

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before June 4, 2018, 5 p.m.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 June 4, 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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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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The Maryland Register is also available at www.dsd.state.md.us.

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

Availability of Monthly List of Maryland Documents

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

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

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August 3	July 16	July 25	July 23
August 17	July 30	August 8	August 6
August 31	August 13	August 22	August 20
September 14	August 27	September 5	August 31**
September 28	September 10	September 19	September 17
October 12	September 24	October 3	October 1
October 26	October 5**	October 17	October 15
November 9	October 22	October 31	October 29
November 26***	November 5	November 14	November 9**
December 7	November 19	November 28	November 26
December 21	December 3	December 12	December 10
2019			
January 4	December 17	December 26	December 24
January 18	December 31	January 9	January 7

* 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 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 Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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08 DEPARTMENT OF NATURAL RESOURCES

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The General Assembly

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

SYNOPSIS NO. 11

Chapters

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- CH0572 HB0327 (Enrolled)** Del Lisanti, et al. Income Tax - Subtraction Modification - Military Retirement Income.
- CH0573 SB0996 (Enrolled)** Sen Peters, et al. Income Tax - Subtraction Modification - Retirement Income (Hometown Heroes and Veterans Act of 2018).
- CH0574 HB0365 (Amended)** Del Walker, et al. Income Tax - Personal Exemptions - Alteration.
- CH0575 SB0184 (Enrolled)** Sen Kasemeyer, et al. Income Tax - Personal Exemptions - Alteration.
- CH0576 HB0570 (Enrolled)** Del Gilchrist, et al. Income Tax - Standard Deduction - Alteration and Cost-of-Living Adjustments.
- CH0577 SB0318 (Enrolled)** Sen Kasemeyer, et al. Income Tax - Standard Deduction - Alteration and Cost-of-Living Adjustments.
- CH0578 SB0228 (Enrolled)** Sen Guzzone, et al. Cybersecurity Incentive Tax Credits.
- CH0579 SB0299 (Enrolled)** The President (Admin), et al. Correctional Officers' Retirement System - Membership.
- CH0580 HB0036 (Amended)** Del Jackson, et al. Correctional Officers' Retirement System - Membership.
- CH0581 HB0296 (Enrolled)** Del Hixson, et al. Income Tax - Subtraction Modification - Retirement Income of Correctional Officers.
- CH0582 HB1069 (Enrolled)** Del Buckel, et al. Income Tax - Subtraction Modification - Volunteer Fire, Rescue, and Emergency Medical Services Members.
- CH0583 SB0989 (Enrolled)** Sen Edwards, et al. One Maryland Economic Development Tax Credits - Simplification and Alteration.
- CH0584 HB1295 (Enrolled)** Del Buckel, et al. One Maryland Economic Development Tax Credits - Simplification and Alteration.
- CH0585 HB1765 (Amended)** Del Lafferty. On-Site Sewage Disposal Systems - Watershed Implementation Plan and Bay Restoration Fund Disbursements and Financial Assistance.
- CH0586 SB0152 (Amended)** Sen Manno, et al. Labor and Employment - Hiring and Promotion Preferences - Veterans of Commissioned Corps.
- CH0587 HB1617** Del Morales, et al. Labor and Employment - Hiring and Promotion Preferences - Veterans of Commissioned Corps.
- CH0588 SB0048 (Amended)** Sen Mathias, et al. Workers' Compensation - Permanent Partial Disability - State Correctional Officers.
- CH0589 HB0205 (Amended)** Del Clippinger, et al. Workers' Compensation - Permanent Partial Disability - State Correctional Officers.
- CH0590 HB1804 (Amended)** Del Busch. Health - Medical Research Funding.
- CH0591 HB0097** The Speaker (DLS). State Board of Law Examiners - Sunset Extension.
- CH0592 HB1480 (Amended)** The Speaker (Atty Gen Ofc), et al. Controlled Dangerous Substances - Distributors - Reporting Suspicious Orders.
- CH0593 SB0982 (Amended)** The President (Atty Gen Ofc), et al. Controlled Dangerous Substances - Distributors - Reporting Suspicious Orders.
- CH0594 SB0999 (Amended)** Sens Peters and DeGrange. Recordation Tax - Exemptions.
- CH0595 SB1154 (Enrolled)** Sen Peters, et al. Income Tax - Film Production Activity Tax Credit - Alterations.
- CH0596 SB1001 (Enrolled)** Sens Peters and Rosapepe. Employee Benefits - State Employee and Retiree Health and Welfare Benefits Program and Maryland Small Business Retirement Savings Program.
- CH0597 SB1202 (Enrolled)** Sen Peters, et al. Higher Education - Richard W. Collins III Leadership With Honor Scholarship - Establishment.
- CH0598 HB0002 (Enrolled)** Del Glenn. Natalie M. LaPrade Medical Cannabis Commission Reform Act.
- CH0599 HB1035 (Amended)** Del Glenn. Natalie M. LaPrade Medical Cannabis Commission - Certifying Providers - Referrals.
- CH0600 SB1063 (Amended)** Sen Conway, et al. Natalie M. LaPrade Medical Cannabis Commission - Certifying Providers - Referrals.
- CH0601 SB0874 (Amended)** Sen Zirkin. Natalie M. LaPrade Medical Cannabis Commission - Immunity.
- CH0602 SB0423 (Enrolled)** Sen Zirkin. Criminal Procedure - Postconviction - DNA Testing and Petition for Writ of Actual Innocence.
- CH0603 HB0572 (Amended)** Del Rey, et al. Income Tax - Oyster Shell Recycling Credit - Maximum Allowable Amount and Sunset Extension.
- CH0604 SB0153 (Enrolled)** Sen Hershey, et al. Income Tax - Oyster Shell Recycling Credit - Maximum Allowable Amount and Sunset Extension.
- CH0605 SB0682 (Amended)** Sen Hershey, et al. Emergency Medical Services Providers - Coverage and Reimbursement of Services - Reports and Plan.
- CH0606 SB1056 (Amended)** Sen Hershey, et al. Rural Health Collaborative Pilot.
- CH0607 HB0284** Cecil County Delegation. Cecil County - Office of the Sheriff - Employees and Collective Bargaining.
- CH0608 HB0373** Cecil County Delegation. Cecil County - Home Detention and Release Programs.
- CH0609 SB0563** Sen Serafini. Income Tax Credit - Qualified Research and Development Expenses - Application for and Procedure to Claim Credit.
- CH0610 SB0564** Sen Serafini. Income Tax Credit - Security Clearance Costs - Procedure to Claim Credit.
- CH0611 SB0647 (Amended)** Sen Madaleno, et al. Earned Income Tax Credit - Individuals Without Qualifying Children - Repeal of Minimum Age Requirement.
- CH0612 HB0856 (Enrolled)** Del Hixson, et al. Earned Income Tax Credit - Individuals Without Qualifying Children - Repeal of Minimum Age Requirement.
- CH0613 HB0302 (Enrolled)** Del Hixson, et al. Income Tax Credit - Wineries and Vineyards - Procedures to Claim Credit and Sunset Extension.

- CH0614 SB0848** Sen Serafini. Income Tax Credit - Wineries and Vineyards - Procedures to Claim Credit and Sunset Extension.
- CH0615 SB1148** Washington County Senators. Washington County - Advisory School Design Review Committee - Repeal.
- CH0616 SB1143 (Enrolled)** Sen Kasemeyer. Property Tax Credit - Baltimore County - Leadership Through Athletics, Inc..
- CH0617 SB1144 (Amended)** Sen Kasemeyer. Baltimore County - Alcoholic Beverages - Education Conference Facility/Dining Service License.
- CH0618 HB0114** Del McIntosh. Baltimore City - Alcoholic Beverages - Class B-D-7 Licenses.
- CH0619 HB0312 (Amended)** Del Davis, et al. Criminal Law – School Bus Driver and Public Transportation Worker – Obstructing, Hindering, or Interfering With.
- CH0620 HB0605 (Enrolled)** Del Kaiser, et al. State Student Loan Refinancing Program - Market-Specific Consultant Study.
- CH0621 SB0284 (Amended)** Sen Middleton, et al. Maryland Medical Assistance Program – Dental Coverage for Adults – Pilot Program.
- CH0622 SB0885 (Enrolled)** Sen Middleton. Maryland Agricultural Land Preservation Foundation - Condemnation of Land Under Easement.
- CH0623 SB1140 (Amended)** Sen Middleton. Maryland Agricultural Land Preservation Foundation – Definition of Child.
- CH0624 SB1131** Sen Middleton. Motor Vehicle Insurance - Commercial Policies - Insurance Identification Card.
- CH0625 HB1723 (Amended)** Charles County Delegation. Charles County - Work Release - Collection of Inmate Earnings.
- CH0626 HB1456 (Enrolled)** Del Barve, et al. Offshore Drilling Liability Act.
- CH0627 HB0003 (Amended)** Del Stein, et al. Environment - U.S. Climate Alliance - Membership.
- CH0628 HB1350 (Enrolled)** Del Stein, et al. Sea Level Rise Inundation and Coastal Flooding - Construction, Adaptation, and Mitigation.
- CH0629 SB1006 (Enrolled)** Sen Pinsky. Sea Level Rise Inundation and Coastal Flooding - Construction, Adaptation, and Mitigation.
- CH0630 SB0844** Sen Conway. Environment - Newsprint Recycling Board - Repeal and Transfer of Authority.
- CH0631 HB1088 (Enrolled)** Del Cullison, et al. State Procurement - Information Technology - Nonvisual Access.
- CH0632 SB0286 (Enrolled)** Sen Conway, et al. State Procurement - Information Technology - Nonvisual Access.
- CH0633 HB1557 (Amended)** Del Hayes, et al. Procurement - Architectural Services and Engineering Services - Reciprocal Preference.
- CH0634 SB1020** Sen Conway. Procurement - Architectural Services and Engineering Services - Reciprocal Preference.
- CH0635 SB0399 (Amended)** Sen Conway, et al. Baltimore City - Board of License Commissioners - License Application Newspaper Notice.
- CH0636 SB0621 (Enrolled)** Sen Conway, et al. Real Property - Deletion of Ownership Restrictions Based on Race, Religious Belief, or National Origin.
- CH0637 HB1553 (Enrolled)** Del Anderson (BCA). Baltimore City - Landlord and Tenant - False Representations and Unlawful Evictions.
- CH0638 SB0826 (Amended)** Sen Conway (BCA). Baltimore City - Landlord and Tenant - False Representations and Unlawful Evictions.
- CH0639 HB1548 (Enrolled)** Del Anderson (BCA). Baltimore City - Continuing the Creating Opportunities for Renewal and Enterprise (CORE) Partnership Fund.
- CH0640 SB1084 (Amended)** Sen Conway (BCA), et al. Baltimore City - Continuing the Creating Opportunities for Renewal and Enterprise (CORE) Partnership Fund.
- CH0641 HB1385 (Amended)** Del Anderson (BCA). Baltimore City - Tourism Improvement District.
- CH0642 SB1085 (Amended)** Sen Conway (BCA), et al. Baltimore City - Tourism Improvement District.
- CH0643 SB1200 (Enrolled)** Sen Conway. Baltimore City - Board of License Commissioners - Notice of Legislative Proposals.
- CH0644 SB0571** Sen Bates. Maryland Agricultural Land Preservation Foundation - Use of Land - Signs and Outdoor Advertising Displays.
- CH0645 SB1102** Sens Cassilly and Norman. Landlord and Tenant - Action for Repossession of Nonresidential Property - Service of Process.
- CH0646 HB1329** Del Beidle. Landlord and Tenant - Action for Repossession of Nonresidential Property - Service of Process.
- CH0647 SB0073 (Amended)** Harford County Senators. Harford County Sheriff - Deputy Sheriffs and Correctional Officers - Collective Bargaining.
- CH0648 HB0743** Harford County Delegation. Harford County - Alcoholic Beverages - Per Diem Licenses.
- CH0649 HB1343 (Amended)** Harford County Delegation. Harford County - Alcoholic Beverages - Stadium License.
- CH0650 HB1660 (Amended)** Del Reilly, et al. Property Tax – Assessment Records of Real Property and Reassessment After Appeal.
- CH0651 SB0010 (Amended)** Sen Kasemeyer (Dept). Property Tax Assessments - Physical Inspection of Property.
- CH0652 SB0083 (Amended)** Chr B&T (Dept). Public Service Company Franchise Tax - Return Deadline.
- CH0653 SB0084 (Amended)** Chr B&T (Dept). Real Property Tax - Exemption Applications - Approval Authority.
- CH0654 HB0089 (Enrolled)** Chr W&M (Dept). Property Tax Credit - Public Safety Officers - Administration.
- CH0655 SB0098 (Amended)** Chr B&T (Dept). Property Tax - Public Utilities - Assessment Apportionment.
- CH0656 SB0008 (Amended)** Chr EHE (Dept). State Board of Nursing - Maryland Nurse Practice Act - Revisions.
- CH0657 SB0017 (Amended)** Chr FIN (Dept). Health Information Exchanges - Definitions and Regulations.
- CH0658 SB0062 (Enrolled)** Chr EHE (Dept). Maryland Chiropractic Act - Revisions.
- CH0659 SB0080** Chr EHE (Dept). State Board of Occupational Therapy Practice - Licensure - Revisions.
- CH0660 SB0105** Chr FIN (Dept). State Advisory Council on Hereditary and Congenital Disorders – Membership and Appointments.
- CH0661 SB0108 (Amended)** Chr FIN (Dept). Regulation of Health Care Programs, Medical Laboratories, Tissue Banks, and Health Care Facilities - Revisions.
- CH0662 SB0110** Chr EHE (Dept). State Board of Podiatric Medical Examiners – Licensure – Qualifications and Examinations.
- CH0663 SB0111** Chr FIN (Dept). Maryland Health Benefit Exchange - Criminal History Records Checks - Contractors With Access to Federal Tax Information.
- CH0664 SB0052** Chr FIN (Dept). Insurance - Medicare Supplement Policy Plans - Conformity to Federal Law.
- CH0665 SB0054 (Amended)** Chr FIN (Dept). Health Insurance – Technical Corrections and Required Conformity With Federal Law.
- CH0666 SB0057** Chr FIN (Dept). Insurance - Medical Professional Liability Insurance Policies - Technical Correction.
- CH0667 SB0078 (Amended)** Chr FIN (Dept). Insurance - Risk Retention Groups - Revisions.

- CH0668 SB0086** Chr JPR (Dept). Charitable Organizations - Registration Late Fees - Distribution and Use.
- CH0669 SB0091 (Amended)** Chr JPR (Dept). Juvenile Law - Disclosure of Court Records.
- CH0670 SB0094 (Enrolled)** Chr EHE (Dept). Natural Resources - Unprotected Birds and Mammals.
- CH0671 HB0190 (Amended)** Chr JUD (Dept). Public Safety - Maryland Police Training and Standards Commission - Psychological Consultation and Evaluation.
- CH0672 HB0252 (Amended)** Chr ENV (Dept) and Del Rey. Land Use - Agritourism.
- CH0673 HB0694** Chr ENV and Chr ECM (Dept). Public Safety - Building Codes - Transfer of Administration to Department of Labor, Licensing, and Regulation.
- CH0674 SB0150** Sen Astle. City of Annapolis - Alcoholic Beverages - Bookstore License.
- CH0675 SB1176** Chr Anne Arundel County Senators. Housing Commission of Anne Arundel County - Terms.
- CH0676 HB0710 (Amended)** Dels Carey and Lisanti. Consumer Protection - Credit Report Security Freezes - Notice and Fees.
- CH0677 SB0202 (Amended)** Sen Lee, et al. Consumer Protection - Credit Report Security Freezes - Notice and Fees.
- CH0678 SB0751** Sen Simonaire. Vehicle Laws - HOV Lanes - Plug-In Electric Drive and Hybrid Vehicles.
- CH0679 HB0714** Del McMillan, et al. Vehicle Laws - HOV Lanes - Plug-In Electric Drive and Hybrid Vehicles.
- CH0680 HB1481** Del Fraser-Hidalgo, et al. Real Property - New Home Sales - Information on Energy-Efficient Options.
- CH0681 SB0648** Sen Kelley. Real Property - New Home Sales - Information on Energy-Efficient Options.
- CH0682 SB0864 (Enrolled)** Sen Kelley, et al. Health - Emergency Evaluatees and Involuntarily Admitted or Committed Individuals - Procedures.
- CH0683 SB0835 (Enrolled)** Sen Madaleno, et al. Maryland Medical Assistance Program - Collaborative Care Pilot Program.
- CH0684 HB1682 (Amended)** Del Morales, et al. Maryland Medical Assistance Program - Collaborative Care Pilot Program.
- CH0685 SB1028 (Amended)** Sen Madaleno, et al. Health Occupations - Conversion Therapy for Minors - Prohibition (Youth Mental Health Protection Act).
- CH0686 HB0382** Del Dumais. Criminal Procedure - Expungement - Civil Offense.
- CH0687 HB0403 (Enrolled)** Del Jones, et al. Community Colleges - Facilities Renewal Grant Program - Established.
- CH0688 SB0595 (Enrolled)** Sen King, et al. Community Colleges - Facilities Renewal Grant Program - Established.
- CH0689 HB0523 (Amended)** Del Hettleman, et al. State Personnel - Employees in the Same Classification - Report.
- CH0690 SB0464 (Amended)** Sen Klausmeier, et al. State Personnel - Employees in the Same Classification - Report.
- CH0691 SB0704 (Enrolled)** Sen Klausmeier, et al. Maryland Medical Assistance Program - Telemedicine - Assertive Community Treatment and Mobile Treatment Services.
- CH0692 SB0977 (Amended)** Sen Klausmeier. Behavioral Health Services and Voluntary Placement Agreements - Children and Young Adults - Reports.
- CH0693 HB1517 (Enrolled)** Del Sample-Hughes, et al. Behavioral Health Services and Voluntary Placement Agreements - Children and Young Adults - Reports.
- CH0694 HB1216 (Amended)** Del Clippinger. Career Preparation Expansion Act.
- CH0695 SB0978 (Enrolled)** Sen Klausmeier, et al. Career Preparation Expansion Act.
- CH0696 HB1528 (Amended)** Del Clippinger. Electric Universal Service Program - Funds - Arrearage Prevention.
- CH0697 SB1117 (Enrolled)** Sen Klausmeier. Electric Universal Service Program - Funds - Arrearage Prevention.
- CH0698 SB0501 (Enrolled)** Sen Edwards, et al. State Lakes Protection and Restoration Fund - Purpose, Use, and Funding - Alterations.
- CH0699 SB0540** Sen Edwards. Garrett County - Bids and Contracts.
- CH0700 SB0606 (Enrolled)** Sens Edwards and Serafini. Off-Highway Recreational Vehicles - Excise Titling Tax - Off-Highway Recreational Vehicle Trail Fund.
- CH0701 SB1123** Sen Edwards. Garrett County - Regulation of Animals - Enforcement.
- CH0702 HB0202 (Amended)** Del Morhaim, et al. Criminal Procedure - Incompetency and Criminal Responsibility - Court-Ordered Evaluation.
- CH0703 SB0361 (Amended)** Sen Ready, et al. Criminal Procedure - Incompetency and Criminal Responsibility - Court-Ordered Evaluation.
- CH0704 SB0362 (Amended)** Sen Ready, et al. Vehicle Laws - Registration Fee Exemptions - Disabled Veterans.
- CH0705 SB0496 (Enrolled)** Sen Ready, et al. Environment - Graywater - Residential Use.
- CH0706 HB0319 (Amended)** Del Sydnor, et al. Juvenile Law - Truancy.
- CH0707 SB0160 (Enrolled)** Sen Nathan-Pulliam, et al. Juvenile Law - Truancy.
- CH0708 SB0444 (Enrolled)** Sen Nathan-Pulliam, et al. Task Force on the Social Determinants of Health in Baltimore City.
- CH0709 SB0599 (Amended)** Sen Nathan-Pulliam, et al. Baltimore County - Property Tax - Credit for Individuals at Least 70 Years Old.
- CH0710 HB0800 (Amended)** Del Pena-Melnyk, et al. State Board of Dental Examiners - Licensure - Faculty Members at the University of Maryland School of Dentistry.
- CH0711 SB0934 (Amended)** Sen Nathan-Pulliam, et al. State Board of Dental Examiners - Licensure - Faculty Members at the University of Maryland School of Dentistry.
- CH0712 SB0245 (Enrolled)** Sens Robinson and Smith. Procurement - Security Requirements - Forms.
- CH0713 SB0616 (Enrolled)** Sen Robinson. Baltimore City - Alcoholic Beverages - License Issuance, Transfer, and Expiration.
- CH0714 SB1098 (Enrolled)** Sen Robinson, et al. Baltimore City - Tax Sales - Water Liens.
- CH0715 HB0908 (Amended)** Del Pena-Melnyk, et al. Health Insurance - Coverage of Fertility Preservation Procedures for Iatrogenic Infertility.
- CH0716 SB0271 (Enrolled)** Sen Mathias, et al. Health Insurance - Coverage of Fertility Preservation Procedures for Iatrogenic Infertility.
- CH0717 HB0744 (Enrolled)** Del Lafferty. Transportation - Complete Streets Policy - Adoption.
- CH0718 SB0850 (Enrolled)** Sen Mathias, et al. Transportation - Complete Streets Policy - Adoption.
- CH0719 SB1260 (Amended)** Sen Mathias. Waterway Improvement Fund - Ocean City Inlet Dredging Study.
- CH0720 SB0659 (Amended)** Sen Feldman. Corporations - Transfer of Assets and Exchange of Shares of Stock.
- CH0721 HB0535 (Enrolled)** Del Lierman, et al. Transportation - Complete Streets Program - Establishment.
- CH0722 SB0407 (Enrolled)** Sen Guzzone, et al. Transportation - Complete Streets Program - Establishment.
- CH0723 HB1018** Del B. Barnes (Chr Jt Com on Pnsns). Pensions - Administrative and Operational Expenses - Limitation and Calculation.

- CH0724 SB0784** Sen Guzzone (Chr Jt Com on Pnsns). Pensions - Administrative and Operational Expenses - Limitation and Calculation.
- CH0725 HB1049 (Amended)** Del B. Barnes. State Police Retirement System - Deferred Retirement Option Program - Alterations.
- CH0726 SB0895 (Amended)** Sen Guzzone. State Police Retirement System - Deferred Retirement Option Program - Alterations.
- CH0727 HB1012 (Enrolled)** Del B. Barnes (Chr Jt Com on Pnsns). State Retirement and Pension System - Investment Division.
- CH0728 SB0899 (Enrolled)** Sen Guzzone (Chr Jt Com on Pnsns). State Retirement and Pension System - Investment Division.
- CH0729 HB1635 (Amended)** Del Morhaim, et al. Mental Health Law - Involuntary Admissions - Procedures.
- CH0730 SB0947 (Amended)** Sen Rosapepe. Mental Health Law - Involuntary Admissions - Procedures.
- CH0731 HB1634 (Enrolled)** Del Frick, et al. Financial Consumer Protection Act of 2018.
- CH0732 SB1068 (Enrolled)** Sen Rosapepe, et al. Financial Consumer Protection Act of 2018.
- CH0733 SB0029** Sen Kagan. State Government - Websites - Language Access.
- CH0734 SB1045 (Amended)** Sen Kagan. State Government - Grants and Contracts - Reimbursement of Indirect Costs.
- CH0735 SB1053 (Enrolled)** Sen Kagan. Property Tax Credit - 9-1-1 Public Safety Telecommunicators.
- CH0736 HB0251 (Amended)** Del Kelly, et al. Education - Family Life and Human Sexuality Curriculum - Boundaries and Consent.
- CH0737 SB0402 (Amended)** Sen Zucker, et al. Education - Family Life and Human Sexuality Curriculum - Boundaries and Consent.
- CH0738 HB1596 (Enrolled)** Del Valderrama, et al. Disclosing Sexual Harassment in the Workplace Act of 2018.
- CH0739 SB1010 (Enrolled)** Sen Zucker, et al. Disclosing Sexual Harassment in the Workplace Act of 2018.
- CH0740 SB1165** Sen Waugh. Procurement – Veteran–Owned Small Business Enterprise Participation.
- CH0741 HB0110** St. Mary's County Delegation. St. Mary's County - Inmate Release Programs.
- CH0742 SB0450 (Amended)** Sens Waugh and Miller. State Designations – State Paleontology Collection and Research Center – Calvert Marine Museum.
- CH0743 HB0727 (Amended)** Calvert County Delegation. State Designations - State Paleontology Collection and Research Center - Calvert Marine Museum.
- CH0744 HB0815 (Amended)** Calvert County Delegation. Calvert County - Procurement - Contracts and Bidding.
- CH0745 SB0730** Sen Smith, et al. Local Government - Municipal Elections - No-Excuse Absentee Voting.
- CH0746 HB0829** Del A. Washington, et al. Local Government - Municipal Elections - No-Excuse Absentee Voting.
- CH0747 SB1037 (Amended)** Sen Smith. Montgomery County – Fire and Explosive Investigator – Definition.
- CH0748 SB1218 (Amended)** Sen Smith, et al. Ending Youth Homelessness Act of 2018.
- CH0749 SB1239 (Amended)** Sen Smith. Appointment or Designation of Standby Guardian – Adverse Immigration Action.
- CH0750 SB0118 (Enrolled)** Sen Ferguson. Baltimore City - Board of License Commissioners - New Licenses, Waivers, and License Transfers.
- CH0751 SB0480 (Enrolled)** Sen Ferguson. Baltimore City - South Baltimore Gateway Community Impact District Management Authority - Distribution of Local Impact Grants.
- CH0752 SB0859 (Enrolled)** Sen Ferguson, et al. State Employees – Parental Leave.
- CH0753 SB1099 (Amended)** Sen Ferguson, et al. Baltimore City Police Department – Commission to Restore Trust in Policing and Audit Review.
- CH0754 HB0022 (Enrolled)** Del Gibson, et al. Baltimore City - Alcoholic Beverages - Hours of Sale - References to Park Heights Redevelopment Area.
- CH0755 SB0809 (Enrolled)** Sens Robinson and Oaks. Baltimore City - Alcoholic Beverages - Hours of Sale - References to Park Heights Redevelopment Area.
- CH0756 HB0742 (Amended)** Chr HGO. State Board of Professional Counselors and Therapists - Sunset Extension and Program Evaluation.
- CH0757 SB0552 (Amended)** Chr EHE. State Board of Professional Counselors and Therapists - Sunset Extension and Program Evaluation.
- CH0758 HB0024** Del Jackson. Public Safety - Maryland Police Training and Standards Commission Fund - Establishment.
- CH0759 HB0064 (Enrolled)** Del Jackson. Business Occupations - Real Estate Appraisers - Payment by Real Estate Appraisal Management Companies.
- CH0760 HB0033 (Amended)** Del Lam, et al. Guardianship of Disabled Persons - Voluntary Admission to Mental Facility.
- CH0761 HB1393 (Amended)** Baltimore County Delegation. Baltimore County - Alcoholic Beverages - Interest in Multiple Licenses.
- CH0762 HB1395 (Amended)** Baltimore County Delegation. Baltimore County – Alcoholic Beverages – Authorization for Issuing an Additional Class B License – Repealed.
- CH0763 HB1396 (Amended)** Baltimore County Delegation. Baltimore County - Alcoholic Beverages - Class B Beer, Wine, and Liquor License.
- CH0764 HB1410 (Amended)** Baltimore County Delegation. Baltimore County - Alcoholic Beverages Licenses - Expiration.
- CH0765 HB1575 (Amended)** Baltimore County Delegation. Baltimore County - Alcoholic Beverages - Multiple Class B Licenses.
- CH0766 HB0108 (Amended)** Del Lafferty. Department of Housing and Community Development - Baltimore Regional Neighborhood Initiative Program - Application Requirement.
- CH0767 HB0130** Del Beidle, et al. Video Lottery Terminal Proceeds - Local Impact Grants - Distribution to Communities Near Laurel Race Course.
- CH0768 HB0230** Del Korman, et al. Regional Greenhouse Gas Initiative - Withdrawal - Legislative Approval Required (Regional Greenhouse Gas Initiative Extension Act).
- CH0769 HB0993 (Enrolled)** Del Korman, et al. Maryland Pension Risk Mitigation Act.
- CH0770 HB0417 (Amended)** PG Co Deleg and Mont Co Deleg. Washington Suburban Sanitary Commission - Funding Accountability and Transparency Act PG/MC 111-18.
- CH0771 HB0447 (Amended)** Del Barron, et al. Pretrial Services Program Grant Fund - Establishment.
- CH0772 HB0517 (Enrolled)** Del Hill, et al. Prescription Drug Monitoring Program – Data Request Exemption – Surgical Procedures.
- CH0773 HB0784 (Amended)** Dels Impallaria and Reilly. Electric Facilities – Construction of Overhead Transmission Lines – Additional Notice Requirements.
- CH0774 HB0822 (Enrolled)** Del Krimm. Personnel and Pensions – Phased Retirement Plan.

CH0775 HB1254 (Amended) Del A. Washington. Education – School Discipline – Data Collection.

CH0776 HB0236 Prince George's County Delegation. Prince George's County - Affordable Housing Commission PG 408-18.

CH0777 HB0238 (Enrolled) Prince George's County Delegation. Prince George's County – Vehicle Laws – Authority to Tow Vehicles PG 418–18.

CH0778 HB0239 (Amended) Prince George's County Delegation. Prince George's County - Sales of Residential Real Property - Community Amenities - Advertising PG 412-18.

CH0779 HB0183 Prince George's County Delegation. Prince George's County Environmental Justice Commission PG 411-18.

CH0780 HB0903 Del Parrott. Washington County - Highway Parking - Prohibition on Prolonged Parking of Inoperable or Disabled Vehicle.

CH0781 HB0990 (Amended) Del McMillan, et al. Homestead Property Tax Credit - Notification on Acquisition of Property.

CH0782 HB1368 (Amended) Dels McMillan and Dumais. Grounds for Divorce - 12-Month Separation - Oral Amendment to Application for Divorce.

CH0783 HB1023 (Enrolled) Del Clippinger, et al. Juvenile Law – Witnesses – Body Attachment.

CH0784 HB1042 Del B. Barnes. Law Enforcement Officers' Pension System - Benefit Cap Increase.

CH0785 HB1094 (Amended) Dels Rosenberg and Waldstreicher. Distribution of Electronic Cigarettes to Minors - Prohibition and Penalties.

CH0786 HB1096 (Enrolled) Del Waldstreicher, et al. State Government - Veteran Employment and Transition Success Program.

CH0787 HB1257 (Amended) Del Rosenberg. Residential Leases - Lease Option Agreements - Required Statements.

CH0788 HB1228 Dels Kelly and A. Miller. Equal Employment Opportunity Program - Sexual Harassment Reporting.

CH0789 HB1245 Del McKay, et al. Task Force on the Canal Place Preservation and Development Authority.

CH0790 HB1297 (Enrolled) Dels Aumann and Frick. Commercial Law - Consumer Loans and Credit - Miscellaneous Provisions.

CH0791 HB1423 (Amended) Del Hettleman, et al. State Personnel - Sexual Harassment Prevention Training - Required.

CH0792 HB1448 (Amended) Del Vallario. Clerks of the Courts - Traffic Fines - Installment Payments.

CH0793 HB1468 (Amended) Del Beidle. Transit - Job Access and Reverse Commute (JARC) Program.

CH0794 HB1506 Del Kramer. Office of the Attorney General - Securities Commissioner - Asset Recovery for Exploited Seniors.

CH0795 HB1542 (Enrolled) Del Lisanti, et al. Department of Commerce – Employment in the State's Defense Industry – Study.

CH0796 HB1597 (Enrolled) Del Sydnor. Occupational Licenses or Certificates – Application Determinations – Use of Criminal History – Reports.

CH0797 HB1598 (Enrolled) Del Krebs. Massage Therapists - Licenses and Registrations - Education and Display Requirements.

CH0798 HB1696 (Amended) Del Reznik. Task Force to Study Access to Home Health Care for Children and Adults With Medical Disabilities and Report on Home- and Community-Based Services.

CH0799 HB1747 (Amended) Del Reznik. Residential Child Care Programs - Statement of Need - Exceptions.

CH0800 HB0087 (Amended) Baltimore County Delegation. Baltimore County Board of Education – Nonstudent Member Compensation and Student Member Scholarships.

CH0801 HB0109 (Amended) Del Lafferty. Community Development Program Act of 2018.

CH0802 SB0821 (Amended) Sen Madaleno, et al. Community Development Program Act of 2018.

CH0803 HB0137 (Amended) Del McConkey. Transportation - Aviation - Nonairport Taxicab Operators at BWI.

CH0804 HB0158 (Amended) Anne Arundel County Delegation. Anne Arundel County Board of Elections - Salary.

CH0805 SB0049 (Amended) Sen Simonaire. Anne Arundel County Board of Elections - Salary.

CH0806 HB0175 (Enrolled) Prince George's County Delegation. Prince George's County – Speed Monitoring Systems – Intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway) PG 302–18.

CH0807 HB0225 Del Jacobs, et al. Kent County - Orphans' Court Judges - Compensation.

CH0808 SB0173 Sen Hershey. Kent County - Orphans' Court Judges - Compensation.

CH0809 HB0286 Del Dumais. Circuit Court Clerks - Salary Increase.

CH0810 SB0668 Sen Zirkin. Circuit Court Clerks - Salary Increase.

CH0811 HB0340 Howard County Delegation. Howard County - Board of Education - Salaries Ho. Co. 17-18.

CH0812 HB0420 Del Lierman, et al. Higher Education - Financial Aid - In-State Students (The Jill Wrigley Memorial Scholarship Expansion Act).

CH0813 SB0532 (Amended) Sen Pinsky, et al. Higher Education - Financial Aid - In-State Students (The Jill Wrigley Memorial Scholarship Expansion Act).

CH0814 HB0451 (Enrolled) Del Jackson, et al. State Personnel - Collective Bargaining - State Institutions of Higher Education.

CH0815 HB0524 (Enrolled) Del Moon, et al. Family Law - Protecting the Resources of Children in State Custody.

CH0816 SB0291 Sen Madaleno, et al. Family Law - Protecting the Resources of Children in State Custody.

CH0817 HB0546 (Amended) Del Davis, et al. Prevailing Wage - Tax Increment Financing Developments - Application.

CH0818 SB0278 (Amended) Sen Feldman, et al. Prevailing Wage – Tax Increment Financing Developments – Application.

CH0819 HB0550 Charles County Delegation. Charles County - Orphans' Court Judges - Salary.

CH0820 HB0554 (Amended) Caroline County Delegation. Caroline County, Dorchester County, and Kent County – Sheriffs' Salaries.

CH0821 SB0436 (Amended) Caroline County Senators. Caroline County, Dorchester County, and Kent County – Sheriffs' Salaries.

CH0822 HB0640 Del Dumais. Register of Wills - Salary.

CH0823 SB0672 Sen Zirkin. Register of Wills - Salary.

CH0824 HB0686 (Amended) Del Luedtke, et al. Income Tax - Wynne Case - Local Government Repayments to the Local Reserve Account.

CH0825 HB0740 (Amended) Del Clippinger. Commercial Law - Consumer Protection - Ticket Website Domain Names.

CH0826 SB0693 (Amended) Sen Feldman, et al. Commercial Law - Consumer Protection - Ticket Website Domain Names.

CH0827 HB0787 (Amended) Del Dumais, et al. Correctional Facilities - Pregnant Inmates - Medical Care.

CH0828 SB0629 (Amended) Sen Kelley, et al. Correctional Facilities - Pregnant Inmates - Medical Care.

CH0829 HB0809 Howard County Delegation. Howard County - Sheriff's Salary Ho. Co. 8-18.

CH0830 HB0816 (Amended) Del Lierman, et al. Public-Private Partnership Agreements - Compensation Provisions and Noncompete Clauses - Alterations.

CH0831 HB0885 Del Shoemaker. Carroll County - Board of Education - Compensation.

- CH0832 SB0735** Carroll County Senators. Carroll County - Board of Education - Compensation.
- CH0833 SB0875 (Enrolled)** Sen Zucker. Online Electioneering Transparency and Accountability Act.
- CH0834 HB0981 (Enrolled)** Del A. Washington, et al. Online Electioneering Transparency and Accountability Act.
- CH0835 HB1103 (Amended)** Del Hettleman. Higher Education – Private Career Schools, For–Profit Institutions of Higher Education, and For–Profit Online Distance Education Programs – Regulation.
- CH0836 SB0795 (Enrolled)** Sen Pinsky, et al. Higher Education – Private Career Schools, For–Profit Institutions of Higher Education, and For–Profit Online Distance Education Programs – Regulation.
- CH0837 HB1115** Howard County Delegation. Howard County - Orphans' Court Judges - Compensation Ho. Co. 7-18.
- CH0838 HB1247 (Amended)** Anne Arundel County Delegation. Anne Arundel County – Orphans' Court Judges – Compensation.
- CH0839 HB1286 (Amended)** Del Glenn, et al. State Center - Redevelopment - Requirements, Participation, and Process.
- CH0840 SB0614 (Enrolled)** Sen Robinson. State Center - Redevelopment - Requirements, Participation, and Process.
- CH0841 HB1357 (Amended)** Calvert County Delegation. Calvert County - County Officials - Salaries.
- CH0842 HB1454 (Amended)** Del A. Washington, et al. Heritage Structure Rehabilitation Tax Credit – Commercial Rehabilitations – Affordable Housing.
- CH0843 SB0967 (Enrolled)** Sen Ferguson, et al. Heritage Structure Rehabilitation Tax Credit - Commercial Rehabilitations - Affordable Housing.
- CH0844 HB1511 (Amended)** Del Mautz (By Request). Credit Regulation - Mortgage Brokers - Finder's Fee.
- CH0845 SB0566 (Amended)** Sen Serafini, et al. Credit Regulation - Mortgage Brokers - Finder's Fee.
- CH0846 HB1539 (Amended)** Del Lisanti, et al. Labor and Employment – General Contractor Liability for Unpaid Wages.
- CH0847 HB1544** The Speaker (Atty Gen Ofc), et al. Commercial Law - Maryland Antitrust Act - Civil Penalty.
- CH0848 SB0891** The President (Atty Gen Ofc), et al. Commercial Law - Maryland Antitrust Act - Civil Penalty.
- CH0849 SB0096** Sen Norman. Family Law - Divorce on Grounds of Mutual Consent - Court Appearance.
- CH0850 SB0120** Sen Zirkin. Family Law - Divorce on Grounds of Mutual Consent - Parties With Minor Children.
- CH0851 SB0400** Sen Conway (BCA), et al. Baltimore Convention Facility - Operating Deficits and Capital Improvement Reserve Fund.
- CH0852 SB0743 (Enrolled)** Sen Middleton. Peer–to–Peer Car Sharing Programs.
- CH0853 SB0900 (Amended)** Sens King and DeGrange. Gaming - Fantasy Competitions - Regulation and Prohibition on Operation of Electronic Device.
- CH0854 SB1206 (Enrolled)** Sen Kasemeyer, et al. Transportation – Pride of Baltimore II – Funding and Reporting.
- CH0855 HB0532 (Amended)** Del Reznik, et al. Elective Franchise - Registration and Voting at Precinct Polling Place.

[18-13-14]

Final Action on Regulations

Symbol Key

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

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Final Action

[18-113-F]

On June 12, 2018, the Secretary of Natural Resources adopted amendments to:

- (1) Regulation **.02** under **COMAR 08.02.05 Fish**;
- (2) Regulations **.03**, **.09**, and **.10** under **COMAR 08.02.15 Striped Bass**; and
- (3) Regulations **.01** and **.03** under **COMAR 08.02.25 Gear**.

This action, which was proposed for adoption in 45:9 Md. R. 464-467 (April 27, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

MARK J. BELTON
Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.13 State Collection Agency Licensing Board—Fees

Authority: Business Regulation Article, §§7-302, 7-302.1, and 7-306, Annotated Code of Maryland

Notice of Final Action

[17-244-F]

On May 10, 2018, the State Collection Agency Licensing Board adopted amendments to Regulation **.02** under **COMAR 09.03.13 State Collection Agency Licensing Board—Fees**. This action, which was proposed for adoption in 44:21 Md. R. 987 (October 13, 2017), has been adopted as proposed.

Effective Date: July 2, 2018.

TONY SALAZAR
Maryland Collection Agency Licensing Board

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 01 PROCEDURES

10.01.05 Board of Review Procedures

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

Notice of Final Action

[18-071-F]

On May 31, 2018, the Secretary of Health adopted the repeal in their entirety of Regulations **.01—10** under **COMAR 10.01.05 Board of Review Procedures**. This action, which was proposed for adoption in 45:7 Md. R. 348—349 (March 30, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

ROBERT R. NEALL
Secretary of Health

Notice of Final Action

[18-048-F]

On May 31, 2018, the Secretary of Health adopted:

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

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

This action, which was proposed for adoption in 45:7 Md. R. 349—356 (March 30, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management

Authority: Health General Article, §§15-102.1(b)(1) and 15-103(b)(4)(i), Annotated Code of Maryland

Notice of Final Action

[17-323-F]

On May 31, 2018, the Secretary of Health adopted the repeal of existing Regulation .02, new Regulations .02 and .18, and amendments to Regulations .03—.14 under COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management. This action, which was proposed for adoption in 45:1 Md. R. 28—34 (January 5, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 2, 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 .01: In response to comments received, the Department has decided to retain the scope language under Regulation .01, which explains the purpose of the chapter. This will impact the codification of each subsequent regulation.

Regulation .02B(21): In response to comments received, language is being added to clarify that a family member is a person who is not paid to provide care under the REM program.

Regulation .02B(44): In response to comments received, language has been modified to clarify that physicians are individuals licensed or otherwise legally authorized to practice in the jurisdiction in which the services are rendered.

Regulation .03A(2), Regulation .04D, E, I, J and Regulation .05B: Regulation .07B, Regulation .08B(1), C(1), D(1), E(1), F(1), G(1), Regulation .09, Regulation .13A, Regulation .14D: Cross-references have been corrected.

Regulation .04A: In response to comments received, language will remain to clarify who may refer an individual to the REM program. This will change the lettering of each subsequent section of this regulation.

Regulation .05C(1): In response to comments received, language will remain to clarify that the REM case manager will gather all relevant information needed to determine a participant's condition and needs.

Regulation .05D(2): In response to comments received, language is being added to clarify that a REM case manager will develop a plan of care in consultation with the participant's family members as authorized by the participant, when possible.

Regulation .13B: In response to comments received, language will remain to adhere to mandatory language that the Department or its designee shall preauthorize services.

Regulation .18: In response to comments received, language is being added to cross-reference

[[.01]] .02 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1)—(20) (proposed text unchanged)

(21) "Family member" means an adult who:

(a) (proposed text unchanged)

(b) Is not paid to provide the care under the REM program.

(22)—(43) (proposed text unchanged)

(44) "Physician" means an individual who is [[authorized under the Maryland Medical Practice Act to practice medicine in this State as stated in Health-General Article, §1-101, Annotated Code of Maryland]] licensed or otherwise legally authorized to practice in the jurisdiction in which the services are rendered.

(45)—(60) (proposed text unchanged)

[[]] .03 [[]] [[.02]] REM Eligibility.

A. An individual is eligible to participate in the REM program if the individual:

(1) (proposed text unchanged)

(2) Has one or more of the diagnoses specified in Regulation [[]] .17 [[]] [[.16]] of this chapter; and

(3) (text unchanged)

B. (text unchanged)

[[]] .04 [[]] [[.03]] Participant Enrollment and Disenrollment.

[[]] A. Anyone may refer an individual into the REM program including, but not limited to a:

(1) Family member;

(2) Physician;

(3) Discharge planner;

(4) Hospital;

(5) Clinic;

(6) Social worker; and

(7) Managed care organization (MCO).[[]]

[[]] B. [[]] [[A.]]—[[]] C. [[]] [[B.]] (proposed text unchanged)

[[]] D. [[]] [[C.]] An individual shall be enrolled in or auto-assigned into an MCO as specified in COMAR 10.09.63, not later than 60 days from the date *the* individual becomes ineligible for REM, as a result of changes in the diagnosis or age group criteria specified in Regulation [[]] .17 [[]] [[.16]] of this chapter, except when the individual was allowed to remain in REM in accordance with [[]] §I [[]] [[\$H]] of this regulation.

[[]] E. [[]] [[D.]] A REM participant may elect to disenroll from REM and enroll in an MCO by notifying the Department of that decision except when the individual was allowed to remain in REM in accordance with [[]] §I [[]] [[\$H]] of this regulation.

[[]] F. [[]] [[E.]] (text unchanged)

[[]] G. [[]] [[F.]] (proposed text unchanged)

[[]] H. [[]] [[G.]] (text unchanged)

[[]] I. [[]] [[H.]] The Department shall disenroll from the REM program a participant who no longer meets the conditions specified in Regulation [[]] .03 [[]] [[.02]] of this chapter unless:

(1) The participant does not meet the condition under Regulation [[]] .03A(1) [[]] [[.02A(1)]] of this chapter because the participant becomes eligible for Medicare; and

(2) (proposed text unchanged)

[[]] J. [[]] [[I.]] An individual disenrolled from REM by the Department who maintains HealthChoice eligibility is subject to the MCO enrollment provisions specified in COMAR 10.09.63 except when the individual was allowed to remain in REM in accordance with [[]] §I [[]] [[\$H]] of this regulation.

[[]] .05 [[]] [[.04]] Benefits.

A REM participant is eligible for the following:

A. (proposed text unchanged)

B. Services described in Regulations [[]] .10 [[]] [[.09]] and [[]] .11 [[]] [[.10]] of this chapter when determined medically necessary by the Department;

C. A case management assessment performed by a REM case manager who shall:

(1) Gather all relevant information needed to determine the participant's condition and needs including the participant's medical records;

(2)—(3) (text unchanged)

D. Case management services performed by a REM case manager who shall:

(1) (proposed text unchanged)

(2) Develop a plan of care in consultation with the participant, the participant's family members as authorized by the participant when possible, the PCP, and other providers rendering care that:

(a)—(b) (proposed text unchanged)

(3)—(7) (proposed text unchanged)

.06 **[.05]** (proposed text unchanged)

.07 **[.06]** **Conditions for Participation—General Requirements.**

A provider rendering services pursuant to this chapter shall:

A. (text unchanged)

B. Meet the *provider qualification* requirements specified in Regulation **.06** **[.05]** of this chapter for its provider type;

C.—G. (proposed text unchanged)

.08 **[.07]** **Specific Conditions for Provider Participation.**

A. (proposed text unchanged)

B. Chiropractic Service Providers. To participate in the Program, the chiropractic service provider shall:

(1) Meet the:

(a) *Conditions* set forth in Regulation **.07** **[.06]** of this chapter; and

(b) (proposed text unchanged)

(2)—(3) (proposed text unchanged)

C. Dental Service Providers. To participate in the Program, the dental service provider shall meet the:

(1) Conditions set forth in Regulation **.07** **[.06]** of this chapter; and

(2) (text unchanged)

D. Nutritional Supplement Providers. To participate as a provider of nutritional supplements, a provider shall meet the:

(1) Conditions of participation as set forth in Regulation **.07** **[.06]** of this chapter; and

(2) (text unchanged)

E. Shift Private Duty Nursing/CNA/CNA-CMT/HHA/HHA-CMT Providers. To participate as a provider agency for shift private duty nursing, CNA, CNA-CMT, HHA, or HHA-CMT services, a provider shall:

(1) Meet the conditions set forth in Regulation **.07** **[.06]** of this chapter;

(2)—(8) (proposed text unchanged)

F. Occupational Therapy Providers. To participate in the Program as a provider of occupational therapy services, a provider shall:

(1) Meet the conditions set forth in Regulation **.07** **[.06]** of this chapter;

(2)—(4) (proposed text unchanged)

G. *Speech-Language Pathology* Providers. To participate in the Program, a *speech-language pathology* provider shall:

(1) Meet the conditions set forth in Regulation **.07** **[.06]** of this chapter;

(2)—(4) (proposed text unchanged)

.09 **[.08]** **Covered Services — General Requirements.**

For participants in the REM program, the Program covers and shall reimburse for services specified in Regulations **.10** **[.09]** and **.11** **[.10]** of this chapter when these services are:

A.—F. (proposed text unchanged)

.10 **[.09]**— **.12** **[.11]** (proposed text unchanged)

.13 **[.12]** **Preauthorization Requirements.**

A. *Except for initial assessments unless otherwise specified, preauthorization by the Department or its designee is required for all services under Regulation* **.10** **.11** *of this chapter.*

B. The Department or its designee shall issue preauthorization **[may preauthorize services]** when the Department:

(1)—(2) (text unchanged)

C. (proposed text unchanged)

.14 **[.13]** **Payment Procedures — Request for Payment.**

A.—C. (proposed text unchanged)

D. Effective July 1, 2011, the Department shall pay \$388.55 for a case management assessment, as described in Regulation **.05C** **[.04C]** of this chapter.

E.—F. (proposed text unchanged)

.15 **[.14]**— **.17** **[.16]** (text unchanged)

.17 **.18** **Appeals Procedures.**

Appeal procedures are as set forth in COMAR 10.09.36 and 10.01.04.

ROBERT R. NEALL
Secretary of Health

Subtitle 14 CANCER CONTROL

10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment

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

Notice of Final Action

[18-073-F]

On May 31, 2018, the Secretary of Health adopted amendments to Regulations **.04—06** under **COMAR 10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment**. This action, which was proposed for adoption in 45:7 Md. R. 356—357 (March 30, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

ROBERT R. NEALL
Secretary of Health

Notice of Final Action

[18-002-F]

On May 31, 2018, the Secretary of Health adopted:

- (1) Amendments to Regulations **.01, .03, .05, .06, and .09—16** under **COMAR 10.27.01 Examination and Licensure**;
- (2) Amendments to Regulations **.01, .07, and .08** under **COMAR 10.27.03 Nursing Education Programs**;
- (3) Amendments to Regulations **.01, .02, and .08—11** under **COMAR 10.27.05 Practice of Nurse Midwifery**;
- (4) Amendments to Regulations **.01 and .04—06**, amendments to and the recodification of existing Regulations **.02 and .03** to be Regulations **.03 and .02**, respectively, the repeal of existing Regulation **.08**, and the recodification of existing Regulation **.09** to be Regulation **.08** under **COMAR 10.27.07 Practice of the Nurse Practitioner**;
- (5) Amendments to Regulation **.01** under **COMAR 10.27.09 Standards of Practice for Registered Nurses**;
- (6) Amendments to Regulation **.01** under **COMAR 10.27.10 Standards of Practice for Licensed Practical Nurses**;
- (7) Amendments to Regulation **.02** under **COMAR 10.27.11 Delegation of Nursing Functions**;
- (8) Amendments to Regulations **.02—05, .07, and .08** under **COMAR 10.27.12 Nurse Psychotherapists in Independent Practice — Clinical Nurse Specialists**;
- (9) Amendments to Regulations **.01—03, .06, and .07**, the repeal of existing Regulations **.04 and .05**, and new Regulations **.04 and .05** under **COMAR 10.27.13 Safe Practice Committee**;
- (10) Amendments to Regulations **.02—05 and .09** under **COMAR 10.27.16 Registered Nurse — Workers' Compensation Medical Case Manager**;
- (11) Amendments to Regulations **.01—04** under **COMAR 10.27.18 Monetary Penalties**;
- (12) Amendments to Regulations **.01 and .03** under **COMAR 10.27.19 Code of Ethics**;
- (13) Amendments to Regulations **.02—04** under **COMAR 10.27.20 Management of Infusion Therapy by the Registered Nurse and the Licensed Practical Nurse**;
- (14) Amendments to Regulations **.01 and .02**, the repeal of existing Regulation **.03**, amendments to and the recodification of existing Regulations **.04 and .06** to be Regulations **.03 and .05**, respectively, and the recodification of existing Regulations **.05 and .07** to be Regulations **.04 and .06**, respectively, under **COMAR 10.27.27 Practice of Clinical Nurse Specialist**;
- (15) Amendments to Regulations **.01, .05, and .07—09** under **COMAR 10.39.01 Certification of Nursing Assistants**;
- (16) Amendments to Regulations **.02 and .05** under **COMAR 10.39.02 Nursing Assistant Training Programs**;
- (17) Amendments to Regulations **.02 and .04—06** under **COMAR 10.39.04 Medication Technicians**;
- (18) Amendments to Regulation **.01** under **COMAR 10.53.01 Definitions**;
- (19) Amendments to Regulation **.05** and the repeal of Regulation **.10** under **COMAR 10.53.02 Licensure**;
- (20) Amendments to Regulations **.01 and .02** under **COMAR 10.53.03 Electrology Examination**;
- (21) Amendments to Regulation **.01** under **COMAR 10.53.07 Electrologist's Office**; and
- (22) The repeal of Regulation **.01** under **COMAR 10.53.11 Rehabilitation Committee**.

At this time, the Secretary of Health is also withdrawing the proposed amendments to Regulations **.01—04** under **COMAR 10.27.06 Practice of Nurse Anesthetist**, which were printed in the same Notice of Proposed Action.

This action, which was proposed for adoption in 45:2 Md. R. 96—112 (January 19, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 2, 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:

COMAR 10.27.05.08B(2)(a): The Board received a comment from Public Policy Partners, an affiliate of the American College of Nurse Midwives (ACNM), noting that this language is no longer accurate, because nurse midwives must be nationally certified by the American Midwifery Certification Board (AMCB) and must participate in the Certification Maintenance Program. In response, COMAR 10.27.05.08B(2)(a) has been amended to reiterate that AMCB is a national certifying body recognized by the Board, as noted elsewhere in COMAR 10.27.05.

COMAR 10.27.05.08B(2)(c): Paragraph (c) has been deleted for two reasons. First, the requirement that nurse midwives enroll in the Continuing Competency Assessment Program of ACNM is obsolete. Second, the requirement that nurse midwives prove their enrollment in the AMCB Certification Maintenance Program is superfluous, because this enrollment is a necessary component of maintaining active national certification with AMCB, which is already a requirement as set forth in COMAR 10.27.05.08B(2)(a). Nurse midwives will not be adversely affected in any significant way by this change, because the change is clarifying, removes an obsolete requirement, and reduces redundancy.

Subtitle 27 BOARD OF NURSING**10.27.05 Practice of Nurse Midwifery**

Authority: Health Occupations Article, §§8-101, 8-205, and 8-601—8-603, Annotated Code of Maryland

.08 Renewal of Certification.

A. (text unchanged)

B. Before a nurse midwife's certification expires, the *nurse* midwife may renew *the certification* biennially if the nurse midwife:

(1) (proposed text unchanged)

(2) *Submits to the Board:*

(a) *Documentation of a current national certification as a nurse midwife from [[a]] AMCB or another national certifying body recognized by the Board; and*

(b) (proposed text unchanged)

[[*(c) Proof of enrollment in the Continuing Competency Assessment Program of the A.C.N.M. or, if initially certified after January 1, 1996, proof of enrollment in the AMCB Certification Maintenance Program or other program approved by the Board; and*]]

(3) (proposed text unchanged)

C.—F. (proposed text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 34 BOARD OF PHARMACY**10.34.40 Pharmacists Prescribing Contraceptives**

Authority: Health Occupations Article, §§12-101, 12-102(b), 12-205(a), and 12-511, Annotated Code of Maryland

Notice of Final Action

[18-042-F]

On May 31, 2018, the Secretary of Health adopted new Regulations **.01—.06** under a new chapter, **COMAR 10.34.40 Pharmacists Prescribing Contraceptives**. This action, which was proposed for adoption in 45:4 Md. R. 212—213 (February 16, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS**Notice of Final Action**

[18-075-F]

On May 31, 2018, the Secretary of Health adopted:

- (1) Amendments to Regulations **.01** and **.05** under **COMAR 10.40.01 Examination and Post-Graduate Training**; and
- (2) Amendments to Regulation **.02** under **COMAR 10.40.08 Interpretation of Terms in the Maryland Podiatry Act**.

This action, which was proposed for adoption in 45:7 Md. R. 363 (March 30, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: July 2, 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:

COMAR 10.40.08.02B(4): The change is being made so that the term being defined accurately reflects the term used in the Maryland Podiatry Act.

10.40.08 Interpretation of Terms in the Maryland Podiatry Act

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

.02 Definitions.

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

(1)—(3) (text unchanged)

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

(5) (text unchanged)

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 Final Action

[18-088-F]

On May 31, 2018, the Secretary of Health adopted amendments to Regulation **.03** under **COMAR 10.40.06 Advertising**. This action, which was proposed for adoption in 45:8 Md. R. 431 (April 13, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS**10.43.07 Chiropractic Assistants**

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

Notice of Final Action

[18-076-F]

On May 31, 2018, the Secretary of Health adopted amendments to Regulation **.05** under **COMAR 10.43.07 Chiropractic Assistants**. This action, which was proposed for adoption in 45:7 Md. R. 364 (March 30, 2018), has been adopted as proposed.

Effective Date: July 2, 2018.

ROBERT R. NEALL
Secretary of Health

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**Notice of Final Action**

[17-235-F]

On June 1, 2018, the Secretary of Public Safety and Correctional Services, in cooperation with the Commissioner of Correction, the Commissioner of Pretrial Detention and Services, and the Director of Patuxent Institution, adopted:

- (1) The repeal of Regulations **.01—.40** under **COMAR 12.02.27 Inmate Discipline**;
- (2) New Regulations **.01 — .34** under a new chapter, **COMAR 12.03.01 Inmate Disciplinary Process** under a new subtitle, **Subtitle 03 Operations**;
- (3) The repeal of Regulations **.01—.40** under **COMAR 12.12.30 Inmate Discipline**; and
- (4) The repeal of Regulations **.01—.40** under **COMAR 12.16.02 Resident Discipline**.

This action, which was proposed for adoption in 44:19 Md. R. 902—930 (September 15, 2017) and repropoed in 45:4 Md. R. 213—217 (February 16, 2018), has been adopted as repropoed.

Effective Date: July 2, 2018.

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services

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 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.02 Beauty Salons

Authority: Business Occupations and Professions Article, title 5, Annotated Code of Maryland

Notice of Proposed Action

[18-159-P]

The Board of Cosmetologists proposes to amend Regulation .01 under **COMAR 09.22.02 Beauty Salons**. This action was considered at a public meeting held on April 2, 2018.

Statement of Purpose

The purpose of this action is to amend current regulations to govern the licensure, operation, and inspection of mobile salons.

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 Erica Lewis, Acting Executive Director, Board of Cosmetology, Department of Labor, Licensing and

Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6193, or email erica.lewis@maryland.gov, or fax to 410-333-6314. Comments will be accepted through July 23, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Board of Cosmetologists during a public meeting to be held on August 6, 2018, at 10 a.m., at the Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Third Floor, Baltimore, MD 21202.

.01 Salon—General.

A.—C. (text unchanged)

D. Mobile Salons.

(1) *All mobile units shall prominently display the name of the non-mobile beauty salon that serves as the mobile unit's permanent base address on the outside of the unit.*

(2) *All health and safety rules governing cosmetology shall apply to mobile units unless otherwise specified.*

(3) *All storage containers, cabinets, and drawers shall have safety catches.*

(4) *All equipment not placed in storage cabinets or drawers shall be securely anchored.*

(5) *A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.*

(6) *Services may not be provided while the mobile unit is in motion.*

(7) *The owners of mobile units shall be responsible for adherence to all local, State, and federal laws and regulations regarding the operation of vehicles to be used as mobile units.*

(8) *An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the board.*

[D.] E.—[E.] F. (text unchanged)

ERICA LEWIS
Acting Executive Director
Board of Cosmetologists

**Subtitle 23 BOARD FOR
PROFESSIONAL ENGINEERS**

09.23.04 Fees

Authority: Business Occupations and Professions Article, §§14-101, 14-208, 14-209, 14-306, 14-307, and 14-307.1, Annotated Code of Maryland

Notice of Proposed Action

[18-160-P]

The Board for Professional Engineers proposes to amend Regulation .03 under **COMAR 09.23.04 Fees**. This action was considered by the Board at a public meeting held on May 10, 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 clarify that a testing service fee to be paid by applicants in connection with a licensing examination shall be paid directly to the examination provider, the National Council of Examiners for Engineering and Surveying (NCEES), as such fee is established by the NCEES.

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 for Professional Engineers, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov. Comments will be accepted through July 23, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on August 9, 2018, at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

.03 Fees and Costs.

A. (text unchanged)

B. An applicant for the appropriate licensing examination shall pay the examination [or], re-examination, or testing service fees directly to the National Council of Examiners for Engineering and Surveying (NCEES), as these fees are established by NCEES.

C.—D (text unchanged)

[E. An applicant for the appropriate licensing examination shall pay to the Board or its designee a testing service fee of \$110 in connection with the testing services.]

DR. STEVEN ARNDT, P.E.
Chairman
State Board for Professional Engineers

**Title 10
MARYLAND DEPARTMENT
OF HEALTH**

**Subtitle 09 MEDICAL CARE
PROGRAMS**

10.09.02 Physicians’ Services

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

Notice of Proposed Action

[18-155-P-I]

The Secretary of Health proposes to amend Regulation .07 under **COMAR 10.09.02 Physicians’ Services**.

Statement of Purpose

The purpose of this action is to update the Maryland Medicaid Professional Services Provider Manual and Fee Schedule that is incorporated by reference for January 2018. The 2018 Professional Services Fee Schedule includes new CPT codes for 2018, as well as a separate section for injectable/provider administered drugs (J codes).

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 July 23, 2018. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2018 Maryland Medical Assistance Program Professional Services Provider Manual (Effective January 2018) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.07 Payment Procedures.

A.—C. (text unchanged)

D. The Maryland Medical Assistance Program’s procedures for payment are contained in the Professional Services Provider Manual and Fee Schedule (Effective January [2017] 2018). All the provisions

of this document, unless specifically excepted, are incorporated by reference.

E.—Q. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.05 Dental Services

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

Notice of Proposed Action

[18-154-P-I]

The Secretary of Health proposes to amend Regulation .07 under **COMAR 10.09.05 Dental Services**.

Statement of Purpose

The purpose of this action is to update the incorporation by reference document, Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT, to the most recent version (January 1, 2018) and clarify when providers may not bill the Department or the program participants.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. 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 July 23, 2018. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Medicaid Dental Fee Schedule and Procedures Codes CDT 2018 (Maryland Medical Assistance Program — Effective January 1, 2018) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.07 Payment Procedures.

A.—D. (text unchanged)

E. The current Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT is incorporated by reference, effective January 1, [2017] 2018.

F. (text unchanged)

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

- (1) (text unchanged)
- (2) Broken or missed appointments; [or]
- (3) Professional services rendered by mail or telephone; *or*
- (4) *Providing a copy of a participant’s medical record when requested by another licensed provider on the participant’s behalf.*

H.—N. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

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

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

Notice of Proposed Action

[18-156-P]

The Secretary of Health proposes to amend Regulations .01, .02 and .04—.07, repeal existing Regulation .03, and adopt new Regulation .03 under **COMAR 10.09.51 Audiology Services**.

Statement of Purpose

The purpose of this action is to update the language for audiology services and expand audiology services to Maryland Medicaid participants 21 years old or older.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Department will expand the audiology program to include Maryland Medicaid participants 21 years old or older. The net total fund expenditure for this expansion is approximately \$16,000,000 for FY 19.

		Revenue (R+/R-)	
II. Types of Economic Impact.		Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)		\$16,000,000
B. On other State agencies:	NONE		
C. On local governments:	NONE		
		Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)		\$16,000,000
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.)

A. The State’s budget allocation for Fiscal Year 2019 provides for \$16,000,000 in total funds to pay for the expansion of audiology services (hearing aids, cochlear implants) to Maryland Medicaid participants 21 years of age or older.

D. The proposed regulations expand audiology services to include Maryland Medicaid participants 21 years of age or older. Therefore, the Department anticipates that Medicaid participants who are newly eligible for audiology services will seek services from providers in Maryland. As a result, audiology providers will be able to be reimbursed for service and experience a revenue positive impact of \$16,000,000.

Economic Impact on Small Businesses

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

The goal of the proposed action is to expand audiology services to Maryland Medicaid participants who are 21 years old or older. Many of the providers that would be affected by the changes in the regulations are small businesses and would benefit from the intended changes.

Impact on Individuals with Disabilities

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

The proposed action will enable adults who are at risk for or have a hearing impairment to receive hearing aids, cochlear implants, and auditory osseointegrated devices.

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 July 23, 2018. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) “Acquisition cost” means the actual cost of a product to a provider.

(2) “At risk for hearing impairment” means the condition of a recipient with a suspect or positive hearing screening or who possesses a risk factor listed on the High Risk Questionnaire as defined in COMAR 10.11.02.03.]

(1) “Audiologist” means a professional who is licensed in accordance with Regulation .02 of this chapter who treats hearing disorders and communication problems.

[(3)] (2) “[Audiological] Audiology assessment” means procedures performed by an audiologist to evaluate and monitor the status of the peripheral auditory system, auditory nerve, and central auditory system, or to establish the site of the auditory disorder by using procedures to quantify and qualify hearing loss by site of lesion, on the basis of perceptual, physiological, or electrophysiological responses to acoustic stimuli, and to describe any communicative disorders.

[(4) “Audiological Center.

(a) “Audiological center” means a multispecialty setting with all necessary equipment for audiological services that operates for the purpose of providing preventive, diagnostic, therapeutic, rehabilitative, and palliative audiological services and other

multispecialty services by or under the direction of a licensed practitioner.

(b) “Audiological center” does not include the office of one or more private audiologists regardless of whether the office is eligible or receives reimbursement from third-party payers as an audiological center, if that office provides services only within a single medical specialty or subspecialty.]

(3) *Audiology Center.*

(a) “Audiology center” means a multispecialty setting with all necessary equipment for audiology services that operates for the purpose of providing preventive, diagnostic, therapeutic, and rehabilitative audiology services, and other multispecialty services by or under the direction of a licensed physician or audiologist.

(b) “Audiology center” does not include the office of one or more private audiologists.

[(5)] (4) “[Audiological] Audiology services” means services delivered by an audiologist to eligible [recipients] participants in order to diagnose and treat hearing problems [identified by an EPSDT screening provider].

[(6) “Audiologist” means a professional who is licensed or certified in accordance with Regulation .02 of this chapter who treats hearing disorders and communication problems.

(7) “Auditory brainstem response (ABR)” means a series of five or more evoked electrical potentials, generated within the VIIIth cranial nerve and the central auditory pathways in the brainstem, the measurement of which is used for hearing screening and audiological assessment, depending upon the protocol used.]

(5) “Auditory osseointegrated device” means a device implanted in the skull that replaces the function of the middle ear and provides mechanical energy to the cochlea via a mechanical transducer.

[(8)] (6) “[Binaural hearing aid] *Bilateral*” means [separate amplification of,] relating to or involving both ears [simultaneously, which usually means two hearing aids, one for each ear].

(7) “Cochlear implant” means a device that is implanted under the skin that picks up sounds and converts them to impulses transmitted to electrodes placed in the cochlea, restoring some hearing to people with a hearing impairment.

[(9)] (8) “Department” [has the meaning stated in COMAR 10.09.36.01] means the Maryland Department of Health, the single State agency designated to administer the Medical Assistance Program under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq.

(9) “Designee” means any entity designated to act on behalf of the Department.

(10)—(11) (text unchanged)

[(12) “Experimental treatment” means an audiological or hearing aid service that is clinically unproven.]

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

[(14)] (13) “Hearing aid dispenser” means a person who is licensed in accordance with Regulation .02 of this chapter to sell hearing aids or [provides] provide other hearing aid services.

[(15)] (14) “Hearing aid evaluation” means services provided to a [recipient] participant by an audiologist for determining the benefit of hearing aids and, upon the audiologist’s recommendation, the dispensing of hearing aids.

[(16) “Hearing screen” means the completed High Risk Questionnaire, an audiometric, pure tone air conduction test, or tympanometry performed by a physician, or certified nurse practitioner (CNP) to identify the need for a referred hearing screening.

(17) “High Risk Questionnaire” means the list of questions for delineating risk factors to identify neonates and infants who may be at risk for hearing impairment as defined in COMAR 10.11.02.03.

(18) "Infant" means a Maryland resident who is younger than 1 year old.

(19) "Jurisdiction" means a state or the District of Columbia.]

[(20)] (15) "Maryland Medical Assistance Program (Program)" [has the meaning stated in COMAR 10.09.36.01.] *means the program of comprehensive medical and other health-related care for indigent and medically indigent individuals.*

[(21)] (16) (text unchanged)

[(22) "Monaural hearing aid" means a single hearing aid for use in one ear.]

(17) "Participant" means an individual who is enrolled with the Department to receive Medical Assistance services.

[(24)] (18) "Provider" means an audiologist, [audiological] audiology center, or hearing aid dispenser[:

(a) Licensed or certified in the jurisdiction in which services are rendered to provide services to recipients;

(b) That meets the requirements of Regulation .03B(3) of this chapter; and

(c) That through an appropriate agreement with the Department has been identified as a Program provider by the issuance of an individual account number] *that is licensed and that, through an agreement with the Department, has been identified as a Program provider by the issuance of a provider number.*

[(25) "Recipient" has the meaning stated in COMAR 10.09.36.01.]

(19) "Unilateral" means relating to, involving, or affecting one ear.

.02 Licensure [and Certification] Requirements.

A. In order to provide services as an audiologist under this chapter, an audiologist[:

(1) Shall] *shall* be licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists to practice audiology, as defined in Health Occupations Article, Title 2, Annotated Code of Maryland, or by the appropriate licensing body in the jurisdiction in which the [audiological] audiology services are performed[; or

(2) If providing services in a jurisdiction without licensure, shall meet the current standards set forth in 42 CFR §440.110, which is incorporated by reference].

B. (text unchanged)

.03 Conditions for Participation.

A. *A provider shall meet all conditions for participation as set forth in COMAR 10.09.36.03.*

B. *Specific requirements for participation in the Program as an audiologist, audiology center or group, or hearing aid dispenser are that the provider:*

(1) *Shall meet the licensure requirements in accordance with Regulation .02 of this chapter; and*

(2) *May not knowingly employ another person to provide services to Maryland Medical Assistance Program participants after that person has been disqualified from the Program unless prior approval has been received from the Department.*

.04 Covered Services.

The Program covers the following *medically necessary* services [for EPSDT recipients who are at risk for hearing impairment]:

A. [Medically necessary audiological] Audiology services, as follows:

(1) [Audiological] *For participants who are at risk for or have a hearing impairment, audiology assessments using procedures appropriate for the participant's developmental age and abilities; and*

[(2) Electrophysiological measures such as auditory brainstem response (ABR), otoacoustic emissions, and brainstem auditory

evoked response for recipients, when one of the following criteria is met:

(a) Failure of the recipient to provide consistent behavioral responses to auditory signals, using procedures appropriate for the recipient's developmental age;

(b) Presence of neuromotor involvement or behavioral disorder, or both, which precludes observation of consistent behavioral responses;

(c) Failure to respond to test signal intensities appropriate for the recipient's developmental age, using developmentally appropriate test procedures;

(d) Presence of inconsistencies in the results of tests administered during the audiological assessment which suggest, but do not define, a hearing impairment;

(e) The Infant High Risk Questionnaire delineates a need; or

(f) A physician refers the infant for the service;]

[(3)] (2) *Hearing aid evaluations and routine follow-up for participants with an identified hearing impairment, who currently use or are being considered for hearing aids; and*

[(4) All services as listed on the Audiology Procedure Code and Fee Schedule, Revision 2010, contained in the Medical Assistance Audiology Provider Manual dated November, 2010; and]

B. [Medically necessary hearing aid] *Hearing amplification* services, as follows:

(1) [Hearing] *Unilateral or bilateral hearing aids which are medically necessary and are:*

(a) (text unchanged)

(b) Recommended and fitted by an audiologist in conjunction with written medical clearance from a physician who has performed a medical examination within *the past 6 months;*

(c) Sold on a 30-day trial basis; *and*

(d) Fully covered by a [repair] *manufacturer's* warranty for a [period] *minimum* of 2 years, [at least 1 year of which is provided by the manufacturer] at no cost to the Program; [and]

[(e) Insured for loss or theft for a period of 2 years per hearing aid; and]

(2) *Hearing aid accessories and services, as listed below:*

(a)—(b) (text unchanged)

[(c) Chest harnesses or belts;

(d) Replacement receivers and cords;

(e) Tone hooks;

(f) Huggie aids;

(g) Protective coverings for hearing aids;

(h) Battery testers;

(i) Dehumidification kits;

(j) Hearing aid stethoscopes;

(k) Other amplification-related items recommended by an audiologist;]

[(1)] (c)—[(m)] (d) (text unchanged)

[(n) Insurance policies as required by §B(1)(c) and (d) of this regulation; and

(o) Extended repair warranties.]

(e) *Replacement of unilateral or bilateral hearing aids every 5 years when determined to be medically necessary; and*

(f) *Other hearing aid accessories determined to be medically necessary;*

(3) *Cochlear implants and related services, as listed below:*

(a) *Unilateral or bilateral implantation of cochlear implant or implants which are medically necessary including the cost of the device;*

(b) *Post-operative evaluation and programming of the cochlear implant or implants;*

(c) *Aural rehabilitation services; and*

(d) Repair or replacement of cochlear implant device components subject to the limitations in Regulation .05 of this chapter; and

(4) Auditory osseointegrated device or devices and related services, as listed below:

(a) Unilateral or bilateral implantation of auditory osseointegrated devices which are medically necessary including the cost of the device;

(b) Non-implantable or softband device or devices for participants younger than 5 years old;

(c) Evaluation and programming of the auditory osseointegrated device or devices; and

(d) Repair or replacement, or both, of auditory osseointegrated device components subject to the limitations in Regulation .05 of this chapter.

.05 Limitations.

A. Covered audiology [and postoperative cochlear implant] services, including hearing aids, cochlear implants, and auditory osseointegrated devices are limited to:

[(1) Recipients under 21 years old who are referred for the service or have had cochlear implant surgery;]

[(2)] (1) [One audiological] Unless the time limitation is waived by the Program, one audiology assessment per year[, unless the time limitations are waived by the Program];

(2) The initial coverage of:

(a) Bilateral hearing aids for children younger than 21 years old;

(b) Unilateral hearing aids for participants 21 years old or older unless otherwise approved by the Department or its designee;

(c) Bilateral cochlear implants for participants younger than 21 years old;

(d) Unilateral cochlear implants for participants 21 years old or older;

(e) Bilateral auditory osseointegrated devices for participants younger than 21 years old; and

(f) Unilateral auditory osseointegrated devices for participants 21 years old or older;

(3) [One monaural or binaural] Replacement of unilateral or bilateral hearing [aid] aids once every [3] 5 years unless the Program approves more frequent replacement;

(4) Replacement of hearing aids, cochlear implants and auditory osseointegrated device components that have been lost, stolen, or damaged beyond repair, after all warranties [and insurance policies] have expired;

(5) Repairs and replacements that take place after all warranties [and insurance policies] have expired;

(6) A maximum of [48] 76 batteries per [recipient] participant per [year] 12-month period for a [monaural] unilateral hearing aid[, or osseointegrated devices, or [96] 152 batteries per [recipient] participant per [year] 12-month period for [a binaural] bilateral hearing [aid.] aids or osseointegrated devices purchased from the Department not more frequently than every 6 months, and in quantities of [24] 38 or fewer for a [monaural] unilateral hearing aid, or [48] 76 or fewer for a [binaural] bilateral hearing aid;

(7) A maximum of [476] 180 disposable batteries for a unilateral cochlear implant per participant per [calendar year] 12-month period [, or 360 disposable batteries per 12-month period for a bilateral cochlear implant purchased not more frequently than every 6 months, and in quantities of [238] 90 or fewer for a unilateral cochlear implant, or 180 or fewer for a bilateral cochlear implant;

(8) Two replacement cochlear implant component rechargeable batteries per 12-month period for bilateral cochlear implants, and a

maximum of one replacement rechargeable battery for a unilateral cochlear implant;

(9) Two cochlear implant replacement transmitter cables per 12-month period for bilateral cochlear implants, and a maximum of one replacement transmitter cable for a unilateral cochlear implant;

(10) Two cochlear implant replacement headset cables per 12-month period for bilateral cochlear implants, and a maximum of one replacement headset cable for a unilateral cochlear implant; [and]

(11) Two replacement cochlear implant transmitting coils per 12-month period for bilateral cochlear implants, and a maximum of one replacement transmitting coil for a unilateral cochlear implant;

[(11)] (12) Charges for routine follow-ups and adjustments which occur more than 60 days after the dispensing of a new hearing aid[.];

(13) A maximum of two unilateral earmolds or four bilateral earmolds per 12-month period for participants younger than 21 years old; and

(14) A maximum of one unilateral earmold or two bilateral earmolds per 12-month period for participants 21 years old or older.

B. Services which are not covered are:

(1)—(3) (text unchanged)

(4) Cochlear implant [audiological] audiology services and external components provided less than 90 days after the surgery or covered through initial reimbursement for the implant and the surgery;

(5) Spare or backup cochlear implant [speech processors] components;

(6) [Upgrades to new generation hearing aids, equipment, cochlear implant speech processors, and other components if the existing devices are functional, repairable, and appropriately correct or ameliorate the problem or condition] Spare or back-up auditory osseointegrated device components;

(7) Replacement of hearing aids, equipment, cochlear implant [speech processors] components, and auditory osseointegrated device components [and other components] if the existing devices are functional, repairable, and appropriately correct or ameliorate the problem or condition;

(8) (text unchanged)

(9) Repairs to spare or backup hearing aids, cochlear implants, auditory osseointegrated devices, equipment, or supplies;

(10) Investigational[, or experimental[, or ineffective] services or devices, or both;

[(11) Educationally or socially needed services or equipment;]

[(12)] (11) Replacement of improperly fitted earmold or earmolds unless the:

(a)—(b) (text unchanged)

[(13)] (12)—[(14)] (13) (text unchanged)

.06 Preauthorization Requirements.

[A. The Department shall issue preauthorization for EPSDT Audiology Services when the provider:

(1) Meets Program procedures and limitations; and

(2) Submits to the Department adequate documentation demonstrating that the services to be preauthorized are necessary, as stated in COMAR 10.09.23.07.]

[B.] A. The [Program] Department requires preauthorization for the following [audiology] services:

(1) [Certain] All hearing aids;

[(2) Unlisted hearing aid accessories; and

(3) Unlisted post-cochlear implant external components.]

(2) Certain hearing aid accessories;

(3) All cochlear implant devices and replacement components except microphone, transmitter cables, and transmitting coils;

(4) All auditory osseointegrated devices; and

(5) *Repairs for hearing aids, cochlear implants, and auditory osseointegrated components exceeding \$500.*

[C.] *B. Preauthorization [for audiology services expires] is valid:*

(1) *For services rendered or initiated within 6 months [from the authorized span of time that is issued by the Department and is valid if the recipient is eligible at the time the service is rendered to the recipient.] from the date the preauthorization was issued; and*

(2) *If the patient is an eligible participant at the time the service is rendered.*

[D.] *C. The following written documentation shall be submitted by the provider to the Department or its designee with each request or preauthorization of hearing [aid that requires preauthorization] aids, cochlear implants, or auditory osseointegrated devices:*

(1) *Audiology report documenting medical necessity of the hearing aids, cochlear implants or auditory osseointegrated devices;*

[(2) *Audiogram; and*

(3) *Written medical approval by a physician.]*

(2) *Interpretation of the audiogram; and*

(3) *Medical evaluation by a physician supporting the medical necessity of the hearing aids, cochlear implants, or auditory osseointegrated devices within 6 months of the preauthorization request.*

.07 Payment Procedures.

[A. Providers shall submit requests for payment for audiology services as stated in COMAR 10.09.36.04.]

A. To obtain compensation from the Department for covered services, the provider shall submit a request for payment using the format designated by the Department.

B. Audiology services are reimbursed [according to] in accordance with COMAR 10.09.23.01-1.

[C. Audiologists, audiological centers, and hearing aid dispensers shall charge the Program customary charges, not exceeding those charged to the general public for similar professional services. If the service is free to individuals not covered by Medicaid:

(1) *The provider:*

(a) *May charge the Program; and*

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

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

D. The provider shall charge the Program the acquisition cost for certain hearing aids, accessories, external cochlear implant accessories, and supplies.

E. The provider shall itemize all hearing aid and external cochlear implant charges including accessories, supplies, shipping or handling, or both, insurance, and warranties.

F. The provider shall submit the request for payment on the form designated by the Department.]

C. The provider shall be paid the lesser of:

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

(2) *The rate in accordance with the Department's fee schedule.*

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

(1)—(3) (text unchanged)

[H.] *E. [Audiological] Audiology centers licensed as a part of a hospital may charge for and be reimbursed according to rates approved by the Health Services Cost Review Commission (HSCRC), set forth in COMAR 10.37.03.*

[I.] *F. The provider shall refund to the [Program] Department payment for hearing aids, supplies, or both, that have been returned to the manufacturer within the 30-day trial period.*

[J.] *G. The provider shall give the [Program] Department the full advantage of any and all manufacturer's [warranty] warranties and trade-ins offered on hearing aids, equipment, or both.*

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

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

(2) *The Program's fee schedule; or*

(3) *The provider's acquisition cost for the following services:*

(a) *Hearing aids, accessories, and supplies; and*

(b) *External cochlear implant accessories and supplies.*

L. The Program reserves the right to return to the provider, before payment, all invoices not properly signed, completed, and accompanied by properly completed forms required by the Department.]

[M.] *H. Unless preauthorization has been granted by the [Program] Department or its designee, the [Program] Department is not responsible for any reimbursement to a provider for any service provided which requires preauthorization.*

[N.] *I. The [Program] Department may not make direct payment to [recipients] participants.*

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

ROBERT R. NEALL
Secretary of Health

Subtitle 13 DRUGS

10.13.03 Guidelines for Co-Prescribing Opioid Overdose Reversal Drugs

Authority: Health-General Article, §§2-104(b), 13-3501, and 13-3502, Annotated Code of Maryland

Notice of Proposed Action

[18-153-P]

The Secretary of Health proposes to adopt new Regulations **.01— .04** under a new chapter, **COMAR 10.13.03 Guidelines for Co-Prescribing Opioid Overdose Reversal Drugs**.

Statement of Purpose

The purpose of this action is to provide guidance to healthcare practitioners, who are prescribing opioids to treat a patient's pain or an opioid use disorder, in determining the appropriate circumstances in which to consider prescribing an opioid overdose reversal drug. These guidelines are being promulgated in accordance with H.B. 1329/S.B. 967 Heroin and Opioid Prevention Effort (HOPE) and Treatment Act of 2017 (Chs. 571 and 572, Acts of 2017).

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 July 23, 2018. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to all licensed health care practitioners who may prescribe an opioid overdose reversal drug to an individual who:

A. May be at an elevated risk of experiencing an opioid overdose including, but not limited to, an individual who:

- (1) Is receiving an opioid for chronic pain;
- (2) Is receiving an opioid and a prescription for a benzodiazepine; or
- (3) Has an opioid use disorder; or

B. Resides or spends time with an individual who:

- (1) Is prescribed opioids;
- (2) Misuses opioids; or
- (3) Has an opioid use disorder.

.02 Definitions.

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

B. Terms Defined.

(1) "Co-prescribed" means, with respect to an opioid overdose reversal drug, the practice of prescribing the drug in conjunction with an opioid prescription for a patient at an elevated risk of overdose.

(2) "Department" means the Maryland Department of Health.

(3) "Monitored prescription drug" means a prescription drug that contains a Schedule II, Schedule III, Schedule IV, or Schedule V controlled dangerous substance designated under Criminal Law Article, Title 5, Subtitle 4, Annotated Code of Maryland.

(4) "Opioid overdose reversal drug" means a drug that:

(a) Rapidly reverses the respiratory depressant effects of an opioid medication; and

(b) Is approved by the federal Food and Drug Administration for the treatment of a known or suspected opioid overdose.

(5) "Prescribing licensed health care provider" means an individual who is authorized by law to prescribe a monitored prescription drug.

(6) "Risk factor" means a characteristic, condition, behavior, or any variable that increases the likelihood of developing a disease or injury.

(7) "Secretary" means the Secretary of the Maryland Department of Health.

(8) Targeted Patient Population.

(a) "Targeted patient population" means an individual likely to experience or witness an opioid overdose.

(b) "Targeted patient population" includes, but is not limited to, an individual who:

(i) Is being prescribed opioids for acute, if appropriate, or chronic pain;

(ii) Is being treated for an opioid use disorder;

(iii) Is receiving a prescription for an opioid and a benzodiazepine; or

(iv) Resides or spends time with an individual who is prescribed opioids, misuses opioids, or has an opioid use disorder.

.03 General Provisions.

A. When determined appropriate by the prescribing licensed health care provider, targeted patient populations may be co-prescribed an opioid overdose reversal drug, if the individual is at an elevated risk of experiencing an opioid overdose by virtue of belonging to one or more categories of the targeted patient population.

B. Responsibilities of the Prescribing Licensed Health Care Provider.

(1) Risk Monitoring.

(a) It is suggested that the licensed health care provider routinely assess patients for their risk of being likely to experience or witness an opioid overdose.

(b) The prescriber may utilize additional sources of information for determining a patient's opioid overdose risk including, but not limited to:

(i) Checking the Maryland Prescription Drug Monitoring Program;

(ii) Reviewing medical records; and

(iii) Soliciting family input, if appropriate.

(2) Education. If a patient is assessed to be at risk of an opioid overdose, the prescriber may educate the patient about, including but not limited to, the following areas:

(a) The risks of an opioid overdose; and

(b) How to identify and respond to an opioid overdose.

(3) Documentation. Licensed health care providers should document education and clinical services related to the provision of an opioid overdose reversal drug in their patients' medical records in accordance with the standard of care.

.04 Additional Guidelines.

The Secretary may make the following additional clinical guidance available on the Department's website:

A. Any available opioid overdose reversal drug formulations, corresponding prescribing templates, and any standing order for these drugs; and

B. Any other applicable information deemed necessary by the Secretary.

ROBERT R. NEALL
Secretary of Health

**Subtitle 22 DEVELOPMENTAL
DISABILITIES**

**10.22.16 Informal Hearings Under the Maryland
Developmental Disabilities Law**

Authority: Health-General Article, §§7-401 and 7-406, Annotated Code of Maryland

Notice of Proposed Action

[18-157-P]

The Secretary of Health proposes to amend Regulation .03 under COMAR 10.22.16 Informal Hearings Under the Maryland Developmental Disabilities Law.

Statement of Purpose

The purpose of this action is to clarify the definition of "action or inaction of the Secretary" by including clearly defined actions relating to Informal Hearing Rights.

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 July 23, 2018. A public hearing has not been scheduled.

.03 Definitions.

A. In [these regulations] *this chapter* the following terms have the meanings indicated.

B. Terms Defined.

(1) "Action or inaction of the Secretary" means any decision or other official action by the Director of the Administration or an authorized representative of the Director, or the failure to issue or implement an official decision or to take certain action within the authority of the Director or the Director's authorized representative. Action includes, but is not limited to, the denial of services or the significant alteration in the provision of services to an individual including the termination, reduction, suspension, or withdrawal of services, or the transfer of an individual.]

(1) "Action or inaction of the Secretary" means a decision of the Deputy Secretary or an authorized representative of the Deputy Secretary, that:

(a) Denies an application by an individual for eligibility for services;

(b) Denies a request for services made by a recipient of services;

(c) Terminates, reduces, suspends, or withdraws services for a recipient of services; or

(d) Otherwise denies a request made by a recipient of services that is related to DDA services.

(2)—(12) (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 27 BOARD OF NURSING

Notice of Proposed Action

[18-162-P]

The Secretary of Health proposes to amend:

(1) Regulations .02, .03, and .08 under **COMAR 10.27.21 Registered Nurse — Forensic Nurse Examiner**; and

(2) Regulations .02 and .07 under **COMAR 10.27.26 Sanctioning Guidelines**.

This action was considered at a public meeting of the Board of Nursing held on November 15, 2017, notice of which was given by publication on the Board's website from January 3, 2017, through November 15, 2017, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the regulations for Registered Nurse Forensic Examiners and Sanctioning Guidelines to conform to the changes made to the Nurse Practice Act during the 2017 legislative session (Chs. 515 and 516, Acts of 2017) to include all licensees and certificate holders regulated by the Board of Nursing and add language to include registered nurses and licensed practical nurses who have a multistate licensure privilege to practice nursing in this State under the Nurse Licensure Compact. This proposal also changes the name of the Rehabilitation Program to the Safe Practice Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through July 23, 2018. A public hearing has not been scheduled.

10.27.21 Registered Nurse — Forensic Nurse Examiner

Authority: Health Occupations Article, §§8-205 and 8-312, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

(10) "Multistate licensure privilege" has the meaning set forth in **COMAR 10.27.01.01B**.

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

(17) "Registered nurse" means an individual who:

(a) Is licensed by the Board to practice registered nursing; or

(b) Has a multistate licensure privilege to practice registered nursing.

[(16)] (18) (text unchanged)

[(17)] (19) "RN-FNE Educator" means an individual who:

(a) Has a current:

(i) (text unchanged)

(ii) Multistate [licensing] licensure privilege to practice registered nursing under the Nurse Licensure Compact; or

(iii) (text unchanged)

(b)—(c) (text unchanged)

[(18)] (20)—[(26)] (28) (text unchanged)

.03 Authorization to Practice.

A. (text unchanged)

B. An applicant applying for certification to practice as an RN-FNE-A, RN-FNE-P or RN-FNE-AP shall:

(1) *Either*:

(a) Hold a current license to practice as a registered nurse in Maryland; or

(b) Have a multistate licensure privilege to practice registered nursing;

(2)—(5) (text unchanged)

C.—E. (text unchanged)

.08 Reinstatement of Certification.

A. If the applicant does not meet the requirements in Regulation .07 of this chapter, the applicant may apply for re-instatement if the applicant:

(1) *Either*:

(a) Has a current, active RN license; or

(b) *Has a multistate licensure privilege to practice registered nursing;*
 (2)—(4) (text unchanged)
 B.—C. (text unchanged)

10.27.26 Sanctioning Guidelines

Authority: Health Occupations Article, §§1-606, 8-205(a)(1), 8-316, 8-6A-10, and 8-6B-18, Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “Certificate holder” means an individual who has been issued a certificate by the Board to practice as a certified nursing assistant, or a certified medication technician.
 - (3)—(4) (text unchanged)
 - (5) “Licensee” means an individual who [has]:
 - (a) *Has* been issued a license by the Board to practice as [a]:

- (i) A registered nurse[.];
- (ii) A licensed practical nurse[, or as an];
- (iii) An advanced practice registered nurse;
- (iv) An electrologist[.]; or
- (v) A licensed direct-entry midwife; or
- (b) *Has a multistate licensure privilege to practice licensed practical nursing or registered nursing under the Nurse Licensure Compact.*
 (6) “Multistate licensure privilege” has the meaning set forth in COMAR 10.27.01.01B.
 [(6)] (7)—[(7)] (8) (text unchanged)

.07 Sanctioning Guidelines.

Subject to the provisions of this chapter, the Board may impose sanctions for violations of the Maryland Nurse Practice Act and its regulations according to the guidelines set forth in the following categories:
 A.—L. (text unchanged)

M. Expulsion from [Rehabilitation] *Safe Practice* Program.

Severity	Tier/Conduct	Sanction Range		Monetary Penalty Range	
		Minimum	Maximum	Minimum	Maximum
N/A	Is expelled from the [Rehabilitation] <i>Safe Practice</i> Program established under Health Occupations Article, §8-208, Annotated Code of Maryland, for failure to comply with the conditions of the program.	(text unchanged)			

ROBERT R. NEALL
 Secretary of Health

**Title 13A
 STATE BOARD OF
 EDUCATION**

Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303—7-305, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Ch. 273, Acts of 2016; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912

Notice of Proposed Action
 [18-158-P]

The Maryland State Board of Education proposes to repeal Regulation .06 under **COMAR 13A.08.01 General Regulations**. This action was considered at the April 24, 2018, meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to repeal the regulation because it is out-of-date. The provisions of the regulation are covered in Education Article, §§7-301 and 7-301.1, Annotated Code of Maryland and in COMAR 13A.05.05.01—.04 Programs of Pupil Services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Walter J. Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-1407 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through July 23, 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 August 28, 2018, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

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

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.09 Automobile Liability Insurance

Authority: Insurance Article, §§2-109 and 10-126, Annotated Code of Maryland

Notice of Proposed Action

[18-161-P]

The Insurance Commissioner proposes to repeal Regulations .01 and .02 under COMAR 31.15.09 Automobile Liability Insurance.

Statement of Purpose

The purpose of this action is to repeal COMAR 31.15.09 Automobile Liability Insurance. These regulations state that if an insurer intends to cancel an insured's automobile policy, the agent on the policy cannot contact the insured and suggest that the insured cancel first, in order to prevent the policy cancellation from going on the agent's record. At that point, an agent would have calculated the premium refund on a short rate basis instead of a pro-rata basis, resulting in a smaller refund to the insured. Because this practice is now outdated and insurers, rather than agents, calculate premium refunds, these regulations are obsolete and can be repealed.

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 Tyler Hoblitzell, Legislative and Regulatory Analyst, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2488, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through July 23, 2018. A public hearing has not been scheduled.

ALFRED W. REDMER, JR.
Insurance Commissioner

Errata

COMAR 10.27.01.10

At 45:2 Md. R. 98 (January 19, 2018), column 2, lines 24—40 from the top:

For:

B. [Applicants unable to obtain certification of oral competency in the English language, which is required in §A(3)(e) of this regulation, from the school of nursing or the state of original licensure, may evidence of competency by obtaining a minimum passing score, as determined by the Board, on the Test of Spoken English administered by the Educational Testing Service before applying for licensure] *An applicant who is unable to prove proficiency in the English language in accordance with Health Occupations, §8-302(e), Annotated Code of Maryland, may be required to submit evidence of competency in the English language by obtaining a minimum passing score on a Board-approved English language competency examination in accordance with Regulation .05C of this chapter.*

C. (text unchanged)

[D. A license may not be issued until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application.]

Read:

B. (text unchanged)

C. [Applicants unable to obtain certification of oral competency in the English language, which is required in §A(3)(e) of this regulation, from the school of nursing or the state of original licensure, may evidence of competency by obtaining a minimum passing score, as determined by the Board, on the Test of Spoken English administered by the Educational Testing Service before applying for licensure] *An applicant who is unable to prove proficiency in the English language in accordance with Health Occupations, §8-302(e), Annotated Code of Maryland, may be required to submit evidence of competency in the English language by obtaining a minimum passing score on a Board-approved English language competency examination in accordance with Regulation .05C of this chapter.*

D. (text unchanged)

[E. A license may not be issued until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application.]

[18-13-22]

Special Documents

DEPARTMENT OF THE ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

**Notice of Tentative Determination and Public Hearing —
Modification of the General Permit for Discharges of
Stormwater Associated with Industrial Activity No. 12SW-A,
NPDES Permit MDR00**

General Discharge Permit No. 12SW (NPDES No. MDR00) regulates stormwater discharges from various federal discharge categories of industrial facilities in the state of Maryland. The Department proposes to modify the state/NPDES (National Pollution Discharge Elimination System) General Permit for Discharges of Stormwater Associated with Industrial Activities with revisions to the restoration requirements in the current permit as summarized here: (1) authorizes trading as an option for meeting restoration requirements; (2) extends opportunity for generating marketable credits to those facilities who otherwise have no restoration requirements; (3) includes specific reporting requirements when trading is occurring; and (4) extends deadline for restoration requirements to December 31, 2020.

The fact sheet and draft modification permit is available on MDE's website (direct shortcut link is <http://9nl.at/MD-SWGP>). The modification will replace pages 9 through 12 and add an Appendix G to the current permit. The current permit is available on this page as well.

The Department will hold a public hearing concerning the tentative determination on Tuesday, July 24 at 1pm in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230.

Persons who wish to present information regarding the tentative determination may speak at the public hearing, submit written comments at the public hearing, or submit a written statement to the Department no later than July 31, 2018. All comments will be considered in making a final determination.

Written comments should be addressed to the Maryland Department of the Environment, Water and Science Administration, 1800 Washington Blvd., Baltimore, Maryland 21230-1708, Attn.: Mr. Michael Richardson, Chief, Industrial and General Permits Division. The supporting information for the tentative determination, including the draft permit and fact sheet, may be reviewed by contacting Mr. Richardson at the above address or by telephone at (410) 537-3323 or 1-800-633-6101 to schedule an appointment. Copies of documents may be procured at a cost of \$0.36 per page.

Any hearing-impaired person may request an interpreter to be present at the public hearing by giving ten working days notice to Mr. Richardson at the address or telephone number listed above.

[18-13-17]

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DRAFT COMMUNITY SERVICES BLOCK GRANT STATE PLAN

Per 42 U.S.C. 106 §9908(a)(1)(B), the Maryland Department of Housing and Community Development (the "Department") is required to make the Community Services Block Grant available for public review. To that end, the Department has posted on its website, the draft Community Services Block Grant State Plan for Federal Fiscal Years 2019-2020 for a 30 day public comment period closing on Monday, July 23, 2018. The draft State Plan is available at <http://www.dhcd.maryland.gov/communities/pages/programs/csbg.aspx>. Please address comments to Michelle Bass (301-429-7510), Project Director, Department of Housing and Community Development, 7800 Harkins Road, Lanham, Maryland 20706.

[18-13-21]

MARYLAND HEALTH CARE COMMISSION SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following updated schedule to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need ("CON") review and approval.

The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards, policies and criteria.

This Certificate of Need review schedule updates the Freestanding Ambulatory Surgical Facility Projects schedule published in the *Maryland Register*, Volume 45, Issue 10, pages 547-550 (May 11, 2018). All other schedules published on May 11, 2018 remain in effect. This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate that additional capacity is needed in services subject to Certificate of Need review or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

SPECIAL DOCUMENTS

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission. Letters of intent for projects not covered by this review schedule may be filed at any time.

For further information about review schedules or procedures, call Kevin McDonald, Chief, Certificate of Need, at (410) 764-5982.

Freestanding Ambulatory Surgical Facility Projects

The Commission hereby publishes the following schedules for the submission of applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by or on behalf of a freestanding ambulatory surgical facility that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

**Schedule One
Freestanding Ambulatory Surgical Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	November 2, 2018	November 14, 2018	January 4, 2019
Central Maryland	December 7, 2018	December 19, 2018	February 8, 2019
Eastern Shore	July 6, 2018	July 18, 2018	September 7, 2018
Montgomery & Southern Maryland	August 3, 2018	August 15, 2018	October 5, 2018

**Schedule Two
Freestanding Ambulatory Surgical Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	May 3, 2019	May 15, 2019	July 5, 2019
Central Maryland	June 7, 2019	June 19, 2019	August 9, 2019
Eastern Shore	January 4, 2019	January 16, 2019	March 8, 2019
Montgomery & Southern Maryland	February 1, 2019	February 13, 2019	April 5, 2019

[18-13-20]

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.

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Meeting

Date and Time: July 10, 2018, 5:30 — 7:30 p.m.

Place: Judicial College Education and Conference Center, Annapolis, MD

Contact: David Soule (301) 403-4165

[18-13-04]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice for State Plan Amendment to Expand Family Planning Program Eligibility

Add'l. Info: Pursuant to Maryland S.B. 774/H.B. 994 of 2018, the Department proposes to move the Family Planning Program (Program) into the State Plan. Effective July 1, 2018 this SPA expands Program eligibility and matches Program income limits to existing income limits for pregnant women. The projected fiscal impact on Medicaid expenditures is at least \$338,314 (88 percent Federal Funds, 12 percent General Funds) for Fiscal Year 2019.

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 Nelly Evans, Office of Health Services, Maryland Department of Health, 201 W. Preston St., Rm. 127B, Baltimore, MD 21201, or emailed to nelly.evans@maryland.gov.

Contact: Nelly Evans (410) 767-4267

[18-13-09]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Developmental Disabilities Administration Targeted Case Management Rate Increase

Add'l. Info: For dates of service beginning July 1, 2018, the Maryland Medical Assistance reimbursement rate for Developmental Disabilities Administration (DDA) targeted case management (TCM) providers will increase 3.5 percent. These TCM services are also called Coordination of Community Services. DDA TCM services target three populations of

individuals with developmental disabilities: (1) individuals on the Developmental Disabilities Waiting List who have been determined to have a disability; (2) individuals needing community coordination services; and (3) individuals transitioning to the community. The rate will be \$19.26 per unit. This represents an estimated \$3,583,758 total fund increase (55.5 percent General Funds \$1,988,986, 44.5 percent federal funds \$1,594,772) cost for the program between July 1, 2018 and June 30, 2019.

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 Nelly Evans, Office of Health Services, MDH, 201 W. Preston Street, Room 127B, Baltimore MD 21220 or email to nelly.evans@maryland.gov.

Contact: Nelly Evans (410) 767-4267

[18-13-10]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Behavioral Health, Health Home Rate Increase

Add'l. Info: On May 24, 2018 Governor Hogan approved a 3.5 percent rate increase for the Maryland Medical Assistance Behavioral Health, Health Home program for dates of service beginning July 1, 2018. This represents an estimated \$196,472 increase in total funds (50 percent general funds, \$98,236, and 50 percent federal funds, \$98,236).

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

[18-13-11]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Home and Community Based Services Rate Increase

Add'l. Info: Following the 2018 legislative session, the reimbursement rates for the

1915(i) Home and Community Based Services program increased by 3.5 percent, for dates of service beginning July 1, 2018. This represents an estimated \$156,526 increase in total funds (50 percent general funds, \$78,263, and 50 percent federal funds, \$78,263).

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., Room 213a, Baltimore, MD 21201, or emailed to mdh.mabehavioralhealth@maryland.gov.

Contact: Elaine Hall (410) 767-1998

[18-13-12]

MARYLAND DEPARTMENT OF HEALTH/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Nursing Home Reimbursement Methodology Changes

Add'l. Info: The Maryland Department of Health proposes to amend COMAR 10.09.10 Nursing Facility Services, effective July 1, 2018, in order to: 1) extend the working capital fund through May 1, 2019; 2) increase the capital cost appraisal ceiling; 3) increase the ventilator add-on payment; and 4) increase the rate to providers by 3 percent but include a budget adjustment factor to reduce regulatory increases superseded by State budget limitations. The rate increase is consistent with the Program's budget for State Fiscal Year 2019. The amount of the projected rate increase is \$43.1 million during the period July 1, 2018 through June 30, 2019 (50 percent State General Funds and 50 percent federal funds) compared with the rates in effect in Fiscal Year 2018.

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 Nelly Evans, Office of Health Services, MDH, 201 W. Preston St., Room 127B, Baltimore, MD 21201, or emailed to nelly.evans@maryland.gov.

Contact: Nelly Evans (410) 767-4267

[18-13-18]

GENERAL NOTICES

**MARYLAND DEPARTMENT OF
HEALTH/OFFICE OF HEALTH
SERVICES**

Subject: Public Notice for an Increase to Maryland Medical Assistance Reimbursement Rates

Add'l. Info: The Governor's budget, released on May 24, 2018, includes a 3 percent, or higher, rate increase for the following Maryland Medical Assistance services effective July 1, 2018.

Private Duty Nursing: The reimbursement rates for private duty nursing services will increase by 3 percent. This represents an estimated \$3,208,399 increase in total funds (50 percent general funds \$1,604,200, 50 percent federal funds \$1,604,200).

Community First Choice: The reimbursement rates for Community First Choice will increase by 3 percent. This represents an estimated \$8,762,732 increase in total funds (44 percent general funds \$3,855,602, 56 percent federal funds \$4,907,130). The state will claim 6 percent enhanced federal matching funds for these services, which will generate \$525,764 additional federal revenue during State Fiscal Year 2019.

Community Personal Assistance Services: The reimbursement rates for Community Personal Assistance Services will increase by 3 percent. This represents an estimated \$144,177 increase in total funds (50 percent general funds \$72,089, 50 percent federal funds \$72,089).

Physician Evaluation and Monitoring: The reimbursement rates for covered Evaluation and Management codes will increase to 93% of Medicare rates. This represents an estimated \$11,113,892 increase in total funds (38 percent general funds \$4,223,279, 62 percent federal funds \$6,890,613).

Community Based Substance Use Disorder (SUD): The reimbursement rates for Community Based SUD services will increase by 3.5 percent. This represents an estimated \$6,368,183 increase in total funds (38.5 percent general funds \$2,449,896, 61.5 percent federal funds \$3,918,287).

Mental Health: The reimbursement rates for Mental Health services will increase by 3.5 percent. This represents an estimated \$18,692,358 increase in total funds (43 percent general funds \$8,127,235, 57 percent federal funds \$10,565,124).

Behavioral Health Targeted Case Management: The Maryland Medical Assistance reimbursement rates for adults will increase by 3.5 percent. This rate change represents an estimated \$304,647 increase in total funds (39 percent general

funds \$117,902, 61 percent federal funds \$186,745).

Behavioral Health Targeted Case Management (TCM) for Children: The reimbursement rates for TCM for children increased at a higher rate than those for adults. This rate change represents an estimated \$2,046,077 increase in total funds (35 percent general funds \$721,189, 65 percent federal funds \$1,324,888).

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 Nelly Evans, Office of Health Services, MDH, 201 W. Preston St., Room 127B, Baltimore, MD 21201, or e-mailed to nelly.evans@maryland.gov.

Contact: Nelly Evans (410) 767-4267

[18-13-19]

**DIVISION OF LABOR AND
INDUSTRY/AMUSEMENT RIDE
SAFETY ADVISORY BOARD**

Subject: Public Meeting

Date and Time: June 29, 2018, 10 a.m. — 12 p.m.

Place: 1100 N. Eutaw St., Commissioner's Conf. Rm. 600, 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 the meeting.

In the future, the Commissioner of Labor and Industry may give notice of a meeting of the Board by posting notice on the Department's website. The Commissioner of Labor and Industry may post the agendas for future meetings on the Department's website as well.

Contact: Pamela Torres (410) 767-2348

[18-13-13]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting

Date and Time: July 19, 2018, 1 — 4 p.m.

Place: 4160 Patterson Ave., Baltimore, MD

Contact: Valerie Wooding (410) 764-3570

[18-13-02]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Exemption from CON Review

Add'l. Info: The Maryland Health Care Commission has received a request from: Innovations Surgery Center — Addition of Second operating room to existing ambulatory surgery center located at 3206

Tower Oaks Boulevard, Suite 101, Rockville.

A copy of the Exemption Request is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Director, Center for Health Care Facilities Planning & Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.

Contact: Ruby Potter (410) 764-3276

[18-13-15]

**DEPARTMENT OF NATURAL
RESOURCES/FISHING AND
BOATING SERVICES**

Subject: Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification

Add'l. Info: The Secretary of Maryland Department of Natural Resources pursuant to Code of Maryland Regulations 08.02.15.12H announces the opening of the 2018 commercial striped bass common pool hook and line fishery on Tuesday, June 5, 2018 one hour before sunrise, with a catch limit of 250 lbs/permittee/week and 500 lbs/vessel/day. The common pool fishery will close on Wednesday, June 6, 2018 one hour before sunset.

Mark J. Belton

Secretary of Natural Resources

Contact: Tamara O'Connell (410) 507-0779

[18-13-08]

**OFFICE OF THE SECRETARY OF
STATE/NOTARY WORK GROUP**

Subject: Public Meeting

Date and Time: July 10, 2018, 1 — 3 p.m.; Additional Dates: August 14, 2018, 1—3 p.m.; September 11, 2018, 1—3 p.m.; October 9, 2018, 1—3 p.m.; November 13, 2018, 2—4 p.m.

Place: 100 Community Pl., 1st Fl. Conf. Rm., Side B, Crownsville, MD

Add'l. Info: Meetings of the Notary Work Group

Purpose: The purpose of the Notary Work Group is to study, review, and make recommendations about the entire body of law, including Remote Notarizations, physical presence, fees, enforcement, and more in the State of Maryland.

Goals: To determine if the notary law needs to be revised, to align the notary law with related laws in the State of Maryland, and to propose recommendations regarding the body of notary laws and remote

notarizations that currently exist in other states.

Meetings of the Notary Work Group will be held in compliance with the Maryland Open Meetings Act, General Provisions Article, §§3-201—3-206, Annotated Code of Maryland.

Contact: Michael Schlein (410) 260-3863

[18-13-03]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: June 27, 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

[18-13-01]

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- 01 Procedures
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- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

**Part 2**

- 09 Medical Care Programs

**Part 3**

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
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- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
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**Part 4**

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- 25 Maryland Health Care Commission
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**Part 1**

- 01 Office of the Secretary
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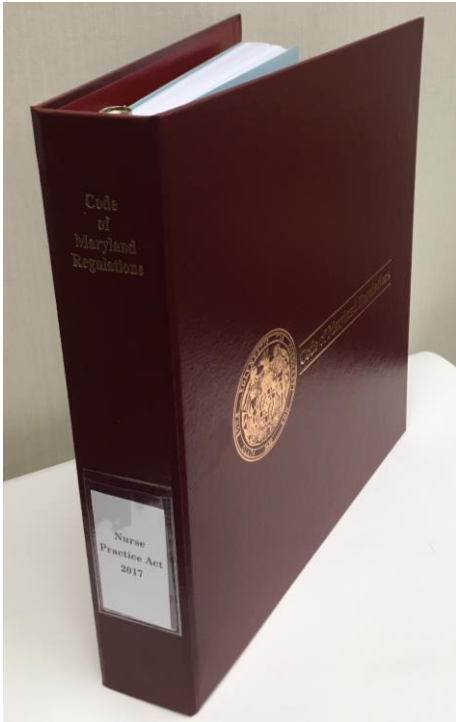
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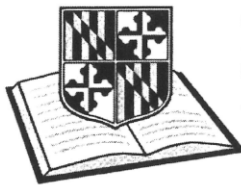
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