

Maryland Register

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Volume 44 • Issue 10 • Pages 455—512

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 24, 2017, 5 p.m.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 24, 2017.

Gail S. Klakring
Acting 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; **Gail S. Klakring**, Acting Administrator; **Mary D. MacDonald**, Senior 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

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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.

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CLOSING DATES AND ISSUE DATES through JANUARY 19, 2018

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June 9**	May 22	May 31	May 26
June 23	June 5	June 14	June 12
July 7	June 19	June 28	June 26
July 21	July 3	July 12	July 10
August 4	July 17	July 26	July 24
August 18	July 31	August 9	August 7
September 1	August 14	August 23	August 21
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September 29	September 11	September 20	September 18
October 13	September 25	October 4	October 2
October 27**	October 6	October 18	October 16
November 13***	October 23	November 1	October 30
November 27***	November 6	November 15	November 13
December 8	November 20	November 29	November 27
December 22	December 4	December 13	December 11
January 5**	December 18	December 27	December 22
January 19**	December 29	January 10	January 8

* 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.

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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08 DEPARTMENT OF NATURAL RESOURCES

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35 DEPARTMENT OF VETERANS' AFFAIRS

35.03.01.05 • 43:26 Md. R. 1515 (12-23-16)

The Governor

EXECUTIVE ORDER 01.01.2017.07

Renewal of Executive Order 01.01.2017.02 (Executive Order Regarding the Heroin, Opioid, and Fentanyl Overdose Crisis Declaration of Emergency)

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Order 01.01.2017.02 due to the heroin, opioid, and fentanyl overdose crisis (the “Crisis”); and

WHEREAS, The emergency conditions relating to the Crisis continue to exist.

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02 WHICH AFTER EXPIRING ON APRIL 30, 2017 WILL CONTINUE FOR ANOTHER THIRTY (30) DAYS, AND SHALL EXPIRE ON MAY 31, 2017, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 28th Day of April, 2017.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:
JOHN C. WOBENSMITH
Secretary of State

[17-10-27]

Open Meetings Compliance Board

SUMMARY OF OPINIONS ISSUED FROM JANUARY 1— MARCH 31, 2017*

11 Official Opinions of the Compliance Board 1 (2017)

Mardela Springs Town Commissioners (Donald L. Singleton, Ph.D., Complainant)

January 23, 2017

Topics Discussed: Closing Statements

Opinion: The Board cannot resolve the conflicting inferences presented by the submissions. If the presiding officer prepared the written statement at the time of the vote to close, the Commissioners did not violate the Act. If the statement was prepared after the closed session began, the Commissioners violated § 3-305.

Violations: None found

11 Official Opinions of the Compliance Board 3 (2017)

Baltimore Office of Promotions and the Arts, Inc. (Jeremy Rountree, Complainant)

February 1, 2017

Topics Discussed: Definition of a Public Body

Opinion: This nonprofit entity is a public body and violated the Open Meetings Act by not meeting openly.

Violations: §3-301 *et seq.*

11 Official Opinions of the Compliance Board 12 (2017)

Greenbelt City Council (Brian Almquist, Complainant)

March 16, 2017

Topics Discussed: Closed Session Statement and Recorded Vote, Reasonable Advance Notice, Closed Session Topics, Written Statement and Post-Session Summary of Session

Opinion: The Public Body violated the Act by:

- voting in advance to close its meetings rather than at the meeting to be closed;
- by not giving notice to the public that it may observe the vote to close;
- by not providing all of the required information about its closed sessions; and
- at two meetings, by discussing in closed session matters beyond the scope of the personnel exception.

Violations: §3-302 §3-305, § 3-306

11 Official Opinions of the Compliance Board 18 (2017)

Mayor and City Council, City of Gaithersburg (Aaron Rosenzweig, Complainant)

March 23, 2017

Topics Discussed: Agenda Requirements

Opinion: The Public Body did not violate the Act.

Violations: None

11 Official Opinions of the Compliance Board 20 (2017)

Mayor and City Council, City of Gaithersburg (M. Steven Lawrence and Aaron Rosenzweig, Complainants)

March 23, 2017

Topics Discussed: Meeting Definition, Meeting Notice

Opinion: The Public Body did not violate the Act.

Violations: None

* The Compliance Board's opinions for this quarter are posted in full in Volume 10, accessible at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>.

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. 7

Chapters

CH0150 HB0150 (Enrolled) The Spkr (Admin). Budget Bill (Fiscal Year 2018).

CH0151 SB0308 (Enrolled) The Pres (Admin), et al. Child Abuse - Sex Trafficking (Protecting Victims of Sex Trafficking Act of 2017).

CH0152 HB0632 (Amended) The Spkr (Admin), et al. Child Abuse - Sex Trafficking (Protecting Victims of Sex Trafficking Act of 2017).

CH0153 SB0597 (Enrolled) Sen Guzzone, et al. Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel.

CH0154 HB0100 (Amended) Del Hixson, et al. Income Tax Subtraction Modification - Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel.

CH0155 HB0822 (Amended) Del Kipke, et al. Income Tax - Subtraction Modification - Police Auxiliaries and Reserve Volunteers.

CH0156 SB0912 Chr JPR (Md Jud Conf). Children in Need of Assistance - Sex Trafficking.

CH0157 HB1219 Chr JUD (Md Jud Conf). Children in Need of Assistance - Sex Trafficking.

CH0158 SB0349 (Amended) Sen Zirkin, et al. Criminal Procedure - Sexual Assault Victims' Rights - Disposal of Rape Kit Evidence and Notification.

CH0159 HB0255 (Amended) Del Hettleman, et al. Criminal Procedure - Sexual Assault Victims' Rights - Disposal of Rape Kit Evidence and Notification.

CH0160 SB0217 (Amended) Sen Kelley, et al. Criminal Law - Sexual Offenses - Physical Resistance.

CH0161 SB0944 Sen Smith. Criminal Law - Sexual Offenses - Classification.

CH0162 HB0647 Del Reznik, et al. Criminal Law - Sexual Offenses - Classification.

CH0163 HB0429 (Amended) Del Dumais, et al. Criminal Law - Sexual Offenses - Physical Resistance.

CH0164 SB1017 (Amended) Sen Lee. Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking - Sunset Extension.

CH0165 SB0666 Sen Hough, et al. Disclosure of Medical Records - Guardian Ad Litem - Victims of Crime or Delinquent Acts.

CH0166 HB0233 Del Barron, et al. Disclosure of Medical Records - Guardian Ad Litem - Victims of Crime or Delinquent Acts.

CH0167 SB0229 Sen Cassilly, et al. Criminal Law - Homicide by Motor Vehicle or Vessel While Impaired by Controlled Dangerous Substance - Penalties.

CH0168 HB0635 Del Valentino-Smith, et al. Criminal Law - Homicide by Motor Vehicle or Vessel While Impaired by a Controlled Dangerous Substance - Penalties.

CH0169 SB0207 (Amended) Sen Feldman. Criminal Procedure - Charges Against Correctional Officer - Review by State's Attorney.

CH0170 HB0166 (Enrolled) Del Dumais. Criminal Procedure - Charges Against Correctional Officer - Review by State's Attorney.

CH0171 HB1110 (Amended) Del B. Barnes. Law Enforcement Officers' Pension System - Membership.

CH0172 SB0754 (Amended) Sen Guzzone. Law Enforcement Officers' Pension System - Membership.

CH0173 SB0282 (Amended) Sen Ready, et al. Property Tax Credit - Disabled or Fallen Law Enforcement Officers and Rescue Workers - Alterations.

CH0174 HB0231 (Enrolled) Dels Impallaria and Jackson. Property Tax Credit - Disabled or Fallen Law Enforcement Officers and Rescue Workers - Alterations.

CH0175 SB0201 Sen King, et al. Education - Fire Drill Requirements - State Fire Prevention Code.

CH0176 HB1066 Del Ebersole. Education - Fire Drill Requirements - State Fire Prevention Code.

CH0177 SB0909 (Amended) Cha Co Sens (By Request). Charles County - Collective Bargaining for Public Safety Officials.

CH0178 HB0446 (Amended) Cha Co Deleg (By Request). Charles County - Collective Bargaining for Public Safety Officials.

CH0179 HB1466 Del P. Young, et al. State Personnel - Disabled Veterans - Noncompetitive Appointment.

CH0180 SB0807 (Amended) Sen Smith, et al. Income Tax Credit - Wages Paid to Qualified Veteran Employees (Hire Our Veterans Act of 2017).

CH0181 HB0349 (Enrolled) Del Miele, et al. Income Tax Credit - Wages Paid to Qualified Veteran Employees (Hire Our Veterans Act of 2017).

CH0182 SB0515 (Amended) Sen Peters, et al. Collective Bargaining - Firefighters - Martin State Airport.

CH0183 HB0275 (Amended) Del Queen, et al. Department of Health and Mental Hygiene - Recommended Courses in Military Culture.

CH0184 HB1234 (Amended) Del Wilkins, et al. Property Tax - Credit for Retired Military Service Members - Eligibility.

CH0185 SB0375 Sen Jennings. Insurance - Bail Bondsmen - Continuing Education Requirements.

CH0186 HB0451 Del Cluster. Insurance - Bail Bondsmen - Continuing Education Requirements.

CH0187 SB0790 Sen Smith. Criminal Law - Animal Cruelty - Applicability.

CH0188 HB0455 Del Atterbary, et al. Criminal Law - Animal Cruelty - Applicability.

CH0189 HB0162 Del Dumais. Public Safety - Firearm Application.

CH0190 SB0023 (Amended) Sen Klausmeier, et al. Handgun Permits - Alternative Expiration Date - Private Detectives, Security Guards, and Special Police Officers.

CH0191 HB0877 (Amended) Del McComas, et al. Handgun Permits - Alternative Expiration Date - Private Detectives, Security Guards, and Special Police Officers.

CH0192 SB0016 Sens Hough and Ready. Public Safety - Firearm Application.

CH0193 SB0043 Chr JPR (Dept). Juvenile Court Records - Disclosure.

CH0194 SB0035 (Amended) Chr JPR (Dept). Juvenile Law - Informal Adjustment - Mental Health Program.

CH0195 SB0045 Chr JPR (Dept). Motor Vehicle Administration - Driving Instructors - Criminal History Records Checks.

- CH0196 SB0077** Sen Simonaire. Anne Arundel County and Harford County - Courthouse Dog and Child Witness Pilot Program.
- CH0197 HB0669 (Amended)** Del Arentz, et al. Public Schools - Boards of Education - Anonymous Two-Way Electronic Tip Programs.
- CH0198 HB1261** Del Wilkins, et al. Barbers - Criminal Penalties for Violations of Barbering Law - Repeal.
- CH0199 HB0221** Del Cullison. Maryland Council on Advancement of School-Based Health Centers.
- CH0200 SB0185** Sen Feldman. Public Health - Repeal of AIDS Education Program for Persons Convicted of Drug- or Sex-Related Crimes.
- CH0201 HB0445** Del West, et al. Public Health - Repeal of AIDS Education Program for Persons Convicted of Drug- or Sex-Related Crimes.
- CH0202 SB0671 (Amended)** Sen Kelley, et al. Department of Human Resources - Public Assistance Eligibility - Financial Records.
- CH0203 HB0752 (Enrolled)** Del Kelly. Department of Human Resources - Public Assistance Eligibility - Financial Records.
- CH0204 SB0906 (Amended)** Sen Muse. Child Support - Noncompliance With Court Order - License Suspension.
- CH0205 HB0103** Chr APP (Dept). Department of Human Resources and Child Support Enforcement Administration - Renaming.
- CH0206 HB0147** Chr HGO (Dept). Healthy Aging Program.
- CH0207 SB0047 (Enrolled)** Chr FIN (Dept). Reporting Abuse to the Long-Term Care Ombudsman Program and the Office of Health Care Quality.
- CH0208 HB0132** Chr HGO (Dept). Long-Term Care Ombudsman Program - Regulations.
- CH0209 HB0418** Del Kelly, et al. Child Care Subsidy Program - Reimbursement Rate Adjustments.
- CH0210 SB0294** Sen King, et al. Child Care Subsidy Program - Reimbursement Rate Adjustments.
- CH0211 HB0128** Chr HGO (Dept). State Disabilities Plan and Interagency Disabilities Board - Revisions.
- CH0212 SB0696 (Enrolled)** Sen Feldman, et al. Task Force on Long-Term Care Education and Planning.
- CH0213 HB0953 (Enrolled)** Del Morales, et al. Task Force on Long-Term Care Education and Planning.
- CH0214 SB0082 (Amended)** Sen Middleton, et al. Department of Health and Mental Hygiene - Renaming.
- CH0215 SB0262 (Amended)** Sen Bates, et al. Public Health - Mobile Food Service Facilities - Licensing and Inspection by County Health Departments.
- CH0216 HB0771 (Amended)** Del W. Miller, et al. Public Health - Mobile Food Service Facilities - Licensing and Inspection by County Health Departments.
- CH0217 SB0549 (Enrolled)** Chr EHE. State Board of Physicians and Allied Health Advisory Committees - Sunset Extension and Program Evaluation.
- CH0218 HB1265 (Enrolled)** Chr HGO. State Board of Physicians and Allied Health Advisory Committees - Sunset Extension and Program Evaluation.
- CH0219 HB0298** Del Kelly, et al. Health Insurance - Licensed Clinical Professional Art Therapists - Reimbursement.
- CH0220 HB0190 (Amended)** Del Queen, et al. Mammography Centers - Dense Breast Tissue - Notification of Breast Cancer Screening Options.
- CH0221 HB0775 (Amended)** Del Kelly, et al. Public Health - Maternal Mental Health.
- CH0222 SB0600 (Amended)** Sen Feldman, et al. Public Health - Maternal Mental Health.
- CH0223 HB0774 (Enrolled)** Dels Kipke and Bromwell. Insurance - Short-Term Medical Insurance - Study.
- CH0224 SB0380 (Enrolled)** Sen Feldman, et al. Insurance - Short-Term Medical Insurance - Study.
- CH0225 HB0403 (Amended)** Del Pendergrass. Maryland Patient Referral Law - Compensation Arrangements Under Federally Approved Programs and Models.
- CH0226 SB0369 (Amended)** Sen Middleton, et al. Maryland Patient Referral Law - Compensation Arrangements Under Federally Approved Programs and Models.
- CH0227 HB0730 (Amended)** Del Hill (By Request), et al. Health Insurance - Coverage for Diabetes Test Strips - Prohibition on Deductible, Copayment, and Coinsurance.
- CH0228 SB0108 (Amended)** Sen Simonaire. Property Tax Credit - Erosion Control Measures - Nonstructural and Structural Shoreline Stabilization.
- CH0229 SB0180 (Enrolled)** Sen Peters, et al. Independent Living Tax Credit Act.
- CH0230 SB0235 (Amended)** Sen Guzzone. Sales and Use Tax - Declaration of Legislative Intent - Services.
- CH0231 SB0367** Sen Zucker, et al. Income Tax - Subtraction Modification - Mortgage Forgiveness Debt Relief.
- CH0232 SB0416 (Amended)** Sen Middleton, et al. Income Tax Credit - Qualified Farms - Food Donation Pilot Program.
- CH0233 HB0472** Dels Jameson and Patterson. Income Tax Credit - Qualified Farms - Food Donation Pilot Program.
- CH0234 SB0436 (Amended)** Sen Eckardt. Income Tax - Credit for Nurse Practitioner or Licensed Physician in Preceptorship Program - Alterations.
- CH0235 HB0683 (Amended)** Del Sample-Hughes. Income Tax - Credit for Nurse Practitioner or Licensed Physician in Preceptorship Program - Alterations.
- CH0236 SB0622 (Enrolled)** Sen Eckardt, et al. Sales and Use Tax - Tax-Free Period for Back-to-School Shopping - Sale of Backpacks and Bookbags.
- CH0237 HB0530 (Enrolled)** Del M. Washington, et al. Sales and Use Tax - Tax-Free Period for Back-to-School Shopping - Sale of Backpacks and Bookbags.
- CH0238 HB0055 (Enrolled)** Del Jameson, et al. Motor Fuel Tax - Aviation Gasoline - Definition.
- CH0239 HB0351 (Amended)** Del Carr. Property Tax - Homestead Property Tax Credit Percentage and Constant Yield Tax Rate - Deadlines.
- CH0240 HB0873** Dels Carey and Lisanti. Income Tax Credit - Security Clearances - Employer Costs - Extension.
- CH0241 HB1323** Del Long, et al. Property Tax - Credit for Revitalization Districts.
- CH0242 SB0753** Sen Guzzone. Tax Sales - Foreclosure of Right of Redemption - Naming of Defendants.
- CH0243 HB0861** Del D. Barnes, et al. Tax Sales - Foreclosure of Right of Redemption - Naming of Defendants.
- CH0244 SB0021 (Amended)** Chr FIN (Dept). Unemployment Insurance - Recovery of Benefits - Collection by Assessment.
- CH0245 HB0137 (Amended)** Chr ECM (Dept). Unemployment Insurance - Recovery of Benefits - Collection by Assessment.
- CH0246 SB0006 (Amended)** Chr EHE (Dept). Occupational and Professional Licensing Boards, Commissions, and Regulatory Entities - Notifications of Applicants, Licensees, Registrants, and Permit Holders.
- CH0247 HB0138 (Enrolled)** Chr ECM (Dept). Occupational and Professional Licensing Boards, Commissions, and Regulatory Entities - Notifications of Applicants, Licensees, Registrants, and Permit Holders.
- CH0248 HB0141** Chr ECM (Dept). Unemployment Insurance - Eligibility for Benefits - Business Operation Closings.

CH0249 SB0017 Chr FIN (Dept). Unemployment Insurance - Eligibility for Benefits - Business Operation Closings.
CH0250 HB0135 Chr ECM (Dept). Unemployment Insurance - Electronic Transmission of Information and Documents - Authority.
CH0251 HB0139 Chr ECM (Dept). Unemployment Insurance - Employer Determinations - Process and Appeal Rights.
CH0252 HB0140 Chr ECM (Dept). State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors - Supervision of Appraiser Trainees.
CH0253 HB0182 (Amended) Chr ECM (Dept). Commissioner of Financial Regulation and State Collection Agency Licensing Board - Licensees - Revisions.
CH0254 HB0246 (Amended) Chr ECM (Dept). Department of Labor, Licensing, and Regulation - State Occupational Mechanical Licensing Boards - Fund and Fees.
CH0255 HB0248 (Amended) Chr ECM (Dept). Maryland Home Improvement Commission - Special Fund and Fees.
CH0256 HB0250 (Amended) Chr ECM (Dept). State Board of Barbers and State Board of Cosmetologists - Special Fund and Fees.
CH0257 HB0810 (Enrolled) Chr ECM (Dept). Apprenticeships - Apprenticeship and Training Council - Revisions.
CH0258 HB0094 Chr W&M (Dept). Maryland E-Nnovation Initiative Program - Requirements for Matching Funds.
CH0259 HB0245 (Amended) Chr ECM (Dept). Department of Commerce - Maryland Advisory Commission on Manufacturing Competitiveness - Renaming and Restructuring.
CH0260 SB0087 Sens Astle and Middleton. Maryland Tourism Development Board - Destination Marketing Organization Officials - Voting Rights.
CH0261 HB0505 Del McMillan. Maryland Tourism Development Board - Destination Marketing Organization Officials - Voting Rights.
CH0262 SB0070 (Amended) Sen Waugh. Unemployment Insurance - Exemption From Covered Employment - Youth Sports Workers.
CH0263 SB0072 (Amended) Sen Klausmeier, et al. Workers' Compensation - Tiered Rating Plans and Merit Rating Plans.
CH0264 HB1315 (Amended) Del Valderrama, et al. Workers' Compensation - Tiered Rating Plans and Merit Rating Plans.
CH0265 SB0206 (Amended) Sen Feldman, et al. Financial Institutions - Qualifications of Directors of Commercial Banks - Residency.
CH0266 HB0718 Del Carey. Financial Institutions - Qualifications of Directors of Commercial Banks - Residency.
CH0267 SB0255 (Amended) Sen Guzzone (Chr Jt Com on Pnsns). State Retirement and Pension System - Authority to Arrange Custody of Investments and Procurement Exemption.
CH0268 HB0202 (Amended) Del B. Barnes (Chr Jt Com on Pnsns). State Retirement and Pension System - Authority to Arrange Custody of Investments and Procurement Exemption.
CH0269 SB0256 Sen Guzzone (Chr Jt Com on Pnsns). Employees' and Teachers' Pension Systems - Reformed Contributory Pension Benefit - Service Credit Purchase Clarification.
CH0270 HB0201 Del B. Barnes (Chr Jt Com on Pnsns). Employees' and Teachers' Pension Systems - Reformed Contributory Pension Benefit - Service Credit Purchase Clarification.
CH0271 SB0401 (Amended) Sen Guzzone (Chr Jt Com on Pnsns). State Retirement and Pension System - Membership Elections.
CH0272 HB0815 (Amended) Del B. Barnes (Chr Jt Com on Pnsns). State Retirement and Pension System - Membership Elections.

CH0273 SB0399 Sen Guzzone (Chr Jt Com on Pnsns). Employees' Pension System - Purchase of Credit for Eligibility Service - Legislative Employees.
CH0274 HB0817 Del B. Barnes (Chr Jt Com on Pnsns). Employees' Pension System - Purchase of Credit for Eligibility Service - Legislative Employees.
CH0275 SB0752 (Amended) Sen Guzzone. Optional Retirement Program - Annuity Contract Providers.
CH0276 HB0328 (Amended) Del B. Barnes. Optional Retirement Program - Annuity Contract Providers.
CH0277 SB0913 (Amended) Sen Guzzone (Chr Jt Com on Pnsns). State Retirement and Pension System - Death Benefits.
CH0278 HB1122 (Enrolled) Del B. Barnes (Chr Jt Com on Pnsns). State Retirement and Pension System - Death Benefits.
CH0279 HB0062 (Amended) Del McConkey. State Retirement and Pension System - Disability Retirement - Reemployment Earnings Limitation.
CH0280 SB0382 Sen McFadden. State Employee and Retiree Health and Welfare Benefits Program - Participation by Satellite Organizations.
CH0281 HB1178 (Amended) Del Ghrist, et al. Employees' Pension System - Membership - Study.
CH0282 SB0130 Sen Simonaire. Election Law - Ballot Issues - Contributions or Donations by Foreign Principals.
CH0283 SB0018 (Amended) Chr EHE (Dept). Public Ethics - Bicounty Commissions - Financial Disclosure.
CH0284 SB0882 (Amended) Sen Simonaire. Election Law - Campaign Signs at Polling Places.
CH0285 HB0619 (Amended) Del Hornberger, et al. Election Law - Campaign Signs at Polling Places.
CH0286 SB0162 Sen Waugh. St. Mary's County - Mobile Home Parks - Repeal.
CH0287 HB0163 St. Mary's County Delegation. St. Mary's County - Mobile Home Parks - Repeal.
CH0288 HB0526 St. Mary's County Delegation. St. Mary's County - Alcoholic Beverages - Art Establishment License.
CH0289 HB0538 St. Mary's County Delegation. St. Mary's County - Alcoholic Beverages - Beauty Salon License.
CH0290 HB0187 St. Mary's County Delegation. St. Mary's County - Foxes and Hounds - Repeal of Provisions.
CH0291 SB0103 Sen Waugh. St. Mary's County - Foxes and Hounds - Repeal of Provisions.
CH0292 SB0104 Sen Waugh. St. Mary's County - Regulation of Animals - Dogs.
CH0293 HB0108 St. Mary's County Delegation. St. Mary's County - Regulation of Animals - Dogs.
CH0294 SB0124 Sen Waugh. St. Mary's County - Vocational Training Facility - Repeal.
CH0295 HB0209 St. Mary's County Delegation. St. Mary's County - Vocational Training Facility - Repeal.
CH0296 HB0679 St. Mary's County Delegation. St. Mary's County - Metropolitan Commission - Personnel.
CH0297 SB0395 Sen Waugh. St. Mary's County - Metropolitan Commission - Personnel.
CH0298 SB0102 Sen Waugh. St. Mary's County - Farm Fences - Repeal.
CH0299 HB0109 St. Mary's County Delegation. St. Mary's County - Farm Fences - Repeal.
CH0300 SB0998 Sen Conway. Baltimore City - Alcoholic Beverages - Beer, Wine, and Liquor Tasting License.
CH0301 HB0837 Del McIntosh, et al. Baltimore City - Alcoholic Beverages - Beer, Wine, and Liquor Tasting License.
CH0302 SB0212 Sen Hershey. Baltimore Metropolitan Council - Queen Anne's County - Membership.

- CH0303 HB0173** Del Arentz, et al. Baltimore Metropolitan Council - Queen Anne's County - Membership.
- CH0304 HB0305** Del Jacobs, et al. Kent County - Turkey Hunting on Private Property - Sundays.
- CH0305 HB0309** Montgomery County Delegation. Montgomery County - Beer, Wine, and Liquor Festival License MC 7-17.
- CH0306 HB0397 (Amended)** Montgomery County Delegation. Montgomery County - Alcoholic Beverages - Licenses MC 17-17.
- CH0307 HB0677 (Amended)** Howard County Delegation. Howard County - Noise Control - Outdoor Concert Venues Ho. Co. 18-17.
- CH0308 HB1299 (Amended)** Howard County Delegation. Howard County Board of Education - Elected School Board Ho. Co. 11-17.
- CH0309 HB1343** Howard County Delegation. Howard County - Fire and Explosive Investigator - Authority Ho. Co. 24-17.
- CH0310 HB1423 (Amended)** Calvert County Delegation. Calvert County - Board of License Commissioners - Notice and Hearing on Proposed Legislation.
- CH0311 HB1576** Prince George's County Delegation. Prince George's County - Student Loan Refinancing Authority PG 419-17.
- CH0312 HB1201** Cecil County Delegation. Cecil County - Alcoholic Beverages - Beer, Wine, and Liquor Tasting License.
- CH0313 SB0816** Cecil County Senators. Cecil County - Alcoholic Beverages - Beer, Wine, and Liquor Tasting License.
- CH0314 HB0042** Del Barkley. Alcoholic Beverages - Class 1 Distillery Licenses.
- CH0315 HB0252** Del Barkley. Alcoholic Beverages - Liquor and Wine.
- CH0316 SB0281** Sen Ready, et al. Alcoholic Beverages - Definition of Beer - Hard Cider.
- CH0317 HB0292 (Amended)** Del Krebs, et al. Alcoholic Beverages - Nonrefillable Containers - Draft Beer.
- CH0318 SB0491 (Enrolled)** Sen Ready. Alcoholic Beverages - Nonrefillable Containers - Draft Beer.
- CH0319 HB0076 (Amended)** Del McCray, et al. Baltimore City Public Schools - Capital Project Scoring System.
- CH0320 SB0701** Sen Zucker, et al. Higher Education - Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth - Alterations.
- CH0321 HB0462 (Amended)** Del P. Young, et al. Higher Education - Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth - Alterations.
- CH0322 SB0485 (Amended)** Sen Serafini, et al. Education - Remote Classroom Technology Grant Program - Establishment (Peyton's Bill).
- CH0323 SB0595** Sen Nathan-Pulliam, et al. Residential Boarding Education Programs for At-Risk Youth - Eligibility.
- CH0324 HB1475** Del A. Washington, et al. Residential Boarding Education Programs for At-Risk Youth - Eligibility.
- CH0325 HB0257** Del Hixson. Education - Maryland Meals for Achievement In-Classroom Breakfast Program - Administration (Maryland Meals for Achievement for Teens Act of 2017).
- CH0326 HB0654** Del Kaiser, et al. Education - Statewide Kindergarten Assessment - Completion.
- CH0327 HB1061 (Amended)** Del A. Washington, et al. Education - Emergency and Evacuation Plans - Individuals With Disabilities.
- CH0328 HB0715 (Amended)** Chr W&M (Dept). Institutions of Higher Education - Teacher Preparation Programs - Accreditation and Approval.
- CH0329 HB0685 (Amended)** Del Conaway, et al. Baltimore City - Public Schools and City Council - Logistical and Financial Assistance.
- CH0330 SB0521 (Enrolled)** Sen Ready, et al. Community Colleges - Small Community Colleges - Funding.
- CH0331 SB0327 (Amended)** Sen Young, et al. Public Senior Higher Education Institutions - Financial Aid - Reduction Restrictions.
- CH0332 HB0266 (Enrolled)** Del Stein, et al. Public Senior Higher Education Institutions - Financial Aid - Reduction Restrictions.
- CH0333 HB0548 (Amended)** Del Shoemaker, et al. Education - Prekindergarten Student Assessment.
- CH0334 SB0667 (Enrolled)** Sen Jennings. Education - Prekindergarten Student Assessment.
- CH0335 HB0920 (Enrolled)** Dels Fraser-Hidalgo and Pena-Melnyk. Primary and Secondary Education - Certificated School Personnel - Training Requirement.
- CH0336 HB1568 (Enrolled)** Prince George's County Delegation. Workgroup on Transportation for Middle and High School Students in Prince George's County PG 415-17.
- CH0337 SB0587 (Amended)** Sen King, et al. Education - Libraries - Reorganization of Governance Structure.
- CH0338 HB1094 (Enrolled)** Del Hixson, et al. Education - Libraries - Reorganization of Governance Structure.
- CH0339 SB0495 (Amended)** Chr B&T (Dept). Gaming - Video Lottery Terminals - Transfer of Ownership and Local Impact Grants.
- CH0340 SB0004 (Enrolled)** Chr EHE (Dept). Minority Business Enterprises - Program Participation - Requirements and Reauthorization.
- CH0341 HB0283 (Amended)** Del Krebs, et al. Procurement - Prohibitions on Participation.
- CH0342 HB0846 (Amended)** Del Bromwell. Pricing and Selection Committee for Blind Industries and Services of Maryland and the Employment Works Program - Staff.
- CH0343 HB0781 (Enrolled)** Del Kramer. Retail Pet Stores - Animal Seller, Dog Cage Signs, and Records - Requirement Revisions.
- CH0344 SB0034** Chr B&T (Dept). Motor Vehicles - Leased Vehicles - Inspections, Insurance, and Excise Tax.
- CH0345 HB0603 (Amended)** Del Parrott, et al. Vehicle Laws - Out-of-State Vehicles - Required Security.
- CH0346 HB0026** Del Holmes. Real Property - Notices of Foreclosure Sale and Postponement or Cancellation of Foreclosure Sale.
- CH0347 SB0247 (Amended)** Sens Ramirez and Muse. Real Property - Notices of Foreclosure Sale and Postponement or Cancellation of Foreclosure Sale.
- CH0348 SB0875 (Amended)** Sen Kelley. Residential Property - Notice of Foreclosure.
- CH0349 HB1048 (Enrolled)** Dels Holmes and Angel. Residential Property - Notice of Foreclosure.
- CH0350 HB0760 (Amended)** Del Arentz, et al. State Real Estate Commission - Real Estate Brokerage Services - Duties and Obligations.
- CH0351 SB0265 (Enrolled)** Sen Feldman, et al. Washington Metrorail Safety Commission Membership Act.
- CH0352 HB0285** Del Korman, et al. Washington Metrorail Safety Commission Membership Act.
- CH0353 SB0917 (Enrolled)** Sen Mathias, et al. Motor Vehicles - Seasonal Exceptional Poultry Hauling Permit.
- CH0354 HB0753 (Amended)** Del West, et al. Maryland Trust Act - Representatives of Beneficiaries.
- CH0355 SB0793 (Amended)** Sen Smith. Maryland Trust Act - Representatives of Beneficiaries.
- CH0356 HB0754** Dels West and Lierman. Maryland Trust Act - Notice and Reporting Requirements - Exemptions.

CH0357 SB0792 Sen Smith. Maryland Trust Act - Notice and Reporting Requirements - Exemptions.

CH0358 HB0759 Dels Kramer and West. Corporations - Formation of a Holding Company by Merger.

CH0359 SB0398 Sen Feldman. Corporations - Formation of a Holding Company by Merger.

CH0360 SB1057 Sen Lee. Public Information Act - Denials of Inspection - Explanation Regarding Redaction.

CH0361 HB0321 (Amended) Mont Co Deleg and PG Co Deleg. Maryland-National Capital Park and Planning Commission - Audit Committee and Office of the Inspector General MC/PG 110-17.

[17-10-25]

The Judiciary

COURT OF APPEALS OF MARYLAND

ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
April 28, 2017

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Orientation Program pursuant to Maryland Rule 19-210(e). As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Maryland Rule 19-213(g).

It is thereupon the 28th day of April 2017, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 30th day of May 2017, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA
Chief Judge, Court of Appeals of Maryland

Filed: April 28, 2017

BESSIE M. DECKER
Clerk, Court of Appeals of Maryland

EXHIBIT A OUT-OF-STATE ATTORNEY EXAMINATION FEBRUARY 2017

Adelman, James Lorin
Anderson, James Fredrick
Antonacci, Louis Bernardo
Bachman, Eric Kenneth
Barrett, Dennis Daniel
Blessinger, Eileen Patricia
Bloyce, Shameka Nicole
Bowman, Scott Andrew
Carr, Samantha Rosemary
Carry, Alfred Dumetz
Chastain, Valerie Ann
Cheng, Joshua
Conn, Lacey Ullman
Cover, Kathi Anne
Daniel, Sisera Monea
Davis, Beverly J.
deStwolinski, Todd Raymond
Dissinger, Derek Paul
Dongarra, Vincent Anthony
Droller, Aaron Ross
Ensign, Kristin Wright
Federico, Nicholas Wilson
Ferguson, Joshua Gardner
Figini, Joseph Christopher

Foley, Dana Michelle
Fulcher, Patrice Angelik
Gandy, William Gerald
Garland, Stacey Lauren
Gates, IV, George Martin
Golding, Erin Elizabeth Carter
Green, Gabrielle Martine
Haire, Jessica Vasconcellos
Hanover, Sean Regan
Harvey, Patrick Alan
Hayden, Sara Kathleen
Hindley, Matthew Robert
Hines, Caryn Lynn
Hughes, Patrick Joseph
Hurley, James John
Janssen, Amy Ann
Kavanaugh, Barbra Anne
Klebanov, Michael
Kravis, Jonathan Ian
Kurzyrna, Mariusz
Lewis, Samuel Van Dusen
Materna, Mark Gregory
McHugh, Aman Mahray
Miller, Tamara Louise
Morris, Emily Kathryn
Mullins, Elizabeth Marie
Negler, Helene Elizabeth
Petilli, Barbara Anne
Pincoski, Clare Cavaliero
Planzos, Sotiris
Prince, Joshua Garett
Rahi, Simran
Rashbaum, Melissa Kay
Rockler, Elliot Morris
Saunders, Jessica Borno
Schalk, Joseph Patrick
Skinner, Stephen Gibson
Skolkin, Kerry Blake
Slovick, Gillian Elisa
Stefanon, Justin
Steinberg, Jeffrey Aaron
Toms, Chad Joseph
Trivedi, Shanta Amriti
Tubbs, Andrew Scott
Tucker, Callie Jean
Tulshyan, Sandhya
Tyler, Jessica Lee
Waldman, Eric Scott
Walker, Bradley Alan
Walker, Lawrence Francis
Wasserkrug, Sue
Wince, Melissa Dee

[17-10-21]

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated April 19, 2017, **JOSEPH IGNATIUS TIVVIS, JR.**, 2618 Matthews Drive, Pikesville, Maryland 21234, has been disbarred by consent, effective immediately from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated April 20, 2017, **SEAN PATRICK MCMULLEN**, 3423 Wake Drive, Apt. 303, Kensington, Maryland 20895, has been disbarred, effective immediately from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[17-10-22]

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 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 01 OFFICE OF THE SECRETARY

07.01.04 Administrative Hearings

Authority: Family Law Article, §§10-108.1—10-108.4, 10-112.1, 10-113, 10-113.1, 10-113.2, 10-114, 10-119, 10-119.3, and 12-102.3; Human Services Article, §§5-303, 5-408, and 5-501; State Government Article, §§9-1607.1, 9-1607.2, and 10-201—10-222; Transportation Article, §11-203; Annotated Code of Maryland

Agency Note: Federal Regulatory Reference: 7 CFR §§273.15 and 273.16, and 45 CFR §§303.32c(5), 303.72 and 303.105; and 42 U.S.C. §666(a)(17) and (c)(1)(G)(ii)

Notice of Final Action

[17-078-F]

On April 21, 2017, the Secretary of Human Resources adopted amendments to Regulation .03 under **COMAR 07.01.04 Administrative Hearings**. This action, which was proposed for adoption in 44:3 Md. R. 191 (February 3, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

LOURDES R. PADILLA
Secretary of Human Resources

Subtitle 01 OFFICE OF THE SECRETARY

07.01.20 Maryland Emergency Food Program

Authority: Human Services Article, §§6-409—6-414, Annotated Code of Maryland; Executive Order 01.01.2000.06

Notice of Final Action

[17-091-F]

On April 21, 2017, the Secretary of Human Resources adopted amendments to Regulation .09 under **COMAR 07.01.20 Maryland Emergency Food Program**. This action, which was proposed for adoption in 44:4 Md. R. 258 (February 17, 2017), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 22, 2017.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .09A: The changed text does not differ substantively from the proposed text because the changes are within the scope of the proposed text, and the changes do not disadvantage any group affected by the regulations.

.09 Monitoring.

A. *Emergency food providers shall be subject to site visits by the administering agency* to ensure that *grant awards are used to purchase food for needy individuals and families in accordance with Program requirements as follows:*

(1) — (2) (proposed text unchanged)

B. (proposed text unchanged)

LOURDES R. PADILLA
Secretary of Human Resources

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.10 Youth Transitional Services

Authority: Courts and Judicial Proceedings Article, §3-801 et seq.; Family Law Article, §§1-101, 5-501—5-503, 5-524—5-525, 5-527—5-528, and 5-531—5-532; Annotated Code of Maryland

Agency Note: Federal Reference: Fostering Connection Act of 2008, PL110-35

Notice of Final Action

[16-305-F]

On April 21, 2017, the Secretary of Human Resources adopted amendments to Regulations .08 and .18 under **COMAR 07.02.10 Youth Transitional Services**. This action, which was proposed for adoption in 43:24 Md. R. 1352 (November 28, 2016), has been adopted as proposed.

Effective Date: May 22, 2017.

LOURDES R. PADILLA
Secretary of Human Resources

**Subtitle 02 SOCIAL SERVICES
ADMINISTRATION**

07.02.11 Out-of-Home Placement Program

Authority: Courts and Judicial Proceedings Article, §§3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Education Article, §§7-101(b) and 15-106.1; Family Law Article, §§5-501, 5-504, 5-524—5-534, 5-701, and 5-709; Human Services Article, §9-101 et seq.; Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference: 42 U.S.C. §§620 et seq., 670 et seq.; 45 CFR §205.10; 45 CFR §303.72; 45 CFR 1355—1357)

Notice of Final Action

[16-304-F]

On April 21, 2017, the Secretary of Human Resources adopted amendments to Regulations **.03**, **.05**, and **.16** under **COMAR 07.02.11 Out-of-Home Placement Program**. This action, which was proposed for adoption in 43:24 Md. R. 1353—1354 (November 28, 2016), has been adopted as proposed.

Effective Date: May 22, 2017.

LOURDES R. PADILLA
Secretary of Human Resources

**Subtitle 03 FAMILY INVESTMENT
ADMINISTRATION**

07.03.21 Maryland Energy Assistance Program

Authority: Human Services Article, §§5-5A-07 and 5-608, Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference—45 CFR 96, Subpart H.)

Notice of Final Action

[17-092-F]

On April 21, 2017, the Secretary of Human Resources adopted amendments to Regulation **.12** under **COMAR 07.03.21 Maryland Energy Assistance Program**. This action, which was proposed for adoption in 44:5 Md. R. 296 (March 3, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

LOURDES R. PADILLA
Secretary of Human Resources

**Subtitle 03 FAMILY INVESTMENT
ADMINISTRATION**

07.03.22 Electric Universal Service Program

Authority: Human Services Article, §§2-209 and Title 5, Subtitle 5A; Public Utilities Article, §7-512.1; Annotated Code of Maryland

Notice of Final Action

[17-093-F]

On April 21, 2017, the Secretary of Human Resources adopted amendments to Regulation **.10** under **COMAR 07.03.22 Electric Universal Service Program**. This action, which was proposed for adoption in 44:5 Md. R. 296—297 (March 3, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

LOURDES R. PADILLA
Secretary of Human Resources

**Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION**

**Subtitle 09 BOARD OF MASTER
ELECTRICIANS**

09.09.01 Fees and Deadlines

Authority: Business Occupations and Professions Article, §§6-205, 6-305, 6-306, and 6-306.1, Annotated Code of Maryland

Notice of Final Action

[17-044-F]

On March 28, 2017, the State Board of Master Electricians adopted the amendments to Regulation **.01** under **COMAR 09.09.01 Fees and Deadlines**. This action, which was proposed for adoption in 44:2 Md. R. 106 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

**Subtitle 14 STATE ATHLETIC
COMMISSION**

09.14.01 General Provisions

Authority: Business Regulation Article, §§4-101, 4-205 and 4-303, Annotated Code of Maryland

Notice of Final Action

[17-051-F]

On March 29, 2017, the State Athletic Commission adopted amendments to Regulation **.02** under **COMAR 09.14.01 General Provisions**. This action, which was proposed for adoption in 44:2 Md. R. 118-19 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

PATRICK PANNELLA
Executive Director
State Athletic Commission

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.04 Safety and Health Standards for Contestants

Authority: Business Regulation Article, §§4-205, 4-304.1, 4-310, 4-314, and 4-315, Annotated Code of Maryland

Notice of Final Action

[17-054-F]

On March 29, 2017, the State Athletic Commission adopted amendments to Regulations **.04** and **.10** under **COMAR 09.14.04 Safety and Health Standards for Contestants**. This action, which was proposed for adoption in 44:2 Md. R. 119 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

PATRICK PANNELLA
Executive Director
State Athletic Commission

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.06 Conduct of Boxing Contests

Authority: Business Regulation Article, §§4-205 and 4-310, Annotated Code of Maryland

Notice of Final Action

[17-043-F]

On March 29, 2017, the State Athletic Commission adopted amendments to Regulation **.10** under **COMAR 09.14.06 Conduct of Boxing Contests**. This action, which was proposed for adoption in 44:2 Md. R. 119—120 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

PATRICK PANNELLA
Executive Director
State Athletic Commission

Subtitle 14 STATE ATHLETIC COMMISSION

09.14.08 Wrestling Regulations

Authority: Business Regulation Article, §§4-205 and 4-310, Annotated Code of Maryland

Notice of Final Action

[17-042-F]

On March 29, 2017, the State Athletic Commission adopted amendments to Regulation **.04** under **COMAR 09.14.08 Wrestling Regulations**. This action, which was proposed for adoption in 44:2 Md. R. 120 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

PATRICK PANNELLA
Executive Director
State Athletic Commission

Subtitle 15 STATE BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS

09.15.01 Fees

Authority: Business Regulation Article, §§9A-205, 9A-207, and 9A-304(f), Annotated Code of Maryland

Notice of Final Action

[17-024-F]

On March 8, 2017, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors adopted amendments to Regulation **.01** under **COMAR 09.15.01 Fees**. This action, which was proposed for adoption in 44:2 Md. R. 120—121 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 15 STATE BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS

09.15.02 General Regulations

Authority: Business Regulation Article, §9A-205, Annotated Code of Maryland

Notice of Final Action

[17-047-F]

On March 8, 2017, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors adopted amendments to Regulation **.01**, the repeal of existing Regulations **.06** and **.07**, and the recodification of existing Regulations **.08** and **.11** to be Regulations **.06** and **.09**, respectively, and amendments to and the recodification of existing Regulations **.09** and **.10** to be Regulations **.07** and **.08**, respectively, under **COMAR 09.15.02 General Regulations**. This action, which was proposed for adoption in 44:2 Md. R. 121 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 17 BOARD OF STATIONARY ENGINEERS

09.17.01 General Regulations

Authority: Business Occupations and Professions Article, §§6.5-205, 6.5-304, 6.5-305, and 6.5-306, Annotated Code of Maryland

Notice of Final Action

[17-048-F]

On March 21, 2017, the Board of Stationary Engineers adopted amendments to Regulation .02 under **COMAR 09.17.01 General Regulations**. This action, which was proposed for adoption in 44:2 Md. R. 122—123 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 20 BOARD OF PLUMBING

09.20.02 Enforcement of the Plumbing Law by the Board

Authority: Business Occupations and Professions Article, §§12-205, 12-207, and 12-308, Annotated Code of Maryland.

Notice of Final Action

[17-063-F]

On March 16, 2017, the Board of Plumbing adopted amendments to Regulations .02 and .07 and the repeal of Regulation .11 under **COMAR 09.20.02 Enforcement of the Plumbing Law by the Board**. This action, which was proposed for adoption in 44:2 Md. R. 123 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

ROBIN BAILEY
Executive Director
Mechanical Licensing Boards

Subtitle 36 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES AND HOME INSPECTORS — HOME INSPECTORS

09.36.02 Work Experience Requirements

Authority: Business Occupations and Professions Article, §§16-216 and 16A-3A-02, Annotated Code of Maryland

Notice of Final Action

[17-046-F]

On April 11, 2017, the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors adopted the repeal of Regulation .01 under **COMAR 09.36.02 Work Experience Requirements**. This action, which was proposed for adoption in 44:2 Md. R. 130 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

PATRICIA SCHOTT
Executive Director
Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 07 HOSPITALS

10.07.04 Residential Treatment Centers for Emotionally Disturbed Children and Adolescents

Authority: Health-General Article, §§19-301, 19-305, 19-308, 19-309 and 19-360, Annotated Code of Maryland

Notice of Final Action

[17-094-F]

On May 3, 2017, the Secretary of Health and Mental Hygiene adopted the repeal of the Preface and existing Regulations .04, .05, and .07, new Regulations .01, .05, .06, and .16—22, the recodification of and amendments to existing Regulations .01—03 to be Regulations .02—04, respectively, the recodification of existing Regulation .06 to be Regulation .07, and amendments to Regulations .08—10 and .12—15 under **COMAR 10.07.04 Residential Treatment Centers for Emotionally Disturbed Children and Adolescents**. This action, which was proposed for adoption in 44:5 Md. R. 297—302 (March 3, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment

Authority: Health-General Article, §15-103(b)(3), (4), and (6), Annotated Code of Maryland

Notice of Final Action

[17-097-F]

On May 3, 2017, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .01 under **COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment**. This action, which was proposed for adoption in 44:6 Md. R. 331—332 (March 17, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

**Subtitle 25 MARYLAND HEALTH
CARE COMMISSION**

**10.25.02 User Fee Assessment on Health Care
Practitioners**

Authority: Health-General Article, §19-111, Annotated Code of Maryland

Notice of Final Action

[17-064-F]

On April 20, 2017, the Maryland Health Care Commission adopted amendments to Regulation .02 under **COMAR 10.25.02 User Fee Assessment on Health Care Practitioners**. This action was considered by the Commission at an open meeting held on April 20, 2017, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302, Annotated Code of Maryland. This action, which was proposed for adoption in 44:3 Md. R. 201—202 (February 3, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

CRAIG P. TANIO, M.D.
Chair
Maryland Health Care Commission

**Subtitle 25 MARYLAND HEALTH
CARE COMMISSION**

**10.25.03 User Fee Assessment on Payers,
Hospitals and Nursing Homes**

Authority: Health-General Article, §19-111, Annotated Code of Maryland

Notice of Final Action

[17-065-F]

On April 20, 2017, the Maryland Health Care Commission adopted amendments to Regulation .02 under **COMAR 10.25.03 User Fee Assessment on Payers, Hospitals and Nursing Homes**. This action was considered by the Commission at an open meeting held on April 20, 2017, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302, Annotated Code of Maryland. This action, which was proposed for adoption in 44:3 Md. R. 202—203 (February 3, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

CRAIG P. TANIO, M.D.
Chair
Maryland Health Care Commission

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

10.58.16 Behavior Analyst Advisory Committee

Authority: Health Occupations Article, §1-606 and Title 17, Subtitle 6A, Annotated Code of Maryland

Notice of Final Action

[17-039-F]

On April 21, 2017, the Secretary of Health and Mental Hygiene adopted new Regulations .01—18 under a new chapter, **COMAR 10.58.16 Behavior Analyst Advisory Committee**. This action, which was proposed for adoption in 44:2 Md. R. 135—140 (January 20, 2017), has been adopted as proposed.

Effective Date: May 22, 2017.

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT Subtitle 03 HOMEOWNERSHIP PROGRAMS

05.03.08 Energy-Efficient Homes Construction Loan Program

Authority: Housing and Community Development Article, §4-2003(a)(5), Annotated Code of Maryland

Notice of Proposed Action [17-133-P]

The Secretary of Housing and Community Development proposes to adopt new Regulations .01—14 under a new chapter, **COMAR 05.03.08 Energy-Efficient Homes Construction Loan Program**.

Statement of Purpose

The purpose of this action is to describe the policies, procedures and eligibility requirements for loans under the Energy-Efficient Homes Construction Loan Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Energy-Efficient Homes Construction Loan Program will provide loans for the construction of energy-efficient homes. The Department will have costs associated with administering the program and will also generate revenue from repayments of principal and interest. Local governments, homeowners, and businesses may benefit from the investment of funds in energy-efficient homes, resulting in increased local economic activity, energy savings, and revenue.

II. Types of Economic Impact.

A. On issuing agency:

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
(1)	(R+)		\$3,000
(2)	(E+)		\$36,393

B. On other State agencies: NONE

C. On local governments: (R+) Indeterminable

	Benefit (+)	Cost (-)	Magnitude
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D. On regulated industries or trade groups: (+) Indeterminable

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: (+) Indeterminable

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

A(1). The Department expects to make loans in the total amount of \$300,000 in fiscal year 2017 and will realize a return of approximately 1 percent per year for an annual amount of approximately \$3,000. As more loans are made by the Department in subsequent years, the Department expects the annual return will increase each year.

A(2). The Department will expend approximately \$36,393 on administering the program in fiscal year 2017, which includes cost for salary and fringe benefits, contractual services and other operating expenses.

C. Local governments will benefit by having new homes constructed in their jurisdiction which should increase the property tax base. Local governments may also benefit from the expansion of the low-

energy homes market in their jurisdictions, which could incentivize energy-conscious homebuyers to buy in their jurisdictions. The exact amount of benefit to a local jurisdiction is indeterminable although the impact is expected to be minimal.

D. Regulated industries and trade groups associated with home building will benefit by having the access to capital to construct energy efficient homes as a borrower or a subcontractor on a funded project. The exact amount of benefit is indeterminable.

F. Members of the public that purchase an energy-efficient home may receive a direct impact since the financing of the construction was made available under the program. The direct benefit may be an affordable purchase price and a reduction in the energy bills by at least 50 percent which equate to an annual saving of approximately \$1,800. The exact benefit of purchase price and energy saving is indeterminable. The general public will receive direct and indirect benefit from improved physical and social conditions caused by the projects funded under the program. This amount is indeterminable.

Economic Impact on Small Businesses

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

Small businesses engaged in home construction are an eligible borrow and may receive a loan under the program. In addition, a small business may benefit by being a subcontractor on a project funded under the program. However, the magnitude of that impact cannot be determined.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Joe Seehusen, Director of Housing and Building Energy Programs, Department of Housing and Community Development, 7800 Harkins Road, Lanham, Maryland 20706, or call 301-429-7731, or email to joe.seehusen@maryland.gov. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 General.

These regulations prescribe the policies, procedures, and authorizations for making construction loans and providing credit enhancement for the construction of net-zero homes and low-energy homes.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Title 4, Subtitle 20, Annotated Code of Maryland.

(2) "Administration" means the Community Development Administration, an agency in the Division of Development Finance of the Department of Housing and Community Development.

(3) Closing Costs.

(a) "Closing costs" means the costs incurred in connection with obtaining a loan from the Department under the Program.

(b) "Closing costs" includes:

- (i) Credit report fees;
- (ii) Appraisal fees;
- (iii) Survey fees;
- (iv) Loan origination and application fees;
- (v) Title examination and insurance fees;
- (vi) Property taxes and ground rent;
- (vii) Hazard insurance and mortgage insurance premiums;
- (viii) Attorney's fees;

- (ix) Document preparation fees;
- (x) Recording fees; and
- (xi) Transfer and recordation taxes.

(4) "Credit enhancement" means any form of insurance, guarantee, or agreement that increases the credit strength of a loan and reduces the risk of lending to a borrower.

(5) "Department" means the Department of Housing and Community Development, a principal department of the State of Maryland.

(6) Development Costs.

(a) "Development costs" means the costs incurred in carrying out all works and undertakings which the Department deems reasonable and necessary for the acquisition and construction of a project.

(b) "Development costs" includes the costs for:

- (i) Acquisition of land and any buildings on it;
- (ii) Closing costs;
- (iii) Necessary studies, surveys, plans, and specifications;
- (iv) Architectural, engineering, or special services;
- (v) Site preparation and development;
- (vi) Labor and materials for construction;
- (vii) Fees incurred in connection with financing the project;
- (viii) Construction period interest on the loan;
- (ix) Indemnity and surety bonds;
- (x) Premiums on insurance; and
- (xi) Other costs the Department deems reasonable and necessary.

(7) "Director" means the Director of the Administration.

(8) "Home" means a single family residence or a multifamily building used by the occupants as their residence.

(9) "Low-energy home" means a home that achieves a Home Energy Rating System (HERS) Index rating of 50 or lower.

(10) "Net-zero home" means a home that is designed to produce an amount of energy in 1 year that is equal to the amount of energy that the home uses in 1 year.

(11) "Program" means the Energy-Efficient Homes Construction Loan Program.

(12) "Program Manager" means the Manager of the Program as assigned by the Department.

(13) "Project" means any undertaking or project, or portion thereof, including land, buildings, and improvements, that constitutes a low-energy home or net-zero home upon completion.

(14) "Secretary" means the Secretary of Housing and Community Development.

.03 Eligible Borrowers.

To qualify as an eligible borrower under the program, an applicant shall:

- A. If a nonprofit organization, corporation, or partnership, be in good standing and qualified to do business in Maryland;
- B. Have the legal capacity and all necessary authorization to incur the obligations of the loan;
- C. Own the project or have a valid sales contract to purchase the project;
- D. Demonstrate credit worthiness and repayment ability acceptable to the Department; and
- E. Demonstrate the ability to complete the project.

.04 Eligible Projects.

Eligible projects shall be:

- A. A low-energy or net-zero home upon completion;
- B. Properly zoned for residential use;
- C. Rehabilitated or constructed in accordance with the applicable federal, State, and local building, zoning, environmental, health, and

housing codes and standards, which includes the latest version of the building codes adopted by the Department; and

D. Sold or rented to an individual that will use the property as their residence.

.05 Loan Terms and Requirements.

A. Proceeds of the loan may be used for the:

- (1) Acquisition of a project;
- (2) Construction and development costs of a project; and
- (3) Closing and settlement costs associated with the financing and acquisition of the project.

B. The Department shall establish interest rates for each loan based on the underwriting of each project.

C. The maximum interest rate on a loan shall be a rate which does not impair the financial viability of the project or the capability of the borrower to construct a low-energy home or net-zero home.

D. The Department may establish lower interest rates for projects that achieve greater energy savings.

E. The maximum loan, when added to any superior debts, may not exceed the greater of the:

- (1) Amount of permanent financing approved for the project; or
- (2) 100 percent of the market value of the eligible building and property after construction as determined by the Department.

F. Repayment. Terms for repayment of principal and interest shall be established based on the underwriting for each project and in a manner which does not impair the financial viability of the project or the capability of the borrower to construct a project.

G. A program loan shall be evidenced by a promissory note and secured by a mortgage or deed of trust to be recorded in the land records of the county in which the project is located.

H. Loan funds shall be disbursed in accordance with a draw schedule approved by the Department, which may include releasing funds upon successful inspections.

I. The borrower shall agree not to sell, cease to own, assign, transfer, or dispose of all or any part of the project or the borrower's interest in it, during the loan term, without the prior written consent of the Department.

J. Insurance.

(1) The borrower shall maintain property, fire, and extended coverage insurance on the buildings comprising a project both during and after construction, which shall name the Department as a loss payee, additional insured, and mortgagee, as applicable.

(2) If the project is located on real property which is in the 100-year flood plain, as designated by the United States Department of Housing and Urban Development, the project shall be covered by a flood plain insurance policy.

(3) For all secured loans the borrower shall provide a standard American Land Title Association (ALTA) Loan policy or other form of title policy approved by the Department.

K. Taxes and assessments against the property which are due and payable shall be paid at or before closing.

.06 Liability and Other Insurance.

A. The Department may require the borrower to obtain any of the following types of insurance, issued by a company that is approved by the State Insurance Commissioner, depending on the size of the project and risks to the Department:

- (1) Owner's liability;
- (2) Owner's property or hazard or contractor's builder's risk;
- (3) Contractor's liability;
- (4) Architect's errors and omissions; and
- (5) Engineer's errors and omissions.

B. In addition to the requirements of §A of this regulation, owner's liability insurance shall:

- (1) Name the Department as an additional insured; and
- (2) Remain in force for the duration of the loan.

.07 Additional Requirements.

A. In addition to a promissory note and deed of trust, the Department may require the borrower to execute or provide any of the following documents:

- (1) A loan agreement;
- (2) An agreement and declaration of covenants and restrictions;
- (3) A disbursement agreement;
- (4) A guaranty of completion or loan payments;
- (5) A completion assurance agreement;
- (6) An assignment of the construction contract;
- (7) An opinion of borrower's counsel;
- (8) An opinion of contractor's counsel;
- (9) A contractor's letter and certification;
- (10) An assurance of compliance with civil rights requirements;
- (11) A fair practices certification; and
- (12) Such other documents as the Department may find it desirable or necessary to require.

B. The Department, at its sole discretion, may require additional security or collateral from the borrower to assure completion of the construction of the project or repayment of the loan.

C. The collateral may be in the form of one or more of the following:

- (1) A cash escrow;
- (2) A letter of credit in an amount and form and from a financial institution acceptable to the Department;
- (3) Depository accounts pledged to the Department;
- (4) Performance and payment bonds from a surety acceptable to the Department;
- (5) A completion assurance agreement executed by the borrower and backed by some form of monetary collateral;
- (6) A guaranty of completion or loan payments, or both, executed by a third party who is financially able and willing to back the guarantee by some collateral acceptable to the Department;
- (7) A pledge of the developer's fee; or
- (8) Other collateral acceptable to the Department.

.08 Loan Application and Processing Procedures.

A. The Department may accept applications on a first-come, first-served basis or through competitive rounds to be announced by the program periodically.

B. A loan application shall be made upon standard forms prescribed by the Department.

C. Each application shall be fully completed and properly executed and be accompanied by the following items:

- (1) A copy of the articles of incorporation, bylaws, and most recent financial statements of an applicant for a nonprofit organization, corporation, or partnership;
- (2) A copy of:
 - (a) The deed to the property;
 - (b) A contract or option agreement to purchase the property; or
 - (c) An agreement of understanding or letter of intent to purchase the property;
- (3) A preliminary description, plans, and specifications of the low-energy or net-zero home to be constructed;
- (4) A description of the applicant's experience and current activity which demonstrates the applicant's capacity to construct a project; and
- (5) Identification of how the land is presently zoned.

D. Feasibility Notification. Upon receipt of all documentation necessary to determine the feasibility of a project and the primary loan structure and terms, the Department shall issue a written notification letter to the applicant.

E. The feasibility notification letter shall outline anticipated loan terms and shall specify any additional documentation which shall be provided or other conditions which shall be met in order for the Department to recommend a loan for commitment, including:

- (1) Plans and specifications or a detailed scope of work for the construction of the project and proposed energy usage by the home;
- (2) A copy of the contract for the work;
- (3) Evidence of zoning compliance;
- (4) A copy of a commitment or letter of intent to provide permanent financing which, at a minimum, shall state the amount, rate, and terms of the permanent financing; and
- (5) A schedule of the proposed sales price or rent of the home.

F. Approval.

(1) Upon satisfaction of all the requirements and conditions of the feasibility notification letter, the Department shall undertake an analysis of each application as to the final recommended loan amount, structure, and terms.

(2) Loans shall be submitted to the Housing Finance Review Committee in accordance with COMAR 05.01.07, as applicable, and to the Secretary for approval.

G. Commitment Letter. Upon the approval a loan, the Director or Program Manager is authorized to issue a commitment letter setting forth the amount of the loan, the interest rate on the loan, and the other terms and conditions under which it will be made.

H. Rejection of Applications. The Department shall issue a written notice of the determination of ineligibility if it determines that a project or applicant is not eligible for a loan.

I. Reconsideration. Applicants may request reconsideration of a rejection in accordance with the procedures contained in the program guidelines.

.09 Credit Enhancement.

A. The Department may provide credit enhancement on a loan made by a lender for a project that meets the requirements of Regulation .04 of this chapter.

B. A project financed by a loan that is credit-enhanced by the Department shall:

- (1) Be a net-zero home or a low-energy home upon completion;
- (2) Have clear and merchantable title acceptable to the Department;
- (3) Conform to all applicable federal, State, and local building, zoning, environmental, health, and housing codes;
- (4) Be insured with hazard insurance issued by a company that is approved by the State Insurance Commissioner and, when applicable, flood insurance;
- (5) Have an appraised value that is satisfactory to the Department;
- (6) Be secured by a lien against the mortgaged property; and
- (7) Meet any other standards of the Department.

C. A borrower shall establish to the satisfaction of the Department the capacity to meet the financial obligations of the loan and complete the project.

D. Application.

(1) A lender shall submit an application, in the form prescribed by the Department, which shall contain a complete credit package and any other documentation required by the Department.

(2) Applications will be reviewed on a loan-by-loan basis by the Department.

(3) The Department will consider the following factors when deciding whether it will approve an application for credit enhancement:

- (a) Amount of loss coverage being requested;
- (b) The terms of the loan;
- (c) Financial capability and credit rating of the borrower;
- (d) Condition and value of property securing loan;

(e) Capability of borrower to successfully construct and sell a project; and

(f) Any other factors related to the Department's risk in providing credit enhancement.

E. Scope of Credit Enhancement.

(1) The Department may offer the following types of credit enhancement:

- (a) Mortgage insurance;
- (b) Guarantee;
- (c) Risk sharing agreement; or
- (d) Any other form of credit enhancement.

(2) Credit enhancement is limited to economic loss due to a monetary default and does not include loss due to casualty or title risk.

(3) Expenses incurred for property repair resulting from casualty loss, including losses due to negligence, flood, fire, termites, vandalism, and defective construction, are not eligible for credit enhancement coverage.

(4) Expenses incurred by the lender in the preservation and normal maintenance of a defaulted project may be covered in accordance with the terms and conditions of the credit enhancement agreement with the Department.

F. Premiums for credit enhancement shall be determined by the Department from time to time for various programs and types of coverage.

G. Premiums may be set at different levels for different categories of loans and loan programs depending on the risk factors, which may include the:

- (1) Amount of loss coverage being requested;
- (2) Terms of the loan;
- (3) Financial capability and credit rating of the borrower;
- (4) Condition and value of property securing the loan;
- (5) Capability of borrower to successfully construct and sell a project; and

(6) Any other factors related to the Department's risk in providing credit enhancement.

H. The lender shall follow the procedures contained in the credit enhancement agreement with the Department upon default of a loan.

I. The right of the Department to pursue a borrower for deficiency or loss exists in every case to the extent allowed by law and may be enforced at the discretion of the Department.

J. The Department may refuse payment of a claim on the basis of fraud, misrepresentation, or material error or omission with respect to any claim.

.10 Participation with Private Lenders.

A. The Department may participate with a lender to collectively lend money for the construction of net-zero and low-energy homes by:

- (1) Making loans on a project, including subordinate loans;
- (2) Pooling loan funds;
- (3) Entering into loan participation agreements; and
- (4) Purchasing a loan or an interest in a loan.

B. A lender shall submit an application, in the form prescribed by the Department, which shall contain a complete project description, credit package, and any other documentation required by the Department.

C. The Department's review and approval of an application shall follow the procedures in Regulation .08 of this chapter.

D. The Department shall enter into an agreement with a lender with whom it has agreed to collectively lend money to a borrower on a project.

E. Each agreement to collectively lend on a project shall specify:

- (1) Timing of loan repayments;
- (2) Rate of return for the lender and the Department;

(3) Risk of loss attributed to the lender and Department in the event of default; and

(4) Any other terms the lender and Department require.

.11 Post-Construction Verification.

A. Each project shall pass an inspection and verification test that the home was constructed to the standards to achieve the level of energy usage approved by the Department.

B. The Department may require a third party to inspect and verify that the home was constructed to achieve the required energy rating.

.12 Minority Business Enterprises.

A. It is the goal of the Department to increase program participation by minority business enterprises certified under State Finance and Procurement Article, Title 14, Subtitle 3, Annotated Code of Maryland.

B. To increase participation by minority business enterprises, the Department shall:

(1) Directly market the program to minority business enterprises; and

(2) Require an applicant to submit a minority business plan.

.13 Nondiscrimination; Drug and Alcohol Free Workplace.

A. An applicant, borrower, or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any project or undertaking financed or assisted under the program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the program.

B. An applicant, borrower or contractor shall comply with all applicable federal, State, and local laws and Departmental policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

(1) Title VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Act of 1968, as amended;

(3) The Fair Housing Amendments Act of 1988, as amended;

(4) The Department's Minority Business Enterprise Program, as amended;

(5) Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order;

(6) State Government Article, Title 20, Annotated Code of Maryland, as amended; and

(7) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.

.14 Program Administration.

A. Program Handbook. The Department may establish from time to time program guidelines or manuals containing internal underwriting standards and loan processing requirements.

B. Fees. The Department may charge an applicant, borrower, or lender customary loan application and loan fees.

C. The Department shall ensure that program guidelines, fee information, and application forms are publicly available on its website and at its offices.

D. Delegation. The Secretary may delegate to the Director of the Administration or to any other official or employee of the Department

or Administration the authority to execute or approve any program loans, documents, or contract documents.

E. Waiver. The Secretary may waive or vary particular provisions of these regulations in writing to the extent that the waiver is not inconsistent with the Act if:

(1) Conformance to the requirements of any federal, State, or local programs in connection with providing financing to the project necessitates waiver or variance of a regulation; or

(2) In the determination of the Secretary, the application of a regulation in a specific case or in any emergency situation would be inequitable or contrary to the purposes of the Act.

KENNETH C. HOLT
Secretary of Housing and Community Development

Subtitle 20 REVITALIZATION PROGRAMS

05.20.01 Strategic Demolition and Smart Growth Impact Program

Authority: Housing and Community Development Article, §§2-111(a) and 4-508, Annotated Code of Maryland

Notice of Proposed Action

[17-128-P]

The Secretary of Housing and Community Development proposes to adopt new Regulations .01—.10 under a new chapter, **COMAR 05.20.01 Strategic Demolition and Smart Growth Impact Program**, under a new subtitle, **Subtitle 20 Revitalization Programs**.

Statement of Purpose

The purpose of this action is to describe policies and procedures for program administration under the Strategic Demolition and Smart Growth Impact Fund.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Strategic Demolition and Smart Growth Impact Fund (SDF) will provide grants and loans to support predevelopment activities. PAYGO general fund expenditures in Fiscal year 2017 are \$21,500,000. PAYGO general fund expenditures increase by \$25,625,000 in fiscal year 2018 and \$28,500,000 in fiscal year 2019 due to mandated appropriation for the SDF. General fund expenditures are projected to increase to \$50,700 in fiscal year 2018. Local governments, nonprofit organizations and small businesses may benefit from the investment of SDF funds in local projects, resulting in increased local economic activity and revenue.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$50,700
B. On other State agencies:	NONE	
C. On local governments:	(R+)	Indeterminable

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:		
Nonprofit organizations	(+)	Indeterminable
F. Direct and indirect effects on public:	(+)	Indeterminable

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

A. PAYGO general fund expenditures increase by \$25,625,000 in fiscal year 2018 and \$28,500,000 in fiscal year 2019 due to mandated appropriation for the Strategic Demolition and Smart Growth Impact Fund. General fund administrative expenditures increase by \$44,900 in fiscal year 2017 to handle the substantial increase in funding starting in fiscal year 2018.

C. Local governments will benefit from increased public and private investment in their jurisdictions as well as a reduction in the public costs associated with disinvestment in distressed communities.

E. Nonprofit entities that qualify as a community development organization are eligible recipients of program funding. These entities should benefit because they will have access to funding and will not need to raise all their funds through private donations. The amount of economic benefit is indeterminable but at a minimum should be equivalent to the amount of program funding made available. In fiscal year 2017, this amount is \$21,500,000. In fiscal year 2018 the mandated expenditure will be \$25,625,000.

F. The general public will receive direct and indirect benefit from improved physical and social conditions enabled by the projects funded under the program.

Economic Impact on Small Businesses

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

Small businesses may benefit from predevelopment, site development, and revitalization activities under the program. Small businesses are not eligible as direct recipients of program funding. However, to the extent that small businesses are located in or near projects that are funded, the businesses will benefit from increased public and private investment in the area. In addition, subcontracting opportunities may be available to small business on projects that are funded under the program. However the magnitude of that impact cannot be determined.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to John Papagni, Program Officer, Division of Neighborhood Revitalization, Department of Housing and Community Development, 2 North Charles Street, Suite 450, Baltimore, MD 21201, or call 410-209-5807, or email to john.papagni@maryland.gov, or fax to 410-685-8270. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to prescribe the policies and procedures for providing financial assistance for neighborhood revitalization projects, and for administering the Strategic Demolition and Smart Growth Impact Program.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, §4-508, Annotated Code of Maryland.

(2) "Application" means an application to the Department as described in Regulation .04 of this chapter.

(3) "Community development organization (CDO)" means a nonprofit organization that operates for the purpose of improving the physical, economic, or social environment of its geographic areas of operation.

(4) "Department" means the Department of Housing and Community Development, a principal department of the State.

(5) "Financial assistance" means a grant or a loan.

(6) "Fund" means the Strategic Demolition and Smart Growth Impact Fund established under Housing and Community Development Article, §4-508, Annotated Code of Maryland.

(7) "Nonprofit organization" means a corporation, foundation, or other legal entity that specifies in its charter or bylaws that no part of the net earnings may inure to the benefit of a private shareholder or individual holding any interest in the entity.

(8) "Program" means the Strategic Demolition and Smart Growth Impact Program.

(9) "Project" means a neighborhood revitalization project consisting of predevelopment activities, including demolition, land assembly, architecture and engineering studies, and site development in a sustainable community.

(10) "Secretary" means the Secretary of Housing and Community Development.

(11) "Sustainable community" means the area that has been designated a sustainable community in accordance with Housing and Community Development Article, §6-202, Annotated Code of Maryland.

.03 Eligible Applicants and Uses.

A. To be eligible to receive financial assistance under the Program, an applicant shall meet the following minimum requirements:

(1) Be a government agency or a CDO;

(2) Not have defaulted on any prior financial assistance from the Department;

(3) Not be currently barred or suspended from any of the Department's programs;

(4) Have the legal capacity and all necessary legal authority to incur the obligations involved in the form of financial assistance provided under the Program; and

(5) If the applicant is a CDO, be in good standing and qualified to do business in Maryland.

B. Financial assistance may be used for the following predevelopment costs and expenses on a project:

(1) Demolition;

(2) Land assembly;

(3) Architecture and engineering; and

(4) Site development.

C. A recipient of financial assistance may grant or lend all or a portion of the financial assistance it receives from the Program to a designated third party to carry out the project in accordance with the terms and conditions of an agreement with the Department.

.04 Applications.

A. Applications for financial assistance shall be accepted in one or more competitive rounds to be announced by the Department annually.

B. An application submitted to the Department shall:

(1) Be on standard forms prescribed by the Department;

(2) Be submitted by an applicant that meets the requirements of Regulation .03A of this chapter;

(3) Be for a project that is located within a sustainable community;

(4) State the amount and type of financial assistance requested;

(5) Provide a comprehensive description of the applicant and project including:

(a) The public purpose of the project and the revitalization needs of the community that will be served;

(b) The compatibility of the project with local development plans or redevelopment plans;

(c) A projected timeline for implementation of the project;

(d) The ability of the applicant to carry out the proposed project in accordance with the projected timeline;

(e) Other public and private resources available for implementing the project; and

(f) The social and economic opportunities created by the project;

(6) Provide a budget, in a form acceptable to the Department, that at a minimum shows anticipated project costs and expenses, anticipated sources of project revenue, and identification of the revenues that can be used to repay the financial assistance provided by the Program if provided as a loan;

(7) Propose benchmarks for evaluating whether the proposed project results in a desired outcome such as community stabilization or reversing the social, economic, and physical decline of the sustainable community in which the project is located;

(8) Describe any public input the applicant has received on the proposed project, including the nature and extent of the public support for or in opposition to the proposed project;

(9) Demonstrate that, upon completion, the project will be in compliance with all applicable zoning requirements and standards as well as the applicable building code of the local jurisdiction in which the project is located;

(10) Demonstrate the ability to gain site control of the project through ownership, leasehold interest, contract, option, or other written agreement satisfactory to the Department;

(11) Provide evidence that the applicant has matching funds available for the project in the amounts required by Housing and Community Development Article, §4-508(g)(2), Annotated Code of Maryland, or in the competitive application round announcement;

(12) Describe whether historic properties or districts will be impacted and how the applicant will comply with the requirements of State Finance and Procurement Article, §§5A-325—5A-326, Annotated Code of Maryland, and Financial Institutions Article, §13-1112(b), Annotated Code of Maryland; and

(13) Include other information or documentation the Department may require.

C. An application for financial assistance may be submitted to fund one or more projects.

D. A recipient of financial assistance may file one or more applications in accordance with schedules established by the Department.

.05 Application Processing.

A. Each application shall be submitted to the Department to determine whether all of the information required under Regulation .04 of this chapter is contained in the application.

B. All complete project applications will be competitively evaluated by the Department on a point basis, which shall include the following criteria:

(1) Capacity of the applicant to carry out the project;

(2) Community context;

(3) Public purpose;

(4) Leveraging and cost-effectiveness;

(5) Geographic distribution;

(6) Unique or time-sensitive projects;

(7) Revitalization needs of the community;

(8) Economic development and revitalization opportunities created by the project; and

(9) Other factors established by the Department in the competitive round announcement.

C. The Department, in its discretion, may:

(1) Accept public input on each application;

(2) Request from the applicant additional information concerning an application, including oral presentations; and

(3) Consider recommendations from other State units on each application.

D. Upon the Department's completion of the review and scoring of the applications, the Department shall make a recommendation to the Secretary on the applications.

E. Upon receipt of the Department's recommendation, the Secretary:

(1) May request additional information from the applicant or Department concerning the application, including oral presentations;

(2) May give priority to applications that provide for the likely repayment of the financial assistance; and

(3) Shall act on the application by approving it, disapproving it, or approving it with modifications.

F. If the Secretary determines not to approve all or part of an application, the Department shall issue a written notice of denial.

G. Reconsideration.

(1) An applicant may request initial reconsideration of a denial by submitting a written request to the Department, which must be received by the Department within 30 days following the date of the denial notice.

(2) The request for reconsideration shall address each reason for the denial and provide documentation supporting reasons for reconsideration of the application.

(3) The Department shall respond in writing to the applicant's request for reconsideration within 90 days of receipt by the Department of the request for reconsideration.

(4) An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.

.06 Program Administration.

A. The Department may establish from time to time detailed program guidelines containing application schedules, procedures, underwriting standards, processing requirements, and other requirements or matters relating to the Program.

B. The Department may establish fees related to the processing of applications, underwriting, and servicing of financial assistance.

C. The Department shall ensure that program guidelines, fee information, and application forms are publicly available on its website and at its offices.

D. After financial assistance has been awarded to a recipient of financial assistance, the Department may:

(1) Determine specific terms and conditions, including length of term and rate of interest, for the financial assistance, which may be awarded as grants, recoverable grants, unsecured loans, or loans secured by a mortgage or other lien or security interest, including a security interest that may be superior or subordinate to other mortgages, liens, or other security interests on the collateral;

(2) Require and obtain appraisals, credit information, and other information related to making loans and enforcing the terms and conditions;

(3) Enforce the terms of grants, loans, or other financial assistance according to their terms and conditions;

(4) Commence and pursue any action to protect or enforce any right conferred by law, contract, or other agreement;

(5) Modify any provision of any grant, loan, or other financial assistance in order to facilitate the successful completion or operation of a project; and

(6) Exercise all powers authorized under the Act that are necessary or desirable for the implementation of the Program.

.07 Books and Accounts.

A. A recipient of financial assistance and the recipient's contractors and subcontractors shall maintain the books, accounts, and records and shall file with the Department the financial and other reports the Department may from time to time require.

B. All of these books, accounts, and records shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.

C. Books, accounts, and records of designated third parties, contractors, and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between a contractor or subcontractor and a recipient of financial assistance.

D. A recipient of financial assistance shall submit reports to the Department on the progress or implementation of a project in accordance with an agreement with the Department.

.08 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A recipient of financial assistance may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, or in any aspect of employment by any recipient of financial assistance in connection with any project financed or assisted under the Program.

B. A recipient of financial assistance shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug and alcohol free workplaces, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Acts of 1968, as amended;

(3) The Fair Housing Amendments Act of 1988, as amended;

(4) State Government Article, Title 20, Annotated Code of Maryland, as amended;

(5) The Department's Minority Business Enterprise Program, as amended;

(6) The Governor's Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order; and

(7) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and the recipient of financial assistance.

.09 Waiver.

The Secretary may waive or vary provisions of this chapter to the extent that the waiver or variance is consistent with the Act and if, in the written determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.10 False Statements.

A. An individual may not knowingly make or cause to be made a false statement or report in any document required to be furnished to

the Secretary or the Department by an agreement relating to financial assistance.

B. An individual who violates §A of this regulation is subject to immediate cancellation or acceleration of the financial assistance provided by the Program and any other penalties authorized by law.

KENNETH C. HOLT
Secretary of Housing and Community Development

Subtitle 20 REVITALIZATION PROGRAMS

05.20.02 Baltimore Regional Neighborhood Initiative

Authority: Housing and Community Development Article, §§2-111, 5-508, and 6-505(b) Annotated Code of Maryland

Notice of Proposed Action

[17-130-P]

The Secretary of Housing and Community Development proposes to adopt new Regulations .01—10 under a new chapter, **COMAR 05.20.02 Baltimore Reginal Neighborhood Initiative**, under a new subtitle, **Subtitle 20 Revitalization Programs**.

Statement of Purpose

The purpose of this action is to establish the policies, procedures, and eligibility requirements for grants and loans under the Baltimore Regional Neighborhood Initiative.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Baltimore Regional Neighborhood Initiative (BRNI) will provide financial assistance to community development organizations to support local community development activities. The fiscal year 2017 general fund expenditure for BRNI is \$3.61 million. PAYGO general fund expenditures increase by \$12.0 million annually from fiscal year 2018 through 2022 due to mandated appropriation for BRNI, a roughly 400 percent increase from fiscal year 2017 levels. Due to increased program activity, BRNI will require one additional staff person at DHCD to administer. Community Development Organizations, the communities that they serve, and local governments may benefit from the investment of BRNI funds in local projects, resulting in increased local economic activity and revenue. Although small businesses are not the direct recipients of Program financing, they may benefit from subcontracting opportunities on projects funded under the Program.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$67,100
C. On local governments:	(R+)	Indeterminable
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	

E. On other industries or trade groups: (+) Indeterminable

F. Direct and indirect effects on public: (+) Indeterminable

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

A. PAYGO general fund expenditures increase by \$12.0 million annually from fiscal year 2018 through 2022 due to mandated appropriation for BRNI. General fund expenditures increase by an estimated \$317,100 in fiscal year 2018, which reflects the mandated appropriation of \$250,000 for the Baltimore Metropolitan Council, and ongoing administrative costs.

C. Local governments will benefit from increased public and private investment in their jurisdictions as well as a reduction in the public costs associated with disinvestment in distressed communities.

E. Nonprofit entities that qualify as a community development organization are eligible recipients of program funding. These entities should benefit because they will have access to funding and will not need to raise all their funds through private donations. The amount of economic benefit is indeterminable but at a minimum should be equivalent to the amount of program funding made available. In fiscal year 2017, this amount is \$3,610,000.

F. The general public will receive direct and indirect benefit from improved physical and social conditions enabled by the projects funded under the program.

Economic Impact on Small Businesses

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

Small businesses are not eligible as direct recipients of program funding. To the extent that small businesses are located in or near projects that are funded, the businesses will benefit from increased public and private investment in the area. In addition, subcontracting opportunities may be available to small business on projects that are funded under the program. However, the magnitude of this benefit cannot be determined.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to John Papagni, Program Officer, Division of Neighborhood Revitalization, Department of Housing and Community Development, 2 North Charles Street, Suite 450, Baltimore, MD 21201, or call 410-209-5807, or email to john.papagni@maryland.gov, or fax to 410-685-8270. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to prescribe the policies and procedures for providing financial assistance for administering the Baltimore Regional Neighborhood Initiative Program.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Title 6, Subtitle 5, Annotated Code of Maryland.

(2) "Application" means an application to the Department as described in Regulation .04 of this chapter.

(3) "Community development organization (CDO)" means a nonprofit corporation, foundation, or any other nonprofit legal entity

whose purpose is to implement a clear revitalization strategy in a neighborhood or set of neighborhoods within Baltimore City or the inner-beltway communities of Baltimore County or Anne Arundel County.

(4) "Community enhancement project" or "project" means a project submitted by an applicant to the Secretary for approval in accordance with the Act and this chapter for one or more of the following purposes:

(a) Down payment assistance for homebuyers to purchase and rehabilitate homes;

(b) Programs to acquire or rehabilitate vacant or blighted properties;

(c) Programs to improve existing residential and business properties;

(d) Programs to achieve energy efficiency through weatherization and energy retrofits;

(e) Development of mixed-use projects that combine housing, retail, and office space;

(f) Development or enhancement of community open space or public infrastructure;

(g) Workforce and employment development programs;

(h) Strategic demolition; and

(i) Development or implementation of any other community enhancement project that the Department considers necessary to further the purposes of the Act.

(5) "Department" means the Department of Housing and Community Development, a principal department of the State.

(6) "Financial assistance" includes a grant, loan, assurance, guarantee, other credit enhancement, reduction in the principal obligation of or in the rate of interest payable on a loan or portion of a loan, or prepayment of interest on a subordinate or superior loan or portion of a loan.

(7) "Fund" means the Baltimore Regional Neighborhood Initiative Fund established under Housing and Community Development Article, §6-510, Annotated Code of Maryland.

(8) "Local government" means any of the 23 counties of the State, the City of Baltimore, a municipal corporation of the State subject to the provisions of the State Constitution, Article XI-E, or any of their duly authorized agencies or instrumentalities.

(9) "Mixed use" means a use that combines commercial, business, institutional, open space, and residential uses, or some combination of those uses, in the same building or on the same site.

(10) "Nonprofit organization" means a corporation, foundation, or other legal entity that specifies in its charter or bylaws that no part of the net earnings may inure to the benefit of a private shareholder or individual holding any interest in the entity.

(11) "Program" means the Baltimore Regional Neighborhood Initiative established under the provisions of the Act.

(12) "Program agreement" means an agreement or agreements between the Department and a recipient of financial assistance to implement one or more community enhancement projects in a designated Sustainable Community.

(13) "Secretary" means the Secretary of Housing and Community Development.

(14) "Sustainable community" means the part of a priority funding area that has been designated a sustainable community under Housing and Community Development Article, §6-205, Annotated Code of Maryland.

(15) "Sustainable community plan" means a plan consisting of one or more community enhancement projects or other revitalization projects that are located in a sustainable community.

.03 Eligible Applicants and Uses.

A. A recipient of financial assistance shall meet the following minimum requirements:

- (1) Be a CDO;
- (2) Not have defaulted on any prior financial assistance from the Department;
- (3) Not be currently barred or suspended from any of the Department's programs;
- (4) Have the legal capacity and all necessary legal authority to incur the obligations involved in the form of financial assistance provided under the Program; and
- (5) Be in good standing and qualified to do business in Maryland.

B. Financial assistance may be used for any costs and expenses related to the development or implementation of a community enhancement project as approved by the Secretary.

C. Total noncapital expenditures from the Fund to applicants may not exceed 40 percent of a Program agreement.

D. A recipient of financial assistance may grant or lend all or a portion of the financial assistance it receives from the Program to a designated third party to carry out the project in accordance with the terms and conditions of an agreement with the Department.

.04 Applications.

A. Applications for financial assistance shall be accepted in one or more competitive rounds to be announced by the Department annually.

B. An application submitted to the Department shall:

- (1) Be on standard forms prescribed by the Department;
- (2) Be submitted by a CDO;
- (3) Be for a project that:
 - (a) Is located within Baltimore City or the inner-beltway communities of Baltimore County or Anne Arundel County; and
 - (b) Is part of and serves to implement a community enhancement project;
 - (4) State the amount and type of financial assistance requested;
 - (5) Provide a comprehensive description of the applicant and project including:
 - (a) The neighborhood revitalization plan that includes community enhancement projects located in sustainable communities;
 - (b) A description of the community conditions and how the project or applicant will address those conditions;
 - (c) The ability of the project to address identified challenges within the community;
 - (d) A projected timeline for implementation of the project;
 - (e) The ability of the applicant to carry out the proposed project in accordance with the projected timeline;
 - (f) Other public and private resources available for implementing the project; and
 - (g) The social and economic opportunities created by the project;
 - (6) Provide a budget, in a form acceptable to the Department, that at a minimum shows anticipated project costs and expenses, anticipated sources of project revenue, and identification of the revenues that can be used to repay the financial assistance provided by the Program if provided as a loan;
 - (7) Propose benchmarks for evaluating whether the proposed project results in a desired outcome such as community stabilization or reversing the social, economic, and physical decline of the sustainable community in which the project is located;
 - (8) Describe any public input the applicant has received on the proposed project, including the nature and extent of the public support for or in opposition to the proposed project;

(9) If the project involves the applicant undertaking demolition, development, or rehabilitation, demonstrate:

- (a) That, upon completion, the project will be in compliance with all applicable zoning requirements and standards as well as the applicable building code of the local jurisdiction in which the project is located; and
- (b) The ability to gain site control of the project through ownership, leasehold interest, contract, option, or other written agreement satisfactory to the Department;
- (10) Demonstrate that the project can be completed within the time period of the Program agreement, as determined by the Department;

- (11) Contain the organizational documents of the applicant;
- (12) Describe whether historic properties or districts will be impacted and how the applicant will comply with the requirements of State Finance and Procurement Article, §§5A-325—5A-326, Annotated Code of Maryland, and Financial Institutions Article, §13-1112(b), Annotated Code of Maryland;
- (13) Contain written approval for the proposed project in the form of a local government resolution or letter of support; and
- (14) Include other information or documentation the Department may require.

C. An application for financial assistance may be submitted to fund one or more projects.

D. A CDO may submit an application with another CDO or with a community development financial institution that has the capacity and experience to assist in the financing of real estate projects within the community.

E. A recipient of financial assistance may file one or more applications in accordance with schedules established by the Department.

.05 Application Processing.

A. Each application shall be submitted to the Department to determine whether all of the information required under Regulation .04 of this chapter is contained in the application.

B. Upon receipt of all required information, the Department shall:

- (1) Accept public input on each application;
- (2) Consider recommendations from other State units on each application;
- (3) Provide written notice and a reasonable opportunity to comment to the political subdivision where the proposed community enhancement project is located as follows:
 - (a) If the application affects a neighborhood entirely within a municipal corporation, the Department must provide notice and a reasonable opportunity to comment to the municipal corporation and not the surrounding county; or
 - (b) If an application affects a neighborhood within more than one political subdivision, the Department must provide notice and a reasonable opportunity to comment to each political subdivision; and
 - (4) Undertake an analysis of each application.

C. All complete applications which meet the requirements of Regulations .03 and .04 of this chapter shall be evaluated on a point basis.

D. The Department shall award up to a maximum of 200 total points across the following categories:

- (1) The neighborhood revitalization plan and how the plan relates to the goals outlined in the community's larger sustainable communities plan;
- (2) The description of the community conditions and the appropriateness of outlined strategies to address those conditions;
- (3) The ability of each proposed community enhancement project to address identified challenges within the community; and

(4) *The capacity and experience of the applicant and the applicant's partners to complete the proposals and leverage additional financing.*

E. *Upon the Department's completion of the review and scoring of the applications, the Department shall make a recommendation to the Secretary on the applications.*

F. *Upon receipt of the Department's recommendation, the Secretary:*

(a) *May request additional information from the applicant or Department concerning the application, including oral presentations; and*

(b) *Shall act on the application by approving it, disapproving it, or approving it with modifications.*

G. *If the Secretary determines not to approve an application, the Department shall issue a written notice of denial.*

H. *Reconsideration.*

(1) *An applicant may request initial reconsideration of a denial by submitting a written request to the Department, which must be received by the Department within 30 days following the date of the denial notice.*

(2) *The request for reconsideration shall address each reason for the denial and provide documentation supporting reasons for reconsideration of the application.*

(3) *The Department shall respond in writing to the applicant's request for reconsideration within 90 days of receipt by the Department of the request for reconsideration.*

(4) *An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.*

.06 Program Administration.

A. *The Department may establish from time to time detailed program guidelines containing application schedules, procedures, underwriting standards, processing requirements, and other requirements or matters relating to the Program.*

B. *The Department may establish fees related to the processing of applications, underwriting, and servicing of financial assistance.*

C. *The Department shall ensure that program guidelines, fee information, and application forms are publicly available on its website and at its offices.*

D. *After financial assistance has been awarded to a recipient of financial assistance, the Department may:*

(1) *Determine specific terms and conditions, including length of term and rate of interest, for the financial assistance, which may be awarded as grants, recoverable grants, unsecured loans, or loans secured by a mortgage or other lien or security interest, including a security interest that may be superior or subordinate to other mortgages, liens, or other security interests on the collateral;*

(2) *Require and obtain appraisals, credit information, and other information related to making loans and enforcing the terms and conditions;*

(3) *Enforce the terms of grants, loans, or other financial assistance according to their terms and conditions;*

(4) *Commence and pursue any action to protect or enforce any right conferred by law, contract, or other agreement;*

(5) *Modify any provision of any grant, loan, or other financial assistance in order to facilitate the successful completion or operation of a project; and*

(6) *Exercise all powers authorized under the Act that are necessary or desirable for the implementation of the Program.*

.07 Books and Accounts.

A. *A recipient of financial assistance and the recipient's contractors and subcontractors shall maintain the books, accounts, and records and shall file with the Department the financial and other reports the Department may from time to time require.*

B. *All of these books, accounts, and records shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.*

C. *Books, accounts, and records of designated third parties, contractors, and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between a contractor or subcontractor and a recipient of financial assistance.*

D. *A recipient of financial assistance shall submit reports to the Department on the progress or implementation of a project in accordance with an agreement with the Department.*

.08 Nondiscrimination; Drug and Alcohol Free Workplace.

A. *An Applicant may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, or in any aspect of employment by any applicant in connection with any project financed or assisted under the Program.*

B. *An Applicant shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug and alcohol free workplaces, including:*

(1) *Titles VI and VII of the Civil Rights Act of 1964, as amended;*

(2) *Title VIII of the Civil Rights Acts of 1968, as amended;*

(3) *The Fair Housing Amendments Act of 1988, as amended;*

(4) *State Government Article, Title 20, Annotated Code of Maryland, as amended;*

(5) *The Department's Minority Business Enterprise Program, as amended;*

(6) *The Governor's Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order; and*

(7) *The Americans with Disabilities Act of 1990, as amended.*

C. *Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties, and between applicants and other parties.*

.09 Waiver.

The Secretary may waive or vary provisions of this chapter to the extent that the waiver or variance is consistent with the Act and if, in the written determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.10 False Statements.

A. *An individual may not knowingly make or cause to be made a false statement or report in any document required to be furnished to the Secretary or the Department by an agreement relating to financial assistance.*

B. *An individual applying for or benefiting from financial assistance under the Program may not knowingly make or cause to be made a false statement or report for the purpose of influencing the action of the Secretary or the Department on an application or for the purpose of influencing the action of the Secretary or the Department affecting financial assistance already provided.*

C. *An individual who violates §A or B of this regulation is subject to immediate cancellation or acceleration of the financial assistance provided by the Program and any other penalties authorized by law.*

KENNETH C. HOLT

Secretary of Housing and Community Development

Subtitle 20 REVITALIZATION PROGRAMS

05.20.03 Seed Community Development Anchor Institution Program

Authority: Housing and Community Development Article, §4-509, Annotated Code of Maryland

Notice of Proposed Action
[17-129-P]

The Secretary of Housing and Community Development proposes to adopt new Regulations .01—,10 under a new chapter, **COMAR 05.20.03 Seed Community Development Anchor Institution Program**, under a new subtitle, **Subtitle 20 Revitalization Programs**.

Statement of Purpose

The purpose of this action is to describe policies and procedures for program administration under the Seed Community Development Anchor Institution Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Seed Community Development Anchor Institution Program (SEED) will provide financial assistance to anchor institutions to support local community development projects. PAYGO general fund expenditures increase by \$5 million annually from fiscal year 2018 through fiscal year 2022 due to mandated appropriations for SEED; however, budget bills and Acts of the Maryland General Assembly could change the amount of annual appropriations. Due to increased program activity, SEED will require one additional staff person at DHCD to administer. Community development organizations, the communities that they serve, local governments, and small businesses may benefit from the investment of SEED funds in local projects, resulting in increased local economic activity and revenue.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$63,200
B. On other State agencies:	NONE	
C. On local governments:	(R+)	Indeterminable
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(+)	Indeterminable
F. Direct and indirect effects on public:	(+)	Indeterminable

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

A. Pay-as-you-go (PAYGO) general fund expenditures increase by \$5 million annually from fiscal year 2018 through fiscal year 2022

to capitalize the fund pursuant to mandated appropriation. General fund administrative expenditures for DHCD are projected to increase by \$63,200 in fiscal year 2018 to handle the increase in funding.

C. Local governments will benefit from increased public and private investment in their jurisdictions as well as a reduction in the public costs associated with disinvestment in distressed communities.

E. Entities that qualify as Anchor Institutions (e.g., hospitals and institutions of higher education) are eligible recipients of program funding. These entities should benefit because they will have access to funding and will not need to raise all their funds through private donations. The amount of economic benefit is indeterminable but at a minimum should be equivalent to the amount of program funding made available. In fiscal year 2018, the mandated expenditure will be \$5,000,000.

F. The general public will receive direct and indirect benefit from improved physical and social conditions enabled by the projects funded under the program.

Economic Impact on Small Businesses

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

Small businesses will benefit from financial assistance, increased local investment and economic activity resulting from grants and loans made under the program. However, the magnitude of this benefit cannot be determined.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to John Papagni, Program Officer, Division of Neighborhood Revitalization, Department of Housing and Community Development, 2 North Charles Street, Suite 450, Baltimore, MD 21201, or call 410-209-5807, or email to john.papagni@maryland.gov, or fax to 410-685-8270. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to prescribe the policies and procedures for providing financial assistance under and for administering the Seed Community Development Anchor Institution Program.

.02 Definitions.

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

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, §4-509, Annotated Code of Maryland.

(2) "Anchor institution" means:

- (a) An institution of higher education in the State; or
- (b) A hospital in the State that:

- (i) Has a group of at least five physicians who are organized as a medical staff for the institution;

- (ii) Maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for two or more unrelated individuals; and

- (iii) Admits or retains the individuals for overnight care.

(3) "Application" means an application to the Department as described in Regulation .05 of this chapter.

(4) "Blighted area" means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent that they no longer justify fundamental repairs and adequate maintenance.

(5) "Department" means the Department of Housing and Community Development, a principal department of the State.

(6) "Financial assistance" means a grant or a loan.

(7) "Fund" means the Seed Community Development Anchor Institution Fund established under Housing and Community Development Article, §4-509, Annotated Code of Maryland.

(8) "Matching funds" means funds from a private source that are contributed to the project in an amount that equals the amount of financial assistance received from the Fund.

(9) "Program" means the Seed Community Development Anchor Institution Program established under the provisions of the Act.

(10) "Project" means a project submitted by an anchor institution to the Secretary for approval in accordance with the Act and this chapter.

(11) "Recipient of financial assistance" means an anchor institution approved by the Department to receive financial assistance under the Program.

(12) "Secretary" means the Secretary of Housing and Community Development.

.03 Eligible Applicants and Uses.

A. A recipient of financial assistance shall meet the following minimum requirements:

(1) Be an anchor institution;

(2) Not have defaulted on any prior financial assistance from the Department;

(3) Not be currently barred or suspended from any of the Department's programs;

(4) Have the legal capacity and all necessary legal authority to incur the obligations involved in the form of financial assistance provided under the Program; and

(5) Be in good standing and qualified to do business in Maryland.

B. Financial assistance may be used for any costs and expenses related to community development projects in blighted areas of the State.

C. A recipient of financial assistance may grant or lend all or a portion of the financial assistance it receives from the Program to a designated third party to carry out the project in accordance with the terms and conditions of an agreement with the Department.

.04 Application Requirements.

A. Applications for financial assistance shall be accepted in one or more competitive rounds to be announced by the Department annually.

B. An application submitted to the Department shall:

(1) Be on standard forms prescribed by the Department;

(2) Be submitted by an applicant that meets the requirements of Regulation .03A of this chapter;

(3) Be for a project that is located within a blighted area;

(4) State the amount and type of financial assistance requested;

(5) Provide a comprehensive description of the applicant and project including:

(a) The public purpose of the project and the needs of the community that will be served;

(b) A projected timeline for implementation of the project;

(c) The ability of the applicant to carry out the proposed project in accordance with the projected timeline;

(d) Other public and private resources available for implementing the project; and

(e) The social and economic benefits created by the project;

(6) Provide a budget, in a form acceptable to the Department, that at a minimum shows anticipated project costs and expenses, anticipated sources of project revenue, and identification of the

revenues that can be used to repay the financial assistance provided by the program if provided as a loan;

(7) Propose benchmarks for evaluating whether the proposed project results in a desired outcome for the blighted area, such as community stabilization or reversing economic, social, and physical decline of the community in which the project is located;

(8) Describe any public input the applicant has received on the proposed project, including the nature and extent of the public support for or in opposition to the proposed project;

(9) Demonstrate that, upon completion, the project will be in compliance with all applicable zoning requirements and standards as well as the applicable building code of the local jurisdiction in which the project is located;

(10) Demonstrate the ability to gain site control if applicable to the project through ownership, leasehold interest, contract, option or other agreement satisfactory to the Department;

(11) Provide evidence that the applicant has matching funds available for the project in the amounts required by Housing and Community Development Article, §4-509(g)(2), Annotated Code of Maryland, or in the competitive application round announcement;

(12) Describe whether historic properties or districts will be impacted and how the applicant will comply with the requirements of State Finance and Procurement Article, §§5A-325—5A-326, Annotated Code of Maryland, and Financial Institutions Article, §13-1112(b), Annotated Code of Maryland; and

(13) Include other information or documentation the Department may require.

C. An application for financial assistance may be submitted to fund one or more projects.

D. A recipient of financial assistance may file one or more applications in accordance with schedules established by the Department.

.05 Application Processing.

A. The Department shall determine whether information required under Regulation .04 of this chapter is contained in the application.

B. All complete applications will be competitively evaluated by the Department on a point basis, which shall include the following criteria:

(1) Capacity of the applicant to carry out the project;

(2) Community context;

(3) Public purpose;

(4) Leveraging and cost-effectiveness;

(5) Geographic distribution;

(6) Unique or time-sensitive projects;

(7) Revitalization needs of the community;

(8) Economic development and revitalization opportunities created by the project; and

(9) Other factors established by the Department in the competitive round announcement.

C. The Department, in its discretion, may:

(1) Accept public input on an application;

(2) Request from the applicant additional information concerning an application, including oral presentations; and

(3) Refer the application to other State agencies, as the Department considers appropriate, to undertake the analysis of the application.

D. Upon the Department's completion of the review and scoring of the applications, the Department shall make a recommendation to the Secretary on the applications.

E. Upon receipt of the Department's recommendation, the Secretary:

(1) May request additional information from the applicant or Department concerning the application, including oral presentations;

(2) May give priority to applications that provide for the likely repayment of the financial assistance; and

(3) Shall act on the application by approving it, disapproving it, or approving it with modifications.

F. If the Secretary determines not to approve all or part of an application, the Department shall issue a written notice of denial.

G. Reconsideration.

(1) An applicant may request initial reconsideration of a denial by submitting a written request to the Department, which must be received by the Department within 30 days following the date of the denial notice.

(2) The request for reconsideration shall address each reason for the denial and provide documentation supporting reasons for reconsideration of the application.

(3) The Department shall respond in writing to the applicant's request for reconsideration within 90 days of receipt by the Department of the request for reconsideration.

(4) An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.02.

.06 Program Administration.

A. The Department may establish from time to time detailed program guidelines containing application schedules, procedures, underwriting standards, processing requirements, and other requirements or matters relating to the program.

B. The Department may establish fees related to the processing of applications, underwriting, and servicing of financial assistance.

C. The Department shall ensure that program guidelines, fee information, and application forms are publicly available on its website and at its offices.

D. After financial assistance has been awarded to a recipient of financial assistance, the Department may:

(1) Determine specific terms and conditions, including length of term and rate of interest, for the financial assistance, which may be awarded as grants, recoverable grants, unsecured loans, or loans secured by a mortgage or other lien or security interest, including a security interest that may be superior or subordinate to other mortgages, liens, or other security interests on the collateral;

(2) Require and obtain appraisals, credit information, and other information related to making loans and enforcing the terms and conditions;

(3) Enforce the terms of grants, loans, or other financial assistance according to their terms and conditions;

(4) Commence and pursue any action to protect or enforce any right conferred by law, contract, or other agreement;

(5) Modify any provision of any grant, loan, or other financial assistance in order to facilitate the successful completion or operation of a project; and

(6) Exercise all powers authorized under the Act that are necessary or desirable for the implementation of the Program.

.07 Books and Accounts.

A. A recipient of financial assistance and the recipient's contractors and subcontractors shall maintain the books, accounts, and records and shall file with the Department the financial and other reports the Department may from time to time require.

B. All of these books, accounts, and records shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.

C. Books, accounts, and records of designated third parties, contractors, and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between a contractor or subcontractor and a recipient of financial assistance.

D. A recipient of financial assistance shall submit reports to the Department on the progress or implementation of a project in accordance with an agreement with the Department.

.08 Nondiscrimination; Drug and Alcohol Free Workplace.

A. A recipient of financial assistance may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, or age, except with regard to age as permitted under the federal Housing for Older Persons Act, as amended from time to time, or other similar federal laws, in any aspect of the Program, or in any aspect of employment by any recipient of financial assistance in connection with any project financed or assisted under the Program.

B. A recipient of financial assistance shall comply with all applicable federal, State, and local laws and Department policies and programs regarding discrimination and equal opportunity in employment, housing, credit practices, and drug and alcohol free workplaces, including:

(1) Titles VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Acts of 1968, as amended;

(3) The Fair Housing Amendments Act of 1988, as amended;

(4) State Government Article, Title 20, Annotated Code of Maryland, as amended;

(5) The Department's Minority Business Enterprise Program, as amended;

(6) The Governor's Executive Order 01.01.1989.18, Drug and Alcohol Free Workplace, and any Department or State regulations adopted or to be adopted to carry out the requirements of that Order; and

(7) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and the recipient of financial assistance.

.09 Waiver.

The Secretary may waive or vary provisions of this chapter to the extent that the waiver or variance is consistent with the Act and if, in the written determination of the Secretary, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.10 False Statements.

A. An individual may not knowingly make or cause to be made a false statement or report in any document required to be furnished to the Secretary or the Department by an agreement relating to financial assistance.

B. An individual who violates §A of this regulation is subject to immediate cancellation or acceleration of the financial assistance provided by the Program and any other penalties authorized by law.

KENNETH C. HOLT
Secretary of Housing and Community Development

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

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

Notice of Proposed Action

[17-136-P]

The Secretary of Natural Resources proposes to amend Regulation .04 under COMAR 08.02.15 Striped Bass.

Statement of Purpose

The purpose of this action is to change the commercial striped bass declaration and quota transfer periods from August 1 through September 30, to July 15 through September 15. Currently individuals must declare their intent to fish in either the striped bass common pool or striped bass individual transferrable quota (ITQ) fishery between August 1 and September 30 of each year. In addition, any transfers of quota among watermen must occur during this same time frame. The Department of Natural Resources must have final declarations and transfers completed before it can calculate each individual's quota for the coming year and order the appropriate number of tags for each fishery participant. The current declaration period does not allow sufficient time to process all declarations and transfers and submit the tag order to the vendor. The additional 2 weeks provided by this regulatory change will help ensure timely annual tag delivery to the watermen. The period would not be shortened; rather it would be shifted two weeks earlier to July 15 through September 15, as opposed to August 1 through September 30.

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 Striped Bass Declaration, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.04 Tidal Fish Licensee Intent to Fish.

- A. (text unchanged)
- B. Registration Procedures.

(1) Registration.

(a) (text unchanged)

(b) A commercial tidal fish licensee shall register for a striped bass permit to participate in a commercial striped bass fishery in accordance with this section by September [30] 15 of each year, or the next business day if September [30] 15 falls on a weekend.

(c) A commercial tidal fish licensee who has not registered by September [30] 15 of the current year, or the next business day if September [30] 15 falls on a weekend, may submit an appeal to the Tidal Fisheries Advisory Commission to be heard at their next meeting.

(d) An exception to the September [30] 15 deadline will only be considered by the Department if the Tidal Fisheries Advisory Commission recommends to the Department that the individual who has made an appeal under §B(1)(c) of this regulation be allowed to register.

(e) (text unchanged)

(f) The Department shall:

(i) Make registration available to eligible commercial tidal fish licensees not later than [August 1] July 15 of each year;

(ii) Use the registrations received as of September [30] 15 of each year, or the next business day if September [30] 15 falls on a weekend, to determine allocations for the striped bass fishery permittees; and

(iii) (text unchanged)

(2) (text unchanged)

C.—E. (text unchanged)

F. Temporary Transfers.

(1)—(3) (text unchanged)

(4) Chesapeake Bay Common Pool Fishery. A striped bass permit registered in the common pool fishery may only be temporarily transferred:

(a) Prior to the start of the quota year, from [August 1] July 15 through September [30] 15, or the next business day if September [30] 15 falls on a weekend; or

(b) (text unchanged)

(5) Chesapeake Bay Individual Transferrable Quota Fishery.

(a) Prior to the start of the quota year, during the period [August 1] July 15 through September [30] 15, or the next business day if September [30] 15 falls on a weekend, a commercial tidal fish licensee:

(i)—(ii) (text unchanged)

(b)—(d) (text unchanged)

(6) Atlantic Fishery.

(a) Prior to the start of the quota year, during the period [August 1] July 15 through September [30] 15, or the next business day if September [30] 15 falls on a weekend, a commercial tidal fish licensee may temporarily transfer:

(i)—(iii) (text unchanged)

(b)—(e) (text unchanged)

(7)—(10) (text unchanged)

G. Permanent Transfers.

(1)—(2) (text unchanged)

(3) The permanent transfer of a licensee's share or any portion of that share in the Chesapeake Bay fisheries may only be completed from [August 1] July 15 through September [30] 15, or the next business day if September [30] 15 falls on a weekend.

(4)—(12) (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 16 BOARD OF BARBERS

09.16.01 General Regulations

Authority: Business Occupations and Professions Article, Title 4, Annotated Code of Maryland

Notice of Proposed Action

[17-124-P]

The Board of Barbers proposes to amend Regulations .04 and .05 under **COMAR 09.16.01 General Regulations**. This action was considered at a public meeting held on March 13, 2017, notice of which was provided on the agency's website, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend language to allow for a barber-stylist apprenticeship. Effective October 1, 2015, the legislature approved a new category of licensure, "barber-stylist limited license," to allow an individual to practice barbering in a manner limited to providing barber-stylist services. (See Ch. 262, Acts of 2015).

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Shirley Leach, Executive Director, Board of Barbers, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6195, or email to shirley.leach2@maryland.gov, or fax to 410-555-1212. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Barbers during a public meeting to be held on September 11, 2017, at 10 a.m., at 500 N. Calvert Street, 3rd Floor Conference Room, Baltimore MD 21202.

.04 Barber Apprentice and Barber-Stylist Apprentice Registration

A. A barber apprentice registration authorizes the apprentice to learn all aspects of barbering while in an authorized barber shop under the direct supervision of a master barber.

B. A barber-stylist apprentice registration authorizes the apprentice to learn all aspects of barber styling while in an authorized barber shop under the direct supervision of a master barber.

.05 Supervision of [a n] a Barber Apprentice or Barber-Stylist Apprentice.

A.—B. (text unchanged)

C. One master barber shall directly train one barber apprentice or barber-stylist apprentice.

D. (text unchanged)

SHIRLEY LEACH
Executive Director
Board of Barbers

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.05 Dental Services

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

Notice of Proposed Action

[17-137-P-I]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.09, and .11 under **COMAR 10.09.05 Dental Services**.

Statement of Purpose

The purpose of this action is to change the regulations to allow former foster care participants younger than 26 years old to access medically necessary dental benefits effective January 1, 2017. This proposal clarifies that mobile dental units shall renew written, informed consent from parents each school year. Finally, this proposal updates the dental fee schedule that is incorporated by reference in this chapter.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Program will provide medically necessary dental services to former foster care children who are younger than 26 years old during FY2017 resulting in a net expenditure of \$308,085. This amount is included in the FY2017 budget.

	Revenue (R+/R-)	
II. Types of Economic Impact.	Expenditure (E+/E-) Magnitude	
A. On issuing agency:	(E+)	\$308,085
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$308,085

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 State’s budget allocation for Fiscal Year 2017 provides for \$308,085 to pay for medically necessary dental services for former foster care children who are younger than 26 years old. The projected number of former foster care children that will be eligible to receive dental services is estimated to be around 2,375 cases for the third and fourth quarter of Fiscal Year 2017.

Economic Impact on Small Businesses

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

The proposed action will generate \$308,085 in revenue to regulated industries (dental). It is expected that many of the practices providing dental services to former foster care children will be small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 12, 2017. 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 Maryland Medicaid Dental Fee Schedule and Procedures Codes CDT 2017 (Maryland Medical Assistance Program — Effective January 1, 2017) 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 44:1 Md. R. 9 (January 6, 2017), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "Appeal" means the process:

(a) To resolve a [recipient's] *participant's* dispute with any adverse action taken by the ASO to deny, reduce, terminate, delay, or suspend a covered service; and

(b) (text unchanged)

(5) (text unchanged)

(6) "Benefits" means a schedule of dental services to be administered by the ASO to Medical Assistance [recipients] *participants* pursuant to this chapter.

(7)—(8) (text unchanged)

(9) "Covered services" means:

(a) All medically necessary dental services for Medical Assistance or State Children's Health Insurance Program (SCHIP) eligible children younger than 21 years old; [and]

(b) Certain medically necessary dental services for pregnant women and REM [recipients] *participants* 21 years old or older[.]; *and*

(c) *Effective January 1, 2017, all medically necessary dental services for eligible former foster care participants younger than 26 years old.*

(10)—(18) (text unchanged)

(19) "Maryland Healthy Smiles Dental Program" means the Maryland Medicaid dental program that provides coverage for:

(a) (text unchanged)

(b) Eligible pregnant women 21 years old or older; [and]

(c) Eligible adults 21 years old or older enrolled in the Rare and Expensive Case Management (REM) program; *and*

(d) *Eligible former foster care participants younger than 26 years old.*

(20)—(23) (text unchanged)

(24) "Network provider" means a health care entity or health care professional that is either employed by, or has executed a provider agreement with, the dental benefits administrator, or its subcontractor to render covered services to the [recipient] *participant*.

(25) "*Participant*" means an individual who is certified as eligible for, and is receiving, Medical Assistance benefits.

[(25)] (26)—[(27)] (28) (text unchanged)

[(28)] (29) "Provider" means:

(a) An individual dentist, duly licensed to provide services for [recipients] *participants*, or an association, partnership, or an incorporated or unincorporated group of dentists so licensed, that, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of an individual account number; or

(b) (text unchanged)

[(29) "Recipient" means a person who is certified as eligible for, and is receiving, Medical Assistance benefits.]

(30)—(32) (text unchanged)

.02 License Requirements.

A.—E. (text unchanged)

F. The provider shall [insure] *ensure* that all X-ray or other radiological equipment is inspected and meets the standards established in COMAR 26.12.01 or other applicable standards established by the state in which the service is provided.

G. (text unchanged)

.03 Provider Qualifications and Conditions for Participation.

A.—E. (text unchanged)

F. Mobile Dental Unit.

(1)—(5) (text unchanged)

(6) A mobile dental unit shall:

(a)—(b) (text unchanged)

(c) Obtain written, informed consent, *which shall be renewed each school year*, from a parent or legal guardian before treating a minor;

(d)—(u) (text unchanged)

(7)—(8) (text unchanged)

.04 Covered Services.

A. The Program covers the following medically necessary dental services for [individuals] *participants* younger than 21 years old, *and effective January 1, 2017, eligible former foster care participants younger than 26 years old*, including but not limited to the following:

(1)—(3) (text unchanged)

(4) Orthodontic care for conditions which:

- (a) (text unchanged)
- (b) Cause dysfunction due to a handicapping malocclusion that is supported by comprehensive pretreatment orthodontic records, which include at a minimum:

- [(i) Upper and lower study models;]
- [(ii) (i)—[(vii) (vi) (text unchanged)

(5) Consultations for [recipients] *participants* who meet the requirements of §A(1), (2), (3), or (4) of this regulation;
(6)—(9) (text unchanged)

B. The Program covers the following medically necessary dental services for pregnant [recipients] *participants* and REM [recipients] *participants* 21 years old or older:

(1)—(20) (text unchanged)

C. The Program shall reimburse for covered services in §§A and B of this regulation if:

- (1) The services are rendered in:
 - (a) (text unchanged)
 - (b) The [recipient's] *participant's* home;
 - (c)—(h) (text unchanged)
- (2) (text unchanged)
- (3) The services are clearly related to the [recipient's] *participant's* individual dental care needs as ameliorative, diagnostic, curative, palliative, preventive, or rehabilitative services; and
- (4) The services are adequately described on the [recipient's] *participant's* dental care record.

.05 Limitations.

A. The Program places the following limitations upon covered services:

- (1)—(5) (text unchanged)
- (6) Replacement dentures for [recipients] *participants* who meet the requirements of Regulation .04A(3) of this chapter will be covered only when:
 - (a)—(b) (text unchanged)
 - (7)—(9) (text unchanged)
 - (10) Separate reimbursement will not be made for cavity liners and office visits, as these procedures are considered to be components of the necessary treatment. These services may not be billed to the [recipient] *participant*.
 - (11)—(14) (text unchanged)

B. (text unchanged)

.06 Preauthorization Requirements.

A.—C. (text unchanged)

D. Preauthorization is valid for dental services when the services are approved and completed within 6 months after the date of the receipt of the preauthorization number from the Program and is contingent on the [recipient's] *participant's* continued eligibility.

E.—F. (text unchanged)

.07 Payment Procedures.

A.—D. (text unchanged)

E. The current Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT is incorporated by reference, effective January 1, [2015] 2017.

F.—H. (text unchanged)

I. Reimbursement for Self-Ligating Braces.

- (1) (text unchanged)
- (2) When a claim is submitted to the Program for the banding of self-ligating braces, the following documentation shall be submitted with the claim:
 - (a) (text unchanged)
 - (b) A statement signed by the parent or guardian of the child receiving treatment, acknowledging that:
 - (i) (text unchanged)

(ii) The [recipient] *participant* will not be able to pursue additional orthodontic services from the Medicaid Program at a later date.

J. (text unchanged)

K. The Department may not make direct payment to the [recipient] *participant*.

L.—N. (text unchanged)

.08 Recovery and Reimbursement.

A. If the [recipient] *participant* has insurance or other coverage, or if any other person is obligated, either legally or contractually, to pay for or to reimburse the [recipient] *participant* for services covered by this chapter, the provider shall seek payment from that source first. If an insurance carrier rejects the claim or pays less than the amount allowed by the Medical Assistance Program, the provider may submit a claim to the Program. The provider shall submit a copy of the insurance carrier's notice or remittance advice with his invoice. If payment is made by both the Program and the insurance or other source for the same service, the provider shall refund to the Department, within 60 days of receipt, the amount paid by the Program, or the insurance or other source, whichever is less.

B. (text unchanged)

.09 Cause for Suspension or Removal and Imposition of Sanctions.

A.—C. (text unchanged)

D. Any provider who voluntarily withdraws from the Program or is removed or suspended from the Program according to this regulation shall notify [recipients] *participants* that [he] *the provider* no longer honors Medical Assistance cards before rendering additional services.

.11 Interpretive Regulation.

Except when the language of a specific regulation indicates an attempt by the Department to provide reimbursement for covered services to Program [recipients] *participants* without regard to the availability of federal financial participation, State regulations shall be interpreted in conformity with applicable federal statutes and regulations.

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.44 Programs of All-Inclusive Care for the Elderly (PACE)

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

Notice of Proposed Action
[17-135-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.09.44 Programs of All-Inclusive Care for the Elderly (PACE)**.

Statement of Purpose

The purpose of this action is to allow more than one PACE provider to operate in the State.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

The existing PACE program provides a wide array of health care services, including day health services, in-home care, and other medical and social services, to individuals with disabilities. This proposed action will allow such programs to operate in other areas of the State, thereby expanding opportunities for individuals with disabilities to receive services in their communities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.03 PACE Provider.

- [A. Only one PACE provider may operate in the State.]
- [B.] A.—[O.] N. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.48 Targeted Case Management for People with Developmental Disabilities

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

Notice of Proposed Action

[17-132-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .08 under COMAR 10.09.48 Targeted Case Management for People with Developmental Disabilities.

Statement of Purpose

The purpose of this action is to update reimbursement rates based on the cost of living allowance approved by the General Assembly.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The program will implement a rate increase approved by the General Assembly. The proposed action increases the rate paid to providers.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$1,294,430
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$1,294,430
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

D. On regulated industries or trade groups:

(+) \$1,294,430

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. The proposed rate increases represent a 3.5 percent increase over the current published rate of \$17.39 per unit in FY 16. The increase will be paid to providers of targeted case management.

D. As a result of increasing the per unit rate for targeted case management services, providers will receive increased payments, totaling \$1.46 million in FY 17.

Economic Impact on Small Businesses

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

The proposed action has a meaningful economic impact on small businesses because the higher reimbursement rates infuse dollars into targeted case management entities that provide these services in the community.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.08 Payment Procedures.

A. (text unchanged)

B. Payment Rates.

(1)—(2) (text unchanged)

(3) For all other services, providers shall be reimbursed:

(a)—(c) (text unchanged)

(d) \$16.88 per unit of service from January 1, 2015 through June 30, 2015; [and]

(e) \$17.39 per unit of service [thereafter] from January 1, 2016 through June 30, 2016; and

(f) \$17.99 per unit of service thereafter.

C.—E. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

Notice of Proposed Action

[17-125-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation .02 under **COMAR 10.28.03 Examination and Licensing of Optometrists**;
- (2) Regulation .02 under **COMAR 10.28.06 Examination of Patients by Optometrists, Maintenance of Records, and Keeping of Certain Instrumentation and Equipment**;
- (3) Regulation .02 under **COMAR 10.28.07 Fee Schedule**;
- (4) Regulation .02 under **COMAR 10.28.09 Advertising**;
- (5) Regulation .02 under **COMAR 10.28.10 Optometrist Accountability**; and
- (6) Regulations .01 and .02 under **COMAR 10.28.11 Use of Diagnostic Pharmaceutical Agents**.

This action was considered at a public meeting on January 25, 2017, notice of which was given by publication on the Board's website at <http://dhmh.maryland.gov/optometry/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Require that a university school of optometry be accredited;
- (2) Repeal an outdated reference to the International Association of Boards of Examiners in Optometry (IAB);
- (3) Repeal a requirement that an optometrist make a written record, by tape recorder or computer printout, of certain patient information, and provide that the record may be written, oral, or electronic;
- (4) Repeal the fee for a second office certificate;
- (5) Define advertising as including, but not limited to written, oral, or electronic methods;
- (6) Repeal the requirement that practitioner information appear on any written record required by law or regulation and requiring it to appear on all required records;
- (7) Repeal the definition of credit hour;
- (8) Provide that the list of diagnostic pharmaceutical agents authorized to be administered by an optometrist certified as qualified in their administration is not necessarily exhaustive; and
- (9) Provide that an optometrist may not use a diagnostic pharmaceutical agent in a strength greater than authorized in regulation, unless clinically indicated.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Board stopped issuing paper licenses 2 years ago, so no requests have been made for a second certificate. Before then, the impact to the licensees was minimal.

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

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

D. On regulated industries or trade groups:

(+)

Minimal

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. Before the Board stopped issuing paper licenses, the Board estimates it received one request every 2 years, upon license renewal.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

10.28.03 Examination and Licensing of Optometrists

Authority: Health Occupations Article, §§11-205 and 11-302, Annotated Code of Maryland

.02 Requirements for Licensure.

A. (text unchanged)

B. Professional education—completion of 4 scholastic years at:

(1) (text unchanged)

(2) [A] *An accredited* university school of optometry; or

(3) (text unchanged)

C. The Board will accept applications for examination from graduates of those colleges of optometry or university schools of optometry:

(1) Endorsed by the Association of Regulatory Boards of Optometry (ARBO)[, formerly known as the International Association of Boards of Examiners in Optometry, Inc. (IAB)]; and

(2) (text unchanged)

10.28.06 Examination of Patients by Optometrists, Maintenance of Records, and Keeping of Certain Instrumentation and Equipment

Authority: Health Occupations Article, §§11-205 and 11-208, Annotated Code of Maryland

.02 Patient History.

An optometrist shall review the patient's history and shall [record in writing or by other legal means including tape recorder or computer print-out,] *create a written, oral, or electronic record of the following:*

A.—C. (text unchanged)

D. [Vocation, avocation, or other] *Other* information bearing on visual tasks to be performed.

10.28.07 Fee Schedule

Authority: Health Occupations Article, §§11-205 and 11-207, Annotated Code of Maryland

.02 Fees.

The following fees are established by the Board:

A.—F. (text unchanged)

G. Reinstatement fee to active licensure (payable to change from inactive status to active status licensure) — \$100[;

H. Second office certificate — \$5].

10.28.09 Advertising

Authority: Health Occupations Article, §§11-205 and 11-313, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Advertising" means calling to the attention of the public the services one has to offer, *including, but not limited to, by written, oral, or electronic methods.*

(2)—(3) (text unchanged)

10.28.10 Optometrist Accountability

Authority: Health Occupations Article, §§11-205(a) and 11-311, Annotated Code of Maryland

.02 Practitioner Identification.

Licensed practicing optometrists shall, in an appropriate manner, ensure that the patient knows the identity of the provider of optometric care by providing that:

A. (text unchanged)

B. The name of the licensed optometrist, or some other method of identifying the optometrist providing the optometric services, appears on any [written] record required by law or regulation; and

C. (text unchanged)

10.28.11 Use of Diagnostic Pharmaceutical Agents

Authority: Health Occupations Article, §§11-101, 11-205, and 11-404, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following [terms have] *term has* the [meanings] *meaning* indicated.

B. [Terms] *Term* Defined.

[(1) "Credit hour" means attendance in class for 1 hour. One credit hour is interpreted to mean 1 classroom hour.

(2)] "Optometric management of ocular disease" means the use of optometric services and techniques to determine the most appropriate and timely referral for ocular disease.

.02 Diagnostic Pharmaceutical Agents.

A. An optometrist certified by the Board as qualified to administer diagnostic pharmaceutical agents may use the following agents:

(1) Agents directly or indirectly affecting the pupil of the eye, including, *but not limited to*, the mydriatics and cycloplegics listed below:

(a)—(g) (text unchanged)

(2) Agents directly or indirectly affecting the sensitivity of the cornea, including, *but not limited to*, the:

(a)—(b) (text unchanged)

B. The optometrist may use the diagnostic pharmaceutical agents listed in §A of this regulation in strengths not greater than the strengths indicated *unless clinically indicated*.

C. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

10.32.08 Licensure of Athletic Trainers

Authority: Health Occupations Article, §§14-5D-06 and 14-5D-11.3, Annotated Code of Maryland

Notice of Proposed Action

[17-126-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .06 under **COMAR 10.32.08 Licensure of Athletic Trainers**. This action was considered at a public meeting on January 25, 2017, notice of which was provided by posting on the Board of Physicians' website, <http://www.mbp.state.us/forms/mar17fullagenda.pdf>, from January 11, 2017— January 25, 2017, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement required revisions to the Athletic Trainer regulations pursuant to Chapters 411 and 412, Acts of 2016. This proposal:

(1) Permits, under limited circumstances, an athletic trainer to practice after receiving written authorization from the Athletic Trainer Advisory Committee and clarifies when Board of Physician's (Board) approval is required;

(2) Requires the Board to send written notice to the primary supervising physician and to the athletic trainer if the Board disapproves an evaluation and treatment protocol or a specialized task under a protocol; and

(3) Provides that a member of the Board is not civilly liable for any act or omission relating to the approval, modification, or disapproval of an evaluation and treatment protocol.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.06 Evaluation and Treatment Protocol.

A. (text unchanged)

B. Process and Approval.

(1) A licensed athletic trainer [and the athletic trainer’s supervising physician] shall [submit]:

(a) *Submit* an evaluation and treatment protocol on a form approved by the Board; *and*

(b) *Pay the fee as specified in Regulation .08 of this chapter.*

[(2) Fee.

(a) Except as provided in §B(2)(b) of this regulation, the applicants shall pay a fee as specified in Regulation .08 of this chapter.

(b) The evaluation and treatment protocol fee shall be waived for an evaluation and treatment protocol received by the Board on or before September 30, 2012.

(3) A licensed athletic trainer may not practice athletic training:

(a) Before the Board has approved the evaluation and treatment protocol between the supervising physician and the athletic trainer;

(b) Beyond the scope of practice delegated by the supervising physician in the Board-approved evaluation and treatment protocol; or

(c) In a location not identified in the Board-approved evaluation and treatment protocol.]

(2) *A licensed athletic trainer may practice athletic training after receiving written approval from the Committee.*

(3) *The Committee shall conditionally approve an evaluation and treatment protocol if:*

(a) *The evaluation and treatment protocol does not include specialized tasks; or*

(b) *The evaluation and treatment protocol includes specialized tasks that have been previously approved by the Board.*

(4) *If an evaluation and treatment protocol includes a specialized task that has not been previously approved by the Board, the athletic trainer may perform the specialized task only after receiving written approval from the Board.*

(5) *After consideration by the Committee, the Board shall either:*

(a) *Approve the evaluation and treatment protocol and any specialized tasks; or*

(b) *Disapprove the evaluation and treatment protocol or a specialized task if the Board determines that the evaluation and treatment protocol or specialized task does not meet the requirements in Health Occupations Article, §14-5D-11.3(b), Annotated Code of Maryland.*

(6) *If the Board disapproves an evaluation and treatment protocol or a specialized task included in an evaluation and treatment protocol, the Board shall send written notice of the disapproval to the:*

(a) *Primary supervising physician; and*

(b) *Athletic trainer.*

(7) *An athletic trainer who receives notice of a disapproval of an evaluation and treatment protocol from the Board shall immediately cease:*

(a) *Practicing under the evaluation and treatment protocol;*

or

(b) *Performing the specialized task.*

(8) *An individual member of the Board is not civilly liable for any act or omission relating to the approval, modification, or disapproval of an evaluation and treatment protocol.*

C.—D. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Notice of Proposed Action

[17-127-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulations **.03** and **.06—08** under **COMAR 10.42.06 Continuing Education Requirements**; and

(2) Regulations **.02**, **.04**, and **.05** under **COMAR 10.42.08 Supervision**.

This action was considered at a public meeting on January 12, 2017, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/bswe/Pages/Board-Meetings.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Allow the required 3 continuing education units in ethics and professional conduct, including boundary issues, or pertaining to the standards of practice and laws governing the profession of social work in Maryland to count towards the Category II requirement for continuing education units (CEUs) instead of just the Category I requirement;

(2) Require Board-approved supervisors to complete 3 continuing education units in supervision training as part of the Category I or Category II CEU requirement;

(3) Clarify that a State of Emergency is an occurrence for which a licensee may request an extension to complete the requirements or an exception to the requirements of COMAR 10.42.06;

(4) Require the Board to audit licensees who have been granted an exception to the requirements of COMAR 10.42.06;

(5) Provide that a licensee who fails to complete the continuing education requirements within the time frame specified may be subject to informal or formal discipline for failure to meet the requirements;

(6) Clarify that a prolonged illness for which an extension to complete the CEU requirements is being requested must be diagnosed by a health care provider;

(7) Provide that it is a supervisor’s responsibility to demonstrate to the Board completion of 3 CEUs of Category I or Category II activities in a content area focusing on supervision;

(8) Require an approved supervisor to complete the supervision verification form provided by the Board;

(9) Delete regulatory language from the definition of “supervision training”; and

(10) Require, instead of authorize, that supervision training be completed as part of the Category I or Category II CEU requirement.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and

Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

10.42.06 Continuing Education Requirements

Authority: Health Occupations Article, §§19–205 and 19–308, Annotated Code of Maryland

.03 Continuing Education Requirements.

A. The Board shall renew a license for an additional 2-year period if the social worker:

(1) Completes 40 (30 for Licensed Bachelor Social Workers) continuing education units within the renewal period, of which a minimum of:

(a) 20 (15 for Licensed Bachelor Social Workers) continuing education units shall be obtained from approved programs which are Category I; [and]

(b) 3 of the required Category I or Category II continuing education units shall have a content area focusing on ethics and professional conduct, including boundary issues, or pertaining to the standards of practice and laws governing the profession of social work in Maryland; *and*

(c) *For registered and Board-approved supervisors, 3 of the required Category I or Category II continuing education units shall have a content area focusing on supervision as stipulated in COMAR 10.42.08.04A(2)(c);*

(2)—(3) (text unchanged)

B. (text unchanged)

.06 Exceptions from Any of the Requirements.

Before attending a program, a social worker requesting an exception from any of the requirements of this chapter shall provide:

A. Official documentation that confirms circumstances beyond the control of the social worker because of:

(1)—(3) (text unchanged)

(4) [Officially] *An officially* declared [disasters] *State of Emergency or disaster;* or

(5) (text unchanged)

B.—C. (text unchanged)

D. *The Board shall audit a social worker who has been granted an exception from the continuing education requirements.*

.07 Reporting, Documenting, and Auditing Compliance with Continuing Education Requirements.

A.—E. (text unchanged)

F. Responsibility for Conducting the Audits.

(1)—(4) (text unchanged)

(5) *A licensee who fails to complete the continuing education requirements within the time frame specified under Regulation .03 of this chapter may be subject to informal or formal discipline for failure to meet the requirements.*

.08 Extension of Time.

A.—B. (text unchanged)

C. The Board may grant an extension and conditionally renew a license for up to 6 months or reactivate or reinstate a license with an extension not to exceed 1 year if the Board determines that:

(1) Failure to fulfill the requirements is a result of:

(a) *Functional impairment or prolonged illness that has been diagnosed by a health care practitioner;*

[(b) Prolonged illness;]

[(c) (b)—[(d)] (c) (text unchanged)

[(e) (d) *An officially declared State of Emergency or disaster;* or

[(f) (e) (text unchanged)

(2) (text unchanged)

D.—F. (text unchanged)

10.42.08 Supervision

Authority: Health Occupations Article, §§19–101—19–502, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) [Supervision Training.

(a) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by social workers in a variety of settings *as stipulated in Regulation .04A(2)(c) of this chapter.*

[(b) "Supervision training" content areas may include, but are not limited to:

(i) The role and responsibilities of the social work supervisor;

(ii) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective;

(iii) The role of the social work supervisor as gatekeeper to the profession;

(iv) Methods for building effective and appropriate relationships with clients;

(v) Methods for group supervision; and

(vi) Models and modalities for practice intervention.

(c) "Supervision training" may be obtained in:

(i) Category I; or

(ii) Category II.]

(7)—(8) (text unchanged)

.04 Qualifications, Education, and Responsibilities of a Supervisor.

A. Qualifications.

(1) (text unchanged)

(2) Education.

(a)—(b) (text unchanged)

(c) Supervision training required in §A(2)(a) of this regulation [may] *shall* be obtained in Category I or Category II and may include, but is not limited to:

(i)—(vi) (text unchanged)

(3) (text unchanged)

B.—C. (text unchanged)

.05 Responsibilities of a Supervisor.

A. Responsibilities. A supervisor shall:

(1)—(5) (text unchanged)

(6) Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 19, Annotated Code of Maryland, and COMAR 10.42.01—10.42.08; [and]

(7) Within a reasonable period of time before termination of supervision, provide the supervisee and employer with a notice of termination to avoid or minimize any harmful effect on the supervisee's clients or patients; *and*

(8) *At the time of license renewal, demonstrate to the Board completion of 3 of the required Category I or Category II continuing education units in a content area focusing on supervision training as stipulated in Regulation .04A(2)(c) of this chapter.*

B. Additional Responsibilities. In addition to the requirements of §A of this regulation, the supervisor for advanced licensure shall:

(1)—(2) (text unchanged)

(3) *Complete the supervision verification form;*

[(3)] (4)—[(5)] (6) (text unchanged)

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.02 Administration of Services for Students with Disabilities

Authority: Education Article, §§2-205, 8-301—[8-307] 8-319, 8-3A-01—8-3A-11, and 8-401—[8-416] 8-419; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; Annotated Code of Maryland
Federal Statutory Reference: 20 U.S.C. §§1408, 1412, 1413, and 1437;
Federal Regulatory References: 34 CFR 300 and [301] 303

Notice of Change to Opportunity for Public Comment and Open Meeting Notices

[17-121-P]

The dates in the Opportunity for Public Comment and Open Meeting notices, which were published in 44:9 Md. R. 443 (April 28, 2017), have been corrected below.

Opportunity for Public Comment

Comments may be sent to Marcella E. Franczkowski, Assistant State Superintendent, Division of Special Education/Early Invention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0238 TTY:410-333-6442, or email to marcella.franczkowski@maryland.gov, or fax to 410-333-2488. Comments will be accepted through **May 30, 2017**. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on **June 27, 2017**, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.09 Maryland Dent-Care Loan Assistance Repayment Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-2401—18-2408; Annotated Code of Maryland

Notice of Proposed Action

[17-131-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.11 under a new chapter, **COMAR 13B.08.09 Maryland Dent-Care Loan Assistance Repayment Program**. This

action was considered by the Maryland Higher Education Commission at a public meeting held on March 22, 2017.

Statement of Purpose

The purpose of this action is to adopt regulations to implement Education Article, Title 18, Subtitle 24, 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 North Liberty Street, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to . Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 Purpose.

A. *The purpose of the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) is to increase access to oral health services for Maryland Medical Assistance Program (MMAP) recipients by increasing the number of dentists who treat that population.*

B. *The MDC-LARP is funded through Maryland general funds and provides loan repayment for Maryland licensed dentists dependent upon available annual funding.*

C. *A dentist who participates in this program shall agree to provide oral health care services to a minimum of 30 percent MMAP recipients as a proportion of their total patient population, document this information, and submit confirming written reports.*

.02 Eligibility.

A. *To be eligible for Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) repayment assistance, an individual:*

- (1) *Shall be employed as a full-time dentist in Maryland;*
- (2) *Shall demonstrate financial need;*
- (3) *Shall have received a dental degree from a college or university in Maryland or from an accredited U.S. dental school;*
- (4) *Shall have a valid unrestricted license to practice dentistry in Maryland at the time the service obligation begins;*
- (5) *May not have breached an obligation for service to a federal, state, or local government entity;*
- (6) *Shall have no unserved obligations for service to a federal, state, or local government, or to another entity, with the exception of U.S. Department of Health and Human Services' Primary Care Loans, Exceptional Financial Need Scholarships, and Financial Assistance for Disadvantaged Health Professions Students aid;*
- (7) *Shall have outstanding eligible higher education loans;*
- (8) *May not be in default on any eligible higher education loan; and*
- (9) *Shall agree to provide services as provided in Regulation .07 of this chapter.*

B. *Service obligations shall be rendered at an eligible practice site, which is any federal, state, local, or private for-profit or nonprofit dental facility (including a solo, group, or incorporated*

private practice) that treats all persons and agrees to the statutory requirement that a minimum of 30 percent of the patients treated each year for 3 years are in a private or clinical setting serving Maryland medical assistance program recipients.

C. Loans eligible for repayment assistance are any loans for undergraduate or graduate dental professional study obtained for tuition, educational expenses, or living expenses from a college, university, government, commercial source, or an organization, institution, association, society, or corporation that is exempt from taxation under §§501(c)(3) or (4) of the Internal Revenue Code of 1986. An MDC-LARP recipient shall provide documentation that commercial loans were used for payment of tuition, educational expenses, or living expenses.

.03 Determination of Geographic Dentist Shortage Areas.

A. The Maryland Department of Health and Mental Hygiene, Office of Primary Care Services (DHMH) shall be responsible for designating geographic dentist shortage areas in Maryland and reporting the designations annually to the Office for Student Financial Assistance according to a schedule that corresponds to the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) award cycle.

B. Geographic areas designated by DHMH shall coincide with Maryland's federal Dental Health Professions Shortage Areas (Dental HPSAs). In addition, DHMH may identify other areas based on health status indicators that DHMH deems appropriate.

C. Designated dentist shortage areas shall be provided to the review panel as described in Regulation .05 of this chapter for the purpose of reviewing applications and designating underserved areas.

D. A dentist does not have to practice in a Dental HPSA to be considered for an MDC-LARP.

.04 Application Procedures.

A. An individual shall complete an application and provide any additional information required by the Office of Student Financial Assistance (OSFA) and the Office of Oral Health (OOH) to be considered for Maryland Dent-Care Loan Assistance Repayment Program repayment assistance.

B. The OOH is responsible for the development and distribution of application forms and materials.

C. An applicant shall provide:

- (1) A completed application;
- (2) Proof of graduation from an accredited U.S. school of dentistry;
- (3) Documentation of the amounts and the holders of the applicant's outstanding eligible higher education loans;
- (4) Letters of recommendation from three individuals;
- (5) Proof of a dental license issued by the Maryland State Board of Dental Examiners; and
- (6) If entering a group practice or incorporated practice, a letter of intent from the employer stating that the other members of the practice are aware of the program and the requirements that need to be fulfilled; and
- (7) If in solo practice, proof that the practice exists.

D. Each applicant shall agree to provide any information or documentation requested by OSFA and OOH for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. An 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 a deferment, cancellation, suspension, or waiver request.

.05 Selection Process.

A. The Office of Oral Health (OOH) shall appoint a Review Panel, which includes dentists who have experience treating Medicaid and low-income patients, to assist in the annual selection of Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipients.

B. The Review Panel shall be responsible for reviewing the eligible applicants and recommending to OOH which applicants should receive an award.

C. The OOH shall make the final selection of MDC-LARP recipients.

D. The Review Panel may consider the following criteria in making its recommendations to OOH:

- (1) The dental health care needs of the geographic area where the dental practice is located;
- (2) The professional competence and conduct of applicants;
- (3) The applicant's willingness to serve the 3-year requirement;
- (4) The applicant's personal or professional background and whether it demonstrates an understanding of the dental needs that exist in shortage areas or in underserved populations; and
- (5) Additional criteria as determined by OOH to accommodate the goals of the MDC-LARP program.

.06 Maryland Dent-Care Loan Assistance Repayment Program Awards.

A. The total number of awards made each year shall be determined on an annual basis by the Office of Student Financial Assistance (OSFA) and the Maryland Department of Health and Mental Hygiene (DHMH) and shall be based on the amount of funds available.

B. The award amount for new Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) awards shall be determined on an annual basis by OSFA and DHMH, and shall be based on the available annual funding, the number of selected recipients, a recipient's total indebtedness from eligible higher education loans at the time of application, and the number of years the recipient agrees to serve in the program.

C. An award shall be for a minimum of \$10,000 per year and up to a maximum of \$30,000 per year.

D. An MDC-LARP award may not exceed the MDC-LARP recipient's total indebtedness from eligible higher education loans.

E. OSFA shall issue checks to selected MDC-LARP recipients within 60 days of completing their service year. A service year is the 365-day period commencing on the date of the first day the MDC-LARP recipient begins to fulfill the service obligation at an eligible practice site. Unless the MDC-LARP recipient does not fulfill the service obligation as scheduled, subsequent service years for that MDC-LARP recipient begin and end on the same dates as the first service year. The amount of the check shall equal the loan repayment amount specified for the service year in the contract between the MDC-LARP recipient and the Commission.

F. A loan repayment check shall be made co-payable to the MDC-LARP recipient and the holder of the MDC-LARP recipient's eligible higher education loans. The MDC-LARP recipient shall endorse and forward the check to the loan holder.

G. An MDC-LARP recipient shall notify OSFA if there is a change in the holder of a loan.

H. An MDC-LARP recipient may receive renewal awards for up to a maximum of 3 years if the recipient continues to meet the eligibility criteria and have outstanding eligible higher education loans, depending on available funding. Individuals applying for an award renewal are neither given preference nor guaranteed renewal.

.07 Maryland Dent-Care Loan Assistance Repayment Program Recipient Obligations.

A. The recipient of an Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) award shall furnish the Office of Student Financial Assistance (OSFA) with written acceptance of the award and sign a promissory note that stipulates the:

- (1) Obligations of an MDC-LARP recipient;
- (2) Number of years to which the MDC-LARP recipient commits;
- (3) Total and annual amounts of the MDC-LARP award;
- (4) Penalties for breaching the promissory note;
- (5) Circumstances under which the obligation may be deferred, canceled, suspended, or waived; and
- (6) Other terms OSFA deems necessary.

B. A recipient of an MDC-LARP award shall:

(1) Provide dental care services to Maryland Medical Assistance Program MMAP recipients equal to at least 30 percent of their practice for 1 year for each year the individual received an award;

(2) Provide dental care services in a full-time eligible practice site (full-time practice means a minimum of 40 hours per week);

(3) Provide at least 32 hours of the required 40 hours per week during normally scheduled office hours at an eligible practice site; and

(4) Ensure that no more than 35 workdays are spent away from the practice for holidays, vacation, continuing professional education, illness, or any other reason. Absences greater than 35 workdays in any given 52-week period shall extend the service obligation end date.

C. While in practice at an eligible practice site, an MDC-LARP recipient shall:

(1) Sign up to be a Medical Assistance provider with the Maryland Healthy Smiles Program;

(2) Accept and render services to Maryland Medical Assistance Program recipients;

(3) Maintain a valid license to practice dentistry in the State of Maryland throughout the service obligation;

(4) Notify OSFA if the employment arrangement at the eligible practice site is terminated or changed;

(5) Notify OSFA if the repayment of a loan is undertaken by an entity defined in Education Article, §18-2401(b)(2), Annotated Code of Maryland;

(6) Keep timely records of services rendered to all Medicaid patients (both Network Provider Recipients and Maryland Medical Assistance Program Recipients) and provide the Department of Health and Mental Hygiene Office of Oral Health with written reports of those services as allowed by federal and state confidentiality statutes and regulations; and

(7) Complete an exit interview at the end of the final service period.

.08 Verification.

A. The Office of Student Financial Assistance (OSFA) shall require annual verification that a Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient is fulfilling their award obligations.

B. Prior to issuing an MDC-LARP recipient's check for the first year of service, OSFA shall receive notice from the Maryland Department of Health and Mental Hygiene Office of Oral Health (DHMH) that confirms that the MDC-LARP recipient is providing appropriate service at that site. Prior to issuing a check for a subsequent year of service, OSFA shall receive confirmation from DHMH that the MDC-LARP recipient provided services in the previous year and continues to practice at an eligible practice site.

.09 Breach of a Recipient's Obligations.

A. A Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient breaches the recipient's obligations if:

(1) They do not begin their service obligation at an eligible practice site within 3 months of the close of the fiscal year in which the promissory note is executed; or

(2) The MDC-LARP recipient separates from the eligible practice site prior to fulfilling the service obligation and does not move to a site that complies with the program requirements.

B. An MDC-LARP recipient who breaches their obligation shall be subject to the total of the following financial penalties:

(1) The total amounts paid to, or on behalf of, the recipient for loan repayments for any period of obligated service not served;

(2) An amount equal to the number of months of obligated service not completed multiplied by \$7,500; and

(3) Interest on the amounts in §B(1) and (2) of this regulation at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of breach.

C. In addition to the penalties in §B of this regulation, the State of Maryland is entitled to recover costs, fees, and expenses associated with the collection of these penalties, including attorney's fees, as prescribed by State law or regulation

D. Amounts not paid within 1 year of the breach shall be subject to garnishment of wages, deductions in Medicaid payments, and other collection methods.

E. The Office of Student Financial Assistance shall report recipients who fail to pay their financial penalties within 1 year to the Maryland State Board of Dental Examiners. Recipients who fail to pay their financial penalties may be subject to disciplinary action by the Board of Dental Examiners.

F. An MDC-LARP recipient's financial obligation to pay damages may not be released by discharge of bankruptcy under Title 11 of the United States Code.

.10 Deferment, Cancellation, Suspension, and Waiver of Obligation.

A. The Office of Student Financial Assistance (OSFA) may consider deferment, cancellation, suspension, or waiver of the obligation as provided in this regulation.

B. OSFA may consider deferment for:

(1) Military service for a period not to exceed 3 years;

(2) Extended illness verified by a physician;

(3) Extenuating family circumstances to be decided on a case-by-case basis; and

(4) Maternity/paternity leave not to exceed 6 months.

C. OSFA may consider cancellation, suspension, or waiver as follows:

(1) Any service or payment obligation incurred by a Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) recipient is canceled upon the MDC-LARP recipient's death; and

(2) OSFA may waive or suspend an MDC-LARP recipient's service or payment obligation if, as determined by OSFA, compliance by the MDC-LARP recipient with the terms and conditions of the contract is impossible or would involve extreme hardship.

.11 Responsibilities of the Department of Health and Mental Hygiene Office of Oral Health.

The Maryland Department of Health and Mental Hygiene Office of Oral Health shall be responsible for:

A. Promoting and recruiting the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) program in conjunction with the Office of Student Financial Assistance (OSFA);

B. Certifying eligible practice sites;

C. Selecting eligible applicants;

D. Notifying OSFA of selected eligible applicants;

E. Confirming that MDC-LARP recipients are fulfilling their requirements;

F. Appointing an individual to serve on the Review Panel; and

G. Nominating individuals to serve on the Review Panel.

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

Subtitle 08 FINANCIAL AID

13B.08.14 Workforce Shortage Student Assistance Grant Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-708, Annotated Code of Maryland

Notice of Proposed Action

[17-123-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—,15 under a new chapter, **COMAR 13B.08.14 Workforce Shortage Student Assistance Grant Program**. This action was considered by the Maryland Higher Education Commission at a public meeting held on March 22, 2017.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the Workforce Shortage Student Assistance Grant Fund required under Education Article, §18-708, 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 North Liberty Street, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov. Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Workforce Shortage Student Assistance Grant Program is to help meet the State's need for well-trained and highly skilled workers in shortage areas. Students who perform well academically and agree to use their training in eligible programs may qualify for scholarship assistance.

.02 Eligibility.

A. A recipient of assistance under this program shall:

(1) Be a Maryland resident (if the recipient is a dependent student, the parent claiming the student as dependent shall be a Maryland resident as well);

(2) Enroll in an eligible major as specified in regulation .08 of this chapter;

(3) After completing studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage; and

(4) Sign a letter of intent to enroll at a 2-year or 4-year Maryland college or university as a:

(a) Full-time (12 or more credits per semester) degree-seeking undergraduate student;

(b) Part-time (6—11 credits per semester) degree-seeking undergraduate student;

(c) Full-time (9 or more credits per semester) degree-seeking graduate student; or

(d) Part-time (6—8 credits per semester) degree seeking graduate student.

B. Audited courses may not be used to reach the minimum credit hours for full-time or part-time status under §A(4) of this regulation.

C. A student shall satisfy the criteria in §A(4) of this regulation if the student is:

(1) An undergraduate student enrolled for less than part-time credits during a semester if the student earns at least 12 undergraduate in each academic year in which the student receives assistance, including summer sessions; or

(2) A graduate student enrolled for less than part-time credits during a semester if the student earns at least 9 graduate credit hours in each academic year in which the student receives assistance, including summer sessions.

.03 Award Amount.

A. Grants shall be awarded in accordance with the minimum and maximum award ranges specified in this regulation.

B. In this regulation, "cost of attendance (COA)" means the annual expenses of a full-time resident undergraduate at the 4-year public institution of higher education within the University System of Maryland with the highest annual expense for a full-time resident undergraduate as determined by the Maryland Higher Education Commission, other than the University of Maryland University College and University of Maryland, Baltimore.

C. The minimum and maximum award ranges are:

Enrollment	Community College Award Range	4-Year Institution Award Range
Full-time	\$2,000 to 25 percent of COA	\$4,000 to 50 percent of COA
Part-Time	\$1,000 to 12.5 percent of COA	\$2,000 to 25 percent of COA

D. The Office of Student Financial Assistance (OSFA) shall establish the award amount annually when program funding and the number of demand occupations to be incorporated into the program are known.

E. If a student takes courses over a summer session to meet the minimum number of credit hours for full-time or part-time status, the award amount shall be divided equally between the fall, spring, and summer sessions, as appropriate.

F. A student who is enrolled in an academic program that includes mandatory summer sessions as part of the approved curriculum may receive an additional award not to exceed \$1,000 per calendar year, if funds are available. A student shall apply for summer funding in writing by April 1 of that academic year.

G. The grant award may be used at any eligible institution for educational expenses as defined by OSFA, including tuition, mandatory fees, and room and board.

.04 Advisory Council on Workforce Shortage.

A. The Secretary of Higher Education shall appoint an Advisory Council on Workforce Shortage (Advisory Council) to identify and recommend workforce shortage fields to be included in the Workforce Shortage Student Assistance Grant Program.

B. The Advisory Council shall meet as necessary to make recommendations on occupations to be included in the program.

C. At a minimum, the Advisory Council shall make recommendations every 2 years on occupations to be included in the program.

D. Public Good or Benefit

(1) In this section, "public good or benefit" means service to low-income or underserved residents or areas of the State in an occupation in the public sector or service in an organization, institution, association, society, or corporation that is exempt from taxation under §§501(c)(3) or (4) of the Internal Revenue Code of 1986.

(2) In establishing recommendations, the Advisory Council shall take into consideration whether the occupation provides a public good or benefit to the citizens of Maryland.

E. The Advisory Council's recommendations shall be submitted to the Office of Student Financial Assistance (OSFA) for approval.

F. The Department of Labor, Licensing, and Regulation shall provide data and analysis on demand occupations and supply to be used by the Advisory Council.

G. OSFA shall allocate funds for each specific demand occupation within the program, based on the level of critical need. Renewals shall also be considered when determining allocations.

H. Majors and occupational areas associated with the scholarship and tuition assistance programs listed below are included in the Workforce Shortage Student Assistance Grant Program:

- (1) Hattie N. Harrison Memorial Scholarship;
- (2) Ida G. and Leonard Ruben Scholarship;
- (3) Ruth M. Kirk Social Work Scholarship;
- (4) Physical and Occupational Therapists and Assistants Scholarship;
- (5) Sharon Christa McAuliffe Memorial Teacher Education Award;
- (6) Nursing Scholarship and Living Expenses Grant;
- (7) William Donald Schaefer Scholarship; and
- (8) Parren J. Mitchell Public Service Scholarship.

.05 Allocation of Funds.

A. A specified amount of funds shall be allocated each year to each eligible occupational areas based on critical need as determined by the Advisory Council on Workforce Shortage. These funds shall be used to make awards to students majoring in specific programs leading to employment in these occupational areas.

B. As funding permits, the intent of the program is to incrementally address waiting lists for those occupations already incorporated into the grant program while new occupations are being included. In addition, a balanced approach shall be implemented to ensure the programs address demand in all occupations, including those currently in the program as well as new public good and economic development occupations.

C. As the Workforce Shortage Student Assistance Grant Program expands, the determination of occupation allocations should consider the:

- (1) Gap analysis resulting from the workforce model;
- (2) Number of applications;
- (3) Number of awards made in each eligible occupation; and
- (4) Number of students on a waiting list.

.06 Application Procedures.

A. To be considered for the Workforce Shortage Student Assistance Grant Program, an applicant shall submit:

- (1) A completed application;
- (2) An official transcript from each institution the applicant has attended;
- (3) If the applicant has earned less than 12 college level credits, an official high school transcript;

(4) If applying as a nursing major, proof of acceptance into a nursing program at the institution; and

(5) Any additional documentation that may be required by the Office of Student Financial Assistance (OSFA) based on the applicant's major.

B. The Free Application for Federal Student Aid (FAFSA) is not required, but applicants are strongly encouraged to complete the FAFSA.

C. An applicant shall complete and submit all required documents by July 1.

D. Each applicant shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, shall sign an authorization for the release of information to OSFA for the purpose of administering this program. An applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, revocation of an award, denial of service credit, imposition of repayment obligations, or denial of a deferment or waiver request.

.07 Selection of Recipients.

A. Grant awards shall be issued using both merit- and need-based criteria.

B. Applicants shall be ranked by grade point average (GPA) and then ranked by need within each occupational field. Students with the greatest need within each GPA range shall receive awards first.

C. The following GPA ranges shall be used:

- (1) GPA 3.8 to GPA 4.0;
- (2) GPA 3.6 to GPA 3.79;
- (3) GPA 3.4 to GPA 3.59;
- (4) GPA 3.0 to GPA 3.39; and
- (5) GPA 2.9 and below.

D. Merit Ranking.

(1) Transcripts shall be required to determine a student's merit ranking.

(2) A minimum GPA will not be required to determine a student's eligibility because the appropriate GPA level could vary by major.

(3) The GPA ranking of students shall be based on each student's cumulative, unweighted GPA on a standardized 4.0 scale.

(4) High school transcripts shall be used to calculate the GPA for entering freshman and students that have completed less than 12 college credits. Undergraduate level college transcripts shall be used for students who have completed more than 12 college credits as an undergraduate student and less than 12 college credits as a graduate student. Graduate level transcripts shall be used for students who have completed more than 12 graduate level credits.

E. Need Ranking.

(1) In determining the award order, students within each GPA range with the greatest need shall be given the highest priority.

(2) A student's need ranking shall be based on their Free Application for Federal Student Aid (FAFSA).

(3) Except for the William Donald Schaefer Scholarship, it is not mandatory that students complete a FAFSA to be eligible to receive an award. If a student chooses not to file a FAFSA, it will be assumed that the student has no need and will be placed at the bottom of each GPA range to be considered for an award.

.08 Eligible Majors.

A. The Advisory Council on Workforce Shortage shall identify eligible majors and occupational fields biennially based on Statewide workforce shortages.

B. Eligible majors are grouped by service areas that correspond with the service areas in Regulation .11 of this chapter.

C. Eligible Majors by Service Area.

- (1) Service Area A, the Hattie M. Harrison Scholarship.
 - (a) Child development; and
 - (b) Early childhood education.
- (2) Service Area B, the Ida G. and Leonard Ruben Scholarship.
 - (a) Human services degree programs, including:
 - (i) Aging services;
 - (ii) Counseling;
 - (iii) Disability services;
 - (iv) Mental health;
 - (v) Nursing;
 - (vi) Occupational therapy;
 - (vii) Physical therapy;
 - (viii) Psychology;
 - (ix) Rehabilitation;
 - (x) Special education;
 - (xi) Supported employment; and
 - (xii) Vocational rehabilitation; and
 - (b) Any other concentration in the healing arts or in programs providing support services to individuals with special needs, including:
 - (i) Child welfare and juvenile justice; and
 - (ii) The alcohol and drug workforce.
- (3) Service Area C, the Sharon Christa McAuliffe Scholarship.
 - (a) Approved teacher education programs leading to certification in a critical shortage field, including:
 - (i) Chemistry (grades 7—12);
 - (ii) Computer science (grades 7—12);
 - (iii) Dance;
 - (iv) Earth/space science (grades 7—12);
 - (v) English for speakers of other languages (ESOL) (Pre-K—12);
 - (vi) Health occupations (grades 7—12);
 - (vii) Latin (grades 7—12);
 - (viii) Mathematics (grades 7—12);
 - (ix) Physical science (grades 7—12);
 - (x) Physics (grades 7—12);
 - (xi) Reading specialist;
 - (xii) Spanish (grades 7—12);
 - (xiii) Special education, generic: infant/primary (birth—grade 3);
 - (xiv) Special education, generic: elementary/middle (grades 1—8);
 - (xv) Special education, generic: secondary/adult (grades 6—adult);
 - (xvi) Special education—hearing impaired;
 - (xvii) Special education—severely and profoundly disabled;
 - (xviii) Special education—visually impaired;
 - (xix) Speech language pathology (educational service area); and
 - (xx) Technology education (grades 7—12).
 - (b) Elementary education is not a critical shortage field.
- (4) Service Area D.
 - (a) Physical therapy;
 - (b) Physical therapy assistant;
 - (c) Occupational therapy; and
 - (d) Occupational therapy assistant.
- (5) Service Area E, the William Donald Schaefer Scholarship—Law—Designed to prepare individuals to provide legal services to low-income residents in the State.
- (6) Service Area F, the Ruth M. Kirk Public Social Work Scholarship—Social Workers.

(7) Service Area G, the Parren J. Mitchell Public Service Scholarship—Nursing and Other.

(a) Recipients shall be graduates of nursing programs and other majors designed to prepare individuals for careers in public service.

(b) Recipients shall be employed in a public or nonprofit sector under §§501(c)(3) or (4) of the Internal Revenue Code of 1986 in service areas where there is a shortage of qualified practitioners for low-income or underserved residents or areas of the State.

.09 Payment.

Each semester, eligible institutions shall certify on billing rosters provided by the Office of Student Financial Assistance that the recipient is:

- A. A Maryland resident;
- B. Enrolled for the required number of credits;
- C. Enrolled in an eligible academic program;
- D. Making satisfactory academic progress towards a degree; and
- E. Maintaining the standards of the institution.

.10 Renewal and Continuation.

A. The award shall be automatically renewed on an annual basis up to a maximum of 5 years if the student continues to meet all of the eligibility requirements and meet the satisfactory academic progress standards of the institution.

B. The award may not be renewed if the original award was canceled because the recipient took an ineligible number of credits per semester or because of the student's failure to maintain satisfactory academic progress.

C. A recipient who is academically ineligible shall forfeit the award for 1 academic year. The award may be reinstated, if funds are available, for the following academic year upon proof of meeting the standards of the institution.

D. A student transferring from one institution to another may continue to receive an award as long as the student meets all of the eligibility requirements.

E. A renewal student wishing to continue receiving the award for an advanced degree shall contact the Office of Student Financial Assistance in order to determine if they are eligible for the award.

F. A grant recipient in a workforce shortage field that is removed from the grant program may continue to receive renewal awards under the program.

.11 Service Obligation.

A. Applicants offered an award shall sign and return a promissory note agreeing to begin fulfillment of the service obligation in the area/field for which the award was received within 1 year of completing the degree for which they received assistance.

B. The service obligation begins after completion of the degree program and may not be fulfilled prior to completion.

C. If a recipient holds a Workforce Shortage Student Assistance Grant with any other State award requiring a service obligation, the obligations shall be served in consecutive years.

D. If a recipient works full-time, the service obligation shall be fulfilled at a rate of 1 year for each year that the award was received, even if the student was enrolled on a part-time basis for some semesters.

E. If a recipient works part-time, the obligation shall be fulfilled at a rate of 2 years for each year the scholarship was received, even if the student was enrolled on a part-time basis.

F. Full-time employment is at least 35 hours per week, and part-time employment is at least 20 hours per week.

G. If a student receives a degree in a major that falls into more than one specified service area, the student may fulfill the service obligation in either area.

H. Eligible Employment by Service Area.

(1) *Service Area A. The recipient shall be employed in the State of Maryland as a director or senior staff member in a licensed Maryland childcare center or as a licensed family day care provider in Maryland. The recipient may not work as an elementary school teacher to fulfill this obligation.*

(2) *Service Area B.*

(a) *The recipient shall be employed in a Maryland community-based program that is:*

(i) *Licensed by the Developmental Disabilities Administration;*

(ii) *Approved by the Mental Hygiene Administration; or*

(iii) *Certified by the Office of Health Care Quality;*

(b) *The recipient shall be employed in a residential program that is licensed by the Department of Human Resources or the Department of Juvenile Justice;*

(c) *The recipient shall be a direct service employee or provide first-line supervision of employees who provide habilitation, rehabilitation, residential, or related community support services to individuals:*

(i) *With developmental disabilities;*

(ii) *With mental health disorders; or*

(iii) *Who are dependent on alcohol or drugs;*

(d) *The recipient shall be a direct service employee or provide first-line supervision of employees who serve children in:*

(i) *The custody of a local department of social services;*

or

(ii) *Any residential childcare program licensed by the Department of Human Resources or the Department of Juvenile Justice;*

(e) *The recipient shall be employed by a State or local government entity in Maryland as a direct care service employee or provide first-line supervision of employees who provide habilitation, rehabilitation, residential, or related community support services to individuals:*

(i) *With developmental disabilities;*

(ii) *With mental health disorders; or*

(iii) *Who are dependent on alcohol or drugs; or*

(f) *The recipient shall be employed by a State or local government entity in Maryland as a direct care service employee or provide first-line supervision of employees who serve children in the custody of a local residential childcare program.*

(3) *Service Area C.*

(a) *The recipient shall become a certified teacher in Maryland:*

(i) *In the certification area applied for and awarded, and be employed in a Maryland public or private elementary or secondary school as a teacher in that area; or*

(ii) *In any teaching field if the individual commits to working in a Title I school or a school designated for improvement.*

(b) *The Office of Student Financial Assistance shall forgive a teacher recipient of a Workforce Shortage Student Assistant Grant for their service obligation for up to 2 years if the recipient has failed the teacher certification examination, approved by the Maryland State Board of Education, in 2 consecutive years and the recipient fails to pass the teacher certification examination within the time period specified by the Office of Student Financial Assistance.*

(4) *Service Area D.*

(a) *The recipient shall be employed as a therapist or therapy assistant to children with disabilities in a public school in Maryland;*

(b) *The recipient shall be employed as a therapist or therapy assistant to children with disabilities placed in an approved nonpublic education program; or*

(c) *The recipient shall be employed as a therapist or therapy assistant to provide physical or occupational therapy in a State*

therapeutic hospital determined by the Secretary of Health and Mental Hygiene to have a severe shortage of physical or occupational therapists.

(5) *Service Area E.*

(a) *The recipient shall be engaged in eligible employment in Maryland in public service to assist in providing legal services to low-income residents in the State.*

(b) *Eligible employment is defined as employment in government at any level, public interest organization, public school, or nonprofit organization under §§501(c)(3) or (4) of the Internal Revenue Code of 1986.*

(6) *Service Area F. The recipient shall be employed as a social worker in the public or nonprofit sectors under §§501(c)(3) or (4) of the Internal Revenue Code of 1986 in which there is a shortage of qualified practitioners for low-income or underserved residents or areas of the State.*

(7) *Service Area G. The recipient shall be employed as:*

(a) *A nurse in a Maryland licensed hospital, adult day care center, nursing home, public health agency, home health agency, an eligible institution of postsecondary education that awards nursing degrees or diplomas, or another organization authorized by the Secretary of Health and Mental Hygiene; or*

(b) *A nurse in the public or nonprofit sectors under §§501(c)(3) or (4) of the Internal Revenue Code of 1986 in which there is a shortage of qualified practitioners to low-income or underserved residents or areas of the State.*

.12 Repayment.

A. *If a recipient fails to meet the required obligations under the Workforce Shortage Student Assistance Grant Program, the recipient shall repay the State the portion of the scholarship not forgiven.*

B. *Interest on the funds advanced shall be charged at an interest rate equal to the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year.*

C. *Interest may not accrue prior to notification to the Office of Student Financial Assistance (OSFA) of a recipient's graduation or termination from an institution of higher education.*

D. *Repayment may be prorated if the recipient partially fulfills their obligation.*

E. *OSFA shall waive the repayment of a grant award at a rate of:*

(1) *1 year for each year that the recipient performs the service obligation on a full-time basis; or*

(2) *6 months for each year that the recipient performs the service obligation on a part-time basis.*

F. *Except as otherwise provided in this regulation, repayment shall be made to the State within 6 years after the repayment period begins and shall follow a repayment schedule established by OSFA.*

.13 Deferment of the Service Obligation and Repayment.

A. *Recipients shall seek eligible employment aggressively within a 60-mile radius of their residence.*

B. *A recipient may request that their service obligation be deferred during the time the recipient is:*

(1) *Enrolled in a full-time (12 or more credits per semester) or part-time (6—11 credits per semester) undergraduate course of study, or a full-time (9 or more credits per semester) or part-time (6—8 credits per semester) graduate course of study at an institution of higher education in a degree-granting program;*

(2) *On a temporary leave of absence approved by the employer in the required employment field for a period not to exceed 12 months;*

(3) *Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;*

(4) Unable to maintain employment for a period not to exceed 12 months because they must care for a spouse or child who is disabled;

(5) Assigned military duty outside of the State, not to exceed 3 years without filing an appeal;

(6) Married to a spouse assigned military duty outside of the State, not to exceed 3 years without filing an appeal; or

(7) Aggressively seeking and unable to secure employment, as required in §A of this regulation, for a single period not to exceed 12 months.

C. A recipient's deferment request shall include satisfactory supporting documentation, consisting of the following, as appropriate:

(1) Certification by the office of the registrar that the recipient has returned to a full-time or part-time course of study at an eligible institution of higher education;

(2) Certification by the employer that the recipient is on a temporary approved leave of absence;

(3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;

(4) A sworn affidavit by a qualified physician that the recipient is unable to maintain employment because they must care for a spouse or child who is disabled;

(5) A notarized statement including a list of possible eligible employers, including their addresses and telephone numbers, to which application has been made if the recipient has been unable to find full-time employment as required; or

(6) A copy of military orders.

D. The Office of Student Financial Assistance (OSFA) shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period.

E. Before a deferment based on an inability to find employment is granted, OSFA shall review the recipient's documentation and other available information and determine if the recipient has sought employment aggressively in all required areas of the State.

F. During the period of an approved deferment, a recipient need not make scholarship repayments and interest does not accrue.

G. OSFA shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, and from the spouse of an individual assigned military duty outside the State, that exceed the 3-year deferral limit. Appeals shall be in writing and include a copy of the military orders.

.14 Waiver of the Service Obligation and Repayment.

A. The Office of Student Financial Assistance (OSFA) shall waive a recipient's service and repayment obligations if it determines:

(1) On the basis of a sworn affidavit of two qualified physicians, that the recipient is physically unable to fulfill any of the possible service obligations on a full-time or part-time basis because of a permanent impairment; or

(2) On the basis of a death certificate or other evidence of death that is conclusive under State law that the recipient has died.

B. OSFA shall forgive a recipient of a Workforce Shortage Student Assistance Grant, Service Area C, for up to 2 years of an award if:

(1) The recipient has taken the teacher certification examination, approved by the Maryland State Board of Education, in 2 consecutive years; and

(2) The recipient fails to pass the teacher certification examination within the time period specified by OSFA.

.15 Special Financial Circumstances Appeals.

A. A student may appeal if the student's financial circumstances change, after the filing of the student's application, as a result of one of the following:

(1) The student's parent or spouse dies;

(2) The student or the student's parents divorce or separate;

(3) The student, student's parent (if dependent), or student's spouse (if independent) as defined by the Free Application for Federal Student Aid (FAFSA) becomes involuntarily unemployed for at least 10 consecutive weeks in the current year; or

(4) The student or the student's parent loses, as a result of the student reaching the age of majority, benefits from Social Security, Temporary Assistance for Needy Families (TANF), or child support.

B. The student's appeal shall be supported by appropriate documentation sufficient to substantiate the student's claim including, but not limited to, a copy of a:

(1) Death certificate;

(2) Divorce decree or separation agreement;

(3) Notice of job termination or layoff;

(4) Federal tax transcript or W-2; or

(5) Termination notice of unemployment benefits.

C. If the Office of Student Financial Assistance (OSFA) sustains a student's appeal, OSFA shall provide the following relief:

(1) If the appeal was based on the death of the student's parent or spouse, OSFA shall adjust the student's FASFA income information to exclude the income of the deceased;

(2) If the appeal was based on the student or the student's parents' divorce or separation, OSFA shall adjust the student's FASFA income information to exclude the income of the affected parent or spouse;

(3) If the appeal was based on the student, student's parent (if dependent), or student's spouse (if independent) becoming involuntarily unemployed for at least 10 consecutive weeks in the current year, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year; and

(4) If the appeal was based on the student or the student's parent losing, as a result of the student reaching the age of majority, benefits from Social Security, TANF, or child support, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year.

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

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: August 16, 2016, to March 31, 2017.

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 previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 for the time period specified above:

Minor Modifications Issued Under 18 CFR 806.18

Essential Power Rock Springs LLC, Rock Springs Generation Facility, Docket No. 20001203-2, Rising Sun District, Cecil County, Md.; approval to change the authorized water use purpose, on an interim basis, to include bulk water supply to the neighboring Wildcat Point Generation Facility; Approval Date: August 16, 2016.

Essential Power Rock Springs LLC, Rock Springs Generation Facility, Docket No. 20001203-3, Rising Sun District, Cecil County, Md.; approval to add Wildcat Point Generation Facility as a source for project consumptive water use to be used as a replacement for the existing sources and rescission of the approval for surface water withdrawal from the on-site stormwater pond; Approval Date: January 6, 2017.

Old Dominion Electric Cooperative, Wildcat Point Generation Facility, Docket No. 20140308-1, Rising Sun District, Cecil County, Md.; approval to add Rock Springs Generation Facility as a source for project consumptive water use, on an interim basis, until the approved new water source under Docket No. 20140308 is available; Approval Date: August 16, 2016.

Old Dominion Electric Cooperative, Wildcat Point Generation Facility, Docket No. 20140308-2, Rising Sun District, Cecil County, Md.; approval to change the authorized water use purpose to include bulk water supply to the neighboring Rock Springs Generation Facility; Approval Date: January 6, 2017.

Patton Borough, Docket No. 20121221-1, Clearfield Township, Cambria County, Pa.; approval of an increase in the total system limit from 0.339 mgd established in Docket No. 20121221 to 0.632 mgd; Approval Date: September 26, 2016.

Renovo Energy Center LLC, Docket No. 20160608-1, Renovo Borough, Clinton County, Pa.; approval to add Renovo Borough Water Authority as a source for project consumptive water use, on an interim basis, until the approved new water source under Docket No. 20160608 is available; Approval Date: March 24, 2017.

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

Dated: April 18, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-10-13]

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, 2017.

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(e) and §806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(e):

Mt. Carmel Cogen, Inc., ABR-201703001, Mt. Carmel Township, Northumberland County, Pa.; Consumptive Use of Up to 1.370 mgd; Approval Date: March 1, 2017.

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

Chief Oil & Gas, LLC, Pad ID: Tague East Drilling Pad, ABR-201208024.R1, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 3, 2017.

Chesapeake Appalachia, LLC, Pad ID: Borek, ABR-201208021.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 6, 2017.

EOG Resources, Inc., Pad ID: WOLFE B Pad, ABR-201203002.R1, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.

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SWN Production Company, LLC Pad ID: TONYA EAST, ABR-201204012.R1, New Milford and Great Bend Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.

SWN Production Company, LLC Pad ID: Seamans Pad, ABR-201204022.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.

SWN Production Company, LLC Pad ID: Warner Pad, ABR-201204024.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 6, 2017.

SWN Production Company, LLC Pad ID: Charles Pad, ABR-201204013.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.

SWN Production Company, LLC Pad ID: Gaylord Pad, ABR-201204020.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.

SWN Production Company, LLC Pad ID: Page Pad, ABR-201204021.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.

SWN Production Company, LLC Pad ID: Walker Pad, ABR-201204023.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.

SWN Production Company, LLC Pad ID: O'Brien Pad, ABR-201205012.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 7, 2017.

Chief Oil & Gas, LLC, Pad ID: AMBROSIUS B PAD, ABR-201703002, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 9, 2017.

Chief Oil & Gas, LLC, Pad ID: Taylor Drilling Pad B, ABR-201703003, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 9, 2017.

SWN Production Company, LLC Pad ID: Humbert III Pad (RU-9), ABR-201205018.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 16, 2017.

SWN Production Company, LLC Pad ID: Scarlet Oaks Pad (RU-38), ABR-201205020.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 16, 2017.

EXCO Resources (PA), LLC, Pad ID: Dale Bower East Unit Pad, ABR-201202009.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: March 17, 2017.

SWN Production Company, LLC Pad ID: ASNIP-ABODE, ABR-201202005.R1, Herrick and Orwell Townships, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 22, 2017.

SWN Production Company, LLC Pad ID: Glover Pad, ABR-201204019.R1, Thompson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 22, 2017.

Chesapeake Appalachia, LLC, Pad ID: Blueberry Hill, ABR-201209014.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 27, 2017.

Chief Oil & Gas, LLC, Pad ID: SGL 12 C DRILLING PAD, ABR-201703004, Leroy and Overton Townships, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 27, 2017.

Chesapeake Appalachia, LLC, Pad ID: Carr, ABR-201209015.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 29, 2017.

Chief Oil & Gas, LLC, Pad ID: Raimo Unit Pad, ABR-201703005, Overton and Monroe Townships, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 29, 2017.

SWN Production Company, LLC Pad ID: NR-10 POWELL Pad, ABR-201703006, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 29, 2017.

Cabot Oil & Gas Corporation Pad ID: TsourousA P1, ABR-201703007, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 29, 2017.

Chief Oil & Gas, LLC, Pad ID: L. KINGSLEY NORTH UNIT PAD, ABR-201703008, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 29, 2017.

SWEPI, LP, Pad ID: Kreitzer 505, ABR-201202030.R1, Rutland Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 29, 2017.

Range Resources – Appalachia, LLC, Pad ID: Porter, Stephen, ABR-201203028.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: March 29, 2017.

Range Resources – Appalachia, LLC, Pad ID: Roaring Run Unit, ABR-201203029.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: March 29, 2017.

SWN Production Company, LLC Pad ID: Wilkes Well Pad, ABR-201202029.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 30, 2017.

SWN Production Company, LLC Pad ID: Preston-Perkins, ABR-201204025.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 30, 2017.

Chesapeake Appalachia, LLC, Pad ID: Yencha, ABR-201209012.R1, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 31, 2017.

JKLM Energy, LLC, Pad ID: Headwaters 142, ABR-201703009, Ulysses Township, Potter County, Pa.; Consumptive Use of Up to 3.5500 mgd; Approval Date: March 31, 2017.

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

Dated: April 18, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-10-14]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: March 1-31, 2017.

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, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22(f) for the time period specified above:

Rescinded ABR Issued:

SWN Production Company, LLC, Pad ID: Estabrooks Pad, ABR-201204017, Harford Township, Susquehanna County, Pa., Rescind Date: March 15, 2017.

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

Dated: April 18, 2017.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[17-10-15]

DEPARTMENT OF STATE POLICE HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under the Public Safety Article, §5-405, Annotated Code of Maryland and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **May 12, 2017**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

Manufacturer	Model Name	Model Number	Caliber	Additional Explanation
Accuracy X, Inc.	1911 Frame		9mm, .38 Special, .40 S&W, .45 ACP, 10mm	Frame Only
AREX	Rex Zero ICP	RexZero1CP-04 RexZero1CP-05	9mm	
Atlas Gun Works	2011 Frame			Frame Only
Beretta	M9-22 A1	J90A1M9F18	.22 LR	Caliber Addition
Beretta USA	APX		9mm., .40 S&W	
Bersa	Thunder 380 CC		.380 ACP	
Bond Arms	PT2A (Protect 2nd Amendment)		410 LC/45 ACP 357 Mag/38 SP	Model Addition
Browning	1911-380 Black Label Medallion Pro	051912492, 051914492 (Nite Site)	.380 ACP	Model Addition
Browning	1911-380 Black Label Compact	051905492	.380 ACP	Model/Caliber Addition
Christensen Arms	1911 A4	CA10297-1281111	9mm	
Colt/Colt Mfg.	Colt Government Model 1911 A-1	517030810	.22 LR	Model/Caliber Addition
Colt/Colt Mfg.	Lightweight Commander	04842XE, 04840XE	9mm, .45. ACP	
CZ	P-09	91621	.40 S&W	Caliber Addition
Dan Wesson	Valkyrie	1865, 1865, 1965, 1966	9mm, .45 ACP	
Dan Wesson	Silverback	1894	9mm	Caliber Addition
DSA	FAL SA 58		308 Win	
FN America LLC	509		9mm	

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Grand Power	GP P 40		40 S&W	Caliber Addition
Harpers Ferry Armory	A.H. 357		.357 Magnum	
Harpers Ferry Armory	I.S. 38		.38 Special	
Kimber	Custom Covert II		.45 ACP	Model Addition
Les Baer Custom	Premier II (6" Model)		10 mm	Caliber Addition
LWRC	IC-PSD	ICPSDPR5B8 ICPSDPR5CK8 ICPSDPR5ODG8 ICPSDPR5PBC8	5.56mm	Model Addition
LWRC	Six8Pistol	Six8PRB8 Six8PRCK8 Six8PODG8 Six8PPBC8	6.8 SPC II	Model Addition
Mossberg	590 Shockwave		12 Gauge	
Nighthawk Custom	Falcon		.45 ACP	
Republic Forge LLC	Patriot		10mm, .40 S&W & .38 Super	Caliber Additions
Sig Sauer	1911 Super Target		.45 ACP	Model Addition
Sig Sauer	1911 (Tacops)	1911R-10 Tacops	10mm, .45 Auto & .357 Sig	
Spikes Tactical	ST-15		5.56 Nato	
STI International	Costa Carry Comp	10-300379 10-300351 10-290229 10-290214	9mm, .45 ACP	
Sturm Ruger	Mark IV Competition	40112	.22 LR	
Sturm Ruger	GP100	1761	.44 Special	Caliber Addition
Sturm Ruger	LCRx	5434, 5435	.38 Special, .22 LR	Caliber Additions
Surplus Ammo & Arms	Low 15		5.56 Nato	
Ultimate Arms	Magna T5	Magna 1018	.45 ACP	
Uselton Arms	1911 TAC	UA 1022	.45 ACP	
Wilson Combat	Vicker's Elite		.45 ACP, 9mm	Model Addition
Wilson Combat	Ultralight Carry		.45 ACP, .38 Super and 9mm	Model/ Caliber Addition

[17-10-16]

MARYLAND HEALTH CARE COMMISSION

SCHEDULE FOR CERTIFICATE OF ONGOING PERFORMANCE REVIEWS

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Ongoing Performance by hospitals for their cardiac surgery and percutaneous coronary intervention (PCI) services programs, if they are subject to ongoing performance review in accordance with COMAR 10.24.17. This schedule replaces, in its entirety, the schedule published on April 14, 2017.

Applications must be submitted no later than the published due date and will only be received and reviewed in accordance with this published schedule. All applications, including the required number of copies, must be received at the offices of the Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m. on the scheduled date of submission. For further information about the review schedules or procedures, contact Eileen Fleck, Chief, Acute Care Policy and Planning, at eileen.fleck@maryland.gov or 410-764-3287.

Cardiac Surgery Services

Planning Region and Hospitals	Application Submission Date
<u>Washington Metropolitan Region, Lower Eastern Shore Region, and Western Region</u> Peninsula Regional Washington Adventist *Prince George's Western Maryland Regional Suburban	September 8, 2017
<u>Baltimore Upper Shore Region</u> MedStar Union Memorial University of Maryland (UM) Sinai of Baltimore UM St. Joseph The Johns Hopkins	November 10, 2017

*Note: Prince George's Hospital Center is not required to submit an application in this review cycle based on COMAR 10.24.17.07A(1)(c).

Percutaneous Coronary Intervention Services

Hospitals		Application Submission Date
Anne Arundel Carroll Howard County General Johns Hopkins Bayview	MedStar Franklin Square St. Agnes UM Baltimore Washington UM Upper Chesapeake	January 12, 2018
MedStar Union Memorial Peninsula Regional Sinai of Baltimore The Johns Hopkins	University of Maryland UM St. Joseph Western Maryland	April 20, 2018
Frederick Memorial Holy Cross/Silver Spring MedStar Southern Maryland Meritus	Prince George's Shady Grove Adventist Suburban Washington Adventist	August 4, 2018

Note: Due to the concentration of PCI programs in the Baltimore Upper Shore Health Planning Region, the submission of applications has been distributed over two review cycles, with the first cycle covering Baltimore Upper Shore hospitals that currently provide PCI services only and the second cycle covering Baltimore Upper Shore hospitals with both cardiac surgery and PCI services.

[17-10-26]

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.

MARYLAND CYBERSECURITY COUNCIL

Subject: Public Meeting

Date and Time: June 1, 2017, 10 a.m. — 12 p.m.

Place: College Park Marriot Hotel and Conference Center at the University of Maryland University College, 3501 University Blvd., East, Hyattsville, MD 20783

Add'l. Info: For more information go to www.umuc.edu/mdcybersecuritycouncil or email

marylandcybersecuritycouncil@umuc.edu.

Contact: Greg von Lehmen (301) 985-7077

[17-10-28]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting

Date and Time: June 7, 2017, 4:30 — 6 p.m.

Place: Dept. of Health and Mental Hygiene, 201 W. Preston St., Conf. Rm. L3, Baltimore, MD

Contact: Berit Dockter (410) 767-5159

[17-10-01]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting

Date and Time: June 22, 2017, 3 — 5 p.m.

Place: 201 W. Preston St., Rm. L-1, Baltimore, MD

Add'l. Info: HEALTHCHOICE POST-AWARD FORUM

Effective January 1, 2017, the Centers for Medicare and Medicaid Services (CMS) approved and renewed Maryland's §1115 demonstration waiver, known as HealthChoice, for a 5-year period.

Per the terms of the HealthChoice Demonstration Renewal as directed by 42 CFR 431.420(c), Maryland must conduct a post-award forum within 6 months of implementing the demonstration and annually thereafter. The forum is intended to provide the public with the opportunity to offer meaningful comment on the progress of the demonstration. The first post-award forum will be held on June 22, 2017, at 3 p.m., at 201 West Preston Street, Room L-1 Baltimore, MD 21201.

For more information, please visit

<https://mmcp.dhmh.maryland.gov/healthchoice/Pages/HealthChoice-Post-Award-Forum.aspx>

Contact: Laura Goodman (410) 767-5683

[17-10-17]

DIVISION OF LABOR AND INDUSTRY

Subject: Public Meeting

Date and Time: May 22, 2017, 1 — 3 p.m.

Place: The Division of Labor and Industry, 1100 N. Eutaw St., Conf. Rm. 600, Baltimore, MD

Add'l. Info: The Equal Pay Commission will meet to evaluate wage disparities in the public and private sectors in the State. Interested parties should call prior to the meeting to ensure the meeting has not been canceled or postponed.

Contact: Grason Wiggins (410) 767-8604

[17-10-18]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: May 25, 2017, 10 a.m. — 12 p.m.

Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Contact: Marie A. Torosino (410) 230-8790

[17-10-19]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: May 18, 2017, 1 — 4 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3570

[17-10-04]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: June 15, 2017, 1 — 4 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3570

[17-10-05]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Listing of Primary Stroke Center Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation

Add'l. Info: Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospital has requested reverification as a Comprehensive Stroke Center:

- The Johns Hopkins Hospital

Any person with knowledge of any reason why the above-listed hospital should not be reverified and redesignated is requested to submit a written statement of the reason to Anna Aycock, Chief of Health Facilities and Special Programs, 653 W. Pratt Street, Room 402, Baltimore, MD 21201, by June 12, 2017.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated but who wish to be considered for designation as Comprehensive Stroke Centers should submit a written letter of intent to Ms. Aycock at the address above. Letters of intent are due by July 6, 2017.

Contact: Anna Aycock (410) 706-3930, aaycock@miemss.org

[17-10-09]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Subject: Listing of Primary Stroke Center Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation

Add'l. Info: Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospitals have requested reverification as Primary Stroke Centers:

- Calvert Memorial Hospital
- University of Maryland Charles Regional Medical Center
- Howard County General Hospital
- Shady Grove Adventist Hospital

Any person with knowledge of any reason why any of the above-listed hospitals should not be reverified and redesignated is requested to submit a written statement of the reason to Anna

Aycock, Chief of Health Facilities and Special Programs, 653 W. Pratt Street, Room 402, Baltimore, MD 21201, by May 26, 2017.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated but who wish to be considered for designation as Primary Stroke Centers should submit a written letter of intent to Ms. Aycock at the address above. Letters of intent are due by July 6, 2017.

Contact: Anna Aycock (410) 706-3930, aaycock@miemss.org

[17-10-10]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2017 Commercial Large Coastal Shark Catch Limits — Effective April 21, 2017

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. on April 21, 2017, the catch limit is three 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 Commission will follow with modifications for state waters. A new public notice will be issued if modifications are made.

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[17-10-12]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2017 Commercial Horseshoe Crab Fishery — Effective 5/1/17

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(4) establishes the quota, season, and catch limits for the commercial horseshoe crab fishery, effective 12:01 a.m. on May 1, 2017.

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 1, 2017 through July 9, 2017:

(1) A person may catch or land horseshoe crabs outside of 1 mile of the Atlantic coast.

(2) A person may catch or land horseshoe crabs in Maryland's coastal bays and their tidal tributaries.

(3) A person may not catch or land horseshoe crabs within 1 mile of the Atlantic Coast, or the Chesapeake Bay and its tidal tributaries.

July 10, 2017 through November 30, 2017: A person may catch or land horseshoe crabs from the tidal waters of the State.

December 1, 2017 through April 30, 2018: 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 1, 2017 through July 9, 2017: A permittee may not land more than 150 male horseshoe crabs per day.

July 10, 2017 through November 30, 2017: 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 of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[17-10-23]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Spiny Dogfish Landing Limits — Effective May 1, 2017

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 2017 — 2018 commercial fishery. Effective 12:01 a.m. on May 1, 2017, the commercial catch limits of spiny dogfish for a commercial licensee are as follows:

- For an individual licensed to catch finfish: 1,000 pounds per vessel per day caught from Maryland waters (0 — 3 miles from shore).
- 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:
 - 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
 - That also holds a federal spiny dogfish permit from NMFS: 2,500 pounds per vessel per day regardless of whether the fish were caught from Maryland and/or Federal waters of the EEZ (0—200 miles from shore).
- For an individual licensed to catch finfish who is also in possession of a Maryland spiny dogfish landing permit:
 - 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
 - That also holds a federal spiny dogfish permit from NMFS: 6,000 pounds per vessel per day regardless of whether the fish were caught from Maryland and/or Federal waters of the EEZ (0-200 miles from shore).

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 260-8271

[17-10-24]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: May 19, 2017, 9 a.m. — 12 p.m.

Place: Spring Grove Hospital Center, 55 Wade Ave. (or by teleconference), 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 also may be discussed. An Executive

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Session is possible. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255. The meeting may take place by teleconference. Please call the office for information.

Contact: Lauren Murray (410) 402-8556

[17-10-07]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting

Date and Time: May 25, 2017, 10 a.m. — 12 p.m.

Place: Wye Island NRMA, 632 Wye Island Rd., Queenstown, MD

Contact: Christine Nagle (410) 537-3584

[17-10-03]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: May 24, 2017, 9 a.m. — 1 p.m.

Place: MDE, 1800 Washington Blvd., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Elaine Nolen (410) 537-4466

[17-10-08]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting

Date and Time: May 25, 2017, 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 S. Lackington (410) 864-5300

[17-10-06]

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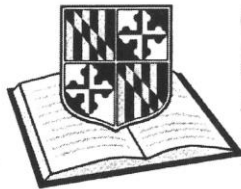
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