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# Maryland Register

Issue Date: November 26, 2018

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Volume 45 • Issue 24 • Pages 1149—1190

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Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 5, 2018, 5 p.m.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

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



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

## CITATION TO THE MARYLAND REGISTER

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

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

## CODE OF MARYLAND REGULATIONS (COMAR)

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

## CITATION TO COMAR REGULATIONS

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

## DOCUMENTS INCORPORATED BY REFERENCE

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

## HOW TO RESEARCH REGULATIONS

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

## SUBSCRIPTION INFORMATION

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

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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**Lawrence J. Hogan, Jr.**, Governor; **John C. Wobensmith**, Secretary of State; **Gail S. Klakring**, Administrator; **Mary D. MacDonald**, Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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## PERSONS WITH DISABILITIES

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## 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.
<b>2018</b>			
December 7	November 19	November 28	November 26
December 21	December 3	December 12	December 10
<b>2019</b>			
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.**

## COMAR Online

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

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

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

## REGULATIONS CODIFICATION SYSTEM

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

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

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

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

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

## Table of Pending Proposals

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

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### 03 COMPTROLLER OF THE TREASURY

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**03.06.01.33** • 45:19 Md. R. 867 (9-14-18)

### 04 DEPARTMENT OF GENERAL SERVICES

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### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.01.16** • 45:24 Md. R. 1166 (11-26-18)

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

**08.02.26.03** • 45:22 Md. R. 1030 (10-26-18)

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

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**09.09.03.01** • 45:21 Md. R. 977 (10-12-18)

**09.11.01.12** • 45:21 Md. R. 978 (10-12-18)

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**09.20.03.03** • 45:21 Md. R. 980 (10-12-18)

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**09.22.01.16** • 45:23 Md. R. 1077 (11-9-18)

**09.23.03.11** • 45:20 Md. R. 924 (9-28-18)

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**09.40.02.01** • 45:21 Md. R. 985 (10-12-18)

### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

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**10.01.04.02** • 45:24 Md. R. 1169 (11-26-18)

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**10.09.02.07** • 45:20 Md. R. 925 (9-28-18) (ibr)

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**10.09.06.04,,06,,09** • 45:20 Md. R. 926 (9-28-18)

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- 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)  
45:22 Md. R. 1033 (10-26-18) (err)
- 12.10.10.19 • 45:14 Md. R. 706 (7-6-18)

13A STATE BOARD OF EDUCATION

- 13A.01.05.01—.12 • 45:23 Md. R. 1083 (11-9-18)
- 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 • 45:23 Md. R. 1087 (11-9-18)
- 13A.12.01.08-1 • 45:23 Md. R. 1087 (11-9-18)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.08.10.01—.17 • 45:24 Md. R. 1172 (11-26-18)
- 13B.08.20.01—.13 • 45:24 Md. R. 1179 (11-26-18)
- 13B.08.23.01—.11 • 45:22 Md. R. 1033 (10-26-18)

14 INDEPENDENT AGENCIES

- 14.35.01.02 • 45:23 Md. R. 1088 (11-9-18)
- 14.35.07.01—.21 • 45:23 Md. R. 1089 (11-9-18)
- 14.35.14.01—.10 • 45:23 Md. R. 1099 (11-9-18)
- 14.35.15.01—.11 • 45:23 Md. R. 1102 (11-9-18)
- 14.35.16.01—.12 • 45:23 Md. R. 1105 (11-9-18)
- 14.35.17.01—.09 • 45:23 Md. R. 1109 (11-9-18)

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)

**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)  
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 21.07.01.19,.25 • 45:20 Md. R. 942 (9-28-18)  
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 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)

**22 STATE RETIREMENT AND PENSION SYSTEM**

22.01.01.01,.02 • 45:23 Md. R. 1111 (11-9-18)  
 22.01.02.01—.16 • 45:24 Md. R. 1181 (11-26-18)  
 22.01.03.02,.03,.05,.07 • 45:23 Md. R. 1112 (11-9-18)  
 22.01.04.02—.05 • 45:23 Md. R. 1113 (11-9-18)  
 22.01.05.01,.02 • 45:23 Md. R. 1116 (11-9-18)  
 22.01.07.02,.03 • 45:23 Md. R. 1116 (11-9-18)  
 22.01.08.01—.03 • 45:23 Md. R. 1117 (11-9-18)  
 22.07.02.05 • 45:23 Md. R. 1118 (11-9-18)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 08—12 (Part 2)**

26.04.02.01,.05 • 45:3 Md. R. 167 (2-2-18)  
 26.09.01.01—.05 • 45:22 Md. R. 1036 (10-26-18) (ibr)  
 26.09.02.03,.04,.06,.07,.11 • 45:22 Md. R. 1036 (10-26-18)  
 26.09.03.01—.09 • 45:22 Md. R. 1036 (10-26-18)  
 26.09.04.06 • 45:22 Md. R. 1036 (10-26-18)

**31 MARYLAND INSURANCE ADMINISTRATION**

31.03.13.02 • 45:14 Md. R. 708 (7-6-18)  
 31.08.15.04,.05 • 45:10 Md. R. 518 (5-11-18)  
 31.10.06.02,.28,.30,.31 • 45:23 Md. R. 1119 (11-9-18)

**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)

**36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY**

36.01.01.01,.03—.06 • 45:23 Md. R. 1128 (11-9-18)  
 36.01.02.01—.06 • 45:23 Md. R. 1128 (11-9-18)  
 36.01.03.01—.07 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.01.01 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.02.01,.02,.05,.06,.10 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.03.01—.11 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.04.02—.05 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.05.01,.02 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.06.01,.04—.06,.08,.11,.12,.15,  
 .18 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.07.02 • 45:23 Md. R. 1128 (11-9-18)  
 36.02.08.01—.04,.06—.08 • 45:23 Md. R. 1128 (11-9-18)  
 36.03.01.02 • 45:23 Md. R. 1128 (11-9-18)  
 36.05.02.15 • 45:23 Md. R. 1128 (11-9-18)  
 36.09.01.01—.15 • 45:23 Md. R. 1128 (11-9-18)

# The Judiciary

## COURT OF APPEALS OF MARYLAND ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland  
November 2, 2018

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Orientation Program pursuant to Maryland Rule 19-210(e). As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Maryland Rule 19-203(a) (Character Review).

It is thereupon the 2nd day of November 2018, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 3rd day of December 2018, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

MARY ELLEN BARBERA  
Chief Judge, Court of Appeals of Maryland

Filed: November 2, 2018

SUZANNE C. JOHNSON  
Acting Clerk, Court of Appeals of Maryland

### EXHIBIT A MARYLAND GENERAL BAR EXAMINATION JULY 2018

Abaie, Sierra Nicole  
Abarcar, Katrina Regina  
Abbott, III, Charles Lincoln  
Abernethy, Margaret Ellen  
Adamson, Daniel Lee  
Adedapo, Babatunde Adedeji  
Adetunji, Olamide Adenike  
Adrian, Joshua Michael  
Akhmedov, Elzara  
Alberts, Jetta Janae  
Alexander, Megan Patricia  
Altshuler, Jacob  
Anderson, Christopher Lyle  
Andrews, Katherine Hailey  
Arnott, Janet Kristine  
Asplundh, Stephanie Ann  
Babich, Tyler Nicholas  
Bagheri, Arya Steven  
Baig, Adam Joseph  
Baker, Nathaniel Aylward  
Ballard, Cody Larry  
Banerjee, Sudarshana  
Barbierrri, Justen Robert  
Beichler, Abigail Quinn

Benitez, Gidget Gabriela  
Bennaman, Meagan Marie  
Bennett, Halle Danielle  
Benson, Erin Katlyn  
Berkley, Yahmilah Awnumerit  
Berninger, Ana Latting  
Berns-Zieve, Eli Louis  
Berryhill, Olivia Elizabeth  
Bharadwaj, Anagha  
Bigger, Kaitlin Elizabeth  
Blier, Teresa Sleppy  
Bloomberg, Jacob Michael  
Boakye, Sally S  
Bobb, Madi  
Bondurant, Hannah Catharine  
Booser, Chandel LaVonne  
Borowski, Allia Larissa  
Boyd, Erica Frances  
Boyer, Stephen Michael  
Brody, Tova Zahava  
Brooks, Jeremy Brian  
Brooks, Kelly Christine  
Brown, Lydia Marie Xinzhen  
Brown, Michael Arthur  
Brown, Rachel Elizabeth  
Brown, Tyler Philip  
Burgy, Kelly Anne  
Burton, Benjamin Vincent  
Byrne, III, Richard Earl  
Cain, Alexandra Louise  
Campbell, Benjamin John  
Caplan, Erica Brooke  
Cardin, Zachary Aaron  
Carey, Timothy Joel  
Carpenter, Matthew Wayne  
Cathro, Patrick Ryan  
Catron, Emily Nicole  
Catt, Hannah Lee  
Chapman, Erin Michele  
Chapper, Michael Miller  
Chernin, Alina  
Chiang, Alex Yueh-Cheng  
Chong, Amanda Jee-Sun  
Chung, Christie  
Chung, Eleanor Teresa  
Church, Allison Rachel  
Clark, Leona Erika Joan  
Claxton, Naomi Indira  
Cloud, Timothy Joseph  
Conn, Christopher Edward Keith  
Cook, Benjamin Micah  
Cook, Steven Jonathan  
Cooper, Rachel Catherine  
Coppage, Julianna Dixon  
Cover, Kelli Leigh  
Cox, Keshara Jonai  
Coyle, Jenlain Alexandra  
Cramer, Cole Michael  
Cranford, Alexander Virgil  
Cress, Laura Elizabeth  
Cropper, Spencer Ayres  
Cruikshank, Emily Cristina Caniza



Cryan, Andrew Daniel  
 Daham, Haneen Adel  
 Dahl, Sarah Minner  
 Dalin, Barry Simcha  
 Daniels, Lucas Taylor  
 Davey, Adam Joseph  
 Davis, Janay Nichelle  
 Davis, Jr., Mark Edward  
 Davis, Marleigh Ann  
 DeCarlo, Christopher Michael  
 Dechant, Kyle Yeong-Chang  
 Decker, Andrew Scott  
 Demirbilek, Kristina Hedin  
 Desir, Christopher Zachary  
 Deugwillo, Christine Marie  
 Dickson, Tashani Izziza  
 DiCunzolo, Alexa Rae  
 Dilks, Morgan Thomas  
 DiSalvo, Theodore Francis  
 Dix, David Joseph  
 Donahue, Thomas Peter  
 Donley, Kathleen Marie  
 Dorsey, Samantha Maria  
 Dos Santos, Samantha Brooke  
 Doukmajian, Harout John  
 Draper, Samuel Carter  
 Dreschel, II, Donald Allen  
 Drexel, Ashley Marie Barretro  
 Drivas, Cristina Simpetru  
 Druschel, Henry John  
 Duff, Christina Hadaway  
 Dugan, Joseph Christian-Alexander  
 Dunham, Jordan Franklyn Edward  
 Duvall, Jessica Lynne  
 Dvorak, James Thomas Fogle  
 Ecker, Joseph Francis  
 Edwards, Travis Gold  
 Eisweirth, Thomas James  
 El Radi, Alia Samir  
 Elabanjo, Adebayo Olabiyi  
 Elias, Nadin Hussein  
 Ellis, Jetonne' Evadnie  
 Engle, Michael Bradley  
 Epshteyn, Brian David  
 Escher, Sam Wolf  
 Espino, Leslie Amarilis  
 Evans, Jr., Leonard Augusta  
 Eyler, Gregory Robert  
 Ezeigbo, Mattaniah Tracy  
 Fadahunsi, Olamide Emily  
 Farmer, Cynthia Clarette  
 Farnoly, Daniel Joseph  
 Fellona, Ashley Nicole  
 Fetsch, Lauren Emily  
 Fetter, James Thomas  
 Fili, Joseph Robert  
 Fili, Liana Elizabeth  
 Fioravante, Matthew Edward  
 Fiorenza, Michael Cosmo  
 Fitch, Elizabeth Ann  
 Fleig, Elaine Kirsten  
 Fletcher, II, Michael Anthony  
 Ford, Samuel Mathais  
 Foster, Jr, Gregory Leon  
 Franklin, Janet Evelyn  
 Franklin, Morgan Michele  
 Friedman, Molly Rebecca  
 Fuld, Benjamin Sol  
 Gamper, Catherine Cornick  
 Garcia Gil, Rebeca  
 Gates, Douglas Wilson  
 Gekas, John Charles  
 George, Meagan Marie  
 Gervasi, Marissa Ann  
 Gestal, Daniel William  
 Gibson, Shomik Latoy  
 Gillett, Kelly Rebecca  
 Gilreath, Zachary Scott  
 Glassman, Naomi Reid  
 Glenn, Claire Nicole  
 Godwin, Erin Kathleen  
 Goebel, Kelly Marie  
 Goldberg, Stuart Ryan  
 Golder, Shanae Maria  
 Gomez, Neydyn Stephanie  
 Gordon, Brian Allan  
 Gorsky, Joshua Ryan  
 Greenbaum, Zachary Scott  
 Greenberg, Reagan Yisrael  
 Grove, William Thomas  
 Grube, Nathaniel Thomas  
 Guevarra, April Russell  
 Gullett, Joseph Alan  
 Gustafson, Shawn Carroll  
 Haffeman-Udagawa, Yusuke  
 Hammond, Rachel Christine  
 Handrich, Bryant Wendell  
 Heffernan, Ashley Laura  
 Hemmerle, Jacob S  
 Herbers, Gregory Bensel  
 Herrera, Fiorella Sofia  
 Hii, Kelly Patricia  
 Hill, Jordan Vincent  
 Hilton, Alexandra Renee  
 Himmelstein, Jeremy David  
 Hirst, Kevin Charles  
 Hoffman, Allison Nicole  
 Hoffman, Alyson Christina  
 Holcombe, Katherine Elizabeth  
 Holloway, Daisha Nicole  
 Horowitz, Philip Michael  
 Houser, John Sterling  
 Hoy, Genna Jean  
 Huang, Sophia Yuehe  
 Ibitoye, Tokunbo Oluwadamilola  
 Igboanugo, Ihuoma  
 Iheanacho, Nancy Chinomso  
 Iqbal, Yawar Bin  
 Isang, Akemini Ruby  
 Jacinto, Matthew John  
 Jackson, Kathryn Dean  
 Jackson-Kaloz, Crystal Lee  
 Jacobs, Briant Robert  
 Jacobs, Cyreka Claudette  
 Janet, Andrew Samuel  
 Jefferson, Anne Carol  
 Jentilet, Sarah Julianne  
 Jespersen, Manaia  
 Jiggetts, Shantell Tierra  
 John, Jason Joseph Albert

Johnson, Draysha Monae  
 Johnson, Melinda Kimberlee  
 Johnson, Samuel Jonathan  
 Jones, Anthony Martin  
 Joyner, Katrina Gabrielle  
 Kaminski, Rachael Alise  
 Kandamkulathy Sebastian, John Michael  
 Karr, Kendall Adair  
 Kegler, Bianca Artense  
 Kiedrowska, Barbara Jadwiga  
 Kim, Daniel Jae  
 Kim, Elias Young  
 Kim, Stella Haeyoung  
 King, Katherine Jane  
 Kirkman, Fernando Dorian  
 Knapp, Eric Michael  
 Kolluru, Sai Santosh Kumar  
 Kozakowski, Matthew John  
 Kuhns, Alicia Mary  
 Kyger, Madison Hill  
 Lachman, Jesse Mallon  
 Lagji, Harisa  
 Lancaster, Mary Bunce  
 Landers, Thomas Alberto Lorenzo  
 Lanewala, Zahra, Khatoon  
 Langston, Steffani Lyn  
 Lapidus, Michael Gary  
 LaRocca, Michael Tucker  
 Leeb, Ryan Michael  
 Levy, Emily Alexandra  
 Lingenfelter, Kerry Elizabeth  
 Lippy, Theresa Marie  
 Lockwood, Joseph Jenson  
 Lubin, Catharine Elizabeth  
 Lucido, Victoria Lynn  
 Ly, Branden  
 Lynch, Eugene Joseph  
 Macklin, Ivory Lee  
 MacLeod, Emily Margaret  
 Madden, Brendan Edward  
 Madsen, Adrian Eric  
 Magda, Zhanna  
 Mahaffey, Edward Robert  
 Maine, Briana Nicole Hatcher  
 Malatinszky, Agnes  
 Manno, David Michael  
 Manu, Nicole Durowaa Asante  
 Marcin, Andrea Rose  
 Mastracci, Nicholas Michael  
 Mazan, Andrew Thomas  
 McAlister, Kelley Lynne  
 McAuliffe, Erin Brooke  
 McAuliffe, Taylor Marie  
 McCormick, III, Horton Joseph  
 McDaniels, Colin David  
 McDowell, Claire Elizabeth  
 McDuffie, Jade Danielle  
 McHenry, Darius Thomas  
 McInerney, Ian Andrew  
 McIntyre, Jordan Michael  
 McLarney, Lauren Michelle  
 Memula, Suresh  
 Mendoza, Cristian Alec  
 Micco, Megan Lynn  
 Micklavzina, Iris Renée  
 Milburn, Derrick Daniel  
 Miller, David Goodall  
 Miller, Edward Jose  
 Miller, Thomas Marlowe  
 Mithaiwala, Nazish A  
 Moeller, Jr., Joseph Michael  
 Moldawer, Mathew Leonard  
 Mondesir, Eric Gerard  
 Montgomery, Sydney Alexandra  
 Mookim, Hope Purva  
 Mordi, Sally Chidinma  
 Morgan, David Clay  
 Morton, Catherine Anne  
 Moschkin, Christopher Genghis  
 Murphy, Caitlin Crilly  
 Murphy, Theresa Mary  
 Murray, Sheaniva Haynes  
 Nagel, Andrew Barrett  
 Navalaney, John Joseph  
 Neal, Melisha A Anya  
 Nelson, Jacob Christopher  
 Nemeth, Rachel Elizabeth  
 Newton, Jonathan Yusef  
 Nguyen, Bach Trung  
 Norfolk, Stephanie Grace  
 Nowak, Catherine Marie Anna  
 Ofori, Ben Adofo  
 Ohanuka, Kimberly Chizoba  
 Oli, Demeksa Atomssa  
 Olson, Heather Frieda Crockett  
 O'Neill, Victoria Lynn  
 Onyewu, Ekaette Lamaine  
 Oppenheimer, Lauren Michele  
 Ortiz, David Ransom  
 Pacheco, Alessandro Silverio  
 Paddy, Kaitlin Sierra  
 Paddy, Michael Dakota  
 Parker, Kara Kelly  
 Parkins, Jason Charles  
 Pase, Patrick Searcy  
 Patterson, Khamal Rashieq  
 Patton, Noah Joel  
 Peachey, Benjamin Thomas  
 Phan, Ngoc Thuy Hong  
 Phillips, Gabrielle Celeste  
 Phillips, III, Irving Mace  
 Poch, Jr., David Joseph  
 Polivka, James Harrison  
 Pomorski, Maria Anne  
 Pope, Jasmine Nicole  
 Prandoni, Christopher Damian  
 Price, Nathan Joseph  
 Pritchett, Cameron Joseph Edward  
 Pupkin, Jessica Blake  
 Pycha, Nicholas Gill  
 Qian, Siyu Selena  
 Rafati, Nura  
 Rankin, Erica Nicole  
 Rasheed, Veda Ruth  
 Rebersak, Shannon Margaret  
 Reckard, Steven Ryan  
 Reed, Dytonia Latasha  
 Reichart, III, William Wesley  
 Reilly-Diakun, Jori Simon  
 Remavege, Christopher Michael Thomas

Richardson, Keronica Charish  
 Risch, Joseph Martin  
 Riva, Clare Elisabeth  
 Rizer, Jessica Lynn  
 Robinson, Clifford Andrew  
 Rodriguez, Katherine Ellen  
 Rollyson, Brian William  
 Rosenberg, Adam Nathaniel  
 Roshanian, Leyla  
 Rudolph, Corey Michael  
 Russell, Ideanne Chakia Tangerque  
 Rydelek, Marley Raye  
 Samukai, Rochelle Yanger  
 Sanders, Krystle Lynn  
 Sankano, Gita Famara  
 Santini, Annamaria Vicenta  
 Saquella, Peter Thomas  
 Satterfield, Shukriyah Amal  
 Scapardine, Daniel Michael  
 Schenker, Robert Jason  
 Schenkman, Yasmin Arielle  
 Schiff, Jake Aaron  
 Schofield, Matthew Philip  
 Schostag, Keith Alan  
 Schreurs, Morgan Jo  
 Schulman, Alexander Thomas  
 Schulman, Max Elias  
 Schultz, Erica Ann  
 Schutrum-Boward, Daniel Ross  
 Scott, Jr., Thomas Conrad  
 Seger, Chelsey Marie  
 Selzer, Natalie Wendy  
 Semmler, Sean Alexander  
 Sharkey, Brian Andrew  
 Shaw, Trevor Michael  
 Shek, Heather Marie  
 Sheppard, Orlando Jamal  
 Sherlock, Elias Grant  
 Sidhu, Aarti Kaur  
 Sieffert, Justin Lawrence  
 Silva, Caroline Eloiza  
 Simanski, III, John Francis  
 Simmons, Ashley Nicole  
 Singh, Jagmeet  
 Siske, III, Andrew George  
 Smearman, Christina Noelle  
 Smitelli, Heather Ashley  
 Smith, Adam Wesley  
 Smith, Anna Logsdon  
 Smith, Chelsea Caitlin  
 Smith, Jacey Ayn  
 Smith, Jennifer Elizabeth  
 Smoot, Brett David  
 Solter Evers, Michelle Renee  
 Soper, Paige Elizabeth  
 Sprankle, Matthew Patrick  
 Springer, Emily Marie  
 Staknis, Dylan Anthony  
 Stewart, III, William Augustus Blount  
 Stover, Mary Louise  
 Stowe, Thomas Francis  
 Sudberry, Ashley Nicole  
 Summerfield, Alec Wells  
 Swoyer, Samuel Robert  
 Tan, David Nathaniel Pulido  
 Tates, Brittany Nicole  
 Taylor, Andrew Michael  
 Taylor, Jacqueline Edna  
 Taylor, Tynisa Elaine  
 Thomas, Bert Walsh  
 Thompson, Catherine Andrews  
 Tincher, Jonathan Jae  
 Tinkler, Muriel Simone  
 Todd, Margaret Olivia  
 Tonkin, Gillian Rose Rathbone  
 Trainor, III, John James  
 Trevillyan, Caitlin Elizabeth  
 Triplett, Ashley Michelle  
 Trombly, Noah Sumner  
 Urbanelli, Catherine Lillith  
 Vegesna, Ramakrishna Raju  
 Vera, Andres Miguel  
 Vercillo, Joseph Anthony  
 Vincent, Ebony Nzinga  
 Votta, Adam Christopher  
 Waggoner, Andrew Somers  
 Walker, Alice Elizabeth  
 Walkowiak, Erin Aspen  
 Wang, Borui  
 Waterworth, Gregory Lee  
 Watkins, Courtney Morgan  
 Watts, Christy Iesha  
 Watts, Michael David  
 Webb, Kerri Elizabeth  
 Weinberg, Cody Samuel  
 Wentz, Ashley Erin  
 Weskalnies, Sara Elizabeth  
 West, Matthew Thomas  
 Whitaker, Britney Jarnae  
 Whitt, Jonathan Cordero  
 Wickert, Kathleen Elizabeth  
 Wilkins, Zachary James  
 Williams, Jennifer Michelle  
 Williamson, Samantha Lynn  
 Willman, Timothy Ryan  
 Wilson, Kayla Lynn  
 Wojciechowski, Collin James  
 Wolk, Laura Elizabeth  
 Wong, Jamie Tolbert  
 Woodcock, Catherine Elizabeth  
 Woofter, Daniel Hirotsu  
 Yeoman, Virginia Jackson  
 Yi, Young Gyue  
 Yoo, Heidi  
 Yorick, Katie Elizabeth  
 York, Sarah Elizabeth  
 Young, Larissa Agyen Kwende

[18-24-12]

**DISCIPLINARY PROCEEDINGS**

This is to certify that by an Order of the Court of Appeals dated October 26, 2018, **SANDY N. WEBB**, 601 L. Street, SE, Apt. M40, Washington, DC 20003, has been disbarred, effective immediately, from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated October 26, 2018, **MATTHEW PETER GORMAN**, 1425 University Boulevard, E, Suite 261, Hyattsville, Maryland 20783, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated October 26, 2018, **CHARLES LEE TOBIAS**, 502 Crown Park Avenue, Gaithersburg, Maryland 20878, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated October 26, 2018, **MICHAEL DAVID DOBBS**, 18132 Ivy Lane, Olney, Maryland 20832, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated October 25, 2018, **MAXWELL CLIFFORD COHEN**, 608 Echo Cove Drive, Crownsville, Maryland 21032, has been replaced upon the register of attorneys in this Court as of October 25, 2018. Notice of this action is certified in accordance with Maryland Rule 19-761.

[18-24-18]

# Emergency Action on Regulations

## Symbol Key

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

## Emergency Regulations

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

## Title 13B

# MARYLAND HIGHER EDUCATION COMMISSION

## Subtitle 02 ACADEMIC REGULATIONS

### 13B.02.03 Academic Programs — Degree-Granting Institutions

Authority: Education Article, §§11-105(u), 11-201, and 11-206, Annotated Code of Maryland

#### Notice of Emergency Action

[18-323-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .02 and .20 under COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions.

Emergency status began: August 2, 2018.

Emergency status expires: December 31, 2018.

#### Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

#### Economic Impact on Small Businesses

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

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (25) (text unchanged)

(25-1) “Regional higher education center” has the meaning stated in Education Article, §10-101, Annotated Code of Maryland.

(26) — (30) (text unchanged)

#### .20 Off-Campus Programs.

A. Waiver of On-Campus Requirement.

(1) An off-campus program may be approved only if there is already an existing on-campus program *unless a waiver of the on-campus requirement is approved by the Secretary pursuant to this section.*

(2) *The Secretary shall grant a waiver if the Secretary finds that the program:*

(a) *Meets the requirements of a new program under Education Article, §11-206, Annotated Code of Maryland, and the requirements of this chapter; and*

(b) *Will be offered at a regional higher education center.*

(3) *A program that receives a waiver under this section may not be approved at any location other than a regional higher education center unless it also is offered on-campus at the institution’s principal location.*

B. — F. (text unchanged)

JAMES D. FIELDER, JR., Ph.D.,  
Secretary of Higher Education

# 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 03 COMPTROLLER OF THE TREASURY

### Subtitle 03 MOTOR FUEL TAX

#### 03.03.05 Motor Fuel Inspection

Authority: Business Regulation Article, §§10-202 and 10-323.1; Tax-General Article, §2-103; Annotated Code of Maryland

#### Notice of Final Action

[18-213-F]

On November 13, 2018, the Comptroller of the Treasury adopted amendments to Regulation **.04** under **COMAR 03.03.05 Motor Fuel Inspection**. This action, which was proposed for adoption in 45:18 Md. R. 835—836 (August 31, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

PETER FRANCHOT  
Comptroller

## Title 18 DEPARTMENT OF ASSESSMENTS AND TAXATION

### Subtitle 10 PUBLIC UTILITY OPERATING PROPERTY

#### 18.10.01 Classification

Authority: Tax-Property Article, §§1-101(y) and (ee), 2-201, and 8-109(h), Annotated Code of Maryland

#### Notice of Final Action

[18-222-F]

On October 31, 2018, the Director of the Department of Assessments and Taxation adopted amendments to Regulation **.01** under **COMAR 18.10.01 Classification**. This action, which was proposed for adoption in 45:19 Md. R. 897 (September 14, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

MICHAEL HIGGS  
Director

## Subtitle 10 PUBLIC UTILITY OPERATING PROPERTY

### 18.10.03 Coal Pollution Facilities

Authority: Tax-Property Article, §§7-239(f) and 8-109, Annotated Code of Maryland

#### Notice of Final Action

[18-226-F]

On October 31, 2018, the Director of the Department of Assessments and Taxation adopted amendments to Regulations **.01** and **.03** under **COMAR 18.10.03 Coal Pollution Facilities**. This action, which was proposed for adoption in 45:19 Md. R. 898 (September 14, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

MICHAEL HIGGS  
Director

## Subtitle 11 TAX PAYMENTS

### 18.11.01 Tax Payments — Immediately Available Funds

Authority: Tax-General Article, §13-104; Tax-Property Article, §2-201; Annotated Code of Maryland

#### Notice of Final Action

[18-223-F]

On October 31, 2018, the Director of the Department of Assessments and Taxation adopted amendments to Regulation **.01** under **COMAR 18.11.01 Tax Payments — Immediately Available Funds**. This action, which was proposed for adoption in 45:19 Md. R. 898 (September 14, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

MICHAEL HIGGS  
Director

## Subtitle 12 FINANCIAL INSTITUTION FRANCHISE TAX

### 18.12.01 Tax Returns

Authority: Tax-General Article, §8-211, Annotated Code of Maryland

#### Notice of Final Action

[18-224-F]

On November 1, 2018, the Director of the Department of Assessments and Taxation adopted the repeal of Regulation **.01** under **COMAR 18.12.01 Tax Returns**. This action, which was proposed for adoption in 45:19 Md. R. 899 (September 14, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

MICHAEL HIGGS  
Director

## Subtitle 15 GROUND RENTS

### 18.15.01 Redemption

Authority: Real Property Article, §8-804; Tax-Property Article, §2-201; Annotated Code of Maryland

#### Notice of Final Action

[18-227-F]

On November 2, 2018, the Director of the Department of Assessments and Taxation adopted amendments to Regulations .01—.03 under **COMAR 18.15.01 Redemption**. This action, which was proposed for adoption in 45:19 Md. R. 899 (September 14, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

MICHAEL HIGGS  
Director

## Subtitle 15 GROUND RENTS

### 18.15.02 Registration

Authority: Real Property Article, §8-710; Tax-Property Article, §2-201; Annotated Code of Maryland

#### Notice of Final Action

[18-225-F]

On November 2, 2018, the Director of the Department of Assessments and Taxation adopted amendments to Regulations .01 and .05 under **COMAR 18.15.02 Registration**. This action, which was proposed for adoption in 45:19 Md. R. 899—900 (September 14, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

MICHAEL HIGGS  
Director

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 11 AIR QUALITY

#### Notice of Final Action

[18-205-F]

On November 7, 2018, the Secretary of the Environment adopted:

(1) Amendments to Regulation .01 under **COMAR 26.11.01 General Administrative Provisions**;

(2) Amendments to Regulations .01, .02, .04, .05, .07, and .08-2, the repeal of Regulation .08-1, and new Regulation .10 under **COMAR 26.11.08 Control of Incinerators**; and

(3) Amendments to Regulation .08 under **COMAR 26.11.09 Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations**.

This action, which was proposed for adoption in 45:17 Md. R. 809—814 (August 17, 2018), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 6, 2018.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following

changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 26.11.08.10D: Corrected formatting error to meet Division of State Documents Style Manual guidelines.

### 26.11.08 Control of Incinerators

Authority: Environment Article, §§ 1-404, 2-103, 2-301—2-303, and 2-406 Annotated Code of Maryland

#### .10 NO<sub>x</sub> Requirements for Large Municipal Waste Combustors.

A.—C. (proposed text unchanged)

D. *Startup and Shutdown NO<sub>x</sub> Emission Limitations.* [[As of May 1, 2019, during periods of startup and shutdown the following emission limitations shall apply:]]

(1) [[For Montgomery County Resource Recovery Facility]] As of May 1, 2019, a facility-wide NO<sub>x</sub> emission limit of 202 lbs/hr timed average mass loading over a 24-hour period shall apply during periods of startup and shutdown for the Montgomery County Resource Recovery Facility.

(2) [[For Wheelabrator Baltimore Inc]] As of May 1, 2019, a facility-wide NO<sub>x</sub> emission limit of 252 lbs/hr timed average mass loading over a 24-hour period shall apply during periods of startup and shutdown for Wheelabrator Baltimore Inc.

(3) [[On]] As of May 1, 2019, on days when the unit is in startup, the NO<sub>x</sub> 24-hour block average emission rate under §B of this regulation will apply for the 24-hour period after startup is completed.

(4) [[On]] As of May 1, 2019, on days when the unit is in shutdown, the NO<sub>x</sub> 24-hour block average emission rate under §B of this regulation will apply for the 24-hour period prior to the commencement of shutdown.

E.—M. (proposed text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

## Title 31 MARYLAND INSURANCE ADMINISTRATION

### Subtitle 05 ASSETS, LIABILITIES, RESERVES, AND INVESTMENTS OF INSURERS

#### 31.05.11 Annual Financial Reporting

Authority: Insurance Article, §§2-109(a)(1), 2-205, 4-116, 14-118, 14-121, 14-413, 15-605, 24-211, and 24-304, Annotated Code of Maryland

#### Notice of Final Action

[18-164-F]

On November 2, 2018, the Insurance Commissioner adopted amendments to Regulations .02, .08, and .13, new Regulation .14, the recodification of existing Regulations .14, .15, and .17 to be Regulations .15, .16, and .18, respectively, and amendments to and the recodification of existing Regulation .16 to be Regulation .17 under **COMAR 31.05.11 Annual Financial Reporting**. This action, which was proposed for adoption in 45:14 Md. R. 708—709 (July 6, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

ALFRED W. REDMER, JR.  
Insurance Commissioner

## Subtitle 09 LIFE INSURANCE AND ANNUITIES

### 31.09.16 Accelerated Benefits

Authority: Insurance Article, §§2-109, 5-301, 12-205(b)(4) and (8), and 27-202, Annotated Code of Maryland

#### Notice of Final Action

[18-054-F]

On November 2, 2018, the Insurance Commissioner adopted new Regulations **.01—12** under a new chapter, **COMAR 31.09.16 Accelerated Benefits**. This action, which was proposed for adoption in 45:7 Md. R. 389—391 (March 30, 2018) and repropoed in 45:15 Md. R. 752 (July 20, 2018), has been adopted as repropoed.

**Effective Date: December 6, 2018.**

ALFRED W. REDMER, JR.  
Insurance Commissioner

## Subtitle 15 UNFAIR TRADE PRACTICES

### 31.15.03 Life Insurance Disclosure

Authority: Insurance Article, §§2-109(a)(1) and 27-202, Annotated Code of Maryland

#### Notice of Final Action

[18-210-F]

On October 30, 2018, the Insurance Commissioner adopted amendments to Regulation **.05** under **COMAR 31.15.03 Life Insurance Disclosure**. This action, which was proposed for adoption in 45:17 Md. R. 814 (August 17, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

ALFRED W. REDMER, JR.  
Insurance Commissioner

## Subtitle 10 HEALTH INSURANCE — GENERAL

### 31.10.16 Carrier Provider Panels — Application Process

Authority: Insurance Article, §§2-109 and 15-112, Annotated Code of Maryland

#### Notice of Final Action

[18-187-F]

On November 8, 2018, the Insurance Commissioner adopted amendments to Regulation **.05** under **COMAR 31.10.16 Carrier Provider Panels — Application Process**. This action, which was proposed for adoption in 45:15 Md. R. 752—753 (July 20, 2018), has been adopted as proposed.

**Effective Date: December 6, 2018.**

ALFRED W. REDMER, JR.  
Insurance Commissioner

## Subtitle 14 LONG-TERM CARE

### 31.14.02 Long-Term Care Insurance — Premium Rates and Reserves

Authority: Health-General Article, §19-705; Insurance Article, §§2-109, 14-124, Title 18, Subtitle 1, and Title 27; Annotated Code of Maryland

#### Notice of Final Action

[18-138-F]

On October 30, 2018, the Insurance Commissioner adopted amendments to Regulations **.03**, **.08**, and **.09** under **COMAR 31.14.02 Long-Term Care Insurance—Premium Rates and Reserves**. This action, which was proposed for adoption in 45:11 Md. R. 595—601 (May 25, 2018), has been adopted as proposed.

**Effective Date: February 10, 2019.**

ALFRED W. REDMER, JR.  
Insurance Commissioner



# Withdrawal of Regulations

## Title 10 MARYLAND DEPARTMENT OF HEALTH

### Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES

#### *10.63.08 Recovery Residence Certification*

*Authority: Health-General Article, §§7.5-205 and 19-2501—19-2504,  
Annotated Code of Maryland*

#### **Notice of Withdrawal**

[17-281-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to adopt new Regulations ~~.01—.14~~ under a new chapter, **COMAR 10.63.08 Recovery Residence Certification**, which was published in 44:23 Md. R. 1108—1114 (November 13, 2017), has been withdrawn by operation of law.

GAIL S. KLAKRING  
Administrator  
Division of State Documents

# Proposed Action on Regulations

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

### Symbol Key

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

### Promulgation of Regulations

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

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

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

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### Notice of Proposed Action

[18-322-P]

The Secretary of Natural Resources proposes to:

- (1) Adopt new Regulation **.16** under **COMAR 08.02.01 General**; and
- (2) Amend Regulation **.10** under **COMAR 08.02.14 Aquaculture Permits**.

### Statement of Purpose

The purpose of this action is to establish a permit for an out-of-State finfish supplier. Currently, out-of-State suppliers are required to register annually with the Department. Once registered, the supplier is required to follow certain criteria. Establishing a permit in regulation will make expectations clear. The proposed action establishes the permit to ensure the health of Maryland's wild stocks of fish. There is no cost for the permit and it is valid for the calendar year.

### 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 Import Permit Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

### 08.02.01 General

Authority: Natural Resources Article, §§4-205.1, 4-602, 4-11A-02, 4-11A-20, and 4-11A-21; State Government Article, §10-206, Annotated Code of Maryland

#### **.16 Importation of Finfish.**

##### *A. Release of Finfish.*

(1) *In accordance with Natural Resources Article, §§4-205.1, 4-11A-20, and 4-11A-21, Annotated Code of Maryland, and COMAR 08.02.11.04 and 08.02.14, a person shall obtain permission from the Department prior to releasing finfish into Maryland waters.*

(2) *A person who is permitted by the Department to release finfish may obtain finfish from an out-of-State supplier only if the supplier is permitted in accordance with this regulation.*

*B. Prior to providing finfish from out-of-State to anyone in Maryland who plans to release the finfish into Maryland waters, a person shall:*

*(1) Submit an application in accordance with §C of this regulation; and*

*(2) Obtain an out-of-State supplier permit.*

##### *C. Application.*

*(1) A person shall apply for an out-of-State supplier permit by submitting a completed application on a form provided by the Department at least 45 days prior to when the activity is requested to begin.*

*(2) A person shall submit all fish health testing documentation for viral, bacterial, protozoan, or parasitic infections so that the Department may determine if the finfish to be stocked in Maryland waters pose an unacceptable risk to native or naturalized aquatic resources.*

*D. Out-of-State Supplier Permit.*

- (1) A permittee shall comply with all of the terms and conditions described on the permit.
- (2) The permit is valid during the calendar year of issuance.
- (3) There is no fee for the permit.

*E. Denial or Revocation of an Out-of-State Supplier Permit.*

- (1) The Department may deny issuance of an out-of-State supplier permit if the:
  - (a) Applicant submits an incomplete or untruthful application; or
  - (b) Department receives test results that indicate that the supplier's stock may present an unacceptable health risk to native or naturalized aquatic resources.
- (2) In addition to any other penalty, failure to comply with the terms and conditions of the permit may result in the revocation of the current permit or the denial of a subsequent permit.
- (3) Prior to denying an application for a permit or revoking a current permit, the Department shall give the permittee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

**08.02.14 Aquaculture Permits**

Authority: Natural Resources Article, §4-11A-02, Annotated Code of Maryland

**.10 Special Requirements.**

A.—B. (text unchanged)

**C. Acquisition of Adult Finfish, Fingerlings, Fry, and Eggs.**

(1) Brood stock, or the progeny of native or naturalized species of finfish, may be obtained from an out-of-State [registered fish dealer] supplier that possesses a valid out-of-State supplier permit in accordance with COMAR 08.02.01.16. They shall be certified by an authority acceptable to the Department to be free of known, infectious diseases that have the potential to contaminate native or naturalized species of fish.

[(2) Out-of-State suppliers shall be registered with the Department before doing business in Maryland.]

[(3)] (2) — [(5)] (4) (text unchanged)

D.—E. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

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

**Subtitle 08 HOME IMPROVEMENT  
COMMISSION**

**09.08.01 General Regulations**

Authority: Business Regulation Article, §§8-207(a), 8-212(a)(1) and (2), 8-309, 8-311(a)(11)—(13), and 8-616, Annotated Code of Maryland

**Notice of Proposed Action**

[18-319-P]

The Maryland Home Improvement Commission proposes to adopt new Regulation .27 under **COMAR 09.08.01 General Regulations**. This action was considered initially at a public meeting of the Commission held on August 2, 2018. At a subsequent public meeting, held on October 4, 2018, the Commission voted to accept changes to the language of the proposed regulation. Notice of both meetings was provided by posting on the Commission's 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 require applicants and licensees to respond in writing within 30 days to any written communication from the Commission, to inform the applicant or licensee of the ramifications for failure to respond to a 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 David Finneran, Executive Director, Maryland Home Improvement Commission, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6169, or email to david.finneran@maryland.gov, or fax to 410-962-8482. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Home Improvement Commission during a public meeting to be held on February 7, 2019, at the Department of Labor, Licensing and Regulation, 500 N. Calvert Street, 2nd Floor Conference Room, Baltimore, MD 21202.

**.27 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 within 30 days of the date of the mailing.

B. The Commission shall send a written communication by first-class mail to the last business 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 the 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 Regulation Article, §§8-311(a)(11)–(13) and 8-616, Annotated Code of Maryland.

JOSEPH TUNNEY  
Chairman  
Home Improvement Commission

**Subtitle 21 BOARD OF ARCHITECTS**

**09.21.02 Code of Ethics**

Authority: Business Occupations and Professions Article, §§3-205 and 3-208(a)(1), Annotated Code of Maryland

**Notice of Proposed Action**  
[18-318-P]

The Board of Architects proposes to amend Regulation .01 under **COMAR 09.21.02 Code of Ethics**. This action was considered by the Board at a public meeting held on July 18, 2018, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to 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 Steve Long, Executive Director, Design Boards, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to [steve.long@maryland.gov](mailto:steve.long@maryland.gov), or fax to 410-962-8483. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board of Architects during a public meeting to be held on January 23, 2019, at 500 N. Calvert Street, Baltimore, MD 21202.

**.01 Rules of Conduct.**

A.—E. (text unchanged)

F. Failure to Respond.

[(1) An architect shall respond to the Board in writing within 20 days of receipt of a written communication directed to the architect by the Board.

(2) Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §3-311(a)(1)(iv), Annotated Code of Maryland.]

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

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

(3) It is a 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.

(4) Failure to respond as required by this regulation may be considered by the Board to be a violation of Business Occupations and Professions Article, §3-311(a)(1)(iv), Annotated Code of Maryland.

PAUL EDMEADES  
Chairman  
Board of Architects

**Subtitle 28 BOARD OF EXAMINERS  
OF LANDSCAPE ARCHITECTS**

**09.28.02 Code of Ethics**

Authority: Business Occupations and Professions Article, §9-206, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-321-P]

The Board of Examiners of Landscape Architects proposes to adopt new Regulation .07 under **COMAR 09.28.02 Code of Ethics**. This action was considered by the Board of Examiners of Landscape Architects at a public meeting held on October 15, 2018, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to 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 Steve Long, Executive Director, Design Boards, DLLR, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to [steve.long@maryland.gov](mailto:steve.long@maryland.gov), or fax to 410-962-8483. Comments will be accepted through December 30, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board of Examiners of Landscape Architects during a public meeting to be held on February 18, 2019, at 1:30 p.m., at 500 N. Calvert Street, Baltimore, MD 21202.

**.07 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 within 30 days of the date of mailing.

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

C. It is a 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 Business Occupations and Professions Article, §9-310(a)(1)(vi), Annotated Code of Maryland.

CHRISTOPHER SCHEIN  
Chairman  
Board of Examiners of Landscape Architects

**Subtitle 29 BOARD OF FORESTERS**

**09.29.01 General Regulations**

Authority: Business Occupations and Professions Article, §§7-206(a)(2) and 7-309(a)(1)(vii), Annotated Code of Maryland

**Notice of Proposed Action**  
[18-320-P]

The Board of Foresters proposes to adopt new Regulation .06 under **COMAR 09.29.01 General Regulations**. This action was considered at a public meeting of the Board of Foresters held on October 15, 2018, notice of which was given by posting on the Board's 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 Foresters, 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 Shanai Jordan, Executive Director, Board of Foresters, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6318, or email to [shanai.jordan@maryland.gov](mailto:shanai.jordan@maryland.gov), or fax to 410-962-8482. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by Board of Foresters during a public meeting to be held on January 28, 2918, at the Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

**.06 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 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 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 Business Occupations and Professions Article, §7-309(a)(1)(vii), Annotated Code of Maryland.

WADE DORSEY  
Chairman  
Board of Foresters

**Title 10**

**MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 01 PROCEDURES**

**10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program**

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

**Notice of Proposed Action**  
[18-314-P]

The Secretary of Health proposes to amend Regulation .02 under **COMAR 10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program**.

**Statement of Purpose**

The purpose of this action is to update the Department's fair hearing regulations, which set forth the criterion for determining whether a Medicaid applicant's fair hearing appeal will be granted. This proposal aligns the fair hearing regulations with the Department's Medicaid eligibility regulations, which were recently amended to increase the processing application time limitation for MAGI-exempt coverage groups from 30 days to 45 days, in accordance with 42 CFR §435.912.

**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 Jake Whitaker, Acting 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 December 26, 2018. A public hearing has not been scheduled.

**.02 Opportunity for a Fair Hearing.**

A. An opportunity for a fair hearing shall be granted if:

(1)—(2) (text unchanged)

(3) A Program applicant claims their application for [Program] eligibility, or any part thereof, is not acted upon within:

(a) 30 days from the date of application to an insurance affordability program;

(b) 45 days from the date of application for aged or blind applicants to the Program; or

(c) 60 days from the date of application to the Program in the case of determination of disability;

(4)—(8) (text unchanged)

B. (text unchanged)

ROBERT R. NEALL  
Secretary of Health

**Subtitle 27 BOARD OF NURSING**

**10.27.01 Examination and Licensure**

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

**Notice of Proposed Action**

[18-313-P]

The Secretary of Health proposes to amend Regulations .01 and .13 under **COMAR 10.27.01 Examination and Licensure**. This action was considered at public meetings of the Board of Nursing on April 25, 2018, and August 22, 2018, notice of which was given by publication on the Board’s website beginning January 1, 2018, through August 22, 2018, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to allow registered nurses and licensed practical nurses to establish continued competency for renewal of their licenses by selecting the option of obtaining continuing education units (CEUs) in lieu of active practice. At present, continued competency can only be established by 1,000 hours of active nursing practice in the immediate 5 years prior to renewal. The proposal establishes what constitutes a CEU, the number of CEUs required for renewal, rules for accepting CEUs, responsibilities of the renewal applicant, and the Board’s method for auditing CEUs.

**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 Jake Whitaker, Acting 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 December 26, 2018. A public hearing has not been scheduled.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Continuing education” means planned, organized learning experiences designed to augment the knowledge, skill, and ability to enhance nursing practice and therefore improve health care delivered to the public.

(6) “Continuing education unit (CEU)” means 1 contact hour of 50–60 minutes.

[(5)] (7)—[(17)] (19) (text unchanged)

C. (text unchanged)

**.13 Renewal of License.**

A.—F. (text unchanged)

G. Active Licensure Renewal.

(1) An individual applying for active licensure renewal shall show evidence of:

(a) 1,000 hours of active nursing practice [or graduation from an approved nursing program] within the 5 years immediately preceding the date of the renewal application[.];

(b) Satisfactory completion of all requirements for a diploma or degree from a Board-approved nursing education program within the 5 years immediately preceding the date of the renewal application; or

(c) Completion of 30 continuing education units (CEUs) within the 2 years immediately preceding the date of the renewal application.

(2) College or University Coursework.

(a) A renewal applicant may submit qualifying college or university coursework to fulfill the requirement under §G(1)(c) of this regulation.

(b) 15 CEUs shall be awarded for each semester hour completed of a qualifying college or university course.

(c) For the coursework to qualify:

(i) The college or university course shall be related to the renewal applicant’s nursing practice; and

(ii) The renewal applicant shall receive a grade of “C” or higher, or the numeric equivalent in the course.

(d) An official transcript shall be acceptable as proof of completion of a qualifying college or university course.

H. Continuing Education.

(1) Except as provided in §G(2) of this regulation, CEUs shall be approved by an entity listed in §H(5) of this regulation.

(2) CEUs used for the purpose of renewing a license are subject to random audits by the Board or the Board's designee.

(3) CEUs that are used for the purpose of renewing a license shall be earned within the 2 years immediately preceding the date of the renewal application.

(4) The renewal applicant shall be responsible for:

(a) Ensuring that a CEU course, forum, or meeting has been approved for CEUs by one of the entities listed in §H(5) of this regulation;

(b) Retaining evidence of completed CEUs that are submitted for the purpose of renewing a license for 6 years after the license is renewed; and

(c) Producing evidence of completed CEUs for an audit by the Board or the Board's designee within 30 days of the request.

(5) The Board shall accept CEUs awarded by:

(a) Area Health Education Centers (AHEC), including all local, state, and national centers;

(b) The American Nurses Association (ANA);

(c) The American Nurses Credentialing Center (ANCC);

(d) Professional organizations offering CEUs for the purpose of renewing a national certification for advanced practice registered nursing;

(e) A local, state, or national professional nursing association that provides educational programs;

(f) The Maryland Nurses Association (MNA);

(g) The National Council of State Boards of Nursing; and

(h) The National League for Nursing.

(6) CEUs may not be carried forward into the next renewal period.

[H.] I.—[N.] O. (text unchanged)

ROBERT R. NEALL  
Secretary of Health

## Subtitle 32 BOARD OF PHYSICIANS

### 10.32.05 [Telemedicine] Telehealth

Authority: Health Occupations Article, §§ 1-903, 14-205, 14-301, and 14-601, Annotated Code of Maryland

#### Notice of Proposed Action

[18-315-P]

The Secretary of Health proposes to repeal existing Regulations .01—.07 and adopt new Regulations .01—.07 under **COMAR 10.32.05 Telehealth**. This action was considered at a public meeting of the Board of Physicians on September 26, 2018, notice of which was provided by posting on the Board's website, <https://www.mbp.state.md.us/forms/September26FullAgenda.pdf> from September 11, 2018, through September 26, 2018, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to improve patient safety, to authorize other health occupations under the Board's jurisdiction to do telehealth, and to reflect technological innovations and the increasing use of telehealth in more settings. These regulations also implement the requirements of S.B. 1106 (Ch. 610, Acts of 2017) Health Care Practitioners — Use of Teletherapy.

#### 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 Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

#### .01 Scope.

This chapter governs the practice of medicine using telehealth as an adjunct to, or replacement for, in-person patient visits.

#### .02 Definitions.

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

B. Terms Defined.

(1) "Asynchronous" means not occurring at the same time.

(2) "In-person" means within the physical presence of the patient.

(3) "Interpretive services" means reading and analyzing images, tracings, or specimens through telehealth or giving interpretations based on visual, auditory, thermal, or ultrasonic patterns or other patterns as may evolve with technology.

(4) "Remote patient monitoring" means the use of telehealth devices to collect medical and other forms of health data from patients that are securely provided to a telehealth practitioner in a different location for assessment, recommendation, and diagnosis.

(5) "Store and forward telehealth services" means a type of asynchronous telehealth service involving a response or interpretation of digital images, documents, audio, or video transmitted electronically through secure means.

(6) "Surrogate examiner" means an individual examining a patient at the direction of a telehealth practitioner during a synchronous audio-visual telehealth encounter and providing the telehealth practitioner with observations and information.

(7) "Synchronous" means simultaneously or quickly enough to allow two or more individuals to conduct a conversation.

(8) Telehealth.

(a) "Telehealth" means the use of interactive audio, video, audio-visual, or other telecommunications or electronic technology by a licensed health care practitioner to deliver clinical services within the scope of practice of the health care practitioner at a location other than the location of the patient.

(b) "Telehealth" does not include:

(i) An audio-only telephone conversation between a health care practitioner and a patient;

(ii) An electronic mail message between a health care practitioner and a patient; or

(iii) A facsimile transmission between a health care practitioner and a patient.

(9) "Telehealth devices" means devices that gather visual or other data and remotely sends the images or data to a telehealth practitioner in a different location from the patient.

(10) "Telehealth practitioner" means a Maryland licensed physician or licensed allied health practitioner performing telehealth services within their respective scope of practice.

**.03 Licensure.**

Except as specified in Health Occupations Article, §14-302, Annotated Code of Maryland, an individual shall be a telehealth practitioner in order to practice telehealth if one or both of the following occurs:

- A. The individual practicing telehealth is physically located in Maryland; or
- B. The patient is in Maryland.

**.04 Specific Telehealth Requirements.**

A. Before providing telehealth services, a telehealth practitioner shall develop and follow a procedure to:

- (1) Verify the identification of the patient receiving telehealth services;
- (2) Except for interpretive services, obtain oral or written acknowledgement from a patient or person in interest as defined by Health-General Article, §4-301(l), Annotated Code of Maryland, to perform telehealth services;
- (3) Prevent access to data by unauthorized persons through encryption or other means;
- (4) Notify patients in the event of a data breach;
- (5) Ensure that the telehealth practitioner provides a secure and private telehealth connection that complies with federal and State privacy laws; and
- (6) Establish safety protocols to be used in the case of an emergency.

B. Except when providing store and forward telehealth services, remote patient monitoring, or other asynchronous telehealth services, a telehealth practitioner shall:

- (1) Obtain or confirm an alternative method of contacting the patient in case of a technological failure;
- (2) Confirm whether the patient is in Maryland and identify the patient's practice setting;
- (3) For an initial patient-telehealth practitioner interaction only, disclose the telehealth practitioner's name, contact information, and medical specialty; and
- (4) Identify all individuals present at each location and confirm they are permitted to hear personal health information.

C. The requirements set forth under §A and B of this regulation may be delegated.

**.05 Patient Evaluation.**

A. Except when providing asynchronous telehealth services or remote patient monitoring, a telehealth practitioner shall perform a patient evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to recommended treatment options before providing treatment or prescribing medication.

B. If the evaluation is adequate to comply with §A of this regulation, a telehealth practitioner may use:

- (1) A surrogate examiner;
- (2) Telehealth devices;
- (3) Live synchronous audio-visual communication;
- (4) Other methods of performing a medical examination remotely; or
- (5) A patient evaluation performed by another licensed health care practitioner providing coverage.

**.06 Standard Related to Telehealth.**

A. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable in in-person health care settings.

B. A telehealth practitioner may not treat a patient or prescribe medication based solely on an online questionnaire.

C. A telehealth practitioner may not prescribe opioids for the treatment of pain through telehealth except if the patient is in a health care facility as defined in Health-General Article, §19-114(d)(1), Annotated Code of Maryland.

**.07 Telehealth Practitioner Discipline.**

A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining a licensee who practices telehealth as it would use for a licensee who does not use telehealth technology in the licensee's practice.

B. The failure of a telehealth practitioner to comply with Regulations .04—.06 of this chapter shall constitute unprofessional conduct.

ROBERT R. NEALL  
Secretary of Health

# Title 13B MARYLAND HIGHER EDUCATION COMMISSION

## Subtitle 08 FINANCIAL AID

### 13B.08.10 Delegate Howard P. Rawlings Educational Excellence Awards Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-301 — 18-309,  
Annotated Code of Maryland

#### Notice of Proposed Action

[18-317-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.17 under a new chapter, **COMAR 13B.08.10 Delegate Howard P. Rawlings Educational Excellence Awards Program**. This action was considered at a public meeting of the Commission held on September 26, 2018.

#### Statement of Purpose

The purpose of this action is to adopt regulations governing the Delegate Howard P. Rawlings Educational Excellence Awards Program, which is administered by the Office of Student Financial Assistance.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Donna Thomas, Executive Director, OSFA, Maryland Higher Education Commission, 6 N. Liberty St., Ground Floor, Baltimore, MD 21201, or call 410-767-3300, or email to [donnae.thomas@maryland.gov](mailto:donnae.thomas@maryland.gov). Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.



**.01 Purpose.**

The purpose of the Delegate Howard P. Rawlings Program of Educational Excellence Awards is to provide need-based financial assistance to students in accordance with Education Article, Title 18, Annotated Code of Maryland.

**.02 Definitions.**

A. As used in this chapter, the following terms have the meaning indicated.

**B. Terms Defined.**

(1) "Academic year" means the fall, spring, and summer semesters and any semester shorter in length than the term of a regular semester.

(2) "Alternative application" means an application form prescribed by the Office to determine student need, which shall be used by individuals who are ineligible to complete the FAFSA.

(3) "Commission" means the Maryland Higher Education Commission.

(4) "Educational Assistance Grant" or "EA Grant" means the Delegate Howard P. Rawlings Educational Assistance Grant.

(5) "Educational Excellence Award" or "EEA" means the Delegate Howard P. Rawlings Program of Educational Excellence Awards, which consists of Delegate Howard P. Rawlings Guaranteed Access Grants and Delegate Howard P. Rawlings Educational Assistance Grants.

(6) "Eligible for in-State tuition" means an individual:

(a) Determined by a public institution of higher education to qualify for in-State tuition under the institution's policies and Education Article, Title 15, Annotated Code of Maryland; or

(b) Determined by a nonpublic institution of higher education within the State to meet the criteria for in-State tuition under Education Article, Title 15, Annotated Code of Maryland.

(7) "Eligible institution" means an institution of higher education within the State.

(8) "FAFSA" means the Free Application for Federal Student Aid.

(9) Full-Time Student.

(a) "Full-time student" means a student enrolled in at least 12 credit hours, or the equivalent of 12 credit hours, as determined by OSFA:

(i) In a regular undergraduate program leading to a degree or diploma from an eligible institution; or

(ii) In a 2-year associate degree program in which the course work is acceptable for transfer credit to an accredited baccalaureate program at an eligible institution.

(b) A semester hour or equivalent that does not lead towards a degree or diploma in a student's educational program shall not be counted for purposes of determining whether the student is full-time.

(10) "GED" means a high school diploma by examination under Labor and Employment Article, §11-808 Annotated Code of Maryland.

(11) "Guaranteed Access Grant" or "GA Grant" means the Delegate Howard P. Rawlings Guaranteed Access Grant.

(12) "OSFA" or "Office" means the Office of Student Financial Assistance within the Commission.

(13) "Secretary" means the Secretary of Higher Education for the State.

(14) Successfully Completed Course.

(a) "Successfully completed course" means a course in which a student received any grade higher than an "F" regardless of any school or program policy.

(b) "Successfully completed course" does not include a course that is retaken by a student more than once.

(15) "Title IV" means Title IV of the federal Higher Education Act of 1965.

**.03 Eligibility.**

A. To be eligible for financial assistance under the Educational Excellence Award program, an applicant shall:

(1) Be a Maryland resident or be eligible for in-State tuition;

(2) File the FAFSA, or the alternative application prescribed by the Office, by March 1;

(3) Be accepted for admission, or enrolled as a full-time student, in a regular undergraduate program leading to a degree or diploma at an eligible institution, or be enrolled full-time in a 2-year associate degree program in which the course work is acceptable for transfer credit to an accredited baccalaureate program at an eligible institution;

(4) Demonstrate financial need based upon the formula set forth in Regulation .06 of this chapter; and

(5) Agree to provide any information or documentation requested by OSFA for the purpose of administering the EEA and, if requested, sign an authorization for the release of information to OSFA for the purpose of administering the EEA.

B. An applicant's failure or refusal to provide to OSFA requested information, or a signed authorization for the release of information, by the deadlines established by OSFA may result in a determination of ineligibility, the cancellation of an award, or the denial of an appeal.

C. To be eligible for a Guaranteed Access Grant, an applicant shall:

(1) Satisfy the requirements of §A of this regulation;

(2) Except as provided in §D of this regulation, have an annual total family income as reported on the FAFSA or the alternative application that is at or below 130 percent of the federal poverty level or, if program funding allows, that is at or below 150 percent of the federal poverty level, for 2 years prior to the academic year for which the student is being reviewed;

(3) Begin enrollment at an eligible institution within 1 year of completing high school or within 1 year of obtaining a GED with a passing score of at least 165 per module or, if failing to do either, provide documentation satisfactory to OSFA of extenuating circumstances;

(4) Be younger than 22 years old at the time of receiving the first award, except as provided in §E of this regulation;

(5) (a) Have obtained a GED with a passing score of at least 165 per module; or

(b) Have successfully completed a college preparatory program in high school that is designed to prepare students for college level work;

(6) (a) Have obtained a GED with a passing score of at least 165 per module; or

(b) Have completed high school with an unweighted cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient's high school principal provide evidence satisfactory to the Commission of extenuating circumstances;

(7) Except as provided in §C(3) and (6) of this regulation, be a senior in high school at the time of initial application;

(8) Except as provided in §C(3) and (6) of this regulation, submit a completed high school certification form and a high school transcript reflecting the first semester of the applicant's senior year;

(9) Whether applying for the first time or as a renewal recipient, submit all supplemental documentation requested by OSFA (other than the FAFSA, which is due on March 1) no later than April 1 prior to the award year; and

(10) Meet any other requirements adopted by the Commission.

D. OSFA may not consider an earned income credit under §32 of the Internal Revenue Code in determining the annual family income eligibility of an applicant for a Guaranteed Access Grant.

E. Prior to award year 2022—2023, an individual may be younger than 26 years old at the time of receiving the first GA award, but beginning in award year 2022—2023, an individual shall be younger than 22 years old at the time of receiving the first GA award.

F. Requirements for Students in Grades 7 or 8.

(1) Except as provided in §F(2) of this regulation, a student in grade 7 or grade 8 who applies and prequalifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall agree in writing, as a secondary and undergraduate student, to:

- (a) Satisfy the attendance policy of the applicable school;
- (b) Refrain from substance abuse;
- (c) Provide information required by the Commission or the Maryland State Department of Education;
- (d) Apply for admission to an institution of higher education during the student's senior year of high school;
- (e) Participate in the Next Generation Scholars of Maryland Program until the student graduates from high school and matriculates at an institution of higher education;
- (f) Maintain an unweighted cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent; and
- (g) Satisfy any other program requirements set by OSFA, the Commission, the Maryland State Board of Education, or the Maryland State Department of Education.

(2) For academic years 2017—2018 and 2018—2019 only, a student in grade 9 who applies and prequalifies for a Guaranteed Access Grant on the basis of financial need as established by OSFA shall meet the conditions of §F(1) of this regulation.

**.04 Award Amounts and Credit Completion Requirements.**

A. Educational Excellence Award program award amounts shall be determined by OSFA in accordance with this regulation and Regulation .06 of this chapter.

B. Educational Assistance Grant Award Amounts.

(1) Educational Assistance Grant award amounts shall range between \$400 and \$3,000 and be awarded in \$100 increments.

(2) The amount of an Educational Assistance Grant made to a student in the student's first 2 academic years of enrollment may not be less than \$400 or more than \$3,000.

(3) If the student enrolled in an eligible institution on or after August 31, 2015, and has received the EA Grant for at least 2 years, then beginning with the 2018—2019 award year, and in each academic award year thereafter, the student shall successfully complete:

- (a) At least 30 credits in the prior academic year, in order for the EA award amount to not be less than \$400 or more than \$3,000; or
- (b) At least 24 but fewer than 30 credits in the prior academic year, in order for the EA award amount to be equal to the amount the student would have otherwise received under §B(3)(a) of this regulation multiplied by the ratio of the number of credits successfully completed divided by 30.

(4) If the student's prorated award amount under §B(3)(b) of this regulation is less than \$400, the student shall not be awarded an Educational Assistance Grant.

C. Guaranteed Access Grant Award Amounts.

(1) Guaranteed Access Grant award amounts shall range from \$400 up to a maximum award not to exceed the equivalent annual expenses of a full-time resident undergraduate at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland Baltimore, which is calculated by

OSFA to have the highest annual expenses for a full-time resident undergraduate, in \$100 increments.

(2) The amount of a Guaranteed Access Grant made to a student in the student's first 2 academic years of enrollment shall be equal to 100 percent of the student's adjusted financial need as determined by OSFA, subject to the requirements of §C(1) of this regulation.

(3) If the student has enrolled in an eligible institution on or after August 31, 2015, and has received the GA Grant for at least 2 years, then beginning with the 2018—2019 award year, and each academic award year thereafter, the student shall successfully complete:

- (a) At least 30 credits in the prior academic year, in order for the award amount to be equal to 100 percent of the amount calculated under §C(2) of this regulation; or
- (b) At least 24 but fewer than 30 credits in the prior academic year, in order for the award amount to be equal to 100 percent of the amount calculated under §C(2) of this regulation multiplied by the ratio of the number of credits successfully completed divided by 30.

(4) If the student's prorated award amount under §C(3)(b) of this regulation would be less than \$400, the student shall not be awarded a Guaranteed Access Grant.

D. Except as provided in §E of this regulation, if the student fails to complete at least 24 credits at the end of the student's second academic year of receiving the grant, the student shall not be awarded either the Guaranteed Access Grant or the Educational Assistance Grant.

E. A student described in §D of this regulation may be awarded the grant if, subsequent to the second year of receiving the grant:

- (1) The student completes 24 credits within an academic year; and
- (2) Reapplies for and qualifies for the grant the following year.

F. The award recipient shall continue to meet the criteria established by this chapter for the duration of the award.

G. Students may hold other State scholarships or grants in addition to an EEA, but shall meet all conditions for all awards, and may not receive an amount combined from all State programs that exceeds the maximum amount established by OSFA.

H. A student who has been approved through an appeal under Regulation .15 of this chapter to receive an EEA while taking fewer than 12 credits in a term may not receive a part-time grant from OSFA during that same term.

**.05 Use of Award Out-of-State.**

A. A Guaranteed Access Grant or Educational Assistance Grant may be used at an institution of higher education in another state or the District of Columbia only if:

- (1) (a) The attendance is pursuant to a reciprocal agreement for applicants that are deaf or hearing impaired at an institution of higher education that makes special provisions for deaf and hearing impaired students;
- (b) Comparable special provisions are not available at an in-State institution of higher education; and
- (c) The institution is accredited by accrediting body recognized by the U.S. Department of Education; or

(2) The attendance is pursuant to a reciprocal agreement under Education Article, §§18-305(b) and 18-308, Annotated Code of Maryland.

B. OSFA may not award more than 10 percent of the funds available for each of the types of grant awarded through the Guaranteed Access Grant program and Educational Assistance Grant program to students attending schools located in another state or the District of Columbia.

**.06 Financial Need Calculation and Award Formulas.**

**A. Determination of Financial Need.**

(1) The Office shall calculate an applicant's adjusted financial need using the following formula:

Adjusted Financial Need =

Cost of Attendance

- Expected Family Contribution Plus/Minus Regional Cost of Living Adjustment

- Workforce Shortage Student Assistance Grant or Economic Development Student Assistance Grant

- Estimated Pell Grant.

(2) The Expected Family Contribution shall be determined using the same methodology used by the U.S. Department of Education to determine expected family contribution for purposes of federal student aid.

(3) The Regional Cost of Living Adjustment shall be determined annually by the Secretary.

(4) Cost of Attendance shall be calculated as follows:

(a) For a student living with parents, tuition and mandatory fees plus an allowance established by OSFA, with a minimum value of \$3,200;

(b) For a student living off-campus, tuition and mandatory fees plus an allowance established by OSFA, with a minimum value of \$5,100; and

(c) For a student living on-campus, tuition and mandatory fees, room and board, plus an allowance established by OSFA, with a minimum value of \$900.

**B. Determination of EEA Award Amounts.**

(1) Amounts of EEA program awards shall be calculated using data from the FAFSA or the alternative application.

(2) EA Grant Formulas. Subject to the requirements of Regulation .04 of this chapter:

(a) An EA award for a student attending a 4-year institution shall be calculated using the following formula: Adjusted Financial Need x 40% = Educational Assistance Grant; and

(b) An award for a student attending a community college shall be calculated using the following formula: Adjusted Financial Need x 60% = Educational Assistance Grant.

(3) GA Grant Formulas. Subject to the requirements of Regulation .04 of this chapter, Guaranteed Access Grants shall be calculated using the following formula: Adjusted Financial Need x 100% = Guaranteed Access Grant.

(4) Award amounts shall be calculated on an annual basis and rounded to the nearest \$100.

(5) Awards that are made for the fall and spring semesters in the academic year are evenly split between the two semesters.

(6) If a student's award amount is determined to be below \$400, the student shall not receive the award.

C. Errors on a FAFSA or alternative application that are corrected by a student after the deadline may be considered by OSFA. Changes in award amounts as a result of a correction shall be handled as follows:

(1) For EA Grants and GA Grants, if a correction results in a decrease in an award amount, the award shall be adjusted and the student notified of the change. If a correction results in an increase in an award, the increase shall be funded only if OSFA determines that funds are available.

(2) For GA Grants only, if a correction in family income or family size results in the student no longer being eligible for a GA Grant, the student's GA award shall be canceled and, if funding is available in OSFA's determination, the student may be awarded as an EA Grant.

**.07 Awarding Priorities and Distribution of Funds.**

A. On an annual basis, the Secretary shall establish awarding priorities for making awards under the Educational Excellence Awards Program.

B. The awarding priorities shall be based upon projections using the estimated funding level for the program, and shall take into consideration funds necessary to award Guaranteed Access Grants at 100 percent of need, with the remainder of the funds being awarded as Educational Assistance Grants.

C. As its first awarding priority, and subject to the requirements of Education Article, §§18-304 and 18-307, Annotated Code of Maryland, the Office shall strive to award recipients at the percent of need and maximum award established for the prior award year, adjusting for tuition and fee increases.

D. As its second awarding priority, and subject to the requirements of Education Article, §§18-304 and 18-307, Annotated Code of Maryland, the Office shall strive to maintain the overall number of awards in the EEA program.

**.08 Selection of Recipients.**

A. A FAFSA or alternative application filed after March 1 for the GA Grant shall not be considered.

B. OSFA shall notify an applicant if supplemental documentation is needed to process the application.

C. GA award applicants who submit all supplemental documentation required by OSFA, including, as applicable, high school transcripts, high school certification forms, proof of successfully passing GED examination, and other verification documents, by April 1 shall be funded prior to all other Educational Excellence Awards applicants.

D. All applicants for the EA Grant shall be selected and awards made based upon a Statewide ranking of each student's Expected Family Contribution (EFC) and need, with the lowest EFC and greatest need awarded first, in the following priority:

(1) Renewal applicants for EA Grants shall be awarded first provided that the requirements of Regulation .10 of this chapter are met; and

(2) Remaining funds shall be awarded to all other eligible applicants until all funds are depleted.

**.09 Award Notification and Acceptance.**

A. Recipients shall be notified by OSFA through the Maryland College Aid Processing System (MDCAPS) of the awards.

B. An initial EA or GA Grant recipient shall log on to MDCAPS in order to accept an award, except that, in extenuating circumstances as determined by the Director of OSFA, a student may accept an award by providing written acceptance to the Office.

**.10 Award Renewal and Continuation.**

A. An Educational Assistance Grant may be renewed if the recipient:

(1) Files a FAFSA or alternative application by March 1;

(2) Demonstrates financial need;

(3) Is enrolled as a full-time student in an eligible institution or community college;

(4) At the end of the student's second academic year and thereafter of receiving the grant, completed at least 24 credits in the prior academic year;

(5) Is making satisfactory progress according to institutional standards in compliance with federal Title IV program regulations; and

(6) Is a resident of the State or eligible for in-State tuition, as verified by the institution.

B. A Guaranteed Access Grant may be renewed if the recipient:

(1) Files a FAFSA or alternative application by March 1 and, if requested by OSFA, submits all required verification documentation to OSFA by April 1;

(2) Has an annual total family income as reported on the FAFSA or alternative application which is at or below 150 percent of the federal poverty level;

(3) Is enrolled as a full-time student in an eligible institution or community college;

(4) At the end of the student's second academic year and thereafter of receiving the grant, completed at least 24 credits in the prior academic year;

(5) Is making satisfactory progress according to institutional standards in compliance with federal Title IV program regulations; and

(6) Is a resident of the State or eligible for in-State tuition, as verified by the institution.

C. A renewal applicant for a GA Grant who does not meet the requirements of §B of this regulation shall be considered for an EA Grant, if the recipient satisfies the requirements of §A of this regulation, meets the EFC requirements based upon the Statewide ranking of greatest need, and Regulation .03 of this chapter.

**.11 Award Cancellation or Adjustment.**

A. An award shall be canceled if:

(1) A recipient of an EA Grant or GA Grant fails to accept the award within the time specified in the award notification to the recipient;

(2) A recipient of an EA Grant or GA Grant fails to satisfy all verification requirements;

(3) A recipient of a GA Grant fails to submit all required verification documents by April 1;

(4) An institution reports on the billing roster that the recipient is:

(a) Not enrolled at that institution in a regular program;

(b) Not enrolled as a full-time student;

(c) Not meeting the required number of successfully completed credits under Regulation .04 of this chapter;

(d) Not making satisfactory academic progress;

(e) Not a resident of the State or not eligible for in-State tuition; or

(f) In default of a Title IV loan or owes a refund of Title IV assistance; or

(5) An institution reports on the credit roster that the recipient is not meeting the required number of successfully completed credits under Regulation .04 of this chapter.

B. An award shall be adjusted in accordance with Regulation .04 of this chapter if an institution reports on the billing roster that a recipient who received the grant for 2 prior years has completed a minimum of 24 credits but fewer than 30 credits.

**.12 Payment of Awards.**

A. OSFA shall make an award payment to the institution for each semester that the eligible recipient is granted the award.

B. The institution shall certify to OSFA all recipients, on a semester basis, on or before:

(1) December 15, for the fall semester; and

(2) May 15, for the spring semester.

C. An institution who fails to certify all recipients on a semester basis by the prescribed deadline will not be able to certify recipients for subsequent semester. At the beginning of each semester, institutions shall review billing rosters provided by OSFA to certify, by a deadline determined by OSFA, that the recipients meet the requirements described in this chapter.

D. In order for funds to be disbursed to the institution, the institution at which the student is enrolled shall maintain the

student's FAFSA information on file. OSFA will maintain the applications for students eligible for in-State tuition but ineligible for federal aid.

E. Institutions shall be responsible for disbursing the funds on behalf of awarded students in a timely fashion.

**.13 Verification of Eligibility.**

A. In-House Verification by OSFA.

(1) OSFA annually shall verify a percentage of all new Educational Excellence Award applications to determine if they contain accurate information.

(2) OSFA shall verify Educational Excellence Award applications for recipients identified by OSFA, or by institutions, based upon:

(a) Whether the information contained in the application has discrepancies from the information contained in the FAFSA or alternative application; or

(b) Whether the applicant misreported dependency status, State residency status, or status related to eligibility for in-State tuition.

(3) OSFA may randomly select applications for verification.

(4) Selected recipients are required to provide documentation of financial data and to verify dependency and State residency or eligibility for in-State tuition.

(5) OSFA annually shall verify the eligibility status of at least 25 percent of GA Grant award recipients.

(6) New and renewal GA Grant recipients shall provide documentation of financial data to verify eligibility as requested by OSFA.

(7) OSFA shall notify a student who has been selected for verification in writing, and shall advise the student that the student is required to provide the following documents within the time specified in the notification:

(a) A Maryland Office of Student Financial Assistance Dependent or Independent Verification Form to verify:

(i) Child support;

(ii) Other untaxed income; and

(iii) State residency or eligibility for in-State tuition for non-tax filers;

(b) The federal IRS Tax Transcript, or IRS data retrieved through the FAFSA, and W-2 forms, 1099, or Schedule C of the student, student's parents, and student's spouse, to verify:

(i) Income and federal taxes paid; and

(ii) State residency or eligibility for in-State tuition; and

(c) If deemed necessary by OSFA, a Non Tax Filer Statement for the student, student's parents, or student's spouse.

(8) Awards shall not be issued for students who fail to provide the requested information by the deadline pursuant to this regulation.

(9) Students who provide the requested documentation shall be verified in accordance with the procedures established by OSFA. Awards for students with errors shall be recalculated and adjusted or canceled in accordance with this chapter.

(10) OSFA annually shall perform an independent review for a select percentage of GA Grant recipients that were verified in-house. This process shall occur between July 1 and December 1. If a discrepancy is found during the review process, OSFA reserves the right to make necessary adjustments to a student's award and shall notify the student in writing.

B. Institutional Verification.

(1) The institutions annually shall verify application information for a percentage of all new Educational Excellence Award recipients to determine if students are submitting accurate financial data.

(2) OSFA shall select a minimum of 25 percent of all students who have received an EA Grant and were flagged for federal

verification. Lists of the selected students shall be submitted to the institutions the students are attending.

(3) After students are selected, each applicable institution shall use the U.S. Department of Education's Title IV financial aid rules and regulations to verify the:

- (a) Taxable and non-taxable income of the student and, if a dependent student, the student's parents;
- (b) Household size;
- (c) Number of individuals in the household that will attend or are enrolled in college;
- (d) Enrollment status (undergraduate or graduate);
- (e) Housing status;
- (f) Dependency status;
- (g) Expected Family Contribution; and
- (h) Transaction number of Institutional Student Information Report used.

(4) Institutions shall provide updated and verified data to OSFA by the date established by OSFA annually.

(5) Information verified by the institutions shall be used to update OSFA records.

(6) Awards for students with corrections and errors shall be recalculated and adjusted or canceled as specified in this chapter.

**.14 Late Awards.**

A. OSFA shall consider students for late EA Grants if funds become available after initial awards have been made.

B. Notwithstanding any other provision of this chapter, consideration for a late award shall be given in the following descending order to students who:

- (1) Were previously awarded and have requested reinstatement of a canceled award;
- (2) Applied on time and filed an appeal based on changes in financial circumstances;
- (3) Applied on time and were eligible for an award but were not funded;
- (4) Were late in applying, appealed for consideration, and were placed on the waiting list; and
- (5) Applied after the deadline.

C. Selection of Recipients.

(1) If funds are available to make late awards, OSFA shall fund EA Grant recipients as specified in §B of this regulation, and shall notify recipients and institutions.

(2) If funds become available after commencement of the fall semester and are sufficient to issue late awards, OSFA shall require the institution to verify the eligibility of students before making awards.

**.15 Appeals of Eligibility Decisions.**

A. An EA or GA Grant applicant or recipient may appeal an award eligibility decision, and OSFA may grant or deny an appeal of eligibility, pursuant to this regulation.

B. Appeals of Full-time Status.

(1) The applicant or recipient may appeal a determination that the applicant or recipient is not enrolled full-time.

(2) To be considered full-time, the actual time spent in the classroom, lab, supervised activity, or clinic shall equal at least 180 clock hours in a regular semester.

(3) An applicant or recipient enrolled for at least 6 credit hours, but fewer than 12 credit hours, may appeal on the basis that the individual is participating in a specific course or activity (such as an internship or a practicum) that is required by the institution to complete the academic program.

C. Appeals to Receive Fifth or Third Year Awards. A student may appeal to hold an award for an additional year on the basis that:

(1) In the case of baccalaureate programs, the institution confirms that the student is enrolled in an academic program that requires 5 years to complete; or

(2) The student provides to OSFA evidence of extenuating financial, academic, or other circumstances that prevent the student from completing the academic program in 4 years for a baccalaureate program, or 2 years for an associate degree program.

D. Appeals Based Upon Special Financial Circumstances. Subject to the availability of funds, OSFA shall make adjustments, as follows, based upon adequate documentation, that the student has experienced special financial circumstances that directly reduce the family contribution:

(1) If the student's parent or spouse dies on or after January 1 of the of the corresponding award year, OSFA shall adjust the FAFSA income information to exclude the income of the parent(s) or spouse affected;

(2) If the student or the student's parents divorce or separate on or after January 1 of the corresponding award year, OSFA shall adjust the FAFSA income information to exclude the income of the parent or spouse affected;

(3) If the student, student's parent, if dependent, or student's spouse, if the student is married and independent, becomes completely or involuntarily unemployed for at least 10 consecutive weeks in the prior or current year, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year; and

(4) If the student or the student's parent loses, as a result of the student reaching the age of majority, benefits from Social Security, TANF, or child support, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year.

E. Appeals of GA Grant Eligibility. A GA applicant or recipient may appeal an eligibility determination, in addition to the other grounds set forth in this regulation, on the grounds that the applicant or recipient:

(1) Did not complete high school or did not attain an unweighted grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school due to evidence of extenuating circumstances satisfactory to the Office;

(2) Did not begin college within 1 year of high school graduation or GED attainment due to evidence satisfactory to the Office of extenuating circumstances; or

(3) Is a renewal student who no longer is eligible for the GA Grant program because the applicant's annual family income rises above the 150 percent poverty level.

F. Appeals of Credit Completion Requirement. A student who has received an EEA grant for at least 2 academic years and fails to complete at least 24 credits in the prior academic year may appeal an eligibility decision on the basis that:

(1) The student completed at least 18 credit hours in the prior academic year and participated in a specific course or activity, such as an internship, practicum, or study abroad program, that is required by the institution to complete the student's academic program and that, when combined with the 18 credit hours, is the equivalent of 24 credit hours in OSFA's determination; or

(2) The student is an individual with disabilities who completed fewer than 24 credit hours due to a disability.

G. Appeal Procedures.

(1) An individual shall file an appeal under this regulation by submitting to OSFA a completed appeal form prescribed by OSFA.

(2) In addition to the appeal form, the individual shall submit to OSFA the following documentation:

(a) If the appeal is of an ineligibility decision due to the student's lack of full-time status, documentation from the student's department chair describing:

- (i) The program requirements for that semester;
- (ii) The catalog summary of the program and classes;

and

(iii) The number of clock hours required for the student's activity;

(b) If the appeal is based upon requiring a fifth year to complete a baccalaureate program, or a third year to complete an associate degree program, documentation, as applicable, consisting of a death certificate, or statement from an attending physician, psychologist, mental health professional, guidance counselor, social worker, or the Dean of Students or other officer at the student's institution confirming the:

- (i) Serious illness or injury of the student;
- (ii) Serious illness of a member of the student's immediate family;

family;

- (iii) Serious emotional difficulties of the student;
- (iv) Death of a member of the student's immediate family;
- (v) Existence of other serious personal circumstances; or
- (vi) The institution's confirmation that the student's baccalaureate program requires a fifth year to complete;

(c) If the appeal is based upon special financial circumstances, copies, as applicable, of a death certificate, separation agreement or divorce decree, notice of job termination or layoff, federal tax returns and W-2 forms, termination notices, or unemployment benefits from relevant agencies;

(d) If the appeal is based upon the student not meeting the required GPA in his or her senior year of high school:

(i) A letter from the student explaining the extenuating circumstances that caused the student not to obtain the required GPA;

- (ii) An unofficial transcript to verify the student's GPA;
- (iii) Supporting documentation describing the circumstances that prohibited the student from obtaining the required GPA; and

(iv) A letter of recommendation from the student's high school principal;

(e) If the appeal is from an applicant who was deemed ineligible for not beginning college within 1 year of high school graduation or GED attainment:

(i) A letter from the student explaining the extenuating circumstances that caused the student to not begin college within 1 year of high school graduation or GED attainment; and

(ii) A letter of reference from an employer, teacher, or organization that the applicant is affiliated with describing the applicant's commitment to attending college and earning a degree;

(f) If the appeal is from a student who was found to be no longer eligible for the GA program because the student's annual family income rises above 150 percent of the poverty level, supporting documentation identifying the change in income level that resulted in the family income exceeding the 150 percent poverty threshold and extenuating circumstances demonstrating why the income should be omitted from the award calculation;

(g) If the appeal is of a determination that the student failed to complete 24 credit hours in the prior academic year:

(i) A letter from the student's department chair that describes and confirms the program requirements for the applicable semester and describes the number of clock hours required for each activity, along with a catalog description of the program and classes involved; or

(ii) Documentation from the student's medical doctor that confirms that the student is an individual with disabilities, and that the student completed fewer than 24 credits due to disability; and

(h) If the individual appeals a determination that an individual failed to complete high school:

- (i) A letter to OSFA documenting the extenuating circumstance that prevented the student from graduating high school;
- (ii) A copy of the student's high school transcript;
- (iii) If applicable, a copy of the student's GED; and
- (iv) A letter of recommendation from the recipient's high school principal.

(3) Adjustment of Awards. Subject to the availability of funds, the following adjustment of awards shall be made for appeals that are granted:

(a) If an appeal is granted prior to awards being made for the upcoming year, the student's amount of an award shall be based upon the information provided in connection with the appeal;

(b) If the student has not been awarded an award and submits the appeal after awards has been made for the upcoming year and the appeal is granted, the student shall be placed on the waiting list for an award;

(c) If the student already has been awarded an award and submits an appeal and the appeal is granted, the student shall be placed on a waiting list for any additional funds for which the student may be eligible; and

(d) If a student's appeal based upon 12-credit-hour equivalency is granted, the student shall receive 75 percent of the original award if enrolled in 9 to 11 credits, and 50 percent of the original award if enrolled for 6 to 9 credits.

(4) Upon receipt of a completed appeal, the documentation shall be reviewed and a decision rendered by OSFA within 45 days, and the student shall be notified in writing of the outcome.

H. OSFA's grant or denial of an appeal under this regulation is final and not subject to further administrative or judicial review.

**.16 Documentation Required for a Dependency Override.**

A. An institution that overrides a dependency determination for an EA applicant shall submit to OSFA for final award determination:

(1) Updated Institutional Student Information Record data for the student; and

(2) A Certification of Independent Status Form for the student.

B. An institution that overrides a dependency determination for a GA applicant who is selected for verification by OSFA shall submit to OSFA for final award determination:

(1) A Certification of Independent Status Form for the student; and

(2) All supporting documentation used by the institution to complete the override for the student.

**.17 Delegate Howard P. Rawlings Campus-Based Awards.**

A. The Commission shall allocate funds to institutions of higher education to make awards to students who applied for Educational Excellence Awards after the March 1 deadline or who have other extenuating circumstances.

B. Funds shall be awarded to institutions based upon the proportion of full-time Pell Grant eligible Maryland residents enrolled at the institution.

C. Funds shall be awarded by institutions to students who meet the eligibility criteria for EA Grant awards in Regulation .03A of this chapter but who did not apply by the March 1 deadline or who have other extenuating circumstances. These students may be eligible for a Pell Grant.

D. Awards shall be made in the amounts and the manner described in this chapter, including the same minimum amount (\$400), maximum amount (established annually), required percent of

need (established annually), and requirement of rounding awards to the nearest \$100 increment.

E. The amount of a Campus Based Educational Assistance Grant shall be determined in accordance with this chapter, including but not limited to Regulation .04 of this chapter.

F. An institution may not award a Delegate Howard P. Rawlings Campus-Based Educational Assistance Grant to a recipient of a Guaranteed Access or Educational Assistance Grant awarded by OSFA.

G. Each institution of higher education that participates in the Campus-based Educational Assistance Grant program shall submit to OSFA:

(1) By October 15, a report of all initial awards for the academic year that includes for each award the:

(a) Student's name;  
(b) Student's Social Security number, if required by the office;

(c) Institutional cost of attendance;  
(d) Expected Family Contribution;  
(e) Amount of Pell Grant disbursed;  
(f) Amount of Campus-based EA Grant awarded;  
(g) Pell I.D. and transaction number from the Institutional Student Information Report used for awarding; and  
(h) Number of credits the student successfully completed for students enrolled in their second academic year and thereafter;

(2) By January 15, a report of subsequent awards for the academic year that includes for each award the:

(a) Student's name;  
(b) Student's Social Security number, if applicable;  
(c) Institutional cost of attendance;  
(d) Expected Family Contribution;  
(e) Amount of Pell Grant disbursed;  
(f) Amount of Campus-based EA grant awarded; and  
(g) Number of credits the student successfully completed for students enrolled in their second academic year and thereafter; and  
(3) By June 15, a final end-of-year report that provides:

(a) A final cumulative list of recipients that includes for each award the:

(i) Student's name;  
(ii) Student's Social Security number, if applicable; and  
(iii) Award amount;  
(b) The total number of students receiving an award;  
(c) The total number of students eligible for an award;  
(d) The total number of credits successfully completed for student enrolled in their second academic year and thereafter; and  
(e) The following demographic information provided in the aggregate:

(i) The distribution of awards by class year;  
(ii) The distribution of awards by income;  
(iii) The distribution of awards by age;  
(iv) The distribution of awards by gender;  
(v) The distribution of awards by independent vs. dependent status; and  
(vi) The number of recipients registering for the following year or transferring to a 4-year institution.

JAMES D. FIELDER, JR., Ph.D.,  
Secretary of Higher Education

## Subtitle 08 FINANCIAL AID

### 13B.08.20 Cybersecurity Public Service Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), 18-3503, and 18-3506, Annotated Code of Maryland

#### Notice of Proposed Action

[18-316-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—13 under a new chapter, **COMAR 13B.08.20 Cybersecurity Public Service Scholarship Program**. This action was considered at a public meeting of the Commission held on September 26, 2018.

#### Statement of Purpose

The purpose of this action is to adopt regulations governing the Cybersecurity Public Service Scholarship Program.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Donna Thomas, Executive Director, OSFA, Maryland Higher Education Commission, 6 N. Liberty St., Ground Floor, Baltimore, MD 21201, or call 410-767-3300, or email to donnae.thomas@maryland.gov. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

#### .01 Program Established.

There is a Cybersecurity Public Service Scholarship Program, which is administered by the Office pursuant to Education Article, Title 18, Subtitle 35, Annotated Code of Maryland.

#### .02 Definitions.

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

B. Terms Defined.

(1) "Commission" means the Maryland Higher Education Commission.

(2) "Cybersecurity program" means a credit-bearing degree or certificate program that:

(a) Is approved by the Commission under Education Article, §11-206, Annotated Code of Maryland; and

(b) Has been identified by the Secretary as directly relevant to cybersecurity and published on the Commission website.

(3) "Director" means the Executive Director of the Office.

(4) "Education expenses" mean:

(a) Tuition;

(b) Mandatory fees; and

(c) Costs of room and board.

(5) "Eligible institution" means a public or private nonprofit institution of higher education that operates in the State under Education Article, §§11-201 and 11-201.1, Annotated Code of Maryland.

(6) "Extenuating circumstances" mean a documented disability, including pregnancy, or a documented extended illness, that prevents a recipient from fulfilling a scholarship requirement.

(7) "Full-time" means enrollment in at least 12 credits per semester at an eligible institution.

(8) "Office" means the Office of Student Financial Assistance within the Maryland Higher Education Commission.

(9) "Secretary" means the Secretary of Higher Education.

(10) "Scholarship" means a Cybersecurity Public Service Scholarship under this chapter.

**.03 Student Eligibility.**

A. Subject to the State budget, the Office annually shall determine a student's eligibility to receive a scholarship.

B. An applicant is eligible for a scholarship if the applicant:

(1) Is enrolled full-time at an eligible institution in a cybersecurity program;

(2) Is within 2 years of graduation from the cybersecurity program;

(3) Has maintained a cumulative grade point average of at least 3.0 on a 4.0 scale;

(4) Has not received a federal CyberCorps Scholarship for Service, regardless of whether the applicant has applied for a federal CyberCorps Scholarship for Service;

(5) Either:

(a) Attends a public eligible institution, and has been determined eligible for in-State tuition by the institution; or

(b) Attends a private nonprofit eligible institution, and would qualify for in-State tuition under the provisions of Education Article, Title 15, Annotated Code of Maryland; and

(6) Timely files an application and any required supporting documentation with the Office.

**.04 Application Process.**

A. A student shall apply annually to the Office to be eligible for a scholarship in the form prescribed by the Office.

B. Time of Submission. An application and required documentation received by the Office after July 1 is untimely and shall not be considered.

C. An applicant shall submit the following required documentation:

(1) Copy of the applicant's official college or university transcript;

(2) Proof from the eligible institution that the applicant is 2 years from graduation in a cybersecurity program; and

(3) Certification from the institution that the applicant has not received or applied for a Federal Cybercorps Scholarship for Service.

D. For the 2018-2019 award year only, applicants shall apply and submit all required documentation to the Office by February 1, 2019.

**.05 Scholarship Renewal.**

A. Subject to Regulation .06 of this chapter, an applicant shall be eligible to renew a scholarship for a subsequent year if the applicant:

(1) Timely submits an application under Regulation .04 of this chapter; and

(2) Continues to meet the requirements of Regulation .03 of this chapter.

B. A recipient may receive a scholarship for a maximum of 2 years.

**.06 Amount of Scholarship.**

A. An annual scholarship shall be in the amount prescribed by the Director, which may not exceed the recipient's education expenses.

B. Priority of Scholarship Awards. Priority for scholarships shall be given to prior year recipients who remain eligible under this chapter.

**.07 Selection of Recipients.**

A. Eligible applicants shall be ranked on the basis of cumulative grade point average.

B. Grades for credits earned for an applicant attending a public or private nonprofit institution 2 years prior to graduation shall be used to calculate the cumulative grade point average.

C. Awards shall be made to applicants based on cumulative grade point average ranked highest to lowest. Awards shall be issued until the total funds appropriated for the program have been depleted.

D. Recipients shall be notified through the Maryland College Aid Processing System (MDCAPS) of the scholarship awards.

E. A recipient shall accept the award online through MDCAPS by the date specified in the award notice, or the award shall be forfeited.

F. Eligible applicants who do not receive an award shall be notified and placed on a waiting list and considered if funds become available.

**.08 Verification and Payment.**

A. Verification. The Office shall verify that the applicant:

(1) Meets the grade point average requirement;

(2) Is 2 years from graduating in a cybersecurity program; and

(3) Is not a recipient of a Federal CyberCorps Scholarship for Service award.

B. Payment. Eligible institutions shall certify on billing rosters provided by the Office that the recipient is:

(1) Eligible for in-State tuition;

(2) Maintaining a grade point average of at least a 3.0 on a 4.0 scale;

(3) Enrolled full-time in a cybersecurity program;

(4) Maintaining satisfactory academic progress toward a degree; and

(5) Maintaining the standards of the institution.

**.09 Scholarship Conditions and Service Requirement.**

A. Full-Time Employment. For purposes of this regulation, "full-time employment" means employment for at least 35 hours per week.

B. Use of Scholarship. A scholarship shall be used solely for education expenses to attend an eligible institution.

C. As a precondition of receiving a scholarship, a recipient shall provide a promissory note and shall enter into a written agreement with the Commission, in the form and manner prescribed by the Office, requiring the recipient to:

(1) Earn credit as a full-time student;

(2) Complete the cybersecurity program for which the recipient received the scholarship; and

(3) Perform the service obligation described in §D of this regulation.

D. Service Obligation. For each year that the recipient receives a scholarship, the recipient shall:

(1) Maintain full-time employment in the State for at least 1 year in a unit of State government in the cybersecurity field; or

(2) Teach full-time in the State for at least 1 year in a public high school in an education program that is directly relevant to cybersecurity.

**.10 Conversion of Scholarship to Loan.**

A. Except as provided in §C of this regulation, if the recipient breaches the terms or conditions of the agreement or note under Regulation .09 of this chapter, including the failure to perform the service obligation, the scholarship shall convert to a student loan payable to the State.



B. Interest on the loan shall be charged at an interest rate equal to the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year.

C. Interest may not accrue prior to notification to the Office of a recipient's graduation or termination from an institution of higher education.

D. Repayment may be prorated if the recipient partially fulfills the service obligation.

E. Except as otherwise provided in this regulation, repayment shall be made to the State within 6 years after the repayment period begins, and shall follow a repayment schedule established by the Office.

**.11 Deferment of the Service Obligation and Repayment.**

A. Recipients shall seek eligible employment aggressively within the State.

B. A recipient may request that the service obligation be deferred during the time the recipient is:

(1) Enrolled full-time (12 or more credits per semester) or part-time (6-11 credits per semester) in an undergraduate course of study, at any post-secondary institution in the State;

(2) On a temporary leave of absence, approved by the employer in the required employment field, for a period not to exceed 12 months;

(3) Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;

(4) Unable to maintain employment, for a period not to exceed 12 months, because the recipient must care for a spouse or child who is disabled;

(5) Assigned military duty outside of the State, not to exceed 3 years, without filing an appeal; or

(6) Married to a spouse assigned military duty outside of the State, not to exceed 3 years, without filing an appeal.

C. A recipient's deferment request shall include satisfactory supporting documentation, consisting of the following, as appropriate:

(1) Certification by the institution that the recipient has returned to a full-time or part-time course of study at an institution of post-secondary education in the State;

(2) Certification by the employer that the recipient is on a temporary approved leave of absence;

(3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;

(4) A sworn affidavit by a qualified physician that the recipient is unable to maintain employment because the recipient must care for a spouse or child who is disabled; or

(5) A copy of military orders.

D. The Office shall review all documentation, determine if the deferment conditions have been met and, if so, determine the deferment period.

E. During the period of an approved deferment, a recipient need not make scholarship repayments and interest does not accrue.

F. The Office shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, and from spouses of individuals assigned military duty outside the State, that exceed the 3-year deferral limit. Appeals shall be in writing and include a copy of the military orders, and the Director shall determine if an appeal is granted.

**.12 Waiver of the Service Obligation and Repayment.**

The Office shall waive a recipient's service and repayment obligations if it determines:

A. On the basis of a sworn affidavit of 2 qualified physicians, that the recipient is permanently unable to fulfill the service obligation, on a full-time or part-time basis, because of a permanent impairment; or

B. On the basis of a death certificate or other evidence of death that is conclusive under State law, that the recipient has died.

**.13 Determinations of the Office.**

Decisions of the Office under this chapter regarding whether to grant an award or whether to grant an appeal are final and not subject to additional review.

JAMES D. FIELDER, JR., Ph.D.,  
Secretary of Higher Education

**Title 22**

**STATE RETIREMENT AND PENSION SYSTEM**

**Subtitle 01 GENERAL REGULATIONS**

**22.01.02 Public Information Act Requests**

Authority: *General Provisions Article, §§4-101—4-601*; [State Government Article, §10-613;] *State Personnel and Pensions Article, §§21-110, 21-123, 21-128, 21-504, and 30-208*; *Annotated Code of Maryland*

**Notice of Proposed Action**

[18-292-P]

The Board of Trustees for the State Retirement and Pension System proposes to repeal existing Regulations **.01—.16** and adopt new Regulations **.01—.12** under COMAR **22.01.02 Public Information Act Requests**. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on August 21, 2018, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to General Provisions Article, §3-302(c), *Annotated Code of Maryland*.

**Statement of Purpose**

The purpose of this action is to amend the regulations setting forth the procedures for Public Information Act requests to conform the regulations to statutory changes that have taken place since the regulations were last revised. Specifically, these proposed regulations set forth procedures for filing and processing requests of public records. Additionally, these proposed amendments recommend certain changes that will conform these regulations to the State Retirement Agency's current practice when handling Public Information Act requests.

**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 Anne E. Gawthrop, Esq., Director of Legislative Affairs, State Retirement Agency, 120 East Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through December 26, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on January 15, 2019, 9:30 a.m., at 120 East Baltimore Street, 16th Floor, Baltimore, Maryland 21210.

**.01 Scope.**

This chapter sets out the procedures for filing and processing requests to the Retirement Agency for the inspection and copying of public records of the Board of Trustees or the Retirement Agency under the Public Information Act, General Provisions Article, Title 4, Annotated Code of Maryland. It is the policy of the Board of Trustees to facilitate public access to the public records of the Board of Trustees and the Retirement Agency, when this access is allowed by law, by minimizing costs and time delays to applicants. It is also the policy of the Board of Trustees to safeguard the privacy of participants in any of the several systems by restricting access to records when access is denied or restricted by law. Further, it is the policy of the Board of Trustees to restrict access to certain investment records when access is denied or restricted by law.

**.02 Definitions.**

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

B. Terms Defined.

(1) "Act" means the Public Information Act, General Provisions Article, Title 4, Annotated Code of Maryland.

(2) "Agency custodian" has the meaning stated in General Provisions Article, §4-101(d), Annotated Code of Maryland.

(3) "Alternate payee" means a former spouse named in an eligible domestic relations order that the Retirement Agency has accepted for administration pursuant to a notice of administration issued in accordance with State Personnel and Pensions Article, §21-502, Annotated Code of Maryland, and COMAR 22.01.03.04.

(4) "Applicant" has the meaning stated in General Provisions Article, §4-101(b), Annotated Code of Maryland.

(5) "Compliance Board" has the meaning stated in General Provisions Article, §4-101(c), Annotated Code of Maryland.

(6) "Copy" means any form of reproduction using a photocopying machine or other reproduction technology, including a paper copy, an electronic copy, a printout, or an image.

(7) "Executive Director" means the Executive Director of the Retirement Agency or the Executive Director's designated representative.

(8) "Indigent" has the meaning stated in General Provisions Article, §4-206(a)(2), Annotated Code of Maryland.

(9) Investment Record.

(a) "Investment record" means any record, regardless of physical form or characteristic, with information about:

(i) A proposed purchase or program of purchases leading to a cumulative position in a security;

(ii) An existing position in a security;

(iii) The making, sale, or prepayment of a loan;

(iv) Any proposed sale or program of sales leading to the elimination of a position in a security; or

(v) The sale or purchase of real property or any interest therein.

(b) "Investment record" includes:

(i) Analyses, forecasts, and negotiations pertinent to the transactions described in §B(9)(a) of this regulation; and

(ii) Information compiled by the Board of Trustees for conducting the review of the performance, form, and contents of the annuity contracts offered under the Optional Retirement Program established under State Personnel and Pensions Article, §30-201, Annotated Code of Maryland.

(10) "Metadata" has the meaning stated in General Provisions Article, §4-205(a), Annotated Code of Maryland.

(11) Person in Interest.

(a) "Person in interest" means:

(i) An individual who is the subject of a record;

(ii) The individual's representative who has been designated in writing by the individual who is the subject of a record; or

(iii) If the subject of the record has a legal disability, the parent or legal representative of the individual.

(b) "Person in interest" includes an alternate payee, to the extent a public record pertains to the benefits payable under an eligible domestic relations order as defined in COMAR 22.01.03.02B.

(12) "Public Access Ombudsman" means the official appointed under General Provisions Article, Title 4, Subtitle 1B, Annotated Code of Maryland, to resolve disputes under the Act.

(13) "Public record" has the meaning stated in General Provisions Article, §4-101(j), Annotated Code of Maryland.

(14) "Reasonable fee" has the meaning stated in General Provisions Article, §4-206(a)(3), Annotated Code of Maryland.

(15) "Retirement record" means any record, regardless of physical form or characteristics, indexed by a participant's name, participant's home address, Social Security number, or other identification number.

(16) "Working day" means a day other than Saturday, Sunday, a State holiday, or a day or partial day when the Retirement Agency is closed to the public.

**.03 Availability of Requested Public Records.**

A. The public records of, or in the custody of, the Board of Trustees or Retirement Agency are available for inspection and copying only to the extent provided under the Act and in this regulation.

B. Except for any portion of a retirement record that is exempt from disclosure under the Act or this regulation, a retirement record is available for inspection and copying:

(1) By the person in interest;

(2) By the appointing authority of the person in interest;

(3) After the death of the person in interest, by:

(a) The person in interest's designated beneficiary;

(b) The personal representative of the person in interest's estate; or

(c) Any person who demonstrates to the satisfaction of the Executive Director that the person has a valid claim to the benefits of the person in interest;

(4) By a law enforcement agency in order to obtain the home address of a retired employee of the law enforcement agency when contact with a retired employee is documented to be necessary for official agency business; or

(5) By the employees of a county unit that, by county law, is required to audit the retirement records for current or former employees of the county, if the county unit and the employees of the county unit agree to protect the confidentiality of the records in accordance with Regulation .10 of this chapter.

C. Medical records contained in an individual's retirement record are available for inspection and copying by the person in interest, other than an alternate payee, but if the medical record relates to a

psychiatric or psychological problem then the request shall be subject to the requirements of the Health-General Article, §4-304(a), Annotated Code of Maryland.

**D. Elected or Appointed Officials.**

(1) In this section, "appointed official" means an individual appointed to a public office in the State or political subdivision of the State who meets the legal criteria for an appointed official as determined by the Office of the Attorney General.

(2) The Agency custodian shall disclose to an applicant the amount of that part of a retirement allowance that is derived from employer contributions and that is granted to:

- (a) A retired elected or appointed official of the State; or
- (b) A retired elected official of a political subdivision.

(3) The Agency custodian shall disclose to an applicant the benefit formula and the variables for calculating the retirement allowance of:

- (a) A current elected or appointed official of the State; or
- (b) A current elected official of a political subdivision.

**E. Investment Records.**

(1) Except for any portion of an investment record that is exempt from disclosure under the Act or this regulation, and except as provided in §E(2) of this regulation, investment records are available for inspection and copying by an applicant when the:

(a) Chief Investment Officer of the Retirement Agency determines that the release of information would not adversely affect the negotiation for, or market price of, a security or real property; and

(b) Retirement Agency completes:

- (i) A proposed purchase or program of purchases leading to a cumulative position in a security;
- (ii) The making, sale, or prepayment of a loan;
- (iii) Any proposed sale or program of sales leading to the elimination of a position in a security; or
- (iv) The sale or purchase of real property.

(2) The Agency custodian shall make available for inspection and copying that portion of an investment record that contains information compiled by the Board of Trustees for conducting the review of the performance, form, and contents of the annuity contracts offered under the Optional Retirement Program established under State Personnel and Pensions Article, §30-201, Annotated Code of Maryland.

(3) With respect to the disclosure of records concerning an alternative investment, the Retirement Agency shall follow the Board of Trustees' policies set forth in the Investment Policy Manual pursuant to State Personnel and Pensions Article, §§21-116(c) and 21-123(c), Annotated Code of Maryland.

F. Except as provided in §G of this regulation, the home address or telephone number of an employee of a unit or instrumentality of the State or of a political subdivision may not be available for inspection and copying by an applicant unless the:

- (1) Employee consents to inspection of the record; or
- (2) Unit or instrumentality that employs the employee determines that inspection is needed to protect the public interest.

**G. Access to Public Employee Organizations.**

(1) This section applies only to the:

- (a) Employees' Pension System;
- (b) Employees' Retirement System;
- (c) Teachers' Pension System; and
- (d) Teachers' Retirement System.

(2) Except as provided in §G(4) of this regulation, each year, the Retirement Agency shall release the information set forth in §G(3) of this regulation to a public employee organization if the public employee organization:

- (a) Submits a written request for the information;
- (b) Pays the applicable fee; and

(c) Agrees to maintain the confidentiality of the records as provided in Regulation .10 of this chapter.

(3) The Retirement Agency may release the following information to a public employee organization at no fee:

(a) The name and last known address of each individual who became a retiree or began receiving a vested allowance in the last year;

(b) The name and last known address of each retiree or former member receiving a vested allowance who died in the last year; and

(c) Any change in address in the last year of a retiree or former member receiving a vested allowance.

(4) If the public employee organization requests the information set forth in §G(3) of this regulation in such a manner and format that it cannot be obtained from a standard report that is regularly run by the Retirement Agency, the Retirement Agency may impose a reasonable fee for the information based upon the actual expense to the Retirement Agency for any special software programming and testing required.

(5) At any time, a retiree, or former member who is receiving a vested allowance, may submit written instructions to the Retirement Agency to cease providing the information set forth in §G(3) of this regulation to a public employee organization.

(6) On receipt of written instructions pursuant to §G(5) of this regulation, the Retirement Agency may not release information about the retiree, or former member who is receiving a vested allowance, to a public employee organization.

H. Notwithstanding §G(5) of this regulation, on request of a retiree organization that complies with State Personnel and Pensions Article, §21-128, Annotated Code of Maryland, the Board of Trustees shall provide retiree data to a mail processing center for the purpose of providing a direct mailing to a retiree of the several systems who is a member or eligible to become a member of the retiree organization.

**.04 Application to Inspect, Copy, or Receive Information from Records.**

A. Except as provided in §B of this regulation, a person or governmental unit wishing to inspect a public record in the custody and control of the Retirement Agency shall submit a written application to the Agency custodian.

B. A person or governmental unit need not submit a written application to the Agency custodian if:

(1) The requested public record is of a type that the Retirement Agency has designated and listed as being available to any applicant immediately on request; or

(2) The Agency custodian waives the requirement for a written application.

C. The written request shall:

- (1) Contain the applicant's contact information; and
- (2) Reasonably identify, by brief description, the public record sought.

D. The applicant shall address a written request for a record in the custody and control of the Retirement Agency or the Board of Trustees to the Agency's designated representative for public records requests pursuant to General Provisions Article, §4-503, Annotated Code of Maryland. The name and contact information of the designated representative shall be posted on the Retirement Agency's website.

E. An individual who calls the Retirement Agency for basic information from the individual's retirement record may receive the requested information over the telephone if the individual provides the identifying information that the Retirement Agency requires.

F. On request, the Agency custodian shall state whether an individual is receiving a retirement or pension allowance.

G. An applicant's identity, affiliation, and purpose for making the public record request are not required information for granting the request, except as necessary to assist in determining whether:

- (1) The applicant is a person in interest;
- (2) Denial of part of the requested record is appropriate under General Provisions Article, Title 4, Subtitle 3 Part IV, Annotated Code of Maryland; or
- (3) A requested fee waiver is appropriate.

**.05 Response Granting Applicant's Request.**

A. If the Agency custodian decides to grant a request for inspection in its entirety, the custodian shall produce the public record for inspection:

- (1) Immediately; or
- (2) Within a reasonable period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.

B. If the Agency custodian reasonably believes that producing the public record will take more than 10 working days, the custodian shall state in writing within 10 working days after receiving the request:

- (1) The amount of time the custodian anticipates will be necessary to produce the public record;
- (2) The reason for that delay; and
- (3) An estimated range of fees that the Retirement Agency may charge to comply with the request.

C. Any time limit imposed under this regulation:

- (1) May be extended by not more than 30 days with the consent of the applicant; and
- (2) Shall be extended pending resolution of any dispute that the applicant has referred to the Public Access Ombudsman.

**.06 Response Denying All or Part of Applicant's Request.**

A. If the Agency custodian determines that a requested record no longer exists, then the Agency shall notify the applicant of that determination:

- (1) Immediately, if the custodian reached that determination on initial review of the application; or
- (2) Promptly after completing a search for potentially responsive public records and not more than 30 days after receiving the application.

B. If the Agency custodian decides to deny all or part of an applicant's request on any basis other than the requested public record's non-existence, the custodian shall within 10 working days give the applicant a written statement that provides:

- (1) The reasons, including the legal authority, for the denial;
- (2) For applications denied as contrary to the public interest under General Provisions Article, §4-343, Annotated Code of Maryland:
  - (a) A brief explanation of why the denial is necessary; and
  - (b) An explanation of why redacting information would not address the reasons for the denial;
- (3) For applications denied as misdirected to an individual who is not the custodian:
  - (a) The name of the public record's custodian, if known; and
  - (b) The public record's actual or possible location, if known;
- (4) A brief description of any undisclosed public record or category of public records that will not disclose the protected information but will enable the applicant to assess the applicability of the legal authority for the denial; and
- (5) Notice of the remedies under the Act for review of the denial.

C. If the Agency custodian denies an applicant's request in part, the custodian shall allow inspection of any part of the record that is subject to inspection.

D. Any time limit imposed under this regulation:

- (1) May be extended by not more than 30 days with the consent of the applicant; and
  - (2) Shall be extended pending resolution of any dispute that the applicant has referred to the Public Access Ombudsman.
- E. A custodian may not ignore an application to inspect public records on the ground that the application was intended for purposes of harassment.

**.07 Format of Public Records.**

A. Except as otherwise provided in this section, if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record, the Agency custodian shall provide the applicant with:

- (1) A copy, printout, or photograph of the public record; or
- (2) If the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph.

B. The Agency custodian shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:

- (1) The public record already exists in a searchable and analyzable electronic format;
- (2) The applicant requests a copy of the public record in a searchable and analyzable electronic format; and
- (3) The custodian can provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose confidential or protected information for which the custodian must or may deny inspection in accordance with the Act or this regulation.

C. The Agency custodian may have metadata removed from an electronic document before providing the electronic document to an applicant by:

- (1) Using a software program or function; or
- (2) Converting the electronic document into a different searchable and analyzable format.

D. This regulation may not be construed to:

- (1) Require the custodian to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format;
- (2) Allow a custodian to make a public record available only in an electronic format;
- (3) Require a custodian to create, compile, or program a new public record; or
- (4) Require a custodian to release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.

E. If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

F. The copy, printout, or photograph shall be made:

- (1) While the public record is in the custody of the custodian;
- (2) Whenever practicable, where the public record is kept; and
- (3) Within any reasonable time schedule that the Agency custodian may choose to set.

**.08 Fees.**

A. Fee Schedule for Certifying and Copying a Public Record.

(1) If the public records are susceptible to photocopying, the charge for each copy of a document is:

- (a) 25 cents per page for copies made on a photocopying machine within the Retirement Agency offices; or
- (b) Based on actual costs of reproduction if the copies could not be made on a photocopying machine within the Retirement Agency offices.

(2) If the public records are not susceptible to photocopying, for example, diskettes, magnetic cartridges, magnetic tapes, drawings, maps, blueprints, microfilm, or photographs, the fee for copies will be based on the actual costs of reproduction.

(3) If the public record requested to be reproduced is more than 25 pages, the Agency custodian shall charge a \$3.50 per hour photocopying processing fee in addition to the per page fee.

(4) If an applicant requests that a copy of a public record be certified as a true copy, the Agency custodian shall charge an additional fee of \$1 per record.

(5) If the Agency custodian is required to provide a computer printout, the charge for the printout shall include all related expenses associated with the time expended to produce the computer printout.

(6) Search, Review, and Preparation Fees.

(a) Except as provided in §B(6)(b) of this regulation, the Agency custodian may charge reasonable fees for the time that an official or employee of the Agency, or an employee of the Office of the Attorney General on behalf of the Agency, spends to search for public records and review and prepare them for inspection and copying, in addition to the cost for reproduction.

(b) The Agency custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.

(c) The Agency custodian shall determine the search, review, and preparation fees by multiplying the employee's salary, prorated to an hourly basis, by the actual time attributable to the search for, review of, and preparation of public records for inspection and copying.

B. Payment of Fees.

(1) The Agency custodian shall:

(a) Estimate the cost of reproduction, including any search fee; and

(b) Advise the applicant of the estimated costs.

(2) Before reproducing a public record, the Agency custodian shall:

(a) Obtain the written agreement of the applicant that the cost shall be paid; or

(b) Request prepayment of the estimated fee before reproducing the public record.

(3) Subject to §C of this regulation, the Agency custodian shall provide the requested and completed copies and printouts only on:

(a) Payment of all applicable fees by the applicant; and

(b) If an applicant requests transmittal of the copies by mail or delivery to the applicant, payment of or written agreement to pay the cost of postage or delivery.

C. The Executive Director may waive or reduce any fee charged under this regulation, on request, if the Executive Director determines that the:

(1) Item requested is promotional in nature, is routinely distributed to the public, or may be reproduced free of charge;

(2) Applicant is indigent and files an affidavit verifying facts that support a claim of indigency; or

(3) Waiver or reduction is in the public interest based upon relevant factors including the applicant's ability to pay the fee.

**.09 Time and Place of Inspection.**

A. An applicant may inspect a public record during the normal working hours of any working day of the Retirement Agency.

B. The place of inspection shall be the place where the document is located unless the Agency custodian determines that another place of inspection is more suitable and convenient after taking into account any expressed wish of the applicant.

**.10 Protection of Privacy and Confidentiality.**

A person entitled by law to inspect or obtain copies of any records set forth in Regulation .03B(4) and (5), F, and G of this chapter shall, before inspection, in writing:

A. Specify the basis for the request;

B. Agree not to release any information derived from the inspection to a third party without the express prior agreement, in writing, of the Agency custodian; and

C. Agree to the entry of an appropriate protective order in a court of competent jurisdiction ensuring that information may not be disclosed generally.

**.11 Maintenance of Records; Relevance of Material.**

A. The Agency shall maintain records which are not subject to public inspection under this chapter in a manner which assures the right to privacy of the individual who is the subject of the record.

B. The Retirement Agency may retain in its records only information which is relevant and necessary to accomplish the purpose of the Board of Trustees and the Retirement Agency.

**.12 Referral and Review of Disputes.**

A. If the Retirement Agency's fee for responding to an applicant's public record request exceeds \$350 and the applicant considers it unreasonable, the applicant may file a complaint with the Public Information Act Compliance Board, and appeal from a decision of that Board, as stated in General Provisions Article, Title 4, Subtitle 1A, and §4-362, Annotated Code of Maryland.

B. The applicant may refer to the Public Access Ombudsman, as stated in General Provisions Article, Title 4, Subtitle 1A, a dispute concerning any of the following issues:

(1) The custodian's application of an exemption from disclosure;

(2) Redactions of information in the public record;

(3) The failure of the custodian to produce a public record in a timely manner or to disclose all records relevant to the request;

(4) Overly broad requests for public records;

(5) The amount of time a custodian needs, given available staff and resources, to produce public records;

(6) A request for or denial of a fee waiver; and

(7) Repetitive or redundant requests from an applicant.

C. An applicant who is denied a requested public record or a requested copy, printout, or photograph of a public record may file a complaint with the circuit court for the county where:

(1) The complainant resides or has a principal place of business; or

(2) The public record is located.

R. DEAN KENDERDINE

Executive Director

Maryland State Retirement and Pension System

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting; Correction

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice; correction.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on December 6, 2018, in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the *Federal Register* of October 3, 2018 (83 FR 49969), concerning its public hearing on November 1, 2018, in Harrisburg, Pennsylvania. The document was revised to update the projects scheduled for action items # 11 and # 12, also contained below in the Supplementary Information section of this notice.

DATES: The meeting will be held on Thursday, December 6, 2018, at 9 a.m.

ADDRESSES: The meeting will be held at the Susquehanna River Basin Commission, Susquehanna Conference Room, 4423 N. Front Street, Harrisburg, PA 17110.

FOR FURTHER INFORMATION CONTACT: Ava Stoops, Administrative Specialist, 717-238-0423, ext. 1302.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the lower Susquehanna River region; (2) consideration of a resolution outlining the Auxiliary Powers of the Commission under Section 15.1 of the Compact; (3) resolution adopting FY2018 audit report; (4) ratification/approval of contracts/grants; (5) a report on delegated settlements; (6) settlement agreement from EQT Production Company for violation of passby flow conditions; (7) resolution concerning FY2020 federal funding of the Groundwater and Streamflow Information Program; (8) a proposed consumptive use mitigation project located in Conoy Township, Lancaster County, Pa. and associated water supply agreement with the Lancaster County Solid Waste Management Authority; (9) potential request for waiver of 18 CFR §806.31(e) as it pertains to submittal of renewal application for a groundwater withdrawal approval; and (10) Regulatory Program projects. The revised projects scheduled for action are as follows:

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 10 (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 9 (Docket No. 19890101).

Regulatory Program projects and the consumptive use mitigation project listed for Commission action were those that were the subject of public hearings conducted by the Commission on November 1, 2018, and August 2, 2018, respectively, and identified in the notices for such hearings, which were published in 83 FR 49969, October 3, 2018, and 83 FR 31439, July 5, 2018, respectively.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects and the consumptive use mitigation project were subject to deadline of November 13, 2018, and August 13, 2018, respectively. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through [www.srbcc.net/about/meetings-events/business-meeting.html](http://www.srbcc.net/about/meetings-events/business-meeting.html). Such comments are due to the Commission on or before November 30, 2018. Comments will not be accepted at the business meeting noticed herein.

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

Dated: November 2, 2018.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[18-24-19]

# 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.

### CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

**Subject:** Public Meeting  
**Date and Time:** December 17, 2018, 2 — 3 p.m.  
**Place:** Judicial Education and Conference Center, 2009-D Commerce Park Dr., Training Rm. UL 6-7, Annapolis, MD 21401  
**Contact:** Robyn Lyles (410) 585-3185  
 [18-24-22]

### STATEWIDE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL (SEMSAC)

**Subject:** Public Meeting  
**Date and Time:** December 6, 2018, 1 — 3 p.m.  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Advisory Council meets regularly on the 1st Thursday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [18-24-03]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** December 11, 2018, 9 — 11 a.m.  
**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD  
**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets regularly on the 2nd Tuesday of each month.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [18-24-02]

### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting  
**Date and Time:** December 20, 2018, 9:30 a.m.  
**Place:** Maryland State Police Headquarters, 1201 Reisterstown Rd., Bldg. C Classroom, Pikesville, MD  
**Add'l. Info:** Portions of the meeting may be held in closed session. If public schools in Baltimore County are CLOSED due to inclement weather, the meeting and any appeals will be rescheduled.  
**Contact:** Heidi Ritchie (877) 890-0199  
 [18-24-15]

### MARYLAND DEPARTMENT OF HEALTH

**Subject:** Public Hearings — **Postponed**  
**Dates and Times:** Originally scheduled for November 27, 2018 and December 4, 2018, 3 — 5 p.m.  
**Place:** 100 Community Pl., Conf. Rm. Side A, Crownsville, MD; 201 W. Preston St., Rm. L-2, Baltimore, MD  
**Add'l. Info:** The Maryland Department of Health is postponing a previously announced amendment to its §1115 demonstration waiver (known as HealthChoice) to establish a limited Collaborative Care Pilot. The open comment period and the two proposed public hearings, the first on November 27, 2018 in Crownsville and the second on December 4, 2018 in Baltimore City, will be rescheduled for a later date. Questions may be sent to the Department via email at mdh.healthchoicerenewal@maryland.gov.  
**Contact:** Alyssa Brown (410) 767-9795  
 [18-24-16]

### DEPARTMENT OF INFORMATION TECHNOLOGY

**Subject:** Public Meeting  
**Date and Time:** December 12, 2018, 1 — 3 p.m.  
**Place:** 100 Community Pl., 1st Fl. Conf. Rm., Side B, Crownsville, MD  
**Add'l. Info:** Maryland Statewide Interoperability Radio Control Board Meeting  
**Contact:** Brittany Brothers (410) 697-9407  
 [18-24-08]

### DEPARTMENT OF INFORMATION TECHNOLOGY

**Subject:** Public Meeting  
**Date and Time:** December 21, 2018, 10 a.m. — 12 p.m.  
**Place:** 100 Community Pl., 1st Fl. Conf. Rm., Side A, Crownsville, MD  
**Add'l. Info:** Maryland Council on Open Data Quarterly Meeting  
**Contact:** Brittany Brothers (410) 697-9407  
 [18-24-09]

### 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.).

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

## GENERAL NOTICES

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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  
[18-24-06]

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

**Subject:** Public Meeting  
**Date and Time:** December 6, 2018, 10 a.m. — 12 p.m.  
**Place:** Library, 312 Marshall Ave., Laurel, MD  
**Add'l. Info:** There is parking available. Please park across the street from the building. The parking lot on the same side is reserved for employees.  
**Contact:** Pamela Torres (410) 767-2348  
[18-24-20]

### MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

**Subject:** Public Meeting  
**Date and Time:** December 13, 2018, 10 a.m. — 12 p.m.  
**Place:** Montgomery Business Park, 1800 Washington Blvd., Studio, Baltimore, MD  
**Contact:** Kathy Lingo (410) 230-8790  
[18-24-07]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting  
**Date and Time:** December 20, 2018, 1 — 4 p.m.  
**Place:** 4160 Patterson Ave., Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3570  
[18-24-04]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Formal Start of Review  
**Add'l. Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Baltimore Detox Center – Docket No. 18-03-2419; establish a 24-bed, Level 3.7 Intermediate Care Facility to be located at 1825 Woodlawn Drive, Baltimore MD.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission’s review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business December 26, 2018. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the applications are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning

and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215  
**Contact:** Ruby Potter (410) 764-3276  
[18-24-17]

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

**Subject:** Public Notice — Partial Closure of Public Shellfish Fishery Area 70 (Durdin) — Effective 11/5/18

**Add'l. Info:** The Secretary of the Department of Natural Resources, pursuant to the COMAR 08.02.04.11E, announces that a portion of Public Shellfish Fishery Area (PSFA) 70 will be closed to all shellfish harvest effective November 5, 2018. The closure was requested by the Kent County oyster committees to protect seed planted by the County until the site is suitable for reopening. The closed area is described below and will be marked by buoys. PSFAs are described in “Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (November 2016)”, which is incorporated by reference in COMAR 08.02.04.17.

For any questions or comments contact Frank Marengi, Shellfish Division, at 410-260-8302.

Durdin (PSFA 70 (NOB 5-11): Chester River). The section of PSFA 70 being closed is: All the waters of the Chester River southeast of Durdin Creek enclosed by a line beginning at a point defined by Lat. 39°1.455' N, and Long. 76°11.747' W; then running 297° True to a point defined by Lat. 39°1.528' N, and Long. 76°11.928' W; then running 329° True to a point defined by Lat. 39°1.619' N, and Long. 76°11.999' W; then running 74° True to a point defined by Lat. 39°1.680' N, and Long. 76°11.719' W; then running 153° True to a point defined by Lat. 39°1.506' N, and Long. 76°11.606' W; then running 245° True to the point of beginning.

Mark Belton  
Secretary of Natural Resources  
**Contact:** Tamara O'Connell (410) 507-0779  
[18-24-13]

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

**Subject:** Public Notice — Commercial Striped Bass Common Pool Hook and Line Season Modification — Effective 11/6/18  
**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, November 6, 2018, 1 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, November 7, 2018, 1 hour before sunset.

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

[18-24-10]

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

**Subject:** Public Notice — Partial Opening of Public Shellfish Fishery Area 136 (Windmill Point) — Effective 11/12/18

**Add'l. Info:** The Secretary of the Department of Natural Resources, pursuant to the COMAR 08.02.04.11E, announces that the previously closed section of Public Shellfish Fishery Area (PSFA) 136 will be open to oyster harvest effective November 12, 2018 through March 31, 2019 on Mondays, Wednesdays, and Fridays only. This area was previously closed by public notice October 1, 2016. The area is described below and will be marked by buoys. The opening was requested by the Charles County oyster committee. The area was planted in 2015, and recent survey work shows the presence of market-sized oysters. PSFAs are described in "Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (November 2016)", which is incorporated by reference in COMAR 08.02.04.17.

Special Harvest Conditions for This Area: No more than 8 bushels of oysters per licensee per day and 16 bushels of oysters per boat per day may be taken from this area or in possession while actively engaged in oyster harvest in this area. This area is only open for harvest on Mondays, Wednesdays, and Fridays.

All other rules remain in effect.

For any questions or comments contact Frank Marengi, Shellfish Division at 410-260-8302.

Windmill Point (PSFA 136 (NOB 20-3): Wicomico River (West)). The section of PSFA 136 being opened is: All of the waters of the Wicomico River enclosed by a line beginning at a point defined by Lat. 38°18.801' N, Long. 76°50.937' W; then running 356° True to a point defined by Lat. 38°19.096' N, Long. 76°50.961' W; then running 77° True to a point defined by Lat. 38°19.146' N, Long. 76°50.684' W; then running 166° True to a point defined by Lat. 38°18.842' N, Long. 76°50.590' W;

then running 261° True to the point of beginning.

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

[18-24-14]

**COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS**

**Subject:** Public Meeting  
**Date and Time:** December 11, 2018, 10:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Baltimore, MD  
**Contact:** Patricia Schott (410) 230-6165

[18-24-01]

**MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE**

**Subject:** Public Meeting  
**Dates and Times:** Nov 28, 2018, 8:30 a.m. — 5 p.m.; December 5, 2018, 8:30 a.m. — 5 p.m.; December 19, 2018 8:30 a.m. — 5 p.m.  
**Place:** Maryland Dept. of Transportation, 7201 Corporate Center Dr., Hanover, MD  
**Contact:** Sabrina Bass (410) 865-1240

[18-24-21]

**WORKERS' COMPENSATION COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** December 13, 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 closed session.  
**Contact:** Amy Lackington (410) 864-5300

[18-24-05]

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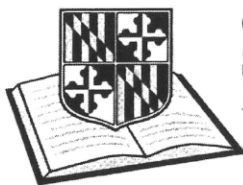
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