

Maryland Register

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Volume 45 • Issue 8 • Pages 405—448

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before March 26, 2018, 5 p.m.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 26, 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)

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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.

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Illustrations by Carolyn Anderson, Dept. of General Services

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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.

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COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES through 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 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.

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.

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)
08.07.07.02-1 • 45:8 Md. R. 423 (4-13-18) (ibr)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.03.13.02 • 44:21 Md. R. 987 (10-13-17)
09.21.02.03 • 45:8 Md. R. 424 (4-13-18)
09.32.06.01—.04,.07—.11 • 45:8 Md. R. 424 (4-13-18)

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)

Subtitle 09 (2nd volume)

10.09.09.03 • 45:8 Md. R. 427 (4-13-18)
10.09.10.01, .03, .04, .06-.35 • 45:7 Md. R. 349 (3-30-18)
10.09.15.01,.04—.09,.11 • 45:8 Md. R. 427 (4-13-18)
10.09.16.01—.13 • 45:8 Md. R. 429 (4-13-18)
10.09.17.01—.04,.06 • 45:8 Md. R. 429 (4-13-18)
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)
10.09.69.01—.17 • 45:1 Md. R. 28 (1-5-18)
10.09.78.07,.08 • 45:8 Md. R. 430 (4-13-18)

Subtitles 10 — 22 (3rd Volume)

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)
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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)
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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)
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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)
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 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)

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10.39.01.01,.05,.07—.09 • 45:2 Md. R. 96 (1-19-18)
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 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)
 10.40.06.03 • 45:8 Md. R. 431 (4-13-18)
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 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)
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 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)
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 10.53.11.01 • 45:2 Md. R. 96 (1-19-18)
 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)
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 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.03.04.02—.04 • 45:8 Md. R. 431 (4-13-18)
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15 DEPARTMENT OF AGRICULTURE

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 21.10.04.04 • 45:4 Md. R. 221 (2-16-18)
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 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

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26.03.02.02 • 45:8 Md. R. 433 (4-13-18)
 26.03.03.05 • 45:7 Md. R. 381 (3-30-18)
 26.03.13.02,.03 • 45:8 Md. R. 434 (4-13-18)
 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)
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 26.08.11.01—.14 • 44:25 Md. R. 1189 (12-8-17)
 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)
 26.17.04.10 • 45:8 Md. R. 434 (4-13-18)

Subtitles 19—27 (Part 4)

26.23.01.02,.03,.05 • 45:8 Md. R. 435 (4-13-18)
 26.23.02.01,.02,.09 • 45:8 Md. R. 435 (4-13-18)
 26.23.02.08 • 45:8 Md. R. 437 (4-13-18)
 26.23.03.01,.02 • 45:8 Md. R. 435 (4-13-18)
 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)

PENDING PROPOSALS

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**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 Governor

EXECUTIVE ORDER 01.01.2018.09

Declaration of a State of Emergency

WHEREAS, The State of Maryland is subject to a variety of hazards or disasters including, but not limited to, a severe storm;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency there may be a need to take protective actions to protect the lives and property of citizens expected to be impacted by this severe storm;

WHEREAS, Because of the potential impacts of this severe storm on the State of Maryland, to include power outages, damage to infrastructure, and severe flooding, and because we must prepare for all contingencies, an emergency exists in all jurisdictions of the State of Maryland;

WHEREAS, Use of resources of the Maryland National Guard may be required;

WHEREAS, An order to implement the emergency powers of the Governor is a prerequisite for potential federal emergency and disaster assistance; and

WHEREAS, In order to implement the emergency powers of the Governor, waive certain regulations to facilitate emergency response and restoration activities, activate certain emergency contracts, and facilitate the deployment of requisite resources within provisions of Maryland law, an executive order of the Governor is appropriate;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. A State of Emergency exists in all Maryland Counties and Baltimore City.

B. I call the Maryland National Guard into state service.

C. I authorize the Maryland Emergency Management Agency and all other appropriate State authorities to engage, deploy, use, and coordinate available resources in support of local jurisdictions and the citizens of Maryland, and activate their emergency preparedness plans.

D. I authorize all Executive Branch Departments and Agencies to take administrative or other actions including, but not limited to, the powers enumerated in §14-107 of the Public Safety Article, including the clearance and removal of debris and wreckage as necessary, in order to protect the public health, welfare, or safety, and to facilitate the safe, rapid, and orderly delivery of resources and critical public safety services by said agencies, local jurisdictions, and private sector providers during the effective period of this order.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, effective this 2nd Day of March, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-08-40]

EXECUTIVE ORDER 01.01.2018.10

Rescission of Executive Order 01.01.2018.09

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Order 01.01.2018.09 due to the threat to the public health and safety caused by the impact of a significant storm effecting all jurisdictions in the State of Maryland; and

WHEREAS, The emergency conditions caused by the impact of the significant storm no longer exist.

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE EMERGENCY THAT EXISTED IN ALL JURISDICTIONS IN THE STATE OF MARYLAND IS TERMINATED AND HEREBY RESCIND EXECUTIVE ORDER 01.01.2018.09.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, effective this 8th Day of March, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-08-41]

EXECUTIVE ORDER 01.01.2018.11

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

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

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

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02, EFFECTIVE FROM MARCH 27, 2018, AND SHALL EXPIRE ON APRIL 26, 2018, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

THE GOVERNOR

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 26th Day of March, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-08-42]

The General Assembly

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

SYNOPSIS NO. 7

House Bills

HB1826 Del Robinson. Environment – Water Pollution Control – Water Quality Certification.

HB1827 Del Lam, et al. Baltimore County – Public Schools – Construction and Renovation of Schools.

HB1828 Dels Angel and Wilson. Address Confidentiality Programs – Obtaining or Disclosing Protected Information – Prohibitions and Penalties.

HB1829 Del Bromwell, et al. Baltimore County Public Schools – Office of Inspector General – Establishment.

HB1830 Dels B. Barnes and Pena–Melnik. Higher Education – Maryland Community College Universal Scholarships – Established.

HB1831 Dels Morhaim and Szeliga. Baltimore County Public Schools – Student Misconduct Offenses Relating to Weapons – Report.

[18-08-34]

Senate Bill

SB1268 Sen Middleton. Criminal Procedure – Lifetime Sexual Offender Supervision – Violations and Petitions for Discharge.

[18-08-33]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion & Order of the Court of Appeals dated February 15, 2018, **VERNON CHARLES DONNELLY**, P.O. Box 1464, Solomons, Maryland 20688, has been suspended for thirty (30) days, effective March 19, 2018, 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 22, 2018, **ELIZABETH MARGARET FISCHER**, 2323 Henshaw Place, #303, Alexandria, VA 22311, 2801 Park Center Drive, Apt. A805, Alexandria, VA 22302, 18142 Country Trail Ct., Wildwood, MO 63038, 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 an Order of the Court of Appeals dated March 23, 2018, **MIKE MEIER**, 6525 76th Street, Cabin John, Maryland 20818, has been suspended for thirty (30) days, 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 23, 2018, **JASON MARK SIMS**, c/o Jacquelyn Allen, Esquire, Griffith & Wheat PLLC, 1156 15th Street, NW, Suite 510, Washington, DC 20005, has been suspended, 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 Opinion & Order of the Court of Appeals dated March 27, 2018, **ANNA G. AITA**, 12 N. Crain Highway, 2nd Floor, Glen Burnie, Maryland 21061, 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 an Order of the Court of Appeals dated March 27, 2018, **ANN O. JARRELL**, 3603 Gleneagles Drive, 6-2A, Silver Spring, Maryland 20906, has been placed on inactive status 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).

[18-08-39]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

Title 11 DEPARTMENT OF TRANSPORTATION

Notice of Opportunity for Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA) is currently reviewing and evaluating the following chapters:

- 11.20.01 Motorcycle Safety Training Centers
- 11.21.01 Motor Carrier Safety
- 11.21.02 Diesel Vehicle Emissions Control Program
- 11.22.01 Administrative Requirements
- 11.22.02 Preventive Maintenance Standards for Trucks and Truck Tractors
- 11.22.03 Preventive Maintenance Standards for Multipurpose Passenger Vehicles and Passenger Buses
- 11.22.04 May 30, 2018
- 11.23.01 Drivers' School
- 11.23.02 Driver Education Program

The purpose of this review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions. Pursuant to its work plan, MDOT MVA will evaluate the need to retain, amend, or repeal the regulations based on whether the regulations:

- Continue to be necessary for public interest;
- Continue to be supported by statutory authority and judicial opinions;
- Are obsolete or otherwise appropriate for amendment or repeal;
- Continue to be effective in accomplishing the intended purposes of the regulations.

MDOT MVA would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on the regulations. The comments may address any concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes. Comments must be received by **May 30, 2018**.

Comments should be directed to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Room 200, Glen Burnie, Maryland 21062 or by email to tshffield@mdot.state.md.us.

[18-08-26]

Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services

Authority: Health-General Article, §§19-109(a)(1) and 19-121, Annotated Code of Maryland

Notice of Emergency Action

[17-312-E-I]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulation .01 under **COMAR 10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services — Acute Inpatient Rehabilitation Services**. This action was considered by the Commission at an open meeting held on November 16, 2017, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302(c), Annotated Code of Maryland.

Emergency status began: March 17, 2018.

Emergency status expires: June 22, 2018.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 45:4 Md. R. 211—212 (February 16, 2018), referenced as [17-312-P].

ROBERT E. MOFFIT, Ph.D.
Chair

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 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[18-009-F]

On March 22, 2018, the Maryland Racing Commission adopted amendments to Regulation **.07** under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 45:2 Md. R. 83 — 84 (January 19, 2018), has been adopted as proposed.

Effective Date: April 23, 2018.

J. MICHAEL HOPKINS
Executive Director

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.01 Board of Boiler Rules

Authority: Public Safety Article, §12-905, Annotated Code of Maryland

Notice of Final Action

[17-269-F]

On March 26, 2018, the Commissioner of Labor and Industry adopted amendments to Regulations **.01, .01-1, .01-2, .08, .09, .14, .14-1, .15, .16, .16-1, .17, .27, .28, .28-1, .28-2, .28-3, .29, .34, and .35**, the repeal of existing Regulation **.19**, and new Regulation **.19** under **COMAR 09.12.01 Board of Boiler Rules**. This action, which was proposed for adoption in 44:23 Md. R. 1083 — 1093 (November 13, 2017), has been adopted as proposed.

Effective Date: April 23, 2018.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards

Authority: Labor and Employment Article, §12-106(b)(4), Annotated Code of Maryland

Notice of Final Action

[17-247-F]

On March 14, 2018, the Commissioner of Labor and Industry adopted through incorporation by reference **under COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, amendments to 29 CFR Parts 1910 and 1926, published in 79 FR 20629—20743 (April 11, 2014). This action, which was proposed for adoption in 44:21 Md. R. 987—988 (October 13, 2017), has been adopted as proposed.

Effective Date: April 23, 2018.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards

Authority: Labor and Employment Article, §12-106(b)(4), Annotated Code of Maryland

Notice of Final Action

[17-249-F]

On March 14, 2018, the Commissioner of Labor and Industry adopted through incorporation by reference **under COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, amendments to 29 CFR Part 1910 published in 81 FR 82981 — 83006 (November 18, 2016). This action, which was proposed for adoption in 44:21 Md. R. 988 (October 13, 2017), has been adopted as proposed.

Effective Date: April 23, 2018.

MATTHEW S. HELMINIAK
Commissioner of Labor and Industry

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.11 Lower Appeals Division — Appeals Procedure

Authority: Labor and Employment Article, §8-504, Annotated Code of Maryland.

Notice of Final Action

[17-322-F]

On February 23, 2018, the Secretary of Labor, Licensing, and Regulation adopted amendments to Regulations .01, .02, and .04 under **COMAR 09.32.11 Lower Appeals Division — Appeals Procedure**. This action, which was proposed for adoption in 45:1 Md. R. 15 — 17 (January 5, 2018), has been adopted as proposed.

Effective Date: April 23, 2018.

KELLY M. SCHULZ
Secretary

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 06 DISEASES

10.06.01 Communicable Diseases and Related Conditions of Public Health Importance

Authority: Health-General Article, §§2-104(b), 18-102, 18-201, 18-202, and 18-205, Annotated Code of Maryland

Notice of Final Action

[18-039-F]

On March 28, 2018, the Secretary of Health adopted amendments to Regulation .03 under **COMAR 10.06.01 Communicable Diseases and Related Conditions of Public Health Importance**. This action, which was proposed for adoption in 45:3 Md. R. 161—162 (February 2, 2018), has been adopted as proposed.

Effective Date: April 23, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 07 HOSPITALS

10.07.01 Acute General Hospitals and Special Hospitals

Authority: Health-General Article, §§19-308, 19-342, 19-349.1, and 19-380—19-385, Annotated Code of Maryland

Notice of Final Action

[17-317-F]

On March 28, 2018, the Secretary of Health adopted amendments to Regulations .01 and .29 and new Regulations .35—37 under **COMAR 10.07.01 Acute General and Special Hospitals**. This action, which was proposed for adoption in 45:1 Md. R. 17—19 (January 5, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: April 23, 2018.

Attorney General's Certification

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

Regulation .35B: This change does not impact what is required of a hospital but instead deletes unnecessary language regarding the purpose of the regulation, which is to allow sufficient time to prepare the caregiver for the aftercare of the patient as required elsewhere in the proposed regulations under proposed COMAR 10.07.01.35I.

Regulation .36B(7)(d): The term “corporal punishment” is subsumed within the broader meaning of the term “mistreatment” and thus the final regulation continues to prohibit corporal punishment.

Regulation .36C: This change clarifies that a hospital is only required to provide a written copy of the patient’s rights to the patient upon request.

.35 Designation of Lay Caregivers.

A. (proposed text unchanged)

B. *The hospital’s discharge planning shall include the designation of the lay caregiver as soon as practicable in the discharge planning process* [[to allow for post discharge training]].

C.—K. (proposed text unchanged)

.36 Patient Rights.

A. (proposed text unchanged)

B. *The hospital’s patient rights shall at minimum address:*

(1)—(6) (proposed text unchanged)

(7) *Freedom from:*

(a)—(c) (proposed text unchanged)

(d) [[*Corporal punishment*]] Mistreatment;

(8)—(9) (proposed text unchanged)

C. *All patients receiving services at the hospital, have the right to receive written copies of the hospital’s patient rights upon request.*

D.—E. (proposed text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

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

Notice of Final Action

[18-004-F]

On April 4, 2018, the Secretary of Health adopted amendments to Regulations .03—05, .07, and .09 under **COMAR 10.09.59 Specialty Mental Health Services**. This action, which was proposed for adoption in 45:1 Md. R. 22—24 (January 5, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: April 23, 2018.

Attorney General's Certification

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

Regulation .04B: The Department corrected an error in referring to the BHA license as certification.

Regulation .04B, B(1), (2), (3)(a), (4)(a), D(4)(a): The Behavioral Health Administration has determined it will not repeal COMAR

10.21 effective April 1, 2018; therefore references to COMAR 10.21 are no longer being deleted from the chapter.

Regulation .04B(4)(b)(i) and (ii): In response to comments received, the Department clarified that ‘on site’ means on site at the agency as a whole, not necessarily per individual location.

Regulation .05B(1)(b), .05C(1)(b): In response to comments received, the Department clarified that while referring providers do not need to be completely unaffiliated with the PRP, patients are required to have an informed choice of PRPs.

Regulation .05B(1)(c), .05C(1)(c): The Department clarified that the provider referring an individual to PRP services shall be currently providing treatment to the individual.

Regulation .05B(2), .05C(4): In response to comments received, the Department corrected two typos referring to the mental health diagnosis table listed in COMAR 10.09.70.02L.

Regulation .07X(1) and (2): The Department has corrected typos in the proposed language in order to align with corresponding language in other chapters.

.04 Provider Requirements for Participation.

A. (proposed text unchanged)

B. Community Mental Health Program Providers. To participate in the Program as a community-based mental health program provider, the provider shall be approved under [[[]] COMAR 10.21.16 [[and]]] or COMAR 10.63.01, 10.63.02, and 10.63.06 [[[]]], whichever is applicable, [[[]]] and possess [[certification]] licensure by the Behavioral Health Administration as:

(1) A psychiatric rehabilitation program serving adults in compliance with COMAR 10.21.21 or 10.63.03.09, whichever is applicable;

(2) A psychiatric rehabilitation program serving minors in compliance with COMAR 10.21.29 or 10.63.03.10, whichever is applicable;

(3) A mobile treatment program in compliance with:

(a) COMAR 10.21.19 or 10.63.03.04, whichever is applicable;

(b)—(c) (proposed text unchanged)

(4) An outpatient mental health clinic in compliance with:

(a) COMAR 10.21.20 or 10.63.03.05, whichever is applicable;

and

(b) Staffing requirements as described in COMAR 10.63.03.05 and including:

(i) A program director who is a licensed mental health professional or has a master’s degree in a related field and is employed by the OMHC and is on-site at the agency as a whole for at least 20 hours per week;

(ii) A medical director as described in COMAR 10.63.03.05 and is on-site at the agency as a whole for at least 20 hours per week;

(iii)—(iv) (proposed text unchanged)

C. (proposed text unchanged)

D. Other Licensed or Approved Mental Health Providers. To participate in the Program as a specialty mental health provider not defined in §§A—C of this regulation, a provider shall be approved pursuant to COMAR as a:

(1)—(3) (proposed text unchanged)

(4) Non-hospital-based mental health psychiatric day treatment provider in compliance with:

(a) COMAR 10.21.02 or 10.63.03.08, whichever is applicable;

(b)—(d) (proposed text unchanged)

(5)—(8) (text unchanged)

.05 Eligibility.

A. (proposed text unchanged)

B. Individuals are eligible for Psychiatric Rehabilitation Programs for adults if the individual:

(1) Has been referred for psychiatric rehabilitation program services by a licensed mental health professional who:

(a) (proposed text unchanged)

(b) [[Is unaffiliated with the psychiatric rehabilitation program]] Facilitates an informed choice of psychiatric rehabilitation program providers; and

(c) [[Provides]] Currently provides inpatient, residential treatment center, or outpatient mental health services to the individual;

(2) Has a diagnosis listed in [[COMAR 10.09.70.02K]] COMAR 10.09.70.02L; and

(3) (proposed text unchanged)

C. Individuals are eligible for Psychiatric Rehabilitation Programs for minors if the individual:

(1) Has been referred for psychiatric rehabilitation program services by a licensed mental health professional who:

(a) (proposed text unchanged)

(b) [[Is unaffiliated with the psychiatric rehabilitation program]] Facilitates an informed choice of psychiatric rehabilitation program providers; and

(c) [[Provides]] Currently provides inpatient, residential treatment center, or outpatient mental health services to the minor;

(2)—(3) (proposed text unchanged)

(4) Has a diagnosis listed in [[COMAR 10.09.70.02K]] COMAR 10.09.70.02L and severe functional impairments in at least one life domain;

(5)—(6) (proposed text unchanged)

D. (proposed text unchanged)

.07 Limitations.

The Program does not cover the following:

A.—W. (proposed text unchanged)

X. Psychiatric rehabilitation services referred by:

(1) [[A licensed mental health professional]] An individual who is not enrolled as a provider in the Program with an active [[states]] status on the date of service; [[or]] and

(2) An entity, facility, or another provider that is not [[a licensed mental health professional]] an individual.

ROBERT R. NEALL
Secretary of Health

Subtitle 11 MATERNAL AND CHILD HEALTH

10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood

Authority: Health-General Article, §18-107, Annotated Code of Maryland

Notice of Final Action

[18-012-F]

On March 26, 2018, the Secretary of Health adopted amendments to Regulations .02, .03, and .05 — .13 under COMAR 10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood. This action, which was proposed for adoption in 45:2 Md. R. 86 — 89 (January 19, 2018), has been adopted as proposed.

Effective Date: April 23, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 32 BOARD OF PHYSICIANS

Notice of Final Action
[17-209-F]

On March 28, 2018, the Secretary of Health adopted:

- (1) Amendments to Regulation **.12** under **COMAR 10.32.01 General Licensure Regulations**; and
- (2) The repeal in their entirety of Regulations **.01 — .07** under **COMAR 10.32.07 Unlicensed Medical Practitioners**.

This action, which was proposed for adoption in 45:3 Md. R. 162 — 163 (February 2, 2018), has been adopted as proposed.
Effective Date: April 23, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Notice of Final Action
[17-211-F]

On March 28, 2018, the Secretary of Health adopted:

- (1) Amendments to Regulation **.05** under **COMAR 10.60.01 General Regulations**; and
- (2) Amendments to Regulation **.01** and new Regulation **.04** under **COMAR 10.60.03 Continuing Education**.

This action, which was proposed for adoption in 45:3 Md. R. 163 — 164 (February 2, 2018), has been adopted as proposed.
Effective Date: April 23, 2018.

ROBERT R. NEALL
Secretary of Health

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.11 Animal Shelters — Minimum Standards of Care

Authority: Agriculture Article, §2-1701, et seq., Annotated Code of Maryland

Notice of Final Action
[18-040-F]

On April 3, 2018, the Secretary of Agriculture adopted new Regulations **.01 — .09** under a new chapter, **COMAR 15.01.11 Animal Shelters — Minimum Standards of Care**. This action, which was proposed for adoption in 45:4 Md. R. 217 — 220 (February 16, 2018), has been adopted as proposed.
Effective Date: April 23, 2018.

JOSEPH BARTENFELDER
Secretary of Agriculture

Subtitle 06 PLANT PEST CONTROL

15.06.04 Regulation of Invasive Plants

Authority: Agriculture Article, §9.5-301, et seq., Annotated Code of Maryland

Notice of Final Action
[18-041-F]

On April 3, 2018, the Secretary of Agriculture adopted amendments to Regulation **.06** under **COMAR 15.06.04 Regulation of Invasive Plants**. This action, which was proposed for adoption in 45:4 Md. R. 220 (February 16, 2018), has been adopted as proposed.
Effective Date: April 23, 2018.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

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

Notice of Final Action
[18-036-F]

On March 30, 2018, the Secretary of the Environment adopted amendments to Regulation **.02** under **COMAR 26.08.03 Water Pollution—Discharge Limitations**. This action, which was proposed for adoption in 45:3 Md. R. 168 (February 2, 2018), has been adopted as proposed.
Effective Date: April 23, 2018.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 11 AIR QUALITY

Notice of Final Action
[18-043-F]

- On April 3, 2018, the Secretary of the Environment adopted:
- (1) Amendments to Regulation **.01** under **COMAR 26.11.01 General Administrative Provisions**;
 - (2) Amendments to Regulation **.07** under **COMAR 26.11.14 Control of Emissions from Kraft Pulp Mills**; and
 - (3) New Regulations **.01 — .04** under a new chapter, **COMAR 26.11.40 NO_x Ozone Season Emission Caps for Non-trading Large NO_x Units**.

This action, which was proposed for adoption in 45:4 Md. R. 224 — 227 (February 16, 2018), has been adopted as proposed.
Effective Date: April 23, 2018.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

08.07.07 Licensed Tree Experts

Authority: Natural Resources Article, §§1-104 and 5-415—5-423; State Government Article, §10-206; Annotated Code of Maryland

Notice of Proposed Action

[18-090-P-I]

The Department of Natural Resources proposes to amend Regulation **.02-1** under **COMAR 08.07.07 Licensed Tree Experts**.

Statement of Purpose

The purpose of this action is to update the incorporated documents.

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 Marian Honecny, Supervisor, Urban & Community Forestry, Maryland Forest Service, 580 Taylor Ave., E-1, Annapolis, MD 21401, or call 410-260-8511, or email to marian.honecny@maryland.gov, or fax to 410-260-8595. Comments will be accepted through May 14, 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, (1) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Management—Standard Practices (Pruning), ANSI A300 (Part 1)—2017 Pruning Revision of ANSI A300 (Part 1)—2008 (R2014), (2) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Management—Standard Practices (Lighting Protection Systems), ANSI A300 (Part 4)—2014 Lighting Protection Systems Revision of ANSI A300 (Part 4)—2008, and (3) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Management—Standard Practices (Tree Risk Assessment a. Tree Failure), ANSI A300 (Part 9)—2017 Tree Risk Assessment a. Tree Failure Revision of ANSI A300 (Part 9)—2011 have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents 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. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) (text unchanged)

(2) American National Standard for Tree Care Operations — Tree, Shrub and Other Woody Plant Management — Standard Practices (Pruning), ANSI A300 (Part 1) — [2008] 2017 Pruning Revision of ANSI A300 (Part 1) — [2001] 2008 (R2014);

(3) — (4) (text unchanged)

(5) American National Standard for Tree Care Operations — Tree, Shrub and Other Woody Plant Management — Standard Practices (Lightning Protection Systems), ANSI A300 (Part 4) — [2008] 2014 Lightning Protection Systems Revision of ANSI A300 (Part 4) — [2002] 2008;

(6) — (9) (text unchanged)

(10) American National Standard for Tree Care Operations — Tree, Shrub, and Other Woody Plant Management — Standard Practices (Tree Risk Assessment a. [Tree Structure Assessment] *Tree Failure*), ANSI A300 (Part 9) — [2011] *2017 Tree Risk Assessment a. [Tree Structure Assessment] Tree Failure Revision of ANSI A300 (Part 9) — 2011.*

MARK BELTON
Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 21 BOARD OF ARCHITECTS

09.21.02 Code of Ethics

Authority: Business Occupations and Professions Article, §3-208(a)(1), Annotated Code of Maryland

Notice of Proposed Action

[18-089-P]

The Board of Architects proposes to amend Regulation .03 under **COMAR 09.21.02 Code of Ethics**. This action was considered by the Board at a public meeting held January 24, 2018, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update and simplify the requirements for digital signatures.

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 Long, Executive Director, State Board of Architects, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov. Comments will be accepted through May 22, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on July 25, 2018, at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

.03 Sealing Requirements

A.—D. (text unchanged)

E. Signature

(1) (text unchanged)

(2) A digital signature described in this section shall satisfy the following criteria:

(a)—(c) (text unchanged)

(d) [It must be attached to an electronic document to which it is applied in such a manner that invalidates any modifications of data to the document.] *It is linked to the document in such a manner that any subsequent modifications to the document will result in the document no longer being considered prepared or approved by the licensee.*

F.—G. (text unchanged)

PAUL EDMEADES
Chairman

Subtitle 32 UNEMPLOYMENT INSURANCE

09.32.06 Board of Appeals—Appeals Procedure

Authority: Labor and Employment Article, §§ 8-101, 8-5A-02, 8-5A-05, 8-5A-10, 8-504, 8-604, and 8-605, Annotated Code of Maryland

Notice of Proposed Action

[18-077-P]

The Board of Appeals proposes to repeal existing Regulations .01, .08, and .09, amend and recodify existing Regulations .02, .03, .10, and .11 to be Regulations .01, .02, .08, and .09 respectively, adopt new Regulation .03, and amend Regulations .04 and .07 under **COMAR 09.32.06 Board of Appeals—Appeals Procedure**.

Statement of Purpose

The purpose of this action is to reflect statutory changes restoring employers' access to a first level of appeal before the Lower Appeals Division for employer account cases. In addition, the Board of Appeals seeks to increase the current 7 calendar days' notice period for hearings to 15 business days in order to allow parties sufficient time to serve subpoenas and provide documentary evidence. The Board of Appeals further proposes to require that requests for subpoenas be delivered to the scheduling authority at least 10 business days before the hearing date, instead of the current 5 business days. The Board of Appeals also proposes routine changes to clarify and/or update language in the regulations to conform to terms in Title 8 of the Labor and Employment Article of the Maryland Annotated Code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Watts-Lamont, J.D., LLM, Chairperson, Board of Appeals, Department of Labor, Licensing and Regulation, 1100 N. Eutaw Street, Baltimore, MD 21201, or call 410-767-2781, or email to donna.watts-lamont@maryland.gov, or fax to 410-767-2787. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

[.02] .01 Appeals and Petitions for Review from Lower Appeals to the Board of Appeals.

A. Manner of Filing.

(1) An appeal from [or a petition for review of] a hearing examiner's decision, *or a petition for review to request a discretionary appeal of a hearing examiner's decision under Labor and Employment Article, §8-5A-10(b)(2), Annotated Code of Maryland*, shall be in writing and signed by the appealing party or the appealing party's attorney or authorized representative.

(2) [The] *An appeal or a petition for review* may be filed *only* by mail, facsimile, [or] hand delivery to the administrative office of the Board of Appeals as listed on the hearing examiner decision, *or other method of transmission established by the Board of Appeals*. The appeal may not be filed by electronic mail.

(3) When filed by an attorney or authorized representative, an appeal from or petition for review of a hearing examiner's decision shall be accompanied by a certification that a copy of the appeal or petition for review and all accompanying papers were mailed, *or otherwise delivered in accordance with the format and procedures established by the Board of Appeals*, to all other parties in the case. Failure to include the certification does not affect a determination as to the timeliness of the appeal. *Failure to include the certification may result in a dismissal of the appeal or petition for review.*

(4) In the event of an appeal or a petition for review from a hearing examiner's decision involving more than one claimant on the same issue, the appeal or petition for review may be filed by the individual claimants or by an attorney or authorized representative on the claimants' behalf. The attorney or authorized representative shall submit, together with the appeal or petition for review, a list containing the names, [and] addresses, appeal numbers, and *the last four digits of the Social Security numbers of the claimants who are parties to the appeal or petition for review.*

(5) *In the event of an appeal or petition for review from a hearing examiner's decision involving a review determination issued under the Labor and Employment Article, Title 8, Subtitle 6, Annotated Code of Maryland, the employer, or the employer's attorney or authorized representative, shall include the name of the employer, the employer's address, employer account number, if any, the review determination number and a copy of the hearing examiner's decision.*

B. Time for Filing.

(1) [An] *Under Labor and Employment Article, §8-5A-10(a)(1), Annotated Code of Maryland*, an appeal or petition for review from a hearing examiner's decision involving a determination or redetermination of a claim shall be filed by a party within 15 calendar days after *Lower Appeals sends* a decision [is mailed] to the last known address of the party.

(2) *Under Labor and Employment Article, §8-5A-10(a)(2), Annotated Code of Maryland*, an appeal from a hearing examiner's decision involving a review determination shall be filed by an employer within 30 calendar days after *Lower Appeals sends the hearing examiner's decision to the employer at the employer's last known address.*

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

[(3)] (4) An appeal or petition for review is considered filed on the earliest of the following dates:

(a)—(b) (text unchanged)

(c) The date on the appeal or petition for review itself when the envelope has an illegible postmark; [or]

(d) The date an appeal or petition for review is received by facsimile transmission at the administrative office of the Board of Appeals[.]; *or*

(e) *The date an appeal is otherwise filed in accordance with the format and procedures established by the Board of Appeals.*

C. (text unchanged)

[.03] .02 Hearings.

A. (text unchanged)

B. Notice of Hearing.

(1) The [interested parties] *Board of Appeals* shall [be] give[n] *interested parties* at least [7 calendar] *15 business* days notice in writing of the time and place of any hearing before the Board of Appeals.

(2) Notice is sufficient when mailed to the party, postage prepaid, *or otherwise delivered to the party in accordance with the format and procedures established by the Board of Appeals*, at the last known [post office] address of the party.

(3) In the case of appeals or petitions for review filed under Regulation [.02].01A(3) of this chapter, notice mailed *or otherwise delivered* to the attorney or authorized representative, plus notice mailed *or otherwise delivered* to each individual appellant who filed an individual appeal or a petition for review or to those persons who requested an individual notice, shall be sufficient notice to all parties represented by the attorney or authorized representative. This subsection shall also apply to notices of hearings in labor disputes in which the Board of Appeals has jurisdiction to issue original determinations.

(4) (text unchanged)

C.—G. (text unchanged)

H. Procedure at Hearing.

(1)—(4) (text unchanged)

(5) *The Chairman shall preside at the hearings before the Board of Appeals and shall make all evidentiary and procedural rulings at the hearings. If the Chairman is not present at a hearing, each associate member shall, on alternate hearing days, exercise the powers of the Chairman at the hearing.*

(6) *Two members of the Board of Appeals shall constitute a quorum for the purpose of any hearing under this regulation.*

(7) *If the decision of the three members of the Board of Appeals is not unanimous, the decision of the majority of the members shall control. The minority member may file a dissenting opinion, together with the reasons for that dissent. Each member of the Board of Appeals who participates in a Board of Appeals hearing shall sign the decision on the case and shall indicate his or her concurring opinion, and shall state the reasons for that concurrence.*

I. Evidence.

(1)—(4) (text unchanged)

(5) *Additional Records. The Board of Appeals, for good cause shown, may grant a party up to 10 calendar days after a hearing to submit additional records.*

J. Subpoenas.

(1)—(2) (text unchanged)

(3) Requests for subpoenas shall:

(a)—(d) (text unchanged)

(e) Be delivered to the scheduling authority at least [5] 10 business days before the hearing date.

K.—M. (text unchanged)

N. Reopening of Dismissed Case.

(1) (text unchanged)

(2) A request for the reopening of a case may be granted for the following reasons:

(a) The party received the hearing notice on or after the date of the hearing as a result of:

(i) An untimely or incorrect mailing *or delivery* of a hearing notice; or

(ii) (text unchanged)

(b)—(c) (text unchanged)

(3) (text unchanged)

(4) A dismissal issued by the Board of Appeals after a scheduled hearing may be reopened only by a majority vote of the

Board of Appeals taken within 10 *calendar* days of the date of the dismissal.

(5)—(6) (text unchanged)

O. Failure to Appear Before Hearing Examiner.

(1) (text unchanged)

(2) A request for a hearing to determine if there is good cause for failing to appear shall be in writing, and shall be sent to the opposing party or parties. The Board of Appeals may order that a second hearing be held before a hearing examiner if the party establishes a reason listed in COMAR [09.32.11.02O(2)(a)—(c)] 09.32.11.02 for reopening a case or a procedural or due process violation.

P. Attorney's Fees.

(1) (text unchanged)

(2) Requests for approval of fees greater than 200 percent of the claimant's weekly benefit amount shall be accompanied by an itemized account of services rendered in the case. A request for the excess fee shall be submitted within 30 *calendar* days of the date of the issuance of the decision. The Board of Appeals shall have authority to approve a fee higher than the maximum allowed under §P(1) of this regulation based upon the complexity of the case and the reasonableness of the fees.

(3) (text unchanged)

Q. (text unchanged)

R. Postponement of Hearings.

(1) A request for the postponement of a case shall be in writing, addressed to the scheduling authority, and accompanied by a notation that a copy of the request was simultaneously mailed, *or otherwise delivered in accordance with procedures established by the Board of Appeals*, to the opposing party in the case.

(2)—(4) (text unchanged)

(5) A request for a postponement that is not received by the scheduling authority at least 3 business days before the hearing may be granted for good cause if:

(a) The request for postponement was postmarked at least 5 *calendar* days before the hearing date but was not received by the Board of Appeals until after the time set in §R(2) of this regulation;

(b)—(c) (text unchanged)

S. (text unchanged)

T. Telephone Conference Hearings Before Special Examiners.

(1)—(2) (text unchanged)

(3) In all telephone hearings, documentary evidence that a party participating by telephone intends to offer must be provided to the special examiner and all other parties at least 5 *calendar* days before the hearing. The special examiner may refuse to consider evidence that is not timely provided. Before the acceptance into evidence of documents at a telephone hearing, the special examiner shall allow the opposing party to cross-examine the submitting party or witness concerning the nature and veracity of the proffered document.

(4) (text unchanged)

(5) A party's failure to call into a hearing, failure to answer the telephone, failure to have a telephone available for a hearing, or failure to be ready to proceed with the hearing shall be considered as a failure to appear at the hearing if these conditions exist for more than 10 minutes after the scheduled time for the hearing.

.03 Withdrawal of Decision by the Board of Appeals.

A. At any time within 10 *calendar* days of a decision pursuant to Labor and Employment Article, §8-806(h), Annotated Code of Maryland, the Board of Appeals may withdraw its decision by vote of a majority of its members. Notice shall promptly be given to all parties of the withdrawal. Upon withdrawing a decision, the Board of Appeals may issue a revised decision or hold the case for further hearing or argument. The 10-day period is not tolled by the filing of petitions, appeals, or correspondence from any party.

B. A request for the Board of Appeals to withdraw its decision under §A of this regulation does not toll the time limit for filing an appeal to circuit court.

.04 Remand to Hearing Examiner.

A. (text unchanged)

B. If a case is remanded for a new hearing, the previous decision of the hearing examiner shall remain in effect unless vacated by the Board of Appeals until the issuance of a new decision by a hearing examiner. [Upon] *Unless the Board of Appeals orders otherwise*, upon the convening of the new hearing, the appellant before the Board of Appeals shall have the burden of going forward. If the appellant before the Board of Appeals does not appear at the remand hearing, the previous decision of the hearing examiner shall remain in effect or be reinstated.

C. (text unchanged)

.07 Employer Appeals Arising Under Labor and Employment Article, [8-602(c) or 8-617(g)] §8-605(b), Annotated Code of Maryland.

A. An employer aggrieved by [any decision of the Secretary] *a decision of the Lower Appeals Division* appealable under Labor and Employment Article, [§8-602(c) or 8-617(g)] §8-605(b), Annotated Code of Maryland, [including, but not limited to, the determination of its status as an employer, whether services performed for it are services in employment, the correct employer contribution rate, and whether any particular benefit charges should be placed against the employer's benefit account may file an appeal in writing within 15 days after notice of the Secretary's decision was mailed to the employer's last known address] *may file an appeal or petition for review within 30 calendar days after Lower Appeals sends the decision to the employer*. The provisions of Regulations [.02 and .03] .01 and .02 of this chapter apply to these appeals.

B. An appeal *or petition for review* shall include the following information:

(1) The name, address, [and] employer account number, if any, *and review determination number; and*

(2) A [statement] *copy* of the decision of the [Secretary] *Lower Appeals Division* that is being appealed[; and].

[3] The date of the Secretary's decision.]

C. The Board may refer an appeal *or petition for review from Lower Appeals* to a special examiner for a hearing and a proposed decision, which, if adopted by the Board of Appeals, shall be appealable to a circuit court of the State.

[.10] .08 Judicial Review [of Employer Account Appeals].

Within 30 *calendar* days after the Board of Appeals mails *or otherwise delivers* its decision to [the employer's last known address, an employer] *a party, a party* aggrieved by the decision may secure judicial review of the decision by [appeal to the courts according to] *appealing the decision in accordance with* the provisions of Labor and Employment Article, §8-5A-12, Annotated Code of Maryland, the Maryland Rules of Procedure, and the appropriate rules of court.

[.11] .09 Records and Transcripts.

A. (text unchanged)

B. The Board of Appeals shall maintain a record of all testimony and proceedings before the Board of Appeals and its special examiners [or in connection with an appeal pursuant to these regulations].

C.—E. (text unchanged)

DONNA WATTS-LAMONT
Chairperson

**Title 10
MARYLAND DEPARTMENT
OF HEALTH**

**Subtitle 09 MEDICAL CARE
PROGRAMS**

10.09.09 Medical Laboratories

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

Notice of Proposed Action
[18-079-P]

The Secretary of Health proposes to amend Regulation .03 under COMAR 10.09.09 Medical Laboratories.

Statement of Purpose

The purpose of this action is to correct an outdated COMAR citation.

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 May 14, 2018. A public hearing has not been scheduled.

.03 Conditions for Participation.

A. General requirements for participation in the Program are that a provider shall meet all conditions for participation as set forth in COMAR 10.09.36.03, except that a signature on the services order specified in COMAR [10.09.36.03A(15)] 10.09.36.03A(19) is not required.

B. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Subtitle 09 MEDICAL CARE
PROGRAMS**

10.09.15 Podiatry Services

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

Notice of Proposed Action
[18-080-P]

The Secretary of Health proposes to amend Regulations .01, .04— .09, and .11 under COMAR 10.09.15 Podiatry Services.

Statement of Purpose

The purpose of this action is to update the regulations to further clarify covered services and limitations of podiatric care, as well as an update of specific terms within the regulations.

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 May 14, 2018. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1)—(9) (text unchanged)

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

[(10)] (11)—[(14)] (15) (text unchanged)

[(15)] (16) "Provider" means an individual, association, partnership, or an incorporated or unincorporated group of podiatrists, duly licensed to provide services for [recipients] participants, and who, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of an individual account number.

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

(17)—(18) (text unchanged)

.04 Covered Services.

The Program covers the following medically necessary services:

[A. Medically necessary services, when these services are:]

[(1)] A. [Rendered to a recipient] Podiatric services rendered in the podiatrist's office, the [recipient's] participant's home, a hospital, a nursing facility, a free standing clinic, or elsewhere[;], when these services are:

[(2)] (1) Performed by the podiatrist or another licensed podiatrist in [his] the podiatrist's employ;

(2) *Performed on the:*

- (a) *Human foot or ankle;*
- (b) *Anatomical structures that attach to the human foot; or*
- (c) *Soft tissue below the midcalf;*

(3) Clearly related to the [recipient's] *participant's* individual medical needs as diagnostic, curative, palliative, or rehabilitative services; and

(4) Adequately described on the [recipient's] *participant's* medical record.

B. [Office, home, nursing home, or domiciliary care visits for podiatric care for recipients who are diabetic or who have a vascular disease affecting the lower extremities;] *Routine podiatric care rendered in an office, home, nursing home, or licensed assisted living facility for participants who have a metabolic, neurologic, or vascular disease affecting the lower extremities, including but not limited to:*

(1) *Arteriosclerosis obliterans (A.S.O., arteriosclerosis of the extremities, occlusive peripheral arteriosclerosis);*

(2) *Buerger's disease (thromboangiitis obliterans);*

(3) *Peripheral neuropathies involving the feet, associated with:*

- (a) *Traumatic injury;*
- (b) *Leprosy or neurosyphilis; or*
- (c) *Hereditary disorders, such as hereditary sensory radicular neuropathy, angiokeratoma corporis diffusum (Fabry's) and amyloid neuropathy; and*

(4) *The following conditions, if the patient is under the active care of a doctor of medicine or osteopathy who documents the condition:*

- (a) *Diabetes mellitus;*
- (b) *Chronic thrombophlebitis;*
- (c) *Peripheral neuropathies involving the feet, associated with:*

(i) *Malnutrition and vitamin deficiency such as malnutrition (general and pellagra), alcoholism, malabsorption (celiac disease and tropical sprue), and pernicious anemia;*

(ii) *Carcinoma;*

(iii) *Diabetes mellitus;*

(iv) *Drugs and toxins;*

(v) *Multiple sclerosis; or*

(vi) *Uremia (chronic renal disease).*

C.—F. (text unchanged)

.05 Limitations.

A. The Program does not cover the following under this chapter:

(1)—(7) (text unchanged)

(8) Visits by or to the podiatrist solely for the purpose of the following:

(a) Prescription or drug pick-up[.];

(b) Collection of specimens for laboratory procedures, except by venipuncture, capillary or arterial puncture[.]; and

(c) (text unchanged)

(9)—(12) (text unchanged)

[(13) Corrective shoes;

(14) Braces;]

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

[(16)] (14) Routine care, except visits for [recipients] *participants* who are diabetic or who have a vascular disease affecting the lower extremities;

[(17)] (15)—[(18)] (16) (text unchanged)

[(19)] (17) Podiatric inpatient hospital services rendered during an admission denied by *the* utilization control agent or during a period that is in excess of the length of stay authorized by the utilization control agent.

B. Routine podiatric care is limited to one visit every 60 days for [recipients] *participants* who have diabetes or peripheral vascular

diseases that affect the lower extremities when rendered in the podiatrist's office, the [recipient's] *participant's* home, or a nursing facility.

C. (text unchanged)

.06 Preauthorization.

A.—B. (text unchanged)

C. Preauthorization is valid only for services rendered or initiated within [60] 90 days of the date issued.

D. (text unchanged)

.07 Payment Procedures.

A.—F. (text unchanged)

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

(1)—(5) (text unchanged)

H. The Program will make no direct payment to [recipients] *participants*.

I.—J. (text unchanged)

.08 Recovery and Reimbursement.

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

B. (text unchanged)

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

A.—D. (text unchanged)

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

.11 Interpretive Regulation.

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

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.16 Establishment, Operation, and Authority for Health Maintenance Organizations—Medical Assistance

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

Notice of Proposed Action

[18-081-P]

The Secretary of Health proposes to repeal in their entirety existing Regulations .01—.13 under COMAR 10.09.16 Establishment, Operation, and Authority for Health Maintenance Organizations—Medical Assistance.

Statement of Purpose

The purpose of this action is to repeal an outdated and obsolete chapter of regulations governing Health Maintenance Organizations (HMOs). The Program does not contract with HMOs pursuant to these regulations and does not intend to do so in the future. To the extent HMOs would like to contract with the Program to provide managed care services, they would be subject to the Medicaid Managed Care regulations sent forth in other chapters of COMAR.

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 May 14, 2018. A public hearing has not been scheduled.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.17 Physical Therapy Services

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

Notice of Proposed Action

[18-046-P]

The Secretary of Health proposes to amend Regulations .01—.04 and .06 under COMAR 10.09.17 Physical Therapy Services.

Statement of Purpose

The purpose of this action is to include doctors of dental surgery or dental medicine, physician assistants and nurse practitioners as

health professionals who may prescribe physical therapy services for adults.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, 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 May 14, 2018. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "Initial evaluation" means the determination of the [recipient's] *participant's* condition by taking a case history and the administration of appropriate tests on the first visit. Treatment provided at this visit is considered to be part of the initial evaluation.

(4) "Medical Assistance Program" means the program of comprehensive medical and other health related care for indigent and medically indigent [persons] *individuals, jointly financed by the federal and state governments and administered by states under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq., as amended.*

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

[(6)] (5) "Medically necessary" means that the service or benefit is:

(a)—(c) (text unchanged)

(d) Not primarily for the convenience of the [consumer] *participant*, family, or provider.

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

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

(8)—(13) (text unchanged)

(14) "Prescriber" means a physician, [dentist,] *doctor of dental surgery or of dental medicine, physician assistant, nurse practitioner, or podiatrist* licensed to prescribe physical therapy.

(15)—(16) (text unchanged)

(17) "Provider" means an individual, association, partnership, corporation, or unincorporated group licensed or similarly licensed or certified to provide health care services for [recipients] *participants* and who, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of an individual account number.

[(18)] "Recipient" means an individual who is certified as eligible for, and is receiving, Medical Assistance benefits.]

[(19)] (18) "Treatment order" means a written prescription for physical therapy signed by a physician, [dentist,] *doctor of dental surgery or of dental medicine, physician assistant, nurse practitioner, or podiatrist.*

.02 Licensure and Certification Requirements.

A. To provide services as a physical therapist under this chapter, a physical therapist shall be[:

(1) Licensed] *licensed* by the State Board of Physical Therapy Examiners of Maryland to practice physical therapy, as defined in Health Occupations Article, Title 13, Annotated Code of Maryland, or by the appropriate licensing body in the jurisdiction where the physical therapy services are performed[; and

(2) If providing services in a jurisdiction without licensure, shall be licensed, certified, or approved by the jurisdiction's appropriate credentialing agency or department].

B. To provide services as a physical therapist assistant under this chapter, a physical therapist assistant shall[:

(1) Be] *be* licensed by the State Board of Physical Therapy Examiners of Maryland to practice as a physical therapist assistant as defined:

[(a)] (1) (text unchanged)

[(b)] (2) By the appropriate licensing body in the jurisdiction where the physical therapy assistant services are performed[; or

(2) If providing services in a jurisdiction without licensure, have graduated from an accredited curriculum for physical therapist assistants that is recognized and approved by the jurisdiction where the services are provided].

.03 Conditions for Participation.

To participate in the Program, the provider shall:

A. Comply with the conditions for participation as set forth in COMAR 10.09.36; *and*

B. Maintain the office and medical equipment so that they are free of hazards to the health and safety of [recipients] *participants*.

.04 Covered Services.

A. The Physical Therapy Program covers medically necessary physical therapy services ordered in writing by a physician, [dentist,] *doctor of dental surgery or of dental medicine, physician assistant, nurse practitioner, or podiatrist* when the services are:

(1) Provided by a licensed physical therapist or by a licensed physical therapist assistant under a licensed physical therapist's direct supervision[.];

(2) Provided in the provider's office, the patient's home, or a domiciliary level facility[.];

(3) Diagnostic, rehabilitative, or therapeutic, and directly related to the written treatment order[.];

(4) Of sufficient complexity and sophistication, or the condition of the patient is such, that the services of a physical therapist are required[.];

(5) Rendered pursuant to a written treatment order which:

(a) Is signed and dated by the [prescribing physician, dentist, or podiatrist] *prescriber*;

(b) Specifies the following:

(i) Part or parts to be treated; *and*

[(ii)] Type of modalities or treatments to be rendered;]

[(iii)] (ii) (text unchanged)

[(iv)] Frequency and duration of treatment;]

(c) Is kept on file by the therapist as a part of the patient's permanent record, subject to review by the Department or its designee; *and*

(d) Is not altered [in type, amount, frequency, or duration] by the therapist unless [medically indicated. The physical therapist shall make necessary changes and sign the treatment order, advising the prescriber of the change and noting it in the patient's record.]:

(i) *Medically indicated*;

(ii) *Signed by the therapist*;

(iii) *Necessary changes are made*;

(iv) *The prescriber is notified of the change; and*

(v) *The change is noted in the patient's record; and*

(6) Recorded in the patient's permanent record which includes:

(a)—(c) (text unchanged)

(d) Contraindications, if any; *and*

(e) Progress notes[, at least once every two weeks.] *documented in accordance with the requirements listed in COMAR 10.38.03.02-1A(2), C, and D.*

[(7)] If pursuant to a written treatment order for treatment exceeding 30 days, reviewed monthly, thereafter, by the prescriber, in communication with the therapist and that order is either rewritten or a copy of the original order initialed and dated by the prescriber monthly.]

B. (text unchanged)

C. If the prescribing order exceeds 30 days, the therapist shall request a new order from the prescriber for continued therapy.

.06 Payment Procedures.

A.—G. (text unchanged)

H. Payments on Medicare claims are authorized if:

(1)—(3) (text unchanged)

(4) Services are covered by the Program; *and*

(5) (text unchanged)

I.—K. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Subtitle 09 MEDICAL CARE
PROGRAMS**

10.09.78 Establishment, Operation, and Authority for Making Capitated Payments for Dual Eligibles Enrolled in Medicare Advantage Plans

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

Notice of Proposed Action

[18-078-P]

The Secretary of Health proposes to repeal in their entirety existing Regulations .07 and .08 under **COMAR 10.09.78 Establishment, Operation, and Authority for Dual Eligibles Enrolled in Medicare Advantage Plans**.

Statement of Purpose

The purpose of this action is to repeal outdated and obsolete regulations governing recovery and reimbursement for Medicare Advantage Plans because the Program no longer pays the capitation rates to Medicare Advantage Plans as this regulation contemplates.

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 May 14, 2018. A public hearing has not been scheduled.

ROBERT R. NEALL
Secretary of Health

**Subtitle 40 BOARD OF PODIATRIC
MEDICAL EXAMINERS**

10.40.06 Advertising

Authority: Health Occupations Article, §§16–205(a)(1) and 16–311(a)(20),
Annotated Code of Maryland

Notice of Proposed Action

[18-088-P]

The Secretary of Health proposes to amend Regulation .03 under **COMAR 10.40.06 Advertising**. This action was considered at a public meeting on September 7, 2017, notice of which was given by publication on the Board of Podiatric Medical Examiner'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) Authorize a podiatrist licensed by the Board to refer to himself or herself in advertisements as a “podiatrist”, as a “foot and ankle specialist” or as a “foot and ankle surgeon”; and

(2) Repeal a regulation that prohibits an advertisement from including statements that fail to include the name of at least one podiatrist rendering services under the particular practice or trade name at the location advertised or statements that fail to state that the practitioner is a podiatrist.

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 W. 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 May 14, 2018. A public hearing has not been scheduled.

.03 Advertising.

A. (text unchanged)

B. Advertisements. Subject to Regulation .04, of this chapter, a podiatrist may [place]:

(1) Place advertisements in any form of print or electronic media; or

(2) Refer to himself or herself as a:

(a) “Podiatrist”;

(b) “Foot and ankle specialist”; or

(c) “Foot and ankle surgeon”.

C. An advertisement may not include statements:

(1)—(5) (text unchanged)

(6) Containing representations or implications that in reasonable probability can be expected to cause an ordinarily prudent person to misunderstand or be deceived; or

(7) Containing representations that the podiatrist is willing to perform any procedure which is illegal under the laws or regulations of Maryland or the United States[.];

[(8) That fail to include the name of at least one podiatrist rendering services under the particular practice or trade name at the location advertised; or

(9) That fail to state that the practitioner is a podiatrist].

D. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Title 13A
STATE BOARD OF
EDUCATION**

**Subtitle 03 GENERAL
INSTRUCTIONAL PROGRAMS**

**13A.03.04 Test Administration and Data-
Reporting Policies and Procedures**

Authority: Education Article, §§2-205 and 7-203, Annotated Code of
Maryland

Notice of Proposed Action

[18-087-P]

The Maryland State Board of Education proposes to amend Regulations .02—.04 under **13A.03.04 Test Administration and Data-Reporting Policies and Procedures**. This action was considered by the State Board of Education at their meeting on January 30, 2018.

Statement of Purpose

The purpose of this action is to (1) amend Regulation .02 to clarify that “local school system” includes special schools and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education; (2) amend Regulation .03 to prohibit the use of electronic devices (unless used for testing or administrative purposes) in testing rooms during testing clarify the information needed for an archival document of testing groups, and specify that the data reporting policy must include procedures for the delivery and the timely reporting of assessment results to parents and guardians; and (3) amend Regulation .04 to clarify that local school systems must designate a Local Accountability Coordinator and a School Test Coordinator and outlines general duties of each.

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 Dr. Tamara L. Lewis, Education Program Specialist/State Test Security Officer, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0074 (TTY 410-333-6442), or email to tamara.lewis@maryland.gov, or fax to 410-333-0052. Comments will be accepted through May 14, 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 June 19, 2018, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(2) (text unchanged)
 - (3) Local School System.

(a) (text unchanged)
 [(b) "Local school system" includes special schools and institutions that use tests administered on behalf of the State Board of Education.]

(b) "Local school system" includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.

- (4)—(5) (text unchanged)

.03 Local School System Test Administration and Data-Reporting Policies.

- A. (text unchanged)
- B. The test administration policy shall provide for:
 - (1)—(3) (text unchanged)

[(4) The retention for 6 years after the date of test administration of the following information for each testing group for each testing day:

- (a) Name and student identification number for each student;
- (b) School and system names and identifiers; and
- (c) Names of the test administrators, examiners, and proctors.]

(4) The prohibition of electronic devices, including personal devices, (unless required for testing or administrative purposes) in testing rooms during testing; and

(5) The retention of an archival document for a minimum of 6 years after the date of test administration, containing the following information for each testing group each testing day:

- (a) Name and student identification number for each student;
- (b) School and system names and identifiers;
- (c) Names of the test administrators, examiners, accommodators, and proctors; and
- (d) Unique test document identification number for each student for paper testing only.

- C. The data reporting policy shall contain:

[(1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter; and

- (2) Training of appropriate personnel on data procedures.]

(1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter;

(2) Procedures for reporting assessment results to parents/guardians of students within 30 days of receipt by the local school system, but no later than the 15th of September for spring assessment results.

(3) Procedures for the delivery of assessment results to parents/guardians by one or more of these methods:

- (a) First-class mail;
- (b) Backpack or student folder only if parents/guardians are notified by phone or electronically to expect the assessment results to be delivered on a date certain by that method;
- (c) Personally at Parent/Teacher conferences; or
- (d) Electronically through the communication system used by the local school system to keep parents/guardians informed; and

(4) Training of appropriate personnel on data reporting procedures.

D. Test Administration and Certification of Training Forms.

- (1)—(3) (text unchanged)
- (4) Forms and agreements may be signed electronically using any means approved by the Department.

E. Electronic Archival of Documents. Each local school system may develop and adopt policies and procedures for the secure electronic archival of paper documents.

.04 [Local School System Test Procurement Designate.] Local School System Testing Designates.

[A. A local superintendent of schools shall designate annually one individual in each school system who shall be the sole individual in the school system authorized to procure test instruments that are used in testing programs administered by or through the State Board of Education.]

A. Local Accountability Coordinators.

(1) A local superintendent of schools shall designate annually one individual per school system to serve as the Local Accountability Coordinator (LAC).

(2) The LAC shall have oversight of the:

- (a) Procurement of test instruments that are used in testing programs administered by or through the State Board of Education;
- (b) Organization, implementation, orientation, and verification of the Maryland educational assessment programs in the school system; and
- (c) Administration and security of state-mandated assessments.

(3) The name of the LAC shall be provided in writing to the Department within 10 days of the designation.

[B. The name of the individual designated in §A of this regulation shall be provided in writing to the Department.]

B. School Test Coordinators.

(1) Each school system shall designate one individual per school to serve as the Primary School Test Coordinator (STC). A Principal may not serve as the STC unless permission has been granted by the Department.

(2) The Primary STC shall:

- (a) Have responsibility for training and supervising school personnel in test administration policy and procedures; and
- (b) Be the primary point of contact with the LAC and the Department during the administration of all state assessments.

(3) The school system may further designate, one or both, an:

- (a) Alternate STC per school.
- (b) Assistant STC per state-mandated assessment.

[C. Changes in responsibility shall be communicated in writing to the Department within 10 days of the official change.]

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

Title 26 DEPARTMENT OF THE ENVIRONMENT

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

26.03.02 Submissions of Plans for Approval and Record of Systems of Water Supply, Sewerage, and Storm Water

Authority: Environment Article, §§9-506 and 9-510, Annotated Code of Maryland

Notice of Proposed Action

[18-083-P]

The Secretary of the Environment proposes to amend Regulation .02 under COMAR 26.03.02 Submissions of Plans for Approval and Record of Systems of Water Supply, Sewerage, and Storm Water.

Statement of Purpose

The purpose of this action is to remove the requirement that small businesses with privately owned water/sewerage systems place capital into an escrow account for 20 years, equal to the cost of the capital expenditure the small business is making to construct or expand their water/sewerage system.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will significantly reduce the cost of permitting for small businesses with privately owned sewerage systems. Significant funds will no longer be required to be held in escrow, allowing businesses to utilize that funding for other economic purposes.

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													
<table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; vertical-align: bottom;"></th> <th style="text-align: left; vertical-align: bottom;">Benefit (+) Cost (-)</th> <th style="text-align: left; vertical-align: bottom;">Magnitude</th> </tr> </thead> <tbody> <tr> <td style="border-top: 1px solid black;">D. On regulated industries or trade groups:</td> <td style="border-top: 1px solid black;">(+)</td> <td style="border-top: 1px solid black;">1,000,000+</td> </tr> <tr> <td>E. On other industries or trade groups:</td> <td>NONE</td> <td></td> </tr> <tr> <td>F. Direct and indirect effects on public:</td> <td>NONE</td> <td></td> </tr> </tbody> </table>				Benefit (+) Cost (-)	Magnitude	D. On regulated industries or trade groups:	(+)	1,000,000+	E. On other industries or trade groups:	NONE		F. Direct and indirect effects on public:	NONE	
	Benefit (+) Cost (-)	Magnitude												
D. On regulated industries or trade groups:	(+)	1,000,000+												
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. Currently, small businesses with privately owned sewerage system will be required to place capital into an escrow account for 20 years equal to the cost of the capital expenditure, which typically averages \$1,000,000.

Economic Impact on Small Businesses

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

The proposed repeal will significantly reduce the cost of permitting for small businesses with privately owned sewerage systems. Significant funds will no longer be required to be held in escrow, allowing businesses to utilize that funding for other economic purposes, which typically averages \$1,000,000.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Walid Saffouri, Program Administrator, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call (410) 537-3757, or email to walid.saffouri@maryland.gov, or fax to (410) 537-3445. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

.02 General Requirements.

A.—I. (text unchanged)

J. Adequate Financial Management Plans.

(1) (text unchanged)

(2) Before the Department may issue a permit for the construction of a new, self-contained, privately-owned community or multi-use sewerage system, or of an extension to an existing or self-contained, privately-owned community or multi-use sewerage system, the following requirements shall be satisfied:

(a)—(b) (text unchanged)

[(c) An agreement shall be developed and executed between the Department and the owner of the proposed sewerage system which provides that the owner deposit into an escrow account funds to cover the repair or replacement of the highest-cost treatment plant unit. (The Department may accept a binding financial arrangement, such as a letter of credit or other type of legal document, instead of the escrow account.) In addition, the agreement may require that a separate account be established which provides sufficient funds for the initial operation and maintenance of the system. This latter requirement shall remain in effect until operating costs are fully supported by revenue. Finally, the agreement shall provide that the owner establish a fund sufficient for replacement of the system 20 years after initial construction. The Department shall provide an informational copy of the executed agreement to the local county or town government.]

BENJAMIN H. GRUMBLES
Secretary 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 Proposed Action

[18-082-P]

The Secretary of the Environment proposes to amend Regulations .02 and .03 under **COMAR 26.03.13 Bay Restoration Fund Implementation**.

Statement of Purpose

The purpose of this action is to amend the existing regulations to reflect statutory changes to Environment Article, §9-1605.2, Annotated Code of Maryland, during the 2017 legislative session in Md. Laws Chapter 369 (H.B. 384). Specifically, the definition of “eligible costs” under the Bay Restoration Fund (BRF) has been modified so that BRF funds may be used for BNR upgrades.

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 amendment will have a positive economic impact for local governments by provide grant funding to upgrade wastewater treatment plants that had previously been ineligible.

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:	(R+)	Up to \$60,000,000
	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.)

C. Up to \$60 million per year (after payment of revenue bond debt service) of the Bay Restoration Fund (wastewater) fees deposited to the Department may be used to provide grants to local governments for the uses authorized in statute.

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 Walid Saffouri, Program Administrator, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3757, or email to walid.saffouri@maryland.gov, or fax to 410-537-3445. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) “Eligible cost” has the meaning stated in Environment Article, [§9-1605.2(i)] §9-1605.2, Annotated Code of Maryland.

(5)—(8) (text unchanged)

.03 Wastewater Fund.

A. Bay Restoration Fund fees deposited into the Wastewater Fund shall be used:

(1) (text unchanged)

(2) To provide grant awards to wastewater treatment plants whose users have contributed to the Bay Restoration Fund for up to 100 percent of the eligible cost to upgrade wastewater treatment plants [from biological nutrient removal treatment levels] to enhanced nutrient removal treatment levels at the design capacity approved by the Department;

(3)—(10) (text unchanged)

B.—E. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 17 WATER MANAGEMENT

26.17.04 Construction on Nontidal Waters and Floodplains

Authority: Environment Article, §§1-404 and 5-501—5-514, Annotated Code of Maryland

Notice of Proposed Action

[18-086-P]

The Secretary of the Environment proposes to amend Regulation .10 under **COMAR 26.17.04 Construction on Nontidal Waters and Floodplains**.

Statement of Purpose

The purpose of this action is to clarify the requirements and qualifying categories for a general waterway construction permit, and establish a time frame by which the Department must concur that the requirements for a general waterway construction permit have been met.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Denise Clearwater, Special Projects Coordinator, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3781, or email to denise.clearwater@maryland.gov, or fax to 410-537-3751. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

.10 General Waterway Construction Permit.

[A. A person shall be permitted by this regulation to make changes in the course, current, or cross section of the 100-year frequency floodplain if the conditions specified in this regulation for these activities are met and the project is not located in the stream channel or floodplain of a wild and scenic river as defined in Natural Resources Article, §8-402, Annotated Code of Maryland. The changes include the following:

(1) Clearing and grading activities in the 100-year frequency floodplain when:

- (a) Less than 5,000 feet of land area and less than 100 cubic yards of earth are disturbed,
- (b) Habitable structures are not constructed, and
- (c) Permanent obstructions are not created that would affect the hydraulic characteristics of the floodplain;]

A. A person shall be permitted by this regulation to make changes in the course, current, or cross section of waters of the State if:

(1) Conditions specified in this regulation for those activities are met; and

(2) The project is not located in the stream channel or floodplain of a wild and scenic river as defined in Natural Resources Article, §8-402, Annotated Code of Maryland.

B. The changes permitted in §A of this regulation include:

(1) Clearing and grading activities in the 100-year frequency floodplain when:

- (a) Less than 5,000 feet of land area and less than 100 cubic yards of earth are disturbed,
- (b) Habitable structures are not constructed; and
- (c) Permanent obstructions are not created that would affect the hydraulic characteristics of the waters of the State;

(2)—(3) (text unchanged)

[B.] C. In addition to the conditions imposed on the categories of construction activities set forth in §§A and B of this regulation, an owner of a project site subject to the general waterway construction permit shall do all of the following:

[(1) Provide the Administration with 30 days advance written notice of the planned construction activity including any required plans, specifications, and the construction schedule, and provide anticipated dates of the beginning of construction activity;]

(1) Submit to the Administration an application for the planned construction activity, including:

- (a) Any required plans;
- (b) Specifications for screening and concurrence with this chapter;

(c) The construction schedule; and

(d) Anticipated dates of the beginning of construction activity;

(2)—(3) (text unchanged)

(4) When applicable, obtain an approved sediment and erosion control plan from the local soil conservation district before construction; and

(5) Provide for specifically designed measures, which shall be included in the construction plans, to minimize sediment pollutants from entering the waters of the State for those construction activities within a stream channel that are not subject to the requirements of

COMAR 26.17.01.05, which requires an approved erosion and sediment control plan for certain activities[; and].

[(6) Provide the Administration with written notice within 30 days after completion of the project.]

D. The Administration shall provide written concurrence for projects meeting the requirements of this regulation within 30 days of application submission if no review is requested by other agencies.

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 23 NONTIDAL WETLANDS

Notice of Proposed Action

[18-085-P]

The Secretary of the Environment proposes to amend:

(1) Regulations .02, .03, and .05 under **COMAR 26.23.01 General;**

(2) Regulations .01, .02, and .09 under **COMAR 26.23.02 Permit Application and Processing;** and

(3) Regulations .01 and .02 under **COMAR 26.23.03 Letter of Authorization.**

Statement of Purpose

The purpose of this action is to change the term "letter of exemption" to "letter of authorization." The proposed revision would eliminate any potential confusion associated with the word "exemption," which refers to a proposed activity being exempt from all of the requirements of a nontidal wetlands permit review, and clarify requirements for an authorization for minor activities. The regulations also authorize the Department to suspend or revoke a letter of authorization under specified circumstances.

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 Denise Clearwater, Special Projects Coordinator, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3781, or email to denise.clearwater@maryland.gov, or fax to 410-537-3751. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

26.23.01 General

Authority: Environment Article, §§5-901—5-911, Annotated Code of Maryland

.02 Activities Exempt from Permit Requirement.

The following activities are exempt from the letter of [exemption] authorization, permit, and mitigation requirements of this subtitle:

A.—F. (text unchanged)

.03 County Delegation.

A.—B. (text unchanged)

C. State Oversight.

(1) (text unchanged)

(2) Permit applications for activities qualifying under a State programmatic general permit shall be:

(a) (text unchanged)

(b) Processed and evaluated by a county for a recommended permit decision within 10 days of the:

(i) (text unchanged)

(ii) Determination that the activity tentatively qualifies for a letter of [exemption] *authorization*.

(3) A county shall submit its recommended permit or letter of [exemption] *authorization* decision to the Department.

(4) The final permit or letter of [exemption] *authorization* decision shall be made by the Department.

(5) (text unchanged)

D. Program Reporting. A county granted delegation authority shall submit an annual report to the Department, coinciding with the State fiscal year and evaluating the county's administration of the program. The report shall include the following information:

(1)—(8) (text unchanged)

(9) Number of [conditioned exemptions] *letters of authorization* granted and nontidal wetlands lost as a result; and

(10) (text unchanged)

E.—H. (text unchanged)

.05 Enforcement.

A. (text unchanged)

B. Complaints and Orders.

(1) In addition to any other sanction authorized by Environment Article, §5-911, Annotated Code of Maryland, the Department may serve a written complaint upon an alleged violator if the Department determines that there has been a violation of:

(a)—(d) (text unchanged)

(e) A condition of an [exemption] *authorization* letter.

(2)—(4) (text unchanged)

C. (text unchanged)

D. Administrative Action with Regard to Permit or Bond. The Department may suspend or revoke a permit, *letter of authorization*, or forfeit a bond on a mitigation plan upon failure of the violator to comply with the requirements of an administrative order. The administrative procedures for permit or *letter authorization* suspension, revocation, and bond forfeiture are set forth in COMAR 26.23.02.09 and 26.23.04.04.

E. (text unchanged)

26.23.02 Permit Application and Processing

Authority: Environment Article, §§5-901—5-911, Annotated Code of Maryland

.01 Application Requirements for Regulated Activities.

A. A person may not conduct a regulated activity in a nontidal wetland, or within a buffer or expanded buffer, unless the Department has issued a permit or letter of [exemption] *authorization*, or the regulated activity is exempt under COMAR 26.23.01.02. Applications received by the Department after September 30, 1993, to conduct a regulated activity in the Critical Area are subject to the requirements of this subtitle.

B. Application Form.

(1) An application for a nontidal wetland permit or letter of [exemption] *authorization* shall include all of the information required in the application form and any additional information required by the Department in §D of this regulation.

(2)—(8) (text unchanged)

C. An applicant for a permit or letter of [exemption] *authorization* shall submit all of the information required in the application form.

D. In addition to the information required in §C of this regulation, an applicant for a permit or letter of [exemption] *authorization* may

be required to submit one or more of the following items of information for an application to be considered complete and the delineation correct:

(1)—(23) (text unchanged)

E.—F. (text unchanged)

.02 Application Processing Procedures for the Department.

A.—F. (text unchanged)

G. Public Notice.

(1) After the Department has determined that an application is complete, and the delineation is correct, the Department shall issue, at the applicant's expense, a public notice of an opportunity to submit written comments or to request a public informational hearing about the application. Public notice may not be required for activities that qualify for a letter of [exemption] *authorization* under COMAR 26.23.03.

(2)—(3) (text unchanged)

H.—I. (text unchanged)

J. Letters of [Exemption] *Authorization*.

(1) Within 21 days of the Department's determination that the application is complete and the delineation correct, the Department shall notify the applicant in writing whether the activity qualifies for a letter of [exemption] *authorization* and, if so, what best management practices, if any, will be required.

(2) The letter of [exemption] *authorization* is void if the information submitted is later shown to have been false, misleading, or inaccurate, and the Department shall pursue any appropriate enforcement action under COMAR 26.23.01.05 as to any activities that have been undertaken under the void letter of [exemption] *authorization*.

(3) If the Department determines that the proposed activity does not qualify for a letter of [exemption] *authorization*, it shall notify the applicant of the need to apply for a permit under Regulation .01 of this chapter.

(4) The Department shall specify in the letter of [exemption] *authorization* the time period for which it is valid.

(5) If an applicant applies for both a letter of [exemption] *authorization* and a permit, the Department may withhold its decision on the letter of [exemption] *authorization* pending a final permit decision.

K. (text unchanged)

.09 [Permit] Suspension and Revocation.

A. Grounds for [Permit] Suspension or Revocation. The Department may suspend or revoke a permit or a letter of *authorization* after notice to the permittee or person issued letter of *authorization* and opportunity for a hearing if the Department determines that any of the following has occurred:

(1) Failure of a permittee or person issued letter of *authorization* to post a bond required under COMAR 26.23.04.04;

(2) Permittee or person issued letter of *authorization* has failed to comply with the requirements of an administrative action or order under this subtitle or for a violation of the Act or this subtitle;

(3) Misrepresentation or fraud in the [permit] application process or failure to disclose a relevant or material fact;

(4) Requirements of the permit or letter of *authorization* have been violated;

(5) Substantial deviation from the plans, specifications, or requirements of the permit or letter of *authorization*;

(6) Permittee or person issued letter of *authorization* has prevented a representative of the Department from entering the activity site to make reasonable inspections; [or]

(7) [Permittee's rights] *Rights* under the permit or letter of *authorization* have not vested and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension[.]; or

(8) *The permittee or person issued letter of authorization has not begun work under the authorization and requested that the permit or letter of authorization be withdrawn.*

B. Notice. Except as provided for emergency actions under §D of this regulation, the Department may not suspend or revoke a nontidal wetlands permit or letter of authorization unless the Department first gives [the permittee] written notice by certified mail of the specific facts that warrant suspension or revocation, and an opportunity to [be heard.] *to make a written request for a contested case hearing under §C of this regulation.*

C. *Contested Case Hearings.*

(1) Upon receipt of written notice to suspend or revoke a permit or a letter of authorization, the permittee or person issued letter of authorization shall have 10 calendar days to request a contested case hearing.

(2) A hearing under this section shall be conducted in conformance with the Administrative Procedure Act and COMAR [08.01.04] 26.01.02 and 26.23.02.09.

(3) If the Department receives no request for a hearing, the permit or letter of authorization shall be revoked or suspended.

D. *Emergency Action.*

(1) The Department may order the immediate suspension or revocation of a permit letter of authorization if the Department:

(a) (text unchanged)

(b) Promptly gives the permittee or person issued letter of authorization written notice of the emergency action.

(2) A notice of emergency action shall include a statement of the:

(a) (text unchanged)

(b) [Permittee's opportunity] *Opportunity* to be heard, in accordance with §C of this regulation.

26.23.03 Letter of [Exemption] Authorization

Authority: Environment Article, §§5-901—5-911, Annotated Code of Maryland

.01 Activities Requiring a Letter of [Exemption] Authorization.

A. Except for regulated activities proposed within the Critical Area, an activity that qualifies for a letter of [exemption] authorization is exempt from the permit and mitigation requirements of this subtitle. Activities proposed in the Critical Area are not exempt from the mitigation requirements of COMAR 26.23.04.02—.07.

B. Upon application, the activities listed below may qualify for a letter of [exemption] authorization provided that the conditions in Regulation .02B of this chapter are satisfied and best management practices, which may be required by the Department, are all met:

(1)—(8) (text unchanged)

C. (text unchanged)

D. An applicant seeking a letter of [exemption] authorization under §B(8) of this regulation shall submit the following:

(1)—(5) (text unchanged)

(6) A request for the length of time the [exemption] letter of authorization is to be valid; and

(7) (text unchanged)

E. Structures that have been placed in nontidal wetlands (for example, sediment traps), or that have impacted nontidal wetlands through their construction or operation do not qualify for a letter of [exemption] authorization under §B(8) of this regulation.

F. A letter of [exemption] authorization issued under §B(8) of this regulation is in effect for a period of up to 5 years and may be extended for one additional 5-year period. A letter of [exemption] authorization granted under §B(8) may not be extended for more than one 5-year period, for a total of 10 years, unless the regulated activity

is part of a permitted mining activity or involves implementation of a mining reclamation plan.

.02 Best Management Practices for Letters of [Exemption] Authorization.

A. If a letter of [exemption] authorization is granted, the Department may require an applicant to comply with best management practices, including one or more of the following:

(1)—(16) (text unchanged)

B. A proposed activity does not qualify for a letter of [exemption] authorization if the Department determines that the activity:

(1)—(3) (text unchanged)

C. Activities of a Similar Nature.

(1) Applicants proposing to conduct repeated regional or Statewide activities of a similar nature that may qualify for a letter of [exemption] authorization may submit a single application to the Department.

(2) The Department may issue a single letter of [exemption] authorization for these activities in §C(1) of this regulation.

(3) (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Subtitle 23 NONTIDAL WETLANDS

26.23.02 Permit Application and Processing

Authority: Environment Article, §§5-901—5-911, Annotated Code of Maryland

Notice of Proposed Action

[18-084-P]

The Secretary of the Environment proposes to amend Regulation **.08** under **COMAR 26.23.02 Permit Application and Processing**.

Statement of Purpose

The purpose of this action is to eliminate the requirement for after-the-fact public notice and opportunity to comment for certain temporary emergency authorizations. Currently, all temporary emergency permits must be advertised on public notice within 15 days of issuance. The proposed revision would eliminate the public notice and opportunity to comment if the authorized activity would have otherwise qualified for a Letter of Authorization.

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 Denise Clearwater, Special Projects Coordinator, Maryland Department of the Environment, 1800 Washington Blvd., Baltimore, MD 21230, or call 410-537-3781, or email to denise.clearwater@maryland.gov, or fax to 410-537-3751. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

.08 Temporary Emergency Nontidal Wetland [Permit] Authorizations.

A. The Department may issue a temporary emergency nontidal wetland permit *or letter of authorization* for a regulated activity if:

(1) (text unchanged)

(2) The anticipated threat, loss, or damage may occur before a permit *or letter of authorization* can be issued under the procedures otherwise required by this subtitle.

B. [Permit] *Emergency Authorization* Requirements. The temporary emergency permit *or letter of authorization* shall:

(1)—(2) (text unchanged)

(3) Require rectification for nontidal wetlands with temporary adverse impacts; *and*

(4) Require mitigation for nontidal wetland losses, [pursuant to COMAR 26.23.04.02—.07] *unless exempt under COMAR 26.23.04.02.*

C. Temporary Emergency Procedure.

(1) Not later than the next business day after beginning an emergency regulated activity, a temporary emergency permit *or letter of authorization* shall be requested.

(2) A temporary emergency permit *or letter of authorization* request may be made orally. However, the applicant shall submit a written request to the Department within 3 *business* days of the oral request.

(3) (text unchanged)

(4) The temporary emergency permit *or letter of authorization* may be granted orally or in writing. If oral approval is granted, the Department shall issue a written emergency permit *or letter of authorization* within 3 *business* days of the approval.

(5) If oral approval is not granted, the Department shall issue a written temporary emergency permit *or letter of authorization* within 10 *business* days of the request if the temporary emergency permit *or letter of authorization* is approved by the Department.

D. [The] *For activities which do not qualify for a letter of authorization under chapter .03 of this subtitle, the* Department shall provide public notice and opportunity for comment on the issuance of a temporary emergency permit in a local newspaper of general circulation, not later than 15 days after the issuance of a permit.

E. Upon written request by a permittee, *or authorized person*, the Department may extend the temporary emergency permit *or letter of authorization* if more time is required to complete the work authorized or to rectify the site.

F. The Department may suspend or revoke a temporary emergency permit *or letter of authorization* in conformance with Regulation .09 of this chapter.

G. Work performed under a temporary emergency permit *or letter of authorization* shall conform to conditions specified by the Department.

H. A person shall apply for a nontidal wetland permit *or letter of authorization pursuant to regulation .01 of this chapter* if:

(1) The person intends to conduct an additional regulated activity at the site which does not qualify for a temporary emergency permit *or letter of authorization*;

(2) A temporary emergency permit *or letter of authorization* is denied;

(3) Work authorized under the temporary emergency permit *or letter of authorization* is conducted beyond the 90-day period in §B(2) of this regulation without approval from the Department; [or]

(4) *The activity does not qualify for a temporary emergency permit or letter of authorization; or*

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

BENJAMIN H. GRUMBLES
Secretary of the Environment

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.

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
[18-08-20]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: January 1-31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717-238-0423, ext. 1312, joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

Cabot Oil & Gas Corporation, LLC, Pad ID: McLeanD P1, ABR-201211009.R1, Lathrop and Lenox Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

Cabot Oil & Gas Corporation, LLC, Pad ID: HordisC P1, ABR-201211016.R1, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

Cabot Oil & Gas Corporation, LLC, Pad ID: LoffredoJ P1, ABR-201211017.R1, Nicholson Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

Cabot Oil & Gas Corporation, LLC, Pad ID: TeddickM P3, ABR-201212006.R1, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

Cabot Oil & Gas Corporation, LLC, Pad ID: ZickW P1, ABR-201212008.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

Cabot Oil & Gas Corporation, LLC, Pad ID: KropaT P1, ABR-201301017.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

Chief Oil & Gas, LLC, Pad ID: Spencer Drilling Pad, ABR-201306010.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 9, 2018.

SWN Production Company, LLC, Pad ID: Swisher (Pad R), ABR-201212012.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 9, 2018.

Chesapeake Appalachia, LLC, Pad ID: Porter, ABR-201306001.R1, North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

Chesapeake Appalachia, LLC, Pad ID: Tinna, ABR-201306002.R1, Windham and Mehoopany Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

Chesapeake Appalachia, LLC, Pad ID: Shamrock, ABR-201306003.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

Chesapeake Appalachia, LLC, Pad ID: Brewer, ABR-201306007.R1, Meshoppen and Washington Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

Chief Oil & Gas, LLC, Pad ID: SGL 12 N WEST DRILLING PAD, ABR-201801001, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 22, 2018.

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

Dated: March 16, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[18-08-21]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: January 1-31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22(f) for the time period specified above:

Rescinded ABR Issued:

Carrizo (Marcellus), LLC, Pad ID: EP Bender B (CC-03) Pad (2), ABR- 201201030.R1, Reade Township, Cambria County, Pa.; Rescind Date: January 26, 2018.

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

Dated: March 16, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[18-08-22]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 8, 2018, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 8, 2018, in State College, Pennsylvania, the Commission took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the Supplementary Information below.

DATES: March 8, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: 1) presentation of the Commission's Maurice K. Goddard Award for Excellence by a Water Management Professional to Mr. Mark Hartle; 2) adoption of a budget reconciliation for the 2019 fiscal year; 3) approval of two agreements and authorization of the Executive Director to spend \$300,000 from the Commission's Water Management Fund to complete the Billmeyer Quarry consumptive use mitigation site characterization and testing, including payment to the Lancaster County Solid Waste Management Authority of \$75,000; 4) adoption of final rules pertaining to the amendment of Commission regulations to codify and strengthen the Commission's Access to Records Policy; and 5) approval of a request from South Middleton Township Municipal Authority to waive the deadline for submittal of its groundwater withdrawal renewal application.

Project Applications Approved:

The Commission approved the following project applications:

Project Sponsor and Facility: Cabot Oil & Gas Corporation (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Surface water withdrawal of up to 1.000 mgd (peak day).

Project Sponsor: Mayapple Real Estate Holdings. Project Facility: Mayapple Golf Links, South Middleton Township, Cumberland County, Pa. Consumptive use of up to 0.200 mgd (peak day).

Project Sponsor: Mayapple Real Estate Holdings. Project Facility: Mayapple Golf Links, South Middleton Township, Cumberland County, Pa. Groundwater withdrawal of up to 0.099 mgd (30-day average) from Well 1.

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fall Brook), Ward Township, Tioga County, Pa. Renewal of surface

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water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140313).
Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fellows Creek), Ward Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (Docket No. 20140314).
Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5 Mine Discharge), Bloss Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20140311).
Project Sponsor and Facility: SWEPI LP (Susquehanna River), Sheshequin Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.850 mgd (peak day) (Docket No. 20140312).
Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 2.500 mgd (peak day) (Docket No. 20140302).
Project Sponsor and Facility: XTO Energy Inc. (Little Muncy Creek), Moreland Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20140315).

Project Applications Tabled:

The Commission tabled action on the following project applications:
Project Sponsor and Facility: Brymac, Inc. dba Mountain View Country Club (Pond 3/4), Harris Township, Centre County, Pa. Application for surface water withdrawal of up to 0.240 mgd (peak day).
Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, Pa. Modification to increase groundwater withdrawal by an additional 0.099 mgd (30-day average), for a total groundwater withdrawal of up to 0.200 mgd (30-day average) from Well 3 (Docket No. 20081207).
Project Sponsor and Facility: Lycoming Engines, a Division of Avco Corporation, City of Williamsport, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.980 mgd (30-day average) for groundwater remediation system (Docket No. 19880203).

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

Dated: March 23, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission
[18-08-32]

MARYLAND HEALTH CARE COMMISSION

GROSS AND NET 2021 BED NEED PROJECTIONS FOR ACUTE REHABILITATION BEDS BY HEALTH PLANNING REGION

In accordance with COMAR 10.24.09.05, the Maryland Health Care Commission (MHCC) publishes the following notice of regional gross and net bed need for acute rehabilitation beds. These regional bed need projections will apply in the review of Certificate of Need (CON) applications acted on by MHCC. Published projections of gross bed need remain in effect until MHCC publishes updated acute rehabilitation bed need projections. Projections of net bed need can change during the interim between bed need projection updates as a result of changes in the number of licensed acute rehabilitation beds.

Gross and Net Bed Need Projections for Acute Rehabilitation Beds: Maryland, 2021							
Health Planning Region	Minimum Occupancy Standard	Range	Total Days Projected	Current Licensed Bed Capacity	Available Bed Days	Gross Bed Need Range	Net Bed Need Range
Central	0.77	minimum	62,848	260	94,900	224	-36
		maximum	76,994			274	14
Eastern Shore	0.79	minimum	14,167	79	28,835	49	-30
		maximum	25,447			89	10
Montgomery	0.80	minimum	22,947	87	31,755	79	-8
		maximum	34,665			119	32
Southern	0.75	minimum	3,133	28	10,220	11	-17
		maximum	26,109			95	67
Western	0.75	minimum	9,385	33	12,045	34	1
		maximum	11,501			42	9

Sources: MHCC staff analysis of HSCRC discharge abstract data CY 2012-CY 2016; District of Columbia (DC) discharge abstract data CY 2012-CY 2016 discharge data; data from Johns Hopkins Bayview Medical Center for CY 2016; corrected data on patient acute rehabilitation days from Levindale for CY 2012-CY 2016; information submitted by Adventist Rehabilitation hospital regarding CY 2012 data; information provided by Union Memorial Hospital regarding CY 2012; Population data from the Maryland Department of Planning; Population data from the U.S. Census or respective state agencies responsible for official population projections were used for Virginia, West Virginia, Pennsylvania, and Delaware; for the District of Columbia, population estimates and projections for 2011-2021 are based on projections created by the University of Virginia Weldon Cooper Center because official population projections were not available through the U.S. Census or a District of Columbia government agency. Bed capacity information is from the licenses for hospitals and information from Sinai Hospital on the physical number of acute rehabilitation beds, which is lower than its licensed capacity.

Notes: For CY 2012, all discharges from Adventist Rehabilitation Hospital are counted as acute rehabilitation cases, even though the nature of admission or type of daily service may be listed as unknown or other. Staff obtained corrected information from the Hospital, after noting an unusually low number of acute rehabilitation discharges as compared to CY 2011 and CY 2013. In addition, for CY 2012 and CY 2013, for Adventist Rehabilitation Hospital, rather than relying on the county code to define patient origin, the zip code field should be used. Otherwise, many discharges will be labeled as being from an unknown county. For Union Memorial Hospital, CY 2012 acute rehabilitation discharges with a DRG of 945, or 946, and nature of admission coded as 9 are included as acute rehabilitation discharges. For DC discharge abstract data in CY 2015Q4 and CY 2016, records from George Washington University Hospital Center are counted as acute rehabilitation discharges when the field "rehab_flag" has a value of "1." For the 2015 HSCRC discharge abstract data, records with a value "CR" in the field "datatype" are excluded because this coding indicates a chronic care discharge.

The Central Region is comprised of Baltimore City and Anne Arundel, Baltimore, Carroll, Cecil, Harford and Howard Counties.

The Eastern Shore is comprised of Caroline, Dorchester, Kent, Queen Anne's, Talbot, Somerset, Wicomico, and Worcester Counties.

Montgomery County is comprised of Montgomery County.

Southern Maryland is comprised of Charles, Calvert, Prince George's and St. Mary's Counties.

Western Maryland is comprised of Allegany, Frederick, Garrett, and Washington Counties.

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Capacity and Utilization for Maryland Hospitals in CY 2016 at Hospitals With Currently Licensed Acute Rehabilitation Beds							
Hospital Name	Discharges	Total Days	Bed Days Available	Occupancy*	ADC	Health Planning Region	Current Licensed Beds*
Johns Hopkins Hospital	537	5,672	6,570	86%	16	Central	18
Sinai Hospital	1,195	11,630	15,695	74%	32	Central	43
Johns Hopkins Bayview Hospital	433	6,486	4,380	148%	18	Central	12
Good Samaritan Hospital	1,313	12,812	25,185	51%	35	Central	69
University of Maryland Rehabilitation and Orthopaedic Institute	1,755	20,903	35,770	58%	57	Central	98
Levindale Hospital	78	1,625	7,300	22%	4	Central	20
Memorial Hospital at Easton	343	3,471	7,300	48%	10	Eastern	20
HealthSouth Chesapeake Rehab Hospital	1,467	19,636	21,535	91%	54	Eastern	59
Adventist Rehabilitation Hospital	1,862	25,887	31,755	82%	71	Montgomery	87
Laurel Regional Hospital	259	2,413	10,220	24%	7	Southern	28
Meritus Medical Center	439	4,527	7,300	62%	12	Western	20
Western Maryland Regional Medical Center	293	3,205	4,745	68%	9	Western	13

Sources: MHCC staff analysis of data and sources used in the acute rehabilitation projections for 2021, as described in the above table.

*Notes: Johns Hopkins Bayview Hospital achieved occupancy above its licensed capacity through the utilization of chronic beds. Sinai hospital has a physical capacity of 43 beds, even though its license indicates a capacity of 57 beds.

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
[18-08-01]

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: May 16, 2018, 3 — 6 p.m.
Place: Chesapeake Bay Trust Office, 60 West St., Ste. 405, Annapolis, MD
Contact: Heather Adams (410) 974-2941
[18-08-29]

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
[18-08-09]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Meeting
Date and Time: May 8, 2018, 5:30 — 7:30 p.m.
Place: Judicial College Education and Conference Center, 2011D Commerce Park Dr., Annapolis, MD
Contact: David Soule (301) 403-4165
[18-08-07]

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
[18-08-15]

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
[18-08-16]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: May 17, 2018, 1 — 3 p.m.
Place: 100 Community Pl., Conf. Rm., Side A, Crownsville, MD
Add'l. Info: Children's Justice Act Committee Meeting
Contact: Jessica Wheeler (410) 697-9342
[18-08-10]

HALL OF RECORDS COMMISSION

Subject: Public Meeting
Date and Time: May 11, 2018, 12 — 2 p.m.
Place: Maryland State Archives, Annapolis, MD
Contact: Liz Coelho (410) 260-6401
[18-08-19]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting
Date and Time: May 24, 2018, 3—5 p.m.
Place: 201 W. Preston St., Rm. L-1, Baltimore, MD
Add'l. Info: HEALTHCHOICE POST-AWARD FORUM
Effective January 1, 2017, the Centers for Medicare & Medicaid Services (CMS) approved and renewed Maryland's §1115 demonstration waiver, known as HealthChoice, for a 5-year period.
Per the terms of the §1115 HealthChoice demonstration renewal as required by 42 CFR 431.420(c), the Maryland Department of Health (MDH) must conduct a post-award forum within 6 months of implementing the demonstration and

annually thereafter. The forum is intended to provide the public with the opportunity to offer meaningful comment on the progress of the demonstration.

Additionally, MDH intends to seek CMS approval for an §1115 demonstration waiver amendment. The post-award forum will also provide the public an opportunity to comment on programs proposed for inclusion in the §1115 demonstration waiver amendment.

A second public hearing for the §1115 amendment will be held in Annapolis in June. Hearing location and time will be published in a forthcoming second public notice and can be found on the waiver amendment website below.

For more information on the post-award forum, please go to

<https://mmcp.health.maryland.gov/healthchoice/Pages/HealthChoice-Post-Award-Forum.aspx>

For more information on the waiver amendment and how to send comments to MDH, please visit:

<https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>

Contact: Please direct any questions to mdh.healthchoicerenewal@maryland.gov.

[18-08-36]

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.
Contact: Shawn Singh (410) 767-6896

[18-08-14]

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MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice to Add Licensed Clinical Art Therapists to the List of Licensed Mental Health Professionals to Be Reimbursed by Medicaid

Add'l. Info: Pursuant to Maryland H.B.298 of 2017, the Department proposes adding Licensed Clinical Art Therapists (LCPAT) to the list of Licensed Mental Health Professionals whose services Maryland Medicaid will reimburse. The proposal would allow for LCPATs to provide and receive reimbursement for select outpatient mental health evaluations and treatments within their scope of practice. The projected fiscal impact is zero dollars. While the Department is adding a licensure level to the list of approved clinicians participating in the public behavioral health system, the patient pool or demand for services is not being increased by this change. Patients who are currently being served by Licensed Clinical Professional Counselor (LCPC) or Licensed Clinical Social Worker (LCSW-C) may decide to receive some of their therapy services from a LCPAT.

Copies of the proposed changes are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Elaine Hall, Office of Health Services, MDH 201 W. Preston St., Rm. 213a, Baltimore MD 21201, or emailed to mdh.mabehavioralhealth@maryland.gov.

Contact: Elaine Hall (410) 767-1998

[18-08-31]

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subject: Public Hearing

Date and Time: April 30, 2018, 10 — 11 a.m.

Place: Maryland Dept. of Housing and Community Development (DHCD), 7800 Harkins Rd., Rm. 201, Lanham, MD

Add'l. Info: A public hearing will be held to solicit comments on DHCD's submission for the U.S. Department of Energy Weatherization Assistance Program (WAP) State Plan for 2018. Written comments for 2018 State Plan recommendations must be submitted no later than 4 p.m., April 30, 2018, to Mrs. Kiahna Burney, Program Manager, Energy Programs, at the above address.

Contact: Kiahna Burney (301) 429-7793

[18-08-37]

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

[18-08-17]

DIVISION OF LABOR AND INDUSTRY/AMUSEMENT RIDE SAFETY ADVISORY BOARD

Subject: Public Hearing

Date and Time: April 24, 2018, 10 a.m. — 12 p.m.

Place: Dept. of Labor, Licensing, and Regulation, 1100 N. Eutaw St., Rm. 600, Commissioner's Conf. Rm., Baltimore, MD

Add'l. Info: The Amusement Ride Advisory Board will meet to discuss issues relating to Amusement Ride Safety. Interested persons should call the contact person to confirm this meeting.

Contact: Pamela Torres (410) 767-2348

[18-08-30]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: April 26, 2018, 10 a.m. — 12 a.m.

Place: Montgomery Park Business Center, 1800 Washington Blvd., Studio, Baltimore, MD

Contact: Kathy L. Lingo (410) 230-8790

[18-08-18]

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

[18-08-12]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: May 17, 2018, 1 — 4 p.m.

Place: 4160 Patterson Ave., Baltimore, MD

Contact: Valerie Wooding (410) 764-3570

[18-08-13]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application

Add'l. Info: On March 23, 2018 the Maryland Health Care Commission (MHCC) received three Certificate of Need applications submitted by:

Baltimore Detox Center — (Baltimore County) — Matter No. 18-03-2419 — Establish a 24 bed Level 3.7 Intermediate Care Facility to be located at 1825 Woodlawn Drive, Baltimore.

Gaudenzia-Baltimore (Baltimore City) — Matter No. 18-24-2420 — Conversion of 30 existing beds at the facility located at 2643 Woodland Avenue, Baltimore to Level 3.7.

Gaudenzia-Crownsville (Anne Arundel County) — Matter No. 18-02-2421 — Establish 27 Track Two beds of ASAM Levels of care with the operation of 15 detox beds at the level of 3.7 to be located at its current location at 107 Circle Drive, Crownsville.

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. A copy 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.

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
[18-08-27]

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:

Children's National of Prince George's County — (Prince George's County) — Docket No. 18-16-2413 — Establish an ambulatory surgery facility with 2 operating rooms as part of a new regional outpatient center to be located at 2900 W. Campus Way, Glenarden.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, Section 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 May 14, 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 & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[18-08-35]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2018 Commercial Yellow Perch Closure 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 close on Wednesday, March 21, 2018 at 12:01 am. The Department is projecting that the annual commercial harvest target on the Chester River will be met.

The Upper Bay fishery and Patuxent River yellow perch fishery will remain open and are subject to closure when the harvest target is projected to be met or when the fisheries close on March 31st, 2018, at 11:59 pm. All other rules remain the same.

Mark J. Belton
Secretary of Natural Resources
Contact: Tamara O'Connell (410) 507-0779

[18-08-24]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice - 2018 Summer Flounder Season, Size Limit and Creel Limit — Effective 4/1/18

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, in response to the action taken for summer flounder at the February 2018 Atlantic States Marine Fisheries commission meeting, pursuant to Code of Maryland Regulations (COMAR) 08.02.05.12F, announces the season, catch limit, and minimum size for the summer flounder fishery for April through December 2018. Effective 12:01 a.m. April 1, 2018:

- The season is open April 1, 2018 through December 31, 2018.
- Recreational anglers may keep up to 4 summer flounder per person per day.
- The recreational minimum size for summer flounder is 16 ½ inches in all Maryland State waters.
- The commercial hook and line minimum size for summer flounder is 16 ½ inches in all Maryland State waters.
- The commercial minimum size for summer flounder caught by gear other than hook and line is 14 inches.

• All other rules remain the same.
This replaces the public notice for this fishery that was effective 1/1/18.

Mark J. Belton
Secretary of Natural Resources
Contact: Tamara O'Connell (410) 507-0779

[18-08-25]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: April 20, 2018, 9 — 11 a.m.

Place: Via Teleconference, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255. The meeting will take place by teleconference. Please call the office for more information.

Contact: Lauren Murray (410) 402-8556
[18-08-23]

RACING COMMISSION

Subject: Public Meeting

Date and Time: April 26, 2018, 12 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[18-08-11]

MARYLAND DEPARTMENT OF TRANSPORTATION/MARYLAND BOARD OF AIRPORT ZONING APPEALS

Subject: Public Hearing

Date and Time: May 3, 2018, 10 a.m.

Place: MDOT Headquarters, 7201 Corporate Center Drive, Richard Trainor Rm., Hanover, MD

Add'l. Info: The Board will hear the following case:

Docket Number 409
Anne Arundel County Public Schools is proposing to construct a Gymnasium Addition located at 500 Marlboro Road, Glen Burnie, Maryland 21061. This location is approximately 10,500 feet southeast of Runway 33L at Baltimore Washington Thurgood Marshall International Airport (BWI Marshall). The proposed gymnasium addition is to be

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located within the 65 Ldn noise zone for BWI Marshall. The proposed land use at this location is found to be incompatible with the certified Airport Noise Zone. In accordance with the Maryland Airport Noise Control Program Regulations (COMAR 11.03.03), the appellant may file an appeal with the Board of Zoning Appeals (BAZA) requesting a variance to the regulation. A Petition for a variance has been received. Therefore, the Maryland Aviation Administration will present BAZA Case 409 to the Board of Airport Zoning Appeals on Thursday, May 3, 2018 at 10:00 a.m.

For additional information, please contact Deborah Mahoney-Fowler at 410-865-1233.

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. Please call 410-865-1233 (voice) or MD Relay (TTY Users).

Contact: Deborah Mahoney Fowler (410) 865-1233

[18-08-28]

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

[18-08-02]

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

[18-08-03]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meeting

Date and Time: May 16, 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

[18-08-04]

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

[18-08-06]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: April 26, 2018, 9:30 — 11 a.m.

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

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Contact: Amy Lackington (410) 864-5300

[18-08-08]

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**Part 2**

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**Part 3**

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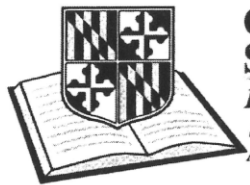
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