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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before December 31, 2018, 5 p.m.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 December 31, 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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Front cover: State House, Annapolis, MD, built 1772—79. Illustrations by Carolyn Anderson, Dept. of General Services

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

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

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

Availability of Monthly List of Marvland 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	Emergency and Proposed Regulations	Final Regulations	Notices, etc.
Date	5 p.m.*	10:30 a.m.	10:30 a.m.
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.

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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.



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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR).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

Table of Pending Proposals

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

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21.01.02.01 • 45:20 Md. R. 942 (9-28-18) 21.01.03.01 • 45:20 Md. R. 942 (9-28-18) 21.02.01.05 • 45:20 Md. R. 942 (9-28-18) 21.02.05.04 • 45:20 Md. R. 942 (9-28-18) 21.05.01.01..02..05 • 45:20 Md. R. 942 (9-28-18) 21.05.02.04,.05 • 45:20 Md. R. 942 (9-28-18) 21.05.03.01-03 • 45:20 Md. R. 942 (9-28-18) 21.05.06.01 • 45:20 Md. R. 942 (9-28-18) 21.05.07.01,.04,.05 • 45:20 Md. R. 942 (9-28-18) 21.05.08 • 45:20 Md. R. 942 (9-28-18) 21.05.09.04,.05,.08 • 45:20 Md. R. 942 (9-28-18) 21.05.13.01-07 • 45:20 Md. R. 942 (9-28-18) 21.07.01.19,.25 • 45:20 Md. R. 942 (9-28-18) 21.07.02.10 • 45:20 Md. R. 942 (9-28-18) 21.07.03.07,.08 • 45:20 Md. R. 942 (9-28-18) 21.10.04.04 • 45:20 Md. R. 942 (9-28-18) 21.11.01.01,.04-.06 • 45:20 Md. R. 942 (9-28-18) 21.11.03.10,.12,.12-1 • 45:20 Md. R. 942 (9-28-18) 21.11.05.01,.04,.07 • 45:20 Md. R. 942 (9-28-18) 21.11.13.01 • 45:20 Md. R. 942 (9-28-18) 21.13.01.17 • 45:20 Md. R. 942 (9-28-18) 45:21 Md. R. 1008 (10-12-18) (err)

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) 22.01.04.05 • 46:2 Md. R. 90 (1-18-19) (err) 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)

31 MARYLAND INSURANCE ADMINISTRATION

31.03.13.02,.04 • 45:14 Md. R. 708 (7-6-18) 45:25 Md. R. 1219 (12-7-18) **31.04.15.04** • 46:2 Md. R. 80 (1-18-19) **31.09.02.11** • 46:2 Md. R. 81 (1-18-19) **31.09.04.03** • 46:2 Md. R. 82 (1-18-19) **31.10.06.02,.28,.30,.31** • 45:23 Md. R. 1119 (11-9-18) **31.10.25.04** • 46:2 Md. R. 83 (1-18-19) **31.10.28.05** • 46:2 Md. R. 83 (1-18-19) **31.12.07.05** • 46:2 Md. R. 83 (1-18-19) **31.15.12.03** • 46:2 Md. R. 84 (1-18-19)

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) **33.13.20.01,.02** • 45:21 Md. R. 1003 (10-12-18) **33.13.22.01—.07** • 45:21 Md. R. 1003 (10-12-18)

34 DEPARTMENT OF PLANNING

34.04.01.09 • 46:2 Md. R. 85 (1-18-19) **34.04.02.08** • 46:2 Md. R. 85 (1-18-19) **34.04.07.02,.03,.05,.06** • 46:2 Md. R. 87 (1-18-19) **34.04.09.08** • 46:2 Md. R. 85 (1-18-19)

35 DEPARTMENT OF VETERANS AFFAIRS

35.07.01.01—.04 • 46:2 Md. R. 88 (1-18-19)

EXECUTIVE ORDER 01.01.2018.31

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

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

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

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02, EFFECTIVE FROM DECEMBER 22, 2018, AND SHALL EXPIRE ON JANUARY 21, 2019, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 20th Day of December, 2018.

LAWRENCE J. HOGAN, JR. Governor

ATTEST:

JOHN C. WOBENSMITH Secretary of State

[19-02-12]

EXECUTIVE ORDER 01.01.2019.01

Maryland Opportunity Zone Leadership Task Force

WHEREAS, Federally designated "Opportunity Zones," 26 U.S.C. § 1400Z-1 et seq., attract capital to Maryland and energize the development of communities that have not traditionally been invested in by the private sector;

WHEREAS, Nominations of 149 Opportunity Zones across Maryland were announced by the Maryland Department of Housing and Community Development and the Maryland Department of Commerce as part of a nationwide initiative administered by the U.S. Treasury;

WHEREAS, The State intends to enhance the attractiveness of Opportunity Zones for capital and ensure that social benefits within these communities are maximized;

WHEREAS, State government can, by offering advice, consultation, and incentives, support and improve Opportunity Zone communities; WHEREAS, As Opportunity Zones, struggling urban, suburban, and rural communities in Maryland can receive an historic level of investment; and

WHEREAS, The State will create an "Opportunity Plan" for helping communities identify local advantages and design actionable strategies to meet local priorities and needs;

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

A. There is a Maryland Opportunity Zone Leadership Task Force (the "Task Force").

B. Membership.

1) The Task Force shall consist of the following voting members:

a) The Lieutenant Governor;

b) The Secretary of the Department of Housing and Community Development, or the Secretary's designee;

c) The Secretary of the Department of Commerce, or the Secretary's designee;

d) The Secretary of the Department of Labor, Licensing, and Regulation, or the Secretary's designee;

e) The Secretary of the Department of Planning, or the Secretary's designee;

f) The Secretary of the Maryland Department of Transportation, or the Secretary's designee; and

g) The Secretary of the Maryland Department of Human Resources, or the Secretary's designee.

2) The following shall be invited to be, and shall be upon acceptance, voting members of the Task Force:

a) The Superintendent of the Maryland State Department of Education, or the Superintendent's designee;

b) The Secretary of the Maryland Higher Education Commission, or the Secretary's designee;

c) The Executive Director of the Maryland Stadium Authority, or the Executive Director's designee;

d) The Chancellor of the University System of Maryland, or the Chancellor's designee;

e) An appointee of the Maryland Association of Counties;

f) An appointee of the Maryland Municipal League;

g) An appointee of the Maryland Economic Development Corporation;

h) An appointee of the Maryland Technology Development Corporation; and

i) An appointee of the Maryland Association of Community Colleges.

3) The Governor shall designate the Chair from among the members.

4) Members of the Task Force serve at the pleasure of the Governor.

5) A vacancy shall be filled in the same manner that the initial appointments are made.

C. Procedures.

1) The majority of voting members of the Task Force shall constitute a quorum for the transaction of any business.

2) The Task Force shall hold publicly announced meetings at such times and such places as it deems necessary. The meetings shall

be accessible to the general public in accordance with the Maryland Open Meetings Act or other applicable law.

3) The Task Force may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees.

4) The Chair may, with the consent of the Task Force, designate additional individuals, including interested citizens, elected officials, educators, or specialists with relevant expertise, to serve on any committee.

5) The Task Force may consult with the principal departments of the Executive Branch of the State government to obtain such technical assistance and advice as it deems necessary to complete its duties.

D. Duties. The Task Force shall:

1) Advise the Governor on all matters assigned to the Task Force and be responsible for carrying out the Governor's policies on those matters;

2) Conduct regional summits in various parts of the State, including the Eastern Shore, Southern Maryland, Western Maryland, and Central Maryland, to enable citizens to share information, market prospectuses, and solicit and offer opportunities and possibilities for Opportunity Zone investment;

3) Provide an electronic portal for citizens to submit their comments to the Task Force;

4) Develop a clearinghouse for local government, developers, and other interested parties to learn of and access Opportunity Zone resources;

5) Develop a community marketing strategy and an economicdevelopment policy brief for Opportunity Zones;

6) Develop an "Opportunity Plan" that sets broad goals for Opportunity Zones aligned with State economies, priorities, and culture;

7) Outline development of Opportunity Zones with a multi-year timeline that is subject to measurement and assessment on an annual basis;

8) Provide recommendations for legislation to enhance Opportunity Zone incentives;

9) Devise innovative methods for incorporating Opportunity Zones into existing State programs, including, but not limited to, More Jobs for Marylanders and EARN Maryland; and

10) Coordinate participation with local governments to best align local resources with Opportunity Zone investment.

E. Units of State and local government shall retain all budgeting and funding authority to undertake initiatives in Opportunity Zones. F. Reports and Recommendations.

1) The Task Force shall summarize its progress in fulfilling its duties in a report submitted to the Governor, the President of the Maryland Senate, and the Speaker of the Maryland House of Delegates, no later than October 1, 2019.

2) The Task Force may issue additional reports as directed by the Governor.

Given Under my Hand and the Great Seal of the State of Maryland, in the City of Baltimore, this 3rd Day of January, 2019.

LAWRENCE J. HOGAN, JR. Governor

ATTEST:

JOHN C. WOBENSMITH Secretary of State

[19-02-13]

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated December 14, 2018, **RONALD BRUCE BERGMAN**, 38 Maryland Avenue, Unit 525, Rockville, Maryland 20850, has been disbarred by consent, effective December 31, 2018, 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 November 30, 2018, **SEAN REGAN HANOVER**, 6120 Glen Falls Road, Reisterstown, Maryland 21136, has been disbarred by consent, effective January 1, 2019 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 January 3, 2019, **IFEOLU AMAKA FABAYO**, 6 Elm Tree Court, Silver Spring, Maryland 20906, has been disbarred by consent, 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).

[19-02-11]

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 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.34 Low Emissions Vehicle Program

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103, Annotated Code of Maryland

Notice of Emergency Action

[19-026-E-I]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .02 under COMAR 26.11.34 Low Emissions Vehicle Program.

Emergency status began: December 31, 2018. Emergency status expires: June 29, 2019.

Comparison to Federal Standards

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

Economic Impact on Small Businesses

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

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the following have been declared documents generally available to the public and appropriate for incorporation by reference:

(1) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures—2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective October 8, 2015, with amendments to §1961.2(d) adopted on September 28, 2018 by the California Air Resources Board; and

(2) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.3 Greenhouse Gas Exhaust Emission Standards and Test Procedures—2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective December 31, 2012, with amendments to §1961.3(a)(1)(A)1. and 2.; (B)(1); (c); (f)(25); and "Note: Authority Cited" adopted on September 28, 2018 by the California Air Resources Board.

For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Incorporation by Reference.

A. (text unchanged)

- B. Documents Incorporated.
 - (1)—(5) (text unchanged)

(6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures-2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective October 8, 2015, with amendments to §1961.2(d) adopted on September 28, 2018 by the California Air Resources Board.

(7) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.3 Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective December 31, 2012, with amendments to §1961.3(a)(1)(A)1. and 2.; (B)(1); (c); (f)(25); and "Note: Authority Cited" adopted on September 28, 2018 by the California Air Resources Board.

(8)-(79) (text unchanged)

BENJAMIN H. GRUMBLES Secretary of the Environment

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.
- <u>Single underline, roman</u> indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 22 BOARD OF COSMETOLOGISTS

09.22.01 General Regulations

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

Notice of Final Action

[18-311-F]

On January 7, 2019, the Board of Cosmetologists adopted new Regulation **.16** under **COMAR 09.22.01 General Regulations**. This action, which was proposed for adoption in 45:23 Md. R. 1077 (November 9, 2018), has been adopted as proposed.

Effective Date: January 28, 2019.

ERICA LEWIS Executive Director

Subtitle 24 BOARD OF PUBLIC ACCOUNTANCY

09.24.01 General Regulations

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

Notice of Final Action [18-280-F]

On December 4, 2018, the Maryland State Board of Public Accountancy adopted amendments to Regulation .06 under COMAR 09.24.01 General Regulations. This action, which was proposed for adoption in 45:21 Md. R. 980—981 (October 12, 2018), has been adopted as proposed.

Effective Date: January 28, 2019.

SHANAI R. JORDAN Executive Director

Subtitle 35 ELEVATOR SAFETY REVIEW BOARD

09.35.04 Continuing Professional Competency

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

Notice of Final Action

[18-279-F]

On December 21, 2018, the Elevator Safety Review Board adopted new Regulation .10 under COMAR .09.35.04 Continuing **Professional Competency**. This action, which was proposed for adoption in 45:21 Md. R. 982—983 (October 12, 2018), has been adopted as proposed.

Effective Date: January 28, 2019.

ED M. HORD Chairman

Subtitle 38 STATE BOARD OF INDIVIDUAL TAX PREPARERS

09.38.01 General Regulations

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

Notice of Final Action

[18-263-F]

On December 10, 2018, the Maryland State Board of Individual Tax Preparers adopted amendments to Regulation **.05** under **COMAR 09.38.01 General Regulations**. This action, which was proposed for adoption in 45:21 Md. R. 983—984 (October 12, 2018), has been adopted as proposed.

Effective Date: January 28, 2019.

SHANAI R. JORDAN Executive Director

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.15 Use of Antimicrobial Drugs

Authority: Agriculture Article, §§3-1001, 3-1002, 3-1005, and 3-1006, Annotated Code of Maryland

Notice of Final Action

[18-196-F]

On January 2, 2019, the Secretary of Agriculture adopted new Regulations **.01—.05** under a new chapter, **COMAR 15.01.15** Use of **Antimicrobial Drugs**. This action, which was proposed for adoption in 45:16 Md. R. 781—782 (August 3, 2018), has been adopted as proposed.

Effective Date: January 28, 2019.

JOSEPH BARTENFELDER Secretary of Agriculture

Subtitle 01 OFFICE OF THE SECRETARY

15.01.16 Industrial Hemp Pilot Program

Authority: Agriculture Article, [[§14-102(c)]] <u>§14-102(i)</u>, Annotated Code of Maryland

Notice of Final Action

[18-251-F]

On December 20, 2018, the Secretary of Agriculture adopted new Regulations .01—.07 under a new chapter, COMAR 15.01.16 Industrial Hemp Pilot Program. This action, which was proposed for adoption in 45:20 Md. R. 939—941 (September 28, 2018), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 28, 2019.

Attorney General's Certification

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

Regulation .02B(1): This change makes the regulation consistent with the State hemp law.

Regulation .03B: This change clarifies the scope of the Hemp Pilot Program to further agricultural or academic research.

Regulation .06: This change merely explains how hemp may be grown under the Hemp Pilot Program.

.02 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1) "Authorized holder" or "holder" means an institution of higher education or a person who has contracted with an institution or the Department to grow or cultivate industrial hemp for agricultural research [[and]] or academic research purposes as authorized by this chapter.

(2)—(7) (proposed text unchanged)

.03 Authorization to Grow and Cultivate Industrial Hemp.

A. (proposed text unchanged)

B. Only a person contracting with the Department or an approved institution of higher education as provided in this regulation may possess, grow, cultivate, harvest, process, manufacture, transport, market, or sell industrial hemp <u>for commercial purposes</u> as part of the Pilot Program to further agricultural or academic research purposes.

C.—E. (proposed text unchanged)

.06 Hemp Seeds.

A person or institution that grows or cultivates industrial hemp as authorized by this chapter may purchase or otherwise obtain seeds <u>or</u> <u>a plant or plant part that can be utilized to grow a new plant</u> that produce plants that meet the definition of industrial hemp as provided in this chapter.

> JOSEPH BARTENFELDER Secretary of Agriculture

Withdrawal of Regulations

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.36 General Medical Assistance Provider Participation Criteria

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

Notice of Withdrawal

[18-007-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulations .01, .03, .08, and .09 under COMAR 10.09.36 General Medical Assistance Provider Participation Criteria, which was published in 45:1 Md. R. 21–22 (January 5, 2018), 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

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action

[19-001-P]

The Secretary of Natural Resources proposes to amend Regulations **.03**, **.06**, and **.11** under **COMAR 08.02.03** Crabs.

Statement of Purpose

The purpose of this action is to make clarifications in regulatory text for blue crabs so that everyone understands what is intended by the regulations.

The proposed action modifies Regulation .03 to clarify terminology in the trotline regulation. Currently, a trotline is required to have floats attached to each end, and each float must be marked with the owner's identification. The regulation uses the terms float and buoy. The proposed action changes the term float to buoy to clarify the language and to be consistent with other blue crab regulations that require marking of buoys.

The proposed action modifies Regulation .06 to make it clear that B(2) applies to recreational crabbing in the coastal bays of the Atlantic Ocean and their tributaries. The regulation states that if two or more individuals are on a boat, not more than any combination of 25 collapsible traps and net rings may be set per boat. The proposed action makes it clear that the statement should only apply to recreational harvest.

The proposed action modifies Regulation .11 to make it clear which gears may be used at certain time periods during the season. Handlines, dip nets, and properly registered crab pots may be used at all times during the season. All other gear has limits on the times that you may set it and times that you can catch crabs.

The proposed action clarifies regulatory text. Clarifying the text does not change the Department's interpretation or enforcement of these regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Blue Crab Clarifications, 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 February 19, 2019. A public hearing will be held on January 29, 2019, at 2 p.m., at the Tawes State Office Building, 580 Taylor Avenue, C-1 Conference Room, Annapolis, MD 21401. Interested persons are invited to attend and express their views. Anyone needing special accommodations under Title II of the Americans with Disabilities Act of 1990, as amended, or under Title VI of the Civil Rights Act of 1964, should contact the Department of Natural Resources Office of Fair Practices at 410-260-8058 or at richard.allen@maryland.gov, at least 3 working days (72 hours) prior to the scheduled public hearing.

.03 Trotlines.

- A.—D. (text unchanged)
- E. [Float] Buoy Requirements.

(1) A trotline shall have a [float] *buoy* of the same color, size, and shape attached to each end.

(2) [Floats] *Buoys* that have a round or spherical shape shall be at least 12 inches in diameter.

(3) [Floats] *Buoys* that do not have a round or spherical shape shall be at least 12 inches long and 10 inches wide.

(4) [Floats] *Buoys* shall be marked with [a buoy bearing] the owner's:

(a)—(c) (text unchanged)

.06 Collapsible Crab Traps and Crab Net Rings.

A. (text unchanged)

B. In the coastal bays of the Atlantic Ocean and their tidal tributaries:

(1) (text unchanged)

(2) If two or more individuals are *catching or attempting to catch crabs for recreational purposes* on a boat, not more than any combination of 25 collapsible traps and net rings may be set per boat. C.—D. (text unchanged)

.11 Season and Time for Catching Crabs.

A. (text unchanged)

B. Recreational.

(1) Except [for handlines and dipnets] as provided in \$B(2) of this regulation, a person may not set any recreational crabbing gear or catch crabs for recreational purposes [from a boat] during:

[(1)] (a) May through September between:

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

[(b)] (*ii*) Sunset and 1/2 hour before sunrise in tidal [waters tributary to] *tributaries of* the Chesapeake Bay; and

[(2)] (b) April, October, November, and December between: [(a)] (i) (text unchanged)

[(b)] (*ii*) Sunset and 1/2 hour after sunrise in tidal [waters tributary to] *tributaries of* the Chesapeake Bay.

(2) Crab pots, dip nets, and handlines. At all times during the recreational season for crabbing, a person may use:

(a) Crab pots on private property that have been registered in accordance with Regulation .09 of this chapter;

(b) Dip nets; or

(c) Handlines.

C. (text unchanged)

MARK J. BELTON Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.01 Procedural Regulations

Authority: Business Occupations and Professions Article, §§14-205 and 14-208, Annotated Code of Maryland

Notice of Proposed Action

[19-002-P]

The State Board for Professional Engineers proposes to amend Regulation **.04** under **COMAR 09.23.01** Procedural Regulations. This action was considered by the Board at a public meeting held on November 8, 2018, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations with regard to licensing examinations by specifying that (1) all applicants to take or retake the Fundamentals of Engineering Examination must apply directly to the National Council of Examiners of Engineering and Surveying; (2) all applicants to take or retake any of the Principles and Practice (PE) examinations must apply directly to the Board for Professional Engineers; and (3) applicants who fail any PE examinations three times must provide evidence of updated experience or education. In addition, the regulations delete references to outdated examination procedures applicable to the pencil-and-paper examination delivery mode.

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, Professional 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, or fax to 410-962-8483. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board for Professional Engineers during a public meeting to be held on February 14, 2019, at 500 North Calvert Street, Baltimore, MD 21202.

.04 Examinations.

A. (text unchanged)

B. An applicant shall apply directly to NCEES to take *or retake* the Fundamentals of Engineering examination [(the FE examination) only if the applicant has graduated from a college or university on completion of the Board-approved curriculum in engineering].

[C. An applicant who does not satisfy the criteria set forth in §B of this regulation and who wishes to take the FE examination shall apply to the Board for the Board's review of the application. The Board shall have up to 90 calendar days to review and act on a FE examination application.

D. Applications to retake FE examinations shall be governed by the policies and procedures of NCEES, as they may be amended or updated from time to time.]

[E.] C. An applicant to take or retake any of the Principles and Practice of Engineering examinations (the PE examination) [must file a complete application with the Board no later than 120 calendar days before the next applicable PE examination date] shall apply directly to the Board. Applications which are not complete in all respects, as detailed in the most current application form, will not be reviewed by the Board.

[F. Applications to retake any PE examination shall be submitted for the Board's review at least 60 days before an examination date.]

[G.] *D*. An applicant who fails any PE examination three times may take the examination again only if the applicant complies with the requirements set forth in Business Occupations and Professions Article, §14-309, Annotated Code of Maryland, and submits to the

Board documentation that is acceptable to the Board indicating the applicant's updated work experience *or education*.

DR. STEVEN ARNDT, P.E. Chairman

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action

[19-012-P]

The Secretary of Health proposes to amend:

(1) Regulations .01 and .03—.06 under COMAR 10.09.07 Medical Day Care Services; and

(2) Regulations .01, .03, and .06 under COMAR 10.09.61 Medical Day Care Services Waiver.

Statement of Purpose

The purpose of this action is to allow nurse practitioners and physician assistants, as well as physicians, to act as primary care providers and issue medical orders for medical day care services. The proposal also revises social worker duties and clarifies that providers may not bill for services for a number of participants that exceeds the provider's licensed capacity on a given day.

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 an impact on individuals with disabilities as follows: Access to services for individuals with disabilities may be facilitated by allowing greater flexibility to identify a primary care provider who can issue medical orders.

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 February 19, 2019. A public hearing has not been scheduled.

10.09.07 Medical Day Care Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-111, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(3) (text unchanged)

(4) "Community Settings Questionnaire" means the participant survey, completed annually or when a participant changes medical day care centers or sites, that is part of the State's strategy to validate provider compliance with federal requirements on home and community based settings.

[(4)] (5)—[(22] (23) (text unchanged)

[(23)] (24) "Plan of care" means a written plan established by the multidisciplinary team in accordance with COMAR 10.12.04.22, based upon a [physician] *medical* order and an assessment of the participant's health status and special care requirements.

[(24)] (25) (text unchanged)

(26) "Primary care provider" means a physician, physician assistant, or nurse practitioner who is the primary coordinator of care for the participant.

[(25)] (27)--[(35)] (37) (text unchanged)

.03 Conditions for Participation.

Requirements for providing medical day care services are that the providers shall:

A.—G. (text unchanged)

H. Maintain medical records for each participant which shall include, as a minimum, the following:

(1)—(3) (text unchanged)

(4) [Physician] *Medical* orders for all services rendered which may include, but is not limited to, the:

(a)—(c) (text unchanged)

(5)—(7) (text unchanged)

I. Have an emergency plan for each participant which includes, as a minimum, an easily located file on each participant, listing:

(1) The name and telephone number of the participant's [personal physician] *primary care provider*;

(2) (text unchanged)

(3) All allergies identified by the participant or the participant's [personal physician] *primary care provider*;

(4)—(5) (text unchanged)

J.-O. (text unchanged)

.04 Staffing Requirements.

A. (text unchanged)

- B. The medical day care center shall also have:
 - (1) (text unchanged)
 - (2) A full-time, part-time, or contractual medical director who:(a) (text unchanged)

(b) May function as the [physician] *primary care provider* for those participants who do not have a [personal physician] *primary care provider*, consult with staff regarding a participant's condition and medical needs, and assist with the development of the medical day care center's health care policies.

C. (text unchanged)

.05 Covered Services.

A. The Program reimburses for a day of care which includes the following services:

(1) Health care services supervised by the director, medical director, or health director, which emphasize primary prevention, early diagnosis and treatment, rehabilitation and continuity of care, including the following:

(a)—(b) (text unchanged)

(c) Consultation with the participant's [personal physician] *primary care provider*; and

(d) (text unchanged)

(2)—(6) (text unchanged)

(7) Social work services performed by a licensed, certified social worker or licensed social work associate which include:

- (a) (text unchanged)
- (b) Ongoing services to include:
- (i)—(vii) (text unchanged)

(viii) Writing notes in the participant's records that reflect the social work activities performed; [and]

(ix) (text unchanged)

(x) Assisting participants with completing the Community

Settings Questionnaire; and (c) (text unchanged)

(8)—(9) (text unchanged)

B. (text unchanged)

.06 Limitations.

A. (text unchanged)

B. Covered services do not include:

(1)—(2) (text unchanged)

(3) Services for a number of participants that exceeds the provider's licensed capacity on a given day;
 [(3)] (4)—[(4)] (5) (text unchanged)

10.09.61 Medical Day Care Services Waiver

Authority: Health-General Article, §§2-104(b), 15-103, and 15-111, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(12) (text unchanged)

[(13) "Personal physician" means an individual who:

(a) Is licensed to practice medicine under Health Occupations Article, Title 14, Annotated Code of Maryland; and

(b) Accepts primary medical responsibility for a recipient.]

[(14)] (13) "Plan of care" means a written plan established by the multidisciplinary team in accordance with COMAR 10.12.04.22 and based on:

(a) A [physician] medical order; and

(b) (text unchanged)

(14) "Primary care provider" means a physician, physician assistant, or nurse practitioner who is the primary coordinator of care for the participant.

(15)—(23) (text unchanged)

.03 Participant Eligibility.

A. Medical Eligibility.

(1)—(2) (text unchanged)

(3) For the purpose of enrollment, the assessment of the applicant's need for nursing facility services is valid for [90 days] *1 year*.

(4)—(5) (text unchanged)

B. Technical Eligibility. An individual shall be determined by the Department or its designee to be eligible for waiver services if the individual:

(1)—(2) (text unchanged)

(3) Has a service plan that:

(a) Recommends medical day care services at least one time per week based on a [physician's] *medical* order;

(b)—(e) (text unchanged)

(4)—(7) (text unchanged)

.06 Conditions for Provider Participation.

A. (text unchanged)

B. Providers shall maintain a service plan for each participant that includes:

(1)—(2) (text unchanged)

(3) Name and telephone number of the participant's [personal physician] *primary care provider* and of any managed care organization with which the participant is enrolled;

(4)—(9) (text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.08 Freestanding Clinics

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

Notice of Proposed Action

[19-020-P]

The Secretary of Health proposes to amend Regulation **.05** under **COMAR 10.09.08 Freestanding Clinics**.

Statement of Purpose

The purpose of this action is to amend the date rate revisions are effective for FQHCs for which HRSA approves a change of scope.

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 February 19, 2019. A public hearing has not been scheduled.

.05 Federally Qualified Health Center Services.

A.—C. (text unchanged)

D. Rate Revisions for FQHCs Due to Scope of Services Change or Extraordinary One-Time Circumstance.

(1)—(6) (text unchanged)

(7) Rate revisions granted under this section shall be effective the [first day after the first full year of operation after the implementation of the scope of service change] date the change of scope was approved by the Health Resources and Services Administration (HRSA) or the occurrence of the extraordinary onetime circumstance.

(8) (text unchanged)

E. (text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.28 Applied Behavior Analysis Services

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

Notice of Proposed Action

[19-017-P]

The Secretary of Health proposes to amend Regulations .01—.04 and .06 under COMAR 10.09.28 Applied Behavior Analysis Services.

Statement of Purpose

The purpose of this action is to update the definitions, service descriptions, and rates associated with Applied Behavioral Analysis (ABA) Services. The American Medical Association (AMA) published the code revisions, which will go into effect January 1, 2019.

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 February 19, 2019. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) "Board certified behavior analyst (BCBA)" means a licensed professional who:

(a) Renders and [supervises] *provides direction for* ABA services that are provided to participants with ASD; and

(b) (text unchanged)

(7) "Board certified behavior analyst-doctoral (BCBA-D)" [is] *means* a licensed professional who:

(a) Renders and [supervises] *provides direction for* ABA treatments that are provided to participants with ASD; and

(b) (text unchanged)

(8)—(12) (text unchanged)

(13) "[Direct supervision] *Direction of a technician*" means the in-person monitoring of a BCaBA or an RBT, performed by [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA.

(14)—(32) (text unchanged)

(33) "Remote access technology" means the use of HIPAA compliant technological methods to provide auditory and visual connection between [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA, who is not directly present, and a BCaBA or an RBT when services are being provided at the participant's home.

(34) "Remote [supervision] *direction of a technician*" means the monitoring of a BCaBA or an RBT, performed via remote access technology by [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA.

(35) (text unchanged)

.02 Provider Qualifications and Conditions for Participation.

A.—G. (text unchanged)

- H. A BCaBA provider who renders ABA services shall:
 - (1) (text unchanged)
 - (2) Work under the [supervision] direction of:
 - [(a) A licensed psychologist;]
 - [(b)](a)—[(c)](b) (text unchanged)
 - (3) (text unchanged)
- I. An RBT provider who renders ABA services shall:
 - (1)—(3) (text unchanged)
 - (4) Work under the [supervision] direction of:
 - [(a) A licensed psychologist;]
 - [(b)] [(c)] (b) (text unchanged)
 - (5) (text unchanged)

.03 Participant Eligibility.

A. (text unchanged)

that:

- B. To qualify for ABA services, a participant shall:
 - (1)—(7) text unchanged)
 - (8) Have a completed ABA treatment plan that shall:
 - (a)—(e) (text unchanged)
 - (f) Identify long-term goals, short-term goals, and objectives
 - (i) (text unchanged)

(ii) Are [specific and tailored] *customized* to the participant;

- (iii)—(iv) (text unchanged)
- (g)—(i) (text unchanged)

.04 Covered Services.

A. (text unchanged)B. The Program covers the following ABA services:

(1) An ABA assessment, which is a [comprehensive] behavior

identification assessment that: (a) Is [performed] *administered* in person with a participant and the participant's parent or caregiver by:

(i)—(iii) (text unchanged)

(b) Addresses the behavioral needs for ABA services; and

(c) Includes [an]:

(i) An interview, direct observation, record review, data collection, and analysis;

[(d)] (*ii*) [Includes] *An* assessment of the participant's current level of functioning, skills deficits, and maladaptive behaviors using validated instruments; [and]

(iii) Analysis of past data;

- *(iv) Scoring and interpreting the assessment;*
- (v) Preparing the treatment plan and report; and
- (vi) Discussion of the findings;

[(e) Develops a treatment plan;]

(2) A behavior identification supporting assessment which is a follow-up assessment that is administered:

(a) In person, by an RBT or BCaBA, with a participant present; and

(b) Under the direction of a licensed BCBA-D or a licensed BCBA;

[(2)] (3) [ABA exposure] An exposure behavior identification supporting assessment which is a follow-up assessment that:

(a) (text unchanged)

(b) Is [provided] *administered in person* by [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA, with the assistance of [one] *two* or more BCaBAs or RBTs;

(c) Exposes the participant to a *customized* series of social and environmental conditions associated with the destructive behaviors; and

(d) (text unchanged)

[(3)] (4) [ABA exposure modified treatment] An adaptive behavior treatment with protocol modification which is an in-person service that:

(a) Is conducted on a participant with specific, severe destructive behaviors in [a structured, safe environment] *an environment that is:*

(i) Customized;

(ii) Structured; and

(iii) Safe;

(b) Is [provided] *administered in person* by [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA, with the assistance of two or more BCaBAs or RBTs;

(c) Includes [direct or remote supervision of the BCaBAs or RBTs] *in-person direction of two or more technicians* eliciting behavioral effects or exposing the participant to specific environmental conditions and treatment; and

(d) (text unchanged)

[(4)] (5) [ABA group treatment] *Group adaptive behavior treatment by protocol* which is an in-person service provided to a group of *two or more* participants by:

(a) (text unchanged)

(b) A BCaBA or an RBT under the direction of [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA, utilizing a behavioral intervention protocol designed in advance by [the psychologist,] the BCBA-D[,] or the BCBA, who may or may not provide [direct or remote supervision] *in-person direction of a technician* during the treatment;

[(5) ABA modified treatment which is an in-person service provided to a participant by a licensed psychologist, a licensed BCBA-D, or a licensed BCBA who:

(a) Resolves one or more problems with the treatment; and

(b) May simultaneously instruct the BCaBA, RBT, or participant's parent or caregiver in administering the modified treatment;]

(6) [ABA multiple-family group training which is] *Multiple-family group adaptive* behavior treatment guidance that:

(a)—(c) (text unchanged)

(7) [ABA parent training] *Family adaptive behavior treatment guidance* which [is behavior treatment guidance that]:

(a)—(b) (text unchanged)

(c) Instructs the parent or caregiver on how to utilize ABA [treatments] *strategies* to reduce maladaptive behaviors and skill deficits;

(8) [ABA] *A behavior identification* reassessment which is a follow-up assessment that:

(a)—(d) (text unchanged)

(9) [ABA social skills group] *Group adaptive behavior treatment with protocol modification* which is a service that is:

(a)—(c) (text unchanged)

(10) [ABA supervision] Adaptive behavior treatment direction of a technician which is [a] the clinical direction and oversight of a BCaBA or an RBT by [a licensed psychologist,] a licensed BCBA-D[,] or a licensed BCBA that:

(a) Requires [the psychologist,] the BCBA-D[,] or the BCBA to directly or remotely observe the BCaBA or the RBT administering ABA services to the participant, group of participants, parent, or caregiver;

(b)—(c) (text unchanged)

(11) [ABA treatment] *Adaptive behavior treatment by protocol* which is an in-person service provided to a participant by:

(a) (text unchanged)

(b) A BCaBA or an RBT under the direction of [a licensed psychologist,] a licensed BCBA D[,] or a licensed BCBA utilizing a behavioral intervention designed in advance by [the *a* psychologist,] the BCBA-D[,] or the BCBA, who may or may not provide [direct or remote supervision] *in-person or remote direction* during the treatment; and

(12) [ABA] Adaptive behavior treatment planning which is an ongoing indirect service that:

(a)—(b) (text unchanged)

C.-F. (text unchanged)

.06 Payment Procedures.

A.—E. (text unchanged)

F. [Reimbursement] *Effective January 1, 2019, reimbursement* for ABA services covered under this chapter is as follows:

(1) [ABA assessment] *Behavior identification* assessment at a rate of [\$220] \$27.50 per 15 minutes;

(2) Behavior identification assessment follow-up at a rate of \$13.75 per 15 minutes;

[(2)] (3) [ABA exposure] *Exposure behavior identification* supporting assessment at a rate of [\$75] \$37.50 per [30] 15 minutes;

[(3)] (4) [ABA exposure modified treatment] Adaptive exposure behavior treatment with protocol modification at a rate of[:

(a) \$150 for the first 60 minutes; and

(b) \$75 per additional 30 minutes;] \$37.50 per 15 minutes;

[(4)] (5) [ABA group treatment] *Group adaptive behavior treatment by protocol* at a rate of:

(a) [\$15] \$7.50 per [30] 15 minutes, per participant, when provided by a psychologist, BCBA-D, or BCBA;

(b) [\$12] \$6 per [30] 15 minutes, per participant, when provided by a BCaBA; and

(c) [\$10] \$5 per [30] 15 minutes, per participant, when provided by an RBT;

[(5)] (6) [ABA modified treatment] Adaptive behavior treatment with protocol modification at a rate of [\$55] \$27.50 per [30] 15 minutes;

[(6)] (7) [ABA multiple-family group training] *Multiple-family* group adaptive behavior treatment guidance at a rate of [\$37] \$9.25 per 15 minutes per family;

[(7)] (8) [ABA parent training] *Family adaptive behavior treatment guidance* with the participant present at a rate of:

(a) [\$55] \$27.50 per [30] 15 minutes when provided by a psychologist, BCBA-D, or BCBA; and

(b) [\$30] \$15 per [30] 15 minutes when provided by a BCaBA;

[(8)] (9) [ABA parent training] *Family adaptive behavior treatment guidance* without the participant present at a rate of:

(a) [\$60] \$15 per 15 minutes when provided by a psychologist, a BCBA-D, or a BCBA; and

(b) [\$35] \$8.75 per 15 minutes when provided by a BCaBA;

[(9)] (10) [ABA] *Behavior identification* reassessment at a rate of [\$55] \$27.50 per [30] 15 minutes;

[(10)] (11) [ABA social skills group] Group adaptive treatment with protocol modification at a rate of [\$30] \$7.50 per 15 minutes per participant;

[(11)] (12) [ABA supervision] Adaptive behavior treatment direction at a rate of [\$55] \$27.50 per [30] 15 minutes;

[(12)] (13) [ABA treatment] Adaptive behavior treatment by protocol at a rate of:

(a) [\$35] \$17.50 per [30] 15 minutes when provided by a psychologist, BCBA-D, or BCBA;

(b) [\$30] \$15 per [30] 15 minutes when provided by a BCaBA; and

(c) [27.50] 13.75 per [30] 15 minutes when provided by an RBT; and

[(13)] (14) [ABA] Adaptive behavior treatment planning:

(a) At a rate of [\$55] \$27.50 per [30] 15 minutes; and (b) (text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

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

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

Notice of Proposed Action

[19-010-P]

The Secretary of Health proposes to amend Regulations .04, .14, and .17 under COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management.

Statement of Purpose

The purpose of this action is to correct a reference to the chapter regarding an individual's right to appeal an MCO's determination. Additionally, this proposal implements a 3 percent rate increase for case management services under this chapter in accordance with the State's budget for Fiscal Year 2019 and incorporates a new REM diagnosis code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 February 19, 2019. A public hearing has not been scheduled.

.04 Participant Enrollment and Disenrollment.

A.—E. (text unchanged)

F. Election to Remain in MCO.

(1)—(4) (text unchanged)

(5) If the Department determines that the MCO cannot appropriately meet the individual's needs, the Department shall issue a written determination to the individual and the MCO which includes:

(a) (text unchanged)

(b) An explanation of the individual's right to appeal the determination according to the procedures set forth in COMAR [10.09.72] *10.01.04*.

(6) (text unchanged)

G.-J. (text unchanged)

.14 Payment Procedures — Request for Payment.

A.—C. (text unchanged)

D. Effective [July 1, 2011] *July 1, 2018*, the Department shall pay [\$388.55] \$400.21 for a case management assessment, as described in Regulation .05C of this chapter.

E. Effective [July 1, 2011] July 1, 2018, the Department shall make payments monthly for case management services at one of the rates specified below:

(1) Level of Care 1: [\$286.90] \$295.51;

(2) Level of Care 2: [\$171] *\$176.13*; or

(3) Level of Care 3: [\$90.25] \$92.96.

F. (text unchanged)

.17 Table of Rare and Expensive Disease Diagnosis.

ICD10	ICD 10 Description	Age Limit
B20—Q03.9	(text unchanged)	(text unchanged)
Q04.3	Other reduction deformities of brain	0—20
Q04.5—Z99.2	(text unchanged)	(text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.70 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services

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

Notice of Proposed Action

[19-011-P]

The Secretary of Health proposes to amend Regulation .02 under COMAR 10.09.70 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services.

Statement of Purpose

The purpose of this action is to update the list of carved-out behavioral health diagnosis codes in order to reflect the addition of new International Classification of Diseases, 10th Revision (ICD 10) diagnosis codes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 February 19, 2019. A public hearing has not been scheduled.

.02 Behavioral Health Non-Capitated Covered Services.

A.—K. (text unchanged)

L. Table of substance use disorder diagnoses:

(1) (text unchanged)

(2) For dates of service on or after October 1, 2015:

F1010—	(text unchanged)
F12229	
F1223	Cannabis dependence with withdrawal
F12250—	(text unchanged)
F12929	
F1293	Cannabis use, unspecified with withdrawal
F12950—	(text unchanged)
R785	

M. Table of mental health diagnoses:

(1) (text unchanged)

(2) For dates of service on or after October 1, 2015:

F200—	(text unchanged)
F509	
[F53] <i>F531</i>	Puerperal psychosis
F54—F688	(text unchanged)
F68A	Factitious disorder imposed on another
F69—Z046	(text unchanged)

N.-O. (text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 12 ADULT HEALTH

10.12.06 Increased Supports for Working Individuals with Disabilities Program

Authority: Ch. 447, Acts of 2018

Notice of Proposed Action

[19-016-P]

The Secretary of Health proposes to adopt new Regulations .01— .10 under a new chapter, COMAR 10.12.06 Increased Supports for Working Individuals with Disabilities Program.

Statement of Purpose

The purpose of this action is to outline the eligibility, covered health care services, and other components of the State-funded demonstration program, as required by Ch. 447, Acts of 2018. The demonstration program will provide health care services limited to private duty nursing services for a limited number of eligible individuals who are enrolled in Maryland Medical Assistance through the Employed Individuals with Disabilities program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an economic impact of \$162,500 in State general fund expenditures to the Department in FY2019. The cost for a full year in FY2020 will not exceed \$500,000. The Department is structuring the demonstration program so the cost of services provided under the program will not exceed the budgeted amount.

	Revenue (R+/R-)	
II. Types of Economic Impact.	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$162,500

B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(+)	\$162,500
F. Direct and indirect effects on public:		

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

A. The program is a new pilot program which will provide health services not covered under the Medicaid State plan. Non-Medicaid State funds must be utilized to support these services for individuals with disabilities. The funding will cover the cost of administering the program and reimbursement to providers.

E. Agencies that manage nurses (RN, LPN) who provide direct care in the community will be reimbursed using the same hourly rates that Medicaid has established for these services. However, the total amount of funding to be expended on reimbursement is still to be determined because there is no expenditure history for this new pilot program. A portion of the total program funding will be used to administer it.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

The "Increased Supports for Working Individuals with Disabilities Program" is a 3-year demonstration program that will use State-only funds to provide private duty nursing services in the community for a limited number of eligible individuals with disabilities who are enrolled in the Maryland Medical Assistance under the Employed Individuals with Disabilities program. For individuals for whom private duty nursing services are not covered under the Maryland Medicaid State Plan, this demonstration program will provide medically necessary supports to allow the participants to maintain their employment.

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 February 19, 2019. A public hearing has not been scheduled.

.01 Scope and Effective Dates.

A. The Increased Supports for Working Individuals with Disabilities Program is a State demonstration program established within the Maryland Department of Health to provide private duty nursing services in the community for individuals:

(1) Enrolled in the Maryland Medical Assistance Program as employed individuals with disabilities; and

(2) Who meet the eligibility criteria as outlined in Regulation .03 of this chapter.

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B. This demonstration program is in effect for a period of 3 years beginning June 1, 2018, through May 31, 2021.

.02 Definitions.

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

B. Terms Defined.

(1) "Department" means the Maryland Department of Health.
 (2) "Employed Individuals with Disabilities" has the meaning

stated in COMAR 10.09.41.02C.

(3) "Employment" means the condition of having paid work.

(4) "Evaluation" means a determination of the health status of a participant in a participant's home or any other appropriate setting by a licensed professional for the purpose of determining the medical necessity and quantity of private duty nursing services that will promote optimal functional ability for the participant.

(5) "Medical Assistance" means the program administered by the State under Title XIX of the Social Security Act which provides comprehensive medical and other health-related care for categorically eligible and medically needy individuals.

(6) "Medically necessary" has the meaning stated in COMAR 10.09.36.01.

(7) "Private duty nursing" has the meaning stated in COMAR 10.09.69.02B.

(8) "Program" means the Increased Supports for Working Individuals with Disabilities Program, which is the demonstration program to provide private duty nursing services for certain individuals, which is:

(a) Authorized under this chapter;

(b) Funded entirely through State general funds; and

(c) Administered by the Department.

(9) "Secretary" means the Secretary of Health or the Secretary's designee.

.03 Participant Eligibility.

A. General Requirements.

(1) A participant enrolled in the Program shall meet the conditions §§B and C of this regulation.

(2) A participant's eligibility for services under the Program shall be reevaluated by the Department every 12 months or more frequently if needed due to a significant change in the participant's condition, needs, or financial status.

(3) A participant shall first seek coverage for services available under Medical Assistance, Medicare, or other insurer.

B. Technical Eligibility. A participant shall be:

(1) Enrolled in the Medical Assistance Employed Individuals with Disabilities Program;

(2) At least 21 years old or older, but younger than 65 years old; and

(3) Employed for an average of at least 20 hours a week.

C. Medical Eligibility. A participant shall:

(1) Be determined by the Department to need the level of care provided in a nursing facility as defined by the Department;

(2) Need medically necessary private duty nursing services in order to allow the participant to live in the community and to maintain employment; and

(3) Have one or more of the qualifying conditions as outlined in the Medical Assistance Rare and Expensive Case Management program under COMAR 10.09.69.17.

D. A participant's enrollment in the Program shall be terminated if the participant:

(1) No longer meets the eligibility requirements in §§B and C of this regulation;

(2) Is without services for 30 consecutive days;

(3) Voluntarily chooses to disenroll from the Program; or

(4) Moves to another state.

E. A participant shall notify the Department within 10 working days of changes that may affect eligibility.

.04 Application Process.

A. The application review process shall be based on a first-come, first-served basis.

B. The application process may include:

(1) Review of medical records; and

(2) A nursing evaluation.

C. The Department shall give the applicant written notice of the decision to approve or deny Program services.

.05 Covered Services.

A. The Program may cover private duty nursing services:

(1) Not covered by Medical Assistance, another insurer, or any other State or federal program; and

(2) Medically necessary as determined by a nursing evaluation conducted by the Department.

B. A participant's eligibility for services covered under the Program shall be reevaluated by the Department every 12 months or more frequently:

(1) If needed due to a change in the participant's clinical status; or

(2) If one or more of the conditions in Regulation .03D of this chapter are met.

C. The Department shall provide the participant written notice of the reevaluation decision.

D. The services provided under the Program may not supplant or augment services covered under Medical Assistance.

.06 Conditions for Provider Participation.

A. A provider of services under the Program:

(1) Shall be approved and enrolled as a provider in the Medical Assistance Program;

(2) Shall comply with all State and federal laws and regulations that are applicable to the services the provider is licensed by the Department to provide; and

(3) Shall ensure compliance with all the Medical Assistance provisions under COMAR 10.09.53.03.

B. An immediate family member of the participant or an individual who ordinarily resides with the participant may not render services under this Program.

.07 Limitations.

The Department shall limit enrollment and services provided based on available State funding.

.08 Payment Procedures.

The Program shall reimburse a Program provider:

A. Based upon rates established in COMAR 10.09.53.07; and

B. Contingent on submission of documentation required by the Department.

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

Cause for suspension or removal and imposition of sanctions are as set forth under Medical Assistance regulations under COMAR 10.09.36.08.

.10 Appeal Procedures.

A. An applicant for Program services may file a written appeal of a denial of Program services with the Secretary.

B. An appeal shall be:

(1) Postmarked, delivered in person, or sent by electronic mail or facsimile to the Department within 30 days after the applicant receives notice of the Department's decision to deny the application for Program services; and

(2) Based only on the grounds that the denial of Program services is illegal.

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C. Notice of the Department's decision is presumed to have been received 3 days after the date of the notice.

D. The applicant has the burden of proof by a preponderance of the evidence in an appeal under this regulation.

E. The Secretary may confer with the applicant before making a decision on the appeal.

F. The Secretary may uphold the denial, rescind the denial, or modify the denial of Program services.

G. The decision of the Secretary is the final administrative decision.

ROBERT R. NEALL Secretary of Health

Subtitle 17 SWIMMING POOLS AND SPAS

10.17.01 Public Swimming Pools and Spas

Authority: Health-General Article, §§2-102, 2-104, 18-102, and 20-303, Annotated Code of Maryland, and 15 U.S.C. §8003

Notice of Proposed Action

[19-009-P]

The Secretary of Health proposes to amend Regulations .05, .06, and .08—.11, adopt new Regulations .06-1, .07, and .55, and repeal existing Regulation .07 under COMAR 10.17.01 Public Swimming Pools and Spas.

Statement of Purpose

The purpose of this action is to:

(1) Simplify the permitting requirements for construction, alteration, repair, and replacement of parts for pools and spas;

(2) Reduce the frequency of inspections for pools and spas with a demonstrated history of compliance;

(3) Clarify and add specificity to the conditions which may warrant the suspension of an operating permit;

(4) Add a mechanism by which the Department can ensure regulations are implemented and enforced consistently across the State; and

(5) Make general corrections and revisions to clarify the regulatory requirements of pools and spas.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed changes will greatly benefit the regulated industry by reducing the number of pool or spa closures. This will be accomplished by (1) allowing parts to be replaced before application or inspection, allowing facilities to resume operations more quickly, and (2) providing greater specificity and transparency as to when a pool or spa must be closed. Based on limited data available from local health departments, the Department estimates that as many as 66 percent of pool closures have the potential to be major violations instead of critical violations. By changing the classification of these violations from critical to major, the operator will have 24 hours to correct the issue before the pool or spa would be closed. In addition, approximately half of all permits issued by the Department for pools and spas relate to replacing components. These facilities would be allowed to make an application and obtain a permit after replacing a component thus allowing the facility to remain open while waiting for final inspection (all applicable permitting fees still apply).

This proposal will not have a fiscal impact on the State. The economic benefits for the regulated industry stem from fewer anticipated pool closures and easier replacement of parts. These operational benefits to the regulated industry will not have a fiscal impact on the State or the fees collected under COMAR 10.17.01.

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

D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D. The Department anticipates the proposed changes will result in fewer pool closures and less lost revenue as a result. While we cannot estimate the magnitude of this impact, the stakeholder community has identified pool closures as a top concern, and the Department believes the overall benefit will be significant and meaningful.

Economic Impact on Small Businesses

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

Most of the business sectors within the pools industry—including owners, operators, and installers—may include small businesses. The Department cannot estimate the proportion of small businesses within the pools industry.

The Department met extensively with stakeholders in the pools industry, including small businesses, to develop the proposed changes. The Department sent drafts of the proposed changes for comments to over 275 interested individuals representing all sectors and sizes of pools businesses.

Compliance Costs: The Department estimates that small businesses will also benefit from the overall reduction in administrative costs due to: (1) a simplified system for replacing parts, and (2) allowing pools 24 hours to correct major violations, resulting in fewer pool closures and less revenue loss.

Economic Impact: The proposed regulations will not affect material costs, prices for services, consumer behaviors, market demands, or employee costs.

Overall, the proposed changes are likely to greatly benefit small businesses in the pools industry by reducing the number of pool closures. This will be accomplished by allowing pools to remain open after a part is replaced and by allowing major violations to be corrected within 24 hours while remaining open.

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

and E;

mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.05 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4-1) (text unchanged)

(4-2) "Critical violation" means a violation that if not corrected immediately could lead to injury, illness, or death, specifically:

(a) Failure to comply with:

(i) Regulation .06-1E of this chapter;

(ii) For a public pool with a lifeguard on duty, Regulation .21 of this chapter, except for $\$\A(10)(a)$ —(b) and (d)— (f) and B(2);

(iii) For a public pool without a lifeguard on duty, Regulation .21 of this chapter, except for $\S(A(10)(a))$ and (d)—(f) and B(2);

(iv) Regulation .28 of this chapter, except for \$(8) and I;

(v) Regulation .32A of this chapter;

(vi) Regulation .40B, D, and E of this chapter;

(vii) Regulation .43A and B of this chapter;

(viii) Regulation .45A(7) of this chapter;

(ix) Regulation .48B of this chapter; or

(x) Manufacturer's instructions or directions when adding chemicals to a public pool or spa;

(b) A public pool or spa that has:

(i) No flow through the circulation system; or

(ii) A nonfunctioning circulation pump;

(c) A pH level in a public pool or spa that is:

(i) At or below 7; or

(ii) At or above 8:

(d) A free chlorine level in a:

(i) Pool for swimming or diving or a water recreational attraction that is less than 1.5 ppm;

(ii) Wading or therapy pool that is less than 3 ppm; or

(iii) Spa that is less than 4 ppm;

(e) A free chlorine level in a public pool or spa that is greater than 11 ppm;

(f) A bromine level in a:

(i) Pool for swimming or diving or a water recreational attraction that is less than 3 ppm; or

(ii) Spa, wading pool, or therapy pool that is less than 4 ppm;

(g) A bromine level in a public pool or spa that is greater than 9 ppm;

(h) A temperature in a mechanically heated:

(i) Pool above 96°F; or

(ii) Spa above 104°F; or

(i) Hand feeding of any chemicals while patrons are in the water of a public pool or spa.

(4-3) "Full compliance inspection" means an inspection that verifies compliance with this chapter.

(5) (text unchanged)

(5-1) "Hand feeding" means adding chemicals to a pool or spa by any means other than an automatic chemical feeder.

(6)—(7) (text unchanged)

(7-1) "Major violation" means a violation that if not corrected within 24 hours could lead to injury, illness, or death, specifically: (a) Failure to comply with:

(i) Regulation .21B(2) of this chapter;

(ii) Regulation .25 of this chapter;

(iii) Regulation .28I of this chapter;

(iv) Regulation .29 of this chapter;

(v) Regulation .40 of this chapter, except for §§B, D,

(vi) Regulation .45A(1) of this chapter;

(vii) Regulation .46 of this chapter; or

(viii) Regulation .48A of this chapter;

(b) A free chlorine level in a public pool or spa that is between 10 ppm and 11 ppm;

(c) A bromine level in a public pool or spa that is between 8 ppm and 9 ppm;

(d) A combined chlorine level in a public pool or spa that is at or above 0.5 ppm;

(e) Except for a therapy pool, a mechanically heated public pool temperature between $89^{\circ}F$ and $96^{\circ}F$:

(f) A cyanuric acid level greater than 100 ppm; or

(g) A public pool or spa that has a nonfunctioning disinfection system.

(8)—(19) (text unchanged)

(20) Repair.

(a) (text unchanged)

(b) "Repair" does not include:

(i)-(iii) (text unchanged)

(iv) Substitutions involving a component which [do] does not meet the requirements of this chapter.

(20-1) Replacement.

cover;]

(a) (text unchanged)

(b) "Replacement" does not include:

(i) (text unchanged)

[(ii) Substitutions involving a pump;

(iii) Substitutions involving a suction outlet sump or

[(iv)](ii)—[(v)](iii) (text unchanged)

[(vi)] (iv) Substitutions involving a component which [do] does not meet the requirements of this chapter.

(21)—(38) (text unchanged)

.06 Construction[, Alteration, and Replacement Permits for Recreational Pools, Semipublic Pools, and Public Spas] and Alteration Permits.

A. An owner who intends to construct or alter [a recreational pool, semipublic pool, or public spa or replace a public pool or spa component shall obtain a construction, alteration, or replacement permit from the Secretary before beginning construction, alteration, or replacement work] a public pool or spa shall obtain a construction or alteration permit from the Secretary before beginning the construction or alteration.

B. An owner may not construct or alter a recreational pool, semipublic pool, or public spa [or replace a public pool or spa component] without a construction[,] *or* alteration[, or replacement] permit.

C. To obtain a construction[,] or alteration[, or replacement] permit, an owner shall submit to the Secretary:

(1) An application for a construction[,] or alteration[, or replacement] permit on an application form provided by the Secretary that includes:

(a) The full names and addresses of the owner and authorized agents of the owner who may act on the owner's behalf during the construction or alteration of the pool or spa[, or the replacement of the public pool or spa component];

(b) A statement saying "I hereby acknowledge that all items either listed or shown in these plans and specifications as not in contract, by others, or equivalent, are my responsibility. I also realize that this entire project must be completed in accordance with the approved plans and specifications and all conditions listed in the construction[,] or alteration[, or replacement] permit and meet the requirements of this chapter prior to the issuance of an operating permit by the Secretary"; and

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(c) The owner's signature, which:

(i) (text unchanged)

(ii) Is in agreement with the statement set forth in C(1)(b) of this regulation; [and]

(2) Plans and specifications for the construction[,] *or* alteration[, or replacement] which:

(a) (text unchanged)

(b) Are drawn:

(i) [to] To scale[,];

(ii) [in] In a professional and accurate manner[,]; and

(iii) [with] *With* sufficient clarity and detailed dimensions to show the nature and character of the work to be performed; [and]

(c) Include specific information on the quality or performance of the material or equipment when necessary to establish conformance with this chapter[.]; and

(d) Are supplied:

(i) In triplicate as physical documents; or

(ii) As electronic documents; and

(3) The application review fee required by COMAR 10.01.17.02.

D. Except [for an alteration or replacement] as provided in &E of this regulation, an owner shall ensure that the plans and specifications required [in] by &C of this regulation include the following:

(1)—(18) (text unchanged)

E. An owner shall ensure that, for an alteration [or replacement], the plans and specifications required [in] by §C of this regulation include the information that pertains to the alteration [or replacement].

F. [An owner shall obtain necessary local zoning approval and building, electrical, plumbing, and other applicable local permits before] *Before* beginning construction [or alteration of a recreational pool, semipublic pool, or public spa or replacement of a public pool or spa component.] *or alteration work, an owner shall obtain:*

(1) Necessary local zoning approval;

(2) Building permits;

(3) Electrical permits;

(4) Plumbing permits; and

(5) Other applicable local permits.

[G. Before issuing a construction, alteration, or replacement permit, the Secretary may require changes in the design of the facilities if the design does not meet the criteria set forth in this chapter.

H. Upon an owner's compliance with the provisions of this chapter, the Secretary shall approve the plans and specifications and issue a construction, alteration, or replacement permit, which is valid for the start of the construction, alteration, or replacement for 1 year from the date of issue and for 1 additional year from the date construction, alteration, or replacement begins.]

[I.] G. The local county health officer may not approve a local building permit for [recreational pool, semipublic pool, or public spa], or that includes, construction[,] or alteration[, or replacement] of a recreational pool, semipublic pool, or public spa until the plans and specifications for [pool or spa] construction[,] or alteration[, or the replacement] of a public pool or spa [component] have been approved by the Secretary.

[J.] *H*. The Secretary shall review the plans and application [and shall approve or deny issuance of] *for* a construction[,] *or* alteration[, or replacement] permit within 30 *business* days of receipt of the application.

[K.] *I*. If plans are submitted that are [not]:

(1) Not in compliance with the requirements of this chapter, the Secretary shall [disapprove the plans and deny the issuance of a construction, alteration or replacement permit.]:

(a) Notify the owner of the deficiencies in the application;

(b) Deny the application if additional information to correct the deficiencies in the application is not received during the resubmittal window; or

(c) Allow the owner 30 business days to resubmit information to correct the deficiencies before denying the application according to I(1)(b) of this regulation; or

(2) In compliance with the requirements of this chapter, the Secretary shall approve the plans and issue a construction or alteration permit, which is valid for:

(a) The start of the construction or alteration for 1 year from the date of issue; and

(b) For 1 additional year from the date construction or alteration begins.

J. If the Secretary denies the issuance of a construction or alteration permit, an owner shall reapply for a new construction or alteration permit according to §C of this regulation and pay the applicable fees.

[L.] *K*. An owner may not deviate from the approved plans and specifications for construction[,] *or* alteration[, or replacement] at a recreational pool, semipublic pool, or public spa unless:

(1) [revised] *Revised* plans are submitted [to and approved in writing by the Secretary] *through the application review process in §C of this regulation;*

(2) The owner pays the applicable fees; and

(3) The Secretary issues a construction or alteration permit for the revised work.

[M.] *L*. If a recreational pool, semipublic pool, or public spa is not being constructed or altered [or components are not being replaced] in accordance with the approved plans, the Secretary may revoke the construction[,] *or* alteration[, or replacement permit for the construction, alteration, or replacement] *permit* and the owner *shall* immediately [shall] cease construction[,] *or* alteration[, or replacement].

[N.] *M*. If the Secretary denies the issuance of a construction[,] *or* alteration[, or replacement] permit as set forth in [\$K] *§I* of this regulation, or revokes a construction[,] *or* alteration[, or replacement] permit as set forth in [\$M] *§L* of this regulation, the Secretary shall notify the owner in writing:

(1)—(2) (text unchanged)

(3) That to preserve the right to a hearing, the owner shall contact the Department within [30] *10 business* days of the receipt of the notice of denial or revocation.

[O.] *N*. An owner shall ensure that a construction[,] *or* alteration[, or replacement] permit is posted in a conspicuous location at the site of construction[,] *or* alteration[, or replacement].

[P. An owner may make a repair to a previously approved structure, component, or piece of equipment in accordance with this chapter without:

(1) Obtaining a construction, alteration or replacement permit from the Secretary; or

(2) Notifying the Secretary.]

.06-1 Replacements.

A. An owner may replace a component at a recreational pool, semipublic pool, or public spa before obtaining approval from the Secretary.

B. Before replacing a component at a recreational pool, semipublic pool, or public spa, an owner shall obtain necessary:

(1) Local zoning approval;

(2) Building permits;

(3) Electrical permits;

(4) Plumbing permits; and

(5) Other applicable local permits.

C. The local health department may approve a local building permit for, or that includes, replacement of a component at a recreational pool, semipublic pool, or public spa before the replacement application is approved by the Secretary.

D. An owner shall submit, on a form provided by the Secretary, an application for the replacement of a component at a recreational pool, semipublic pool, or public spa within 10 business days of completing the replacement.

E. If, during an inspection by the local health department, it is determined that a component has been replaced and the owner failed to submit the form required in *§D* of this regulation, the owner shall submit the required form to the Department within 10 business days of the local health department's inspection.

F. The Secretary shall inspect the replacement of a component at a recreational pool, semipublic pool, or public spa within 30 business days of receipt of the application.

G. If, during the inspection, the replacement of a component at a recreational pool, semipublic pool, or public spa is in compliance with the requirements of this chapter, the Secretary shall:

(1) Provide the owner a copy of the inspection report; and

(2) Issue an approval letter.

H. If, during the inspection, the replacement of a component at a recreational pool, semipublic pool, or public spa is not in compliance with the requirements of this chapter, the Secretary shall:

(1) Deny the replacement application; and

(2) Notify the owner:

(a) Of the reason or reasons for the denial;

(b) That the owner may request from the Secretary an opportunity for a hearing on the denial pursuant to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, if the owner wishes to contest the denial;

(c) That to preserve the right to a hearing, the owner shall contact the Department within 10 business days of the receipt of the notice of denial; and

(d) That the owner shall cease operation of a recreational pool, semipublic pool, or public spa, if the component is essential to operation, or cease operation of the replaced component, if the replacement of a component was found to violate this chapter, until:

(i) The violation is corrected;

(ii) A new replacement application and applicable fee is submitted to the Secretary; and

(iii) The Secretary inspects and approves the replacement of the component.

.07 Repairs.

An owner may make a repair to a recreational pool, semipublic pool, or public spa in accordance with this chapter without:

A. Obtaining a construction, alteration, or replacement permit from the Secretary; or

B. Notifying the Secretary.

.08 Approval After Construction[,] or Alteration[, or Replacement].

[A. After construction, alteration, or replacement of a component at a recreational pool, semipublic pool, or public spa is completed, the owner shall contact the Secretary for approval of the pool or spa within 30 days.]

[B.] A. A person may not operate or permit the use of a recreational pool, semipublic pool, or public spa that has not received written approval from the Secretary after its [alteration or construction] *construction or alteration*.

[C. A person may operate or permit the use of a recreational pool, semipublic pool, or public spa for 30 days after completing the replacement of a public pool or spa component without receiving a final inspection and written approval from the Secretary.]

[D.] *B*. The Secretary shall conduct an inspection [or inspections] to ensure that a recreational pool, semipublic pool, or public spa is constructed or altered[, or that a public pool or spa component is

replaced] according to the approved plans and meets the requirements of this chapter, and shall:

(1) Grant written approval for the pool or spa if:

(*a*) [it] *It* was constructed or altered[, or a public pool or spa component was replaced] according to the approved plans[,];

(b) It meets the requirements of this chapter[,]; and

(c) [the] *The* owner has received local approval for any [building, electrical, plumbing, or other]:

(i) Building;

(ii) Electrical;

(iii) Plumbing; or

(iv) Other work that requires a local permit; or

(2) Deny approval for the pool or spa if:

(*a*) [it] *It* was not constructed or altered[, or a public pool or spa component was not replaced] according to the approved plans[,];

(b) It does not meet the requirements of this chapter[,]; or

(*c*) [the] *The* owner has not received local approval for any [building, electrical, plumbing, or other]:

(i) Building;

(ii) Electrical;

(iii) Plumbing; or

(iv) Other work that requires a local permit.

[E.] C. The Secretary shall grant written approval or deny approval of the completed construction[,] or alteration[, or replacement] of a public pool or spa [component] within [30] 15 business days of [receipt of notice of completion from the owner] inspecting.

[F.] *D*. If minor items that do not affect the health or safety of the public need to be corrected, the Secretary may issue a [partial] *temporary* approval for the pool or spa after construction[, alteration, or replacement of a public pool or spa component] pending full compliance according to the following conditions:

(1) The owner shall fully comply with this chapter by the end of the [30-day] *30-business-day* period in order to obtain written approval of the recreational pool, semipublic pool, or public spa; and

(2) If at the end of the [30-day] 30-business-day period, the Secretary is unable to approve the recreational pool, semipublic pool, or public spa pursuant to [C] B of this regulation, the Secretary shall disapprove the construction [or alteration].

[G.] *E*. If the Secretary does not grant approval for the pool or spa after it is constructed or altered, [or a public pool or spa component is replaced,] the Secretary shall notify the owner in writing:

(1) (text unchanged)

(2) That the [person] *owner* may request from the Secretary an opportunity for a hearing on the disapproval pursuant to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland[, if the person wishes to contest the disapproval]; [and]

(3) That to preserve the right to a hearing, the [person] *owner* shall [contact] *submit a written request for a hearing to* the Secretary within [30] *10 business* days of the receipt of the notice of disapproval[.]; *and*

(4) That the owner shall submit a new plan review application and pay any applicable fees according to Regulation .06 of this chapter.

.09 Permits for Operation.

A. A person may not operate a public pool or spa without an annual operating permit issued by the Secretary, except that in the case of a pool or spa that has received a [partial] *temporary* approval of construction [or alteration] pursuant to Regulation [.08E] .08D of this chapter, the Secretary may issue a [nontransferable 30-day] *nontransferable 30-calendar-day* permit for the temporary operation of the pool or spa.

B. On an application form provided by the Secretary, [a person] *an owner* shall apply to the Secretary for [a] *an annual* permit to operate a public pool or spa [at least 30 days before the pool or spa is

scheduled to open for use for the first time and 30 days before a previous permit expires.] *for:*

(1) A newly constructed pool or spa, at least 30 business days before the pool or spa is scheduled to open; or

(2) An existing pool or spa, 30 business days before the previous permit expires.

C. The Secretary shall:

(1) Issue, for each pool or spa, a nontransferable permit to an owner whose public pool or spa is in compliance with this chapter as verified by a full compliance inspection completed within the 12 months prior to the expiration of the current operating permit; and

(2) When a public pool or spa does not meet the requirements of this chapter, deny the permit within 30 *business* days *of the receipt of the application* by notifying the owner in writing:

(a)—(c) (text unchanged)

(d) That to preserve the right to a hearing, the person shall contact the Secretary within [30] *10 business* days of the receipt of the notice of denial.

D. A person who operates a public pool or spa shall post the operating permit in a conspicuous place [at the pool or spa site] *near the entrance to the pool or spa*.

.10 Suspension or Revocation of an Operating Permit.

A. Suspension.

(1) (text unchanged)

(2) The Secretary may summarily suspend an operating permit pursuant to A(1)(b) of this regulation for a [of the following:

(a) Residual disinfection levels in violation of Regulation .44 of this chapter;

(b) Sanitary water quality in violation of Regulation .48 of this chapter;

(c) Water pH in violation of Regulation .45A(1) of this chapter;

(d) Water clarity in violation of Regulation .45A(7) of this chapter;

(e) A malfunctioning or nonworking recirculation or disinfection system;

(f) A condition that may endanger the health and safety of an individual using a pool or spa, for example, a missing drain cover or other suction outlet entrapment hazard; and

(g) A lifeguard has not been provided as required in Regulation .40 of this chapter.]:

(a) Critical violation not corrected immediately; or

(b) Major violation not corrected within 24 hours.

B. Revocation and Permitting After Revocation.

(1) The Secretary may revoke a permit [upon a repeated violation] for:

(a) Consecutive repeat violations of a requirement of this chapter[.]; or

(b) An owner whose operating permit was revoked within the past 2 years, upon determination that the owner is in violation of the same requirement of this chapter that resulted in the previous revocation.

(2) The Secretary may issue an operating permit to an owner whose operating permit was revoked:

(a) After the 6-month waiting period from the date of revocation has expired; and

(b) When the owner:

(i) Corrects the violations;

(ii) Applies for an operating permit;

(iii) Pays the applicable fees; and

(iv) Complies with all applicable provisions of this

chapter. C. Hearing.

(1)—(2) (text unchanged)

(3) To preserve a right to a hearing, a person shall contact the Secretary within [30] *10 business* days of the receipt of the notice.

.11 Inspections and Right of Entry.

A.—B. (text unchanged)

C. The Secretary shall conduct:

(1) A full compliance inspection of the public pool or spa relative to the enforcement of this chapter at least once every 12 months; and

(2) An inspection of the public pool or spa relative to the enforcement of this chapter at least once every 90 business days except:

(a) If a critical violation exists, an inspection is required at least every 30 business days; or

(b) If no critical violations were found on the three previous consecutive inspections, only the full compliance inspection prescribed in C(1) of this regulation is required.

.55 Standardization and Audits of Local Health Departments.

A. The Department shall:

(1) Standardize one employee related to the enforcement of this chapter for each local health department to serve as the local standardization officer;

(2) Audit local health department pool and spa programs related to the enforcement of this chapter once every 4 years according to the current audit protocols; and

(3) Provide to the local health department a pool and spa program review final report.

B. Local health departments shall submit to the Department responses to any deficiencies within the pool and spa program as identified within the pool and spa program review final report within 30 business days of receipt of the report.

> ROBERT R. NEALL Secretary of Health

Subtitle 34 BOARD OF PHARMACY

10.34.30 Change to Permit—Pharmacy or Wholesale Distribution Permit Holder

Authority: Health Occupations Article, §§12-205 and 12-206, Annotated Code of Maryland

Notice of Proposed Action

[19-019-P]

The Secretary of Health proposes to amend Regulations .01 and .02, repeal Regulation .01-1, and adopt new Regulations .03—.06 under COMAR 10.34.30 Change to Permit—Pharmacy or Wholesale Distribution Permit Holder. This action was considered by the Board of Pharmacy at a public meeting held on April 18, 2018, notice of which was provided by posting on the Board's website, http://health.maryland.gov/pharmacy/Pages/index.aspx, from April 13, 2018, through April 18, 2018, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to codify existing Board of Pharmacy practices and policies regarding name change, ownership change, location change, and other changes to information contained in a previously submitted application. Additionally, the Board's practice of closing incomplete applications after 1 year enhances administrative efficiency by allowing the Board to direct its resources to handling timely and complete applications as well as ensuring that the Board's decisions on applications are based on up-to-date information.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 February 19, 2019. A public hearing has not been scheduled.

.01 Application for Name Change [Requirements].

The name of an individual or entity required to possess a pharmacy or wholesale distribution permit may be changed on a permit if:

A. The permit holder submits *a notice of name change* to the Board within 30 days [before or] after the name change, on a form that the Board requires; [and]

B. The permit holder submits to the Board documentation verifying the name change; and

[B.] C. (text unchanged)

[.01-1 Hours of Operation Change Requirements.

A pharmacy or wholesale distribution permit holder shall notify the Board, on a form that the Board requires, within 30 days before a change in hours of operation.]

.02 Application for Name Change—Fee.

[A.] There is no fee for a name change under this chapter[, if the permit holder complies with Regulation .01 of this chapter].

[B. If a permit holder fails to comply with Regulation .01 of this chapter, the permit holder shall pay to the Board the name change late fee established in COMAR 10.34.09.]

.03 Applications for Pharmacy or Wholesale Distributor Establishment Change of Ownership.

If the controlling interest in ownership of a pharmacy or wholesale distributor changes, the new owner shall:

A. Submit an initial application and fee for a pharmacy or wholesale distributor permit, as applicable; and

B. Submit and comply with the requirements of closing and opening operations as set forth in:

(1) COMAR 10.34.14, for pharmacies; and

(2) Health Occupations Article, §12-6C-05(d), Annotated Code of Maryland, and COMAR 10.34.22.10, for wholesale distributors.

.04 Applications for Pharmacy or Wholesale Distributor Establishment Change of Location.

A. Permits issued to operate a pharmacy or engage in wholesale distribution, whether located in the State or outside the State, are:

(1) Not transferable; and

(2) Specific to the establishment location that has undergone an opening inspection by the Board.

B. A pharmacy or wholesale distributor that intends to change its establishment location shall:

(1) Submit an application to the Board on a form required by the Board;

(2) If located in the State, comply with opening and closing inspection requirements in order to:

(a) Commence operations at the new establishment location; and

(b) Cease operations at the existing establishment location; and

(3) If located outside the State, submit an inspection report for the new location conducted by the authorized entity in the state in which the establishment is located, or provide documentation of supplemental accreditation, if applicable.

.05 Change of Information Provided in Applications.

Notwithstanding any other reporting requirements, a permit holder shall provide written notification to the Board at least 30 days prior to any change in information in its application provided to the Board, to include:

A. Change in hours of operation; or

B. Change in the physical structure of the establishment, to include any:

(1) Deviation from the floorplan submitted by the permit holder as part of the application; or

(2) Other change that may affect the security or storage conditions of prescription drugs or devices.

.06 Incomplete Applications.

A. The Board may hold an incomplete initial or reinstatement application for a license, registration, or permit for up to one year from the date of receipt.

B. After 1 year from the date of receipt, the Board shall close a pending application that is incomplete.

C. If an application has been closed under §B of this regulation, the applicant shall submit a new application fee and otherwise comply with all applicable license, registration, or permit requirements.

D. If an applicant presents extenuating circumstances to the Board, the Board may, in its sole discretion, extend the 1-year application completion period.

ROBERT R. NEALL Secretary of Health

Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS

10.36.10 Telepsychology

Authority: Health Occupations Article, §§1–901—1–903, Annotated Code of Maryland

Notice of Proposed Action

[19-021-P]

The Secretary of Health proposes to adopt new Regulations **.01**—**.06** under a new chapter, **COMAR 10.36.10 Telepsychology**.

At this time, the Secretary is also withdrawing new Regulations **.01—.04** under a new chapter, **COMAR 10.36.10 Telepsychology**, as proposed in 45:2 Md. R. 114—115 (January 19, 2018).

This action was considered by the Board of Psychologists at a public meeting held on November 2, 2018, notice of which was given by publication on the Board's website at https://health.maryland.gov/psych/Pages/home.aspx pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Define the term telepsychology;

(2) Require that an individual be licensed with the Board as a psychologist or registered with the Board as a psychology associate

in order to engage in the practice of psychology using telepsychology in Maryland if either the client or the psychologist or psychology associate is physically located in Maryland; and

(3) Establish standards of practice for telepsychology for licensed psychologists and registered psychology associates.

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 February 19, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to all psychologists and psychology associates in Maryland who engage in the practice of psychology using telepsychology.

.02 Definitions.

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

B. Terms Defined.

(1) "Board" means the Maryland Board of Examiners of Psychologists.

(2) "Client" means the individual, couple, family, group, business, agency, school, organization, or association that the psychologist or psychology associate provides, or has provided, with professional services.

(3) "Psychologist" means an individual who is licensed by the Board to practice psychology.

(4) "Psychology associate" means an individual who is registered by the Board to practice psychology under the supervision of a licensed psychologist.

(5) Telepsychology.

(a) "Telepsychology" means the use of interactive audio, video, or other telecommunications or electronic media by a psychologist or psychology associate who engages in the practice of psychology at a location other than the location of the client.

(b) "Telepsychology" does not include:

(*i*) An audio-only telephone conversation between a psychologist or psychology associate and a client;

(ii) An electronic mail message between a psychologist or psychology associate and a client;

(iii) A facsimile transmission between a psychologist or psychology associate and a client; or

(iv) A text message or other type of message sent between a psychologist or psychology associate and a client by a short message service or multimedia messaging service.

.03 Licensure.

An individual shall be licensed with the Board as a psychologist or registered with the Board as a psychology associate in order to engage in the practice of psychology using telepsychology in Maryland if one or both of the following occurs:

A. The individual practicing telepsychology is physically located in Maryland: or

B. The client is in Maryland.

.04 Standards of Practice for Telepsychology.

A. Before providing telepsychology services, a psychologist or psychology associate shall develop and follow a procedure to:

(1) Verify the identification of the client receiving telepsychology services;

(2) Obtain written informed consent specific to telepsychology services using appropriate language understandable to the client;

(3) Prevent access to data by unauthorized persons through encryption, or other means;

(4) Notify clients in the event of a data breach;

(5) Ensure that the telepsychology practitioner provides a secure and private telepsychology connection and complies with federal and state privacy laws;

(6) Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the client's location; and

(7) Ensure that any psychological testing instruments used are designed, validated, or appropriate for use via telepsychology.

B. A psychologist or psychology associate shall:

(1) Obtain or confirm an alternative method of contacting the client in case of a technological failure;

(2) Determine whether the client is in Maryland and identify the client's specific location;

(3) For an initial telepsychology interaction only, disclose the psychologist's or psychology associate's name, location, license number, and contact information;

(4) Identify all individuals present at each location and confirm they are permitted to hear the client's health information; and

(5) Be held to the same standards of practice and documentation as those applicable for in-person sessions.

C. A psychologist or psychology associate may not treat a client based solely on an online questionnaire.

.05 Evaluation for Telepsychology Services.

A. Before engaging in the practice of psychology using telepsychology, a psychologist or psychology associate shall evaluate the client to determine that delivery of telepsychology is appropriate considering at least the following factors:

(1) The client's:

(a) Diagnosis;

(b) Symptoms;

(c) Medical and psychological history; and

(d) Preference for receiving services via telepsychology;

(2) The nature of the services to be provided, including anticipated:

(a) Benefits;

and

(b) Risks; and

(c) Constraints resulting from their delivery via telepsychology.

B. The client evaluation set forth in §A of this regulation shall take place at an initial in-person session, unless the psychologist or psychology associate documents in the record the reason for not meeting in person.

.06 Discipline.

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

B. The failure of a psychologist or psychology associate to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.

> ROBERT R. NEALL Secretary of Health

Subtitle 42 BOARD OF SOCIAL WORK **EXAMINERS**

Notice of Proposed Action

[19-013-P]

The Secretary of Health proposes to:

(1) Amend Regulations .01-.07 under COMAR 10.42.03 Code of Ethics;

(2) Amend Regulation .11 under COMAR 10.42.04 Rules of Procedure for Board Hearings; and

(3) Amend Regulations .04 and .05, recodify existing Regulations .06, .08, and .09-.11 to be Regulations .11, .10, and .07-.09, respectively, and amend and recodify existing Regulation .07 to be Regulation .06 under COMAR 10.42.06 Continuing **Education Requirements.**

This action was considered by the Board of Social Work Examiners at a public meeting on October 12, 2018, notice of which was given by publication on the Board's website at https://health.maryland.gov/bswe/Pages/default.aspx pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Add clarifying language to COMAR 10.42.03;

(2) Create an exception to a dual relationship for licensees;

(3) Clarify the Category I and II continuing education

requirements; (4) Amend certain education requirements;

(5) Require a Board-authorized sponsor for certain education

activities; and

(6) Clarify the definition of Board-authorized sponsor and Board-authorized provisional sponsor.

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 February 19, 2019. A public hearing has not been scheduled.

10.42.03 Code of Ethics

Authority: Health Occupations Article, §§1-212 and 19-101-19-502, Annotated Code of Maryland

.01 Scope and Purpose.

A. (text unchanged)

B. The objective of this chapter is the protection of the public[. The best interest of the public], which shall be the primary guide in determining the appropriate professional conduct of all individuals whose activities are regulated by the Board.

C. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Board" means the State Board of Social Work Examiners.

(2) "Client" means the individual, couple, family, [or] group, or

organization to whom the licensee is rendering professional service. (3) (text unchanged)

(4) "Impairment" means a licensee whose diminished capacity affects the licensee's practice of social work [because of:

(a) Substance abuse;

(b) Psychological illness; or

(c) Physical illness].

(5)—(7) (text unchanged)

(8) "Sexual harassment" means:

(a) A deliberate or repeated comment of a sexual nature unrelated to client treatment; or

(b) (text unchanged)

(9)—(12) (text unchanged)

.03 Responsibilities to Clients.

A. The licensee shall:

(1) (text unchanged)

(2) Make the fee for service clear, maintain [adequate] accurate financial records, stipulate payment schedules, and confirm arrangements for financial reimbursement with the client;

(3)—(4) (text unchanged)

(5) Maintain documentation in the client's record which:

(a)—(d) (text unchanged)

(e) Is sufficient and timely to facilitate the delivery and continuity of *future* services [to be delivered in the future];

(f) (text unchanged)

(g) Ensures that no confidential information is disseminated and identities are protected when [computer and internet technologies are used] using technology to communicate or access client information.

B. The licensee may not:

(1)—(3) (text unchanged)

(4) Engage in solicitation which amounts to fraud, intimidation, or undue influence[, including but not limited to in-person, telephone, social media, or direct mail solicitation];

(5)-(8) (text unchanged)

.04 Responsibilities to Colleagues.

A. The licensee shall inform the Board of:

(1) [Of unethical] Unethical conduct by a licensed social worker; and

(2) [About an] An individual who is not licensed by the Board but who represents that the individual is a social worker and is practicing, attempting to practice, or offering to practice social work. B.—C. (text unchanged)

.05 Relationships.

A. (text unchanged)

B. Adoption of a Former Client. The Board may make an exception to §A of this regulation in the case of a licensee seeking the adoption of a former client under what is deemed extraordinary circumstances as a result of a Board investigation.

[B.] C.—[F.] G. (text unchanged)

.06 Standards of Practice.

A. Professional Competence. The licensee shall:

(1)—(3) (text unchanged)

(4) Monitor the effectiveness of [his or her] *a licensee's* interventions;

(5)—(6) (text unchanged)

(7) Document and maintain appropriate *and accurate* records of professional service, supervision, and research work;

(8) Represent accurately [and objectively] the licensee's professional qualifications; and

(9) (text unchanged)

B. (text unchanged)

C. Research. A licensee shall:

(1)—(4) (text unchanged)

(5) Respect the dignity and protect the welfare of the research subject, and comply with all relevant statutes, regulations, and institutional and administrative rules concerning treatment of the research [subject] *participant*;

(6) (text unchanged)

(7) Make clear, either as a researcher or a writer, the:

(a) (text unchanged)

(b) [The costs] Costs; and

(c) [The licensee's] *Licensee's* obligations to the research participants; and

(8) (text unchanged)

D. The licensee engaging in physical, *nonsexual* contact with a client as an accepted component of a professionally recognized, nontraditional treatment modality shall document in the client's record:

(1)—(3) (text unchanged)

.07 Sanctions.

A. (text unchanged)

B. The Board shall [advise the Association of Social Work Boards and] *notify* the National Practitioner Data Bank of any formal sanction of a licensee on the grounds of ethical misconduct.

C. (text unchanged)

10.42.04 Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §§19-310—19-313 and 19-401; State Government Article, §§10-201—10-226; Annotated Code of Maryland

.11 Fines.

[A. This regulation establishes the standards by which the Board may impose a fine not exceeding \$5,000.]

[B.] *A*.—[H.] *G*. (text unchanged)

10.42.06 Continuing Education Requirements

Authority: Health Occupations Article, §§19-205 and 19-308, Annotated Code of Maryland

.04 Continuing Education Learning Activities.

A.—C. (text unchanged)

D. *Category I Activities.* Of the 40 (30 for Licensed Bachelor Social Workers) required continuing education units[,]:

(1) A minimum of 20 (15 for Licensed Bachelor Social Workers) shall be earned; and

(2) [all] *All* may be earned from one or any combination of the following Category I activities *provided by a Board-authorized sponsor*:

[(1)] (a) A course[,] including, but not limited to, a series of learning experiences with a specific content and offered for credit, noncredit, or audit by an accredited educational institution;

[(2)] (b) A workshop[,] including, but not limited to, a session designed to bring together individuals around a common theme to solve problems and gain new knowledge, skills, and attitudes, with ample opportunity to interact;

[(3)] (c) A seminar[,] including, but not limited to, a group of social workers who meet under expert leadership or a resource individual who conducts a discussion on a specific topic;

[(4)] (d) A symposium[,] including, but not limited to, a presentation or presentations by professional specialists on a particular subject;

[(5)] (e) A conference[,] including, but not limited to, sessions of 1 or more days duration designed to explore a central theme; and

[(6)] (f) Attendance at programs offered at professional or scientific meetings of local, State, regional, national, and international professional or scientific organizations[; and

(7) Attending staff development, professional training, and invited in-house speaker sessions, including but not limited to an educational program planned by an agency to assist employees in becoming knowledgeable and competent about professional social work practice].

E. *Category II Activities.* Of the 40 (30 for Licensed Bachelor Social Workers) required continuing education units, a maximum of 20 (15 for Licensed Bachelor Social Workers) continuing education units may be earned from one or any combination of the following Category II activities:

(1) Peer case conferences among licensed social workers *and licensed health care professionals* designed to promote more effective interventions and advanced practice;

(2) Journal *or clinical book* clubs that meet for at least 1 hour and are organized for the purpose of examining the literature and incorporating in the discussion the application of current literature to social work practice;

(3) Preparing and presenting approved face-to-face programs of instruction with 1 hour of preparation or presentation equal to 1 continuing education unit up to a maximum of 12 [hours] *units per license renewal period*;

(4) Preparing and presenting a scientific or professional paper at a meeting of a professional or scientific organization with 1 hour of preparation or presentation equal to 1 continuing education unit up to a maximum of 12 [hours] *units per license renewal period*;

(5) Authoring a professional publication (including peerreviewed journals, books, and other professional publications) with 1 hour of authoring equal to 1 continuing education unit earned at the time the publication is published up to a maximum of 12 [hours] *units per license renewal period*;

(6) Teaching a social work related course in an academic setting up to a maximum of 12 units per license renewal period;

(7) [Home-study, audiovisual and Internet on-line courses provided] *Online learning provided* by [an approved] *a Board-authorized* sponsor[; and], *such as:*

(a) Digital seminar;

(b) Webinar, pre-recorded and non-interactive;

(c) Online course;

(d) Distance learning; and

(e) Home study course;

(8) [Taking] Attending a foreign or sign language [courses] course intended to enhance the delivery of social work services up to a maximum of 6 [hours.] units per license renewal period; and

(9) Attending in-service staff development, professional training, and invited in-house speaker sessions including, but not

limited to, an educational program planned by an agency to assist employees in becoming knowledgeable of and competent in professional social work practice.

.05 Authorization of Sponsors and Approval of Continuing Education Programs.

A. [Automatically Authorized] Board-Authorized Sponsors.

(1) [Automatically] *Board*-authorized sponsors shall offer continuing education programs that meet the objectives set forth in Regulations .01B and .04 of this chapter.

(2) The following are [automatically] *Board*-authorized sponsors:

(a) National, regional, or State accredited academic institutions offering academic courses or programs recognized as acceptable social work curriculum subject areas by the Council on Social Work Education;

(b) [State] *National*, regional, *or* [national] *State* [, or international] social work associations[,] including, but not limited to [social]:

(i) Social work licensing boards[, the];

(ii) The Association of Social Work Boards[, and the];

(iii) The National Association of Social Workers; and

[(c)] (*iv*) [State, regional, national, or international nonsocial-work] *Non-social-work* professional membership organizations providing programs that are relevant to the professional development of social workers; *and*

(c) International social work associations and accredited academic institutions including, but not limited to:

(i) Social work licensing boards which provide programs that foster improvement, advancement, and extension of the social worker's professional skill, knowledge, and competence; and

(ii) Non-social-work organizations providing programs that are relevant to the professional development of social workers.

B. Board-Authorized *Provisional* Sponsors.

(1) Individuals and organizations not included in A(2) of this regulation may become authorized sponsors of continuing education programs by:

(a) Submitting [an] *the required* application on a form provided by the Board at least 45 days before conducting the sponsor's first program;

(b)—(c) (text unchanged)

(2) Board-authorized *provisional* sponsors will receive authorization upon approval and shall provide to the Board all program [announcements] *required documentation*.

C.—F. (text unchanged)

[.07] .06 Reporting, Documenting, and Auditing Compliance with Continuing Education Requirements.

A.—C. (text unchanged)

D. Documentation.

(1) A social worker shall provide to the Board:

[(1)](a) - [(2)](b) (text unchanged)

[(3)] (c) If a certificate of completion is not available, the following documentation, which may earn Category II continuing education units:

[(a)] (*i*) [Dates on which] *Date, location, and proof of attendance of* the program [was] presented;

[(b)] (ii) Names and credentials of the presenters;

[(c)] (iii) [Topics] Agenda, learning objectives, and topics presented; and

[(d)] (*iv*) (text unchanged)

[(4)](d) (text unchanged)

[(5)](e) - [(7)](g) (text unchanged)

(2) If a certificate of completion as required by D(1) of this regulation is not available, the social worker may not earn Category I continuing education units.

E.—F. (text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

10.47.08 Overdose Response Program

Authority: Health General Article, Title 13, Subtitle 31, Annotated Code of Maryland

Notice of Proposed Action

[19-015-P]

The Secretary of Health proposes to amend Regulations .01—.04, repeal Regulations .05 and .09, and amend and recodify existing Regulations .06—.08 and .10—.12 to be Regulations .05—.07 and .08—.10, respectively, under COMAR 10.47.08 Overdose Response Program.

Statement of Purpose

The purpose of this action is to:

(1) Clarify the role of the Overdose Response Program;

(2) Repeal certification requirements within the Overdose Response Program;

(3) Update requirements for a private or public entity to conduct education and training on opioid overdose recognition and response; and

(4) Update record and reporting requirements.

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 February 19, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter sets forth the requirements for [an] *the* Overdose Response Program [overseen] *administered* by the Department for the purpose of providing a means of [authorizing certain] *training* individuals to [obtain and] administer naloxone to an individual experiencing, or believed to be experiencing, opioid overdose to help prevent a fatality when medical services are not immediately available.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) "Advanced practice nurse" has the meaning stated in Health Occupations Article, §8–101, Annotated Code of Maryland.

(2) "Certificate" means a form, issued to an individual by a private or public entity authorized by the Department, which allows

the individual to obtain a prescription for, possess, and administer naloxone.

(3) "Certificate holder" means an individual who possesses a valid certificate.]

[(4)](1) (text unchanged)

[(5)] (2) "[Educational] *Education and* training program" means [initial] educational instruction in *opioid* overdose recognition and response and the administration of naloxone.

[(6)](3) (text unchanged)

(4) "Health care provider" means an individual licensed or certified under Health Occupations Article, Annotated Code of Maryland, or Education Article, §13-516, Annotated Code of Maryland, to provide health care services;

[(7) "Licensed physician" means an individual licensed to practice medicine in Maryland under Health Occupations Article, Title 14, Annotated Code of Maryland.]

[(8)](5) - [(10)](7) (text unchanged)

[(11) "Refresher training program" means continuing educational instruction in overdose recognition and response and the administration of naloxone.]

[(12)] (8) "Standing order" means a written instruction for the prescribing and dispensing of naloxone [to a certificate holder] in accordance with Health-General Article, Title 13, Subtitle 31, Annotated Code of Maryland.

.03 Authorization of a Private or Public Entity.

A. Application for Authorization. A private or public entity that seeks to conduct [educational] *education and* training [and refresher training] programs [and to issue and renew certificates] under Health-General Article, Title 13, Subtitle 31, Annotated Code of Maryland, shall submit to the Department:

(1) A completed application form containing all identifying information for the private or public entity that is required by the Department, including:

(a)—(e) (text unchanged)

(f) Name of Entity Director;[and]

(g) [If applicable, name] *Name* of Training Program Director; *and*

(h) Any additional information as requested by the Department;

[(2) Identifying information for any licensed physician, advanced practice registered nurse, and pharmacist who will directly conduct, or who will supervise any individual who will conduct, the educational training and refresher training programs, including:

(a) Name;

(b) Title;

(c) Address;

(d) Phone number;

(e) Email address; and

(f) Professional credentials, including:

(i) For licensed physicians, State license number;

(ii) For advanced practice registered nurses, a State license number; and

(iii) For pharmacists, a State license number.]

[(3)] (2) [If applicable, a] For a public or private entity intending to provide naloxone:

(*a*) A copy of [any] *a* written agreement between a [supervisory licensed physician, advanced practice registered nurse, or pharmacist] *health care provider with prescribing authority* and the private or public entity [required under Regulation .04A(6)(d) of this chapter] *for the prescribing and dispensing of naloxone*;

(b) Identifying information for the health care provider with prescribing authority including:

(i) Name;

(ii) Title;

(iii) Address;

(iv) Phone number;

(v) Email address; and

(vi) State license number; and

(c) If applicable, a copy of the entity's dispensing protocols for naloxone;

[(4)](3) (text unchanged)

[(5) For a private or public entity intending to dispense naloxone to certificate holders, a copy of the entity's naloxone dispensing protocols;]

[(6)] (4)—[(7)] (5) (text unchanged)

B. Approval of Applications. Upon approval of an application for authorization, the Department shall issue to the private or public entity a form that includes:

(1) (text unchanged)

(2) A statement that the private or public entity is authorized by the Department to conduct [educational] *education and* training [and refresher training] programs [and to issue and renew certificates];

(3)—(5) (text unchanged)

C. (text unchanged)

D. Notification of Significant Change of Information. An authorized private or public entity shall notify the Department in writing of any significant change in the information that was submitted in the application for authorization under [\$A(1)—(6)] \$A(1)—(5) of this chapter within 30 days of such change.

E. Authorization Renewal.

(1) An authorized private or public entity may apply to the Department for renewal of its authorization to conduct [educational] *education and* training [and refresher training] programs [and to issue and renew certificates].

(2)—(5) (text unchanged)

F.—G. (text unchanged)

.04 [Educational] *Education and* Training Programs [and Refresher Training Programs].

[A. Educational Training Programs.]

[(1)] A. A private or public entity authorized by the Department [shall]:

(1) Shall offer an [educational] education and training program on opioid overdose recognition and response; and

(2) May provide access to naloxone.

[(2)] *B.* [An educational] *Education and* training [program] shall include a core curriculum provided by the Department. The core curriculum shall include [training in]:

[(a)] (1) [Recognition of] *Education on recognizing* the symptoms and signs of an opioid overdose;

[(b)] (2) [Protocols for the proper use and administration of naloxone] *Training on responding to an opioid overdose*;

(3) The proper use and administration of naloxone;

[(c)] (4) Proper rescue breathing technique;

[(d)](5) - [(f)](7)(text unchanged)

[(3)] C. (text unchanged)

[(4)] *D.* [An educational] *Education and* training [program] may include any other relevant topic at the discretion of the authorized private or public entity conducting the [educational] *education and* training [program].

[(5)] E. (text unchanged)

[(6) An educational training program shall be conducted by:

(a) A licensed physician;

(b) An advanced practice registered nurse;

(c) A pharmacist; or

(d) An employee or volunteer of an authorized private or public entity who is supervised in accordance with a written agreement between the private or public entity and a supervisory licensed physician, advanced practice registered nurse, or pharmacist that includes:

(i) Procedures for providing patient overdose information;

(ii) Information as to how the employee or volunteer providing the information will be trained and evaluated by the supervisory licensed physician, advanced practice registered nurse, or pharmacist;

(iii) Standards for documenting the provision of patient overdose information to patients; and

(iv) A description of the procedure for and frequency of contact between the employee or volunteer, or both, and the supervisory licensed physician, advanced practice registered nurse, or pharmacist.

B. Refresher Training Programs.

(1) A private or public entity authorized by the Department under this chapter may offer a refresher training program as a requirement for renewal of a certificate under Regulation .05E of this chapter.

(2) A refresher training program shall include any information required by the Department to update any component of a core curriculum provided by the Department for the educational training program set forth in §A of this regulation.

(3) A refresher training program may include any other relevant topic at the discretion of the authorized private or public entity conducting the refresher training program.

(4) A private or public entity authorized by the Department under this chapter may offer a refresher training program online.]

[.06] .05 [Certificate Holders] Naloxone Use.

A. [Authority of a Certificate Holder. A certificate holder may:

(1) On presentment of a valid certificate,] An individual of any age may receive from any [licensed physician or advanced practice registered nurse] *health care provider* with prescribing authority[,] a prescription for naloxone and the necessary supplies for the administration of naloxone[;].

[(2) Possess prescribed naloxone and the necessary supplies for the administration of naloxone; and

(3) In an emergency situation when medical services are not immediately available, administer naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose.

B. Responsibilities of a Certificate Holder. A certificate holder shall:

(1) Follow the protocols for the use and administration of naloxone established by the authorized private or public entity that issued the certificate; and

(2) Make a good faith effort to obtain immediate medical attention for an individual experiencing, or believed by the certificate holder to be experiencing, an opioid overdose.]

B. An individual for whom naloxone is prescribed and dispensed in accordance with this chapter may:

(1) Possess prescribed naloxone and the necessary supplies for the administration of naloxone; and

(2) In an emergency situation when medical services are not immediately available, administer naloxone to an individual experiencing or believed by the individual to be experiencing an opioid overdose.

C. [A certificate holder] *An individual* who, in accordance with Health-General Article, Title 13, Subtitle 31, Annotated Code of Maryland, and this regulation, is administering naloxone to an individual experiencing, or believed by the [certificate holder] *individual* to be experiencing an opioid overdose, may not be considered to be practicing:

(1)—(2) (text unchanged)

D. [A certificate holder] *An individual* may report information on the administration of naloxone by the [certificate holder] *individual*, overdose reversals, and other program outcomes to:

(1) The private and public entity that [issued the certificate] *provided training*;

(2)—(4) (text unchanged)

[.07] .06 Naloxone Prescribing and Dispensing.

A. A [licensed physician or an advanced practice registered nurse] *healthcare provider* with prescribing authority may prescribe and dispense naloxone to [a certificate holder.] *an individual of any age who:*

(1) Is believed by the health care provider to be at risk of experiencing an opioid overdose; or

(2) Is in a position to assist an individual at risk of experiencing an opioid overdose.

[B. A registered nurse may dispense naloxone to a certificate holder in a local health department if the registered nurse complies with:

(1) The formulary developed and approved under Health-General Article, §3-403(b), Annotated Code of Maryland; and

(2) The requirements established under of the Health Occupations Article, §8-512, Annotated Code of Maryland.]

[C.] *B*. A [licensed physician or an advanced practice registered nurse] *health care provider* with prescribing authority may prescribe and dispense naloxone [to a certificate holder] by issuing a standing order if the [licensed physician or advanced practice registered nurse] *health care provider*:

(1) (text unchanged)

(2) [Supervises or conducts an educational training program] *Has a written agreement with an authorized private or public entity* under Health-General Article, \$13-3104[(d)(2)], Annotated Code of Maryland[, and Regulation .04 of this chapter].

[D.] *C*. A [licensed physician or an advanced practice registered nurse] *health care provider* with prescribing authority who issues a standing order may delegate [to the following individuals the authority for] *the* dispensing *of* naloxone to [a certificate holder:

(1) A licensed registered nurse who:

(a) Is employed by a local health department; and

(b) Completes a training program approved by the Department; and

(2) An] *an* employee or a volunteer of [a] *an authorized* private or public entity [who is authorized to conduct an educational training program] in accordance with [Regulation .04 of this chapter] *a* written agreement under Health-General Article, §13-3104, Annotated Code of Maryland.

[E.] D. A [licensed] health care provider who has dispensing authority also may dispense naloxone to [a certificate holder] *any individual of any age* in accordance with a standing order issued by a [licensed physician] *health care provider in accordance with Health-General Article, §13-3106, Annotated Code of Maryland.*

[.08] .07 Denial, Suspension, and Revocation of Authorization of a Private or Public Entity.

A. (text unchanged)

[B. Effect on Certificates Issued by a Private or Public Entity. The Department may suspend or revoke the certificates issued by a private or public entity if:

(1) The private or public entity's authorization has been suspended or revoked; and

(2) The Department determines that the private or public entity failed to satisfy the requirements for educational training programs or refresher training programs as set forth in Regulation .04 of this chapter.]

[C.] *B*. (text unchanged)

[D.] C. Summary Suspension.

(1) (text unchanged)

(2) From the time of receipt of the notice of summary suspension, the private or public entity may not:

(a) Conduct an [educational] *education and* training program [or refresher training program;

(b) Issue certificates]; or

[(c)] (b) [Dispense] Provide access to naloxone.

[E.] D.—[F.] E. (text unchanged)

[.10] .08 Appeals.

A private or public entity [or certificate holder] may request a hearing on an action taken by the Department pursuant to Regulation .07 [or .08] of this chapter as allowed by:

A.—C. (text unchanged)

[.11].09 Record Maintenance and Reporting.

A. The Department shall maintain the following records:

(1) Information on private or public entities authorized by the Department, including:

(a)—(d) (text unchanged)

(e) Dates of authorization renewals; and

(2) Information on private or public entities whose authorization has been suspended or revoked, including:

(a)—(e) (text unchanged)

(f) If applicable, dates on which the approvals for authorization were reinstated[; and

(3) A list of individuals whose certificates have been suspended or revoked, including:

(a) Names;

(b) Addresses;

(c) Serial numbers of the suspended or revoked certificates;

(d) Effective dates of suspensions or revocations;

(e) Reasons for suspensions or revocations; and

(f) If applicable, dates on which the certificates were reinstated].

B. [A] *If providing naloxone, a* private or public entity authorized by the Department shall maintain records *for each individual who has been provided naloxone*, including:

[(1) Information for each certificate holder who has been issued a certificate by the private or public entity authorized by the Department, including:

(a) Full name;

(b) Address;

(c) Date of birth;

(d) Demographic information, including:

(i) Ethnicity;

(ii) Race; and

(iii) Sex; and

(e) The specific status determination for eligibility to receive a certificate under Regulation .05B(2) of this chapter; and

(2) Information about each certificate issued by the private or public entity authorized by the Department, including:

(a) Full name of the individual to whom the certificate was issued;

(b) Certificate serial number;

(c) Date of issuance of the certificate; and

(d) Date of expiration of the certificate.]

(1) Full name of individual;

(2) Name of prescriber;

(3) Name and address of dispenser;

(4) Date of dispensing; and

(5) Type and dosage of naloxone dispensed.

C. Reporting Information to the Department. A private or public entity authorized by the Department shall report to the Department:

(1) Information on program operations, including:

(a) Number of individuals who have completed [educational] *education and* training [and refresher training] programs;

[(b) Number of individuals who have been issued certificates; and]

[(c)] (b) For private or public entities authorized by the Department that [dispense] *provide* naloxone [to certificate holders] directly or by means of a voucher for redemption at a pharmacy:

(i)— (iii) (text unchanged)

[(d)] (c) Number and location of naloxone administrations and overdose reversals to the extent this information is reported [by certificate holders] to the private or public entity authorized by the Department;

(2) Demographic information on [certificate holders, including the aggregate number of certificate holders] *individuals who participated in an education and training program, including aggregate number of individuals* by:

(a)—(d) (text unchanged)

(e) The specific [status determination for eligibility] *reason* to receive [a certificate under Regulation .05B(2) of this chapter] *education and training*; and

(3) (text unchanged)

D. (text unchanged)

[.12] .10 General Provisions.

A. Waiver of Fees. The Department may waive any fee required under this chapter.

B. Discipline of a [Physician] *Health Care Provider*. A [licensed physician] *health care provider* who prescribes or dispenses naloxone to [a certificate holder in a manner consistent with the protocol established by the authorized private or public entity] *an individual in good faith*, may not be subject to any disciplinary action under [of the] Health Occupations Article, [Title 14,] Annotated Code of Maryland, solely for the act of prescribing or dispensing naloxone to the [certificate holder] *individual*.

[C. An advanced practice registered nurse with prescribing authority, who prescribes or dispenses naloxone to a certificate holder in a manner consistent with the protocol established by the authorized private or public entity, may not be subject to any disciplinary action under Health Occupations Article, Title 8, Annotated Code of Maryland, solely for the act of prescribing or dispensing naloxone to the certificate holder.]

[D.] C. A cause of action may not arise against any [licensed physician, advanced practice registered nurse] *health care provider* with prescribing authority, or pharmacist for any act or omission when [the physician, advanced practice registered nurse with prescribing authority, or pharmacist in good faith prescribes or dispenses] *prescribing or dispensing* naloxone and the necessary paraphernalia for the administration of naloxone to [a certificate holder or patient] *an individual in good faith* under Health General Article, §13-3108, Annotated Code of Maryland.

[E.] D. (text unchanged)

ROBERT R. NEALL Secretary of Health

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.06 Teletherapy

Authority: Health Occupations Article, §§1-901—1-903, Annotated Code of Maryland; Ch. 505, Acts of 2008

Notice of Proposed Action

[19-014-P]

The Secretary of Health proposes to repeal in their entirety existing Regulations .01—.03 under COMAR 10.58.06 Licensure by Waiver and adopt new Regulations .01—.06 under a new chapter, COMAR 10.58.06 Teletherapy. This action was considered by the Board of Professional Counselors and Therapists at a public meeting held on October 19, 2018, notice of which was given by publication on the Board's website at https://health.maryland.gov/bopc/Pages/index.aspx pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Repeal the chapter regarding licensure by waiver because the authority was repealed by Ch. 505, Acts of 2008; and

(2) Establish a new teletherapy chapter pursuant to Ch. 610, Acts of 2017.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to 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 February 19, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to the following who provide behavioral health services using teletherapy in Maryland:

A. Certified associate counselor-alcohol and drug (CAC-AD);

B. Certified professional counselor (CPC);

C. Certified professional counselor-alcohol and drug (CPC-AD);

D. Certified professional counselor-marriage and family therapist (CPC-MFT);

E. Certified supervised counselor-alcohol and drug (CSC-AD);

F. Licensed clinical alcohol and drug counselor (LCADC);

G. Licensed clinical marriage and family therapist (LCMFT);

H. Licensed clinical professional art therapist (LCPAT);

I. Licensed clinical professional counselor (LCPC);

J. Licensed graduate alcohol and drug counselor (LGADC);

K. Licensed graduate marriage and family therapist (LGMFT);

L. Licensed graduate professional art therapist (LGPAT); or

M. Licensed graduate professional counselor (LGPC).

.02 Definitions.

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

B. Terms Defined.

(1) "Board" means the Maryland Board of Professional Counselors and Therapists.

(2) "Client" means the individual, couple, family, group, business, agency, school, organization, or association that the counselor or therapist provides, or has provided, with professional services.

(3) "Counselor or therapist" means an individual who is licensed or certified by the Board to practice:

(a) Certified associate alcohol and drug counseling;

(b) Certified professional counseling;

(c) Certified professional alcohol and drug counseling;

(d) Certified professional marriage and family therapy;

(e) Certified supervised alcohol and drug counseling;

(f) Clinical marriage and family therapy;

(g) Clinical professional alcohol and drug counseling;

(h) Clinical professional art therapy;

(i) Clinical professional counseling;

(j) Graduate alcohol and drug counseling;

(k) Graduate marriage and family therapy;

(l) Graduate professional art therapy; or

(m) Graduate professional counseling.

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

(5) Teletherapy.

(a) "Teletherapy" means the use of interactive audio, video, or other telecommunications or electronic media by a counselor or therapist to deliver counseling services:

(i) Within the scope of practice of the counselor or therapist; and

(*ii*) At a location other than the location of the client;

(b) "Teletherapy" does not include:

(i) An audio-only telephone conversation between a counselor or therapist and a client;

(ii) An electronic mail message between a counselor or therapist and a client;

(iii) A facsimile transmission between a counselor or therapist and a client; or

(iv) A text message or other type of message sent between a counselor or therapist and a client by a short message service or multimedia messaging service.

.03 Licensure.

A counselor or therapist licensed or certified in Maryland may provide counseling services using teletherapy if one or both of the following occurs:

A. The individual practicing teletherapy is physically located in Maryland; or

B. The client is in Maryland.

.04 Standards of Practice for Teletherapy.

A. Before providing teletherapy services, a counselor or therapist shall develop and follow a procedure to:

(1) Verify the identification of the client receiving teletherapy services;

(2) Obtain oral and written acknowledgement from the client;

(3) Prevent access to data by unauthorized persons through encryption, or other means;

(4) Notify clients in the event of a data breach;

(5) Ensure that the teletherapy practitioner provides a secure and private teletherapy connection and complies with federal and state privacy laws; and (6) Establish safety protocols to be used in the case of an emergency.

B. A counselor or therapist shall:

(1) Obtain or confirm an alternative method of contacting the client in case of a technological failure;

(2) Determine whether the client is in Maryland and identify the client's practice setting;

(3) For an initial teletherapy interaction only, disclose the counselor or therapist's name, location, license number, and contact information;

(4) Identify all individuals present at each location and confirm they are permitted to hear the client's health information; and

(5) Be held to the same standards of practice and documentation as those applicable for in-person sessions.

C. A counselor or therapist may not treat a client based solely on an online questionnaire.

.05 Client Evaluation.

A. A counselor or therapist shall perform a client evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to recommended treatment options before providing treatment.

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

(1) Live synchronous audio-visual communication;

(2) Other methods of performing a counseling examination remotely; or

(3) A counseling evaluation performed by another counselor or therapist providing coverage.

.06 Discipline.

A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining a counselor or therapist who practices teletherapy as it would use for a counselor or therapist who does not use teletherapy technology.

B. The failure of a counselor or therapist to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.

ROBERT R. NEALL Secretary of Health

Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES

10.63.07 Outpatient Civil Commitment (OCC) Pilot Program

Authority: Health-General Article, §7.5-205.1, Annotated Code of Maryland

Notice of Proposed Action

[19-018-P]

The Secretary of Health proposes to amend Regulations .02, .03, .05, and .06 under COMAR 10.63.07 Outpatient Civil Commitment (OCC) Pilot Program.

Statement of Purpose

The purpose of this action is to expand eligibility criteria for the Outpatient Civil Commitment Pilot Program and expand the types of behavioral health providers who can sign an application for admission to the 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 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 February 19, 2019. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(11) (text unchanged)

(12) "Licensed certified social worker-clinical" means an individual who is licensed, certified, or otherwise legally authorized to independently provide the mental health service under Health Occupations Article, Title 19, Annotated Code of Maryland.

(13) "Licensed clinical professional counselor" means an individual who is licensed, certified, or otherwise legally authorized to independently provide the mental health service under Health Occupations Article, Title 17, Annotated Code of Maryland.

(14) "Licensed master social worker" means an individual who is licensed, certified, or otherwise legally authorized to independently provide the mental health service under Health Occupations Article, Title 19, Annotated Code of Maryland.

[(12)] (15)—[(21)] (24) (text unchanged)

(25) "Voluntary inpatient admission" means the admission of an individual to an inpatient facility on the basis of:

(a) A signed and endorsed formal application for voluntary admission pursuant to Health-General Article, §10-609 or 10-610, Annotated Code of Maryland;

(b) An informal request for admission pursuant to Health-General Article, §10-609, Annotated Code of Maryland; or

(c) If the voluntary admission is to a VA hospital, the procedure established by the VA hospital.

[(22)] (26) (text unchanged)

.03 Pilot Program.

A. The Department authorizes the Administration to create a program to provide community-based treatment to individuals with mental disorders who were:

(1) Admitted [involuntarily] to an inpatient facility under Health-General Article, [§10-632] *Title 10*, Annotated Code of Maryland; and

(2) (text unchanged)

B.—D. (text unchanged)

.05 Admission Criteria.

A. (text unchanged) B. To be voluntarily admitted [into] *to* the program, an individual shall *meet the following criteria*:

[(1) With the exception of A(7) of this regulation, meet all criteria in A of this regulation;

(2) Participate in a settlement conference with an ALJ, the legal service provider, and a representative of the inpatient facility; and

(3) Enter into a settlement agreement whereby the individual agrees to adhere to program recommendations including a treatment plan or support services, or both, as needed by the individual.]

(1) Have a mental disorder;

- (2) Be 18 years old or older;
- (3) Be a resident of Baltimore City;

(4) Have had a combination of two voluntary or involuntary inpatient facility admissions in the preceding 12 months, including the most recent admission before the application for admission into the program;

(5) Have a demonstrated history of refusing community treatment that has been a significant factor in contributing to the current involuntary inpatient admission;

(6) Have a treatment history and behavior that indicates the need for outpatient treatment to prevent deterioration after discharge that is substantially likely to result in the individual becoming a danger to self or others in the community in the foreseeable future;

(7) Show that they are substantially likely to benefit from the outpatient treatment;

(8) Not be a danger to self or others in the community if released to the program;

(9) Be able to demonstrate that treatment in the program is the least restrictive alternative appropriate for the individual;

(10) Participate in a settlement conference with an ALJ, the legal service provider, and a representative of the inpatient facility; and

(11) Enter into a settlement agreement whereby the individual agrees to adhere to program recommendations including a treatment plan or support services, or both, as needed by the individual.

.06 Application for Admission.

A. (text unchanged)

B. The Administration shall provide an application form that includes the following:

(1)—(5) (text unchanged)

(6) The signature and verification by a physician, psychiatrist, psychologist, [or] psychiatric nurse practitioner, *licensed certified social worker-clinical, licensed master social worker, or licensed clinical professional counselor* on behalf of the inpatient facility.

C.—D. (text unchanged)

ROBERT R. NEALL Secretary of Health

Title 14 INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

Notice of Proposed Action

[19-025-P]

The Workers' Compensation Commission proposes to:

(1) Amend Regulation .04 under COMAR 14.09.02 Requirements for Filing and Amending Claims;

(2) Amend Regulation .02 under COMAR 14.09.03 Hearing Procedures;

(3) Amend Regulation .03 under COMAR 14.09.04 Legal Representation and Fees; and

(4) Amend the title of **COMAR 14.09.07 Vocational** Rehabilitation.

This action was considered at a public meeting held on November 8, 2018, notice of which was given by publication in 45:22 Md. R.

1057 (October 26, 2018), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to delete the requirement for a notarized certification of funeral expenses under COMAR 14.09.02.04; amend COMAR 14.09.03.02 to include vocational rehabilitation issues not requiring an expedited process as an additional type of issue which may be raised by filing an Issues form; clarify the awarding of attorney fees when a last award of compensation for permanent partial disability is increased under COMAR 14.09.04.03; and change the chapter title of COMAR 14.09.07.

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 Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5302, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on March 14, 2019, at 10 E. Baltimore Street, Baltimore, MD 21202.

14.09.02 Requirements for Filing and Amending Claims

Authority: Labor and Employment Article, §§9-309, 9-314, 9-402, 9-404, 9-602, 9-701, 9-709—9-711, and 9-736; State Government Article, §10-1103; Annotated Code of Maryland

.04 Death and Funeral Benefits.

A. (text unchanged)

B. Dependent Claim for Death Benefits.

(1)—(4) (text unchanged)

(5) Submission of Supporting Documentation.

(a) (text unchanged)

(i) (text unchanged)

(ii) A certification of funeral expenses, if the dependent claimant is making a claim for funeral benefits, which shall:

1.—2. (text unchanged)

3. Be signed by the provider of the funeral services or undertaker: *and*

4. Be signed by the person authorizing the burial or other services[; and

5. Be notarized;].

(iii)—(v) (text unchanged)

- (b)—(d) (text unchanged)
- (6)—(9) (text unchanged)
- C. Claim for Funeral Benefits Only. (1)—(3) (text unchanged)

(4) When completing the funeral benefits only claim form the filing party shall attach a certification of funeral expenses, which shall:

(a)—(b) (text unchanged)

(c) Be signed by the provider of the funeral services or undertaker; and

(d) Be signed by the person authorizing the burial or other services[; and

(e) Be notarized].

14.09.03 Hearing Procedures

Authority: Health-General Article, §§4-303 and 4-305; Labor and Employment Article, §§9-309, 9-310, 9-311, 9-602, 9-625, 9-635, 9-701, 9-717, 9-720, 9-721, 9-726, 9-731, and 9-739; Annotated Code of Maryland

.02 Filing and Withdrawing Issues.

A.—B. (text unchanged)

C. The following kinds of issues may be raised by filing an Issues form:

(1)—(9) (text unchanged)

(10) Vocational rehabilitation issues not requiring the expedited process of Regulation 14.09.07.12;

(11)—(16) (text unchanged)

D.—J. (text unchanged)

14.09.04 Legal Representation and Fees

Authority: Labor and Employment Article, §§9-309, 9-721, and 9-731, Annotated Code of Maryland

.03 Schedule of Attorney's Fees.

A. (text unchanged)

B. Schedule of Fees.

(1)—(7) (text unchanged)

(8) Increase in Last Award of Compensation for Permanent Partial Disability.

(a) Except as otherwise provided in B(8)(b)—[(c)](d) of this regulation, if the claimant is entitled to additional compensation as a result of an increase in a permanent partial disability award, the Commission may approve an additional attorney's fee in an amount not exceeding the difference between the fee approved for all prior awards and the fee computed under B(3) or A(a) of this regulation on the increased award.

(b) (text unchanged)

(c) If the claimant is entitled to additional compensation as a result of an increase in a permanent partial disability award or a final compromise and settlement, and the attorney previously was *not* awarded the maximum fee authorized under B(3) of this regulation but an award of an additional attorney's fee under this regulation would result in an award of the maximum fee authorized under B(3) of this regulation, the Commission may approve an additional attorney's fee in an amount up to [5 percent of] the difference between the [prior awards of compensation and the increased award of compensation, but not to exceed] previously awarded fee and the maximum fee authorized under B(3) of this regulation, or five times the State average weekly wage, whichever is greater.

(9) (text unchanged)

C. (text unchanged)

14.09.07 Vocational [Practitioners]

Authority: Labor and Employment Article, §§9-309, 9-6A-04, and 9-6A-07, Annotated Code of Maryland

> R. KARL AUMANN Chairman

Rehabilitation

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 04 INSURERS

31.04.15 Antifraud Plans

Authority: Health-General Article, [\$19-706(v)] \$19-706(e); Insurance Article, \$\$2-109, 8-321.1, and 27-803; Annotated Code of Maryland

Notice of Proposed Action

[19-007-P]

The Maryland Insurance Commissioner proposes to amend Regulation .04 under COMAR 31.04.15 Antifraud Plans.

Statement of Purpose

The purpose of this action is to amend current regulations to conform with new laws concerning the submission of antifraud plans to the Maryland Insurance Administration. Specifically the change in the regulation will limit the requirement to implement and file an antifraud provision to those insurers that have policies or certificates of insurance in force in the State, rather than all authorized insurers. In addition, a change is being made to the authority line to fix an incorrect statutory cross reference.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action removes the administrative burden of filing an antifraud plan if an insurer is not currently issuing or delivering in force policies or certificates of insurance in the State.

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

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

A. The Maryland Insurance Administration will have to review fewer antifraud plans.

D. Insurers that meet the necessary criteria will no longer need to submit an antifraud plan.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 4104682020. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.04 Procedures and Requirements.

A. Antifraud Plan.

[(1) An insurer authorized to write insurance business in this State shall institute, implement, and maintain an insurance antifraud plan.]

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

(2) An insurer authorized to write insurance business that has in force policies or certificates of insurance in this State shall institute, implement, and maintain an insurance antifraud plan.

(3) An insurer [beginning business in this State after the effective date of these regulations] shall submit an antifraud plan within 90 days of the [insurer's receipt of a certificate of authority to conduct the business of insurance] *insurer issuing or delivering a policy or certificate of insurance in the State.*

B. —E. (text unchanged)

ALFRED W. REDMER, JR. Insurance Commissioner

Subtitle 09 LIFE INSURANCE AND ANNUITIES

31.09.02 Variable Life Insurance

Authority: Insurance Article, §§2-109 and 16-601—16-603, Annotated Code of Maryland

Notice of Proposed Action

[19-005-P]

The Insurance Commissioner proposes to amend Regulation .11 under COMAR 31.09.02 Variable Life Insurance.

Statement of Purpose

The purpose of this action is to amend Regulation .11 under COMAR 31.09.02 Variable Life Insurance. These changes are being proposed to:

(1) Change all references from "agent" to "producer" in accordance with other COMAR regulations;

(2) Remove the reference to passing a written examination from Regulation .11A(2) because the passing of an examination is no longer required for a variable line of authority;

(3) Amend the language in Regulation .11A(1) to clarify that an insurance producer must hold a license and other authorizations required by either federal or state securities laws to sell variable life insurance policies. Currently, the Maryland Securities Commission does not consider variable insurance products to be securities.

However, the federal government considers variable products to be securities. In order to sell securities, a person needs to register with the Financial Industry Regulatory Authority (FINRA). This agency issues a central record depository (CRD) number to individuals. An individual requires an active CRD number and registration to sell securities through a licensed broker. Currently, many insurance producers are registering with FINRA and then their registration is terminated for various reasons, and the Maryland Insurance Administration is not always aware and therefore does not revoke the producer's ability to sell variable products. The change to this regulation makes it clear that a producer must maintain his or her license and other authorizations as required by both state and federal securities laws;

(4) Change the reporting requirements under Regulation .11B so that a producer must report all disciplinary actions or criminal prosecutions in accordance with Insurance Article, §§10-126(f) and (g), Annotated Code of Maryland; and

(5) Clarify the language of several portions of the regulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to insurance producers may increase slightly if they are required to maintain their license to sell variable products. This cost is expected to be minimal.

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

D. On regulated industries or		
trade groups:		
Cost	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects		
on public:	NONE	

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

D. The cost to insurance producers may increase slightly if they are required to maintain their license to sell variable products. However, the cost should be minimal.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.11 Qualification of [Agents] *Producers* for the Sale of Variable Life Insurance.

A. Qualification to Sell Variable Life Insurance.

(1) A person may not sell or offer for sale in this State any variable life insurance policy unless the person is [an agent] *a producer* and has filed with the Commissioner, in a form satisfactory to the Commissioner, evidence that the person holds [any] *a* license [or authorization] *and other authorizations* which may be required *by any federal or State securities law* for the solicitation,[or] sale, *or negotiation* of variable life insurance [by any federal or state securities law].

(2) A person may not solicit, sell, [take applications for,] or act or aid in any manner in the negotiation of a variable life insurance policy unless [he] *such person* has *been so* qualified [for the sale of life insurance and annuities in accordance with the provisions of Insurance Article, Title 10, Subtitle 1, Annotated Code of Maryland, including passing the written examination required under] *in accordance with the provisions of* Insurance Article, §§10-105 and 10-109, Annotated Code of Maryland, and is [specifically] licensed by the Commissioner to act as [agent or broker in regard to variable life insurance] *a producer of life insurance policies*.

B. Reports of Disciplinary Actions and Criminal Prosecution. A person qualified in this State under this regulation to [sell or offer to sell] act as a producer of variable life insurance policies shall [immediately] report to the Commissioner in accordance with Insurance Article, §§10-126(f) and (g), Annotated Code of Maryland:

(1) Suspension or revocation of [his agent's] *a producer* license in any other state or territory of the United States;

(2) Imposition of disciplinary sanction, including suspension or expulsion from [membership,] *membership;* [suspension,] *suspension* or revocation [of] or denial of [registration,] *registration* imposed upon [him] *the producer* by any national securities [exchange,] *exchange* or national securities [association,] *association* or any federal, state, or territorial agency with jurisdiction over securities or variable life insurance;

(3) Judgment or injunction entered against [him] *the producer* on the basis of conduct deemed to have involved fraud, deceit, misrepresentation, or violation of any insurance or securities law or regulation[.]; *or*

(4) Criminal prosecution as described under Insurance Article, §10-126(g), Annotated Code of Maryland.

C. Refusal to Qualify [Agent] *Producer* to Sell Variable Life [Insurance:] *Insurance*—Suspension, Revocation, or Nonrenewal of Qualification. The Commissioner may reject an application or suspend, [or] revoke, or refuse to renew [any agent's] *a producer's* qualification under this regulation to *solicit*, sell or [offer to sell] *negotiate* variable life insurance *policies* upon any ground that would bar the applicant or [agent] *producer* from being licensed to *solicit*, sell, or *negotiate* [other] life insurance [contracts] *policies* in this State. The rules governing [a proceeding] *proceedings* relating to the *rejection of a producer's application*, suspension or revocation of [an agent's] *a producer's* license or *refusal to renew a producer's* license shall also govern [the proceeding for suspension or revocation of an agent's qualification to sell or offer to sell variable life insurance] *proceedings under this regulation*.

ALFRED W. REDMER, JR. Insurance Commissioner

Subtitle 09 LIFE INSURANCE AND ANNUITIES

31.09.04 Contracts on a Variable Basis

Authority: Insurance Article, §§2-109, 8-442(d), and 16-601—16-603, Annotated Code of Maryland

Notice of Proposed Action

[19-006-P]

The Insurance Commissioner proposes to amend Regulation .03 under COMAR 31.09.04 Contracts on a Variable Basis.

Statement of Purpose

The purpose of this action is to amend Regulation .03 under COMAR 31.09.04 Contracts on a Variable Basis. These changes are being proposed to:

(1) Change all references from "agent" to "producer" in accordance with other COMAR regulations;

(2) Remove the reference to passing a written examination from Regulation .03A(2) because the passing of an examination is no longer required for a variable line of authority;

(3) Amend the language in Regulation .03A(1) to clarify that an insurance producer must hold a license and other authorizations required by either federal or state securities laws to sell variable annuity contracts. Currently, the Maryland Securities Commission does not consider variable insurance products to be securities. However, the federal government considers variable products to be securities. In order to sell securities, a person needs to register with the Financial Industry Regulatory Authority (FINRA). This agency issues a central record depository (CRD) number to individuals. An individual requires an active CRD number and registration to sell securities through a licensed broker. Currently, many insurance producers are registering with FINRA and then their registration is terminated for various reasons, and the Maryland Insurance Administration is not always aware and therefore does not revoke the producer's ability to sell variable products as necessary. The change to this regulation makes it clear that a producer must maintain his or her license and other authorizations as required by both state and federal securities laws:

(4) Change references from variable annuity "insurance" to variable annuity "contracts" to match the regulatory lead-in;

(5) Clarify the language of several portions of the regulation; and

(6) Change the reporting requirements under Regulation .11B so that a producer must report all disciplinary actions or criminal prosecutions in accordance with Insurance Article, §§10-126(f) and (g), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to insurance producers may increase slightly if they are required to maintain their license to sell variable products. The cost is expected to be minimal.

(D) (D)

	Revenue (R+/R-)	
II. Types of Economic Impact.	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Cost	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	
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III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. The cost to insurance producers may increase slightly if they are required to maintain their license to sell variable products. However, the cost should be minimal.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.03 Qualifications of [Agents and Brokers] Producers.

A. Qualification to Sell Variable Annuity Contracts.

(1) A person may not sell or offer for sale in this State any variable annuity contract unless the person is [an agent or broker] *a producer* and has filed with the Commissioner, in a form satisfactory to the Commissioner, evidence that the person holds [any] *a* license [or authorization] *and other authorizations* which may be required *by any federal or State securities law* for the solicitation, [or] sale *or negotiation* of variable annuities [by any federal or State securities law].

(2) A person may not in this State solicit, sell, [take applications for,] or act or aid in any manner in the negotiation of any *variable* contract [on a variable basis] unless [he] *such person* has *been so* qualified [for the sale of life insurance and annuities in accordance with the provisions of Insurance Article, Title 10, Subtitle 1, Annotated Code of Maryland, including passing the written examination required under] *in accordance with the provisions of* Insurance Article, *§§*10-105 and 10-109, Annotated Code of Maryland, and is [specifically] licensed by the Commissioner to act as [agent or broker in regard to the sale of contracts on a variable basis] *a producer of life insurance and annuity contracts.*

B. Reports of Disciplinary Actions and Criminal Prosecution. A person qualified in this State under this regulation to [sell or offer to sell] act as a producer of variable annuity [insurance] contracts shall [immediately] report to the Commissioner in accordance with Insurance Article, §§10-126(f) and (g), Annotated Code of Maryland:

(1) Suspension or revocation of [hthe person'e agent's] *a producer* license in any other state or territory of the United States;

(2) Imposition of disciplinary sanction, including suspension or expulsion from [membership,] *membership*;[suspension,] *suspension* or revocation [of] or denial of registration imposed upon the [person] *producer* by any national securities [exchange,] *exchange* or national securities [association,] *association* or any federal, state, or territorial

agency with jurisdiction over securities or variable annuity [insurance] *contracts*;

(3) Judgment or injunction entered against the [person] *producer* on the basis of conduct deemed to have involved fraud, deceit, misrepresentation or violation of any insurance or securities law or regulation[.]; *or*

(4) Criminal prosecution as defined in Insurance Article §10-126(g), Annotated Code of Maryland.

C. Refusal to Qualify [Agent] *Producer* to Sell Variable Annuity [Insurance] *Contracts*—Suspension, Revocation, or Nonrenewal of Qualification. The Commissioner may reject an application or suspend, revoke, or refuse to renew a [agent's] *producer's* qualification under this regulation to *solicit*, sell or [offer to sell] *negotiate* variable annuity [insurance] *contracts* upon any ground that would bar the applicant or [agent] *producer* from being licensed to *solicit*, sell, *or negotiate* [other] life insurance [contracts] *policies* in this State. The rules governing [a proceeding] *proceedings* relating to the *rejection of a producer's application*, suspension or revocation of [an agent's] *a producer's* license *or refusal to renew a producer's license* shall also govern [proceeding for suspension or revocation of an agent's qualification to sell or offer to sell variable annuity insurance] *proceedings under this regulation*.

ALFRED W. REDMER, JR.

Insurance Commissioner

Notice of Proposed Action

[19-003-P]

The Insurance Commissioner proposes to:

(1) Amend Regulation .04 under COMAR 31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts;

(2) Amend Regulation .05 under COMAR 31.10.28 Individual Health Insurance Contracts — Standard Provisions and Exclusions; and

(3) Amend Regulation .05 under COMAR 31.12.07 Required Standard Provisions.

Statement of Purpose

The purpose of this action is to amend the standards for premium due dates under health insurance policies, nonprofit health service plan contracts, and health maintenance organization contacts to avoid a conflict with new regulations proposed by the Maryland Health Benefit Exchange.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 Saint Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts

Authority: Insurance Article, §12-203(g), Annotated Code of Maryland

.04 Standard Provisions.

A.-L. (text unchanged)

M. Premium Due Date.

(1) (text unchanged)

(2) The premium due date shall be *no earlier than* the date the coverage period begins.

(3)—(4) (text unchanged)

31.10.28 Individual Health Insurance Contracts — Standard Provisions and Exclusions

Authority: Insurance Article, §§2-109, 12-203(g), and 12-205(b)(4), Annotated Code of Maryland

.05 Premium Due Date.

A. (text unchanged)B. The premium due date shall be *no earlier than* the date the

coverage period begins.

C.-D. (text unchanged)

Subtitle 12 HEALTH MAINTENANCE ORGANIZATIONS; ENTITIES THAT ACT AS HEALTH INSURERS

31.12.07 Required Standard Provisions

Authority: Health-General Article, §19-713(f); Insurance Article, §12-203(g); Annotated Code of Maryland

.05 Individual Contract Standard Provisions.

A.-G. (text unchanged)

H. Premium Due Date.

(1) (text unchanged)

(2) The premium due date shall be *no earlier than* the date the coverage period begins.

(3)—(4) (text unchanged)

ALFRED W. REDMER, JR. Insurance Commissioner

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.12 Valuation of Motor Vehicles

Authority: Insurance Article, §27-304.1, Annotated Code of Maryland

Notice of Proposed Action

[19-004-P]

The Insurance Commissioner proposes to amend Regulation .03 under COMAR 31.15.12 Valuation of Motor Vehicles.

Statement of Purpose

The purpose of this action is to amend Regulation .03 under COMAR 31.15.12 Valuation of Motor Vehicles. Regulation .03B deals with settlement of total loss claims involving first-party claimants and currently states that the insurer must work on settling the claim within 10 business days after the insurer determines that the vehicle is a total loss. Regulation .03D on the other hand deals with third-party claimants and currently states that within 10 days after an insurer determines that the vehicle is a total loss, the insurer should work to settle the claim. Although not specifically stated, currently the Maryland Insurance Administration considers the third-party claimant requirement to mean 10 calendar days. For consistency, we are proposing a change to Regulation .03B to change the word "business" to "calendar". Additionally, for clarification and consistency we are adding the word "calendar" in front of days to Regulation .03D.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may increase the administrative costs to insurance companies when settling first party claims as the change will affect the number of days they have to settle a total loss claim.

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

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

D. Assuming some insurance companies wait until the end of the 10th business day to offer first party claimants a total loss settlement, their administrative costs might increase slightly to work on settling the claim in 10 calendar days instead, as that is a short time frame.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.03 Duties of Insurer Following Determination of Total Loss of Motor Vehicle.

A. (text unchanged)

B. First-Party Claimants—In General. Except as provided in §C of this regulation, within 10 [business] *calendar* days after an insurer determines that a motor vehicle of a first-party claimant is a total loss, the insurer shall:

(1)—(2) (text unchanged)

C. (text unchanged)

D. Third-Party Claimants. Within 10 *calendar* days after an insurer determines that a motor vehicle of a third-party is a total loss, the insurer shall make an offer of a cash settlement pursuant to Regulation .04 of this chapter.

ALFRED W. REDMER, JR. Insurance Commissioner

Title 34 DEPARTMENT OF PLANNING

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

Notice of Proposed Action

[19-022-P]

The Maryland Department of Planning proposes to amend: (1) Regulation .09 under COMAR 34.04.01 Maryland

Historical Trust Historic Preservation Grant Program;

(2) Regulation .08 under COMAR 34.04.02 Maryland Historical Trust Historic Preservation Loan Program; and

(3) Regulation .08 under COMAR 34.04.09 Maryland Historical Trust African American Heritage Preservation Program.

Statement of Purpose

The purpose of this action is to implement, in part, revised policies regarding the Trust's easement program. At its October 2018 meeting, the Board of Trustees of the Trust adopted policy changes to the Trust Historic Preservation Easement Program to assure the long-term sustainability of the program. These regulation amendments implement, in part, these changes.

The Trust currently holds 706 perpetual historic preservation easements and similar preservation instruments which collectively protect over 924 properties and 7,720 acres of land in Maryland. These easements are crafted to protect and preserve the historic character and integrity of historic properties. Easements provide a public benefit by ensuring that significant historic properties are preserved and made accessible to the public, even though most are privately owned. Easements encourage private stewardship and assist the State in safeguarding investments — which are often substantial — in historic properties over the long term.

The Trust began acquiring historic preservation easements on properties assisted through various State grant and loan programs in the 1970s. Currently, the regulations for the Maryland Historical Trust Grant Program, Maryland Historical Trust Loan Program, and the African American Heritage Preservation Program require the conveyance of a perpetual easement to the Trust on assisted properties.

As approved by the Board of Trustees, the Trust intends to no longer require conveyance of a perpetual easement on properties assisted through State grant or loan funding; instead, historic preservation easements acquired as condition of State funding will be for a fixed term of years. Under the Trust's new policy, easement terms will be tied to the amount of funding received: for grant funding, each \$5,000, or portion thereof, will result in 1 year of easement term, with a minimum easement term of 15 years. This will ensure (a) minimum protection of properties beyond the performance period of the grant and (b) easement protection for the minimum required useful life expectancy of the funded capital improvements.

Acceptance of term easements will help promote the long-term sustainability of the easement program by enabling, over time, the Trust's easement inspection staff to focus its limited time and resources on ensuring the preservation of the State's most valuable historic resources. This change will bring the Trust's program in line with similar programs in other states.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. These amendments will have minimal economic impact.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Personnel costs	(E-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:		
Maintenance costs	NONE	Minimal
	Benefit (+) Cost (-)	Magnitude
		0

D. On regulated industries or

trade groups: NONE

Homeowner expenses

E. On other industries or

trade groups: NONE

F. Direct and indirect effects on public:

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

A. In the long term, personnel costs may be lowered as fewer easements need to be monitored in future years.

C. Owners costs may lessen as easements become term easements, with protective covenants implemented in relation to the expected benefit period for capital improvements funded by grants or loans.

F. Homeowner costs may lessen as easements become term easements, with protective covenants implemented in relation to the expected benefit period for capital improvements funded by grants or loans.

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 Raines, Deputy Director, Maryland Historical Trust, 100 Community Place, 3rd Floor,

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Crownsville, MD 21032, or call 410-697-9584, or email to anne.raines@maryland.gov, or fax to 410-697-9616. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

34.04.01 Maryland Historical Trust Historic Preservation Grant Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-328, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

.09 Grant Terms and Conditions.

A. — C. (text unchanged)

D. Requirements for Site-Specific Projects. Except for education and promotion grants under Regulation .05B(1) of this chapter, grants shall have the following additional requirements:

(1) [Preservation Agreements and] Deeds of Easement *and Preservation Agreements*.

(a) If the historic property assisted by the grant is real property, the grantee and the owner of the real property, if the owner is not the grantee, shall convey to the Trust a [perpetual] deed of easement containing preservation covenants applicable to the [historic] *real* property in form, [and] substance, *and duration* satisfactory to the Trust, *which shall be recorded in the land records of the political subdivision in which the real property is situated.*

(b) [The] A deed of easement conveyed pursuant to \$D(1)(a) of the regulation may [also] contain conditional lien provisions and other provisions which require reimbursement of the grant if the encumbrance of the deed of easement is extinguished by the foreclosure of a prior lien or otherwise or if the deed of easement is determined not to be legally enforceable by the Trust for any reason. [The grantee shall record the deed of easement among the land records of the political subdivision in which the real property is situated.]

[(b)] (c) If the historic property assisted by the grant is other than real property, the grantee and the owner of the *historic* property, if the owner is not the grantee, shall enter into an agreement with the Trust to preserve and maintain the historic property in such manner and duration as is acceptable to the Trust.

[(c)] (d) The [requirement of a] preservation agreement or deed of easement *requirements* set forth in D(1)(a) and [(b)](c) of this regulation may be modified or waived by the Secretary if the Secretary [has issued a written determination] *determines* that such an agreement or easement is impracticable [or infeasible] under the circumstances. [Evidence of impracticability or infeasibility may include, among other things, the existence of a previous agreement or deed of easement in form and substance satisfactory to the Trust.]

[(d)] (e) The [provision] requirement in D(1)(a) of this regulation [requiring execution of the] that a deed of easement be conveyed by [the] a property owner if the owner is not the grantee[,] may be modified or waived by the Director, as necessary, if the subject property is [in the case of] long-term leasehold property[, if necessary].

(2) — (4) (text unchanged) E. (text unchanged)

34.04.02 Maryland Historical Trust Historic Preservation Loan Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-327, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

.08 Loan Terms and Requirements.

A. — B. (text unchanged)

C. Real Property Requirements. In addition to the conditions and requirements of §§A and B of this regulation, when real property

secures [a loan, or historic real property is] *or is* assisted by the loan, the loan shall meet the following requirements:

- (1) (4) (text unchanged)
- (5) Deed of Easement.

(a) [The] *If the real property assisted by the loan is historic property, the* borrower[,] and the owner of the [historic] real property, if the owner is not the borrower, shall convey to the Trust a [perpetual] deed of easement containing preservation covenants applicable to the [historic] real property, [assisted by the loan,] in form, [and] substance, *and duration* satisfactory to the Trust[.], *which shall:*

(*i*) [The borrower shall record the deed of easement among] *Be recorded in* the land records of the political subdivision in which the real property is situated[. A recorded deed of easement under this paragraph satisfies];

(*ii*) Satisfy the [requirement of a] preservation agreement requirement of [in] A(8) of this regulation.

(b) The [requirement of a] preservation agreement or deed of easement *requirements* set forth in \$ (a) and C(5)(a) of this regulation may be modified or waived by the Secretary if the Secretary [has issued a written determination] *determines* that such an agreement or easement is impracticable [or infeasible] under the circumstances. [Evidence of impracticability or infeasibility may include, among other things, the existence of a previous agreement or deed of easement in form and substance satisfactory to the Trust.]

(c) The [provision] requirement in C(5)(a) of this regulation[, requiring execution of the] that a deed of easement be conveyed by [the] a property owner if the owner is not the borrower[,] may be modified or waived by the Director [in the case of], as necessary, if the subject property is long-term leasehold property[, if necessary].

34.04.09 Maryland Historical Trust African American Heritage Preservation Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-330, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

.08 Grant Terms and Conditions.

A. — C. (text unchanged)

D. Additional Grant Requirements.

(1) Deeds of Easement and Preservation Agreements.

(a) If a grant is for a project [located on historic] *on* real property that is individually listed in, or individually eligible for listing in, the Maryland Register of Historic Properties, the grantee and the owner of the real property, if the owner is not the grantee, shall convey to the Trust [or an entity acceptable to the Trust] a [perpetual] deed of easement containing preservation covenants applicable to the [historic] real property, in form, [and] substance, *and duration* satisfactory to the Trust, *which shall be recorded in the land records of the political subdivision in which the real property is situated.*

(b) [The] A deed of easement conveyed pursuant to \$D(1)(a) of the regulation may [also] contain conditional lien provisions and other provisions which require reimbursement of the grant if the encumbrance of the deed of easement is extinguished by the foreclosure of a prior lien or otherwise or if the deed of easement is determined not to be legally enforceable for any reason. [The grantee shall record the deed of easement among the land records of the political subdivision in which the real property is situated.]

[(b)] (c) If a grant is for a project affecting [historic personal] property *that is individually listed in, or individually eligible for listing in, the Maryland Register of Historic Properties, and is* other than real property, the grantee and the owner of the [historic personal] property, if the owner is not the grantee, shall enter into an agreement with the Trust [or an entity acceptable to the

Trust] to preserve and maintain the [historic personal] property in such manner and duration as is acceptable to the Trust.

[(c)] (d) The preservation agreement or deed of easement requirements of D(1)(a) and [(b)] (c) of this regulation may be modified or waived by the Director if the Director determines that such an agreement or easement is impracticable, infeasible, or not necessary under the circumstances. [Evidence of impracticability, infeasibility, or lack or necessity may include, among other things, the existence of a previous agreement or deed of easement in form and substance satisfactory to the beneficiary of the agreement or holder of the easement, as the case may be.]

[(d)] (e) The requirement in D(1)(a) of this regulation that a deed of easement be conveyed by a property owner if the owner is not the grantee may be modified or waived by the Director, as necessary, if the subject property is long-term leasehold property.

(2) - (4) (text unchanged)

E. (text unchanged)

ROBERT McCORD Secretary of Planning

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.07 Heritage Structure Rehabilitation Tax Credit Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

Notice of Proposed Action

[19-023-P]

The Maryland Department of Planning proposes to amend Regulations .02, .03, .05, and .06 under COMAR 34.04.07 Heritage Structure Rehabilitation Tax Certifications.

Statement of Purpose

The purpose of this action is to:

(1) Permit an additional 5 percent tax credit for commercial rehabilitation projects that result in a housing project that qualifies as "affordable housing." This amendment will bring COMAR into conformance with a statutory change made by the General Assembly during the 2018 Session. See Ch. 842, Acts of 2018.

(2) Clarify that, for commercial rehabilitation projects, the tax credit may not exceed 20 percent of the estimated rehabilitation expenditures identified in the applicant's "Part 2" application, plus the additional 5 percent for achieving LEED status or affordable housing. This clarification brings the regulations in line with long-standing administrative practices.

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 Collin Ingraham, Administrator, Preservation Financial Incentives, Maryland Historical Trust, 100 Community Place, 3rd Floor, Crownsville, Maryland 21032-2023, or call 410-697-9558, or email to Collin.Ingraham@maryland.gov, or fax to 410-697-9616. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Affordable housing" means a housing project that has received an allocation of federal low-income housing tax credits by the Department of Housing and Community Development.

[(2)] (3) - [(13)] (14) (text unchanged)

[(14)] (15) "Qualified rehabilitation expenditure" means any amount that is:

(a) (text unchanged)

(b) Expended on a certified rehabilitation:

(i) - (ii) (text unchanged)

(iii) For work undertaken after approval by the Director of the rehabilitation plan under Part 2 *and during a continuous 24-month period selected by the applicant*; and

(c) (text unchanged)

[(15)] (16) — [(23)] (24) (text unchanged)

.03 The Heritage Structure Rehabilitation Tax Credit Program.

A. — B. (text unchanged) C. The Homeowner Tax Credit.

(1) (text unchanged)

(2) The Homeowner Tax Credit shall equal the lesser of:

(a) 20 percent of the qualified rehabilitation expenditures incurred [during the continuous 24-month period selected] by the applicant; or

(b) (text unchanged)

(3) (text unchanged)

D. The Small Commercial Tax Credit.

(1) (text unchanged)

(2) The Small Commercial Tax Credit shall equal the lesser of:

(a) 20 percent of the qualified rehabilitation expenditures incurred [during the continuous 24-month period selected] by the applicant; [or]

(b) 20 percent of estimated qualified rehabilitation expenditures identified in the Part 2 application; or

[(b)](c) (text unchanged)

(3) (text unchanged)

E. The Competitive Commercial Tax Credit.

(1) (text unchanged)

(2) The Commercial Tax Credit:

(a) Shall equal the sum of:

(i) *The lesser of* 20 percent of the qualified rehabilitation expenditures incurred [during the continuous 24-month period selected] by the applicant *or the estimated qualified rehabilitation expenditures identified in the Part 2 application;* and

(ii) If applied for in the Part 2 application, an additional 5 percent of those qualified rehabilitation expenditures if the certified rehabilitation results in *either* a high performance building *or a project that qualifies as affordable housing*; and

(b) (text unchanged)

.05 Procedures for Application for and Review of Certifications of Eligibility of Certified Historic Structure Rehabilitations (Part 2).

A. Part 2 Application Process.

(1) - (2) (text unchanged)

(3) A Part 2 application shall be deemed incomplete, and may not be accepted or reviewed by the Trust, if the application does not:

(a) (text unchanged)

(b) [For an application for either the Small Commercial Tax Credit or the Competitive Commercial Tax Credit, state the maximum amount of the tax credit for which the rehabilitation may qualify] State the applicant's estimated cost of rehabilitation for the proposed rehabilitation project;

(c) - (d) (text unchanged)

(4) - (5) (text unchanged)

B. Homeowner Tax Credit.

(1) Upon receipt of either a complete Part 2 application or an amendment to an application for the Homeowner Tax Credit, the Director shall review the application or amendment and determine whether:

(a) - (b) (text unchanged)

(c) The [anticipated] *estimated* qualified rehabilitation expenditures will exceed \$5,000.

(2) - (3) (text unchanged)

C. Small Commercial Tax Credit.

(1) Upon receipt of either a complete Part 2 application or an amendment to an application for the Small Commercial Tax Credit, the Director shall review the application or amendment and determine whether:

(a) — (b) (text unchanged)

(c) The [anticipated] *estimated* qualified rehabilitation expenditures will exceed \$5,000 but not exceed \$500,000.

(2) If the Director determines that each of the criteria set forth in C(1) of this regulation is satisfied, the Director shall:

(a) (text unchanged)

(b) Issue an initial credit certificate to the applicant in an amount equal to 20 percent of the [anticipated] *estimated* qualified rehabilitation expenditures, which shall be the maximum amount of tax credit approvable under Regulation .06 of this chapter; and

(c) (text unchanged)

(3) - (4) (text unchanged)

D. Competitive Commercial Tax Credit.

(1) (text unchanged)

(a) — (c) (text unchanged)

(d) A request that the rehabilitation be eligible for the additional 5 percent tax credit available under Regulation .03E(2)(a)(ii) of this chapter if the applicant [intends for] *anticipates at the time of the application that* the rehabilitation [to] *will* result in *either:*

(i) [a] A high performance building; or

(ii) A project that qualifies as affordable housing.

(3) The Director shall reject a Part 2 application received from an applicant who in the same fiscal year submitted three or more other Part 2 applications for the Competitive Commercial Tax Credit that, together, exceed \$500,000 in [anticipated] *estimated* qualified rehabilitation expenditures.

(4) - (6) (text unchanged)

(7) The maximum amount of an award of an initial credit certificate for a rehabilitation under D(6) of this regulation may not exceed the lesser of:

(a) [the maximum amount of] *The sum of 20 percent of the estimated* qualified rehabilitation expenditures [specified] *identified* in the Part 2 application *and, if requested in the application, the additional 5 percent high performance building or affordable housing credit;* or

(b) \$3,000,000.

(8) For purposes of calculating the limitation on *the credit for* qualified rehabilitation [expenditure] *expenditures* under §D(7) of this regulation, a rehabilitation project shall include:

(a) — (d) (text unchanged)

(9) - (13) (text unchanged)

.06 Procedures for Certification of Completed Rehabilitation (Part 3).

A. — B. (text unchanged)

C. A Part 3 application shall:

(1) - (2) (text unchanged)

(3) For either the Homeowner Tax Credit or the Small Commercial Tax Credit, include an administrative fee in an amount that is equal to *the greater of* [3] 0.6 percent of either the [maximum amount] *estimated cost of rehabilitation* stated in the Part 2 application [in accordance with Regulation .05A(3)(b) of this chapter] *for the rehabilitation* or the [amount of the] qualified rehabilitation expenditures stated in the Part 3 application[, whichever is greater], less \$10 paid with the Part 2 application.

D. (text unchanged)

E. Upon receipt of a timely filed and complete Part 3 application, the Director:

(1) (text unchanged)

(2) Shall:

(a) (text unchanged)

(b) As may be appropriate for a competitive commercial rehabilitation, determine whether the rehabilitation resulted in *either*;

(i) [a] A high performance building; or

(ii) A housing project that qualifies as affordable housing;

(c) — (d) (text unchanged). F. (text unchanged)

> ROBERT McCORD Secretary of Planning

Title 35 MARYLAND DEPARTMENT OF VETERANS AFFAIRS

Subtitle 07 VETERAN EMPLOYMENT AND TRANSITION SUCCESS PROGRAM

35.07.01 General Regulations

Authority: State Government Article §§9-960 and 9-961, Annotated Code of Maryland

Notice of Proposed Action

[19-024-P]

The Secretary of Veterans Affairs proposes to adopt new Regulations .01—.04 under COMAR 35.07.01 Veteran Employment and Transition Success Program.

Statement of Purpose

The purpose of this action is to establish procedures for the Department to carry out the responsibilities and goals of the Veteran Employment and Transition Success Program pursuant to State Government Article, §9-960(c), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dana Burl, Director of Outreach and Advocacy, Maryland Department of Veterans Affairs, 16 Francis St., Fl. 4, Annapolis, MD 21401, or call 410-260-3842, or email to dana.burl@maryland.gov, or fax to 410-216-7928. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to establish procedures for the Department to carry out the responsibilities and goals of the Veteran Employment and Transition Success Program pursuant to State Government Article, §9-960(c), Annotated Code of Maryland.

.02 Definitions.

A. In this subtitle, the following terms have the meaning indicated. *B.* Terms Defined.

(1) "Fund" means the Veteran Employment and Transition Success Fund.

(2) "Grant" means monetary assistance from the Fund to a Transitioning veteran.

(3) "Program" means the Veteran Employment and Transition Success Program.

.03 General Applicability.

These regulations apply to every expenditure by the Department of money from the Fund.

.04 Grant Applications.

A. Transitioning veterans eligible for a grant from the Fund are those individuals who:

(1) Served on active duty in the Uniformed Services of the United States, the National Guard, or a reserve component of the Uniformed Services of the United States;

(2) Served in a capacity other than for training;

(3) Were discharged or released under conditions other than dishonorable: and

(4) Are current residents of the State of Maryland.

B. Transitioning veterans applying for a Program grant shall complete the application and submit any additional information or documentation required by the Department.

C. Upon verification of eligibility, and contingent on available funds, the Department may disburse grants from the Fund to transitioning veterans.

> GEORGE W. OWINGS III Secretary of Veterans Affairs

COMAR Title 10

At 46:1 Md. R. 12 (January 4, 2019), column 1, lines 21-22 from the top:

For: **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

Read: MARYLAND DEPARTMENT OF HEALTH

At 46:1 Md. R. 22 (January 4, 2019), column 2, lines 23—24 from the bottom:

For: **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

Read: MARYLAND DEPARTMENT OF HEALTH

[19-02-07]

COMAR 10.24.17.01

At 46:1 Md. R. 12 (January 4, 2019), column 1, line 21 from the bottom:

- For: Authority: Health-General Article, §§19-109(a)(1), 19-101(a)(3), 19-118, 19-
- Read: Authority: Health-General Article, §§19-109(a)(1)[[, 19-109(a)(3)]] and (3), 19-118, 19-

[19-02-08]

COMAR 22.01.04.05

At 45:23 Md. R. 1115 (November 9, 2018), column 2, line 6 from the top:

For: [C.] (*d*) The member may file a written petition to the Board

Read: [C.] (*d*) [The member may file a written petition to the Board

[19-02-14]

Special Documents

OFFICE OF THE SECRETARY OF STATE

INTERNATIONAL AND INTERSTATE AGREEMENTS

Memorandum of Understanding Sister State Agreement Between the Government of the Region Piura and the Government of the State of Maryland

This Memorandum of Understanding (MOU) is entered into by and between the Government of the Region Piura, of Peru and the Government of the State of Maryland, of the United States of America (hereinafter referred to as the "Parties").

Whereas, the Parties wish to amplify the positive experiences already existing between Peru, especially the Region Piura, and the State of Maryland;

Whereas the Parties intend to cooperate further;

Whereas, the Parties intend for this MOU to be of mutual benefit to both the State of Maryland and the Region Piura, which benefits the country of Peru generally; and

Now, therefore, the Parties have agreed as follows:

Article 1

The Parties represent that cooperation will take place in the following areas:

- Promotion of trade and business, including entrepreneurship;
- Increase educational opportunities;
- Exchange of culture and the arts; and
- Improve health and human services.

By mutual written consent of both parties, the Parties may adopt other areas of exchange.

Article 2

Neither party, without the prior written consent of the other Party, shall use any information it receives from the other Party under this MOU for purposes not directly related to the exercise of the MOU.

Article 3

The Parties shall act in good faith in implementing the items described in this MOU, however the Parties shall not assume any legal or financial obligations or liabilities in this regard whatsoever.

Article 4

Information received pursuant to this MOU by one Party from the other shall be used solely for purposes directly related to the exercise of the MOU, unless prior written consent from the other Party is obtained.

Article 5

Any cooperation under this MOU shall be within the scope of the authority and powers of both Parties and availability of funds.

Article 6

This MOU shall be subject to the laws, rules and regulations applying to both Participants.

Article 7

This MOU is not intended to create legally binding rights and obligations.

Article 8

This MOU shall not preclude either Party from entering into similar arrangements with any other entity.

Article 9

This MOU is for a period of three (3) years starting on the effective date, and may be renewed by an exchange of letters between the Parties. Notwithstanding the foregoing, this MOU may be terminated at any time by mutual agreement or unilaterally by either Party; provided however, Articles 3 and 8 shall survive the termination of the MOU.

Signed in English and Spanish, both versions being equally valid.

For and on Behalf of the Government of the Region Piura:

Reynaldo Hilbrck Guzman Governor Region Piura

For and on Behalf of the Government of the State of Maryland:

[19-02-15]

Lawrence J. Hogan, Jr. Governor State of Maryland

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.

MARYLAND CORRECTIONAL ENTERPRISES

Subject: Public Meeting

Dates and Times: January 29; April 30; July 30; and October 29, 2019; 9:30 — 11 a.m.

Place: Maryland Correctional Enterprises, MD

Contact: Ashley Lohr (410) 540-5405 [19-02-05]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Hearing

Date and Time: January 23, 2019, 10 a.m. — 12 p.m.

Place: 100 Community Pl., 1st Fl. Conference Rm. Side B, Crownsville, MD Contact: Rebecca Allyn (410) 697-9384 [19-02-03]

[9-02-03]

MARYLAND STATE DEPARTMENT OF EDUCATION

Subject: Public Hearing

Date and Time: February 21, 2019, 4:30 — 7:30 p.m.

Place: Chesapeake College, Health Professions and Athletic Center (HPAC), 1000 College Cir., Rm. 143, Wye Mills, MD

Add'l. Info: Maryland's Career and Technology Education (CTE) Transition Year State Plan

Contact: Jeanne-Marie Holly (410) 767-0182

[19-02-04]

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:

Johns Hopkins Bayview Medical Center — Docket No. 18-24-2430 Convert 16 chronic beds to 16 comprehensive inpatient rehabilitation beds. After the project the hospital will have 60 chronic care beds and 28 inpatient rehabilitation beds. Proposed Cost: \$0.

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 February 19, 2019. 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

[19-02-09]

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:

Adventist Rehabilitation Hospital of Maryland — Docket No. 18-15-2428 — Relocation of 42 rehabilitation beds (32 beds currently licensed to Adventist and operating with Washington Adventist Hospital ("WAH"), plus an additional 10 waiver beds that Adventist plans to add to WAH location in current space) to two floors built by Washington Adventist Hospital at its facility presently under construction in White Oak. Proposed cost: \$19,500,000.

MHCC shall review the application under Maryland 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 February 19, 2019. 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 [19-02-10]

RACING COMMISSION

Subject: Public Meeting

Date and Time: January 24, 2019, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

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

[19-02-06]

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

Subject: Public Meeting Date and Time: February 12, 2019, 10:30 a.m. — 12 p.m. Place: 500 N. Calvert St., Baltimore, MD Contact: Patti Schott (410) 230-6165 [19-02-01]

BOARD OF WELL DRILLERS

Subject: Public Meeting Date and Time: January 23, 2019, 9 a.m. — 12 p.m. Place: MDE, 1800 Washington Blvd., Baltimore, MD Add'l. Info: A portion of this meeting may be held in closed session. Contact: Elaine Nolen (410) 537-4466 [19-02-02]

COMAR ORDER INFORMATION SHEET

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Name			
Company			
Address			
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Check enclosed, made payable			
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SPECIAL COMAR PURLICATIONS

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	Price			
Control of Ionizing Radiation (through supplement 29)	\$163	\$20		
Control of Ionizing Radiation Supplement 28 ONLY	\$18	\$0		
Control of Ionizing Radiation Supplement 29 ONLY	\$12	\$0		
Forest Conservation Law	\$15	\$5		
Forest Conservation Technical Manual 3 rd Edition, 1997	\$20	\$8		
Preventive Maintenance Handbook (PM Handbook) (green cover)	\$15	\$5		
Vehicle Inspection Handbook (Feb 2012)	\$48	\$11		
			Total	

If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.

COMAR SUBSCRIPTION SCHEDULES

PDF QUARTERLY UPDATES	PRINT SEMI-ANNUAL UPDATES
After March 30 th	After June 30 th
After June 30 th	After December 31 st
After September 30 th	
After December 31 st	

PDF – A replacement title(s) in its entirety will be sent in electronic format.

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Titles	Agency Name	Price ¹	Subscription ²	Quantity	Total
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Title 02	Office of the Attorney General	\$22	\$13		
Title 03	Comptroller of the Treasury	\$30	\$20		
Title 04	General Services	\$16	\$10		
Title 05	Housing and Community Development	\$78	\$50		
Title 07	Human Services	\$80	\$53		
Title 08	Natural Resources	\$78	\$51		
Title 09	Labor, Licensing and Regulation	\$89	\$60		
Title 10	Maryland Department of Health (All parts) **	\$272	\$180		
Title 10	Part 1 **	\$48	\$32	<u> </u>	
Title 10	Part 2 **	\$75	\$50		
Title 10	Part 3 **	\$75	\$50		
Title 10	Part 4 **	\$50	\$35		
Title 10	Part 5 **	\$69	\$50		
Title 11	Transportation (All parts) **	\$106	\$75		
Title 11	Part 1 (Transportation) **	\$42	\$25		
Title 11	Part 2 (MVA)**	\$74	\$50		
Title 12	Public Safety and Correctional Services	\$67	\$43		
Title 13A	Board of Education	\$63	\$42		
Title 13B	Higher Education Commission	\$25	\$15		
Title 14	Independent Agencies	\$80	\$53		
Title 15	Agriculture	\$48	\$30		
Title 16	Juvenile Service	\$23	\$15		
Title 17	Budget and Management	\$28	\$16		
Title 18	Assessments and Taxation	\$20	\$12		
Title 19A	State Ethics Commission	\$24	\$14		
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