

# Maryland Register

Issue Date: July 16, 2021

Volume 48 • Issue 15 • Pages 585—622

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Judiciary  
Regulations  
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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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before June 28, 2021, 5 p.m.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 June 28, 2021.

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)

**Maryland Register (ISSN 0360-2834).** Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is \$225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

**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.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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## COMAR Online

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

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

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

## Availability of Monthly List of Maryland Documents

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

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

## CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2022

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2021</b>			
July 30	July 12	July 19	July 21
August 13	July 26	August 2	August 4
August 27	August 9	August 16	August 18
September 10	August 23	August 30	September 1
September 24	September 3**	September 13	September 15
October 8	September 20	September 27	September 29
October 22	October 4	October 8**	October 13
November 5	October 18	October 25	October 27
November 19	November 1	November 8	November 10
December 3	November 15	November 22	November 24
December 17	November 29	December 6	December 8
<b>2022</b>			
January 3***	December 13	December 20	December 22
January 14	December 27	January 3	January 5
January 28	January 10	January 14**	January 19

\* 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      Chapter      Section      Paragraph  
 Subtitle      Regulation      Subsection      Subparagraph

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

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

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

## Table of Pending Proposals

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

### 01 EXECUTIVE DEPARTMENT

**01.02.08.13—17** • 48:15 Md. R. 595 (7-16-21)

### 03 COMPTROLLER OF THE TREASURY

**03.02.04.01** • 48:1 Md. R. 13 (1-4-21)

### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.13.03,.05** • 48:15 Md. R. 596 (7-16-21)

**08.03.02.28** • 48:14 Md. R. 539 (7-2-21)

### 09 MARYLAND DEPARTMENT OF LABOR

**09.03.06.04** • 48:15 Md. R. 602 (7-16-21)

**09.10.01.07** • 48:10 Md. R. 403 (5-7-21)

**09.10.01.17** • 48:12 Md. R. 476 (6-4-21)

**09.10.03.08** • 48:7 Md. R. 261 (3-26-21)

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

### 10 MARYLAND DEPARTMENT OF HEALTH

#### Subtitles 01—08 (1st volume)

**10** • 48:4 Md. R. 190 (2-12-21) (err)

#### Subtitle 09 (2nd volume)

**10.09.05.01,.03—.07** • 48:15 Md. R. 603 (7-16-21) (ibr)

**10.09.92.08** • 48:3 Md. R. 104 (1-29-21)

48:4 Md. R. 190 (2-12-21) (err)

#### Subtitles 10 — 22 (3rd Volume)

**10.10.13.12** • 48:3 Md. R. 105 (1-29-21)

### Subtitles 23—36 (4th volume)

**10.24.07.01,.02** • 48:10 Md. R. 403 (5-7-21) (ibr)

**10.24.11.01** • 48:15 Md. R. 605 (7-16-21) (ibr)

**10.24.21.01** • 48:10 Md. R. 404 (5-7-21) (ibr)

**10.25.06.01—18** • 48:15 Md. R. 606 (7-16-21)

**10.27.01.01,.05,.10** • 47:23 Md. R. 987 (11-6-20)

### Subtitles 37—68 (5th volume)

**10.52.12.05** • 48:3 Md. R. 105 (1-29-21)

**10.62.01.01** • 48:12 Md. R. 476 (6-4-21)

**10.62.03.01** • 48:12 Md. R. 476 (6-4-21)

**10.62.04.04,.05** • 48:12 Md. R. 476 (6-4-21)

**10.62.08.02,.05,.10** • 48:12 Md. R. 476 (6-4-21)

**10.62.10.02** • 48:12 Md. R. 476 (6-4-21)

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**10.62.19.02,.04,.09** • 48:12 Md. R. 476 (6-4-21)

**10.62.21.02** • 48:12 Md. R. 476 (6-4-21)

**10.62.22.02,.03,.06,.07** • 48:12 Md. R. 476 (6-4-21)

**10.62.25.02,.05,.10** • 48:12 Md. R. 476 (6-4-21)

**10.62.27.02,.08—.10** • 48:12 Md. R. 476 (6-4-21)

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**10.62.35.01** • 48:12 Md. R. 476 (6-4-21)

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**10.67.05.05-1** • 48:15 Md. R. 610 (7-16-21)

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**Subtitles 11—23 (MVA)**

**11.16.05.01—.04** • 48:15 Md. R. 613 (7-16-21)

**12 DEPARTMENT OF PUBLIC SAFETY AND  
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**12.02.29.01—.04** • 48:14 Md. R. 540 (7-2-21)

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**26 DEPARTMENT OF THE ENVIRONMENT**

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**26.13.02.01,.02,.04,.04-3,.04-4,.05,.06,.10,.15,.17,.19-1—.19-8,  
.23** • 48:14 Md. R. 547 (7-2-21)

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**26.13.04.01,.02** • 48:14 Md. R. 547 (7-2-21)

**26.13.05.01,.02,.02-2,.05,.11—.14** • 48:14 Md. R. 547 (7-2-21)

**26.13.06.01,.02,.19—.22,.25** • 48:14 Md. R. 547 (7-2-21)

**26.13.07.02-4,.02-5,.02-8,.13-2** • 48:14 Md. R. 547 (7-2-21)

**26.13.09.01—.03** • 48:14 Md. R. 547 (7-2-21)

**26.13.10.03,.04,.18,.21—.24** • 48:14 Md. R. 547 (7-2-21)

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

**27.01.01.01** • 48:9 Md. R. 371 (4-23-21)

**27.01.06.01—.03** • 48:9 Md. R. 371 (4-23-21)

**27.01.09.01-6** • 48:9 Md. R. 371 (4-23-21)

**27.01.14.02-1,.03** • 48:13 Md. R. 519 (6-18-21)

**27.02.01.01** • 48:9 Md. R. 371 (4-23-21)

**27.02.03.01** • 48:9 Md. R. 371 (4-23-21)

**27.02.05.07,.09** • 48:9 Md. R. 371 (4-23-21)

**27.02.07.02,.02-1** • 48:13 Md. R. 519 (6-18-21)

**27.03.01.01** • 48:9 Md. R. 371 (4-23-21)

**27.03.01.04** • 48:13 Md. R. 519 (6-18-21)

**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL  
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**30.08.11.15** • 48:12 Md. R. 483 (6-4-21)

**31 MARYLAND INSURANCE ADMINISTRATION**

**31.03.13.02,.04** • 48:11 Md. R. 432 (5-21-21)

**31.04.14.01—.03** • 48:13 Md. R. 520 (6-18-21)

**31.05.08.24,.28** • 48:8 Md. R. 322 (4-9-21)

**36 MARYLAND STATE LOTTERY AND GAMING  
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**36.03.02.17** • 48:14 Md. R. 577 (7-2-21)

**36.03.10.20,.28,.38** • 48:14 Md. R. 577 (7-2-21)

**36.04.01.27,.30** • 48:14 Md. R. 577 (7-2-21)

**36.05.02.15,.16** • 48:14 Md. R. 577 (7-2-21)

**36.05.03.01** • 48:14 Md. R. 577 (7-2-21)

# The Governor

## EXECUTIVE ORDER 01.01.2021.07

### Rescission of Executive Order 01.01.2017.22 (Maryland Cybersecurity)

WHEREAS, A cybersecurity plan for the State was presented to the Governor as required by Executive Order 01.01.2017.22;

WHEREAS, The Office of Security Management, headed by a State Chief Information Security Officer, was established in the Department of Information Technology by Executive Order 01.01.2019.07;

WHEREAS, Chapter 318 of the 2021 Laws of Maryland (State Government – Department of Information Technology – Cybersecurity) amended the State Finance and Procurement Article of the Maryland Code to require the Secretary of Information Technology to advise and oversee a consistent cybersecurity strategy for certain units of State government; and

WHEREAS, It is inconsistent with Chapter 318 of the 2021 Laws of Maryland for the Governor’s Office of Homeland Security to continue oversight of cybersecurity in the State;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2017.22, EFFECTIVE AS OF JULY 1, 2021.

GIVEN Under my Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 30th Day of June, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-15-10]

## PROCLAMATION

### Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19

WHEREAS, on March 5, 2020, a state of emergency and catastrophic health emergency was, pursuant to the Maryland 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, proclaimed within the entire State of Maryland;

WHEREAS, COVID-19 is a highly infectious respiratory disease that spreads easily from person to person and may result in serious illness or death;

WHEREAS, COVID-19 is a public health catastrophe and has been confirmed in all Maryland counties;

WHEREAS, since the declaration of a state of emergency and the existence of a catastrophic health emergency on March 5, 2020, there have been more than 463,000 laboratory-confirmed positive COVID-19 cases and more than 9,500 related deaths in Maryland, with increases in new confirmed cases daily;

WHEREAS, the proclamation declaring the emergencies was renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, July 30, 2020, August 10, 2020, September 8, 2020, October 6, 2020, October 29, 2020, November 25, 2020, December 23, 2020, January 21, 2021, February 19, 2021, March 18, 2021, April 16, 2021, May 12, 2021, and June 12, 2021;

WHEREAS, on June 15, 2021, Executive Order 21-06-15-01, Terminating Various Emergency Orders, was issued to provide a safe and controlled end of various Emergency Orders;

WHEREAS, the spread of COVID-19 and variants in the state continues to pose an immediate threat to all Marylanders of extensive loss of life or serious disability;

WHEREAS, the emergency conditions, state of emergency, and catastrophic health emergency continue to exist;

WHEREAS, all levels of government in Maryland must deploy resources to protect public health and safety;

WHEREAS, continued emergency response by the State is needed to maintain and further progress through the Maryland Strong: Roadmap for Recovery, including expanding COVID-19 testing capacity, maintaining adequate patient surge capacity, supplying sufficient personal protective equipment, and executing a robust contact-tracing operation, and continuing the deployment and administration of COVID-19 vaccines; and

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend the use of face coverings for unvaccinated people in indoor public settings to the extent possible, continued social distancing, and avoiding large gatherings;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., governor of the state of Maryland, by virtue of the authority vested in me by the Maryland Constitution and the 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, hereby declare that a state of emergency and catastrophic health emergency continues to exist within the entire state of Maryland, renew the March 5, 2020, Proclamation, and further provide and order, effective immediately:

Health care providers who act in good faith under this catastrophic health emergency proclamation, including orders issued under the proclamation by the Governor and by other State officials acting at the direction of or under delegated authority from the Governor, have the immunity provided by § 14-3A-06 of the Public Safety Article of the Maryland Code.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 12th day of July, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-15-11]

# Emergency Action on Regulations

## Symbol Key

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

## Emergency Regulations

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

## Title 14 INDEPENDENT AGENCIES

### Subtitle 27 MARYLAND ENVIRONMENTAL SERVICE

#### 14.27.02 Human Resources

Authority: Natural Resources Article, §§3-103.1 and 3-127, Annotated Code of Maryland

#### Notice of Emergency Action

[21-080-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations **.01**, **.02**, and **.25** under **COMAR 14.27.02 Human Resources System**.

**Emergency status began: July 1, 2021.**

**Emergency status expires: October 30, 2021.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 48:14 Md. R. 546 (July 2, 2021), referenced as [21-080-P].

CHARLES C. GLASS, Ph.D.  
Director

## Subtitle 27 MARYLAND ENVIRONMENTAL SERVICE

#### 14.27.03 Procurement

Authority: Natural Resources Article, §3-127, Annotated Code of Maryland

#### Notice of Emergency Action

[21-081-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations **.03** and **.04** under **COMAR 14.27.03 Procurement**.

**Emergency status began: July 1, 2021.**

**Emergency status expires: October 30, 2021.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 48:14 Md. R. 546—547 (July 2, 2021), referenced as [21-081-P].

CHARLES C. GLASS, Ph.D.  
Director



# 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 13A STATE BOARD OF EDUCATION

### Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

#### 13A.03.08 *Students at Risk for Reading Difficulties*

Authority: Education Article, §4-136(i), Annotated Code of Maryland

#### Notice of Final Action

[21-059-F]

On June 22, 2021, the Maryland State Board of Education adopted new Regulations **.01—****.08** under a new chapter, **COMAR 13A.03.08 Students at Risk for Reading Difficulties**. This action, which was proposed for adoption in 48:9 Md. R. 364—366 (April 23, 2021), has been adopted with the nonsubstantive changes shown below.

**Effective Date: July 26, 2021.**

#### 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 13A.03.08.01: The revisions clarify that the regulation applies to all kindergarteners and first through third grade students who were not screened or who may be at risk for reading difficulties.

COMAR 13A.03.08.04E: The revision explains that screening instruments are grade level appropriate.

COMAR 13A.03.08.04F: The revision corrects a typographical error and reflects the requirement in Education Article, §4-136(c)(2), Annotated Code of Maryland, that requires screening instruments to include phonological and phonemic awareness and processing.

COMAR 13A.03.08.06A: The revision reflects the requirement that supplemental reading instruction is for each student.

COMAR 13A.03.08.08: The revision corrects the subject of the regulation.

The agency's changes to the original proposal do not change the position of any group affected by the regulation, decrease any benefits, or increase administrative burdens.

#### .01 Scope.

*These regulations establish the screening for all kindergarten~~[[ ]]~~ students and identified first grade, second grade, and third grade students who may be at risk for reading difficulties; provision of supplemental reading instruction for identified students; annual reporting requirements; and evaluation of the screening program.*

#### .04 Screening Process.

A.—D. (proposed text unchanged)

*E. The appropriate grade level screening instrument shall be based on foundational reading skills that include phonological and phonemic awareness and processing, including rapid automatic naming.*

*F. Local school systems shall provide school staff with professional learning on age-appropriate, evidence-based, sequential, systematic, explicit, and cumulative instruction or intervention for student mastery of foundational reading skills, including phonological ~~[[or]]~~ and phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.*

#### .06 Progress Monitoring.

*A. Local school systems shall set an individualized review schedule of the supplemental reading instruction for each student at intervals of not more than 30 days for progress monitoring.*

B.—C. (proposed text unchanged)

#### .08 Evaluation of ~~[[the Comprehensive Induction Program]]~~ Reading Screeners and Reading Interventions.

A.—B. (proposed text unchanged)

MOHAMMED CHOUDHURY  
State Superintendent of Schools

## Title 15 MARYLAND DEPARTMENT OF AGRICULTURE

### Subtitle 15 MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

#### 15.15.11 Corrective Agricultural Land Preservation Easements

Authority: Agriculture Article, §§2-504 and 2-513, Annotated Code of Maryland

#### Notice of Final Action

[21-061-F]

On June 29, 2021, the Maryland Department of Agriculture adopted amendments to Regulations **.03—****.05** and new Regulation **.06** under **COMAR 15.15.11 Corrective Agricultural Land Preservation Easements**. This action, which was proposed for adoption in 48:10 Md. R. 405—406 (May 7, 2021), has been adopted as proposed.

**Effective Date: July 26, 2021.**

JULIANNE A. OBERG  
Deputy Secretary

**Subtitle 15 MARYLAND  
AGRICULTURAL LAND  
PRESERVATION FOUNDATION**

**15.15.16 Guidelines for Granting Overlay  
Easements and Rights-of-Way**

Authority: Agriculture Article, §§2-504 and 2-513, Annotated Code of  
Maryland

**Notice of Final Action**

[21-062-F]

On June 29, 2021, the Maryland Department of Agriculture adopted amendments to Regulation .02 under **COMAR 15.15.16 Guidelines for Granting Overlay Easements and Rights-of-Way**. This action, which was proposed for adoption in 48:10 Md. R. 406—407 (May 7, 2021), has been adopted as proposed.

**Effective Date: July 26, 2021.**

JULIANNE A. OBERG  
Deputy Secretary

# 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 01

## EXECUTIVE DEPARTMENT

### Subtitle 02 SECRETARY OF STATE

#### 01.02.08 Notary Public: General Regulations

Authority: State Government Article, §18-102, Annotated Code of Maryland

#### Notice of Proposed Action

[21-094-P]

The Secretary of State proposes to adopt new Regulations .13—  
.17 under COMAR 01.02.08 Notary Public General Regulations.

#### Statement of Purpose

The purpose of this action is to create standards for approving providers of a notary public course of study and examination. Beginning October 1, 2021, all new and renewing notary applicants will be required to take a course of study and all new notary applicants will be required to pass an examination under State Government Article, §18-102(a), Annotated Code of Maryland. On or before October 1, 2021, the Secretary of State is required to regularly offer a course of study and examination that cover the laws, regulations, procedures, and ethics relevant to notarial acts. State Government Article, §18-102(b). The course and examination may be offered through an entity approved by the Secretary of State. This proposed action establishes the qualifications, responsibilities, and standards required by the Secretary of State of providers of the notary public course and examination; and establishes a process for approving providers.

The proposed action ensures that approved providers offer a course of study and examination that is comprehensive in scope and covers all laws, regulations, procedures, and ethics relevant to notarial acts, and that includes the Handbook for Maryland Notaries Public. The proposed action also provides a mechanism by which the Secretary of State's Office may revoke approval of a provider of the course of study and examination for notaries public.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Michael Schlein, Division Administrator, Secretary of State, 16 Francis Street, or call 410-260-3863, or email to michael.schlein@maryland.gov, or fax to 410-974-5527. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

#### .13 Application for Authorization to Provide Notary Public Course of Study and Examination.

Each application shall include the following:

- Completed application form for Authorization to Provide Notary Public Course of Study and Examination;
- Course material;
- Instructions for completing the course of study and examination;
- Draft examination questions; and
- Any other documentation requested by the Office of the Secretary of State.

#### .14 Qualifications of Notary Public Course of Study and Examination Provider.

To qualify as an authorized notary public course of study and examination provider by the Secretary of State, the provider shall meet the following criteria:

- Possess at least 3 years demonstrated experience and knowledge in the development and administration of a course of study and examination;

B. Demonstrate experience and knowledge interacting with learners subject to the laws, regulations, rules, or ethics required of a governmental entity; and

C. Demonstrate proficiency with the Maryland Notary Law, regulations, ethics, policies and procedures, as well as the Handbook for Maryland Notaries Public sufficient to respond to questions from participants.

**.15 Responsibilities of an Authorized Notary Public Course of Study and Examination Provider.**

A. The provider shall design and offer a course of study and examination that meets the standards set forth in Regulation .16 of this chapter, and that is accessible by all Maryland notary public applicants and renewal applicants.

B. The provider shall create a bank of test questions within 45 days after being authorized by the Secretary of State to offer the course of study and examination.

C. The provider shall offer a virtual or in-person course of study. For purposes of this subsection, “virtual” includes a synchronous and asynchronous online course of study.

D. For every applicant who completes the course of study, the provider shall give each applicant a Certificate of Completion at the end of the course of study.

E. The provider shall give a Certificate of Passing to each applicant who scored at least 80 percent or better on the examination. For applicants who score below 80 percent, the provider shall provide an opportunity for the qualified applicants to retake. An applicant is considered qualified to retake if they completed the course of study but failed to score at least 80 percent on the examination.

F. Upon request by the Secretary of State’s Office, authorized providers shall deliver the following information needed to verify who has completed a course of study and passed the examination:

(1) A list of Maryland notaries public and applicants who have completed a course of study and examination including the date or dates of the course and examination or examinations, as well as methods used to identify the notary public or applicant;

(2) The provider shall transmit applicant data in a timeframe as established by the Secretary of State’s Office using a secure and mutually agreeable format; and

(3) The provider shall ensure that all course and examination data is accurate and valid prior to its secure, electronic transmission to the Secretary of State’s Office.

G. The provider shall update the course of study and examination to reflect all changes to the notary law, regulations, procedures, and ethics within 60 days of being notified of the changes by the Office of the Secretary of State.

**.16 Course of Study and Examination Standards.**

A. The course of study shall include the Maryland Notary Public laws, regulations, ethics, procedures, and the Handbook for Maryland Notaries Public. Every topic shall be fully covered so each participant can comply with the aforementioned requirements.

B. The design of the examination shall offer each applicant a mix of questions of comparable difficulty to every other applicant and sourced from each of the sections in the Handbook for Maryland Notaries Public covering the laws, regulations, ethics, and procedures.

C. Instructions for the course and examination shall be comprehensive in scope and explain the requirements of education, how to apply for examinations, when examinations are given, the cost of the course of study and examination, and requirements for passing the examination. Instructions must notify the applicant how to access the current Handbook for Maryland Notaries Public.

D. Each question on the examination must be relevant to the requirements of the Maryland notary public laws, regulations, ethics, procedures, and/or Handbook for Maryland Notaries Public.

E. The provider shall have a robust bank of at least 50 different test questions so that repeat applicants do not receive a statistically sufficient number of previously attempted test questions.

F. The examination shall contain at least 20 questions that are clearly stated in a multiple-choice format, and each applicant must correctly answer at least 80 percent of the questions in order to be issued a Certificate of Passing under Regulation .15E of this chapter.

G. Each question on the examination shall contain 4 multiple-choice answers with only one correct answer.

H. If the provider provides applicants with an electronic examination format, providers shall provide applicants with a secure operating system capable of administering electronic examinations.

I. The testing system shall provide immediate scoring which notifies the applicant of passing or failure at the conclusion of the examination session.

**.17 Revocation of Remote Online Notary Vendor Authorization.**

The Secretary of State may revoke authorization of a notary public course of study and examination provider if the Secretary of State determines that the provider of the course of study and/or examination failed to comply with the qualifications, responsibilities, and standards set forth in Regulations .14—.16 of this chapter. Prior to revoking authorization, the Secretary of State or a designee may speak to the provider of the course of study and examination informally to determine if the provider meets the qualifications, responsibilities, and standards set forth in Regulations .14—.16 of this chapter.

JOHN C. WOBENSMITH  
Secretary of State

**Title 08  
DEPARTMENT OF NATURAL  
RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.13 Fishing Licenses—Point Assignment,  
License Revocation and Suspension Schedule  
and Criteria, and Hearing Procedure**

Authority: Natural Resources Article, §§4-206, 4-220, 4-701, 4-745, and 4-1201, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-089-P]

The Secretary of Natural Resources proposes to amend Regulations .03 and .05 under COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure.

**Statement of Purpose**

The purpose of this action is to update the commercial and recreational license suspension and revocation schedules. This update will better deter potential violators from committing illegal acts, protect the State’s fisheries resources, and update certain references to statute and regulation. Prior to considering changes or updates to the penalty regulations under COMAR 08.02.13, the Department consults with the Joint Penalty Workgroup of the Tidal and Sport Fisheries Advisory Commissions.

The commercial penalty system will be revised by adding the setting of crab pots during a closed season. The previous omission of this offense was inadvertent. The addition matches tiers of similar offenses pertaining to the illegal setting of crab pots. The commercial penalty system will also be revised by removing the administrative penalty for a Limited Crab Harvester (LCC) license holder setting more pots than authorized by their license type. This will create consistency and fairness between commercial crab license types. Currently, only LCC licenses would face an administrative penalty for setting too many pots.

The recreational penalty system will be revised by adding additional tiers for striped bass season offenses. The addition of tiers is intended to recognize the gravity of the offense when larger numbers of striped bass are kept out of season. By adding tiers for possession of striped bass out of season violations, the penalty schedule will recognize the difference between keeping a small number out of season versus a larger number, to ensure more egregious offenders are punished in a more severe manner than less egregious offenders.

The recreational penalty system will be revised by removing the lowest tier of recreational suspensions which currently results in 30-day suspensions. Those offenses will be moved to the 90-day suspension tier. Thirty-day suspensions have proven to be an insufficient deterrent.

The recreational penalty system will also be revised by removing the lower suspension tier for failing to kill a snakehead upon retention. Snakeheads continue to present a significant ecological concern and human transfer must be deterred to protect sensitive ecosystems.

This action also updates and standardizes certain references to the Annotated Code of Maryland and the Code of Maryland Regulations.

**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 suspended or revoked licensees, but the extent of the impact is indeterminable.

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

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

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

D. The proposed action may have a negative impact on licensees who are suspended or have their licenses revoked based on committing one of the listed offenses. However, it is not possible to determine the number of individuals who may violate the listed laws, nor is it possible to determine to what extent the suspension or revocation would economically impact the individual or individuals.

**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 regulation may have a meaningful economic impact on small businesses which violate the law and are therefore suspended or revoked from their commercial fishing activities. It is not possible to predict how many businesses will violate the law and therefore receive suspensions or revocations, or to what extent such suspension or revocation would economically impact those businesses. The proposed action may have a meaningful positive economic impact on small businesses which do not violate the law as well, by allowing for more harvest by law-abiding licensees. It is not possible to predict how many businesses will violate the law and therefore receive suspensions or revocations, or to what extent such suspension or revocation would economically benefit the remaining law-abiding 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 Fishing Penalty Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to Complete comment form available at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx>. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

**PROPOSED ACTION ON REGULATIONS**

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**.03 Point Assignment Schedule.**

A.—B. (text unchanged)

C. Tier I. The following violations are Tier I violations. A person who receives a conviction for a Tier I violation receives 5 points.

	Statute or Regulation	Description
1—33	(text unchanged)	
34	COMAR 08.02.03.07, COMAR 08.02.03.11	Setting Crab Pots During Closed Season: 5—14 Pots
[34] 35—[63] 64	(text unchanged)	
[64] 65	COMAR [08.02.05.02B, COMAR 08.02.21.03K] 08.02.25.09	Setting Fyke Nets in Certain Prohibited Areas From February 1st Through March 31st
[65] 66	(text unchanged)	
[66] 67	[4-713(f)] 4-713(e)	Using an Illegal Length of Haul Seine or Using a Haul Seine With More Than One Powered Vessel
[67] 68	(text unchanged)	
[68] 69	[4-713(g)] 4-713(f)	Emptying Haul Seine Too Close to Shore or Beach and Allowing Small Fish to Perish
[69] 70	(text unchanged)	
[70]	4-713(b)	Failure to Have Haul Seine Inspected and Sealed]

D. Tier II. The following violations are Tier II violations. A person who receives a conviction for a Tier II violation receives 10 points.

	Statute or Regulation	Description
1—13	(text unchanged)	
[14]	4-701(d)(2)(ii)2B, 4-814	Exceeding The Crab Pots Permitted by the Limited Crab Catcher Authorization by 5 Pots or More]
[15] 14	(text unchanged)	
15	COMAR 08.02.03.07, COMAR 08.02.03.11	Setting Crab Pots During Closed Season: 15 or More Pots
16—29	(text unchanged)	
30	[4-713(i)] 4-713(h)	Unlawfully Using a Haul Seine on Weekends
31	(text unchanged)	

E.—K. (text unchanged)

**.05 Recreational Fishing Suspension and Revocation.**

A. Any person who is convicted of an offense under §§D—[I] H of this regulation or similar offenses under federal law in Maryland may:

- (1) (text unchanged)
- (2) Be prohibited from engaging in any recreational fishing for the period of time described in §§D—[I] H of this regulation;
- (3) Be prohibited from applying for any recreational fishing licenses for the period of time described in §§D—[I] H of this regulation;
- (4) (text unchanged)

B.—C. (text unchanged)

[D. A person who receives one of the following violations may be suspended for up to 30 days.

	Statute or Regulation	Description
(1)	4-1015(b)	Possession of Unculled Oysters: 6—9% per bushel
(2)	4-1031	Possession of Undersized Hard-Shell Clams: 11—14 in possession
(3)	COMAR 08.02.03.07B	Use of Crab Pot Without Turtle Reduction Device
(4)	COMAR 08.02.03.07D	Failure to Register Crab Pots
(5)	COMAR 08.02.03.14A	Crabs — Catch Day Restrictions
(6)	COMAR 08.02.05.04	Size Limits — White Perch: 20—49 fish]

[E.] D. A person who receives one of the following violations may be suspended for up to 90 days.

	Statute or Regulation	Description
(1)	(text unchanged)	
(2)	4-1015(b), COMAR 08.02.04.11	Possession of Unculled/Undersized Oysters: 6—9% per bushel
(3)	4-1031	Possession of Undersized Hard-Shell Clams: 11—14 in possession
[(2)] (4)—[(4)] (6)	(text unchanged)	
(7)	COMAR 08.02.03.07	Use of Crab Pot Without Turtle Reduction Device
(8)	COMAR 08.02.03.07	Failure to Register Crab Pots
[(5)] (9)—[(6)] (10)	(text unchanged)	
(11)	COMAR 08.02.03.14	Crabs — Catch Day Restrictions
[(7)] (12)—[(10)] (15)	(text unchanged)	
[(11)] (16)	COMAR 08.02.04.02, COMAR 08.02.04.11	Oysters — Exceeding Daily Catch Limit by Less Than [1 Bushel] 100% of Catch Limit

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[(12)] (17)	COMAR 08.02.05.04	Size Limits — White Perch: [50 — 99] 20—49 fish
[(13)] (18)— [(15)] (20)	(text unchanged)	
[(16)] (21)	COMAR 08.02.05.10A and D	Size Limits — Bluefish: 4—6 fish
[(17)] (22)	COMAR 08.02.05.10B and D	Daily Catch Limits — Bluefish: 4—6 fish over daily catch limit
[(18)] (23)— [(31)] (36)	(text unchanged)	
[(32)] (37)	COMAR [08.02.05.20A(1)] 08.02.05.20A and D	Size Limits — Tautog: 4—6 fish
[(33)] (38)	COMAR [08.02.05.20A(2)] 08.02.05.20	Possessing Tautog [in December] During Closed Season: 1—4 fish
[(34)] (39)	COMAR [08.02.05.20C] 08.02.05.20B and D	Possession Limit — Tautog: 4—6 fish over daily catch limit
[(35)] (40)— [(40)] (45)	(text unchanged)	
[(41)] (46)	COMAR 08.02.15.09A, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — Early Season: 2 fish over daily catch limit
[(42)] (47)	COMAR 08.02.15.09B, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 2 fish over daily catch limit
[(43)] (48)	COMAR 08.02.15.09C, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — General — Chesapeake: 2 fish over daily catch limit
[(44)] (49)	COMAR 08.02.15.09A, COMAR 08.02.15.12H	Size Limits — Striped Bass — Early Season : 2 fish
[(45)] (50)	COMAR 08.02.15.09B, COMAR 08.02.15.12H	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 2 fish
[(46)] (51)	COMAR 08.02.15.09C, COMAR 08.02.15.12H	Size Limits — Striped Bass — General — Chesapeake: 2 fish
[(47)] (52)	COMAR 08.02.15.10B, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 2 fish over daily catch limit
[(48)] (53)	COMAR 08.02.15.10C, COMAR 08.02.15.12H	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 2 fish
[(49)] (54)	COMAR 08.02.15.11A, COMAR 08.02.15.12H	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 2 fish
[(50)] (55)	COMAR 08.02.15.11B, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 2 fish over daily catch limit
[(51)] (56)	(text unchanged)	
[(52)]	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice — 2 fish]
[(53)] (57)	COMAR 08.02.15.08B, COMAR 08.02.15.12H	Size Limits — Striped Bass — Spring Season: 2 fish under minimum size
[(54)] (58)	COMAR 08.02.15.08C, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — Spring Season: 2 fish over daily catch limit
[(55)] (59)— [(59)] (63)	(text unchanged)	

[F.] E. A person who receives one of the following violations may be suspended for up to 180 days.

	Statute or Regulation	Description
(1)	4-1015(b), COMAR 08.02.04.11	Possession of Unculled/Undersized Oysters: 10—14% per bushel
(2)—(7)	(text unchanged)	
(8)	COMAR 08.02.04.02, COMAR 08.02.04.11	Oyster — Exceeding Daily Catch Limit by [1 Bushel] 100% of the Daily Catch Limit or More
(9)	COMAR 08.02.05.04	Size Limits — White Perch: [100 or more] 50—99 fish
(10)—(13)	(text unchanged)	
(14)	COMAR 08.02.05.10A and D	Size Limits — Bluefish: 7—10 fish
(15)	COMAR 08.02.05.10B and D	Daily Catch Limits — Bluefish: 7—10 fish over daily catch limit
(16)—(27)	(text unchanged)	
(28)	COMAR [08.02.05.20A(1)] 08.02.05.20A and D	Size Limits — Tautog: 7—10 fish
(29)	COMAR [08.02.05.20A(2)] 08.02.05.20	Possessing Tautog [in December] During Closed Season: 5—10 fish
(30)	COMAR [08.02.05.20C] 08.02.05.20B and D	Possession Limit — Tautog: 7—10 fish over daily catch limit
(31)—(46)	(text unchanged)	
(47)	COMAR [08.02.15.03D] COMAR 08.02.15.12I	Targeting Striped Bass in Closed Area
(48)	COMAR 08.02.15.09A, COMAR 08.02.15.12H	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 3 fish over daily catch limit

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(49)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 3 fish over daily catch limit
(50)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — General — Chesapeake: 3 fish over daily catch limit
(51)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Early Season — Chesapeake: 3 fish
(52)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season : 3 fish
(53)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — General — Chesapeake: 3 fish
(54)	COMAR 08.02.15.10B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 3 fish over daily catch limit
(55)	COMAR 08.02.15.10C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 3 fish
(56)	COMAR 08.02.15.11A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 3 fish
(57)	COMAR 08.02.15.11B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 3 fish over daily catch limit
(58)	(text unchanged)	
[(59)]	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 3 fish]
[(60)] (59)	COMAR 08.02.15.08B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Spring Season: 3 fish under minimum size
[(61)] (60)	COMAR 08.02.15.08C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Spring Season: 3 fish over daily catch limit
[(62)]	COMAR 08.02.19.06	Failure to Immediately Kill Snakehead upon Retention (First Offense)]
[(63)] (61)— [(64)] (62)	(text unchanged)	

[G.] F. A person who receives one of the following violations may be suspended for up to 1 year.

	Statute or Regulation	Description
(1)—(10)	(text unchanged)	
(11)	4-1015(b), <i>COMAR 08.02.04.11</i>	Possession of Unculled/ <i>Undersized</i> Oysters: 15% or more per bushel
(12)—(18)	(text unchanged)	
(19)	<i>COMAR 08.02.05.04</i>	<i>Size Limits — White Perch: 100 or more fish</i>
[(19)] (20)— [(21)] (22)	(text unchanged)	
[(22)] (23)	COMAR 08.02.05.10A <i>and D</i>	Size Limits — Bluefish: 11 or more fish
[(23)] (24)	COMAR 08.02.05.10B <i>and D</i>	Daily Catch Limits — Bluefish: 11 or more fish over daily catch limit
[(24)] (25)— [(40)] (41)	(text unchanged)	
[(41)] (42)	COMAR [08.02.05.20A(1)] <i>08.02.05.20A and D</i>	Size Limits — Tautog: 11 or more fish
[(42)] (43)	COMAR [08.02.05.20A(2)] <i>08.02.05.20</i>	Possessing Tautog [in December] <i>During Closed Season</i> : 11 or more fish
[(43)] (44)	COMAR [08.02.05.20C] <i>08.02.05.20B and D</i>	Catch Limit— Tautog: 11 or more fish over daily catch limit
[(44)] (45)— [(77)] (78)	(text unchanged)	
[(78)] (79)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 4 — 10 fish over daily catch limit
[(79)] (80)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 4 — 10 fish over daily catch limit
[(80)] (81)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — General — Chesapeake: 4 — 10 fish over daily catch limit
[(81)] (82)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Early Season: 4 — 10 fish
[(82)] (83)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 4 — 10 fish
[(83)] (84)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — General — Chesapeake: 4 — 10 fish
[(84)] (85)	COMAR 08.02.15.10B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 4 — 10 fish over daily catch limit
[(85)] (86)	COMAR 08.02.15.10C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 4 — 10 fish
[(86)] (87)	COMAR 08.02.15.11A, <i>COMAR</i>	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 4 — 10 fish



PROPOSED ACTION ON REGULATIONS

	<i>08.02.15.12H</i>	
[(87)] (88)	COMAR 08.02.15.11B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 4 — 10 fish over daily catch limit
[(88)] (89)	COMAR 08.02.15.08B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Spring Season: 4 — 10 fish under minimum size
[(89)] (90)	COMAR 08.02.15.08C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Spring Season: 4 — 10 fish over daily catch limit
[(90)] (91)	COMAR 08.02.15[, 08.02.05.02]	Possession of Striped Bass During a Closed Season or in a Closed Area: 1—4 fish
[(91)] (92)— [(94)] (95)	(text unchanged)	
[(95)]	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 4 — 10 fish]
(96)	COMAR 08.02.19.06	Failure to Immediately Kill Snakehead upon Retention [(Second or Subsequent Offense)]
(97)—(108)	(text unchanged)	

[H.] G. A person who receives one of the following violations may be suspended for up to 2 years.

	Statute or Regulation	Description
(1)—(3)	(text unchanged)	
(4)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 11—20 fish over daily catch limit
(5)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 11—20 fish over daily catch limit
(6)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — General — Chesapeake: 11—20 fish over daily catch limit
(7)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Early Season: 11—20 fish
(8)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 11—20 fish
(9)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — General — Chesapeake: 11—20 fish
(10)	COMAR 08.02.15.10B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 11—20 fish over daily catch limit
(11)	COMAR 08.02.15.10C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 11—20 fish
(12)	COMAR 08.02.15.11A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 11—20 fish
(13)	COMAR 08.02.15.11B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 11—20 fish over daily catch limit
(14)	COMAR 08.02.15.08B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Spring Season: 11—20 fish under minimum size
(15)	COMAR 08.02.15.08C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Spring Season: 11—20 fish over daily catch limit
(16)	(text unchanged)	
[(17)]	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 11—20 fish]
(17)	<i>COMAR 08.02.15</i>	<i>Possession of Striped Bass During a Closed Season or in a Closed Area: 5—9 fish</i>

[I.] H. A person who receives one of the following violations may be suspended for up to 5 years.

	Statute or Regulation	Description
(1)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 21 or more fish over daily catch limit
(2)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 21 or more fish over daily catch limit
(3)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — General — Chesapeake: 21 or more fish over daily catch limit
(4)	COMAR 08.02.15.09A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Early Season: 21 or more fish
(5)	COMAR 08.02.15.09B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 21 or more fish
(6)	COMAR 08.02.15.09C, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — General — Chesapeake: 21 or more fish
(7)	COMAR 08.02.15.10B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 21 or more fish over daily catch limit
(8)	COMAR 08.02.15.10C, <i>COMAR</i>	Size Limits — Striped Bass — Summer and Fall Season — Potomac River

	<i>08.02.15.12H</i>	Tributaries: 21 or more fish
(9)	COMAR 08.02.15.11A, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 21 or more fish
(10)	COMAR 08.02.15.11B, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 21 or more fish over daily catch limit
(11)	COMAR 08.02.15.08B, <i>COMAR 08.02.15.12H</i>	Size Limits — Striped Bass — Spring Season: 21 or more fish under minimum size
(12)	COMAR 08.02.15.08C, <i>COMAR 08.02.15.12H</i>	Daily Catch Limit — Striped Bass — Spring Season: 21 or more fish over daily catch limit
(13)	(text unchanged)	
[(14)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 21 or more fish]
(14)	<i>COMAR 08.02.15</i>	<i>Possession of Striped Bass During a Closed Season or in a Closed Area: 10 or more fish</i>

[J.] I. Any person who in any 8 year period receives five suspensions for violations as described in [§§F—I] §§E—H of this regulation may be prohibited from engaging in all recreational fishing activities for 5 years.

[K.] J. Any person who in any 3 year period receives three suspensions for violations as described in [§§D or E] §D of this regulation may be prohibited from engaging in all recreational fishing activities for 1 year.

[L.] K.—[N.] M. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

# Title 09 MARYLAND DEPARTMENT OF LABOR

## Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

### 09.03.06 Mortgage Lenders

Authority: Business Regulation Article, §2-105; Financial Institutions Article, §§2-105.1, 11-503, 11-503.1, 11-505, 11-506(a) and (c)(1), 11-507, 11-508(g), 11-511, 11-511.1, 11-513(a) and 11-515(c); Real Property Article, §3-104.1; Annotated Code of Maryland

#### Notice of Proposed Action

[21-091-P]

The Commissioner of Financial Regulation proposes to amend Regulation .04 under **COMAR 09.03.06 Mortgage Lenders**.

#### Statement of Purpose

The purpose of this action is to ensure consistency between statute and regulation by deleting a provision of COMAR pertaining specifically to requirements that Maryland mortgage lender licensees obtain and maintain physical, paper licenses.

#### 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 Cunningham, Director of Legislative Response and Special Projects, Department of Labor, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6094, or email to joseph.cunningham@maryland.gov, or fax to 410-333-3866. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

#### .04 Licensing and Application Requirements.

A.—F. (text unchanged)

[G.] Posting License.

(1) A licensee shall post its license for each licensed location:

- (a) On the premises of the licensed location;
- (b) In a manner that is accessible to the public; and
- (c) In a conspicuous location within the licensed location.

(2) A licensee is not required to post its license if the licensee does not grant access to the licensed location to members of the general public.]

[H.] G. Complaint Resolution.

(1) (text unchanged)

(2) A licensee shall provide to the Commissioner the name of the person designated under [§H(1)] §G(1) of this regulation as part of an application for:

(a)—(b) (text unchanged)

(3) A person designated under [§H(1)] §G(1) of this regulation shall have:

(a)—(b) (text unchanged)

(4) A licensee shall notify the Commissioner through NMLS of any change in the person designated under [§H(1)] §G(1) of this regulation within 10 business days of the change.

[I.] H. Designation of Mortgage-Related Activity.

(1) (text unchanged)

(2) Notification.

(a) A licensee shall notify the Commissioner in writing through NMLS if, after the issuance or the renewal of its license, the licensee begins conducting a new activity that the licensee did not designate under [§I(1)] §H(1) of this regulation.

(b) (text unchanged)

[J.] I. (text unchanged)

[K.] J. Applications.

(1)—(3) (text unchanged)

(4) If an application for an initial license, a renewal license, or license amendment is incomplete when submitted and remains incomplete, the Commissioner may cease processing and deem the incomplete application withdrawn, provided that the Commissioner has previously notified the applicant of the basis for incompleteness in accordance with [§K(2)] §J(2) of this regulation, and given the applicant not less than 15 days to correct the incompleteness.

[L.] K. (text unchanged)

ANTONIO P. SALAZAR  
Commissioner of Financial Regulation

# Title 10

## MARYLAND DEPARTMENT OF HEALTH

### Subtitle 09 MEDICAL CARE PROGRAMS

#### 10.09.05 Dental Services

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

#### Notice of Proposed Action

[21-090-P-I]

The Secretary of Health proposes to amend Regulations .01 and .03—.07 under **COMAR 10.09.05 Dental Services**.

#### Statement of Purpose

The purpose of this action is to:

(1) Clarify definitions, provider qualifications, and preauthorization requirements related to mobile dental units and orthodontic treatment coverage to align with current practices;

(2) Add coverage for medically necessary dental services for postpartum women, in accordance with the Governor’s FY 2021 supplemental budget;

(3) Update the dental prophylaxis coverage frequency based on Chs. 477 (H.B. 547) and 478 (S.B. 485), Acts of 2021; and

(4) Update the Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT, which is incorporated by reference in this chapter.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The total estimated cost of providing certain medically necessary dental services for postpartum women until the end of the second month following the end of their pregnancy is \$1,000,000 total funds.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$1,000,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$1,000,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. This amount assumes:

(1) The State’s Fiscal Year 2022 budget includes \$1,000,000 to pay for medically necessary dental services for postpartum women until the end of the second month following the end of their pregnancy.

(2) This amount is subject to a 50 percent federal match (\$500,000 federal funds and \$500,000 general funds).

D. See A. above.

#### Economic Impact on Small Businesses

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

Maryland Medicaid-enrolled dental providers who qualify as small businesses may benefit because they will be able to bill for postpartum dental care rendered to Maryland Medicaid participants. The FY 2022 budget provides \$1,000,000 for this purpose. To the extent that small businesses bill Medicaid for dental care rendered to this population, they will receive a portion of this amount.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

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

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT 2020 has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 48:1 Md. R. 7 (January 4, 2021), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Adverse action” means any action taken by the [administrative services organization (ASO)] *dental benefits administrator (DBA)* to deny, reduce, terminate, delay, or suspend a covered service.

(2)—(3) (text unchanged)

(4) “Appeal” means the process:  
 (a) To resolve a participant’s dispute with any adverse action taken by the [ASO] DBA to deny, reduce, terminate, delay, or suspend a covered service; and

(b) (text unchanged)

[(5) “Administrative services organization (ASO)” means an organization with which MDH contracts to assist in the management of the dental program.]

[(6)] (5) “Benefits” means a schedule of dental services to be administered by the [ASO] DBA to Medical Assistance participants pursuant to this chapter.

[(7)] (6)—[(8)] (7) (text unchanged)

[(9)] (8) “Covered services” means:

(a)—(b) (text unchanged)

(c) Effective January 1, 2017, all medically necessary dental services for eligible former foster care participants younger than 26 years old; [and]

(d) Effective [January 1, 2019] *June 1, 2019*, certain medically necessary services for dual-eligible participants 21 through 64 years old[.]; *and*

(e) *Effective January 1, 2021, certain medical necessary services for postpartum women until the end of the second month following the end of their pregnancy.*

[(10)] (9) “Dental benefits administrator (DBA)” means an entity [that administers] *with which the Department contracts to administer dental benefits by performing some or all of the following functions:*

(a)—(h) (text unchanged)

[(11)] (10)—[(24)] (23) (text unchanged)

[(25)] (24) “Network provider” means a health care entity or health care professional that [is either employed by, or] has executed a provider agreement with[, the dental benefits administrator, or its subcontractor to render covered services to the participant] *Maryland Medicaid.*

[(26)] (25)—[(27)] (26) (text unchanged)

[(28)] (27) “Primary dental office” means the [dental care provider responsible for coordinating, integrating, and providing dental care for the participant] *fixed and permanent location where the mobile dental unit:*

(a) *Is linked through either ownership or a legally binding contract; and*

(b) *Transmits participant records.*

[(29)] (28)—[(33)] (32) (text unchanged)

(33) “*Traditional comprehensive orthodontic treatment*” means a coordinated diagnosis and treatment to improve craniofacial dysfunction or dentofacial deformity which may utilize fixed and removable orthodontic appliances and focus on specific objectives at various stages of dentofacial development.

**.03 Provider Qualifications and Conditions for Participation.**

A.—D. (text unchanged)

E. Mobile Dental Unit.

(1)—(7) (text unchanged)

(8) The owner or owners of a mobile dental unit shall submit a business plan to the [Dental Administrative Services Organization (ASO)] dental benefits administrator for the mobile unit that includes:

(a)—(d) (text unchanged)

F. (text unchanged)

**.04 Covered Services.**

A. (text unchanged)

B. The Program covers the following medically necessary dental services for pregnant *and postpartum* participants and REM participants 21 years old or older:

(1) (text unchanged)

(2) X-rays, including:

(a) (text unchanged)

(b) Single, tow, three, or four film bitewings, which are limited to:

(i) (text unchanged)

(ii) One per patient per year for pregnant *and postpartum* participants 21 years old or older; and

(3) Prophylaxis for adults, which is limited to:

(a) (text unchanged)

(b) [One] *Two* per patient per [6] *12* months for pregnant *and postpartum* participants 21 years old or older;

(4) Topical application of fluoride, which is limited to:

(a) (text unchanged)

(b) One application per patient per year for pregnant *and postpartum* participants 21 years old or older;

(5) Amalgam restorations for permanent teeth for one, two, three, four, or more surfaces, which are limited to one identical restoration per tooth per [36] *24* months;

(6) Resin restorations for anterior permanent teeth for one, two, three, four, or more surfaces or involving incisal angle, which are limited to one identical restoration per tooth per [36] *24* months;

(7)—(20) (text unchanged)

C. As provided for in the budget, the Program covers the following medically necessary dental services, up to \$800 per calendar year, for dual eligible participants who are 21 through 64 years old:

(1)—(2) (text unchanged)

(3) Prophylaxis for adults, which is limited to [one] *two* per patient per [6] *12* months;

(4) Amalgam restorations for permanent teeth for one, two, three, four, or more surfaces, which is limited to one identical restoration per tooth per [36] *24* months;

(5) Resin restorations for anterior permanent teeth for one, two, three, four, or more surfaces or involving incisal angle, which are limited to one identical restoration per tooth per [36] *24* months; and

(6) (text unchanged)

D. The Program shall reimburse for covered services in §§A—C of this regulation if:

(1)—(3) (text unchanged)

(4) The services are adequately described on the participant’s dental care record *in accordance with record-keeping practices detailed in COMAR 10.44.30.*

**.05 Limitations.**

A. (text unchanged)

B. The Program does not cover:

(1)—(4) (text unchanged)

(5) Inpatient hospital dental or oral health care services rendered during an admission [denied by the utilization control agent or during any period that is in excess of the length of stay authorized by the utilization control agent];

(6)—(16) (text unchanged)

(17) Unilateral partial dentures replacing [less] *fewer* than three teeth, excluding third molars; [and]

(18) Implants[.];

(19) *More than one, per participant per lifetime, of the following services:*

(a) *Traditional comprehensive orthodontic treatment; or*

(b) *Self-ligating braces; and*

(20) *Services rendered without the required preauthorization.*

C. (text unchanged)

**.06 Preauthorization Requirements.**

A. Preauthorization is issued when:

(1) (text unchanged)

(2) Program limitations are met; [and]

(3) The provider submits to the Department, adequate documentation demonstrating that the service to be preauthorized is medically necessary[.]; and

(4) *The participant is eligible for the service.*

B. Preauthorization is required for the following:

(1)—(19) (text unchanged)

(20) Meniscectomy; [and]

(21) Arthrotomy[.]; and

(22) *All orthodontic procedures.*

C. (text unchanged)

D. [Preauthorization] *Except as described in §F of this regulation, preauthorization is valid for dental services when the services are approved and completed within 6 months after the date of the receipt of the preauthorization number from the Program [and is contingent on the participant’s continued eligibility].*

E. (text unchanged)

F. *Preauthorization for Orthodontic Treatment.*

(1) Preauthorization is required for traditional *comprehensive* orthodontic [services] *treatment* and for self-ligating braces for the correction of medically necessary conditions, which cause dysfunction due to a handicapping malocclusion. At a minimum the following comprehensive pretreatment documentation shall be submitted:

[(1)] (a)—[(6)] (f) (text unchanged)

(2) *Preauthorization for monthly orthodontic treatment is valid for:*

(a) *24 months for traditional comprehensive orthodontic treatment; or*

(b) *12 months for self-ligating braces.*

**.07 Payment Procedures.**

A.—D. (text unchanged)

E. The current Maryland Medicaid Dental Services Fee Schedule and Procedure Codes CDT is incorporated by reference, effective [January 1, 2018] *January 1, 2020.*

F.—H. (text unchanged)

I. Reimbursement for Traditional *Comprehensive* Orthodontic Treatment.

(1) (text unchanged)

(2) [Preauthorization for the treatment is valid for 6 months.] *Orthodontic treatment is a once in a lifetime benefit.*

J.—O. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 24 MARYLAND HEALTH CARE COMMISSION**

**10.24.11 State Health Plan for Facilities and Services: General Surgical Services**

Authority: Health-General Article, §§19-109(a)(1), [19-114(b)(2) and (d)(1)(iv) and (viii), 19-118(a)(2)(1), and 19-120(j)(2)(iv), (k)(9), and (o)(1) and (3),] *19-118, 19-120, and 19-120.1, Annotated Code of Maryland*

**Notice of Proposed Action**

[21-093-P-I]

The Maryland Health Care Commission proposes to repeal existing Regulation .01 and adopt new Regulation .01 under **COMAR 10.24.11 State Health Plan for Facilities and Services: General Surgical Services**. This action was considered by the Commission at an open meeting held on May 20, 2021, notice of which was given through publication in the Maryland Register, in

accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to update COMAR 10.24.11 to align the regulation with statutory changes in the 2019 and 2020 legislative sessions. These changes include updating language to be consistent with changes in the Health Services Cost Review Commission’s regulation of Maryland hospitals, changing the definition of ambulatory surgical facility to mean a center, service, office, or facility with three or more operating rooms, and allowing for limited use of general anesthesia in a procedure room as a “rescue” option. The Health Services Cost Review Commission (HSCRC) no longer sets rates for hospital services lines. Instead, HSCRC establishes global budgets for hospitals, and the regulations were updated to reflect the relevant changes in statute. (For details, refer to HB 646 in the 2019 legislative session.) Prior to passage of SB 940 in 2019, an ambulatory surgical facility was defined as having two or more operating rooms. The change in statute allows larger surgical facilities, those with no more than two operating rooms to be established through obtaining a determination of coverage, an abbreviated review process. In addition, SB 940 limits the requirement for certificate of need (CON) approval of changes in hospital operating room capacity to the rate-regulated hospital setting. Consistent with this change in the law, COMAR 10.24.11 provides that a hospital is allowed to establish a non-rate regulated ambulatory surgery center that has two or fewer operating rooms through obtaining a determination of coverage.

In the 2020 legislative session, legislation enacted, SB 728/HB 935, included definitions for non-sterile procedure room and sterile operating room. The purpose of defining a non-sterile procedure room is to ensure that deep sedation or general anesthesia in limited situations is allowed, when warranted by the clinical situation and when the room is safely equipped to provide the required level of anesthesia. The law specifies that a procedure room cannot be used for open surgical procedures that routinely enter the thorax, abdomen, pelvis, cranium, or spine; or for procedures that routinely require induction of deep sedation or general anesthesia for the entirety of the surgical procedure. Prior to the change in the law, a procedure room, as defined in COMAR 10.24.11, could never be used for administering general anesthesia to patients or a deep level of sedation.

Additional changes to COMAR 10.24.11 include eliminating the standard for preference in comparative reviews, which gives preference to the proposed ambulatory surgical facility (ASF) that would provide a greater level of charity care. This standard was eliminated because it would rarely be the case that two ASFs are seeking to provide the same types of surgeries to the same service area population, and each project can be evaluated based on its own merits without this standard.

Other additional changes are intended to better align MHCC’s regulations with those of other State agencies, specifically the Maryland Department of Health and the Health Services Cost Review Commission. The requirement that an ASF have a written transfer agreement with a hospital for handling patients that exceed the capability of the ASF has been eliminated. Instead, an ASF is required to have arrangements that comply with the requirements of COMAR 10.05.05.09. The requirements referenced provide that a location licensed by the Maryland Department of Health as a freestanding ambulatory surgical facility (FASF) shall have either a written transfer agreement with a local Medicare participating hospital or require all physicians, dentists, or podiatrists performing surgery at the FASF to have admitting privileges at such a hospital. This change better aligns the requirements of MHCC and the Maryland Department of Health.

Some changes are intended to clarify existing standards through added specificity. A hospital seeking a CON for additional surgical services capacity must demonstrate the appropriateness of its charity care commitment based on an analysis of the socio-economic characteristics of the population in its actual or projected service area, a comparison of those conditions with those of Maryland's overall socio-economic indicators, and a comparative analysis of charity care provision by the applicant hospital and other hospitals in Maryland. The regulations specify that the socio-economic indicators evaluated shall include median income and type of insurance by zip code area, when available. Previously, the standard did not include details regarding the type of analysis required to meet the standard.

Five new definitions are included. One of the new definitions is for "ambulatory surgery center" because this term is needed to replace the term "physician outpatient surgery center" which no longer accurately describes the ownership of ambulatory surgery centers (ASCs) due to statutory changes. The definition of "procedure room" is modified significantly to align with legislation enacted in 2020 (SB 728/HB 935). The definitions for "health carrier" and "health carrier network" are necessary for clarity of new standards that include those terms.

There is a new requirement that an ASF provide health carrier network participation information upon inquiry for the facility and for each surgeon or other health care practitioner that provides services at the facility may add some burden to the staff for these facilities. There is also a new requirement that both ASFs and ASCs to provide an estimate of out-of-pocket charges for each patient prior to arrival for surgery. These changes are helpful to consumers seeking to minimize out-of-pocket expenses and budget for the cost of surgical procedures.

The requirements for a determination of coverage have been reduced when there is a change in the principal owner or a majority ownership of an ASC. COMAR 10.24.11 provides that notice may be limited to an affirmation that no changes are occurring in the physical facilities, physicians providing services, or other specific aspects of the operation of the ASC. The section that addressed exemptions from CON review for the establishment of an ASF, COMAR 10.24.11.06 has been deleted because it is no longer required based on changes in statute. COMAR 10.24.11 also includes other minor changes and technical corrections.

**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 Eileen Fleck, Chief, Acute Care Policy and Planning, Maryland Health Care Commission, 4160 Patterson Avenue, or call 410-764-3287, or email to eileen.fleck@maryland.gov, or fax to 410-358-1236. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on September 16, 2021, at 1:00 p.m., at 4160 Patterson Avenue, Baltimore, MD.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the State Health Plan for Facilities and Services: General Surgical Services has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 48:1 Md. R. 7 (January 4, 2021), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Incorporation by Reference.**

*The State Health Plan for Facilities and Services: General Surgical Services is incorporated by reference.*

ANDREW N. POLLACK, MD  
Chair

**Subtitle 25 MARYLAND HEALTH CARE COMMISSION**

**10.25.06 Maryland Medical Care Data Base and Data Collection**

Authority: Health-General Article, §§19-101, 19-103(c)(3), (4), (7), and (8), 19-109(a)(1), (6), and (7), 19-133, 19-134, and [19-138] 19-137, Annotated Code of Maryland

**Notice of Proposed Action**

[21-086-P]

The Maryland Health Care Commission proposes to amend Regulations .01—.04, repeal existing Regulations .05 and .06, adopt new Regulations .05 and .06, and amend Regulations .07—.18 under **COMAR 10.25.06 Maryland Medical Care Data Base and Data Collection**. This action was considered by the Commission at an open meeting held on May 20, 2021, a notice of which was given through publication in the Maryland Register, in accordance with General Provisions Article §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to amend the existing regulations governing the submission of healthcare data (claims, encounters, and eligibility) by reporting entities to the Maryland Health Care Commission (MHCC). The amended regulations will allow the Commission to increase data collection frequency from quarterly to more frequently than quarterly; expand the Non-Fee-For-Service data collection to include all services, not only medical; and update definitions of terms used throughout the regulations. This increase in the frequency of data reporting will allow MHCC to meet the demands from stakeholders such as the Maryland Department of Health, the Health Services Cost Review Commission, the Maryland Insurance Administration, the Maryland Health Benefit Exchange, the Maryland Prescription Drug Affordability Board, the Maryland Legislature, the Governor's Office, and the public to provide healthcare data requests faster and to respond quickly to global health challenges such as the COVID-19 pandemic in Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action has an economic impact. These regulations change the reporting requirements for reporting entities that submit healthcare encounters and claims data files to the Maryland Health Care Commission

(MHCC). COMAR 10.25.06 applies to payors and third-party administrators whose total covered lives exceed 1,000 insured members, and to payors that participate in the Maryland Health Benefit Exchange (MHBE), regardless of the number of covered lives. Activities resulting from changes to the regulations will be completed within the MHCC budget, MHCC Special Funds, by existing MHCC staff, and through an MHCC contract with a future MHCC data contractor to be selected from the new Medical Care Data Base (MCDB) recompetit RFP.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Maryland Health Care Commission (MHCC)	(E+)	Within Budget
B. On other State agencies:	NONE	No Impact
C. On local governments:	NONE	No Impact
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups: Reporting Entities — Payors (34)	(-)	Moderate
E. On other industries or trade groups: (1) Employers (2) Healthcare Practitioners	(+) NONE	Moderate No Impact
F. Direct and indirect effects on public:	(+)	Moderate

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

A. MHCC will not require additional State funds to execute the expended data collection in this regulation. MHCC has budgeted for the anticipated changes to these regulations in the new MCDB recompetit RFP.

B. The proposed regulations have no impact because the data collection activities of MHCC are not duplicative of any other State data collection effort.

C. The proposed regulations have no impact on local governments because local governments do not have any requirements relating to the regulation.

D. MHCC estimates that COMAR 10.25.06 will affect 34 reporting entities. All 34 reporting entities are already submitting data to the MCDB. There will be an increase in the ongoing extraction of all reports. MHCC expects the economic impact due to the rise to be moderate per reporting entity.

E(1). Employers: Faster availability of healthcare costs for treatment will enable fully insured employers to swiftly identify variations in costs among providers and compare fully insured payments among private payors. Such information can be helpful to assist fully insured employers in identifying cost-effective care, which can lead to lower healthcare premiums. Employers with self-insured ERISA health plans are excluded from the MCDB due to the Gobeille ruling by the Supreme Court of the United States on March 1, 2016.

E(2). Healthcare Practitioners: No Impact

F. The increased frequency of information will allow MHCC to present information more quickly on the cost and quality of almost all healthcare services reimbursed by private payors and to respond more quickly to global health challenges such as the COVID-19 pandemic. This quicker availability of healthcare data from the MCDB allows MHCC to provide accelerated data support to the Health Services Cost Review Commission in monitoring the Maryland Total Cost of Care Model. This healthcare data and resulting analytics also support the Maryland Insurance Administration’s premium rate review process.

**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 Janet Ennis, Chief, Special Projects, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3779, or email to janet.ennis@maryland.gov, or fax to (410) 358-1236. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on September 16, 2021, at 1 p.m., at 4160 Patterson Avenue, Baltimore, MD 21215.

**.01 Scope and Purpose.**

These regulations establish appropriate methods for collecting and compiling Statewide data on selected health care services provided either under a Maryland contract or to Maryland residents by health care practitioners and facilities:

- A. (text unchanged)
- B. From third-party administrators; [and]
- C. From managed behavioral health care organizations;
- D. From pharmacy benefit managers; and
- [C.] E. (text unchanged)

**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) (text unchanged)
  - (2) “Behavioral health care services” means *procedures or services rendered by a health care practitioner for the treatment of mental health [services or alcohol and] or substance [abuse services] use disorders.*
  - (3)—(6) (text unchanged)
  - (7) “Fee-for-service encounter” means a [medical] health care visit in which a health care practitioner or office facility provided a health care service for which a claim was submitted to a reporting entity for payment, and payment was made on a per service basis.
  - (8) “General health benefit plan” means:
    - (a) A hospital or [medical] health care policy, contract, or certificate issued by a [carrier] payor as defined in this section;
    - (b)—(e) (text unchanged)
  - (9) “Health Benefit Exchange” or “Exchange” means the Maryland Health Benefit Exchange established as a public corporation under Insurance Article, §31-102, Annotated Code of Maryland, and includes the Individual Exchange and the Small Business Health Operations Program (SHOP) Exchange.
  - [(9)] (10) (text unchanged)

[(10) “Health Benefit Exchange” or “Exchange” means the Maryland Health Benefit Exchange established as a public corporation under §31-102 of this title and includes the Individual Exchange and the Small Business Health Options Program (SHOP) Exchange.]

(11) (text unchanged)

(12) “HIPAA” means the U.S. Health Insurance Portability and Accountability Act of 1996, P.L.104-191, as implemented and amended in federal regulations, including the HIPAA Privacy and Security rules, 45 CFR §§160 and 164, as may be amended, modified, or renumbered and including as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act.

(13) [“Institutional Review Board” has the meaning stated in the federal regulations on the protection of human subjects.] *“Managed behavioral health care organization” means a company, organization, private review agent, or subsidiary that:*

(a) *Contracts with a payor as defined in this section to provide, undertake to arrange, or administer behavioral health care services to members; or*

(b) *Otherwise makes behavioral health care services available to members through contracts with health care providers.*

[(14) “MCDB Submission Manual” or “Manual” means the composition of data reporting requirements with guidelines of technical specifications, layouts, and definitions necessary for filing the reports required by this chapter.]

[(15)] (14)—[(16)] (15) (text unchanged)

[(17)] (16) “Medical Care Data Base” or [“MDCB”] *“MCDB” means the [Maryland Medical Care Data Base] data base established and maintained by the Commission pursuant to Health-General Article, §19-133, Annotated Code of Maryland, that collects eligibility data, professional services claims, institutional services claims, pharmacy claims, and provider data for Maryland residents enrolled in private insurance, Medicaid, or Medicare. The MCDB is Maryland’s All Payer Claims Data Base.*

(17) *“MCDB Submission Manual” or “Manual” means the composition of data reporting requirements with guidelines of technical specifications, layouts, and definitions necessary for filing the reports required by this chapter.*

[(18) “Office facility” means a freestanding facility providing:

- (a) Ambulatory surgery;
- (b) Radiologic or diagnostic imagery; or
- (c) Laboratory services.]

[(19)] (18) “Non-Fee-for-Service [Medical] Expenses Report” means a report with information on lump sum payments made by [carriers] a reporting entity to providers as part of the [carriers’] reporting entity’s compensation to the providers for [non-claim-based] non-claims-based services.

(19) *“Office facility” means a freestanding facility providing:*

- (a) Ambulatory surgery;
- (b) Radiologic or diagnostic imagery; or
- (c) Laboratory services.

(20) “Payor” means:

- (a)—(b) (text unchanged)
- (c) For Medical Care Data Base [purposes, a] purposes:
  - (i) A third-party administrator registered under Insurance Article, Title 8, Subtitle 3, Annotated Code of Maryland[.];
  - (ii) A managed behavioral health care organization as defined in this section; or
  - (iii) A pharmacy benefit manager.

(21)—(22) (text unchanged)

(23) *“Pharmacy benefit manager” means a person who performs pharmacy benefit management services and is registered as*

*a pharmacy benefit manager under Insurance Article, Title 15, Subtitle 16, Annotated Code of Maryland.*

[(23)] (24)—[(27)] (28) (text unchanged)

[(28) “Reporting entity” means a payor or a third party administrator that is designated by the Commission to provide reports consistent with this chapter to be collected and compiled into the Medical Care Data Base.

(29) “State-designated health information exchange” or “State-designated HIE” means an HIE designated by the Maryland Health Care Commission and the Health Services Cost Review Commission pursuant to the statutory authority set forth in Health-General Article, §19-143, Annotated Code of Maryland.

(30) “Supplier” means a person or entity, including a health care practitioner, which supplies medical goods or services.

(31) “Third party administrator” means a person that is registered as an administrator under Insurance Article, Title 8, Subtitle 3, Annotated Code of Maryland.

(32) “Qualified dental plan” means a dental plan certified by the Maryland Health Benefit Exchange that provides limited scope dental benefits, as described in §1311(c) of the Affordable Care Act and Insurance Article, §31-115, Annotated Code of Maryland.

(33) “Qualified health plan” means a general health benefit plan that has been certified by the Maryland Health Benefit Exchange to meet the criteria for certification described in §1311(c) of the Affordable Care Act and Insurance Article, §31-115, Annotated Code of Maryland.

(34) “Qualified vision plan” means a vision plan certified by the Maryland Health Benefit Exchange that provides limited scope vision benefits, as described in the Insurance Article, §31-108(b)(3), Annotated Code of Maryland.]

(29) *“Qualified dental plan” means a dental plan certified by the Maryland Health Benefit Exchange that provides limited scope dental benefits, as described in §1311(c) of the Affordable Care Act and Insurance Article, §31-115, Annotated Code of Maryland.*

(30) *“Qualified health plan” means a general health benefit plan that has been certified by the Maryland Health Benefit Exchange to meet the criteria for certification described in §1311(c) of the Affordable Care Act and Insurance Article, §31-115, Annotated Code of Maryland.*

(31) *“Qualified vision plan” means a vision plan certified by the Maryland Health Benefit Exchange that provides limited scope vision benefits, as described in the Insurance Article, §31-108(b)(3), Annotated Code of Maryland.*

(32) *“Reporting entity” means a payor, third-party administrator, managed behavioral health care organization, or pharmacy benefit manager that is designated by the Commission to provide reports consistent with this chapter to be collected and compiled into the Medical Care Data Base.*

(33) *“State-designated health information exchange” or “State-designated HIE” means an HIE designated by the Maryland Health Care Commission and the Health Services Cost Review Commission pursuant to the statutory authority set forth in Health-General Article, §19-143, Annotated Code of Maryland.*

(34) *“Supplier” means a person or entity, including a health care practitioner, which supplies medical goods or services.*

(35) *“Third-party administrator” means a person that is registered as an administrator under Insurance Article, Title 8, Subtitle 3, Annotated Code of Maryland.*

**.03 Persons Designated to Provide Data to the Commission.**

A. [Payors] *Reporting Entities.* By December 31 of each year, the Commission shall make available a list of each payor, *third-party administrator, pharmacy benefit manager, and managed behavioral health care organization* meeting the criteria for designation as a



reporting entity and who shall file the reports under this chapter in the following year.

(1) The Commission shall designate as a reporting entity each payor *and third-party administrator* whose total lives covered exceeds 1,000, as reported to the Maryland Insurance Administration.

(2) The Commission shall designate as a reporting entity each payor offering a qualified health plan, qualified dental plan, or qualified vision plan certified by the Maryland Health Benefit Exchange, *under* Insurance Article, §31-115, Annotated Code of Maryland.

(3) (text unchanged)

(4) The Commission may conduct surveys as needed to fulfill the purposes of the [MCBD] *MCDB*.

(a) The Commission may conduct a survey of any [payor] *reporting entity* to determine if the [payor] *reporting entity* is required to report data or for other purposes consistent with this chapter.

(b) If necessary, the Commission may institute an annual survey to obtain information needed to determine and designate a third-party [administrators] *administrator* whose annual covered lives report filed with the Maryland Insurance Administration does not delineate the number of covered lives for the following:

(i)—(ii) (text unchanged)

(c) A [payor] *reporting entity* shall timely report information sought by the Commission in a survey.

B. Data Otherwise Collected by the Commission from [Payors] *Reporting Entities* or Providers.

(1) A [payor's] *reporting entity's* reports are considered submitted to the Commission if [they] *the reports* are contained within the submission of another [payor] *reporting entity*.

(2) For [the purpose] *purposes* of supplementing the MCDB, the Commission may include information that the Commission has otherwise received regarding providers and services.

C. (text unchanged)

#### **.04 Process for Submitting Data.**

A. The Commission shall provide each reporting entity with an annual update to the MCDB [Data] Submission Manual, and each current [submission] *Manual* update available, as specified in Regulation .15 of this chapter.

B. Each reporting entity shall provide each of the following reports, if applicable:

(1)—(6) (text unchanged)

(7) Dental *Services* Data Report; and

(8) Non-Fee-for-Service [Medical] Expenses Report.

C. (text unchanged)

#### **.05 Time Period for Submitting Data Reports.**

A. *Unless a different reporting time period is specified in the MCDB Submission Manual pursuant to §B of this regulation, each reporting entity shall submit to the Commission a complete set of the entity's data for claims paid during each quarter of a calendar year in the form and manner described in Regulations .07—.14 of this chapter within 2 months of the last day in the applicable quarter.*

B. *Each reporting entity shall submit at least quarterly to the Commission a complete set of the reporting entity's data for claims paid during the specific time period in the form and manner described in Regulations .07—.14 of this chapter and within the time period specified in the MCDB Submission Manual, unless a more frequent submission schedule is instituted by the Commission pursuant to §C of this regulation.*

C. *Before instituting a requirement that a reporting entity submit data for claims paid more frequently than quarterly, as required in §§A and B of this regulation, the Commission shall:*

(1) *Establish a multi-stakeholder group consisting of representatives of reporting entities, involved State agencies, and*

*other stakeholders, as appropriate, to discuss the benefits and costs of expanding data collection; and*

(2) *Include a transition period for reporting entities to adjust to the new data submission schedule and process.*

#### **.06 Protection of Confidential Information in Submissions.**

A. *To assure that confidential records or information are protected, each reporting entity shall encrypt each of the following data elements in such a manner that each unique value for a data element produces an identical unique encrypted data element:*

(1) *Patient or enrollee identifier; and*

(2) *Internal subscriber contract number.*

B. *In order to maintain a consistent and unique identifier for each patient across providers, payors, and services, the Commission shall:*

(1) *Provide selected data to the State-designed HIE for the creation and encryption of a Master Patient Index; and*

(2) *Include Master Patient Index identifiers received from the State-designated HIE in each eligibility data report submitted under Regulation .11 of this chapter.*

C. *Each reporting entity shall maintain the security and preserve the confidentiality of the encrypted data.*

#### **.07 Professional Services Data Report Submission.**

A. Each reporting entity shall submit a professional services data report that provides the data for each fee-for-service and capitated encounter, *including fee-for-service equivalents prices for capitated services*, provided by a health care practitioner or office facility. This report shall include all health care services provided:

(1)—(2) (text unchanged)

B. Each professional services data report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

#### **.08 Pharmacy Data Report Submission.**

A. (text unchanged)

B. Each pharmacy data report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

#### **.09 Provider Directory Report Submission.**

A. Each reporting entity shall submit a provider directory report detailing each health care practitioner or supplier that provided services to any enrollee of that reporting entity during the reporting period. This report shall contain information for each in-State Maryland practitioner or supplier, and for each out-of-State practitioner or supplier[,] that has served a Maryland resident or a non-Maryland resident under a Maryland contract.

B. (text unchanged)

C. Each provider directory report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

#### **.10 Institutional Services Data Report Submission.**

A. (text unchanged)

B. Each institutional services data report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

#### **.11 Eligibility Data Report Submission.**

A. Each reporting entity shall submit an eligibility data report that provides information on the characteristics of each enrollee that is a Maryland resident insured under a fully insured contract or a self-insured contract, and *each enrollee* that is a non-Maryland resident

insured under a Maryland contract, for services covered under each policy or contract issued by the reporting entity that are subject to this chapter.

B. Each eligibility data report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

**.12 Plan Benefit Design Report.**

Each plan benefit design report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

**.13 Dental Services Data Report.**

Each dental *services* data report shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

**.14 Non-Fee-for-Service [Medical] Expenses Report.**

Each [Non-Fee-for-Service Medical Expenses Report] *non-fee-for-service expenses report* shall contain the information specified by the Commission in its annual update to the MCDB [Data] Submission Manual and be filed in a form and manner specified in the Manual.

**.15 Report Submission Methods.**

A. When a reporting entity collects more granular information than required [by] *under* this chapter, [it] *the reporting entity* shall provide a conversion table that describes how internal values are mapped to each required category.

B. The MCDB [Data] Submission Manual shall contain technical specifications, [encryption algorithms,] layouts, required reports, and definitions for each reporting entity.

(1) (text unchanged)

(2) The Commission may correct incomplete or erroneous information in the MCDB Submission Manual[,] as [necessary] *necessary*, and provide notice of each correction on the Commission website and by email to the contact persons designated by [payors] *the reporting entities*.

(3) The Commission shall timely post the annual MCDB [Data] Submission Manual on the Commission website and provide notice in the Maryland Register.

**C. Master Patient Index.**

(1) The Commission may require that each reporting entity electronically submit sufficient demographic information on each enrollee to create a Master Patient Index.

[(1)] (2) The Commission may require that [the] *a* reporting entity provide [this] *the information required under §C(1) of this regulation* to the State-designated [health information exchange] *HIE* solely for [this] *the purpose of creating a Master Patient Index*.

[(2)] (3) The information *required under §C(1) of this regulation* shall be submitted in a manner consistent with all relevant federal and State privacy laws and regulations.

**.16 Request for an Extension of Time.**

A. (text unchanged)

B. For a [30 day] *30-day* extension request to be considered by Commission staff, the reporting entity shall submit a written request to the Executive Director at least 30 days before the [quarterly] *required* submission date that includes:

(1) (text unchanged)

(2) A proposed date, which is no more than 30 days after the initial [quarterly] *required* submission date, when the reporting entity will provide the [quarterly] *required* data to the Commission.

**.17 Request for an Annual Waiver or Format Modification.**

A. Annual Waiver Request.

(1) When a reporting entity is not able to submit a data report as set forth in this chapter, [it] *the reporting entity* shall file with the Commission by March 15 of the year for which a waiver is sought a written request for an annual waiver that shall include [:

(1) An] *an* explanation of why the reporting entity is not able to provide the data report, including any extraordinary circumstances[; and].

(2) [Any] Supporting Documentation Required *for an Annual Waiver Request*.

(a)—(c) (text unchanged)

(d) *A behavioral health care services organization shall include an affidavit from an officer of the organization stating that its total lives covered does not exceed 1,000, as reported to the Maryland Insurance Administration.*

(e) *A pharmacy benefit manager shall include an affidavit from an officer of the organization stating that its total lives covered does not exceed 1,000.*

B. Format Modification Request. When a reporting entity is not able to provide all the information required in Regulations .07—.14 of this chapter, [it] *the reporting entity* shall file with the Commission a written request for a format modification *at least* 30 days before the applicable submission date that shall include:

(1)—(2) (text unchanged)

(3) A detailed description of the reporting entity’s proposed layout or submission method, or both, when applicable.

C.—D. (text unchanged)

**.18 Failure to File Data Reports.**

A. A reporting entity that does not timely file a data report in *compliance with the MCDB Submission Manual* may be subject to *monetary penalties as provided in COMAR 10.25.12.*

B. *In accordance with COMAR 10.25.12.01C, a data report that is substantially incomplete or inaccurate is not timely filed within the meaning of §A of this regulation and may be subject to monetary penalties as provided in COMAR 10.25.12.*

ANDREW N. POLLAK, M.D.  
Chair

**Subtitle 67 MARYLAND HEALTHCHOICE PROGRAM**

**Notice of Proposed Action**

[21-092-P]

The Secretary of Health proposes to:

(1) Amend Regulations **.03** and **.19**, recodify Regulations **.19-3**, **.19-4**, and **.19-5** to be Regulations **.03-1**, **.19-3**, and **.19-4**, respectively, and adopt new Regulation **.03-2** under **COMAR 10.67.04 Maryland Medicaid Managed Care Program: Managed Care Organizations**; and

(2) Amend Regulation **.05-1** under **COMAR 10.67.05 Maryland Medicaid Managed Care Program: Access**.

**Statement of Purpose**

The purpose of this action is to recodify the MCO Rural Access Incentive regulation, sunset the MCO Value-Based Purchasing Program effective December 31, 2021 and implement the HealthChoice Population Health Incentive Program (PHIP) effective January 1, 2022. Additionally, this proposal updates a reference to reflect the recodified MCO Rural Access Incentive regulation.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The previous iteration of the Value-Based Purchasing Program was funded within capitation rates; therefore, it was not budget neutral to the Department. The Department in consultation with the Department of Budget and Management would set the annual budget for the new Population Health Incentive Program.

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

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

A. and D. In CY20, the budget for the Value-Based Purchasing was set at 0.5 percent of the MCO capitation rate. The Department anticipates that funding for the Population Health Incentive Program would be set at a similar level for CY22. As such, while the new Program is not budget neutral to the Department, the Department is unable to provide the specific magnitude of the economic impact because budget and rate setting processes are still underway. The Department projects that approximate costs will be similar to the Value-Based Purchasing Program it replaced.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

**10.67.04 Maryland Medicaid Managed Care Program: Managed Care Organizations**

Authority: Health-General Article, §§2-104, 15-102.3, and 15-103; Insurance Article, §§15-112, 15-605, and 15-1008; Annotated Code of Maryland

**.03 Quality Assessment and Improvement.**

A. (text unchanged)

B. An MCO shall participate in all quality assessment activities required by the Department to determine if the MCO is providing medically necessary enrollee health care. These activities include but are not limited to:

(1)—(2) (text unchanged)

(3) The annual collection and evaluation of a set of performance measures with targets as determined by the Department as follows:

(a)—(h) (text unchanged)

(i) The adjusted enrollment amount in §§B(3)(g)(vii) and B(3)(h)(ix) of this regulation shall be calculated by:

(i)—(iii) (text unchanged)

(iv) Using the actual enrollment of the MCO with the fourth highest normalized score; [and]

(j) The per enrollee amount in §§B(3)(g)(vii) and B(3)(h)(ix) of this regulation shall be calculated by dividing the sum of the calculations in §B(3)(i)(i)—(iv) of this regulation into the funds remaining as described in §§B(3)(g)(vii) and B(3)(h)(ix) of this regulation; and

(k) *The methodology described in §B(3)(a)—(j) of this regulation shall remain in effect through December 31, 2021;*

(4)—(7) (text unchanged)

C.—D. (text unchanged)

**.03-2 HealthChoice Population Health Incentive Program (PHIP).**

A. *Effective January 1, 2022, the Department shall establish the HealthChoice Population Health Incentive Program (PHIP).*

B. An MCO may be eligible for an incentive payment for the following performance measures:

(1) *Ambulatory care visits for Supplemental Security Income (SSI) adults;*

(2) *Ambulatory care visits for Supplemental Security Income (SSI) children;*

(3) *HEDIS asthma medication ratio;*

(4) *HEDIS comprehensive diabetes care—HbA1c poor control (>9%);*

(5) *Lead screening measures:*

(a) *Lead screening measure for children 12—23 months old;*

and

(b) *HEDIS lead screening in children;*

(6) *HEDIS postpartum care;*

(7) *HEDIS risk of continued opioid use—≥31 days covered;*

and

(8) *HEDIS timeliness of prenatal care.*

C. *Each measure identified in §B of this regulation shall be valued equally at a proportional share of available incentive funds, except for measures §B(5)(a) and (b), which are each valued at half of the available incentive funds relative to one of the other measures.*

D. *There shall be two rounds of potential incentive payments an MCO may earn.*

E. *Subject to budget approval, total PHIP funding shall be determined prior to the measurement year and included in the MCO contract.*

F. *All PHIP payments shall be funded independently from and outside of MCO capitation payments during a given calendar year.*

G. *Each MCO shall be eligible for no more than 1 percent of the plan's measurement year capitation payments, excluding supplemental payments outside of capitation, as total payment from round one and round two.*

H. *If the Department determines that the score for any measure identified in §B of this regulation may not be comparable to the previous year's score due to alterations in measure specifications or other factors, the Department may exclude the measure from the PHIP and adjust the incentive valuation in accordance with the remaining performance measures.*

*I. Round One Incentives.*

- (1) *An MCO may earn two types of incentives in round one:*
  - (a) *A performance incentive payment; and*
  - (b) *An improvement incentive payment.*
- (2) *If an MCO does not report a performance measure or an MCO has a performance score of 0 percent, then the MCO is awarded no performance or improvement incentive payments for this measure.*
- (3) *Performance Incentive Payments for Round One.*
  - (a) *Performance incentive payments shall be based on the following categories for each performance measure:*
    - (i) *Superlative performance, meaning the performance measure's score is at or above the 90<sup>th</sup> percentile of HEDIS Medicaid performance nationwide during the measurement year, or estimated 90<sup>th</sup> percentile among Maryland HealthChoice MCO performance for non-HEDIS performance measures;*
    - (ii) *Very strong performance, meaning the performance measure's score is between the 75<sup>th</sup> and 89<sup>th</sup> percentiles, inclusive, of HEDIS Medicaid performance nationwide during the measurement year, or between the estimated 75<sup>th</sup> and 89<sup>th</sup> percentiles, inclusive, among Maryland HealthChoice MCO performance for non-HEDIS performance measures; or*
    - (iii) *Strong performance, meaning the performance measure's score is between the 50<sup>th</sup> and 74<sup>th</sup> percentiles, inclusive, of HEDIS Medicaid performance nationwide during the measurement year, or between the estimated 50<sup>th</sup> and 74<sup>th</sup> percentiles, inclusive, among Maryland HealthChoice MCO performance for non-HEDIS performance measures.*
  - (b) *Payments for round one performance incentives shall be allocated as follows:*
    - (i) *For superlative performance, an MCO may earn 100 percent of the incentive allocation for the performance measure;*
    - (ii) *For very strong performance, an MCO may earn 66.6 percent of the incentive allocation for the performance measure;*
    - (iii) *For strong performance, an MCO may earn 33.3 percent of the incentive allocation for the performance measure; and*
    - (iv) *Any MCO earning a performance measure score below the 50th percentile of HEDIS Medicaid performance nationwide during the measurement year on a HEDIS-based measure, or below the calculated 50th percentile among Maryland HealthChoice MCO performance for a non-HEDIS measure, shall be ineligible for a round one performance incentive payment.*
- (4) *Round One Improvement Incentive Payments.*
  - (a) *An MCO may earn an improvement incentive payment for any performance measure if the following conditions are met:*
    - (i) *The MCO demonstrates improvement of at least 0.5 percentage points in the measure compared to the previous measurement year; and*
    - (ii) *The performance measure score is at or above the 50th percentile of HEDIS Medicaid performance nationwide on a HEDIS-based measure, or the 50th percentile of Maryland HealthChoice MCO performance for a non-HEDIS measure.*
  - (b) *An MCO earning a superlative performance incentive payment for a performance measure is ineligible for an improvement incentive payment for the same measure.*
  - (c) *For any performance measures in which a lower score indicates stronger performance, year-over-year improvement is demonstrated by a reduction in the score for that measure.*
  - (d) *If an MCO is missing or zero-valued for a performance measure in the previous year, then no improvement incentive will be awarded in the measurement year.*

*J. Round Two Incentive Payments.*

- (1) *An MCO may qualify for payments under round two if the following conditions are met:*
  - (a) *The MCO earned above 80 percent of possible round one incentives; and*
  - (b) *The MCO did not have penalties applied during the measurement year for failure to meet the HEDIS MCO Performance Monitoring Policy included in the MCO contract.*
- (2) *Any remaining funds that were unallocated during round one may be awarded to eligible MCOs in round two for a maximum incentive award of up to 1 percent of its total capitation payment during the PHIP measurement year, excluding supplemental payments outside of capitation.*
- (3) *If any remaining funds that were unallocated during round one are not sufficient to settle all qualifying MCOs up to 1 percent of capitation in round two, then the leftover funds will be awarded proportionally among qualifying MCOs based on enrollment.*
- K. *If additional funds remain after both round one and round two, the Department may, within its discretion, allocate the funding as follows:*
  - (1) *Make additional payments to MCOs that are below 1 percent of capitation based on improvement or performance; or*
  - (2) *Place remaining funds into a nonlapsing pool.*

**.19 MCO Reimbursement.**

- A. (text unchanged)
- B. **Capitation Rate-Setting Methodology.**
  - (1)—(3) (text unchanged)
  - (4) Except to the extent of adjustments required by §D of this regulation or by Regulations .19-1—[.19-4] .19-3 of this chapter, the Department shall make payments monthly at the rates specified in the following tables:
    - (a)—(i) (text unchanged)
    - (5) Consistent with the terms set forth in Regulation [.19-5] .19-4 of this chapter, the Department may, in consultation with the Commissioner, adjust the capitation payment of an MCO if it determines that the MCO's loss ratio, not including any rebate received by the MCO is less than 85 percent.
- C.—D. (text unchanged)

**10.67.05 Maryland Medicaid Managed Care Program: Access**

Authority: Health-General Article, §§2-104, 15-102.3, and [15-103(b)] 15-103; Insurance Article, §§15-112, 15-605, and 15-1008; Annotated Code of Maryland

**.05-1 Access Standards: Specialty Provider Network.**

- A.—B. (text unchanged)
- C. If an MCO fails to meet the requirements established by this regulation, the Department may suspend the automatic assignment to the MCO of recipients who live in the affected local access area. A suspension of automatic assignments may affect the MCO's ability to qualify for the Statewide supplemental payments specified under COMAR [10.67.04.19-3] 10.67.04.03-1.

DENNIS R. SCHRADER  
Secretary of Health

**Title 11**  
**DEPARTMENT OF**  
**TRANSPORTATION**  
**Subtitle 16 MOTOR VEHICLE**  
**ADMINISTRATION—VEHICLE**  
**OPERATIONS**

**11.16.05 Unified Truck Travel**

*Authority: Transportation Article, §§12-104(b) and 21-310(f), Annotated Code of Maryland*

**Notice of Proposed Action**  
 [21-095-P]

The Administrator of the Motor Vehicle Administration proposes to adopt new Regulations **.01—,04** under a new chapter, **COMAR 11.16.05 Unified Truck Travel**.

**Statement of Purpose**

The purpose of this action is to adopt new regulations to set procedures for the Maryland Department of Transportation Motor Vehicle Administration to govern truck travel in a unified manner in order to conform to Ch. 118 (S.B. 291), Acts of 2021.

**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.

Truck platooning has the potential to reduce operational costs for motor carriers, shippers, and logistics firms by reducing fuel consumption. Typical studies have shown a fuel reduction of between 5 percent and 10 percent for the following vehicles in a platoon, which in turn creates route efficiencies that permit industry to do more with existing resources. This is especially critical in the trucking industry which reported a driver shortage of over 60,000 drivers in July of 2019.

This deployment of truck platooning systems would benefit Maryland small businesses that either: (1) provide commercial driving services; or (2) ship goods to/from the state by commercial trucks.

Commercial driving companies in Maryland will benefit from increased safety and reduced fuel costs associated with truck platooning.

Maryland companies will benefit from safer truck operations, more predictable truck operations, and lower shipping rates due to fuel reductions.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Tracey Sheffield, Regulations Coordinator, MDOT MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to [tsheffield@mdot.maryland.gov](mailto:tsheffield@mdot.maryland.gov), or fax to 410-768-7506. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

**.01 Approval for Operation.**

A. Except as provided in §B of this regulation, a person may not operate a motor vehicle without leaving enough space so that an overtaking vehicle may enter and occupy the space between the trucks unless the driver is in receipt of written approval from the Administration.

B. A person may apply to the Administration for written approval for the operation of trucks in an electronically unified manner in conformity with Transportation Article, §21-310(f), Annotated Code of Maryland, and with this chapter.

C. The applicant shall certify to the Administration that the trucks will be operated in conformity with this chapter and related policies or procedures established by the Administration.

D. The driver shall carry copies of the written approval while operating the truck in a unified manner in accordance with this chapter.

**.02 Operational Requirements.**

A. The applicant shall submit an Operational Plan to the Administration. The Operational Plan shall include:

(1) A description of the type of technology that is being utilized in the participating truck, including detailed descriptions of the vehicle safety features;

(2) The route information, including the locations, dates, and times of planned travel;

(3) The types of traffic and roadway conditions expected to be encountered;

(4) Any environmental condition limitations;

(5) A description of the driver training plan for drivers of the participating truck; and

(6) A company contact for the purpose of communication with the Administration.

B. The Administration shall conduct a safety evaluation of the Operational Plan in consultation with appropriate agencies, including but not limited to the Maryland State Police, the Maryland Transportation Authority, and the Maryland Department of Transportation State Highway Administration. The Administration may:

(1) Approve the plan without changes;

(2) Request modifications to the Operational Plan; or

(3) Deny the Operational Plan.

C. The Administration, the Maryland State Police, the Maryland Transportation Authority, or the Maryland Department of Transportation State Highway Administration may request an inspection of all technology and safety equipment prior to or any time after approval.

D. The Administration reserves the right to withdraw written approval for any lawful reason, including but not limited to failure to comply with this regulation or any related policies or procedures established by the Administration.

**.03 Prohibitions.**

A. A driver may not operate a truck as permitted by Transportation Article, §21-310(f), Annotated Code of Maryland:

(1) In a highway work zone as defined in COMAR 11.04.15.01B(5);

(2) While transporting hazardous materials as defined by the Hazardous Material Regulation of the U.S. Department of Transportation;

(3) While transporting loose materials as defined in Transportation Article, §24-106.1(d), Annotated Code of Maryland;

(4) On any road except a controlled access highway as defined in Transportation Article, §21-101(g), Annotated Code of Maryland; and

(5) While carrying an overweight or oversize load as defined in Transportation Article, §24-112, Annotated Code of Maryland.

*B. No more than two trucks may operate as permitted by Transportation Article, §21-310(f), Annotated Code of Maryland.*

**.04 Safety.**

*A. While traveling under the authority of an approval of this chapter, the driver shall comply with:*

- (1) The vehicle laws of Maryland;*
- (2) The regulations of this chapter; and*
- (3) Any other conditions, both general and specific, attached to the approval.*

*B. When operating a truck under the approval of this chapter, the driver shall ensure the safety of the public.*

CHRISTINE NIZER  
Administrator  
Motor Vehicle Administration

# Title 13B

## MARYLAND HIGHER EDUCATION COMMISSION

### Subtitle 08 FINANCIAL AID

#### **13B.08.11 Richard W. Collins III Leadership with Honor Scholarship Program**

Authority: Education Article, §§11-105(u), 18-204(c), and 18-605(e),  
Annotated Code of Maryland

**Notice of Proposed Action**

[21-088-P]

The Maryland Higher Education Commission proposes to amend Regulations .04 and .07 under **COMAR 13B.08.11 Richard W. Collins III Leadership with Honor Scholarship Program**. This action was considered at an open meeting of the Commission held May 26, 2021.

**Statement of Purpose**

The purpose of this action is to update scholarship allocation guidelines pursuant to Ch. 240, Acts of 2021; alter application deadlines to allow earlier awarding to students; and remove an obsolete provision.

**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 Geoff Newman, Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3085, or email to [geoff.newman@maryland.gov](mailto:geoff.newman@maryland.gov). Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

**.04 Application Process.**

A. (text unchanged)

B. Form of Application.

(1) An applicant shall apply and submit a Free Application for Federal Student Aid (FAFSA) by [April 1] *June 15*.

(2) If the applicant is ineligible to submit a FAFSA, but qualifies for in-State tuition under Education Article, Title 15, Annotated Code of Maryland, the applicant shall submit a Maryland State Financial Aid Application (MSFAA) [by April 1] *in lieu of the FAFSA*.

C.—D. (text unchanged)

E. [Time of Submission.

(1) An application and FAFSA or MSFAA received by the Office by April 1 will have priority consideration for an award.

(2) If funds are available, an application and FAFSA or MSFAA received by the Office after April 1, but no later than July 15, may be considered for an award.

(3) An application and FAFSA or MSFAA received by the Office after [July] *June 15* [is untimely and] may not be considered *for an award*.

F. (text unchanged)

[G. For the 2019—2020 award year only, the application shall be submitted by the deadline established by the Office.]

**.07 Selection of Recipients.**

A. Priority of Scholarship Awards. The Office shall:

(1) (text unchanged)

(2) Award *at least 25 percent* of its total annual scholarship budget to students [of] *at Bowie State University*; and

(3) Award [75 percent] *the remaining amount* of its total annual scholarship budget to students [of] *at other eligible institutions*.

B.—D. (text unchanged)

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

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2021

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f) for the time period specified above:

#### Water Source Approval – Issued Under 18 CFR 806.22(f):

LPR Energy, LLC; Pad ID: Snow Shoe 2; ABR-201011007.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 4, 2021.

LPR Energy, LLC; Pad ID: Snow Shoe 4; ABR-201011042.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 4, 2021.

Chief Oil & Gas, LLC; Pad ID: PMG Annie Drilling Pad #1; ABR-201103015.R2; Springville Township, Susquehanna County; Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 4, 2021.

XTO Energy, Inc.; Pad ID: PA Tract B1H; ABR-201104023.R2; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 4, 2021.

Frontier Natural Resources, Inc.; Pad ID: Winner 1; ABR-201101027.R2; West Keating Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 5, 2021.

Diversified Oil & Gas, LLC; Pad ID: Lundy Well Pad; ABR-201103010.R2; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 5, 2021.

Range Resources – Appalachia, LLC; Pad ID: Gulf USA #63H Drilling Pad; ABR-201103043.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: May 5, 2021.

SWN Production Company, LLC; Pad ID: Broughton; ABR-201012001.R2; Morris Township, Tioga County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: May 7, 2021.

Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad F; ABR-201105001.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 7, 2021.

Cabot Oil & Gas Corporation; Pad ID: GeigerK P1; ABR-202105001; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 7, 2021.

M4 Energy, LLC; Pad ID: Triana-Young Pad A; ABR-20100677.R2; Hector Township, Potter County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 10, 2021.

Range Resources – Appalachia, LLC; Pad ID: Shipman, James Unit #1H - #2H Drilling Pad; ABR-201104014.R2; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 10, 2021.

Range Resources - Appalachia, LLC; Pad ID: Null, Eugene Unit #2H - #7H Drilling Pad; ABR-201104011.R2; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 10, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Hess; ABR-201105004.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 11, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Ramblinrose; ABR-201105003.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 11, 2021.

Chief Oil & Gas, LLC; Pad ID: SGL-12 M NORTH UNIT PAD B; ABR-202105002; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: May 11, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Lomison Inc.; ABR-201105023.R2; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 27, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: LRJ; ABR-201105011.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 27, 2021.

SWN Production Company, LLC; Pad ID: Sadecki Well Pad; ABR-201105020.R2; Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 27, 2021.

Chesapeake Appalachia, L.L.C.; Pad ID: Karp; ABR-201105027.R2; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2021.

SWN Production Company, LLC; Pad ID: Mitchell Well Pad; ABR-201105026.R2; Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 31, 2021.

#### Approvals By Rule - Issued Under 18 CFR 806.22(f) - Revocation:

Seneca Resources Company, LLC; Pad ID: Hector 2; ABR-201605004; Hector Township, Potter County, Pa.; Revocation Date: May 24, 2021.

Seneca Resources Company, LLC; Pad ID: Swingle 591; ABR-201012018.R2; Richmond Township, Tioga County, Pa.; Revocation Date: May 24, 2021.

Seneca Resources Company, LLC; Pad ID: Costanzo 818; ABR-201006112.R1 Chatham Township, Tioga County, Pa.; Revocation Date: May 25, 2021.

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

DATED: June 24, 2021

JASON E. OYLER  
General Counsel and Secretary to the Commission  
[21-15-07]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at June 17, 2021, Meeting

AGENCY: Susquehanna River Basin Commission

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on June 17, 2021, from Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: June 17, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) election of Commission officers for FY2022; (2) reconciliation of the budget for FY2022; (3) ratification of two grant amendments; (4) adoption of a newly revised *Comprehensive Plan for the Water Resources of the Susquehanna River Basin* for 2021 through 2041; (5) adoption of the 2022-2024 Water Resources Program; and (4) adoption of a resolution regarding environmental justice.

#### Project Applications Approved:

Project Sponsor and Facility: ARD Operating, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Modification to update flow protection rates to be in accordance with current Low Flow Protection Policy No. 2012-01 (Docket No. 20120601).

Project Sponsor: CAN DO, Inc. Project Facility: Humbolt Industrial Park, Hazle Township, Luzerne County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.187 mgd from Humbolt Well 1, up to 0.187 mgd from Humbolt Well 3, up to 0.230 mgd from Humbolt Well 7, up to 0.144 mgd from Humbolt Well 8, and up to 0.230 mgd from Humbolt Well 9 (Docket No. 19960501).

Project Sponsor and Facility: Geneva Farm Golf Course, Inc., Dublin District, Harford County, Md. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 199110104).

Project Sponsor and Facility: Greenfield Township Municipal Authority, Greenfield Township, Blair County, Pa. Application for groundwater withdrawal of up to 0.499 mgd (30-day average) from Well PW-4.

Project Sponsor and Facility: PPG Operations LLC (West Branch Susquehanna River), Goshen Township, Clearfield County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Project Sponsor and Facility: Quarryville Borough Authority, Quarryville Borough, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.250 mgd (30-day average) from Well 2 (Docket No. 19931102).

Project Sponsor and Facility: SUEZ Water Owego-Nichols Inc., Village of Owego and Town of Owego, Tioga County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.880 mgd from Well 1, up to 1.115 mgd from Well 3, and up to 0.710 mgd from Well 4.

Project Sponsor: Weaverland Valley Authority. Project Facility: Blue Ball Water System, East Earl Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Well 4 as well as recognizing historic withdrawals from wells 1, 2 and 3.

#### Commission-Initiated Project Approval Modifications

Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga County, Pa. Conforming the grandfathered amount with the forthcoming determination for a withdrawal from Webster Reservoir up to 0.311 mgd (30-day average) (Docket No. 20130609).

Project Sponsor and Facility: Williamsport Municipal Water Authority, Williamsport City, Lycoming County, Pa. Conforming the grandfathered amounts with the forthcoming determination for withdrawals (30-day averages) from Well 3 up to 0.940 mgd, from Well 4 up to 0.940 mgd, from Well 5 up to 2.141 mgd, from Well 6 up to 0.687 mgd, from Well 7 up to 2.254 mgd, from Well 8 up to 0.987 mgd, from Well 9 up to 0.800 mgd, from Mosquito Creek up to 6.833 mgd, and from Hagermans Run up to 4.926 mgd (Docket No. 20110628).

#### Project Approval Tabled

Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Applications for renewal of groundwater withdrawal of up to 0.960 mgd (30-day average) from Well UN-37 and consumptive use of up to 0.960 mgd (peak day) (Docket No. 19890106-1).

#### Project Withdrawn

Project Sponsor and Facility: Beech Resources, LLC (Lycoming Creek), Lycoming Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

#### Project Terminated

Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modifications to extend the approval term of the consumptive use, surface water withdrawal, and out-of-basin diversion approval (Docket No. 20021210) to allow additional time for evaluation of the continued use of the source for the Aberdeen Proving Ground-Aberdeen Area.

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

DATED: June 24, 2021

JASON E. OYLER  
General Counsel and Secretary to the Commission  
[21-15-08]



# MARYLAND HEALTH CARE COMMISSION

## SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following schedules to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need (“CON”) review and approval. Not every type of project subject to the requirements of CON review and approval is included in this review schedule. In these cases, persons seeking CON approval for a project may file a letter of intent at any time. (See COMAR 10.24.01.07 and .08 for additional information on CON application filing and project review.)

The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria. It will be noted that the first criterion is evaluation of the project according to all relevant State Health Plan standards, policies, and criteria.

This Certificate of Need review schedule updates the schedule published in the *Maryland Register*, Volume 47, Issue 16, pages 772-775 (July 31, 2020). This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in and of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission. Letters of intent for projects not covered by this review schedule may be filed at any time.

For further information about review schedules or procedures, contact Wynnee Hawk, Chief, Certificate of Need, at (410) 764-5982 or [wynnee.hawk@maryland.gov](mailto:wynnee.hawk@maryland.gov).

The Commission will use the following regional configuration of jurisdictions for the General Hospital Project, Special Hospital Project, Freestanding Ambulatory Surgical Facility Project, and Schedule Two Comprehensive Care Facility Project Review Schedules:

<b>Western Maryland:</b> Allegany, Frederick, Garrett, and Washington	<b>Central Maryland:</b> Anne Arundel, Baltimore City, Baltimore County, Carroll, Harford, and Howard
<b>Eastern Shore:</b> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester	<b>Montgomery &amp; Southern Maryland:</b> Calvert, Charles, Montgomery, Prince George's, and St. Mary's

**General Hospital Projects**

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by general hospitals, for projects that involve: (1) capital expenditures by or on behalf of general hospitals that exceed the applicable capital expenditure threshold; (2) proposed changes in bed capacity or operating room capacity at existing hospitals; (3) the relocation of a general hospital; and/or (4) a change in the type or scope of any health care service offered by a general hospital, as specified at COMAR 10.24.01.02A, except for neonatal intensive care. Please note that the following schedule does not apply to establishment of a new general hospital.

**Schedule One  
All General Hospital Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	August 6, 2021	August 18, 2021	October 8, 2021
Western Maryland	September 3, 2021	September 15, 2021	November 5, 2021
Central Maryland	October 1, 2021	October 13, 2021	December 3, 2021
Eastern Shore	November 5, 2021	November 17, 2021	January 7, 2022

**Schedule Two  
All General Hospital Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	February 4, 2022	February 16, 2022	April 8, 2022
Western Maryland	March 4, 2022	March 16, 2022	May 6, 2022
Central Maryland	April 1, 2022	April 13, 2023	June 3, 2022
Eastern Shore	May 6, 2022	May 18, 2022	July 8, 2022

**Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by special hospitals, for projects that involve: (1) capital expenditures by or on behalf of special hospitals that exceed the applicable capital expenditure threshold; (2) proposed changes in bed capacity at existing hospitals; (3) the relocation of a special hospital; and/or (4) a change in the type or scope of any

**SPECIAL DOCUMENTS**

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health care service offered by a special hospital, as specified at COMAR 10.24.01.02A. Please note that the following schedule does not apply to establishment of a new special hospital.

**Schedule One  
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	August 6, 2021	August 18, 2021	October 8, 2021
Eastern Shore	September 3, 2021	September 15, 2021	November 5, 2021
Montgomery & Southern Maryland	October 1, 2021	October 13, 2021	December 3, 2021
Western Maryland	November 5, 2021	November 17, 2021	January 7, 2022

**Schedule Two  
Special Hospital Projects (Pediatric, Psychiatric, Chronic, and Rehabilitation)**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	February 4, 2022	February 16, 2022	April 8, 2022
Eastern Shore	March 4, 2022	March 16, 2022	May 6, 2022
Montgomery & Southern Maryland	April 1, 2022	April 13, 2023	June 3, 2022
Western Maryland	May 6, 2022	May 18, 2022	July 8, 2022

**Freestanding Ambulatory Surgical Facility Projects**

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish freestanding ambulatory surgical facilities, add operating rooms at an existing freestanding ambulatory surgical facility, or make a capital expenditure by a hospital for a freestanding ambulatory surgical facility project that requires Certificate of Need review and approval. The definition of freestanding ambulatory surgical facility can be found at Health-General Article §19-114(b).

**Schedule One  
Freestanding Ambulatory Surgical Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	August 6, 2021	August 18, 2021	October 8, 2021
Eastern Shore	September 3, 2021	September 15, 2021	November 5, 2021
Montgomery & Southern Maryland	October 1, 2021	October 13, 2021	December 3, 2021
Western Maryland	November 5, 2021	November 17, 2021	January 7, 2022

**Schedule Two  
Freestanding Ambulatory Surgical Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Central Maryland	February 4, 2022	February 16, 2022	April 8, 2022
Eastern Shore	March 4, 2022	March 16, 2022	May 6, 2022
Montgomery & Southern Maryland	April 1, 2022	April 13, 2023	June 3, 2022
Western Maryland	May 6, 2022	May 18, 2022	July 8, 2022

**Comprehensive Care Facility/Nursing Home Projects**

The Commission hereby publishes the following two schedules for Certificate of Need review of proposed projects affecting comprehensive care facilities (“CCFs”) or nursing homes. Schedule One identifies the review cycles for proposals involving the addition of CCF beds in Maryland jurisdictions in which the most recent bed need projection published in the *Maryland Register* identifies a net need for beds in the forecast year and for which no letters of intent or applications have been filed. Persons interested in submitting Certificate of Need applications involving the addition of beds in these jurisdictions should contact the Maryland Health Care Commission to ascertain the current level of net bed need, if any, identified for these jurisdictions prior to the filing of a Certificate of Need application. Schedule Two establishes submission dates for Certificate of Need applications related to all other CCF projects that do not involve an increase in CCF bed capacity in the jurisdiction in which the project is located. These include projects that relocate an existing facility or the proposed relocation of CCF bed capacity from an existing facility to a new site within the same jurisdiction.

**Schedule One  
Projects Proposing New Comprehensive Care Facility Beds**

Jurisdiction	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Charles County	August 6, 2021	August 18, 2021	October 8, 2021
Howard County	September 3, 2021	September 15, 2021	November 5, 2021
Prince George’s County	October 1, 2021	October 13, 2021	December 3, 2021

**Schedule Two  
A: Other Comprehensive Care Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	August 6, 2021	August 18, 2021	October 8, 2021
Western Maryland	September 3, 2021	September 15, 2021	November 5, 2021
Central Maryland	October 1, 2021	October 13, 2021	December 3, 2021
Eastern Shore	November 5, 2021	November 17, 2021	January 7, 2022

**Schedule Two  
B: Other Comprehensive Care Facility Projects**

Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Montgomery & Southern Maryland	February 4, 2022	February 16, 2022	April 8, 2022
Western Maryland	March 4, 2022	March 16, 2022	May 6, 2022
Central Maryland	April 1, 2022	April 13, 2023	June 3, 2022
Eastern Shore	May 6, 2022	May 18, 2022	July 8, 2022

**Freestanding Medical Facility Projects**

The Commission hereby publishes the following statewide schedule for Certificate of Need review of proposed projects by general hospitals to establish or relocate freestanding medical facilities (FMFs) and proposed capital expenditures by hospitals for FMF projects that exceed the applicable capital expenditure threshold. Please note that these schedules do not apply to the filing of a request for an Exemption from Certificate of Need by a general hospital seeking to convert to a freestanding medical facility.

**Schedule One  
Freestanding Medical Facility Projects**

Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
January 7, 2022	January 21, 2022	March 11, 2022

**Cardiac Surgery Services**

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Need (“CON”) by general hospitals seeking to introduce cardiac surgery services. An applicant must demonstrate that the proposed project is consistent with the general criteria for CON review set fourth at COMAR 10.24.01.08G(3). This review schedule is not a solicitation by the Commission for CON applications, and it does not indicate that additional capacity is needed or that CON applications submitted will be approved by the Commission. Applicants are encouraged to discuss their development plans and projects with the Commission staff prior to filing Letters of Intent or applications.

**Region Definitions**

**Eastern (Lower Shore) Region:** Dorchester, Somerset, Wicomico, and Worcester.

**Metropolitan Washington Region:** Calvert, Charles, Frederick, Montgomery, Prince George’s, and St. Mary’s.

**Western Region:** Allegany, Garrett, and Washington.

**Schedule One  
Cardiac Surgery Services**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Metropolitan Washington	September 3, 2021	September 15, 2021	November 5, 2021
Eastern (Lower Shore)	October 1, 2021	October 13, 2021	December 3, 2021
Western	November 5, 2021	November 17, 2021	January 7, 2022

**Schedule Two  
Cardiac Surgery Services**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Metropolitan Washington	February 4, 2022	February 16, 2022	April 8, 2022
Eastern (Lower Shore)	March 4, 2022	March 16, 2022	May 6, 2022
Western	April 1, 2022	April 13, 2023	June 3, 2022

**Home Health Agency Projects**

There are no scheduled CON review cycles for HHA applicants at this time.

[21-15-05]

# MARYLAND LOTTERY AND GAMING CONTROL AGENCY

## TAXATION OF PROCEEDS AND REGISTRATION OF FANTASY COMPETITION OPERATORS

### Public Notice

Maryland State Lottery and Gaming Control Agency hereby provides notice to fantasy competition operators in Maryland of the new taxation requirement on proceeds, and the new operator requirement.

This notice is given by James R. Nielsen, Deputy Director of the Maryland Lottery and Gaming Control Agency (“Agency”), so that fantasy competition operators conducting competitions in Maryland are aware of new requirements in the Fantasy Competition Law (“Law”), State Government Article (“SG”) §9-1D, Annotated Code of Maryland.

Effective May 18, 2021, Chapter 356 of the 2021 Session Laws of Maryland (House Bill 940 - *Gaming - Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering - Supplementary Appropriation*) added requirements to the existing Law:

[http://mgaleg.maryland.gov/2021RS/chapters\\_noln/Ch\\_356\\_hb0940E.pdf](http://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_356_hb0940E.pdf)

[http://mgaleg.maryland.gov/2021RS/chapters\\_noln/Ch\\_356\\_hb0940E.pdf](http://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_356_hb0940E.pdf)

**New SG §9-1D-03(a) and (b)** (respectively) require a fantasy competition operator to register with the Maryland State Lottery and Gaming Control Commission (“Commission”) before offering a fantasy competition, and that the one-year registration term expires unless renewed.

**New SG §9-1D-04(a)** requires a fantasy competition operator to retain 85% of its proceeds, and pay the remainder to the Commission.

Fantasy competition operators in Maryland should review pages 7 through 10 of the bill for the full text: <http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0940>

Under existing regulations found in the Code of Maryland Regulations 36.09.01.12, a fantasy competition operator must notify the Commission that it is qualified to do business in the State. [http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=36.09.01.\\*](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=36.09.01.*) Although new SG §9-1D-03(a) requires operator registration, the Commission needs to develop a registration process and promulgate regulations to implement the changes. Regulations are not required to implement new SG §9-1D-04. Operators should visit the Fantasy Competitions webpage at <https://www.mdgaming.com/ancillary-responsibilities/fantasy-competitions/> where we will post the *Monthly Fantasy Contest Operator Tax Form* for the new 15% operator tax, and additional information about the registration process. All operators should notify the Commission of their intent to conduct fantasy competitions in Maryland. Please contact Tanya Lawrence, Skills-Based Amusement Device Manager, at (410) 230-8883, [md.ofc@maryland.gov](mailto:md.ofc@maryland.gov), or by mail at:

Maryland Lottery and Gaming  
Fantasy Competition Registrations  
1800 Washington Blvd., Suite 330  
Baltimore, MD 21230

This Notice is effective immediately.

JAMES R. NIELSEN  
Deputy Director  
Maryland Lottery and Gaming

[21-15-04]

# DEPARTMENT OF NATURAL RESOURCES

## FISHING AND BOATING SERVICES — PUBLIC NOTICE

### Commercial Mature Female Hard Crab Catch Limits for July through December 2021 — Effective 7/1/2021

#### WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources, in consultation with blue crab advisory groups, announces the commercial mature female hard crab catch limits for the Chesapeake Bay and its tidal tributaries for July through December 2021. Effective 12:01 a.m. July 1, 2021, the bushel limits are:

Daily Mature Female Hard Crab Bushel Limits by License Type				
Date	LCC	TFL or CB3	TFL with CB6 or CB3 with CB6	TFL with CB9 or CB3 with CB9
July 1 -August 31, 2021	2	12	16	20
September 1-October 31, 2021	5	24	34	39
November 1-November 30, 2021	2	5	10	15
December 1-December 15, 2021 — No Female Hard Crab Harvest Allowed				
The above acronyms stand for: LCC – Limited Crab Harvester License 50 pots; CB3 – Crab Harvester License 300 pots; CB6 – 600 pot authorization; CB9 – 900 pot authorization; and TFL – Unlimited Tidal Fish License				

Mature female hard crab bushel limits are based on results of the winter crab dredge survey conducted by the Maryland Department of Natural Resources and Virginia Institute of Marine Science, and consultation with advisory groups.

Crew limits as described in Annotated Code of Maryland, Natural Resources Article, §4-814, are in effect. If crew members are not on board, then the licensee is restricted to the TFL or CB3 bushel limits.

#### WHERE THIS NOTICE APPLIES

This applies to the Chesapeake Bay and its tidal tributaries, including the Maryland tributaries of the Potomac River.

#### WHY THIS IS NECESSARY

This action is necessary to ensure female blue crab harvest does not exceed the Chesapeake Bay exploitation fraction threshold established in Amendment 2 to the Chesapeake Bay Blue Crab Fishery Management Plan.

#### WHOM THIS NOTICE AFFECTS

This applies to commercial crabbers who harvest female blue crabs in the Chesapeake Bay and its tidal tributaries.

#### AUTHORITY

Code of Maryland Regulations (COMAR) 08.02.03.14G.

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

[21-15-06]

## General Notices

### Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

#### MARYLAND HEALTH CARE COMMISSION

**Subject:** Exemption Request

**Add'l. Info:** The Maryland Health Care Commission has received a request from:

Sinai Hospital of Baltimore, Inc. and Grace Medical Center, Inc. — D.N. 21-24-EX013 — Conversion of Grace Medical Center to a freestanding medical facility with Sinai as its parent hospital. Proposed Cost: \$38,100,000.

A copy of the Exemption Request is available for review in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at [www.mhcc.maryland.gov](http://www.mhcc.maryland.gov).

All correspondence should be addressed to Paul Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.

**Contact:** Ruby Potter (410) 764-3276

[21-15-09]

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

**Subject:** Public Meeting

**Dates and Times:** August 4, 2021, 8:30 a.m. — 5 p.m.; Additional Dates: August 18, September 1, and September 15, 2021

**Place:** Virtual meeting — please see details below.

**Add'l. Info:** Meetings are being held virtually until further notice. Please check the website for additional information. <https://mdot.maryland.gov>.

**Contact:** Sabrina Bass (410) 865-1240

[21-15-03]

#### BOARD OF WELL DRILLERS

**Subject:** Public Meeting

**Date and Time:** July 28, 2021, 9 a.m. — 12 p.m.

**Place:** Via Google Hangouts — please see details below.

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

Access link to Open Meeting is available on the MDE website:

[mde.maryland.gov/programs/permits/environmentalboards/pages/meeting\\_of\\_theboard\\_ofwelldrillers.aspx](http://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx)

**Contact:** Duane M Johnson (410)-537-4466

[21-15-01]

#### BOARD OF WELL DRILLERS

**Subject:** Public Meeting

**Date and Time:** August 25, 2021, 9 a.m. — 12 p.m.

**Place:** Via Google Hangouts — please see details below.

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

Access link to Open Meeting is available on the MDE website:

[mde.maryland.gov/programs/permits/environmentalboards/pages/meeting\\_of\\_theboard\\_ofwelldrillers.aspx](http://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx)

**Contact:** Duane M Johnson (410) 537-4466

[21-15-02]

# COMAR ORDER INFORMATION SHEET

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\_\_\_\_\_ Check enclosed, made payable to "Division of State Documents"

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**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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## SPECIAL COMAR PUBLICATIONS

| Publication / Handbook                                             | Print Price | S & H | Quantity | Total |
|--------------------------------------------------------------------|-------------|-------|----------|-------|
| Control of Ionizing Radiation (through supplement 30)              | \$165       | \$25  | _____    | _____ |
| Control of Ionizing Radiation Supplement 29 ONLY                   | \$14        | \$0   | _____    | _____ |
| Control of Ionizing Radiation Supplement 30 ONLY                   | \$17        | \$0   | _____    | _____ |
| Forest Conservation Law (2019)                                     | \$15        | \$8   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$10  | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (green cover)        | \$15        | \$8   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012) (including binder)          | \$48        | \$15  | _____    | _____ |
| Child Care Regulations (13A.14 – 13A.18) opt. binder addl. \$15    | \$40        | \$15  | _____    | _____ |
|                                                                    |             |       | Total    | _____ |

**If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.**

## COMAR SUBSCRIPTION SCHEDULES

| PDF QUARTERLY UPDATES            | PRINT SEMI-ANNUAL UPDATES       |
|----------------------------------|---------------------------------|
| After March 30 <sup>th</sup>     | After June 30 <sup>th</sup>     |
| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
| After December 31 <sup>st</sup>  |                                 |

**PDF – A replacement title in its entirety will be sent in electronic format.**

**PRINT – Entire chapters affected will be sent for replacement and insertion into COMAR title book(s).**

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| Titles                                     | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity      | Total |
|--------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------|-------|
| <b>Complete set of COMAR in PDF format</b> |                                                                  | \$1,000            | \$500                     |               |       |
| <b>Title 01</b>                            | Executive Department                                             | \$35               | \$24                      |               |       |
| <b>Title 02</b>                            | Office of the Attorney General                                   | \$22               | \$13                      |               |       |
| <b>Title 03</b>                            | Comptroller of the Treasury                                      | \$30               | \$20                      |               |       |
| <b>Title 04</b>                            | Department of General Services                                   | \$16               | \$10                      |               |       |
| <b>Title 05</b>                            | Department of Housing and Community Development                  | \$78               | \$50                      |               |       |
| <b>Title 07</b>                            | Department of Human Services                                     | \$80               | \$53                      |               |       |
| <b>Title 08</b>                            | Department of Natural Resources                                  | \$78               | \$51                      |               |       |
| <b>Title 09</b>                            | Maryland Department of Labor                                     | \$89               | \$60                      |               |       |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$272              | \$180                     |               |       |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      |               |       |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      |               |       |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      |               |       |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      |               |       |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      |               |       |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      |               |       |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      |               |       |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      |               |       |
| <b>Title 12</b>                            | Department of Public Safety and Correctional Services            | \$67               | \$43                      |               |       |
| <b>Title 13A</b>                           | Maryland State Department of Education                           | \$63               | \$42                      |               |       |
| <b>Title 13B</b>                           | Maryland Higher Education Commission                             | \$25               | \$15                      |               |       |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      |               |       |
| <b>Title 15</b>                            | Maryland Department of Agriculture                               | \$48               | \$30                      |               |       |
| <b>Title 16</b>                            | Department of Juvenile Services                                  | \$23               | \$15                      |               |       |
| <b>Title 17</b>                            | Department of Budget and Management                              | \$28               | \$16                      |               |       |
| <b>Title 18</b>                            | Department of Assessments and Taxation                           | \$20               | \$12                      |               |       |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      |               |       |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      |               |       |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      |               |       |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      |               |       |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      |               |       |
| <b>Title 24</b>                            | Department of Commerce                                           | \$34               | \$20                      |               |       |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       |               |       |
| <b>Title 26</b>                            | Department of Environment (All parts) **                         | \$189              | \$125                     |               |       |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      |               |       |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      |               |       |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      |               |       |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      |               |       |
| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      |               |       |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       |               |       |
| <b>Title 29</b>                            | Maryland State Police                                            | \$30               | \$18                      |               |       |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems (MIEMSS)     | \$25               | \$17                      |               |       |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      |               |       |
| <b>Title 32</b>                            | Department of Aging                                              | \$25               | \$15                      |               |       |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      |               |       |
| <b>Title 34</b>                            | Department of Planning                                           | \$31               | \$18                      |               |       |
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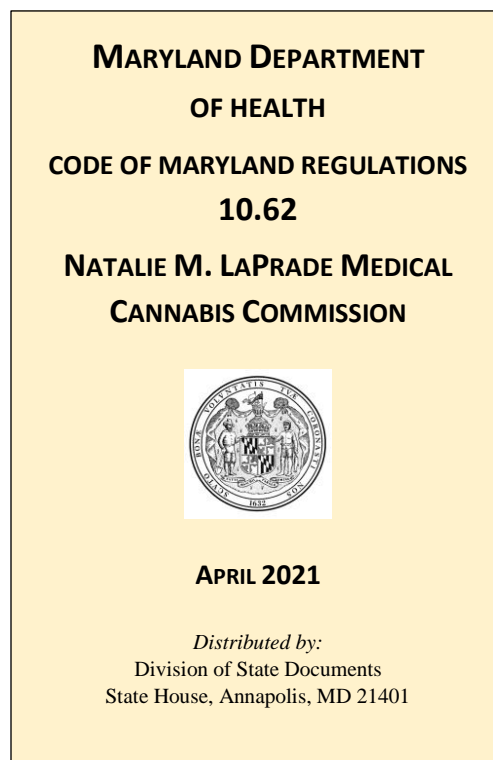
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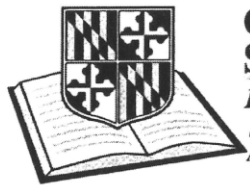
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