

# Maryland Register

Issue Date: December 6, 2019

Volume 46 • Issue 25 • Pages 1123—1152

## IN THIS ISSUE

Judiciary  
Regulations  
Errata  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 18, 2019, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of November 18, 2019.

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



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

## CITATION TO THE MARYLAND REGISTER

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

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

## CODE OF MARYLAND REGULATIONS (COMAR)

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

## CITATION TO COMAR REGULATIONS

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

## DOCUMENTS INCORPORATED BY REFERENCE

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

## HOW TO RESEARCH REGULATIONS

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

## SUBSCRIPTION INFORMATION

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

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

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# Contents

1125

## Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register .....	1126
---	------

## COMAR Research Aids

Table of Pending Proposals .....	1127
----------------------------------	------

## Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
09 Maryland Department of Labor .....	1131, 1134
11 Department of Transportation .....	1131, 1136
14 Independent Agencies .....	1138
15 Maryland Department of Agriculture .....	1131
18 Department of Assessments and Taxation .....	1146
22 State Retirement and Pension System .....	1133
30 Maryland Institute for Emergency Medical Services Systems (MIEMSS) .....	1132
31 Maryland Insurance Administration .....	1146
34 Department of Planning .....	1132

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## The Judiciary

COURT OF APPEALS OF MARYLAND DISCIPLINARY PROCEEDINGS .....	1130
---	------

## Final Action on Regulations

<b>09 MARYLAND DEPARTMENT OF LABOR</b> STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS Compliance with International Mechanical Code .....	1131
<b>11 DEPARTMENT OF TRANSPORTATION</b> MARYLAND AVIATION ADMINISTRATION Baltimore/Washington International Thurgood Marshall Airport .....	1131
<b>15 MARYLAND DEPARTMENT OF AGRICULTURE</b> STATE CHEMIST Commercial Fertilizer and Soil Conditioner .....	1131
Compost .....	1131
<b>30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)</b> GENERAL Documents Incorporated by Reference .....	1132
<b>34 DEPARTMENT OF PLANNING</b> HISTORICAL AND CULTURAL PROGRAMS Historic Revitalization Tax Credit Certifications .....	1132

## Withdrawal of Regulations

<b>22 STATE RETIREMENT AND PENSION SYSTEM</b> GENERAL REGULATIONS Member Services Unit—Telephone Recording or Monitoring .....	1133
--	------

## Proposed Action on Regulations

<b>09 MARYLAND DEPARTMENT OF LABOR</b> DIVISION OF LABOR AND INDUSTRY Wage and Hour Law .....	1134
Elevator, Escalator, and Chairlift Safety .....	1135
Safety Requirements for Personnel Hoists .....	1135
<b>11 DEPARTMENT OF TRANSPORTATION</b> MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES Access to Public Motor Vehicle Administration Records .....	1136
<b>MOTOR VEHICLE ADMINISTRATION — LICENSING OF BUSINESSES AND OCCUPATIONS</b> Public Information .....	1136
<b>MOTOR VEHICLE ADMINISTRATION — VEHICLE EQUIPMENT</b> Ignition Interlock Systems .....	1136
<b>MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION</b> Electronic Transmission of Titling and Registration Information .....	1136
<b>14 INDEPENDENT AGENCIES</b> WORKERS' COMPENSATION COMMISSION Guide of Medical and Surgical Fees .....	1138
Guide of Medical and Surgical Fees .....	1139
Responsibilities of Insurers .....	1139
<b>MARYLAND CENTER FOR SCHOOL SAFETY</b> Meetings .....	1140
Inspection of and Copying of Public Records .....	1141
Correction or Amendment of Public Records .....	1143
Certification and Training for School Security Employees and School Resource Officers .....	1144
Critical, Life-Threatening Incidents .....	1145
<b>18 DEPARTMENT OF ASSESSMENTS AND TAXATION</b> GROUND RENTS Redemption .....	1146
<b>31 MARYLAND INSURANCE ADMINISTRATION</b> HEALTH INSURANCE — GENERAL Private Review Agents .....	1146

## Errata

COMAR 33.16.04.02 .....	1148
-------------------------	------

## Special Documents

<b>MARYLAND HEALTH CARE COMMISSION</b> AVERAGE ANNUAL CHRONIC HOSPITAL OCCUPANCY RATES BY JURISDICTION AND FACILITY: MARYLAND, FISCAL YEARS 2017 — 2019 .....	1149
USE OF SPECIAL HOSPITAL CHRONIC BEDS: MARYLAND, FY 2019 .....	1150

## General Notices

<b>COMMISSIONER OF FINANCIAL REGULATION</b> Bank Merger .....	1151
<b>FIRE PREVENTION COMMISSION</b> Public Meeting .....	1151
<b>MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION</b> Public Meeting .....	1151

# Contents

1126

MARYLAND COMMISSION ON ARTISTIC PROPERTY  
 Public Meeting ..... 1151  
 HEALTH SERVICES COST REVIEW COMMISSION  
 Public Meeting ..... 1151  
 MARYLAND DEPARTMENT OF HEALTH/STATE  
 COMMUNITY HEALTH WORKER ADVISORY  
 COMMITTEE  
 Public Meeting ..... 1151  
 MARYLAND HEALTH CARE COMMISSION  
 Public Meeting ..... 1151  
 DEPARTMENT OF NATURAL RESOURCES/FISHING AND  
 BOATING SERVICES  
 Public Notice — Partial Opening of Swan Point Oyster Bar  
 (Kent County) — Effective 11/25/2019 ..... 1151  
 Public Notice — Closure of Upper Chesapeake Bay to Oyster  
 Harvest — Effective 11/25/2019 ..... 1152  
 STATE ADVISORY COUNCIL ON QUALITY CARE AT  
 THE END OF LIFE  
 Public Meeting ..... 1152  
 BOARD OF REVENUE ESTIMATES  
 Public Meeting ..... 1152  
 NORTHEAST MARYLAND WASTE DISPOSAL  
 AUTHORITY  
 Public Meetings Notice Procedure ..... 1152  
 BOARD OF WELL DRILLERS  
 Public Meeting ..... 1152  
 WORKERS' COMPENSATION COMMISSION  
 Public Meeting ..... 1152  
 GOVERNOR'S WORKFORCE DEVELOPMENT BOARD  
 Public Meeting ..... 1152

## CLOSING DATES AND ISSUE DATES THROUGH JULY 2020

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2019</b>			
December 20	December 2	December 9	December 11
<b>2020</b>			
January 3	December 16	December 23	December 24**
January 17	December 30	January 6	January 8
January 31	January 13	January 17**	January 22
February 14	January 27	February 3	February 5
February 28	February 10	February 14**	February 19
March 13	February 24	March 2	March 4
March 27	March 9	March 16	March 18
April 10	March 23	March 30	April 1
April 24	April 6	April 13	April 15
May 8	April 20	April 27	April 29
May 22	May 4	May 11	May 13
June 5	May 18	May 22**	May 27
June 19	June 1	June 8	June 10
July 6***	June 15	June 22	June 24
July 17	June 29	July 6	July 8
July 31	July 13	July 20	July 22

\* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes.

\*\*\* Note issue date changes.

**The regular closing date for Proposals and Emergencies is Monday.**

### COMAR Online

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

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

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

### Availability of Monthly List of Maryland Documents

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

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

## REGULATIONS CODIFICATION SYSTEM

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

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

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

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

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

## Table of Pending Proposals

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

### 01 EXECUTIVE DEPARTMENT

**01.02.11.01—,10,,14,,16—,22** • 45:23 Md. R. 1073 (11-9-18)

### 03 COMPTROLLER OF THE TREASURY

**03.11.01.01—,14** • 46:22 Md. R. 981 (10-25-19)

### 04 DEPARTMENT OF GENERAL SERVICES

**04.01.05.01—,10** • 46:22 Md. R. 981 (10-25-19)

### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**05.02.01.01—,07** • 46:1 Md. R. 16 (1-4-19) (ibr)

**05.02.02.01—,12** • 46:1 Md. R. 16 (1-4-19)

**05.02.03.01—,07** • 46:1 Md. R. 16 (1-4-19)

**05.02.04.01—,18** • 46:1 Md. R. 16 (1-4-19) (ibr)

**05.02.06.01,,02** • 46:1 Md. R. 16 (1-4-19)

**05.02.07.01—,09** • 46:1 Md. R. 16 (1-4-19) (ibr)

**05.16.01.01—,08** • 46:1 Md. R. 16 (1-4-19)

### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.01.05** • 46:23 Md. R. 1070 (11-8-19)

**08.02.05.15** • 46:22 Md. R. 987 (10-25-19)

**08.07.06.02** • 46:22 Md. R. 988 (10-25-19)

### 09 MARYLAND DEPARTMENT OF LABOR

**09.12.01.28** • 46:15 Md. R. 663 (7-19-19)

**09.12.41.19—,24** • 46:25 Md. R. 1134 (12-6-19)

**09.12.81.01,,02** • 46:25 Md. R. 1135 (12-6-19)

**09.12.83.01** • 46:25 Md. R. 1135 (12-6-19)

**09.19.02.01** • 46:22 Md. R. 988 (10-25-19)

**09.20.01.01—,03,,05—,07** • 46:21 Md. R. 895 (10-11-19) (ibr)

**09.26.02.06** • 46:21 Md. R. 898 (10-11-19)

**09.35.02.04—,06** • 46:13 Md. R. 598 (6-21-19)

### 10 MARYLAND DEPARTMENT OF HEALTH

#### Subtitle 09 (2nd volume)

**10.09.06.07,,09** • 46:21 Md. R. 899 (10-11-19)

**10.09.10.07,,08,,30** • 46:22 Md. R. 990 (10-25-19)

**10.09.33.09** • 46:18 Md. R. 781 (8-30-19)

**10.09.37.02—,15** • 46:19 Md. R. 819 (9-13-19)

**10.09.48.08** • 46:19 Md. R. 821 (9-13-19)

**10.09.79.02,,03** • 46:22 Md. R. 992 (10-25-19)

**10.09.80.08** • 46:19 Md. R. 822 (9-13-19)

#### Subtitles 10 — 22 (3rd Volume)

**10.10.09.03** • 46:20 Md. R. 849 (9-27-19)

**10.12.06.01—,10** • 46:2 Md. R. 62 (1-18-19)

**10.14.02.01—,04,,04-1,,04-2,,05—,07,,09,,10,**

**.12—,22** • 46:22 Md. R. 992 (10-25-19)

**10.15.03.02,,06,,09,,15,,25,,27,,40** • 46:12 Md. R. 559 (6-7-19)

**10.17.01.05,,06,,06-1,,07—,11,,55** • 46:2 Md. R. 64 (1-18-19)

**10.22.17.06—,08** • 46:20 Md. R. 850 (9-27-19)

**10.22.18.04** • 46:20 Md. R. 850 (9-27-19)

#### Subtitles 23 — 36 (4th Volume)

**10.27.01.01,,05,,10** • 46:14 Md. R. 626 (7-5-19)

**10.29.02.04** • 46:22 Md. R. 997 (10-25-19)

**10.29.03.01—,08** • 46:22 Md. R. 999 (10-25-19)

**10.29.05.05** • 46:22 Md. R. 997 (10-25-19)

**10.29.09.03,,04** • 46:22 Md. R. 997 (10-25-19)

**10.29.17.04** • 46:22 Md. R. 997 (10-25-19)

**10.29.18.02** • 46:22 Md. R. 997 (10-25-19)

**10.32.10.02,,10** • 46:22 Md. R. 1001 (10-25-19)

**Subtitles 37—67 (5th Volume)**

- 10.37.01.02 • 46:24 Md. R. 1107 (11-22-19) (ibr)
- 10.43.07.01—18 • 46:22 Md. R. 1002 (10-25-19)
- 10.43.13.06 • 46:22 Md. R. 1002 (10-25-19)
- 10.43.14.03,.04 • 46:22 Md. R. 1002 (10-25-19)
- 10.44.12.11,.21 • 46:16 Md. R. 699 (8-2-19)
- 10.62.08.06,.10 • 46:20 Md. R. 857 (9-27-19)
- 10.62.19.05,.09 • 46:20 Md. R. 857 (9-27-19)
- 10.62.25.10 • 46:20 Md. R. 857 (9-27-19)
- 10.62.34.08 • 46:20 Md. R. 857 (9-27-19)
- 10.62.35.01 • 46:20 Md. R. 857 (9-27-19)
- 10.62.36.01—06 • 46:20 Md. R. 857 (9-27-19)
- 10.68.01.01—09 • 46:22 Md. R. 1005 (10-25-19)
- 10.68.02.01—07 • 46:22 Md. R. 1005 (10-25-19)

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 11—23 (MVA)**

- 11.11.09.01,.02,.04,.06 • 46:25 Md. R. 1136 (12-6-19)
- 11.12.05.01—06 • 46:25 Md. R. 1136 (12-6-19)
- 11.13.10.03 • 46:25 Md. R. 1136 (12-6-19)
- 11.15.31.11,.12,.16,.17 • 46:25 Md. R. 1136 (12-6-19)
- 11.18.02.02,.03 • 46:24 Md. R. 1108 (11-22-19)

**13A STATE BOARD OF EDUCATION**

- 13A.03.02.02,.03,.06—10,.12 • 46:24 Md. R. 1108 (11-22-19)
- 13A.04.18.01,.02 • 46:18 Md. R. 786 (8-30-19)
- 13A.05.01.14 • 46:23 Md. R. 1071 (11-8-19)
- 13A.05.12.01—03 • 46:23 Md. R. 1072 (11-8-19)
- 13A.07.12.01 • 46:19 Md. R. 824 (9-13-19)
- 13A.15.01.02 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.02.01—03,.07,.08 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.03.02—05 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.04.04 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.05.02,.05,.06 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.06.02—05 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.07.04 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.08.01,.03—05 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.10.01,.04,.06 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.11.03,.04,.06 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.12.01 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.13.02,.05—09 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.14.01,.03,.04 • 46:21 Md. R. 900 (10-11-19)
- 13A.15.15.03,.04 • 46:21 Md. R. 900 (10-11-19)
- 13A.16.01.01,.02 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.02.01—04,.06 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.03.01—06,.09 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.05.05,.12,.13 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.06.03—06,.09—13 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.07.02,.03,.06 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.08.01,.03,.06 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.09.04 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.10.02,.05 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.11.02—04,.06 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.12.01 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.13.02 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.14.01 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.15.03 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.16.02—04 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.17.01,.03—08 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.18.01—05 • 46:21 Md. R. 909 (10-11-19)
- 13A.16.19.03,.04 • 46:21 Md. R. 909 (10-11-19)

- 13A.17.01.02 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.02.01,.02,.05,.06 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.03.02—06,.09 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.05.05,.12,.13 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.06.02—05 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.07.02,.03,.06 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.08.06,.08 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.10.01,.02 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.11.02—04,.06 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.12.01 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.13.01 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.14.02,.03 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.15.01,.03—08 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.16.01—05 • 46:21 Md. R. 920 (10-11-19)
- 13A.17.17.03,.04 • 46:21 Md. R. 920 (10-11-19)
- 13A.18.01.02 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.02.01—08 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.03.02—06 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.04.04 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.05.05,.12,.13 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.06.03—08,.10 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.07.02,.03 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.08.01,.02,.06,.08 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.09.04 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.10.01 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.11.02—04 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.12.01,.06 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.14.02,.05—09 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.15.01,.03,.04 • 46:21 Md. R. 929 (10-11-19)
- 13A.18.16.03,.04 • 46:21 Md. R. 929 (10-11-19)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

- 13B.01.03.01—09 • 46:24 Md. R. 1111 (11-22-19)
- 13B.07.06.01—05 • 46:24 Md. R. 1114 (11-22-19)

**14 INDEPENDENT AGENCIES**

- 14.04.01.01—11 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.02.01—09 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.03.01—06 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.04.01—06 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.05.01—07 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.06.01—07 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.07.01—04 • 46:22 Md. R. 1011 (10-25-19)
- 14.04.08.01—11 • 46:22 Md. R. 1011 (10-25-19)
- 14.09.08.01 • 46:25 Md. R. 1138 (12-6-19)
- 14.09.08.02 • 46:25 Md. R. 1139 (12-6-19)
- 14.09.12.02 • 46:25 Md. R. 1139 (12-6-19)
- 14.09.13.07 • 46:24 Md. R. 1115 (11-22-19)
- 14.22.01.03,.10,.12 • 46:22 Md. R. 1018 (10-25-19)
- 14.35.02.04 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.03.02—04 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.04.04 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.05.02 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.07.12,.13,.18,.19 • 46:22 Md. R. 1022 (10-25-19)
- 14.35.08.06 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.09.06 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.12.02,.04,.05,.07,.08 • 46:22 Md. R. 1019 (10-25-19)
- 14.35.13.02—05,.09,.10 • 46:22 Md. R. 1019 (10-25-19)
- 14.40.01.01—06 • 46:25 Md. R. 1140 (12-6-19)
- 14.40.02.01—16 • 46:25 Md. R. 1141 (12-6-19)
- 14.40.03.01—11 • 46:25 Md. R. 1143 (12-6-19)
- 14.40.04.01—03 • 46:25 Md. R. 1144 (12-6-19)
- 14.40.05.01—04 • 46:25 Md. R. 1145 (12-6-19)

**15 MARYLAND DEPARTMENT OF AGRICULTURE**

15.01.04.01—.17 • 46:23 Md. R. 1073 (11-8-19)  
 15.01.06.01—.11 • 46:23 Md. R. 1076 (11-8-19)  
 15.01.12.01—.04 • 46:22 Md. R. 1023 (10-25-19)

**35 DEPARTMENT OF VETERANS AFFAIRS**

35.06.01.02,.07 • 46:24 Md. R. 1116 (11-22-19)  
 35.07.01.01—.04 • 46:2 Md. R. 88 (1-18-19)

**18 DEPARTMENT OF ASSESSMENTS AND TAXATION**

18.15.01.02,.06 • 46:25 Md. R. 1146 (12-6-19)

**24 DEPARTMENT OF COMMERCE**

24.05.16.01—.11 • 46:23 Md. R. 1077 (11-8-19)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 08—12 (Part 2)**

26.08.01.01 • 46:3 Md. R. 155 (2-1-19)  
 26.08.04.01 • 46:3 Md. R. 155 (2-1-19) (ibr)  
 26.08.04.09,.09-1 • 46:20 Md. R. 860 (9-27-19)  
 26.11.08.01,.10 • 46:20 Md. R. 862 (9-27-19)  
 26.11.17.04 • 46:20 Md. R. 865 (9-27-19)

**28 OFFICE OF ADMINISTRATIVE HEARINGS**

28.01.01.01,.02 • 46:22 Md. R. 1025 (10-25-19)  
 28.01.02.01—.03 • 46:22 Md. R. 1025 (10-25-19)  
 28.01.03.01—.07,.09—.11 • 46:22 Md. R. 1025 (10-25-19)  
 28.01.04.03,.09,.14—.16 • 46:22 Md. R. 1025 (10-25-19)  
 28.01.05.02,.05—.11 • 46:22 Md. R. 1025 (10-25-19)  
 28.02.01.01—.06,.08—.21,.23—.27 • 46:22 Md. R. 1025 (10-25-19)  
 28.03.01.01—.08 • 46:22 Md. R. 1025 (10-25-19)

**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)**

30.08.01.02 • 46:21 Md. R. 941 (10-11-19)  
 30.08.02.10 • 46:21 Md. R. 941 (10-11-19)  
 30.08.06.01—.21 • 46:21 Md. R. 941 (10-11-19)

**31 MARYLAND INSURANCE ADMINISTRATION**

31.03.02.10 • 46:23 Md. R. 1078 (11-8-19)  
 31.04.22.03,.04 • 46:22 Md. R. 1039 (10-25-19)  
 31.06.04.01—.03 • 46:22 Md. R. 1040 (10-25-19)  
 31.09.04.03 • 46:2 Md. R. 82 (1-18-19)  
 46:13 Md. R. 604 (6-21-19)  
 31.10.06.02,.28,.30,.31 • 45:23 Md. R. 1119 (11-9-18)  
 31.10.21.02-1 • 46:25 Md. R. 1146 (12-6-19)  
 31.15.12.03 • 46:2 Md. R. 84 (1-18-19)

**33 STATE BOARD OF ELECTIONS**

33.02.04.01—.08 • 46:21 Md. R. 948 (10-11-19)  
 33.08.05.01,.09,.10 • 46:21 Md. R. 949 (10-11-19)  
 33.10.01.17 • 46:23 Md. R. 1078 (11-8-19)  
 33.11.01.01 • 46:21 Md. R. 951 (10-11-19)  
 33.11.03.06,.08 • 46:21 Md. R. 951 (10-11-19)  
 33.13.21.01—.04 • 46:5 Md. R. 326 (3-1-19)

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated November 20, 2019, **CIJI SHAWANDRA DODDS** (CPF # 1001070007), 412 Broadway, Apt. 41, Albany, New York 12207, has resigned 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 19-735(e)).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated November 20, 2019, **CHARLES JOSEPH RYAN, III** (CPF # 8512010527), 12502 Trelawn, Mitchellville, Maryland 20721, has been indefinitely suspended by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of the Court of Appeals dated November 20, 2019, **OLEKANMA ARNETTE EKEKWE** (CPF # 1012170007), 3220 Ely Place, SE, Washington, DC 20020, has been indefinitely suspended, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Opinion & Order of the Court of Appeals dated November 22, 2019, **KENNETH STEVEN KAUFMAN** (CPF # 8512010313), 7862 Oracle Place, Potomac, Maryland 20854, has been disbarred, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[19-25-18]



# Final Action on Regulations

## Symbol Key

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

## Title 09 MARYLAND DEPARTMENT OF LABOR

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

#### 09.15.05 Compliance with International Mechanical Code

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

#### Notice of Final Action [19-164-F]

On November 13, 2019, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors adopted amendments to Regulations .01—.03 under **COMAR 09.15.05 Compliance with International Mechanical Code**. This action, which was proposed for adoption in 46:18 Md. R. 780—781 (August 30, 2019), has been adopted as proposed.

**Effective Date: December 16, 2019.**

JAMES JOHNSON  
Chair

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

## Title 11 DEPARTMENT OF TRANSPORTATION

### Subtitle 03 MARYLAND AVIATION ADMINISTRATION

#### 11.03.01 Baltimore/Washington International Thurgood Marshall Airport

Authority: Transportation Article, §§5-204 and 5-208, Annotated Code of  
Maryland

#### Notice of Final Action [19-174-F]

On October 29, 2019, the Executive Director of the Maryland Department of Transportation Maryland Aviation Administration adopted new Regulation .13 under **COMAR 11.03.01**

**Baltimore/Washington International Thurgood Marshall Airport**. This action, which was proposed for adoption in 46:19 Md. R. 823—824 (September 13, 2019), has been adopted as proposed.  
**Effective Date: December 16, 2019.**

RICKY D. SMITH, SR.  
Executive Director  
Maryland Aviation Administration

## Title 15 MARYLAND DEPARTMENT OF AGRICULTURE

### Subtitle 18 STATE CHEMIST

#### 15.18.03 Commercial Fertilizer and Soil Conditioner

Authority: Agriculture Article, §6-203, Annotated Code of Maryland; Chs.  
484 and 485, §8, Acts of 2011

#### Notice of Final Action [19-195-F]

On November 26, 2019, the Maryland Department of Agriculture adopted amendments to Regulation .01 under **COMAR 15.18.03 Commercial Fertilizer and Soil Conditioner**. This action, which was proposed for adoption in 46:21 Md. R. 940—941 (October 11, 2019), has been adopted as proposed.

**Effective Date: December 16, 2019.**

JULIANNE A. OBERG  
Deputy Secretary of Agriculture

### Subtitle 18 STATE CHEMIST

#### 15.18.04 Compost

Authority: Agriculture Article, §§6-203 and 6-221, Annotated Code of  
Maryland

#### Notice of Final Action [19-196-F]

On November 26, 2019, the Maryland Department of Agriculture adopted amendments to Regulations .01 and .07 under **COMAR 15.18.04 Compost**. This action, which was proposed for adoption in 46:21 Md. R. 941 (October 11, 2019), has been adopted as proposed.

**Effective Date: December 16, 2019.**

JULIANNE A. OBERG  
Deputy Secretary of Agriculture

**Title 30**  
**MARYLAND INSTITUTE**  
**FOR EMERGENCY**  
**MEDICAL SERVICES**  
**SYSTEMS (MIEMSS)**

**Subtitle 01 GENERAL**

**30.01.02 Documents Incorporated by Reference**

Authority: Education Article, §13-516, Maryland Code

**Notice of Final Action**

[19-180-F-I]

On November 12, 2019, the State Emergency Medical Services Board adopted amendments to Regulation **.01** under **COMAR 30.02.01 Documents Incorporated by Reference**. This action was taken at a public meeting notice of which was given by publication 46:22 Md. R. 1049 (October 25, 2019) under General Provisions Article, §3-302(c), Annotated Code of Maryland. This action, which was proposed for adoption in 46:20 Md. R. 866 (September 27, 2019), has been adopted as proposed.

**Effective Date: December 16, 2019.**

THEODORE R. DELBRIDGE, M.D., M.P.H.  
 Executive Director

**Title 34**  
**DEPARTMENT OF**  
**PLANNING**

**Subtitle 04 HISTORICAL AND**  
**CULTURAL PROGRAMS**

**34.04.07 *Historic Revitalization Tax Credit***  
**Certifications**

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

**Notice of Final Action**

[19-184-F]

On November 15, 2019, the Secretary of Planning adopted amendments to Regulations **.01—****.06** and **.08** under **COMAR 34.04.07 Historic Revitalization Tax Credit Certifications**. This action, which was proposed for adoption in 46:20 Md. R. 866—871 (September 27, 2019), has been adopted as proposed.

**Effective Date: December 16, 2019.**

ROBERT McCORD  
 Secretary of Planning

# Withdrawal of Regulations

## Title 22

### STATE RETIREMENT AND PENSION SYSTEM

#### Subtitle 01 GENERAL REGULATIONS

#### 22.01.13 Member Services Unit—Telephone Recording or Monitoring

Authority: State Personnel and Pensions Article, §21-110, Annotated Code of  
Maryland

#### Notice of Withdrawal

[19-241-W]

The Board of Trustees for the State Retirement and Pension System withdraws the proposal to amend Regulation .02 under **COMAR 22.01.13 Member Services Unit—Telephone Recording or Monitoring**, as published in 46:24 Md. R. 1115—1116 (November 22, 2019).

R. DEAN KENDERDINE  
Executive Director  
State Retirement Agency

# Proposed Action on Regulations

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

## Symbol Key

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

## Promulgation of Regulations

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

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

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

## Title 09

# MARYLAND DEPARTMENT OF LABOR

## Subtitle 12 DIVISION OF LABOR AND INDUSTRY

### 09.12.41 Wage and Hour Law

Authority: Labor and Employment Article, §§2-106(c), [and] 3-410, and 3-419, Annotated Code of Maryland

#### Notice of Proposed Action

[19-255-P]

The Commissioner of Labor and Industry proposes to amend Regulation .19, adopt new Regulation .20, and recodify existing Regulations .20—.23 to be Regulations .21—.24 under **COMAR 09.12.41 Wage and Hour Law**. This action was considered at a public hearing held on August 15, 2019, notice of which was given in 46:15 Md. R. 664 (July 19, 2019), pursuant to General Provisions Article, §3-302(c)(1), and Labor and Employment Article, §2-106(c)(1), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to adopt regulations to require restaurant employers who utilize a tip credit to provide employees with a written or electronic wage statement. This action is to address the requirements of Chs. 10 and 11 (H.B. 166 and S.B. 280), Acts of 2019, which amended the Wage and Hour Law to require the Commissioner to adopt regulations requiring restaurant employers of certain tipped employees to receive a wage statement that shows the effective hourly rate of pay.

#### 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 Michelle F. Vanreusel, Regulatory and Grants Coordinator, Department of Labor, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to michelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through January 6, 2019. A public hearing has not been scheduled.

#### .19 Regular Hourly Rate.

A.—D. (text unchanged)

E. The following amounts are not included in determining the regular hourly rate:

(1)—(4) (text unchanged)

(5) Contributions irrevocably made by an employer to a trustee or third person under a bona fide retirement, insurance, or similar employee benefit plan; [and]

(6) Extra compensation paid at a premium rate pursuant to a statutorily valid employer-employee agreement[.]; and

(7) *Tips received by the employee in excess of the tip credit.*

#### .20 Restaurant Tip Credit Wage Statement.

A. Definitions.

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

(2) *Terms Defined.*

(a) *“Reported tips” means tips retained by the employee and disclosed to the employer, tips distributed to the employee by the employer, or tips obtained through a valid tip pooling arrangement or tip sharing arrangement.*

(b) “Restaurant” has the meaning stated in Regulation .07D of this chapter.

(c) “Tip credit wage statement” means a written or electronic statement that shows the employee’s effective hourly rate of pay, including employer paid cash wages plus all reported tips, for all tip credit hours worked for each workweek in the pay period.

B. No later than 2 weeks following the end of the pay period, a restaurant employer shall provide each employee for whom the employer utilizes a tip credit with a tip credit wage statement for each pay period that reflects all reported tips for tip credit hours for each workweek of the pay period.

C. A restaurant employer may satisfy the requirement in §B of this regulation by providing an online system through which an employee may obtain the employee’s tip credit wage statement.

MATTHEW S. HELMINIAK  
Commissioner of Labor and Industry

## Subtitle 12 DIVISION OF LABOR AND INDUSTRY

### Notice of Proposed Action

[19-254-P-I]

The Commissioner of Labor and Industry proposes to amend through incorporation by reference:

- (1) Regulations .01 and .02 under **COMAR 09.12.81 Elevator, Escalator, and Chairlift Safety**; and
- (2) Regulation .01 under **COMAR 09.12.83 Safety Requirements for Personnel Hoists**.

#### Statement of Purpose

The purpose of this action is to adopt through incorporation by reference ASME A17.8/CSA B44.8 Standard for wind turbine tower elevators, which was previously a chapter of the IBR document ANSI A17.1, Safety Code for Elevators and Escalators. This action also amends the reference to IBR document ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts to include the updated versions 2011, 2014, and 2017. Finally, this action adopts through incorporation by reference the Elevator section of the National Electric Code, which is currently referenced through A17.1 and A18.1; this action merely adopts the relevant electric code related to elevators directly to avoid confusion.

#### 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 Michelle F. Vanreusel, Regulatory and Grants Coordinator, Department of Labor, 1100 North Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to michelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through January 6, 2019. A public hearing has not been scheduled.

#### Editor’s Note on Incorporation by Reference

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

- (1) ASME A18.1-2011 (Revision of ASME A18.1-2008) Safety Standard for Platform Lifts and Stairway Chairlifts;
- (2) ASME A18.1-2014 (Revision of ASME A18.1-2011) Safety Standard for Platform Lifts and Stairway Chairlifts; and
- (3) ASME A18.1-2017 (Revision of ASME A18.1-2014) Safety Standard for Platform Lifts and Stairway Chairlifts.
- (4) ASME A17.8-2016/CSA B44.8-16 Standard for wind turbine tower elevators
- (5) National Electrical Code, 2017 Edition (NFPA 70)

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](http://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.

### 09.12.81 Elevator, Escalator, and Chairlift Safety

Authority: Public Safety Article, §§12-805, 12-806, and 12-809, Annotated Code of Maryland

#### .01 Safety Code for Elevators and Escalators.

A.—AA. (text unchanged)

BB. ASME A17.8-2016/CSA B44.8-16 Standard for wind turbine tower elevators is incorporated by reference.

CC. Article 620 Elevators, Dumbwaiters, Escalators, Moving Walks, Platform Lifts, and Stairway Chairlifts of the National Electric Code (NFPA 70), which is incorporated by reference in COMAR 09.12.50.02-1B(3).

#### .02 Safety Standard for Platform Lifts and Stairway Chairlifts.

A. Scope.

(1)—(8) (text unchanged)

(9) ASME A18.1-2011 (Revision of ASME A18.1-2008) Safety Standard for Platform Lifts and Stairway Chairlifts is incorporated by reference.

(10) ASME A18.1-2014 (Revision of ASME A18.1-2011) Safety Standard for Platform Lifts and Stairway Chairlifts is incorporated by reference.

(11) ASME A18.1-2017 (Revision of ASME A18.1-2014) Safety Standard for Platform Lifts and Stairway Chairlifts is incorporated by reference.

B.—F. (text unchanged)

### 09.12.83 Safety Requirements for Personnel Hoists

Authority: Public Safety Article, §12-805, Annotated Code of Maryland

#### .01 Incorporation by Reference [of “American National Standard Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations”].

A.—D. (text unchanged)

E. Article 620 Elevators, Dumbwaiters, Escalators, Moving Walks, Platform Lifts, and Stairway Chairlifts of the National Electric Code (NFPA 70), which is incorporated by reference in COMAR 09.12.50.02-1B(3).

MATTHEW S. HELMINIAK  
Commissioner Labor and Industry

# Title 11

## DEPARTMENT OF TRANSPORTATION

### Notice of Proposed Action

[19-249-P]

The Administrator of the Motor Vehicle Administration proposes to amend:

(1) Regulations .01, .02, .04, and .06 under **COMAR 11.11.09 Access to Public Motor Vehicle Administration Records;**

(2) Regulations .01—.06 under **COMAR 11.12.05 Public Information;**

(3) Regulation .03 under **COMAR 11.13.10 Ignition Interlock Systems;** and

(4) Regulations .11, .12, .16, and .17 under **COMAR 11.15.31 Electronic Transmission of Titling and Registration Information.**

#### Statement of Purpose

The purpose of this action is to update obsolete and outdated authority and references.

#### 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 Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

## Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

### 11.11.09 Access to Public Motor Vehicle Administration Records

Authority: *General Provisions Article, Title 4*; Transportation Article, §§12-104(b), 12-111—12-113, 16-117, 16-118, 16-819, and 16-904; [State Government Article, §§10-611, et seq.]; Annotated Code of Maryland

#### .01 Purpose and Scope.

The purpose of this chapter is to comply with the Maryland Public Information Act, [State Government] *General Provisions Article*, [§10-611 et seq.] *Title 4, Annotated Code of Maryland*, and with the federal Driver's Privacy Protection Act of 1994 [(18 U.S.C. §§2721 et seq.)] (*18 U.S.C. §2721 et seq.*), effective September 13, 1997, in order to:

A.—B. (text unchanged)

#### .02 Definitions.

A. (text unchanged)

#### B. Terms Defined.

(1) "Act" means the Maryland Public Information Act, [State Government Article, §10-611 et seq.] *General Provisions Article, Title 4*, Annotated Code of Maryland.

(2) (text unchanged)

(3) "Applicant" has the meaning stated in [State Government Article, §10-611] *General Provisions Article, §4-101*, Annotated Code of Maryland.

(4) "Certified record" means a motor vehicle record certified by the Administration that is admissible in any judicial proceeding in the same manner as the original record, whose contents and time period covered may vary depending upon the eligibility of the requester under the [State Government Article, §10-616(p)] *General Provisions Article, §4-320*, and Transportation Article, §12-111, Annotated Code of Maryland.

(5) "Custodian" has the meaning stated in [State Government Article, §10-611] *General Provisions Article, §4-101*, Annotated Code of Maryland.

(6) — (7) (text unchanged)

(8) "Person in interest" has the meaning stated in [State Government Article, §10-611] *General Provisions Article, §4-101*, Annotated Code of Maryland.

(9) "Personal information" has the meaning stated in [State Government Article, §10-611] *General Provisions Article, §4-101*, Annotated Code of Maryland.

(10) "Public record" has the meaning stated in [State Government Article, §10-611] *General Provisions Article, §4-101*, Annotated Code of Maryland.

(11) — (12) (text unchanged)

#### .04 Record Access.

A. In General. Pursuant to Transportation Article, §12-111, Annotated Code of Maryland, subject to [§10-616(p) of the State Government Article] *General Provisions Article, §4-320, Annotated Code of Maryland*, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

B. — C. (text unchanged)

D. Public Records Containing Personal Information. Personal information referred to in [State Government Article, §10-616(p)(5)(ii)] *General Provisions Article, §4-320(f)(2)*, Annotated Code of Maryland, shall generally be used in conformity with the purposes of State and federal law, as amended, and specifically in compliance with the following statutes:

(1) — (6) (text unchanged)

(7) [State Government Article, §§10-611 et seq.] *General Provisions Article, Title 4*, Annotated Code of Maryland.

#### .06 Disclosure Denial.

A. Except as provided in [State Government Article, §10-616(p)] *General Provisions Article, §4-320*, Annotated Code of Maryland, the Administration shall deny disclosure of personal information and specific identifiers.

B. Disclosure of personal information may be denied if the custodian determines that the requested information is to be used for purposes other than those specified in [State Government Article, §10-616(p)(4)(v) and (5)] *General Provisions Article, §4-320(5) and (f)*, Annotated Code of Maryland.

C. Except as provided in [State Government Article, §10-616(p)] *General Provisions Article, §4-320*, Annotated Code of Maryland, if a record subject to disclosure contains personal information or specific identifiers, the personal information and specific identifiers shall be redacted prior to disclosing the record.

## Subtitle 12 MOTOR VEHICLE ADMINISTRATION — LICENSING OF BUSINESSES AND OCCUPATIONS

### 11.12.05 Public Information

Authority: *General Provisions Article, §§4-301—4-357*; Transportation Article, §§12-104(b) and 12-111; [State Government Article, §10-617(h);] Annotated Code of Maryland

#### .01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
  - (1) — (3) (text unchanged)
  - (4) “Division” means the Administration’s Division of *Business Licensing and Consumer Services*.
  - (5) — (6) (text unchanged)

#### .02 Inspection of Occupational or Professional Records.

Without a compelling public purpose, the custodian shall deny inspection of that part of a record that contains information about the licensing of an occupation or profession except as provided by [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland.

#### .03 Exception for Compelling Public Purpose.

The custodian may permit inspection of records other than those allowed under State [Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland, if a compelling public purpose can be demonstrated.

#### .04 Compelling Public Purpose Demonstrated.

A compelling public purpose can be demonstrated under [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland, if the applicant:

- A. — E. (text unchanged)

#### .05 Access to Records When Compelling Public Purpose Demonstrated.

If the custodian finds that a compelling purpose has been demonstrated and allows inspection of records other than those permitted by [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland, the custodian may only permit inspection of the following:

- A. — C. (text unchanged)

#### .06 Disclosure Subject to Public Information Act.

Disclosure of a record allowed for under this chapter is subject to the provisions of [State Government Article, §10-615—10-618] *General Provisions Article, §§4-301—4-357*, Annotated Code of Maryland.

## Subtitle 13 MOTOR VEHICLE ADMINISTRATION — VEHICLE EQUIPMENT

### 11.13.10 Ignition Interlock Systems

Authority: Transportation Article, §§12-104(b), 16-404.1, and 21-902.2, Annotated Code of Maryland

#### .03 Manufacturer’s Application.

- A. (text unchanged)
- B. An application for certification shall include, in addition to other information which the Administration may require:
  - (1) — (6) (text unchanged)

(7) A certified copy of the drawings, schematics, and wiring protocols for the device and its components as confidential commercial information not subject to disclosure under [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland; and

(8) (text unchanged)

## Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

### 11.15.31 Electronic Transmission of Titling and Registration Information

Authority: Transportation Article, §§12-104(b), 13-108.1, 13-113, and 13-610, Annotated Code of Maryland

#### .11 Security Provisions.

- A. (text unchanged)
- B. Documentation.
  - (1) — (2) (text unchanged)
  - (3) The Administration:
    - (a) (text unchanged)
    - (b) Shall treat the information as computer software developed for a State agency or vendor proprietary software for purposes of [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland; and
    - (c) (text unchanged)
- C. Access.
  - (1) — (3) (text unchanged)
  - (4) Information obtained through this access is subject to the restrictions upon use and dissemination imposed by:
    - (a) [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland;
    - (b) — (e) (text unchanged)
- D. Confidentiality of Information and Computer Security.
  - (1) — (3) (text unchanged)
  - (4) The contractor, participant, and their respective employees shall:
    - (a) — (b) (text unchanged)
    - (c) Be aware that the Administration adheres to:
      - (i) (text unchanged)
      - (ii) Criminal Law Article, [§§8-606 and 8-607] §§7-302, 8-606, and 8-607, Annotated Code of Maryland.
    - (5) (text unchanged)
    - (6) Other federal and State laws and regulations that affect the access to and use of computer information are the:
      - (a) U. S. Computer Crime Statute [(1984)] *of 1984 (18 U.S.C. §1030)*;
      - (b) [Computer Security Act of 1987] *Federal Information Security Management Act of 2002 (44 U.S.C. §3541 et seq.)*;
      - (c) Privacy Act of 1974 (5 U.S.C. §552a);
      - (d) Federal Freedom of Information Act (5 U.S.C. §552) and [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland; [and]
      - (e) Computer Fraud and Abuse Act [(1986)] *of 1986 (18 U.S.C. §1001 et seq.)*[:];
      - (f) *National Driver Register Act of 1982 (49 U.S.C. §30301 et seq.)*;
      - (g) *Computer Software Rental Amendments Act of 1990 (17 U.S.C. §109)*;
      - (h) *Fair Credit Reporting Act (15 U.S.C. §1681 et seq.)*;
      - (i) *Driver’s Privacy Protection Act of 1994 (18 U.S.C. §2721 et seq.)*; and

(j) *National Institute of Standards and Technology (15 U.S.C. §271 et seq.)*.

**.12 Suspension and Termination of Access Privileges.**

- A. — B. (text unchanged)
- C. Individual Authorized User. A contractor, the Administration, or a participant may suspend or terminate, without notice, access privileges of an authorized user:
  - (1) (text unchanged)
  - (2) For any violation of Criminal Law Article, [§§8-606 and 8-607] §§7-302, 8-606, and 8-607, Annotated Code of Maryland, or any successor statutes and implementing regulations.
- D. (text unchanged)

**.16 Intellectual Property Rights.**

- A. — B. (text unchanged)
- C. Confidentiality.
  - (1) The Administration shall treat all plans, specifications, drawings, diagrams, software, computer programs, procedures, processes, and other proprietary materials relating to the electronic system as computer software developed for a State agency and proprietary software for purposes of [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland, and agrees not to disclose this information unless required to do so by judicial order.
  - (2) (text unchanged)
- D. Trade Secrets.
  - (1) All proprietary information and materials developed by the contractor in the course of the program comprising the electronic system, including, without limitation, all formulas, patents, compilations, programs, devices, methods, techniques, and processes, may constitute trade secrets of the contractor within the meaning of that term as defined in [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland.
  - (2) — (3) (text unchanged)
- E. (text unchanged)

**.17 Limitation of Liability and Indemnification.**

- A. — B. (text unchanged)
- C. Liability of Contractor.
  - (1) (text unchanged)
  - (2) The contractor is not liable to the Administration for any claims, losses, damages, judgments, liabilities, or similar costs and expenses resulting directly or indirectly from the misappropriation or misuse of a vehicle record obtained from the Administration by a participant by way of the program, including, without limitation, any use or dissemination of information in violation of the restrictions upon use and disclosure imposed by [State Government Article, §§10-611—10-630] *General Provisions Article, §4-101—4-601*, Annotated Code of Maryland, or any corresponding regulations, except when the claims, losses, damages, judgments, liabilities, or similar costs and expenses result directly from:
    - (a) — (c) (text unchanged)
    - (3) — (4) (text unchanged)
- D. — H. (text unchanged)

CHRISTINE NIZER  
 Administrator  
 Motor Vehicle Administration

# Title 14 INDEPENDENT AGENCIES

## Subtitle 09 WORKERS' COMPENSATION COMMISSION

### 14.09.08 Guide of Medical and Surgical Fees

Authority: Labor and Employment Article, §§9-309, 9-663, and 9-731,  
 Annotated Code of Maryland

**Notice of Proposed Action**  
 [19-251-P]

The Workers' Compensation Commission proposes to amend Regulation .01 under **COMAR 14.09.08 Guide of Medical and Surgical Fees**. This action was considered at a public meeting held on October 24, 2019, notice of which was given by publication in 46:20 Md. R. 884 (September 27, 2019), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to update outdated code reference.

**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 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](mailto:alackington@wcc.state.md.us), or fax to 410-864-5301. Comments will be accepted through January 6, 2020. 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 January 23, 2020, at 9:30 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

**.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) (text unchanged)
  - (2) "Authorized provider" means:
    - (a)—(p) (text unchanged)
    - (q) Any other health care provider as defined under Health-General Article, [§4-301(g)(i)] §4-301(h)(1)(i), Annotated Code of Maryland.
  - (3)—(18) (text unchanged)

R. KARL AUMANN  
 Chairman  
 Workers' Compensation Commission



**Subtitle 09 WORKERS’  
COMPENSATION COMMISSION**

**14.09.08 Guide of Medical and Surgical Fees**

Authority: Labor and Employment Article, §§9-309, 9-663, and 9-731, Annotated Code of Maryland

**Notice of Proposed Action**

[19-252-P]

The Workers’ Compensation Commission proposes to amend Regulation .02 under **COMAR 14.09.08 Guide of Medical and Surgical Fees**. This action was considered at a public meeting held on October 24, 2019, notice of which was given by publication in 46:20 Md. R. 884 (September 27, 2019), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to emphasize and to make accessible that portion of the “Official Maryland Workers’ Compensation Medical Fee Guide” (1995) (already incorporated by reference through operation of COMAR 14.09.08.02A which provides that the rates for hospital services set by the Health Services Cost Review Commission prevail over any other rates for the same services set by the Commission.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Amy Lackington, Administrator, Workers’ Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to [alackington@wcc.state.md.us](mailto:alackington@wcc.state.md.us), or fax to 410-864-5301. Comments will be accepted through January 6, 2020. 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 January 23, 2020, at 9:30 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

**.02 Incorporation by Reference.**

A. The “Official Maryland Workers’ Compensation Medical Fee Guide” (1995) is incorporated by reference.

B. *Health Services Cost Review Commission. In accordance with Health-General Article, §19-211, Annotated Code of Maryland, in the case of a discrepancy between a rate for a hospital service set by the Health Services Cost Review Commission and that set by the Workers’ Compensation Commission, the rate set by the Health Services Cost Review Commission shall prevail.*

R. KARL AUMANN  
Chairman

Workers’ Compensation Commission

**Subtitle 09 WORKERS’  
COMPENSATION COMMISSION**

**14.09.12 Responsibilities of Insurers**

Authority: Insurance Article, §19-406; Labor and Employment Article, §§9-309, 9-404, 9-405, 9-409, 9-410, and 9-744; Annotated Code of Maryland

**Notice of Proposed Action**

[19-253-P]

The Workers’ Compensation Commission proposes to amend Regulation .02 under **COMAR 14.09.12 Responsibilities of Insurers**. This action was considered at a public meeting held on October 24, 2019, notice of which was given by publication in 46:20 Md. R. 884 (September 27, 2019), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to eliminate the requirement that notices of cancellation contain an employer’s full, unredacted social security number where (1) the full, unredacted social security number is unnecessary to fulfill the purposes of the notice and (2) providing the full, unredacted social security number in a mailing needlessly exposes an employer’s personal financial information to the potential for misuse.

**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 Lackington, Administrator, Workers’ Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to [alackington@wcc.state.md.us](mailto:alackington@wcc.state.md.us), or fax to 410-864-5301. Comments will be accepted through January 6, 2020. 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 January 23, 2020, at 9:30 a.m., at 10 E. Baltimore Street, Baltimore, MD 21202.

**.02 Notices of Insurance, Cancellation, Reinstatement, and Election of Coverage.**

A.—C. (text unchanged)

D. Notice of Insurance, Cancellation, and Reinstatement—Form and Content. A notice of insurance, cancellation, or reinstatement shall contain all the following information:

(1)—(3) (text unchanged)

(4) The employer’s federal identification number or, if the employer is not required to have a federal identification number, *the last four digits of the employer’s social security number;*

(5)—(6) (text unchanged)

E. (text unchanged)

R. KARL AUMANN  
Chairman

Workers’ Compensation Commission

**Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY**

**14.40.01 Meetings**

Authority: Education Article, §7-1503(g); General Provisions Article, §3-101, et seq.; Annotated Code of Maryland

**Notice of Proposed Action**

[19-247-P]

The Maryland Center for School Safety proposes to adopt new Regulations **.01— .06** under a new chapter, **COMAR 14.40.01 Meetings**, under a new subtitle, **Subtitle 40 Maryland Center for School Safety**.

**Statement of Purpose**

The purpose of this action is to set forth the procedures for attendance and participation in open meetings of the Subcabinet and Advisory Board of the Maryland Center for School Safety.

**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 Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-281-2335, or email to admin.mcscs@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

**.01 Definitions.**

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

B. Terms Defined.

(1) "Advisory Board" has the meaning stated in Education Article, §7-1501, Annotated Code of Maryland.

(2) "Center" means the Maryland Center for School Safety, its Subcabinet, the Advisory Board to the Subcabinet, its committees, and any other public bodies under the authority and acting on behalf of the Maryland Center for School Safety.

(3) "Open session" means a meeting of the Subcabinet or the Advisory Board that is required to be open to the public pursuant to the Open Meetings Act, General Provisions Article, Title 3, Subtitle 3, Annotated Code of Maryland.

(4) "Subcabinet" has the meaning stated in Education Article, §7-1501, Annotated Code of Maryland.

**.02 Public Attendance.**

A. The general public is invited to attend and observe any open sessions of the Center.

B. Meetings shall be held in a location that is reasonably accessible to individuals who would like to attend and observe an open session of the Center.

**.03 Public Participation Limited.**

A member of the public attending an open session may not participate in the session except to the extent:

A. The Center expressly invites public testimony, questions, comments, or other forms of public participation; or

B. The Chair of the Subcabinet, the Chair of the Advisory Board, or a member of the Center invites the public to comment or as entitled by law to participate,

**.04 Disruptive Conduct.**

A. An individual attending an open session may not engage in conduct that disrupts the session or interferes with the right of members of the public to attend and observe the session. This includes but is not limited to visual demonstrations, such as the display of placards, signs, or banners, and verbal outbursts from attendees not recognized by the Chair to participate in the session.

B. Authority of the Chair of the Subcabinet and Chair of the Advisory Board.

(1) The Chair may order an individual who violates §A of this regulation, or who violates any other regulation or resolution concerning the conduct of the open session, to be removed from the session, and may request law enforcement assistance to restore order.

(2) The Chair may recess the session while order is restored.

C. An individual who is asked to leave the session in accordance with these regulations and who refuses to do so may be subject to arrest as provided by law.

**.05 Recording, Photographing, and Broadcasting of Open Session.**

A. A member of the public, including a representative of the news media, may:

(1) Record the discussions at an open session using a tape recorder or other recording device if the device used does not create excessive noise that disturbs the open session or other individuals attending the session; or

(2) Photograph or videotape the proceedings of an open session using any type of camera if the camera is operated without excessively bright artificial light or excessive noise that disturbs the open session or other individuals attending the session.

B. A representative of the news media may broadcast or televise the open session if the equipment used does not create excessively bright artificial light, excessive noise, or other conditions determined at the discretion of the Chair that would disturb the open session or other individuals attending the session.

C. The Chair may restrict the movement of an individual who is using a recording device, a camera, or broadcasting or televising equipment if the restriction is necessary to maintain the orderly conduct of the open session.

D. A member of the public who intends to record the discussions at an open session is requested to provide written notice to the Executive Director of the Center in advance of the meeting advising of the intention to record the proceedings and specifying the type of equipment to be used to record the proceedings.

**.06 Recordings Not Part of Record.**

A recording of, or any transcript derived from a recording of, an open session made by a member of the public, including a representative of the news media, is not a part of the record of the open session.

KATE HESSION  
Executive Director

**Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY**

**14.40.02 Inspection of and Copying of Public Records**

Authority: Education Article, §7-1503(g); General Provisions Article, §4-101, et seq.; Annotated Code of Maryland

**Notice of Proposed Action**

[19-243-P]

The Maryland Center for School Safety proposes to adopt new Regulations .01—.16 under a new chapter, **COMAR 14.40.02 Inspection of and Copying of Public Records**, under a new subtitle, **Subtitle 40 Maryland Center for School Safety**.

**Statement of Purpose**

The purpose of this action is to set forth procedures for the disclosure, inspection, or copying of public records maintained by the Maryland Center for School Safety.

**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 Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street Baltimore MD 21201, or call 410-281-2335, or email to admin.mcass@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

**.01 Purpose.**

*This chapter sets forth procedures for the disclosure, inspection, or copying of public records maintained by the Maryland Center for School Safety.*

**.02 Policy.**

*It is the policy of the Maryland Center for School Safety to facilitate public access to the Center’s public records when access is authorized by law.*

**.03 Definitions.**

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

B. Terms Defined.

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

(2) “Advisory Board” has the meaning stated in Education Article, §7-1501, Annotated Code of Maryland.

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

(4) “Center” means the Maryland Center for School Safety, its Subcabinet, Advisory Board to the Subcabinet, advisory councils, workgroups, and committees, any other public bodies under the authority and acting on behalf of the Maryland Center for School Safety, and any employees, agents, or contractors acting on behalf of the Maryland Center for School Safety.

(5) “Custodian” has the meaning stated in General Provisions Article, §4-101(d), Annotated Code of Maryland.

(6) “Executive Director” means the Executive Director of the Maryland Center for School Safety, as set forth in Education Article, §7-1502(d), Annotated Code of Maryland.

(7) “Official custodian” has the meaning stated in General Provisions Article, §4-101(f), Annotated Code of Maryland.

(8) “Person in interest” means:

(a) A person or governmental unit that is the subject of a public record;

(b) An authorized designee of the person or governmental unit that is the subject of a public record; or

(c) If the person has a legal disability, a parent or legal representative of the person that is the subject of a public record.

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

(10) “Subcabinet” has the meaning stated in Education Article, §7-1501, Annotated Code of Maryland.

(11) “Working day” means a day other than Saturday, Sunday, or a State holiday or service reduction day.

**.04 Official Custodian.**

A. The Executive Director shall designate an official custodian of public records for the Center.

B. The website for the Center shall provide the name and contact information for the custodian of public records.

**.05 Who May Request Public Records.**

Any person may request to inspect or copy public records of the Center.

**.06 Necessity for Written Request.**

A. Inspection.

(1) Except as otherwise provided in this chapter, the custodian shall make public records of the Center available for inspection by an applicant without demanding a written request.

(2) The custodian shall require a written request if the custodian reasonably believes that:

(a) The Act or any other law may prohibit the disclosure of the public record to the applicant; or

(b) A written request will materially assist the Center in responding.

B. Copies. If the applicant requests a copy of any public record of the Center, the custodian may require a written request.

**.07 Contents of Written Request.**

A written request shall:

A. Contain the applicant’s name and address;

B. Be signed by the applicant, or transmitted via email as an electronic signature;

C. Reasonably identify, by brief description, the public record sought; and

D. Specify an alternate format, if applicable, due to a disability.

**.08 Addressee.**

A request to inspect or copy a public record shall be addressed or directed to the custodian of the record. If the custodian is unknown, the request may be addressed or directed to the Executive Director.

**.09 Response to Request.**

A. If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection, without unreasonable delay, as follows:

(1) Immediately for records designated by the Center for inspection, as set forth in §B of this regulation; or

(2) If additional time is needed to retrieve the public record and conduct any necessary review, within a reasonable time period, not to exceed 30 days after the date of the request.

B. The custodian shall designate the following public records for immediate inspection:

- (1) Minutes of the Subcabinet;
- (2) Minutes of the Advisory Board;
- (3) Bylaws of the Subcabinet; and
- (4) Bylaws of the Advisory Board.

C. If the custodian decides to deny a request for inspection, the custodian shall:

- (1) Do so within 30 days of receipt of the request; and
- (2) Immediately notify the applicant of the denial.

D. If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement setting forth:

- (1) The reason for the denial;
- (2) The legal authority for the denial; and
- (3) Notice of the remedies available for review of the denial.

E. If a requested public record is not in the custody or control of the custodian to whom application is made, the custodian shall, within 10 working days after receipt of the request, notify the applicant:

- (1) That the custodian does not have custody or control of the requested public record; and
- (2) If the custodian knows, of:
  - (a) The name of the custodian of the public record; and
  - (b) The location or possible location of the public record.

F. With the consent of the applicant, any time limit imposed by §§A—C of this regulation may be extended for an additional period of up to 30 days.

**.10 Notice to Person Possibly Affected by Disclosure.**

A. Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Center to any person who, in the judgment of the custodian, could be adversely affected by disclosure of the public record.

B. The custodian may consider the views of the possibly affected person before deciding whether to disclose the public record to an applicant.

**.11 Public Record Temporarily Unavailable.**

If a requested public record of the Center is in the custody and control of the person to whom the application is made but is not immediately available for inspection or copying, the custodian shall promptly:

- A. Notify the applicant that the public record is not immediately available; and
- B. Schedule a date within a reasonable time for inspection or copying.

**.12 Public Record Destroyed or Lost.**

If the custodian knows that a requested public record of the Center has been destroyed or lost, the custodian shall promptly:

- A. Notify the applicant that the public record is not available; and
- B. Explain the reasons why the public record cannot be produced.

**.13 Review of Denial.**

A. If the custodian denies a request to inspect or copy a public record of the Center, the applicant may file an action for judicial enforcement under General Provisions Article, §4-362, Annotated Code of Maryland, without pursuing the remedies set forth in §§B and C of this regulation.

B. If the custodian charges a fee of more than \$350 under Regulation .15 of this chapter, the applicant may, within 90 days after the date the fee is imposed, file a written complaint with the

State Public Information Act Compliance Board under General Provisions Article, §4-1A-05(a), Annotated Code of Maryland.

C. The applicant and the custodian each may contact the Public Access Ombudsman to resolve, under General Provisions Article, Title 4, Subtitle 1B, Annotated Code of Maryland, a dispute relating to requests for public records.

**.14 Disclosure Against Public Interest.**

A. Denial Pending Court Order.

(1) If, in the opinion of the Executive Director, disclosure of a public record of the Center otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Executive Director may temporarily deny the request to obtain a court order allowing nondisclosure.

(2) A temporary denial shall be in writing.

B. Circuit Court Review.

(1) Within 10 working days after the denial, the Executive Director shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.

(2) Notice of the Executive Director's complaint, on behalf of the Center, shall be served on the applicant in the manner provided for service of process under the Maryland Rules.

**.15 Fees.**

A. Except as provided in §§B and C of this regulation, the fee schedule for copying and certifying copies of public records of the Center is as follows:

- (1) For each copy made by a photocopying machine within the Center, 25 cents per page;
- (2) For each copy made other than by a photocopying machine within the Center, the actual cost of reproduction; and
- (3) For certification as a true copy of a public record, an additional fee of \$1 per page or, if appropriate, per item.

B. Minimum Fee. A charge may not be made if the total fee is \$1 or less.

C. If the fee for copies or certified copies of any public record of the Center is specifically set by a law other than the Act or this regulation, the custodian shall charge the prescribed fee.

D. If the custodian cannot copy a public record within the Center, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Center. The custodian shall:

- (1) Collect from the applicant a fee to cover the actual cost of reproduction; or
- (2) Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

E. Before copying a public record of the Center, the custodian shall estimate the cost of reproduction and either:

- (1) Obtain the agreement of the applicant to pay the cost; or
- (2) Require prepayment of the cost.

F. Except as provided in §G of this regulation the custodian may charge a reasonable fee for time that an official or employee of the Center spends to:

- (1) Search for requested public records; or
- (2) Prepare public records for inspection and copying.

G. The custodian may not charge a search or preparation fee for the first 2 hours that an official or employee of the Center spends to respond to a request for public records.

H. The Center may charge a reasonable hourly fee based on the actual cost to the Center for staff services for additional time required to search for or prepare public records for inspection and copying.

I. Waiver or Reduction of Fee.

(1) The custodian may waive or reduce any fee under this regulation if:

- (a) The applicant requests a waiver; and

(b) *The custodian determines that the waiver or reduction is in the public interest.*

(2) *In making a decision under this section, the custodian shall consider, among other relevant factors, the ability of the applicant to pay the fee.*

J. *If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the custodian may charge the applicant for the actual cost of postage or delivery, and the cost of any electronic media used to provide the copies.*

**.16 Time and Place of Inspection.**

A. *The Center shall notify the applicant of the scope of responsive documents and fee associated with fulfilling the request no later than 30 days after receiving applicant’s request.*

B. *An applicant may inspect any public record of the Center that the applicant is entitled to inspect during the normal working hours of the Center.*

C. *The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant’s expressed wish, determines that another place is more suitable and convenient.*

D. *The applicant shall have 30 days from receipt of the Center’s notification set forth in §A of this regulation to schedule the inspection of the responsive documents, make arrangements for copying of the documents, and/or remit payment to the Center.*

E. *After the expiration of the 30-day period set forth in §D of this regulation, if the applicant has failed to schedule the inspection, make arrangements for copying of the documents, remit payment, or otherwise communicate with the Center, the request shall be closed.*

KATE HESSION  
Executive Director

**Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY**

**14.40.03 Correction or Amendment of Public Records**

Authority: Education Article, §7-1503(g); General Provisions Article, §4-502; Annotated Code of Maryland

**Notice of Proposed Action**

[19-245-P]

The Maryland Center for School Safety proposes to adopt new Regulations .01—.11 under a new chapter, **COMAR 14.40.03 Correction or Amendment of Public Records**, under a new subtitle, **Subtitle 40 Maryland Center for School Safety**.

**Statement of Purpose**

The purpose of this action is to set procedures under which a person in interest may request the correction or amendment of public records of the Maryland Center for School Safety.

**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 Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-281-2335, or email to admin.mcscs@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

**.01 Scope.**

*This chapter sets out procedures under which a person in interest may request the correction or amendment of public records of the Maryland Center for School Safety.*

**.02 Definitions.**

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

B. *Terms Defined.*

(1) *“Act” means the Public Information Act, General Provisions Article, §§4-101 — 4-601, Annotated Code of Maryland.*

(2) *“Center” means the Maryland Center for School Safety.*

(3) *“Custodian” has the meaning stated in General Provisions Article, §4-101(d), Annotated Code of Maryland.*

(4) *“Executive Director” means the Executive Director of the Maryland Center for School Safety, as set forth in Education Article, §7-1502(d), Annotated Code of Maryland.*

(5) *“Person in interest” has the meaning stated in General Provisions Article, §4-101(g), Annotated Code of Maryland.*

(6) *“Public record” has the meaning stated in General Provisions Article, §4-101(j), Annotated Code of Maryland.*

**.03 Who May Request.**

*A person in interest may request that the Center correct or amend any public record that:*

A. *The Center keeps; and*

B. *The person in interest is authorized to inspect.*

**.04 Contents of Request.**

A. *A person in interest shall make a request to correct or amend a public record in writing.*

B. *The request shall:*

(1) *Identify the public record to be corrected or amended;*

(2) *State the precise correction or amendment requested;*

(3) *State the reason for the correction or amendment; and*

(4) *Include a statement that, to the best of the requester’s belief, the public record is inaccurate or incomplete.*

**.05 Addressee.**

*A request to correct or amend a public record shall be addressed to the custodian of the record. If the custodian is unknown, the request shall be addressed to the Executive Director.*

**.06 Return of Nonconforming Request.**

A. *The Center shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.*

B. *If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Center shall return the request to the requestor with:*

(1) *An explanation of the reason for the return; and*

(2) *A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted.*

**.07 Response to Request.**

Within 30 days after the Center receives a request for the correction or amendment of a public record that reasonably complies with Regulations .04 and .05 of this chapter, the custodian shall:

A. Make the requested correction or amendment, and inform the requester in writing of the action; or

B. Inform the requester in writing that the Center will not:

(1) Make the requested correction or amendment, and the reason for the refusal; or

(2) Act on the request because:

(a) The requester is not a person in interest;

(b) The requester is not authorized to inspect the record; or

(c) Of any other reason authorized by law.

**.08 Response to Refusal of Request — Statement of Disagreement.**

If the Center refuses to make a requested correction or amendment, a person in interest may file with the Center a concise statement of the reasons for:

A. The requested correction or amendment; and

B. The person's disagreement with the refusal of the Center to make the correction or amendment.

**.09 Requirements for Statement of Disagreement.**

The statement submitted under Regulation .08 of this chapter shall:

A. Be on pages not larger than 8 1/2 x 11 inches;

B. Use only one side of each page; and

C. Consist of not more than five pages.

**.10 Disclosure of Statement of Disagreement.**

If a person in interest files a statement of disagreement concerning a public record under Regulations .08 and .09 of this chapter, the Center shall provide a copy of the statement whenever the Center discloses the public record to a third party.

**.11 Administrative Review.**

A. A person may request administrative review under this regulation if the Center:

(1) Has refused the person's request to correct or amend a public record under Regulation .07 of this chapter;

(2) Has rejected the person's statement of disagreement under Regulation .08 of this chapter; or

(3) Has not provided a statement of disagreement to a third party under Regulation .10 of this chapter.

B. A request for review shall be filed with the Executive Director within 30 days after the requester is advised of the Center's action.

C. The review proceedings shall be conducted in accordance with General Provisions Article, Title 4, Subtitle 1A, 1B, or 3, Annotated Code of Maryland.

KATE HESSION  
Executive Director

**Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY**

**14.40.04 Certification and Training for School Security Employees and School Resource Officers**

Authority: Education Article, §§7-151(k), 7-1503(g), and 7-1508, Annotated Code of Maryland

**Notice of Proposed Action**

[19-244-P]

The Maryland Center for School Safety proposes to adopt new Regulations .01—.03 under a new chapter, **COMAR 14.40.04 Certification and Training for School Security Employees and School Resource Officers**, under a new subtitle, **Subtitle 40 Maryland Center for School Safety**.

**Statement of Purpose**

The purpose of this action is to define school security employees as set forth at Maryland Annotated Code, Education Article, §7-1501(k), Annotated Code of Maryland, and to specify the mandatory training requirements for school resource officers and school security employees working in Maryland public schools.

**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 Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-281-2335, or email to admin.mcass@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

**.01 Definitions.**

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

B. Terms Defined.

(1) "Center" means the Maryland Center for School Safety.

(2) "School resource officer" has the meaning stated in Education Article, §7-1501(j), Annotated Code of Maryland.

(3) School Security Employee.

(a) "School security employee" has the meaning stated in Education Article, §7-1501(k), Annotated Code of Maryland.

(b) "School security employee" includes the following individuals who are employed by a local school system, either as salaried or contractual employees, to provide safety and security-related services at a public school:

(i) School safety coordinator;

(ii) School security director; and

(iii) Any individual designated by the administration within the individual's job description who is required to provide safety and security-related services as a part of the individual's regular job duties.

- (c) "School security employee" does not include:
  - (i) A school resource officer; or
  - (ii) Local law enforcement providing supplemental coverage to local school systems.

**.02 School Safety Coordinator Certification.**

A. The Center shall certify a school safety coordinator upon completion of the following training:

(1) The MCSS model curriculum for school resource officers and school security employees as set forth in Education Article, §7-1508, Annotated Code of Maryland; and

(2) The National Incident Management System, Incident Command System, independent study courses 100, 200, 700, and 800.

**B. Supplemental Instruction.**

(1) A school safety coordinator shall complete an additional 4 hours of supplemental instruction annually in content areas approved by the Center to maintain certification.

(2) A request for enrollment in a particular course of supplemental instruction shall be made by the school safety coordinator to the Center in advance of enrollment in a course to ensure that the course is approved.

(3) Retroactive requests for approval of a particular course to maintain certification by the Center shall be denied.

C. A school safety coordinator shall submit certificates of completion to the Center within 30 days of completion of the coursework.

**.03 School Resource Officers and School Security Employees Certification.**

A. A school resource officer working in a Maryland public school shall complete the Center's 40-hour model curriculum or an approved local training by September 1, 2019.

B. A school security employee working in a Maryland public school shall complete the Center's 40-hour model curriculum or an approved local training by September 1, 2019.

C. A school resource officer or school security employee working in a Maryland public school who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Center's 16-hour comparative compliance curriculum prior to September 1, 2019.

D. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, shall have until the beginning of the next academic year to complete the required training set forth in this subsection.

E. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Center's 16-hour comparative compliance curriculum prior to the beginning of the next academic year to complete the required training set forth in this subsection.

KATE HESSION  
Executive Director

**Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY**

**14.40.05 Critical, Life-Threatening Incidents**

Authority: Education Article, §§7-1503(g) and 7-1510(g), Annotated Code of Maryland

**Notice of Proposed Action**

[19-242-P]

The Maryland Center for School Safety proposes to adopt new Regulations **.01— .04** under a new chapter, **COMAR 14.40.05 Critical, Life-Threatening Incidents**, under a new subtitle, **Subtitle 40 Maryland Center for School Safety**.

**Statement of Purpose**

The purpose of this action is to define "critical, life-threatening incident" and to outline the process for reporting as required by Education Article, §7-1510(g), 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 Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-281-2335, or email to admin.mcass@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

**.01 Purpose.**

Pursuant to Education Article, §7-1510(g), Annotated Code of Maryland, each local school system shall promptly inform the Maryland Center for School Safety of any critical life-threatening incidents that occur on school grounds.

**.02 Scope.**

The provisions of this chapter apply during school hours, inclusive of after-school activities and school-sanctioned events on school grounds and while transporting students.

**.03 Definitions.**

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

**B. Terms Defined.**

(1) "Critical, life-threatening incident" means an event in which conduct occurred causing death or which resulted in serious bodily injury to one or more individuals, or which may be charged as a threat of mass violence under Criminal Law Article, §3-1001, Annotated Code of Maryland.

(2) "School grounds" means:

(a) The physical plant where the school is located and operated, including all buildings, physical structures, and real property owned or leased by the local school system for the operation of a school; and

(b) School transportation vehicles either owned by or contracted for by the local school system for the purposes of pupil transportation.

**.04 Notification.**

A. A local school system experiencing a critical, life-threatening incident shall notify MCSS of the incident as soon as practicable, but no later than 24 hours after the local school system learns of the incident.

B. The local school system shall hold the after-action meeting and review required pursuant to Education Article, §7-1510(g)(2)(ii), Annotated Code of Maryland, within 45 days of the occurrence of the incident.

C. The local school system shall file the report required by Education Article, §7-1510(g)(2)(iii), Annotated Code of Maryland, within 60 days of the completion of the after-action meeting set forth in §B of this regulation.

KATE HESSION  
Executive Director

**Title 18  
DEPARTMENT OF  
ASSESSMENTS AND  
TAXATION**

**Subtitle 15 GROUND RENTS**

**18.15.01 Redemption**

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

**Notice of Proposed Action**

[19-250-P]

The Director of the Department of Assessments and Taxation proposes to amend Regulations .02 and .06 under **COMAR 18.15.01 Redemption**.

**Statement of Purpose**

The purpose of this action is to require an affidavit from ground lease tenants proving good faith efforts to investigate and discover the identity of ground lease landlords when attempting to redeem a ground rent and to relieve a government or subdivision of a government of the burden of paying redemption amounts by certified check.

**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 Jason Davidson, Director of Public Affairs, Department of Assessments and Taxation, 300 W. Preston Street, Suite 605, Baltimore, MD 21201, or call 410-767-5754, or email to jason.davidson2@maryland.gov, or fax to N/A. Comments

will be accepted through January 7, 2020. A public hearing has not been scheduled.

**.02 Documentation of Lease by Tenant.**

To redeem a reversion in a lease under Real Property Article, §8-804, Annotated Code of Maryland, a tenant shall file with the Department of Assessments and Taxation:

A.—C. (text unchanged)

D. If the identity of the landlord is unknown, an affidavit setting forth the tenant's good faith efforts to investigate and discover the identity of the landlord;

[D.] E. (text unchanged)

[E.] F. If there is no last known address of the landlord[.]:

(1) [an] An affidavit that the Department's prescribed notice has been posted in a conspicuous place on the property for 30 days; and

(2) An affidavit setting forth the tenant's good faith efforts to investigate and discover the last known address of the landlord; and [F.] G. (text unchanged)

**.06 Payment Methods.**

A. The tenant shall pay the redemption amount to the Department either by certified check or money order unless the tenant is a government or subdivision of a government.

B. (text unchanged)

MICHAEL HIGGS  
Director

**Title 31  
MARYLAND INSURANCE  
ADMINISTRATION**

**Subtitle 10 HEALTH INSURANCE —  
GENERAL**

**31.10.21 Private Review Agents**

Authority: Insurance Article, §§2-109(a)(1) [and], 15-10B-03(h), and 15-802(d)(5), Annotated Code of Maryland

**Notice of Proposed Action**

[19-248-P]

The Maryland Insurance Commissioner proposes to amend Regulation **.02-1** under **COMAR 31.10.21 Private Review Agents**.

**Statement of Purpose**

The purpose of this action is to amend COMAR 31.10.21.2-1 to update the Uniform Treatment Plan Form to require certain carriers, providers, and private review agents to use the most recent treatment criteria developed by the American Society of Addiction Medicine for addictive, substance-related, and co-occurring conditions for all medical necessity and utilization management determinations for substance use disorder benefits.

**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 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to [insuranceregview.mia@maryland.gov](mailto:insuranceregview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

**.02-1 Uniform Treatment Plan.**

A.—G. (text unchanged)

H. The uniform treatment plan form required by this regulation shall read as follows:

**Note: The revised form appears on the following three pages.**

I. (text unchanged)

ALFRED W. REDMER, JR.  
Insurance Commissioner

# Uniform Treatment Plan Form

(For Purposes of Treatment Authorization)

Today's Date \_\_\_\_\_

Carrier or Appropriate Recipient:

<b>PATIENT INFORMATION</b> PATIENT'S FIRST NAME [ ] MEMBERSHIP NUMBER [ ] AUTHORIZATION NUMBER (If Applicable) [ ]	PATIENT'S DATE OF BIRTH [ ] / [ ] / [ ]	<b>PRACTITIONER INFORMATION</b> PRACTITIONER ID# or TAX ID [ ] PHONE NUMBER [ ] PRACTITIONER/FACILITY NAME, ADDRESS, FAX AND PHONE [ ] Date Patient First Seen For This Episode Of Treatment __/__/__
--	--	--

**Level of care being requested:** Please specify benefit type:

- Mental Health     Substance Use Disorder     Outpatient     Intensive Outpatient Program     Partial Hospitalization Program
- Acute IP     IP Rehab     Acute IP Detox     Residential     ECT     rTMS     Applied Behavior Analysis (ABA)     Psychological Testing
- BioFeedback     Telehealth     Other \_\_\_\_\_

**Primary Dx Code:** \_\_\_\_\_ **Secondary Dx Code(s):** \_\_\_\_\_

**Current Treatment Modalities: (check all that apply)**

- Psychotherapy:     Behavioral     CBT     DBT     Exposure     Supportive Therapy     Problem Focused     Interpersonal
- Psychodynamic     EMDR     Group     Couples     Family     Other \_\_\_\_\_
- Medical Evaluation and Management

**Type of Medications(if not applicable, no response is required):**

- Antipsychotic     Anxiolytic     Antidepressant     Stimulant     Injectables     Hypnotic     Non-psychotropic     Mood Stabilizer
- Other \_\_\_\_\_

**Current Symptoms and Functional Impairments:** Rate the patient's current status on these symptoms/functional impairments, if applicable.

	Current Ideation	Current Plan	Prior Attempt	None
Suicidal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homicidal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Symptoms/ Functional Impairments	None	Mild	Moderate	Severe
Self-Injurious Behavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Use Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Depression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agitated/aggressive Behavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mood Instability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychosis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anxiety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eating Disorder Symptoms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social/ Familial/School/WorkProblems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADL Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**If requesting additional outpatient care for a patient, why does the patient require further outpatient care:**     Maintenance treatment for a chronic condition     Consolidate treatment gains     Continued impairment in functioning     Significant regression     New symptoms and/or impairments     Supportive treatment due to other treatment plan changes     complex psychiatric and medical co-morbidity     Complex Psychiatric and Substance abuse Co-morbidity     other \_\_\_\_\_

Signature of Practitioner: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**My signature attests that I have a current valid license in the state to provide the requested services.**

**Complete the following if the request is for ECT or rTMS:** Provide clinical rationale including medical suitability and history of failed treatments:

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following for Applied Behavior Analysis (ABA) Requests (if the carrier classifies ABA as a mental health benefit):**

Supervising BCBA Name \_\_\_\_\_ Has Autism Spectrum Disorder been validated by MD/DO or Psychologist?  Yes  No

For initial requests, what are specific ABA treatment goals for the patient?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Date of Evaluation by MD/DO: \_\_\_\_\_

For continuing requests, assessment of functioning (observed via FBA, ABLLS, VB-MAPP, etc.) related to ASD including progress over the last year:

For continuing requests what are the treatment goals and targeted behaviors, indicating new or continued, with documentation of progress and child's response to treatment:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following if the request is for Psychological Testing:**

**Symptoms/Impairment related to need for testing:**

- |   |  |
|---|--|
| <input type="checkbox"/> Acute change in functioning from the individual's previous level | <input type="checkbox"/> Personality problems      |
| <input type="checkbox"/> Peculiar behaviors and/or thought process                        | <input type="checkbox"/> School problems           |
| <input type="checkbox"/> Symptoms of psychosis  | <input type="checkbox"/> Family issues             |
| <input type="checkbox"/> Attention problems   | <input type="checkbox"/> Cognitive impairment      |
| <input type="checkbox"/> Development delay  | <input type="checkbox"/> Mood Related Issues       |
| <input type="checkbox"/> Learning difficulties  | <input type="checkbox"/> Neurological difficulties |
| <input type="checkbox"/> Emotional problems   | <input type="checkbox"/> Physical/medical signs    |
| <input type="checkbox"/> Relationship issues  |  |
| <input type="checkbox"/> Other: _____   |  |

**Purpose of Psychological Testing:**

- Differential diagnostic clarification
- Help formulate/reformulate effective treatment plan.
- Therapeutic response is significantly different from that expected based on the treatment plan.
- Evaluation of functional ability to participate in health care treatment.
- Other: (describe) \_\_\_\_\_

Substance use in last 30 days:  Yes  No Diagnostic Assessment Completed:  Yes Date \_\_\_\_/\_\_\_\_/\_\_\_\_  No

Patient substance free for last ten days  Yes  No

Has the patient had known prior testing of this type within the past 12 months?  Yes  No

If so, why necessary now?  Unexpected change in symptoms  Evaluate response to treatment  Assess functioning  Other

Names and Number of Hours of each requested test \_\_\_\_\_

If appropriate, complete this section: Reason(s) why assessment will require more time relative to test standardization samples?

<input type="checkbox"/> Depressed mood	<input type="checkbox"/> Vegetative Symptom	<input type="checkbox"/> Processing speed	<input type="checkbox"/> Performance Anxiety	<input type="checkbox"/> Expressive/ Receptive Communication Difficulties
<input type="checkbox"/> Low frustration tolerance	<input type="checkbox"/> Suspected or Confirmed grapho-motor deficits	<input type="checkbox"/> Physical Symptoms or Conditions such as: _____ _____	<input type="checkbox"/> Other: _____ _____ _____	

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following if the request is for Biofeedback:**

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

**Complete the following if the request is for Telehealth:**

Requested Revenue/HCPC/CPT Code(s) \_\_\_\_\_ Number of Units for each \_\_\_\_\_

Patient Membership Number \_\_\_\_\_

UTP Page 2

**Complete for Higher Level of Care Requests (e.g. inpatient, residential, intensive outpatient and partial hospitalization):**

**Primary reason for request or admission: (check one)**  Self/Other Lethality Issues  Violent, unpredictable/uncontrolled behavior  
 Safety issues  Eating Disorder  Detox/withdrawal symptoms  Substance Use  Psychosis  Mania  Depression  
 Other \_\_\_\_\_

**Why does this patient require this higher level of care at this time? (Please provide frequency, intensity, duration of impairing behaviors and symptoms):** \_\_\_\_\_  
\_\_\_\_\_

**Medication adjustments (medication name and dose) during level of care:** \_\_\_\_\_  
\_\_\_\_\_

**Barriers to Compliance or Adherence:** \_\_\_\_\_

**Prior Treatment in past 6 months:**

Mental Health  Substance Use Disorder  Inpatient  Residential  Partial  Intensive Outpatient  Outpatient

Relevant Medical issues (if any): \_\_\_\_\_  
\_\_\_\_\_

Support System/Home Environment: \_\_\_\_\_  
\_\_\_\_\_

Treatment Plan (include objectives, goals and interventions): \_\_\_\_\_  
\_\_\_\_\_

If Concurrent Review—What progress has been made since the last review \_\_\_\_\_  
\_\_\_\_\_

Why does member continue to need level of care \_\_\_\_\_  
\_\_\_\_\_

Discharge Plan (including anticipated discharge date) \_\_\_\_\_  
\_\_\_\_\_

**Complete the following if the request is Substance Use related: rate the patient's current stats on these conditions, if applicable**

Low Medium High

1. Acute intoxication and/or withdrawal potential
2. Biomedical conditions and complications
3. Emotional, behavioral, or cognitive conditions and complications
4. Readiness to charge
5. Relapse, continued use, or continued problem potential
6. Recovery/living environment

**Complete the following if substance use is present for higher level of care requests:**

Type of substance use disorder \_\_\_\_\_  
Onset:  Recent  Past 12 Months  More than 12 months ago  
Frequency:  Daily  Few Times Per Week  Few Times Per Month  Binge Pattern  
Last Used:  Past Week  Past Month  Past 3 Months  Past Year  More than one year ago  
Consequences of relapse:  Medical  Social  Housing  Work/School  Legal  Other \_\_\_\_\_  
Urine Drug Screen:  Yes  No Vital Signs: \_\_\_\_\_  
Current Withdrawal Score: (CIWA \_\_\_\_\_ COWS \_\_\_\_\_) or Symptoms ( check if not applicable) \_\_\_\_\_  
History of:  Seizures  DT's  Blackouts  Other  Not Applicable

**Complete the following if the request is related to the treatment of an eating disorder for higher level of care requests:**

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ % of NBW \_\_\_\_\_  
Highest weight \_\_\_\_\_ Lowest weight \_\_\_\_\_ Weight change over time (e.g. lbs lost in 1 month) \_\_\_\_\_  
If purging, type and frequency \_\_\_\_\_ Potassium \_\_\_\_\_ Sodium \_\_\_\_\_ Vital signs \_\_\_\_\_  
Abnormal EKG \_\_\_\_\_ Medical Evaluation  Yes  No  
Please identify current symptoms, behaviors and diagnosis of any Eating Disorder issues: \_\_\_\_\_  
Please include any current medical/physiological pathologic manifestations: \_\_\_\_\_



# Errata

## COMAR 33.16.04.02

At 46:18 Md. R. 800 (August 30, 2019), column 1, line 4 from the top:

For: residency as provided in §E of this regulation;  
Read: residency as provided in §E of this regulation; and

At 46:18 Md. R. 800 (August 30, 2019), column 1, line 8 from the top:

For: §E of this regulation; and  
Read: §E of this regulation.

At 46:18 Md. R. 800 (August 30, 2019), column 1, delete line 9 from the top in its entirety.

[19-25-20]

# Special Documents

## MARYLAND HEALTH CARE COMMISSION AVERAGE ANNUAL CHRONIC HOSPITAL OCCUPANCY RATES BY JURISDICTION AND FACILITY: MARYLAND, FISCAL YEARS 2017 — 2019

Jurisdiction/Facility	Average Annual Bed Occupancy Rate (%)		
	FY 2017	FY 2018	FY 2019
<b>Baltimore City</b>			
Johns Hopkins Bayview Medical Center	46.6	29.7	24.8
Levindale Hebrew Geriatric Center and Hospital	91.1	91.6	90.1
UM Medical Center Midtown Campus	34.4	21.1	25.1
UM Rehabilitation & Orthopedic Institute	59.2	57.3	42.5
<b>Prince George's County</b>			
UM Laurel Regional Hospital	27.4	16.8	-
UM Prince George's Hospital Center	-	-	31.9
<b>SUBTOTAL: Private Chronic Hospitals</b>	<b>55.8</b>	<b>47.6</b>	<b>47.7</b>
<b>Washington County</b>			
Western Maryland Hospital Center	29.8	23.8	17.3
<b>Wicomico County</b>			
Deer's Head Hospital Center	7.2	6.8	8.2
<b>SUBTOTAL: State-Operated Chronic Hospitals</b>	<b>37.0</b>	<b>14.9</b>	<b>12.5</b>
<b>MARYLAND TOTAL</b>	<b>45.8</b>	<b>39.0</b>	<b>39.4</b>

**Sources:** Maryland Health Care Commission and Maryland Department of Health (bed inventory); Health Services Cost Review Commission's Inpatient Confidential Files and Chronic Care Confidential Files (private chronic hospital patient days); and Maryland Department of Health's Hospital Management Information System (state-operated chronic hospital patient days).

Notes: The average annual chronic hospital bed occupancy rates are calculated based on the number of patient days divided by the number of licensed bed days available during the fiscal year period, ending June 30th.

In fiscal year 2019, chronic hospital beds operated by UM Capital Region Health initially operated on the campus of UM Laurel Regional Hospital, as a 46-bed hospital. In the course of FY 2019, UM Laurel Regional Hospital was converted to a freestanding medical facility and the chronic hospital formerly operated on the Laurel campus began operating on the campus of UM Prince George's Hospital Center as a 12-bed hospital. The average annual bed occupancy rate shown for FY 2019 represents the combined chronic hospital utilization at both sites and factors in the change in bed capacity that occurred during the fiscal year.

[19-25-14]

## USE OF SPECIAL HOSPITAL CHRONIC BEDS: MARYLAND, FY 2019

Jurisdiction/Facility	Licensed Beds	Patient Days	Discharges	Average Length of Stay (Days)	Average Annual Occupancy Rate
<b>PRIVATE HOSPITALS</b>					
<b>Baltimore City</b>					
Johns Hopkins Bayview Medical Center	76	6,886	190	36	24.8%
Levindale Hebrew Geriatric Center and Hospital	100	32,900	1,119	29	90.1%
UM Medical Center Midtown Campus	80	7,330	132	56	25.1%
UM Rehabilitation & Orthopedic Institute <sup>1</sup>	52	8,056	350	23	42.5%
<b>Prince George's County</b>					
UM Prince George's Hospital Center <sup>2</sup>	12	3,174	63	50	31.9%
<b>SUBTOTAL: Private Chronic Hospitals</b>	320	58,346	1,854	32	47.7%
<b>STATE-OPERATED HOSPITALS</b>					
<b>Washington County</b>					
Western Maryland Hospital Center <sup>3</sup>	60	3,781	59	64	17.3%
<b>Wicomico County</b>					
Deer's Head Hospital Center <sup>4</sup>	66	1,973	55	36	8.2%
<b>SUBTOTAL: State-Operated Chronic Hospitals<sup>5</sup></b>	126	5,754	114	51	12.5%
<b>MARYLAND TOTAL<sup>6</sup></b>	446	64,100	1,968	33	39.4%

**Sources:** Bed Inventory: Maryland Health Care Commission and the Maryland Department of Health.

**Utilization:** Health Services Cost Review Commission's Inpatient Confidential Files and Chronic Care Confidential Files (private chronic hospitals); and Maryland Department of Health's Hospital Management Information System (State-operated chronic hospitals).

<sup>1</sup> University of Maryland Rehabilitation and Orthopedic Institute's 52 chronic hospital beds include 16 dually licensed chronic/ rehabilitation beds.

<sup>2</sup> The 12 chronic hospital beds currently operated on the campus of the UM Prince George's Hospital Center replaced 46 chronic hospital beds formerly operated on the campus of UM Laurel Regional Hospital. The remaining 34 chronic hospital beds have been temporarily delicensed. The FY 2019 data shown in the table reflects the combined chronic hospital utilization at both sites during the fiscal year.

<sup>3</sup> Western Maryland Hospital Center's occupancy rate, based on its 19 *budgeted* chronic hospital beds, would be 54.5 percent.

<sup>4</sup> Deer's Head Hospital Center's chronic hospital occupancy rate, based on its 11 *budgeted* chronic hospital beds, would be 49.1 percent.

<sup>5</sup> The occupancy rate for the two State-operated chronic hospitals, based on the total 30 *budgeted* chronic hospital beds, would be 52.6 percent.

<sup>6</sup> The Statewide chronic hospital bed occupancy rate, based on the 320 *licensed* beds at the five *private* facilities plus the 30 *budgeted* beds at the two *State-operated* facilities would be 48.1 percent.

[19-25-13]



# 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.

### COMMISSIONER OF FINANCIAL REGULATION

**Subject:** Bank Merger

**Add'l. Info:** On November 22, 2019, Sandy Spring Bank, a Maryland chartered trust company located in Olney, Maryland, filed an application pursuant to Financial Institutions Article, §3-703, Annotated Code of Maryland, for approval to acquire and merge with Revere Bank, a Maryland-chartered commercial bank located in Rockville, MD, with Sandy Spring Bank being the surviving entity.

This application is on file at the Office of the Commissioner of Financial Regulation, 500 North Calvert Street, Suite 402, Baltimore, MD. Comments regarding this application must be submitted in writing and must be received by the Commissioner of Financial Regulation within 15 calendar days of the date of publication of this notice in the Maryland Register.

For further information, contact Michelle Denoncourt, Assistant Commissioner at (410) 230-6104.

**Contact:** Michelle A Denoncourt (410) 230-6104

[19-25-19]

### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 19, 2019, 10 a.m.

**Place:** North Point-Edgemere Volunteer Fire Dept., 7500 North Point Rd., Training Rm., Baltimore, MD

**Add'l. Info:** Portions of the meeting may be held in closed session. If public schools are CLOSED for inclement weather, the meeting and any appeals will be rescheduled.

**Contact:** Heidi Ritchie (877) 890-0199

[19-25-10]

### MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 19, 2019, 10 a.m. — 12 p.m.

**Place:** Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD

**Contact:** Kathy Lingo (410) 230-8790

[19-25-08]

### MARYLAND COMMISSION ON ARTISTIC PROPERTY

**Subject:** Public Meeting

**Date and Time:** December 12, 2019, 10:30 a.m. — 12:30 p.m.

**Place:** Maryland State Archives, 350 Rowe Blvd., Annapolis, MD

**Contact:** Christopher J. Kintzel (410) 260-6475

[19-25-12]

### HEALTH SERVICES COST REVIEW COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 11, 2019, 1 — 4 p.m.

**Place:** 4160 Patterson Ave., Rm. 100, Baltimore, MD

**Contact:** LaTonya Hamilton (410) 764-3451

[19-25-06]

### MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

**Subject:** Public Meeting

**Date and Time:** December 16, 2019, 1 — 3 p.m.

**Place:** MDH, 201 W. Preston St., Conf. Rm. L3, Baltimore, MD

**Contact:** Kimberly Hiner (410) 767-2301

[19-25-04]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 19, 2019, 1 — 4 p.m.

**Place:** 4160 Patterson Ave., Rm. 100, Baltimore, MD

**Contact:** Valerie Wooding (410) 764-3570

[19-25-05]

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

**Subject:** Public Notice — Partial Opening of Swan Point Oyster Bar (Kent County) — Effective 11/25/2019

**Add'l. Info:** WHAT THIS NOTICE DOES:

The Secretary of the Maryland Department of Natural Resources announces that a portion of Swan Point oyster bar in Kent County is opened to oyster harvest.

AREA OPENED:

Swan Point (PSFA 9 (NOB 2-9): Upper Chesapeake Bay). The portion of Swan Point being opened is: All the waters of the Chesapeake Bay enclosed by a line beginning at a point defined by Lat. 39°8.687' N and Long. 76°18.303' W; then running 18° True to a point defined by Lat. 39°9.566' N and Long. 76°17.909' W; then running 81° True to a point defined by Lat. 39°9.595' N and Long. 76°17.661' W; then running 192° True to a point defined by Lat. 39°8.628' N and Long. 76°17.918' W; then running 270° True to the point of beginning.

PURPOSE OF THIS OPENING:

The purpose of this opening is to allow the harvest of market size oysters that have grown from industry plantings of spat-on-shell made in 2016, 2017, and 2018. This opening was requested by the Kent County Oyster Committee.

HARVEST RULES FOR THE DESCRIBED AREA:

Harvesters must follow the rules established by the public notices effective September 19, 2019 titled "2019-2020 Commercial Oyster Rules — Effective 9/19/2019" and "2019-2020 Recreational Oyster Rules — Effective 9/19/2019."

WHOM THIS NOTICE AFFECTS:

This opening applies to all individuals who catch oysters recreationally or commercially.

EFFECTIVE DATE:

This notice is effective at 12:01 a.m. November 25, 2019. The area described is open from November 25, 2019 through and including March 31, 2020.

AUTHORITY:

COMAR 08.02.04.11G.  
FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8302, Jeannie Haddaway-Riccio, Secretary of Natural Resources.

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

[19-25-16]

GENERAL NOTICES

1152

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Closure of Upper Chesapeake Bay to Oyster Harvest — Effective 11/25/2019

Add'l. Info: WHAT THIS NOTICE DOES:

The Secretary of the Maryland Department of Natural Resources announces that, except as provided in the public notice titled "Partial Opening of Swan Point Oyster Bar (Kent County) — Effective 11/25/2019," the Chesapeake Bay and its tidal tributaries north of the northernmost span of the Gov. William Preston Lane Jr. Memorial Bridge are closed to all oyster harvest. This notice supersedes all notices effective prior to November 25, 2019 affecting oyster harvest areas north of the northernmost span of the Gov. William Preston Lane, Jr. Memorial Bridge.

AREA CLOSED:

Except for the portion of PSFA 9 described in the public notice titled "Partial Opening of Swan Point Oyster Bar (Kent County) — Effective 11/25/2019," all waters of the Chesapeake Bay and its tidal tributaries north of the northernmost spans of the Gov. William Preston Lane, Jr. Memorial and the R. Clayton Mitchell Jr. (Kent Narrows) bridges.

PURPOSE OF THIS CLOSURE:

This closure is necessary due to low abundance of oysters, low natural spat set, and potential impacts of persistently low salinity levels. Specific sites previously planted by county oyster committees may be opened in a future notice.

WHOM THIS NOTICE AFFECTS:

This closure applies to all individuals who catch oysters recreationally or commercially.

EFFECTIVE DATE:

The closure is effective at 12:01 a.m. November 25, 2019. The area is closed until further notice. A new notice will be issued when the area or any previously planted portion of the area is reopened to harvest.

AUTHORITY:

COMAR 08.02.04.11G

FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8302, Jeannie Haddaway-Riccio, Secretary of Natural Resources

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

[19-25-17]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting

Date and Time: January 24, 2020, 10 a.m. — 12 p.m.

Place: Office of Health Care Quality, 7120 Samuel Morse Dr., 2nd Fl., Potomac Conf. Rm., Columbia, MD

Add'l. Info: The public is welcome.

Contact: Paul Ballard (410) 767-6918

[19-25-07]

BOARD OF REVENUE ESTIMATES

Subject: Public Meeting

Date and Time: December 11, 2019, 3 — 3:30 p.m.

Place: Comptroller of Maryland — Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD

Contact: Kynara Fogan (410) 260-7450

[19-25-09]

NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

Subject: Public Meetings Notice Procedure

Add'l. Info: The Authority gives notice of meetings by posting a notice on its website under the section entitled "Press Releases/Notices" and at the entrance of its offices. Notice is hereby given that the Authority's website address is: nmwda.org; its offices are located at Tower II, Suite 402, 100 S. Charles Street, Baltimore, MD. Notice is also hereby given that portions of Authority meetings may be held in closed session.

Contact: Kimberly Gordon (410) 333-2730

[19-25-11]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: December 18, 2019, 9 a.m. — 1 p.m.

Place: 1800 Washington Blvd., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Elaine Nolen (410) 537-4466

[19-25-01]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: December 19, 2019, 9:30 — 11 a.m.

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

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Amy S. Lackington (410) 864-5300

[19-25-03]

GOVERNOR'S WORKFORCE DEVELOPMENT BOARD

Subject: Public Meeting

Date and Time: December 11, 2019, 3:30 — 4:30 p.m.

Place: House Office Bldg., 6 Bladen St., Baltimore County Delegation Rm. 180, Annapolis, MD

Add'l. Info: Governor's Workforce Development Board Quarterly Meeting

Contact: Darla Henson (410) 767-2408

[19-25-15]

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### Part 1

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

### Part 2

- 09 Medical Care Programs

### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
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- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Profess.
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners
- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

## Title 11 Department of Transportation

### Part 1

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Maryland Transit Administration
- 07 Maryland Transportation Authority
- 08 State Rail Safety Oversight
- 09 Vacant
- 10 Vacant

### Part 2

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
- 21 MVA – Commercial Motor Vehicles
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### Part 1

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
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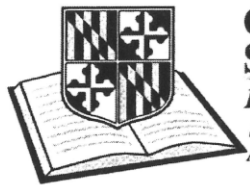
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