

Maryland Register

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IN THIS ISSUE

Governor
Regulations
Errata
Special Documents
General Notices



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 24, 2018, 5 p.m.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 September 24, 2018.

Gail S. Klaking
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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Contents

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register	967
---	-----

COMAR Research Aids

Table of Pending Proposals	968
----------------------------------	-----

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
09 Department of Labor, Licensing, and Regulation	973, 977
10 Maryland Department of Health	973, 985
11 Department of Transportation	999
13A State Board of Education	975
15 Department of Agriculture	1001
17 Department of Budget and Management	1002
33 State Board of Elections	1003
36 Maryland State Lottery and Gaming Control Agency	976

PERSONS WITH DISABILITIES

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

The Governor

EXECUTIVE ORDER 01.01.2018.23	971
EXECUTIVE ORDER 01.01.2018.24	971
EXECUTIVE ORDER 01.01.2018.25	971

Final Action on Regulations

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

BOARD OF COSMETOLOGISTS	
Beauty Salons	973

10 MARYLAND DEPARTMENT OF HEALTH PROCEDURES

Fair Hearing Appeals Under the Maryland State Medical Assistance Program	973
--	-----

MEDICAL CARE PROGRAMS

Maryland Medicaid Managed Care Program: Eligibility and Enrollment	973
Maryland Medicaid Managed Care Program: Benefits	973
Maryland Medicaid Managed Care Program: Non-Capitated Covered Services	973
Pharmacy Services	973
Audiology Services	973

BOARD OF PHYSICIANS

Physician Licensure by Conceded Eminence	975
--	-----

13A STATE BOARD OF EDUCATION

SPECIAL INSTRUCTIONAL PROGRAMS

Programs for Library Media Services	975
Programs for Library Media Services	975
Programs for Library Media Services	975
Programs for Library Media Services	975
Programs for Library Media Services	975
Programs for Library Media Services	976

36 MARYLAND STATE LOTTERY AND GAMING

CONTROL AGENCY

GENERAL PROVISIONS	
Voluntary Exclusion and Responsible Gaming	976

LOTTERY PROVISIONS

Claims Procedures	976
-------------------------	-----

GAMING PROVISIONS

General	976
Video Lottery Operation License	976
Mandatory Exclusion	976
Video Lottery Facility Minimum Internal Control Standards	976

VIDEO LOTTERY TERMINALS

Video Lottery Technical Standards	976
---	-----

TABLE GAMES

Table Game Equipment	976
Table Games Procedures	976

INSTANT BINGO MACHINES IN ANNE ARUNDEL AND CALVERT COUNTIES

Instant Bingo Minimum Internal Control Standards	976
--	-----

Proposed Action on Regulations

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

BOARD OF MASTER ELECTRICIANS

General Regulations	977
---------------------------	-----

REAL ESTATE COMMISSION

General Regulations	978
---------------------------	-----

STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION

CONTRACTORS

General Regulations	978
---------------------------	-----

BOARD OF STATIONARY ENGINEERS

General Regulations	979
---------------------------	-----

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

Work Experience Requirements	979
General Regulations	979

BOARD OF PLUMBING

General Regulations	980
---------------------------	-----

BOARD OF PUBLIC ACCOUNTANCY

General Regulations	980
---------------------------	-----

SECONDHAND PRECIOUS METAL OBJECT DEALERS AND PAWNBROKERS

General Regulations	981
---------------------------	-----

OFFICE OF CEMETERY OVERSIGHT

Registration and Permit Requirements	982
--	-----

ELEVATOR SAFETY REVIEW BOARD

Continuing Professional Competency	982
--	-----

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

General Regulations	983
Responsibilities of Licensees	983

STATE BOARD OF INDIVIDUAL TAX PREPARERS

General Regulations	983
---------------------------	-----

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

General Regulations	984
---------------------------	-----

Contents

LOCKSMITHS
 General Regulations 985

10 MARYLAND DEPARTMENT OF HEALTH

MEDICAL CARE PROGRAMS
 Community Personal Assistance Services 985

FOOD
 Food Service Facilities 986

POSTMORTEM EXAMINERS COMMISSION
 Medical Examiner Cases 988

BOARD OF SOCIAL WORK EXAMINERS
 Regulations Governing Licensure 989
 Social Work Practice 989
 Supervision 989
 Disciplinary Sanctions and Monetary Penalties 989

BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS
 Certification — Residential Child Care Program
 Administrators 998
 Certification — Residential Child and Youth Care
 Practitioners 998

11 DEPARTMENT OF TRANSPORTATION

MOTOR VEHICLE ADMINISTRATION—DRIVER LICENSING AND IDENTIFICATION DOCUMENTS
 Proof of Age, Full Name, Identity, Maryland Residence, Social Security Number, and Lawful Status 999

15 DEPARTMENT OF AGRICULTURE

BOARD OF VETERINARY MEDICAL EXAMINERS
 Required Animal Cruelty Reporting 1001

17 DEPARTMENT OF BUDGET AND MANAGEMENT

PERSONNEL SERVICES AND BENEFITS
 Leave 1002

33 STATE BOARD OF ELECTIONS

CAMPAIGN FINANCING
 Definitions 1003
 Authority Line Requirements; Electronic Media 1003
 Prohibitions 1003
 Political Action Committees 1003
 Participating Organizations 1003
 Expenditures and Disbursements 1003
 Contributions by Employee Membership and Membership Entities 1003
 Legal Expenses 1003

Errata

COMAR 09.16.02 1008
 COMAR 21.31.01 1008

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION
 Projects Approved for Consumptive Uses of Water ... 1009
 Projects Rescinded for Consumptive Uses of Water 1009
 Projects Approved for Consumptive Uses of Water ... 1010
 Actions Taken at September 7, 2018, Meeting 1010
 Public Hearing 1011

WATER AND SCIENCE ADMINISTRATION
 Tentative Determination to Modify a Stormwater Permit — Prince George’s County, Maryland 1013

General Notices

HALL OF RECORDS COMMISSION
 Public Meeting 1014

MARYLAND DEPARTMENT OF HEALTH/STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS
 Public Meeting 1014

MARYLAND DEPARTMENT OF HEALTH
 Public Hearing 1014
 Receipt of Application 1014

MARYLAND DEPARTMENT OF HEALTH/ TASK FORCE TO STUDY ACCESS TO HOME HEALTH CARE FOR CHILDREN AND ADULTS
 Public Meeting 1014

MARYLAND DEPARTMENT LABOR, LICENSING, AND REGULATION, SECONDHAND PRECIOUS METAL OBJECT DEALER AND PAWNBROKER LICENSING PROGRAM
 Public Hearing 1014

MARYLAND HEALTH CARE COMMISSION
 Public Meeting 1015
 Receipt of Application 1015

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES
 Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification — Effective 10/2/18 1015

BOARD OF OCCUPATIONAL THERAPY PRACTICE
 Public Meeting 1015

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE
 Public Meeting 1015

MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION
 Public Meeting 1016

BOARD OF WELL DRILLERS
 Public Meeting 1016

WORKERS' COMPENSATION COMMISSION
 Public Meeting 1016

COMAR Online

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

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

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

Contents

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES through July 2019

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
2018			
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
February 1	January 14	January 23	January 18**
February 15	January 28	February 6	February 4
March 1	February 11	February 20	February 15**
March 15	February 25	March 6	March 4
March 29	March 11	March 20	March 18
April 12	March 25	April 3	April 1
April 26	April 8	April 17	April 15
May 10	April 22	May 1	April 29
May 24	May 6	May 15	May 13
June 7	May 20	May 29	May 24**
June 21	June 3	June 12	June 10
July 5	June 17	June 26	June 24
July 19	July 1	July 10	July 22

* 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 Subtitle Chapter Regulation Subsection Paragraph Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

03 COMPTROLLER OF THE TREASURY

03.03.05.04 • 45:18 Md. R. 835 (8-31-18)
03.06.01.33 • 45:19 Md. R. 867 (9-14-18)

04 DEPARTMENT OF GENERAL SERVICES

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

08 DEPARTMENT OF NATURAL RESOURCES

08.02.21.03 • 45:20 Md. R. 922 (9-28-18)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.08.07.01,.02 • 45:20 Md. R. 923 (9-28-18)
09.09.03.01 • 45:21 Md. R. 977 (10-12-18)
09.10.01.17,.28,.88 • 45:17 Md. R. 806 (8-17-18)
09.10.02.43,.53,.53-1 • 45:17 Md. R. 807 (8-17-18)
09.11.01.12 • 45:21 Md. R. 978 (10-12-18)
09.13.01.09 • 45:20 Md. R. 924 (9-28-18)
09.15.02.09,.10 • 45:21 Md. R. 978 (10-12-18)
09.17.01.04 • 45:21 Md. R. 979 (10-12-18)
09.19.03.03 • 45:21 Md. R. 979 (10-12-18)
09.19.12.02 • 45:21 Md. R. 979 (10-12-18)
09.20.03.03 • 45:21 Md. R. 980 (10-12-18)
09.22.01.12 • 45:15 Md. R. 732 (7-20-18)
09.23.03.11 • 45:20 Md. R. 924 (9-28-18)
09.24.01.06 • 45:21 Md. R. 980 (10-12-18)
09.25.03.01 • 45:21 Md. R. 981 (10-12-18)
09.32.01.05 • 45:19 Md. R. 869 (9-14-18)
09.34.01.11,.13 • 45:21 Md. R. 982 (10-12-18)
09.35.04.10 • 45:21 Md. R. 982 (10-12-18)
09.36.01.02 • 45:21 Md. R. 983 (10-12-18)
09.36.04.02—.04 • 45:21 Md. R. 983 (10-12-18)

09.38.01.05 • 45:21 Md. R. 983 (10-12-18)
09.39.02.01 • 45:21 Md. R. 984 (10-12-18)
09.40.02.01 • 45:21 Md. R. 985 (10-12-18)

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 (2nd volume)

10.09.02.07 • 45:20 Md. R. 925 (9-28-18) (ibr)
10.09.03.01 • 45:19 Md. R. 869 (9-14-18)
10.09.06.04,.06,.09 • 45:20 Md. R. 926 (9-28-18)
10.09.20.01,.04—.06,.10,.13 • 45:21 Md. R. 9852 (10-12-18)
10.09.21.01—.08 • 45:19 Md. R. 869 (9-14-18)
10.09.23.01-1,.02,.04,.06 • 45:19 Md. R. 871 (9-14-18) (ibr)
10.09.24.04-1 • 45:19 Md. R. 872 (9-14-18)
10.09.36.01,.03,.08,.09 • 45:1 Md. R. 21 (1-5-18)
 45:10 Md. R. 503 (5-11-18) (err)
10.09.37.02—.04,.08,.09,.11 • 45:19 Md. R. 872 (9-14-18)
10.09.48.08 • 45:19 Md. R. 876 (9-14-18)
10.09.52.04-2 • 45:19 Md. R. 877 (9-14-18)
10.09.58.01—.07 • 45:19 Md. R. 872 (9-14-18)
10.09.59.04,.07 • 45:19 Md. R. 877 (9-14-18)
10.09.62.01 • 45:20 Md. R. 927 (9-28-18)
10.09.63.06 • 45:20 Md. R. 927 (9-28-18)
10.09.64.05 • 45:20 Md. R. 927 (9-28-18)
10.09.65.03 • 45:20 Md. R. 935 (9-28-18)
10.09.65.05,.12,.15,.19-5 • 45:20 Md. R. 927 (9-28-18)
10.09.66.04,.05,.05-1,.06,.07,.09 • 45:20 Md. R. 927 (9-28-18)
10.09.67.30 • 45:20 Md. R. 927 (9-28-18)
10.09.68.01 • 45:20 Md. R. 927 (9-28-18)
10.09.71.01,.02-1,.03,.03-2,.04,.05 • 45:20 Md. R. 927 (9-28-18)
10.09.72.01—.06 • 45:20 Md. R. 927 (9-28-18)
10.09.73.01,.02 • 45:20 Md. R. 927 (9-28-18)
10.09.75.05 • 45:20 Md. R. 927 (9-28-18)
10.09.86.08 • 45:20 Md. R. 927 (9-28-18)
10.09.95.07 • 45:19 Md. R. 878 (9-14-18)

Subtitles 10 — 22 (3rd Volume)

- 10.13.03.01—.04 • 45:13 Md. R. 675 (6-22-18)
- 10.15.03.02,,25,,28 • 45:21 Md. R. 986 (10-12-18)
- 10.21.04.01—.12 • 45:7 Md. R. 357 (3-30-18)
- 10.21.16.01—.16 • 45:7 Md. R. 357 (3-30-18)
- 10.21.17.01—.17 • 45:7 Md. R. 357 (3-30-18)
- 10.21.18.01—.13 • 45:7 Md. R. 357 (3-30-18)
- 10.21.19.01—.11 • 45:7 Md. R. 357 (3-30-18)
- 10.21.20.01—.11 • 45:7 Md. R. 357 (3-30-18)
- 10.21.21.01—.13 • 45:7 Md. R. 357 (3-30-18)
- 10.21.22.01—.12 • 45:7 Md. R. 357 (3-30-18)
- 10.21.25.03-2,,05—.13 • 45:7 Md. R. 357 (3-30-18)
- 10.21.26.01—.12 • 45:7 Md. R. 357 (3-30-18)
- 10.21.27.01—.08 • 45:7 Md. R. 357 (3-30-18)
- 10.21.28.01—.12 • 45:7 Md. R. 357 (3-30-18)
- 10.21.29.01—.09 • 45:7 Md. R. 357 (3-30-18)
- 10.22.16.03 • 45:13 Md. R. 676 (6-22-18)

Subtitles 23 — 36 (4th Volume)

- 10.24.17.01 • 45:11 Md. R. 589 (5-25-18) (ibr)
- 10.32.09.02 • 45:19 Md. R. 879 (9-14-18)
- 10.34.32.03 • 45:19 Md. R. 879 (9-14-18)
- 10.35.01.19 • 45:21 Md. R. 988 (10-12-18)
- 10.36.10.01—.04 • 45:2 Md. R. 114 (1-19-18)

Subtitles 37—66 (5th Volume)

- 10.42.01.01,,02,,04—.18 • 45:21 Md. R. 989 (10-12-18)
- 10.42.02.02—.06 • 45:21 Md. R. 989 (10-12-18)
- 10.42.08.01—.11 • 45:21 Md. R. 989 (10-12-18)
- 10.42.09.01,,04,,07 • 45:21 Md. R. 989 (10-12-18)
- 10.47.02.01—.11 • 45:7 Md. R. 357 (3-30-18)
- 10.47.03.01—.07 • 45:7 Md. R. 357 (3-30-18)
- 10.47.04.01—.08 • 45:7 Md. R. 357 (3-30-18)
- 10.47.05.01—.05 • 45:7 Md. R. 357 (3-30-18)
- 10.57.02.04,,05 • 45:21 Md. R. 998 (10-12-18)
- 10.57.03.05,,06 • 45:21 Md. R. 998 (10-12-18)
- 10.58.01.03 • 45:19 Md. R. 880 (9-14-18)
- 10.58.07.02—.04,,06—.20 • 45:19 Md. R. 885 (9-14-18)
- 10.58.11.03 • 45:19 Md. R. 880 (9-14-18)
- 10.58.17.01—.09 • 45:19 Md. R. 880 (9-14-18)
- 10.63.08.01—.14 • 44:23 Md. R. 1108 (11-13-17)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

- 11.03.07.01—.06 • 45:19 Md. R. 894 (9-14-18)
- 11.04.05.01,,02,,06 • 45:10 Md. R. 510 (5-11-18)
- 45:12 Md. R. 644 (6-8-18) (err)
- 11.06.02.08 • 45:15 Md. R. 737 (7-20-18)
- 11.06.03.01,,02 • 45:9 Md. R. 469 (4-27-18)
- 11.07.03.03 • 45:15 Md. R. 738 (7-20-18)
- 11.07.03.05 • 45:15 Md. R. 738 (7-20-18)

Subtitles 11—23 (MVA)

- 11.17.09.04,,05 • 45:21 Md. R. 999 (10-12-18)

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

- 12.04.01.01,,04 • 45:20 Md. R. 936 (9-28-18)

- 12.10.10.19 • 45:14 Md. R. 706 (7-6-18)

13A STATE BOARD OF EDUCATION

- 13A.03.02.08 • 45:20 Md. R. 937 (9-28-18)
- 13A.06.07.01,,06—.08,,10 • 45:19 Md. R. 895 (9-14-18)
- 13A.06.09.01—.05 • 45:20 Md. R. 938 (9-28-18)
- 13A.12.01.05 • 45:9 Md. R. 478 (4-27-18)
- 13A.12.01.08-1 • 45:9 Md. R. 478 (4-27-18)
- 13A.14.06.03 • 45:17 Md. R. 808 (8-17-18)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.02.06.05,,06 • 45:18 Md. R. 836 (8-31-18)
- 13B.08.17.01—.05 • 45:18 Md. R. 837 (8-31-18)

14 INDEPENDENT AGENCIES

- 14.22.01.10,,12,,15 • 45:18 Md. R. 838 (8-31-18)
- 14.22.02.02 • 45:18 Md. R. 838 (8-31-18)

15 DEPARTMENT OF AGRICULTURE

- 15.01.15.01—.05 • 45:16 Md. R. 781 (8-3-18)
- 15.01.16.01—.07 • 45:20 Md. R. 939 (9-28-18)
- 15.14.09.03—.05 • 45:20 Md. R. 941 (9-28-18)
- 15.14.13.03,,05,,12 • 45:20 Md. R. 942 (9-28-18)
- 15.14.15.01—.05 • 45:21 Md. R. 1001 (10-12-18)
- 15.15.13.03,,05 • 45:7 Md. R. 380 (3-30-18)

17 DEPARTMENT OF BUDGET AND MANAGEMENT

- 17.04.11.29 • 45:21 Md. R. 1002 (10-12-18)

18 DEPARTMENT OF ASSESSMENTS AND TAXATION

- 18.02.02.05 • 45:18 Md. R. 842 (8-31-18)
- 18.04.03.01 • 45:18 Md. R. 843 (8-31-18)
- 18.04.04.01 • 45:18 Md. R. 843 (8-31-18)
- 18.04.05.01 • 45:18 Md. R. 844 (8-31-18)
- 18.04.07.02,,03 • 45:18 Md. R. 844 (8-31-18)
- 18.04.08.05,,06 • 45:18 Md. R. 844 (8-31-18)
- 18.04.10.01,,03—.05 • 45:18 Md. R. 845 (8-31-18)
- 18.10.01.01 • 45:19 Md. R. 897 (9-14-18)
- 18.10.03.01,,03 • 45:19 Md. R. 898 (9-14-18)
- 18.11.01.01 • 45:19 Md. R. 898 (9-14-18)
- 18.12.01.01 • 45:19 Md. R. 899 (9-14-18)
- 18.15.01.01—.03 • 45:19 Md. R. 899 (9-14-18)
- 18.15.02.01,,05 • 45:19 Md. R. 899 (9-14-18)

19A STATE ETHICS COMMISSION

- 19A.01.01.04 • 45:16 Md. R. 785 (8-3-18)

21 STATE PROCUREMENT REGULATIONS

- 21.01.02.01 • 45:20 Md. R. 942 (9-28-18)
- 21.01.03.01 • 45:20 Md. R. 942 (9-28-18)
- 21.02.01.05 • 45:20 Md. R. 942 (9-28-18)
- 21.02.05.04 • 45:20 Md. R. 942 (9-28-18)
- 21.05.01.01,,02,,05 • 45:20 Md. R. 942 (9-28-18)
- 21.05.02.04,,05 • 45:20 Md. R. 942 (9-28-18)
- 21.05.03.01—.03 • 45:20 Md. R. 942 (9-28-18)
- 21.05.06.01 • 45:20 Md. R. 942 (9-28-18)
- 21.05.07.01,,04,,05 • 45:20 Md. R. 942 (9-28-18)

PENDING PROPOSALS

970

21.05.08 • 45:20 Md. R. 942 (9-28-18)
21.05.09.04,.05,.08 • 45:20 Md. R. 942 (9-28-18)
21.05.13.01—.07 • 45:20 Md. R. 942 (9-28-18)
21.07.01.19,.25 • 45:20 Md. R. 942 (9-28-18)
21.07.02.10 • 45:20 Md. R. 942 (9-28-18)
21.07.03.07,.08 • 45:20 Md. R. 942 (9-28-18)
21.10.04.04 • 45:20 Md. R. 942 (9-28-18)
21.11.01.01,.04—.06 • 45:20 Md. R. 942 (9-28-18)
21.11.03.10,.12,.12-1 • 45:20 Md. R. 942 (9-28-18)
21.11.05.01,.04,.07 • 45:20 Md. R. 942 (9-28-18)
21.11.13.01 • 45:20 Md. R. 942 (9-28-18)
21.13.01.17 • 45:20 Md. R. 942 (9-28-18)
45:21 Md. R. 1008 (10-12-18) (err)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

26.04.02.01,.05 • 45:3 Md. R. 167 (2-2-18)
26.11.01.01 • 45:17 Md. R. 809 (8-17-18)
26.11.08.01,.02,.04,.05,.07,.08-1,.08-2 • 45:17 Md. R. 809 (8-17-18)
26.11.09.08 • 45:17 Md. R. 809 (8-17-18)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.01.02.01 • 45:16 Md. R. 787 (8-3-18) (ibr)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.13.02 • 45:14 Md. R. 708 (7-6-18)
31.05.11.02,.08,.13—.18 • 45:14 Md. R. 708 (7-6-18)
31.08.15.04,.05 • 45:10 Md. R. 518 (5-11-18)
31.09.16.01—.12 • 45:7 Md. R. 389 (3-30-18)
45:15 Md. R. 752 (7-20-18)
31.10.16.05 • 45:15 Md. R. 752 (7-20-18)
31.14.02.03,.08,.09 • 45:11 Md. R. 595 (5-25-18)
31.15.03.05 • 45:17 Md. R. 814 (8-17-18)

33 STATE BOARD OF ELECTIONS

33.13.01.01 • 45:21 Md. R. 1003 (10-12-18)
33.13.07.01,.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.10.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.15.13 • 45:21 Md. R. 1003 (10-12-18)
33.13.17.01,.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.19.01—.04 • 45:21 Md. R. 1003 (10-12-18)
33.13.20.01,.02 • 45:21 Md. R. 1003 (10-12-18)
33.13.22.01—.07 • 45:21 Md. R. 1003 (10-12-18)

The Governor

EXECUTIVE ORDER 01.01.2018.23

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

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

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

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02, EFFECTIVE FROM SEPTEMBER 23, 2018, AND SHALL EXPIRE ON OCTOBER 23, 2018, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 18th Day of September, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-21-24]

EXECUTIVE ORDER 01.01.2018.24

Rescission of Executive Order 01.01.2018.22

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Order 01.01.2018.22 because of the threat to the public health and safety posed by the impact of significant weather statewide; and

WHEREAS, The emergency conditions caused by the impact of significant weather no longer exist;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE EMERGENCY THAT EXISTED IN THE STATE OF MARYLAND IS TERMINATED AND HEREBY RESCIND EXECUTIVE ORDER 01.01.2018.22.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 21st Day of September 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-21-25]

EXECUTIVE ORDER 01.01.2018.25

Commission on the Future of the Pikesville Armory (Amends Executive Order 01.01.2017.20)

WHEREAS, The Pikesville Armory (the “Armory”) was built in 1903 as part of the National Guard’s 20th Century reorganization and expansion and is the second oldest armory in Maryland built during this period;

WHEREAS, The Armory was added to the National Register of Historic Places in 1985;

WHEREAS, The Armory has played an important role as a center of the community and had many uses over the years, including hosting many Presidential candidates, craft fairs, dances, and other public events;

WHEREAS, The Armory property is an historic military complex with more than 14 acres of beautiful, scenic grounds and historic structures;

WHEREAS, The Armory property has been declared to be superfluous by the Maryland Military Department and is available for re-use; and

WHEREAS, The Armory property presents a unique opportunity for development of a plan that could inspire further investment and engagement in the historic community of Pikesville and provide and important cultural and community resource.

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

A. Commission. There is a Commission on the Future of the Pikesville Armory (the “Commission”).

B. Membership. The Commission membership shall consist of the following:

(1) The Governor shall appoint a chair of the Commission.

(2) Membership will include:

(a) Two members from the 1000 Friends of Pikesville, Inc.

(b) Two members from the Pikesville Chamber of

Commerce

(c) The Councilwoman from the 2nd Council District, or her designee

(d) Five members representing five community associations surrounding the Pikesville Armory

(e) Two members representing the Greater Pikesville Recreation Council

(f) Three additional members appointed by the Governor

(3) Six members of the Commission shall constitute a quorum for the transaction of any business.

(4) To the extent practicable, the members of the Commission shall reflect the diversity of the population of the State.

C. Duties.

(1) Consult with stakeholders in the Pikesville community and individuals with relevant expertise concerning the potential future uses of the Armory property.

(2) The Commission shall hold publicly announced meetings at such times and such places as it deems necessary. The meetings shall be open and accessible to the general public in accordance with the State Open Meetings Act or other applicable law.

(3) The Commission shall recommend options for the future use of the Armory property to be presented to the Governor no later than October 1, 2019, which options shall be consistent with the Armory's designation as a member of the National Register of Historic Places.

D. Disbandment. The Commission shall automatically be disbanded on November 1, 2019, unless its term is extended by executive order.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st Day of October, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-21-23]

Final Action on Regulations

Symbol Key

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

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.02 Beauty Salons

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

Notice of Final Action

[18-159-F]

On September 24, 2018, the Board of Cosmetologists adopted amendments to Regulation .01 under **COMAR 09.22.02 Beauty Salons**. This action, which was proposed for adoption in 45:13 Md. R. 669 (June 22, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

ERICA LEWIS
Acting Executive Director
Board of Cosmetologists

Title 10 MARYLAND DEPARTMENT OF HEALTH

Notice of Final Action

[18-180-F]

On September 27, 2018, the Secretary of Health adopted:

(1) Amendments to Regulations .01 and .02 under **COMAR 10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program**;

(2) Amendments to Regulations .02 and .05 under **COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment**;

(3) Amendments to Regulations .19, .20, and .27 and new Regulations .26-4 and .26-5 under **COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits**; and

(4) Amendments to Regulation .03 under **COMAR 10.09.70 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services**.

This action, which was proposed for adoption in 45:15 Md. R. 733—735 (July 20, 2018), has been adopted as proposed.

Effective Date: October 8, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.03 Pharmacy Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-103.1, 15-105, 15-118, and 15-148, Annotated Code of Maryland

Notice of Final Action

[18-181-F]

On September 27, 2018, the Secretary of Health adopted to amendments to Regulation .05 under **COMAR 10.09.03 Pharmacy Services**. This action, which was proposed for adoption in 45:15 Md. R. 735—736 (July 20, 2018), has been adopted as proposed.

Effective Date: October 8, 2018.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.51 Audiology Services

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

Notice of Final Action

[18-156-F]

On September 27, 2018, the Secretary of Health adopted amendments to Regulations .01, .02, and .04—.07, the repeal of existing Regulation .03, and new Regulation .03 under **COMAR 10.09.51 Audiology Services**. This action, which was proposed for adoption in 45:13 Md. R. 671—675 (June 22, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 8, 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:

As general matter, the nature of the changes and the basis for this conclusion are that the changes reflect public comments received that explain why certain restrictions on coverage included in the original proposals would inadequately serve the purposes of the proposed regulations. Because the changes broaden the scope of services covered, none would disadvantage the interested parties, and none would adversely affect any party in any significant way. Other changes prompted by public comments serve to clarify the substantive intent of the proposed regulations. The specific changes include the following:

Regulation .04B(4)(b): In response to the comments received concerning proposed restrictions on non-implantable or softband

devices, language will be amended to cover non-implantable or softband devices for all participants when medically necessary.

Regulation .05A(2): In response to the comments received regarding proposed restrictions on services to participants over the age of 21, language will be amended to allow for bilateral hearing aids, cochlear implants, or auditory osseointegrated devices to be covered for participants over the age of 21 when medically necessary.

Regulation .05A(7): In response to the comments received regarding the proposed limitations to the number of disposable batteries allowed, language will be amended to allow for more disposable batteries for cochlear implants in a 12-month period.

Regulation .05A(8): In response to the comments received regarding proposed limitations on replacement of rechargeable batteries, language will be amended to allow four replacement component rechargeable batteries for a bilateral cochlear implant and two replacement component rechargeable batteries for a unilateral cochlear implant per 12-month period, instead of two and one, respectively.

Regulation .05A(9), (10), (11): In response to the comments received, the Program is clarifying that it will cover 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 per 12-month period.

Regulation .05A(12): In response to the comments received, the injunction “and” was added to this language as Regulation .05A(14) is being deleted.

Regulation .05A(13): In response to the comments received regarding proposed restrictions on ear mold coverage, language will be removed to allow coverage of two unilateral or four bilateral ear molds for all participants, unless a larger number is determined to be medically necessary.

Regulation .05A(14): In response to the comments received regarding proposed restrictions on ear mold coverage, language will be removed to allow coverage of two unilateral or four bilateral ear molds for all participants.

Regulation .05B(4): In response to the comments received regarding ambiguous language regarding the scope of services covered in the global surgery package, language will be added to clarify that services not included in the global surgery package (e.g. initial mapping and auditory and speech therapy) will be covered separately.

Regulation .06C(3): In response to comments received regarding the requirements for medical evaluations, the Program is clarifying that a medical evaluation by a physician supporting medical necessity is required only for the initial hearing aids, cochlear implants, or auditory osseointegrated devices within 6 months of the preauthorization request.

.04 Covered Services.

The Program covers the following *medically necessary* services:

A. (proposed text unchanged)

B. *Hearing amplification* services, as follows:

(1)—(3) (proposed text unchanged)

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

(a) (proposed text unchanged)

(b) *Non-implantable or softband device or devices* [[for participants younger than 5 years old]] which are medically necessary;

(c)—(d) (proposed text unchanged)

.05 Limitations.

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

(1) (proposed text unchanged)

(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;]] unilateral or bilateral hearing aids, cochlear implants, or auditory osseointegrated devices when the Department’s medical necessity criteria have been met;*

(3)—(6) (proposed text unchanged)

(7) A maximum of [[180]] 238 disposable batteries for a unilateral cochlear implant per participant per 12-month period or [[360]] 476 disposable batteries per 12-month period for a bilateral cochlear implant purchased not more frequently than every 6 months, and in quantities of [[90]] 119 or fewer for a unilateral cochlear implant, or [[180]] 238 or fewer for a bilateral cochlear implant;

(8) [[Two]] Four replacement cochlear implant component rechargeable batteries per 12-month period for bilateral cochlear implants, and a maximum of [[one]] two replacement rechargeable [[battery]] batteries for a unilateral cochlear implant per 12-month period;

(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 per 12-month period;

(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 per 12-month period;

(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 per 12-month period;

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

(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]] unless a larger number is determined to be medically necessary.

B. Services which are not covered are:

(1)—(3) (text unchanged)

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

(5)—(13) (proposed text unchanged)

.06 Preauthorization Requirements.

A.—B. (proposed text unchanged)

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

(1)—(2) (proposed text unchanged)

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

ROBERT R. NEALL
Secretary of Health

IRENE M. PADILLA
State Librarian

Subtitle 32 BOARD OF PHYSICIANS

10.32.13 Physician Licensure by Conceded Eminence

Authority: Health Occupations Article, §§14-307—14-319, Annotated Code of Maryland

Notice of Final Action

[18-182-F]

On September 27, 2018, the Secretary of Health adopted amendments to Regulations .02 and .03 under **COMAR 10.32.13 Physician Licensure by Conceded Eminence**. This action, which was proposed for adoption in 45:15 Md. R. 736—737 (July 20, 2018), has been adopted as proposed.

Effective Date: October 8, 2018.

ROBERT R. NEALL
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-105(c), Annotated Code of Maryland

Notice of Final Action

[18-177-F]

On September 14, 2018, at their regular meeting, the Maryland State Library Board adopted amendments to Regulation .02 under **COMAR 13A.05.04 Programs for Library Media Services**. This action, which was proposed for adoption in 45:15 Md. R. 739 — 740 (July 20, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

IRENE M. PADILLA
State Librarian

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-105(c), Annotated Code of Maryland

Notice of Final Action

[18-175-P]

On September 14, 2018, at their regular meeting, the Maryland State Library Board adopted amendments to Regulation .03 under

COMAR 13A.05.04 Programs for Library Media Services. This action, which was proposed for adoption in 45:15 Md. R. 739 — 740 (July 20, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-105(c), Annotated Code of Maryland

Notice of Final Action

[18-176-F]

On September 14, 2018, at their regular meeting, the Maryland State Library Board adopted amendments to Regulation .05 under **COMAR 13A.05.04 Programs for Library Media Services**. This action, which was proposed for adoption in 45:15 Md. R. 740 (July 20, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

IRENE M. PADILLA
State Librarian

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-105(c), Annotated Code of Maryland

Notice of Final Action

[18-178-F]

On September 14, 2018, at their regular meeting, the Maryland State Library Board adopted amendments to Regulation .06 under **COMAR 13A.05.04 Programs for Library Media Services**. This action, which was proposed for adoption in 45:15 Md. R. 740 — 741 (July 20, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

IRENE M. PADILLA
State Librarian

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-105(c), Annotated Code of Maryland

Notice of Final Action

[18-179-F]

On September 14, 2018, the Maryland State Library Board at their regular meeting adopted amendments to Regulation .07 under **COMAR 13A.05.04 Programs for Library Media Services**. This action, which was proposed for adoption in 45:15 Md. R. 741 (July 20, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

IRENE M. PADILLA
State Librarian

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.04 Programs for Library Media Services

Authority: Education Article, §23-509, Annotated Code of Maryland

Notice of Final Action

[18-133-F]

On September 14, 2018, at their regular meeting, the Maryland State Library Board adopted amendments to Regulation .08 under **COMAR 13A.05.04 Programs for Library Media Services**. This action, which was proposed for adoption in 45:11 Md. R. 591 — 593 (May 25, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

IRENE M. PADILLA
State Librarian

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Notice of Final Action

[18-209-F]

On October 2, 2018, the Maryland State Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulation .02 under **COMAR 36.01.03 Voluntary Exclusion and Responsible Gaming;**
- (2) Regulation .04 under **COMAR 36.02.06 Claims Procedures;**
- (3) Regulation .02 under **COMAR 36.03.01 General;**
- (4) Regulation .07 under **COMAR 36.03.03 Video Lottery Operation License;**
- (5) Regulations .03 — .07 under **COMAR 36.03.07 Mandatory Exclusion;**
- (6) Regulations .16, .19, .20, .26—.29, .31, .38, .41, .43, and .45 under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;**
- (7) Regulations .18, .21, .30, and .31 under **COMAR 36.04.01 Video Lottery Technical Standards;**
- (8) Regulation .16 under **COMAR 36.05.02 Table Game Equipment;**
- (9) Regulations .11 and .23 under **COMAR 36.05.03 Table Games Procedures;** and
- (10) Regulation .06 under **COMAR 36.07.04 Instant Bingo Minimum Internal Control Standards.**

This action, which was proposed for adoption in 45:17 Md. R. 815—821 (August 17, 2018), has been adopted as proposed.

Effective Date: October 22, 2018.

GORDON MEDENICA
Director

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 09 BOARD OF MASTER ELECTRICIANS

09.09.03 General Regulations

Authority: Business Occupations and Professions Article, §§6-205(2), 6-314(2), and 6-316(a)(9), Annotated Code of Maryland

Notice of Proposed Action

[18-274-P]

The Board of Master Electricians proposes to adopt new Regulation .01 under a new chapter, **COMAR 09.09.03 General Regulations**. This action was considered at a public meeting of the Board held on July 24, 2018, notice of which was provided by posting on the Board of Master Electricians' website, pursuant to General Provisions Article, §§6-205(2) and 6-316(a)(9), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a written communication from the Board of Master Electricians, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Board and to require an applicant or licensee to notify the Board in writing of a change of address.

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 Robin Bailey, Executive Director, Mechanical Boards, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Fourth Floor, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Master Electricians during a public meeting to be held on November 27, 2018, at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.01 Failure to Respond.

A. If an applicant or licensee receives from the Board a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.

C. It is the responsibility of an applicant or licensee to notify the Board in writing if there has been a change in an applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §6-316(a)(9), Annotated Code of Maryland.

JACK N. WILSON, JR.
Chairman
Board of Master Electricians

**Subtitle 11 REAL ESTATE
COMMISSION**

09.11.01 General Regulations

Authority: Business Occupations and Professions Article, §§17-208, 17-303, 17-306, 17-315, and 17-528, Annotated Code of Maryland

Notice of Proposed Action
[18-258-P]

The Real Estate Commission proposes to repeal existing Regulation .12 and adopt new Regulation .12 under **COMAR 09.11.01 General Regulations**. This action was considered by the Commission at a public meeting held on July 18, 2018, notice of which was published on the Commission's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to change the requirements for a response time to the Commission from 20 business days of receipt of written inquiries by a licensee or applicant to 30 days from the date of mailing by the Commission and to inform licensees and applicants that a failure to respond within 30 days may lead to disciplinary action by the Commission.

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 Michael L. Kasnic, Executive Director, Maryland Real Estate Commission, 500 North Calvert Street, Baltimore, MD 21202, or call 410-230-6227, or email to Michael.Kasnic@Maryland.gov, or fax to 410-333-0023. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Real Estate Commission during a public meeting to be held on December 19, 2018, at 500 North Calvert Street, Baltimore, MD 21202.

.12 Failure to Respond.

A. If an applicant or licensee receives from the Commission a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Commission shall send a written communication by first-class mail to the last known address furnished to the Commission by the applicant or licensee.

C. It is a responsibility of an applicant or licensee to notify the Commission in writing if there has been a change in applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Commission to be a violation of Business Occupations and Professions Article, §17-322(b), Annotated Code of Maryland.

J. NICHOLAS D'AMBROSIA
Chairman

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

09.15.02 General Regulations

Authority: Business Regulation Article, §§9A-205(a)(1), 9A-310(a)(1)(xii), and 9A-401(c), Annotated Code of Maryland

Notice of Proposed Action
[18-277-P]

The State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors proposes to amend Regulation .09 and adopt new Regulation .10 under **COMAR 09.15.02 General Regulations**. This action was considered at a public meeting of the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors held on July 11, 2018, notice of which was given by posting on the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors' website, pursuant to General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a communication from the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Board and to require an applicant or licensee to notify the Board in writing of a change of address.

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 Robin Bailey, Executive Director, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Fourth Floor, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors during a public meeting to be held on November 14, 2018, at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.09 Responsibilities of Licensee.

A. (text unchanged)

[B. A licensee shall respond in writing to any communication from the Board requesting a response within 30 days of the mailing of these communications by registered or certified mail to the last address furnished to the Board by the licensee.]

[C.] B. (text unchanged)

.10 Failure to Respond.

A. If an applicant or licensee receives from the Board a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.

C. It is the responsibility of an applicant or licensee to notify the Board in writing if there has been a change in an applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Regulation Article, §9A-310(a)(1)(xii), Annotated Code of Maryland.

JAMES JOHNSON
Chairman

Board of Heating, Ventilation, Air-Conditioning,
and Refrigeration Contractors

Subtitle 17 BOARD OF STATIONARY ENGINEERS

09.17.01 General Regulations

Authority: Business Occupations and Professions Article, §§6.5-205, 6.5-311, and 6.5-314(a)(1)(iv), Annotated Code of Maryland

Notice of Proposed Action

[18-276-P]

The Board of Stationary Engineers proposes to adopt new Regulation .04 under **COMAR 09.17.01 General Regulations**. This action was considered at a public meeting of the Board of Stationary Engineers held on July 17, 2018, notice of which was given by posting on the Board of Stationary Engineers' website, pursuant to General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a written communication from the Board of Stationary Engineers, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Board, and to require an applicant or licensee to notify the Board in writing of a change of address.

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 Robin Bailey, Executive Director, Mechanical Boards, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Fourth Floor, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Stationary Engineers during a public meeting to be held on November 20, 2018, at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.04 Failure to Respond.

A. If an applicant or licensee receives from the Board a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.

C. It is the responsibility of an applicant or licensee to notify the Board in writing if there has been a change in an applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §6.5-314(a)(1)(ix), Annotated Code of Maryland.

HAROLD E. NORRIS
Chairman

Board of Stationary Engineers

Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS

Notice of Proposed Action

[18-271-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to:

(1) Repeal Regulation .03 under **COMAR 09.19.03 Work Experience Requirements**; and

(2) Adopt new Regulation .02 under **COMAR 09.19.12 General Regulations**.

This action was considered at a public meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors held on June 12, 2018, notice of which was given by posting on the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors' website, pursuant to General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a communication from the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Commission, and to require an applicant or licensee to notify the Commission in writing of a change of address.

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 Patricia Schott, Executive Director, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6165, or email to patricia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on December 11, 2018, at the Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Second Floor Conference Room, Baltimore, MD 21202.

09.19.12 General Regulations

Authority: Business Occupations and Professions Article, §§16-216(2), 16-312(6), and 16-701(a)(1)(xiii), Annotated Code of Maryland

.02 Correspondence with the Commission.

A. *If an applicant or licensee receives from the Commission a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.*

B. *The Commission shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.*

C. *It is the responsibility of an applicant or licensee to notify the Commission in writing if there has been a change in an applicant's or licensee's address.*

D. *Failure to respond as required by this regulation may be considered by the Commission to be a violation of Business Occupations and Professions Article, §16-701(a)(1)(xiii), Annotated Code of Maryland.*

STEVEN O'FARRELL
Chairman

Commission of Real Estate Appraisers, Appraisal
Management Companies, and Home Inspectors

Subtitle 20 BOARD OF PLUMBING

09.20.03 [Responsibilities of Licensees] General Regulations

Authority: Business Occupations and Professions Article, §§12-207(a), 12-311(c), and 12-312(a)(1)(xiii), Annotated Code of Maryland

Notice of Proposed Action

[18-273-P]

The Board of Plumbing proposes to adopt new Regulation .03 under **COMAR 09.20.03 General Regulations**. This action was considered at a public meeting of the Board of Plumbing held on July 19, 2018, notice of which was given by posting on the Board of Plumbing's website, pursuant to General Provisions Article, §§12-207(a), 12-311(c), and 12-312(a)(1)(xiii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a communication from the Board of Plumbing, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Board, and to require an applicant or licensee to notify the Board in writing of a change of address.

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 Robin Bailey, Executive Director, Mechanical Boards, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Fourth Floor, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Plumbing during a public meeting to be held on November 15, 2018, at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Failure to Respond.

A. *If an applicant or licensee receives from the Board a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.*

B. *The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.*

C. *It is the responsibility of an applicant or licensee to notify the Board in writing if there has been a change in an applicant's or licensee's address.*

D. *Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §12-312(a)(1)(xiii), Annotated Code of Maryland.*

MICHAEL J. KASTNER, JR.
Chairman
Board of Plumbing

Subtitle 24 BOARD OF PUBLIC ACCOUNTANCY

09.24.01 General Regulations

Authority: Business Occupations and Professions Article, §§2-102, 2-207, 2-209, 2-304—2-307, 2-309, 2-311, 2-315, 2-410, and 2-416, Annotated Code of Maryland

Notice of Proposed Action

[18-280-P]

The Maryland State Board of Public Accountancy proposes to amend Regulation .06 under **COMAR 09.24.01 General Regulations**. This action was considered by the Board at a public

meeting held on August 7, 2018, notice of which was given pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require both applicants and licensees to: 1) respond in writing within 30 days to any written communications from the Board seeking a response; 2) permit the Board to send written communications requiring a response via first-class as opposed to certified mail; 3) notify both applicants and licensees that a failure to respond within 30 days may lead to disciplinary action; and 4) require applicants and licensees to notify the Board of any change of address.

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 Shanai R. Jordan, Executive Director, Maryland Board of Public Accountancy, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Baltimore, MD 21202 or call 410-230-6318, or email to shanai.jordan@maryland.gov, or fax to 410-962-8482. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Public Accountancy during a public meeting to be held on November 13, 2018, at 9 a.m., at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.06 Code of Professional Conduct.

A. — H. (text unchanged)

I. Other Responsibilities and Practices.

(1) — (4) (text unchanged)

(5) [A licensee shall respond in writing to any communications from the Board requesting a response, within 30 days of the mailing of these communications, by registered or certified mail, to the last address furnished to the Board by the licensee.] *Failure to Respond.*

(a) *If an applicant or licensee receives from the Board a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.*

(b) *The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.*

(c) *It is the responsibility of the applicant or licensee to notify the Board in writing if there has been a change in the applicant's or licensee's address.*

(d) *Failure to respond as required by the regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §2-315(a)(1)(xii), Annotated Code of Maryland.*

(6) (text unchanged)

J. (text unchanged)

ARTHUR E. FLACH, CHAIR
Maryland Board of Public Accountancy

Subtitle 25 SECONDHAND PRECIOUS METAL OBJECT DEALERS AND PAWNBROKERS

09.25.03 General Regulations

Authority: Business Regulation Article, §§12-103, 12-207(g), and 12-209(a)(2)(ix), Annotated Code of Maryland

Notice of Proposed Action

[18-275-P]

The Secretary of Labor, Licensing, and Regulation proposes to adopt new Regulation .01 under a new chapter, **COMAR 09.25.03 General Regulations**.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a communication from the Secretary of the Department of Labor, Licensing, and Regulation or the Secretary's designee, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Secretary or the Secretary's designee and to require an applicant or licensee to notify the Secretary or Secretary's designee in writing of a change of address.

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 Shanai Jordan, Executive Director, Secondhand Precious Metal Object Dealer and Pawnbroker Licensing Program, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6318, or email to shanai.jordan@maryland.gov, or fax to 410-962-8482. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

.01 Failure to Respond.

A. *If an applicant or licensee receives from the Secretary or the Secretary's designee a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.*

B. *The Secretary or the Secretary's designee shall send a written communication by first-class mail to the last business address furnished to the Secretary or the Secretary's designee by the applicant or licensee.*

C. *It is the responsibility of an applicant or licensee to notify the Secretary in writing if there has been a change in an applicant's or licensee's address.*

D. *Failure to respond as required by this regulation may be considered by the Secretary or the Secretary's designee to be a violation of Business Regulation Article, §12-209(a)(2)(ix), Annotated Code of Maryland.*

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

**Subtitle 34 OFFICE OF CEMETERY
OVERSIGHT**

09.34.01 Registration and Permit Requirements

Authority: Business Regulation Article, §§5-204—5-208, 5-301—5-311, 5-401—5-404, 5-606—5-609, and 5-710, Annotated Code of Maryland

Notice of Proposed Action

[18-267-P]

The Office of Cemetery Oversight proposes to amend Regulation **.11** and adopt new Regulation **.13** under **COMAR 09.34.01 Registration and Permit Requirements**.

Statement of Purpose

The purpose of this action is to: (1) correct an existing typographical error; (2) define a term; (3) require certain persons to respond to certain communications; (4) advise certain persons as to consequences of a failure to respond; and (5) require certain persons to notify the agency of changes in certain information.

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 Deborah Rappazzo, Executive Director, Office of Cemetery Oversight, 500 North Calvert Street, Room 301, Baltimore, MD 21202, or call 410-230-6228, or email to deborah.rappazzo@maryland.gov, or fax to 410-333-6314. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Office of Cemetery Oversight during a public meeting to be held on December 6, 2018, at 500 North Calvert Street, Baltimore, MD 21202.

.11 Hearings.

A. (text unchanged)

B. Hearing Before Director.

(1)—(2) (text unchanged)

(3) An applicant who has been notified that a new or renewal registration has been or may be denied and who requests a hearing before the Director must file the request for a hearing no later than 30 days after the date the notice [or] of proposed action was mailed.

(4)—(6) (text unchanged)

C. (text unchanged)

.13 Communication from Director—Failure to Respond.

A. Definition.

(1) In this regulation, the following term has the meaning indicated.

(2) Term Defined.

(a) "Person" has the meaning provided in Business Regulation Article, §1-101(g), Annotated Code of Maryland.

(b) "Person" includes:

(i) Any registrant or permit holder under Business Regulation Article, Subtitle 5, Annotated Code of Maryland, and any

applicant for a registration or permit to operate a cemetery or crematory, or to provide burial goods, in this State; and

(ii) Any other person required under the provisions of Business Regulation Article, Subtitle 5, Annotated Code of Maryland, or any regulation in this subtitle, to respond to a communication from the Director.

B. Duty to Respond.

(1) If a person receives from the Director or the Office a written communication requesting a response, the person shall respond in writing, by first-class mail, within 30 days of the date of the mailing.

(2) It is the responsibility of a person to notify the Office in writing if there has been a change in the person's address.

C. Failure to respond as required by this regulation may be considered by the Director to be a violation of Business Regulation Article, Subtitle 5, Annotated Code of Maryland.

DEBORAH RAPPAZZO
Executive Director

**Subtitle 35 ELEVATOR SAFETY
REVIEW BOARD**

09.35.04 Continuing Professional Competency

Authority: Public Safety Article, §§12-823(4) and 12-837(a)(7), Annotated Code of Maryland; Ch. 5, §2, Acts of 2003

Notice of Proposed Action

[18-279-P]

The Elevator Safety Review Board proposes to adopt new Regulation **.10** under **COMAR 09.35.04 Continuing Professional Competency**. This action was considered at a public meeting held on August 23, 2018.

Statement of Purpose

The purpose of this action is to require applicants and licensees to respond in writing within 30 days to any written communication from the Board, to inform the applicant or licensee of the ramifications for failure to respond to a written communication from the Board, and to require an applicant or licensee to notify the Board in writing of a change of address.

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 Robin Bailey, Executive Director, Mechanical Licensing Boards, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Elevator Safety Review Board during a public meeting to be held on December 28, 2018, at 500 North Calvert Street, Baltimore, MD 21202.

.10 Failure to Respond.

A. If an applicant or licensee receives from the Board a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or licensee.

C. It is the responsibility of an applicant or licensee to notify the Board in writing if there has been a change in the applicant's or licensee's address

D. Failure to respond as required by this regulation may be considered by the Board to be a violation of Public Safety Article, §12-837(a)(7), Annotated Code of Maryland.

ED M. HORD
CHAIRMAN
Elevator Safety Review Board

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

Notice of Proposed Action
[18-270-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to:

- (1) Adopt new Regulation .02 under **COMAR 09.36.01 General Regulations**; and
- (2) Repeat existing Regulation .02 and recodify existing Regulations .03 and .04 to be Regulations .02 and .03 under **COMAR 09.36.04 Responsibilities of Licensees**.

This action was considered at a public meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors held on August 14, 2018, notice of which was provided by posting on the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors' website, in accordance with General Provisions Article, §3-305(c)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a communication from the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Commission and to require an applicant or licensee to notify the Commission in writing of a change of address.

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 Patricia Schott, Executive Director, Department of Labor, Licensing, and Regulation, 500 North Calvert Street, Third Floor, Baltimore, MD 21201, or call 410-230-6165, or email to patrcia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on December 11, 2018, at 500 North Calvert Street, Second Floor Conference Room, Baltimore, MD 21202.

09.36.01 General Regulations

Authority: Business Occupations and Professions Article, §§16-216 and 16-701.1(a)(7), Annotated Code of Maryland

.02 Correspondence with the Commission.

A. If an applicant or licensee receives from the Commission a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Commission shall send a written communication by first-class mail to the last address furnished to the Commission by the applicant or registrant.

C. It is the responsibility of an applicant or licensee to notify the Commission in writing if there has been a change in an applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Commission to be a violation of Business Occupations and Professions Article, §16-701.1(a)(7), Annotated Code of Maryland

STEVEN O'FARRELL
Chairman
Commission of Real Estate Appraisers,
Appraisal Management Companies, and Home Inspectors

Subtitle 38 STATE BOARD OF INDIVIDUAL TAX PREPARERS

09.38.01 General Regulations

Authority: Business Occupations and Professions Article, §§21-101, 21-203, 21-205, 21-207, and 21-301—21-304, Annotated Code of Maryland; Ch. 623, §6, Acts of 2008

Notice of Proposed Action
[18-263-P]

The Maryland State Board of Individual Tax Preparers proposes to amend Regulation .05 under **COMAR 09.38.01 General Regulations**. This action was considered at the Board's public meeting held on August 13, 2018, notice of which was given pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) require both applicants and individual tax preparers to respond in writing within 30 days to any written communications from the Board seeking a response; (2) permit the Board to send written communications seeking a response via first-class as opposed to certified mail; (3) notify both applicants and individual tax preparers that a failure to respond within 30 days may lead to disciplinary action; and (4) include applicants in the

existing requirement for individual tax preparers to notify the Board of any change of address, telephone number, or email address.

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 Shanai R. Jordan, Director, State Board of Individual Tax Preparers, Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6318, or email to shanai.jordan@maryland.gov, or fax to 410-962-8482. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Individual Tax Preparers during a public meeting to be held on November 19, 2018, at 10 a.m., at 500 North Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.05 Code of Professional Conduct.

A.—D. (text unchanged)

E. Communications with the Board.

(1) [An individual tax preparer shall respond in writing to any communications from the Board requesting a response within 30 days of the mailing of these communications, by registered or certified mail, to the last address furnished to the Board by the individual tax preparer] *Failure to Respond.*

(a) *If an applicant or individual tax preparer receives from the Board a written communication requesting a response, the applicant or individual tax preparer shall respond in writing within 30 days of the date of mailing.*

(b) *The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or individual tax preparer.*

(c) *Failure to respond as required by this subsection may be considered by the Board to be a violation of Business Occupations and Professions Article, §21-311(a)(5), Annotated Code of Maryland.*

(2) An applicant or individual tax preparer shall notify the Board in writing within 15 days after any change in the applicant's or individual tax preparer's:

(a)—(e) (text unchanged)

F. — G. (text unchanged)

AMY P. HENNEN
Chair

State Board of Individual Tax Preparers

Subtitle 39 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — APPRAISAL MANAGEMENT COMPANIES

09.39.02 General Regulations

Authority: Business Occupations and Professions Article, §§16-216(2) and 16-701.2(a)(5), Annotated Code of Maryland

Notice of Proposed Action

[18-272-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to adopt new Regulation .01 under a new chapter, **COMAR 09.39.02 General Regulations**. This action was considered at a public meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors held on August 14, 2018, notice of which was provided by posting on the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors' website, in accordance with General Provisions Article, §3-305(c)(ii), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or registrant's obligation to respond in writing within 30 days to a communication from the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Commission and to require an applicant or licensee to notify the Commission in writing of a change of address.

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 Patricia Schott, Executive Director, Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6165, or email to patricia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on December 11, 2018, at 500 North Calvert Street, Second Floor Conference Room, Baltimore, MD 21202.

.01 Correspondence with the Commission.

A. If an applicant or licensee receives from the Commission a written communication requesting a response, the applicant or

licensee shall respond in writing within 30 days of the date of the mailing.

B. The Commission shall send a written communication by first-class mail to the last address furnished to the Commission by the applicant or registrant.

C. It is the applicant's or registrant's responsibility to notify the Commission if there has been a change in the applicant's or registrant's address.

D. Failure to respond as required by this regulation may be considered by the Commission to be a violation of Business Occupations and Professions Article, §16-701.2(a)(5), Annotated Code of Maryland.

STEVEN O'FARRELL
Chairman
Commission of Real Estate Appraisers, Appraisal
Management Companies, and Home Inspectors

Subtitle 40 LOCKSMITHS

09.40.02 General Regulations

Authority: Business Regulation Article, §§12.5-104, 12.5-209(g), and 12.5-211(a)(1)(xiii), Annotated Code of Maryland

Notice of Proposed Action

[18-278-P]

The Secretary of Labor, Licensing, and Regulation proposes to adopt new Regulation .01 under a new chapter, **COMAR 09.40.02 General Regulations**.

Statement of Purpose

The purpose of this action is to establish by regulation an applicant's or licensee's obligation to respond in writing within 30 days to a written communication from the Secretary of Labor, Licensing, and Regulation or the Secretary's designee, to inform the applicant or licensee of the ramifications for failure to respond to written communication from the Secretary or the Secretary's designee, and to require an applicant or licensee to notify the Secretary or Secretary's designee in writing of a change of address.

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 Robin Bailey, Executive Director, Locksmith Licensing Program, 500 North Calvert Street, Fourth Floor, Baltimore, MD 21202, or call 410-230-6160, or email to robin.bailey@maryland.gov, or fax to 410-244-0977. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

.01 Failure to Respond.

A. Except as otherwise provided in Business Regulation Article, §12.5-303, Annotated Code of Maryland, if an applicant or licensee receives from the Secretary or the Secretary's designee a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

B. The Secretary or the Secretary's designee shall send a written communication by first-class mail to the last business address furnished to the Secretary or the Secretary's designee by the applicant or licensee.

C. It is the responsibility of an applicant or licensee to notify the Secretary or the Secretary's designee in writing if there has been a change in an applicant's or licensee's address.

D. Failure to respond as required by this regulation may be considered by the Secretary or the Secretary's designee to be a violation of Business Regulation Article, §12.5-211(a)(1)(xiii), Annotated Code of Maryland.

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

**Title 10
MARYLAND DEPARTMENT
OF HEALTH**

**Subtitle 09 MEDICAL CARE
PROGRAMS**

**10.09.20 Community Personal Assistance
Services**

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

Notice of Proposed Action

[18-268-P]

The Secretary of Health proposes to amend Regulations .01, .04— .06, .10, and .13 under **COMAR 10.09.20 Community Personal Assistance Services**.

Statement of Purpose

The purpose of this action is to:

- (1) Clarify definitions;
- (2) Add participation requirements for all Community Personal Assistance Services providers to be free from conflicts of interest and for personal assistance providers to conduct criminal history record checks on all direct service workers;
- (3) Clarify coverage related to transition services for supports planning; and
- (4) Change the number of days covered for personal assistance services provided outside of the State from 14 to 30 days.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be

accepted through November 13, 2018. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) Community Setting.

(a) (text unchanged)

(b) “Community setting” does not mean:

(i)—(iii) (text unchanged)

(iv) Intermediate care facilities for individuals with intellectual disabilities; *or*

[(v) Community-based residential facilities for individuals with intellectual or developmental disabilities licensed under COMAR 10.22.02; *or*

[(vi)] (v) (text unchanged)

(7)—(9) (text unchanged)

(10) *Home*.

(a) “Home” means the participant’s place of residence in a community setting.

(b) “Home” does not mean:

(i) *An assisted living program as defined in COMAR 10.07.14;*

(ii) *A residential rehabilitation program licensed as a therapeutic group home under COMAR 10.21.07;*

(iii) *An alternative living unit, group home, or individual family care home as defined in COMAR 10.22.01;*

(iv) *Community-based residential facilities for individuals with intellectual or developmental disabilities licensed under COMAR 10.22.02; *or**

(v) *Any other provider-owned or controlled residence.*

(11)—(25) (text unchanged)

(26) “Representative” means:

(a) The person authorized by the individual[, on the form provided by the Department,] to serve as a representative in connection with the provision of personal assistance services and supports; [or]

(b) The individual who signs the plan of service on the participant’s behalf[.];

(c) *Any individual who makes decisions on behalf of the participant related to the participant’s plan of service;*

(d) *A legal guardian of the individual for the participant; *or**

(e) *The parent or foster parent of a dependent minor child.*

(27)—(29) (text unchanged)

.04 Conditions for Provider Participation — General Requirements.

A. To participate as a provider of a service covered under this chapter, a provider:

(1)—(8) (text unchanged)

(9) Shall verify Medicaid eligibility at the beginning of each month that services will be rendered; [and]

(10) May not be a Medicaid provider or principal of a Medicaid provider that has overpayments that remain due to the Department[.]; *and*

(11) *Shall be free from conflicts of interest.*

B.—C. (text unchanged)

.05 Specific Conditions for Provider Participation — Personal Assistance.

A. Personal assistance service providers shall:

(1) Be licensed as a residential service agency under COMAR 10.07.05 *to provide Level Two or Level Three home care services;*

(2)—(8) (text unchanged)

(9) If applicable, apply for a new license whenever ownership is to be transferred from the person or organization named on the license to another person or organization in time to assure continuity of services; [and]

(10) Submit a Medicaid provider application to the Department if the new owner chooses to participate in the Program[.]; *and*

(11) *Conduct a criminal history records check on all direct service workers including nurses, in accordance with the procedure for a State criminal history records check established under Health-General Article, Title 19, Subtitle 19, Annotated Code of Maryland.*

B.—C. (text unchanged)

.06 Specific Conditions for Provider Participation — Supports Planning.

To participate in the Program as a supports planning provider under Regulation .10 of this chapter, a provider shall:

[A. Be free from conflicts of interest;]

[B.] A.—[C.] B. (text unchanged)

.10 Covered Services — Supports Planning.

A. (text unchanged)

B. Supports planning services include [time spent by a qualified provider conducting any of] the following activities:

(1)—(6) (text unchanged)

(7) [Verifying the participant’s eligibility at the beginning of each month that personal assistance services will be rendered.] *Administering funds for transition services.*

.13 Limitations.

A. (text unchanged)

B. The Program does not cover the following services:

(1)—(5) (text unchanged)

(6) Personal assistance services provided outside the State [of Maryland] for more than [14] 30 days per calendar year.

C. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 15 FOOD

10.15.03 Food Service Facilities

Authority: Health-General Article, §§18-102, 21-101, 21-102, 21-211, 21-234, 21-301, 21-304, and 21-308; Annotated Code of Maryland

Notice of Proposed Action

[18-265-P]

The Secretary of Health proposes to amend Regulations .02, .25, and .28 under **COMAR 10.15.03 Food Service Facilities**.

Statement of Purpose

The purpose of this action is to create consistency with licensing, inspection, and enforcement of the mobile reciprocity license among the local health departments as required by H.B. 771 (Ch. 216) and S.B. 262 (Ch. 215), Acts of 2017. Specifically, this proposal will:

(1) Define new terms related to mobile reciprocity licenses;

(2) Clarify the requirements for the operation of a mobile food service facility, including the establishment of a base of operations; *and*

(3) Add language concerning the issuance and enforcement of a mobile reciprocity license by local health departments.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will include in regulations the mobile reciprocity license established in Health-General Article §21-304, Annotated Code of Maryland. The reciprocity license eliminates the need for a separate plan review and associated inspection in each jurisdiction in which the mobile food service facility is licensed. Additionally, a limited number of mobile food service facilities have operated without a base of operations that meets the requirements of COMAR 10.15.02. These mobile units will be required to establish a base of operations; mobile units not seeking a reciprocity license will be given until May 1, 2020 to comply.

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

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

C(1) and (2). The fee for this license is set by each individual local health department and cannot exceed \$300. The net economic impact is indeterminable, as the licensing fees are set by local health departments.

D(1) and (2). Mobile food service facilities currently operating without a base of operations would be required to establish a base of operations by May 1, 2020. The Department estimates this would apply to approximately 157 operators. The Department estimates the cost to establish a base of operations ranges from free (e.g. use of church kitchen) to \$1,500 per month (e.g. high-end incubator kitchen space rental). A survey of 223 full-time single-truck vendors from California, Florida, New York, Texas, and Oregon found that 85 percent of vendors made over \$100,000 per year and half made over \$150,000. At \$150,000 per year, \$750 per month for a commercial kitchen rental would be 6 percent of revenue. The program notes that 90 percent of mobile food service facilities are already successfully operating with a base of operations.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 November 13, 2018. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(7) (text unchanged)
 - (7-1) “Base of operations” means a licensed facility in Maryland that is used by the owner or operator of a mobile food service facility for food storage, potable water, safe disposal of waste and sewage, and, if necessary, utensil washing.
 - (8)—(17-2) (text unchanged)
 - (17-3) “County of origin” means the county in which the base of operations of a mobile food service facility is located.
 - (18)—(46) (text unchanged)
 - (46-1) “Mobile reciprocity license” means a license issued to a mobile food service facility that:
 - (a) Is operating in the jurisdiction;
 - (b) Is operating within 90 miles of its base of operations; and
 - (c) Holds a valid license from the county of origin.
 - (47)—(86) (text unchanged)

.25 Special Food Service Facilities.

- A.—B. (text unchanged)
- C. For a special food service facility that is a mobile unit, the person-in-charge shall ensure that:
 - (1)—(3) (text unchanged)
 - (4) Potable water tanks are used to provide water for hand washing and, where applicable, for food preparation and utensil cleaning; [and]
 - (5) Wastewater tanks are used to hold wastewater pending disposal at a facility in a manner that conforms with State and local laws, regulations, and ordinances[.];
 - (6) Subject to §§C(7) and (8) of this regulation, a base of operations is established that provides:
 - (a) A source of potable water, potable water hoses, and clean connections;
 - (b) A method for the disposal of sewage;
 - (c) Clean, adequate, and covered trash receptacles;
 - (d) A storage area for single serve food items; and
 - (e) If necessary:
 - (i) Refrigerated and dry food storage areas; and
 - (ii) A utensil washing facility.
 - (7) For a mobile food service facility not seeking a mobile reciprocity license, a base of operations as set forth in §C(6) of this regulation is established by May 1, 2020;
 - (8) A base of operations is not required for a mobile food service facility that offers only prepackaged frozen desserts;
 - (9) A valid license from the county of origin is maintained; and
 - (10) Compliance is maintained with all applicable State and local laws and regulations in the jurisdiction in which it is operating.
- D.—H. (text unchanged)

.28 Licenses.

- A.—I. (text unchanged)
- J. A local health department:
 - (1) Shall issue a mobile reciprocity license:
 - (a) In accordance with Health-General Article, §21-304, Annotated Code of Maryland;

- (b) To a mobile food service facility that:
 - (i) Holds a valid license from the county of origin;
 - (ii) Is operating in the jurisdiction; and
 - (iii) Is operating within 90 miles of its base of operations.
- (2) Shall provide copies of inspection or other supporting documentation for a mobile food service facility with a base of operations within the jurisdiction of the local health department to the jurisdiction in which the mobile food service facility is seeking a mobile reciprocity license;
- (3) May inspect the mobile food service facility during operation in the jurisdiction after a mobile reciprocity license has been issued;
- (4) May suspend a mobile reciprocity license for not maintaining a valid license from the county of origin until such time that the county of origin license is renewed;
- (5) May issue a violation of this regulation as set forth in Regulation .35 of this chapter; and
- (6) Shall notify all known Maryland jurisdictions which license the mobile food service facility if:
 - (a) Any fines are issued to a mobile reciprocity licensee; or
 - (b) Enforcement action is taken against a mobile reciprocity licensee under §J(3) of this regulation.
- K. A mobile reciprocity license:
 - (1) May not exceed \$300; and
 - (2) Is valid for a period of 1 year.

ROBERT R. NEALL
Secretary of Health

Subtitle 35 POSTMORTEM EXAMINERS COMMISSION

10.35.01 Medical Examiner Cases

Authority: Health-General Article, §§5-306(e)—5-307, Annotated Code of Maryland

Notice of Proposed Action [18-261-P]

The Secretary of Health proposes to amend Regulation .19 under **COMAR 10.35.01 Medical Examiner Cases.**

Statement of Purpose

The purpose of this action is to update current regulations to meet current practice standards and ensure essential services needed to comply with statutory and regulatory obligations of the Office of the Chief Medical Examiner. Specifically, this proposal increases death scene investigation fees for service to compensate a rate comparable to industry standard.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action increases death scene investigation fees for service to compensate a rate comparable to industry standard.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	

A. On issuing agency:		
Death Investigation Fees	(E+)	FY 2019 \$203,083; FY 2020 \$296,502

B. On other State agencies:	NONE	
C. On local governments:		
Washington County	(E+)	FY 2019 \$17,580; FY 2020 \$25,666
	Benefit (+) Cost (-)	Magnitude

D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:		
Forensic Investigator Vendors	(+)	FY 2019 \$203,083; FY 2020 \$296,502
F. Direct and indirect effects on public:		
Washington County Residents	(-)	FY 2019 \$17,580; FY 2020 \$25,666

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

A. and E. The proposed action would increase the rate for service paid to Forensic Investigator Vendors by 50 percent from \$80 per accepted case to \$120 per accepted case. Forensic Investigator Vendors have not had an increase since 2006 when the fee per case increase from \$55 to \$80. A study of States with similar programs revealed that Forensic Investigator Vendors are paid lower fees for service than death investigators in most other States. Due to increased case volume, increased risk of injury associated with death investigations and low compensation, the OCME has been unable to recruit and retain qualified Forensic Investigator Vendors. Lack of qualified death investigators result in delayed scene response time. These delays have a direct impact on local EMS/police resources as well as the community at large. This increase would assist with the recruitment and retention of Forensic Investigator Vendors.

C. Washington County is the only county in Maryland in which the county matches forensic investigator pay for accepted cases. In FY2018, Washington County had 293 accepted OCME cases costing the State \$23,440 and the County \$23,440.

F. Washington County matches forensic investigator pay for accepted cases. The funds for this expense likely come from county taxes which are an indirect cost to the public.

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 November 13, 2018. A public hearing has not been scheduled.

.19 Deputy Medical Examiners/Forensic Investigators.

A.—D. (text unchanged)

E. Entitled Fees.

(1) As provided in the State budget, for each medical examiner's case investigated, the deputy medical examiner or forensic investigator is entitled to a fee of [\$80] \$120.

(2)—(3) (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Notice of Proposed Action

[18-266-P]

The Secretary of Health proposes to:

(1) Amend Regulations .01 and .02, repeal existing Regulation .04, amend and recodify existing Regulations .05—.08 to be Regulations .04—.07 respectively, recodify existing Regulations .12, .14, .16, and .19 to be Regulations .11, .13, .15, and .18 respectively, and recodify existing Regulations .09—.11, .13, .15, .17, and .18 to be Regulations .08—.10, .12, .14, .16, and .17 respectively, under **COMAR 10.42.01 Regulations Governing Licensure**;

(2) Amend Regulation .02, adopt new Regulations .03, .05, and .06, repeal existing Regulation .04, and amend and recodify existing Regulation .03 to be Regulation .04 under **COMAR 10.42.02 Social Work Practice**;

(3) Amend Regulations .01, .02, and .04, adopt new Regulations .03, .05, .10, and .11, amend and recodify existing Regulations .03, .05, .07, and .06 to be Regulations .06, .07, .08, and .09 respectively, and repeal existing Regulations .08—.10 under **COMAR 10.42.08 Supervision**; and

(4) Amend Regulations .01 and .04 and adopt new Regulation .07 under **COMAR 10.42.09 Disciplinary Sanctions and Monetary Penalties**.

This action was considered by the Board of Social Work Examiners at a public meeting held March 9, 2018, notice of which was given by posting the proposed regulations on the Board of Social Work Examiners' website on March 7, 2018, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Create new regulations and conform existing regulations to implement changes in Maryland social work law pursuant House Bill 1183 and Senate Bill 986 (Chapters 548 and 549, Acts of 2017); and

(2) Conform existing regulations to implement changes in Maryland social work law pursuant to House Bill 806 (Chapter 391, Acts of 2013).

Specifically, this proposal:

(1) Renames the graduate social worker license to be the master social worker license;

(2) Includes the requirements for the approval of bachelor and master social workers to engage in independent practice;

(3) Includes the requirements for the approval of bachelor and master social workers to engage in supervision of social work practice; and establish responsibilities and certain limitations;

(4) Discontinues master social workers from engaging in private practice on or after January 1, 2020;

(5) Authorizes the Criminal Justice Information System Central Repository to provide the Board with notifications of future charges thus eliminating the need for repeated background checks on a license;

(6) Authorizes the Board to renew a license only if a licensee attests that the licensee has submitted to a State and national criminal history records check;

(7) Requires individuals applying to the Board for reactivation, reinstatement, or reissuance of a license to submit certain evidence of having completed a State and national criminal history records check in accordance with certain provisions of law;

(8) Requires the Board to consider the nature of the crime when using information obtained from the Central Repository to determine whether to renew, reactivate, reinstate, or reissue a license;

(9) Authorizes the Board to issue a cease and desist order or obtain injunctive relief for a violation of certain provisions of law;

(10) After July 1, 2019, requires a licensed bachelor social worker or licensed master social worker licensed to have practiced under the supervision of Board-approved social work for at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(11) Defines certain terms, alters certain definitions and makes conforming changes;

(12) Establishes civil fines; and

(13) Increases the minimum and maximum fines for violations of the practice.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Licensed Bachelor Social Workers (LBSW) and Licensed Master Social Workers (LMSW) are now permitted by statute to become Board-approved supervisors. LBSWs and LMSWs who apply to become Board approved supervisors must register with the Board and pay the required \$20 fee as set forth in COMAR 10.42.05.02A(11).

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	\$24,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
	Magnitude	
D. On regulated industries or trade groups:	(-)	\$24,000
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. and D. A. Licensee records indicate that there are potentially 1,200 LBSWs and LMSWs eligible to apply to become Board approved supervisors. 1,200 x \$20 fee = \$24,000

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 November 13, 2018. A public hearing has not been scheduled.

10.42.01 Regulations Governing Licensure

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

.01 Scope and Purpose.

A. (text unchanged)

B. The purpose of this chapter is to protect the public by:

- (1) Providing *minimum* criteria for licensure under the law for those who seek to practice social work; and
- (2) (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Accredited” means receiving:

(a) Accreditation from the Council on Social Work Education; [or]

(b) Approval of a program for an individual applicant by the Council on Social Work Education’s Foreign Equivalency Determination Service that the program is equivalent to a program accredited by the Council on Social Work Education; or

(c) Approval of a program in candidacy for accreditation by the Council of Social Work Education.

(2) (text unchanged)

(3) “Board-approved supervisor” means a licensed bachelor social worker (LBSW), licensed certified social worker (LCSW), licensed certified social worker-clinical (LCSW-C) or licensed masters social worker (LMSW) approved by the Board to supervise social workers as set forth in COMAR 10.42.08.

(4) “Central repository” means the criminal justice information system central repository of the Maryland Department of Public Safety and Correctional Services.

[(3)] (5) (text unchanged)

[(4)] (6) Clinical Social Work.

(a) “Clinical social work” means the professional application of social work [theory] knowledge, skills, values, theories, and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional, [and] mental disorders, and substance use disorders [of] with individuals, groups and families.

(b) “Clinical social work” includes [rendering] formulating a diagnostic impression or a diagnosis based on [the Diagnostic and Statistical Manual in current use] standard diagnostic criteria.

[(5)] (7) “Clinical social work experience” means:

(a) (text unchanged)

(b) Formulating diagnostic impressions or a diagnosis;

(c) Treating mental disorders and other conditions; [and]

(d) Treating behavioral health disorders, including but not limited to substance use disorders, addictive disorders and other conditions; and

[(d)] (e) (text unchanged)

(8) “Criminal history records check” means the performance of both State criminal history check by the central repository and

national criminal history check by the Federal Bureau of Investigation.

(9) “Criminal history records information” means information obtained:

(a) From the criminal history records check regarding an applicant’s criminal arrests, charges, convictions, and the disposition of pending criminal charges; and

(b) Through the Rap Back service which allows the Board to receive notification of charges thus eliminating the need for repeated background checks on a licensee.

[(6)] (10) “Documentation of clinical course work” means providing transcripts indicating the completion of clinical course work from a college or university [that is based on:] whose bachelor’s or master’s program is accredited, in candidacy, or deemed equivalent by the Council on Social Work Education.

[(a)] An accredited or a provisionally accredited graduate social work program; or

(b) An accredited bachelor of social work program if a student entered an accredited or provisionally accredited graduate program with advanced standing.]

[(7)] “Independent practice” means the practice of a licensed social worker without the requirement of supervision.]

[(8)] (11)—[(13)] (16) (text unchanged)

[(14)] “Provisionally accredited” means a social work program that currently holds formal candidacy status, but is not accredited by the Council on Social Work Education.]

(17) “Rap Back service” means a service which allows the Board to receive notifications from the Federal Bureau of Investigation on applicants and licensees who may have future criminal charges thus eliminating the need for repeated background checks on the same applicant or licensee.

(18) “Reactivation” means the process of obtaining a license less than 5 years after the Board placed the license on inactive status.

(19) “Reinstatement” means the process of obtaining a license less than 5 years after the Board placed the license on a non-renewed status.

(20) “Reissuance” means the process of obtaining a license more than 5 years after the Board placed the license on inactive or non-renewed status.

[(15)] (21) “Social Work” means the professional activity of helping individuals, families, groups, organizations or communities to enhance or restore their capacity for social functioning.

[(16)] (22)—[(17)] (23) (text unchanged)

[(.05)] .04 Licensure.

A. To obtain an initial license or a license for renewal, reactivation, reinstatement, or reissuance, an applicant shall complete a criminal history records check through the central repository. In accordance with Criminal Procedure Article, §§10-201—10-228, Annotated Code of Maryland, the central repository shall provide criminal history records information to the Board.

B. The Board shall review the criminal history records information provided for any positive results from the criminal history records check.

C. An applicant is not required to complete a criminal history records check provided the applicant completes a criminal history records check under the Rap Back service, which will automatically alert the Board of any future criminal charges.

[A.] D. (text unchanged)

[B.] E. [Graduate] Master Social Worker.

(1) The Board shall issue a [graduate] master social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a [graduate] *master* social worker applies for licensure in a different category, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

[C.] *F. Certified Social Worker.*

(1) (text unchanged)

(2) The applicant for a certified social worker's license shall have 2 years of supervised social work experience as a licensed [graduate] *master* social worker with supervised social work experience of at least 3,000 hours while licensed as a [graduate] *master* social worker which is:

(a)—(c) (text unchanged)

(3) A candidate shall have obtained a [graduate] *master* social worker license before beginning to obtain the 3,000 hours of supervised social work experience.

(4) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker license.

(5)—(7) (text unchanged)

[(8) Unless otherwise excepted under Health Occupations Article, Title 19, Annotated Code of Maryland, or COMAR 10.42.01—.07, waiver of supervision shall be in compliance with COMAR 10.42.08.09 if performed as a social worker.]

[D.] *G. Certified Social Worker—Clinical.*

(1)—(2) (text unchanged)

(3) The applicant for a certified social worker—clinical license shall have 2 years of supervised clinical social work experience as a licensed [graduate] *master* social worker with supervised clinical social work experience of at least 3,000 hours while licensed as a [graduate] *master* social worker which is:

(a)—(c) (text unchanged)

(4) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker—clinical license.

(5) A candidate shall have obtained a [graduate] *master* social worker license before beginning to obtain the 3,000 hours of supervised social work experience.

(6) A licensed [graduate] *master* social worker [may render] shall formulate a [diagnosis] *diagnostic impression* while[:]

[(a) Under] *under* the [direct] supervision of a licensed certified social worker—clinical[:; or]

[(b) Obtaining] *while obtaining* the requisite 3,000 hours of supervised clinical social work experience.

(7)—(9) (text unchanged)

[.06] .05 Required Hours of Supervised Social Work Experience.

A. A candidate with experience obtained in Maryland shall have obtained a licensed [graduate] *master* social worker license before beginning to obtain the requisite 3,000 hours of supervised social work experience.

B. A candidate with 3,000 hours of supervised social work experience from another state or jurisdiction of the United States *or another country* shall provide documentation that the candidate met the licensing, certification, or registration requirements in that state or jurisdiction *or country* while acquiring the requisite supervised social work experience.

[.07] .06 Examinations.

A. The general requirements for examination are:

(1)—(2) (text unchanged)

(3) [Receipt] *Either:*

(a) *A receipt* of an official transcript indicating completion of an accredited program from the university or school awarding the applicable social work degree attained; or[, for]

(b) *For* applicants who are expected to receive the applicable social work degree at the end of the semester, [official evidence under seal of the university or school with the accredited

program indicating the] *indication on the Board's form of the:*

[(a)] (i) (text unchanged)

[(b)] (ii) Date that the applicant is expected to receive the degree[:]; and

[(4) Receipt of three professional references from individuals familiar with the work of the applicant; and]

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

B. (text unchanged)

[.08] .07 Approval Notification.

A. *An application packet for licensure is complete when the application packet is:*

(1) *Submitted to the Board signed and dated; and*

(2) *Accompanied by the required non-refundable application fee.*

B. *The application packet shall include:*

(1) *The completed application form answering all questions on the application;*

(2) *Official transcripts containing the date the degree was conferred by a program approved or deemed equivalent by the Council of Social Work Education;*

(3) *A passing score from the required examination administered by the Association of Social Work Boards; and*

(4) *Criminal history records check reports.*

C. *LCSW and LCSW-C applications shall include:*

(1) *The contractual agreement form for supervision which has been signed and dated by the supervisor, supervisee and agency administrator before supervision was initiated;*

(2) *Documentation of supervised social work experience; and*

(3) *The information and documentation required in §B of this regulation.*

[A.] *D.—[C.] F.* (text unchanged)

G. *An applicant shall submit any additional required documentation needed to complete the application within 1 year of the Board's receipt of the application.*

[.12] .11 Licensure by Endorsement.

A.—B. (text unchanged)

C. [Graduate] *Master Social Worker.*

(1) The Board shall issue a [graduate] *master* social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a [graduate] *master* social worker applies for licensure at a different level, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

D. *Certified Social Worker.*

(1)—(2) (text unchanged)

(3) The applicant for a certified social worker license with less than 5 years of advanced social work experience shall have 2 years of at least 3,000 hours of supervised social work experience, which shall be:

(a) *Obtained after receiving a master's degree in social work and as a [license graduate] licensed master social worker, if a licensed [graduate] master social worker license is required in the state where the supervised experience was obtained.*

(b)—(c) (text unchanged)

(4) A candidate shall have obtained a [graduate] *master* social worker license in the state where the experience was obtained if required in that jurisdiction, before applying for a certified social worker license and before beginning to obtain the 3,000 hours of supervised social work experience.

(5)—(8) (text unchanged)

E. *Certified Social Worker—Clinical.*

(1)—(3) (text unchanged)

(4) The applicant for a certified social worker—clinical license shall have 2 years of at least 3,000 hours of supervised clinical social work experience, which shall be:

(a) [Experience obtained] *Obtained* after receiving a master’s degree in social work and as a licensed [graduate] *master* social worker, if a licensed [graduate] *master* social worker license was required in the jurisdiction where the supervised experience was obtained;

(b)—(c) (text unchanged)

(5) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker—clinical license.

(6) A candidate shall have obtained a [graduate] *master* social worker license in the jurisdiction where the experience was obtained if required in that jurisdiction, before beginning to obtain the 3,000 hours of supervised social work experience.

(7)—(10) (text unchanged)

[.14] .13 To Practice Social Work While a License Application is Pending.

A.—B. (text unchanged)

C. To practice as a [graduate] *master* social worker under this regulation, the applicant shall:

(1)—(2) (text unchanged)

D. To practice as a certified social worker under this regulation, the applicant shall:

(1)—(2) (text unchanged)

(3) Provide documentation in a form prescribed by the Board:

(a) (text unchanged)

(b) Indicating that the supervision complied with the supervision requirements of:

(i) [The other] *Another* state;

(ii) [The other] *Another* country; or

(iii) (text unchanged)

(c) (text unchanged)

E.—F. (text unchanged)

[.16] .15 Renewal of License.

A.—E. (text unchanged)

F. The Board may not renew a bachelor or [graduate] *master* social worker license to a licensee who holds a baccalaureate or master’s degree from a provisionally accredited program that was denied full accreditation.

G.—J. (text unchanged)

[.19] .18 Replacement of Wall Certificates.

A. The Board shall issue a replacement wall certificate upon written request by a licensee [and payment of a replacement fee set forth in COMAR 10.42.05].

B. (text unchanged)

10.42.02 [Case Management] Social Work Practice

Authority: Health Occupations Article, §19-205, Annotated Code of Maryland

.02 [Definition.] Definitions.

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

B. [Term defined] *Terms Defined.*

(1) “Administration” means the process of attaining the objectives of an organization through a system of coordinated and cooperative efforts to make social service programs effective instruments of the amelioration of social conditions and for the solution of social problems.

(2) “Advocacy” means the service in which the social worker acts on behalf of clients to bring about or influence change to improve the quality of life and functioning and assure the basic rights of the client.

(3) “Assessment” means obtaining and analyzing information about a client and the client’s circumstance while using appropriate social work knowledge, skills, values, and theory to develop a service, intervention, or treatment plan.

(4) “Board” means the State Board of Social Work Examiners.

(5) “Case management” means a method of providing services by which a social worker assesses the needs of a client [or the client’s family, or both, when appropriate.] and arranges, coordinates, monitors, evaluates, and advocates for [a package of multiple] services to meet the [complex] needs of the [specific] client.

(6) “Client” means individuals, groups, families, communities, and organizations.

(7) *Clinical Social Work.*

(a) “Clinical social work” means the professional application of social work knowledge, skills, values, theories, and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional, mental disorders, and substance use disorders with individuals and families.

(b) “Clinical social work” includes formulating a diagnostic impression and diagnosis based on standard diagnostic criteria.

(8) “Counseling” means a method used by social workers to assist clients in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

(9) “Independent practice” means the practice of licensed social work without the requirement of social work supervision.

(10) “Informed consent” means a client’s decision to agree to a proposed course of transactions between the client and the licensee after the client has received reasonably full and accurate information pertaining to the risks, benefits, and possible consequences of the transaction.

(11) “Licensed” means that the individual possesses a license to practice social work issued by the Board.

(12) “Licensee” means an individual licensed by the Board.

(13) *Practice Social Work.*

(a) “Practice social work” has the meaning stated in Health Occupations Article, §19-101(m), Annotated Code of Maryland.

(b) “Practice social work” includes supervising a candidate for advanced licensure, for independent practice, or a licensee in the practice of social work.

(14) *Private Practice.*

(a) “Private practice” means the provision of psychotherapy by a licensed certified social worker-clinical (LCSW-C) who assumes responsibility and accountability for the nature and quality of services provided to a client in exchange for direct payment or third-party reimbursement or on a pro-bono basis as stated in Health Occupations Article, §19-101(q), Annotated Code of Maryland.

(b) “Private practice” includes the terms solo practice, solo private practice, or group practice.

(15) “Pro-bono” means the provision of psychotherapy or social work services for no or low payment based on need.

(16) “Psychotherapy” means formulating a diagnostic impression and an assessment for the treatment of mental and behavioral disturbances while utilizing a specialized formal interaction between the client and the social worker in which a therapeutic relationship is established and maintained.

(17) “Scope of practice” means procedures, actions, and processes that a licensed social worker is permitted to undertake in accordance with the terms of the license held.

(18) "Social work" means the professional activity of helping individuals, families, groups, couples, organizations, or communities to enhance or restore their capacity for social functioning.

(19) "Social worker" means an individual who:

(a) Is licensed under the Health Occupations Article, Title 19, Annotated Code of Maryland;

(b) Represents to the public by title or description which incorporates the words "social worker", "social work", or a similar designation; and

(c) Offers, attempts, or renders services involving the application of principles, methods, and procedures of the social work profession to clients.

(20) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting the development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical and competent manner.

(21) Technology Used.

(a) "Technology used" means the use of interactive audio, video, or other telecommunications or electronic media by a social worker to deliver social work services.

(b) "Technology used" includes, but is not limited to services that are provided to a client who is not physically present with the social worker.

(c) "Technology used" does not include:

(i) Audio phonic or telephonic communications between an LCSW-C and a client;

(ii) Electronic communications between an LCSW-C and a client;

(iii) Facsimile transmission between an LCSW-C and a client; or

(iv) A text message or other type of message sent between an LCSW-C and a client by a short message service or multimedia service.

.03 Scope of Practice.

A. Licensed Bachelor Social Worker (LBSW).

(1) An LBSW shall practice social work under a social work supervisor and may include practice social work as stated in Health Occupations Article, §19-101(m) and §19-307(c)(1), Annotated Code of Maryland.

(2) An LBSW's practice includes the basic, generalist practice of social work which includes:

- (a) Assessment;
- (b) Planning;
- (c) Intervention;
- (d) Evaluation;
- (e) Case management;
- (f) Information and referral;
- (g) Counseling;
- (h) Supervision;
- (i) Consultation;
- (j) Education;
- (k) Advocacy;
- (l) Community organization; and

(m) The development, implementation and administration of policies, programs, and activities.

(3) An LBSW's practice may not include:

(a) Making a clinical diagnosis of a mental or emotional disorder;

(b) Providing psychotherapy; or

(c) Engaging in private practice.

(4) An LBSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.

B. Licensed Master Social Worker (LMSW).

(1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health Occupations Article, §19-101(m) and §19-307(c)(2), Annotated Code of Maryland.

(2) An LMSW's practice is characterized by the application of specialized knowledge and advanced practice skills in the areas of:

- (a) Assessment;
- (b) Planning;
- (c) Intervention;
- (d) Evaluation;
- (e) Case management;
- (f) Information and referral;
- (g) Counseling;
- (h) Supervision;
- (i) Consultation;
- (j) Education;
- (k) Advocacy;

(l) Community organization; and

(m) The development, implementation, and administration of policies, programs, and activities.

(3) An LMSW's practice may not include the treatment of emotional disorders, psychotherapy, or diagnosis of a mental disorder without the supervision of an LCSW-C.

(4) An LMSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.

(5) On or before December 31, 2019, an LMSW may not engage in private practice without the supervision of an LCSW-C.

(6) On or after January 1, 2020 an LMSW may not engage in private practice.

C. Licensed Certified Social Worker (LCSW).

(1) An LCSW may:

(a) Practice social work as stated in Health Occupations Article, §§19-101(m) and 19-307(c)(3), Annotated Code of Maryland;

(b) Provide supervision of other social workers in accordance with COMAR 10.42.08; and

(c) Practice social work independent of supervision when the practice does not include diagnosis, treating mental disorders or providing psychotherapy.

(2) An LCSW's practice may not include the treatment of emotional disorders, psychotherapy, formulating a diagnostic impression, or diagnosis for a mental disorder without the supervision of an LCSW-C.

D. Licensed Certified Social Worker-Clinical (LCSW-C). An LCSW-C may:

(1) Practice social work as stated in Health Occupations Article, §19-101(m), Annotated Code of Maryland;

(2) Provide supervision of other social workers as set forth in COMAR 10.42.05;

(3) Evaluate, diagnose and treat biopsychosocial conditions, mental and emotional conditions and impairments, and mental disorders as defined in Health-General Article, §10-101(f), Annotated Code of Maryland;

(4) Petition for emergency evaluation under Health-General Article, Title 10, Subtitle 6, Annotated Code of Maryland;

(5) Provide person-to person psychotherapy;

(6) Have a private clinical practice; and

(7) Practice clinical social work as stated in Health Occupations Article §19-401(b), Annotated Code of Maryland.

[.03 Standards.] .04 Case Management.

A.—B. (text unchanged)

.05 Independent Practice.

A. An LCSW-C may engage in the independent practice of social work.

B. An LCSW may engage in the independent practice of social work, except when formulating a diagnostic impression, a diagnosis, or providing psychotherapy.

C. An LBSW or LMSW may not engage in the independent practice of social work until the licensee is approved by the Board for independent status in accordance with this regulation.

D. An LBSW or LMSW shall practice in accordance with the restrictions set forth in Health Occupations Article, §19-307, Annotated Code of Maryland.

E. An LBSW or LMSW licensed on or before January 1, 2008 shall:

(1) Have actively practiced bachelor or master social work under social work supervision;

(2) Have completed at least 10 years of social work experience under social work supervision;

(3) Submit an application in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland.

F. An LBSW or LMSW licensed on or after January 1, 2008 shall:

(1) Have actively practiced bachelor or master social work under social work supervision;

(2) Have completed at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(3) Submit an application in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland.

G. An LBSW or LMSW licensed on or after July 1, 2019 shall:

(1) Have actively practiced bachelor or master social work under the supervision of Board approved social work supervision;

(2) Have completed at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(3) Submit an application in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland.

H. The Board shall approve an application to engage in independent practice provided:

(1) The application is complete; and

(2) The applicant practiced social work in accordance with the statute and regulations in effect at the time the bachelor or master social worker practiced in Maryland.

I. The Board may not approve the licensee to engage in independent practice if the licensee fails to demonstrate sufficient supervised experience.

(1) The Board may require the applicant to complete up to 1,500 additional hours of supervised social work experience; and

(2) The applicant may reapply for independent practice following the completion of the required social work experience.

.06 Private Practice.

A. An LBSW may not engage in private practice.

B. An LCSW may not engage in private practice.

C. An LCSW-C may engage in private practice.

D. On or after January 1, 2020, an LMSW may not engage in private practice.

10.42.08 Supervision

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

.01 Scope.

A. This chapter establishes *qualifications and standards* [of] for independent practice, supervision and the responsibilities of supervisors and supervisees in the practice of social work.

B.—C. (text unchanged)

D. Nothing in this chapter may be construed to prohibit an employer from requiring supervision of a licensed bachelor social worker (LBSW), licensed certified social worker (LCSW), licensed certified social worker-clinical (LCSW-C), or licensed master social worker (LMSW) who is approved to engage in independent practice.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Board-approved supervisor” means an LBSW, LCSW, LCSW-C, or LMSW approved by the Board to supervise social workers as set forth in this chapter.

[(2)] (3) Face-to-Face.

(a) “Face-to-face” means in the physical presence of or electronic presence of the individuals involved in the supervisory relationship during either individual or group supervision.

(b) “Face-to-face” [does not include] includes:

[(i) Telephone supervision;

(ii) Video conferencing; or

(iii) Internet communication.]

(i) Secure video conferencing; or

(ii) Real-time communication with both parties in each other’s physical presence.

(c) “Face-to-face” does not include:

(i) Telephone supervision;

(ii) Written communication via the internet; or

(iii) Technological communication that is not visual.

[(4) “Registered supervisor” means a Licensed Certified Social Worker or Licensed Certified Social Worker-Clinical that meets the requirements under Regulation .04 of this chapter.]

(4) “Independent practice” means to practice bachelor social work or master social work without the requirement of supervision by a social worker.

[(3)] (5)—[(5)] (6) (text unchanged)

[(6)] (7) “Supervision training” means a course or program designed to provide information regarding the supervision process utilized by social workers in a variety of settings as [stipulated] set forth in regulation [.04A(2)(c)].04B(1) of this chapter.

[(7) “Unavailable” means that a supervisor who has met the requirements of Regulation .04B of this chapter, is not available within 75 miles of the licensee’s place of social work practice.]

(8) “Written contract” for advanced licensure or independent practice means an agreement, on a form provided by the Board and initiated before beginning supervision, between the supervisee, [and the registered] the Board-approved supervisor and administrator that details the scope of supervision.

.03 Requirements for a Board-Approved Social Work Supervisor.

A. A social worker who intends to provide supervision to a licensed social worker for independent practice or for advanced licensure shall apply to the Board for approval as a Board-approved supervisor.

B. A current social work supervisor of a licensed social worker may continue to provide supervision without Board approval until June 30, 2019.

C. Licensed Bachelor Social Worker.

(1) The Board shall approve an application filed by an LBSW to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LBSW applicant for a Board-approved supervisor shall:

(a) Obtain independent status in accordance with COMAR 10.42.02;

(b) Obtain the additional hours of experience as an LBSW in accordance with COMAR 10.42.02;

(c) File with the Board the supervisory registration form and pay the required fee;

(d) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(e) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(f) Be approved as a supervisor by the Board.

(3) A bachelor social work supervisor may only supervise an LBSW in the practice of social work.

(4) A bachelor social work supervisor may not supervise a licensed social worker for advanced licensure.

D. Licensed Master Social Worker.

(1) The Board shall approve an application filed by an LMSW to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LMSW applicant for a Board-approved supervisor shall:

(a) Obtain independent status in accordance with COMAR 10.42.02;

(b) Obtain the additional hours of experience as an LMSW in accordance with COMAR 10.42.02.

(c) File with the Board the supervisory registration form and pay the required fee;

(d) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(e) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(f) Be approved as a supervisor by the Board.

(3) An LMSW may supervise an LBSW and an LMSW in the practice of social work.

(4) An LMSW supervisor may not supervise a licensed social worker for advanced licensure.

E. Licensed Certified Social Worker.

(1) The Board shall approve an application filed by an LCSW to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LCSW applicant for Board-approved supervisor shall:

(a) Obtain 18 months of active social work experience after obtaining the certified license;

(b) File with the Board the supervisory form and pay the required fee;

(c) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(d) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(e) Be approved as a supervisor by the Board.

(3) An LCSW supervisor may supervise an LBSW and an LMSW in the practice of social work.

(4) An LCSW supervisor may not supervise an LCSW for advanced clinical licensure.

F. Licensed Certified Social Worker-Clinical.

(1) The Board shall approve an application filed by an LCSW-C to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LCSW-C applicant for Board-approved supervisor shall:

(a) Obtain 18 months of active social work experience after obtaining the certified license;

(b) File with the Board the supervisory form and pay the required fee;

(c) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(d) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(e) Be approved as a supervisor by the Board.

.04 Qualifications[, Education, and Responsibilities of] for a Board-Approved Supervisor.

[A. Qualifications.]

[(1)] A. License.

[(a)] (1) For social workers licensed by the Maryland Board of Social Work Examiners a supervisor shall hold an active license as a:

[(i)] (a) Bachelor social worker (LBSW);

(b) Certified Social Worker (LCSW); [or]

[(ii)] (c) Certified Social Worker-Clinical (LCSW-C); or

(d) Masters social worker (LMSW).

[(b)] (2) For social workers licensed by an out-of-State licensing board, a [Supervisor] supervisor shall hold an active license comparable to the:

[(i)] (a) Bachelor social worker (LBSW);

(b) Certified Social Worker (LCSW); [or]

[(ii)] (c) Certified Social Worker-Clinical (LCSW-C); or

(d) Licensed Masters Social Worker (LMSW).

[(2)] B. Education.

[(a)] (1) Social workers licensed by the Maryland Board of Social Work shall have:

[(i)] (a)—[(iii)] (c) (text unchanged)

[(b)] (2) Social workers licensed as social workers by an out-of-State licensing Board at a level comparable to the LBSW, LCSW, [or] LCSW-C, or LMSW shall:

[(i)] (a) Have the same qualifications under §A(2)(a) of this regulation; [or] and

[(ii)] (b) Complete the education requirement within 12 months of obtaining [an] a Maryland LBSW, LCSW, [or] LCSW-C, or LMSW.

[(c)] (3) Supervision training required in [§A(2)(a) of this regulation] Regulation .04B(1) of this chapter shall be obtained in Category I or Category II and may include, but is not limited to:

[(i)] (a)—[(vi)] (f) (text unchanged)

[(3)] C. Experience. A supervisor shall have completed:

[(a)] (1)—[(b)] (2) (text unchanged)

[(c) 60] (3) 24 months of social work experience as [a] an independent licensed [graduate] master social worker or its

equivalent before obtaining an the LCSW or LCSW-C license or 60 months of social work experience as an LMSW or its equivalent before obtaining an LCSW or LCSW-C license; or

[(d) 96] (4) 24 months of social work experience as [a] an independent licensed [social work associate] bachelor social worker or its equivalent before obtaining the LCSW or LCSW-C license or 60 months of social work experience as an LBSW or its equivalent before obtaining an LCSW or LCSW-C license.

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

- (1) Have filed with the Board the supervisory registration form;
- (2) Have a license that is unencumbered and without restrictions or conditions due to disciplinary action for the 5 years preceding supervisor status;
- (3) Have been approved as a supervisor by the Board; and
- (4) Have established and maintained a written contract for advanced licensure to provide supervision with the supervisee.

C. A supervisor shall be:

- (1) An agency-designated supervisor; or
- (2) An independent supervisor.]

.05 Registration.

A. A supervisor shall:

- (1) Have filed with the Board the form designated as the supervisory registration form;
- (2) Have a license that is unencumbered and without restrictions or conditions due to disciplinary action for the 5 years preceding supervisor status;
- (3) Have been approved as a supervisor by the Board; and
- (4) Have established and maintained a written contract, on a form provided by the Board prior to initiating supervision for advanced licensure and independent practice in order to provide supervision with the supervisee.

B. A supervisor shall be:

- (1) An agency-designated supervisor; or
- (2) An independent supervisor.

[.03] .06 Standards for Supervision.

A. (text unchanged)

B. In addition to the requirements of §A of this regulation, the supervisor shall specifically instruct and provide guidance relating to the supervisee's scope of practice of social work under Health Occupations Article, §§19-301 and 19-307, Annotated Code of Maryland, including:

- (1)—(7) (text unchanged)
- (8) Administrative skills; [and]
- (9) Supervision; and
- (10) Documentation and record keeping requirements as set forth in Health-General Article, Title 4, Annotated Code of Maryland, and in accordance with COMAR 10.42.03.

C. Supervision of Candidates for a Certified Social Worker—Clinical License. In addition to the other requirements of this regulation, the supervisor of a certified social worker-clinical candidate shall instruct and provide guidance in:

- (1) Appropriate billing practices if applicable to the practice site, including:
 - (a) Establishment and disclosure to clients of:
 - (i)—(iv) (text unchanged)
 - (v) Terms and conditions of service; [and]
 - (b) Financial record keeping and disclosure; and
 - (c) Documentation and record keeping requirements as set forth in Health-General Article, Title 4, Annotated Code of Maryland, and in accordance with COMAR 10.42.03.
- (2)—(3) (text unchanged)

D. (text unchanged)

E. A licensed [graduate] master social worker in independent practice may [not] provide supervision for [a] bachelor or master social [worker] workers under the terms and conditions set forth in Regulations .04 and .05 of this chapter and in accordance with COMAR 10.42.02.

F. A licensed bachelor social [work associate] worker may [not] provide supervision for [a] bachelor social [worker] workers under the terms and conditions set forth in Regulations .04 and .05 of this chapter and in accordance with COMAR 10.42.02.

[.05] .07 Responsibilities of a Supervisor.

A. A social work supervisor shall be Board-approved before providing supervision to licensed social workers for advanced practice or independent practice.

B. A Board-approved supervisor shall remain knowledgeable of the statutes and regulations as set forth in Health Occupations Article, Title 19, Annotated Code of Maryland and COMAR 10.42.01—10.42.09.

[A. Responsibilities.] C. A supervisor shall:

- (1)—(4) (text unchanged)
- (5) Provide a minimum of [3 hours] 1 hour of face-to-face supervision [per month] for every 40 hours worked [with] by each supervisee;
- (6) Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 19, Annotated Code of Maryland, and COMAR 10.42.01—[10.42.08] 10.42.09;

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

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

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

[(1)] (9) Establish a written contract, [for advanced licensure] initiated before beginning supervision, on the form provided by the Board;

[(2)] (10)—[(6)] (14) (text unchanged)

[.07] .08 Responsibilities of a Supervisee.

A. A supervisee shall:

(1) Receive social work supervision for social work practice as set forth in Health Occupations Article, §19-101, Annotated Code of Maryland;

[(1)] (2) Participate in a minimum of [3 hours] 1 hour of face-to-face supervision [per month] for every 40 hours worked with the supervisee's supervisor;

[(2)] (3) Prepare for supervision using case materials related to the supervisee's social work practice; [and]

[(3)] (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration, and focus of the supervisory sessions[.];

[B. A supervisee may not engage in the practice of social work independent of supervision.]

[C. In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure:]

[(1) Shall establish] (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision; and

[(2) Shall attend] (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice; and

[(3) May] B. A supervisee may contract for supervision outside of the employment setting as approved by the agency administrator.

[.06].09 Group Supervision for Advanced Licensure.

A. [Only 72 hours of group supervision may count towards the 144 hours of supervision required for advanced licensure by Health Occupations Article, §19-302, Annotated Code of Maryland.] *Group supervision is an optional form of supervision and may not be used as the sole form of supervision.*

B. *Only half of the required hours of supervision may be obtained from group supervision.*

[B.] C.—[C.] D. (text unchanged)

.10 Status of Independent Practice.

The Board shall maintain an indication that the licensee is approved for independent practice on its roster of licensees on the web site.

.11 Status of Board-Approved Supervisor.

The Board shall maintain an indication that the licensee is a Board-approved supervisor on its roster of licensees on the web site.

10.42.09 Disciplinary Sanctions and Monetary Penalties

Authority: Health Occupations Article, §§19-311 and 19-311.1, Annotated Code of Maryland

.01 Scope.

This chapter establishes standards for sanctions and monetary penalties not exceeding [\$5,000] \$10,000 against any social worker in the State if, after a hearing, the Board finds that there are grounds under Health Occupations Article, §19-311.1, Annotated Code of Maryland, to impose a sanction or monetary penalty.

.04 Guidelines for Disciplinary Sanctions and Imposition of Penalties.

A. Subject to the provisions of this section, the Board may impose sanctions and penalties for violations of the Maryland Social Workers Act, [and its regulations] *Health Occupations Article, §19-311, Annotated Code of Maryland, and according to the guidelines set forth in the following chart:*

VIOLATION	Minimum SANCTION/PENALTY	Maximum SANCTION/PENALTY
(1) Fraudulently or deceptively obtains, or attempts to obtain a license	Active suspension for 90 days, or [\$1,000] \$2,000 fine, or both	Denial of a license application or revocation, or [\$5,000] \$10,000 fine, or both
(2) Fraudulently uses a license	Active suspension for 90 days, or [\$1,000] \$2,000 fine, or both	Denial of a license application or revocation, or [\$5,000] \$10,000 fine, or both
(3) (text unchanged)		
(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(5) Knowingly violates any provision of Health Occupations Article, Title 19, Annotated Code of Maryland	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(8) Is convicted of or pleads guilty or nolo contendere to a felony or crime of moral turpitude	Probation for 1 year, or [\$500] \$1,000 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(9) Provides professional services while: under the influence of alcohol; or using any narcotic or controlled dangerous substance	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(10) Reciprocal discipline	Reprimand, or [\$100] \$200 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(11) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work	Reprimand, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(12) Knowingly makes or files a false report in the practice of social work	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(13) Knowingly fails to file or record any report as required under law	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both

PROPOSED ACTION ON REGULATIONS

(14) Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-704, Annotated Code of Maryland	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(15) Submits a false statement to collect a fee	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(16) Discrimination	Reprimand, or [\$100] \$200 fine, or both	Probation for 2 years, or [\$1,000] \$2,000 fine, or both
(17) Failure to cooperate with a lawful investigation conducted by the Board	Reprimand, or [\$100] \$200 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(18) Exploitation/undue influence	Active suspension for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(19) Knowingly fails to report suspected abuse or neglect of a vulnerable adult in violation of Criminal Law Article, §3-604 or 3-605, Annotated Code of Maryland	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(20) Fails to comply with the requirements of any order entered by the Board	Reprimand, or [\$1,000] \$2,000 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(21) (text unchanged)		
(22) Sexual misconduct or boundary violations within the professional relationship	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(23) Violations of COMAR 10.42.03 Code of Ethics	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both

B.—D. (text unchanged)

.07 Civil Fines.

A. The Board may impose a civil fine of no less than \$1,000 and no more than \$50,000 against an individual who:

(1) Practices social work without a license in violation of Health Occupations Article, §19-311, Annotated Code of Maryland: or

(2) Misrepresents or implies to the public use of protected titles in violation of Health Occupations Article, §19-402, Annotated Code of Maryland.

B. Factors to be used in determining the amount of the fine may include, but are not limited to, the following:

(1) The extent to which the individual derived any financial benefit from the unauthorized practice or misrepresentation of title;

(2) The willfulness of the unauthorized practice or misrepresentation of title;

(3) Actual or potential harm caused by the unauthorized practice or misrepresentation of title;

(4) The cost of the investigation; and

(5) The length of time in which the individual engaged in the unauthorized practice or misrepresentation of title.

ROBERT R. NEALL
Secretary of Health

**Subtitle 57 BOARD FOR
CERTIFICATION OF RESIDENTIAL
CHILD CARE PROGRAM
PROFESSIONALS**

Notice of Proposed Action

[18-264-P]

The Secretary of Health proposes to amend:

(1) Regulations .04 and .05 under **COMAR 10.57.02 Certification — Residential Child Care Program Administrators**; and

(2) Regulations .05 and .06 under **COMAR 10.57.03 Certification — Residential Child and Youth Care Practitioners**.

This action was considered by the Board for Certification of Residential Child Care Program Professionals at a public meeting on July 13, 2018, notice of which was given by publication on the Board’s website at <https://health.maryland.gov/crcp/Pages/Index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish a uniform guideline for Board review of an applicant with a criminal history.

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, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

10.57.02 Certification — Residential Child Care Program Administrators

Authority: Health Occupations Article, §§20-205, 20-301, 20-302, 20-303, 20-306, 20-310, and 20-311, Annotated Code of Maryland

.04 Action on Application.

A. Criminal History Record Information.

(1) Upon receipt of an applicant’s criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and
- (f) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.

[A.] B.—[C.] D. (text unchanged)

.05 Expiration and Renewal.

A.—C. (text unchanged)

D. Criminal History Record Information.

(1) Upon receipt of an applicant’s criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and
- (f) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.

10.57.03 Certification — Residential Child and Youth Care Practitioners

Authority: Health Occupations Article, §§20-205, 20-301, 20-302.1, 20-303, 20-310, and 20-311, Annotated Code of Maryland

.05 Action on Application.

A. Criminal History Record Information.

(1) Upon receipt of an applicant’s criminal history records information in accordance with Health Occupations Article, §20-303,

Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and
- (f) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.

[A.] B.—[C.] D. (text unchanged)

.06 Expiration and Renewal.

A.—C. (text unchanged)

D. Criminal History Record Information.

(1) Upon receipt of an applicant’s criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and
- (f) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.

ROBERT R. NEALL
Secretary of Health

**Title 11
DEPARTMENT OF
TRANSPORTATION**

**Subtitle 17 MOTOR VEHICLE
ADMINISTRATION—DRIVER
LICENSING AND IDENTIFICATION
DOCUMENTS**

**11.17.09 Proof of Age, Full Name, Identity,
Maryland Residence, Social Security Number,
and Lawful Status**

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2, 16-106, 16-115, and 16-121—16-122, Annotated Code of Maryland; 6 CFR 37

Notice of Proposed Action

[18-262-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations .04 and .05 under **COMAR 11.17.09 Proof of Age, Full Name, Identity, Maryland Residence, Social Security Number, and Lawful Status**.

Statement of Purpose

The purpose of this action is to clarify, expand, and conform the documents acceptable to the State, as authorized by 6 CFR 37 and to make stylistic and technical corrections to existing regulations.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

.04 Source Documents for Proof of Age, Name, Identity, Residence, Social Security Number, and Lawful Status or Temporary Lawful Status.

A. —B. (text unchanged)

C. Source Documents for Residency. To establish Maryland residency, an applicant for a license or identification card shall submit at least two different source documents reflecting the applicant's full name and current Maryland residence address. The address on source documents shall match the address on the application [and may not be from the same business, company, or agency]. The residency source documents include:

- (1) (text unchanged)
- (2) *Communication from a [Utility] utility, telephone, cable or satellite TV [bill] provider regarding an account held by the applicant;*
- (3) *Communication from a [Checking, savings, or] financial [account statement] institution, or collection agency regarding an account held or debt owed by the applicant;*
- (4) —(5) (text unchanged)
- (6) *Mortgage account statement, deed, communication from the State Department of Assessments and Taxation, or other proof of home ownership;*
- (7) (text unchanged)
- (8) *Mail or benefits statement from a federal, state, or local government agency;*
- (9) —(12) (text unchanged)
- (13) *Residential service contract or proof of delivery for services performed at the address of residence[, for example, cable or satellite television service, TV repairs, lawn service, or exterminator contract];*
- (14) (text unchanged)
- (15) *[Cancelled check with imprinted name and address] Medical or hospital bill;*
- (16) (text unchanged)
- (17) *Selective Service Card[.];*
- (18) *Communication from a United States (U.S.) [College] college or [University Transcript or U.S. College or University tuition bill] university regarding an account held by the applicant;*
- (19) *U.S. [High School Report Card] high school report card or U.S. [High School Transcript] high school transcript; [or]*

(20) *Valid Maryland [state issued] State-issued professional license; or*

(21) *Other proof of residency acceptable to the Administration.*

D. To establish proof of SSN, an applicant shall submit:

- (1) (text unchanged)
 - (2) *W-2 form[, not more than 18 months old];*
 - (3) *SSA-1099 form[, not more than 18 months old];*
 - (4) *Non-SSA-1099 form[, not more than 18 months old]; or*
 - (5) *Pay stub bearing the applicant's name and SSN[, not more than 3 months old].*
- E. —G. (text unchanged)

.05 Source Document Exception Process.

A. —C. (text unchanged)

D. The Administration may accept the following documents as proof of identity and date of birth if the applicant is [65 years of age or older and] unable to provide the source documents defined under Regulation .04 of this chapter:

(1) *Original or certified U.S. adoption records with name and date of birth; or*

(2) *A United States Passport that has been expired for less than 5 years.*

E. *If the applicant is 65 years old or older, the Administration may accept the following documents as proof of identity and date of birth if the applicant is unable to provide the source documents defined under Regulation .04 of this chapter:*

(1) *An original or certified copy of a military discharge document from the military with the applicant's name and date of birth; or*

(2) *A [statement on SSA letterhead, indicating the applicant's] Social Security Administration Benefits Summary with full name and date of birth included with one of the following:*

(a) *A hospital birth certificate issued by a hospital in the United States and showing the applicant's name and date of birth;*

(b) *A baptismal certificate issued within the United States and showing the applicant's name and date of birth; or*

(c) *A census record issued by the United States Census Bureau showing the applicant's name and date of birth;*

(d) *A Veterans Identification Card issued by the United States Department of Veterans Affairs showing the applicant's name; or*

(3) *Other documents designated as acceptable by the Administration.*

[E.] F. (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.15 Required Animal Cruelty Reporting

Authority: Agriculture Article, §§2-103, 2-304, [and] 2-310, and 2-313.1, Annotated Code of Maryland

Notice of Proposed Action [18-259-P]

The Secretary of Agriculture proposes to repeal existing Regulations .01—.03 and adopt new Regulations .01—.05 under COMAR 15.14.15 Required Animal Cruelty Reporting.

Statement of Purpose

The purpose of this action is to explain when a treating veterinarian is required to report suspected animal cruelty to the appropriate law enforcement agency or local animal control agency. This chapter also explains the requirements for reporting and confidentiality.

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 Vanessa Orlando, Executive Director, Maryland State Board of Veterinary Medical Examiners, Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-5862, or email to vanessa.orlando@maryland.gov, or fax to (410) 841-5780. Comments will be accepted through November 15, 2018. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to explain when a treating veterinarian is required to report animal cruelty to the appropriate law enforcement or local animal control agency. This chapter also explains the requirements for reporting and confidentiality.

.02 Definitions.

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

B. Terms Defined.

(1) "Animal" means a living creature except a human being that is privately owned, strays, domesticated, feral, farm animals, corporately or institutionally owned, or used in privately, locally, State, or federally funded activities.

(2) "Animal cruelty" means:

(a) Overdriving, overloading, torturing, tormenting, or cruelly beating an animal, depriving an animal of necessary sustenance, or causing, procuring, or authorizing these acts;

(b) Inflicting unnecessary suffering or pain upon an animal;

(c) If a person has charge or custody of an animal, as owner or otherwise, unnecessarily failing to provide an animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather;

(d) Using or permitting to be used any bird, fowl, or cock for the purpose of fighting with any other animal, which is commonly known as cockfighting;

(e) Using or permitting to be used any dog for the purpose of fighting with any other animal; or

(f) Any conduct that violates Criminal Law Article, §§10-604, 10-606, 10-607, and 10-608, Annotated Code of Maryland.

(3) "Board" means the State Board of Veterinary Medical Examiners.

(4) "Has reason to believe" means that a veterinarian suspects but may not actually know that an animal has been subject to cruelty.

(5) "Law enforcement agency" means the local law enforcement or animal control agency that enforces animal cruelty laws.

(6) "Reports in good faith" means that a veterinarian has filed the report with a sincere and honest intention.

(7) "Timely" means as soon as possible but no later than 24 hours from the time that a veterinarian has reason to believe of possible animal cruelty.

(8) "Veterinarian" means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

.03 Reporting Requirements.

A. A treating veterinarian who has reason to believe that any animal treated has been subjected to animal cruelty shall promptly report the suspected instance of cruelty to the appropriate law enforcement agency in a timely manner.

B. The report shall include:

(1) The name, age, and location of the animal;

(2) The name and home address of the owners or custodian of the animal;

(3) The nature and extent of the suspected animal cruelty, including any evidence or information available concerning possible previous instances of animal cruelty; and

(4) Any other information that would help determine:

(a) The cause of the suspected animal cruelty; or

(b) The identity of any individual responsible for the suspected animal cruelty.

C. A veterinarian making a report under this chapter shall document the report by recording and maintaining a record of:

(1) The date and time of the report;

(2) The identity of the local law enforcement or animal control agency to which the report was made;

(3) The identity of any person employed by the local law enforcement or county animal control agency where the report was made;

(4) The substance of any instructions or advice received from local law enforcement or county animal control; and

(5) Any other information documenting that the report was made and received by a local law enforcement or animal control agency.

D. Records reflecting reports under this chapter shall be maintained for three years by the veterinarian.

E. A veterinarian who reports in good faith a suspected incident of animal cruelty or participates in an investigation of suspected animal cruelty is immune:

(1) From civil liability that results from this report or from participation in the investigation, in accordance with Courts and Judicial Proceedings Article, §5-424, Annotated Code of Maryland;

(2) From criminal prosecution for the report or participation in the investigation.

F. The Board shall maintain a list of the appropriate law enforcement agencies that a veterinarian shall contact for reporting purposes.

.04 Confidentiality.

A. Except as provided in this regulation, the following records are confidential and may not be released:

(1) Records and reports, including the information provided in the records and reports, filed by a veterinarian under this chapter; and

(2) The veterinarian's identity.

B. The unauthorized disclosure of any record or report including any information provided in the record or report or the disclosure of the identity of the veterinarian who filed the report, is a criminal offense subject to the penalty provided in Agriculture Article, Title 12, Annotated Code of Maryland.

C. Procedures to Protect Confidentiality. Each law enforcement agency subject to this chapter shall adopt confidential procedures that protect the identity of the veterinarian who makes a cruelty report and the report itself, including any information from the report, as follows.

(1) All employees who handle cruelty reports required by this chapter shall be trained to keep the above information confidential and instructed not to release it to any person.

(2) Each employee shall be trained on the requirements of this chapter and informed of the consequences of releasing any confidential information.

(3) All confidential information shall be kept in a secure location.

(4) All employees shall be trained in the requirements of the Public Information Act and how to protect confidential information.

D. Release of Confidential Information.

(1) The substance of any cruelty report filed by a veterinarian under this chapter, and any records associated with the report may only be released:

(a) By a court order;

(b) If required by another law; or

(c) With the consent of the veterinarian who filed the report.

(2) A law enforcement agency shall release any records and reports required by this chapter to the Board upon request.

.05 Disciplinary Action Against a Veterinarian.

If a veterinarian fails to comply with the reporting requirements of this chapter, the Board may suspend or revoke a veterinarian's license, censure or place the veterinarian on probation.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 17 DEPARTMENT OF BUDGET AND MANAGEMENT

Subtitle 04 PERSONNEL SERVICES AND BENEFITS

17.04.11 Leave

Authority: State Personnel and Pensions Article, §§4-106 [and], 9-101, and 9-1108, Annotated Code of Maryland

Notice of Proposed Action

[18-269-P]

The Secretary of Budget and Management proposes to adopt new Regulation .29 under COMAR 17.04.11 Leave.

Statement of Purpose

The purpose of this action is to comply with Ch. 752, Acts of 2018, effective October 1, 2018, which provides certain State employees with parental leave with pay for the purpose of providing care and nurturing to a child immediately following birth of a child or upon placement of a child younger than 6 years old with the employee for adoption.

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 Jennifer P. Hine, Personnel Director, Department of Budget and Management, 301 W. Preston Street, Rm 705, Baltimore, MD 21201, or call 410 767-4718, or email to jennifer.hine@maryland.gov, or fax to 410 333-7671. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

.29 Parental Leave.

A. *Scope.* This regulation applies to all employees, excluding temporary employees, of the Executive Branch of State government, excluding any unit with an independent personnel system.

B. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) *Defined Terms.*

(a) "Parental leave" means paid leave granted to a primary caregiver to care for and nurture a child within 6 months following the birth of a child or the adoption of a child younger than 6 years old.

(b) "Parental leave absence" means an approved absence of a primary caregiver for up to 60 days for the purpose of caring for and nurturing a child within 6 months following the birth of a child or adoption of a child younger than 6 years old.

(c) "Primary caregiver" means an employee primarily responsible for the care and nurturing of the employee's child who is 6 months old or younger or who is primarily responsible for the care

and nurturing of the employee's adopted child younger than 6 years old.

C. Use of Leave.

(1) An employee approved for a parental leave absence may use any combination of leave as permitted by State Personnel and Pensions Article, §9-1108, Annotated Code of Maryland, for the birth or adoption of a child.

(2) An employee is required to use annual and personal leave for a parental leave absence if it is available.

(3) If an employee exhausts annual and personal leave, the employer shall grant additional paid leave to attain the 60 days of parental leave permitted by law.

(4) An employee who takes a parental leave absence shall use the parental leave within 6 months following the birth of the employee's child or the adoption by the employee of a child younger than 6 years old.

D. Administration of the Parental Leave Absence.

(1) An employee may request a parental leave absence by submitting a form provided by the Secretary to the employee's appointing authority or appointing authority designee.

(2) A request shall be accompanied by the medical documentation required by the form.

(3) The employee's appointing authority or appointing authority designee shall render a decision on a request for a parental leave absence within 5 working days of receiving the request.

E. Criteria for Reviewing Requests for Parental Leave Absence.

(1) An appointing authority may grant a request for a parental leave absence if the employee:

(a) Has submitted the proper form certifying that the employee is the primary caregiver for the child, along with the necessary medical documentation;

(b) Has not already exceeded the 60-day parental leave absence period; and

(c) The use of the leave occurs within 6 months following the birth of the employee's child or adoption by the employee of a child younger than 6 years old.

(2) In general, requests for parental leave may not be denied; however, the timing of use of parental leave is subject to the approval of the employee's appointing authority.

(3) State employees who jointly are responsible for the care and nurturing of a child each may be eligible to receive up to 60 days of parental leave, but they may not be determined to be the child's primary caregiver during the same period of time.

F. Administration of Parental Leave Absence. An employee who is approved for a parental leave absence is required to properly designate the period of absence using the leave codes provided for this purpose in the time-keeping system of record.

DAVID R. BRINKLEY
Secretary of Budget and Management

Title 33
STATE BOARD OF
ELECTIONS

Subtitle 13 CAMPAIGN FINANCING

Notice of Proposed Action
[18-260-P]

The State Board of Elections proposes to:

(1) Amend Regulation .01 under **COMAR 33.13.01 Definitions;**

(2) Amend Regulations .01 and .02 under **COMAR 33.13.07 Authority Line Requirements; Electronic Media;**

(3) Amend Regulation .02 under **COMAR 33.13.10 Prohibitions;**

(4) Adopt new Regulation .13 under **COMAR 33.13.15 Political Action Committees;**

(5) Amend Regulations .01 and .02 under **COMAR 33.13.17 Participating Organizations;**

(6) Adopt new Regulations .01—.04 under a new chapter, **COMAR 33.13. 19 Expenditures and Disbursements;**

(7) Adopt new Regulations .01 and .02 under a new chapter, **COMAR 33.13.20 Contributions by Employee Membership and Membership Entities;** and

(8) Adopt new Regulations .01—.07 under a new chapter, **COMAR 33.13.22 Legal Expenses.**

This action was considered by the State Board of Elections at its August 23, 2018 meeting, notice of which was given in accordance with the State Government Article, §10-506 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Amend the definition of donation to include the compliance account of a political action committee.

(2) Amend the requirements for an electronic media advertisement to include the definition of a qualifying paid digital communication and other clarifying changes to comply with the recently passed legislation. It expands the authority line requirements for online campaign material to participating organizations and other person required to register with the State Board. The proposed regulations change the authority line requirements for campaign material where it would not legible to read to current technological standards, such as the use of an icon or an overlay rather than a click through. The regulations prohibit data collection from the viewer of an authority line.

(3) Amend the current regulation to conform ownership of a video lottery operation license with Election Law Article §13-226(e).

(4) Codify current State Board policy on the attribution of contributions between merged or acquired political action committees.

(5) Reflect the statutory changes the General Assembly changed the reporting requirements for a participating organization.

(6) Detail how political committees treat the receipt of a polls, mailing list or voter access file. The proposed regulation set up a tiered approach on the value of a poll based upon the date of receipt of the information. It is similar to how the Federal Election Commission value polling information. Additionally, mailing list have been a frequently asked question by committees on how to value them. The valuation of the list will be industry standards for purchasing similar lists. Finally, the regulations clarify that the purchase of a voter file from a political party is not considered a transfer or a contribution to the political party.

(7) Clarify and define the activities not considered contributions by those entities.

(8) Clarify the reporting obligations for a political committee engaging in fundraising effort for a recount challenge or defense.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erin Perrone, Director, Election Reform and Management, State Board of Elections, PO Box 6486, Annapolis, MD 21401-0486, or call 410-269-2845, or email to erin.perrone@maryland.gov, or fax to 410-974-2019. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

33.13.01 Definitions

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-218(b), 13-245 and Title 13, Subtitle 3, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) “Donation” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to:

(a) (text unchanged)

(b) A person who makes independent expenditures; [or]

(c) A person who makes electioneering communications[.];

or

(d) A compliance account of a political action committee.

(7)—(17) (text unchanged)

33.13.07 Authority Line Requirements; Electronic Media

Authority: Election Law Article, §§2-102(b)(4), 13-401, 13-404, 13-245, and Title 13, Subtitle 4, Part I, Annotated Code of Maryland Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Distribution” means the act or instance of sharing or sending campaign material or hyperlinks of campaign material to the public, or to a list of subscribers, by means of an electronic communication or online platform, the Internet, text messaging service, or software application.

(6) “Electronic media advertisement” means a [advertisement, logo, or small icon that] *qualifying paid digital communication, or other electronic communication in which campaign material is [posted] disseminated, distributed or published* on social media, a micro-blog, the Internet, text messaging, an online platform, or other forms of electronic media other than radio, broadcast, cable or satellite television by a political committee.

(7) (text unchanged)

(8) Political Committee.

(a) “Political committee” has the meaning stated in Election Law Article, §1-101, Annotated Code of Maryland[.]; and

(b) “Political committee” also includes:

(i) (text unchanged)

(ii) A person required to file an independent expenditure report pursuant to Election Law Article, §13-306, Annotated Code of Maryland; [or]

(iii) A person required to file an electioneering communication report pursuant to Election Law Article, §13-307, Annotated Code of Maryland [.]; or

(iv) Any entity or person required to register with the State Board under Election Law Article, Title 13, Subtitle 3, Annotated Code of Maryland.

(9) Publication.

(a) “Publication” means the act or instance of making campaign material available to the public, or to a list of subscribers, including by means of an electronic communication or an online platform, the Internet, a text messaging service, or a software application.

(b) (text unchanged)

(10) (text unchanged)

.02 Requirements.

A.—C. (text unchanged)

D. Electronic Media Advertisements.

(1) An electronic media advertisement published or distributed by a political committee or an agent of the political committee for the purpose of promoting or opposing a candidate, prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(2) Authority Line Required.

(a) (text unchanged)

(b) If an electronic media advertisement is in text or graphic form and is too small to include the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, in a legible manner, the political committee is in compliance with the authority line requirement under Election Law Article, §13-401(a), Annotated Code of Maryland, if:

(i) [For an] *The electronic media advertisement [that allows the viewer to click on the electronic media advertisement, the user is taken to a landing or home page that prominently displays the authority line information required under Election Law Article, § 13-401 (s), Annotated Code of Maryland; or] includes an icon or button that when viewed in the context of the electronic media advertisement, provides clear, meaningful and prominent notice that the electronic media advertisement is campaign material, and when clicked or scrolled over by the person viewing the electronic media advertisement, opens a page, window or an overlay that prominently displays the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland and the information required under Election Law Article, §13-405(b)(6), Annotated Code of Maryland; or*

(ii) [For an] *The electronic media advertisement that does not allow [the viewer to click on the electronic media advertisement the political committee registers the advertisement and the authority line information required under Election Law Article, § 13-401 (a), Annotated Code of Maryland, with the State Board.] for the use of the icon or button referenced in Regulation .02D(2)(b)(i) of this chapter, when clicked by the person viewing the electronic media advertisement, opens a page or window that prominently displays the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland; and the political committee notifies the State Board of the online platform that does not allow for the use of the icon or button referenced in Regulation .02D(2)(b)(1) of this chapter.*

(c) Examples of electronic media advertisements that are too small to contain an authority line as required under Election Law Article, §13-401(a), Annotated Code of Maryland, include:

(i)—(ii) (text unchanged)

(iii) A [paid] text [advertisement] or communication that is 200 characters or fewer in length; and

(iv) A [paid] graphic or picture link where it is not reasonably practical due to the size of the graphic or picture link.

E.—F. (text unchanged)

G. Bots and Paid Promotion. A political committee or other person responsible for any publication may not conceal or misrepresent the identity of the political committee or person responsible for the publication via the use of a software application or paid service that generates or deploys multiple social media profiles, such as a bot, to distribute or disseminate the publication.

33.13.10 Prohibitions

Authority: Election Law Article, §§2-102(b)(4), 13-218, 13-225-13-237, 13-239 and 13-245, and Title 13, Subtitle 3, Annotated Code of Maryland

.02 Prohibited Contributions.

A.—C. (text unchanged)

D. Video Lottery Operation Licensee or Applicant — Same Owners. If the person in §C of this regulation is a corporation, any wholly owned [corporations or other corporations owned by identical shareholders] *direct or indirect subsidiary or any other entity owned or controlled by persons owning at least 80 percent of the ownership interests in the corporation, at any time during the election cycle,* may not make any contributions to a political committee organized in support of a non-federal candidate for the rest of the election cycle.

E.—M. (text unchanged)

33.13.15 Political Action Committees

Authority: Election Law Article, §§2-102(b)(4) and 13-309.1, Annotated Code of Maryland

.13 Mergers and Acquisitions.

A. *Acquisition. If a political action committee acquires, merges with, or takes control of another political action committee and is the surviving entity in the transaction, the prior transfers made by the non-surviving entity will not be retroactively attributed to the surviving entity.*

B. *Newly Formed Entity. If a political action committee merges with another political action committee to form a new political action committee, the prior transfers made by each of the non-surviving political action committees will be attributed to the newly formed political action committee. If, as a result of such attribution, the prior transfers to a particular political committee exceed the applicable contribution limit under Election Law Article, Title 13, Annotated Code of Maryland, and this subtitle, the political committee shall not be required to return any amounts attributed to the newly formed political action committee that exceed the applicable contribution limit, but the newly formed political action committee may not make a further transfer to that political committee.*

33.13.17 Participating Organizations

Authority: Election Law Article, §§2-102(b)(4) and 13-309.2, Annotated Code of Maryland

.01 Scope and Definitions.

A. (text unchanged)

B. [This chapter is effective as of January 1, 2015.] *In this chapter, the following terms have the meaning indicated.*

C. *Terms Defined.*

(1) *“Participating organization” has the meaning stated in Election Law Article, §13-309.2, Annotated Code of Maryland.*

(2) *“Political disbursement” has the meaning stated in Election Law Article, §13-309.2, Annotated Code of Maryland.*

(3) *“Principal Officer” means the person exercising direction or control over the activities of the participating organization.*

.02 Registration.

A. In General. The participating organization shall file a registration notice with the State Board within 48 hours of making [a contribution, donation, or] *political disbursements of more than \$6,000 [or more] cumulatively in an election cycle [to:*

(1) A political committee;

(2) A person making independent expenditures;

(3) A person making electioneering communications; or

(4) An out-of-State political committee for the purpose of influencing a Maryland election].

B. Notice Requirements.

(1) The registration notice shall consist of the following information:

(a)—(c) (text unchanged)

(d) [The election year or years in which the participating organization will be participating] *The name and address of the principal officer of the participating organization; and*

(e) A statement on whether or not the participating organization will *file a participating organization report or provide an active Internet address on its landing page [for the entire election year] that contains the information required by the State Board as to the participating organization’s disbursements made and donations received[, including the names and addresses of all donors who have donated within the last 6 months from the date of filing the registration notice with the State Board].*

(2) If the participating organization:

(a) *Publishes the required information on [Has] an active Internet address as described in §B(1)(e) of this regulation, it shall provide the Internet address on the registration notice and identify the Internet link on its landing page as “Campaign Finance Activity” and use at least 12-point font for all required information; or*

(b) *Does not [have] publish the required information on an active Internet address, the participating organization shall submit the reports required by Election Law Article, §13-309.2, Annotated Code of Maryland[, including the names, addresses, and occupations of the five largest monetary donors to the participating organization within the last year from the date of filing the registration notice with the State Board].*

33.13.19 Expenditures and Disbursements

Authority: Election Law Article, §§1-101, 2-102(b)(4), 13-218(b), 13-304(b), 13-221(a)(3), 13-245, and Title 13, Subtitle 3, Annotated Code of Maryland Annotated Code of Maryland

.01 Scope.

This chapter applies to expenditures and disbursements made by political committees and persons.

.02 Polls.

A. *Expenditure. The purchase of opinion poll results by a political committee or person is an expenditure by the political committee or person.*

B. *In-Kind Contribution. The acceptance of any part of an opinion poll’s results by a candidate, the authorized campaign committee of the candidate, or an agent of the candidate, prior to such time as those results have been made public and without the payment of fair market value, shall be treated as an in-kind contribution by the political committee or person furnishing the opinion poll results to the candidate or the authorized candidate campaign committee.*

C. *Acceptance.* The poll results are considered accepted by a candidate if the candidate, agents of the candidate, or the political committees affiliated with candidate:

- (1) Requested the poll results before the opinion poll was concluded;
- (2) Used the poll results before they became public; or
- (3) Failed to notify the person purporting to provide the opinion poll results that the candidate refused to accept the opinion poll results.

D. *Public Release.* The acceptance of any part of a poll's results which part, prior to receipt, has been made public without any request, authorization, prearrangement, or coordination by the candidate or the agents of the candidate shall not be treated as an in-kind contribution by the political committee or person releasing the opinion poll results.

E. *Fair Market Value.*

(1) Fair market value of an opinion poll is determined as of the date when the candidate or its agents receives the poll results. The value of the poll decreases as the benefits derived from the poll results are less timely.

(2) The fair market value of an opinion poll is as follows:

- (a) If the results are received within 30 days following receipt by the initial recipient or recipients of the opinion poll, 100 percent of the amount paid for the opinion poll;
- (b) If the results are received between 31 and 60 days following receipt by the initial recipient or recipients of the opinion poll, 50 percent of the amount paid for the opinion poll,
- (c) If the results are received between 61 and 180 days following receipt by the initial recipient or recipients of the opinion poll, 5 percent of the amount paid for the opinion poll; and
- (d) If the results are received more than 180 days following receipt by the initial recipient(s) of the opinion poll, the fair market value shall be zero.

(3) If only a portion of the opinion poll results are shared with a candidate, the fair market value of the results received by the candidate shall be further reduced:

- (a) To an amount reflecting the proportion of the number of question results received by the candidate or political committee as compared to the total number of questions in the opinion poll; or
- (b) To an amount computed by any other method which reasonably reflects the benefit derived.

.03 Mailing List.

A. *Expenditure.* The purchase of a mailing list, email list, or a contributor list is a permissible expenditure by a political committee.

B. *In-Kind Contribution.* The acceptance of a mailing list, email list, or a contributor list by a political committee from another person without providing compensation at fair market value is considered an in-kind contribution.

C. *Fair Market Value.* The fair market value of the mailing list, email list, or contributor list shall be determined by industry practice for selling mailing list data at the time of receipt.

.04 Voter File Access.

A. *Field Expense.* The purchase of voter file access is a permissible expenditure by a political committee. The purchase of the voter file access is considered a field expense.

B. *Procurement.* The purchase of voter file access from a central committee by a political committee is not considered a transfer or contribution to the central committee.

33.13.20 Contributions by Employee Membership and Membership Entities

Authority: Election Law Article, §§1-101, 2-102(b)(4), Annotated Code of Maryland Annotated Code of Maryland

.01 Definitions.

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

B. *Terms Defined.*

(1) "Affiliated political action committee" has the meaning stated in Election Law Article, §13-242 and §13-243, Annotated Code of Maryland.

(2) "Employee membership entity" has the meaning stated in Election Law Article, §13-242, Annotated Code of Maryland.

(3) "Membership entity" has the meaning stated in Election Law Article, §13-243, Annotated Code of Maryland.

.02 Non-Contribution Disbursements.

A. *Requirements.* The costs in §B of this regulation will not be considered a contribution by an employee membership entity or a membership entity to an affiliated political action committee that:

- (1) It has established; and
- (2) Only solicits contributions from the members participating in a payroll deduction program of the employee membership entity, or a program for periodic collection of dues of the membership entity.

B. *Disbursements.* The following costs of operating an employee membership entity or membership entity are not considered a contribution to an affiliated political action committee it has established:

(1) The cost of establishing or modifying the payroll program or program for periodic collection of dues to permit the employer or membership entity to offer its employees or members, respectively, the option of making contributions by payroll deduction or other periodic method of payment;

(2) The cost of providing information or written materials regarding how to participate in the payroll deduction program or program for periodic collection of contributions to the members;

(3) The cost of compliance training for members who volunteer to contact other members to explain the political purpose and operation of the affiliated political committee established by the employee membership entity or membership entity and the member's right to refuse to participate without reprisal;

(4) The costs associated with soliciting members to participate in the payroll deduction program or program for periodic collection of contributions, including:

- (a) The use of office space in the employee membership entity or membership entity; or
- (b) Personnel of the employee membership entity or membership entity; or

(5) The cost of legal services concerning the requirements of Election Law Article, Title 13, Annotated Code of Maryland.

C. *Restrictions.* A solicitation permitted under §B of this regulation by an employee membership entity or membership entity shall be limited to:

- (1) Current or active members, not former members or spouses of current or former members;
- (2) Appeals for voluntary contributions without promise of reimbursement, reward, or other inducement from the employee membership entity or membership entity in exchange for the member's participation; and
- (3) Appeals for voluntary contributions without actual or threatened penalty, coercion, discrimination, or other reprisal for the member's non-participation.

33.13.22 Legal Expenses

payment of legal expenses associated with maintenance or contest of the election result.

Authority: Election Law Article, §§2-102(b)(4), 13-233, Annotated Code of Maryland Annotated Code of Maryland

LINDA H. LAMONE
State Administrator of Elections

.01 Scope.

This chapter applies to legal expenses associated with maintaining or contesting the results of an election.

.02 Establishment.

Prior to the receipt of contributions received pursuant to Election Law Article, §13-233, Annotated Code of Maryland, a political committee shall:

A. Establish a segregated checking account from the campaign accounts of the political committee, consistent with the requirements of Election Law Article, §13-220, Annotated Code of Maryland; and

B. Register the segregated account with the financial institution and the State Board in a manner that identifies it as being for legal expenses associated with maintaining or contesting the results of an election.

.03 Management.

The political committee shall:

A. Maintain account books and records for legal expenses associated with maintaining or contesting the results of an election in accordance with the requirements of Election Law Article, §13-221, Annotated Code of Maryland; and

B. Report all contributions received, disbursements made, and outstanding obligations incurred in connection with legal expenses associated with maintaining or contesting the results of an election on a disclosure report.

.04 Reporting.

The political committee paying for reasonable legal expenses associated with maintaining or contesting the results of an election must report all contributions received and expenditures made on a campaign finance report.

.05 Applicability of Contribution Limits.

A. Contributions.

(1) All monies received from an individual to the political committee to pay for the legal expenses associated with maintenance or contest of the election result are contributions.

(2) All services provided by an individual to the political committee to offset the costs of legal expenses associated with maintenance or contest of the election result are contributions.

B. Contribution Limit. An individual may make an unlimited contribution to the political committee to pay for or offset the legal expenses associated with maintenance or contest of the election result.

.06 Permissible Uses.

A. Permissible Use. Contributions received in accordance with Election Law Article, §13-233(b), Annotated Code of Maryland, shall be used exclusively for legal expenses associated with maintenance or contest of the election result.

.07 Prohibitions.

A. Commingling of Funds. A political committee may not commingle the funds of a campaign account and the account established under Regulation .02 of this chapter.

B. Prohibited Activities. The political committee may not expend any funds received in accordance with Election Law Article, §13-233(b), Annotated Code of Maryland, for any reason other than the

Errata

COMAR 09.16.02

At 45:15 Md. R. 731 (July 20, 2018), column 1, line 6 from the bottom:

For: The Board of Barbers proposes to amend Regulation **.04** under

Read: The Board of Barbers proposes to amend Regulation **.01** under

At 45:15 Md. R. 731 (July 20, 2018), column 2, line 22 from the top:

For: **.04 Shop — General.**

Read: **.01 Shop — General.**

At 45:20 Md. R. 918 (September 28, 2018), column 1, line 7 from the bottom:

For: amendments to Regulation **.04** under **COMAR 09.16.02 Barber**

Read: amendments to Regulation **.01** under **COMAR 09.16.02 Barber**

[18-21-26]

COMAR 21.13.01

At 45:20 Md. R. 943 (September 28, 2018), column 1, line 16 from the top:

For: (21) Amend Regulation **.17** under **COMAR 21.13.01**

Read: (21) Adopt new Regulation **.17** under **COMAR 21.13.01**

[18-21-20]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: February 1-28, 2018.

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

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

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

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

S.T.L. Resources, LLC, Pad ID: Sturgis Pad, ABR-201802001, Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 1, 2018.

Chief Oil & Gas, LLC, Pad ID: SGL 12 M NORTH DRILLING PAD, ABR-201802002, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: February 9, 2018.

JKLM Energy, LLC, Pad ID: Judson Hollow 302, ABR-201802003, Pike Township, Potter County, Pa.; Consumptive Use of Up to 3.2000 mgd; Approval Date: February 9, 2018.

Inflection Energy (PA), LLC, Pad ID: Brass Well site, ABR-201802004, Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 21, 2018.

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

Dated: April 5, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission.

[18-21-14]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: February 1-28, 2018.

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

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

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

Rescinded ABR Issued:

EQT Production Company, Pad ID: Phoenix H, ABR-201010058.R1, Morris Township, Tioga County, Pa.; Rescind Date: February 20, 2018.

EQT Production Company, Pad ID: Doe, ABR-201102023.R1, Shippen Township, Cameron County, Pa.; Rescind Date: February 20, 2018.

EQT Production Company, Pad ID: Stoney Brook, ABR-201105008.R1, Jay Township, Elk County, Pa.; Rescind Date: February 20, 2018.

EQT Production Company, Pad ID: Phoenix P, ABR-201105024.R1, Duncan Township, Tioga County, Pa.; Rescind Date: February 20, 2018.

EQT Production Company, Pad ID: Gobbler, ABR-201107039.R1, Huston Township, Clearfield County, Pa.; Rescind Date: February 20, 2018.

EQT Production Company, Pad ID: Ginger, ABR-201506001, Jay Township, Elk County, Pa.; Rescind Date: February 20, 2018.

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

Dated: April 5, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission.

[18-21-15]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

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

DATES: May 1-31, 2018.

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

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

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

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

Repsol Oil & Gas USA, LLC, Pad ID: REPINE (07 022) T, ABR-201305009.R1, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 3, 2018.

Chesapeake Appalachia, LLC, Pad ID: BIM, ABR-201311006.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 14, 2018.

Chief Oil & Gas, LLC, Pad ID: Kupscznk B Drilling Pad, ABR-201311007.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 17, 2018.

Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad E, ABR-201308002.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: May 21, 2018.

Chief Oil & Gas, LLC, Pad ID: Garrison West Drilling Pad, ABR-201311010.R1, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 24, 2018.

ARD Operating, LLC, Pad ID: Larry's Creek F&G Pad G, ABR-201308007.R1, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

ARD Operating, LLC, Pad ID: Elbow F&G Pad D, ABR-201309013.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

ARD Operating, LLC, Pad ID: Kenmar HC Pad A, ABR-201309014.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

ARD Operating, LLC, Pad ID: Alden Evans Pad A, ABR-201805001, Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

ARD Operating, LLC, Pad ID: MAC Pad B, ABR-201805002, Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

Cabot Oil & Gas Corporation, Pad ID: ThomasR P1, ABR-201305005.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2018.

Cabot Oil & Gas Corporation, Pad ID: DiazM P1, ABR-201805003, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2018.

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

Dated: July 3, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[18-21-13]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September 7, 2018, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 7, 2018, in Binghamton, New York, the Commission approved or tabled the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: September 7, 2018.

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

FOR FURTHER INFORMATION CONTACT: Ava Stoops, Administrative Specialist, telephone: 717-238-0423; fax: 717-238-2436; srbc@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: 1) tabling the release of a proposed rulemaking for consideration at a future Commission meeting; 2) adoption of an update to the Commission's investment policy statement addenda; 3) granting a request from Lycoming County Water & Sewer Authority to extend the deadline to commence withdrawal by two years; 4) approval of several grant amendments and agreements, and an equipment purchase; 5) tabling action on a resolution for a consumptive use water storage and mitigation project at Billmeyer Quarry for consideration at the December 2018 Commission meeting; and 6) a report on a delegated settlement, pursuant to Commission Resolution 2014-15, with Moxie Freedom, LLC, in the amount of \$1,200.

Project Applications Approved:

The Commission approved the following project applications:

Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), McHenry Township, Lycoming County, Pa. Renewal of surface

water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20140902).

Project Sponsor and Facility: BKV Operating, LLC (East Branch Wyalusing Creek), Jessup Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140904).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Nicholson Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20140903).

Project Sponsor and Facility: Columbia Water Company, Hellam Township, York County, Pa. Groundwater withdrawal of up to 0.015 mgd (30-day average) from Dugan Well 4.

Project Sponsor and Facility: Eclipse Resources-PA, LP (Cowanesque River), Deerfield Township, Tioga County, Pa. Surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, Pa. Renewal of groundwater withdrawal of up to 0.300 mgd (30-day average) from Well 5 (Docket No. 19880402).

Project Sponsor and Facility: Inflection Energy (PA) LLC (Loyalsock Creek), Upper Fairfield Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 1.700 mgd (peak day) (Docket No. 20140905).

Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Solid Waste Resource Recovery, Conoy Township, Lancaster County, Pa. Renewal of consumptive use of up to 0.950 mgd (peak day) (Docket No. 19880901).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Terry Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20140909).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wappasening Creek), Windham Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140910).

Project Sponsor and Facility: SWEPI LP (Cowanesque River), Deerfield Township, Tioga County, Pa. Modification to reduce surface water withdrawal from 2.000 mgd to 1.000 mgd (peak day) and reassess passby flow thresholds (Docket No. 20161218).

Project Sponsor and Facility: Togg Mountain LLC, Town of Fabius, Onondaga County, N.Y. Consumptive use of up to 0.485 mgd (peak day).

Project Sponsor and Facility: Togg Mountain LLC (West Branch of Tioughnioga Creek), Town of Fabius, Onondaga County, N.Y. Surface water withdrawal of up to 2.200 mgd (peak day).

Project Sponsor and Facility: Towanda Municipal Authority, North Towanda Township, Bradford County, Pa. Groundwater withdrawal of up to 0.432 mgd (30-day average) from Church Production Well 1.

Project Sponsor and Facility: Towanda Municipal Authority, North Towanda Township, Bradford County, Pa. Groundwater withdrawal of up to 1.000 mgd (30-day average) from Roberts Production Well 1.

Project Sponsor and Facility: Towanda Municipal Authority, North Towanda Township, Bradford County, Pa. Groundwater withdrawal of up to 1.000 mgd (30-day average) from Roberts Production Well 2.

Project Applications Tabled:

The Commission tabled action on the following project applications:

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 1.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 2.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.124 mgd (30-day average) from Beech Mountain Well 3.

Project Application Withdrawn:

The following project application was withdrawn by the project sponsor:

Project Sponsor and Facility: Eclipse Resources-PA, LP (Pine Creek), Gaines Township, Tioga County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

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

Dated: September 27, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[18-21-21]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 1, 2018, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 6, 2018, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 13, 2018.

DATES: The public hearing will convene on November 1, 2018, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 13, 2018.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Ava Stoops, Administrative Specialist, telephone: (717) 238-0423; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://mdw.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the surface water withdrawal approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the consumptive use approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

Project Sponsor and Facility: Adams & Hollenbeck Waterworks, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20141209).

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.124 mgd (30-day average) from Beech Mountain Well 3.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 1.

Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 2.

Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), Watson Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20141201).

Project Sponsor and Facility: Bloomfield Borough Water Authority, Bloomfield Borough, Perry County, Pa. Application for groundwater withdrawal of up to 0.055 mgd (30-day average) from Perry Village Well 2.

Project Sponsor and Facility: Denver Borough Authority, Denver Borough, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.098 mgd (30-day average) from Well 2 (Docket No. 19890104).

Project Sponsor and Facility: Denver Borough Authority, Denver Borough, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.092 mgd (30-day average) from Well 3 (Docket No. 19890104).

Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.045 mgd (30-day average) from Well 9 (Docket No. 19890101).

Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 10 (Docket No. 19890101).

Project Sponsor and Facility: Eclipse Resources-PA, LP (Pine Creek), Gaines Township, Tioga County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Masonic Village at Elizabethtown, West Donegal Township, Lancaster County, Pa. Modification to increase consumptive use by an additional 0.055 mgd (peak day), for a total consumptive use of up to 0.230 mgd (peak day) (Docket No. 20030811).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Seeley Creek), Wells Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20141212).

Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wyalusing Creek), Stevens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20141213).

Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of groundwater withdrawal of up to 5.000 mgd (30-day average) from Maple Hill Mine Shaft Well (Docket No. 19870101).

Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of consumptive use of up to 2.550 mgd (peak day) (Docket No. 19870101).

Project Sponsor and Facility: SWEPI LP (Cowanesque River), Nelson Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.533 mgd (peak day) (Docket No. 20141211).

Project Sponsor and Facility: Tenaska Resources, LLC (Cowanesque River), Westfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.400 mgd (peak day) (Docket No. 20141214).

Project Scheduled for Action Involving a Diversion:

Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the out-of-basin diversion approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

Commission-Initiated Project Approval Modifications:

Project Sponsor and Facility: Fox Hill Country Club, Exeter Borough, Luzerne County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal of up to 0.125 mgd (30-day average) from the Halfway House Well (Docket No. 20020605).

Project Sponsor and Facility: Norwich Pharmaceuticals, Inc., Town of North Norwich, Chenango County, N.Y. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals of up to 0.106 mgd (30-day average) from Well 1 and up to 0.082 mgd (30-day average) from Well 2 (Docket No. 20050902).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Ms. Ava Stoops, Administrative Specialist, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/public-hearing.html. Comments mailed or electronically submitted must be received by the Commission on or before November 13, 2018, to be considered.

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

Dated: September 28, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission.

[18-21-22]

WATER AND SCIENCE ADMINISTRATION

Tentative Determination to Modify a Stormwater Permit Prince George's County, Maryland

The Maryland Department of the Environment (MDE) has reached a tentative determination to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit issued to Prince George's County to control storm drain system pollutant discharges. MDE has drafted permit modifications designed to comply with the United States Environmental Protection Agency's (EPA) regulations, control stormwater pollutant discharges from the County's storm drain system, and allow Prince George's County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

The EPA regulations (40 CFR Part122.62) and current permit conditions (see PartVII.E.1, Permit Revocation and Modification) allow for NPDES permits to be modified for an appropriate cause. Prince George's County officially requested a modification of its current permit (Discharge Permit Number 11-DP-3314 MD0068284) on August 31, 2018 to allow the use of nutrient trading to meet the 20 percent impervious surface restoration requirement by the end of the current permit term (i.e., January 1, 2019). MDE has determined the use of nutrient credits by the County for meeting the 20 percent impervious surface restoration requirement is acceptable. Therefore, MDE hereby proposes to add a new paragraph that allows for nutrient trading to meet this requirement in PART IV.E.3; and to rename the original permit's PART IV.E.3 and PART IV.E.4 as PART IV.E.4 and PART IV.E.5, respectively.

For more information on stormwater management in Maryland or to view the proposed permit modifications go to: https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx or contact Mr. Raymond Bahr at 410-537-3545 or 1-800-633-6101. Copies of the document may be procured at a cost of \$0.36 per page. MDE will hold a public hearing concerning the tentative determination to modify Prince George's County's MS4 permit on Thursday, October 25, 2018 at 5 PM, MDE first floor, 1800 Washington Boulevard, Baltimore, Maryland, 21230. Comments on this tentative determination to modify Prince George's County's MS4 permit will be accepted by Raymond Bahr, Maryland Department of the Environment, Water and Science Administration, 1800 Washington Boulevard, Baltimore, Maryland, 21230, or raymond.bahr@maryland.gov, if received within 90 days of publication of this notice. The 60-day extension of the comment period allowed for by section 1-606 (d) (1) (ii) of the Maryland Environmental Article is being invoked to extend the usual 30-day comment period to 90 days.

[18-21-09]

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.

HALL OF RECORDS COMMISSION

Subject: Public Meeting
Date and Time: October 26, 2018, 12 — 1:30 p.m.
Place: Maryland State Archives, Annapolis, MD
Contact: Liz Coelho (410) 260-6401
 [18-21-17]

MARYLAND DEPARTMENT OF HEALTH/STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS

Subject: Public Meeting
Date and Time: October 17, 2018, 4 — 6 p.m.
Place: 201 W. Preston St., Rm. L3, Baltimore, MD 21201
Contact: Kathleen Graham (410) 767-2623
 [18-21-26]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing
Date and Time: November 1, 2018, 9 a.m. — 12 p.m.
Place: Towson University, West Village Commons, 424 Emerson Dr., Towson, MD 21204
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List). As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and directions to meeting location will be posted on the Maryland Medicaid Pharmacy Program website at: <https://mmcp.health.maryland.gov/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>.
 Submit questions via email to mdh.marylandpdlquestions@maryland.gov
Contact: Shawn Brice (410) 767-6896
 [18-21-04]

MARYLAND DEPARTMENT OF HEALTH

Subject: Receipt of Application
Add'l. Info: The Maryland Department of Health (MDH) is currently accepting applications and nominations for physicians, pharmacists and consumers to serve on the Maryland Medicaid Program's

Pharmacy and Therapeutics (P&T) Committee beginning May, 2019.

Additional Information: Pursuant to COMAR 10.09.03.12 (Preferred Drug Program), the Secretary of MDH appoints members to the P&T Committee to serve in an advisory capacity. The Committee reviews classes of medications and develop recommendations for a Preferred Drug List (PDL) for the Program by considering the clinical efficacy and cost effectiveness of drugs for prescribing to Medicaid participants.

The Committee is composed of 12 members:

- 5 members are physicians, licensed and residing in Maryland, with 1 being a psychiatrist;
- 5 members are pharmacists, licensed and residing in Maryland, with 1 having expertise with mental health drugs;
- 2 Members are consumer representatives residing in the State.

Consideration for membership on the Committee shall be given to appointing physicians and pharmacists participating in the Program or with experience in developing or practicing under a preferred drug list.

The Committee meets at least twice a year, and may meet at other times at the discretion of MDH. To the extent feasible, the Committee reviews all drug classes included in the PDL at least every 12 months. The 3-4 hour meetings are in the Baltimore area and are normally scheduled for the first Thursday morning of May and November. Members serve a 3 year term from the date of their appointment and can serve more than one term.

Provider Synergies, LLC, an affiliate of Magellan Medicaid Administration, is currently providing administrative and technical support to MDH with regard to the P&T Committee.

All interested applicants are required to submit a formal application through the Maryland Department of Health's (MDH) Office of Appointments and Executive Nominations application link at <http://forms.dhmm.maryland.gov>. Applications must be submitted no later than Friday, October 26, 2018.

Any additional questions regarding applications may be addressed to Gina Homer at the Medicaid Pharmacy Program

(Gina.Homer@Maryland.gov) or 410-767-1749.

Contact: Gina Homer (410) 767-1749
 [18-21-08]

MARYLAND DEPARTMENT OF HEALTH/ TASK FORCE TO STUDY ACCESS TO HOME HEALTH CARE FOR CHILDREN AND ADULTS

Subject: Public Meeting
Date and Time: October 24, 2018, 2 — 4 p.m.
Place: 201 W. Preston St., Rm. L-3 , Baltimore, MD
Add'l. Info: Meeting regarding the Report on Home and Community Based Services as required by H.B. 1696 (Ch. 798, Acts of 2018).
Contact: Yasmine Haughton (410) 767-5186
 [18-21-06]

MARYLAND DEPARTMENT LABOR, LICENSING, AND REGULATION, SECONDHAND PRECIOUS METAL OBJECT DEALER AND PAWNBROKER LICENSING PROGRAM

Subject: Public Hearing
Date and Time: December 13, 2018, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: The Maryland Department of Labor, Licensing, and Regulation Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program gives notice of a public hearing concerning Case No.: SPMG-DR-19-0001. In the Matter of: A Petition for Declaratory Ruling filed by EBTH.COM LLC, pursuant to State Government Article, §§10-304 and 10-305, Annotated Code of Maryland, the Department of Labor, Licensing, and Regulation ("Department") and the Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program ("Program") gives the following notice of the opportunity for a hearing on the petition for declaratory ruling filed by EBTH.COM LLC (Licensee: James Christopher Ashely, Everything But the House, Inc.).

GENERAL NOTICES

1015

The Petitioner requests that the Secretary issue a ruling declaring that:

(1) The use of any form of the term “acquire, acquired, and acquisition” when used in Business Regulation Article, Title 12, Annotated Code of Maryland, and in reference to “precious metal objects” “shall denote ownership as opposed to mere possession, of those objects”;

(2) The holding period set forth in Business Regulation Article, §§12-301(e) and (f), 12-305(a),(c) and, (d), Annotated Code of Maryland, and the record keeping requirements in the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act (“Act”), contained in Business Regulation Article, §§12-301(a) and 12-302(a), Annotated Code of Maryland, do not apply to a dealer who “merely possesses, but does not own, a precious metal object.”

By way of this Petition, EBTH requests the Secretary to determine whether the record keeping requirements and requirements for a holding period prior to a dealer’s release of precious metal objects that come into their possession, are applicable to all dealers of secondhand precious metal objects, including those who operate traditional auction sites and those who arrange for the sale of objects on Internet auction sites, and the application of the requirements is not restricted to only those dealers who “acquire” the objects.

Provisions of the Act subject to interpretation or relevant to the Petition: Business Regulation Article, §§12-301(a), (e) and (f), 12-302(a), and 12-305(a), (c) and (d), Annotated Code of Maryland.

The hearing will be conducted in accordance with the Department’s hearing regulations in COMAR 09.01.02. The hearing is a public hearing and testimony or documentary evidence may additionally be taken from members of the public attending the hearing. Interested parties may submit written testimony or documentary evidence no later than November 26, 2018 to the Program to Shanai R. Jordan, Executive Director, Secondhand Precious Metal Object Dealers & Pawnbrokers Licensing Program, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202 or by email at shanai.jordan@maryland.gov for consideration prior to the hearing date and to be presented at the hearing before the Secretary.

A ruling may be made at the conclusion of the hearing or the Secretary may elect to issue a written ruling within 90 days of the date of the hearing.

Submit questions to Shanai R. Jordan, Executive Director, Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program, shanai.jordan@maryland.gov or (410) 230-6318.

Contact: Shanai Jordan (410) 230-6318
[18-21-16]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: October 18, 2018, 1 — 4 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3570
[18-21-02]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application

Add'l. Info: On September 14, 2018 the Maryland Health Care Commission (MHCC) received a Certificate of Need application submitted by:

Carroll Hospice — Matter No. 18-06-2433. Addition of 6 beds to the inpatient hospice facility “Dove House” located in Westminster, increasing the facility from 8 to 14 inpatient hospice beds. Proposed Cost: \$1,815,000

The MHCC shall review the application under Health-General Article, §19-101, et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the applications. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission’s website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Ave., Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276
[18-21-19]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification — Effective 10/2/18

Add'l. Info: The Secretary of Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the opening of the 2018 commercial striped bass common pool hook and line fishery on Tuesday, October 2, 2018, one hour before sunrise, with a catch limit of 150 lbs/permittee/week and 300 lbs/vessel/day. The common pool fishery will close on Wednesday, October 3, 2018, one hour before sunset.

Mark J. Belton

Secretary of Natural Resources

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

[18-21-18]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: October 19, 2018, 9 a.m. — 12 p.m.

Place: Spring Grove Hospital Campus, 55 Wade Ave., Catonsville, MD

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

Contact: Lauren Murray (410) 402-8556
[18-21-10]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting

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

Place: Office of Health Care Quality, Bland Bryant Bldg., Spring Grove Hospital Center Campus, Catonsville, MD

Add'l. Info: See the map and directions: <https://health.maryland.gov/ohcq/docs/Map%20of%20Campus.pdf> The public is welcome.

Contact: Paul Ballard (410) 767-6918
[18-21-01]

GENERAL NOTICES

1016

**MARYLAND COLLEGE
COLLABORATION FOR STUDENT
VETERANS COMMISSION**

Subject: Public Meeting

Date and Time: October 31, 2018, 11 a.m. — 1 p.m.

Place: 2 College Hill, Westminster, MD

Contact: Denise Nooe (410) 260-3840

[18-21-11]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: October 24, 2018, 9 a.m. — 12 p.m.

Place: MDE, 1800 Washington Blvd., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Elaine Nolen (410) 537-4466

[18-21-05]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting

Date and Time: October 25, 2018, 9:30 — 11:30 a.m.

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

Add'l. Info: Portions of this meeting may be held in a closed session.

Contact: Amy Lackington (410) 864-5300

[18-21-03]

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- 01 Procedures
- 02 Division of Reimbursements
- 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
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

**Part 4**

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
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**Part 5**

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
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- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
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- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
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- 59 Catastrophic Health Emergencies
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- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners
- 66 Office of the Inspector General

**Title 11 Department of Transportation**

**Part 1**

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Mass Transit Administration
- 07 Maryland Transportation Authority
- 08 State Railroad Administration
- 09 Vacant
- 10 Vacant

**Part 2**

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
- 21 MVA – Commercial Motor Vehicles
- 22 MVA – Preventive Maintenance Program
- 23 MVA – Drivers' Schools, Instructors & Driver Education Program

**Title 26 Department of the Environment**

**Part 1**

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

**Part 2**

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

**Part 3**

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

**Part 4**

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
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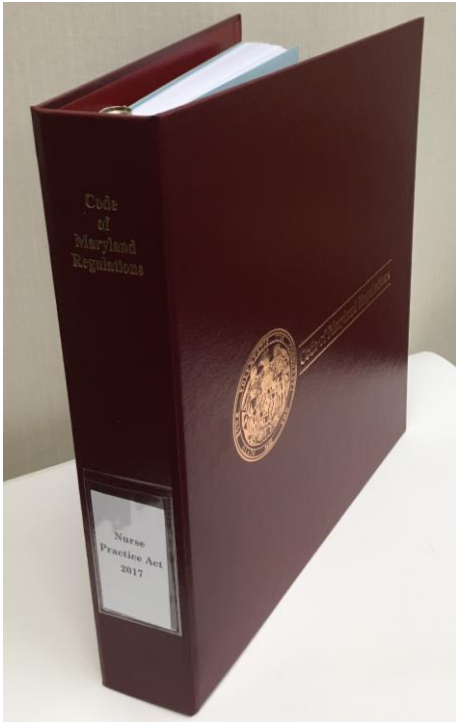
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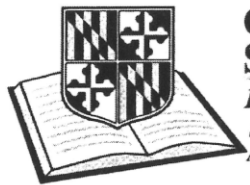
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