing services provided under COMAR 10.09.53.*

(4) Payments for participation by the principal physician in the plan of care meetings shall be:

(a)—(b) (text unchanged)

(c) [The lower of the provider's customary charge to the general public or the Department's fee schedule.] *At the lesser of:*

(i) *The provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*

(ii) *The Department's fee schedule.*

(5) Payments for home health aide and certified nursing assistant services shall be:

(a)—(b) (text unchanged)

(c) [The lower of the provider's customary charge to the general public or the Department's fee schedule.] *At the lesser of:*

(i) *The provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*

(ii) *The Department's fee schedule.*

(6) (text unchanged)

(7) Payments for medical day care services may not exceed the lesser of the:

(a) (text unchanged)

(b) *Provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid.*

D. (text unchanged)

10.09.29 Residential Treatment Center Services

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

.07 Payment Procedures.

A. Reimbursement Principles.

(1) (text unchanged)

(2) The Department will pay the residential treatment center the [lower] *lesser* of the provider's [usual and] customary charge or the provider's per diem costs for covered services according to the principles established under Title XVIII of the Social Security Act, as required in 42 CFR 413, or on the basis of charges not to exceed \$270 per day. The average increase in the Department's reimbursement to the provider per inpatient day for each fiscal year over the cost-settled rate for the previous fiscal year may not exceed the rate of increase of the Hospital Wage and Price Index plus 1 percentage point, described in 42 CFR §413.40. The target rate percentage increase for each calendar year will equal the prospectively estimated increase in the Hospital Wage and Price Index (market basket index) for each calendar year, plus 1 percentage point. Since the cost reporting period spans portions of 2 calendar years, the Program shall calculate an appropriate prorated percentage rate based on the published calendar year percentage rates. *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with the provisions of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

[(3) For days occurring on or after November 1, 1995, the Department shall pay the residential treatment center, except after October 1, 2009 to an in-State children's residential treatment center, as described in §A(3) of this regulation, the lesser of:

(a) The provider's usual and customary charge;

(b) The provider's per diem costs for covered services established in accordance with Medicare principles of reasonable cost reimbursement as described in 42 CFR 413, unless otherwise specified in this chapter; or

(c) \$300 per day.]

[(4)] (3) An in-State children's residential treatment center shall be reimbursed the lesser of:

(a) The provider's [usual and] customary charge to the general public unless the service is free to individuals not covered by Medicaid;

(b)—(c) (text unchanged)

[(5)] (4)—[(7)] (6) (text unchanged)

B.—E. (text unchanged)

- F. The provider may not bill the Department for:
 - (1) (text unchanged)
 - (2) Broken or missed appointments; *or*
 - (3) Professional services rendered by mail or telephone[;].
 - [(4) Services which are provided at no charge to the general public.]
- G.—I. (text unchanged)

10.09.34 Therapeutic Behavioral Services

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

.04 Limitations.

- A.—C. (text unchanged)
- D. [Therapeutic] *A therapeutic behavioral service* [providers] provider may not bill the Program for:
 - (1) Services that are:
 - (a)—(g) (text unchanged)
 - [(h) Provided at no charge to the general public;]
 - [(i) (h)—[(k) (j) (text unchanged)
 - (2)—(7) (text unchanged)

10.09.36 General Medical Assistance Provider Participation Criteria

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

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(3) (text unchanged)
 - (4) *“Customary charge” means the uniform amount that the provider charges in the majority of cases for a specific item or service, excluding token charges for charity patients and substandard charges for welfare and other low-income patients.*
 - [(4) (5)—[(16) (17) (text unchanged)

.03 Conditions for Participation.

- A. To participate in the Program, the provider shall comply with the following criteria:
 - (1)—(6) (text unchanged)
 - (7) *Charge the Program the provider’s customary charge to the general public for similar items or services. If the item or service is free to individuals not covered by Medicaid:*
 - (a) *The provider:*
 - (i) *May charge the Program; and*
 - (ii) *Shall be reimbursed in accordance with the Department’s rate provisions; and*
 - (b) *The provider’s reimbursement is not limited to the provider’s customary charge.*
 - [(7) (8)—[(19) (20) (text unchanged)
- B.—E. (text unchanged)

10.09.39 Nurse Anesthetist Services

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

.06 Payment Procedures.

- A.—B. (text unchanged)
- C. [Providers] *The provider shall charge the Program [their usual and] the provider’s customary charge to the general public for similar services. If the service is free to individuals not covered by Medicaid:*
 - (1) *The provider:*
 - (a) *May charge the Program; and*

- (b) *Shall be reimbursed in accordance with the rate provisions in §D of this regulation; and*
- (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*

D. The Department will pay for applicable covered services the [lower of the provider’s customary fees or the maximum rates paid to anesthesiologists according to COMAR 10.09.02.07.] *lesser of:*

- (1) *The provider’s customary fees unless the service is free to individuals not covered by Medicaid; or*
- (2) *The maximum rates paid to anesthesiologists according to COMAR 10.09.02.07.*

E.—F. (text unchanged)

G. The provider may not bill the Program for:

- (1) (text unchanged)
- (2) Broken or missed appointments; *or*
- (3) Professional services rendered by mail or telephone[; and].
- [(4) Services which are provided to the general public at no charge.]
- H.—J. (text unchanged)

10.09.42 Free-Standing Medicare-Certified Ambulatory Surgical Centers

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

.06 Payment Procedures.

- A.—G. (text unchanged)
- H. The provider may not bill the Program for:
 - (1)—(2) (text unchanged)
 - (3) Professional services rendered by mail or telephone; *or*
 - [(4) Services which are provided at no charge to the general public; and]
 - [(5) (4) (text unchanged)
- I.—K. (text unchanged)

10.09.51 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Audiology Services

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

.07 Payment Procedures.

- A.—B. (text unchanged)
- C. Audiologists, audiological centers, and hearing aid dispensers shall charge the Program [usual and] customary charges, not exceeding those charged to the general public for similar professional services. *If the service is free to individuals not covered by Medicaid:*
 - (1) *The provider:*
 - (a) *May charge the Program; and*
 - (b) *Shall be reimbursed in accordance with §B of this regulation; and*
 - (2) *The provider’s reimbursement is not limited to the provider’s customary charge.*
- D.—F. (text unchanged)
- G. The provider may not bill the Department for:
 - (1) (text unchanged)
 - (2) Broken or missed appointments; *or*
 - (3) Professional services rendered by mail or telephone[; and].
 - [(4) Services provided at no charge to the general public.]
- H.—J. (text unchanged)

K. The Program shall reimburse for covered services at the [lower] lesser of:

(1) The provider's [usual and] customary charge to the general public *unless the service is free to individuals not covered by Medicaid*; or

(2)—(3) (text unchanged)

L.—O. (text unchanged)

10.09.54 Home and Community-Based Options Waiver

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-132, Annotated Code of Maryland

.22 Payment Procedures.

A.—B. (text unchanged)

C. Payments.

(1) (text unchanged)

(2) Providers shall be paid the lesser of:

(a) [Their usual and] *The provider's* customary charge to the general public *unless the service is free to individuals not covered by Medicaid*; or

(b) (text unchanged)

D. (text unchanged)

10.09.77 Urgent Care Centers

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

.06 Payment Procedures.

A. Payment for free-standing urgent care centers is as follows:

(1) Urgent care centers are reimbursed a facility fee, which is determined by the Program; [and]

(2) In addition to the facility fee, the Program shall reimburse for services rendered by the physician during the visit at the free-standing urgent care center when performed by a physician, or by other authorized personnel under that physician's supervision[.]; *and*

(3) *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with the provisions of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

B. (text unchanged)

C. The Department shall pay for covered services at the [lower] lesser of [the]:

(1) [Provider's]*The provider's* customary charge to the general public *unless the service is free to individuals not covered by Medicaid*; or

(2) (text unchanged)

D.—G. (text unchanged)

H. The provider may not bill the Program for:

(1) (text unchanged)

(2) Broken or missed appointments; *or*

(3) Professional services rendered by mail or telephone[; and].

[(4) Services which are provided at no charge to the general public.]

I.—J. (text unchanged)

10.09.81 Increased Community Services (ICS) Program

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

.40 Payment Procedures — General.

A.—B. (text unchanged)

C. Payments.

(1) (text unchanged)

(2) A provider shall be paid the lesser of:

(a) The provider's [usual and] customary charge to the general public *unless the service is free to individuals not covered by Medicaid*; or

(b) (text unchanged)

(3) (text unchanged)

D. (text unchanged)

.41 Payment Procedures — Rates.

A.—C. (text unchanged)

D. Transition Services.

(1) A qualified provider shall bill the Department[:

(1) The] *the* lesser of the amount approved by the Department or [its usual and] *the provider's* customary charge to the general public for the service provided, including the cost of installation, if appropriate[; and].

(2) [In] *Payment shall be in* accordance with Regulation .39I of this chapter.

(3) *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with §D(1) and (2) of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

E. Environmental Assessment.

(1) A qualified environmental assessment provider shall bill the Department the lesser of \$383.80 or [its usual and] *the provider's* customary charge to the general public for the services rendered, minus any payments by other third party payers such as Medicare.

(2) (text unchanged)

(3) *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with §E(1) and (2) of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

F. Environmental Accessibility Adaptations.

(1) A qualified provider shall bill the Department

[(1) The] *the* lesser of the amount approved by the Department or [its] *the provider's* [usual and] customary charge to the general public for the service provided, including the cost of installation, if appropriate[;].

(2) [Not] *Payment may not be* more than \$6,500 during the participant's annual plan of service period, subject to the limitations and exceptions specified at Regulation .39B of this chapter[; and].

(3) [Submit] *The provider shall submit* documentation to the Department from the seller of the assistive technology as to the actual purchase price.

(4) *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with §F(1)—(3) of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

G.—O. (text unchanged)

P. Assisted Living Services.

(1) [Assisted] *The assisted living services [providers] provider shall be paid for assisted living services the lesser of:*

(a) The provider's [usual and] customary charge to the general public for the services covered under COMAR 10.07.14, excluding room and board; or

(b) (text unchanged)

(2) (text unchanged)

(3) The provider's payment may not include the following amounts which the provider is expected to collect from the participant:

(a) The provider's [usual and] customary charge for room and board, not to exceed \$420 per month; or

(b) (text unchanged)

(4) (text unchanged)

(5) *If the service is free to individuals not covered by Medicaid:*

(a) *The provider:*

(i) *May charge the Program; and*

(ii) *Shall be reimbursed in accordance with §P(1)—(4) of this regulation; and*

(b) *The provider's reimbursement is not limited to the provider's customary charge.*

10.09.82 Provider-Based Outpatient Oncology Facilities

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

.06 Payment Procedures.

A. (text unchanged)

B. Specific Payment Procedures for a Provider-Based Outpatient Oncology Facility.

(1)—(3) (text unchanged)

(4) The provider may not bill the [program] *Program* or the recipient for:

(a) (text unchanged)

(b) Broken or missed appointments; *or*

[(c) Services which are provided at no charge to the general public; or]

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

(5)—(6) (text unchanged)

10.09.87 Free-Standing Independent Diagnostic Testing Facilities

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. The Department shall reimburse the IDTF providers for covered services at the [lower] *lesser* of:

(1) The provider's [usual and] customary charge *unless the service is free to individuals not covered by Medicaid; or*

(2) (text unchanged)

D.—H. (text unchanged)

I. The provider may not bill the Program or recipient for:

(1)—(2) (text unchanged)

[(3) Services which are provided at no charge to the general public;]

[(4)] (3)—[(5)] (4) (text unchanged)

10.09.88 Portable X-ray Providers

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

.07 Payment Procedures.

A.—B. (text unchanged)

C. The Department shall reimburse for covered services at the [lower] *lesser* of:

(1) The provider's [usual and] customary charge *unless the service is free to individuals not covered by Medicaid; or*

(2) (text unchanged)

D.—H. (text unchanged)

I. The provider may not bill the Program or recipient for:

(1)—(2) (text unchanged)

[(3) Services which are provided at no charge to the general public;]

[(4)] (3)—[(5)] (4) (text unchanged)

10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families

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

.15 Limitations.

A. (text unchanged)

B. The Program may not reimburse for:

(1) Services that are:

(a)—(d) (text unchanged)

[(e) Provided at no charge to the general public;]

[(f)] (e)—[(h)] (g) (text unchanged)

(2)—(5) (text unchanged)

C.—I. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.24 Medical Assistance Eligibility

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

Notice of Proposed Action

[16-109-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .05-4 under COMAR 10.09.24 Medical Assistance Eligibility.

Statement of Purpose

The purpose of this action is to provide clearer language for existing regulations regarding Medicaid eligibility disability decisions so that State regulations are consistent with existing federal regulations.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 May 30, 2016. A public hearing has not been scheduled.

.05-4 [MAGI Exempt and other] Nonfinancial Criteria for MAGI Exempt Coverage Groups.

A. (text unchanged)

B. Disability.

(1) (text unchanged)

(2) Procedure for Determination of Disability.

(a)—(b) (text unchanged)

(c) A Family Investment Administration review team shall review the medical report and other evidence obtained under [§C(2)(b)] §B(2)(b) of this regulation and determine whether the individual's condition meets the definition of disability. The review team shall be composed of a medical or psychological consultant, and another individual who is qualified to interpret and evaluate medical reports and other evidence relating to the individual's physical or mental impairments and, as necessary, to determine the capacities of the individual to perform substantial gainful activity as specified in 20 CFR Part 416, Subpart J.

(3) *Disability Determination Made by the Social Security Administration.*

[(3)] (a) (text unchanged)

[(4)] (b) A determination by the Social Security Administration is binding on the Family Investment Administration until it is changed by the Social Security Administration. If the Social Security Administration determination is changed, the new determination is [also] binding on the Family Investment Administration.

[(5)] (c) The [local department of social services] *Department or its designee* shall refer to the Social Security Administration for reconsideration or reopening of the determination all applicants who allege new information or evidence affecting previous Social Security Administration determinations of ineligibility based on disability, *except as specified in §B(4)(d)(i) of this regulation.*

[(6)] (4) Disability Determination made by the [FIA] *Family Investment Administration.* The Family Investment Administration shall make a determination of disability if any of the following circumstances exists:

(a)—(b) (text unchanged)

(c) The individual has applied for both Medical Assistance and SSI benefits, and the Social Security Administration has not made [a Supplemental Security Income] *an SSI* determination within 90 days from the date of the individual's application for Medical Assistance;

(d) The individual has applied for Medical Assistance and [alleges]:

(i) [A] *Alleges* a disabling condition different from, or in addition to, that considered by the Social Security Administration in making its determinations;

(ii) [Not] *Alleges* more than 12 months after the most recent determination by the Social Security Administration denying disability[,] that the individual's condition has changed or deteriorated since that determination[,] and alleges a new period of disability[, which] *that* meets the durational requirements for disability, and has not applied to the Social Security Administration for a determination with respect to those allegations; [or]

(iii) [Less] *Alleges less* than 12 months after the most recent determination by the Social Security Administration denying disability[,] that the individual's condition has changed or deteriorated[,] and alleges a new period of disability [which] *that* meets the durational requirements for disability, and has applied to the Social Security Administration for reconsideration or reopening of its disability decision but the Social Security Administration has refused to consider the new allegations; or

[(e) The individual has applied for Medical Assistance, and:

(i) (iv) *Alleges less* than 12 months after the most recent determination by the Social Security Administration denying disability that the individual's condition has changed or deteriorated[.];

[(ii) *Alleges*] *alleges* a new period of disability [which] *that* meets the durational requirements for disability[.]; and

[(iii) No] *no* longer meets the nondisability requirements for [Supplemental Security Income] *SSI*, but may meet the State's nondisability requirements for Medical Assistance eligibility.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.24 Medical Assistance Eligibility

Authority: *Estates and Trusts Article, §14.5-1002*; Health-General Article, §§2-104(b), 2-105(b), and 15-121[.]; Annotated Code of Maryland

Notice of Proposed Action

[16-105-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation **.08-2** under **COMAR 10.09.24 Medical Assistance Eligibility.**

Statement of Purpose

The purpose of this action is to update the special needs trust provision to clarify that it is no more restrictive than federal law, as required by *Estates and Trusts Article, §14.5-1002*, Annotated Code of Maryland. This proposal will make it easier to submit and process Medical Assistance long-term care (MALTC) applications.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

Individuals with disabilities may be beneficiaries of Special Needs Trusts that do not count as assets for Medicaid eligibility. The proposed action will make it easier to submit and process MALTC applications.

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 May 30, 2016. A public hearing has not been scheduled.

.08-2 Treatment of Trust Amounts.

A.—B. (text unchanged)

C. Special Needs Trust. The following criteria shall define a special needs trust:

(1) (text unchanged)

(2) The trust states that the beneficiary is disabled under [Regulation .05-4C] *Regulation .05-4B* of this chapter;

(3)—(5) (text unchanged)

(6) The trust provides that the Department shall receive all amounts remaining in the trust upon the death of the beneficiary, [or upon termination of the trust for any other reason,] up to an amount equal to the total Medical Assistance benefits paid on behalf of the beneficiary;

(7) *If the trust allows for the termination of the trust before the death of the beneficiary, the trust shall provide that:*

(a) *The Department shall receive all amounts remaining in the trust at the time of termination up to an amount equal to the total Medical Assistance benefits paid on behalf of the beneficiary, after administrative expenses related to the termination of the trust;*

(b) *Other than amounts paid to the Department under §C(7)(a) of this regulation and payment of administrative expenses and reasonable compensation to the trustee for trust management, along with reasonable costs associated with investment, legal, or other services, no entity other than the trust beneficiary may benefit from early termination of the trust; and*

(c) *The power to terminate shall be held by someone other than the trust beneficiary;*

[(7)] (8) The trust does not permit distribution of trust assets upon termination of the trust that would hinder or delay reimbursement to the Department under §C(6) and (7) of this regulation;

[(8)] (9) (text unchanged)

[(9)] (10) The trust contains the following provisions:

(a)—(d) (text unchanged)

(e) Compensation to the trustee shall be limited in accordance with the provisions of Estates and Trusts Article, [§14-103] §14.5-708, Annotated Code of Maryland;

(f)—(j) (text unchanged)

(k) Trust assets may not be used to compensate family members of the beneficiary for serving the beneficiary in any way, including caring for the beneficiary, accompanying the beneficiary on travel, providing companionship to the beneficiary, or serving as trustees or members of a trust advisory committee;]

[(l)] (k)—[(n)] (m) (text unchanged)

[(o)] (n) Trust assets may not be used to purchase an annuity on the life of the beneficiary unless [the annuity provides that:

(i) The final payment to the trust shall be made before the beneficiary is 65 years old; and

(ii) If the beneficiary dies before the final payments] *the trust provides that if the beneficiary dies before the final payments from the annuity have been made, the remaining payments shall be paid directly to the [State] Department until the total Medical Assistance benefits paid on behalf of the beneficiary have been reimbursed;*

[(p)] (o)—[(u)] (t) (text unchanged)

[(v)] (u) The trust may not receive payments from a *structured settlement* or an annuity [or a structured settlement that may provide lump sum or periodic payments] *that was purchased by*

funds that are not part of the trust unless [the annuity or settlement provides that]:

(i) [The final payment to the trust is received before the beneficiary is 65 years old;] *The right to receive payments from the annuity or structured settlement has been irrevocably assigned to the trust and the assignment was made when the trust beneficiary was younger than 65 years old; and*

(ii) [If the beneficiary dies before the annuity or settlement is fully paid, the balance] *The trust provides that if the beneficiary dies before the annuity or settlement is fully paid, the balance of the annuity or settlement shall be paid directly to the [State] Department until the total Medical Assistance benefits paid on behalf of the beneficiary have been reimbursed;*

[(10)] (11) [If] *A copy of the trust shall be sent to the Maryland Medical Assistance Program, Division of Recoveries and Financial Services, and if any amendments are made to the trust, the amendments shall comply with this section and a copy of the amendments shall be sent to the Division of Recoveries and Financial Services;*

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

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION

Subtitle 06 GENERAL EDUCATION
AND TRANSFER

13B.06.01 Public Institutions of Higher Education

Authority: Education Article, [§§11-201—11-206] §11-105(u) and Title 11, Subtitle 2, Annotated Code of Maryland

Notice of Proposed Action

[16-111-P]

The Maryland Higher Education Commission proposes to amend Regulation .03 under **COMAR 13B.06.01 Public Institutions of Higher Education**. This action was considered at a public meeting held on June 24, 2015.

Statement of Purpose

The purpose of this action is to amend general education requirements for public institutions of higher education operating in 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 Ms. Monica Wheatley, Associate Director, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor Baltimore, MD 21201, or call 410-767-3404, or email to monica.wheatley@maryland.gov, or fax to 410-332-0250. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

.03 General Education Requirements for Public Institutions.

A. While public institutions have the autonomy to design their general education program to meet their unique needs and mission, that program shall conform to the definitions and common standards in this chapter, *and incorporate the general education knowledge and skills required by the Middle States Commission on Higher Education Standards for Accreditation*. [A] *No later than August 1, 2017, a public institution shall satisfy the general education requirement by:*

(1) Requiring each program leading to the A.A. or A.S. degree to include not less than [30] 28 and not more than 36 semester hours, and each baccalaureate degree program to include not less than [40] 38 and not more than 46 semester hours of required core courses, with the core requiring, at a minimum, course work in each of the following five areas:

(a)—(e) (text unchanged)

(2) (text unchanged)

B. (text unchanged)

C. General education programs of public institutions shall require at least:

(1) [One course in each of two disciplines] *Two courses* in arts and humanities;

(2) [One course in each of two disciplines] *Two courses* in social and behavioral sciences;

(3) (text unchanged)

(4) One course in mathematics [at or above the level of college algebra; and], *having performance expectations demonstrating a level of mathematical maturity beyond the Maryland College and Career Ready Standards in Mathematics (including problem-solving skills, and mathematical concepts and techniques that can be applied in the student's program of study); and*

(5) One course in English composition, *completed with a grade of C- or better.*

D. [Interdisciplinary and Emerging Issues.] *Institution-Specific Requirements.*

(1) In addition to the five required areas in §A of this regulation, a public institution may include up to 8 semester hours [in a sixth category that addresses emerging issues that institutions have identified as essential to a full program of general education for their students. These courses may:] *in course work outside the five areas. These courses may be integrated into other general education courses or may be presented as separate courses.*

[(a) Be integrated into other general education courses or may be presented as separate courses; and

(b) Include courses that:

(i) Provide an interdisciplinary examination of issues across the five areas, or

(ii) Address other categories of knowledge, skills, and values that lie outside of the five areas.]

(2) (text unchanged)

E. General education programs leading to the A.A.S. degree shall include at least [20] 18 semester hours from the same course list designated by the sending institution for the A.A. and A.S. degrees. The A.A.S. degree shall include at least one 3-semester-hour course from each of the five areas listed in §A(1) of this regulation.

F.—K. (text unchanged)

[L. Public institutions may incorporate knowledge and skills involving the use of quantitative data, effective writing, information retrieval, and information literacy when possible in the general education program.]

[M.] L. — [N.] M. (text unchanged)

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.15 Delegate Howard P. Rawlings Program of Educational Excellence Awards

Authority: Education Article, §§11-105(u) and 18-204(c) and Title 18, Subtitle 3, Annotated Code of Maryland

Notice of Proposed Action

[16-106-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.16 under a new chapter, COMAR **13B.08.15 Delegate Howard P. Rawlings Program of Educational Excellence Awards**. This action was considered at a public meeting held on November 18, 2015.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the Delegate Howard P. Rawlings Program of Educational Excellence Awards program as provided in Education Article, Title 18, Subtitle 3, 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 St., 10th Floor Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0270. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

.01 Purpose.

A. *The purpose of the Delegate Howard P. Rawlings Program of Educational Excellence Awards program is to provide need-based scholarship assistance.*

B. *The State's neediest students shall be guaranteed access to postsecondary education in Maryland through Delegate Howard P. Rawlings Guaranteed Access Grants.*

C. *Low- and middle-income students shall be awarded financial assistance through Delegate Howard P. Rawlings Educational Assistance Grants.*

.02 Definitions.

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

B. Terms. Defined.

(1) "Commission" means the Maryland Higher Education Commission.

(2) "Educational Assistance Grant" or "EA" means the Delegate Howard P. Rawlings Educational Assistance Grant by which low and middle-income students are awarded financial assistance.

(3) "Educational Excellence Award" or "EEA" means the Delegate Howard P. Rawlings Program of Educational Excellence Awards comprising Delegate Howard P. Rawlings Guaranteed Access Grants and Delegate Howard P. Rawlings Educational Assistance Grants.

(4) "FAFSA" means the Free Application for Federal Student Aid.

(5) "Guaranteed Access Grant" or "GA" means the Delegate Howard P. Rawlings Guaranteed Access Grant by which the State's neediest students are guaranteed access to postsecondary education in Maryland.

(6) "OSFA" means the Office of Student Financial Assistance within the Commission.

.03 Eligibility.

A. To be eligible for financial assistance under the Educational Excellence Award program, an applicant shall meet the following general requirements:

(1) Be a Maryland resident;

(2) File the FAFSA by March 1 for priority funding under the GA Program or be eligible for the EA Program;

(3) Be accepted for admission or enrolled as a full-time student in a regular undergraduate program leading to a degree or diploma at an eligible institution or be enrolled in a 2-year associate degree program in which the course work is acceptable for transfer credit to an accredited baccalaureate program at an eligible institution;

(4) Demonstrate financial need based on the OSFA formula described in Regulation .06 of this chapter; and

(5) Agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, the cancellation of an award, or the denial of an appeal.

B. To be eligible for a Guaranteed Access Grant, an applicant shall meet the following requirements in addition to those in §A of this regulation:

(1) File a GA Grant application with OSFA by March 1 to be eligible for priority funding;

(2) Have an annual total family income as reported on the FAFSA that is below 130 percent of the federal poverty level or, if program funding allows, that is below 150 percent of the federal poverty level;

(3) Begin college within 1 year of completing high school or, if failing to do so, provide satisfactory documentation of extenuating circumstances;

(4) Be under the age of 22 at the time of receiving the first award;

(5) Have successfully completed a college preparatory program in high school that is designed to prepare students for college level work, including courses that prepare students to obtain a 2-year technical degree from a community college;

(6) Have completed high school with an unweighted cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent;

(7) Submit a high school transcript to OSFA after the completion of the first semester of the senior year along with the GA application by March 1 for priority consideration; and

(8) Be a senior in high school at the time of initial application, or a student who has never attended postsecondary education and who has appealed due to extenuating circumstances.

C. To determine the annual family income eligibility of an applicant for a Guaranteed Access Grant, OSFA may not consider an amount received by the applicant as an earned income credit under §32 of the Internal Revenue Code.

D. A student in grade 9 or grade 10 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education by agreeing in writing, as a secondary and undergraduate student, to:

(1) Satisfy the attendance policy of the applicable school;

(2) Refrain from substance abuse;

(3) Provide information required by the Commission or the State Board of Education;

(4) Complete and file on a timely basis applications for federal student aid for each year that the student plans to enroll in postsecondary education;

(5) Participate in the College Readiness Outreach Program established in Education Article, §18-303.1, Annotated Code of Maryland, until the student graduates from high school and matriculates at an institution of higher education; and

(6) Satisfy any other program requirements set by the Office, the Commission, the State Board of Education, or the State Department of Education.

.04 Application.

A. An applicant for an Educational Assistance Grant shall file a FAFSA by March 1 each year.

B. An applicant for a Guaranteed Access Grant shall:

(1) File a FAFSA by March 1 each year for priority consideration; and

(2) If a first time applicant, submit to OSFA a Guaranteed Access Grant Application by March 1 for priority consideration.

C. Applications for a Guaranteed Access Grant shall be accepted after March 1 and awards shall be made with available funds.

.05 Award Amount.

A. Educational Excellence Award program award amounts shall be determined by OSFA based on financial need.

B. Educational Assistance Grant award amounts shall range between \$400 and \$3,000 and be awarded in \$100 increments.

C. Students qualifying for a Guaranteed Access Grant shall receive an award equal to 100 percent of the student's adjusted financial need as described in Regulation .06 of this chapter. Award amounts shall range from \$400 up to a maximum award not to exceed the equivalent annual expenses of a full-time resident undergraduate 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, as calculated by OSFA, in \$100 increments.

.06 Award Calculation.

A. Determination of Financial Need.

(1) The OSFA shall calculate an applicant's adjusted financial need using the following formula:

OSFA Cost of Attendance

- Expected Family Contribution Plus/Minus Regional Cost of Living Adjustment

- Workforce Shortage Student Assistance Grant or Economic Development Student Assistance Grant

- Estimated Pell Grant

= OSFA Adjusted Need.

(2) *The Expected Family Contribution shall be determined using federal methodology.*

(3) *The Regional Cost of Living Adjustment shall be determined annually by the Commission.*

(4) *The OSFA Cost of Attendance is calculated using the following classifications:*

(a) *For a student living with parents, tuition and mandatory fees plus an allowance established by OSFA with a minimum value of \$3,200;*

(b) *For a student living off campus, tuition and mandatory fees plus an allowance established by OSFA with a minimum value of \$5,100; and*

(c) *For a student living on campus, tuition and mandatory fees, room, and board plus an allowance established by OSFA with a minimum value of \$900.*

B. Determination of EEA Awards.

(1) *Awards made under the EEA program are calculated using data from the FAFSA.*

(2) *Educational Assistance Grants shall be calculated using the percentage of need specified in the formulas in this regulation.*

(3) *Awards for students attending 4-year public or independent institutions shall be calculated using the following formula: OSFA Adjusted Need x 40 percent = Educational Assistance Grant.*

(4) *Awards for students attending a community college shall be calculated using the following formula: OSFA Adjusted Need x 60 percent = Educational Assistance Grant.*

(5) *Guaranteed Access Grants shall be calculated using the following formula: OSFA Adjusted Need x 100 percent = Guaranteed Access Grant.*

(6) *The maximum Guaranteed Access Grant is limited to the amount specified in Regulation .05 of this chapter.*

(7) *Award amounts shall be calculated on an annual basis and are rounded to the nearest \$100.*

(8) *If a student's award amount falls below \$400, they are not eligible for an award.*

(9) *Awards are made for the fall and spring semesters in the academic year with 50 percent of the annual amount awarded for each semester.*

C. Awards shall be based on information provided by the student to the federal processor. Errors on the application that are corrected by students after the deadline shall be accepted by OSFA. Changes in award amounts as a result of corrections shall be handled as follows:

(1) *For EA and GA Grants, if a correction results in a decrease in an award amount, the award shall be adjusted and the student notified of the change. If a correction results in an increase in an award, the increase shall be funded only if monies are available.*

(2) *For GA Grants only, if a correction in family income or size results in the student no longer being eligible for a GA Grant, the student's award shall be recalculated as an EA Grant.*

.07 Awarding Priorities and Distribution of Funds.

A. On an annual basis, the Commission shall establish awarding priorities for making awards under the Educational Excellence Awards Program.

B. Awarding priorities shall express the Commission's intent with respect to fund distribution in the program and assist OSFA staff in making final decisions in the awarding process. These priorities shall be based on projections using the estimated funding level for the program and shall take into consideration funds necessary to award Guaranteed Access Grants at 100 percent of need, with the remainder of the funds being awarded as Educational Assistance Grants.

C. As its first priority, the Commission shall attempt to award recipients at the percent of need and maximum award established for the prior award year adjusting for tuition and fee increases. The

Commission shall strive to maintain the overall number of awards in the EEA program as its second priority. Additional priorities shall be considered as appropriate.

.08 Selection of Recipients.

A. Applications for the Guaranteed Access Grant that are filed by March 1 shall be funded prior to all other Educational Excellence Awards applicants.

B. Applications filed after March 1 shall be processed on a first-come, first-served basis.

C. First-time GA applicants who submit their applications prior to March 1 and all renewal GA applicants who meet all eligibility requirements shall be awarded first.

D. All other GA applicants shall be awarded on a first-come, first-served basis.

E. Applicants eligible for the EA Grant shall be selected in the following manner:

(1) *Renewal applicants for EA Grants shall be awarded first as long as all criteria specified in Regulation .10 are met;*

(2) *Remaining funds shall be awarded to all other eligible applicants until all funds are depleted; and*

(3) *Students are selected based on a Statewide ranking of each student's Expected Family Contribution (EFC) and need, with the lowest EFCs and greatest need awarded first.*

.09 Award Notification.

A. Recipients shall be notified in writing of their award.

B. To accept an award, initial EA Grant recipients shall provide written acceptance of the award and submit any other required documentation.

C. A GA Grant recipient's award shall automatically be accepted for the student. The student shall contact OSFA in writing if the student wishes to reject the award.

.10 Renewal and Continuation.

A. An Educational Assistance Grant may be renewed if the recipient:

(1) *Files a FAFSA by the March 1 deadline;*

(2) *Demonstrates financial need;*

(3) *Is enrolled in an eligible institution;*

(4) *Is enrolled as a full-time student at an eligible institution and takes at least 12 semester hours of courses each semester or its equivalent as determined by OSFA;*

(5) *Is making satisfactory progress according to institution standards in compliance with federal Title IV program regulations; and*

(6) *Is a resident of the State of Maryland as certified by the institution.*

B. A Guaranteed Access Grant may be renewed if the recipient:

(1) *Files a FAFSA;*

(2) *Has an annual total family income as reported on the FAFSA which is below 150 percent of the federal poverty level;*

(3) *Is enrolled in an eligible institution;*

(4) *Is enrolled as a full-time student or the equivalent for each semester;*

(5) *Is making satisfactory progress according to institution standards in compliance with federal Title IV program regulations; and*

(6) *Is a resident of the State of Maryland, as certified by the institution.*

C. Recipients who do not meet these requirements shall be considered eligible for an EA Grant, as long as all other conditions described above are met.

.11 Cancellation of Award.

An award will be canceled if the:

A. Recipient of an EA Grant fails to sign and return the award letter (along with any additional documentation requested by OSFA) within the time specified in the letter;

B. Recipient fails to pass verification requirements; or

C. Institution reports on the billing roster that the recipient is:

(1) Not enrolled at that institution in a regular undergraduate program;

(2) Not enrolled as a full-time undergraduate;

(3) Not making satisfactory academic progress;

(4) Not a resident of the State of Maryland; or

(5) In default of a Title IV loan or owes a refund of Title IV assistance.

.12 Payment.

A. Payment shall be made to the institution for each semester that the recipient is attending.

B. At the beginning of each semester, institutions shall be asked to review billing rosters provided by OSFA to certify that the recipient meets the requirements described in Regulation .11C of this chapter.

C. For funds to be disbursed, the institution at which the student is enrolled shall maintain the student's FAFSA information on file.

D. Institutions shall be responsible for disbursing the funds to eligible students in a timely fashion.

.13 Verification.

A. In-House Verification Option.

(1) OSFA shall annually verify a percentage of all new Educational Excellence Award applications to determine if students are submitting accurate information.

(2) OSFA shall verify Educational Excellence Award applications for recipients identified by OSFA or institutions as having severe discrepancies in the information contained in their FAFSA or as having misreported their dependency or Maryland residency status.

(3) OSFA may also randomly select applications for verification.

(4) Selected recipients are required to provide documentation of financial data and to verify Maryland residency.

(5) OSFA shall annually verify the eligibility status of at least 25 percent of GA Grant award recipients.

(6) New and renewal GA Grant recipients are required to provide documentation of financial data to verify eligibility criteria as requested.

(7) Students are notified in writing of their selection for verification and are required to provide the following documents within the time specified on the letter:

(a) Maryland Office of Student Financial Assistance Dependent or Independent Verification Form to verify:

(i) Child support;

(ii) Other untaxed income;

(iii) Maryland residency for nontax filers; and

(iv) Nonfiling status for nontax filers; and

(b) Federal and state income tax returns and W-2 forms of parents, student, and spouse, to verify:

(i) Income and federal taxes paid; and

(ii) Maryland residency.

(8) Awards for students who fail to provide the requested information by the deadline shall be canceled for the entire academic year.

(9) Students who provide the requested documentation shall be verified in accordance with the procedures established by OSFA. Awards for students with errors shall be recalculated and adjusted as specified in of Regulation .06C of this chapter or canceled accordingly.

B. Institutional Verification Option.

(1) OSFA is required annually to verify application information for a percentage of all new Educational Excellence Award recipients to determine if students are submitting accurate financial data.

(2) OSFA shall select a minimum of 25 percent of all students who have received an EA Grant and were flagged for federal verification. The list of selected students shall be submitted to the institution at which the students are attending.

(3) Once students are selected, institutions shall verify the following data using federal standards:

(a) Taxable and nontaxable income of student and, if a dependent student, parents;

(b) Household size;

(c) Number in college;

(d) Enrollment status (undergraduate or graduate);

(e) Housing status;

(f) Dependency status;

(g) Expected Family Contribution; and

(h) Transaction number of Institutional Student Information Report used.

(4) Institutions shall provide updated and verified data to OSFA by the date established each year.

(5) Information verified by the institutions shall be used to update OSFA records.

(6) Awards for students with corrections and errors shall be recalculated and adjusted as specified in Regulation .06C of this chapter or canceled accordingly.

.14 Late Awards.

A. OSFA shall consider students for late EA Grants should funds become available after initial awards have been made.

B. Priority for Late Awards. Consideration for a late award shall be given in the following descending order to students who:

(1) Were previously awarded and have requested reinstatement of a canceled award;

(2) Applied on time and filed an appeal based on changes in their financial circumstances;

(3) Applied on time and were eligible for an award but were not funded;

(4) Were late in applying, appealed for consideration and were placed on the waiting list; and

(5) Applied after the deadline.

C. Selection of Recipients.

(1) If funds are available to make late awards, OSFA shall fund EA grant recipients as specified in §B of this regulation, and shall notify recipients and institutions.

(2) If funds become available after commencement of the fall semester and are sufficient to issue late awards, OSFA shall have the eligibility of students certified by the institution before making awards.

.15 Appeals.

A. Categories of Appeals.

(1) EA and GA Grant applicants and recipients may appeal their eligibility for an award based on the following reasons:

(a) Full-Time Status. Students that are not enrolled full-time, defined as 12 or more credits, may be considered eligible for the EEA program if they are participating in a specific course or activity (such as an internship, practicum, or clinic) that is required by the institution to complete their academic program. To be eligible, the student must be enrolled for a minimum of 6 credit hours and the actual time spent in the course or activity must equal 180 clock hours or more in a regular semester.

(b) *Fifth Year Award.* Students may hold an award for a fifth year if:

(i) The institution confirms that the student is enrolled in an academic program that requires 5 years to complete; or

(ii) The student provides OSFA with evidence of extenuating financial, academic, or other circumstances that prevent the student from completing their academic program in 4 years.

(c) *Special Financial Circumstances.* OSFA recognizes that the financial circumstances of students can change dramatically after their applications for need-based scholarships have been filed. In order to assist these students, OSFA shall make adjustments as follows with adequate documentation that the student has experienced special financial circumstances that directly impact the family contribution:

(i) If the student's parent or spouse dies after submission of the application, OSFA shall adjust the FAFSA income information to exclude the income of the parent or spouse affected;

(ii) If the student or the student's parents divorce or separate after submission of the application, OSFA shall adjust the FAFSA income information to exclude the income of the parent or spouse affected;

(iii) If the student, student's parent (if dependent), or student's spouse, if married and independent, becomes 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

(iv) If the student or the student's parent loses, 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.

(2) GA applicants and recipients may appeal their eligibility for an award based on the following reasons:

(a) *Grade Point Average.* An applicant who has not completed high school with an unweighted grade point average of at least 2.5 on a 4.0 scale or its equivalent due to extenuating circumstances may appeal.

(b) *Failure to Begin College.* An applicant who does not begin college within 1 year of high school graduation may appeal.

(c) *Annual Family Income.* A student who is no longer eligible for the GA program because their annual family income rises above the 150 percent poverty level may appeal.

B. Appeal Procedures.

(1) A recipient may file an appeal in accordance with this regulation by submitting a completed appeal form provided by the Office of Student Financial Assistance.

(2) In addition to the appeal form, the student shall submit the following documentation based on the reason for the appeal:

(a) For an appeal based on full-time equivalency, documentation shall include a statement from the student's department chair that describes the program requirements for that semester and a catalog description of the program and classes involved. The documentation shall also list the number of clock hours required for the student's activity.

(b) For an appeal based on academic requirements, documentation shall include, as applicable, a death certificate or statement from an attending physician, psychologist, mental health professional, guidance counselor, or social worker or the Dean of Students or other officer at the student's institution confirming the:

(i) Serious illness or injury of the student;

(ii) Serious illness of a member of the student's immediate family;

(iii) Serious emotional difficulties of the student;

(iv) Death of a member of the student's immediate family;

(v) Existence of other serious personal circumstances; or
(vi) For fifth year award appeals only, student's enrollment in an academic program that requires 5 years to complete;

(c) For an appeal based on special financial circumstances, documentation shall be an appeal form along with a copy of the deceased's death certificate, separation agreement or divorce decree, notice of job termination or layoff, copies of federal tax returns and/or W-2 forms, or copies of termination notices or unemployment benefits from relevant agencies.

(d) For an appeal based on the student not meeting the required grade point average (GPA), documentation shall include:

(i) An appeal form;

(ii) A letter from the student explaining why the GPA requirement was not met;

(iii) An unofficial transcript to verify the student's GPA; and

(iv) Supporting documentation describing the circumstances that prohibited the student from obtaining the required GPA.

(e) For an appeal from an applicant not beginning college within 1 year of high school graduation, documentation shall include:

(i) An appeal form;

(ii) A letter from the student explaining why the student did not begin college within 1 year of high school graduation; and

(iii) A letter of reference from an employer, teacher, or organization that the applicant is affiliated with describing the applicant's commitment to attending college and earning a degree.

(f) For an appeal from a student who is no longer eligible for the GA program because the student's annual family income rises above the poverty level, documentation shall include:

(i) An appeal form; and

(ii) Supporting documentation identifying the change in income level that resulted in the family income exceeding the 150 percent poverty threshold and why the income should be omitted from the award calculation.

(3) Upon receipt of an appeal, the documentation shall be reviewed and a decision rendered within 30 days, and the student shall be notified of the outcome.

(4) *Adjustment of Awards.* The following adjustment of awards shall be made for appeals that are granted:

(a) If an appeal is granted prior to awards being made for the upcoming year, the student's eligibility for an award shall be based on the new information;

(b) If the student has not been awarded a scholarship and submits the appeal after awards have been made for the upcoming year and the appeal is granted, the student shall be placed on the waiting list for an award if the change in circumstances makes that student eligible for an award;

(c) If the student has already been awarded a scholarship and submits an appeal and the appeal is granted, the student shall be placed on a waiting list for any additional funds for which they may be eligible due to the outcome of the appeal; or

(d) If a student's appeal based on 12-credit equivalency has been approved, the student shall receive 75 percent of the original award if enrolled in 9–11 credits and 50 percent of the original award if enrolled for 6–9 credits. No award shall be less than the statutory minimum award.

.16 Delegate Howard P. Rawlings Campus-Based Awards.

A. The Commission shall allocate funds to institutions of higher education to make awards to students who applied for an Educational Excellence Award after the March 1 deadline or who have other extenuating circumstances.

B. Funds shall be awarded to institutions based on the proportion of full-time Pell Grant eligible Maryland residents enrolled at each institution.

C. Funds shall be awarded by institutions to students who meet the eligibility criteria for EA Grant awards as described in Regulation .03A(1), (3), (4), and (5) of this chapter but who did not apply by the March 1 deadline or who have other extenuating circumstances. These students must be eligible for a Pell Grant.

D. Awards shall be made in the amounts and the manner described in Regulation .06 with the same minimum (\$400), maximum (established annually), and percent of need (established annually) and rounded to the nearest \$100 increment.

E. An institution may not award a Delegate Howard P. Rawlings Campus-Based Educational Assistance Grant to a recipient of a Guaranteed Access or Educational Assistance Grant offered by OSFA.

F. Students may hold other State scholarships or grants but must meet all conditions for all awards and may not receive an amount combined from all State programs that exceeds the maximum amount established in the OSFA General Policies. Students who have had appeals approved to take less than 12 credits in a term may not also receive a Part-Time Grant during that same term.

G. Each institution of higher education that participates in the Campus-Based Educational Assistance Grant program shall submit:

(1) By October 15, a report of initial awards for the academic year containing:

- (a) Student name;
- (b) Social security number;
- (c) Institutional cost of attendance;
- (d) Expected Family Contribution;
- (e) Amount of Pell Grant disbursed;
- (f) Amount of Campus-based EA grant awarded; and
- (g) Pell I.D. and transaction number from the Institutional Student Information Report used for awarding;

(2) By January 15, a report of subsequent awards for the academic year containing:

- (a) Student name;
- (b) Social security number;
- (c) Institutional cost of attendance;
- (d) Expected Family Contribution;
- (e) Amount of Pell Grant disbursed; and
- (f) Amount of Campus-Based EA grant awarded; and

(3) By June 15, a final end of year report containing:

- (a) A final cumulative list of recipients including:
 - (i) Name;
 - (ii) Social security number; and
 - (iii) Award amount;
- (b) The total number of students receiving the award;
- (c) The total number of students eligible for award; and
- (d) The following demographic information provided in the aggregate:

(i) Year in school in which the student received the award;

- (ii) Income data;
- (iii) Age of recipient;
- (iv) Gender of recipient;
- (v) Independent or dependent status; and
- (vi) Number of recipients registering for the following year or transferring to a 4-year institution.

JAMES D. FIELDER, JR., Ph.D.
Secretary of Higher Education

Title 18 DEPARTMENT OF ASSESSMENTS AND TAXATION

Subtitle 14 UNIFORM COMMERCIAL CODE

Notice of Proposed Action

[16-108-P]

The Director of Assessments and Taxation proposes to amend:

- (1) Regulations .04, .06, and .07 under **COMAR 18.14.01 General Provisions**; and
- (2) Regulation .03 under **COMAR 18.14.03 UCC Information Management System**.

Statement of Purpose

The purpose of this action is to eliminate delivery by facsimile as a method to file UCC records, *establish that UCC records may be filed by electronic means other than facsimile*, establish the file time for a UCC record delivered by electronic transmission, remove reference to a filing fee already covered by statute in Commercial Law Article, §9-525, Annotated Code of Maryland, and eliminate cash as a method of paying for UCC fees.

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 Heidi Dudderar, Associate Director, Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-1249, or email to heidi.dudderar@maryland.gov, or fax to 410-333-5873. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

18.14.01 General Provisions

Authority: Commercial Law Article, §9-526; Corporations and Associations Article, §1-203.2; Annotated Code of Maryland

.04 Date, Time, and Method of Filing.

A. Filing Methods.

(1) [UCC records may be tendered for filing] *The Filing Office may accept filings* by the methods specified in §A(2)—(4) of this regulation.

(2) — (3) (text unchanged)

(4) [Telefacsimile Delivery to the Filing Office at the Filing Office's Fax Filing Telephone Number. The file time for a UCC record delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC record is processed by the filing office or the close of the business day following the time of delivery.] *Electronic Transmission to the Filing Office, Excluding*

Telefacsimile Transmission. The file time for a UCC record delivered by this method is the date and time the filing record is received.

B. (text unchanged)

.06 Fees.

[A. Filing Fee. The fee for filing and indexing a UCC record of one to eight pages on paper is \$20. If there are additional pages and the record is communicated in writing, the fee is \$75.]

[B.] A. Expedited Service Fee. In addition to fees set forth in [§A of this regulation] *Commercial Law Article, Annotated Code of Maryland*, the fee is \$50 for the expedited processing of a record as provided in Corporations and Associations Article, §§1-203(8) and 1-203.2, Annotated Code of Maryland[, and COMAR 18.04.08].

[C.] B. Copy Fees. In addition to the fees set forth in [§§A and B] §A of this regulation, other fees are:

(1) — (3) (text unchanged)

.07 Payment Methods.

A. Fees may be paid by the methods specified in §§B—[D] C of this regulation.

[B. Cash by Hand Delivery. Payment in cash is accepted if paid in person at the filing office.]

[C.] B. (text unchanged)

[D.] C. Debit Cards and Credit Cards [for Telefacsimile Delivery] *for All Methods of Delivery*. The filing office accepts payment by [MasterCard and Visa] debit and credit cards for filings [by telefacsimile].

18.14.03 UCC Information Management System

Authority: Commercial Law Article, §9-526, Annotated Code of Maryland

.03 Processing and Data Entry Procedures.

A. Processing.

(1) (text unchanged)

(2) [Cash Management.] Transactions necessary for processing payment of the filing fee are performed.

(3) Document Review.

(a) — (b) (text unchanged)

(c) Communication of Acceptance or Refusal.

(i) — (ii) (text unchanged)

[(iii) If a record tendered by telefacsimile for expedited service is accepted or rejected, a paper acknowledgment or notice of refusal is sent by telefacsimile to the remitter.]

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

B. (text unchanged)

SEAN P. POWELL

Director of Assessments and Taxation

**Title 20
PUBLIC SERVICE
COMMISSION**

Subtitle 32 DISPUTE PROCEDURES

20.32.01 Dispute Regulations

Authority: Public Utilities Article, §§2-112, 2-113, 2-121, and 3-102, Annotated Code of Maryland

Notice of Proposed Action

[16-102-P]

The Public Service Commission proposes to amend Regulations **.01—.04** under **COMAR 20.32.01 Dispute Resolutions**. This action was considered at a scheduled rule-making meeting held on February 22, 2016, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to assign disputes involving subscriber organizations of registered community solar energy generating systems to the dispute resolution process of the Commission’s Office of External Relations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

.01 Applicability.

A. This subtitle applies to all electric companies, gas companies, combination gas and electric companies, telephone companies, licensed suppliers, licensed brokers, *registered CSEGS subscriber organizations*, and water companies under the jurisdiction of the Public Service Commission.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Community Solar energy generating system” or “CSEGS” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

[(2)] (3) — [(7)] (8) (text unchanged)

(9) “Subscriber organization” has the meaning stated in COMAR 20.62.01.02B(19).

[(8)] (10) — [(10)] (12) (text unchanged)

.03 Inquiry to Utility.

A. A customer shall initially submit any inquiry or dispute directly to a utility, [or] supplier, *or a subscriber organization* for resolution.

B. A utility, [or] supplier, *or subscriber organization* shall investigate a customer dispute or inquiry, and propose a resolution of the dispute to the customer or report its findings to the customer. In responding to a customer inquiry about price and service, a utility may provide information about its SOS and Sales service rates and may refer the customer to the website of the Commission or the Office of People’s Counsel for additional information.

C. — G. (text unchanged)

.04 Inquiry to Public Service Commission.

A. If a customer disputes a [utility or] *utility’s*, a supplier’s, *or a Subscriber organization’s* determination under Regulation .03 of this chapter, the customer may submit an inquiry to the Commission within 7 days of receipt of the determination.

B. If a customer contacts the Commission or its staff before contacting [a] *the utility*, [or] the supplier, *or the subscriber organization*, the customer shall be advised of Regulation .03 of this chapter and referred to the utility, [or] supplier, *or the subscriber organization*.

C. — F. (text unchanged)

G. [Both a] A utility, a supplier, *a subscriber organization*, and a customer may be given an opportunity to respond to the position or information provided to OER by the other party.

H. A utility and a supplier *or subscriber organization* shall respond to an OER request for investigation or information and shall make a good faith attempt to do so within 7 working days of its receipt.

I. An inquiry or dispute brought under this subtitle may be closed if OER determines in the course of its investigation that the:

(1) Customer has not dealt with the utility, [or] the supplier, *or the subscriber organization* in good faith;

(2) (text unchanged)

(3) Utility,[or] supplier, *or subscriber organization* has complied with Public Utilities Article, Annotated Code of Maryland, the Commission’s regulations and orders, and the utility’s own tariff.

J. OER shall provide the utility, *the supplier* if there is one, *the subscriber organization*, *if there is one*, and the customer with a written summary of its findings and conclusions on completion of its investigation.

K. — N. (text unchanged)

DAVID J COLLINS
Executive Secretary

**Subtitle 50 SERVICE SUPPLIED BY
ELECTRIC COMPANIES**

20.50.10 Net Metering

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 5-303, and 7-306, Annotated Code of Maryland

Notice of Proposed Action

[16-103-P]

The Public Service Commission proposes to amend Regulation .07 under **COMAR 20.50.10 Net Metering**. This action was considered at a scheduled rule-making meeting held on February 22, 2016, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify the types of customers eligible for aggregate net metering.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

.07 Meter Aggregation.

A. (text unchanged)

B. Customers Qualifying for Aggregation. The following electric utility eligible customer-generators are qualified to request meter aggregation under §A of this regulation:

(1) (text unchanged)

(2) An eligible customer-generator who is a not-for-profit organization or a *not-for-profit* business; or

(3) An eligible customer-generator who is a municipal *or county* government or its affiliated organizations.

C. (text unchanged)

DAVID J COLLINS
Executive Secretary

**Subtitle 62 COMMUNITY SOLAR
ENERGY GENERATION SYSTEMS**

Notice of Proposed Action

[16-104-P]

The Public Service Commission proposes to adopt under a new subtitle, **Subtitle 62 Community Solar Energy Generation Systems**:

(1) New Regulations **.01— .04** under a new chapter, **COMAR 20.62.01 General**;

(2) New Regulations **.01— .11** under a new chapter, **COMAR 20.62.02 Pilot Program**;

(3) New Regulations **.01— .08** under a new chapter, **COMAR 20.62.03 Pilot Program Administration**;

(4) New Regulations **.01— .03** under a new chapter, **COMAR 20.62.04 Pilot Program Study**; and

(5) New Regulations **.01— .20** under a new chapter, **COMAR 20.62.05 Consumer Protection**.

This action was considered at a scheduled rule-making meeting held on February 22, 2016, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish the framework for a pilot program under Public Utilities Article, §§7-306.1 and 7.306.2, Annotated Code of Maryland. The Pilot Program is designed to make solar energy available to electric customers throughout Maryland

through subscriptions to community solar energy generating systems. Chapter .01 provides for the scope of the Program, applicable definitions, compliance by electric companies, and a waiver for good cause. Chapter .02 establishes the Program’s capacity limits, annual cap, and program categories. Chapter .02 also sets out the duties of subscriber organizations and the manner in which participating electric customers will be compensated. Chapter .03 provides for the administration of the Program including the application process for eligible community solar energy generating systems. Chapter .04 addresses the data to be collected for purposes of the Pilot Program Study. Chapter .05 addresses issues involving transactions between subscriber organizations and customers subscribing to those organizations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These regulations implement a Pilot Program for the purpose of studying the effects of community solar energy generation systems as providers of solar energy to persons who do not or cannot own their own solar systems as customer generators. It is thought that there may be some economic impact, but because this is a Pilot Program the actual impact is unknown but considered minimal.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	Minimal
B. On other State agencies:	(R+)	Minimal
C. On local governments:	(R+)	Minimal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	(+)	Minimal
F. Direct and indirect effects on public:	(+)	Unquantifiable

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

A. — C. The Commission will employ no additional personnel to monitor this program or write the report required by the regulations. Any effect on other State agencies or local governments are expected to be minimal and covered under their existing budgets due to the size and design of the program.

D. Regulated electric companies will be affected to the extent that they are required to provide information to subscriber organizations that operate community solar energy generation systems, maintain a queue for applicants certified to participate in this program, participate in related workgroups, provide data, and automate limited systems for tracking membership in the program. This is not expected to result in costs that cannot be absorbed by the current work force because very few projects are at issue in the pilot program. Participants who purchase solar energy through the subscriber organizations will be provided bill credits. However, the program

provides an offset to standard offer service, and these credits are revenue neutral.

E. Developers of solar facilities will benefit from the ability to construct and manage community solar energy generation systems. Retail suppliers of electricity will be unaffected by these regulations because a member of a subscriber organization may continue as a retail customer.

F. Members of the public who participate in the Pilot Program are expected to see some savings on their electric bills. The public as a whole will benefit from increased availability of clean energy options.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David J. Collins, Executive Secretary, Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, Maryland 21202-6806, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

20.62.01 General

Authority: Public Utilities Article, §§2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

.01 Scope.

This subtitle is applicable to electric companies and subscriber organizations in service territories where customers have the ability to subscribe to a community solar energy generation system under a pilot program approved by the Commission.

.02 Definitions.

A. In this subtitle the following terms have the meanings indicated.

B. Terms Defined.

(1) Agent.

(a) “Agent” means a person who conducts marketing or sales activities, or both, on behalf of a subscriber organization. Agent includes an employee, a representative, an independent contractor and a vendor.

(b) “Agent” includes subcontractors, employees, vendors and representatives not directly under contract with the subscriber organization that conducts marketing or sales activities on behalf of the subscriber organization.

(c) “Agent” does not include a member of a neighborhood association, church, nonprofit organization, or other community organization that is a subscriber organization when the member is conducting marketing or sales activities on behalf of the subscriber organization to fellow members and is not receiving any compensation for those marketing or sales activities.

(2) “Baseline annual usage” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(3) “Brownfield” means one of the following:

(a) A former industrial or commercial site identified by federal or State laws or regulations as contaminated or polluted;

(b) A closed landfill regulated by the Maryland Department of the Environment; or

(c) “Mined lands” as defined in COMAR 26.21.01.01B.

(4) “Commission” means the Public Service Commission of Maryland.

(5) “Community solar energy generating system” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(6) “Consent” means an agreement with an action communicated by the following:

- (a) A written document with customer signature; or
- (b) An electronic document with electronic signature.

(7) “Consumer” or “customer” means a retail electric customer account holder of a regulated electric company.

(8) “Contract summary” means a summary of the material terms and conditions of a community solar pilot program subscriber contract on a form provided by the Commission.

(9) “CSEGS” means a community solar energy generating system.

(10) “Electric company” has the meaning stated in Public Utilities Article, §1-101, Annotated Code of Maryland.

(11) “Electronic transaction” means a standardized data protocol or electronic transmission medium that has been accepted by the Commission for use in Maryland.

(12) “Low income” means a subscriber whose gross annual household income is at or below 175 percent of the federal poverty level for the year of subscription or who is certified as eligible for any federal, state, or local assistance program that limits participation to households whose income is at or below 175 percent of the federal poverty limit.

(13) “Moderate income” means a subscriber whose gross annual household income is at or below 80 percent of the median income for Maryland for the year of subscription.

(14) “Personally identifiable information” means information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or capable of being linked to a specific individual.

(15) “Program” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(16) “Public event” means an event open to the public where subscriptions to a community solar energy generation system are marketed or sold.

(17) “Security deposit” means any payment of money given to a subscriber organization by a subscriber in order to protect the subscriber organization against nonpayment of future subscription fees, but does not include escrowed prepaid subscription fees.

(18) “Subscriber” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(19) “Subscriber organization” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(20) “Subscription” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(21) “Unsubscribed energy” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

(22) “Utility” means an electric company as defined in Public Utilities Article, §1-101, Annotated Code of Maryland.

(23) “Virtual net energy metering” has the meaning stated in Public Utilities Article, §7-306.2, Annotated Code of Maryland.

.03 Electric Company Compliance Plan.

A. An electric company shall file a plan and relevant tariffs for compliance with this subtitle within 45 days after this regulation becomes effective.

B. A municipal electric company or electric cooperative electing to participate in the pilot program shall file a plan and related tariffs

for compliance with this subtitle within 45 days after notifying the Commission of that election.

.04 Waiver.

The Commission may waive a regulation in this subtitle for good cause shown.

20.62.02 Pilot Program

Authority: Public Utilities Article, §§2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

.01 Pilot Program Structure.

A. Each electric company shall establish a program to accept and administer community solar energy generating system projects for a period of 3 years from the earlier of:

(1) The first date of application of a subscriber organization to operate a community solar energy generating system after the effective date of this subtitle; or

(2) 6 months from the effective date of this subtitle.

B. An electric company shall apply bill credits and excess generation to subscribers’ bills in accordance with applicable tariffs.

C. An electric company shall pay subscriber organizations for unsubscribed energy in accordance with applicable tariffs.

D. An electric company shall maintain program data and records as directed by the Commission.

.02 Program Generation Capacity.

A. Capacity Limit.

(1) Statewide Capacity.

(a) Subject to §A(1)(b) of this regulation, an electric company may not accept pilot program project applications after the Statewide capacity of pilot projects has exceeded 1.5 percent of the 2015 Maryland peak demand in MW as measured by the sum of the nameplate capacity of each project’s inverter.

(b) An electric company shall accept an additional 0.15 percent of 2015 capacity for projects serving the LMI category if an electric utility has reached full capacity available to projects in the LMI category.

(2) Annual Cap. The following percentages of 2015 Maryland peak demand will set annual program capacity:

- (a) First year — 0.6 percent.
- (b) Second year — 0.6 percent.
- (c) Third year — 0.3 percent.

(3) Program Categories. An electric company shall accept pilot projects in each of the following categories up to the annual and program capacity limits according to the percentages shown in each of the following paragraphs:

(a) Small, Brownfield and Other Category (Small) — 30 percent.

(i) Projects up to and including 500 kW.

(ii) Projects installed on rooftops, parking lots, roadways or parking structures.

(iii) Projects installed on brownfield locations.

(iv) Projects serving more than 51 percent of kWh output to Low or Moderate income customers.

(b) Open Category (Open) — 40 percent — Projects of any size up to 2 MW.

(c) Low and Moderate Income Category (LMI) — 30 percent Projects serving more than 30 percent of kWh output to Low or Moderate income customers of which Low Income subscribers receive a minimum of 10 percent of kWh output.

(d) Projects which qualify for the Small or LMI category may use capacity from the Open category after the electric company has accepted projects up to the limit of its respective categories.

(e) An electric company may accept an LMI project using LMI capacity as described in §A(2) of this regulation from subsequent program years if the capacity in the current year has been fully allocated.

(4) Electric Company Program Capacity Limits.

(a) Subject to the annual and category limits established in this regulation, an electric company shall accept pilot program applications up to 1.5 percent of its 2015 Maryland peak demand.

(b) An electric company may accept project applications after it has accepted 1.5 percent of its 2015 peak demand in MW as measured by the sum of the nameplate capacity of each project's inverter.

(c) An electric company may cease accepting project applications according to the annual percentages listed in Regulation .02A(2) as applied to that company's 2015 peak demand.

(d) An electric company shall allocate annual capacity according to the program category percentages listed in §A(3) of this regulation.

(e) An electric company shall notify the Commission if it intends to accept project applications beyond the level described in §A(4)(a) of this regulation.

(f) An electric company shall combine the capacity of the Small and Open categories if the capacity allocated to the "Open" category is 500 kW or less.

(5) **Unused Annual Capacity.** Electric company capacity in each year which remains unused by projects shall be added to the capacity of the following year such that the total Statewide capacity does not exceed the limit in §A of this regulation.

(6) **Unused Category Capacity.** If a category listed in §A(3) of this regulation has unused capacity at the end of the second year of the program, the unused capacity shall be allocated on a pro-rata basis to the other categories for the third year of the program.

B. Each electric company shall maintain a list of accepted projects and total pilot program capacity in its service territory.

C. Each electric company shall provide the list in §B of this regulation to the Commission on the first business day after June 30 and December 31 of each year until the pilot is closed.

D. The Commission may direct electric companies to close the program to new applications if the total Statewide net-metered generation exceeds the limit described in Public Utilities Article, §7-306(d), Annotated Code of Maryland.

.03 Number of Accounts per Project.

A. A subscriber organization may subscribe up to 350 accounts per CSEGS unless the electric company in the project's service territory has developed an automated billing function for the program.

B. A subscriber organization may subscribe as many accounts as needed to match the CSEGS's capacity if the electric company serving the CSEGS has developed an automated billing function for the program.

C. An electric company may require a subscriber organization to maintain a minimum average subscription size of 2 kW per customer for an individual CSEGS during the pilot program.

.04 Subscription Credits.

A. Subscriber List.

(1) A subscriber organization shall provide the electric company with a document indicating the proportion of a community solar energy generating system's output that shall be applied to each subscriber's bill.

(2) A subscriber organization shall provide at least monthly subscriber list updates to the electric company.

(3) An electric company shall apply credits using the most recently updated subscriber list provided by the subscriber organization.

B. An electric company shall determine the amount of kilowatt hours to be credited to each subscriber by multiplying the subscriber's most recent generation proportion from §A of this regulation by the metered output of the community solar energy generating system.

C. Application of Subscription Credits.

(1) Unless otherwise directed by the Commission, an electric company may choose to apply the appropriate kilowatt-hour credit from §B of this regulation to each subscriber's bill as either a reduction in metered kilowatt-hour use or a dollar credit to the subscriber's billed amount.

(2) An electric company shall choose the same method for all subscribers in a project.

D. If the electric company chooses to apply the credit from §C of this regulation as a dollar amount, the electric company shall apply a credit no less than the value to the subscriber of the credit had it been applied to the subscriber's bill as a reduction in metered kilowatt hours.

E. An electric company shall retain a record of a pilot project's kilowatt hours applied to each subscriber's account for a period of 3 years.

F. Subscription credits shall carry over to the next month's bill until the earlier date on which:

(1) The subscriber's account is closed; or,

(2) The subscriber's last meter reading prior to the month of April.

G. Subscriber credits that are not carried over under §F of this regulation shall be handled as excess generation.

.05 Subscription Limitations.

A. A subscriber may not subscribe for an amount of energy that exceeds 200 percent of the value of the subscriber's annual baseline energy usage including all subscriptions and any net metered generation.

B. Multiple Subscriptions.

(1) A customer may purchase multiple subscriptions from one or more CSEGS.

(2) A subscriber's total subscribed credits shall comply with §A of this regulation.

C. A subscriber may participate in net metering as described in Public Utilities Article, §7-306, Annotated Code of Maryland, such that the total of all net-metered generation and subscribed energy does not exceed 200 percent of the value of the subscriber's historic annual energy use.

.06 Credit Payments.

An electric company may not refund generation credits to customers except as electric bill credits or as payment for excess generation.

.07 Excess Generation.

A. An electric company shall pay a subscriber a dollar amount of excess generation as reasonably adjusted to exclude the distribution, transmission, and noncommodity portion of the customer's bill unless the electric company records subscriber credits as kilowatt hours.

B. An electric company that serves electric retail choice customers shall pay the subscriber for kilowatt hours of excess generation at the lesser of the subscriber's retail supply rate or the Standard Offer Service rate in effect at the time of payment.

C. An electric company that does not provide Standard Offer Service shall pay a subscriber for kilowatt hours of excess generation at the electric company's avoided cost of generation.

D. An electric company may pay a subscriber an amount of excess generation as a bill credit if the amount of payment is less than \$25.

E. An electric company shall make a determination to apply §A, B, or C of this regulation in accordance with the type of subscription

credits used for the subscriber according to Regulation .04 of this chapter.

.08 Unsubscribed Energy.

An electric company shall file tariffs to pay a subscriber organization for unsubscribed energy in accordance with Public Utilities Article, §7-306.2(d)(7), Annotated Code of Maryland.

.09 Utility Cost Recovery.

A. An electric company shall receive full and timely cost recovery of program credit costs.

B. An electric company may not establish a separate surcharge, fee, or rate for recovery of any program costs, including credit and administrative costs.

C. An electric company may include program credit costs in existing rate adjustments for distribution rates or as a revenue or cost component for transmission or commodity rates as accepted by the Commission.

.10 Program Sunset.

A. Electric company tariffs requiring payments or credits from an electric company to subscribers in effect during the program shall remain in effect for subscribers for the earlier of 25 years from the date of the end of the program or until the subscriber's contract with its subscriber organization has ended.

B. An electric company shall continue to facilitate the operation of a subscriber organization that was established during the program for a period of 25 years after the program has ended.

C. A subscriber organization may continue to operate a community solar energy generating system that was established during the program for a period of 25 years after the program has ended.

D. A subscriber organization may create, exchange, and trade subscriptions up to the full project capacity for a community solar energy generating system that was established during the program for a period of 25 years after the program has ended

.11 Billing Accuracy.

A. The Commission may establish standards for billing accuracy to apply to subscriber credits and billing revenue.

B. The Commission may direct an electric company to develop additional automated billing and crediting features in order to improve billing accuracy for the program.

20.62.03 Pilot Program Administration

Authority: Public Utilities Article, §§2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

.01 Customer Eligibility.

A. CSEGS Location.

(1) A customer may subscribe to a community solar energy generating system that is located in the same electric company service territory as the customer.

(2) The location of a CSEGS for the purpose of customer eligibility shall be determined by the physical location of the electric meter of the CSEGS.

B. All rate classes are eligible to subscribe to a community solar energy generating system.

C. Subscribers served by retail electricity suppliers and subscribers served by Standard Offer Service may subscribe to the same community solar energy generating system.

.02 Subscriber Organization Requirements.

A. A subscriber organization shall apply with the Commission for admission to the program on forms authorized by the Commission.

B. The Commission shall assign each successful applicant a CSEGS identification number.

C. An electric company that participates as a subscriber organization may not recover CSEGS project costs through base distribution rates.

.03 Pilot Project Application Process.

A. An applicant that has been granted admission to the pilot program by the Commission that wishes to construct and operate a community solar energy generating system under this pilot program shall apply to the electric company serving the location of the system.

B. Project Application Procedure.

(1) An electric company shall establish a project application procedure in compliance with these regulations and Commission Orders.

(2) An electric company shall develop its project application procedure in a manner designed to encourage achievement of program goals, timely project development, and equitable allocation of the electric company's project capacity.

(3) An electric company shall develop tariffed terms and conditions to administer the pilot program queue for filing with the Commission.

C. An electric company shall assign each project an identification number unique to the electric company's service territory for the purpose of identification.

D. Low and Moderate Income Verification.

(1) The Commission may establish alternate means aside from income verification or participation in the Maryland Office of Home Energy Programs' assistance programs to verify the status of Low and Moderate Income subscribers.

(2) An operator of a low-income multi-family dwelling unit may apply to the Commission to qualify as a low-income subscriber for the purposes of the pilot program.

(3) A subscriber organization shall certify to the electric company in writing that the subscriber organization has verified the eligibility of all LMI subscribers needed to qualify for the program prior to receiving permission to operate from the electric company.

.04 Pilot Program Queue.

A. Electric Company Application Process.

(1) An electric company shall process applications filed under Regulation .03 of this chapter in the order in which the electric company receives the application.

(2) Within 5 business days of receipt, the electric company shall acknowledge receipt of the application and notify the subscriber organization whether the application is complete.

(3) If the application is incomplete, the electric company shall provide a written list detailing all information that must be provided to complete the application.

(4) A subscriber organization receiving notice of an incomplete application as described in §A(3) of this regulation shall revise and submit the required information within 10 business days after receipt of the list of incomplete information.

(5) The electric company shall notify a subscriber organization within 5 business days of receipt of a revised application whether the application is complete or incomplete.

(6) An electric company shall grant an extension of time to provide such information upon reasonable request from the subscriber organization.

(7) The electric company shall reject an application that is not submitted in accordance with this section.

B. Pilot Queue Order.

(1) An electric company shall maintain a pilot program queue consisting of a list of pilot project applications in order of the date of receipt by the electric company of the application unless otherwise modified by §B(2) of this regulation.

(2) An electric company shall file with the Commission, a tariffed procedure to prioritize multiple applications that are received:

- (a) On a single business day; or
- (b) In a manner that exceeds the available program capacity or category capacity in a short period of time.

(3) In order to apply for capacity in an electric company's pilot program queue, a CSEGS shall provide the following to the electric company upon application:

- (a) An executed interconnection agreement;
- (b) Proof of application for all applicable permits; and
- (c) Proof of site control.

(4) An electric company shall accept the following as proof of site control:

- (a) Evidence of property ownership;
- (b) An executed lease agreement; or
- (c) A signed option to purchase or lease.

(5) The Commission may establish additional conditions limiting the number of projects for which any single subscriber organization or its affiliates may apply in:

- (a) The Statewide program; or
- (b) A single utility service territory.

C. Operation Deadline.

(1) If a project fails to begin operating within 12 months of submission of a completed application by the subscriber organization, the electric company shall remove the project from the electric company's pilot program queue unless the subscriber organization of the project provides to the electric company an additional deposit of \$50 per kW to maintain its position within the pilot program queue.

(2) If a project fails to begin operating within 18 months of application, the electric company shall remove the project from the electric company's pilot program queue.

(3) The electric company shall extend the operation deadline on a day-for-day basis for the following reasons:

(a) If the subscriber organization attests and provides evidence to the electric company that a project's readiness to begin operating depends only upon receipt of permission to operate from the electric company; or

(b) If the subscriber organization attests and provides evidence to the electric company that a governmental permit or approval for the project was subject to a legal challenge during the reservation period, and the legal challenge remains pending.

(4) Projects in the LMI category are exempt from queue deposits.

(5) An electric company shall return the CSEGS deposit upon commencement of operation unless the electric company has removed the project from the queue.

(6) If a project has been removed from the queue by the electric company, the queue deposit shall be forfeited.

(7) An electric company shall forward forfeited queue deposits to the Commission.

D. An electric company shall provide daily updated information on its website about the current status of its pilot program queue including the following information:

- (1) Name of the applicant;
- (2) Service address of the project;
- (3) Inverter nameplate capacity of the project;
- (4) Application date;
- (5) Interconnection application status;
- (6) Expected date of first operation;
- (7) Project identification number;
- (8) CSEGS identification number; and

(9) Remaining available capacity by year in each program category.

E. If the electric company closes its pilot program queue, it shall state the reason for closing in the same location as the information provided in §C of this regulation.

F. An electric company that operates as a subscriber organization shall apply to the Commission for permission to enter each of its own projects into the electric company's pilot program queue.

.05 Data Communication.

All subscriber organizations and utilities shall use the uniform electronic transaction processes approved by the Commission.

.06 Renewable Energy Credit Ownership.

A. Subscribers are not customer-generators under Public Utilities Article, §7-306(g)(5), Annotated Code of Maryland.

B. Subscriber organizations shall own and have title to all renewable energy attributes or renewable credits associated with community energy generating facilities for which they have applied.

.07 Conversion of Existing Solar Facilities.

A. Eligibility.

(1) For purposes of this regulation, "existing" means a solar generating system that commenced operation prior to May 15, 2016.

(2) Any project that commences operation on or after May 15, 2016, is not considered to be a conversion for purposes of this program.

B. A subscriber organization may apply to convert all or a portion of an existing solar generating system with a total capacity of 500 kilowatts or less to a CSEGS.

C. A subscriber organization may apply to convert all or a portion of an existing solar generating system to a CSEGS up to and including a capacity of 2 megawatts after the first year of the program has ended in a service territory whose CSEGS program capacity is 5 megawatts or less.

.08 Project Location.

A. Colocation.

(1) An electric company may not accept a CSEGS project of 500 MW or greater that is proposed to be located on the same or adjacent property as an existing or proposed CSEGS project owned by the same subscriber organization or affiliate of 500 kW or greater in its service territory.

(2) Parcels that are subdivided after May 12, 2015, shall be considered as a single parcel for the purposes of these regulations unless a subscriber organization demonstrates to the Commission that the subdivision was not for the purposes of program queue eligibility.

(3) An electric company shall notify the Commission of a CSEGS application that is proposed to be constructed within 1 mile of an existing solar facility in its service territory.

B. One or more subscriber organizations may not construct multiple facilities on a single parcel of property.

C. Projects that are constructed in the following locations are exempt from §A of this regulation:

- (1) On the rooftops of buildings;
- (2) In areas that are zoned for industrial use and are covered by a recorded subdivision plat;
- (3) Of a combined capacity not exceeding 6 MW on brownfield locations;
- (4) Over parking lots or roadways; or,
- (5) On multi-level parking structures.

D. A project that is converted from an existing solar facility is not subject to §A of this regulation.

20.62.04 Pilot Program Study

Authority: Public Utilities Article, §§2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

.01 CSEGS Study.

An electric company shall provide the Commission with data necessary to monitor the program status, impact on operations, and other information upon request.

.02 Utility Data.

A. An electric company shall make reasonable attempts to assist pilot program applicants with identifying means to locate and operate community energy generation facilities in a manner that minimizes adverse effects or maximizes distribution system benefits at locations identified by applicants.

B. Project Information.

(1) A utility shall designate a contact person, and provide contact information on its website and for the Commission's website for submission of all project application requests, and from whom information on the project application request process and the utility's electric distribution system can be obtained.

(2) The information provided by the utility on its website shall include studies and other materials useful to an understanding of the feasibility of interconnecting a CSEGS on the utility electric distribution system, except to the extent providing the materials would violate security requirements or confidentiality agreements or be contrary to law.

(3) In appropriate circumstances, the utility may require an applicant to execute an appropriate confidentiality agreement prior to release or access to confidential or restricted information.

C. An electric company shall monitor and review its distribution system to determine any adverse or beneficial effects resulting from each installed community solar energy generating system.

D. An electric company shall maintain for the duration of the pilot, the following customer information for each project operating during the pilot subscriber data, including:

- (1) Customer class;
- (2) Annual usage;
- (3) Average bill; and
- (4) Peak demand.

E. Commission Staff shall report annually on electric companies' billing accuracy, interconnection complaints, and consumer complaints related to the program.

.03 Subscriber Organization Data.

A. A subscriber organization shall maintain for the duration of the pilot program, the following information for each project operating during the pilot program:

- (1) Ownership information;
- (2) Technical and managerial expertise;
- (3) Business address;
- (4) Project design details, including:
 - (a) Project location/service territory;
 - (b) A/C output capacity;
 - (c) Equipment list; and
 - (d) Interconnection requirements;
- (5) Subscriber data as directed by the Commission, including:
 - (a) Household income;
 - (b) Credit rating; and
 - (c) Other data; and
- (6) Subscription information, including:
 - (a) Rates;
 - (b) Fees; and
 - (c) Terms and conditions.

B. A subscriber organization shall provide the information in §A of this regulation to the Commission upon request.

C. A subscriber organization shall provide to the Commission, in a timely manner, information requested by the Commission concerning the operation of a community solar energy generating system.

20.62.05 Consumer Protection

Authority: Public Utilities Article, §§2-113, 2-121, 7-306, 7-306.1, and 7-306.2, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to transactions between CSEGS subscriber organizations and customers that are subscribing to a community solar energy generation system under a pilot program approved by the Commission.

B. Regulations .08, .09, .14, .16, .17, .18, and .20 of this chapter do not apply to nonresidential customers.

.02 Unauthorized Subscriptions.

A. No person shall subscribe a customer to a community solar energy generation system without the customer's consent.

B. A subscriber organization may not add a new charge for a new service, existing service, or service option without first obtaining consent from the customer, verifiable to the same extent and using the same methods specified under Regulation .08 of this chapter.

.03 Advertising and Solicitations.

A. Advertising Permitted.

(1) A subscriber organization may advertise its services.

(2) A subscriber organization may not engage in a marketing or trade practice that is unfair, false, misleading, or deceptive.

B. Marketing Disclosures.

(1) A subscriber organization's marketing or solicitation information shall include the subscriber organization's Maryland approval number in a clear and conspicuous manner.

(2) If a subscription price is quoted, the following are required:

(a) A statement that the subscription price quoted is only for the specified product or services provided by the subscriber organization, and the subscription price quoted does not include any tax, commodity, utility distribution or transmission charge, or other utility fee or charge;

(b) A statement that the subscriber organization's price is not regulated by the Commission; and

(c) Any projected savings presented to a potential subscriber shall include a comparison that projects future electricity rates increasing at not more than 1 percent per year.

C. Internet Advertising. If a subscriber organization maintains a website, the subscriber organization shall post on the Internet readily understandable information about its services, prices, and any other mandated disclosures.

D. Telephone Solicitation.

(1) A subscriber organization soliciting customers by telephone shall comply with all applicable State and federal law, including the Maryland Telephone Solicitations Act, Commercial Law Article, §§14-2201 — 14-2205, Annotated Code of Maryland.

(2) A subscriber organization may not conduct a residential customer telephone solicitation before 8 a.m. or after 9 p.m.

.04 Creditworthiness.

A subscriber organization shall apply uniform income, security deposit, and credit standards for the purpose of making a decision as to whether to offer a subscription to customers within a given class, provided that the subscriber organization may apply separate sets of

uniform standards for the purpose of promoting participation by low-income and moderate income retail electric customers.

.05 Geographic Marketing.

A. A subscriber organization may market services on a geographic basis.

B. A subscriber organization is not required to offer services throughout an electric company's entire service territory.

C. A subscriber organization may not refuse to provide service to a customer based on the economic character of a geographic area or the collective credit reputation of the area.

.06 Discrimination Prohibited.

A. A subscriber organization may not discriminate against any customer, based wholly or partly, on race, color, creed, national origin, or gender of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.

B. A subscriber organization may not refuse to provide service to a customer except by the application of standards that are reasonably related to the subscriber organization's economic and business purposes.

.07 Required Disclosures.

A. Contract Summary.

(1) Either prior to or at the same time as a contract for a subscription to a CSEGS is executed, a subscriber organization shall present the customer with a completed Contract Summary Disclosure using a form that is approved by the Commission.

(2) The customer shall initial a copy of the Contract Summary Disclosure to acknowledge receipt of the Contract Summary, and:

(a) If a subscription contract is completed through the Internet, the completed Contract Summary shall be:

(i) Available online and made available for download by the customer at the time of contracting; and

(ii) Transmitted to the customer by the subscription organization by mail or by email if the customer consents to receipt of email disclosures; and

(b) Whether a subscription contract is completed in person or electronically, a subscriber organization shall allow the subscriber to retain a signed version of the executed contract and an initialed version of the Contract Summary Disclosure form.

B. Notice of Subscription.

(1) A subscriber organization shall provide notice of subscription of a customer to a utility in a format consistent with Commission Orders.

(2) A customer entering into an agreement with a subscriber organization shall receive written notice of enrollment from the subscriber organization and the electric company.

(3) Notice of enrollment under §B(1) of this regulation shall include the following:

- (a) Customer name;
- (b) Customer service address;
- (c) Billing name;
- (d) Billing address;
- (e) Utility name;
- (f) Utility account number;
- (g) Subscriber organization name;
- (h) Subscriber organization account number; and
- (i) Effective date of the enrollment.

.08 Contracts for Customer Subscription in a Community Solar Energy Generation System.

A. Minimum Contract Requirements.

(1) A subscribing organization's subscription contract shall contain all material terms and conditions, including:

(a) A plain language disclosure of the subscription, including:

(i) The terms under which the pricing will be calculated over the life of the contract and a good faith estimate of the subscription price expressed as a flat monthly rate or on a per-kilowatt-hour basis; and

(ii) Whether any charges may increase during the course of service, and, if so, how much advance notice is provided to the subscriber;

(b) Contract provisions regulating the disposition or transfer of a subscription to the CSEGS, as well as the costs or potential costs associated with such a disposition or transfer;

(c) All nonrecurring (one-time) charges;

(d) All recurring (monthly, yearly) charges;

(e) A statement of contract duration, including the initial time period and any rollover provision;

(f) Terms and conditions for early termination, including:

(i) Any penalties that the subscriber organization may charge to the subscriber; and

(ii) The process for unsubscribing and any associated costs;

(g) If a security deposit is required:

(i) The amount of the security deposit;

(ii) A description of when and under what circumstances the security deposit will be returned;

(iii) A description of how the security deposit may be used; and

(iv) A description of how the security deposit will be protected;

(h) A description of any fee or charge and the circumstances under which a customer may incur a fee or charge;

(i) A statement that the subscriber organization may terminate the contract early, including:

(i) Circumstances under which early cancellation by the subscriber organization may occur;

(ii) Manner in which the subscriber organization shall notify the customer of the early cancellation of the contract;

(iii) Duration of the notice period before early cancellation; and

(iv) Remedies available to the customer if early cancellation occurs;

(j) A statement that the customer may terminate the contract early, including:

(i) Circumstances under which early cancellation by the customer may occur;

(ii) Manner in which the customer shall notify the subscriber organization of the early cancellation of the contract;

(iii) Duration of the notice period before early cancellation;

(iv) Remedies available to the subscriber organization if early cancellation occurs; and

(v) Amount of any early cancellation fee;

(k) A statement describing contract renewal procedures, if any;

(l) A dispute procedure;

(m) The Commission's toll-free number and Internet address;

(n) A notice that the contract does not include utility charges;

- (o) A billing procedure description;
- (p) The data privacy policies of the subscriber organization;
- (q) A description of any compensation to be paid for underperformance;
- (r) Evidence of insurance;
- (s) A long-term maintenance plan;
- (t) Current production projections and a description of the methodology used to develop production projections;
- (u) Contact information for the subscriber organization for questions and complaints;
- (v) A statement that the subscriber organization and electric company do not make representations or warranties concerning the tax implications of any bill credits provided to the subscriber;
- (w) The method of providing notice to the subscribers when the CSEGS is out of service for more than 3 business days, including notice of:
 - (i) The estimated duration of the outage; and
 - (ii) The estimated production that will be lost due to the outage;
- (x) An explanation of how unsubscribed production of the CSEGS will be allocated; and
- (y) Any other terms and conditions of service.

- (2) A residential customer may downsize the allocation of solar kilowatt hours under an existing CSEGS Subscription.
- (3) A subscriber organization may charge or collect no more than a reasonable fee for the downsizing of a subscriber's allocation.

B. Methods of Contracting.

- (1) A subscriber organization may not subscribe a residential customer using a process that does not require the customer's consent.
- (2) A subscriber organization that contracts with a customer by means of the Internet shall:
 - (a) Confirm the identity of the person making the contract;
 - (b) Comply with applicable Maryland and federal law; and
 - (c) Take appropriate steps to safeguard customer privacy.
- (3) A subscriber organization that sends a contract over the Internet to a valid email address of the contracting customer is considered to have complied with §B(2)(a) of this regulation.

C. Evergreen Contracts.

- (1) A subscriber organization shall provide a customer with a notice of the pending renewal of an evergreen contract 30 days before the automatic renewal is scheduled to occur.
- (2) The subscriber organization notice required under §C(1) of this regulation shall:
 - (a) Provide a clearly stated and highlighted notice to a customer of any changes in the material terms and conditions of the agreement; and
 - (b) Inform the customer how to terminate the contract without penalty.

.09 Share Transfers and Portability.

- A. A CSEGS Subscription may be transferred or assigned to a CSEGS subscriber organization or to any person or entity who qualifies to be a subscriber in the CSEGS.
- B. A CSEGS subscriber who desires to transfer or assign all or part of his subscription to the CSEGS subscriber organization, in its own name, or to become unsubscribed shall notify the CSEGS subscriber organization and the transfer of the subscription to the CSEGS subscriber organization shall be effective upon such notification, unless the CSEGS subscriber specifies a later effective date.
- C. A CSEGS subscriber who desires to transfer or assign all or part of his subscription to another eligible customer desiring to purchase a subscription may do so only in compliance with the terms

and conditions of the subscription and will be effective in accordance therewith.

D. The CSEGS subscriber organization and the electric company shall jointly verify that each CSEGS subscriber is eligible to be a subscriber in the CSEGS under Public Utilities Article, §7-306.2, Annotated Code of Maryland. Changes in the subscriber rolls of the CSEGS, including the effective date of changes, shall be communicated by the CSEGS subscriber organization to the electric company, in written or electronic form, as soon as practicable but no less than 30 days.

E. Prices paid for subscriptions in a CSEGS may not be subject to regulation by the Commission.

F. A subscriber that moves to a premise located within the service territory served by the CSEGS may change the premises to which the CSEGS electricity generation shall be attributed to the new premise, and a subscriber organization may not charge an unreasonable transfer fee to such a customer.

.10 Disclosure of Subscriber Information.

A. Except as provided in COMAR 20.62.04 and §B of this regulation, a subscriber organization may not disclose energy usage or personally identifiable information about a subscriber, or a subscriber's billing, payment, and credit information, without the subscriber's consent.

B. A subscriber organization may disclose a subscriber's billing, payment, and credit information for the sole purpose of facilitating billing, bill collection, and credit reporting.

C. A subscriber organization shall provide a customer with a copy of the subscriber organization's customer information privacy policy.

D. A subscriber organization shall treat information received from prospective customers, including those who do not subscribe, in accordance with §§A and C of this regulation.

.11 Escrow of Prepaid Subscription Fees.

Subscriber funds collected by the CSEGS subscriber organization in advance of commercial operation of the CSEGS shall be held in an escrow account in a manner approved by the Commission. The escrow shall be maintained by its terms until such time as the CSEGS commences commercial operation as certified by the electric company's acceptance of energy from the CSEGS.

.12 Notice of Contract Expiration or Cancellation.

A. A CSEGS subscriber organization shall provide the customer with notice at least 30 days before expiration or cancellation of a subscription contract.

B. Contents of Notice. The subscriber organization's expiration or cancellation notice required under §A of this regulation shall include:

- (1) Final bill payment instructions; and
- (2) The toll-free telephone number and the website address of the subscriber organization and the Commission.

C. Early Cancellation.

(1) Notice of early cancellation by the subscriber organization shall comply with §B of this regulation.

(2) Early Cancellation Fee.

(a) A subscriber organization may impose a reasonable early cancellation fee if a customer cancels the contract before the expiration date.

(b) A subscriber organization may deduct a cancellation fee from a customer deposit.

(3) Except as provided in a tariff regarding subscriber organization default, an electric company may remove a customer from subscriber organization services only if directed by a subscriber organization, subject to applicable bankruptcy law.

(4) When a subscriber organization contracts with a customer, the newly contracting subscriber organization shall notify the customer that the customer may incur early cancellation penalties under a current subscriber organization contract.

.13 Assignment of Subscription Contract.

A. At least 30 days prior to the effective date of any assignment or transfer of a subscription contract from one subscriber organization to another, the subscriber organizations shall jointly provide written notice of the assignment or transfer to the customers of the subscriber organization, the Commission, the electric company, and the Office of People’s Counsel.

(1) Notice to Customer. The subscriber organizations shall jointly send notice to the customer informing them of the assignment or transfer. The letter shall include:

- (a) A description of the transaction in clear and concise language including the effective date of the assignment or transfer;
- (b) Customer service contact information for the assignee; and
- (c) A statement that the terms and conditions of the customer’s contract at the time of assignment shall remain the same for the remainder of the contract term.

(2) The subscriber organizations shall file a notice with the Commission, with a copy to the Office of People’s Counsel and the electric company, of the assignment or transfer of the customer contracts and include a copy of the letter sent to customers.

B. Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned contracts. Records shall be maintained for a period of 3 years or until the contracts are expired, whichever is longer.

.14 Subscription Disputes.

A. A customer alleging a violation of this subtitle may file a dispute with the Commission’s Office of External Relations.

B. Upon proof of the allegations, the customer’s remedy through the Office of External Relations is limited to a refund of any overcharge and any fees or penalties paid by the customer as a result of the unauthorized subscription or other violation.

C. This subtitle does not limit:

- (1) The authority of the Commission under Public Utilities Article, Annotated Code of Maryland;
- (2) The authority of the Attorney General to investigate violations of consumer protection or other legal requirements; or
- (3) The ability of a customer to pursue other relief against a subscriber organization or other party.

.15 Subscriber Organizations Responsible for the Actions of Its Agents.

A. A subscriber organization may use an agent to conduct marketing or sales activities.

B. A subscriber organization is responsible for any fraudulent, deceptive, or other unlawful marketing performed by its agent while marketing or selling subscriptions on behalf the subscriber organization.

.16 Agent Qualifications and Standards.

A. A subscriber organization shall develop standards and qualifications for individuals it chooses to hire as its agents. A subscriber organization may not hire an individual that fails to meet its standards.

B. A subscriber organization may not permit a person to conduct door-to-door activities until it has obtained and reviewed a criminal history record in the same manner as provided in COMAR 20.53.08.

C. When a subscriber organization contracts with an independent contractor or vendor to perform door-to-door activities, the subscriber organization shall document that the contractor or vendor

has performed criminal background investigations on an agent in accordance with this regulation and with the standards set by the subscriber organization. A subscriber organization may satisfy this requirement by obtaining from the independent contractor or vendor a written statement affirming that the criminal background check was performed by them or under their supervision in accordance with this regulation and with standards set by the subscriber organization and presented in writing.

D. A subscriber organization shall periodically audit whether the background checks completed by its independent contractor or vendor have been completed in accordance with this regulation.

.17 Agent Training.

A. A subscriber organization shall ensure the training of its agents on the following subjects:

- (1) Local, State and federal laws and regulations that govern marketing, telemarketing, consumer protection, and door-to-door sales as applicable to the types of marketing and jurisdiction in which the agent shall engage or operate;
- (2) Responsible and ethical sales practices;
- (3) The subscriber organization’s products and services;
- (4) The subscriber organization’s rates, rate structures, and payment options;
- (5) The customer’s right to rescind and cancel contracts;
- (6) The applicability of an early termination fee for contract cancellation when the subscriber organization has one;
- (7) The necessity of adhering to the script and knowledge of the contents of the script if one is used;
- (8) The proper completion of transaction documents;
- (9) The subscriber organization’s Contract Summary Disclosure;
- (10) Information about how customers may contact the subscriber organization to obtain information about billing, disputes, and complaints; and
- (11) The confidentiality and protection of customer information.

B. A subscriber organization shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.

C. A subscriber organization shall make training materials and training records available to the Commission and the Office of People’s Counsel upon request. Any such material shall be treated as confidential.

D. When a subscriber organization contracts with an independent contractor to perform marketing or sales activities on the subscriber organization’s behalf, the subscriber organization shall confirm that the contractor or vendor has provided subscriber organization-approved training to agents and independent contractors in accordance with this section.

E. The subscriber organization shall monitor telephonic and door-to-door marketing and sales calls to:

- (1) Evaluate the subscriber organization’s training program; and
- (2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

.18 Agent Identification and Misrepresentation.

A. A subscriber organization shall issue an identification badge to agents to be worn and prominently displayed when conducting door-to-door activities or appearing at public events on behalf of a subscriber organization. The badge shall:

- (1) Accurately identify the subscriber organization, its trade name, and its logo;
- (2) Display the agent’s photograph;
- (3) Display the agent’s full name; and

(4) Display a customer service phone number for the subscriber organization.

B. Upon first contact with a customer, an agent shall:

(1) Identify the subscriber organization that he represents; and

(2) State that he is not working for and is independent of the customer's local distribution company or another subscriber organization.

C. When conducting door-to-door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo that suggests a relationship that does not exist with a utility, government agency, or another subscriber organization.

D. A subscriber organization may not use the name, bills, marketing materials, or consumer education materials of another.

E. A subscriber organization or subscriber organization agent may not say or suggest to a customer that a utility customer is required to choose a CSEGS subscriber organization.

.19 Door-to-Door Sales.

A. A subscriber organization and its agents shall comply with the Maryland Door-to-Door Sales Act, local government ordinances regarding door-to-door marketing and sales activities, and any other applicable consumer protection law.

B. A subscriber organization's agent shall:

(1) Prominently display an identification badge; and

(2) Offer a business card or other material that lists:

(a) The subscriber organization's name and contact information, including telephone number;

(b) The Maryland approval number of the subscriber organization's CSEGS project; and

(c) The agent's name and any other identification numbers provided to the sales agent by the subscriber organization or agent.

C. A subscriber organization shall establish a policy that requires an agent to terminate contact with a customer if the customer is incapable of understanding and responding to the information being conveyed by the agent.

D. When an agent completes a transaction with a customer, the agent shall provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent and the customer leave each other's presence.

E. An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises, or if the customer does not express an interest in what the agent is attempting to sell.

.20 Notifications Regarding Door-to-Door Activity.

A. When a subscriber organization engages in door-to-door activity, the subscriber organization shall notify OER no later than the morning of the day that the activity begins. The notification shall include general, nonproprietary information about the activity, the period involved, and a general description of the geographical area.

B. A subscriber organization shall provide the utility with general, nonproprietary information about the door-to-door activity that caused the subscriber organization to provide notice to the Commission. The subscriber organization shall provide this general information to the utility no later than the morning of the day that the sales and marketing activities begin. The utility shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may address customer inquiries knowledgeably. A utility may not use the information for other purposes.

DAVID J COLLINS
Executive Secretary

Title 33 STATE BOARD OF ELECTIONS

Subtitle 20 DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS

Notice of Proposed Action

[16-110-P]

The State Board of Elections proposes to:

(1) Amend Regulation .01 under **COMAR 33.20.01 Definitions;**

(2) Amend Regulations .02 and .03 under **COMAR 33.20.02 Statement of Contributions Requirements;**

(3) Amend Regulation .02 under **COMAR 33.20.04 Affidavit of Limited Applicable Contribution;**

(4) Adopt new Regulations .01 and .02 under a new chapter, **COMAR 33.20.06 Contributions;**

(5) Repeal existing Regulation .02 and adopt new Regulation **.02 under COMAR 33.20.07 Waivers;**

(6) Amend Regulation .01 under **COMAR 33.20.08 Penalties;** and

(7) Adopt new Regulation .01 under a new chapter, **COMAR 33.20.09 Retention.**

This action was considered by the State Board of Elections at its January 21, 2016 meeting, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish an automatic waiver for initial reports if the person has filed the required information in prior reports; to establish deadlines for filing a registration and an initial report; and to codify the documents that must be retained by the person doing public business. Additionally, the proposed regulations codify past practices and prior advice rendered by State Ethics Commission and the Office of the Attorney General regarding the determination of attributed contributions. Finally, the proposed regulations provide specific practical applications on actions by officers, directors and partners that may constitute suggesting a contribution or donation to a political committee.

The following changes to Subtitle 20 reflect the legislative changes and past practices:

- Changes the terms on the Statement of Contribution to include applicable contributions, independent expenditure entities and the exemptions (.02);
- Requires the names of governmental entities that the person has contracted with as a required content for the Affidavit of Limited Applicable Contributions (.04);
- Clarifies and codifies the determination of attributed contributions (.06);
- Establishes notice requirements and codifies past practices regarding notice to officers of subsidiaries (.06);
- Establishes automatic waiver for initial statement of contributions (.07); and
- Details the documents that must be retained by the person doing public business (.09)

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 Erin Perrone, Director of Election Reform and Management, State Board of Elections, PO Box 6486, Annapolis, MD 21401, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

33.20.01 Definitions

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Award" means the written notification by a governmental entity [to a person] announcing that the governmental entity intends to enter into a contract [with that person] *for a procurement.*

(3)—(9) (text unchanged)

33.20.02 Statement of Contributions Requirements

Authority: Election Law Article, §§2-102(b)(4), 14-104, and 14-109, Annotated Code of Maryland

.02 Registration.

A. In General. A person doing public business shall file the registration [notice] *statement* required under §B of this regulation with the State Board within [1] 15 business [day] *days* after the award of a contract by a governmental entity.

B. [Notice] *Statement Requirements.* [The] *Except as provided in §D of this regulation,* the registration [notice] *statement* shall include the following information:

(1) — (4) (text unchanged)

(5) The name of the governmental entity that awarded the contract; [and]

(6) The name and relationship of any business entity or person attributed to or affiliated with the person filing the registration notice that was awarded a contract by a governmental entity[.]; *and*

(7) *The base amount of the consideration to be received by the person doing public business from the governmental entity for the contract.*

C. (text unchanged)

D. *Omission of Contract. The registration statement may omit:*

(1) *Contract information if the State Board has approved the person's request to waive the requirement to disclose the contract; or*

(2) *The base amount of the consideration to be received for the performance of the contract if the person doing public business files, for the entire period of performance of the contract, an affidavit of limited applicable contributions under COMAR 33.20.04.*

E. *Initial Report. A person doing public business shall file the initial statement of contributions within 15 business days of filing the registration statement.*

.03 Required Contents for Statement of Contributions.

The statement of contributions filed by the person doing public business shall include:

A. The name of the candidate to whom the *applicable* contribution was made *or who benefited from the applicable contribution;*

B. The name of the political committee affiliated with the candidate *or the independent expenditure entity* that received the applicable contribution;

C. (text unchanged)

D. The aggregate *applicable* contributions attributed to the filer during the reporting period;

E. The aggregate *applicable* contributions to date attributed to the filer during the election cycle in which the applicable contribution was made;

F. If the *applicable* contribution was made by a person other than the filer but attributed to the filer, the filer must provide:

(1) The name and address of:

(a) The individual who made the *applicable* contribution; or

(b) The organization, business[, corporation, limited liability company, partnership] *entity*, union, or other legal entity that made the *applicable* contribution;

(2) The amount of the *applicable* contribution;

(3) The date the *applicable* contribution was made; and

(4) (text unchanged)

G. The *transaction* method of the *applicable* contribution [transaction] and any other information on the transaction method required by the State Administrator;

H. The aggregate amount or value, *to date,* of *applicable* contributions made *to or for the benefit of* [to date to] each candidate from the contributor for the election cycle in which the statement of contributions is filed;

I. *Unless already provided on the registration statement or exempt under COMAR 33.20.07:*

(1) The nature and amount of the contract awarded;

(2) *The name of the governmental entity that awarded the contract; and*

(3) *The name of the business entity or person awarded the contract, if different from the filer; and*

[J. The name of the governmental entity that awarded the contract;

K. The name of the business entity or person awarded the contract, if different from the filer; and]

[L.] J. (text unchanged)

33.20.04 Affidavit of Limited Applicable Contribution

Authority: Election Law Article, §§2-102(b)(4), 14-104, and 14-109, Annotated Code of Maryland

.02 Required Contents.

The affidavit shall include:

A. (text unchanged);

B. *The name of the governmental entity that the person does public business with;*

[B.] C. — [C.] D. (text unchanged)

33.20.06 Contributions

Authority: Election Law Article, §§2-102(b)(4), 14-105, and 14-109, Annotated Code of Maryland

.01 Contributions.

A. *Attributed Contributions. Any contribution or donation, regardless of the amount, that is made to a political committee or independent expenditure entity by an officer, director, or partner of a business entity doing public business shall be attributed to the*

business entity for reporting purposes under Election Law Article, Title 14, Annotated Code of Maryland.

B. Contributions by Other Persons. Any contribution or donation, regardless of the amount, to a political committee or independent expenditure entity that is made at the suggestion or direction of the business entity, or an officer, director, or partner of the business entity by an employee, agent or other affiliated person of the business entity shall be attributed to the business entity for reporting purposes under Election Law Article, Title 14, Annotated Code of Maryland.

C. Subsidiary. Any contribution or donation made to a political committee or independent expenditure entity by a subsidiary of the filer shall be attributed to the filer.

D. Attributed Contributions for Subsidiary. Any contribution or donation, regardless of the amount, that is made to a political committee or independent expenditure entity by an officer, director, or partner of a subsidiary of the filer shall be attributed to the filer for reporting purposes under Election Law Article, Title 14, Annotated Code of Maryland.

E. Other Employees of the Subsidiary. Any contribution or donation made by an employee, agent, or other affiliated person of the subsidiary, regardless of the amount, to a political committee or independent expenditure entity is attributed to the filer for reporting purposes under Election Law Article, Title 14, Annotated Code of Maryland, if made at the suggestion of:

(1) The filer, including officers, directors, or partners of the filer;

(2) The subsidiary of the filer; or

(3) The officer, director, or partner of a subsidiary of the filer.

F. Acquisition, Merger, or Change in Ownership. If a business entity acquires, merges with, or changes ownership or control over another business entity:

(1) Contributions made prior to the acquisition or merger by the acquired, merged, or newly owned or controlled business entity, including by its officers, directors, and partners, will not be attributed to the filer; and

(2) Contributions made during the reporting period by the acquired, merged, or newly owned or controlled business entity, including by its officers, directors, or partners, will be attributed to and reported by the filer.

G. Contributions Made at the Suggestion or Direction of Directors, Partners, or Officers of a Business Entity. An act or communication by a director, a partner or an officer of the business entity to an employee, agent, or other affiliated person of the business entity that a reasonable person would understand to be a solicitation or request for a contribution to a political committee affiliated with a candidate or a donation to an independent expenditure entity shall be considered a suggestion for a contribution or donation, and any contribution or donation that results from the suggestion must be reported by the filer.

H. Email Solicitation. An officer, director, or partner of a business entity doing public business who initiates, or forwards to an employee, agent or other affiliated person of the business entity, an email solicitation or similar request for a contribution to a political committee affiliated with a candidate or a donation to an independent expenditure entity shall be considered to have made a suggestion for a contribution or donation and any contribution or donation that results from the suggestion must be reported by the filer.

I. Endorsements. Acts or communications by officers, directors, or partners of a business entity that endorse a candidate, display public support for a candidacy, or express public support through social media are not, by themselves, suggestions for contributions or donations to a candidate that are attributable to the business entity.

.02 Report to Chief Executive Officer or Designee.

A. Notice to Employees.

(1) Except as provided for in §C of this regulation, the chief executive officer or a designee of the chief executive officer of a business entity doing public business shall notify the persons covered under Regulation .01 of this chapter that contributions and donations made from the persons covered must be reported to the chief executive officer or the designee of the chief executive officer no later than 5 business days after the last day of the reporting period.

(2) A business entity that requires the persons covered under this chapter to preclear their contributions through a legal or compliance department shall be deemed to satisfy the notice requirement if the preclearance policy is:

(a) In writing; and

(b) Annually reviewed by the covered employees.

B. Report. The persons covered under Regulation .01 of this chapter shall report to the chief executive officer or a designee of the chief executive officer of the business entity doing public business any contributions and donations made during the reporting period.

C. Exemption from Notification.

(1) The chief executive officer, or the officer's designee, is not required to notify officers, directors, partners, or employees of a subsidiary that does not itself do public business if the business entity doing public business has a written and well publicized policy prohibiting officers, directors, or partners from making contributions or donations for State elections.

(2) The policy must be:

(a) In writing; and

(b) Annually reviewed by the covered employees.

(3) The business entity shall provide the State Board a copy of the:

(a) Written policy;

(b) The subsidiaries to which the policy applies;

(c) A description of how the policy is delivered to the covered employees subject to the policy; and

(d) A statement that the business entity is not aware of any violations of the policy.

(4) The policy must be submitted to the State Board annually, no later than the due date for the first semi-annual statement of contributions filing of that year by the person doing public business.

33.20.07 Waivers

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland

.02 Waiver — Initial Statement of Contributions.

A. Availability. A person doing public business is not required to file an initial statement of contributions if the person doing public business has previously filed statements of contributions covering the transaction period of the initial statement of contributions for that level of government.

B. Updates. The person doing public business shall update the registration statement with any new contracts within 30 business days of the date of the award for that contract.

33.20.08 Penalties

Authority: Election Law Article, §§2-102(b)(4), 14-107[(c)(2)], and 14-109, Annotated Code of Maryland

.01 Late Filing Fee

A. — B. (text unchanged)

C. Retention Penalty. An officer or partner of a business entity doing public business who knowingly and willfully fails to retain records required under Election Law Article, §14-105(g), Annotated

Code of Maryland may be subject to a fine not exceeding \$1,000, or imprisonment not exceeding 1 year, or both.

33.20.09 Retention

Authority: Election Law Article, §§2-102(b)(4), 14-105, and 14-109, Annotated Code of Maryland

.01 Records.

A. *Records Retained.* The person doing public business who has filed a registration statement shall maintain detailed and accurate records of:

(1) All contracts awarded by governmental entities to the person or attributed to the person that caused the person to be doing public business;

(2) Applicable contributions made by or attributed to the person, including related notifications and policy documents; and

(3) All statements of contributions filed by the person doing public business.

B. *Length of Retention.* The records shall be retained until the earlier of:

(1) 10 years after the creation of the record; or

(2) 4 years after the performance is completed on the last contract that causes the person to be doing public business.

C. *Audit.* The State Board, at its discretion, may audit the records retained by the person doing public business.

LINDA H. LAMONE
State Administrator of Elections

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 03 GAMING PROVISIONS

36.03.02 Investigation and Licensing

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

Notice of Proposed Action

[16-101-P]

The Maryland Lottery and Gaming Control Agency proposes to amend Regulation .17 under **COMAR 36.03.02 Investigation and Licensing**. This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on February 25, 2016, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to (1) clarify that if a video lottery operator purchases goods or services from a vendor solely so that those goods or services may be given to a player, that vendor is exempt from vendor registration or certification requirements; and (2) require that an operator purchasing goods or services from an exempted vendor include in its reports under COMAR 36.03.10.09 the name of each exempted vendor it uses.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James B. Butler, Director of Legislative and Policy Affairs, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call (410) 230-8781, or email to jbutler@maryland.gov, or fax to (410) 230-8727. Comments will be accepted through May 30, 2016. A public hearing has not been scheduled.

.17 Vendor Registration and Certification.

A. — C. (text unchanged)

C-1. *Certain Vendors Exempt from Certification or Registration Requirements.*

(1) A vendor is exempt from certification or registration requirements if it provides, or anticipates providing, goods or services that a video lottery operator purchases solely to be given to a player.

(2) A vendor exempted under this section may only provide the following goods and services to a video lottery facility operator:

(a) Leisure or recreational travel;

(b) Lodging;

(c) Vehicles;

(d) Entertainment;

(e) Dining;

(f) Clothing;

(g) Jewelry;

(h) Gift cards; or

(i) Other gift items.

(3) A video lottery operator that purchases goods or services from a vendor exempted under this section:

(a) Is subject to the requirements of COMAR 36.03.10.09; and

(b) Shall identify in a report submitted under COMAR 36.03.10.09 each exempted vendor from which it purchased goods or services during the reporting period.

D. Vendor Registration.

(1) A vendor that provides, or anticipates providing, in a calendar year nongaming related goods and services to a single video lottery applicant or licensee that are valued from [\$2,500] \$10,000 to [\$99,999] \$299,999 shall be registered with the Commission.

(2) The video lottery applicant or licensee to which a vendor provides, or anticipates providing, the nongaming related goods and services shall submit to the Commission a completed registration form in a format designated by the Commission that includes:

(a) — (d) (text unchanged)

(e) Verification that the vendor's business is in good standing with the Maryland Department of Assessment and Taxation; [and]

(f) Registration fee of \$100; and

[(f)] (g) (text unchanged)

(3) Upon receipt of [a] the registration fee and completed registration form, the Commission shall provide the applicant or licensee with written notification of whether it has registered the vendor.

E. Vendor Certification.

(1) A vendor [that] *shall be certified by the Commission if it provides, or anticipates providing, in a calendar year nongaming related goods and services to:*

(a) [a] *A single video lottery applicant or licensee that are valued at or above [\$100,000 shall be certified by the Commission.] \$300,000; or*

(b) *Multiple video lottery applicants or licensees that are valued at or above \$600,000.*

(2) A vendor that provides, or anticipates providing, the nongaming related goods and services shall submit to the Commission a:

(a) (text unchanged)

(b) Certification fee of [\$500] *\$1,000.*

(3) — (4) (text unchanged)

F. — G. (text unchanged)

H. A vendor's registration or certification:

(1) Remains in effect for [3] 5 years from the date the Commission approves registration or certification;

(2) May be renewed by the Commission if the applicable form, and any required *renewal fee*, are submitted as required under §D or E of this regulation at least 90 days before the expiration of [3] 5 years from the date of written notification under §D(3) or E(3)(c) of this regulation;

(3) — (4) (text unchanged)

I. *Renewal Fees.*

(1) *For a registered vendor, the renewal fee is \$100.*

(2) *For a certified vendor, the renewal fee is \$500.*

[I.] J. The Commission's decision to deny or cancel a vendor registration or certification, *or to deny the renewal of a vendor registration or certification*, does not give rise to an appeal right under the contested case provisions of the Maryland Administrative Procedure Act.

[J.] K. — [K.] L. (text unchanged)

GORDON MEDENICA
Director

Errata

COMAR 08.18.11

At 43:6 Md. R. 405 (March 18, 2016), column 2, line 2 from the bottom:

For: repeal of existing Regulations **.01—.06** and new Regulations **.01—.05**

Read: repeal of existing Regulations **.01—.05** and new Regulations **.01—.06**

[16-09-46]

COMAR 10.09.56.14 and .15

At 43:1 Md. R. 27 (January 8, 2016), column 2, line 7 from the top:

For: [B.] (1)—[J.] (8) (text unchanged)

Read: [B.] (1)—[J.] (9) (text unchanged)

At 43:1 Md. R. 27 (January 8, 2016), column 2, line 8 from the top:

For: [K.] (9) Shall be based on an individualized written plan that

Read: [K.] (10) Shall be based on an individualized written plan that

At 43:1 Md. R. 27 (January 8, 2016), column 2, line 10 from the top:

For: [L.] (10) Shall provide:

Read: [L.] (11) Shall provide:

At 43:1 Md. R. 27 (January 8, 2016), column 2, line 14 from the top:

For: (11) *Shall have a supervisor who has been trained in*

Read: (12) *Shall have a supervisor who has been trained in*

At 43:1 Md. R. 27 (January 8, 2016), column 2, line 28 from the top:

For: (12) *Shall, when transportation is provided:*

Read: (13) *Shall, when transportation is provided:*

At 43:1 Md. R. 28 (January 8, 2016), column 1, line 29 from the bottom:

For: (a)—(b) (text unchanged)

Read: (a) *Have individualized goals for transportation for the participant on the participant's treatment plan; and*
(b) *Document the start and stop times transportation is provided for each day that a participant is transported;*

[16-09-32]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on May 4, 2016, in Grantville, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a proposed guidance for expiring project approvals and a proposed guidance for terminating review of a project application as well as proposals to amend its Regulatory Program Fee Schedule and the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 16, 2016, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is May 16, 2016.

DATES: The public hearing will convene on May 4, 2016, at 7:00 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is May 16, 2016.

ADDRESSES: The public hearing will be conducted at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, PA 17028 (parking lot entry off of Manada Gap Road; see <http://easthanoverwpdcpa.org/index.php/about-contact>).

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srbc.net/wrp. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover a proposed guidance for expiring project approvals and a proposed guidance for terminating review of a project application as well as proposed amendments to its Regulatory Program Fee Schedule and the Comprehensive Plan for the Water Resources of the Susquehanna River Basin, as posted on the SRBC Public Participation Center webpage at www.srbc.net/pubinfo/publicparticipation.htm. The public hearing will also cover the following projects:

Projects Scheduled for Action:

Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20120303).

Project Sponsor and Facility: Blossburg Municipal Authority, Bloss Township, Tioga County, Pa. Application for renewal of groundwater withdrawal of up to 0.288 mgd (30-day average) from Route 15 Well (Docket No. 20120304).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Martins Creek), Harford Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.500 mgd (peak day).

Project Sponsor and Facility: Todd and Gemma Campbell (Susquehanna River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20120609).

Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.201 mgd (30-day average) from Well 1.

Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.106 mgd (30-day average) from Well 3.

Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.130 mgd (30-day average) from Well 4.

Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 8.

Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Well 9.

Project Sponsor and Facility: EQT Production Company (Pine Creek), Porter Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

Project Sponsor: Exelon Generation Company, LLC. Project Facility: Muddy Run Pumped Storage Project, Drumore and Martic Townships, Lancaster County, Pa. Application for an existing hydroelectric facility.

Project Sponsor and Facility: Manbel Devco I, LP, Manheim Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 4.320 mgd (30-day average) from the Belmont Quarry.

Project Sponsor and Facility: Mount Joy Borough Authority, East Donegal Township, Lancaster County, Pa. Modification to increase withdrawal limit from Well 1 by an additional 0.073 mgd (30-day average), for a total Well 1 withdrawal limit of 1.300 mgd (30-day average) (Docket No. 20110617).

Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Burkholder Quarry, Earl Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.005 mgd (30-day average) from Sump 4.

Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Burkholder Quarry, Earl Township, Lancaster County, Pa. Modification to increase consumptive water use by an additional 0.099 mgd (peak day), for a total consumptive water use of up to 0.249 mgd (peak day) and to add an additional new source (Sump 4) (Docket No. 20040307).

Project Sponsor and Facility: Renovo Energy Center LLC (West Branch Susquehanna River), Renovo Borough, Clinton County, Pa. Application for surface water withdrawal of up to 0.612 mgd (peak day).

Project Sponsor and Facility: Renovo Energy Center LLC, Renovo Borough, Clinton County, Pa. Application for consumptive water use of up to 0.217 mgd (peak day).

Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for groundwater withdrawal of up to 0.108 mgd (30-day average) from the Coppersmith Well.

Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for groundwater withdrawal of up to 0.200 mgd (30-day average) from Conley 1 Well.

Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from Wells 1, 2, and 3 (the Hatchery Wellfield) (Docket No. 20100913).

Project Sponsor and Facility: Tioga Downs Racetrack, LLC, Town of Nichols, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.099 mgd (30-day average) from the Racetrack Well.

Project Sponsor and Facility: Tioga Downs Racetrack, LLC, Town of Nichols, Tioga County, N.Y. Application for consumptive water use of up to 0.099 mgd (peak day).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project or proposal listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Rules of conduct will be posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before May 16, 2016, to be considered.

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

Dated: March 31, 2016.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[16-09-28]

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: March 1-31, 2016.

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):

Seneca Resources Corporation, Pad ID: Gamble Pad A, ABR-201110103.R1, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 4, 2016.

XTO Energy Incorporated, Pad ID: PA Tract Unit I, ABR-201108040.R1, Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 4, 2016.

XTO Energy Incorporated, Pad ID: PA Tract Unit E, ABR-201108041.R1, Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 4, 2016.

XTO Energy Incorporated, Pad ID: PA Tract Unit G, ABR-201109018.R1, Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 7, 2016.

SWN Production Company, LLC, Pad ID: Knapik Well Pad, ABR-201102033.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 8, 2016.

SWN Production Company, LLC, Pad ID: Hayes Well Pad, ABR-201102034.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

SWEPI LP, Pad ID: Cole 495, ABR-201102016.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

SWEPI LP, Pad ID: Boroch 477, ABR-201102018.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

WPX Energy Appalachia, LLC, Pad ID: M. Martin 1V, ABR-201007081.R1, Sugarloaf Township, Columbia County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

Seneca Resources Corporation, Pad ID: Gamble Pad M, ABR-201603001, Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

Seneca Resources Corporation, Pad ID: DCNR 100 PAD E, ABR-201105009.R1, McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

Anadarko E&P Onshore, LLC, Pad ID: Larrys Creek F&G Pad C, ABR-201105014.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

Talisman Energy USA, Inc., Pad ID: 05 100 Dewing R, ABR-201102020.R1, Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 11, 2016.

Chesapeake Appalachia, LLC, Pad ID: ACW, ABR-201107004.R1, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

Chesapeake Appalachia, LLC, Pad ID: Belawske, ABR-201107002.R1, Burlington Township, Bradford County, Pa.;

Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

Chesapeake Appalachia, LLC, Pad ID: SJW, ABR-201107003.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

Chesapeake Appalachia, LLC, Pad ID: Fisher, ABR-201107047.R1, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

Chesapeake Appalachia, LLC, Pad ID: Layton, ABR-201107036.R1, Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

SWEPI LP, Pad ID: Kuhl 529, ABR-201102014.R1, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

SWEPI LP, Pad ID: Stanley 1106, ABR-201102015.R1, Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

SWEPI LP, Pad ID: MY TB INV LLC 891, ABR-201102010.R1, Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

EXCO Resources (PA), LLC, Pad ID: DCNR Tract 323 Pad-2, ABR-201012003.R1, Pine Township, Clearfield County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: March 21, 2016.

EQT Production Company, Pad ID: Turkey, ABR-201107040.R1, Huston Township, Clearfield County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 21, 2016.

Frontier Natural Resources, Inc., Pad ID: Winner 1, ABR-201101027.R1, West Keating Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 21, 2016.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 729 Pad E, ABR-201107046.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: March 25, 2016.

SWN Production Company, LLC, Pad ID: Sadecki Well Pad, ABR-201105020.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 25, 2016.

SWN Production Company, LLC, Pad ID: Mitchell Well Pad, ABR-201105026.R1, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 25, 2016.

Anadarko E&P Onshore, LLC, Pad ID: COP Tract 728 Pad H, ABR-201105006.R1, Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 28, 2016.

Anadarko E&P Onshore, LLC, Pad ID: COP Tract 728 Pad G, ABR-201105007.R1, Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 28, 2016.

Chesapeake Appalachia, LLC, Pad ID: Alexander, ABR-201108031.R1, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 28, 2016.

Chesapeake Appalachia, LLC, Pad ID: Merryall, ABR-201108047.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 28, 2016.

Chesapeake Appalachia, LLC, Pad ID: Albertson, ABR-201108048.R1, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 28, 2016.

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

Dated: April 14, 2016

STEPHANIE L. RICHARDSON
Secretary to the Commission

[16-09-41]

WATER MANAGEMENT ADMINISTRATION

Notice of Tentative Determination

General Permit for Vehicle Washwater Discharges from Commercial and Business-Related Vehicle Washing Operations to Groundwater (i.e. onto the ground or into the subsurface)

State Discharge Permit: 16VW

The Department proposes to issue a new state General Discharge Permit for vehicle washing operations that discharge vehicle washwater to groundwater in the state of Maryland. This permit is for discharges from commercial and business-related vehicle washing operations. The permit will be valid for five years from the date of issuance. Currently only individual Discharge Permit coverage is available for authorizing vehicle washwater discharges to groundwater. Vehicles include automobiles, trucks, buses, grounds maintenance equipment, construction equipment, railcars, golf carts, all-terrain vehicles, motorcycles, water craft and aircraft. The discharge can be to the ground surface or into a subsurface disposal system. Discharge methods include drainfield, seepage pit or dry well, land application, and other Department-approved disposal methods.

Businesses will have the choice to obtain individual or general permit coverage. This proposed permit includes similar operation and maintenance requirements and requires the same pollutant testing as in current individual permits for vehicle washing. The frequency of testing will be based on the average quantity of washwater discharged per week.

The Department will hold a public hearing concerning the tentative determination on Wednesday June 15, 2016 in the Aqua and Aeries Conference Rooms from 1:00 pm to 3:00 pm, at the Maryland Department of the Environment (MDE), 1800 Washington Blvd, Baltimore, MD 21230. Any hearing impaired person may request an interpreter at the hearing by contacting **Darlene Mitchell, Office of Fair Practices at (410) 537-3964** at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1 800 201-7165.

The draft permit and fact sheet is available on MDE's website (www.mde.maryland.gov) and can be found under "Notices and Alerts" through the comment period. Any questions regarding this tentative determination, including the draft permit and fact sheet should be directed to Michael Eisner or Tracy Rocca-Weikart at the Maryland Department of the Environment, Water Management Administration, at mike.eisner@maryland.gov, or tracy.rocca-weikart@maryland.gov or by telephone at 410-537-3778 between the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday. Copies of the document may be obtained at a cost of \$0.36 per page. Written comments concerning the tentative determination will also be considered in the preparation of a final determination if received by Michael Eisner at the above address, on or before **June 22, 2016**.

[16-09-40]

MARYLAND HEALTH CARE COMMISSION

GROSS AND NET 2016 UPDATED BED NEED PROJECTION FOR COMPREHENSIVE CARE FACILITY BEDS (CORRECTED UPDATED BED INVENTORY)

In accordance with COMAR 10.24.08.07, the Maryland Health Care Commission (MHCC) publishes the following notice of jurisdictional gross and net bed need for comprehensive care facility (CCF or nursing home) beds. These projections correct and update the projections published in the *Maryland Register* on April 1, 2016. These jurisdictional gross and net bed need projections will apply in the review of Certificate of Need applications acted on by MHCC after the date of their publication. Updated projections published in the *Maryland Register* supersede any published in either the *Maryland Register* or any plan approved by MHCC. Published projections of bed need remain in effect until MHCC publishes updated CCF bed need projections. Projections of net bed need can change during the interim between bed need projection updates as a result of changes in the number of nursing home beds counted in the inventory, in accordance with the rules at COMAR 10.24.08.07F, or changes to correct errors in the data or computation.

Jurisdiction	Bed Inventory as of January 31, 2016					2016 Projected Bed Need			
	Licensed Beds	CON Approved Beds	Waiver Beds	Temporarily Delicensed Beds	Total Bed Inventory	Gross Bed Need Projection	Unadjusted Net Bed Need	Community-Based Services Adjustment	2016 Net Bed Need
WESTERN MARYLAND									
Allegany	900	0	22	8	930	784	-146	40	0
Carroll	921	0	10	0	931	750	-181	45	0
Frederick	1,080	0	0	0	1,080	1,235	155	89	66
Garrett	316	0	0	0	316	262	-54	12	0
Washington	1,138	0	4	0	1,142	1,003	-139	54	0
MONTGOMERY COUNTY									
Montgomery	4,518	0	32	22	4,572	3,651	-921	235	0
SOUTHERN MARYLAND									
Calvert	302	0	0	0	302	325	23	28	0
Charles	489	0	0	0	489	421	-68	31	0
Prince George's	2,817	150	35	0	3,002	2,817	-185	169	0
St. Mary's	285	0	0	0	285	317	32	18	14
CENTRAL MARYLAND									
Anne Arundel	1,759	0	53	4	1,816	1,761	-55	97	0
Baltimore City	3,756	0	42	80	3,878	4,048	170	380	0
Baltimore County	5,351	0	105	40	5,496	4,585	-911	228	0
Harford	769	48	14	0	831	951	120	48	72
Howard	564	28	10	0	602	734	132	27	105
EASTERN SHORE									
Caroline	187	0	0	0	187	151	-36	5	0
Cecil	421	0	2	33	456	423	-33	24	0
Dorchester	258	23	0	0	281	226	-55	11	0
Kent	228	0	0	0	228	188	-40	19	0
Queen Anne's	120	0	0	0	120	190	70	11	59
Somerset	211	0	3	0	214	172	-42	7	0
Talbot	260	0	0	0	260	272	12	16	0
Wicomico	613	0	0	0	613	543	-70	38	0
Worcester	287	0	0	20	307	359	52	39	13

NOTE: "Net Bed Need" stated as "0" when "Unadjusted Net Bed Need" minus "Community-Based Services Adjustment" is less than zero.

[16-09-44]

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.

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: May 11, 2016, 3 — 6 p.m.
Place: Alice Ferguson Foundation Living Building Education Center, Accokeek, MD
Contact: Heather Adams (410) 974-2941
 [16-09-36]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting
Date and Time: June 10, 2016, 9:30 a.m. — 12 p.m.; Additional Dates: July 8, September 9, October 14, and December 9
Place: 4201 Patterson Ave., 5th Fl., Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Gwendolyn Joyner (410) 764-5996
 [16-09-25]

MARYLAND COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting
Date and Time: May 5, 2016, 10:30 a.m. — 12:30 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Kelly Mack (410) 230-6079
 [16-09-16]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: May 18, 2016, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Add'l. Info: This will be a closed meeting for the Correctional Training Commission.
Contact: William J. McMahon (410) 875-3600
 [16-09-35]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: July 28, September 15, and November 17, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Ste. 1105, Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-09-22]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: July 11, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Ste. 1105, Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-09-23]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: May 9, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-09-24]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: May 19, 2016, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Rm. 106, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
 [16-09-26]

STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

Subject: Public Meeting
Date and Time: May 5, 2016, 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
 [16-09-10]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: May 10, 2016, 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
 [16-09-11]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: May 12, 2016, 4 — 6 p.m.
Place: 500 N. Calvert St., 5th Fl., Baltimore, MD
Contact: Mary Bahr (410) 767-5678
 [16-09-14]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Waiver Renewal
Add'l. Info: The Secretary of Health and Mental Hygiene is proposing to renew its §1115 demonstration waiver known as HealthChoice for a period of 3 years. HealthChoice, first implemented in 1997 under the authority of Section 1115 of the Social Security Act, is Maryland's Statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll into a managed care organization that has been approved by the Maryland Department of Health and Mental Hygiene. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet the health needs of each enrollee.

The proposed changes for the renewal period of January 2017 — December 2019 include expanding services under the following programs: Increased Community Services (ICS); Residential Treatment for Individuals with Substance Use Diagnoses; Limited Housing Support Services; Evidence-Based Home Visiting for High Risk Pregnant Women; Transitions for

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Individuals with Criminal Justice Involvement. Additionally, pursuant to the enactment of S.B. 252, Maryland is also pursuing a waiver to authorize Medicaid to provide dental care up to the age of 26 for former foster care adolescents.

Electronic copies of the draft application will be available on April 29, 2016, and may be downloaded from <https://mmcp.dhmv.maryland.gov/Pages/115-HealthChoice-Waiver-Renewal.aspx>.

Hard copies of the application may be obtained by calling (410) 767-5806.

Interested parties may send written comments concerning the waiver renewal to dhmv.healthchoicere renewal@maryland.gov. The Department will accept comments from Friday, April 29, 2016, until Monday, May 30, 2016.

The following public hearings will discuss the content of the waiver renewal and solicit feedback and input from public stakeholders:

Annapolis:

Wednesday, May 4, 2016; 10 a.m. — 12 p.m.

House Office Building

6 Bladen Street, Annapolis, Maryland 21401

Health and Government Operations Committee Room

Baltimore City:

Thursday, May 26, 2016; 3 — 5 p.m.

Maryland Department of Health and Mental Hygiene

201 West Preston Street, Baltimore, MD 21201

Room L-3

Teleconferencing information will be posted on the DHMV website at the link shown above.

Contact: Brendan Loughran (000) 000-0000

[16-09-39]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting

Date and Time: May 9, 2016, 1 — 3 p.m.

Place: Maryland Insurance Administration, 200 St. Paul Pl., 24th Fl. Hearing Rm., Baltimore, MD

Add'l. Info: Insurance Commissioner Al Redmer, Jr., will be holding a public meeting regarding the Public Adjusters Industry. The meeting will focus on National Association of Insurance Commissioners Model Law # 228 Public Adjuster Licensing Model Act and whether Maryland law should be amended to include certain provisions of the NAIC model law. Those interested in attending should RSVP to Zachary Peters by email to

zachary.peters@maryland.gov or by telephone to 410-468-2329. An agenda will be posted to the MIA website in advance of the meeting.

Contact: Zachary Peters (410) 468-2329

[16-09-29]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting

Date and Time: May 12, 2016, 10 a.m. — 12 p.m.

Place: Maryland Insurance Administration, 200 St. Paul Pl., 22nd Fl., Francis Scott Key Conf. Rm., Baltimore, MD

Add'l. Info: Pursuant to Insurance Article, §10-110, Annotated Code of Maryland, the Insurance Commissioner will hold a meeting of the Producer Advisory Boards to review continuing education courses, examinations, and other matters relating to the education and qualification of insurance producers.

Contact: Katrina Lawhorn (410) 468-2178

[16-09-15]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing on Regulations

Date and Time: June 2, 2016, 10 a.m. — 12 p.m.; Additional Dates: July 14, August 4, September 1, October 6, November 3, and December 1, 2016

Place: Maryland Insurance Administration, 200 St. Paul Pl., 22nd Fl., Francis Scott Key Conf. Rm., Baltimore, MD

Add'l. Info: Pursuant to the passage and anticipated enactment of HB1318/SB929, Health Benefit Plans — Network Access Standards and Provider Network Directories, Insurance Commissioner Al Redmer will hold several upcoming public hearings to consult with stakeholders on the creation and adoption of new COMAR regulations, as required under this legislation. According to the legislation, these regulations must establish quantitative and, if appropriate, nonquantitative criteria to evaluate network sufficiency for certain health benefit plans, and must set standards for the availability of providers to meet the needs of enrollees for dental plan organizations, insurers, and nonprofit health service plans that provide coverage for dental services.

If you plan to attend this meeting either in person or via teleconference, please RSVP to Lisa Larson at lisa.larson@maryland.gov by May 31. An agenda will be posted prior to the hearing on the MIA website, located at <http://insurance.maryland.gov>, and will be

circulated to each individual that RSVPs with an email address in advance.

Parties who wish to submit written comments should email comments to Lisa.Larson@maryland.gov no later than May 25, 2016. Parties who wish to give oral comments at a hearing can sign up to do so in person on the day of each hearing.

Contact: Lisa Larson (410) 468-2007

[16-09-45]

FACILITIES ADVISORY BOARD- JUVENILE SERVICES

Subject: Public Meeting

Date and Time: May 9, 2016, 5 — 7 p.m.

Place: Baltimore City Juvenile Justice Center, 300 N. Gay St., Baltimore, MD

Add'l. Info: 2nd Fl. Large Conf. Rm.

Contact: Dwain Johnson (443) 263-8871

[16-09-13]

STATE ADVISORY BOARD FOR JUVENILE SERVICES

Subject: Public Meeting

Date and Time: May 24, 2016, 2 — 4 p.m.

Place: Annapolis DJS Office, 49 Old Solomons Island Rd., Annapolis, MD

Contact: Betsy Tolentino (410) 230-3146

[16-09-12]

DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting

Date and Time: May 10, 2016, 9 a.m. — 12 p.m.

Place: Washington, D.C. Electricians JATC, I.B.E.W. Local No. 26, 4371 Parliament Pl., Ste. A, Lanham, 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: Kathleen S. Sibbald (410) 767-2246

[16-09-38]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: May 19, 2016, 1 p.m.

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

Contact: Valerie Wooding (410) 764-3460

[16-09-01]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting

Date and Time: June 16, 2016, 1 p.m.

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

Contact: Valerie Wooding (410) 764-3460
[16-09-02]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Receipt of Application

Add'l. Info: Add'l Info: On April 8, 2016 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Stella Maris — Matter No. 16-03-2376 — Construction of a new four-level addition to the existing facility. No new additional beds will be added to the facility; Proposed Cost: \$23,440,750.

The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning & Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[16-09-37]

**TASK FORCE TO STUDY
MATERNAL MENTAL HEALTH**

Subject: Public Meeting

Date and Time: May 10, 2016, 1 — 3 p.m.

Place: Spring Grove Hospital Center, 55 Wade Ave., Dix Bldg., Basement Conf. Rm., Catonsville, MD

Contact: Dan Martin (410) 978-8865
[16-09-17]

**DEPARTMENT OF NATURAL
RESOURCES/FISHERIES SERVICE**

Subject: Public Notice — Corrected 2016 Commercial Shark Size Limits

Add'l. Info: The Secretary of the Department of Natural Resources (DNR), pursuant to Code of Maryland Regulations (COMAR) 08.02.22.04B, in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Coastal Sharks, announces a new catch limit for large coastal sharks. Effective at 12:01 a.m. April 10, 2016, the catch limit is 3 large coastal sharks per vessel per trip. Large coastal sharks includes all of the sharks in the aggregated large coastal and hammerhead management groups defined in COMAR 08.02.22.03A(6) and (7). The species in the two management groups include: Silky; Tiger; Blacktip; Spinner; Bull; Lemon; Nurse; Scalloped hammerhead; Great hammerhead; and Smooth hammerhead.

The National Marine Fisheries Service anticipates in-season trip limit modifications based on harvest. If modifications are made, the Atlantic States Marine Fisheries Service will follow with modifications for state waters. A new public notice will be issued if modifications are made.

Mark J. Belton
Secretary
Maryland Department of Natural Resources
Contact: Tamara O'Connell (410) 260-8271

[16-09-30]

**DEPARTMENT OF NATURAL
RESOURCES/FISHERIES SERVICE**

Subject: Public Notice — Commercial Spiny Dogfish Landing Limits

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to Code of Maryland Regulations (COMAR) 08.02.05.24I, announces changes to the landing limit of spiny dogfish for the 2015-2016 commercial fishery. Effective 12:01 a.m. on April 8, 2016, the commercial catch limits of spiny dogfish for a commercial licensee are as follows:

(1) For an individual licensed to catch finfish: 1,000 pounds per vessel per day caught from Maryland waters (0 — 3 miles from shore).

(2) For an individual licensed to catch finfish who is also in possession of a Maryland striped bass permit that has been registered in the Atlantic Ocean fishery:

(a) That does not currently hold a federal spiny dogfish permit from the National Marine Fisheries Service (NMFS): 2,500 pounds per vessel per day caught from Maryland waters (0 — 3 miles from shore); or

(b) That also holds a federal spiny dogfish permit from NMFS: 2,500 pounds per vessel per day caught from both Maryland and Federal waters of the EEZ (0—200 miles from shore).

(3) For an individual licensed to catch finfish who is also in possession of a Maryland spiny dogfish landing permit:

(a) That does not currently hold a federal spiny dogfish permit from NMFS: 10,000 pounds per vessel per day caught from Maryland waters (0 — 3 miles from shore); or

(b) That also holds a federal spiny dogfish permit from NMFS: 5,000 pounds per vessel per day caught from both Maryland and Federal waters of the EEZ (0—200 miles from shore).

Mark J. Belton
Secretary
Maryland Department of Natural Resources
Contact: Tamara O'Connell (410) 260-8271

[16-09-31]

**DEPARTMENT OF NATURAL
RESOURCES/FISHERIES SERVICE**

Subject: Public Notice — 2016 Commercial Horseshoe Crab Fishery

Add'l. Info: The Secretary of the Maryland Department of Natural Resources (DNR) pursuant to the Code of Maryland Regulations (COMAR) 08.02.10.01G(3) establishes the quota, season, and catch limits for the commercial horseshoe crab fishery, effective 12:01 a.m. May 1, 2016. This notice replaces the Horseshoe Crab notice that was issued July 14, 2015 that stated a person may not catch or land horseshoe crabs in Maryland through June 6, 2016.

Quota: The annual total allowable landings of male horseshoe crabs for the commercial fishery is 255,980. There is no female harvest permitted.

Season:

- May 2, 2016 through July 8, 2016: A person may catch or land horseshoe crabs outside of 1 mile of the Atlantic coast. A person may not catch or land horseshoe crabs within 1 mile of the Atlantic Coast, its coastal bays, or their tidal

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tributaries, or the Chesapeake Bay and its tidal tributaries.

- July 9, 2016 through November 30, 2016: A person may catch or land horseshoe crabs from the tidal waters of the State.
- December 1, 2016 through April 30, 2017: A person may not catch or land horseshoe crabs in Maryland.

Catch Limits:

- An individual may not land more than 25 male horseshoe crabs unless they are in possession of a valid horseshoe crab landing permit.
- May 2, 2016 through July 8, 2016: A permittee may not land more than 150 male horseshoe crabs per day.
- July 9, 2016 through November 30, 2016: A permittee may not land more male horseshoe crabs than the amount specified on their permit.

All other rules remain the same (COMAR 08.02.10.01).

Mark J. Belton
Secretary

Maryland Department of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[16-09-34]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: May 20, 2016, 8:30 a.m. — 2 p.m.

Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, 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
[16-09-06]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting

Date and Time: May 25, 2016, 9:30 a.m. — 12 p.m.

Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 105, Baltimore, MD

Add'l. Info: Health Occupations Article, Title 11, Annotated Code of Maryland, and

COMAR 10.28, amendments, additions, and revisions maybe discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session.

Contact: Patricia G. Bennett (410) 764-4710

[16-09-08]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting on Regulations

Date and Time: May 25, 2016, 12 — 2 p.m.

Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 105, Baltimore, MD

Add'l. Info: The Regulatory Review Committee will discuss and review COMAR 10.28.08 Partial Waiver, 10.28.09 Advertising, 10.28.10 Optometrist Accountability, and 10.28.11 Use of Diagnostic Pharmaceutical Agents.

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

[16-09-09]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: May 12, 2016, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785

[16-09-18]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: June 9, 2016, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785

[16-09-19]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: July 14, 2016, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4785

[16-09-20]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting

Date and Time: September 8, 2016, 1 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Sheri Henderson (410) 764-4885

[16-09-21]

RACING COMMISSION

Subject: Public Meeting

Date and Time: May 17, 2016, 12:30 — 1 p.m.

Place: Pimlico Race Course, Baltimore, MD

Contact: J. Michael Hopkins (410) 296-9682

[16-09-03]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting

Date and Time: May 11, 2016, 10:15 a.m. — 3 p.m.

Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 110, Baltimore, MD

Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.

Contact: Stanley Weinstein (410) 764-4722

[16-09-33]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting

Date and Time: June 16, 2016, 10 a.m. — 4 p.m.

Place: Anne Arundel O&M, 445 Maxwell Frye Rd., Millersville, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Pat Kratochvil (410) 537-3167

[16-09-04]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: May 26, 2016, 9:30 — 11:30 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

[16-09-07]

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### 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
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- 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
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- 30 Maryland Commission on Kidney Disease
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- 32 Board of Physicians
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### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
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- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
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- 17 MVA – Driver Licensing and Identification Documents
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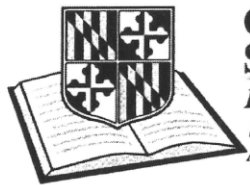
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