

# Maryland Register

Issue Date: March 30, 2018

Volume 45 • Issue 7 • Pages 335—404

## IN THIS ISSUE

General Assembly  
Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before March 12, 2018, 5 p.m.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 March 12, 2018.

Gail S. Klakring  
Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

## CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

## CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

## CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

## DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

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

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

**Lawrence J. Hogan, Jr.**, Governor; **John C. Wobensmith**, Secretary of State; **Gail S. Klakring**, 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.

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

Illustrations by Carolyn Anderson, Dept. of General Services

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

# Contents

## Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register .....	339
---	-----

## COMAR Research Aids

Table of Pending Proposals .....	340
----------------------------------	-----

## Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
08 Department of Natural Resources .....	345
10 Maryland Department of Health .....	345, 348
13A State Board of Education .....	346, 367
13B Maryland Higher Education Commission .....	373
14 Independent Agencies .....	375
15 Department of Agriculture .....	378
20 Public Service Commission .....	346
26 Department of the Environment .....	346, 381
28 Office of Administrative Hearings .....	347
30 Maryland Institute for Emergency Medical Services Systems (MIEMSS) .....	347
31 Maryland Insurance Administration .....	388
32 Maryland Department of Aging .....	391

## PERSONS WITH DISABILITIES

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

## General Assembly

SYNOPSIS NO. 6 .....	343
----------------------	-----

## The Judiciary

COURT OF APPEALS OF MARYLAND DISCIPLINARY PROCEEDINGS .....	344
---	-----

## Final Action on Regulations

<b>08 DEPARTMENT OF NATURAL RESOURCES</b>	
BOATING—SPEED LIMITS AND OPERATION OF VESSELS	
Sewern River Vessel Management Area .....	345
<b>10 MARYLAND DEPARTMENT OF HEALTH</b>	
HOUSING	
Migratory Labor Camps .....	345
Construction, Equipment, Sanitation, Operation, and Maintenance of Mobile Home Parks .....	345
DEVELOPMENTAL DISABILITIES	
Fee Payment System for Licensed Residential and Day Programs .....	345
Community Supported Living Arrangements Payment System .....	345
BOARD OF MORTICIANS AND FUNERAL DIRECTORS	
Family Security Trust Fund .....	345
BOARD OF MASSAGE THERAPY EXAMINERS	
General Regulations .....	345
<b>13A STATE BOARD OF EDUCATION</b>	
SCHOOL PERSONNEL	
Incentive Program for Certification by the National Board for Professional Teaching Standards .....	346

## 20 PUBLIC SERVICE COMMISSION

TAXICABS	
Taxicab Drivers .....	346
Taxicabs—Control and Operation .....	346
Control and Operation of Taxicabs in the City of Cumberland and the City of Hagerstown .....	346

## 26 DEPARTMENT OF THE ENVIRONMENT

WATER SUPPLY, SEWERAGE, SOLID WASTE, AND POLLUTION CONTROL PLANNING AND FUNDING	
Bay Restoration Fund Implementation .....	346
WATER POLLUTION	
Water Quality .....	347
Public Bathing Beaches .....	347

## AIR QUALITY

Nonattainment Provisions for Major New Sources and Major Modifications .....	347
--	-----

## LEAD

Lead in Drinking Water—Public and Nonpublic Schools .....	347
---	-----

## 28 OFFICE OF ADMINISTRATIVE HEARINGS

REVIEW OF DECISIONS AND ACTIONS OF HEALTH OCCUPATIONS BOARD AND COMMISSIONS	
Referrals .....	347

## 30 MARYLAND INSTITUTE FOR EMERGENCY

MEDICAL SERVICES SYSTEMS (MIEMSS)	
EMERGENCY MEDICAL SERVICES PROVIDERS	
Licensure and Certification .....	347
EMERGENCY MEDICAL SERVICES EDUCATION PROGRAMS AND COURSES	
Definitions .....	347
Continuing Education .....	347

## Proposed Action on Regulations

### 10 MARYLAND DEPARTMENT OF HEALTH

PROCEDURES	
Board of Review Procedures .....	348
Procedures for Hearing Before the Hospital Appeal Board and Nursing Home Appeal Board .....	349
MEDICAL CARE PROGRAMS	
Nursing Facility Services .....	349
CANCER CONTROL	
Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment .....	356
MENTAL HYGIENE REGULATIONS	
Community Mental Health Programs—Group Homes for Adults with Mental Illness .....	357
Community Mental Health Programs—Application, Approval, and Disciplinary Processes .....	357
Community Mental Health Programs—Definitions and Administrative Requirements .....	357
Community Mental Health Programs—Therapeutic Nursery Programs .....	357
Community Mental Health Programs—Mobile Treatment Services .....	357
Community Mental Health Programs—Outpatient Mental Health Centers .....	357
Community Mental Health Programs—Psychiatric Rehabilitation Programs for Adults .....	357
Community Mental Health Programs—Residential Rehabilitation Programs .....	357
Community Mental Health Programs—Residential Crisis Services .....	357

# Contents

338

Community Mental Health Programs—Respite Care Services .....	357	DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES	
Community Mental Health Programs—Mental Health Vocational Programs (MHVP) .....	357	Standards Applicable to Transporters of Hazardous Waste .....	384
Community Mental Health Programs—Psychiatric Rehabilitation Services for Minors .....	357	Standards Applicable to Transporters of Special Medical Waste .....	385
<b>ALCOHOL AND DRUG ABUSE ADMINISTRATION</b>		<b>LEAD</b>	
Specific Program Requirements .....	357	Accreditation and Training for Lead Paint Abatement Services .....	385
Specific Program Requirements for Correctional Levels of Care .....	357	Procedures for Making and Implementing a Qualified Offer .....	386
Certification Requirements .....	357	Verifiable Methods Approved by the Department .....	386
COMAR 10.47.05 Education Programs .....	357	Procedures for Performing Lead Abatement Services .....	386
<b>MENTAL HYGIENE REGULATIONS</b>		<b>HAZARDOUS MATERIAL SECURITY</b>	
Fee Schedule — Mental Health Services — Community-Based Programs and Individual Practitioners .....	357	Hazardous Material Security .....	388
<b>BOARD OF PODIATRIC MEDICAL EXAMINERS</b>		<b>31 MARYLAND INSURANCE ADMINISTRATION</b>	
Examination and Post-Graduate Training .....	363	<b>INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS</b>	
Interpretation of Terms in the Maryland Podiatry Act .....	363	Surplus Lines .....	388
<b>BOARD OF CHIROPRACTIC EXAMINERS</b>		<b>LIFE INSURANCE AND ANNUITIES</b>	
Chiropractic Assistants .....	364	Accelerated Benefits .....	389
<b>ALCOHOL AND DRUG ABUSE ADMINISTRATION</b>		<b>32 MARYLAND DEPARTMENT OF AGING</b>	
Prescription Drug Monitoring Program .....	364	<b>GRANTS AND SUBSIDIES</b>	
<b>13A STATE BOARD OF EDUCATION</b>		Congregate Housing Services Program .....	391
<b>LOCAL SCHOOL ADMINISTRATION</b>			
Emergency Plans .....	367		
<b>SPECIAL INSTRUCTIONAL PROGRAMS</b>			
Administration of Services for Students with Disabilities .....	367		
<b>SUPPORTING PROGRAMS</b>			
Student Transportation .....	369		
<b>STUDENTS</b>			
Student Behavior Interventions .....	371		
<b>13B MARYLAND HIGHER EDUCATION COMMISSION</b>			
<b>FINANCIAL AID</b>			
Maryland Loan Assistance Repayment Program for Foster Care Recipients .....	373		
<b>14 INDEPENDENT AGENCIES</b>			
<b>COMMISSION ON CRIMINAL SENTENCING POLICY</b>			
General Regulations .....	375		
Criminal Offenses and Seriousness Categories .....	375		
<b>15 DEPARTMENT OF AGRICULTURE</b>			
<b>OFFICE OF THE SECRETARY</b>			
Supervision and Review of Decisions and Actions of Units Within the Department .....	378		
<b>MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION</b>			
Guidelines for the Maryland Agricultural Land Preservation Program .....	379		
Guidelines for Forest Easement Overlays .....	380		
Guidelines for Granting Overlay Easements and Rights-of-Way .....	380		
<b>26 DEPARTMENT OF THE ENVIRONMENT</b>			
<b>WATER SUPPLY, SEWERAGE, SOLID WASTE, AND POLLUTION CONTROL PLANNING AND FUNDING</b>			
Development of County Comprehensive Solid Waste Management Plans .....	381		
<b>REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE</b>			
Solid Waste Management .....	382		
<b>WATER POLLUTION</b>			
General .....	382		
Discharge Limitations .....	382		

## Special Documents

<b>DEPARTMENT OF THE ENVIRONMENT</b>	
<b>SUSQUEHANNA RIVER BASIN COMMISSION</b>	
18 CFR Part 801 — General Policies .....	394
<b>WATER MANAGEMENT ADMINISTRATION</b>	
Notice of Tentative Determination .....	395
<b>MARYLAND HEALTH CARE COMMISSION</b>	
<b>SCHEDULES FOR CERTIFICATE OF NEED</b>	
REVIEW .....	396

## General Notices

<b>ADVISORY COUNCIL ON CEMETERY OPERATIONS</b>	
Public Meeting .....	401
<b>GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION</b>	
Public Meeting .....	401
<b>STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)</b>	
Public Meeting .....	401
<b>EMERGENCY MEDICAL SERVICES BOARD</b>	
Public Meeting .....	401
<b>FIRE PREVENTION COMMISSION</b>	
Public Meeting .....	401
<b>GOVERNOR'S COUNCIL ON GANGS AND VIOLENT CRIMINAL NETWORKS</b>	
Public Meeting .....	401
Public Meeting .....	401
Public Meeting .....	401
<b>MARYLAND DEPARTMENT OF HEALTH</b>	
Public Meeting .....	401
Public Meeting .....	401
<b>MARYLAND DEPARTMENT OF HEALTH/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE</b>	
Public Hearing .....	401

# Contents

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES  
 Public Notice for the Model Waiver Renewal Application ..... 402

DEPARTMENT OF INFORMATION TECHNOLOGY  
 Public Meeting ..... 402

MARYLAND INSURANCE ADMINISTRATION  
 Public Meeting ..... 402

MARYLAND HEALTH CARE COMMISSION  
 Public Meeting ..... 402  
 Receipt of Application ..... 402  
 Receipt of Application ..... 402  
 Formal Start of Review ..... 403

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES  
 Public Notice — Commercial Yellow Perch Opening on the Chester River ..... 403

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS  
 Public Meeting ..... 403

STATE TREASURER'S OFFICE  
 Public Meeting ..... 403

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE  
 Public Meeting ..... 403  
 Public Meeting ..... 403  
 Public Meeting ..... 403

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION  
 Public Meeting ..... 403

BOARD OF WELL DRILLERS  
 Public Meeting ..... 403

**Availability of Monthly List of Maryland Documents**

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

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

## CLOSING DATES AND ISSUE DATES through JULY 20, 2018

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
April 13	March 26	April 4	April 2
April 27	April 9	April 18	April 16
May 11	April 23	May 2	April 30
May 25	May 7	May 16	May 14
June 8**	May 21	May 30	May 25
June 22	June 4	June 13	June 11
July 6	June 18	June 27	June 25
July 20	July 2	July 11	July 9

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

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

\*\* Note closing date changes

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

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

### COMAR Online

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

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

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

## REGULATIONS CODIFICATION SYSTEM

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

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

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

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

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

### Table of Pending Proposals

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

#### 04 DEPARTMENT OF GENERAL SERVICES (No changes effective since December 2016)

**04.05.01.08** • 45:2 Md. R. 71 (1-19-18)  
**04.05.02.02** • 45:2 Md. R. 71 (1-19-18)

#### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02** • 45:3 Md. R. 176 (2-2-18) (err)  
**08.03.05.05** • 45:5 Md. R. 290 (3-2-18)  
**08.03.07.06, .07** • 45:5 Md. R. 291 (3-2-18)  
**08.03.07.12, .13** • 45:5 Md. R. 291 (3-2-18)  
**08.03.10.02, .14, .15** • 44:26 Md. R. 1221 (12-22-17)

#### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**09.03.13.02** • 44:21 Md. R. 987 (10-13-17)  
**09.10.01.07** • 45:2 Md. R. 83 (1-19-18)  
**09.12.01.01, .01-1, .01-2, .08, .09, .14, .14-1, .15, .16, .16-1, .17, .19, .27, .28, .28-1, .28-2, .28-3, .29, .34, .35** • 44:23 Md. R. 1083 (11-13-17)  
**09.12.31** • 44:21 Md. R. 987 (10-13-17)  
 44:21 Md. R. 988 (10-13-17)  
**09.32.11.01, .02, .04** • 45:1 Md. R. 15 (1-5-18)

#### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

##### Subtitles 01—08 (1st volume)

**10.01.05.01—, .10** • 45:7 Md. R. 349 (3-30-18)  
**10.01.09.01, .06** • 45:7 Md. R. 349 (3-30-18)  
**10.03.01.01—, .03, .05, .06, .10, .16** • 45:2 Md. R. 84 (1-19-18)  
**10.06.01.03** • 45:3 Md. R. 161 (2-2-18)  
**10.07.01.01, .29, .35—, .37** • 45:1 Md. R. 17 (1-5-18)

##### Subtitle 09 (2nd volume)

**10.09.10.01, .03, .04, .06-.35** • 45:7 Md. R. 349 (3-30-18)  
**10.09.24.04-1** • 45:1 Md. R. 20 (1-5-18)  
**10.09.36.01, .03, .08, .09** • 45:1 Md. R. 21 (1-5-18)  
**10.09.59.03—, .05, .07, .09** • 45:1 Md. R. 22 (1-5-18)  
**10.09.69.01—, .17** • 45:1 Md. R. 28 (1-5-18)

##### Subtitles 10 — 22 (3rd Volume)

**10.11.06.02, .03, .05—, .13** • 45:2 Md. R. 86 (1-19-18) (ibr)  
**10.14.02.04—, .06** • 45:7 Md. R. 356 (3-30-18)  
**10.18.08.01, .02, .05—, .13** • 45:2 Md. R. 90 (1-19-18)  
**10.18.09.01—, .06** • 45:2 Md. R. 90 (1-19-18)  
**10.21.04.01—, .12** • 45:7 Md. R. 357 (3-30-18)  
**10.21.16.01—, .16** • 45:7 Md. R. 357 (3-30-18)  
**10.21.17.01—, .17** • 45:7 Md. R. 357 (3-30-18)  
**10.21.18.01—, .13** • 45:7 Md. R. 357 (3-30-18)  
**10.21.19.01—, .11** • 45:7 Md. R. 357 (3-30-18)  
**10.21.20.01—, .11** • 45:7 Md. R. 357 (3-30-18)  
**10.21.21.01—, .13** • 45:7 Md. R. 357 (3-30-18)  
**10.21.22.01—, .12** • 45:7 Md. R. 357 (3-30-18)  
**10.21.25.03-2, .05—, .13** • 45:7 Md. R. 357 (3-30-18)  
**10.21.26.01—, .12** • 45:7 Md. R. 357 (3-30-18)  
**10.21.27.01—, .08** • 45:7 Md. R. 357 (3-30-18)  
**10.21.28.01—, .12** • 45:7 Md. R. 357 (3-30-18)  
**10.21.29.01—, .09** • 45:7 Md. R. 357 (3-30-18)

##### Subtitles 23 — 36 (4th Volume)

**10.24.09.01** • 45:4 Md. R. 211 (2-16-18) (ibr)  
**10.27.01.01, .03, .05, .06, .09—, .16** • 45:2 Md. R. 96 (1-19-18)  
**10.27.03.01, .07, .08** • 45:2 Md. R. 96 (1-19-18)  
**10.27.05.01, .02, .08—, .11** • 45:2 Md. R. 96 (1-19-18)  
**10.27.06.01—, .04** • 45:2 Md. R. 96 (1-19-18)

10.27.07.01—.06,.08,.09 • 45:2 Md. R. 96 (1-19-18)  
 10.27.09.01 • 45:2 Md. R. 96 (1-19-18)  
 10.27.10.01 • 45:2 Md. R. 96 (1-19-18)  
 10.27.11.02 • 45:2 Md. R. 96 (1-19-18)  
 10.27.12.02—.05,.07,.08 • 45:2 Md. R. 96 (1-19-18)  
 10.27.13.01—.03,.06,.07 • 45:2 Md. R. 96 (1-19-18)  
 10.27.16.02—.05,.09 • 45:2 Md. R. 96 (1-19-18)  
 10.27.18.01—.04 • 45:2 Md. R. 96 (1-19-18)  
 10.27.19.01,.03 • 45:2 Md. R. 96 (1-19-18)  
 10.27.20.02—.04 • 45:2 Md. R. 96 (1-19-18)  
 10.27.27.01—.07 • 45:2 Md. R. 96 (1-19-18)  
 10.32.01.12 • 45:3 Md. R. 162 (2-2-18)  
 10.32.07.01—.07 • 45:3 Md. R. 162 (2-2-18)  
 10.34.40.01—.06 • 45:4 Md. R. 212 (2-16-18)  
 10.36.10.01—.04 • 45:2 Md. R. 114 (1-19-18)

**Subtitles 37—66 (5th Volume)**

10.39.01.01,.05,.07—.09 • 45:2 Md. R. 96 (1-19-18)  
 10.39.02.02,.05 • 45:2 Md. R. 96 (1-19-18)  
 10.39.04.02,.04—.06 • 45:2 Md. R. 96 (1-19-18)  
 10.40.01.01,.05 • 45:7 Md. R. 363 (3-30-18)  
 10.40.08.02 • 45:7 Md. R. 363 (3-30-18)  
 10.43.07.05 • 45:7 Md. R. 364 (3-30-18)  
 10.47.02.01—.11 • 45:7 Md. R. 357 (3-30-18)  
 10.47.03.01—.07 • 45:7 Md. R. 357 (3-30-18)  
 10.47.04.01—.08 • 45:7 Md. R. 357 (3-30-18)  
 10.47.05.01—.05 • 45:7 Md. R. 357 (3-30-18)  
 10.47.07.02,.03,.05,.06,.08,.09 • 45:7 Md. R. 364 (3-30-18)  
 10.52.10.01—.03,.05—.07 • 45:2 Md. R. 115 (1-19-18)  
 10.53.01.01 • 45:2 Md. R. 96 (1-19-18)  
 10.53.02.05,.10 • 45:2 Md. R. 96 (1-19-18)  
 10.53.03.01,.02 • 45:2 Md. R. 96 (1-19-18)  
 10.53.07.01 • 45:2 Md. R. 96 (1-19-18)  
 10.53.11.01 • 45:2 Md. R. 96 (1-19-18)  
 10.60 • 45:4 Md. R. 243 (2-16-18) (err)  
 10.60.01.05 • 45:3 Md. R. 163 (2-2-18)  
 10.60.03.01,.04 • 45:3 Md. R. 163 (2-2-18)  
 10.63.08.01—.14 • 44:23 Md. R. 1108 (11-13-17)

**12 DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

12.02.27.01—.40 • 44:19 Md. R. 902 (9-15-17)  
 45:4 Md. R. 213 (2-16-18)  
 45:5 Md. R. 295 (3-2-18) (err)  
 12.03.01.01—.34 • 44:19 Md. R. 902 (9-15-17)  
 45:4 Md. R. 213 (2-16-18)  
 45:5 Md. R. 295 (3-2-18) (err)  
 12.12.30.01—.40 • 44:19 Md. R. 902 (9-15-17)  
 45:4 Md. R. 213 (2-16-18)  
 45:5 Md. R. 295 (3-2-18) (err)  
 12.13.02.01—.07 • 44:24 Md. R. 1158 (11-27-17)  
 12.13.03.01—.07 • 45:2 Md. R. 121 (1-19-18)  
 12.16.02.01—.40 • 44:19 Md. R. 902 (9-15-17)  
 45:4 Md. R. 213 (2-16-18)  
 45:5 Md. R. 295 (3-2-18) (err)

**13A STATE BOARD OF EDUCATION**

13A.02.02.03,.04 • 45:7 Md. R. 367 (3-30-18) (ibr)  
 13A.05.02.04 • 45:7 Md. R. 367 (3-30-18)  
 13A.06.07.01,.06—.08,.10 • 45:7 Md. R. 369 (3-30-18)  
 13A.08.04.02,.05,.06 • 45:7 Md. R. 371 (3-30-18)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

13B.02.01.03,.21 • 44:26 Md. R. 1236 (12-22-17)  
 13B.02.02.03,.16 • 44:26 Md. R. 1236 (12-22-17)  
 13B.02.03.02,.02-1,.03,.06,.07,.10,.11,.13,.15,.22,  
 .29 • 44:26 Md. R. 1236 (12-22-17)  
 13B.08.18.01—.14 • 45:7 Md. R. 373 (3-30-18)

**14 INDEPENDENT AGENCIES**

14.22.01.02,.03,.10 • 45:7 Md. R. 375 (3-30-18)  
 14.22.02.02 • 45:7 Md. R. 375 (3-30-18)

**15 DEPARTMENT OF AGRICULTURE**

15.01.11.01—.09 • 45:4 Md. R. 217 (2-16-18)  
 15.01.12.01—.07 • 44:20 Md. R. 965 (9-29-17)  
 15.01.13.01—.05 • 45:7 Md. R. 378 (3-30-18)  
 15.06.04.06 • 45:4 Md. R. 220 (2-16-18)  
 15.15.01.17 • 45:7 Md. R. 379 (3-30-18)  
 15.15.13.03,.05 • 45:7 Md. R. 380 (3-30-18)  
 15.15.16.01—.05 • 45:7 Md. R. 380 (3-30-18)

**21 STATE PROCUREMENT REGULATIONS**

21.10.02.03,.09 • 45:4 Md. R. 221 (2-16-18)  
 21.10.04.04 • 45:4 Md. R. 221 (2-16-18)  
 21.10.05.03—.06 • 45:4 Md. R. 221 (2-16-18)  
 21.10.06.02—.04,.08—.10,.12,.14—.17,.20,.22,.27,  
 .28 • 45:4 Md. R. 221 (2-16-18)  
 21.10.07.02,.05,.06,.08 • 45:4 Md. R. 221 (2-16-18)

**24 DEPARTMENT OF COMMERCE**

24.05.24.01—.13 • 45:6 Md. R. 322 (3-16-18)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 08—12 (Part 2)**

26.03.03.05 • 45:7 Md. R. 381 (3-30-18)  
 26.04.02.01,.05 • 45:3 Md. R. 167 (2-2-18)  
 26.04.07.02 • 45:7 Md. R. 382 (3-30-18)  
 26.08.01.01 • 45:7 Md. R. 382 (3-30-18)  
 26.08.03.02 • 45:3 Md. R. 168 (2-2-18)  
 26.08.03.09 • 45:7 Md. R. 382 (3-30-18)  
 26.08.11.01—.14 • 44:25 Md. R. 1189 (12-8-17)  
 26.11.01.01 • 45:4 Md. R. 224 (2-16-18)  
 26.11.14.07 • 45:4 Md. R. 224 (2-16-18)  
 26.11.40.01—.04 • 45:4 Md. R. 224 (2-16-18)  
 26.12.01.01 • 45:3 Md. R. 168 (2-2-18) (ibr)  
 26.12.02.02 • 45:3 Md. R. 168 (2-2-18)

**Subtitles 13 — 18 (Part 3)**

26.13.04.01 • 45:7 Md. R. 384 (3-30-18)  
 26.13.13.01 • 45:7 Md. R. 385 (3-30-18)  
 26.16.01.08,.20 • 45:7 Md. R. 385 (3-30-18)  
 26.16.03.01—.09 • 45:7 Md. R. 386 (3-30-18)  
 26.16.04.01,.02 • 45:7 Md. R. 386 (3-30-18)  
 26.16.05.03,.09 • 45:7 Md. R. 386 (3-30-18) (ibr)

**Subtitles 19—27 (Part 4)**

26.27.01.01—.12 • 45:7 Md. R. 388 (3-30-18)

**29 DEPARTMENT OF STATE POLICE**

**29.06.05.02,.04** • 44:26 Md. R. 1254 (12-22-17)

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

**30.08.01.02** • 45:4 Md. R. 228 (2-16-18)

**30.08.05.03—.24** • 45:4 Md. R. 228 (2-16-18)

**31 MARYLAND INSURANCE ADMINISTRATION**

**31.03.06.09** • 45:7 Md. R. 388 (3-30-18)

**31.09.02.02—.04,.09** • 45:5 Md. R. 292 (3-2-18)

**31.09.16.01—.12** • 45:7 Md. R. 389 (3-30-18)

**32 MARYLAND DEPARTMENT OF AGING**

**32.03.04.01,.07,.14,.16—.19,.22,.23,.26,.28,**

**.32** • 45:7 Md. R. 391 (3-30-18)



# The General Assembly

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

## SYNOPSIS NO. 6

### House Bills

- HB1812** Del S. Howard. Natural Resources - Haul Seines - Anne Arundel County.
- HB1813** Del S. Howard. Maryland Department of Health - Grants Advisor (Fair and Accessible Grant Funding Act).
- HB1814** Del Jalisi. Task Force and Pilot Program to Study the Integration of Unmanned Aircraft Systems Within State and Local Government Public Safety Operations.
- HB1815** The Speaker (Admin). Commitment to Education Act of 2018.
- HB1816** The Speaker (Admin). Safe Schools Act of 2018.
- HB1817** Prince George's County Delegation. Prince George's County - Home School Students - Extracurricular Activities PG 516-18.
- HB1818** Prince George's County Delegation. Prince George's County - School Facilities and Public Safety Surcharges - Maryland Transit Administration Station PG 434-18.
- HB1819** Del Jackson, et al. Coppin State University and Morgan State University - Cyber Warrior Diversity Program - Established.
- HB1820** Dels Lam and Ebersole. Creation of a State Debt - Washington County - Hagerstown Paper and Plastic Plant.
- HB1821** Del Davis. Program Open Space - Definition of Local Governing Body - Alteration.
- HB1822** Dels Ali and M. Washington. Task Force to Study the Baltimore Police Department.
- HB1823** Del Jackson. Creation of a State Debt - Prince George's County - St. Thomas Methodist Church Restoration.
- HB1824** Prince George's County Delegation. Prince George's County - Marriage License Fees - Distribution of Proceeds PG 433-18.
- HB1825** Del Grammer. Public Information - Court Records - Name of Law Enforcement Officer.

[18-07-29]

### Senate Bills

- SB1256** Sen Conway. Maryland Dentistry Act - Scope of Practice and Penalties for Violations.
- SB1257** The President (Admin). Safe Schools Act of 2018.
- SB1258** The President (Admin). Commitment to Education Act of 2018.
- SB1259** Sen Cassilly, et al. Harford County District Courthouse – H. Wayne Norman, Jr. Memorial Plaza.
- SB1260** Sen Mathias. Waterway Improvement Fund - Ocean City Inlet Dredging Study.
- SB1261** Sen Manno. Income Tax - Subtraction Modification - Maryland Transportation Authority Police.
- SB1262** Sen Astle, et al. Public Safety - Background Information for Firearm License Investigations - School Crisis Welfare Officers (School Safety Act 2018: Prevention).
- SB1263** Sens Waugh and Miller. Public Safety – School Mental Health Services and Mental Disorder Weapon Restraining Order (School Safety Act of 2018: Anticipation).
- SB1264** Sen Jennings, et al. Primary and Secondary Schools - Law Enforcement Presence (School Safety Act 2018: Deterrence).

**SB1265** Sen Klausmeier, et al. Education – School Safety Protection Standards and Grant Program – Established (School Safety Act of 2018: Protection).

**SB1266** Sen Middleton. Charles County - Cigarette Retailers - County License Fee.

**SB1267** Sen Middleton, et al. Maryland Health Benefit Exchange - Establishment of a Reinsurance Program.

[18-07-30]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated January 3, 2018, **STACY ENID LEBOW SIEGEL**, 29 West Susquehanna Avenue, Suite 505, Towson, Maryland 21204, has been disbarred by consent, effective March 5, 2018 from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of the Court of Appeals dated March 6, 2018, **CLAIRE L.K.K. OGILVIE**, P.O. Box 647, Durham, Connecticut 06422, has been disbarred effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of the Court of Appeals dated March 6, 2018, **STEPHEN HOWARD SACKS**, 1017 North Calvert Street, Baltimore, Maryland 21202, has been disbarred effective immediately from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated March 13, 2018, **MARTIN BERNARD BROWN**, 101 West 22nd Street, Suite D, Baltimore, Maryland 21218, has been disbarred by consent, effective immediately from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated March 14, 2018, **GRACE BADOLATO KILCHENSTEIN**, 121 Bear Paw Trail, Naples, Florida 34105, has been indefinitely suspended by consent, effective immediately from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[18-07-31]

# Final Action on Regulations

## Symbol Key

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

## Title 08 DEPARTMENT OF NATURAL RESOURCES

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

#### 08.18.24 Severn River Vessel Management Area

Authority: Natural Resources Article, §§8-703, and 8-725.2, Annotated Code of Maryland

#### Notice of Final Action

[18-031-F]

On March 21, 2018, the Secretary of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.18.24 Severn River Vessel Management Area**. This action, which was proposed for adoption in 45:3 Md. R. 160 (February 2, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

MARK J. BELTON  
Secretary of Natural Resources

## Title 10 MARYLAND DEPARTMENT OF HEALTH

### Subtitle 16 HOUSING

#### Notice of Final Action

[18-010-F]

On March 7, 2018, the Secretary of Health adopted:

(1) The repeal, in their entirety, of Regulations **.01—****.27** under **COMAR 10.16.01 Migratory Labor Camps**; and

(2) Amendments to Regulation **.01-1** under **COMAR 10.16.02 Construction, Equipment, Sanitation, Operation, and Maintenance of Mobile Home Parks**.

This action, which was proposed for adoption in 45:2 Md. R. 89—90 (January 19, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

ROBERT R. NEALL  
Secretary of Health

## Subtitle 22 DEVELOPMENTAL DISABILITIES

#### Notice of Final Action

[17-241-F]

On March 9, 2018, the Secretary of Health adopted amendments to:

- (1) Regulations **.06—****.08** under **COMAR 10.22.17 Fee Payment System for Licensed Residential and Day Programs**; and
- (2) Regulation **.04** under **COMAR 10.22.18 Community Supported Living Arrangements Payment System**.

This action, which was proposed for adoption in 44:20 Md. R. 954—964 (September 29, 2017) and repropoed in 45:2 Md. R. 94—96 (January 19, 2018), has been adopted as repropoed.

**Effective Date: April 9, 2018.**

ROBERT R. NEALL  
Secretary of Health

## Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

### 10.29.15 Family Security Trust Fund

Authority: Health Occupations Article, §§7-4A-01, 7-4A-03(h), 7-4A-04, 7-4A-05, 7-4A-11, 7-4A-12, and 7-4A-13, Annotated Code of Maryland

#### Notice of Final Action

[18-014-F]

On March 15, 2018, the Secretary of Health adopted amendments to Regulations **.02—****.05**, **.07**, and **.08** under **COMAR 10.29.15 Family Security Trust Fund**. This action, which was proposed for adoption in 45:2 Md. R. 112—114 (January 19, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

ROBERT R. NEALL  
Secretary of Health

## Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS

### 10.65.01 General Regulations

Authority: *General Provisions Article, §4-333(c)*; Health Occupations Article, §§6-101, 6-201, and 6-206; Annotated Code of Maryland

#### Notice of Final Action

[18-016-F]

On March 15, 2018, the Secretary of Health adopted new Regulation **.15** under **COMAR 10.65.01 General Regulations**. This action, which was proposed for adoption in 45:2 Md. R. 117—118 (January 19, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

ROBERT R. NEALL  
Secretary of Health

**Title 13A  
STATE BOARD OF  
EDUCATION**

**Subtitle 07 SCHOOL PERSONNEL**

**13A.07.08 Incentive Program for Certification  
by the National Board for Professional  
Teaching Standards**

Authority: Education Article, §6-112, Annotated Code of Maryland

**Notice of Final Action**

[17-307-F]

On February 27, 2018, the Maryland State Board of Education adopted amendments to Regulations .02—.04 and .06 under **COMAR 13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**. This action, which was proposed for adoption in 44:26 Md. R. 1235—1236 (December 22, 2017), has been adopted as proposed.

**Effective Date: April 9, 2018.**

KAREN B SALMON, Ph.D.  
State Superintendent of Schools

**Title 20  
PUBLIC SERVICE  
COMMISSION**

**Subtitle 90 TAXICABS**

**20.90.01 Taxicab Drivers**

Authority: Public Utilities Article, §§2-121, 4-503, 5-101, 10-101-10-107, 10-202, 10-208, 10-209, and 10-210, Annotated Code of Maryland

**Notice of Final Action**

[17-297-F]

On March 14, 2018, the Public Service Commission adopted an amendment to the chapter heading under **COMAR 20.90.01 Taxicab Drivers**. This action, which was proposed for adoption in 44:26 Md. R. 1247—1248 (December 22, 2017), has been adopted as proposed.

**Effective Date: April 9, 2018.**

DAVID J. COLLINS  
Executive Secretary

**Subtitle 90 TAXICABS**

**20.90.02 Taxicabs—Control and Operation**

Authority: Public Utilities Article, §§2-113, 2-121, 4-503, 5-101, 6-202—6-207, 10-101—10-107, 10-109, 10-110, 10-202—10-210, 10-301, 13-101, 13-201, and 13-202, Annotated Code of Maryland

**Notice of Final Action**

[17-295-F]

On March 14, 2018, the Public Service Commission adopted amendments to Regulations .02, .04, .06, .08, .10, .16, .18, and .23 under **COMAR 20.90.02 Taxicabs—Control and Operation**. This

action, which was proposed for adoption in 44:26 Md. R. 1248—1250 (December 22, 2017), has been adopted as proposed.

**Effective Date: April 9, 2018.**

DAVID J. COLLINS  
Executive Secretary

**Subtitle 90 TAXICABS**

**20.90.03 Control and Operation of Taxicabs in  
the City of Cumberland and the City of  
Hagerstown**

Authority: Public Utilities Article, §§2-113, 2-121, 4-503, 5-101, 6-102, 6-202—6-207, 10-101—10-107, 10-109, 10-202—10-208, 10-210, 10-301, 13-201, and 13-202, Annotated Code of Maryland

**Notice of Final Action**

[17-296-F]

On March 14, 2018, the Public Service Commission adopted the repeal of Regulations .01—.18 under **COMAR 20.90.03 Control and Operation of Taxicabs in the City of Cumberland and the City of Hagerstown**. This action, which was proposed for adoption in 44:26 Md. R. 1250 (December 22, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

DAVID J. COLLINS  
Executive Secretary

**Title 26  
DEPARTMENT OF THE  
ENVIRONMENT**

**Subtitle 03 WATER SUPPLY,  
SEWERAGE, SOLID WASTE, AND  
POLLUTION CONTROL PLANNING  
AND FUNDING**

**26.03.13 Bay Restoration Fund Implementation**

Authority: Environment Article, §9-1605.2, Annotated Code of Maryland

**Notice of Final Action**

[18-035-F]

On March 20, 2018, the Secretary of the Environment adopted amendments to Regulations .02 and .03 under **COMAR 26.03.13 Bay Restoration Fund Implementation**. This action, which was proposed for adoption in 45:3 Md. R. 164—166 (February 2, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

BENJAMIN H. GRUMBLES  
Secretary of the Environment

## Subtitle 08 WATER POLLUTION

### Notice of Final Action

[17-134-F]

On March 14, 2018, the Maryland Department of the Environment adopted:

(1) Amendments to Regulations **.03-1**, **.03-3**, **.04-1**, and **.08** under **COMAR 26.08.02 Water Quality**; and

(2) Amendments to Regulations **.01**, **.04**, **.06**, **.07**, and **.08** under **COMAR 26.08.09 Public Bathing Beaches**.

This action, which was proposed for adoption in 44:11 Md. R. 533—543 (May 26, 2017), has been adopted as proposed.

**Effective Date: April 9, 2018.**

BENJAMIN GRUMBLES  
Secretary of the Environment

## Subtitle 11 AIR QUALITY

### 26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102 and 10-103, Annotated Code of Maryland

### Notice of Final Action

[18-032-F]

On March 14, 2018, the Secretary of the Environment adopted amendments to Regulations **.01** and **.04** under **COMAR 26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications**. This action, which was proposed for adoption in 45:2 Md. R. 129—130 (January 19, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

BENJAMIN H. GRUMBLES  
Secretary of the Environment

## Subtitle 16 LEAD

### 26.16.07 Lead in Drinking Water—Public and Nonpublic Schools

Authority: Environment Article, §§6-1501 – 6-1502, Annotated Code of Maryland

### Notice of Final Action

[18-038-F]

On March 20, 2018, the Secretary of the Environment adopted new Regulations **.01—12** under a new chapter, **COMAR 26.16.07 Lead in Drinking Water—Public and Nonpublic Schools**. This action, which was proposed for adoption in 45:3 Md. R. 169—173 (February 2, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

BENJAMIN H. GRUMBLES  
Secretary of the Environment

## Title 28 OFFICE OF ADMINISTRATIVE HEARINGS

### Subtitle 04 REVIEW OF DECISIONS AND ACTIONS OF HEALTH OCCUPATIONS BOARD AND COMMISSIONS

#### 28.04.01 Referrals

Authority: Health Occupations Article, §1-203(c), Annotated Code of Maryland

### Notice of Final Action

[18-033-F]

On March 20, 2018, the Chief Administrative Law Judge of the Office of Administrative Hearings and the Secretary of Health adopted new Regulations **.01—08** and **Appendix A** under a new chapter, **COMAR 28.04.01 Referrals**, under a new subtitle, **Subtitle 04 Review of Decisions and Actions of Health Occupations Boards and Commissions**. This action, which was proposed for adoption in 45:3 Md. R. 137—178 (February 2, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

THOMAS DEWBERRY  
Chief Administrative Law Judge

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

### Notice of Final Action

[17-318-F]

On March 13, 2018, the Maryland Emergency Medical Services Board adopted amendments to:

(1) Regulations **.07** and **.09** under **COMAR 30.02.02 Licensure and Certification**;

(2) Regulation **.01** under **COMAR 30.04.01 Definitions**; and

(3) Regulation **.06** under **COMAR 30.04.05 Continuing Education**.

This action, which was proposed for adoption in 45:1 Md. R. 51—52 (January 5, 2018), has been adopted as proposed.

**Effective Date: April 9, 2018.**

PATRICIA GAINER  
Acting Co-Executive Director

# Proposed Action on Regulations

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

### Symbol Key

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

### Promulgation of Regulations

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

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

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

## Title 10 MARYLAND DEPARTMENT OF HEALTH Subtitle 01 PROCEDURES

### 10.01.05 Board of Review Procedures

Authority: Health-General Article, §§2-104(b)(1) and 2-207, Annotated Code of Maryland

#### Notice of Proposed Action [18-071-P]

The Secretary of Health proposes to repeal in their entirety Regulations .01—.10 under **COMAR 10.01.05 Board of Review Procedures**.

#### Statement of Purpose

The purpose of this action is to repeal the regulatory chapter that implements procedures for the Board of Review within the Maryland Department of Health in accordance with Chapter 103, Acts of 2017.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** Ch. 103, Acts of 2017 (H.B. 127), entitled “Department of Health and Mental Hygiene — Board of Review — Repeal” prohibits the Board of Review from accepting new cases beginning June 1, 2017. This analysis reflects that the Board continued to meet in June 2017 to resolve remaining cases; therefore, there is no impact in fiscal 2017. The bill repeals the Board on January 1, 2018.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)	\$15,825

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)	Magnitude
Cost (-)	

D. On regulated industries or trade groups: NONE

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 budgeted cost for the Board in fiscal 2018 is \$15,825. This includes per diems for Board members, court reporters, and printing costs. The Board is supported by one employee of the Office of Governmental Affairs within the Maryland Department of Health (MDH) and two employees of the Office of the Attorney General, who also have other responsibilities within MDH. These employees spend a minimal amount of time on Board activities. This analysis assumes that the Board continues to meet regularly until January 1, 2018, and that any staff positions associated with the Board are not eliminated but instead shift to other duties within MDH after the Board ceases operations. Therefore, general fund expenditures for MDH decrease by as much as \$7,913 in fiscal 2018 and by about \$15,825 annually thereafter.

#### 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, Maryland Department of

Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

ROBERT R. NEALL  
Secretary of Health

**Notice of Proposed Action**

[18-048-P]

The Secretary of Health proposes to:

(1) Amend Regulations **.01** and **.06** under **COMAR 10.01.09 Procedures for Hearing Before the Hospital Appeal Board and Nursing Home Appeal Board**; and

(2) Amend Regulations **.01**, **.03**, **.04**, and **.06**, repeal Regulations **.07**, **.08**, **.09**, **.09-1**, **.10**, **.11**, **.12**, **.14**, **.15**, **.16**, **.17**, and **.20—23**, amend and recodify Regulations **.07-1**, **.07-2**, **.08-1**, **.09-2**, **.10-1**, **.11-1—11-8**, **.12-1**, **.13**, **.14-1**, **.14-2**, **.15-1**, **.16-1**, **.17-1**, **.18**, and **.25** to be Regulations **.08**, **.07**, **.09—11**, **.14—19**, **.12**, **.13**, **.20—22**, **.24—28**, and **.31**, respectively, and recodify existing Regulations **.19**, **.24**, **.26—29**, and **.30** to be Regulations **.29**, **.30**, **.32—35**, and **.23**, respectively, under **COMAR 10.09.10 Nursing Facility Services**.

**Statement of Purpose**

The purpose of this action is to repeal outdated regulations, reorganize the Nursing Facilities Services chapter, and update cross-references.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY:800-735-2258, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**Subtitle 01 PROCEDURES**

**10.01.09 Procedures for Hearing Before the Hospital Appeal Board and Nursing Home Appeal Board**

Authority: Health-General Article, §15-108, Annotated Code of Maryland

**.01 General.**

[These regulations set] *This chapter sets out the procedures for appeals of final cost settlements before the Hospital Appeal Board, pursuant to COMAR 10.09.92.10, 10.09.93.12, and 10.09.95.12, and the Nursing Home Appeal Board, [of final cost settlements] pursuant to COMAR [10.09.06.18 and 10.09.10.14] 10.09.10.34.*

**.06 Recommendation to the Board.**

A. If the hearing is not conducted before a Board consisting of three members as provided in COMAR [10.09.06.18 and 10.09.10.14] *10.09.10.34, 10.09.92.10, 10.09.93.12, and 10.09.95.12*, the presiding officer or officers at the hearing shall issue recommendations to the Board on all of the issues appealed in the notice of appeal.

B.—D. (text unchanged)

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.10 Nursing Facility Services**

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, 19-14B-01, and 19-310.1, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

[(1) "2012 final per diem rate" means a nursing facility per diem amount representative of the reimbursement methodology in effect before January 1, 2015 and is based on each nursing facility's cost report ending in calendar year 2012.]

[(2)] (1) (text unchanged)

[(3) "Activity of daily living (ADL)" means one of five functions (bathing, dressing, mobility, continence, eating) for which nursing home residents are to be evaluated in terms of requiring help in the performance of the function.

(4) "ADL classification" means one of four categories into which a resident will be assigned on the basis of the number of activities of daily living in which the resident is found dependent during a patient assessment and the types of procedures the facility is required to provide to the resident.]

[(5)] (2)—[(11)] (8) (text unchanged)

[(12) "Change of provider status" means:

(a) A provider's Medical Assistance participating provider number and tax identification number remain intact;

(b) The provider's participating number will continue to be utilized for purposes of billing the Program for covered services; and

(c) One of the following occurs:

(i) The assignment, transfer, disposition, or sale of all or substantially all of a provider's assets to another entity;

(ii) In the case of a partnership, the removal, addition, or substitution of a partner;

(iii) In the case of a limited liability company, the removal, addition, or substitution of a limited liability company member;

(iv) In the case of an unincorporated sole proprietorship, the transfer of title and property to another party;

(v) The assignment, transfer, disposition, or sale of a majority of the ownership, equity, or voting control of a provider;

(vi) The provider enters into a management, operating, or lease agreement with a third party pursuant to which the third party obtains the right to direct and control all or substantially all of the activities of the provider;

(vii) The provider files a change of name or trade name application with the Maryland Department of Assessments and Taxation; or

(viii) The provider files a change of principal office application with the Maryland Department of Assessments and Taxation.

(13) "Consolidation" means two or more providers combining to form a new business entity.]

[(14)] (9)—[(16)] (11) (text unchanged)

[(17)] (17) "Current interim costs" means those costs in the Uniform Cost Report most recently submitted by a provider to the Department or its designee and which have been desk reviewed by the Department or its designee.]

[(18)] (12) (text unchanged)

[(19)] (19) "Dependency" means requiring a specified level of assistance in performing one or more of the activities of daily living.

(20) "Drugs" means legend drugs (those requiring a prescription under federal or State law) and over-the-counter drugs (those not requiring a prescription under federal or State law).

(21) "Efficiency allowance" means a payment made to a provider in recognition of incurring costs below a prespecified level.

(22) "Entity" means:

(a) A receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or

(b) Any partnership, firm, association, corporation, or other corporate form recognized by the Maryland State Department of Assessments and Taxation.]

[(23)] (13)—[(24)] (14) (text unchanged)

[(25)] (25) "Final per diem rate" means a rate established following field verification or desk review, which is applied retroactively.]

[(26)] (15)—[(27)] (16) (text unchanged)

[(28)] (28) "Health Services Cost Review Commission (HSCRC)" means the independent organization within the Department of Health which is responsible for reviewing and approving rates for hospitals pursuant to Health-General Article, §§19-201—19-222, Annotated Code of Maryland.]

[(29)] (17) (text unchanged)

[(30)] (30) "Indexed current interim costs" means the projection of current interim costs by means of prespecified indices from the midpoint of the cost reporting year to the midpoint of the rate or reimbursement year.

(31) "In-place" means lease and mortgage financing that is part of a formal, written contract between the facility owner-operator and the arm's-length creditor in the case of a mortgage and a formal, written lease between the facility tenant and the facility owner (landlord) in the case of a lease.

(32) "Interim per diem rate" means a rate established by the Department to pay for care rendered during the facility's fiscal year subject to retroactive adjustment to a final per diem rate.]

[(33)] (18) (text unchanged)

[(34)] (34) "Investor-operated facility" means a facility that is managed under the auspices of persons who actually own the facility or of related parties of the owner.]

[(35)] (19)—[(36)] (20) (text unchanged)

[(37)] (37) "Maximum per diem rate" means the maximum rate which the Department will pay a facility for care rendered to a recipient.]

[(38)] (21)—[(39)] (22) (text unchanged)

[(40)] (40) "Medical Care Programs" means the unit of the Department responsible for the administration of the Medical Assistance Program.]

[(41)] (23)—[(42)] (24) (text unchanged)

[(43)] (43) "Multilevel facility" means a facility licensed or certified to provide more than one level of care.

(44) "Net capital value rental" means the rental amount imputed to a facility by applying a prespecified rental rate to the value of the net capital.]

[(45)] (25) "New facility" means:

(a) A facility that has not been a provider during the previous 12-month period or, for rates effective January 1, 2015 and after, does not have a cost report in the price database as set forth in Regulation [.08-1B(1)].09B(1) of this chapter; and

(b) (text unchanged)

[(46)] (26) (text unchanged)

[(47)] (47) "Non-investor-operated facility" means a facility that is managed by someone, other than an owner of the facility or related parties of the owner of the facility, who controls the use of the facility for a specified period of time through a rental arrangement or lease agreement.]

[(48)] (27)—[(49)] (28) (text unchanged)

[(50)] (50) "Original lease" means the lease in effect as of January 1, 1986 or, for a new non-investor-operated facility provider, the first lease executed to operate the facility.]

[(51)] (29) (text unchanged)

[(52)] (52) "Patient assessment" means the determination of the status of each facility resident by the utilization control agent with regard to the resident's dependency in each activity of daily living and the resident's authorized usage of reimbursable procedures over a specified period of time.]

[(53)] (30)—[(56)] (33) (text unchanged)

[(57)] (34) "Prospective rate" means a facility-specific quarterly per diem rate [effective January 1, 2015, and after.] based on the RUG classification system, and calculated as the sum of:

(a) Administrative and Routine rate as calculated in accordance with Regulation [.08-1].09 of this chapter;

(b) Other Patient Care Rate as calculated in accordance with Regulation [.09-2].10 of this chapter;

(c) Capital Rate as calculated in accordance with Regulation [.10-1].11 of this chapter; and

(d) Nursing Rate as calculated in accordance with Regulation [.11-7].12 of this chapter.

[(58)] (35)—[(60)] (37) (text unchanged)

[(61)] (38) "Quality measure" means a specific performance criterion, as described in Regulation [.11-3].15 of this chapter, used to assess a facility's performance level.

[(62)] (39)—[(64)] (41) (text unchanged)

[(65)] (42) "Reimbursement class" means the group of providers for which a separate [maximum per diem rate or standard] per diem rate will be prepared in the Administrative and Routine, Other Patient Care, and Nursing Service cost centers based on geographic region as set forth in Regulation [.24].30 of this chapter.

[(66)] (43)—[(73)] (50) (text unchanged)

[(74)] (74) "Standard per diem rates" means the predetermined daily rates of interim reimbursement for Nursing Services to be paid on behalf of Medical Assistance patients in a facility for each ADL classification and procedure when verified through a patient assessment.]

[(75)] (51)—[(81)] (57) (text unchanged)

[(82)] (82) "Unadjusted standard per diem rate" means the standard per diem rate for each ADL classification and procedure before the application of an adjustment factor, the addition of provisions for Nursing Service supplies, or the inclusion of other procedure-related supplies.]

[(83)] (58) (text unchanged)

[(84)] (84) "Utilization control agent" means the organization responsible for reviewing the use of nursing facility services to determine medical necessity and lengths of stay according to professional standards and for conducting patient assessments.

(85) "Value of net capital" means the value of the land, building, and equipment at the midpoint of the rate year as determined through an appraisal, minus the outstanding mortgage debt at the midpoint of the rate year.]

**.03 Conditions for Participation.**

To participate in the Program, the provider shall:

A.—G. (text unchanged)

H. Accept payment by the Department as payment in full for covered services rendered and make no additional charge to any



person for covered services except as provided for in Regulation [.18] .28 of this chapter;

I.—V. (text unchanged)

W. Not less than 30 days before the date of any change of ownership, except when the Program agrees to a shorter period, provide the Department the notification and indemnity bond, letter of credit, or certificate of assurance required by Regulation [.15B(2) or .15-1C(2)(b)] .25D(1)—(3) of this chapter.

#### .04 Covered Services.

The Program covers routine care and the following supplies, equipment, and services when appropriate to meet the needs of the recipient:

A.—D. (text unchanged)

E. Administrative days approved by the Department or its designee according to the conditions set forth in Regulation [.16E or .16-1D] .26D of this chapter.

F.—BB. (text unchanged)

#### .06 Preauthorization Requirements.

A. The Department of Human Services shall certify the recipient for financial eligibility, and the Department or its designee shall certify the recipient as requiring nursing facility services, except as provided in Regulation [.16E or .16-1D] .26D of this chapter.

B. (text unchanged)

#### [.07-1] .08 Interim Working Capital Fund.

A.—C. (text unchanged)

[D. Notwithstanding the provisions of Regulation .07C(8) of this chapter, allotments shall be available, on request, after May 1, 2004.]

[E.] D. The maximum allotment for any provider shall be 0.015 times the total Medicaid payments to that provider in *the prior* State fiscal year [2003].

[F.] E.—[I.] H. (text unchanged)

#### [.07-2] .07 Prospective Rates[ Effective January 1, 2015].

[A. For dates of service from January 1, 2015 through December 31, 2016, a 2012 final per diem rate shall be determined based on the following from each nursing facility's cost report ending in 2012 and shall be adjusted by the nursing facility budget changes implemented from the settled 2012 rate through and including December 31, 2016:

(1) The Administrative and Routine final per diem rate identified under Regulation .08B of this chapter;

(2) The Other Patient Care final per diem rate identified under Regulation .09B of this chapter;

(3) The kosher kitchen add-ons identified under Regulations.08H and .09H of this chapter;

(4) The total amount of therapy payments identified under Regulation .09-1 of this chapter divided by the total Medicaid days excluding hospital bed hold days for the cost reporting period;

(5) The Capital component calculated as:

(a) Capital payments identified under Regulation .10 of this chapter, less the Nursing Facility Quality Assessment expense; and

(b) Divided by the total Medicaid days excluding hospital bed hold days; and

(6) The Nursing payments identified under Regulation .11C of this chapter divided by the total Medicaid days less Hospital Bed Hold Days and Therapeutic Leave Days.

B. Per diem rates paid for services beginning January 1, 2015, shall be calculated as follows:

(1) Rates paid for services January 1, 2015, through December 31, 2015, shall be calculated as the sum of:

(a) 75 percent of the 2012 final per diem rate in accordance with §A of this regulation;

(b) 25 percent of the prospective rate; and

(c) The Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter;

(2) Rates paid for services January 1, 2016, through June 30, 2016, shall be calculated as the sum of:

(a) 50 percent of the 2012 final per diem rate in accordance with §A of this regulation;

(b) 50 percent of the prospective rate; and

(c) The Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter;

(3) Rates paid for services July 1, 2016, through December 31, 2016, shall be calculated as the sum of:

(a) 25 percent of the 2012 final per diem rate in accordance with §A of this regulation;

(b) 75 percent of the prospective rate; and

(c) The Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter; and

(4) Rates paid for services after December 31, 2016, shall be calculated as 100 percent of the prospective rate plus the Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter.

C. Hold Harmless.

(1) For each provider, the Department shall determine the difference between the rate calculated in §A of this regulation excluding any budget changes implemented after June 30, 2014 and the rate calculated under §B(1)(a) and (b) of this regulation.

(2) If a provider's rate determined under §B(1)(a) and (b) of this regulation is less than the rate under §A of this regulation excluding any budget changes implemented after June 30, 2014, the provider shall be paid the rate determined under §B(1) of this regulation plus 100 percent of the amount calculated in §C(1) of this regulation.

(3) During implementation of §B(2) of this regulation, providers identified in §C(2) of this regulation shall be paid the rate determined under §B(2) of this regulation plus 50 percent of the amount calculated in §C(1) of this regulation.

D. Hold Harmless Offset.

(1) The Department shall determine the total aggregate amount under §C(1) of this regulation for all facilities for which the rate determined under §B(1)(a) and (b) of this regulation is less than the rate under §A of this regulation excluding any budget changes implemented after June 30, 2014.

(2) The Department shall determine the total aggregate amount under §C(1) of this regulation for all facilities for which the rate determined under §B(1)(a) and (b) of this regulation is greater than the rate under §A of this regulation excluding any budget changes implemented after June 30, 2014.

(3) The Department shall determine the percentage of the amount in §D(2) of this regulation that is equal to the amount calculated under §D(1) of this regulation.

(4) The Department shall identify all facilities that have a rate determined under §B(1)(a) and (b) of this regulation that is greater than the rate identified under §A of this regulation excluding any budget changes implemented after June 30, 2014.

(5) For each facility identified in §D(4) of this regulation, the Department shall multiply the amount by which §B(1)(a) and (b) of this regulation is greater than the rate identified under §A of this regulation, excluding any budget changes implemented after June 30, 2014, by the percentage determined in §D(3) of this regulation.

(6) During implementation of §B(1) of this regulation, providers identified in §D(4) of this regulation shall be paid the amount determined under §B(1) of this regulation, minus 100 percent of the amount determined under §D(5) of this regulation.

(7) During implementation of §B(2) of this regulation, providers identified in §D(4) of this regulation shall be paid the

amount determined under §B(2) of this regulation, minus 50 percent of the amount determined under §D(5) of this regulation.]

A. A provider shall be paid the prospective rate for nursing facility services as defined in Regulation .01B of this chapter plus the Nursing Facility Quality Assessment add-on identified in Regulation .11E of this chapter.

[E.] B. When necessary, each facility's per diem rate [paid for services January 1, 2015 and after] shall be reduced by the same percentage to maintain compliance with the Medicare upper payment limit requirement.

[F.] C. Power wheelchairs and bariatric beds are not included in [either the 2012 final per diem rate or] the prospective rate, but may be preauthorized for payment in accordance with COMAR 10.09.12.

[G.] D. Support Surfaces.

(1) Support surfaces are not included in [either the 2012 final per diem rate or] the prospective rate.

(2)—(4) (text unchanged)

[H.] E. Negative pressure wound therapy is not included in [either the 2012 final per diem rate or] the prospective rate, but is reimbursed in accordance with rates established under COMAR 10.09.12. Reimbursement shall include the cost of pumps, dressings, and containers associated with this procedure.

[I.] F. Nursing facilities that are owned and operated by the State are not paid in accordance with the provisions of [§§A—C] §A of this regulation, but are reimbursed reasonable costs based upon Medicare principles of reasonable costs as described at 42 CFR Part 413. Aggregate payments for these facilities may not exceed Medicare upper payment limits as specified at 42 CFR §447.272. If the Medicare upper payment limit is above aggregate costs for this ownership class, the State may elect to make supplemental payments to increase payments up to the Medicare upper payment limit.

[J.] Final facility rates for the period July 1, 2015 through December 31, 2015 shall be each nursing facility's quarterly rate reduced by the budget adjustment factor of 1.96 percent plus the Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter.

K. Final facility rates for the period January 1, 2016 through June 30, 2016 shall be each nursing facility's quarterly rate reduced by the budget adjustment factor of 3.28 percent plus the Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter.

L. Final facility rates for the period July 1, 2016 through December 31, 2016 shall be each nursing facility's quarterly rate, exclusive of the amount identified in Regulation .11-8A(2) of this chapter, reduced by the budget adjustment factor of 6.076 percent, plus the Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter and the ventilator care add-on amount identified in Regulation .11-8A(2) of this chapter when applicable.

M. Final facility rates for the period January 1, 2017 through June 30, 2017 shall be each nursing facility's quarterly rate, exclusive of the amount identified in Regulation .11-8A(2) of this chapter, reduced by the budget adjustment factor of 8.212 percent, plus the Nursing Facility Quality Assessment add-on identified in Regulation .10-1E of this chapter and the ventilator care add-on amount identified in Regulation .11-8A(2) of this chapter when applicable.]

[N.] G. Final facility rates for the period July 1, 2017 through June 30, 2018 shall be each nursing facility's quarterly rate, exclusive of the amount identified in Regulation [.11-8A(2)] .13A(2) of this chapter, reduced by the budget adjustment factor of 9.652 percent, plus the Nursing Facility Quality Assessment add-on identified in Regulation [.10-1E] .11E of this chapter and the ventilator care add-on amount identified in Regulation [.11-8A(2)] .13A(2) of this chapter when applicable.

**[.08-1] .09 Rate Calculation — Administrative and Routine Costs [for Rates Effective January 1, 2015].**

A.—E. (text unchanged)

F. The reimbursement classes for the Administrative and Routine cost center are specified under Regulation [.24A] .30A of this chapter.

G. (text unchanged)

**[.09-2] .10 Rate Calculation — Other Patient Care Costs [for Rates Effective January 1, 2015].**

A. (text unchanged)

B. The Department shall initially establish Other Patient Care prices for the rate period January 1, 2015, through June 30, 2015, and thereafter rebase the Other Patient Care prices between every 2 and 4 rate years. Prices may be rebased more frequently if the Department determines that there is an error in the data or in the calculation that results in a substantial difference in payment, or if a significant change in provider behavior or costs has resulted in payment that is inequitable across providers. The Department shall rebase based on the following steps:

(1) The indexed costs shall be calculated as set forth in Regulation [.08-1B(1)—(3)] .09B(1)—(3) of this chapter;

(2) (text unchanged)

(3) For each reimbursement class, each cost report's Medicaid resident days shall be used in the array of Other Patient Care cost per diems identified in §B(2) of this regulation to calculate the Other Patient Care Medicaid day weighted median using the method established in Regulation [.08-1B(5)] .09B(5) of this chapter;

(4) (text unchanged)

(5) For years between periods when the prices are rebased, the final price for Other Patient Care costs shall be calculated as set forth in Regulation [.08-1D] .09D of this chapter.

C. (text unchanged)

D. The reimbursement classes for the Other Patient Care cost center are specified under Regulation [.24B] .30B of this chapter.

E. Kosher Kitchen Add-on.

(1) (text unchanged)

(2) For years between periods when the kosher kitchen add-ons are rebased, the kosher kitchen add-on shall be calculated as the prior year kosher kitchen add-on multiplied by the rate year monthly index divided by the prior year monthly index as identified in Regulation [.08-1B(3)(a)] .09B(3)(a) of this chapter.

**[.10-1] .11 Rate Calculation — Capital Costs [for Rates Effective January 1, 2015].**

A. (text unchanged)

B. Final Capital Cost.

(1) The determination of a provider's allowable final Capital per diem rate for the cost items under §A of this regulation is calculated as follows:

(a)—(j) (text unchanged)

(k) Divide the facility's annual fair rental value by the greater of actual resident days, or days at full occupancy times an occupancy standard calculated under Regulation [.08-1B(4)] .09B(4) of this chapter, to establish a fair rental value per diem rate;

(l) Divide real estate taxes obtained from the most recent desk reviewed cost report available 2 months before the start of the rate year by the greater of actual resident days, or days at full occupancy times an occupancy standard calculated under Regulation [.08-1B(4)] .09B(4) of this chapter, to establish a real estate tax per diem rate; and

(m) (text unchanged)

(2) (text unchanged)

C. (text unchanged)

D. The provider may protest the appraisal by submitting written notification to the Department within 90 days of receipt of the

appraisal. If the protest cannot be resolved administratively, the provider may appeal under Regulation [.28] .34 of this chapter.

E. (text unchanged)

**[.11-1] .14 Pay-for-Performance — Eligibility.**

In order to be eligible to receive funds through the pay-for-performance program under the provisions of Regulations [.11-2— .11-6] .15—.19 of this chapter:

A.—B. (text unchanged)

**[.11-2] .15 Pay-for-Performance — Quality Measures.**

A. (text unchanged)

B. Staffing Levels.

(1) (text unchanged)

(2) Each Maryland facility covered by these regulations which fails to comply with §B(1) of this regulation shall incur a 1 percentage point reduction in its applicable rental rate presented in Regulation [.10-1B(1)(i) or (j)] .11B(1)(i) or (j) of this chapter.

(3) (text unchanged)

(4) A facility's average acuity shall be determined based on the facilities Minimum Data Set Resource Utilization Groups (RUG) during the 6-month period ending December 31 of the most recent State fiscal year. To establish expected staffing hours, each RUG group will be multiplied by the corresponding hours under Regulation [.25C] .31B of this chapter and divided by the total days of care during the same period.

(5) The result from [§B(3)] §B(4) of this regulation shall be multiplied by 1.26555 in order to establish the facility's staffing goal.

(6) The facility's staffing level from [§B(2)] §B(3) of this regulation shall be divided by the facility's staffing goal from [§B(4)] §B(5) of this regulation in order to determine a score based on its percentage of the goal. A facility staffing exceeding its goal shall be scored at 100 percent.

(7) Providers shall receive 0—20 points based upon the scoring methodology described under Regulation [.11-3] .16 of this chapter.

C. Staff Stability.

(1)—(2) (text unchanged)

(3) Providers shall receive 0—20 points based upon the scoring methodology described under Regulation [.11-3] .16 of this chapter.

D. Family Satisfaction.

(1) (text unchanged)

(2) Providers shall receive 0—40 points based upon the scoring methodology described under Regulation [.11-3] .16 of this chapter, as follows:

(a)—(b) (text unchanged)

E. Minimum Data Set Clinical Quality Indicators.

(1) (text unchanged)

(2) Providers shall receive 0—2.67 points for each quality indicator based on the scoring methodology described under Regulation [.11-3] .16 of this chapter.

[(3) Payments distributed during State fiscal year 2012 shall be based upon scores for the 3-month period ending September 30, 2010, rather than the period indicated under §E(1) of this regulation.]

F.—G. (text unchanged)

**[.11-3] .16 Pay-for-Performance — Scoring Methodology.**

A. Facilities that are eligible for pay-for-performance under Regulation [.11-1] .14 of this chapter shall receive a score for each quality measure described in Regulation [.11-2] .15 of this chapter.

B. For the quality measures described in Regulation [.11-2B—E] .15B—E of this chapter, a facility is ranked and awarded points as follows:

(1)—(4) (text unchanged)

C. (text unchanged)

**[.11-4] .17 Pay-for-Performance — Payment for Improvement.**

A. In order to be eligible for improvement payment, a facility:

(1) Shall meet the eligibility criteria specified in Regulation [.11-1] .14 of this chapter;

(2) (text unchanged)

(3) May not be receiving a payment based upon its score as described in Regulation [.11-6C] .19C of this chapter.

B. (text unchanged)

**[.11-5] .18 Pay-for-Performance — Scoring Data Review.**

A. The Department shall report scores for pay-for-performance quality measures in Regulation [.11-2] .15 of this chapter, on or about July 1 of each year, based on data compiled during the prior fiscal year.

B.—C. (text unchanged)

**[.11-6] .19 Pay-for-Performance — Payment Distribution.**

A.—B. (text unchanged)

C. Eighty-five percent of the amount identified in §A or B of this regulation shall be distributed to the highest scoring facilities, representing 35 percent of the eligible days of care, in accordance with the methodology described in Regulation [.11-3] .16 of this chapter.

D. (text unchanged)

E. Fifteen percent of the amount identified in §A or B of this regulation shall be distributed to the facilities that qualify for payment for improvement in accordance with Regulation [.11-4] .17 of this chapter.

F.—G. (text unchanged)

**[.11-7] .12 Rate Calculation — Nursing Service Costs [for Rates Effective January 1, 2015].**

A. (text unchanged)

B. The Department shall initially establish Nursing Service prices for the rate period January 1, 2015, through June 30, 2015, and thereafter rebase the Nursing Service prices between every 2 and 4 rate years. Prices may be rebased more frequently if the Department determines that there is an error in the data or in the calculation that results in a substantial difference in payment, or if a significant change in provider behavior or costs has resulted in payment that is inequitable across providers. The Department shall rebase based on the following steps:

(1) The indexed costs shall be calculated as set forth in Regulation [.08-1B(1)—(3)] .09B(1)—(3) of this chapter;

(2)—(3) (text unchanged)

(4) For each reimbursement class, each cost report's Medicaid resident days shall be used in the array of cost per diems identified in §B(3) of this regulation to calculate the Medicaid day weighted median using the method established in Regulation [.08-1B(5)] .09B(5) of this chapter;

(5) (text unchanged)

(6) For years between periods when the prices are rebased, the final price for Nursing Service costs shall be adjusted as set forth in Regulation [.08-1D] .09D of this chapter.

C. The final Nursing Service rate for each nursing facility for each quarter is calculated as follows:

(1)—(4) (text unchanged)

(5) For years between periods when the prices are rebased, the indexed Nursing Service cost per diem identified under §B(2) of this regulation shall be adjusted as set forth in Regulation [.08-1D] .09D of this chapter.

D. The reimbursement classes for the Nursing Service cost center are specified under Regulation [.24C] .30C of this chapter.

E.—G. (text unchanged)

**[.11-8] .13 Ventilator Care Nursing Facilities [Effective January 1, 2015].**

Nursing facilities with licensed nursing facility beds, which have been determined by the Department to meet the standards for ventilator care under COMAR 10.07.02, shall be reimbursed as follows:

A. Services for residents receiving ventilator care shall be reimbursed as follows:

(1) The Nursing Service rate identified in Regulation [.11-7] .12 of this chapter shall be calculated with a facility average Medicaid case mix index that includes only residents receiving ventilator care; and

(2) (text unchanged)

[B. Rates under §A of this regulation shall be paid in full and are not subject to the phase-in provisions identified in Regulation .07-2B of this chapter;]

[C.] B. The facility average Medicaid case mix index for rates under §A of this regulation are not subject to the Medicaid case mix index equalizer adjustment in Regulation [.11-7F(6)] .12F(6) of this chapter;

[D.] C.—[E.] D. (text unchanged)

[F.] E. For years between periods when the Nursing Services prices are rebased, the final price for Ventilator costs shall be adjusted as set forth in Regulation [.08-1D] .09D of this chapter; and

[G.] F. [Services for] For residents not receiving ventilator care [shall be reimbursed as follows:

(1) The], the Initial Facility Nursing Service rate identified in Regulation [.11-7] .12 of this chapter shall be calculated with a facility average Medicaid case mix index that excludes residents receiving ventilator care;]

(2) The 2012 final settlement per diem identified in Regulation .07-2B of this chapter shall be calculated exclusive of ventilator care costs; and

(3) The 2012 final settled per diem for nursing services exclusive of ventilator costs shall be calculated as follows:

(a) Determine the ratio of settled 2012 nursing costs, including incentives and add-ons, to interim payments;

(b) Multiply the ratio by 2012 interim payments for ventilator payments including heavy special daily rate payments and add-on payments included in additional procedures payments;

(c) Subtract the result from the total settled 2012 nursing cost including incentives and add-ons to compute the 2012 final settled per diem for nursing services exclusive of ventilator costs; and

(d) Divide by Medicaid patient days exclusive of Medicaid ventilator days per the 2012 final settlement report for nursing].

**[.12-1] .20 Payment Procedures — Out-of-State Facilities [for Rates Effective January 1, 2015].**

A. Out-of-State nursing facilities that are not special rehabilitation nursing facilities and do not meet the exception to cost reporting requirements set forth in Regulation [.13N] .21M of this chapter shall be reimbursed at a rate that is the lesser of:

(1) The average Statewide quarterly rate identified by Regulation [.07-2] .07 of this chapter for in-State nursing facilities minus the quality assessment; and

(2) (text unchanged)

B. Out-of-State nursing facilities that are not special rehabilitation nursing facilities and do meet the exception to cost reporting requirements set forth in Regulation [.13N] .21M of this chapter shall be reimbursed the average Statewide quarterly rate identified by Regulation [.07-2] .07 of this chapter for in-State nursing facilities minus the quality assessment.

C. Out-of-State special rehabilitation nursing facilities shall be reimbursed by the Program when the following conditions are met:

(1)—(2) (text unchanged)

(3) Services for which reimbursement is requested have been preauthorized by the Program [and subject to all utilization review requirements of Regulation .11I of this chapter or the MDS validation requirement of Regulation .11-7G of this chapter].

D. (text unchanged)

**[.13] .21 Cost Reporting.**

A.—D. (text unchanged)

E. Financial and Statistical Data Required.

(1) (text unchanged)

[(2) The provider shall submit nursing cost report data, in the form prescribed, for costs incurred from the end of their most recent fiscal period through June 30, 2003, by September 30, 2003.

(3) If reports ending December 31, 2014 or before are not received within 3 months and an extension has not been granted, the Department shall withhold from the provider 10 percent of the interim payment for services provided during the calendar month after the month in which the report is due and any subsequent calendar month through the month during which the report has been submitted. This amount shall be repaid to the provider upon final cost settlement for the fiscal year from which the payments were withheld.]

[(4)] (2) If reports [ending after December 31, 2014] are not received within 3 months and an extension has not been granted, the Department shall reduce the per diem rate by 3 percent for services provided during the calendar month after the month in which the report is due and any subsequent calendar month through the month during which the report has been submitted.

[(5)] (3)—[(6)] (4) (text unchanged)

F. When a report is not submitted by the last day of the sixth month after the end of the provider's fiscal year, the Department shall impose one or more sanctions as provided for in Regulation [.27] .33 of this chapter.

[G. When a report ending December 31, 2014 or before is not submitted by the last day of the sixth month after the end of the provider's fiscal year, or a report ending December 31, 2014 or before is submitted but the provider cannot furnish proper documentation to verify costs, the Department shall make final cost settlement for that fiscal year at the last final per diem rates for which the Department has verified costs for that facility, provided that the rates established will not exceed the maximum per diem rates in effect when the facility's costs were last settled.]

[H.] G. For purposes of [§§E—G] §§E and F of this regulation, reports are considered received when the submitted reports are completed according to instructions issued by the Department or its designee.

[I.] H.—[J.] I. (text unchanged)

[K.] J. If the Department exercises its option under the provisions of [§J] §I of this regulation, the period covered by the two reports in the specific provider's fiscal year shall be divided as follows:

(1)—(2) (text unchanged)

[L.] K. Except as indicated in [§M] §L of this regulation, administrative and routine, other patient care, and capital costs incurred by the provider exclusively for providing ventilator care are not allowed in these cost centers, but are allowable nursing service costs. [For payments for dates of service on or before December 31, 2014, these costs shall be identified and reported to the Department or its designee for the purpose of recalibrating the percentage adjustment under Regulation .11G(9)(h) of this chapter. This percentage shall be recalibrated at least every 3 years.]

[M.] L. For any provider who provides ventilator care on 50 percent or more of its Maryland Medical Assistance days of care, all costs incurred by the provider exclusively for providing ventilator care are not allowable costs. [At final settlement, for payments for dates of service on or before December 31, 2014, this provider will

be reimbursed for each day of ventilator care at the standard per diem rate.]

[N.] *M.* (text unchanged)

[O.] *N.* The notice required in [§N(2)] §M(2) of this regulation shall include:

(1) (text unchanged)

(2) A statement that the provider agrees to accept as final reimbursement [the average projected Medical Assistance payment calculated under Regulation .07B(2) of this chapter for each day of care rendered to a Maryland Medical Assistance recipient during the fiscal period, or for rates effective after December 31, 2014,] the average rate paid to all other nursing facilities in the facility's geographic region identified in Regulation [.24A] .30A of this chapter, minus the quality assessment add-on for facilities that are exempt from Nursing Facility Quality Assessment identified in COMAR 10.01.20.

[P.] *O.* (text unchanged)

**[.14-1] .22 Desk Reviews and Field Verification [for Rates Effective January 1, 2015].**

A.—B. (text unchanged)

**[.14-2] .24 MDS Validation and Ventilator Care Validation [for Rates Effective January 1, 2015].**

A.—B. (text unchanged)

**[.15-1] .25 New Nursing Facilities, Replacement Facilities, and Change of Ownership [for Rates Effective January 1, 2015].**

A. (text unchanged)

B. New Nursing Facilities.

(1) Until such time as an appraisal for the new facility is available as set forth in Regulation [.10-1B(1)(b)] .11B(1)(b) of this chapter, the fair rental value per diem rate shall be based on the lower of the facility's construction costs plus the assessed land value divided by the number of licensed beds, or the maximum appraised value per bed in Regulation [.10-1B(1)(g)] .11B(1)(g) of this chapter.

(2) (text unchanged)

(3) The nursing facility shall be assigned to the appropriate geographic region, as specified under Regulation [.24] .30 of this chapter, for purposes of assigning the Nursing Service rate, the Other Patient Care price, and the Administrative and Routine price.

(4) (text unchanged)

(5) The fair rental value per diem rate shall use days as the greater of total estimated resident days or days at full occupancy times an occupancy standard calculated under Regulation [.08-1B(4)] .09B(4) of this chapter and the maximum bed value identified in Regulation [.10-1B(1)(g)] .11B(1)(g) of this chapter. For the period of time the facility is operating under a waiver of occupancy granted in accordance with Regulation [.16-1F] .26F of this chapter, the fair rental value per diem rate shall be calculated using estimated resident days. At the completion of the waiver period, either the State or the facility may initiate a settlement payment should the estimate vary from the actual by more than 10 percent.

(6) Upon providing the real estate bills to the State which incorporate the new construction at least 15 days before the start of operations or at least 15 days before the beginning of any calendar quarter, the real estate tax per diem rate shall be calculated in accordance with Regulation [.10-1B(1)(l)] .11B(1)(l) of this chapter. This amount shall be used for the period from the time of submission until the next facility cost report is filed. For the period of time the facility is operating under a waiver of occupancy granted in accordance with Regulation [.16-1F] .26F of this chapter, the real estate tax per diem rate shall be calculated using estimated resident days. At the completion of the waiver period, either the State or the

facility may initiate a settlement payment should the estimate vary from the actual by more than 10 percent.

(7) (text unchanged)

C. Replacement Facilities.

(1) Until such time as an appraisal for the replacement facility is available as set forth in Regulation [.10-1B(1)(b)] .11B(1)(b) of this chapter, the fair rental value per diem rate shall be based on the lower of the facility's construction costs plus the assessed land value divided by the number of licensed beds, or the maximum appraised value per bed in Regulation [.10-1B(1)(g)] .11B(1)(g) of this chapter.

(2) The fair rental value per diem rate shall use days as the greater of total estimated resident days or days at full occupancy times an occupancy standard calculated as the Statewide average under Regulation [.08-1B(4)] .09B(4) of this chapter. For the period of time the facility is operating under a waiver of occupancy granted in accordance with Regulation [.16-1F] .26F of this chapter the fair rental value per diem rate shall be calculated using estimated resident days. At the completion of the waiver period either the State or the facility may initiate a settlement payment should the estimate vary from the actual by more than 10 percent.

(3) Upon providing the real estate bills to the State, which incorporate the new construction, at least 15 days before the start of operations or at least 15 days before the beginning of any calendar quarter, the real estate tax per diem rate shall be calculated in accordance with Regulation [.10-1B(1)(l)] .11B(1)(l) of this chapter. This amount shall be used for the period from the time of submission until the next facility cost report is filed. For the period of time the facility is operating under a waiver of occupancy granted in accordance with Regulation [.16-1F] .26F of this chapter, the real estate tax per diem rate shall be calculated using estimated resident days. At the completion of the waiver period either the State or the facility may initiate a settlement payment should the estimate vary from the actual by more than 10 percent.

(4)—(6) (text unchanged)

D. Change of Ownership.

(1) Except when the Program agrees to a shorter notification period, when there is an anticipated change of ownership of a provider, not less than 30 days before the date of the change of ownership:

(a) (text unchanged)

(b) The purchaser shall:

(i) (text unchanged)

(ii) Submit a provider application and execute a provider agreement with the Department [before being assigned new interim per diem rates]; and

(iii) (text unchanged)

(2) Indemnity Bond or Standby Letter of Credit.

(a) The indemnity bond or standby letter of credit required by §D(1)(a)(ii) or (b)(iii) of this regulation shall be in the amount of:

(i)—(iii) (text unchanged)

(iv) All debt owed by the provider to the Interim Working Capital Fund under Regulation [.07-1] .08 of this chapter.

(b)—(c) (text unchanged)

(3)—(4) (text unchanged)

(5) The new owner shall be paid at the same rates as the old nursing facility provider except for the period of time the facility is operating under a waiver of occupancy granted in accordance with Regulation [.16-1F] .26F of this chapter in which the Capital rate shall be calculated using estimated resident days. At the completion of the waiver period either the State or the facility may initiate a settlement payment should the estimate vary from the actual by more than 10 percent.

**[.16-1] .26 Selected Costs — Allowable [for Payments for Services Provided Effective January 1, 2015].**

A.—B. (text unchanged)

C. Leave of Absence. The Department shall pay the sum of the rates identified in Regulations [.08-1, .09-2 and .10-1] .09—.11 of this chapter, less patient resources for the cost of reserving beds for recipients for therapeutic home visits or participation in State-approved therapeutic or rehabilitative programs, subject to the following conditions:

(1)—(4) (text unchanged)

D. Administrative Days. The Department shall pay the sum of the rates identified in Regulations [.08-1, .09-2, and .10-1] .09—.11 of this chapter, and 50 percent of the rate identified in Regulation [.11-7] .12 of this chapter, less patient resources for administrative days, documented on forms designated by the Department, which satisfy the following conditions:

(1)—(3) (text unchanged)

E. Bed Occupancy. The Statewide average occupancy, defined in Regulation [.08-1B(4)] .09B(4) of this chapter, shall be calculated after the exclusion of all providers which operated under a waiver of the occupancy standard during any part of the cost report period.

F. A waiver of the occupancy standards defined in Regulation [.08-1B(4)] .09B(4) of this chapter may be made by the Department under the following conditions:

(1)—(6) (text unchanged)

G. (text unchanged)

H. A waiver of the occupancy standards defined in Regulation [.08-1B(4)] .09B(4) of this chapter may not be allowed due to a ban on admissions or under any circumstances other than those described in §F of this regulation.

I. (text unchanged)

**[.17-1] .27 Selected Costs — Not Allowable [for Payments for Services Provided Effective January 1, 2015].**

The following costs are not allowable in establishing prospective rates:

A.—K. (text unchanged)

L. Interest paid by a provider under [Regulations .14J(2) or .30E(5)] Regulation .23E(5) of this chapter;

M.—T. (text unchanged)

U. Legal, accounting, and other professional expenses related to an appeal challenging a payment determination pursuant to Regulations [.28 and .30E] .23E and .34 of this chapter unless a final adjudication is issued sustaining the nursing facility's appeal;

V.—X. (text unchanged)

**[.18] .28 Recipient's Resource.**

A.—B. (text unchanged)

C. The total of a recipient's available resource for medical or remedial care and the Department's payment may not exceed the provider's [interim] per diem rate.

D. (text unchanged)

**[.25] .31 Nursing Service Personnel and Procedures.**

A. (text unchanged)

[B. Procedure and Activity Times and Personnel Category Weights. Effective for the period July 1, 2006 — June 30, 2007.]

(table proposed for repeal)

[C.] B. (text unchanged)

ROBERT R. NEALL  
Secretary of Health

**Subtitle 14 CANCER CONTROL**

**10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment**

Authority: Health-General Article, §§2-102, 2-104, and 2-105, Annotated Code of Maryland

**Notice of Proposed Action**

[18-073-P]

The Secretary of Health proposes to amend Regulations .04—.06 under **COMAR 10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment**.

**Statement of Purpose**

The purpose of this action is to repeal the requirement that medical providers have liability insurance in order to participate in the Breast and Cervical Cancer Diagnosis and Treatment Program.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.04 Physician Services.**

A. To be considered a participating physician in the Program, the provider shall:

(1)—(2) (text unchanged)

[(3) Have current medical liability insurance coverage;]

[(4)] (3)—[(11)] (10) (text unchanged)

B.—G. (text unchanged)

**.05 Nurse Practitioner Services.**

A. To be considered a participating nurse practitioner in the Program, the provider shall:

(1)—(2) (text unchanged)

[(3) Have current liability insurance or be covered for medical liability as part of the provider's employment;]

[(4)] (3)—[(5)] (4) (text unchanged)

[(6)] (5) Agree to the medical, financial, and reporting requirements of the Program pursuant to Regulation [.04A(6)—(7),

(8)(a)—(e), and (9)—(11)] .04A(5)—(6), (7)(a)—(e), and (8)—(10) of this chapter.

B.—E. (text unchanged)

**.06 Nurse Anesthetist Services.**

A. To be considered a participating nurse anesthetist in the Program, the provider shall:

(1)—(2) (text unchanged)

[(3) Have current liability insurance coverage;]

[(4)] (3)—[(5)] (4) (text unchanged)

[(6)] (5) Agree to the medical, financial, and reporting requirements of the Program pursuant to Regulation [.04A(6)—(7), (10), and (11)] .04A(5)—(6), (9), and (10) of this chapter.

B.—E. (text unchanged)

ROBERT R. NEALL  
Secretary of Health

**Notice of Proposed Action**

[18-074-P]

The Secretary of Health proposes to repeal in their entirety:

(1) Regulations .01—.12 under COMAR 10.21.04 **Community Mental Health Programs—Group Homes for Adults with Mental Illness;**

(2) Regulations .01—.16 under COMAR 10.21.16 **Community Mental Health Programs—Application, Approval, and Disciplinary Processes;**

(3) Regulations .01—.17 under COMAR 10.21.17 **Community Mental Health Programs—Definitions and Administrative Requirements;**

(4) Regulations .01—.13 under COMAR 10.21.18 **Community Mental Health Programs—Therapeutic Nursery Programs;**

(5) Regulations .01—.11 under COMAR 10.21.19 **Community Mental Health Programs—Mobile Treatment Services;**

(6) Regulations .01—.11 under COMAR 10.21.20 **Community Mental Health Programs—Outpatient Mental Health Centers;**

(7) Regulations .01—.13 under COMAR 10.21.21 **Community Mental Health Programs—Psychiatric Rehabilitation Programs for Adults;**

(8) Regulations .01—.12 under COMAR 10.21.22 **Community Mental Health Programs—Residential Rehabilitation Programs;**

(9) Regulations .01—.12 under COMAR 10.21.26 **Community Mental Health Programs—Residential Crisis Services;**

(10) Regulations .01—.08 under COMAR 10.21.27 **Community Mental Health Programs—Respite Care Services;**

(11) Regulations .01—.12 under COMAR 10.21.28 **Community Mental Health Programs—Mental Health Vocational Programs (MHVP);**

(12) Regulations .01—.09 under COMAR 10.21.29 **Community Mental Health Programs—Psychiatric Rehabilitation Services for Minors;**

(13) Regulations .01—.11 under COMAR 10.47.02 **Specific Program Requirements;**

(14) Regulations .01—.07 under COMAR 10.47.03 **Specific Program Requirements for Correctional Levels of Care;**

(15) Regulations .01—.08 under COMAR 10.47.04 **Certification Requirements;** and

(16) Regulations .01—.05 under COMAR 10.47.05 **Education Programs.**

**Statement of Purpose**

The purpose of this action is to repeal community-based mental health and substance-related disorder services regulations that are in conflict with COMAR 10.63.

**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, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

ROBERT R. NEALL  
Secretary of Health

**Subtitle 21 MENTAL HYGIENE REGULATIONS**

**10.21.25 Fee Schedule — Mental Health Services — Community-Based Programs and Individual Practitioners**

Authority: Health-General Article, §§2-104, 7.5-205, 10-205, and 10-206 and Title 16, Subtitles 1 and 2, Annotated Code of Maryland

**Notice of Proposed Action**

[18-047-P]

The Secretary of Health proposes to amend Regulations .03-2 and .05—.13 under COMAR 10.21.25 **Fee Schedule — Mental Health Services — Community-Based Programs and Individual Practitioners.**

**Statement of Purpose**

The purpose of this action is to update the listed rates for community-based behavioral health services.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The Department is increasing reimbursement rates for certain community-based behavioral health services.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1)	(E+)	\$8,715,289
(2)	(R+)	\$3,851,490
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$8,715,289

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(1) and (2) and D. MDH Behavioral Health Administration will pay \$8,715,289 more in reimbursement rates to participating providers. Medicaid Federal Fund Participation is \$3,851,490 and General Funds is \$4,863,799.

**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, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.03-2 Supplemental Rates.**

Providers who billed for services rendered from [July 1, 2013] *July 1, 2017* until the effective date of these regulations may resubmit their claims and be reimbursed for these services as set forth in Regulations .05—.12] *13* of this chapter.

**.05 Fee Schedule — Treatment Services — Diagnosis and Therapy.**

A. Diagnostic Interview. The Department shall reimburse a provider for a face-to-face diagnostic interview, as follows:

(1) For a child or adolescent, when rendered by a provider with demonstrated competency to provide mental health services to children or adolescents:

- (a) OMHC ... [\$190.23] \$201.87;
- (b) Physician ... [\$151.68] \$157.80;
- (c) Psychologist ... [\$121.08] \$128.49;
- (d) [Other mental health professionals] *Psychiatric Nurse Practitioner* ... [\$106.01] \$110.29;

(e) *Other mental health professionals* ... \$112.50;

(2) For an adult:

- (a) OMHC ... [\$170.32] \$180.74;
- (b) Physician ... [\$151.68] \$157.80;
- (c) Psychologist ... [\$121.08] \$128.49;
- (d) [Other mental health professionals] *Psychiatric Nurse Practitioner* ... [\$106.01] \$110.29;

(e) *Other mental health professionals* ... \$112.50.

B. Individual Therapy. The Department shall reimburse a provider for an individual therapy session, as follows:

(1) For a child or adolescent, when rendered by a provider with demonstrated competency to provide mental health services to children or adolescents:

- (a) For 30 minutes:
  - (i) OMHC ... [\$59.19] \$62.81;
  - (ii) Physician ... [\$50.05] \$52.07;
  - (iii) Psychologist ... [\$40.09] \$42.54;
  - (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$34.98] \$36.39;

(v) *Other mental health professional* ... \$37.12;

(b) For 20—30 minutes, with biofeedback training:

- (i) OMHC ... [\$50.05] \$53.11;
- (ii) Physician ... [\$50.05] \$52.07;
- (iii) Psychologist ... [\$40.09] \$42.54
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$34.98] \$36.39;

(v) *Other mental health professional* ... \$37.12;

(c) For 45 minutes:

- (i) OMHC ... [\$105.20] \$111.64;
- (ii) Physician ... [\$90.94] \$94.62;
- (iii) Psychologist ... [\$72.65] \$77.09;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$63.77] \$66.35;

(v) *Other mental health professional* ... \$67.68;

(d) For 45—50 minutes, with biofeedback training:

- (i) OMHC ... [\$90.94] \$96.51;
- (ii) Physician ... [\$90.94] \$94.62;
- (iii) Psychologist ... [\$72.65] \$77.09;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$63.77] \$66.35;

(v) *Other mental health professional* ... \$67.68;

(e) For 60 minutes in an OMHC ... [\$105.20] \$111.64;

(2) For an adult:

(a) For 30 minutes:

- (i) OMHC ... [\$50.05] \$53.11;
- (ii) Physician ... [\$50.95] \$52.07;
- (iii) Psychologist ... [\$40.09] \$42.54;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$34.98] \$36.39;

(v) *Other mental health professional* ... \$37.12;

(b) For 20—30 minutes, with biofeedback training:

- (i) OMHC ... [\$50.05] \$53.11;
- (ii) Physician ... [\$50.05] \$52.07;
- (iii) Psychologist ... [\$40.09] \$42.54;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$34.98] \$36.39;

(v) *Other mental health professional* ... \$37.12;

(c) For 45 minutes:

- (i) OMHC ... [\$90.94] \$96.51;
- (ii) Physician ... [\$90.94] \$94.62;
- (iii) Psychologist ... [\$72.65] \$77.09;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$63.77] \$66.35;

(v) *Other mental health professional* ... \$67.68;

(d) For 45—50 minutes, with biofeedback training:

- (i) OMHC ... [\$90.94] \$96.51;
- (ii) Physician ... [\$90.94] \$94.62;
- (iii) Psychologist ... [\$72.65] \$77.09;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$63.77] \$66.35;

(v) *Other mental health professional* ... \$67.68;

(e) For 60 minutes in an OMHC ... [ \$90.94] \$96.51.

C. Family Therapy. The Department shall reimburse a provider for a family therapy session, as follows:

(1) When the identified patient is a child or adolescent and the service is rendered by a provider with demonstrated competency to provide mental health services to children or adolescents:

(a) Without the identified patient:

- (i) OMHC ... [\$104.13] \$110.50;
- (ii) Physician ... [\$85.02] \$88.45;
- (iii) Psychologist ... [\$69.96] \$74.25;
- (iv) [Other mental health professional] *Psychiatric Nurse Practitioner* ... [\$53.81] \$55.99;

(v) *Other mental health professional* ... \$57.11;



- (b) With the identified patient, for 20—30 minutes:
  - (i) OMHC ... [\$58.65] \$62.24;
  - (ii) Physician ... [\$58.65] \$61.02;
  - (iii) Psychologist ... [\$46.82] \$49.69;
  - (iv) [Other mental health professional ... \$41.17]

*Psychiatric Nurse Practitioner ... \$42.83;*  
*(v) Other mental health professional ... \$43.69;*  
 (c) With the identified patient, for 45—60 minutes:  
 (i) OMHC ... [\$107.62] \$114.21;  
 (ii) Physician ... [\$94.71] \$98.53;  
 (iii) Psychologist ... [\$76.41] \$81.09;  
 (iv) [Other mental health professional] *Psychiatric Nurse Practitioner...* [\$65.64] \$68.29;  
*(v) Other mental health professional ... \$69.66;*

- (2) When the identified patient is an adult:
  - (a) Without the identified patient for 45—60:
    - (i) OMHC ... [\$90.14] \$95.66;
    - (ii) Physician ... [\$85.02] \$88.45;
    - (iii) Psychologist ... [\$69.96] \$74.25;
    - (iv) [Other mental health professional] *Psychiatric Nurse Practitioner ...* [\$53.81] \$55.99;

*(v) Other mental health professional ... \$57.11;*  
 (b) With the identified patient, for 45—60 minutes:  
 (i) OMHC ... [\$94.71] \$100.50;  
 (ii) Physician ... [\$94.71] \$98.53;  
 (iii) Psychologist ... [\$76.41] \$81.09;  
 (iv) [Other mental health professional] *Psychiatric Nurse Practitioner ...* [\$65.64] \$68.29;  
*(v) Other mental health professionals ... \$69.66.*

D. Group Therapy. The Department shall reimburse a provider for each individual, up to a maximum of 10, in a group therapy session as follows:

(1) When the identified patient is a child or adolescent and the service is rendered by a provider with demonstrated competency to provide mental health services to children or adolescents:

- (a) For 45—60 minutes:
  - (i) OMHC ... [\$40.90] \$43.40;
  - (ii) Physician ... [\$24.75] \$25.76;
  - (iii) Psychologist ... [\$24.75] \$26.28;
  - (iv) [Other mental health professional] *Psychiatric Nurse Practitioner ...* [\$24.75] \$25.76;

*(v) Other mental health professionals ... \$26.28;*

(b) For more than 75 minutes in an OMHC ... [\$50.58] \$53.67;

- (2) When the identified patient is an adult:
  - (a) For 45—60 minutes:
    - (i) OMHC ... [\$38.74] \$41.11;
    - (ii) Physician ... [\$24.75] \$25.76;
    - (iii) Psychologist ... [\$24.75] \$26.28;
    - (iv) [Other mental health professional] *Psychiatric Nurse Practitioner ...* [\$24.75] \$25.76;

*(v) Other mental health professional ... \$26.28;*

(b) For more than 75 minutes in an OMHC ... [\$50.58] \$53.67.

**.06 Fee Schedule — Additional Treatment Services.**

A. Psychological Testing. The Department shall reimburse a psychologist for conducting psychological testing, up to a maximum of 8 hours per year per individual as follows:

- (1) OMHC psychologist ... [\$99.02] \$105.08 per hour;
- (2) Other psychologist ... [\$99.02] \$105.08 per hour;
- (3) OMHC psychologist associate ... [\$27.55] \$29.23 per hour;
- (4) Other psychologist associate ... [\$27.55] \$29.23 per hour.

B. Occupational Therapy. The Department shall reimburse an occupational therapist for providing services, as follows:

(1) To an individual, payable in 15-minute increments, for face-to-face:

- (a) Therapeutic activities ... [\$11.83] \$12.56 per 15 minutes;
- (b) Self-care, home management training ... [\$11.83] \$12.56 per 15 minutes;
- (c) Community and work reintegration ... [\$11.83] \$12.56 per 15 minutes;
- (d) Development of cognitive skills ... [\$11.83] \$12.56 per 15 minutes;
- (e) Occupational therapy evaluation and re-evaluation ... [\$15.07] \$15.99 per 15 minutes;

(2) For each individual, [up to a maximum of 10] *two or more*, in a group therapy session of a minimum of 60 minutes ... [\$18.30] \$19.42.

C. Physician Services. The Department shall reimburse for services rendered to a child, adolescent, or adult, by an appropriately privileged physician or certified registered nurse practitioner — psychiatric only, as follows:

(1) The patient's primary care physician in an inpatient or partial hospital setting:

- (a) Initial care:
  - (i) For a minimum of 30 minutes ... [\$108.43] \$101.35;
  - (ii) For a minimum of 50 minutes ... [\$147.19] \$136.61;
  - (iii) For a minimum of 70 minutes ... [\$216.47] \$202.02;

- (b) Subsequent care:
  - (i) For a minimum of 15 minutes ... [\$41.71] \$39.25;
  - (ii) For a minimum of 25 minutes ... [\$76.73] \$71.74;
  - (iii) For a minimum of 35 minutes ... [\$110.63] \$103.59;

- (c) Discharge day management:
  - (i) For 30 minutes or less ... [\$77.68] \$72.35;
  - (ii) For more than 30 minutes ... [\$114.63] \$107.10;

- [(d) For discharge data submission ... \$21.53;]
- [(e)] (d) For individual therapy, in an inpatient setting:
  - (i) For 30 minutes ... [\$43.78] \$45.55;
  - (ii) For 45 minutes ... [\$82.30] \$85.63;

(2) The patient's primary certified registered nurse practitioner — psychiatric, in an inpatient or partial hospital setting:

- (a) Initial care:
  - (i) For a minimum of 30 minutes ... [\$108.43] \$101.35;
  - (ii) For a minimum of 50 minutes ... [\$147.19] \$136.61;
  - (iii) For a minimum of 70 minutes ... [\$216.47] \$202.02;

- (b) Subsequent care:
  - (i) For a minimum of 15 minutes ... [\$41.71] \$39.25;
  - (ii) For a minimum of 25 minutes ... [\$76.73] \$71.74;
  - (iii) For a minimum of 35 minutes ... [\$110.63] \$103.59;

- (c) Discharge day management:
  - (i) For 30 minutes or less ... [\$77.68] \$72.35;
  - (ii) For more than 30 minutes ... [\$114.63] \$107.10;

- (d) For individual therapy, in an inpatient setting:
  - (i) For 30 minutes ... [\$30.65] \$45.55;
  - (ii) For 45 minutes ... [\$57.61] \$85.63;

(3) For electroconvulsive therapy, in an inpatient setting:
 

- (a) Including monitoring ... [\$98.39] \$100.36;
- (b) Anesthesia ... [\$98.27] \$100.24;

(4) A consultant physician, or a consultant certified registered nurse practitioner — psychiatric, in an inpatient or partial hospital setting, initial consult, for a minimum of:
 

- (a) 20 minutes ... [\$51.66] \$48.63;
- (b) 40 minutes ... [\$79.60] \$74.42;
- (c) 55 minutes ... [\$121.30] \$114.34;
- (d) 80 minutes ... [\$174.86] \$166.24;
- (e) 110 minutes ... [\$217.80] \$200.43;

(5) A consultant physician or a consultant certified registered nurse practitioner — psychiatric, in an outpatient setting:

- (a) For a minimum of 15 minutes ... [\$51.49] \$48.00;
- (b) For a minimum of 30 minutes ... [\$96.74] \$89.93;
- (c) For a minimum of 40 minutes ... [\$131.91] \$123.01;
- (d) For a minimum of 60 minutes ... [\$194.98] \$183.50;
- (e) For a minimum of 80 minutes ... [\$237.73] \$223.47[.];

**.07 Fee Schedule — Special OMHC Services.**

A. Treatment Planning. The Department shall reimburse an OMHC for providing an OMHC-enrolled individual with one face-to-face treatment planning meeting every 6 months, at the rate of [\$82.87] \$87.94 per planning meeting.

B. Multifamily Group Therapy. The Department shall reimburse an OMHC for providing multifamily group therapy, with the identified patient, for families of:

- (1) Children and adolescents, for 45—60 minutes, with the child present ... [\$41.98] \$44.55 per family;
- (2) Children and adolescents, for 20—30 minutes, with the child present ... [\$38.55] \$40.91 per family;
- (3) Adults, for 45—60 minutes, with the adult present ... [\$39.83] \$42.27 per family;
- (4) Adults, for 20—30 minutes, with the adult present ... [\$35.75] \$37.94 per family;

C. Family Psychoeducation. The Department shall reimburse a provider, when the provider has been approved by the Administration to provide evidence-based services, for a family psychoeducation session with or without the identified adult, at a rate of [\$53.81] \$57.11 per family.

D. Prolonged Services. The Department shall reimburse an OMHC for providing, on-site, prolonged services, face-to-face with the identified patient, as follows:

- (1) For 30—74 minutes ... [\$106.79] \$102.07;
- (2) For an additional period of 30 minutes ... [\$104.10] \$99.03.

E. Venipuncture and Injection. The Department shall reimburse an OMHC for providing:

- (1) Routine venipuncture ... [\$14.94] \$15.54;
- (2) Therapeutic injection ... [\$14.94] \$15.54.

F. Intensive Outpatient Services. The Department shall reimburse an OMHC for providing intensive outpatient services, when the services are delivered by a multidisciplinary team for a minimum of 3 hours of therapeutic activities, including needed physician services and at least two group therapies, as follows:

- (1) For children or adolescents ... [\$154.17] \$163.61 per day;
- (2) For adults ... [\$129.69] \$137.63 per day.

G. Discharge Data Submission. The Department shall reimburse an OMHC [\$21.53] \$22.85 for discharge data submission.

**.08 Fee Schedule — Treatment Services — Programs.**

A. Therapeutic Nursery Programs. The Department shall reimburse a program approved under COMAR 10.21.18 to provide therapeutic nursery services to eligible children, younger than 5 years old, at a rate of [\$42.20] \$44.78 per day, for a minimum of 3 days per week, 3 hours per day.

B. Mobile Treatment Services. The Department shall reimburse a program for mobile treatment services delivered to an individual:

- (1) For a minimum of four face-to-face services, and according to a treatment plan that outlines the expected type and frequency of services;
- (2) At the rate of:
  - (a) [\$839.45] \$890.83 per month; or
  - (b) If the individual is a Medicare recipient, [\$643.58] \$682.97 per month, if the program has:
    - (i) Delivered services according to the provision of §A(1) of this regulation; and
    - (ii) Billed applicable Medicare reimbursed services;

[(3) For enhanced support, when the need for short-term one-to-one support is documented and approved by the Administration or its designee:

- (a) At the rate of \$12.91 per hour;
- (b) Up to a maximum of \$129.10 per day;
- (c) Not to exceed 30 days per calendar year.]

[(4) (3) For evidence-based programs, assertive community treatment (ACT), at the rate of:

- (a) For Medicaid recipients and other individuals meeting eligibility criteria for uninsured, [\$1,183.34] \$1,256.30 per month; or
- (b) If the individual has Medicare only, [\$1,049.31] \$1,113.54 per month.

C. Partial Hospitalization. For programs approved under COMAR 10.21.02, the Department shall reimburse:

(1) A non-hospital-based partial hospitalization (psychiatric day treatment) program, for services provided to an eligible Medicaid recipient:

- (a) For a full day, a minimum of 6.5 hours of therapeutic activities per day ... [\$203.68] \$216.15 per day;
- (b) For a half day, or intensive, outpatient services, when the services are delivered by a multidisciplinary team, for a minimum of 4 hours of therapeutic activities, including at least two group therapies ... [\$110.85] \$117.64 per day;

(2) (text unchanged)

(3) OMHC, for intensive outpatient services provided to a Medicaid recipient in a psychiatric day treatment program:

- (a) For adults ... [\$129.69] \$137.63;
- (b) For children and adolescents ... [\$154.17] \$163.61; and

(4) For physician services, at the rates established under Regulation .06[D]C of this chapter.

D. (text unchanged)

E. Residential Crisis Services. The Department shall reimburse a provider for residential crisis services delivered to an individual, as follows:

(1) As an alternative to inpatient admission or to shorten the length of inpatient stay:

- (a) For clinical services ... [\$252.34] \$267.79 per day;
- (b) For room and board ... [\$12.59] \$13.36 per day;

(2) Treatment foster care ... [\$162.25] \$172.19 per day; and

(3) For physician services, at the rates established for services rendered to an individual in an inpatient setting under Regulation [.05D] .05B of this chapter.

**.09 Fee Schedule — Support Services.**

A. Psychiatric Rehabilitation Program (PRP) Services. The Department shall reimburse a PRP for providing face-to-face rehabilitation services to an individual with a serious emotional disturbance (SED) or serious and persistent mental disorder (SPMD), by a monthly rate that is based on a minimum and maximum range of services, when the PRP submits monthly supporting encounter data after services are provided to the individual, within which the provider shall meet the needs of the individual, as follows:

(1) Assessment ... [\$61.62] \$65.39;

(2) PRP services to an employed individual in a supported employment program, delivered at the job site, at a rate of [\$107.62] \$114.21 per month, for:

(a)—(d) (text unchanged)

B. Additional PRP Services. In addition to the services outlined in §A of this regulation, the Department shall reimburse a PRP for providing face-to-face rehabilitation services to an individual with SED or SPMD by a monthly rate that is based on a minimum and maximum range of services, within which the provider shall meet the needs of the individual, as follows:

(1) PRP Community Psychiatric Support Services delivered to an individual with an SED or an SPMD, whose functioning is

severely impaired, and who is living with a parent, guardian, or relative who is legally responsible for the individual's care, as follows:

(a) When on-site and off-site services are delivered to an individual by one PRP, [\$426.99] \$453.12 per month for:

(i)—(iv) (text unchanged)

(b) When on-site and off-site services are delivered to an individual by two PRPs, a PRP may receive reimbursement for either on-site or off-site services, but not both, as follows:

(i) On-site services, at a rate of [\$183.22] \$194.43 per month, for a minimum of two services and a maximum of 30 services per month, at a minimum of 60 minutes per service;

(ii) Off-site services, at a rate of [\$243.76] \$258.68 per month, for a minimum of two services and a maximum of 30 services per month, at a minimum of 15 minutes per service; and

(iii) (text unchanged)

(2) PRP supported living for services delivered to an individual with an SED or an SPMD, whose functioning is severely impaired, and who is living independently or with individuals who are not legally responsible for their care, as follows:

(a) When services are delivered to an individual by one PRP, [\$760.88] \$807.45 per month as follows:

(i)—(iv) (text unchanged)

(b) When on-site and off-site services are delivered to an individual by two PRPs, a PRP may receive reimbursement for either on-site or off-site services, but not both, as follows:

(i) On-site services, at a rate of [\$259.37] \$275.25 per month, for a minimum of three services and a maximum of 30 services per month, at a minimum of 60 minutes per service;

(ii) Off-site services, at a rate of [\$501.51] \$532.21 per month, for a minimum of five services and a maximum of 30 services per month and a minimum of 15 minutes per service; and

(iii) (text unchanged)

(3) PRP services delivered to individuals in residential rehabilitation programs (RRPs) as follows:

(a) General support:

(i) On-site, at a rate of [\$447.70] \$475.10 per month, for a minimum of four services, up to 30 services per month, at a minimum of 60 minutes per service;

(ii) Off-site, at a rate of [\$1,202.13] \$1,275.70 per month, for a minimum of 13 services, up to 30 services per month, at a minimum of 15 minutes per service; or

(iii) Any combination of on-site or off-site PRP services, at a rate of [\$1,649.83] \$1,750.82 per month, for a minimum of 17 services, up to 30 services per month, at a minimum of 30 minutes per service; or

(b) Intensive support:

(i) On-site, at a rate of [\$447.70] \$475.10 per month, for a minimum of four services, up to 30 services per month, at a minimum of 60 minutes per service;

(ii) Off-site, at a rate of [\$3,123.17] \$3,314.33 per month, for a minimum of 19 services, up to 30 services per month, at a minimum of 15 minutes per service; or

(iii) Any combination of on-site or off-site PRP services, at a rate of [\$3,570.87] \$3,789.44 per month, for a minimum of 23 services, up to 30 services per month, at a minimum of 30 minutes per service; or

(4) PRP services delivered to individuals when transitioning from inpatient level of care to the community, any combination of on-site or off-site PRP services, at a rate of [\$447.70] \$475.10 per month, for a minimum of 4 services, up to 30 services per month, at a minimum of 60 minutes per service.

C. RRP Services. The Department shall reimburse an RRP for providing services to an individual with a serious and persistent

mental disorder and whose functioning is severely impaired, as follows:

(1) Room and board ... [\$12.59] \$13.36 per day;

(2) (text unchanged)

D. Mental Health Vocational Programs (MHVP). The Department shall reimburse a program that is approved for mental health vocational services for providing supported employment services to an individual with a mental disorder:

(1)—(2) (text unchanged)

(3) At the following rates, per individual approved for supported employment services:

(a) Completion of vocational assessment, individual supported employment plan, referral to DORS, and education regarding entitlements and work incentives, not more than three times per year ... [\$430.49] \$456.84;

(b) Job placement of the individual, not more than three times per year ... [\$1,075.14] \$1,140.94;

(c) Intensive job coaching, if not otherwise reimbursed, at a maximum of [\$7.40] \$7.85 per 15 minutes, up to a lifetime maximum of \$2,750 per individual; and

(d) Extended MHVP support ... [\$349.77] \$371.19 per month.

E. Mental Health Vocational Programs — Evidence-Based Programs. The Department shall reimburse an MHVP evidence-based program:

(1)—(2) (text unchanged)

(3) At the following rates, per individual approved for supported employment services:

(a) Completion of vocational assessment, individual supported employment plan, referral to DORS, and education regarding entitlements and work incentives not more than three times per year ... [\$430.49] \$456.84;

(b) Job placement of the individual not more than three times per year ... [\$1,075.14] \$1,140.94;

(c) Intensive job coaching, if not otherwise reimbursed, at a maximum of [\$7.40] \$7.85 per 15 minutes, up to a lifetime maximum of \$2,750.00 per individual;

(d) Clinical service coordination at a rate of [\$107.62] \$114.21 per month that is documented and includes, with the individual's consent, at a minimum:

(i)—(ii) (text unchanged)

(e) Extended PRP support to an individual in a supported employment program at a rate of [\$430.49] \$456.84 per month for:

(i)—(iv) (text unchanged)

F. Respite Care. The Department shall reimburse a program that is approved for respite care for providing services to a child or adolescent with a serious emotional disturbance, whose functioning is severely impaired, or an adult with a serious and persistent mental disorder, whose functioning is severely impaired, as follows:

(1) For children:

(a) General support in a facility ... [\$174.34] \$185.02 per day; or

(b) In-home respite, when the need for short-term, one-to-one support is documented or for in-home respite and approved by the CSA up to a maximum of 10 hours per day at a rate of ... [\$3.49] \$3.70 per 15 minutes;

(2) For adults, general support in a residential rehabilitation program ... [\$75.61] \$80.23 per day.

G. Enhanced Support. When the need for short-term, one-to-one support is documented and approved by the CSA, the Department shall reimburse an OMHC, PRP, RRP, or MTS for providing services to a child or adolescent with an SED or an adult with an SPMD, and whose functioning is seriously impaired, at the rate of [\$12.91] \$13.70 per hour up to a maximum of [\$129.10] \$137.00 per day, not to exceed 30 days per year.

H. Therapeutic Behavioral Services. The Department shall reimburse a therapeutic behavioral services provider, as defined in COMAR 10.09.34, as follows:

- (1) One-to-one behavioral aide services to a child or adolescent ... [\$5.39] \$5.72 per 15 minutes;
- (2) Initial assessment and development of a behavioral plan ... [\$105.51] \$112.00;
- (3) Reassessment and development of a new behavioral plan ... [\$99.18] \$105.30.

I. Adult Mental Health Case Management. The Department shall reimburse a designated program that is approved by the Core Service Agency for mental health case management according to COMAR 10.09.45 for providing case management services to an adult with a serious and persistent mental health disorder as follows:

- (1) Assessment ... [\$108.61] \$115.26;
- (2) Case Management Service units, for a minimum of 60 minutes of face-to-face and non-face-to-face case management service at a rate of [\$108.61] \$115.26 per day for:
  - (a) (text unchanged)
  - (b) Intensive level up to 5 units per month[; and
  - (3) When an individual is referred to case management by the Administration or its designee, and is transitioning from an institute for mental disease or hospital, one transitional visit at a rate of \$159.55].

J. (text unchanged)

**.10 Fee Schedule — Services — Traumatic Brain Injury (TBI) Waiver Program.**

A. Residential Habilitation Services. The Department shall reimburse a program approved under COMAR 10.09.46 to provide residential habilitation services to an individual who is enrolled in the TBI Waiver Program:

- (1) At the following rates:
  - (a) Level I ... [\$192.76] \$204.56 per day;
  - (b) Level II ... [\$255.24] \$270.86 per day;
  - (c) Level III ... [\$353.11] \$374.72 per day;
- (2)—(3) (text unchanged)

B. Day Habilitation Services. The Department shall reimburse a program approved under COMAR 10.09.46 to provide day habilitation services to an individual who is enrolled in the TBI Waiver Program:

- (1) At the following rates:
  - (a) Level I ... [\$49.76] \$52.82 per day;
  - (b) Level II ... [\$86.81] \$92.13 per day;
  - (c) Level III ... [\$122.14] \$129.61 per day;
- (2)—(3) (text unchanged)

C. Supported Employment Services. The Department shall reimburse a program approved under COMAR 10.09.46 to provide supported employment services to an individual who is enrolled in the TBI Waiver Program:

- (1) At the following rates:
  - (a) Level I ... [\$29.53] \$31.33 per day;
  - (b) Level II ... [\$49.76] \$52.82 per day;
  - (c) Level III ... [\$122.14] \$129.61 per day;
- (2)—(3) (text unchanged)

D. Individual Support Services. The Department shall reimburse a program approved under COMAR 10.09.46 to provide individual support services, as defined in COMAR 10.22.07, to an individual who is enrolled in the TBI Waiver Program at a rate of [\$24.14] \$25.61 per hour, not to exceed 8 hours per day.

**.11 Fee Schedule — Services — Emergency Department.**

The Department shall reimburse an emergency department for providing emergency mental health services to an individual who is enrolled in the public mental health system, for services rendered by

an appropriately privileged physician or certified registered nurse practitioner—psychiatric as follows:

- A. For a problem focused history, a problem focused examination, and straightforward medical decision making ... [\$22.27] \$21.14;
- B. For an expanded problem focused history, an expanded problem focused examination, and medical decision making of low complexity ... [\$43.80] \$41.23;
- C. For an expanded problem focused history, an expanded problem focused examination, and medical decision making of moderate complexity ... [\$65.29] \$61.61;
- D. For a detailed history, a detailed examination, and medical decision making of moderate complexity ... [\$124.63] \$116.85;
- E. For a comprehensive history, a comprehensive examination, and medical decision making of high complexity ... [\$182.80] \$172.43.

**.12 Evaluation and Management Services — Including Medication Management.**

A. New Patients. The Department shall reimburse for evaluation and management services for new patients, including medication management:

(1) For a problem focused history, or a problem focused examination, and straightforward medical decision making of minor complexity:

- (a) OMHC ... [\$48.70] \$44.36;
- (b) Physician ... [\$48.70] \$44.36;
- (c) Certified registered nurse practitioner—psychiatric ... [\$48.70] \$44.36;

(2) For an expanded problem focused history, or an expanded problem focused examination, and straightforward medical decision making:

- (a) OMHC ... [\$82.48] \$75.44;
- (b) Physician ... [\$82.48] \$75.44;
- (c) Certified registered nurse practitioner—psychiatric ... [\$82.48] \$75.44;

(3) For a detailed history, or a detailed examination, and medical decision of low complexity:

- (a) OMHC ... [\$119.25] \$109.12;
- (b) Physician ... [\$119.25] \$109.12;
- (c) Certified registered nurse practitioner—psychiatric ... [\$119.25] \$109.12;

(4) For a comprehensive history, or a comprehensive medical examination, with medical decision making of moderate complexity:

- (a) OMHC ... [\$181.64] \$165.88;
- (b) Physician ... [\$181.64] \$165.88;
- (c) Certified registered nurse practitioner—psychiatric ... [\$181.64] \$165.88;

(5) For a comprehensive history, or a comprehensive medical examination, with medical decision making of high complexity:

- (a) OMHC ... [\$224.53] \$207.81;
- (b) Physician ... [\$224.53] \$207.81;
- (c) Certified registered nurse practitioner—psychiatric ... [\$224.53] \$207.81.

B. Established Patients. The Department shall reimburse for evaluation and management services for established patients, including medication management:

(1) For a history, or examination, where presenting problems are minimal, and straightforward medical decision making of minor complexity:

- (a) OMHC ... [\$22.72] \$20.26;
- (b) Physician ... [\$22.72] \$20.26;
- (c) Certified registered nurse practitioner—psychiatric ... [\$22.72] \$20.26;

(2) For a problem focused history, or a problem focused examination, and straightforward medical decision making:

- (a) OMHC ... [\$48.70] \$43.96;
- (b) Physician ... [\$48.70] \$43.96;
- (c) Certified registered nurse practitioner—psychiatric ... [\$48.70] \$43.96;

(3) For an expanded history, or an expanded examination, and medical decision of low complexity:

- (a) OMHC ... [\$80.11] \$73.47;
- (b) Physician ... [\$80.11] \$73.47;
- (c) Certified registered nurse practitioner—psychiatric ... [\$80.11] \$73.47;

(4) For a detailed history, or a detailed medical examination, with medical decision making of moderate complexity:

- (a) OMHC ... [\$117.60] \$108.04;
- (b) Physician ... [\$117.60] \$108.04;
- (c) Certified registered nurse practitioner—psychiatric ... [\$117.60] \$108.04;

(5) For a comprehensive history, or a comprehensive medical examination, with medical decision making of high complexity:

- (a) OMHC ... [\$157.64] \$145.44;
- (b) Physician ... [\$157.64] \$145.44;
- (c) Certified registered nurse practitioner—psychiatric ... [\$157.64] \$145.44.

**.13 Crisis Therapy.**

The Department shall reimburse an OMHC for crisis therapy, as follows:

A. For a child or adolescent, when rendered by a provider with demonstrated competency to provide mental health services to children or adolescents:

- (1) For the first 60 minutes ... [\$118.37] \$125.61;
- (2) For an additional period of 30 minutes ... [\$61.77] \$65.56;

B. For an adult:

- (1) For the first 60 minutes ... [\$100.10] \$106.22;
- (2) For an additional period of 30 minutes ... [\$54.16] \$57.47.

ROBERT R. NEALL  
Secretary of Health

**Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Notice of Proposed Action**

[18-075-P]

The Secretary of Health proposes to:

(1) Amend Regulations **.01** and **.05** under **COMAR 10.40.01 Examination and Post-Graduate Training**; and

(2) Amend Regulation **.02** under **COMAR 10.40.08 Interpretation of Terms in the Maryland Podiatry Act**.

This action was considered at public meetings on May 11, 2017 and June 8, 2017; notice of both were given on the Board’s website at <https://health.maryland.gov/mbpme/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) Clarify the name of a certain required national examination;
- (2) Define the term “practice podiatry actively” to mean that a certain applicant for licensure, for the immediately preceding 5 years, has been actively engaged in the practice of podiatric medicine for at least 400 hours on average per year;
- (3) Authorize the Board to waive a requirement that an applicant for licensure, who has practiced podiatry actively in another

State and is applying for licensure in Maryland, complete certain post-graduate clinical training; and

- (4) Define a certain term used in the Maryland Podiatry Act.

**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, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**10.40.01 Examination and Post-Graduate Training**

Authority: Health Occupations Article, §§16–205(a)(1), 16–302(f), and 16–304, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

- (1)—(3) (text unchanged)

(4) “National Board Examination” means the [test] *American Podiatric Medical Licensure Examinations* administered by the National Board of Podiatric Medical Examiners.

(5) “*Practiced podiatry actively*” means for the immediately preceding 5 years has been actively engaged in the practice of podiatric medicine for at least 400 hours on average per year.

**.05 Post-Graduate Clinical Training.**

A.—B. (text unchanged)

C. The Board may waive the requirement of this regulation at the request of an applicant who has practiced podiatry *actively* in another state for at least 5 years immediately before applying for a license in Maryland.

**10.40.08 Interpretation of Terms in the Maryland Podiatry Act**

Authority: Health Occupations Article, §§16–205, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

- (1)—(3) (text unchanged)

(4) “*Practiced podiatry actively*” means for the immediately preceding 5 years has been actively engaged in the practice of podiatric medicine for at least 400 hours on average per year.

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

ROBERT R. NEALL  
Secretary of Health

**Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS**

**10.43.07 Chiropractic Assistants**

Authority: Health Occupations Article, §§3–205 and 3–404, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-076-P]

The Secretary of Health proposes to amend Regulation .05 under **COMAR 10.43.07 Chiropractic Assistants**. This action was considered at a public meeting held on June 8, 2017, notice of which was given by publication on the Board’s website at <https://health.maryland.gov/chiropractic/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 reduce from 40 to 20 the number of observation hours that a chiropractic assistant applicant shall be required to complete.

**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, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.05 Chiropractic Applicant or Assistant Qualifications and Training.**

A.—D. (text unchanged)

E. Within 1 calendar year of the date of hire, the applicant shall satisfactorily complete:

(1) A minimum of 520 in-service training hours, of which:

(a) The initial [40] 20 hours shall consist of observation procedures as listed in Regulation .09 of this chapter and performed by the supervising chiropractor or registered chiropractic assistant; and

(b) The remaining [480] 500 hours shall consist of direct supervision by a supervising chiropractor in the treatment area; and

(2) (text unchanged)

F.—G. (text unchanged)

ROBERT R. NEALL  
Secretary of Health

**Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION**

**10.47.07 Prescription Drug Monitoring Program**

Authority: Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-072-P]

The Secretary of Health proposes to amend Regulations .02, .03, .05, .06, .08, and .09 under **COMAR 10.47.07 Prescription Drug Monitoring Program**.

**Statement of Purpose**

The purpose of this action is to:

(1) Amend Maryland Prescription Drug Monitoring Program (PDMP) regulations to align with statutory requirements as required by Chapter 147, Acts of 2016 (HB 437).

(2) Updates obsolete definitions;

(3) Updates reporting requirements;

(4) Update prescription monitoring data retention timeline;

(5) Update redisclosure provision; and

(6) Updates list of providers that are required to request prescription monitoring data before dispensing a monitored prescription drug.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** This estimate reflects the cost of increased contractual services to provide the IT infrastructure necessary to implement mandatory registration by July 1, 2017, and the mandatory use requirement by July 1, 2018, as well as the cost to hire three personnel (one full-time grade 19 database specialist and two full-time grade 15 administrative officers) primarily to ensure data quality, enforce the mandates, and expand unsolicited reporting.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$589,743
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
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. General fund expenditures for PDMP increase by an estimated \$589,743 in fiscal 2017, which accounts for the bill’s October 1, 2016 effective date.

**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, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.02 Definitions.**

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

[(1)] “Authorized licensed health care practitioner” means a licensed health care practitioner who is authorized by a prescriber or dispenser to access prescription monitoring data in connection with the medical care of a patient to whom the prescriber prescribes or the dispenser dispenses a monitored prescription drug.]

[(2)] (1)—[(3)] (2) (text unchanged)

[(4)] (3) Dispenser.

(a) (text unchanged)

(b) “Dispenser” does not include:

(i) (text unchanged)

(ii) An opioid [maintenance] *treatment services* program;

(iii)—(v) (text unchanged)

[(5)] (4) “Licensed health care practitioner” means an individual who is [licensed]:

(a) *Licensed*, certified, or registered under Health Occupations Article, Annotated Code of Maryland, or the laws of the practitioner’s respective state, as appropriate, to provide health care services[.]; *and*

(b) *Authorized by a prescriber or pharmacist to access prescription monitoring data in connection with the medical care of a patient to whom the prescriber prescribes or the pharmacist dispenses a monitored prescription drug.*

[(6)] (5) “Licensing entity” means an entity authorized under Health Occupations Article, Annotated Code of Maryland, to license, regulate, or discipline a prescriber or [dispenser] *pharmacist*.

[(7)] (6) (text unchanged)

[(8)] (7) “Opioid [maintenance] *treatment services* program” means a program that:

(a) Is certified by the State under Health-General Article, [§8–404] §8–401, Annotated Code of Maryland *or licensed by the State under Health-General Article, §7.5-401, Annotated Code of Maryland;*

(b)—(d) (text unchanged)

[(9)] (8) “Patient” means:

(a) (text unchanged)

(b) An individual for whom a [dispenser] *pharmacist* has dispensed or is considering dispensing a monitored prescription drug.

(9) “*Pharmacist*” means an individual who is licensed under Health-Occupations Article, Title 12, Annotated Code of Maryland, to dispense a monitored prescription drug.

(10) “*Pharmacist delegate*” means an individual who is:

(a) *Authorized by a registered pharmacist to request or access prescription monitoring data; and*

(b) *Employed by or under contract with the same professional practice as the registered pharmacist.*

[(10)] (11) “Prescriber” means a practitioner:

(a) Lawfully authorized to prescribe a monitored prescription drug; [and] *or*

[(b)] Registered with:

(i) The federal Drug Enforcement Administration in accordance with 21 USC 822 Part C and 21 CFR Part 1301; and

(ii) For those practitioners licensed to practice in the State, the State Division of Drug Control in accordance with Criminal Law Article, §5-301 et seq., Annotated Code of Maryland, and COMAR 10.19.03.03.]

(b) *Legally authorized to prescribe a monitored prescription drug under an institutional DEA registration;*

(12) “*Prescriber delegate*” means an individual who is:

(a) *Authorized by a registered prescriber to request or access prescription monitoring data; and*

(b) *Employed by or under contract with the same professional practice as the registered prescriber.*

[(11)] (13)—[(13)] (15) (text unchanged)

(16) “*Registered*” means a person registered with the Program to request or access prescription monitoring data for clinical use.

[(14)] (17)—[(15)] (18) (text unchanged)

(19) “*Zero report*” means an electronic report submitted by a dispenser to the Program to confirm that no monitored prescription drugs were dispensed during the reporting time frame.

**.03 Dispenser Reporting.**

A. (text unchanged)

B. Reporting Deadline.

(1) A dispenser shall report prescription monitoring data to the Department [no later than 3 business days after dispensing a monitored prescription drug] *to include zero reports at least once every 24 hours and in accordance with procedures developed by the Department and approved by the Advisory Board on Prescription Drug Monitoring.*

(2) A dispenser that suffers a mechanical, electrical, or other technical failure that, as a direct consequence, precludes the dispenser’s ability to report prescription monitoring data electronically shall:

(a) (text unchanged)

(b) Submit a report for each monitored prescription drug dispensed during the period of technical failure as soon as possible, but no later than [3 business days] *24 hours* following reestablishment of the means of electronic reporting.

C.—E. (text unchanged)

F. Reporting Exemptions. The following shall be exempt from reporting prescription monitoring data to the Program:

(1) (text unchanged)

(2) An opioid [maintenance] *treatment service* program;

(3)—(5) (text unchanged)

G. (text unchanged)

**.05 Disclosure of Prescription Monitoring Data.**

A. Registration of a Prescriber, a *Prescriber Delegate*, a [Dispenser] *Pharmacist*, a *Pharmacist Delegate*, or [an Authorized] a Licensed Health Care Practitioner to Request Prescription Monitoring Data.

(1) A prescriber, a *prescriber delegate*, a [dispenser] *pharmacist*, a *pharmacist delegate*, or [an authorized] a licensed health care practitioner shall register with the Department or its agent, in a manner specified by the Department, in order to request disclosure of or otherwise access prescription monitoring data.

(2) The Department or its agent shall:

(a) (text unchanged)

(b) Issue credentials to a prescriber, a *prescriber delegate*, a [dispenser or an authorized licensed health care practitioner] *pharmacist*, or a *pharmacist delegate* that can be used to request

disclosure of or otherwise access prescription monitoring data electronically.

(3) (text unchanged)

(4) A prescriber or [dispenser] *pharmacist* who authorizes the registration of a licensed health care practitioner, *prescriber delegate*, or *pharmacist delegate* to request disclosure of or otherwise access prescription monitoring data shall:

(a) Make every reasonable effort, including regularly reviewing and auditing any available logs of system access and use, to ensure the [authorized licensed health care practitioner,] *prescriber delegate* or *pharmacist delegate* is requesting disclosure of, redisclosing, or otherwise accessing prescription monitoring data in clear compliance with Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland, and all other State and federal laws and regulations governing the security and confidentiality of protected health information and personal medical records;

(b) Immediately notify the Department or its agent, by a method approved by the Department, as well as the licensing entity responsible for licensing, certifying, or registering the [authorized licensed health care practitioner,] *prescriber delegate*, or *pharmacist delegate*, if applicable, if the prescriber or [dispenser] *pharmacist* believes that the confidentiality of prescription monitoring data or the security of the Program has been compromised by [an authorized licensed health care practitioner] *that individual*; and

(c) Immediately notify the Department or its agent, by a method approved by the Department, of any requested change in the registration status of [an authorized] *a* licensed health care practitioner, *prescriber delegate*, or *pharmacist delegate*, including if that [authorized licensed health care practitioner] *individual* is no longer employed by or practicing under the authority of the prescriber or [dispenser] *pharmacist*.

B. Disclosure of Prescription Monitoring Data to a Prescriber, *a Prescriber Delegate*, a [Dispenser] *Pharmacist*, or [an Authorized Licensed Health Care Practitioner] *a Pharmacist Delegate*.

(1) Upon request from a prescriber or a licensed health care practitioner or *a prescriber delegate* authorized by a prescriber, the Program shall disclose patient-specific prescription monitoring data provided that the request is made solely for the purpose of the medical care or treatment of the patient about whom prescription monitoring data is being requested.

(2) (text unchanged)

(3) Upon request from a [dispenser] *pharmacist* or a licensed health care practitioner or *pharmacist delegate* authorized by a [dispenser] *pharmacist*, the Program shall disclose patient-specific prescription monitoring data provided that the request is made pursuant to a [dispenser's] *pharmacist's* responsibility to perform due diligence and exercise professional judgment when presented with a prescription to dispense a monitored prescription drug for use by the patient about whom prescription monitoring data is being requested.

(4) The Department or its agent shall make available the electronic means by which a prescriber, a [dispenser] *pharmacist*, [an authorized licensed health care practitioner,] *a prescriber delegate*, or *a pharmacist delegate* may request disclosure of or otherwise access patient-specific prescription monitoring data.

(5) (text unchanged)

C.—J. (text unchanged)

K. Technical Advisory Committee Review.

(1) (text unchanged)

(2) Notwithstanding §K(1) of this regulation, the Program may disclose prescription monitoring data to the authorized administrator of another state's prescription drug monitoring program for disclosure to a prescriber, *a prescriber delegate*, a [dispenser] *pharmacist*, *a pharmacist delegate*, a licensed health care practitioner authorized by a prescriber or a dispenser, or a patient in a manner consistent with §§B(1)—(4) and F of this regulation.

(3)—(5) (text unchanged)

(6) For all purposes, including but not limited to confidentiality, security, redisclosure, and admissibility as evidence, [the reports of the Technical Advisory Committee shall be considered as one and the same with the prescription monitoring data upon which the Committee's reports are based] *Program reports based on evaluation of prescription monitoring data and that contain individual identifying information shall be considered as one and the same with the prescription monitoring data.*

**.06 Notice to Patients.**

A. [Dispenser] *Pharmacists*.

(1) Any [dispenser] *pharmacist* who intends to request prescription monitoring data from the Program may post a sign that can be easily viewed by the public at the place where the prescription is delivered to the [dispenser] *pharmacist*.

(2) The sign shall disclose to the public that the [dispenser] *pharmacist* may access prescription monitoring data on a patient for whom a prescription for a monitored prescription drug is presented.

(3) In lieu of posting a sign, the [dispenser] *pharmacist* may provide such notice in written material provided to the patient.

B. (text unchanged)

**.08 Penalties and Sanctions.**

A.—B. (text unchanged)

C. Administrative Sanctions. A prescriber or [dispenser] *pharmacist* who knowingly discloses or uses prescription monitoring data in violation of Health-General Article, §21-2A, Annotated Code of Maryland shall be subject to disciplinary action by the appropriate licensing entity.

**.09 General Provisions.**

A.—B. (text unchanged)

C. A prescriber or [dispenser] *pharmacist*:

(1)—(2) (text unchanged)

D. Redisclosure of Prescription Monitoring Data.

(1) Prescription monitoring data received under Health-General Article, §21-2A-06, Annotated Code of Maryland, and Regulation .04 of this chapter may be redisclosed only:

(a) [To facilitate the treatment of a patient and in] *In a manner consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. §§1320d et seq., as amended, and all other State and federal laws and regulations governing the security and confidentiality of protected health information and personal medical records; or*

(b) For entities to which the Program has disclosed data in accordance with Regulation .05C—E and H of this chapter, to another agency cooperating with or providing support for the original data recipient's existing, bona fide, individual investigation[.];

[(c) To a State or local child fatality review team established under Health-General Article, Title 5, Subtitle 7, Annotated Code of Maryland; or

(d) To a local drug overdose fatality review team established under Health-General Article, Title 5, Subtitle 9, Annotated Code of Maryland.]

(2) The release of prescription monitoring data by a prescriber or [dispenser] *pharmacist* to a licensed health care professional solely for treatment purposes in a manner otherwise consistent with State and federal law is not a violation of Health-General Article, Title 21, Subtitle 2A, Annotated Code of Maryland.

E. The Program shall retain prescription monitoring data for [3] 5 years from the date of receipt.

F. (text unchanged)

ROBERT R. NEALL  
Secretary of Health



# Title 13A STATE BOARD OF EDUCATION

## Subtitle 02 LOCAL SCHOOL ADMINISTRATION

### 13A.02.02 Emergency Plans

Authority: Education Article, §§2-205, 7-435, and 8-702, Annotated Code of Maryland;  
Federal Statutory Reference: 20 U.S.C. 7114 and 20 U.S.C. 7118

#### Notice of Proposed Action

[18-050-P-I]

The Maryland State Board of Education proposes to amend Regulations .03 and .04 under **COMAR 13A.02.02 Emergency Plans**. This action was considered by the State Board of Education at their meeting held on December 5, 2017.

#### Statement of Purpose

The purpose of this action is to update the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools.

#### Comparison to Federal Standards

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

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Walter Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0417 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on May 22, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools (October 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 45:1 Md. R. 8 (January 5, 2018), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

#### .03 Incorporation by Reference.

The Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*) is incorporated by reference.

#### .04 Emergency Plan.

A. In consultation with other health and safety officials in the local community, each local school system and the SEED School shall develop an emergency plan for all public school grounds to include maintenance, transportation, and central administration office under its jurisdiction that:

(1)—(2) (text unchanged)

(3) Aligns with the Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*).

B. Each local school system and the SEED School shall ensure that:

(1) Each school facility under its jurisdiction has a school emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*) and that a copy of each school emergency plan is on file at the central administration office.

(2) A central administration emergency plan that is aligned with the criteria outlined in the MSDE Emergency Planning Guidelines for Local School Systems and Schools [(April 2013)] (*October 2017*) is on file in each school grounds under its jurisdiction.

C. (text unchanged)

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

### 13A.05.02 Administration of Services for Students with Disabilities

Authority: Education Article, §§2-205, 8-301—8-319, 8-3A-01—8-3A-11, and 8-401—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 303

#### Notice of Proposed Action

[18-052-P]

The Maryland State Board of Education proposes to amend Regulation .04 under **COMAR 13A.05.02 Administration of Services for Students with Disabilities**. This action was considered by the State Board of Education at their meeting held on December 5, 2017.

#### Statement of Purpose

The purpose of this action is to define Maryland's methodology for identification of local school systems as having significant disproportionality under the Individuals with Disabilities Education Act (IDEA). Under the IDEA, significant disproportionality must be analyzed for the identification, placement, and disciplinary removal of students with disabilities based on race and ethnicity. As a result of revisions to the federal regulations, a risk ratio methodology is now standard across the country. Nevertheless, each State is required to select data standards to complete the methodology, and may also exercise flexibility options in the identification of local school systems. Maryland has completed its methodology, based on the advice of stakeholders, with a risk ratio threshold of 2.0, a minimum

cell size of 5, and a minimum n-size of 20. These selections fit within the range that is presumed reasonable by the U.S. Department of Education. Furthermore, Maryland has elected to utilize both flexibility options that are available. It will not only review 2 consecutive years of data, but also identify local school systems that are making “reasonable progress” as defined.

**Comparison to Federal Standards**

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

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action requires local school systems to reserve certain funds for certain purposes. If a local school system is identified as having significant disproportionality, it must reserve 15% of the Part B funds it receives under the Individuals with Disabilities Education Act (IDEA) to provide coordinated early intervening services (CEIS) to address the root cause of the disproportionality, and may use those funds for students with and without disabilities. The reservation of funds is not a new requirement under the IDEA; the proposed action merely implements a new methodology for identification.

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

C. The reservation of Part B funds for CEIS may, but does not necessarily, affect local expenditures. If a local education agency reserves 15% of its Part B funds for CEIS, then it may replace those funds by using local funds, but the higher level of local expenditures becomes the new required funding level for IDEA maintenance of effort.

The assumption in Section II.C is that the local education agency determines, as appropriate, how to: 1) reserve 15% of its Part B funds for CEIS (which may be used for students with and without disabilities); and 2) utilize all available funding sources to ensure provision of special education and related services to eligible students with disabilities.

**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 proposed action requires an identified local school system to provide CEIS to address significant disproportionality in the

identification, placement, and disciplinary removal of students with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Marcella Franczkowski, Assistant State Superintendent, Division of Special Education/Early Intervention 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 April 30, 2018. Public Hearings have been scheduled on April 24, 2018 from 5:30—6:30 p.m. at C. Burr Artz Public Library located at 110 E. Patrick St., Frederick, MD 21701, and on April 25, 2018 from 2—3 p.m. at the Odenton Regional Library (West County Area Library) located at 1325 Annapolis Rd., Odenton, MD 21113. Individuals may register to offer public comment upon arrival to the public hearings and will be accepted on a first-come, first-served basis. To ensure effective use of the time available for public comment, speakers will have 3 minutes to offer comments. Reasonable accommodations for individuals with disabilities will be provided upon request. To allow time to arrange accommodations, please submit requests for accommodations 8 business days prior to the meeting. Individuals must communicate requests for accommodations to Carmen Brown at (410) 767-7197 or via email at carmen.brown1@maryland.gov.

**Open Meeting**

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on May 22, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.04 State Administration.**

A.—E. (text unchanged)

F. *Significant Disproportionality.*

(1) *The Department shall collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in each public agency in the State in accordance with 34 CFR §300.646.*

(2) *In making determinations of significant disproportionality, the Department shall use:*

(a) *A risk ratio threshold of 2.0;*

(b) *A minimum cell size of 5; and*

(c) *A minimum n-size of 20.*

(3) *The Department shall determine that significant disproportionality is occurring in a public agency that has:*

(a) *Exceeded the risk ratio threshold for 2 consecutive years; and*

(b) *Failed to demonstrate reasonable progress under §F(4) of this regulation.*

(4) *Demonstrating reasonable progress means that a public agency has:*

(a) *Decreased its risk ratio by 0.15 and the current risk ratio is 2.0 to 4.0; or*

(b) *Decreased its risk ratio by 0.50 and the current risk ratio is above 4.0.*

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Subtitle 06 SUPPORTING PROGRAMS

### 13A.06.07 Student Transportation

Authority: Education Article, §§2-205, 5-205, and 8-410, Annotated Code of Maryland

#### Notice of Proposed Action

[18-051-P]

The Maryland State Board of Education proposes to amend Regulations .01, .06—.08, and .10 under COMAR 13A.06.07 Student Transportation. This action was considered at the State Board of Education meeting held on December 5, 2017.

Also, at this time, the Maryland State Board of Education is withdrawing the amendments to Regulations.01, .06—.08, and .10 under COMAR 13A.06.07 Student Transportation that were proposed in 44:21 Md. R. 1010—1012 (October 13, 2017).

#### Statement of Purpose

The purpose of this action is to (1) change the school vehicle driver qualifications; (2) include assault in the second degree to the disqualifying conditions; (3) add clarification that certain disqualifying conditions and termination provisions apply to school vehicle driver trainees as well as to drivers; and (4) modify the inclusion of "assault in the second degree" to "a conviction of assault in the second degree within the past 10 years".

#### 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 Gabriel D. Rose, Director of Pupil Transportation, Emergency Management, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0209 (TTY 410-333-6442), or email to gabriel.rose1@maryland.gov, or fax to 410-333-2232. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by State Board of Education during a public meeting to be held on May 22, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(10) (text unchanged)

(11) "Insubordination" means violating a lawful order or failing to obey a lawful order given by a superior.

[(11)] (12) —[(12)] (13) (text unchanged)

(14) "Misfeasance" means performing a proper act in a wrongful or injurious manner or the improper performance of an act which might have been lawfully done.

[(13)] (15) —[(18)] (20) (text unchanged)

(21) "Property Damage" means injury to real or personal property, the amount of which is established by evidence of replacement values and cost of repairs.

[(19)] (22) — [(21)] (24) (text unchanged)

[(22)] (25) "School vehicle attendant" means an individual who:

(a) (text unchanged)

(b) Is employed by a *local* school system or an entity contracting with a local school system as a school vehicle attendant; and

(c) (text unchanged)

[(23)] (26) "School vehicle driver" means an individual who:

(a) Has applied for employment with a local school system or an entity contracting with a school system as a school vehicle driver;

(b) —(d) (text unchanged)

[(24)] (27) (text unchanged)

[(25)] (28) —[(32)] (35) (text unchanged)

(36) "Unsafe actions" means misfeasance, incompetence, insubordination, or any act or omission that adversely affects transportation or safety.

[(33)] (37) (text unchanged)

#### .06 School Vehicle Driver Trainee and School Vehicle Driver Qualifications.

A. (text unchanged)

B. School Vehicle Driver Qualifications. A school vehicle driver shall:

(1) Do [one of] the following:

(a) Meet the requirements in §A of this regulation; [or] and

(b) (text unchanged)

(2)—(3) (text unchanged)

C. (text unchanged)

#### .07 School Vehicle Driver and Trainee Disqualifying Conditions and Termination.

A. A school vehicle driver or trainee who does not meet the qualifications of the evaluation under Regulation [.06] .06C of this chapter may be disqualified from driving a school vehicle at the discretion of the supervisor of transportation, unless the supervisor of transportation determines that retraining, instruction, or both, are satisfactorily completed.

B. Disqualification for Driving Record.

(1) Except as set forth in §B(2) of this regulation, a school vehicle driver or trainee shall be disqualified from driving a school vehicle if the driving record shows three current points.

(2) (text unchanged)

(3) If a school vehicle driver or trainee has more than three current points, the driver may not operate a school vehicle.

C. Disqualification for Criminal Conduct.

(1) A local school system [may not permit an individual to operate] shall disqualify an individual school vehicle driver or trainee from operating a school vehicle if the individual:

(a) Has been convicted of a crime or if criminal charges are pending against the individual for a crime involving:

(i)—(iv) (text unchanged)

(v) A crime of violence as set forth in *Criminal Law Article, §14-101, Annotated Code of Maryland*;

(vi)—(vii) (text unchanged)

(viii) Driving a vehicle other than a school vehicle or school charter vehicle while under the influence of a controlled substance, or while impaired or under the influence of alcohol; [or]

(b) Has been convicted of assault in the second degree as set forth in *Criminal Law Article, §3-203, Annotated Code of Maryland, within the past 10 years from the date of the conviction*; or

[(b)] (c) (text unchanged)

(2) [An individual] A school vehicle driver or trainee who [pleads] pled guilty or nolo contendere with respect to, is placed on probation before judgment with respect to, or is convicted of an offense listed in §C(1)(a)(i)—(vii) of this regulation is permanently

disqualified from operating a school vehicle in Maryland, except as provided in §C(1)(a)(iv) of this regulation.

(3) [An individual] A *school vehicle driver or trainee* who pleads guilty or nolo contendere with respect to, is placed on probation before judgment with respect to, or is convicted of an offense listed in §C(1)(a)(viii) of this regulation is disqualified from operating a school vehicle for a minimum of 10 years from the date of the action.

(4) [An individual] A *school vehicle driver or trainee* who engages in conduct prohibited under Regulation .10B(2) of this chapter is disqualified from operating a school vehicle in Maryland, except as provided under Regulation .10D of this chapter.

D. Disqualification for Unsafe Actions. Misfeasance, incompetence, insubordination, or any act [of] or omission that adversely affects transportation or safety may be grounds for disqualification and termination of a *school vehicle driver or trainee* by the supervisor of transportation.

E. Disqualification for Accidents.

(1) The school vehicle driver or trainee shall report to the supervisor of transportation a school vehicle accident involving personal injury or property damage as soon as practicable after the accident.

(2)—(4) (text unchanged)

(5) A [driver] *school vehicle driver or trainee* who has had two preventable accidents involving personal injury or appreciable damage in a 24-month period may not operate a school vehicle in any local school system for a period of 5 years from the date of the last accident, unless the supervisor of transportation places a letter in the driver's personnel file documenting sufficient reasons to retain the individual as a qualified school vehicle driver.

(6) A [driver] *school vehicle driver or trainee* who has more than two preventable accidents involving personal injury or appreciable damage in any 24-month period is permanently disqualified from operating a school vehicle in Maryland.

F. Disqualified Driver Database.

(1) The Department's Office of Pupil Transportation shall maintain a confidential computer database of [drivers] *school vehicle drivers or trainees* who have been disqualified by a local school system under §§B—E of this regulation or for any other reason.

(2) The supervisor of transportation shall notify the Department's Office of Pupil Transportation of a [driver's] *school vehicle driver's or trainee's* disqualification within 30 days of the [driver's] *school vehicle driver's or trainee's* receipt of notification of the disqualification.

(3) (text unchanged)

(4) Upon receipt of the current list of active school vehicle drivers, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active [driver] *school vehicle driver or trainee* is listed on the Department's computer database.

**.08 School Vehicle Attendant Qualifications and Disqualifications.**

A. (text unchanged)

B. Disqualifications for Criminal Conduct.

(1) An individual may not serve as a school vehicle attendant if the individual has been convicted of a criminal charge or if a criminal charge is pending for a crime involving:

(a)—(c) (text unchanged)

(d) A crime of violence as set forth in *Criminal Law Article, §14-101, Annotated Code of Maryland*; or

(e) (text unchanged)

(2) An individual may not serve as a school vehicle attendant if the individual has been convicted of assault in the second degree as

set forth in *Criminal Law Article, §3-203, Annotated Code of Maryland, within the past 10 years from the date of the conviction.*

[(2)] (3)—[(3)] (4) (text unchanged)

C. Disqualification for Unsafe Actions. Misfeasance, incompetence, insubordination, or any act or omission that adversely affects transportation or safety may be grounds for disqualification and termination of the *school vehicle attendant* by the supervisor of transportation.

D. Disqualified Attendant Database.

(1) The Department's Office of Pupil Transportation shall maintain a confidential computer database of attendants or trainees who have been disqualified by a local school system under §§B and C of this regulation or for any other reason.

(2) The supervisor of transportation shall notify the Department's Office of Pupil Transportation of an attendant's or trainee's disqualification within 30 days of the attendant's or trainee's receipt of notification of the disqualification.

(3)—(4) (text unchanged)

**.10 Alcohol and Controlled Substances Use and Testing.**

A. Testing Program Required.

(1)—(3) (text unchanged)

(4) An alcohol or controlled substances test shall be administered as soon as practicable if a supervisor of transportation, who has received training in identifying the signs and symptoms of controlled substances and alcohol abuse or use, has determined there is reasonable suspicion that a school vehicle driver or trainee is using alcohol or a controlled substance.

(5) (text unchanged)

B. Disqualification of [Drivers] *School Vehicle Drivers and Trainees.*

(1) A school vehicle driver or trainee who engages in conduct prohibited by §B(2) of this regulation is permanently disqualified from operating a school vehicle in Maryland except under §D of this regulation.

(2) Prohibited conduct is:

(a)—(g) (text unchanged)

(h) While on duty, using controlled substances legally prescribed by a licensed physician, unless the use is according to the instructions of the prescribing physician who has advised the [driver] *school vehicle driver or trainee* that the substance does not adversely affect the [driver's] *school vehicle driver's or trainee's* ability to safely operate a school vehicle; or

(i) (text unchanged)

(3) [An employee or an applicant for employment] A *school vehicle driver or trainee* is determined as having refused to take a controlled substances test under §B(2)(f) of this regulation if the [employee or an applicant for employment] *school vehicle driver or trainee*:

(a) After being directed to report for testing, fails to appear for any test, except a pre-employment test as set forth in §B(6) of this regulation, within a reasonable time, as determined by the employer or supervisor, and consistent with regulations;

(b) If an owner-operator or self-employed *school vehicle driver*, fails to appear for a test when notified to do so by an employer or supervisor;

(c)—(j) (text unchanged)

(4) [An applicant] A *school vehicle driver or trainee* reporting for a pre-employment controlled substances test is not considered to have refused a test under this chapter if:

(a) The [applicant] *school vehicle driver or trainee* leaves the testing site before the testing process actually commences; or

(b) The [applicant] *school vehicle driver or trainee* does not leave a urine specimen because the individual left the testing site before the testing actually commences.

(5) [An employee or an applicant for employment] *A school vehicle driver or trainee* is determined as having refused to take an alcohol test if the [employee] *school vehicle driver or trainee*:

(a) Fails to appear for a test, except a pre-employment test *as set forth in §B(6) of this regulation*, within a reasonable time as determined by the employer or supervisor and consistent with regulations, after being directed to report for a test;

(b) In the case of [an employee] *a school vehicle driver or trainee* who is an owner-operator or self-employed [individual] *school vehicle driver or trainee*, fails to appear for a test when notified to do so by an employer or supervisor;

(c)—(g) (text unchanged)

(6) [An applicant] *A school vehicle driver or trainee* reporting for a pre-employment test who does not provide a saliva or breath specimen under §B(2)(g) of this regulation because the applicant left the testing site before the testing commences, is not considered to have refused to test.

C. Reporting Disqualified Drivers.

(1)—(2) (text unchanged)

(3) The Office of Pupil Transportation of the Department shall maintain a confidential computer database of the *disqualified school vehicle driver's or trainee's* information reported by the local school systems under §C(1) of this regulation.

(4) (text unchanged)

(5) Upon receipt of the current list of active school vehicle drivers, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active [driver] *school vehicle driver or trainee* is listed on the Department's computer database.

D.—F. (text unchanged)

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Subtitle 08 STUDENTS

### 13A.08.04 Student Behavior Interventions

Authority: Education Article, §§2-205, 7-301, 7-303—7-305, 7-307, 7-308, and 7-1101—7-1104, Annotated Code of Maryland

#### Notice of Proposed Action

[18-049-P]

The Maryland State Board of Education proposes to amend Regulations .02, .05, and .06 under **COMAR 13A.08.04 Student Behavior Interventions**. This action was considered at the State Board of Education meeting held on December 5, 2017.

#### Statement of Purpose

The purpose of this action is to add and clarify definitions, and strengthen provisions which require a continuum of behavior interventions to be a part of a student's behavior intervention plan (BIP) or individualized education program (IEP). The proposed regulations retain the requirement that restraint and seclusion are to be utilized in emergency situations and add a requirement to ensure that any contraindications based on medical history or past trauma are considered. If restraint or seclusion are included in an IEP or BIP, parental consent is required consistent with Education Article, §§8-405, 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 Walter J. Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0417 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on May 22, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Behavior intervention plan" means a [proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports] *proactive, data-based, structured plan that is developed as a result of a functional behavioral assessment which is consistently applied by trained staff to reduce or eliminate a student's challenging behaviors and to support the development of appropriate behaviors and responses.*

(2)—(7) (text unchanged)

(8) Mechanical Restraint.

(a) "Mechanical restraint" means [any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove] *the use of any device or equipment to restrict a student's freedom of movement.*

(b) "Mechanical restraint" does not include [a protective or stabilizing device.] *devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, including:*

(i) *Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;*

(ii) *Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;*

(iii) *Restraints for medical immobilization; or*

(iv) *Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.*

(9)—(10) (text unchanged)

(11) Physical Restraint.

(a) "Physical restraint" means [the use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student's body] *a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely.*

(b) "Physical restraint" does not include:

(i) (text unchanged)

(ii) [Holding a student's hand or arm to escort the student safely from one area to another] *A physical escort, which is the temporary touching or holding of the hand, wrist, arm, shoulder, or*

back for the purposes of inducing a student who is acting out to walk to a safe location;

(iii)—(iv) (text unchanged)

(12) "Positive behavior interventions, strategies, and supports" means the [application of affirmative school-wide and individual student specific actions, instruction, and assistance to encourage educational success] *school-wide and individual application of data-driven, trauma-informed actions, instruction, and assistance to promote positive social and emotional growth while preventing or reducing challenging behaviors in an effort to encourage educational and social emotional success.*

(13)—(16) (text unchanged)

[(17) "Seclusion" means the confinement of a student alone in a room from which the student is physically prevented from leaving.]

(17) *Seclusion.*

(a) "*Seclusion*" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

(b) "*Seclusion*" does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

(18) (text unchanged)

(19) "*Trauma-informed intervention*" means an approach that is informed by the recognition of the impact that trauma, including violence, abuse, neglect, disaster, terrorism, and war, may have on a student's physical and emotional health and ability to function effectively in an educational setting.

**.05 General Requirements for the Use of Restraint or Seclusion.**

A. Use of Restraint.

(1) Physical Restraint.

(a) [The] *Except as provided in §A(1)(b) of this regulation, the use of physical restraint is prohibited in public agencies and nonpublic schools[, unless:] until there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.*

[(i) There is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;

(ii) The student's behavioral intervention plan or IEP describes the specific behaviors and circumstances in which physical restraint may be used; or

(iii) The parents of a nondisabled student have otherwise provided written consent to the use of physical restraints while a behavior intervention plan is being developed.]

(b) *Once physical restraint has been used or school personnel have made a student-specific determination that it may need to be used consistent with §A(1)(a) of this regulation, physical restraint may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:*

(i) *Review available data to identify any contraindications to the use of physical restraint based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;*

(ii) *Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until physical restraint is used in an emergency situation; and*

(iii) *Obtain written consent from the parent, consistent with Education Article, §8-405, Annotated Code of Maryland.*

[(b)] (c)—[(e)] (f) (text unchanged)

(2) (text unchanged)

(3) Documentation of the Use of Restraint.

(a) Each time a student is in a restraint, school personnel *involved in the restraint shall debrief and document:*

(i)—(v) (text unchanged)

(b) (text unchanged)

(4)—(5) (text unchanged)

B. Use of Seclusion.

(1) [The] *Except as provided in §B(2) of this regulation, the use of seclusion is prohibited in public agencies and nonpublic schools [unless:] until there is an emergency situation and seclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.*

[(a) There is an emergency situation and seclusion is necessary to protect a student or another person after other less intrusive interventions have failed or been determined to be inappropriate;

(b) The student's IEP or behavioral intervention plan describes the specific behaviors and circumstances in which seclusion may be used; or

(c) The parents of a nondisabled student have otherwise provided written consent for the use of seclusion while a behavior intervention plan is being developed.]

(2) *Once seclusion has been used or school personnel have made a student-specific determination that it may need to be used consistent with §B(1) of this regulation, seclusion may be included in a student's behavioral intervention plan or IEP to address the student's behavior in an emergency situation, provided that school personnel:*

(a) *Review available data to identify any contraindications to the use of seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;*

(b) *Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until seclusion is used in an emergency situation; and*

(c) *Obtain written consent from the parent, consistent with Education Article, §8-405, Annotated Code of Maryland.*

[(2)] (3) Seclusion Room.

(a) At a minimum, a room used for seclusion shall:

(i) (text unchanged)

(ii) Provide school personnel an adequate view of the student from [an adjacent area] *all angles*; and

(iii) (text unchanged)

(b) *The door of a seclusion room shall not be fitted with a lock unless it releases automatically when not physically held in the locked position by school personnel on the outside of the door.*

[(3)] (4) School personnel shall:

(a) *Remain in close proximity to the door of a seclusion room at all times;*

[(a)] (b)[View] *Actively observe* a student placed in seclusion at all times; and

[(b)] (c)(text unchanged)

[(4)] (5)—[(5)] (6)(text unchanged)

[(6)] (7) Documentation of Seclusion.

(a) Each time a student is placed in seclusion, school personnel *involved in the seclusion event shall debrief and document:*

(i)—(iv) (text unchanged)

(b) The documentation under [§B(6)] §B(7) of this regulation shall include a description of the seclusion event, including:

(i)—(iv) (text unchanged)

[(7)] (8) The documentation described in [§B(6)] §B(7) of this regulation shall be maintained in the student's educational record and

available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.

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

C. Referral to a Pupil Services or IEP Team.

(1)—(3) (text unchanged)

(4) When an IEP team meets to review or revise a student's IEP or behavior intervention plan, as specified in §C(3) of this regulation, the IEP team shall consider:

(a) Existing health, physical, psychological, and psychosocial information, *including any contraindications to the use of restraint or seclusion based on medical history or past trauma*;

(b) (text unchanged)

(c) Observations by teachers and related service providers;

[and]

(d) The student's current placement[.]; *and*

(e) *The frequency and duration of restraints or seclusion events that occurred since the IEP team last met.*

(5) The local school system or nonpublic school shall provide the parent of the student with written notice in accordance with COMAR 13A.05.01.12A when an IEP team proposes or refuses to initiate or change the student's IEP or behavior intervention plan that includes the use of restraint or seclusion[.].

[(6) A parent may request mediation in accordance with COMAR 13A.05.01.15B or a due process hearing in accordance with COMAR 13A.05.01.15C if the parent disagrees with the IEP team decision to propose or refuse to initiate or change:

(a) The student's IEP;

(b) The student's behavior intervention plan to use restraint or seclusion; or

(c) The student's placement.]

(6) *Parental Consent.*

(a) *The IEP team shall obtain the written consent of the parent if the team proposes to include restraint or seclusion in the behavior intervention plan or IEP to address the student's behavior.*

(b) *If the parent does not provide written consent, the IEP team shall send the parent written notice within 5 business days of the IEP team meeting that states:*

(i) *The parent has the right to either consent or refuse to consent to the use of restraint or seclusion; and*

(ii) *If the parent does not provide written consent or a written refusal within 15 business days of the IEP team meeting, the IEP team may implement the proposed use of restraint or seclusion.*

(c) *If the parent provides written refusal, the IEP team may use the dispute resolution options listed in Education Article, §8-413, Annotated Code of Maryland, to resolve the matter.*

**.06 Administrative Procedures.**

A.—B. (text unchanged)

C. Professional Development.

(1) Each public agency and nonpublic school shall provide professional development to [designated] school personnel *designated by a school administrator to use restraint or seclusion on this chapter and the appropriate implementation of policies and procedures developed in accordance with §A of this regulation.*

(2) (text unchanged)

(3) The school personnel described in §C(1) and §C(2) of this regulation shall receive training in current professionally accepted practices and standards regarding:

(a) (text unchanged)

(b) *Trauma-informed intervention;*

[(b)] (c)—[(d)] (e)(text unchanged)

[(e)] (f) *Seclusion; [and]*

[(f)] (g) *Symptoms of physical distress and positional asphyxia[.];*

(h) *First aid and cardiopulmonary resuscitation (CPR); and*  
(i) *Individualized behavior interventions based on student characteristics, including disability, medical history, and past trauma.*

(4) (text unchanged)

D. (text unchanged)

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Title 13B MARYLAND HIGHER EDUCATION COMMISSION

### Subtitle 08 FINANCIAL AID

#### *13B.08.18 Maryland Loan Assistance Repayment Program for Foster Care Recipients*

*Authority: Education Article, §§11-105(u) and 18-3206, Annotated Code of Maryland*

#### Notice of Proposed Action

[18-061-P]

The Maryland Higher Education Commission proposes to adopt new Regulations **.01—14** under a new chapter, **COMAR 13B.08.18 Maryland Loan Assistance Repayment Program for Foster Care Recipients**. This action was considered at a public meeting of the Maryland Higher Education Commission held on November 15, 2017.

#### Statement of Purpose

The purpose of this action is to provide for the administration of the Maryland Loan Assistance Repayment Program for Foster Care Recipients.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** \$100,000 annually of general fund expenditures.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$100,000 annually
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
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. \$100,000 is appropriated annually for the program.

**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 Geoff Newman, Assistant Secretary, Maryland Higher Education Commission, 6 North Liberty Street, Baltimore, MD 21201, or call 410-767-3300, or email to geoff.newman@maryland.gov, or fax to . Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.01 Purpose.**

The purpose of the Maryland Loan Assistance Repayment Program for Foster Care Recipients is to provide State assistance in the repayment of educational loans owed by foster care recipients who are employed by the State, or by a county or municipality of the State, and who received a graduate or undergraduate degree from an institution of higher education in the State.

**.02 Definitions.**

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

**B. Terms Defined.**

(1) "Foster care recipient" means an individual who was placed in an out-of-home placement by a state or unit of a state government's department of social services for 3 years or more

(2) "Higher education loan" means any loan for undergraduate or graduate study that is obtained by a foster care recipient for tuition, educational expenses, or living expenses from:

(a) An institution of higher education, government, or commercial entity; or

(b) An entity that is exempt from taxation under §§501(c)(3) or (4) of the Internal Revenue Code.

(3) "MLARP Foster Care" means the Maryland Loan Assistance Repayment Program for Foster Care Recipients.

(4) "OSFA" means the Office of Student Financial Assistance within the Maryland Higher Education Commission.

(5) "Secretary" means the Secretary of Higher Education for the State.

**.03 Eligibility.**

To be eligible for assistance under MLARP Foster Care, an applicant:

A. Shall have received an undergraduate or graduate degree from an institution of higher education located within the State;

B. Shall be employed at least 20 hours per week by the State, or by a county or municipality of the State;

C. May not be in default on any higher education loan; and

D. Shall be a foster care recipient, as defined under Regulation .02 of this chapter.

**.04 Application Procedures.**

A. To be considered for assistance under MLARP Foster Care, an applicant shall provide to OSFA:

(1) A completed application, in the form prescribed by OSFA;

(2) A copy of the applicant's State tax return for the most recent available year or, if the applicant did not file a tax return with

the State, a copy of the applicant's most recent federal tax return or Letter 1077 from the IRS confirming nonfiling status;

(3) Proof of graduation from an institution of higher education within the State;

(4) Verification of being a foster care recipient, as defined under Regulation .02 of this chapter;

(5) A statement from an eligible employer confirming the nature of the job, length of employment, and at least part-time employment status; and

(6) Documentation of current repayment data on all educational loans. An applicant for assistance in the repayment of a commercial loan shall demonstrate to OSFA that the commercial loan was used for tuition, educational expenses, or living expenses for undergraduate or graduate study.

B. Applications shall be received between October 1 and December 15 of each year. An application postmarked later than December 15 will not be considered.

C. 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. The applicant's failure or refusal to provide requested information or a signed authorization may result in a determination of ineligibility, the cancellation of an award, and the denial of a request for the deferment or waiver of a service obligation.

**.05. Determination of Award Amount.**

A. An award amount shall be determined by the Secretary, acting through OSFA, based upon a recipient's verified overall reported educational debt at the time of application.

B. Award funds are distributed in annual amounts, for up to 3 years, provided that the recipient remains eligible and continues to submit required annual employment, lender, and tax documentation.

C. An award amount shall be equal to the lesser of 10 percent of the applicant's total educational loan debt, or \$5,000, for each year the individual qualifies.

**.06 Award Procedures.**

A. Eligible applicants shall be ranked and awarded in the order of the submission dates of their completed applications.

B. Applicants who are not selected shall be placed on a waitlist pending the availability of funding.

C. Applicants not selected in an award year must reapply for consideration in a subsequent award year, and will be ranked according to the submission dates of their completed applications in the year the award is granted.

D. OSFA may verify information concerning applicants and recipients for the purpose of administering this program.

**.07 Recipient Obligations.**

A. A recipient shall furnish to OSFA written acceptance of the award and a signed promissory note and employment obligation agreement.

B. The promissory note and service obligation agreement shall include:

(1) The obligations of the recipient;

(2) The total and annual amounts of the award;

(3) Penalties for breach of contract;

(4) Circumstances under which the obligation may be canceled, suspended, or waived; and

(5) Any other terms the Secretary considers necessary.

C. A recipient shall:

(1) Verify eligible employment initially, after 6 months, and at the end of each year in the program;

(2) Verify the current status of all educational loans each year in the program;



(3) Verify, at the time of the initial application only, being a foster care recipient as defined in Regulation .02 of this chapter;

(4) Submit a copy of the recipient's State tax returns for any year during which an award is received, and federal returns if requested; and

(5) Notify OSFA of any change in employment status.

**.08 Verification.**

A. OSFA shall require annual verification that the recipient is fulfilling the recipient's obligation under the service obligation agreement.

B. Prior to issuing checks for subsequent years of service, OSFA shall receive confirmation from the eligible employer that the recipient, in accordance with the service obligation agreement, remains employed.

**.09 Payment.**

A. Recipients of the MLARP Foster Care shall receive an annual loan repayment under the following conditions:

(1) OSFA shall verify the recipient's employment and lender information;

(2) OSFA shall issue an annual check co-payable to the recipient and the lender; and

(3) The recipient shall endorse the check and forward it to the lender.

B. If a recipient fails to notify OSFA that the recipient receives other loan repayment assistance, the recipient's MLARP Foster Care award shall be canceled.

**.10 Employment Obligation.**

A. If a recipient is employed for at least 20 hours per week at an eligible employer, the employment obligation shall be fulfilled at a rate of 1 year for each year that the award was received.

B. Those recipients not completing the required employment obligation shall be responsible for repaying the award in full or in part, proportionally to that part of the year for which eligible employment was not completed.

**.11 Breach of Promissory Note and Employment Obligation Agreement.**

A recipient shall be deemed to be in breach of the promissory note and employment obligation agreement if, among other reasons specified in the note and agreement, the recipient does not maintain eligible employment in fulfillment of the employment obligation.

**.12 Repayment.**

A. If a recipient fails to carry out the obligations required under this chapter, the recipient shall repay the State the amount of the award provided plus interest.

B. Repayment may be prorated if the recipient partially fulfills the employment obligation, as determined under Regulation .10 of this chapter.

C. If repayment is required, interest on the funds provided to the recipient shall accrue at an interest rate equal to the interest rate established by the U.S. Department of Education for the Federal Stafford Loan on the first day of July of each year.

D. Interest shall begin accruing as of the date the funds are provided to the student.

**.13 Deferment of Repayment.**

A. A recipient may request that repayment required under Regulation .12 of this chapter be deferred:

(1) For up to 1 year, if the recipient is unable to maintain employment within the recipient's current field because the recipient must care for a spouse or child who is disabled; and

(2) For up to 3 years, or longer as provided for under §E of this regulation, if the recipient or the recipient's spouse is assigned to military duty outside of the State.

B. A recipient's deferment request shall include satisfactory supporting documentation. Such documentation shall consist of the following, as applicable:

(1) A sworn affidavit by a qualified physician that the recipient is unable to maintain employment within their current field because the recipient must care for a spouse or child who is disabled; or

(2) A copy of military orders.

C. OSFA shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period. OSFA's determinations regarding whether to grant deferment and the length of deferment are final.

D. During a deferment approved by OSFA, a recipient need not make repayments, and interest does not accrue.

E. OSFA may under extenuating circumstances grant the request of a recipient who is assigned, or whose spouse is assigned, military duty outside of the State, to extend the deferment of repayment beyond 3 years. The recipient's request shall be in writing and shall include a copy of the military orders.

**.14 Cancellation of Obligations upon Death, and Waiver or Temporary Suspension of Employment Obligation.**

A. Any employment or payment obligation incurred by a recipient is canceled upon the recipient's death, upon provision to OSFA of a death certificate, or other evidence of death that is conclusive under State law.

B. OSFA may waive or temporarily suspend a recipient's employment obligation:

(1) If, in the determination of the Director of OSFA, compliance by the recipient with the terms and conditions of the employment obligation agreement is impossible or would involve extreme hardship;

(2) Due to an extended illness of the recipient verified by a physician; or

(3) Due to extenuating family circumstances as determined by the Director of OSFA.

C. OSFA may suspend a recipient's employment obligation:

(1) For up to 3 years, if the recipient or recipient's spouse is assigned military duty outside of the State; or

(2) For up to 6 months, if the recipient is on parental leave.

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

**Title 14  
INDEPENDENT AGENCIES  
Subtitle 22 COMMISSION ON  
CRIMINAL SENTENCING POLICY**

**Notice of Proposed Action**

[18-059-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend:

(1) Regulations .02, .03, and .10 under **COMAR 14.22.01 General Regulations**; and

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

This action was considered by the Maryland State Commission on Criminal Sentencing Policy at open meetings held on September 19, 2017, and December 11, 2017, notice of which were given by

publication in the Maryland Register pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to indicate modifications to the definitions in Regulation .02, the sentencing guidelines worksheet in Regulation .03, and the computation of the offender score in Regulation .10 under COMAR 14.22.01 General Regulations. The modifications reflect a revised juvenile delinquency scoring component of the Maryland sentencing guidelines' offender score. Additionally, the purpose of this action is to indicate modifications to the table of seriousness categories (guidelines offense table) in Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect clarification of the offense description for CR, §11-303, the addition of EC, §10-439, and its corresponding seriousness category, and clarification of the offense description and source for EC, §10-440.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd, Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu, or fax to 301-403-4164. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**14.22.01 General Regulations**

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(1-1) "Adjudication as delinquent" means subsequent to a disposition hearing, a finding that a child has committed a delinquent act and is in need of or requires treatment, guidance, or rehabilitation, pursuant to the definitions and procedures set forth in Courts and Judicial Proceedings Article, §§3-8A-01 and 3-8A-19, Annotated Code of Maryland.

(2) — (6-1) (text unchanged)

(6-2) "Finding of a delinquent act" means a finding of facts sustained at a juvenile adjudicatory hearing, pursuant to the definitions and procedures set forth in Courts and Judicial Proceedings Article, §§3-8A-01 and 3-8A-18, Annotated Code of Maryland.

(7) — (22) (text unchanged)

**.03 Sentencing Guidelines Worksheet.**

A. — D. (text unchanged)

E. Sentencing Event.

(1) — (2) (text unchanged)

(3) The offender score includes any adult adjudication of guilt prior to the current sentence date and any finding of a delinquent act (i.e., findings of facts sustained at an adjudicatory hearing) within 5 years prior to the date of the most recent instant offense (unless the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, in which case the finding of a delinquent act shall not be scored as a part of the juvenile record) and shall be the same for each offense in the sentencing event.

(4) (text unchanged)

F. — G. (text unchanged)

**.10 Computation of the Offender Score.**

A. (text unchanged)

B. Four Components of the Offender Score.

(1) (text unchanged)

(2) Juvenile Delinquency.

(a) The individual completing the worksheet shall count findings of a delinquent act (i.e., findings of facts sustained at an adjudicatory hearing) the same as convictions would be for an adult, that is, there may be more than one as part of a single event.

(b) [Commitments refer to a court transferring legal custody to the Maryland Department of Juvenile Services or comparable commitment to another federal or state authority. The individual completing the worksheet shall count suspended juvenile commitments as findings of a delinquent act.] When the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, the finding of a delinquent act shall not be scored as a part of the juvenile record.

(c) (text unchanged)

(d) The individual completing the worksheet shall assign a score of 0 if an offender is 23 years or older by the date of the offense. The individual completing the worksheet shall assign a score of 0 if an offender [has been crime free for 5 years since the last finding of a delinquent act or last adjudication. The individual completing the worksheet shall assign a score of 0 if an offender] has [no more than one finding] zero findings of a delinquent act within 5 years of the date of the most recent instant offense.

(e) The individual completing the worksheet shall assign a score of 1 if an offender:

(i) (text unchanged)

(ii) Has one or two [or more] findings of a delinquent act [or one commitment] within 5 years of the date of the most recent instant offense.

(f) The individual completing the worksheet shall assign a score of 2 if an offender:

(i) (text unchanged)

(ii) Has [been committed two or more times] three or more findings of a delinquent act within 5 years of the date of the most recent instant offense.

(3) — (4) (text unchanged)

C. (text unchanged)

**14.22.02 Criminal Offenses and Seriousness Categories**

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

**.02 Seriousness Categories.**

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—309 (text unchanged)									
309-1	<b>Prostitution and Related Crimes</b> Prostitution, etc.—Human trafficking[, take, harbor, or unlawfully detain another for prostitution]	1-0752 1-0757 1-0759 1-0762 1-1080 1-1082 1-1083	CR, §11-303(c)(1)	Misd.	10Y		Person	III	\$5,000
310	<b>Prostitution and Related Crimes</b> Prostitution, etc.—Human trafficking[, take, harbor, or unlawfully detain] <i>involving a minor [for prostitution] or with the intent to use force, threat, coercion, or fraud</i>	1-0754 1-0756 1-0758 1-0761 1-0786 1-0787 1-0788 1-0789	CR, §11-303(c)(2)	Felony	25Y		Person	II	\$15,000
311—338-1 (text unchanged)									
338-2	<b>Public Health and Safety, Crimes Against</b> [Conducting or attempting to conduct human cloning, etc., 1 <sup>st</sup> offense] <i>Purchase, sell, transfer, or obtain any stem cell material donated in accordance with EC, §10-438 for financial gain or advantage</i>		[83A, §5-2B-12] <i>EC, §10-439</i>	Misd.	3Y		[Person] <i>Property</i>	[V] <i>VI</i>	\$50,000
338-3	<b>Public Health and Safety, Crimes Against</b> Conducting or attempting to conduct human cloning[, etc., <b>subsequent</b> ]		[83A, §5-2B-13] <i>EC, §10-440</i>	Felony	10Y		Person	IV	\$200,000
339—420 (text unchanged)									

Footnotes (text unchanged)

General Rules: (text unchanged)

DAVID A. SOULE  
Executive Director

# Title 15

## DEPARTMENT OF AGRICULTURE

### Subtitle 01 OFFICE OF THE SECRETARY

#### ***15.01.13 Supervision and Review of Decisions and Actions of Units Within the Department***

Authority: State Government Article, §8-205.1, Annotated Code of Maryland

##### **Notice of Proposed Action**

[18-055-P]

The Secretary of Agriculture proposes to adopt new Regulations **.01—.05** under a new chapter, **COMAR 15.01.13 Supervision and Review of Decisions and Actions of Units Within the Department**.

##### **Statement of Purpose**

The purpose of this action is to prevent unreasonable anticompetitive actions by units within the Department by requiring the Secretary or the Secretary's designee to actively supervise those units to ensure that any regulatory action is consistent with a clearly articulated state policy to displace competition. This action addresses the decision in *North Carolina State Board of Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015), to ensure that there is state supervision of boards and commissions within the Department that have controlling number of active market participants.

##### **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 Steve Connelly, Assistant Secretary, Marketing, Animal Industries and Consumer Services, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call (410) 841-5786, or email to [steve.connelly@maryland.gov](mailto:steve.connelly@maryland.gov), or fax to (410) 841-5999. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

##### **.01 Purpose.**

A. This chapter is adopted in response to the U.S. Supreme Court's decision in *North Carolina Board of Dental Examiners v. Federal Trade Commission*.

B. The purpose of this chapter is to provide for active supervision of certain units within the Department to:

- (1) Prevent unreasonable anticompetitive actions; and
- (2) Ensure that anticompetitive actions are consistent with affirmatively expressed and clearly articulated State policies to displace competition.

##### **.02 Definitions.**

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

##### **B. Terms Defined.**

(1) "Department" means the Maryland Department of Agriculture.

(2) "Secretary" means the Secretary of Agriculture.

(3) "Secretary's designee" means the Assistant Secretary who is responsible for actively supervising a unit's operation.

(4) "Unit" means a regulatory board or commission composed in whole or in part of individuals participating in the occupation or profession regulated by that board or commission.

##### **.03 Secretary's Supervision Responsibilities.**

A. The Secretary is responsible for supervising each unit within the Department that is composed in whole or in part of individuals participating in the occupation or profession regulated by the unit to:

(1) Prevent unreasonable anticompetitive actions by the unit; and

(2) Determine whether the decisions and actions of the unit with anticompetitive effect further an affirmatively expressed and clearly articulated State policy to displace competition in the unit's regulated market (as opposed to serving the private interests of the market participant regulators).

B. For purposes of the Secretary's responsibilities under this chapter, the following types of decisions and actions of a unit generally are not unreasonable anticompetitive actions by the unit:

(1) Ministerial or nondiscretionary acts undertaken in good faith implementation of the unit's enabling legislation;

(2) An investigation, charge, or disposition of a disciplinary charge against a single individual subject to the regulatory authority of a unit involving an issue such as standard of care; and

(3) The initiation and prosecution of a lawsuit by a regulatory board unless it falls within the "sham exception." *Professional Real Estate Investors v. Columbia Pictures Industries*, 508 U.S. 49 (1993); *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508 (1972).

C. For purposes of the Secretary's responsibilities under this chapter, the types of decisions and actions for which anticompetitive consequences should be evaluated, include, but are not limited to:

(1) Decisions or actions governing the scope of a licensed individual's practice;

(2) Requirements for granting a license;

(3) Pricing regulations;

(4) Restrictions on advertising or soliciting customers;

(5) Territorial allocations;

(6) Restrictions on market participation or actions against nonlicensees;

(7) Restrictions on competitive bidding; and

(8) Patterns of disciplinary action by a unit against similarly situated licensees.

##### **.04 Secretary's Designee Responsibilities.**

A. Each Assistant Secretary at the Department is designated as responsible for supervising each unit in the Assistant Secretary's section that is composed in whole or in part of individuals participating in the occupation or profession regulated by the unit to:

(1) Prevent unreasonable anticompetitive actions by the unit; and

(2) Determine whether an anticompetitive decision or action of the unit furthers a clearly articulated State policy to displace competition in the unit's regulated market.

B. Each Assistant Secretary is responsible for keeping fully informed of all proposed anticompetitive actions and decisions of any unit subject to this chapter by consulting with both the unit's Executive Director and legal advisor from the Office of the Attorney General.

C. If the Secretary or the Secretary's designee finds that a proposed decision or action of the unit with anticompetitive effect

may result in an unreasonable restraint on competition or may not further a clearly articulated State policy to displace competition in the regulated marketplace, the Secretary or the Secretary's designee shall:

- (1) Immediately notify the unit not to make a final decision or take the proposed action;
- (2) Review the evidentiary record created by the unit, and, if necessary, supplement the evidentiary record of the unit;
- (3) Conduct a substantive review of the merits of the unit's proposed decision or action to consider the anticompetitive consequences of the proposed decision or action as well as any State policy advanced;
- (4) Assess whether the unit's proposed decision or action furthers a clearly articulated State policy to displace competition in the regulated market; and
- (5) Issue expeditiously a written decision approving, disapproving, or modifying the proposed decision or action or remanding the proposed decision or action back to the unit for further review before:
  - (a) A final decision is issued; or
  - (b) The proposed action is implemented.
- (6) A written decision approving an anticompetitive decision or action of a unit shall identify any clearly articulated and affirmatively expressed State policy to displace competition in the regulated market advanced by the proposed decision or action and explain why the decision or action should be approved, notwithstanding the anticompetitive effect.
- (7) A written statement disapproving an anticompetitive decision or action shall explain the reasons supporting the decision not to approve the proposed decision or action.

D. The Secretary or the Secretary's designee may not approve an anticompetitive decision or action of a unit that does not further a clearly articulated State policy to displace competition in the regulated market.

**.05 Unit's Responsibilities.**

- A. Upon notice to the unit by the Secretary or the Secretary's designee as provided in Regulation .04C of this chapter, a unit may not make any decision or take any action on any proposal.
- B. A decision or action of a unit may not constitute a final decision or action of the unit until after the Secretary or the Secretary's designee has conducted the review required under Regulation .04C of this chapter.
- C. The final decision or action of a unit shall comply with the written decision of the Secretary or the Secretary's designee issued in accordance with Regulation .04C of this chapter.

JOSEPH BARTENFELDER  
Secretary of Agriculture

**Subtitle 15 MARYLAND  
AGRICULTURAL LAND  
PRESERVATION FOUNDATION**

**15.15.01 Guidelines for the Maryland  
Agricultural Land Preservation Program**

Authority: Agriculture Article, §§2-504, 2-509, and 2-513, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-057-P]

The Secretary of Agriculture proposes to amend Regulation .17 under **COMAR 15.15.01 Guidelines for the Maryland Agricultural Land Preservation Program.**

**Statement of Purpose**

The purpose of this action is to repeal COMAR 15.15.01.17 F, which relates to granting easements and rights-of-way.

**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 Carol West, Executive Director, Maryland Agricultural Land Preservation Foundation, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5714, or email to carol.west@maryland.gov, or fax to (410) 841-5730. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.17 Use of Land on Which an Easement is Purchased.**

- A. — E. (text unchanged)
- [F. Granting Easements and Rights-of-Way.

(1) General Rule. After a landowner has sold an agricultural preservation easement to the Foundation, the landowner may not grant or permit another to establish an easement, right-of-way, or other servitude in that land without the Foundation's written permission.

(2) Exceptions to General Rule. The Foundation may permit an easement or right-of-way to be granted in land subjected to a preservation easement under the following circumstances:

- (a) If it is to service a lot released from preservation easement restrictions under Agriculture Article, §2-513, Annotated Code of Maryland;
- (b) If it is to service a neighboring farm, provided, however, that its use is restricted to the movement of farm equipment or other items associated with farming.]

[G.] F. (text unchanged)

JOSEPH BARTENFELDER  
Secretary of Agriculture

**Subtitle 15 MARYLAND  
AGRICULTURAL LAND  
PRESERVATION FOUNDATION**

**15.15.13 Guidelines for Forest Easement  
Overlays**

Authority: Agriculture Article §§-504 and 2-513, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-058-P]

The Secretary of Agriculture proposes to amend Regulations .03 and .05 under COMAR 15.15.13 Guidelines for Forest Easement Overlays.

**Statement of Purpose**

The purpose of this action is to amend the criteria and eligibility standards for the approval of a forest easement overlay on land subject to an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation.

**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 Carol West, Executive Director, Maryland Agricultural Land Preservation Foundation, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5714, or email to carol.west@maryland.gov, or fax to (410) 841-5730. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.03 Eligibility.**

A. (text unchanged)

B. To be eligible for consideration by the Foundation, a proposal for a forest easement overlay shall be limited to 10 acres, or 10 percent of the total easement acreage, whichever is smaller, *unless the Foundation determines otherwise*. To be eligible, a forest easement overlay shall allow prescribed harvests.

C. — E. (text unchanged)

**.05 Foundation Application Procedure.**

A. — D. (text unchanged)

E. If the forest easement overlay request is for a property subject to an easement with a 25-year termination clause, the landowner shall amend the deed of easement to waive the right to request termination of the easement after 25 years and to clarify the perpetual nature of the easement. *The waiver requirement of this section does not apply to a forest easement overlay request if local law requires the request be made to offset the development of an on-site residential lot authorized under Agriculture Article, §2-513, Annotated Code of Maryland.*

F. (text unchanged)

JOSEPH BARTENFELDER  
Secretary of Agriculture

**Subtitle 15 MARYLAND  
AGRICULTURAL LAND  
PRESERVATION FOUNDATION**

**15.15.16 Guidelines for Granting Overlay  
Easements and Rights-of-Way**

Authority: Agriculture Article §§2-504 and 2-513, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-056-P]

The Secretary of Agriculture proposes to adopt new Regulations .01 — .05 under a new chapter, COMAR 15.15.16 Guidelines for Granting Overlay Easements and Rights-of-Way.

**Statement of Purpose**

The purpose of this action is to adopt criteria and eligibility standards for the approval of overlay easements and rights-of-way on land subject to an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation.

**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 Carol West, Executive Director, Maryland Agricultural Land Preservation Foundation, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5714, or email to carol.west@maryland.gov, or fax to (410) 841-5730. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.01 Purpose.**

*This chapter establishes the criteria and eligibility standards for the approval of overlay easements and rights-of-way on land subject to an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation.*

**.02 Eligibility.**

*After a landowner has sold an agricultural preservation easement to the Foundation, the landowner and subsequent landowners may not grant or permit another to establish an easement, right-of-way, or other servitude in that land without the Foundation's written permission. The Foundation may permit an easement, right-of-way, or other servitude to be granted in land encumbered by an agricultural preservation easement, subject to conditions it deems necessary to protect and maintain the agricultural integrity of the farm under the following circumstances:*

A. *If it is to service a lot released from the preservation easement restrictions under Agriculture Article, §2-513, Annotated Code of Maryland;*

B. *If it is to service a lot or land permitted to be withheld from the agricultural preservation easement at the time of sale of the agricultural preservation easement to the Foundation;*

C. If it is to service an adjacent farm, provided, however, that its use is restricted to the movement of farm equipment or other items associated with farming;

D. If it is a forest overlay easement that meets the criteria described in COMAR 15.15.13.01 et seq.;

E. If the overlay easement documents a use existing at the time the agricultural preservation easement was sold to the Foundation;

F. If the overlay easement serves telephone, television, gas, or other similar utility lines (but not access) to service the easement property or lots created under §A or B in this regulation;

G. If the overlay easement enhances a public road or bridge for the public health, safety, or welfare, where a minimal amount of land is required for such project, and the grantee of the proposed overlay easement has condemning authority;

H. If the overlay easement is used to install a utility easement for electricity, telephone, cable, oil, gas, or similar utility and the grantee of the proposed overlay easement has condemning authority; or

I. If the overlay easement is for another purpose not named in this regulation, and if failure to grant approval as determined by the Foundation would result in significant detrimental impact to the conservation values on an adjacent property. For purposes of this section, "conservation values" means critical natural habitat for native plant and wildlife species including but not limited to forests, riparian forested areas, wetlands, and greenways to buffer the Chesapeake Bay and its tributaries from pollution runoff.

**.03 Conditions of Approval.**

The following conditions apply to any overlay easement approved by the Foundation:

A. The proposed overlay easement may not prohibit any agricultural operation within the proposed overlay easement area, unless otherwise approved by the Board;

B. The proposed overlay easement shall have minimal interference on the overall farm operation;

C. If the proposed overlay easement is a right-of-way, its width shall be the minimum required by law;

D. When considering an overlay easement request, the Foundation shall consider the legislative intent as provided in Agriculture Article, §2-501, Annotated Code of Maryland; and

E. The Foundation may require any other conditions it considers appropriate on a case-by-case basis when approving any particular overlay easement proposal, including other conditions required by law or regulation.

**.04 Application Requirements.**

An application to the Foundation for overlay easement approval shall provide the following information:

A. A location map outlining the entire property, the overlay easement area, and access to the overlay easement area;

B. A draft of the proposed overlay deed of easement (not a generic copy) that shall clearly list all activities that may or may not be permitted;

C. If the Foundation requires, the proposed overlay easement form shall include language that would make the proposed overlay easement subordinate to the agricultural preservation easement;

D. If the application is for a right-of-way easement, information shall be provided regarding the State's or county's minimum width requirements;

E. A statement of the purpose of the request, including alternatives available to the proposed overlay easement;

F. Confirmation from the county planning and zoning office that the proposed overlay easement complies with local zoning requirements;

G. A recommendation from the local Agricultural Land Preservation Advisory Board; and

H. Any other information the Foundation considers necessary to consider the application.

**.05 Survey Requirement.**

If the Foundation approves the proposed overlay easement, a survey of the overlay easement area, including access, shall be provided to the Foundation for approval before the overlay easement is signed and recorded.

JOSEPH BARTENFELDER  
Secretary of Agriculture

**Title 26  
DEPARTMENT OF THE  
ENVIRONMENT**

**Subtitle 03 WATER SUPPLY,  
SEWERAGE, SOLID WASTE, AND  
POLLUTION CONTROL PLANNING  
AND FUNDING**

**26.03.03 Development of County Comprehensive  
Solid Waste Management Plans**

Authority: Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland

**Notice of Proposed Action**

[18-069-P]

The Secretary of the Environment proposes to amend Regulation .05 under **COMAR 26.03.03 Development of County Comprehensive Solid Waste Management Plans.**

**Statement of Purpose**

The purpose of this action is to:

- Reduce the period of time for the Maryland Department of the Environment (the Department) to review a county's proposed revisions to its Comprehensive Solid Waste Management Plan to 60 days from 90 days, in accordance with Ch. 387, Acts of 2017;
- Reduce the number of copies of a revised Comprehensive Solid Waste Management Plan that a county must submit to the Department to one from seven; and
- Remove an outdated address for submission of an appeal of the Department's decision to disapprove a revision to a Comprehensive Solid Waste Management Plan.

**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 Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to

kaley.lakeker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.05 Plan Revisions.**

A.—B. (text unchanged)

C. Revisions pertaining to county plans shall be adopted and submitted in accordance with the following process:

(1)—(2) (text unchanged)

(3) Following the public hearing or public meeting, or a decision not to conduct a public hearing or public meeting, the governing body of the county shall adopt the revision and submit [seven copies of ]it to the Department. This submittal shall be accompanied by a discussion of substantive issues raised at the public hearing or public meeting, and how they were resolved.

D. (text unchanged)

E. The Department shall, within [90] 60 days after receiving the submission, approve, disapprove, or approve in part, the adopted revision unless the review period has been extended under Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland. If the submittal is disapproved in whole, or in part, the Department shall, in a written notice to the county, clearly define the inadequacies of the submittal, and provide a suggested outline of the tasks needed to improve the submittal so that it can be approved by the Department.

F. The governing body shall, for 6 months following the disapproval, have the right to appeal the Department's action by sending a written notice of appeal to the [Department's Office of Hearings at 201 West Preston Street, Baltimore, Maryland 21201] Department.

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE**

**26.04.07 Solid Waste Management**

Authority: Environment Article, §§9-204, 9-252, and 9-314, Annotated Code of Maryland

**Notice of Proposed Action**

[18-068-P]

The Secretary of the Environment proposes to amend Regulation **.02** under **COMAR 26.04.07 Solid Waste Management**.

**Statement of Purpose**

The purpose of this action is to update the definition of solid waste to remove an incorrect reference to the definition of solid waste for hazardous waste purposes and to instead reference the definition of solid waste in the statute at Environment Article, §9-101, Annotated Code of Maryland. This change will improve clarity and reflect recent updates to the definition of solid waste in the statute.

**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 Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(27) (text unchanged)

(28) "Solid waste" [is defined in COMAR 26.13.02.02] *has the meaning stated in Environment Article, §9-101(j), Annotated Code of Maryland.*

(29)—(32) (text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 08 WATER POLLUTION**

**Notice of Proposed Action**

[18-062-P]

The Secretary of the Environment proposes to amend:

(1) Regulation **.01** under **COMAR 26.08.01 General**; and

(2) Regulation **.09** under **COMAR 26.08.03 Discharge**

**Limitations.**

**Statement of Purpose**

The purpose of this action is to repeal the requirement for certain animal feeding operations to submit a Certification of Conformance to the Maryland Department of the Environment.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action has minimal economic impact. Currently, an AFO falling within the above category is not required to obtain coverage under the General Discharge Permit for Animal Feeding Operations. However, it is required to certify that the farm meets certain requirements, including having and implementing a nutrient management plan and conservation plan; meeting all buffers, setbacks, and storage requirements applicable to a MAFO; and providing site access to the Department or its representatives. Under the proposed action, these farms would still be exempt from the requirement to obtain the General Discharge Permit for Animal Feeding Operations, but would no longer have to certify compliance with the other requirements listed above. This may constitute some benefit to the affected farms, but the economic impact is expected to be minimal. Currently, the change would affect three animal feeding operations. The difference in workload for the Department to no longer receive the certifications of conformance would be minimal due to the small volume and would not result in a fiscal impact to the Department.



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

D. Under the proposed action, certain farms would still be exempt from the requirement to obtain the General Discharge Permit for Animal Feeding Operations, but would no longer have to certify compliance with certain other requirements. This may constitute some benefit to the affected farms, but the economic impact is expected to be minimal. Currently, the change would affect three animal feeding operations.

**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 Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410- 537-3002. Comments will be accepted through April 30, 2018. A public hearing on the proposed action will be held on April 26, 2018, beginning at 6 p.m. at the Wicomico Public Library, 122 South Division Street, Salisbury, Maryland 21801.

**26.08.01 General**

Authority: Environment Article, §§9-313—9-316, 9-319, 9-320, 9-325, 9-327, and 9-328, Annotated Code of Maryland

**.01 Definitions.**

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

(1)—(11) (text unchanged)

[(11-1) "Certification of conformance" means a certification by a dry manure chicken (other than laying hens) AFO that:

- (a) The AFO has, and is implementing:
  - (i) A current nutrient management plan; and
  - (ii) A current soil conservation and water quality plan (conservation plan);

(b) The AFO's NMP and conservation plan are consistent with the requirements of COMAR 26.08.03.09C(5)(b) and

incorporates all buffers, setbacks, and storage requirements otherwise applicable to MAFOs as required in the general permit for animal feeding operations issued under COMAR 26.08.04.09N in effect at the time of the certification;

(c) The AFO agrees to allow the Department the access necessary to confirm conformance; and

(d) The AFO agrees to provide researchers authorized by the Maryland Department of Agriculture (MDA) and the Department the same access otherwise applicable to MAFOs as required in the general permit for animal feeding operations issued under COMAR 26.08.04.09N in effect at the time of the certification.]

[(11-2)] (11-1)—[(11-4)] (11-3) (text unchanged)

(12)—(42) (text unchanged)

(42-1) "Maryland animal feeding operation (MAFO)" means an AFO that is not a CAFO and is:

(a) A large AFO according to Table 1 of COMAR 26.08.03.09A; or

(b) A medium AFO according to Table 1 of COMAR 26.08.03.09A, designated a MAFO in accordance with COMAR 26.08.03.09C(2); or

(c) A chicken (other than laying hens) AFO with dry manure handling and at least 75,000 square feet total house capacity:

(i) That has not submitted to the Department a certification of conformance required under COMAR 26.08.03.09F; or

(ii) For which the certification of conformance has been rejected in accordance with that regulation].

(43)—(103) (text unchanged)

**26.08.03 Discharge Limitations**

Authority: Environment Article, §§9-313—9-316, 9-319, 9-320—9-325, and 9-328, Annotated Code of Maryland

**.09 Animal Feeding Operations.**

A.—E. (text unchanged)

[F. Certification of Conformance.

(1) A chicken (other than laying hens) AFO with dry manure and a total house size capacity of 75,000 square feet or greater that is not otherwise categorized as a CAFO or MAFO, shall submit to the Department a certification of conformance within the time period specified in the general permit for AFOs issued under COMAR 26.08.04.09N.

(2) The Department may designate a facility a MAFO before or after the submittal of a certification of conformance if the Department determines that the facility is a MAFO under this regulation.

(3) Failure to submit the required certification shall result in the automatic designation of the facility as a MAFO, and the facility shall be subject to enforcement and penalty for operating without a State discharge permit from the effective date of this regulation or the date the facility began operating, whichever occurs later.

(4) A certification of conformance may be rejected after notice to the AFO if the Department determines that any of the following have occurred:

(a) False or inaccurate information was contained in the certification;

(b) Conditions or specifications included in the required NMP or conservation plan have been or are about to be violated;

(c) Substantial deviation from the required plans has occurred;

(d) The AFO has failed to permit an authorized representative of the Department, upon presentation of proper credentials, to:

(i) Enter at any reasonable time upon the AFO's premises where a pollutant source is located, pertinent operations are conducted, or records related to the required plans are maintained;

- (ii) Access and copy any records related to the required plans;
- (iii) Inspect facilities to ensure compliance with the conditions of the certification;
- (iv) Inspect any monitoring equipment or method required in the plans; or
- (v) Sample any discharge or pollutants;
- (e) Any State or federal water quality stream standard or effluent standard has been or is threatened to be violated; or
- (f) Any other good cause exists for rejecting the certification.]

BENJAMIN H. GRUMBLES  
Secretary of the Environment

## Subtitle 13 DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES

### 26.13.04 Standards Applicable to Transporters of Hazardous Waste

Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland

#### Notice of Proposed Action

[18-067-P]

The Secretary of the Environment proposes to amend Regulation .01 under **COMAR 26.13.04 Standards Applicable to Transporters of Hazardous Waste**.

#### Statement of Purpose

The purpose of this action is to (1) eliminate the requirement for a driver of a controlled hazardous substance (CHS) vehicle to obtain and carry a driver certificate; and (2) eliminate the requirement for a CHS hauler to affix the vehicle certificate on the outside of the vehicle, and instead require the hauler to carry the certificate in the vehicle.

These changes bring the regulations into conformance with statutory provisions. The requirement for a CHS driver to obtain and carry a driver certificate was eliminated by Ch. 176, Acts of 2012. The requirement for a CHS hauler to affix the vehicle certificate on the outside of the vehicle was eliminated by Ch. 15, Acts of 2013.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

#### .01 General.

A.—B. (text unchanged)

C. Certificate.

(1) Except for CHS used for residential purposes or those regulated by the Department of Agriculture, a person may not transport a CHS to a facility within the State or from a source within the State unless the person obtains a certificate from the Department. For the purpose of these regulations, CHS used for residential purposes means those CHS used in a household or domestic situation, and normally discarded in small quantities in refuse and other household waste collected for disposal in conventional sanitary landfills. A CHS Hauler Certificate is required of persons engaged in transporting CHS. All vehicles or articulated transports, to a facility within the State or from a source within the State, shall [display prominently] *carry* the vehicle certification [sticker or affix the vehicle certification sticker to the outside of the left door of] *and a copy of the hauler certification in the cab of the controlled hazardous substance vehicle*]. A copy of the hauler certification shall be carried in the vehicle at all times and shall be presented] *and present the certifications* upon request.

(2)—(8) (text unchanged)

D.—E. (text unchanged)

[F. Driver Certificate.

(1) Applicability. A person may not transport any CHS from any source in the State or to any CHS facility in the State unless a driver certificate has been issued for the vehicle driver. This section does not apply to persons transporting CHS generated and disposed of on-site.

(2) The driver certificate authorizes its holder to operate a vehicle transporting CHS. The driver certificate shall be effective for 1 year.

(3) Each CHS vehicle operator shall:

(a) Pay an annual driver certificate fee of \$20 to the Department;

(b) Carry the driver certificate in the cab of the CHS vehicle at all times when transporting CHS;

(c) Submit evidence of satisfactory completion of an approved training program as described in §F(4) of this regulation;

(d) Submit a copy of the operator's driver's license to the Secretary; and

(e) Submit to the Secretary a certified copy of the operator's driving record that has been issued, within 60 days before the date of application for the driver certificate, by the State in which the operator holds a motor vehicle license.

(4) Approved Training Program. At a minimum, an approved training program shall include the following:

(a) Training in the requirements necessary to transport hazardous waste. Emphasis should be placed on the ability to verify proper DOT shipping names, hazard class and EPA waste codes. Special attention should be directed to the Maryland Hazardous Waste Manifest, other state manifest requirements, and the proper disbursement of manifest copies.

(b) Training in the required labeling and marking of all containers of 119 gallons or less.

(c) Training in Placarding. All drivers of vehicles transporting hazardous waste shall be able to appropriately placard their trucks according to the DOT regulations under COMAR 11.16.01 (49 CFR Part 172, Subpart F).

(d) Training in the Federal Motor Carrier Safety Administration regulations including proper maintenance of a driver's daily log.

(e) Training in emergency procedures to follow in case of an accident or spill.

(f) Training in Maryland's hazardous waste regulations and law (Disposal of CHS (COMAR 26.13))—specifically, "Standards

Applicable to Transporters of Hazardous Waste" and Environment Article, §§7-249—7-253, Annotated Code of Maryland.

(5) Instructors conducting an approved training program shall, at a minimum, have successfully completed an approved instruction training program, or have 5 years experience in the trucking industry with at least 2 years involvement in safe driving activities or training.

(6) Satisfactory completion of an approved written examination may be required by the Department.]

[G.] F. (text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 13 DISPOSAL OF  
CONTROLLED HAZARDOUS  
SUBSTANCES**

**26.13.13 Standards Applicable to Transporters  
of Special Medical Waste**

Authority: Environment Article, §§7-201 et seq., 9-252, and 9-314, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-066-P]

The Secretary of the Environment proposes to amend Regulation .01 under **COMAR 26.13.13 Standards Applicable to Transporters of Special Medical Waste**.

**Statement of Purpose**

The purpose of this action is to eliminate the requirement for a special medical waste transporter to affix the vehicle certificate on the outside of the vehicle, and instead require the hauler to carry the certificate in the vehicle. This change brings the regulations into conformance with existing law. Federal law generally prohibits a state from enacting or enforcing a legal requirement for a commercial vehicle to display any form of identification other than the identification required by U.S. DOT regulations. (See 49 U.S.C. §14506.) In 2013, Environment Article, §7-252, Annotated Code of Maryland was amended to eliminate the requirement for a controlled hazardous substance vehicle to affix the vehicle certificate to the outside of the cab (Ch. 15, Acts of 2013). The proposed action would make the special medical waste transporter regulations consistent with federal and State law with regard to display of the vehicle certificate.

**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 Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.01 General.**

A.—B. (text unchanged)

C. Certificate.

(1) General.

(a) (text unchanged)

(b) Transporters using vehicles or articulated transports to transport special medical waste to a facility within the State or from a source within the State shall:

(i) Display prominently the vehicle certificate; or

(ii) Affix the vehicle certificate to the outside of the left door of the cab of the special medical waste vehicle] *carry the vehicle certificate in the cab of the special medical waste vehicle.*

(2)—(7) (text unchanged)

D.—G. (text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 16 LEAD**

**26.16.01 Accreditation and Training for Lead  
Paint Abatement Services**

Authority: Environment Article, §§1-404, 6-818, 6-851, 6-852, 6-1001—6-1005, 7-206—7-208, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-070-P]

The Secretary of the Environment proposes to amend Regulations .08 and .20 under **COMAR 26.16.01 Accreditation and Training for Lead Paint Abatement Services**.

**Statement of Purpose**

The purpose of this action is to remove the project designer accreditation and fee provisions from the regulations to reduce confusion. As provided under Environment Article, §6-1002(c), Annotated Code of Maryland, the Department does not currently require a person who acts only as a project designer to be accredited or pay accreditation fees. Instead a project designer need only be trained, similar to a lead paint abatement worker.

**Comparison to Federal Standards**

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

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.08 Project Designer Accreditation Requirements.**

A. General Requirements. A project designer shall have:

(1)—(2) (text unchanged)

(3) Completed the specified review course[,] and passed the examination designated for that course[, and applied for renewal of accreditation] before the [certificate] expiration date[, which is when the project designer's accreditation expires] on the identification card; and

(4) Responsibility for oversight of a large scale lead paint abatement project and shall ensure completion of the abatement project in compliance with the applicable requirements of this chapter, COMAR 26.02.07, and COMAR 26.16.01[; and].

[(5) Applied and submitted a fee to the Department for the lead paint project designer category of accreditation under COMAR 26.16.01.20.]

B.—D. (text unchanged)

**.20 Fees.**

A.—C. (text unchanged)

D. An applicant for accreditation to provide a lead paint abatement service shall submit an application fee in accordance with the following schedule:

Service	Application Fee
(1)—(6) (text unchanged)	
[(7) Project designer—	150;]
[(8)] (7)—[(10)] (9) (text unchanged)	

\*Only applies to removal and demolition supervisors, inspector technicians, and risk assessors.

E.—F. (text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 16 LEAD**

**Notice of Proposed Action**

[18-064-P]

The Secretary of the Environment proposes to:

(1) Repeal in their entirety Regulations **.01—09** under **COMAR 26.16.03 Procedures for Making and Implementing a Qualified Offer**; and

(2) Amend Regulations **.01** and **.02** under **COMAR 26.16.04 Verifiable Methods approved by the Department**.

**Statement of Purpose**

The purpose of this action is to remove provisions related to making and implementing a qualified offer. The qualified offer was an offer of payment made by an owner of a pre-1950 rental dwelling to a child or pregnant woman diagnosed with an elevated blood lead level. The qualified offer covered certain medical and relocation expenses, up to a total of \$17,000. A property owner could only make a qualified offer if the owner was in full compliance with the Reduction of Lead Risk in Housing Act (the Act) prior to the child or pregnant woman being diagnosed with an elevated blood lead level. In exchange for making a qualified offer and otherwise complying with the Act, the property owner was protected from liability for additional costs for alleged injury or loss caused by ingestion of lead in the property by the child or pregnant woman. The qualified offer provisions are no longer in effect because corresponding sections of the statute were struck down in the 2011 Court of Appeals of Maryland case, Zi'Tasha Jackson, a minor, et al. v. The Dackman Company, et al.

**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 Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**26.16.04 Verifiable Methods Approved by the Department**

Authority: Environment Article, §§1-404 and 6-801—6-852, Annotated Code of Maryland

**.01 Scope.**

This chapter sets forth[:

A. Verifiable] *verifiable* methods for sending notice when notice is required under Environment Article, 6-801—6-852, Annotated Code of Maryland[; and

B. The manner for sending notice of a qualified offer under Environment Article, §6-832, Annotated Code of Maryland].

**.02 Manner of Sending Notice.**

[A.] In any instance when notice is permitted by a verifiable method under Environment Article, §§6-817, 6-819, 6-820, and 6-823, Annotated Code of Maryland, notice shall be sent by any method in which written receipt may be acknowledged by the intended recipient, agent, or representative.

[B. Notice of a qualified offer is sent under Environment Article, §6-832, Annotated Code of Maryland, when receipt of the qualified offer is acknowledged in writing by the person at risk or, in the case of a minor, the parent or legal guardian of the minor.]

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 16 LEAD**

**26.16.05 Procedures for Performing Lead Abatement Services**

Authority: Environment Article, §§1-404, 6-801—6-852, 6-1001—6-1005, and 7-206—7-208, Annotated Code of Maryland

**Notice of Proposed Action**

[18-065-P-I]

The Secretary of the Environment proposes to amend Regulations **.03** and **.09** under **COMAR 26.16.05 Procedures for Performing Lead Abatement Services**.

**Statement of Purpose**

The purpose of this action is to amend the requirement for blank samples when an accredited visual inspector or risk assessor conducts a dust wipe inspection for the purpose of establishing compliance with the risk reduction or modified risk reduction standard under Environment Article, §§6-815 and 6-819, Annotated Code of Maryland. Currently, the regulations require a minimum of two blank samples per inspection, one at the beginning and one at the end of the inspection. The American Society for Testing and Materials (ASTM)

guidelines (E1728) recommend one blank sample for every 20 samples. The proposed action would amend the regulation to reflect the current ASTM standard.

**Comparison to Federal Standards**

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

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action has minimal economic impact. Lead inspection contractors may have minimal reductions costs due to the fewer number of blank dust samples that must be taken.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$4.00 to \$7.50 per blank dust wipe avoided
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D. Accredited lead inspectors and inspection contractors may experience reductions in costs as a result of having to take fewer blank samples. This in turn may result in reduced costs to clients of lead inspectors, which are owners of residential rental property built prior to 1978. The Department estimates that the cost per dust wipe analyzed is \$4.00 to \$7.50.

**Economic Impact on Small Businesses**

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

Department-accredited lead inspection contractors may benefit somewhat from reduced costs as a result of fewer blank samples needing to be taken. The Department estimates the cost reductions from fewer blank samples at approximately \$4.00 to \$7.50 per blank dust wipe avoided. There are approximately 500 lead inspection contractors currently accredited. The Department does not have information sufficient to estimate the proportion or number of these that qualify as small businesses or the payroll or employment of small businesses affected.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Kaley Laleker, Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or

call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. 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 Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination (ASTM Standard E1728, 2016 Edition) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), 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.

**.03 Incorporation by Reference.**

*In this chapter, the following documents are incorporated by reference:*

A. 40 CFR §745.227, as amended[, is incorporated by reference.]; and

B. *Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination (ASTM Standard E1728, 2016 Edition).*

**.09 Dust Wipe Inspections Performed to Establish Compliance with Environment Article, §§6-815 and 6-819, Annotated Code of Maryland.**

A.—C. (text unchanged)

D. All lead dust wipe inspections shall include field blank samples collected [using the following procedures] *in accordance with ASTM Standard E1728 at a minimum frequency of:*

(1) [Before the sample is collected, the inspector shall remove a wipe meeting the requirements of Regulation .06C(5)(b) of this chapter and wipe his or her hands and discard the wipe] *5 percent per day or one blank sample for every 20 samples collected; and*

(2) [The inspector shall remove a second wipe meeting the requirements of Regulation .06C(5)(b) of this chapter from the container and insert it into the labeled centrifuge tube as the beginning field blank to be analyzed by the laboratory;] *In no case fewer than one blank sample for each day of inspections.*

[3] At the conclusion of the wipe sampling, as specified in §B(5)—(7) of this regulation, the inspector shall collect an ending field blank in the same manner as the beginning field blank; and

(4) Field blank centrifuge tubes shall be labeled with a unique identifier according to laboratory specifications.]

E.—G. (text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Subtitle 27 HAZARDOUS MATERIAL SECURITY**

**26.27.01 Hazardous Material Security**

Authority: Environment Article, §§7-701—7-709, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-063-P]

The Secretary of the Environment proposes to repeal in their entirety Regulations .01—.12 under **COMAR 26.27.01 Hazardous Material Security**.

**Statement of Purpose**

The purpose of this action is to repeal regulations regarding hazardous material security requirements to conform to statutory changes. Effective July 1, 2017, Ch. 375, Acts of 2017, repealed the Hazardous Materials Security (MHMS) law, which required certain facilities that handle threshold amounts of hazardous materials to conduct and submit self-audits and a \$2,500 fee every 5 years. The proposed action would remove the corresponding regulations to avoid confusion.

**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 Kaley Laleker, Deputy Director, Land and Materials Administration, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, Baltimore, MD 21230-1719, or call 410-537-3314, or email to kaley.laleker@maryland.gov, or fax to 410-537-3002. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

BENJAMIN H. GRUMBLES  
Secretary of the Environment

**Title 31 MARYLAND INSURANCE ADMINISTRATION**

**Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS**

**31.03.06 Surplus Lines**

Authority: Insurance Article, §§2-109, 3-304, 3-306, 3-307, 3-308, 3-311—3-313, 3-325(c), 9-301(f), 9-303(5), [9-401(i)(1)] 9-401(j)(1), [and] 9-405(b), and 27-216, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-053-P]

The Insurance Commissioner proposes to amend Regulation .09 under **COMAR 31.03.06 Surplus Lines**.

**Statement of Purpose**

The purpose of this action is to amend COMAR 31.03.06.09 to conform to the disclosure notification requirement contained in Insurance Article, §27-216(d)(8), Annotated Code of Maryland. The proposed amendments will clarify the types of things a surplus lines broker must disclose to an insured per the requirements of the Insurance Article.

**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 Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 Saint Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.09 Disclosure Form.**

A. — B. (text unchanged)

C. *In addition to the disclosure required by §B of this regulation, the surplus lines broker shall:*

*(1) Provide a clear and conspicuous written disclosure to the prospective insured of:*

*(a) Any inspection fee;*

*(b) The total amount of the policy fee;*

*(c) The premium tax on the policy;*

*(d) Any financial interest of the person performing the inspection, if applicable;*

*(e) Whether the surplus lines broker will receive compensation from the person that performs the inspection; and*

*(f) Any charge for actual expenses incurred by the surplus lines broker for payment of the premium, policy fee, and any other fees and taxes relating to the policy by use of a credit card; and*

(2) *Notify the prospective insured of the option to obtain the inspection from another person who meets the requirements of or is approved by the surplus lines broker.*

[C.] D. — [D.] E. (text unchanged)

ALFRED W. REDMER, JR.  
Maryland Insurance Commissioner

## Subtitle 09 LIFE INSURANCE AND ANNUITIES

### 31.09.16 Accelerated Benefits

Authority: Insurance Article, §§2-109, 5-301, 12-205(b)(4) and (8), and 27-202, Annotated Code of Maryland

#### Notice of Proposed Action

[18-054-P]

The Insurance Commissioner proposes to adopt new Regulations .01 — .12 under a new chapter, **COMAR 31.0916 Accelerated Benefits under COMAR 31.09 Life Insurance and Annuities.**

#### Statement of Purpose

The purpose of this action is to adopt new COMAR 31.09.16.01 — .12 to implement the NAIC Accelerated Benefits Model Regulation #620. In addition, these regulations will codify the review that the Maryland Insurance Administration's Life and Health unit will use for the Accelerated Benefit products sold in the market.

#### 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 Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2007, or email to [insuranceregview.mia@maryland.gov](mailto:insuranceregview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

#### .01 Purpose.

*The purpose of this chapter is to regulate accelerated benefit provisions in individual and group life insurance policies and to provide required standards of disclosure.*

#### .02 Scope.

*This chapter shall apply to all accelerated benefit provisions of individual and group life insurance policies issued or delivered in Maryland except those subject to Insurance Article, Title 18, Annotated Code of Maryland.*

#### .03 Definitions.

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

(1) *“Accelerated benefits” means benefits payable under a life insurance contract that:*

(a) *Are payable during the lifetime of the insured in anticipation of death or upon the occurrence of specified life-*

*threatening or catastrophic conditions as defined by the policy or rider, to a policy owner or certificate holder;*

(b) *Reduce the death benefit otherwise payable under the life insurance contract; and*

(c) *Are payable upon the occurrence of a single qualifying event that results in the payment of a benefit amount fixed at the time of acceleration.*

(2) *“Activities of daily living” has the meaning stated in COMAR 31.14.01.02B.*

(3) *“Chronic illness” means:*

(a) *The permanent inability to perform, without substantial assistance from another individual, a specified number of activities of daily living; or*

(b) *Permanent severe cognitive impairment and similar forms of dementia requiring substantial supervision of the insured.*

(4) *“Qualifying event” means one or more of the following:*

(a) *A medical condition that would result in a drastically limited life span as specified in the contract;*

(b) *A medical condition that requires extraordinary medical intervention without which the insured would die;*

(c) *A medical condition that usually requires continuous confinement in an eligible institution as defined in the contract if the insured is expected to remain there for the rest of the insured’s life;*

(d) *A medical condition that would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span;*

(e) *A chronic illness; or*

(f) *Any other qualifying event that the Commissioner may approve.*

#### .04 Type of Product.

*Accelerated benefit riders and life insurance policies with accelerated benefit provisions are primarily mortality risks rather than morbidity risks.*

#### .05 Assignee or Irrevocable Beneficiary.

*Prior to the payment of the accelerated benefit, the insurer shall obtain from an assignee or irrevocable beneficiary a signed acknowledgement of concurrence for payout. If the insurer is the assignee under the policy, no acknowledgement is required.*

#### .06 Criteria for Payment.

A. *Lump Sum Settlement Option.*

(1) *The insurer shall include the option to take the benefit as a lump sum in the contract payment options.*

(2) *The benefit may not be made available as an annuity contingent upon the life of the insured.*

B. *No restrictions are permitted on the use of the proceeds.*

C. *If any death benefit remains after payment of an accelerated benefit, the accidental death benefit provision, if any, in the policy or rider may not be affected by the payment of the accelerated benefit.*

#### .07 Disclosures.

A. *Descriptive Title.*

(1) *The insurer shall include the term “accelerated benefit” in the policy or rider’s title.*

(2) *An accelerated benefit product being offered under this chapter may not be described or marketed as long-term care insurance or as providing long-term care benefits.*

B. *Disclosure of Tax Consequences.*

(1) *A written disclosure stating that receipt of the accelerated benefits may be taxable and assistance should be sought from a personal tax advisor shall be provided by the insurer at the time of application for the policy or rider, and at the time the accelerated benefit payment request is submitted.*

(2) The disclosure statement issued by the insurer required by § B(1) of this regulation shall be prominently displayed on the first page of the policy or rider and on the first page of any other related documents.

C. Solicitations.

(1) A written disclosure including, but not limited to, a brief description of the accelerated benefit and definitions of the conditions or occurrences triggering payment of the benefits shall be given to the applicant as follows:

(a) The description shall include an explanation of any effect the payment of a benefit would have on the policy's cash value, accumulation account, death benefit, premium, policy loans, and policy liens;

(b) For agent solicited insurance, the agent shall provide the disclosure form to the applicant as follows:

(i) This form shall be provided by the agent prior to or concurrently with the application; and

(ii) The acknowledgment of the disclosure form shall be signed by the applicant and writing agent;

(c) For solicitations by direct response, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a notice that a full premium refund shall be received if the policy is returned to the insurer within the free look period; and

(d) For group insurance, the disclosure form shall be contained as part of the certificate of coverage or any other related document furnished by the insurer for the certificate holder.

(2) If there is a premium or cost of insurance charge, the insurer shall give the applicant a generic illustration numerically demonstrating any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens as follows:

(a) For agent solicited insurance, the agent shall provide the illustration to the applicant prior to or concurrently with the application; or

(b) For solicitations by direct response, the insurer shall provide the illustration to the applicant at the time the policy is delivered.

(3) Disclosure of Premium Charge.

(a) The insurer with financing options other than as described in Regulation .11A(2) and (3) of this chapter shall disclose to the policy owner any premium or cost of insurance charge for the accelerated benefit. The insurer shall make a reasonable effort to assure that the certificate holder is aware of any additional premium or cost of insurance charge if the certificate holder is required to pay a charge.

(b) The insurer shall furnish an actuarial demonstration to the Commissioner when filing the product which discloses the method the insurer used to arrive at the cost for the accelerated benefit.

(4) Disclosure of Administrative Expense Charge.

(a) The insurer shall disclose to the policy owner any administrative expense charge provided in the policy. The administrative expense charge shall be disclosed in the written disclosure required by §C(1) of this regulation and in the statement required by §D(1) of this regulation.

(b) The insurer shall make a reasonable effort to assure that the certificate holder is aware of any administrative expense charge if the certificate holder is required to pay this charge.

D. Effect of the Benefit Payment.

(1) When a policy owner or certificate holder requests an acceleration, the insurer shall send a statement to the policy owner or certificate holder and irrevocable beneficiary that:

(a) Illustrates any effect that the payment of the accelerated benefit will have on the policy's cash value, accumulation account, death benefit, premium, policy loans, and policy liens;

(b) Discloses that receipt of accelerated benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefits or entitlements; and

(c) Discloses that receipt of an accelerated benefit payment may be taxable and assistance should be sought from a personal tax advisor.

(2) When a previous disclosure statement becomes invalid as a result of an acceleration of the death benefit, the insurer shall send a revised disclosure statement to the policy owner or certificate holder and irrevocable beneficiary.

(3) When the insurer agrees to accelerate death benefits, the insurer shall issue an amended schedule page to the policy holder or notify the certificate holder under a group policy to reflect any new, reduced in-force face amount of the contract.

**.08 Effective Date of the Accelerated Benefits.**

A. The accelerated benefit provision shall be effective for accidents on the effective date of the policy or rider.

B. The accelerated benefit provision shall be effective for illness no more than 30 days following the effective date of the policy or rider.

**.09 Waiver of Premiums.**

A. The insurer may offer a waiver of premium for the accelerated benefit provision in the absence of a waiver of premium provision for the policy being in effect.

B. At the time the benefit is claimed, the insurer shall explain to the policy holder or certificate holder any continuing premium requirements to keep the policy in force.

**.10 Discrimination.**

An insurer may not:

A. Unfairly discriminate among insureds with differing qualifying events covered under the policy or among insureds with similar qualifying events covered under the policy;

B. Apply further conditions on the payment of the accelerated benefits other than those conditions specified in the policy or rider.

**.11 Actuarial Standards.**

A. Financing Options.

(1) The insurer may require a premium charge or cost of insurance charge for the accelerated benefit as follows:

(a) The insurer shall base the charge on sound actuarial principles; and

(b) For group insurance, the insurer may reflect the additional cost in experience rating.

(2) The insurer may pay a present value of the face amount as follows:

(a) The present value calculation shall be based on any applicable actuarial discount appropriate to the policy design;

(b) The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles;

(c) The insurer shall disclose the interest rate or interest rate methodology in the contract or actuarial memorandum; and

(d) The maximum interest rate used shall be no more than the greater of:

(i) The current yield on 90-day Treasury bills; or

(ii) The current maximum adjustable policy loan interest rate as set forth in accordance with Insurance Article, §16-208, Annotated Code of Maryland.

(3) The insurer may accrue an interest charge on the amount of the accelerated benefits as follows:

(a) The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles;

(b) The insurer shall disclose the interest rate or interest rate methodology in the contract or actuarial memorandum;



(c) *The maximum interest rate used shall be no more than the greater of:*

(i) *The current yield on 90-day Treasury bills; or*

(ii) *The current maximum adjustable policy loan interest rate as set forth in accordance with Insurance Article, § 16-208, Annotated Code of Maryland; and*

(d) *The interest rate accrued on the portion of the lien that is equal in amount to the cash value of the contract at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the contract.*

**B. Effect on Cash Value.**

(1) *Except as provided in §B(2) of this regulation, when an accelerated benefit is payable, there may be no more than a pro rata reduction in the cash value based on the percentage of death benefits accelerated to produce the accelerated benefit payment; or*

(2) *The payment of accelerated benefits, any administrative expense charges, any future premiums and any accrued interest may be considered a lien against the death benefit of the policy or rider and the access to the cash value may be:*

(a) *Restricted to any excess of the cash value over the sum of any other outstanding loans and the lien; and*

(b) *Future access to additional policy loans may be limited to any excess of the cash value over the sum of the lien and any other outstanding policy loans.*

**C. Effect of Any Outstanding Policy Loans on Accelerated Death Benefit Payment.** *When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans.*

**.12 Actuarial Disclosure and Reserves.**

**A. Actuarial Memorandum.**

(1) *A qualified actuary shall describe the accelerated benefits, the risks, the expected costs, and the calculation of statutory reserves in an actuarial memorandum accompanying each filing.*

(2) *The insurer shall maintain in its files descriptions of the bases and procedures used to calculate benefits payable under this chapter. The descriptions shall be made available for examination by the Commissioner upon request.*

**B. Reserves.**

(1) *When benefits are provided through the acceleration of benefits under a group or individual life policy or a rider to such policies, an actuary shall determine policy reserves in accordance with the Standard Valuation Law referenced in Insurance Article, §§5-301 — 5-317, Annotated Code of Maryland.*

(2) *A member in good standing of the American Academy of Actuaries shall determine all valuation assumptions used in constructing the reserves as appropriate for statutory valuation purposes.*

(3) *Mortality tables and interest currently recognized for life insurance reserves by the National Association of Insurance Commissioners may be used by the actuary as appropriate assumptions for other provisions incorporated in the policy form.*

(4) *The actuary shall follow both actuarial standards and certification for good and sufficient reserves.*

(5) *Reserves in the aggregate shall be sufficient to cover:*

(a) *Policies upon which no claim has yet arisen; and*

(b) *Policies upon which an accelerated claim has arisen.*

(6) *The actuary is not required to establish additional reserves for policies and certificates that provide actuarially equivalent benefits.*

(7) *The insurer shall include policy liens and policy loans, including accrued interest, as assets of the company for reporting purposes as stated in Insurance Article, §5-101(3) — (7), Annotated Code of Maryland.*

(8) *For a policy on which the policy lien exceeds the policy's statutory reserve liability, the insurer shall hold the excess as a non-admitted asset.*

ALFRED W. REDMER, JR.  
Maryland Insurance Commissioner

# Title 32 MARYLAND DEPARTMENT OF AGING

## Subtitle 03 GRANTS AND SUBSIDIES

### 32.03.04 Congregate Housing Services Program

Authority: Human Services Article, §§10-209 and 10-210, Annotated Code of Maryland

**Notice of Proposed Action**

[18-060-P]

The Maryland Department of Aging proposes to amend Regulations .01, .07, .14, .16—,19, .22, .23, .26, .28, and .32 under **COMAR 32.03.04 Congregate Housing Services Program.**

**Statement of Purpose**

The purpose of this action is to change the Congregate Housing Services Program from a contract to a grant process.

**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 Andrew Ross, Chief of Staff, Maryland Department of Aging, 301 West Preston Street, Suite 1007, Baltimore, MD 21201, or call 410-767-1100, or email to mdoa.executiveoffice@maryland.gov, or fax to 410-333-7943. Comments will be accepted through April 30, 2018. A public hearing has not been scheduled.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(25) (text unchanged)

[(26) “Purchase of services agreement” means an agreement between a provider and the Department that specifies the contractual obligations of both parties.]

[(27)] (26) —[(32)] (31) (text unchanged)

[(33)] (32) “Subsidy” means the State funds paid by the Department to a provider for providing congregate housing services to a participant in accordance with a [purchase of services] *subsidy services agreement* and this chapter.

(33) “*Subsidy services agreement*” means a grant agreement between a provider and the Department that specifies the obligations of both parties.

**.07 Change of Provider During Term of [Purchase of Services] Subsidy Services Agreement.**

A.—D. (text unchanged)

**.14 Mandatory and Optional Services.**

A. (text unchanged)

B. Meals

(1)—(5) (text unchanged)

(6) A provider or its food service [subcontractor] *contractor* shall prepare in advance a weekly menu of the meals to be serviced.

(7) If more than one food service [subcontractor] *contractor* is retained by a provider to prepare meals for participants in a facility, the provider shall assure that menus are coordinated to avoid duplication and to maintain overall nutritional balance.

(8)—(9) (text unchanged)

(10) If a provider [subcontracts] *contracts* with another entity to provide meal services for the participants, the provider shall solicit competitive bids from qualified food service establishments at least once every 3 years. Competitive bidding may be waived by the Department if the meals are provided by a food service establishment that is under contract with:

(a)—(b) (text unchanged)

(11) If a provider [subcontracts] *contracts* with another entity to provide meals to participants, the provider shall arrange for participants to meet periodically with the other entity to discuss menus and other concerns.

C.—G. (text unchanged)

**.16 Renewal of Subsidy Award.**

A subsidy award may be renewed annually if:

A.—B. (text unchanged)

C. The Department and the provider have executed a [purchase of services agreement] *subsidy services agreement* for the next fiscal year; and

D. (text unchanged)

**.17 Award of Subsidies to New Sites.**

If funds are made available in the Department's budget to award subsidies to more facilities than the budget supported in the past, the Department shall issue[, in accordance with the State's procurement laws and regulations,] a request for proposals to persons who want to be providers that are eligible to receive subsidies.

**.18 [Purchase of Services] Subsidy Services Agreement.**

A. A provider that is approved by the Department to receive State subsidies shall enter into a written [purchase of services] *subsidy services* agreement with the Department.

B. (text unchanged)

**.19 Administration of Subsidy Award.**

A. (text unchanged)

B. For the term of a [purchase of services] *subsidy services* agreement, the Department shall:

(1)—(2) (text unchanged)

C.—G. (text unchanged)

H. If the subsidies advanced to a provider during a fiscal year are less than the amount of subsidies earned, the Department shall pay the subsidy amount due the provider, up to the [contract] *maximum grant* amount of the [purchase of services] *subsidy services* agreement.

I. Not later than 10 days after the end of the third quarter of a fiscal year, a provider may request an amendment to its [purchase of services] *subsidy services* agreement if it projects that the amount of subsidies earned will exceed the [contract] *maximum grant* amount of the [purchase of services] *subsidy services* agreement. If funds are available, the Department may agree to amend the [purchase of

services] *subsidy services* agreement for all or part of the projected amount.

J.—K. (text unchanged)

L. The Department shall review a report required by §J or K of this regulation and reconcile the report with the amount of subsidy payments made to the provider during the fiscal year. After the Department has reconciled the subsidy payments, it shall pay any subsidy amount due to the provider, up to the [contract] *maximum grant* amount in the provider's [purchase of services] *subsidy services* agreement.

**.22 Participant Application for Subsidy.**

If an individual resides in a facility that has a [purchase of services] *subsidy services* agreement with the Department, the individual may file an application for a subsidy with the provider at the facility on a form provided by the Department. An application for a subsidy may be filed at the same time as an application for eligibility is filed or may be filed after an application for eligibility is filed.

**.23 Participant Eligibility for Subsidy.**

A. An individual in a facility whose provider has a [purchase of services] *subsidy services* agreement for a Standard Congregate Housing Services Plan is eligible to receive a subsidy if:

(1) (text unchanged)

(2) The individual's net monthly income is insufficient to pay the full monthly fee approved by the Department in the [purchase of services] *subsidy services* agreement with the provider;

(3)—(5) (text unchanged)

B. A couple in a facility whose provider has a [purchase of services] *subsidy services* agreement for a Standard Congregate Housing Services Plan shall be eligible to receive a subsidy if:

(1) (text unchanged)

(2) The couple's net monthly income is insufficient to pay the full monthly fee for a couple approved by the Department in the [purchase of services] *subsidy services* agreement with the provider;

(3)—(5) (text unchanged)

C. An individual in a facility whose provider has a [purchase of services] *subsidy services* agreement for an Individualized Congregate Housing Services Plan shall be eligible for a subsidy if:

(1)—(4) (text unchanged)

D.—G. (text unchanged)

**.26 Determination of Participant Subsidy Amount.**

A. In the Standard Congregate Housing Services Program, the amount of the subsidy to be paid monthly on behalf of an eligible participant shall equal the difference between the participant's projected monthly income, less approved allowances set forth in §B of this regulation, and the monthly fee for congregate housing services as approved by the Department in the [purchase of services] *subsidy services* agreement.

B.—C. (text unchanged)

**.28 Notification of Intent Not to Renew [Purchase of Services] Subsidy Services Agreement.**

A. If a provider does not intend to seek the award of another [purchase of services] *subsidy services* agreement after the current one expires, the provider shall give the Department written notice of that intention at least 120 days before the expiration of the current agreement.

B. A notice provided to satisfy §A of this regulation shall include:

(1)—(2) (text unchanged)

(3) An assurance that the provider shall provide congregate housing services up to the termination date in the current [purchase of services] *subsidy services* agreement.

**.32 Civil Money Penalties.**

A. Violations Warranting Penalties. The Secretary, or the Secretary's designee, may impose a civil money penalty against a provider of congregate housing services for:

(1) A violation of this chapter or the provider's [purchase of services] *subsidy services* agreement that results in conditions presenting an imminent danger or substantial probability of death or serious physical harm to a participant;

(2)—(3) (text unchanged)

B.—I. (text unchanged)

RONA E. KRAMER  
Secretary of Aging

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

### 18 CFR Part 801 — General Policies

AGENCY: Susquehanna River Basin Commission.

ACTION: Final rule

SUMMARY: This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) to codify the Commission's Access to Records Policy providing rules and procedures for the public to request and receive the Commission's public records.

DATES: The rule is effective March 19, 2018.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, 717-238-0423, ext. 1312; joyler@srbc.net. Also, for further information on the final rule, visit the Commission's website at <http://www.srbc.net>.

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the *Federal Register* on October 12, 2017 (82 FR 47407); *New York Register* on October 25, 2017; *Pennsylvania Bulletin* on October 21, 2017; and *Maryland Register* on October 27, 2017. The Commission convened a public hearing on November 2, 2017, in Harrisburg, Pennsylvania. A written comment period was held open through November 13, 2017.

The Commission received one comment on the proposed rule, which was supportive of the Commission's efforts to formalize its Access to Records Policy. The Commission also received two comments after the close of the official public comment period suggesting some changes to rulemaking.

Based upon input from the Commission's member jurisdictions, subsection (b)(4) is amended and a new subsection (f) is added to create an exception to records subject to public access for those internal, pre-decisional deliberations between staff and member jurisdictions working in cooperation with the Commission. The Commission will also modify § 801.14(b)(1) to clarify that it does not prohibit the Commission from providing salary information in response to records requests, as the Commission has historically released these records upon request. Section 801.14(b)(8) is also modified to exclude the provision of financial documents related to critical infrastructure.

Based on public input the Commission clarifies the following:

- The Commission does intend to review and revisit its Access to Records Policy after adoption of the final rule to update its procedures.
- The final rule, § 801.14(c)(3), provides that the Commission must respond in a reasonable time frame. The Commission works with requesters and generally responds to records requests within 30 days of the request. The reasonable timeframe language allows the Commission to

deal with requests varying in complexity and magnitude while continuing to balance prompt access to records with the agency's other obligations and limitations.

Through this final rule, the Commission continues its long tradition of transparency by formalizing the key elements of its Access to Records Policy in duly promulgated regulations. The Commission's 2009 Access to Records Policy, which remains in effect, can be found at:

[http://www.srbc.net/pubinfo/docs/2009-02\\_Access\\_to\\_Records\\_Policy\\_20140115.pdf](http://www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf). The Commission's current records processing fee schedule can be found at:

<http://www.srbc.net/pubinfo/docs/RecordsProcessingFeeScheduleUpdatedAddress.pdf>.

### List of Subjects in 18 CFR Part 801

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 801 as follows:

### PART 801—GENERAL POLICIES

1. The authority citation for part 801 is revised to read as follows: Authority: Secs. 3.1, 3.4, 3.5(1), 15.1 and 15.2, Pub. L. 91-575 (84 Stat. 1509 *et seq.*)

2. Add § 801.14 to read as follows:

#### § 801.14 Public access to records.

(a) *Purpose.* The Commission, as an independent compact agency, is not subject to any of its member jurisdictions' laws regarding public access to records. Nevertheless, the Commission wishes to assure, to the maximum extent practicable, the availability of Commission records consistent with the Susquehanna River Basin Compact. The Commission shall maintain an "Access to Records Policy" that outlines the details and procedures related to public access to the Commission's records. Any revisions to this policy shall be consistent with this section and undertaken in accordance with appropriate public notice and comment consistent with requirements of 18 CFR 808.1(b).

(b) *Scope.* This section shall apply to all recorded information, regardless of whether the information exists in written or electronic format. There is a strong presumption that records shall be public, except where considerations of privacy, confidentiality, and security must be considered and require thoughtful balancing. The Commission shall identify types of records that are not subject to public access:

- (1) Personnel or employment records, excluding salary information;
- (2) Trade secrets, copyrighted material, or any other confidential business information;
- (3) Records exempted from disclosure by statute, regulation, court order, or recognized privilege;
- (4) Records reflecting internal pre-decisional deliberations, including deliberations between the commission and representatives of member jurisdictions;
- (5) Records reflecting employee medical information, evaluations, tests or other identifiable health information;
- (6) Records reflecting employee personal information, such as social security number, driver's license number, personal financial information, home addresses, home or personal cellular numbers, confidential personal information, spouse names, marital status or dependent information;
- (7) Investigatory or enforcement records that would interfere with active enforcement proceedings or individual due process rights, disclose the identity of public complainants or

confidential sources or investigative techniques or endanger the life or safety of Commission personnel; or

(8) Records related to critical infrastructure, excluding financial records, emergency procedures, or facilities.

(c) *Procedures.* The Access to Records Policy will detail the necessary procedures for requesting records and processing records requests:

(1) Requests shall be in writing and shall be reasonably specific;

(2) The Commission shall identify an Access to Records Officer to handle requests;

(3) The Commission shall respond to a records request within a reasonable time and in consideration of available resources and the nature of the request;

(4) The Commission shall not be required to create a record that does not already exist, or to compile, maintain, format or organize a public record in a manner in which the Commission does not currently practice;

(5) A procedure shall be identified for electronic transfer, copying or otherwise providing records in a manner that maintains the integrity of the Commission's files; and

(6) A procedure shall be identified for handling review of requests that seek access to information that has been identified as confidential and for notifying the person(s) who submitted the confidential information that it is subject to a records request.

(d) *Fees.* The Commission shall adopt and maintain a "Records Processing Fee Schedule." The fees shall be calculated to reflect the actual costs to the Commission for processing records requests and may include the costs of reproducing records and the cost to search, prepare and/or redact records for extraordinary requests.

(e) *Appeals.* Any person aggrieved by a Commission action on a records request shall have 30 days to appeal a decision in accordance with 18 CFR 808.2.

(f) *Disclosure to consultants, advisory committees, and State and local government officials and employees.* Data and information otherwise exempt from public disclosure may be disclosed to Commission consultants, advisory committees, and state and local government officials and employees for use only in their work in cooperation with the Commission. Such persons are thereafter subject to the same restrictions with respect to the disclosure of such data and information as any other Commission employee.

Dated: March 13, 2018.

STEPHANIE L. RICHARDSON  
Secretary to the Commission  
[18-07-34]

## WATER MANAGEMENT ADMINISTRATION

### Notice of Tentative Determination

#### General Permit for the Discharge of Composting Toilet Wastewater to Groundwater by Land Application

##### State Discharge Permit: 18CT

The Department proposes to issue a new state General Discharge Permit for the discharge of compost toilet liquids (wastewater) from composting toilets to groundwater – via land application. Land application means that the wastewater is discharged directly onto vegetated ground and is considered a beneficial reuse of the wastewater. The permit will be valid for five years from the date of issuance. Currently only individual Discharge Permit coverage is available for compost toilet liquids discharges to groundwater via land application. Compost toilet liquids that are land applied at private dwellings and other types of facilities that use composting toilet technology may apply for this permit coverage. The method of discharge is by low-pressure manual methods.

Facilities will have the choice to obtain individual or general permit coverage. This proposed permit includes similar operation and maintenance requirements and requires the same pollutant testing as in current individual permits for the discharge of compost toilet liquids. Testing will be required prior to every land application event.

The Department will hold a public hearing concerning the tentative determination on Thursday April 26, 2018 in the Aeries Conference Room from 1 to 3 PM, at the Maryland Department of the Environment (MDE), 1800 Washington Blvd, Baltimore, MD 21230. Any hearing impaired person may request an interpreter at the hearing by contacting Elaine Sykes, Office of Fair Practices at (410) 537-3152 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1 800 201-7165.

The draft permit and fact sheet is available on MDE's website ([www.mde.maryland.gov](http://www.mde.maryland.gov)) and can be found under "Notices and Alerts" through the comment period. Any questions regarding this tentative determination, including the draft permit and fact sheet should be directed to Michael Eisner or Tracy Rocca-Weikart at the Maryland Department of the Environment, Water Management Administration, at [mike.eisner@maryland.gov](mailto:mike.eisner@maryland.gov), or [tracy.rocca-weikart@maryland.gov](mailto:tracy.rocca-weikart@maryland.gov) or by telephone at 410-537-3778 between the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday. Copies of the document may be obtained at a cost of \$0.36 per page. Written comments concerning the tentative determination will also be considered in the preparation of a final determination if received by Michael Eisner at the above address, on or before May 3, 2018.

[18-07-26]

# MARYLAND HEALTH CARE COMMISSION

## SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need (“CON”) review and approval.

The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards, policies and criteria.

This Certificate of Need review schedule updates the schedule published in the Maryland Register, Volume 44, Issue 21, pages 1020-1023 (October 13, 2017). This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, 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. Letters of intent for projects not covered by this review schedule may be filed at any time.

For further information about review schedules or procedures, call Kevin McDonald, Chief, Certificate of Need, at (410) 764-5982.

The Commission will use the following regional configuration of jurisdictions for the General Hospital Project, Special Hospital Project, Freestanding Ambulatory Surgical Facility Project, and Schedule Two Comprehensive Care Facility Project Review Schedules:

<b><u>Western Maryland:</u></b> Allegany, Frederick, Garrett, and Washington	<b><u>Central Maryland:</u></b> Anne Arundel, Baltimore, Carroll, Harford, Howard, and Baltimore City
<b><u>Eastern Shore:</u></b> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester	<b><u>Montgomery &amp; Southern Maryland:</u></b> Calvert, Charles, Montgomery, Prince George's, and St. Mary's

### **General Hospital Projects**

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by general hospitals, for projects that involve: (1) capital expenditures by or on behalf of general hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity or operating room capacity at existing hospitals; (3) the relocation of a general hospital; and/or (4) a change in the type or scope of any health care service offered by a general hospital, as specified at COMAR 10.24.01.02A, except for neonatal intensive care. Please note that the following schedule does not apply to a project to establish a new general hospital.

#### **Schedule One All General Hospital Projects**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

**Schedule Two  
All General Hospital Projects**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Eastern Shore	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

**Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by special hospitals, for projects that involve: (1) capital expenditures by or on behalf of special hospitals that exceed the applicable capital expenditure threshold referenced at COMAR 10.24.01.02A(5); (2) proposed changes in bed capacity at existing hospitals; (3) the relocation of a special hospital; and/or (4) a change in the type or scope of any health care service offered by a special hospital, as specified at COMAR 10.24.01.02A. Please note that the following schedule does not apply to a project to establish a new special hospital.

**Schedule One  
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

**Schedule Two  
Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	January 4, 2019	January 16, 2019	March 8, 2019
Eastern Shore	February 1, 2019	February 13, 2019	April 5, 2019
Montgomery & Southern Maryland	March 1, 2019	March 13, 2019	May 3, 2019

**Freestanding Ambulatory Surgical Facility Projects**

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by or on behalf of a freestanding ambulatory surgical facility that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

**Schedule One  
Freestanding Ambulatory Surgical Facility Projects**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

**Schedule Two  
Freestanding Ambulatory Surgical Facility Projects**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Eastern Shore	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

**Comprehensive Care Facility Projects**

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities (“CCFs”). Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent State Health Plan need projection (COMAR 10.24.08, effective October 3, 2014) identifies a net need for beds in the forecast year of 2016 and for which no letters of intent or applications have been filed. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects that do not involve an increase in CCF bed capacity in a jurisdiction. These include projects that involve a proposed capital expenditure for new construction or renovation at an existing CCF, the relocation of an existing facility, or the proposed relocation of some or all of the CCF bed capacity from an existing facility to a new site within the same jurisdiction.

**Schedule One  
Projects Proposing New Comprehensive Care Facility Beds**

<b>Jurisdiction</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
St. Mary’s County	May 4, 2018	May 16, 2018	July 6, 2018
Queen Anne’s County	June 1, 2018	June 13, 2018	August 3, 2018
Worcester County	July 6, 2018	July 18, 2018	September 7, 2018
Harford County	August 3, 2018	August 15, 2018	October 5, 2018



**Schedule One  
Part B: Other Comprehensive Care Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 4, 2018	May 16, 2018	July 6, 2018
Central Maryland	June 1, 2018	June 13, 2018	August 3, 2018
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

**Schedule Two  
Part A: Other Comprehensive Care Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	November 2, 2018	November 14, 2018	January 4, 2019
Western Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Central Maryland	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

**Freestanding Medical Facility Projects**

The Commission hereby publishes the following statewide schedule for Certificate of Need review of proposed projects to establish or relocate freestanding medical facilities (FMFs) and proposed capital expenditures by or on behalf of FMFs that require CON review and approval. Please note that these schedules do not apply to the filing of a request for an Exemption from Certificate of Need by a general hospital seeking to convert to a freestanding medical facility.

**Schedule One  
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
June 8, 2018	June 20, 2018	August 10, 2018

**Schedule Two  
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
December 7, 2018	December 19, 2018	February 8, 2019

**Home Health Agency Projects**

The Commission hereby publishes the following regional schedule for Certificate of Need review of proposed projects to establish new home health agencies or expand existing home health agencies into jurisdictions which the agency has not previously been authorized to serve. Persons interested in submitting Certificate of Need applications for home health agency projects should refer to the State Health Plan for Facilities and Services: Home Health Agency Services, COMAR 10.24.16, effective April 11, 2016. CON application acceptance rules including types of applicants which may apply as well as performance-related qualifications may be found in COMAR 10.24.16.06. Interested persons may consult the Maryland Health Care Commission's website at [www.mhcc.maryland.gov/mhcc/pages/hcfs/hcfs\\_con/hcfs\\_con.aspx](http://www.mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_con/hcfs_con.aspx) to learn more about eligibility qualification for CON applicants.

**SPECIAL DOCUMENTS**

The Commission will use the following regional configuration of jurisdictions for the Home Health Agency Project Reviews:

<b><u>Western Maryland:</u></b> Allegany, Frederick, Garrett, and Washington	<b><u>Upper Eastern Shore:</u></b> Caroline, Cecil, Kent, Queen Anne's and Talbot
<b><u>Lower Eastern Shore:</u></b> Dorchester, Somerset, Wicomico, and Worcester	<b><u>Southern Maryland:</u></b> Calvert and St. Mary's

**Schedule  
Home Health Agency Projects**

<b>Region</b>	<b>Letter of Intent Due Date</b>	<b>Pre-Application Conference Date</b>	<b>Application Submission Date</b>
Upper Eastern Shore	May 4, 2018	May 16, 2018	July 6, 2018

[18-07-28]

# 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.

### ADVISORY COUNCIL ON CEMETERY OPERATIONS

**Subject:** Public Meeting  
**Date and Time:** April 26, 2018, 10 a.m. — 1 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Deborah Rappazzo (410) 230-6229  
[18-07-03]

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

**Subject:** Public Meeting  
**Date and Time:** May 7, 2018, 1 — 3 p.m.  
**Place:** 100 Community Pl., Conf. Rm., Side B, Crownsville, MD  
**Contact:** Jessica Wheeler (410) 697-9342  
[18-07-11]

### STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

**Subject:** Public Meeting  
**Date and Time:** April 5, 2018, 1 — 3 p.m.  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly on the 1st Thursday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
[18-07-10]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** April 10, 2018, 9 — 11 a.m.; part of the meeting may include a closed session  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
[18-07-09]

### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting  
**Date and Time:** April 26, 2018, 9:30 a.m.  
**Place:** Laurel Municipal Bldg., 8103 Sandy Spring Rd., Council Chambers, Laurel, MD  
**Add'l. Info:** If public schools in Prince George's County are CLOSED due to inclement weather, the meeting and any appeals will be rescheduled. Portions of the meeting may be held in closed session.  
**Contact:** Heidi Ritchie (877) 890-0199  
[18-07-22]

### GOVERNOR'S COUNCIL ON GANGS AND VIOLENT CRIMINAL NETWORKS

**Subject:** Public Meeting  
**Date and Time:** April 13, 2018, 11 a.m. — 12:30 p.m.  
**Place:** Governor's Coordinating Offices, 100 Community Pl., Crownsville, MD  
**Add'l. Info:** In accordance with the Open Meetings Act, General Provisions Article, §3-305, Annotated Code of Maryland, a portion of this meeting may be closed to the public.  
**Contact:** Scott Stargel (410) 697-9309  
[18-07-14]

### GOVERNOR'S COUNCIL ON GANGS AND VIOLENT CRIMINAL NETWORKS

**Subject:** Public Meeting  
**Date and Time:** May 11, 2018, 11 a.m. — 12:30 p.m.  
**Place:** Governor's Coordinating Offices, 100 Community Pl., Crownsville, MD  
**Add'l. Info:** In accordance with the Open Meetings Act, General Provisions Article, §3-305, Annotated Code of Maryland, a portion of this meeting may be closed to the public.  
**Contact:** Scott Stargel (410) 697-9309  
[18-07-15]

### GOVERNOR'S COUNCIL ON GANGS AND VIOLENT CRIMINAL NETWORKS

**Subject:** Public Meeting  
**Date and Time:** June 8, 2018, 11 a.m. — 12:30 p.m.  
**Place:** Governor's Coordinating Offices, 100 Community Pl., Crownsville, MD  
**Add'l. Info:** In accordance with the Open Meetings Act, General Provisions Article,

§3-305, Annotated Code of Maryland, a portion of this meeting may be closed to the public.  
**Contact:** Scott Stargel (410) 697-9309  
[18-07-16]

### MARYLAND DEPARTMENT OF HEALTH

**Subject:** Public Meeting  
**Date and Time:** April 18, 2018, 1 — 3 p.m.  
**Place:** Spring Grove Hospital Campus, Dix Bldg., Basement, Catonsville, MD  
**Add'l. Info:** Call-In Option Available  
**Contact:** Berit Dockter (410) 767-5159  
[18-07-02]

### MARYLAND DEPARTMENT OF HEALTH

**Subject:** Public Meeting  
**Date and Time:** April 4, 2018, 4 — 6 p.m.  
**Place:** 201 W. Preston St., Rm. L3, Baltimore, MD  
**Contact:** Christine Boyd (410) 767-8827  
[18-07-17]

### MARYLAND DEPARTMENT OF HEALTH/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

**Subject:** Public Hearing  
**Date and Time:** May 3, 2018, 9 a.m. — 12 p.m.  
**Place:** West Village Commons— Towson University Ballroom C (4th Fl.), 424 Emerson Dr., Towson, MD 21204  
**Add'l. Info:** Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List)  
As soon as available, classes of drugs to be reviewed, speaker registration guidelines and driving directions to meeting location will be posted on the Maryland Pharmacy Program website at: <https://mmcp.health.maryland.gov/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>.  
Submit email questions to: [mdh.marylandpdlquestions@maryland.gov](mailto:mdh.marylandpdlquestions@maryland.gov).  
**Contact:** Shawn Singh (410) 767-6896  
[18-07-13]

## GENERAL NOTICES

402

### MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

**Subject:** Public Notice for the Model Waiver Renewal Application

**Add'l. Info:** Model Waiver for Fragile Children — Renewal — Request for Public Comment

The Maryland Department of Health (MDH) will submit a 1915c home and community-based services waiver renewal application for the Model Waiver for Fragile Children to the Centers for Medicaid and Medicare (CMS) to renew the waiver for 5 additional years effective July 1, 2018. The Maryland Model Waiver for Fragile Children ("Model Waiver") provides home and community-based services to medically fragile individuals who, before the age of 22, would otherwise be institutionalized. The goals of the Model Waiver are to enable 200 medically fragile children to live and be cared for at home rather than in an institution, provide quality services, and ensure the well-being and safety of the individuals served. The Model Waiver includes both State plan and waiver services such as: (1) Case Management; (2) Nursing Services (private duty); (3) Certified Nursing Assistant and Home Health Aide Services; (4) Physician participation in Plan of Care development; and (5) Medical Day Care. When applicable, all services must be provided in settings that meet the federal Community Settings requirements.

Copies of the application are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Dawn Williams, Division of Nursing Services, MDH, 201 W. Preston St., Baltimore, MD 21201, or email to mdh.pdnpreauthorization@maryland.gov.

Public comments can be submitted from March 16, 2018, through April 15, 2018.

**Contact:** Dawn Williams (410) 767-1448  
[18-07-20]

### DEPARTMENT OF INFORMATION TECHNOLOGY

**Subject:** Public Meeting

**Date and Time:** April 11, 2018, 1 — 3 p.m.

**Place:** 100 Community Pl., 1st Fl. Conf. Rm., Side A, Crownsville, MD

**Add'l. Info:** Due to inclement weather, this meeting has been rescheduled from March 21, 2018.

Note: Part of the meeting may be closed to the public in accordance with Open Meeting Act procedures. For further details, please see the DoIT website.

**Contact:** Brittany Brothers (410) 697-9407  
[18-07-35]

### MARYLAND INSURANCE ADMINISTRATION

**Subject:** Public Meeting

**Date and Time:** May 14, 2018, 10 a.m.

**Place:** Maryland Insurance Administration, 200 St. Paul Pl., 22nd Fl., Francis Scott Key Rm., Baltimore, MD

**Add'l. Info:** Insurance Commissioner Al Redmer, Jr., will hold a meeting on Monday, May 14, 2018, at 10 a.m. at the Maryland Insurance Administration, 200 St. Paul Place, 22nd Floor, Francis Scott Key Room, Baltimore, MD 21202 to review what the Maryland Insurance Administration has done and will continue to do in preparation for the 2018 hurricane season. Commissioner Redmer also will discuss how property and casualty insurers can help the Maryland Insurance Administration promptly and efficiently assist Maryland consumers.

If you plan to attend this meeting, please RSVP to joy.hatchette@maryland.gov. If you have any questions, you may also contact Joy Hatchette at the same email address or at 410-468-2029.

You can also call-in to the meeting by dialing 866-247-6034. The passcode is 1573490062.

**Contact:** Joy Hatchette (410) 468-2029  
[18-07-18]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** April 19, 2018, 1 — 4 p.m.

**Place:** 4160 Patterson Ave., Baltimore, MD

**Contact:** Valerie Wooding (410) 764-3570  
[18-07-12]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Receipt of Application

**Add'l. Info:** On March 7, 2018 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Hope House Treatment Center — Matter No. 18-16-2416 — Operation of 22 inpatient detox bed at 429 Main Street, Laurel by converting from existing 313 level of care to 3.7D and 3.7 Residential beds; Estimated Project Cost: \$0.

The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of

proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available for review in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at [www.mhcc.maryland.gov](http://www.mhcc.maryland.gov).

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Ruby Potter (410) 764-3276  
[18-07-24]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Receipt of Application

**Add'l. Info:** On March 9, 2018, the Maryland Health Care Commission (MHCC) received two Certificate of Need applications submitted by:

Peninsula Regional Medical Center — Matter No. 18-22-2417 — Establishment of a 15-bed inpatient psychiatric unit for treatment of children and adolescents at the hospital; Estimated Project Cost: \$8,520,716.

Lorien Nursing & Rehabilitation Center-Columbia — Matter No. 18-13-2418 — Renovations to the facility and the addition of 40 comprehensive care beds; Estimated Project Cost: \$1,287,000.

The MHCC shall review the applications under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the applications. All further notices of proceedings on the applications will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the applications. Copies of the applications are available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at [www.mhcc.maryland.gov](http://www.mhcc.maryland.gov).

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Ruby Potter (410) 764-3276  
[18-07-25]

**MARYLAND HEALTH CARE  
COMMISSION**

**Subject:** Formal Start of Review

**Add'l. Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Suburban Hospital — Docket No. 17-15-2400 — Establish a liver transplant program at the hospital.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business April 30, 2018. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the applications are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Ruby Potter (410) 764-3276  
[18-07-27]

**DEPARTMENT OF NATURAL  
RESOURCES/FISHING AND  
BOATING SERVICES**

**Subject:** Public Notice — Commercial Yellow Perch Opening on the Chester River

**Add'l. Info:** The Secretary of Maryland Department of Natural Resources pursuant to Code of Maryland Regulations (COMAR) 08.02.21.04B announces that the 2018 commercial yellow perch fishery on the Chester River will open on Thursday, March 8, 2018, at 12:01 am.

The Upper Bay and Patuxent River yellow perch fisheries will remain open and are subject to closure when the harvest

target is projected to be met. All other rules remain the same.

Mark J. Belton  
Secretary of Natural Resources  
**Contact:** Tamara O'Connell (410) 507-0779  
[18-07-23]

**COMMISSION OF REAL ESTATE  
APPRAISERS AND HOME  
INSPECTORS**

**Subject:** Public Meeting  
**Date and Time:** April 10, 2018, 10:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Baltimore, MD  
**Contact:** Patricia Schott (410) 230-6165  
[18-07-01]

**STATE TREASURER'S OFFICE**

**Subject:** Public Meeting  
**Date and Time:** April 16, 2018, 2 — 4 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114-116, Annapolis, MD  
**Add'l. Info:** Annual meeting to recommend a State tax rate on real and personal property  
**Contact:** Christian Lund (410) 260-7920  
[18-07-19]

**MARYLAND DEPARTMENT OF  
TRANSPORTATION/OFFICE OF  
MINORITY BUSINESS ENTERPRISE**

**Subject:** Public Meeting  
**Date and Time:** April 4, 2018, 8:30 a.m. — 5 p.m.  
**Place:** Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD  
**Contact:** Sabrina Bass (410) 865-1240  
[18-07-04]

**MARYLAND DEPARTMENT OF  
TRANSPORTATION/OFFICE OF  
MINORITY BUSINESS ENTERPRISE**

**Subject:** Public Meeting  
**Date and Time:** April 18, 2018, 8:30 a.m. — 5 p.m.  
**Place:** Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD  
**Contact:** Sabrina Bass (410) 865-1240  
[18-07-05]

**MARYLAND DEPARTMENT OF  
TRANSPORTATION/OFFICE OF  
MINORITY BUSINESS ENTERPRISE**

**Subject:** Public Meeting  
**Date and Time:** May 2, 2018, 8:30 a.m. — 5 p.m.  
**Place:** Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD  
**Contact:** Sabrina Bass (410) 865-1240  
[18-07-06]

**DEPARTMENT OF VETERANS  
AFFAIRS/MARYLAND VETERANS  
COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** April 17, 2018, 10:30 a.m. — 1 p.m.  
**Place:** 301 N. High Street, Baltimore, MD  
**Contact:** Denise Nooe (410) 260-3840  
[18-07-21]

**BOARD OF WELL DRILLERS**

**Subject:** Public Meeting  
**Date and Time:** April 25, 2018, 9 a.m. — 1 p.m.  
**Place:** 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  
[18-07-08]

# COMAR ORDER INFORMATION SHEET

Date \_\_\_\_\_ Subscriber I.D. \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Tel. \_\_\_\_\_ Fax \_\_\_\_\_

Email: \_\_\_\_\_

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

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

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

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

**Return form & payment to:** Office of the Secretary of State, Division of State Documents ~  
State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

~~~~~

## SPECIAL COMAR PUBLICATIONS

| Publication / Handbook                                             | Print Price | S & H | Quantity | Total |
|--------------------------------------------------------------------|-------------|-------|----------|-------|
| Control of Ionizing Radiation (through supplement 28)              | \$163       | \$12  | _____    | _____ |
| Control of Ionizing Radiation Supplement 27 ONLY                   | \$12        | \$0   | _____    | _____ |
| Control of Ionizing Radiation Supplement 28 ONLY                   | \$18        | \$0   | _____    | _____ |
| Forest Conservation Law                                            | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (blue cover)         | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                             | \$48        | \$11  | _____    | _____ |
|                                                                    |             |       | Total    | _____ |

**If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.**

## COMAR SUBSCRIPTION SCHEDULES

| PDF QUARTERLY UPDATES            | PRINT SEMI-ANNUAL UPDATES       |
|----------------------------------|---------------------------------|
| After March 30 <sup>th</sup>     | After June 30 <sup>th</sup>     |
| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
| After December 31 <sup>st</sup>  |                                 |

**PDF – A replacement title(s) in its entirety will be sent in electronic format.**

**PRINT – Entire chapters affected will be sent for replacement and insertion into COMAR title book(s).**

**COMAR IN PDF — ORDER FORM**

| Titles                                     | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity      | Total |
|--------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------|-------|
| <b>Complete set of COMAR in PDF format</b> |                                                                  | \$1,000            | \$500                     | _____         | _____ |
| <b>Title 01</b>                            | Executive Department                                             | \$35               | \$24                      | _____         | _____ |
| <b>Title 02</b>                            | Office of the Attorney General                                   | \$22               | \$13                      | _____         | _____ |
| <b>Title 03</b>                            | Comptroller of the Treasury                                      | \$30               | \$20                      | _____         | _____ |
| <b>Title 04</b>                            | General Services                                                 | \$16               | \$10                      | _____         | _____ |
| <b>Title 05</b>                            | Housing and Community Development                                | \$78               | \$50                      | _____         | _____ |
| <b>Title 07</b>                            | Human Services                                                   | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Natural Resources                                                | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Labor, Licensing and Regulation                                  | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      | _____         | _____ |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      | _____         | _____ |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      | _____         | _____ |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      | _____         | _____ |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      | _____         | _____ |
| <b>Title 12</b>                            | Public Safety and Correctional Services                          | \$67               | \$43                      | _____         | _____ |
| <b>Title 13A</b>                           | Board of Education                                               | \$63               | \$42                      | _____         | _____ |
| <b>Title 13B</b>                           | Higher Education Commission                                      | \$25               | \$15                      | _____         | _____ |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      | _____         | _____ |
| <b>Title 15</b>                            | Agriculture                                                      | \$48               | \$30                      | _____         | _____ |
| <b>Title 16</b>                            | Juvenile Service                                                 | \$23               | \$15                      | _____         | _____ |
| <b>Title 17</b>                            | Budget and Management                                            | \$28               | \$16                      | _____         | _____ |
| <b>Title 18</b>                            | Assessments and Taxation                                         | \$20               | \$12                      | _____         | _____ |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      | _____         | _____ |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      | _____         | _____ |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      | _____         | _____ |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      | _____         | _____ |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
| <b>Title 24</b>                            | Commerce                                                         | \$34               | \$20                      | _____         | _____ |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       | _____         | _____ |
| <b>Title 26</b>                            | Environment (All parts) **                                       | \$189              | \$125                     | _____         | _____ |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      | _____         | _____ |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      | _____         | _____ |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      | _____         | _____ |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      | _____         | _____ |
| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      | _____         | _____ |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       | _____         | _____ |
| <b>Title 29</b>                            | State Police                                                     | \$30               | \$18                      | _____         | _____ |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems              | \$25               | \$17                      | _____         | _____ |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      | _____         | _____ |
| <b>Title 32</b>                            | Aging                                                            | \$25               | \$15                      | _____         | _____ |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      | _____         | _____ |
| <b>Title 34</b>                            | Planning                                                         | \$31               | \$18                      | _____         | _____ |
| <b>Title 35</b>                            | Veterans Affairs                                                 | \$16               | \$9                       | _____         | _____ |
| <b>Title 36</b>                            | Maryland State Lottery and Gaming Control Agency                 | \$48               | \$30                      | _____         | _____ |
|                                            | Binders ( <u>not</u> included in PDF price)                      | \$15               | + S & H                   | _____         | _____ |
|                                            |                                                                  |                    |                           | <b>Total:</b> | _____ |

Prices are for single-user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

<sup>1</sup> Price is per copy of each Title.

<sup>2</sup> Annual Subscription - Receive updated COMAR Title(s) quarterly. ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents.

**COMAR IN PRINT — ORDER FORM (8 ½ x 11 format)**

| Titles                                                   | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity                  | Total |
|----------------------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------------------|-------|
| <b>Complete set of COMAR in Print (includes binders)</b> |                                                                  | \$1,425            | \$700                     | _____                     | _____ |
| <b>Title 01</b>                                          | Executive Department                                             | \$47               | \$30                      | _____                     | _____ |
| <b>Title 02</b>                                          | Office of the Attorney General                                   | \$31               | \$20                      | _____                     | _____ |
| <b>Title 03</b>                                          | Comptroller of the Treasury                                      | \$41               | \$25                      | _____                     | _____ |
| <b>Title 04</b>                                          | General Services                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 05</b>                                          | Housing and Community Development                                | \$103              | \$70                      | _____                     | _____ |
| <b>Title 07</b>                                          | Human Services                                                   | \$104              | \$70                      | _____                     | _____ |
| <b>Title 08</b>                                          | Natural Resources                                                | \$102              | \$70                      | _____                     | _____ |
| <b>Title 09</b>                                          | Labor, Licensing and Regulation                                  | \$116              | \$75                      | _____                     | _____ |
| <b>Title 10</b>                                          | Maryland Department of Health (All Parts)**                      | \$350              | \$230                     | _____                     | _____ |
| <b>Title 10</b>                                          | Part 1 **                                                        | \$65               | \$40                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 2 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 3 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 4 **                                                        | \$69               | \$42                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 5 **                                                        | \$91               | \$62                      | _____                     | _____ |
| <b>Title 11</b>                                          | Transportation (All parts) **                                    | \$137              | \$85                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 1 (Transportation)**                                        | \$55               | \$35                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 2 (MVA) **                                                  | \$102              | \$70                      | _____                     | _____ |
| <b>Title 12</b>                                          | Public Safety and Correctional Services                          | \$86               | \$55                      | _____                     | _____ |
| <b>Title 13A</b>                                         | Board of Education                                               | \$83               | \$60                      | _____                     | _____ |
| <b>Title 13B</b>                                         | Higher Education Commission                                      | \$34               | \$20                      | _____                     | _____ |
| <b>Title 14</b>                                          | Independent Agencies                                             | \$103              | \$70                      | _____                     | _____ |
| <b>Title 15</b>                                          | Agriculture                                                      | \$63               | \$40                      | _____                     | _____ |
| <b>Title 16</b>                                          | Juvenile Service                                                 | \$32               | \$20                      | _____                     | _____ |
| <b>Title 17</b>                                          | Budget and Management                                            | \$38               | \$25                      | _____                     | _____ |
| <b>Title 18</b>                                          | Assessments and Taxation                                         | \$28               | \$18                      | _____                     | _____ |
| <b>Title 19A</b>                                         | State Ethics Commission                                          | \$33               | \$20                      | _____                     | _____ |
| <b>Title 20</b>                                          | Public Service Commission                                        | \$64               | \$42                      | _____                     | _____ |
| <b>Title 21</b>                                          | State Procurement Regulations                                    | \$65               | \$42                      | _____                     | _____ |
| <b>Title 22</b>                                          | State Retirement and Pension System                              | \$33               | \$18                      | _____                     | _____ |
| <b>Title 23</b>                                          | Board of Public Works                                            | \$26               | \$15                      | _____                     | _____ |
| <b>Title 24</b>                                          | Commerce                                                         | \$47               | \$25                      | _____                     | _____ |
| <b>Title 25</b>                                          | State Treasurer                                                  | \$23               | \$12                      | _____                     | _____ |
| <b>Title 26</b>                                          | Environment (All parts) **                                       | \$241              | \$160                     | _____                     | _____ |
| <b>Title 26</b>                                          | Part 1 **                                                        | \$72               | \$42                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 2 **                                                        | \$109              | \$72                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 3 **                                                        | \$76               | \$50                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 4 **                                                        | \$51               | \$30                      | _____                     | _____ |
| <b>Title 27</b>                                          | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$26               | \$15                      | _____                     | _____ |
| <b>Title 28</b>                                          | Office of Administrative Hearings                                | \$23               | \$12                      | _____                     | _____ |
| <b>Title 29</b>                                          | State Police                                                     | \$40               | \$22                      | _____                     | _____ |
| <b>Title 30</b>                                          | MD Institute for Emergency Medical Services Systems              | \$34               | \$20                      | _____                     | _____ |
| <b>Title 31</b>                                          | Maryland Insurance Administration                                | \$90               | \$62                      | _____                     | _____ |
| <b>Title 32</b>                                          | Aging                                                            | \$34               | \$18                      | _____                     | _____ |
| <b>Title 33</b>                                          | State Board of Elections                                         | \$57               | \$35                      | _____                     | _____ |
| <b>Title 34</b>                                          | Planning                                                         | \$42               | \$25                      | _____                     | _____ |
| <b>Title 35</b>                                          | Veterans Affairs                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 36</b>                                          | Maryland State Lottery and Gaming Control Agency                 | \$65               | \$43                      | _____                     | _____ |
|                                                          | Additional Binder                                                | \$15               | + S & H                   | _____                     | _____ |
| <b>Shipping &amp; Handling Total:</b> _____              |                                                                  |                    |                           | <b>Order Total:</b> _____ |       |

<sup>1</sup> Price is per copy of each Title and includes binders.

<sup>2</sup> Annual Subscription - Receive updated information semi-annually ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents

*Note: COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than three months old, call the COMAR Subscription Manager (410-260-3876) to confirm prices. **Fees are not refundable.***

| <b>Shipping/Handling</b>                              |                 |
|-------------------------------------------------------|-----------------|
| <u>Publication Total</u>                              | <u>Shipping</u> |
| \$ 0-50                                               | \$15            |
| \$ 51-150                                             | \$25            |
| \$ 151-300                                            | \$30            |
| \$ 301-400                                            | \$45            |
| \$400 + please call Subscription Department.          |                 |
| <i>State agencies using courier, may omit S&amp;H</i> |                 |





Date: \_\_\_\_\_

Subscriber Id.# \_\_\_\_\_

# Maryland Register

## Print and E-Version Order Form

The Maryland Register is a biweekly publication containing proposed, emergency, and final administrative regulations as well as other State government information. The Register serves as the temporary supplement to the Code of Maryland Regulations (COMAR). Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

See separate [Order Form](#) for the Maryland Register Archive Issues from 1974 — 2016.

- ❖ \_\_\_\_\_ \$225 A single year of the Maryland Register in Print ~ 1<sup>st</sup> Class Mail Delivery.
- ❖ \_\_\_\_\_ \$ 15 1 Binder for half a year of Maryland Register issues in Print.
- ❖ \_\_\_\_\_ \$ 25 2 Binders for a full year of Maryland Register issues in Print.
- ❖ \_\_\_\_\_ \$190 A **single-user** annual e-Subscription, which provides a searchable pdf text file of each issue, emailed directly to one recipient's email address.
- ❖ \_\_\_\_\_ \$130 *Per additional user, per account subscription.* Call 410-260-3876 for details.

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

- ❖ Please order by *faxing* the completed form to: Business/Agency: \_\_\_\_\_  
 Fax: 410-280-5647 Name: \_\_\_\_\_
- ❖ By *mailing* it to: Billing Address: \_\_\_\_\_  
 Division of State Documents \_\_\_\_\_  
 State House City, State, Zip \_\_\_\_\_  
 Annapolis, MD 21401 Tel: \_\_\_\_\_ Fax: \_\_\_\_\_
- ❖ By *emailing* it to: Recipient's Email: \_\_\_\_\_  
[dsubscriptions\\_sos@Maryland.gov](mailto:dsubscriptions_sos@Maryland.gov)
- ❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

**Money Order or Check # \_\_\_\_\_ Amount: \$ \_\_\_\_\_ or**

**VISA, MasterCard, American Express, Discover ~ Amount: \$ \_\_\_\_\_**

Card # \_\_\_\_\_ Card Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**Fees are not refundable.**

Last updated 1/2017



Date: \_\_\_\_\_

Subscriber Id.# \_\_\_\_\_

# Maryland Register

## Archive Order Form

The Division of State Documents has created pdf files of all the Maryland Register issues since 1974. The issues from 1974—2003 are scanned images of the actual Register in pdf format and, as such, are not searchable, while the issues beginning with 2004 are *searchable text* in pdf format files.

❖ Single issues of the Maryland Register from 1974—present

\_\_\_\_\_ \$10 Per issue of the Register from 1974—present via emailed pdf file.  
Please specify **Issue(s)**: \_\_\_\_\_

\_\_\_\_\_ \$15 Per issue of the Maryland Register from 1974—present via mailed hard-copy  
Please specify **Issue(s)**: \_\_\_\_\_

❖ An archival library of all Maryland Register issues from 1974—2017:

\_\_\_\_\_ \$375 2 DVDs (1974 — 2017)

\_\_\_\_\_ \$50 One year of the Maryland Register from 1974—2003 (unsearchable):  
Please specify **Year(s)**: \_\_\_\_\_

❖ \_\_\_\_\_ \$100 A single year of issues from 2004 forward will be available in January of the year following their publication. These will be searchable files, on CD.

Please specify year(s) between 2004 through 2017: \_\_\_\_\_

**Note:** All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland).

By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

❖ Please order by *faxing* the completed form to:

Fax: 410-280-5647

Business/Agency: \_\_\_\_\_

Name: \_\_\_\_\_

❖ By *mailing* it to:

Division of State Documents  
State House  
Annapolis, MD 21401

Billing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

❖ By *emailing* it to:

[dsubscriptions\\_sos@Maryland.gov](mailto:dsubscriptions_sos@Maryland.gov)

Recipient's Email: \_\_\_\_\_

❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

**Money Order or Check #** \_\_\_\_\_ **Amount: \$** \_\_\_\_\_ **or**

**VISA, MasterCard, American Express, Discover ~ Amount: \$** \_\_\_\_\_

Card # \_\_\_\_\_ Card Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**MDH Pamphlets ORDER FORM**

Date: \_\_\_\_\_

Subscriber ID#: \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_ P. O. Box: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

| <b><u>Codification #</u></b> | <b><u>Pamphlet Title</u></b>                                                                                                                              | <b><u>Price / #</u></b> |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| COMAR 10.05                  | Freestanding Ambulatory Care Facilities — Dec 2015.....                                                                                                   | * \$10 × _____          |
| COMAR 10.07.01               | Acute General Hospitals and Special Hospitals — March 2015.....                                                                                           | \$10 × _____            |
| COMAR 10.07.02               | Comprehensive Care Facilities and Extended Care Facilities — July 2017.....                                                                               | \$15 × _____            |
| COMAR 10.07.03               | Health Care Staff Agencies — July 2017.....                                                                                                               | \$10 × _____            |
| COMAR 10.07.05               | Residential Service Agencies — July 2017.....                                                                                                             | \$12 × _____            |
| COMAR 10.07.06               | Hospital Patient Safety Program — Apr 2004.....                                                                                                           | \$ 8 × _____            |
| COMAR 10.07.07               | Nursing Referral Service Agencies — Dec 2006.....                                                                                                         | \$ 8 × _____            |
| COMAR 10.07.09               | Bill of Rights: Comp. Care Facil. & Extended Care Facilities — Aug 2009.....                                                                              | \$ 9 × _____            |
| COMAR 10.07.10               | Home Health Agencies — June 2016.....                                                                                                                     | \$ 8 × _____            |
| COMAR 10.07.11               | Health Maintenance Organizations — Aug 2010.....                                                                                                          | \$10 × _____            |
| COMAR 10.07.14               | Assisted Living Programs — July 2017.....                                                                                                                 | \$15 × _____            |
| COMAR 10.07.21               | Hospice Care Programs — Sep 1998.....                                                                                                                     | \$ 9 × _____            |
| COMAR 10.10                  | Laboratory Regulations — Aug 2016.....                                                                                                                    | \$18 × _____            |
| COMAR 10.12.04               | Day Care for the Elderly and Adults with a Medical Disability — Dec 2015.....                                                                             | \$10 × _____            |
| COMAR 10.15.03               | Food Service Facilities — July 2017.....                                                                                                                  | \$15 × _____            |
| COMAR 10.21                  | Mental Hygiene Regulations — July 2017.....                                                                                                               | \$27 × _____            |
| COMAR 10.22                  | Developmental Disabilities — Oct 2015.....                                                                                                                | \$20 × _____            |
| COMAR 10.47                  | Alcohol And Drug Abuse Administration — Feb 2016.....                                                                                                     | \$15 × _____            |
| COMAR 10.51                  | Forensic Laboratories — July 2015.....                                                                                                                    | \$15 × _____            |
| COMAR NPA                    | Nurse Practice Act — Oct 2017 <input type="checkbox"/> 6x9 Bound Bk <input type="checkbox"/> 8x11 Loose leaf <input type="checkbox"/> Opt. Binder +\$15** | \$32 × _____            |
| COMAR 10.62                  | Natalie Laprade Medical Cannabis Commission — Sep 2015.....                                                                                               | \$15 × _____            |
| COMAR 10.63                  | Community-Based Behavioral Health Programs & Services — July 2017.....                                                                                    | \$13 × _____            |

**Fees are not refundable**

\* *Price of pamphlets includes shipping*  
\*\* *Orders of 3 or more ~ call for pricing*

TOTAL: \$ \_\_\_\_\_

Payment Method, \_\_\_\_\_ Check enclosed, made payable to: “**The Division of State Documents**”

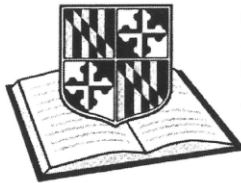
Choose/Check one: \_\_\_\_\_ VISA / Master Card / American Express / Discover card payment:

Acct.# \_\_\_\_\_ Exp. Date: \_\_\_\_\_

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

**Return form and payment to:** Office of the Secretary of State  
Division of State Documents ~ State House ~ Annapolis, MD 21401  
Tel: 410-260-3876 ~ 800-633-9657 ~ Fax: 410-280-5647

**Note:** COMAR prices may change. Check the date on the lower right hand corner of this form. If the form is more than 3 months old, call the Subscription Manager 410-260-3876 to confirm prices. **Last Updated 12/2017**



**Office of the  
Secretary of State**

*Division of State Documents*

*State House  
Annapolis, MD 21401*

***PUBLISHERS OF:***

The Code of Maryland Regulations (COMAR)

The Maryland Register

*For information, contact:*

Telephone: 410.260.3876 or 800.633.9657

E-Mail address: [dsubscriptions\\_sos@maryland.gov](mailto:dsubscriptions_sos@maryland.gov)

Website: [www.dsd.state.md.us](http://www.dsd.state.md.us)