

Maryland Register

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IN THIS ISSUE

Governor
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 20, 2020, 5 p.m.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 April 20, 2020.

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

501

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register	503
---	-----

COMAR Research Aids

Table of Pending Proposals	504
----------------------------------	-----

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
08 Department of Natural Resources	522
09 Maryland Department of Labor	515, 527
10 Maryland Department of Health	515
19A State Ethic Commission	520
29 Department of State Police	514
31 Maryland Insurance Administration	520
32 Maryland Department of Aging	527
33 State Board of Elections	514
34 Department of Planning	520, 530

PERSONS WITH DISABILITIES

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The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND	
NUMBER 20-04-15-01 — Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures	507
NUMBER 20-04-18-01 — Implementing Alternative Correctional Detention and Supervision	508
NUMBER 20-04-20-01 — Establishing Alternate Care Sites	509
NUMBER 20-04-29-01 — Amending and Restating the Order Dated April 5, 2020 Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities	510
NUMBER 20-04-29-02 — Amending and Restating the Order Dated March 16, 2020 Prohibiting Termination of Residential Services and Late Fees	511
NUMBER 20-04-29-03 — Prohibiting Garnishment of Cares Act Recovery Rebates	512

The Judiciary

COURT OF APPEALS OF MARYLAND	
DISCIPLINARY PROCEEDINGS	513

Emergency Action on Regulations

29 DEPARTMENT OF STATE POLICE	
FIRE PREVENTION COMMISSION	
Fire Prevention Code	514
33 STATE BOARD OF ELECTIONS	
SAME DAY REGISTRATION AND ADDRESS CHANGES	
Public Notice	514

Final Action on Regulations

09 MARYLAND DEPARTMENT OF LABOR	
RACING COMMISSION	
Thoroughbred Rules	515
Prohibited Acts	515
10 MARYLAND DEPARTMENT OF HEALTH	
PROCEDURES	
Fair Hearing Appeals Under the Maryland State Medical Assistance Program	515
MEDICAL CARE PROGRAMS	
Establishment, Operation, and Authority for Making Capitated Payments for Dual Eligibles Enrolled in Medicare Advantage Plans	515
MARYLAND HEALTHCHOICE PROGRAM	
Maryland Medicaid Managed Care Program: Managed Care Organizations	515
Maryland Medicaid Managed Care Program: Non-Capitated Covered Services	515
Maryland Medicaid Managed Care Program: MCO Dispute Resolution Procedures	515
DISEASES	
Communicable Diseases and Related Conditions of Public Health Importance	516
MEDICAL CARE PROGRAMS	
Medical Day Care Services	516
Home and Community-Based Services Waiver for Individuals with Brain Injury	516
Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder	516
Specialty Mental Health Services	517
1915(i) Intensive Behavioral Health Services for Children, Youth, and Families	517
LABORATORIES	
Biological Agents Registry Program	517
CANCER CONTROL	
Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment	517
FOOD	
Production, Processing, Transportation, Storage, and Distribution of Grade "A" Milk	517
Farmstead Cheese Program	517
SWIMMING POOLS AND SPAS	
Public Swimming Pools and Spas	517
HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)	
HIV and CD4+ Investigations and Case Reporting	518
AIDS Investigations and Case Reporting	518
BOARD OF MORTICIANS AND FUNERAL DIRECTORS	
Examination	518
Continuing Education	518
Requirements for Apprenticeship	518
Crematories — Permit, Licensing, and Fees	518
Crematories — Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties	518
BOARD OF PHYSICAL THERAPY EXAMINERS	
Dry Needling	518
BOARD OF PODIATRIC MEDICAL EXAMINERS	
Licensing and Continuing Education Requirements	519
BOARD OF CHIROPRACTIC EXAMINERS	
Dry Needling	519

Contents

502

ALCOHOL AND DRUG ABUSE ADMINISTRATION	
Prescription Drug Monitoring Program	519
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)	
Eligibility, Participation, and Benefits	519
Local Agency	519
NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION	
Definitions	519
Certifying Providers	519
Patient and Caregiver Identification Cards	519
Medical Cannabis Grower License	519
Medical Cannabis Grower Premises	519
Inventory Control by Grower	519
Medical Cannabis Grower Quality Control	519
Shipment of Products Between Licensees	519
Medical Cannabis Processor License	519
Medical Cannabis Processor Premises	519
Medical Cannabis Processor Operations	519
Medical Cannabis Dispensary License	519
Licensed Dispensary Premises	519
Licensed Dispensary Operations	519
Dispensing Medical Cannabis	519
Licensed Dispensary Clinical Director	519
Inspection	519
Discipline and Enforcement	519
Fee Schedule	519

19A STATE ETHICS COMMISSION

LOBBYING	
General	520

31 MARYLAND INSURANCE ADMINISTRATION

INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS	
Surplus Lines	520

34 DEPARTMENT OF PLANNING

LAND USE	
Certification of County Agricultural Land Preservation Programs	520

Proposed Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES

FISHERIES SERVICE	
Fish	522
Fish	523
Striped Bass	524

09 MARYLAND DEPARTMENT OF LABOR

BOARD FOR PROFESSIONAL ENGINEERS	
Continuing Professional Competency Requirements	527

32 MARYLAND DEPARTMENT OF AGING

GRANTS AND SUBSIDIES	
Senior Assisted Living Subsidy Program	527

34 DEPARTMENT OF PLANNING

CENSUS AND REDISTRICTING	
Redistricting Prison Populations	530

Errata

COMAR 15.05.01.02	532
-------------------------	-----

Special Documents

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY	
NOTICE	533
DEPARTMENT OF THE ENVIRONMENT	
SUSQUEHANNA RIVER BASIN COMMISSION	
Public Hearing	533
WATER AND SCIENCE ADMINISTRATION	
Water Quality Certification 20-WQC-0006	534
Water Quality Certification 20-WQC-0012	535
Water Quality Certification 20-WQC-0017	535
Water Quality Certification 20-WQC-0019	535
DEPARTMENT OF NATURAL RESOURCES	
FISHING AND BOATING SERVICES—PUBLIC NOTICE	
Commercial Spiny Dogfish Landing Limits — Effective 5/1/2020	536

General Notices

DEPARTMENT OF AGING	
Public Meeting	537
CHESAPEAKE BAY TRUST	
Public Meeting	537
MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS	
Public Meeting	537
Public Meeting	537
Public Meeting	537
Public Meeting	537
Public Meeting	537
COMMISSIONER OF FINANCIAL REGULATION	
Bank Merger	537
FIRE PREVENTION COMMISSION	
Public Hearing on Regulations	538
MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE	
Public Meeting	538
MARYLAND HEALTH BENEFIT EXCHANGE	
Public Meeting	538
HISTORIC ST. MARY'S CITY COMMISSION	
Public Meeting	538
MARYLAND INSURANCE ADMINISTRATION	
Public Meeting	538
MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION	
Public Meeting	538
MARYLAND HEALTH CARE COMMISSION	
Public Meeting	539
Formal Start of Review	539
Notice of Receipt of Letter of Intent to Establish an Inpatient Child Adolescent Psychiatric Hospital in Central Maryland (Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties and Baltimore City)	539
BOARD OF OCCUPATIONAL THERAPY PRACTICE	
Public Meeting	539
RACING COMMISSION	
Public Meeting	539

Contents

MARYLAND DEPARTMENT OF TRANSPORTATION/
MARYLAND BOARD OF AIRPORT ZONING APPEALS
Public Hearing 539

BOARD OF WATERWORKS AND WASTE SYSTEMS
OPERATORS
Public Meeting 540

BOARD OF WELL DRILLERS
Public Meeting 540

WORKERS' COMPENSATION COMMISSION
Public Meeting 540

CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2021

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2020			
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
August 14	July 27	August 3	August 5
August 28	August 10	August 17	August 19
September 11	August 24	August 31	September 2
September 25	September 4**	September 14	September 16
October 9	September 21	September 28	September 30
October 23	October 5	October 9**	October 14
November 6	October 19	October 26	October 28
November 20	November 2	November 9	November 10**
December 4	November 16	November 23	November 25
December 18	November 30	December 7	December 9
2021			
January 4***	December 14	December 21	December 23
January 15	December 28	January 4	January 6
January 29	January 11	January 15**	January 20

COMAR Online

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

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

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

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.

* 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.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

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)

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)

05.13.07.01—,13 • 47:9 Md. R. 477 (4-24-20)

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

07 DEPARTMENT OF HUMAN RESOURCES

07.02.07.02,,06,,08—,14,,17,,21,,23 • 47:3 Md. R. 174 (1-31-20)

07.02.11.12 • 47:3 Md. R. 178 (1-31-20)

07.03.17.61 • 47:7 Md. R. 386 (3-27-20)

07.03.25.01—,11 • 47:7 Md. R. 387 (3-27-20)

07.07.13.01—,04 • 46:26 Md. R. 1170 (12-20-19)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.12 • 47:3 Md. R. 179 (1-31-20)

08.02.05.20 • 47:10 Md. R. 522 (5-8-20)

08.02.05.22 • 47:10 Md. R. 523 (5-8-20)

08.02.15.09,,10,,12 • 47:10 Md. R. 524 (5-8-20)

09 MARYLAND DEPARTMENT OF LABOR

09.03.07.02—,08 • 47:2 Md. R. 77 (1-17-20)

09.03.10.04 • 47:1 Md. R. 21 (1-3-20)

09.11.07.01 • 46:26 Md. R. 1176 (12-20-19)

09.12 • 46:26 Md. R. 1192 (12-20-19) (err)

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

09.12.58.03 • 47:3 Md. R. 198 (1-31-20) (ibr)

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

09.12.81.01-1,,04-1,,07,,08 • 47:2 Md. R. 80 (1-17-20)

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

09.23.06.15 • 47:10 Md. R. 527 (5-8-20)

09.24.05.04 • 47:1 Md. R. 23 (1-3-20)

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

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

10.07.01.06 • 46:26 Md. R. 1178 (12-20-19)

10.07.02.01—,03,,33,,40 • 47:2 Md. R. 91 (1-17-20) (ibr)

Subtitles 10 — 22 (3rd Volume)

10.12.06.01—,10 • 47:1 Md. R. 24 (1-3-20)

10.14.08.01—,08 • 47:3 Md. R. 200 (1-31-20)

10.15.03.02,,06,,09,,11,,15,,24—,28,,30,,40 • 47:3 Md. R. 203 (1-31-20)

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)

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

Subtitles 37—68 (5th Volume)

10.52.02.01 • 47:4 Md. R. 267 (2-14-20)

10.52.06.02—,12 • 47:4 Md. R. 267 (2-14-20)

10.54.03.03,,04,,06—,16,,18 • 47:4 Md. R. 268 (2-14-20)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 11—23 (MVA)

- 11.11.05.04 • 47:9 Md. R. 481 (4-24-20)
- 11.15.37.01—.04 • 47:9 Md. R. 481 (4-24-20)

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

- 12.04.08.01—.07 • 46:26 Md. R. 1183 (12-20-19)

13A STATE BOARD OF EDUCATION

- 13A.02.02.03,.04 • 47:8 Md. R. 437 (4-10-20) (ibr)
- 13A.03.02.02,.03,.06—.10,.12 • 46:24 Md. R. 1108 (11-22-19)
- 13A.04.17.01,.02 • 47:7 Md. R. 390 (3-27-20)
- 13A.05.13.01—.06 • 46:26 Md. R. 1185 (12-20-19)
- 13A.08.01.03 • 47:7 Md. R. 392 (3-27-20)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.02.03.24 • 47:8 Md. R. 438 (4-10-20)
- 13B.08.03.03 • 47:3 Md. R. 220 (1-31-20)
- 13B.08.07.01—.08 • 47:3 Md. R. 220 (1-31-20)
- 13B.08.10.02 • 47:3 Md. R. 222 (1-31-20)
- 13B.08.11.02 • 47:3 Md. R. 222 (1-31-20)

14 INDEPENDENT AGENCIES

- 14.09.01.01,.02,.04,.09 • 47:8 Md. R. 438 (4-10-20)
- 14.09.02.02 • 47:8 Md. R. 438 (4-10-20)
- 14.09.04.01 • 47:8 Md. R. 438 (4-10-20)
- 14.09.17.01—.03 • 47:9 Md. R. 482 (4-24-20)
- 14.22.01.02,.08,.10 • 47:7 Md. R. 392 (3-27-20)
- 14.22.02.01,.02 • 47:7 Md. R. 392 (3-27-20)
- 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)
- 14.35.08.06 • 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)
- 14.39.02.05,.06 • 47:2 Md. R. 125 (1-17-20)
- 14.39.07.02 • 47:2 Md. R. 125 (1-17-20)
- 14.40.04.01—.03 • 46:25 Md. R. 1144 (12-6-19)

15 MARYLAND DEPARTMENT OF AGRICULTURE

- 15.05.01.02 • 47:8 Md. R. 441 (4-10-20)
- 15.06.05.01—.05 • 47:3 Md. R. 222 (1-31-20)
- 15.20.04.13,.14 • 47:3 Md. R. 224 (1-31-20)
- 15.20.07.03,.06—.08 • 47:3 Md. R. 225 (1-31-20)

18 DEPARTMENT OF ASSESSMENTS AND TAXATION

- 18.05.01.01,.02,.04—.06 • 47:8 Md. R. 443 (4-10-20)

20 PUBLIC SERVICE COMMISSION

- 20.62.02.01—.04 • 47:7 Md. R. 396 (3-27-20)
- 20.62.03.04,.08 • 47:7 Md. R. 396 (3-27-20)

21 STATE PROCUREMENT REGULATIONS

- 21.01.02.01 • 47:6 Md. R. 345 (3-13-20)
- 21.01.03.01 • 47:6 Md. R. 345 (3-13-20)
- 21.02.01.03—.05 • 47:6 Md. R. 345 (3-13-20)
- 21.02.03.01—.05 • 47:6 Md. R. 345 (3-13-20)
- 21.02.05.01—.04,.06—.09 • 47:6 Md. R. 345 (3-13-20)
- 21.02.08.01—.04 • 47:6 Md. R. 345 (3-13-20)
- 21.05.01.01,.07 • 47:6 Md. R. 345 (3-13-20)
- 21.05.02.06,.11,.17 • 47:6 Md. R. 345 (3-13-20)
- 21.05.03.02 • 47:6 Md. R. 345 (3-13-20)
- 21.05.09.01,.07 • 47:6 Md. R. 345 (3-13-20)
- 21.05.12.07 • 47:6 Md. R. 345 (3-13-20)
- 21.07.01.11,.29,.30 • 47:6 Md. R. 345 (3-13-20)
- 21.07.02.07 • 47:6 Md. R. 345 (3-13-20)
- 21.07.03.01 • 47:6 Md. R. 345 (3-13-20)
- 21.10.02.02,.04 • 47:6 Md. R. 345 (3-13-20)
- 21.11.01.02,.04,.05 • 47:6 Md. R. 345 (3-13-20)
- 21.11.03.04,.09,.15 • 47:6 Md. R. 345 (3-13-20)
- 21.11.05.07 • 47:6 Md. R. 345 (3-13-20)
- 21.11.13.01 • 47:6 Md. R. 345 (3-13-20)
- 21.13.01.01,.03,.07,.09 • 47:6 Md. R. 345 (3-13-20)

**27 CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

- 27.01.01.01 • 47:8 Md. R. 444 (4-10-20)
- 27.01.02.05 • 47:8 Md. R. 444 (4-10-20)
- 27.01.07.01—.03 • 47:8 Md. R. 444 (4-10-20)
- 27.02.01.01 • 47:8 Md. R. 444 (4-10-20)
- 27.02.05.08—.08-3 • 47:8 Md. R. 444 (4-10-20)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

- 26.02.01.01—.05 • 47:9 Md. R. 484 (4-24-20)
- 26.02.07.02,.12 • 47:9 Md. R. 484 (4-24-20)

Subtitles 08—12 (Part 2)

- 26.08.04.09,.09-1 • 46:20 Md. R. 860 (9-27-19)

Subtitles 13 — 18 (Part 3)

- 26.16.01.02 • 47:9 Md. R. 484 (4-24-20)
- 26.16.02.02,.02-1,.05 • 47:9 Md. R. 484 (4-24-20)
- 26.16.05.01—.03,.10,.12 • 47:9 Md. R. 484 (4-24-20)
- 26.16.08.01—.08 • 47:9 Md. R. 484 (4-24-20)

29 DEPARTMENT OF STATE POLICE

- 29.06.01.09 • 47:9 Md. R. 494 (4-24-20)

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

- 30.09.07.02 • 47:1 Md. R. 29 (1-3-20)

31 MARYLAND INSURANCE ADMINISTRATION

- 31.09.02.11 • 47:8 Md. R. 447 (4-10-20)
- 31.10.06.02,.28,.30,.31 • 45:23 Md. R. 1119 (11-9-18)

PENDING PROPOSALS

506

32 MARYLAND DEPARTMENT OF AGING

32.03.03.01—.03,.05,.07,.08 • 47:10 Md. R. 527 (5-8-20)

32.03.05.01—.07 • 47:2 Md. R. 138 (1-17-20)

33 STATE BOARD OF ELECTIONS

33.13.21.01—.04 • 46:5 Md. R. 326 (3-1-19)

33.16.03.01 • 47:8 Md. R. 448 (4-10-20)

33.17.01.02 • 47:8 Md. R. 448 (4-10-20)

33.19.01.01 • 47:8 Md. R. 448 (4-10-20)

34 DEPARTMENT OF PLANNING

34.05.01.01,.03,.04 • 47:10 Md. R. 530 (5-8-20)

The Governor

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-15-01

Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and physical distancing in smaller gatherings;

WHEREAS, The currently known and available scientific evidence and best practices support limitations on large gatherings and physical distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets; and

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions.

a. “Face Covering” means a covering that fully covers a person’s nose and mouth, but is not a Medical-Grade Mask. The term “Face Covering” includes, without limitation, scarves and bandanas.

b. “Foodservice Establishments” means establishments in the State of Maryland that sell food on a delivery, carry-out, or drive-through basis.

c. “Medical-Grade Mask” means an N95, KN95, surgical, or other mask that would be appropriate for a health care setting.

d. “Public Transportation” means shared-ride surface transportation services that are open to the general public, including without limitation, taxi services, ride-sharing services, car services, and transit services provided by any other unit of the State or any political subdivision. Examples of Public Transportation include, but are not limited to:

- i. MTA bus service;
- ii. MARC train service;
- iii. Light Rail trains service;
- iv. MTA Metro subway service; and
- v. Mobility and paratransit service.

e. “Retail Establishments” means retail businesses, organizations, establishments, and facilities in the State of Maryland, including without limitation:

- i. Grocery stores, convenience stores, farmer’s markets, and any other establishment engaged in the retail sale of non-prepared food;
- ii. Pharmacies and other stores that sell medication or medical supplies;
- iii. Stores that sell supplies for household consumption or use, and/or products needed to maintain safety, sanitation, and essential maintenance of the home or residence;
- iv. Alcoholic beverage stores; and
- v. Laundromats.

II. Use of Face Coverings.

a. Effective as of 7:00 a.m. on April 18, 2020:

- i. all riders and operators on any Public Transportation are required to wear Face Coverings (excluding any operator in a separate compartment that is off-limits to riders);
- ii. all customers over the age of nine are required to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- iii. adult customers accompanying children age two through nine shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Retail Establishment or Foodservice Establishment;
- iv. all Retail Establishments shall require staff to wear, and those staff shall wear, Face Coverings while working in areas open to the general public and areas in which interactions with other staff are likely; and
- v. all Foodservice Establishments shall require staff who interact with customers (including, without limitation, delivery personnel) to wear, and those staff shall wear, Face Coverings while working.

b. Single-use Face Coverings shall be properly discarded in trash receptacles. It is recommended that all reusable Face Coverings be cleaned frequently (at least once per day).

c. Wearing a Medical-Grade Mask satisfies any requirement in paragraph II.a to wear a Face Covering, but all Marylanders are urged to reserve Medical-Grade Masks for use by health care workers and first responders.

III. Physical Distancing Measures for Retail Establishments.

a. All Retail Establishments shall, in good faith and to the extent possible:

- i. Where any queue is expected to form, designated with signage, tape, or by other means at least six-foot spacing for persons in line;

ii. Sanitize, or provide customers with a means to sanitize, handles of carts and baskets that are available to customers;

iii. Provide staff and customers with clean restrooms stocked with soap or sanitizer, and allow staff to wash their hands at least once every 30 minutes; and

iv. Post signage at each entrance advising customers about the requirement to wear Face Coverings described in paragraph II.a.

b. The Secretary of Health of the State of Maryland (the "Secretary") is authorized to issue directives under this Order, as the Secretary deems necessary, to prevent, reduce the spread of, and suppress COVID-19 in and around Retail Establishments and/or Foodservice Establishments, which may include, without limitation, additional requirements for physical distancing, cleaning, and disinfection at Retail Establishments and/or Foodservice Establishments.

IV. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order.

b. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

c. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 15th day of April, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-10-34]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-18-01

Implementing Alternative Correctional Detention and Supervision

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, and has been declared a pandemic by the World Health Organization;

WHEREAS, COVID-19 is caused by a novel coronavirus, not previously identified in humans, that transmits primarily and spreads easily when people are in close contact, including through respiratory droplets;

WHEREAS, COVID-19 has now spread in communities throughout Maryland, requiring broad efforts to mitigate the effects of the pandemic and protect health care resources from being overwhelmed;

WHEREAS, The currently known and available scientific evidence, best practices, and recommendations of public health experts support social distancing, which is the practice of maintaining physical separation between people, to prevent exposures to, transmission of, and the spread of COVID-19;

WHEREAS, Because of inmates' close proximity to each other, employees, and contractors in correctional facilities, the spread of COVID-19 there poses a significant threat to their health, welfare, and safety, as well as the communities in which they live or to which they will return;

WHEREAS, In order to reduce the threat to health, welfare, and safety caused by rapid transmission of COVID-19 between residents and staff in congregative correctional custody, and enable social distancing and other mitigation efforts, certain inmates must be removed from these facilities;

WHEREAS, Decisions regarding expeditious release for certain eligible inmates should consider threats to their health, access to appropriate medical and social services, and safeguards to protect public safety;

WHEREAS, It is in the public interest to prevent inmates' exposure to the novel coronavirus by expeditiously moving them to alternative places of confinement, such as in supervised community placement or their homes;

WHEREAS, It is reasonable to expect that certain inmates do not present a threat to public safety and will abide by the restrictions of alternative places of detention, provided there are plans to ensure access to places of residence, social services, and medical care;

WHEREAS, To prevent exposure to the novel coronavirus, protect the public health, welfare, and safety, and save lives, it is necessary that inmates and staff refrain from congregating, that these individuals' movements and the occupancy of prisons and other correctional facilities be controlled, and that part of their populations be evacuated;

WHEREAS, It is further necessary to suspend the effect of certain statutes, rules, and regulations regarding correctional detention and supervision procedures; and

WHEREAS, To mitigate the effects of the spread of COVID-19 and protect the public health, welfare, and safety, especially of vulnerable workers or incarcerated persons at Maryland prisons, it is necessary and reasonable to implement protocols and procedures for transfer out of the State's correctional institutions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

1. To continue to safely reduce correctional facilities' populations of inmates and prevent the spread of COVID-19:

a. The Commissioner of Correction (the “Commissioner”) is authorized to, for all inmates in the custody of the Division of Correction:

i. Who are scheduled to be released on mandatory supervision pursuant to § 7-501 of the Correctional Services Article of the Maryland Code (“CS”) within 120 days of the date of this Order:

1. Suspend any limitations on the accrual of diminution credits; and

2. Make awards of diminution credits as is deemed necessary and appropriate for expedited release on mandatory supervision (“early mandatory supervision”) by the Division of Parole and Probation; or

ii. Who are eligible pursuant to CS § 3-404, immediately consider them for home detention (“expedited home detention”); and

b. The Maryland Parole Commission shall accelerate consideration of parole (“accelerated parole”) for otherwise eligible inmates who are at least 60 years old and have:

i. A record of good institutional adjustment;

ii. An approved home plan; and

iii. Not been convicted of a crime of violence as defined by § 14-101 of the Criminal Law Article of the Maryland Code.

2. An inmate is not eligible for early mandatory supervision, expedited home detention, or accelerated parole if the term of confinement includes a sentence for a sexual offense.

3. At least five days before an inmate is released on early mandatory supervision or accelerated parole, notice must be provided to the victim and the State’s Attorney who last prosecuted the inmate.

4. In determining the inmate’s suitability for early mandatory supervision, the Commissioner shall consider:

a. Any information, input, or recommendations submitted by State’s Attorney or victim; and

b. The inmate’s:

i. Age;

ii. Medical conditions;

iii. Pregnancy, and

iv. Special needs.

5. Upon a determination that the action will reduce the inmate’s risk of exposure to COVID-19 and will not compromise the health, welfare, or safety of the inmate, victims, or the public, the Commissioner may:

a. Release the inmate on early mandatory supervision:

i. Subject to all standard conditions of mandatory supervised release and any special conditions imposed by the Maryland Parole Commission; and

ii. In accordance with the provisions of this Order, but otherwise as soon as practicable; or

b. Place the inmate on expedited home detention.

6. An inmate released on early mandatory supervision shall receive:

a. An identification card from the Division of Correction; and

b. Assistance in applying for applicable medical benefits.

7. COVID-19 Screening.

a. An inmate considered for release on early mandatory supervision, expedited home detention, or accelerated parole shall be evaluated for symptoms of COVID-19.

b. An inmate displaying symptoms of COVID-19 is ineligible for early mandatory supervision, home detention, or accelerated parole and shall be immediately isolated and subject to COVID-19 testing procedures and protocols.

c. The Maryland Department of Health shall be notified of any suspected COVID-19 cases among inmates screened for early mandatory supervision, expedited home detention, or accelerated parole.

8. Self-quarantine for a minimum of 14 days is required immediately upon release on early mandatory supervision, placement in expedited home detention, or accelerated parole.

9. All units of State and local government shall assist and provide data, information, and resources to the Commissioner and Maryland Parole Commission as may be requested and deemed necessary to comply with this Order and otherwise protect the health, welfare, and safety of inmates on early mandatory supervision, in expedited home detention, or with accelerated parole.

10. Effect of Other Laws.

a. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order, including CS §§ 3-708, 7-501(b), and

b. 7-505(a), and Code of Maryland Regulations 12.02.26.05C(5) through (7), is hereby suspended.

c. Except as expressly provided for herein, all other laws regarding an inmate’s release on mandatory supervision, placement in home detention, or parole remain in effect.

11. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent orders.

12. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

13. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 18th day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-10-35]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-20-01

Establishing Alternate Care Sites

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, COVID-19 can cause severe respiratory infection, resulting in hospitalization;

WHEREAS, To reduce the spread of COVID-19, it is medically necessary to place infected persons in isolation or quarantine;

WHEREAS, There is an increased need for health care facility space for isolation, quarantine, and treatment of patients with COVID-19;

WHEREAS, The surge in demand for facility space may exceed the physical capacity of existing health care facilities, even with temporary expansions;

WHEREAS, A shortage of facility space would create significant risks to patient health and safety;

WHEREAS, Additional non-traditional health facilities can provide the capacity needed to isolate, quarantine, and treat persons with COVID-19;

WHEREAS, To protect the public health, welfare, and safety, it is necessary to authorize the use of sites other than health care facilities to provide capacity for isolation, quarantine, and patient treatment and other health care; and

WHEREAS, It is further necessary to provide temporary housing and control the use of buildings and other facilities;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

1. An “alternate care site” has the meaning stated in § 14-301 of the Public Safety Article of the Maryland Code (“PS”).

2. The Secretary of Health (“Secretary”) shall establish one or more alternate care sites for the isolation, quarantine, and treatment of persons with COVID-19, including health-related services such as hospitial care.

3. The Secretary shall identify and expeditiously select contractors, subcontractors, and vendors to support the establishment, supplying, operation, and management of alternate care sites.

4. Health Services Cost Review Commission.

a. The Health Services Cost Review Commission (“HSCRC”) may, upon request by the Secretary, set rates and charges for the services to be provided at alternate care sites.

b. In setting an alternate care site’s rates and charges, the HSCRC may take into account, in addition to other relevant circumstances and factors, the rates and charges set for nearby or similar facilities or services.

5. The Secretary may, to ensure that alternate care sites have sufficient resources for ongoing operations, support related expenditures and costs with revenues from payments received for services billed at the rates set pursuant to paragraph 4.a.

6. Immunity.

a. Health care providers, as defined in PS § 14-3A-01, at any alternate care site who act in good faith and under the catastrophic health emergency proclamation are immune from civil or criminal liability as set forth in PS § 14-3A-06.

b. Maryland Responds Medical Reserve Corps volunteers who provide services at an alternate care site have the immunity provided by § 12-105 of the State Government Article and § 5-522 of the Courts & Judicial Proceedings Article of the Maryland Code.

7. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent orders.

8. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order is hereby suspended.

9. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

10. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall

remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 20th day of April, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-10-36]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-29-01

Amending and Restating the Order Dated April 5, 2020 Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, Cases of COVID-19 have been detected in residents and/or staff at more than 130 nursing homes in Maryland;

WHEREAS, Many Marylanders residing in nursing homes are part of vulnerable populations that may be particularly susceptible to complications and adverse outcomes associated with COVID-19;

WHEREAS, To reduce the spread of COVID-19 in nursing homes and other similar facilities, and to protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to authorize actions to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in nursing homes and other similar facilities; and

WHEREAS, Such actions may include, among other things, prohibiting individuals from congregating, controlling and directing the movement of individuals, controlling and directing the occupancy and use of buildings;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland number 20-04-05-01, dated April 5, 2020, entitled “Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities” is amended and restated in its entirety as set forth herein.

II. Definitions. As used herein:

a. “CRISP” means the Chesapeake Regional Information System for our Patients.

b. “Health Care Provider” has the meaning provided in Section 14-3A-01 of the Public Safety Article of the Maryland Code.

c. "Nursing Homes" means the following Health Care Providers: facilities licensed under Title 19, subtitles 3 and 14 of the Health-General Article of the Maryland Code and COMAR 10.07.02.

d. "Other Facilities" means any Health Care Provider other than a Nursing Home, including without limitation, assisted living facilities, hospice facilities, residential treatment facilities, home health agencies, and any related institution.

e. "Response Team" means a response team established pursuant to the Directive and Order of the Secretary, dated April 19, 2020, Regarding Establishment of Response Teams.

f. "Secretary" means the Secretary of Health of the State of Maryland.

III. Authority of Secretary Related to Nursing Homes.

a. The Secretary is hereby ordered to issue directives under this Order requiring each Nursing Home to:

i. increase testing of residents and staff for COVID-19;

ii. ensure that each resident is evaluated at least daily by a physician, physician's assistant, nurse practitioner, or registered nurse for symptoms suggesting possible COVID-19 infection;

iii. develop a surge staffing plan to ensure continuity of resident care in the event of a significant outbreak of COVID-19 among residents or staff;

iv. fully cooperate with any Response Team, including without limitation, by providing access to the Nursing Home, its residents, and its staff;

v. provide periodic informational updates to their residents, resident representatives, and staff regarding COVID-19 infections related to the Nursing Home;

vi. regularly report to CRISP and the applicable local health department such information as the Secretary deems necessary to monitor the spread of COVID-19 in and around Nursing Homes;

b. The Secretary is hereby authorized to designate an appropriately qualified State employee to serve as a Special Safety and Compliance Officer, to monitor Nursing Homes' compliance with this Order and the orders and directives of the Secretary issued hereunder.

c. The Secretary is hereby authorized to issue such other directives under this Order, as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in and around Nursing Homes.

IV. Authority of Secretary Related to Other Facilities. The Secretary is hereby authorized to issue directives under this Order, as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in and around Other Facilities.

V. Compliance is Mandatory. All Nursing Homes and Other Facilities are hereby ordered to comply in good faith with all applicable directives of the Secretary issued under this Order, including without limitation, participation in all disease surveillance, treatment, and suppression efforts required by those directives.

VI. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order, and any directive issued by the Secretary pursuant to paragraph III or IV above.

b. A person who knowingly and willfully violates this Order, or any directive issued by the Secretary pursuant to paragraph III or IV above, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

c. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 29th day of April, 2020,
and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-10-37]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-29-02

Amending and Restating the Order Dated March 16, 2020 Prohibiting Termination of Residential Services and Late Fees

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, To reduce the spread of and exposures to COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health, consistent with the currently known and available scientific evidence and best practices, recommend social distancing;

WHEREAS, Termination of residential services by utilities and providers may require a representative of the company to personally visit the premises and interact with the occupants;

WHEREAS, The spread of COVID-19 is likely to result in loss of work and loss of income for some residents of Maryland, which may impact their ability to pay for residential services;

WHEREAS, The termination of Marylanders' residential services as a result of COVID-19 would have serious public health, welfare, and safety consequences;

WHEREAS, Maryland utilities and service providers have agreed that, to protect the public health, welfare, and safety, certain residential services should not be terminated, and have taken action to provide additional assistance to their customers during the state of emergency and catastrophic health emergency;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations regarding termination of residential services, and authorize the use of private property; and

WHEREAS, To reduce the threat to human health caused by COVID-19 in Maryland, protect the health and safety of utility employees and customers, and save lives, it is necessary and reasonable that residential service companies not terminate service to dwellings or residents, or charge fees for late or untimely payments for services to residential dwellings, during the state of emergency and catastrophic health emergency;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland, dated March 16, 2020, entitled "Prohibiting Termination of Residential Services and Late Fees" is amended and restated in its entirety as set forth herein

II. No electric, gas, sewage disposal, telegraph, telephone, water, or cable television company, or internet service provider, or any company providing a combination of such services (a "Residential Service Company"), shall terminate the service of a customer if the service is used, in whole or in part, in a dwelling unit or residence.

III. A Residential Service Company shall not bill or collect, on an account that serves a dwelling unit or residence, any fee or charge imposed for a late or otherwise untimely payment that becomes due from the date of this Order.

IV. This Order remains effective until the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, but in all events no later than June 1, 2020, except as may be rescinded, superseded, amended, or revised by additional orders.

V. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

ISSUED under my hand this 29th day of April, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-10-38]

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-29-03

Prohibiting Garnishment of Cares Act Recovery Rebates

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, COVID-19 has resulted in loss of employment and other detrimental economic impact for many Marylanders;

WHEREAS, The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law Number 116-136, provides

emergency financial assistance that will help Marylanders continue to pay for housing, food, and other essential needs; and

WHEREAS, It is reasonable to prohibit certain garnishments, liens, and set-offs against the emergency financial assistance paid to Marylanders under the CARES Act, to ensure that Marylanders may use the full benefit of that financial assistance to protect their lives and property;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions. As used herein:

a. "CARES Act Recovery Rebates" means payments made to eligible individuals pursuant to Section 2201 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020).

b. "Garnishment" includes, for purposes of this Order, execution, levy, attachment, garnishment, or other legal process.

II. Prohibition on Garnishment and Setoff.

a. Except as otherwise provided by this Order:

i. CARES Act Recovery Rebates are exempt from, and shall not be subject to, Garnishment; and

ii. all financial institutions are hereby ordered not to hold a CARES Act Recovery Rebate of the judgment debtor under a writ of garnishment and to treat CARES Act Recovery Rebates as protected amounts under Maryland Rules 2-645.1 and 3-645.1.

b. No banking institution or credit union incorporated under the laws of this State shall have any lien upon, or right of setoff against funds in any customer or member's account, to the extent such funds are traceable to a CARES Act Recovery Rebate.

III. Exclusions. Paragraph II.a shall not apply to any Garnishment in connection with any action for, or judgment awarding child support.

IV. General Provisions.

a. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

b. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended to the extent of the inconsistency.

c. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

d. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED under my hand this 29th day of April, 2020, and effective immediately.

LAWRENCE J. HOGAN, JR.
Governor

[20-10-39]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated March 30, 2020, **JOHN-STUART WARRINGTON BAILEY** (CPF # 1506160013), 265 Smith Avenue, Apt. 1, Annapolis, Maryland 21401, has been placed on inactive status 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 a Per Order of the Court of Appeals dated April 24, 2020, **GWYN CARA HOERAUF** (CPF # 0012120294), 15805A Crabbs Branch Way, Rockville, Maryland 20850, has been disbarred, 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).

[20-10-27]

Emergency Action on Regulations

Symbol Key

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

Emergency Regulations

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

Title 29

DEPARTMENT OF STATE POLICE

Subtitle 06 FIRE PREVENTION COMMISSION

29.06.01 Fire Prevention Code

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

Notice of Emergency Action

[20-084-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .09 under COMAR 29.06.01 Fire Prevention Code.

Emergency status began: February 7, 2020.

Emergency status expires: August 3, 2020.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 47:9 Md. R. 494 (April 24, 2020), referenced as [20-084-P].

WILLIAM M. PALLOZZI
Secretary of State Police

Title 33

STATE BOARD OF ELECTIONS

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

33.19.02 Public Notice

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and] 3-305(d) and (e), and 3-306(d) and (e), Annotated Code of Maryland

Notice of Emergency Action

[20-089-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .01 under COMAR 33.19.02 Public Notice.

Emergency status began: April 15, 2020.

Emergency status expires: July 31, 2020.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.01 Minimum Requirements.

[A. State Board. Before the close of registration for each election, the State Administrator shall send a pre-election mailing to each pre-qualified voter, which shall either:

(1) Include the correct polling place for the pre-qualified voter's address; or

(2) Instruct the pre-qualified voter how to find the individual's correct polling place.

B. Local Board.] A local board shall include in each specimen ballot information about how a voter can change the voter's address during early voting.

LINDA H. LAMONE
State Administrator of Elections

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 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[20-057-F]

On April 23, 2020, the Maryland Racing Commission adopted amendments to Regulation **.17** under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 47:3 Md. R. 197 (January 31, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Final Action

[20-058-F]

On April 23, 2020, the Maryland Racing Commission adopted amendments to Regulations **.01** and **.01-1** under **COMAR 09.10.03 Prohibited Acts**. This action, which was proposed for adoption in 47:3 Md. R. 197—198 (January 31, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

MICHAEL J. ALGEO
Chairman
Maryland Racing Commission

Title 10

MARYLAND DEPARTMENT OF HEALTH

Notice of Final Action

[20-034-F]

On April 28, 2020, the Secretary of Health adopted:

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

(2) The repeal in their entirety of Regulations **.01— .11** under **COMAR 10.09.78 Establishment, Operation, and Authority for Making Capitated Payments for Dual Eligibles Enrolled in Medicare Advantage Plans**;

(3) Amendments to Regulations **.15**, **.25**, and **.27** under **COMAR 10.67.04 Maryland Medicaid Managed Care Program: Managed Care Organizations**;

(4) Amendments to Regulation **.03** under **COMAR 10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services**; and

(5) Amendments to Regulation **.03** under **COMAR 10.67.09 Maryland Medicaid Managed Care Program: MCO Dispute Resolution Procedures**.

This action, which was proposed for adoption in 47:2 Md. R. 81—82 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 06 DISEASES

10.06.01 Communicable Diseases and Related Conditions of Public Health Importance

Authority: Health-General Article, §§2-104(b), 18-102, 18-103, 18-105, 18-201, 18-201.1, 18-202, 18-205, 18-208, 18-214.1, 18-307, 18-337, and 24-101—24-110, Annotated Code of Maryland

Notice of Final Action

[20-016-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations **.02—,08-1, .09—,12, .14—,19**, new Regulations **.08-2, .12-1**, and **.12-2**, amendments to and the recodification of existing Regulations **.08-2** and **.21—,25** to be Regulations **.08-3** and **.20—,24**, respectively, and the repeal of existing Regulations **.12-1** and **.20** under **COMAR 10.06.01 Communicable Diseases and Related Conditions of Public Health Importance**. This action, which was proposed for adoption in 47:2 Md. R. 82—91 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.07 Medical Day Care Services

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

Notice of Final Action

[20-036-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations **.03, .05**, and **.08** under **COMAR 10.09.07 Medical Day Care Services**. This action, which was proposed for adoption in 47:2 Md. R. 92—93 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.46 Home and Community-Based Services Waiver for Individuals with Brain Injury

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

Notice of Final Action

[20-037-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations **.01, .03—,05, .07—,09-1**, and **.10—,12** under **COMAR 10.09.46 Home and Community-Based Services Waiver for Individuals with Brain Injury**. This action, which was proposed for adoption in 47:2 Md. R. 93—96 (January 17, 2020), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 18, 2020.

Attorney General’s Certification

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

Regulation **.09-1A**: In response to comments received and in order to ensure coverage in all home and community settings, the Program will delete language excluding provider owned or controlled residential facilities from being considered qualified community settings for individual support service delivery.

Regulation **.09-1B**: In response to comments received and in order to align with waiver requirements, the Program will amend language to include the development of strategies to compensate for cognitive deficits and job development as covered services offered under Individual Support Services.

.09-1 Covered Services — Individual Support Services.

A. Individual support services, as defined in Regulation **.01B** of this chapter, shall be provided in a [[community setting, including the]] participant’s *own* home[[, excluding a *provider owned or controlled* residential facility]] *or their community*.

B. *The covered services may include but are not limited to assistance with:*

(1)—(10) (proposed text unchanged)

(11) *Volunteering and working*; [[and]]

(12) *The coordination of medical care, public resources, and community supports*[[.]]; *and*

(13) *Development of strategies to compensate for cognitive deficits.*

C.—D. (proposed text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.56 Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-130, Annotated Code of Maryland

Notice of Final Action

[20-039-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations **.01—,03, .11**, and **.21** under **COMAR 10.09.56 Home and Community-Based Waiver for Children with Autism Spectrum Disorder**. This action, which was proposed for adoption in 47:3 Md. R. 199—200 (January 31, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

Authority: Health-General Article, §§2-104(b), 15-102.8, 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[19-258-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulation .04 under **COMAR 10.09.59 Specialty Mental Health Services**. This action, which was proposed for adoption in 46:26 Md. R. 1179 (December 20, 2019), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families

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

Notice of Final Action

[19-265-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations .09—.12 under **COMAR 10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families**. This action, which was proposed for adoption in 47:1 Md. R. 23—24 (January 3, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 10 LABORATORIES

10.10.11 Biological Agents Registry Program

Authority: Health-General Article, §§17-601—17-605, Annotated Code of Maryland

Notice of Final Action

[20-017-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations .03, .04, .07, .09—.14, .21, and .22 under **COMAR 10.10.11 Biological Agents Registry Program**. This action, which was proposed for adoption in 47:2 Md. R. 96—99 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 14 CANCER CONTROL

10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment

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

Notice of Final Action

[19-207-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations .01—.07, .09, .10, and .12—.22 and new Regulations .04-1 and .04-2 under **COMAR 10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment**. This action, which was proposed for adoption in 46:22 Md. R. 992—997 (October 25, 2019), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 15 FOOD

Notice of Final Action

[19-259-F-I]

On April 28, 2020, the Secretary of Health adopted amendments to:
(1) Regulations .02, .03, and .16 under **COMAR 10.15.06 Production, Processing, Transportation, Storage, and Distribution of Grade “A” Milk**; and
(2) Regulation .03 under **COMAR 10.15.08 Farmstead Cheese Program**.

This action, which was proposed for adoption in 46:26 Md. R. 1180—1181 (December 20, 2019), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 17 SWIMMING POOLS AND SPAS

10.17.01 Public Swimming Pools and Spas

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

Notice of Final Action

[20-018-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations .05, .06, .08—.11, .25, .28, and .43, new Regulations .06-1, .07, and .55, and the repeal of existing Regulation .07 under **COMAR 10.17.01 Public Swimming Pools and Spas**. This action, which was proposed for adoption in 47:2 Md. R. 99—104 (January 17, 2020), has been adopted as proposed.

Effective Date: November 2, 2020.

ROBERT R. NEALL
Secretary of Health

**Subtitle 18 HUMAN
IMMUNODEFICIENCY VIRUS (HIV)
INFECTION AND ACQUIRED
IMMUNODEFICIENCY SYNDROME
(AIDS)**

10.18.02 HIV and CD4+ Investigations and Case Reporting

Authority: Health-General Article, §§18-102, 18-103, 18-201.1, 18-202.1, 18-205, and 18-207, Annotated Code of Maryland

Notice of Final Action
[20-045-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations **.01— .03** and **.06— .09** under **COMAR 10.18.02 HIV and CD4+ Investigations and Case Reporting**. This action, which was proposed for adoption in 47:3 Md. R. 208—209 (January 31, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

**Subtitle 18 HUMAN
IMMUNODEFICIENCY VIRUS (HIV)
INFECTION AND ACQUIRED
IMMUNODEFICIENCY SYNDROME
(AIDS)**

10.18.03 AIDS Investigations and Case Reporting

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-205, and 18-207, Annotated Code of Maryland

Notice of Final Action
[20-046-F]

On April 28, 2020, the Secretary of Health adopted the repeal in their entirety of Regulations **.01— .05** under **COMAR 10.18.03 AIDS Investigations and Case Reporting**. This action, which was proposed for adoption in 47:3 Md. R. 210 (January 31, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

**Subtitle 29 BOARD OF MORTICIANS
AND FUNERAL DIRECTORS**

Notice of Final Action
[19-210-F]

On April 28, 2020, the Secretary of Health adopted amendments to:

- (1) Regulation **.04** under **COMAR 10.29.02 Examination**;
- (2) Regulation **.05** under **COMAR 10.29.05 Continuing Education**;

(3) Regulations **.03** and **.04** under **COMAR 10.29.09 Requirements for Apprenticeship**;

(4) Regulation **.04** under **COMAR 10.29.17 Crematories — Permit, Licensing, and Fees**; and

(5) Regulation **.02** under **COMAR 10.29.18 Crematories — Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties**.

This action, which was proposed for adoption in 46:22 Md. R. 997—999 (October 25, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 18, 2020.

Attorney General’s Certification

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

COMAR 10.29.17.04C: Changes an erroneous reference to a supervising “mortician” to the correct reference to a supervising “crematory operator”. This section of the regulation addresses requirements for a registered crematory operator, not for a licensed mortician.

10.29.17 Crematories — Permit, Licensing, and Fees

Authority: Health Occupations Article, §§1-213, 7-101, 7-102, 7-205, 7-314—7-316, and 7-319, Annotated Code of Maryland

.04 Requirements for Registration of a Registered Crematory Operator.

A.—B. (proposed text unchanged)

C. *To qualify as a trainer, the supervising [[mortician]] crematory operator shall have a minimum of 3 years experience on the associated cremator.*

ROBERT R. NEALL
Secretary of Health

**Subtitle 38 BOARD OF PHYSICAL
THERAPY EXAMINERS**

10.38.12 Dry Needling

Authority: Health Occupations Article, §§13-101 and 13-206, Annotated Code of Maryland

Notice of Final Action
[20-062-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulation **.03** under **COMAR 10.38.12 Dry Needling**. This action, which was proposed for adoption in 47:4 Md. R. 266 (February 14, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

10.40.02 Licensing and Continuing Education Requirements

Authority: Health Occupations Article, §§16-205(a), 16-301, 16-302(h), 16-302.1, 16-303(a), 16-307, 16-308, and 16-311(28), Annotated Code of Maryland

Notice of Final Action

[20-060-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulation **.07** under **COMAR 10.40.02 Licensing and Continuing Education Requirements**. This action, which was proposed for adoption in 47:4 Md. R. 266—267 (February 14, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

10.43.16 Dry Needling

Authority: Health Occupations Article, §§3-101, 3-205(a), 3-307, 3-403, and 13-101, Annotated Code of Maryland

Notice of Final Action

[19-257-F]

On April 28, 2020, the Secretary of Health adopted new Regulations **.01—05** under a new chapter, **COMAR 10.43.16 Dry Needling**. This action, which was proposed for adoption in 46:26 Md. R. 1181—1182 (December 20, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 18, 2020.

Attorney General's Certification

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

Regulation **.05A(3)**: This change adds an effective date for the new chapter.

.05 Registration Required.

A. The Board shall register a chiropractor with physical therapy privileges as qualified to perform dry needling in the State provided the chiropractor submits to the Board:

(1)—(2) (proposed text unchanged)

(3) Evidence of continuing education coursework in dry needling completed before [[the effective date of this chapter]] May 18, 2020.

B. (proposed text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

10.47.07 Prescription Drug Monitoring Program

Authority: Health-General Article, §§21-2A-01—21-2A-09, Annotated Code of Maryland

Notice of Final Action

[20-019-F]

On April 28, 2020, the Secretary of Health adopted amendments to Regulations **.02, .04, and .05**, under **COMAR 10.47.07 Prescription Drug Monitoring Program**. This action, which was proposed for adoption in 47:2 Md. R. 104—107 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Notice of Final Action

[20-040-F]

On April 28, 2020, the Secretary of Health adopted amendments to:

- (1) Regulations **.02, .04—08, .10, .11, .14, and .17** under **COMAR 10.54.01 Eligibility, Participation, and Benefits**; and
- (2) Regulations **.02, .04—08, .10, .11, .14, and .17** under **COMAR 10.54.02 Local Agency**.

This action, which was proposed for adoption in 47:3 Md. R. 210—219 (January 31, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Final Action

[20-015-F]

On April 28, 2020, the Secretary of Health adopted:

- (1) Amendments to Regulation **.01** under **COMAR 10.62.01 Definitions**;
- (2) Amendments to Regulations **.01** and **.03** under **COMAR 10.62.03 Certifying Providers**;
- (3) Amendments to Regulation **.01** under **COMAR 10.62.06 Patient and Caregiver Identification Cards**;
- (4) Amendments to Regulations **.02** and **.08** and new Regulations **.12** and **.13** under **COMAR 10.62.08 Medical Cannabis Grower License**;
- (5) Amendments to Regulations **.07** and **.08** under **COMAR 10.62.10 Medical Cannabis Grower Premises**;
- (6) Amendments to Regulation **.02** and new Regulation **.09** under **COMAR 10.62.12 Inventory Control by Grower**;
- (7) Amendments to Regulation **.05** under **COMAR 10.62.15 Medical Cannabis Grower Quality Control**;
- (8) Amendments to Regulation **.05** under **COMAR 10.62.18 Shipment of Products Between Licensees**;

(9) Amendments to Regulations .02 and .07 and new Regulations .10 and .11 under **COMAR 10.62.19 Medical Cannabis Processor License**;

(10) Amendments to Regulations .06 and .07 under **COMAR 10.62.21 Medical Cannabis Processor Premises**;

(11) Amendments to Regulations .02 and .03 and new Regulation .07 under **COMAR 10.62.22 Medical Cannabis Processor Operations**;

(12) Amendments to Regulations .02 and .08 and new Regulations .11 and .12 under **COMAR 10.62.25 Medical Cannabis Dispensary License**;

(13) Amendments to Regulations .07 and .09 under **COMAR 10.62.27 Licensed Dispensary Premises**;

(14) Amendments to Regulations .02, .03, and .05 and new Regulation .06 under **COMAR 10.62.28 Licensed Dispensary Operations**;

(15) Amendments to Regulations .03, .04, and .06 and new Regulation .10 under **COMAR 10.62.30 Dispensing Medical Cannabis**;

(16) Amendments to Regulation .01 under **COMAR 10.62.31 Licensed Dispensary Clinical Director**;

(17) Amendments to Regulations .04, .06, and .08 under **COMAR 10.62.33 Inspection**;

(18) Amendments to Regulations .04 and .06 under **COMAR 10.62.34 Discipline and Enforcement**; and

(19) Amendments to Regulation .01 under **COMAR 10.62.35 Fee Schedule**.

This action, which was proposed for adoption in 47:2 Md. R. 107—116 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ROBERT R. NEALL
Secretary of Health

Title 19A STATE ETHICS COMMISSION

Subtitle 07 LOBBYING

19A.07.01 General

Authority: General Provisions Article, §5-206 and Title 5, Subtitle 7, Annotated Code of Maryland

Notice of Final Action

[20-064-F]

On April 16, 2020, the Maryland State Ethics Commission adopted amendments to Regulations .01, .04, .06—12, .14, and .16 under **COMAR 19A.07.01 General**. This action, which was proposed for adoption in 47:4 Md. R. 274—276 (February 14, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

MICHAEL W. LORD
Executive Director

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

31.03.06 Surplus Lines

Authority: Insurance Article, §§2-109, 3-304, 3-306—3-308, 3-311—3-313, 3-316, 3-325(c), 9-301(f), 9-303(5), 9-401(j)(1) and (2), 9-405(b), and 27-216, Annotated Code of Maryland

Notice of Final Action

[20-029-F]

On April 17, 2020, the Insurance Commissioner adopted amendments to Regulation .10 under **COMAR 31.03.06 Surplus Lines**. This action, which was proposed for adoption in 47:2 Md. R. 134—135 (January 17, 2020), has been adopted as proposed.

Effective Date: May 18, 2020.

ALFRED W. REDMER, JR.
Insurance Commissioner

Title 34 DEPARTMENT OF PLANNING

Subtitle 03 LAND USE

34.03.03 Certification of County Agricultural Land Preservation Programs

Authority: Agriculture Article, §§2-103(b) and 2-518; State Finance and Procurement Article, §§5-203(b)(2) and 5-408; Tax-Property Article, §13-306; Annotated Code of Maryland

Notice of Final Action

[20-065-F]

On April 23, 2020, the Maryland Department of Planning adopted the repeal of existing Regulations .01—12 and new Regulations .01—11 under **COMAR 34.03.03 Certification of County Agricultural Land Preservation Programs**. This action, which was proposed for adoption in 47:5 Md. R. 317—321 (February 28, 2020), has been adopted with the nonsubstantive changes shown below.

Effective Date: May 18, 2020.

Attorney General's Certification

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

Regulation .10B(2) refers to .05D(9)(c); however, it should refer instead to .05D(8).

.10 Reporting Requirements.

A. (proposed text unchanged)

B. *Contents of Annual Report. An annual report shall:*

(1) (proposed text unchanged)

(2) If for either the first annual report of a 3-year certification period or the first three annual reports of a 5-year certification period, include an inventory of properties, provided in digital and tabular format and in accordance with Regulation ~~[[.05D(9)(c)]]~~ .05D(8) of this chapter, that identifies all properties that were permanently preserved by a land preservation easement during the reporting period; and

(3) (proposed text unchanged)

JULIANNE OBERG
Deputy Secretary of Agriculture

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

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

Notice of Proposed Action

[20-092-P]

The Secretary of Natural Resources proposes to amend Regulation .20 under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to implement the Atlantic States Marine Fisheries Commission Amendment 1 to the Interstate Fishery Management Plan for Tautog. Specifically the proposed action (1) modifies the season and catch limits for the commercial and recreational fishery; (2) reorganizes the regulation for clarity by creating a commercial section which includes requirements that only apply to commercial harvesters; (3) updates the degradable materials required for pots and traps to better describe the language in the management plan; (4) establishes new regulations to implement a commercial tagging program; and (5) updates the public notice requirements for consistency with other species managed in accordance with Atlantic States Marine Fisheries Commission guidelines.

In October 2017, the Tautog Management Board approved Amendment 1 to the Tautog Fishery Management Plan (FMP), which required implementation of a commercial harvest tagging program to combat illegal and unreported harvest of tautog. In October 2018, the Board moved to postpone implementation of the tagging program, due to issues identifying a suitable tag and applicator. At that time, the Board also reviewed but did not take action on a draft document

outlining implementation guidelines for the tagging program. The FMP also required states to implement the season and size management measures of the amendment by April 2018. The goal of Amendment 1 is to sustainably manage tautog over the long-term using regional differences in biology and fishery characteristics as the basis for management.

Since details were still being developed for the tagging program in 2018 and 2019, the Department decided to manage the size, creel, and season for the fishery by public notice until a regulation could be developed for all parameters.

A new tag and applicator have been tested in collaboration with several state partners and found to be suitable for the tagging program. Thus, the Atlantic States Marine Fisheries Commission is requiring states to implement their regulatory programs in 2020 to comply with Amendment 1. The tagging program is necessary to minimize the illegal, unreported, and undocumented catch of tautog.

The changes in the proposed action will ensure Maryland's compliance with the management plan.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an economic impact for the Department.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:		
(1) Public notice	(E-)	\$260 per year
(2) Tagging guns	(E+)	\$90 per year
(3) Tags	(E+)	\$500 per year
B. On other State agencies:	NONE	
C. On local governments:	NONE	

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

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

A(1). Currently, a public notice to make changes to the tautog fishery must be published in a newspaper. Each notice costs approximately \$260. Each year the Department issues one notice.

A(2). A special tagging gun is necessary to apply the harvest tag. The Department will supply one tagging gun to each federally permitted dealer for use by harvesters. The Department will also have one in our local coastal office that harvesters may use as well. There are two dealers that need the tagging guns. Each gun costs approximately \$30. The tagging guns may need to be replaced each year.

A(3). A specific tag is required for the commercial fishery. The Department is purchasing the tags and will distribute them to the harvesters. Based on harvest records, the Department anticipates spending approximately \$500 on tags and distribution each year.

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 Tautog Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#tautog>. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

.20 Tautog.

A. An individual may not catch or possess:

- (1) (text unchanged)
- (2) A tautog from [November 27] *May 16* through [December 31] *June 30*.

[B. Gear Restrictions. A pot and trap used to catch tautog shall have hinges or fasteners on one panel or door made of one of the following degradable materials:

- (1) Untreated hemp or jute string of 3/16 inch in diameter or smaller;
- (2) Magnesium alloy fasteners; or
- (3) Ungalvanized or uncoated iron wire of 0.094-inch diameter or smaller.]

[C.] *B. Season and Creel Limit.*

- (1) From [May 16] *July 1* through October 31, an individual may not catch and possess more than two tautog per day.
- (2) From November 1 through [November 26, and January 1 through] *May 15 of the following year*, an individual may not catch and possess more than four tautog per day.

C. Commercial Gear and Tagging Requirements.

(1) A pot or trap used to catch tautog shall have hinges or fasteners on one panel or door made of one of the following degradable materials:

- (a) Untreated hemp or jute string of 3/16 inch in diameter or smaller;
- (b) Magnesium alloy timed float releases (pop-up devices) or similar magnesium alloy fasteners; or
- (c) Ungalvanized or uncoated iron wire of 0.094 inch in diameter or smaller.

(2) Before removing any tautog caught for commercial purposes from a boat or removing a boat from the water, a person shall affix a tag supplied by the Department to the cheek bone of the tautog.

(3) Tags:

- (a) Shall be supplied by the Department;
- (b) Are not transferrable;
- (c) Expire at the end of each calendar year;
- (d) May not be reused, defaced, modified, or counterfeited;
- (e) Shall be securely affixed to a whole tautog or accompany fillets until sale to the final consumer; and

(f) Shall only be used by the commercial tidal fish licensee to whom they were assigned.

(4) A licensee shall return unused tags to the Department not later than February 15 of each year.

(5) Tautog caught for commercial purposes shall be landed in the state that is identified on the tag.

D. General.

(1) The Secretary may modify catch limits or size limits or open or close a season [as required by] *in order to implement the Atlantic States Marine Fisheries Commission Fishery Management Plan for Tautog by [publishing] issuing a public notice [in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date] on the Department's website.*

(2) *The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.*

[(2)] (3) (text unchanged)

(4) *A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.*

(5) *An individual may not sell or purchase a commercially caught tautog, alive or dead, that has not been tagged in accordance with this regulation.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

Notice of Proposed Action

[20-091-P]

The Secretary of Natural Resources proposes to amend Regulation **.22** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to update requirements for gear used to catch scup. Scup is managed jointly by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council under Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (August 2002) and its subsequent addenda (Addenda XII—XXXII).

The fishery management plan for scup specifies the threshold that governs trawl mesh size. The mesh size of a net determines what size fish are captured by a net. The larger the mesh size, the larger the size of the fish that are retained by the net. Mesh size regulations are used to decrease retention of fish smaller than the legal size. The goal is to retain only legal size fish. Trawl catch mesh thresholds are put into place to decrease bycatch of sub-legal fish. Only a small incidental catch of the target species is allowed to be retained before a required mesh size is regulated to be used. The threshold is that amount of fish that may be retained before the required mesh size or larger must be used. Maryland is required to comply with the provisions of the fishery management plan. The proposed action updates the thresholds that require a certain mesh size in a trawl. This change will keep Maryland in compliance with the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and consistent with federal waters.

The Department has a specific format for how public notices are issued when rules are established or changed to implement a fishery management plan. This includes publishing the notice on the Department's website, notification at least 48 hours in advance, and dissemination of the notice in other manners (text, social media, email, and the Maryland Register) so that user groups can be aware of the change. The proposed action updates the format for public notices issued to implement the Atlantic States Marine Fisheries Commission's Fishery Management Plan for Scup. This change makes scup consistent with other species managed by a fishery management plan.

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 Scup Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#scup>. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

.22 Scup.

- A. (text unchanged)
- B. Commercial Gear Restrictions.

[(1) Trawls.

(a) Except for a person landing less than a total of 500 pounds of scup from November 1 through April 30 or 100 pounds of scup from May 1 through October 31, a person may not use a trawl with:

- (i) Mesh less than 5 inch stretched mesh size;
 - (ii) More than 25 meshes in the codend with more than 100 continuous meshes of 5 inch mesh forward of the codend; or
 - (iii) Mesh size less than 5 inches throughout the trawl net for trawl nets with codends less than 125 meshes.
- (b) A person may not use a roller rig trawl with a roller diameter in excess of 18 inches to catch scup.]

(1) *Except as provided in §B(2) of this regulation, a person may not use a trawl with mesh less than 5 inch diamond mesh applied throughout the:*

(a) *Codend for at least 75 continuous meshes forward of the end of the net; or*

(b) *Entire net for codends with less than 75 meshes.*

(2) *A trawl shall meet the requirements specified in §B(1) of this regulation unless the individual:*

(a) *Possesses less than:*

(i) *1,000 pounds of scup per trip during the period October 1 through April 14;*

(ii) *2,000 pounds of scup per trip during the period April 15 through June 15; or*

(iii) *200 pounds of scup per trip during the period June 16 through September 30; and*

(b) *Stores the scup separately from all other species.*

(3) *A person may not use a roller rig trawl with a roller diameter in excess of 18 inches to catch scup.*

[(2)] (4) (text unchanged)

C. (text unchanged)

D. General.

(1) The Secretary may *establish or modify* [or set] a season, *size limit*, or *catch limit* [by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date] *in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Scup by issuing a public notice on the Department's website.*

(2) *The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.*

[(2)] (3) (text unchanged)

(4) *A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

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

Notice of Proposed Action

[20-090-P]

The Secretary of Natural Resources proposes to amend Regulations **.09**, **.10**, and **.12** under **COMAR 08.02.15 Striped Bass**.

Statement of Purpose

The purpose of this action is to implement Addendum VI to Amendment 6 of the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass. The proposed action amends the catch limit, size limit, and season to reduce total removals of striped bass during the recreational and charter boat summer and fall fishery in Maryland's Chesapeake Bay and its tidal tributaries.

The 2018 benchmark stock assessment for striped bass indicated the striped bass stock is overfished and experiencing overfishing. Based on these findings, the Atlantic States Marine Fisheries Commission (ASMFC) determined that conservation measures are needed. Addendum VI to Amendment 6 of the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass (Addendum) was finalized by ASMFC in October of 2019. The Addendum requires all states to reduce total removals (harvest + dead discards) by 18 percent beginning in 2020. The conservation goal set by ASMFC is to reduce the total number of

striped bass that are killed by fishing activities. This means reducing the number of fish that are harvested and the number of fish that die after being caught and returned to the water, known as dead discards.

The Addendum specifies the actions necessary for the recreational fishery; however it allows states to file plans that will provide equivalent conservation. The proposed action implements a plan that will provide equivalent conservation to the option prescribed by the Addendum. The option selected is based on public comment and Maryland’s goal to reduce total removals paying particular attention to decreasing dead discards during the summer and fall season. The option was submitted to the ASMFC Technical Committee in November 2019 and approved by the ASMFC Striped Bass Management Board in February 2020.

The proposed action reduces the creel limit from two to one striped bass per person per day. The creel limit applies to all open seasons beginning May 16, 2020. Changing the creel limit removes the need for a limit on the second striped bass; therefore, the proposed action removes the upper limit and re-words each regulation to make it clear that a person may not keep a striped bass that is less than 19 inches in total length.

The proposed action establishes a closure period of August 16, 2020 through August 31, 2020. Dates are inclusive, which means both August 16 and August 31 would be closed. A closure period is being established in an effort to reduce dead discards during the summer when water quality conditions in the Chesapeake Bay increase this mortality. Striped bass require cool, well-oxygenated water to thrive.

Based on current information, expectations of fishery participants, and measures approved by ASMFC, the proposed action specifies that the closure is only for the year 2020. During the summer months, as water temperatures increase and oxygen conditions worsen, striped bass become more stressed. Data will be gathered and analyzed during the 2020 season to determine the effectiveness of the closure period and inform future decisions.

During the closure period in August, anglers may not target striped bass. “Target” means that a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids. Anglers would still be allowed to fish for other species, but all efforts must be made to avoid interacting with striped bass during the closure period.

The proposed action requires that, while fishing, all striped bass in a person’s possession shall meet the size and possession limits set forth in regulation for that area. Anglers that fish the mainstem and tributaries of the Potomac River need to be aware of the rules for where they are fishing. Season and limits can be, and sometimes are, different in the mainstem of the river and its tributaries.

The proposed action changes the end of the season to December 10. This is a 5-day shortening of the season. The proposed action also removes the provision that allows the captain or the mate to keep a striped bass during a charter trip. Both measures are needed to achieve the desired reduction in total removals in Maryland’s conservation equivalency plan.

Part of the Department’s conservation equivalency plan allows charter captains licensed under Natural Resources Article, §4-701, Annotated Code of Maryland, to voluntarily participate in a pilot program. The program is not available for the Susquehanna Flats and Northeast River from May 16 through May 31. Participating captains will be required to use FACTS (an electronic reporting system) and will be allowed to keep two fish per person per day. Only one of those two fish may be greater than 28 inches. FACTS is an e-reporting system that will provide real-time data on harvest, discards, and fishing activity. Electronic reporting in Maryland requires that participants send a Trip Start Hail before they leave the dock and a Trip End Hail before they return to the dock. The pilot program will be implemented in accordance with COMAR 08.02.01.10.

Due to the timing of the ASMFC Management Board approval and implementation date, the Department will manage the size, creel, and season for the fishery by public notice until a regulation is adopted for all parameters. Except for the prohibition on targeting in August, all rules will be implemented by a public notice. The public notice will be issued in accordance with COMAR 08.02.15.12.

The public notice and proposed action ensure Maryland’s compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have an economic impact on the Department, charter boat operations, bait stores, tackle stores, and marinas. Given the ongoing COVID-19 pandemic and the recent closure of recreational fishing for non-subsistence activity, it may be difficult to discern between the economic impacts from the COVID-19 pandemic and the proposed action. For example, catch and release is currently prohibited by regulation at the same time it is prohibited by Executive Order.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
License sales	(R-)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
	Magnitude	
D. On regulated industries or trade groups:		
(1) Recreational anglers	(-)	Indeterminable
(2) Charter boat — creel limit	(-)	Indeterminable
(3) Charter — August closure	(-)	Indeterminable
(4) Charter — shortening of season	(-)	Indeterminable
E. On other industries or trade groups:		
Bait stores/tackle stores/marinas	(-)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

A. There is a potential loss of revenue from fishing license sales. NOAA Fisheries Marine Recreational Information Program (MRIP) data from 2012—2016 shows that approximately 760,000 anglers make 2.5 million fishing trips annually in Maryland waters. It is unknown if or how many of these individuals will choose to not purchase a license to fish in Maryland due to restricted striped bass rules; therefore, the actual impact is indeterminable.

D(1). NOAA Fisheries Marine Recreational Information Program (MRIP) data from 2012-2016 shows that approximately 760,000 anglers make 2.5 million fishing trips annually in Maryland waters. It is unknown how many of these individuals only fish for striped bass, how much money they have invested in equipment (fishing gear, boats, etc.), or if they have trips planned during the closure that centered around striped bass. It is unknown if they will continue to fish in Maryland for other species, make fewer trips to Maryland, or not fish at all due to restricted striped bass rules. The actual impact to recreational anglers is indeterminable.

D(2). Decreasing the catch limit to one fish per person per day will likely have a negative impact on charter businesses. Over the last 5 years, the average number of trips that charter captains have reported is 1,723 for May; 1,893 for June; 2,007 for July; 1,676 for August; 992 for September; 722 for October; 439 for November; and 159 for December. Decreasing the catch limit may mean that some anglers may not hire a chartered trip. It is unknown how many of those trips were taken strictly for striped bass or how many anglers will not book a trip if they can only catch one striped bass. We are not able to predict the actions of anglers or businesses, so the actual impact cannot be determined.

D(3). The prohibition on targeting (catching or attempting to catch) striped bass from August 16 through August 31 in the Chesapeake Bay and its tidal tributaries will likely have an indeterminable negative impact on charter businesses. Over the last 5 years, charter captains have reported an average of 524 trips per year where they landed striped bass during that time period. Losing those days in August will likely result in lost opportunities to book trips. The actual impact is indeterminable because it is unknown how many trips during that time period are taken strictly for striped bass. Instead of fishing for striped bass they could plan trips for other species. We are not able to predict the actions of anglers or businesses, so the actual impact cannot be determined.

D(4). Decreasing the season by 5 days in December means that the charter industry could be negatively impacted if customers stop scheduling trips. The charter industry may change their business model at the end of the season. Instead of harvesting striped bass they could plan trips for catch and release or switch to other species in December. We are not able to predict the actions of anglers or businesses, so the actual impact cannot be determined.

E. Reducing the creel to one fish for recreational anglers, prohibiting the targeting (catching or attempting to catch) of striped bass during mid to late August and the season closing earlier in December will likely have an impact on bait shops, tackle shops, and marinas. Anglers will likely have less need for tackle and will take fewer trips during these closure periods, resulting in less marine fuel being purchased and the loss of other incidental sales. It is not possible to know how many fewer trips will be taken, as anglers could choose to pursue other species during the striped bass closure, so the total economic impact is not determinable.

Economic Impact on Small Businesses

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

The proposed action may have an economic impact on charter boat operations, bait stores, tackle stores, and marinas. These types of businesses are generally considered small businesses. Please see the Assumptions in the Estimate of Economic Impact for how it could impact the 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 Striped Bass Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#sbsummer>. Comments will be accepted through June 8, 2020. A webinar or similar remote conference to discuss the details of the proposed action will be held May 11, 2020. Details will be announced at a later date.

.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries.

A. Early Season.

- (1) (text unchanged)
- (2) Chesapeake Bay and Its Tidal Tributaries.
 - (a) (text unchanged)
 - (b) Catch Restrictions.

(i) A person may not catch or possess more than [two] *one* striped bass per day.

(ii) A person may *not* catch [and] *or* possess [two] striped bass [at least] *less than* 19 inches in total length[, only one of which may be greater than 28 inches total length].

- (3) (text unchanged)

B. Summer and Fall Season.

(1) [The] *Except for the closure specified in Regulation .12I(6) of this chapter, the recreational and charter boat summer and fall season for taking striped bass is June 1 through December [15] 10.*

- (2) (text unchanged)
- (3) Catch Restrictions.

(a) A person may not catch or possess more than [two] *one* striped bass per day.

(b) A person may *not* catch [and] *or* possess [two] striped bass [at least] *less than* 19 inches in total length[, only one of which may be greater than 28 inches total length].

C. General Restriction. When fishing in any area described in this regulation, all striped bass in a *person's* possession shall meet the size and possession limits set forth in regulation for that area.

.10 Recreational and Charter Boat Summer and Fall Fishery for Maryland Tributaries of the Potomac River.

A. Season. [The] *Except for the closure specified in Regulation .12I(6) of this chapter, the recreational and charter boat summer and fall season in the:*

- (1) (text unchanged)
- (2) Maryland tributaries of the Potomac River downstream of Woodrow Wilson Bridge (I-95) is June 1 through December [31] 10.

B. Catch Limit. A person may not catch or possess more than [two] *one* striped bass per day.

C. Size Limit. A person may *not* catch [and] *or* possess [two] striped bass [at least] *less than* 19 inches in total length[, only one of which may be greater than 28 inches total length].

D. *General Restriction. When fishing in any area described in this regulation, all striped bass in a person's possession shall meet the size and possession limits set forth in regulation for that area.*

.12 General Restrictions.

- A.—F. (text unchanged)
- G. Restrictions for Charter Boats.

(1) During a chartered fishing trip, the captain or mate[:
(a) May] *may* not land or possess striped bass for personal consumption [during the season described in Regulation .08 of this chapter;

(b) May land and possess one striped bass per boat per trip during the seasons described in Regulation .09 of this chapter, to be retained for personal consumption only].

- (2) (text unchanged)
- H. (text unchanged)
- I. Seasonal Restrictions.
 - (1)—(5) (text unchanged)
 - (6) *During the period August 16, 2020 through August 31, 2020, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the Chesapeake Bay or its tidal tributaries.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09
MARYLAND DEPARTMENT
OF LABOR
Subtitle 23 BOARD FOR
PROFESSIONAL ENGINEERS

09.23.06 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §14-314, Annotated Code of Maryland

Notice of Proposed Action
[20-093-P]

The Board for Professional Engineers proposes to adopt new Regulation .15 under **COMAR 09.23.06 Continuing Professional Competency Requirements**. This action was considered by the Board for Professional Engineers at a public meeting held on November 14, 2019, notice of which was given by publication on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify that a licensee may satisfy continuing competency requirements regardless of whether the educational credits were earned in or outside the State 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 Joseph Cullingford, Executive Director, Professional Licensing Boards, Department of Labor, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to joseph.cullingford@maryland.gov, or fax to 410-962-8483. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on June 11, 2020, at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

.15 CPC Units Earned in Other States.

The Board will accept CPC units earned for qualifying activities completed in other jurisdictions, provided that:

A. The activity is consistent and complies with the requisite criteria set forth in this chapter;

B. An out-of-State licensee provides evidence of attending and completing a qualifying activity in another state, together with the applicable number of CPC units earned; and

C. An out-of-State licensee otherwise fulfills all other applicable license renewal requirements in the State of Maryland.

DAVID MONGAN, P.E.
Chairman
State Board for Professional Engineers

Title 32
MARYLAND DEPARTMENT
OF AGING

Subtitle 03 GRANTS AND SUBSIDIES

32.03.03 Senior Assisted Living [Group Home] Subsidy Program

Authority: Human Services Article, §10-211, Annotated Code of Maryland

Notice of Proposed Action
[20-095-P]

The Maryland Department of Aging proposes to amend Regulations .01—, .03, .05, .07, and .08 under **COMAR 32.03.03 Senior Assisted Living Subsidy Program**.

Statement of Purpose

The purpose of this action is to generally update the Senior Assisted Living Subsidy (SALS) Program regulations by removing references to outdated cross-references, removing ancillary references, and providing new definitions.

More substantial changes to the SALS Program include increasing the subsidy amount, raising the resource limit, clarifying provisions relating to artificial impoverishment, expanding monthly personal expense allowance, and allowing for funeral and burial expenses.

Increasing the subsidy amount allows the Department of Aging to move away from one Statewide maximum subsidy amount for the SALS Program to a localized maximum subsidy amount. The proposed change will permit local jurisdictions to set the maximum at a number between \$650 and \$1,000 that best serves their locale. Additionally, this \$650 to \$1,000 range will be tied to the Consumer Price Index (CPI) so that it will adjust with inflation. The hope is that by allowing flexibility in the subsidy amount at the local level, jurisdictions will be able to maximize participation in the Program.

The resource limit for the SALS Program has not changed since 1994. The purposes of raising the resource limit are: updating the outdated resource limit; tying the new resource limit to the CPI so it will adjust for inflation moving forward; and disqualifying people who artificially impoverish themselves by giving away or re-arranging assets. The establishment of a 5-year look back and 5 percent limit for disposition or transfer of resources is prudent to prevent individuals or couples from hiding resources in order to become eligible for the SALS subsidy.

Expanding the monthly personal expense allowance and tying this figure to the CPI establishes an expense allowance that is in accord with the current cost of living and ensures this figure will remain accurate into the future.

Lastly, the proposed amendments allow for seniors to save money for funeral and burial expenses. This allows seniors to adequately plan for a funeral and ancillary burial or funeral expenses at a reasonable fee without the value of those plans being counted against them as resource.

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 a meaningful economic impact on small businesses. An analysis of this economic impact follows.

The proposed changes to the regulation of the Senior Assisted Living Subsidy (SALS) Program have a positive impact or no impact at all to Maryland small businesses.

By establishing a personal expense allowance in accord with current costs of living, seniors will have more money to buy basic essentials and thus decrease the asset portion of their eligibility calculation by up to \$70 a month. This change, in combination with other asset limit increases, will increase the number of seniors eligible for the subsidy. This in turn will increase the business potential and revenue for small business assisted living providers across the State.

Establishing asset limits that are up to date with inflation will allow more seniors to become eligible for the subsidy. This in turn will increase the demand for assisted living services, along with the business potential and revenue for small business assisted living providers across the State.

Additionally, accounting for inflation in eligibility criteria, such as resources that a senior must claim when applying for the subsidy, increases the likelihood individuals will be accepted into the SALS Program. This increases demand and the potential increase in revenue for the small business assisted living providers that seek to serve Maryland seniors.

Excluding reasonable funeral expenses, up to \$5,000 per person, from the list of assets a senior must claim on the SALS eligibility form will increase the number of seniors who are eligible for the subsidy. More applicants ensure more resident clients for small business assisted living providers in Maryland.

Lastly, increasing the range a local jurisdiction can set as its subsidy will increase the amount each assisted living provider will be paid per SALS resident. In addition, the Subsidy Program will be more attractive to small business assisted living providers who do not currently participate because the subsidy is too low. The growth potential is enormous. In 2019 only 204 assisted living providers (with a 4- to 16-bed capacity) participated in the SALS Program across Maryland (excluding Calvert, Garrett, and St. Mary's counties). Assisted living providers with the same capacity total 1,265 across the State. More assisted living facilities that are motivated by a larger subsidy to defray their costs will apply for the Program, accept more SALS seniors, and assure their business growth. Jurisdictions who have chosen not to even apply for the Subsidy Program might reconsider once the rate is increased.

All other changes proposed to the SALS Program will not impact Maryland small businesses.

Impact on Individuals with Disabilities

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

The proposed regulatory amendments to the Senior Assisted Living Subsidy Program will have a positive impact on individuals with disabilities. By bringing the level of assets in line with inflation, this increases the likelihood more seniors will become eligible for the subsidy. Many of our seniors are seeking assisted living quarters and

services because they are not ambulatory or have a disability. Easing up on the eligibility criteria increases the likelihood more disabled seniors will have safe, secure homes in which to age.

Opportunity for Public Comment

Comments may be sent to Grace Fielhauer, Legislative Liaison, Department of Aging, 301 W. Preston Street, Suite 1007, Baltimore, MD 21201, or call 410-767-5953, or email to grace.fielhauer@maryland.gov, or fax to 410-333-7943. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

.01 Purpose.

The purpose of the Senior Assisted Living [Group Home] Subsidy Program is to provide subsidies on behalf of eligible elderly residents of [group homes] *facilities* that are licensed as an assisted living program pursuant to COMAR 10.07.14, and [monitored by the Maryland Department of Aging pursuant to Health-General Article, §19-1804, Annotated Code of Maryland] *enrolled in the Program*.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Applicant" means an individual who has applied for a subsidy *or a current participant whose eligibility is being redetermined in accordance with Regulation .06C of this chapter*.

(2) (text unchanged)

(3) "Assisted living program" has the meaning stated in COMAR [10.07.14.02B(10)] *10.07.14.02B(11)*.

(4) "*Burial funds*" means a revocable burial contract, burial trust, or other burial or funeral arrangement or any other separately identifiable fund which is clearly designated as set aside for a person's burial or funeral expenses.

(5) "*Burial spaces*" means conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(6) "*Consumer Price Index*" means the Consumer Price Index for all urban consumers (CPI-U), U.S. City Average, All Items (1982—84=100) published by the United States Department of Labor for each calendar year, January through December.

[(4)] (7)—[(9)] (12) (text unchanged)

[(10)] "Group home" means a facility that the Maryland Department of Aging is responsible for monitoring and inspecting pursuant to the interagency agreement required by Health-General Article, §19-1804, Annotated Code of Maryland (which means the facility shall have a minimum of four residents and a maximum of 16 residents).]

[(11)] (13)—[(12)] (14) (text unchanged)

(15) "*Irrevocable burial fund*" means an irrevocable burial contract, an irrevocable burial trust, or other irrevocable arrangement, the assets of which are only available for funeral or burial expenses or both.

[(13)] (16)—[(15)] (18) (text unchanged)

(19) "*Monthly allowance for personal expenses*" equals \$130 per month. Subject to the limitations of the State budget, the amount shall increase on July 1 of each year beginning July 1, 2021, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year, rounded to the nearest dollar. The Department shall publish annually the monthly allowance for personal expenses.

[(16)] (20) (text unchanged)

[(17)] (21) "Net monthly income" means total monthly income from all sources, minus:

(a) (text unchanged)

(b) [An] *The monthly allowance for personal expenses* [of \$60 per month].

[(18)] (22) “Program” means the Senior Assisted Living [Group Home] Subsidy Program.

[(19)] (23) “Representative” means an agent, guardian of the person, guardian of the property, or any other person referred to in COMAR [10.07.14.25] 10.07.14.34.

[(20)] (24) “Resident” means an elderly individual who resides in [a group home] *an assisted living facility* for the purpose of obtaining assisted living services.

[(21)] (25) “Resident agreement” has the meaning stated in COMAR [10.07.14.02B(55)] 10.07.14.02B(65).

[(22)] (26) (text unchanged)

[(23)] (27) “Subsidy” means funds paid or approved to be paid by the local office to a licensee on behalf of a subsidized resident [in a group home].

.03 Enrollment of [Group Home] Assisted Living Facility Licensee.

A. If [a group home] *an assisted living facility* wants to participate in the Program and receive subsidies on behalf of eligible residents, the licensee shall:

(1)—(3) (text unchanged)

B. (text unchanged)

C. If the local office determines that the information submitted on the enrollment form is accurate and satisfactory, and the resident agreement is consistent with COMAR [10.07.14.12 and .13] 10.07.14.24 and .25, it shall:

(1)—(2) (text unchanged)

D.—E. (text unchanged)

.05 Resident Eligibility for Subsidy.

A. An applicant is eligible to receive a subsidy paid to the licensee on the applicant’s behalf when the following conditions are met:

(1) The applicant is a resident *62 years old or older*, or has been accepted for admission as a resident, in a facility operated by a licensee, which has enrolled in the [subsidy program] *Program* and executed a service agreement with the local office;

(2)—(4) (text unchanged)

B. (text unchanged)

C. To be financially eligible for a subsidy, an applicant shall meet the following conditions:

(1) (text unchanged)

(2) The applicant’s net annual income is not higher than 60 percent of the State median income as determined by the U.S. Department of Housing and Urban Development; [and]

(3) [The] *Subject to §H of this regulation, the applicant’s resources are not greater than* [\$11,000] \$19,000 if single, or [\$14,000] \$25,000 if married[.]; *and*

(4) *The applicant may not have disposed of or transferred more than 5 percent of such applicant’s net worth in the previous 5 years for less than fair market value unless the transfer was into a:*

(a) *Trust for an immediate family member who was medically dependent; or*

(b) *Special needs trust that meets the requirements of COMAR 10.09.24.08-2C.*

D. *Calculation of Resources.*

(1) When calculating the amount of an applicant’s or subsidized resident’s resources, the net fair market value of all assets owned by the applicant or subsidized resident shall be [totalled] *totalled*, with the exception of the following:

[(1)] (a)—[(3)] (c) (text unchanged)

[(4)] (d) *Life insurance policies with a total cash surrender value of not more than \$5,000, including available accrued dividends and interest; [and]*

[(5)] (e) *Real property that satisfies the exclusion requirements of §§E—G of this regulation[.];*

(f) *Burial spaces for a person and the person’s immediate family;*

(g) *An irrevocable burial fund of any amount, which has been set aside for the burial or funeral of the individual or the individual’s spouse; and*

(h) *Amounts in burial funds that satisfy the requirements of §D(2) of this regulation.*

(2) *Burial Funds.*

(a) *In determining the resources of a person and the person’s spouse, if any, there shall be excluded an amount up to \$5,000 per person of funds specifically set aside in a burial fund for the person or the person’s spouse.*

(b) *Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements shall be excluded from resources if left to accumulate and become a part of the burial fund.*

(c) *Funds or interest earned on funds and appreciation in the value of burial arrangements, which have been excluded from resources because they are burial funds, shall be used solely for that purpose.*

(d) *An individual’s \$5,000 exclusion as described under §D(2)(a) of this regulation shall be reduced by amounts in an irrevocable burial fund as described under §D(1)(g) of this regulation.*

E. Real property that [is the primary residence of the applicant, or] was the primary residence *of the applicant* at the time of admission to a facility is excluded from the calculation of the applicant’s resources for 1 year from the date of admission. After 1 year, the *value of the applicant’s interest in the property* shall be counted as part of an applicant’s or subsidized resident’s resources, unless the:

(1)—(2) (text unchanged)

F. For the purposes of [§E] §§C *and E* of this regulation, an unmarried child younger than 21 years old shall be considered financially dependent without documentation other than age, and an immediate family member who has been determined to be blind or disabled by the Social Security Administration or by the State Medical Review Team as a part of determining their eligibility for Medical Assistance, shall be considered medically dependent.

G. (text unchanged)

H. *The resource limit for applicants shall increase on July 1 of each year beginning July 1, 2021, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year, rounded to the nearest dollar. The Department shall publish annually the resources limits.*

.07 Amount of Subsidy.

A. *Maximum Monthly Subsidy Amount.*

(1) The monthly subsidy amount paid by the local office to a licensee on behalf of a subsidized resident is equal to the lesser of:

[(1)] (a) (text unchanged)

[(2)] (b) [\$650] *The maximum monthly subsidy amount set forth in writing annually by the local office, which amount shall be between the minimum rate of \$650 and the maximum rate of \$1,000 per month, inclusive.*

(2) *The maximum rate shall increase on July 1 of each year beginning July 1, 2021, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year, rounded to the nearest dollar.*

(3) *The Department shall publish annually the maximum subsidy amount limit.*

B.—E. (text unchanged)

.08 Administration of [Group Home] Subsidies.

- A. The Department shall designate, in writing, a local office to:
 - (1) Administer the [group home] *Program's* subsidies;
 - (2)—(3) (text unchanged)
- B.—D. (text unchanged)

RONA E. KRAMER
Secretary of Aging

Title 34

DEPARTMENT OF PLANNING

Subtitle 05 CENSUS AND REDISTRICTING

34.05.01 Redistricting Prison Populations

Authority: *Local Government Article, §1-1307*; State Finance and Procurement Article, §§5-203, 5-301, and 5-306; *State Government Article, §2-2A-01*; Annotated Code of Maryland

Notice of Proposed Action

[20-094-P]

The Secretary of Planning proposes to amend Regulations **.01**, **.03**, and **.04** under **COMAR 34.05.01 Redistricting Prison Populations**.

Statement of Purpose

The purpose of this action is to remove deadlines that are no longer applicable, clarify provisions, and incorporate changes necessary based on the Department's experience from the last time it utilized these regulations in 2011.

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 Paul Cucuzzella, Assistant Attorney General, Maryland Department of Planning, 301 W. Preston St., 11th Fl., Baltimore, MD 21201, or call 410-767-1409, or email to paul.cucuzzella@maryland.gov, or fax to 410-767-4480. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this subtitle is to carry out the provisions of Ch. 67, Acts of 2010, which mandates that for a person incarcerated in either a State or a federal correctional facility the population figures used for the congressional and legislative districting plans that follow each decennial census count the person at the location of the person's last known residence before incarceration.

.03 Definitions.

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

(1) "Bureau" means the Federal Bureau of Prisons.

(2) "Correctional Services" means the Department of Public Safety and Correctional Services.

[(1)] (3) (text unchanged)

[(2)] (4) "Federal correctional facility" means a correctional facility that is located within Maryland and operated by the [Federal] Bureau [of Prisons].

[(3)] (5) "Geocode" means the process of establishing geographical coordinates from [an] a postal address.

[(4)] (6) Incarcerated Individual.

(a) "Incarcerated individual" means an individual who is actually or constructively detained in a [state] *State correctional facility* or a federal correctional facility on the date of the decennial census.

(b) "Incarcerated individual" does not include an individual:

(i) (text unchanged)

(ii) Whose last known [address] *residence* is [an out-of-State address] *not within the State of Maryland*.

[(5)] (7) "Last known residence" means [a] *the* domicile of an incarcerated individual *immediately* prior to *the* incarceration [in a state or federal correctional facility].

[(6)] (8) State Correctional Facility.

(a)—(b) (text unchanged)

(c) "State correctional facility" does not include:

(i) The centralized booking facility in Baltimore City that is operated by the Division of Pretrial Detention and Services in [the Department of Public Safety and] Correctional Services; or

(ii) A local *correctional* facility as defined in Correctional Services Article, §1-101, Annotated Code of Maryland.

.04 Geocoding Last Known Residence of Incarcerated Individuals.

A. [The] *Following completion of each decennial census, the Department shall:*

(1) *Request and receive from Correctional Services and the Bureau the address of the last known residence for each incarcerated individual; and*

(2) *Subject to §§B and C of this regulation, geocode [the last known residence of an] for each incarcerated individual [that was provided by the Department of Public Safety and] the address of the last known residence received from Correctional Services or the [Federal] Bureau [of Prisons].*

B. The Department shall make reasonable efforts to correct [the last known addresses] *any address received from Correctional Services or the Bureau that [are ungeocodable including] the Department is unable to geocode by, among other things:*

(1) *Verifying and correcting the address zip [codes] code against the United States Postal Service zip code locator;*

(2) *Correcting any misspellings [of city and street names] in the address;*

(3) *Correcting or adding a street [suffixes against the United States Postal Service zip code locator] suffix or prefix;*

(4) *Correcting or adding a street direction [using the United States Postal Service zip code locator]; and*

[(5)] *Removal of extra information from the address field;*

[(6)] *Removal of apartment number; and*

[(7)] (5) [Removal of decimal point] *Removing from the address any extraneous, superfluous, or inaccurate information.*

[C. Ungeocodable Last Known Address.

(1) On or before February 11, 2011, if the Department is unable to geocode the last known address of an incarcerated individual after making reasonable efforts in accordance with this section, then the last known address of an incarcerated individual shall be the state or federal correctional facility where the individual is incarcerated.

(2) On or before February 11, 2011, if the Department is unable to determine whether an incarcerated individual was not a resident of

the State based on information provided by the Department of Public Safety and Correctional Services prior to incarceration, then the Department will assign the geographical coordinates of the state or federal correctional facility where the incarcerated individual is located.

(3) The Department will assign the geographical coordinates of the state or federal correctional facility where the incarcerated individual is located.]

C. When Unable to Geocode Last Known Residence. The last known residence of an incarcerated individual shall be the State or federal correctional facility where the individual is incarcerated if:

(1) The address provided to the Department for the individual by Correctional Services or the Bureau cannot be geocoded for reasons included in §D of this regulation; or

(2) The Department is unable to geocode the address provided to the Department for the individual by Correctional Services or the Bureau after making reasonable efforts in accordance with §B of this regulation.

D. [Examples of ungeocodable last known addresses] Addresses that cannot be geocoded include:

(1) [Addresses] An address defined as “homeless” [or no];

(2) An address listed [for the incarcerated individual] as no address for an individual;

[(2)] (3) [Addresses] An address identified as a [state] State or federal correctional [facilities] facility;

[(3)] (4) [Rural] A rural route [addresses] address;

[(4)] (5) [Post] A post office box [addresses] address;

[(5)] (6) [Addresses with] An address that includes no house number;

[(6)] (7) [Other addresses including those with no street suffix, other extra information in the address, or multiple errors in the address] An address with other errors or omissions that cannot be corrected in accordance with §B of this regulation; and

[(7)] (8) [Addresses that are incorrect or are not contained in the United States Census Bureau’s TIGER street centerline file used to geocode addresses] An address that cannot be located through use of the geocoder mapping applications utilized by the Bureau.

ROBERT McCORD
Secretary of Planning

Errata

COMAR 15.05.01.02

At 47:9 Md. R. 475 (April 24, 2020), column 2, line 4 from the bottom:

For: because it appeared as a Notice of Proposed Action in 48:8 Md. R.

Read: because it appeared as a Notice of Proposed Action in 47:8 Md. R.

[20-10-33]

Special Documents

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

NOTICE

Maryland State Lottery and Gaming Control Agency hereby modifies the amount of time within which a holder of a winning lottery ticket can claim a prize. Present statutes and regulations require a holder of a winning ticket to claim their prize within 182 days after the date of the drawing, the date of sale of a Fast Play game ticket, or the announced end of an instant ticket. State Government Article, §9-122(f)(1), Annotated Code of Md.; Code of Maryland Regulations (“COMAR”) 36.02.03.06F, 36.02.04.02C, and 36.02.07.01.

This notice is given by Gordon Medenica, Director of the Maryland Lottery and Gaming Control Agency, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020, proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 12, 2020, entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements,” as it may be amended from time to time, after a finding by the Director that the actions described herein will not endanger the public health, welfare, or safety, and notification to the Governor.

The holder of any winning ticket whose claiming period will expire during the state of emergency has until 30 days after the state of emergency has been terminated and rescinded to claim their winning prize. The effect of any statute, rule, or regulation inconsistent with the foregoing is hereby suspended during this time period. If the 30th day after the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded fall on a day when State offices are closed, such as a weekend or holiday, the holder must submit their claim **NO LATER THAN THE DAY BEFORE THE DAY WHEN STATE OFFICES ARE CLOSED.**

This Notice is effective immediately and shall remain in effect until 30 days after the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

GORDON MEDENICA
Director
Maryland Lottery and Gaming

[20-10-11]

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on May 14, 2020. Due to the COVID-19 crises and the relevant orders in place in the Commission’s member jurisdictions, the Commission will hold this meeting telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on amendments to the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 19, 2020, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is May 27, 2020.

DATES: The public hearing will convene on May 14, 2020, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is May 27, 2020.

ADDRESSES: This hearing will be held by telephone rather than at a physical location. Conference Call # 1-888-387-8686, the Conference Room Code # 9179686050.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the Commission’s Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission’s Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects.

Projects Scheduled for Action:

Project Sponsor and Facility: Cabot Oil & Gas Corporation, Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1, 2, and 3) (Docket No. 20160610).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Windham Township, Wyoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Green Leaf Water LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20160601).

Project Sponsor: Pennsylvania - American Water Company. Project Facility: Susquehanna District, Great Bend Township, Susquehanna County, Pa. Application for renewal of groundwater withdrawal of up to 0.144 mgd (30-day average) from Well 2 (Docket No. 19900303).

Project Sponsor and Facility: Shippensburg Borough Authority, Southampton Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal of up to 1.280 mgd (30-day average) from Well 1 (Docket No. 19900713).

Commission-Initiated Project Approval Modifications:

Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.030 mgd (30-day average) from Well 6 (Docket No. 19980702).

Project Sponsor and Facility: Iron Masters Country Club, Bloomfield Township, Bedford County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.051 mgd (30-day average) from Well 10 and up to 0.061 mgd (30-day average) from Well 14 (Docket No. 20020813).

Project Sponsor and Facility: Sinking Valley Country Club, Tyrone Township, Blair County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.081 mgd (30-day average) from the 14th Fairway Well and up to 0.099 mgd (30-day average) from the 8th Tee Well (Docket No. 20020811).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before May 27, 2020, to be considered.

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

Dated: April 15, 2020

JASON E. OYLER
General Counsel and Secretary to the Commission.

[20-10-20]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0006

Anne Arundel County Department of Public Works
2662 Riva Road
Annapolis, MD 21401

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0006.

Location: Near 1298 Cherry Tree Lane, Anne Arundel County, Annapolis MD 21403, on Cherrytree Cove and the South River

The purpose of the project is to provide shoreline erosion control for the County's Total Maximum Daily Load program.

Construct, in total, living shoreline along 3,305 linear feet on the South River and Cherrytree Cove, to emplace approximately 12,200 cubic yards of clean sand, and plant approximately 91,197 square feet of marsh vegetation, all extending a maximum of 116 feet channelward of the existing mean high water line. 1. On the South River, construct four sets of sand containment structures with these dimensions: (a) A 393-foot long by 12-foot wide segmented sill approximately 0.5 feet below mean high water with three vents; (b) A 693-foot long by 18-foot wide segmented sill approximately 1.0 feet above mean high water with four vents; (c) A 532-foot long by 20-foot wide segmented sill approximately 2.0 feet above mean high water with three vents; and (d) A 473-foot long by 19-foot wide segmented sill approximately 2.0 feet above mean high water with three submerged stone vents totaling of 125-foot long by 19-foot wide; all extending a maximum of 116 feet channelward of the existing mean high water line. 2. On Cherrytree Cove, (a) Construct a 691-foot long by 15-foot wide segmented sill approximately 1.5 feet above mean high water with six vents, extending a maximum of 88 feet channelward of the existing mean high water line; and (b) Construct a 62-foot long by 20-foot wide armored storm drainage, extending a maximum of 35 feet channelward of the existing mean high water line.

The WQC and its attachments may be viewed at the following link:
<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Melissa McCanna at Melissa.mccanna@maryland.gov or 410-537-4053.

[20-10-23]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0012

*Somerset County Solid Waste and Drainage Department
11916 Somerset Avenue
Princess Anne, Maryland 21853*

Add'l. Info: Pursuant to COMAR 26.02.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0012.

Location: Northwest of Champ Road beginning 1,400 feet south of the intersection with Oriole Road near Princess Anne in Somerset County.

The purpose of the project is to conduct maintenance excavation of approximately 5,185 linear feet of nontidal ditch and 1,665 linear feet of tidal ditch to restore original conveyance characteristics.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC. Contact: Miekko Camp at miekko.camp@maryland.gov or 410-537-3691.

[20-10-23]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0017

*Somerset County Solid Waste and Drainage Department
11916 Somerset Avenue
Princess Anne, Maryland 21853*

Add'l. Info: Pursuant to COMAR 26.02.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0017.

Location: The project begins at 27176 Nevette Muir Road and extends southwest toward Landonville Road near Westover in Somerset County, Maryland.

The purpose of the project is to conduct maintenance excavation of approximately 1,675 linear feet of existing nontidal ditch and 585 linear feet of tidal ditch to restore original conveyance characteristics.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC. Contact: Miekko Camp at miekko.camp@marylan.gov or 410-537-3691.

[20-10-30]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 20-WQC-0019

*Somerset County Solid Waste and Drainage Department
11916 Somerset Avenue
Princess Anne, Maryland 21853*

Add'l. Info: Pursuant to COMAR 26.02.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 20-WQC-0019.

Location: Along Wedda Scott Road approximately 520 feet southeast of the intersection with Crisfield Highway near Westover in Somerset County.

The purpose of the project is to conduct maintenance excavation of 2,190 linear feet and the reconstruction of 660 linear feet of drainage ditch to restore original conveyance characteristics.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC. Contact: Miekko Camp at miekko.camp@marylan.gov or 410-537-3691.

[20-10-31]

DEPARTMENT OF NATURAL RESOURCES

FISHING AND BOATING SERVICES— PUBLIC NOTICE

Commercial Spiny Dogfish Landing Limits — Effective 5/1/2020

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces the catch limits for the 2020 – 2021 commercial spiny dogfish fishery. Effective 12:01 a.m. May 1, 2020, the commercial catch limits of spiny dogfish are as follows:

1. For an individual licensed to catch finfish: 1,000 pounds per vessel per day caught from Maryland waters.
2. For an individual licensed to catch finfish who is also in possession of a Maryland striped bass permit that has been registered in the Atlantic Ocean fishery:
 - a. That does not currently hold a federal spiny dogfish permit from the National Marine Fisheries Service: 2,500 pounds per vessel per day caught from Maryland waters; or
 - b. That also holds a federal spiny dogfish permit from the National Marine Fisheries Service: 2,500 pounds per vessel per day regardless of whether the fish were caught from Maryland waters and/or federal waters of the Exclusive Economic Zone.
3. For an individual licensed to catch finfish who is also in possession of a Maryland spiny dogfish landing permit:
 - a. That does not currently hold a federal spiny dogfish permit from the National Marine Fisheries Service: 10,000 pounds per vessel per day caught from Maryland waters; or
 - b. That also holds a federal spiny dogfish permit from the National Marine Fisheries Service: 6,000 pounds per vessel per day regardless of whether the fish were caught from Maryland waters and/or federal waters of the Exclusive Economic Zone.

WHY THIS IS NECESSARY

This is necessary to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Spiny Dogfish.

WHOM THIS NOTICE AFFECTS

This applies to all individuals who catch spiny dogfish commercially.

AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.05.24

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

[20-10-21]

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.

DEPARTMENT OF AGING

Subject: Public Meeting
Date and Time: May 19, 2020, 1 — 3 p.m.
Place: Office of Health Care Quality, 7120 Samuel Morse Dr., Potomac Rm., 2nd Fl., Columbia, MD
Add'l. Info: Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.
Contact: Clarissa Hibler (410) 767-1110
 [20-10-07]

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: May 20, 2020, 3 — 6 p.m.
Place: 108 Severn Ave., Annapolis, MD
Contact: Sarah Higgins (410) 974-2941
 [20-10-02]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: June 12, 2020, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The public is welcome to attend the General Session meetings. The meetings are held the second Friday of each month on the first floor of the Metro Executive Building.
 Prior to the meeting date, please check the Board's website at <https://health.maryland.gov/crccp/Pages/Index.aspx> to confirm the meeting will be held as scheduled.
 There are no meetings in August and November.
Contact: Gwendolyn Joyner (410) 764-5996
 [20-10-15]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: July 10, 2020, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD

Add'l. Info: The public is welcome to attend the General Session meetings. The meetings are held the second Friday of each month on the first floor of the Metro Executive Building.

Prior to the meeting date, please check the Board's website at <https://health.maryland.gov/crccp/Pages/Index.aspx> to confirm the meeting will be held as scheduled.

There are no meetings in August and November.
Contact: Gwendolyn Joyner (410) 764-5996
 [20-10-14]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: September 11, 2020, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The public is welcome to attend the General Session meetings. The meetings are held the second Friday of each month on first floor of the Metro Executive Building.
 Prior to the meeting date, please check the Board's website at <https://health.maryland.gov/crccp/Pages/Index.aspx> to confirm the meeting will be held as scheduled.
 There are no meetings in August and November.
Contact: Gwendolyn Joyner (410) 764-5996
 [20-10-16]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: October 9, 2020, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The public is welcome to attend the General Session meetings. The meetings are held the second Friday of each month on the first floor of the Metro Executive Building.

Prior to the meeting date, please check the Board's website at <https://health.maryland.gov/crccp/Pages/Index.aspx> to confirm the meeting will be held as scheduled.

There are no meetings in August and November.
Contact: Gwendolyn Joyner (410) 764-5996
 [20-10-17]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: December 11, 2020, 10 — 11 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Add'l. Info: The Public is welcome to attend the General Session meetings. The meetings are held the second Friday of each month on the first floor of the Metro Executive Building.
 Prior to the meeting date, please check the Board's website at <https://health.maryland.gov/crccp/Pages/Index.aspx> to confirm the meeting will be held as scheduled.
 There are no meetings in August and November.
Contact: Gwendolyn Joyner (410) 764-5996
 [20-10-18]

COMMISSIONER OF FINANCIAL REGULATION

Subject: Bank Merger
Add'l. Info: On April 13, 2020, Farmers and Merchants Bancshares Inc., a Maryland bank holding company, filed an application pursuant to Md. Code Ann., Fin. Inst. ("FI") §5-904 for approval to acquire Carroll Bancorp Inc., a Maryland bank holding company located in Sykesville, Maryland.
 Farmers and Merchants Bancshares, Inc., and its subsidiary bank, Farmers and Merchants Bank, a Maryland-chartered bank located in Upperco, Maryland, also filed an application to merge Carroll Community Bank, a Maryland-chartered bank and a wholly owned subsidiary of Carroll Bancorp Inc., with and into Farmers

GENERAL NOTICES

538

and Merchants Bank, with Farmers and Merchants Bank being the surviving entity.

This application is on file at the Office of the Commissioner of Financial Regulation, 500 North Calvert St., Ste. 402, Baltimore, MD. Comments regarding this application must be submitted in writing and must be received by the Commissioner 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 Denoncourt (410) 230-6104

[20-10-13]

FIRE PREVENTION COMMISSION

Subject: Public Hearing on Regulations

Date and Time: June 8, 2020, 9 a.m.

Place: Internet/Teleconference

Add'l. Info: The Fire Prevention Commission will host a public hearing via the Internet on permanent amendments to COMAR 29.06.01.09 which were adopted by emergency action DLS Control No. 20-007, effective February 7, 2020. Interested parties may join the meeting visually at meet.google.com/xzf-kizr-hio or by telephone at 1-518-547-0126, PIN 452 509 756#. For additional information visit the Commission's website at <https://mdsp.maryland.gov/Organization/Pages/StateFirePreventionCommission.aspx> under the meetings link.

Contact: Heidi Ritchie (877) 890-0199

[20-10-25]

MARYLAND DEPARTMENT OF HEALTH/STATE COMMUNITY HEALTH WORKER ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: May 18, 2020, 1 — 3 p.m.

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

Contact: Kimberly Hiner (410) 767-2301

[20-10-05]

MARYLAND HEALTH BENEFIT EXCHANGE

Subject: Public Meeting

Date and Time: June 17, 2020, 12:30 — 2:30 p.m.

Place: 750 E. Pratt St., 6th Fl., Baltimore, MD

Add'l. Info: State Reinsurance Program Annual Public Forum

This forum is an opportunity for the public to present meaningful comments on the progress of the State Reinsurance

Program. This forum will be held virtually if State guidelines are still in place regarding COVID-19.

Please refer to this webpage for updates: www.marylandhbe.com/policy-legislation/public-comment/1332-waiver/

Contact: Jessica Grau (410) 847-6888

[20-10-22]

HISTORIC ST. MARY'S CITY COMMISSION

Subject: Public Meeting

Date and Time: May 23, 2020, 10 — 11 a.m.

Place: 18559 Hogaboom Ln., St. Mary's City, MD

Add'l. Info: This will be a virtual meeting due to COVID-19.

Contact: Porzia Purves (240) 895-4960

[20-10-28]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Hearing

Date and Time: May 13, 2020, 9 a.m. — 12 p.m.

Place: Via teleconference, see details below

Add'l. Info: The Maryland Insurance Administration will conduct a public hearing on specific rate increase requests being made by certain Long-Term Care Insurance carriers operating in Maryland. The hearing will focus on several rate increase requests before the Maryland Insurance Administration. In the individual long-term care market, these include requests from Berkshire Life Insurance Company of America, Brighthouse Life Insurance Company, Continental Casualty Company, MedAmerica Insurance Company and Bankers Life and Casualty Company. The purpose of the hearing is for insurance company officials to explain their reasons for the rate increases. Interested stakeholders will also have the opportunity to provide comments at the hearing. Prior to the hearing, copies of each company's actuarial memorandum will be posted to the Maryland Insurance Administration's website.

Pursuant to Executive Order of the Governor of the State of Maryland on Prohibiting Large Gatherings and Events, issued March 5, 2020, to protect the public health, safety, and welfare, the hearing will be held via conference call.

Conference Call Line: Number: 650-781-1476; Code: 684075374#

Information about the Maryland Relay Service can be found at doit.maryland.gov/mdrelay.

If you will be dialing into the public hearing, and wish to provide oral

testimony, please RSVP to Nancy Muehlberger. Testimony will only be heard via the telephone to those who have RSVP'd in advance of the public hearing. Written comments and RSVPs should be sent to Nancy Muehlberger by May 6, 2020, either by email to longtermcare.mia@maryland.gov or by mail to 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or by fax to 410-468-2038.

Any questions regarding this matter should be directed to Nancy Muehlberger, Actuarial Analyst, by May 6, 2020, by email to Nancy.Muehlberger@maryland.gov. For more information on the hearing please see the following link:

<https://insurance.maryland.gov/Consumer/Pages/Long-Term-Care-Hearing-May-13-2020.aspx>

Contact: Adam Zimmerman (410) 468-2048

[20-10-10]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting

Date and Time: May 14, 2020, 10 a.m.

Place: Via teleconference, see details below

Add'l. Info: To Property and Casualty Insurance Companies and All Interested Parties:

In preparation for the 2020 hurricane season, Maryland Insurance Commissioner Al Redmer, Jr. will hold a WebEx Event on Thursday, May 14, 2020, at 10 a.m.

Event address for attendees: <https://marylandinsurance.webex.com/marylandinsurance/onstage/g.php?MTID=ec3fca942fdd40bdd89a9d5bc111b035f>

Event number: 479 575 473

Event password: W69VjUevM4M

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

Phone number: 1-415-655-0001

Access code: 479 575 473

If you have any questions, you may contact Joy Hatchette at joy.hatchette@maryland.gov or at 410-468-2029.

Contact: Joy Hatchette (410) 468-2029

[20-10-06]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: May 28, 2020, 10 a.m. — 12 p.m.

Place: To be determined, see details below

Add'l. Info: Due to COVID-19, please check Lottery website closer to meeting

date for information on meeting being held via audio conference or in person.

Contact: Kathy Lingo (410) 230-3135
[20-10-12]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: May 21, 2020, 1 p.m.

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

Contact: Valerie Wooding (410) 764-3570
[20-10-01]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review

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

Pyramid Walden-Joppa — Docket No. 20-12-2440

Establishment of a new Track 2 Intermediate Care Facility offering Medically Monitored Inpatient treatment for substance abuse. The facility will consist of 50 beds licensed and designated for withdrawal management and medically monitored inpatient Level 3.7WM and 3/7, and an additional 22 beds licensed for Clinically Managed High Intensity Residential Treatment (Level 3.5). Proposed Cost: \$5,194,069

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

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

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business June 8, 2020. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by

appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, MD.

Contact: Ruby Potter (410) 764-3276
[20-10-24]

MARYLAND HEALTH CARE COMMISSION

Subject: Notice of Receipt of Letter of Intent to Establish an Inpatient Child Adolescent Psychiatric Hospital in Central Maryland (Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties and Baltimore City)

Add'l. Info: On April 24, 2020 the Maryland Health Care Commission received from Hope Health Systems, Inc., a Letter of Intent to establish a 16-bed child/adolescent acute psychiatric inpatient special hospital to be located at 1726 Whitehead Road, Woodlawn, in Baltimore County.

Pursuant to COMAR 10.24.01.08A(3), the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish an acute child and adolescent psychiatric hospital or increase the acute psychiatric hospital capacity of an existing hospital in Central Maryland. Additional Letters of Intent should be submitted to the Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, and are due by the close of business on June 8, 2020.

Contact: Ruby Potter (410) 764-3276
[20-10-32]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: May 15, 2020, 9 a.m. — 12 p.m.

Place: Tuerk Bldg., 55 Wade Ave., 2nd Fl., Baltimore, MD

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255. The meeting may take place by teleconference. Please call the office to confirm.

Contact: Lauren Murray (410) 402-8556
[20-10-29]

RACING COMMISSION

Subject: Public Meeting

Date and Time: May 28, 2020, 12:30 — 1 p.m.

Place: Pimlico Race Course, Baltimore, MD

Contact: J. Michael Hopkins (410) 296-97682

[20-10-04]

MARYLAND DEPARTMENT OF TRANSPORTATION/MARYLAND BOARD OF AIRPORT ZONING APPEALS

Subject: Public Hearing

Date and Time: May 18, 2020, 10 a.m.

Place: Via Teleconference — The public call-in number is +1 443 409 5228; Conference ID: 542 652 322., MD

Add'l. Info: The Maryland Board of Airport Zoning Appeals (BAZA) will hold a hearing via Teleconference on Monday, May 18, 2020. The hearing will begin at 10:00 a.m. The public call-in number is +1 443 409 5228; Conference ID: 542 652 322. The Board will hear the following cases:

Docket Number 409

BAZA #409 (Noise Control Regulations at 500 Marlboro Road, Glen Burnie, MD 21061)

Anne Arundel County Public Schools proposed to construct a Gymnasium Addition located at 500 Marlboro Road, Glen Burnie, Maryland 21061. The location is approximately 10,500 feet southeast of Runway 33L at Baltimore Washington Thurgood Marshall International Airport (BWI Marshall). The proposed gymnasium addition was to be located within the 65 Ldn noise zone for BWI Marshall. The proposed land use at this location was found to be incompatible with the certified Airport Noise Zone. In accordance with the Maryland Airport Noise Control Program Regulations (COMAR 11.03.03), the appellant filed an appeal with the Board of Zoning Appeals (BAZA) requesting a variance to the regulation. A Petition for a variance was received. The Maryland Aviation Administration (MAA) presented BAZA Case 409 to the Board of Airport Zoning Appeals on Thursday, May 3, 2018 at 10:00 a.m.

The BAZA granted a variance subject to the Petitioner agreeing that a post-construction noise level reduction test be performed by an acoustical consultant to ensure the construction achieved the required decibel reduction, and that the MAA would notify the Board of its acceptance or non-acceptance of the post-

GENERAL NOTICES

540

construction test according to the Memorandum and Order dated August 8, 2018. The MAA received, reviewed and accepted the post-construction analysis and the results from their acoustic contractor, Harris Miller Miller & Hanson Inc. (HMMH) which certifies that the MAA accepts the post-construction analysis for this BAZA Case 409.

Therefore, the Maryland Aviation Administration will present the results of the noise level reduction test for BAZA Case 409 via teleconference to the Board of Airport Zoning Appeals on Monday, May 18, 2020 at 10:00 a.m. After hearing the results, the members of the Board entitled to vote on this application shall decide whether the condition stated in the Order has been satisfied.

Docket Number 418

BAZA #418 (Temporary Crane Operations at Intersection of I-195, I-295 and MD Route 170, Linthicum, MD 21090)

The Maryland State Highway Administration (SHA) is designing the replacement of the roadway lighting system along an approximate one-mile stretch of I-195 between the I-295 and MD Route 170 intersections in the vicinity of Baltimore Washington Thurgood Marshall International Airport (BWI Marshall). The Maryland Aviation Administration (MAA) and SHA have been collaborating to establish permanent light pole and associated temporary installation crane height allowances. All permanent structures have been designed to remain below the critical Code of Federal Regulations (FAR) Part 77 airspace protection surfaces. Twenty-six (26) of the temporary crane sites will, however, exceed Part 77 restrictions by 0.06 feet to 13.24 feet. The location of the temporary cranes in question begins approximately 800 feet north of Runway 15R and extends in a northwesterly direction along I-195 to a point approximately 2,000 feet northwest of Runway 15R. The Appellant has correspondingly filed 26 cases for "Determinations of No Hazard to Air Navigation" (ASN# 2020-AEA-202 thru 216-OE, 2020-AEA-294 thru 299-OE, and 2020-AEA-306, 307, 309, 311& 312-OE) to the Federal Aviation Administration. Code of Maryland Regulations (COMAR) 11.03.06.03 and 11.03.06.04 - Height Limits in Airport Districts, enables the proponent to seek a variance from the Board of Airport Zoning Appeals (BAZA) for any proposed penetration of FAR Part 77. Therefore, the MAA requests to present Case #418 via teleconference to the BAZA Monday, May 18, 2020 at 10:00 a.m.

Docket Number 419

BAZA #419 (Temporary Crane Operations at Intersection of I-195 and MD Route 170, Linthicum, MD 21090)

The Maryland State Highway Administration (SHA) is replacing overhead roadway signage along an approximate one-mile stretch of I-195 in the area of the MD Route 170 intersection in the vicinity of Baltimore Washington Thurgood Marshall International Airport (BWI Marshall). The Maryland Aviation Administration (MAA) and SHA have been collaborating to establish associated temporary installation crane height allowances. All permanent structures have been designed to remain below the critical Code of Federal Regulations (FAR) Part 77 airspace protection surfaces. Four (4) of the temporary crane sites will, however, exceed Part 77 restrictions by 7.27 feet to 35.53 feet. The location of the temporary cranes in question begin approximately 725 feet north of Runway 15R and extends in a northwesterly direction along I-195 to a point approximately 2,400 feet northwest of Runway 15R. The Appellant has correspondingly filed 4 cases for "Determinations of No Hazard to Air Navigation" (ASN# 2020-AEA-1983 thru 1986-OE to the Federal Aviation Administration. Code of Maryland Regulations (COMAR) 11.03.06.03 and 11.03.06.04 - Height Limits in Airport Districts, enables the proponent to seek a variance from the Board of Airport Zoning Appeals (BAZA) for any proposed penetration of FAR Part 77. Therefore, the MAA requests to present Case #419 via teleconference to the BAZA Monday, May 18, 2020 at 10:00 a.m.

For additional information, please contact Deborah Mahoney-Fowler 410-865-1233.

Appropriate auxiliary aids and services for qualified individuals with disabilities will be provided upon request. Please call 410-865-1233 (voice) or MD Relay (TTY Users).

Contact: Deborah Mahoney-Fowler (410) 865-1233

[20-10-26]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting

Date and Time: May 21, 2020, 10 a.m. — 2 p.m.

Place: Wye Island NRMA — Main Cabin, 632 Wye Island Rd., Queenstown, MD

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

Contact: Dee Settar (410) 537-4162

[20-10-09]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: May 27, 2020, 9 a.m. — 1 p.m.

Place: MD Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD

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

Contact: Dee Settar (410) 537-4162

[20-10-08]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: May 28, 2020, 9:30 — 11:30 a.m.

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

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

Contact: Amy Lackington (410) 864-5300

[20-10-03]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____

Name _____

Company _____

Address _____

City _____ State _____ Zip _____

Tel. _____ Fax _____

Email: _____

_____ Check enclosed, made payable to "Division of State Documents"

_____ Visa/Master Card/American Express/Discover card payment:

Acct.# _____ **Exp.** _____

Signature _____ Tel: _____

Return form & payment to: Office of the Secretary of State, Division of State Documents ~
 State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ~ Fax: 410-280-5647

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### Part 1

- 01 Procedures
- 02 Division of Reimbursements
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- 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
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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
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### Part 2

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
- 21 MVA – Commercial Motor Vehicles
- 22 MVA – Preventive Maintenance Program
- 23 MVA – Drivers' Schools, Instructors & Driver Education Program

## Title 26 Department of the Environment

### Part 1

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

### Part 2

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

### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
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- 17 Water Management
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### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
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HEALTH OCCUPATIONS ARTICLE, TITLE 1  
(DEFINITIONS, GENERAL PROVISIONS)

CODE OF MARYLAND REGULATIONS  
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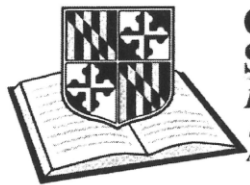
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