

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 23 11, 2021, 5 p.m.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 August 23, 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)

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

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Illustrations by Carolyn Anderson, Dept. of General Services

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

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

Availability of Monthly List of Maryland Documents

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

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

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Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
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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
2022			
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 Subtitle Chapter Regulation Subsection Paragraph Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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 36.10.12.01—.04 • 48:18 Md. R. 718 (8-27-21)
 36.10.13.01—.44 • 48:18 Md. R. 718 (8-27-21)
 36.10.14.01—.07 • 48:18 Md. R. 718 (8-27-21)

PENDING PROPOSALS

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36.10.15.01—.04 • 48:18 Md. R. 718 (8-27-21)

36.10.16.01—.06 • 48:18 Md. R. 718 (8-27-21)

36.10.17.01—.03 • 48:18 Md. R. 718 (8-27-21)

36.10.18.01—.06 • 48:18 Md. R. 718 (8-27-21)

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated June 25, 2021, **ROBERT Z. BOHAN** (CPF# 9312170006), 175 Admiral Cochrane Drive, Suite 102, Annapolis, Maryland 21401, has been disbarred by consent, effective August 23, 2021, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated June 3, 2021, **CHRISTOS GEORGE VASILIADES** (CPF# 1106150275), P.O. Box 41402, Baltimore, Maryland 21203, has been disbarred by consent, effective August 27, 2021, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated August 16, 2021, **CHRISTOPHER EDWARD VASILIADES** (CPF# 1612140324), 7 Chapel Manor Court, Perry Hall, Maryland 21128, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated August 16, 2021, **JONATHAN ROBERT SCHUMAN** (CPF# 9612190135), Schuman & Felts, Chtd., 133 Rollins Avenue, Suite 5, Rockville, Maryland 20852, has been disbarred by consent, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated August 24, 2021, **ERNEST P. FRANCIS** (CPF# 9405050001), 1700 Rockville Pike, Suite 400, Rockville, Maryland 20852, P.O. Box 796, Alexandria, Virginia 22313, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated August 24, 2021, **WINSTON BRADSHAW SITTON** (CPF# 9506210383), 2700 1st American Center, Nashville, Tennessee 37288, has been indefinitely suspended, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Opinion and Order of this Court dated August 27, 2021, **GARY MORGAN BROOKS** (CPF# 9206170035), 1800 North Charles Street, Suite 304, Baltimore, Maryland 21201, has been reprimanded by an Opinion and Order of this Court.

[21-19-26]

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 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 22 DEVELOPMENTAL DISABILITIES

10.22.17 Fee Payment System for Licensed Residential and Day Programs

Authority: Health-General Article, §§2-104(b), 7-306.1, 7-307, 7-308, 7-910(c), 15-105, 15-107, and 16-201, Annotated Code of Maryland

Notice of Emergency Action [21-122-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .02 and .10 under **COMAR 10.22.17 Fee Payment System for Licensed Residential and Day Programs**.

Emergency status began: August 12, 2021.

Emergency status expires: December 31, 2021.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact. DDA residential providers that support individuals who are absent from services for more than 18 days per calendar year will have a fiscal impact.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)		\$1,400,000
B. On other State agencies:		NONE	
C. On local governments:		NONE	

	Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups:	(-)	\$2,700,000
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. With a decrease in payments to providers in the amount of \$2,700,000, the State will save \$1,400,000 in expenditures from State funds.

D. DDA residential providers that support individuals who are absent from services for more than 18 days per calendar year will have a fiscal impact. Based on analysis of FY2020, both before and during the Public Health Emergency, the total estimated cost to providers will be approximately \$2,700,000, or an average of \$881 per provider.

Economic Impact on Small Businesses

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

DDA residential providers that support individuals who are absent from services for more than 18 days per calendar year will have a fiscal impact. Based on analysis of FY2020, both before and during the Public Health Emergency, the aggregate cost to providers who support individuals in excess of 18 days is approximately \$2,700,000, or an average of \$881 per provider. There are a total of 816 of such providers. The range of impact is approximately \$115—\$15,238 per provider.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) “Attendance day” means, for:

(a) Day habilitation and vocational services *billed under the Administration’s prospective payment system in accordance with Health-General Article, §7-306.1, Annotated Code of Maryland*, when the individual is present in the program for at least 4 hours a

day during a regularly scheduled period of operation, with 6 to 8 hours per day as the service goal, and with Administration approval of fewer than 6 hours per day provided the individual plan indicates this lower level of service is necessary;

(b) Residential programs billed under the Administration's prospective payment system in accordance with Health-General Article, §7-306.1, Annotated Code of Maryland, as of October 1, 2001, when the individual is present for at least 6 hours in the home or spends the night in the home, which is the primary residence for the individual; and

(c) Supported employment billed under the Administration's prospective payment system, in accordance with Health-General Article, §7-306.1, Annotated Code of Maryland, when the individual is engaged in supported employment for at least 4 hours a day, with 6 to 8 hours per day as the service goal, and with Administration approval of fewer than 6 hours per day provided the individual plan indicates this lower level of service is necessary.

(6)—(35) (text unchanged)

(36) "Unit of service" means:

(a) (text unchanged)

(b) For residential programs:

(i) For awake direct support services, [1 hour] 1 hour;

(ii)—(iii) (text unchanged)

(c) (text unchanged)

(37)—(38) (text unchanged)

.10 Payment for Services Reimbursed by Rates.

A.—B. (text unchanged)

C. Reimbursement for Attendance Days of Day Habilitation, Vocational Services, and Supported Employment with Fewer than the Hours as Defined in Regulation .02 of this Chapter.

(1) [The] *Except as provided in §C(3) of this regulation, for day habilitation, vocational services, and supported employment billed under the Administration's prospective payment system, in accordance with Health-General Article, §7-306.1, Annotated Code of Maryland, the Administration may:*

(a)—(c) (text unchanged)

(2) (text unchanged)

(3) *In accordance with the individual's individual plan approved by the Administration, the Administration may approve payment to providers for fewer than the minimum hours otherwise required for meaningful day services in either of the following circumstances:*

(a) *In the event of a public health emergency or state of emergency, as further provided in §L of this regulation; or*

(b) *The provider bills for meaningful day services, including day habilitation, vocational services, and supported employment, under the Administration's fee-for-service payment system in its electronic data management system as further provided in Health-General Article, §7-308, Annotated Code of Maryland, other applicable laws and regulations, and the Department's policies, procedures, and guidance.*

D.—F. (text unchanged)

G. Absences and Vacancies.

(1) [As of July 1, 2011] *Except in the event of a public health emergency or state of emergency as provided in §L of this regulation, the Department shall only reimburse providers for [33] 18 days of absences or vacancies per year per individual when the individual is unable to be in residential services due to illness, vacation, home visits, medical appointments, or other circumstances.*

(2) (text unchanged)

H. The Administration shall reimburse day and supported employment programs an additional \$2,000 per year per individual for transportation to and from day habilitation and vocational programs or to and from supported employment for individuals who,

because of their disabilities, must use wheelchairs or motorized scooters[,] if the:

(1) *Provider bills for day habilitation, vocational services, or supported employment under the Administration's prospective payment system, in accordance with Health-General Article, §7-306.1, Annotated Code of Maryland; and*

(2) [payments] *Payments are consistent with the requirements under COMAR 10.09.26 and 10.09.19.*

I.—K. (text unchanged)

L. *The Administration may approve payment to providers in the event of a public health emergency or state of emergency, federal or State, in accordance with applicable disaster relief authority for:*

(1) *Fewer than the minimum hours otherwise required for meaningful day services as provided in §C of this regulation; or*

(2) *Additional retainer days as provided in §G(1) of this regulation.*

DENNIS R. SCHRADER
Secretary of Health

Title 15

MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.18 Farmers' Market Nutrition Program— Appeal Procedure

Authority: Agriculture Article, §2-103, Annotated Code of Maryland

Notice of Emergency Action

[21-134-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01—-.11 under a new chapter, **COMAR 15.01.18 Farmers' Market Nutrition Program—Appeal Procedure.**

Emergency status began: September 10, 2021.

Emergency status expires: March 8, 2022.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.01 Purpose.

A. *This chapter sets forth the appeal procedure for the Senior Farmers' Market Nutrition Program (SFMNP) and the WIC Farmers' Market Nutrition Program (WIC FMNP). The SFMNP and the WIC FMNP are segments of the Farmers' Market Nutrition Program (FMNP). The Maryland Department of Agriculture administers SFMNP in the State. The Maryland Department of Agriculture and the Maryland Department of Health jointly administer the WIC FMNP in the State. The FMNP, a federal-State partnership with USDA, is designed to:*

(1) *Provide FMNP recipients with access to locally grown fruits, vegetables, honey, and herbs; and*

(2) Increase the domestic consumption of agricultural commodities through farmers' markets, roadside stands, and community supported agricultural programs.

B. This chapter, as required under 7 CFR §248.16 for the WIC FMNP and 7 CFR §249.16 for the SFMNP, establishes a procedure for the following persons to appeal certain adverse actions of the Maryland Department of Agriculture in its administration of the FMNP:

- (1) SFMNP applicants and recipients;
- (2) Local agencies assisting in implementing the SFMNP; and
- (3) Farmers participating in the SFMNP and the WIC FMNP.

C. The Maryland Department of Health has adopted a procedure for the following persons to appeal certain adverse actions it takes in administering its portion of the WIC FMNP:

- (1) WIC FMNP recipients; and
- (2) Local agencies assisting in implementing the WIC FMNP.

.02 Definitions.

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

B. Terms Defined.

(1) "Department" means the Maryland Department of Agriculture.

(2) "Farmers' Market Nutrition Program" or "FMNP" means the Senior FMNP and the WIC FMNP.

(3) "Local agency" means a nonprofit entity or local government agency that certifies eligible SFMNP recipients, issues SFMNP coupons, or provides nutrition education or information on operational aspects of the SFMNP to SFMNP recipients.

(4) "Secretary" means the Secretary of the Maryland Department of Agriculture.

(5) "Senior Farmers' Market Nutrition Program" or "SFMNP" means the Federal-State partnership between USDA and the Department in which USDA provides federal funds to the Department to administer a program designed to:

(a) Provide SFMNP recipients access to locally grown fruits, vegetables, honey, and herbs; and

(b) Increase the domestic consumption of agricultural commodities through farmers' markets, roadside stands, and community supported agricultural programs.

(6) "SFMNP recipient" means an individual, as defined under 7 CFR §249.6, as amended, who is eligible to receive benefits under the SFMNP.

(7) "USDA" means the United States Department of Agriculture, Food and Nutrition Service.

(8) "WIC FMNP" means a Federal-State partnership that USDA has with the Maryland Department of Agriculture and the Maryland Department of Health in which USDA provides federal funds to these departments to administer a program designed to:

(a) Provide WIC FMNP recipients access to locally grown fruits, vegetables, honey, and herbs; and

(b) Increase the domestic consumption of agricultural commodities through farmers' markets, roadside stands, and community supported agricultural programs.

(9) "WIC FMNP recipient" means a woman, infant older than 4 months, or child who receives benefits or is waiting to receive benefits under the WIC Program authorized under §17 of the Child Nutrition Act of 1966, as amended.

.03 Appealing Adverse Actions to the Secretary.

A. SFMNP applicants. An SFMNP applicant may appeal the denial of certification of SFMNP benefits unless the denial is solely because of the lack of sufficient funding to provide SFMNP benefits to all eligible applicants. While awaiting the hearing, the SFMNP applicant may not receive SFMNP benefits.

B. SFMNP Participants.

(1) An SFMNP recipient may appeal the disqualification or suspension of SFMNP benefits.

(2) Excepting an SFMNP recipient whose certification period has already expired or who become otherwise ineligible for SFMNP benefits, an SFMNP recipient who appeals the termination of benefits within the period of time provided under Regulation .05 of this chapter shall continue to receive SFMNP benefits until the Secretary reaches a decision or the certification period expires, whichever occurs first.

(3) An SFMNP recipient who becomes ineligible during a certification, or whose certification period expires, may appeal the termination. While awaiting the hearing, the SFMNP recipient may not receive benefits.

C. A local agency may appeal an action disqualifying it from participating in the SFMNP.

D. A farmer may appeal an action:

(1) Denying that person's application to participate in the WIC FMNP or SFMNP;

(2) Imposing a sanction under the WIC FMNP or SFMNP; or

(3) Disqualifying that person from participating in the WIC FMNP or SFMNP.

.04 Matters Not Subject to Appeal.

A farmer or local agency may not appeal the expiration of a contract or agreement with the Department in connection with the WIC FMNP or SFMNP under this chapter.

.05 Time Limit for Requesting a Hearing.

If the Department takes one of the adverse actions listed in Regulation .03 of this chapter, the person against whom the action is taken (for example, the SFMNP applicant or recipient, a local agency, or a farmer) shall request a hearing within 30 days from the date that the Department mails or otherwise issues the notice of the action.

.06 Postponement Pending Decision.

If the Department finds that an adverse action that affects a local agency or farmer may unduly inconvenience SFMNP or WIC FMNP recipients, the Department may postpone the action until a decision in the appeal is rendered.

.07 Procedure.

If the Department takes one of the adverse actions listed in Regulation .03 of this chapter, it shall provide the person affected (for example, the SFMNP applicant or recipient, a local agency, or a farmer) with the following:

A. 3 days in advance of the effective date of the adverse action, written notification of the adverse action, the cause for the action, and the effective date of the action, including the Department's determination of whether the action shall be postponed under Regulation .06 of this chapter if it is appealed, and the opportunity for a hearing;

B. The opportunity to appeal the action within 30 days from the date that the Department mails or otherwise issues the notice of adverse action;

C. Adequate advance notice of the time and place of the hearing to provide all parties involved sufficient time to prepare for the hearing;

D. The opportunity to present the person's case and at least one opportunity to reschedule the hearing date upon specific request;

E. The opportunity to confront and cross-examine adverse witnesses;

F. The opportunity to be represented by counsel or, in the case of an SFMNP recipient, by a representative designated by the recipient, if desired;

*G. The opportunity to review the case record before the hearing;
and*

H. Written notification of the decision in the appeal, within 60 days from the date of receipt of the request for a hearing by the Department.

.08 Department's Decision.

The Department's action shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing such hearings. The basis for the Department's decision shall be stated in writing.

.09 Continuing Responsibilities.

When a farmer or local agency appeals an adverse action, and is permitted to continue in the FMNP while the appeal is pending, the farmer or local agency continues to be responsible for compliance with the terms of the written agreement or contract with the Department.

.10 Judicial Review.

An SFMNP applicant or recipient, a local agency, or a farmer affected by an adverse decision of the Secretary may file a petition for judicial review in the appropriate circuit court as required by the Maryland Rules of Procedure.

.11 Mediation.

If a person affected by an adverse action of the Department has filed an appeal with the Secretary, the person may request that the appeal process be paused for 60 days to attempt to resolve the matter through the Department's Mediation Program. If the matter is not resolved through mediation by the end of the 60-day period, the appeal process shall resume.

JULIANNE A. OBERG
Deputy Secretary

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 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 Final Action

[21-094-F]

On August 31, 2021, the Secretary of State adopted new Regulations **.13—.17** under **COMAR 01.02.08 Notary Public: General Regulations**. This action, which was proposed for adoption in 48:15 Md. R. 595—596 (July 16, 2021), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 1, 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 01.02.08.17: The proposed heading incorrectly included a reference to remote online notary vendor rather than notary public course of study and examination provider. This change is nonsubstantive as it deletes the reference to remote online notary vendor and adds notary public course of study and examination provider to accurately reflect the content of the regulation.

.17 Revocation of ~~[[Remote Online Notary Vendor]] Notary Public Course of Study and Examination Provider Authorization.~~
(proposed text unchanged)

JOHN C. WOBENSMITH
Secretary of State

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

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

Notice of Final Action

[21-070-F]

On August 19, 2021, the Maryland Racing Commission adopted amendments to Regulation **.17** under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 48:12 Md. R. 476 (June 4, 2021), has been adopted as proposed.

Effective Date: September 20, 2021.

EMMET C. DAVITT
Chairman

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Notice of Final Action

[21-078-F]

On August 17, 2021, the Secretary of Public Safety and Correctional Services, in cooperation with the Division of Correction and the Maryland Parole Commission, adopted:

(1) New Regulations **.01—.04** under a new chapter, **COMAR 12.02.29 Inmates Convicted as Adults While Younger than 18 Years Old**; and

(2) Amendments to Regulations **.17**, **.18**, and **.23** under **COMAR 12.08.01 General Regulations**.

This action, which was proposed for adoption in 48:14 Md. R. 540—543 (July 2, 2021), has been adopted as proposed.

Effective Date: September 20, 2021.

ROBERT L. GREEN
Secretary of Public Safety and
Correctional Services

Title 13B
MARYLAND HIGHER
EDUCATION COMMISSION
Subtitle 03 FIRE-RESCUE EDUCATION
AND TRAINING COMMISSION
13B.03.01 Certification Standards and
Procedures for Emergency Services Instructors

Authority: Education Article, §11-105 and Title 11, Subtitle 5, Annotated
Code of Maryland

Notice of Final Action

[21-069-F-I]

On August 25, 2021, the Maryland Higher Education Commission adopted amendments to Regulations .01, .03, .04, and .13 and the repeal of Regulation .14 under **COMAR 13B.03.01 Certification Standards and Procedures for Emergency Services Instructors**. This action, which was proposed for adoption in 48:11 Md. R. 431—432 (May 21, 2021), has been adopted as proposed.

Effective Date: September 20, 2021.

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

Title 31
MARYLAND INSURANCE
ADMINISTRATION
Subtitle 04 INSURERS
31.04.14 Life and Health Insurance Guaranty
Corporation Coverage—Notice Requirements

Authority: Insurance Article, §§2-109 and 9-414, Annotated Code of
Maryland

Notice of Final Action

[21-077-F]

On August 25, 2021, the Insurance Commissioner adopted amendments to Regulations .01—.03 under **COMAR 31.04.14 Life and Health Insurance Guaranty Corporation Coverage—Notice Requirements**. This action, which was proposed for adoption in 48:13 Md. R. 520—522 (June 18, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

KATHLEEN A. BIRRANE
Insurance Commissioner

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 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Service

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

Notice of Proposed Action

[21-123-P-I]

The Secretary of Health proposes to amend Regulations **.01-1** and **.05** under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services**.

Statement of Purpose

The purpose of this action is to:

(1) Update the Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) Provider Manual, which is incorporated by reference in this regulation; and

(2) Clarify limitations to accommodate EPSDT services rendered via audio-only and audio-visual telehealth.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason 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 October 12, 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 Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) Provider Manual (Maryland Medical Assistance Program, Effective January 1, 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. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01-1 Incorporation by Reference.

The Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) Provider Manual (Maryland Medical Assistance Program, Effective [January 1, 2019] *January 1, 2020*) is incorporated by reference.

.05 Limitations.

A.—D. (text unchanged)

E. The provider covered by this chapter may not bill the Program for:

(1) Services that are:

(a)—(f) (text unchanged)

(g) Rendered [by mail, telephone, or otherwise not one-to-one, in person] *not in person, unless the services are provided in compliance with COMAR 10.09.49 and any subregulatory guidance issued by the Department;*

(2)—(6) (text unchanged)

DENNIS R. SCHRADER
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.48 Targeted Case Management for People with Developmental Disabilities

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

Notice of Proposed Action

[21-137-P]

The Secretary of Health proposes to amend Regulations .01—.08 under **COMAR 10.09.48 Targeted Case Management for People with Developmental Disabilities**.

Statement of Purpose

The purpose of this action is to implement a 4 percent rate increase for targeted case management services, in accordance with the State budget, approved under House Bill 588, Budget Bill (Fiscal Year 2022), Ch. 357 (H.B. 588), Acts of 2020. Furthermore, pursuant to the findings of a rate study required by Ch. 648, Acts of 2014, the proposed action effectuates a geographic differential for targeted case management providers in certain counties. It also updates terms and conditions for participation to align with current practice and the approved Maryland Medicaid State Plan.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action effectuates a 4 percent rate increase for targeted case management providers and a geographic differential for providers rendering services to Maryland Medicaid participants in certain counties. In FY 2022, the total impact of the proposed action equals \$3,390,402.

	Revenue (R+/R-)	
II. Types of Economic Impact.	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$3,390,402
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$3,390,402
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. (1) 4,029,285 units of targeted case management service will be provided in FY 2022;

(2) Services provided to Maryland Medicaid participants residing in Calvert, Charles, Frederick, Montgomery, and Prince George’s counties are subject to a geographic differential based on the Bureau of Labor Statistics’ wages for the Washington, D.C. metro Metropolitan Statistical Area. The 4 percent rate increase raises reimbursement for these services from \$21.82 per unit to \$22.69 per unit. This represents 28.6 percent of targeted case management utilization, or 1,152,376 units;

(3) The 4 percent rate increase raises reimbursement for services in all other counties from \$20.72 per unit to \$21.55 per unit. This represents 71.4 percent of targeted case management utilization, or 2,876,909 units;

(4) The magnitude of the rate increase for units of service subject to the geographic differential is \$1,002,567;

(5) The magnitude of the rate increase for projected units of service not subject to the geographic differential is \$2,387,835; and

(6) The total amount, \$3,390,402, is subject to a 50 percent federal match (\$1,695,201 federal funds, \$1,695,201 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.

The proposed action increases reimbursement for small businesses that provide targeted case management services for people with developmental disabilities. It further effectuates an increase in reimbursement for small businesses that provide targeted case management services to Maryland Medicaid participants residing in Calvert, Charles, Frederick, Montgomery, and Prince George’s counties.

Impact on Individuals with Disabilities

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

The provider rate increases included in this proposal may improve access to targeted case management services for Maryland Medicaid participants.

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 October 12, 2021. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Community Coordination Services[.]” means provision of core services to individuals receiving ongoing DDA funding for comprehensive community services.

[(a) “Community coordination services” means resource coordination services provided to individuals receiving ongoing DDA funding for community services.

(b) “Community coordination services” includes:

(i) Development of an individual plan;

(ii) Referrals and related activities; and

(iii) Monitoring and follow-up activities.]

- (4) (text unchanged)
- (5) “Comprehensive assessment” means an assessment of the applicant’s needs and supports to *enable the DDA to determine the applicant’s eligibility for DDA funding of comprehensive community services.*
- (6)—(7) (text unchanged)
- (8) “Coordination of community services” means *the provision of targeted case management services that assist participants in gaining access to the full range of medical assistance services, as well as access to any additional needed generic, medical, social, habilitative, [vocational] employment, recreational, housing, financial, counseling, legal, educational, and other support services.*
- (9)—(10) (text unchanged)
- (11) “Core services” means the following community services:
 - (a) (text unchanged)
 - (b) Development of the [individual] *person-centered* plan;
 - (c)—(d) (text unchanged)
- (12)—(14) (text unchanged)
- (15) “Developmental disability” [means a severe, chronic disability, as defined] *has the same meaning as set forth in Health-General Article, §7-101, Annotated Code of Maryland[, that:].*
 - [a] Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;
 - (b) Is manifested before the individual becomes 22 years old;
 - (c) Is likely to continue indefinitely;
 - (d) Results in an inability to live independently without external support or continuing and regular assistance; and
 - (e) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated with the individual.]
- (16)—(18) (text unchanged)
- (19) “Individual plan” means a comprehensive, outcome-directed, person-centered service plan that is developed and revised by the coordinator of community services in collaboration with the individual and his or her identified representatives.]
- [(20)] (19)—[(21)] (20) (text unchanged)
- [(22)] (21) “Most integrated setting” means a setting that enables [an individual] *a participant* with a disability to interact with nondisabled individuals other than staff to the fullest extent possible.
- [(23)] (22)—[(24)] (23) (text unchanged)
- (24) *Person-Centered Plan.*
 - (a) “*Person-centered plan*” means a written plan that is developed through a planning process driven by the participant with a developmental disability to:
 - (i) *Identify the participant’s goals and preferences;*
 - (ii) *Identify services to support the participant in pursuing the participant’s personally defined outcomes in the most integrated community setting;*
 - (iii) *Direct the delivery of services that reflect the participant’s personal preferences and choice; and*
 - (iv) *Identify the participant’s specific needs that must be addressed to ensure the participant’s health and welfare.*
 - (b) “*Person-centered plan*” includes an individual plan as referenced in COMAR 10.22.
- (25) “Person-directed supports” means service and supports that empower the [individual] *participant*, and the legally authorized representative on the [individual’s] *participant’s* behalf, to direct the development and implementation of a plan of supports and services that meet the [individual’s] *participant’s* personal goals.
- (26)—(27) (text unchanged)
- (28) “Provider” means an entity that meets the conditions for participation specified in Regulation .04 of this chapter, and is

- authorized by DDA to provide coordination of community services [for individuals with a developmental disability].
 - [(29)] (29) “Recipient” means an individual who is certified as eligible for, and is receiving, Medical Assistance benefits.]
 - [(30)] (29) “Reportable events” means specified incidents and complaints noted in the DDA Policy on Reportable Incidents and Investigations (PORII), *as required under COMAR 10.22.02.01 and established to ensure the health, safety, and welfare of [individuals] participants receiving services from [DDA-licensed and] DDA-funded providers.*
 - [(31)] (30) (text unchanged)
 - [(32)] (31) “Service record” means all past and current health, eligibility, request for service change, service funding plan, [individual] *person-centered* plan, and coordination of community services documents and records.
 - [(33)] (32) (text unchanged)
 - [(34)] Targeted case management” means an optional service allowed under federal Medicaid rules which includes services to assist target populations of Medicaid participants to gain access to needed medical, social, educational, and other services.]
 - (33) *Targeted Case Management.*
 - (a) “*Targeted case management*” means an optional service allowed under federal Medicaid rules which includes services to assist target populations of Medicaid participants to gain access to needed medical, social, educational, and other services.
 - (b) “*Targeted case management*” includes:
 - (i) *Performance of a comprehensive assessment and periodic reassessment of participant needs, to determine the need for any medical, educational, social, or other services;*
 - (ii) *Provision of waiting list coordination services;*
 - (iii) *Provision of community coordination services; and*
 - (iv) *Provision of transition coordination services.*
 - [(35)] (34) “Transition Coordination Services”[.]
 - [(a)] “Transition coordination services” means [coordination of community] *provision of core* services [provided] to [individuals] *participants* transitioning to the community from an institution.
 - [(b)] “Transition coordination services” may include:
 - (i) The development of an individual plan;
 - (ii) Referral and related activities; and
 - (iii) Monitoring and follow-up activities.]
 - [(36)] (35) (text unchanged)
 - [(37)] (36) “Waiting list” means [individuals] *participants* found eligible for services in the crisis resolution, crisis prevention, or current request priority category as set forth in COMAR 10.22.12.07B.
 - [(38)] (37) “Waiting List Coordination Services”[.]
 - [(a)] “Waiting list coordination services”] means [coordination of community] *provision of core* services [provided] to [individuals] *participants* on the DDA waiting list.
 - [(b)] “Waiting list coordination services” may include:
 - (i) The development of an individual plan;
 - (ii) Referral and related activities; and
 - (iii) Monitoring and follow-up activities.]
- .02 [License] Certification Requirements.**
 The provider shall meet all applicable [license] *certification* requirements as set forth in COMAR 10.22.02 unless otherwise authorized by the Developmental Disabilities Administration.
- .03 Participant Eligibility.**
 To be eligible for services covered under this chapter, a participant or applicant shall:
 A. [Be] *Apply to be a Medical Assistance Program participant or be [Medicaid] Medical Assistance Program* eligible; and
 B. Either:
 (1) (text unchanged)

(2) Be eligible for funding from the DDA as set forth in COMAR 10.22.12, and meet one of the following conditions:

(a) Be determined to have a developmental disability [as set forth in COMAR 10.22.12.03B(9)] and currently on the DDA waiting list;

(b) (text unchanged)

(c) Be determined to have a developmental disability [as set forth in COMAR 10.22.12.03B(9)] and in the process of transitioning to the community.

.04 Conditions for Participation — General.

A.—B. (text unchanged)

C. Administrative and Professional Requirements. To participate in the Program as a provider of services covered under this chapter, the provider shall:

(1)—(3) (text unchanged)

[(4) Be selected by DDA as a “most advantageous” provider for the State as a term that is defined in COMAR 21.01.02.01;

(5) Attend a DDA single point of entry session;]

[(6)] (4) (text unchanged)

[(7) Serve all individuals in the DDA-defined jurisdiction referred by the DDA;]

[(8)] (5) Maintain a standard 8-hour operational day Monday through Friday and have flexible staffing hours that include nights and weekends to accommodate the needs of [individuals] *participants* receiving *coordination of community services*;

[(9)] (6) Maintain a [toll free] *toll-free* number, unless otherwise authorized by the DDA, and an accessible communication system in accordance with the Americans with Disabilities Act of 1990;

[(10)] (7) Maintain a communication system that is accessible for [individuals] *participants* with limited English proficiency;

[(11)] (8) Provide alternative communication methods to serve the needs of [individuals] *participants* receiving *coordination of community services* and their family members;

[(12)] (9) Have a means for [individuals] *participants*, their families, community providers, and DDA staff to contact the coordination of community services designated staff directly in the event of an emergency and at times other than standard operating hours;

[(13)] (10)—[(15)] (12) (text unchanged)

[(16)] (13) Notify the DDA immediately in writing of any critical incidents that affect the health, safety, and welfare of [an individual] *a participant*, as well as administrative and quality of care complaints as required by the DDA Policy on Reportable Incidents and Investigations; and

[(17)] (14) Submit required documents and forms to [DDA] *the Department* as requested.

D. Operational Requirements. To participate in the Program as a provider of services covered under this chapter, the provider shall:

(1)—(4) (text unchanged)

(5) Submit to the Department annually by July 15th the final quality plan summary reports *unless otherwise directed by the Department*;

(6) Maintain a thorough understanding and knowledge of:

(a) Eligibility requirements, application procedures, and scope of services of local, State, and federal resources and programs which are applicable to [individuals] *participants* eligible for DDA services;

(b) (text unchanged)

(c) Person-centered planning methodology and [individualized] *person-centered* plan development and monitoring;

(7)—(8) (text unchanged)

(9) Obtain authorization from the DDA before providing any coordination of community services to any [individual] *participant*;

(10) In providing coordination of community services, meet the following requirements:

(a) All [individuals] *participants* referred for coordination of community services by the DDA shall be contacted within 3 business days of receipt of referral unless otherwise authorized by the DDA;

(b) A face-to-face meeting with the referred [individual] *participant* shall be arranged at a time and location convenient for the referred individual during the first contact;

(c) A face-to-face meeting shall occur within 7 business days of the initial contact unless the [individual’s] *participant’s* health or schedule conflicts;

(d)—(e) (text unchanged)

(f) In the event of emergencies, the [individual] *participant* referred for coordination of community services by the DDA shall be contacted by the coordinator of community services as circumstances require or as requested by the DDA.

E. Participant Record. The provider shall maintain a record on each participant which meets the Program’s requirements and which includes:

(1)—(4) (text unchanged)

(5) A completed [individual] *person-centered* plan;

(6)—(7) (text unchanged)

(8) Documentation that indicates whether the [individual] *participant* has declined services in the [individual] *person-centered* plan and the reason for declining;

(9) Documentation that includes:

(a) (text unchanged)

(b) A timeline for re-evaluation of the [individual] *person-centered* plan not less than annually; and

(c) The name and position of the individual responsible for completing tasks related to the [individual] *person-centered* plan;

(10) Status of progress on participant-intended outcomes identified in the [individual] *person-centered* plan;

(11)—(12) (text unchanged)

F. Technology Requirements. To participate in the Program as a provider of services covered under this chapter, the provider shall:

(1) Utilize an electronic information system which, at a minimum:

(a) (text unchanged)

(b) Provides documentation of coordination of community services and number of units provided for [individuals] *participants* receiving services;

(c)—(d) (text unchanged)

(2) (text unchanged)

G. Billing. To [participate in the program as a provider of services covered] *receive payment for services covered* under this chapter, the provider shall:

(1) [Assist the DDA with billing, processing, and reconciling Medicaid claims as required by the Department] *Comply with Department’s requirements for submitting, processing, and reconciling claims for payment for services rendered under this chapter*;

(2)—(4) (text unchanged)

H. Freedom of Choice. The provider shall place no restrictions on the [qualified] participant’s freedom of choice among:

(1)—(2) (text unchanged)

(3) [Person-directed supports and services] *Service delivery models available under the DDA’s Medicaid waiver programs*.

I. Transfer of Service Records. For participants changing from one DDA-authorized coordination of community services provider to a different DDA-authorized coordination of community services provider, the outgoing provider shall:

(1) (text unchanged)

(2) Share with the new provider the participant’s demographic information and the most recent [individual] *person-centered* plan

within 5 business days of notification of transfer for the continued coordination of services.

J. (text unchanged)

.05 Conditions for Participation — Staff Requirements.

A. Staff Capability Requirements. The provider shall:

(1) Employ only [appropriately qualified] personnel *who are appropriately qualified* as set forth in this regulation;

(2) Maintain sufficient staff required to meet the needs of the [service population] *participants whom the provider serves*;

(3) Have administrative and supervisory staff to ensure the quality of coordination of community services *provided by the provider*;

(4)—(5) (text unchanged)

B. Staff Training Requirements.

(1) All [DDA-licensed] *DDA-certified* coordination of community services providers shall ensure through appropriate documentation that coordination of community services staff, *supervisors, and quality assurance staff* receive training [in person-directed supports focusing on outcomes], as required by DDA.

[(2) All DDA-licensed coordination of community services supervisors shall receive training in the following:

(a) Data collection, analysis, and reporting;

(b) Coaching, mentoring, and feedback skills; and

(c) Creative problem solving and conflict resolution.]

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

C. Coordination of community services staff shall:

(1) Receive required training as specified in COMAR 10.22, *unless otherwise directed by the DDA*, which shall be documented and made available upon request;

(2) (text unchanged)

(3) Demonstrate competency-based skills and working knowledge in the following areas:

(a)—(c) (text unchanged)

(d) Determining the most integrated setting appropriate to meet the [individual's] *participant's* needs;

(e)—(f) (text unchanged)

(g) Assisting [individuals] *participants* in gaining access to services and supports;

(h) Monitoring the provision of services to [individuals] *participants*;

(i) (text unchanged)

(j) Regulations governing services for [individuals] *participants* with developmental disabilities.

D. Coordination of Community Services Supervisor. The coordination of community services supervisor shall:

(1) (text unchanged)

(2) Demonstrate experience in one or more of the following:

(a) Coordinating services for [individuals] *participants* in Medicaid or waiver programs; or

(b) Coordinating services for [individuals] *participants* with intellectual or developmental disabilities;

(3)—(5) (text unchanged)

E. Coordinator of Community Services. The coordinator of community services shall:

(1) Except as stated in §F of this regulation, have [at a minimum, a bachelor's degree from an accredited education program in a human services field;]:

(a) *A bachelor's degree from an accredited education program in a human services field*;

(b) *An associate's degree with 2 years' experience in a human services field*; or

(c) *7 years' experience in a human services field*;

(2) Use all communication methodologies, strategies, devices, and techniques necessary, including sign language, assistive

technology, or language interpreter services, to facilitate the involvement of the participant in the assessment, development, and monitoring of services and supports; [and]

(3) *Ensure that each participant receives a person-centered plan that is designed to meet the individual's needs in the most cost-effective manner; and*

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

F. (text unchanged)

G. An individual is ineligible for employment by a coordination of community services provider, agency, or entity in Maryland if the individual:

(1) Is simultaneously employed by any MDH-licensed *or MDH-certified* provider agency;

(2)—(7) (text unchanged)

.06 Covered Services.

A.—B. (text unchanged)

C. Comprehensive Assessment. Coordination of community services shall include a comprehensive assessment of the [individual's] *participant's* needs and supports to determine eligibility, in accordance with COMAR 10.22.12. The assessment shall be completed within 45 [business] days after referral by the DDA and include:

(1)—(2) (text unchanged)

(3) Unless otherwise authorized by the DDA, a face-to-face assessment of the participant, preferably at the participant's residence, to review:

(a)—(l) (text unchanged)

(m) The most integrated setting appropriate to meet the [individual's] *participant's* needs; and

(n) (text unchanged)

(4)—(5) (text unchanged)

D. [Individual] *Person-Centered Plan*.

(1) The coordinator of community services shall facilitate the [individual] *person-centered* plan that is designed to meet the [individual's] *participant's* needs, preferences, goals, and outcomes in the most integrated setting and in the most cost effective manner.

(2) The [individual] *person-centered* plan shall:

(a)—(h) (text unchanged)

(i) Be updated or revised:

(i) (text unchanged)

(ii) Within 365 days of the initial [individual] *person-centered* plan or annually.

(3) Specific requirements for the [individual] *person-centered* plan developed for participants receiving transition coordination services are that the [individual] *person-centered* plan shall:

(a)—(e) (text unchanged)

E. Referral and Related Activities.

(1) (text unchanged)

(2) Referral and related activities may include:

(a)—(d) (text unchanged)

(e) Providing education to [individuals] *participants* and their families concerning:

(i) The range of most integrated setting service and support options that may be appropriate to meet the [individual's] *participant's* needs and preferences;

(ii)—(iii) (text unchanged)

F. Monitoring and Follow-Up.

(1) The coordinator of community services shall provide monitoring and follow-up activities, which shall include:

(a) Assessment of:

(i) Services being rendered as specified in the [individual] *person-centered* plan;

(ii) The [individual's] *participant's* current circumstances;

(iii) (text unchanged)

(iv) The [individual's] *participant's* referral status; and

(v) The [individual's] *participant's* needs and supports to maintain eligibility for Medicaid, Medicaid waiver programs, DDA services, and any other relevant benefits or services;

(b)—(c) (text unchanged)

(d) Requests for service change and modifications of the [individual] *person-centered* plan as necessary to meet health and safety needs, preferences, and goals;

(e)—(h) (text unchanged)

(2) Frequency of Monitoring and Follow-up Contact.

(a) For [individuals] *participants* receiving waiting list coordination services, monitoring and follow-up contact activities shall meet the following requirements:

(i) For [individuals] *participants* who meet the criteria for the crisis resolution priority category as set forth in COMAR 10.22.12.07, minimum monthly face-to-face contacts shall be made for the first 90 days, after which face-to-face contacts will be made quarterly;

(ii) For [individuals] *participants* who meet the criteria for the crisis prevention priority category as set forth in COMAR 10.22.12.07, minimum quarterly face-to-face contacts shall be made; and

(iii) For [individuals] *participants* who meet the criteria for the current request priority category as set forth in COMAR 10.22.12.07, minimum annual face-to-face contacts shall be made.

(b) [Individuals] *Participants* on the DDA waiting list shall be monitored in accordance with §F(2)(a) of this regulation unless:

(i) The [individual's] *participant's* priority category changes; or

(ii) (text unchanged)

(c) For [individuals] *participants* receiving community coordination services, monitoring and follow-up activities shall be performed:

(i)—(iv) (text unchanged)

(d) For [individuals] *participants* receiving transition coordination services, monitoring and follow-up activities shall be performed face-to-face at least once a month for the first 90 calendar days, after which face-to-face contacts shall be made quarterly.

(3) (text unchanged)

.07 Limitations.

A. Restrictions may not be placed on a [qualified recipient's] *participant's* option to receive coordination of community services.

B. [DDA coordination] *Coordination* of community services *provided under this chapter* does not restrict or otherwise affect eligibility for Title XIX benefits or other available benefits or programs.

C. [DDA coordination] *Coordination* of community services may not be:

(1)—(4) (text unchanged)

D. (text unchanged)

E. A participant's coordination of community services provider may not also provide DDA-funded direct services, *including meaningful day, support, and residential services* for the participant.

F. (text unchanged)

G. An applicant is ineligible to be a provider if, within the preceding 10 years, the entity, its owner, or any member of its board of directors has had a provider license *or certification* revoked or suspended for more than 30 days, pursuant to Maryland or another state's regulations, or has been found by a court of law to have committed fraud, abuse, intentional or negligent tort, or a criminal act.

.08 Payment Procedures.

A. Request for Payment.

(1) Requests for payment for the services covered under this chapter shall be submitted by [an approved] *a* provider according to procedures set forth in COMAR 10.09.36.04.

(2) (text unchanged)

B. Payment Rates.

(1) *The Department shall publish a fee schedule for services covered under this chapter, which shall be publicly available and updated at least annually or upon any changes made by the Department.*

(2) *The Department's rates set forth in its fee schedule will apply to services covered under this chapter that are provided under either the traditional services delivery model or the self-directed services delivery model.*

(3) *The Program's rates for covered services under this chapter shall increase on July 1 of each year, subject to the limitations of the State budget.*

[(1)] (4)—[(2)] (5) (text unchanged)

[(3)] (6) For all other services rendered to Maryland Medicaid participants residing in counties other than those listed in §B(7) of this regulation, providers shall be reimbursed:

(a)—(g) (text unchanged)

(h) \$19.26 per unit of service from July 1, 2018 through June 30, 2019; [and]

(i) \$19.93 per unit of service [thereafter] *from July 1, 2019 through June 30, 2020;*

(j) \$20.72 per unit of service from July 1, 2020 through December 31, 2020; and

(k) \$21.55 per unit of service thereafter.

(7) *Providers rendering services to Maryland Medicaid participants residing in Calvert, Charles, Frederick, Montgomery, and Prince George's counties shall be reimbursed:*

(a) *From October 1, 2020 through December 31, 2020, \$21.82 per unit; and*

(b) *Effective January 1, 2021, \$22.69 per unit.*

C. Changes in Rates.

(1) (text unchanged)

(2) [The] *Unless otherwise authorized, the rates may be changed on July 1 of each year beginning July 1, 2015, based on legislative action, and subject to limitations of the State budget.*

[(3)] *The annual inflationary cost adjustment for providers may not exceed a maximum adjustment of 4 percent.*

D. Payment Limitations.

(1) Payment shall be made only to one [approved] provider for covered services rendered to a participant on a particular date of service.

(2)—(3) (text unchanged)

(4) Ongoing coordination of community services shall be billed on a [monthly basis] *scheduled determined by the Department.*

E. Units of Services and Limitations.

[(1)] *Provider will receive a pre-authorization of a specified number of units to be used for all of their clients.]*

[(2)] (1)—[(3)] (2) (text unchanged)

[(4)] *Each fiscal year, DDA shall authorize a specific number of units of service of coordination of community services for each participant.]*

[(5)] (3) *Each fiscal year, the coordinator of community services shall complete the core services for each participant[, using the units of service authorized for that fiscal year].*

[(6)] *Additional units of service may not be authorized beyond those authorized for the fiscal year for any participant, except as specifically provided in §E(6) of this regulation.*

(7) Authorization of Payment for Additional Units of Service.

(a) A request by a coordinator of community services for authorization of payment for units of service in addition to those authorized for a participant in a single fiscal year may not be granted except in extraordinary circumstances.

(b) In deciding a request for authorization of payment for additional units of service, DDA shall consider:

(i) The services provided to date using the annual units of service authorized;

(ii) The extent to which the core services have been completed for the fiscal year;

(iii) Whether and, if so, the extent to which, the annual units of service were used to provide services other than core services;

(iv) The extent to which services were provided in an inefficient manner;

(v) Any unusual or unforeseeable needs of the participant that created a need for more than the allotted units of service; and

(vi) Any unusual or unforeseeable circumstances of the participant that caused the delivery of coordination of community services to be more difficult and time-consuming than was anticipated when the annual units of service were allotted.

(c) Requests for authorization of payment for additional units of service for a participant in a single fiscal year shall be accompanied by documentation demonstrating:

(i) All coordination of community services provided to date;

(ii) Any physical, emotional, or mental conditions of the participant that created extraordinary challenges to the provision of coordination of community services within the units of service authorized for the fiscal year; and

(iii) Any unusual or unforeseeable circumstances that required the expenditure of more time to provide the core services than was anticipated when the annual units of service were allotted.

(d) A request for authorization of payment for additional units of service for a participant in a single fiscal year may not be granted in order to provide services other than core services.

(e) A request for authorization of payment for additional units of service for a participant in a single fiscal year may not be considered unless all required data regarding the participant and the coordination of community services provided has been entered or uploaded into the DDA-designated data system.

(f) An authorization of payment for additional units of services shall specify the number of units of service authorized.]

DENNIS R. SCHRADER
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.51 Audiology Services

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

Notice of Proposed Action

[21-124-P]

The Secretary of Health proposes to amend Regulation .05 under COMAR 10.09.51 Audiology Services.

Statement of Purpose

The purpose of this action is to clarify Medicaid coverage policy for hearing aid replacement. Specifically, the proposed action clarifies that participants younger than 21 years old are eligible to

receive one hearing aid replacement every 5 years, unless the Department approves more frequent replacement. Additionally, it establishes that participants 21 years old or older are eligible to receive one hearing aid replacement every 5 years, unless the Department approves more frequent replacement, but no more than one hearing aid replacement extraneous to the manufacturer's warranty or the Department's expected lifetime of the device.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

This proposal clarifies Medicaid coverage for hearing aid replacement. Presently the regulations do not specify a limitation on replacements. Specifically, the proposed action clarifies that participants younger than 21 years old are eligible to receive one hearing aid replacement every 5 years, unless the Department approves more frequent replacement. Participants 21 years old or older are eligible to receive one hearing aid replacement every 5 years, unless the Department approves more frequent replacement, up to a maximum of one hearing aid replacement extraneous to the manufacturer's warranty.

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 October 12, 2021. A public hearing has not been scheduled.

.05 Limitations.

A. Covered audiology services, including hearing aids, cochlear implants, and auditory osseointegrated devices are limited to:

(1)—(2) (text unchanged)

(3) [Replacement] *One replacement* of unilateral or bilateral hearing aids [once every 5 years unless the Program approves more frequent replacement.];

(a) *Every 5 years for participants younger than 21 years old, unless the Program approves more frequent replacement; or*

(b) *Every 5 years for participants 21 years old or older, unless the Program approves more frequent replacement, but no more than 1 replacement extraneous to the devices' warranty;*

(4)—(13) (text unchanged)

B. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health

Subtitle 32 BOARD OF PHYSICIANS

10.32.12 Delegation of Acts by a Licensed Physician [to an Assistant Not Otherwise Authorized under the Health Occupations Article or the Education Article]

Authority: Health General Article, §§19-114 and 19-118; Health Occupations Article, §14-205(a) and §14-306; Annotated Code of Maryland

Notice of Proposed Action

[21-126-P]

The Secretary of Health proposes to amend Regulations .01—.05 and adopt new Regulations .06 and .07 under **COMAR 10.32.12 Delegation of Acts by a Licensed Physician**. This action was considered at a public meeting held on September 25, 2019, notice of which was given by publication on the Board’s website at <https://www.mbp.state.md.us/forms/Sep19Bagenda.pdf> from September 13, 2019, through September 25, 2019, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

This action also was considered at a public meeting held on October 30, 2019, notice of which was given by publication on the Board’s Website at from October 15, 2019, through October 30, 2019, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations to reflect statutory changes, effective October 1, 2019, pursuant to Ch. 445 (H.B. 924), Acts of 2019, “State Board of Physicians — Registered Cardiovascular Invasive Specialists,” 2019.

Specifically, the proposal includes but is not limited to:

- (1) Updates of the title and scope of the chapter;
- (2) The addition of statutory citations to the authority for the chapter;
- (3) Revisions and additions of definitions in Regulation .02;
- (4) In Regulation .05, an update of the title and the addition of civil penalty language;
- (5) The addition of a new Regulation .06, addressing matters regarding education and training of registered cardiovascular invasive specialists (RCIS); RCIS assistance in licensed physicians’ performance of fluoroscopy; and the responsibilities of the RCIS, delegating physicians, and hospitals;
- (6) The addition of a new Regulation .07 regarding enforcement matters; and
- (7) Technical changes or 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 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 October 12, 2021. A public hearing has not been scheduled.

.01 Scope.

A. This chapter governs the delegation of *technical* acts by a *licensed* physician [to an assistant not otherwise authorized under the Health Occupations Article or the Education Article, Annotated Code of Maryland.] *to an:*

- (1) *Assistant not otherwise authorized under the Health Occupations Article or the Education Article, Annotated Code of Maryland; and*
- (2) *RCIS assisting in the physician’s performance of fluoroscopy during a cardiac catheterization procedure under certain circumstances as authorized under Regulation .06 of this chapter.*

B. This chapter may not be construed:

- (1) As establishing the licensure, certification, or registration by the *Board* of assistants *or registered cardiovascular invasive specialists;*
- (2)—(3) (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Assistant” means an individual to whom only routine technical acts are delegated by a *licensed* physician and who is:

(a) Trained as defined in [§B(9)] §B(17) of this regulation and not certified, registered, or licensed by the Board or any other State health occupation board; or

(b) (text unchanged)

(2) “Board” means the *State* Board of Physicians.

(3) (text unchanged)

(4) “Delegating physician” means a physician possessing an active license to practice medicine in this State who directs an assistant *or RCIS* to perform technical acts.

(5) “Direct supervision” means oversight exercised by a delegating physician who is:

(a) (text unchanged)

(b) In the presence of the [assistant and the patient.] *patient and the:*

(i) *Assistant; or*

(ii) *RCIS.*

(6) “*Fluoroscopy*” means a technique for generating x-ray images and presenting them simultaneously and continuously as visible images.

(7) “*Hospital*” has the meaning stated in Health-General Article, §19-301, Annotated Code of Maryland.

(8) “*Licensed physician*” means, unless the context requires otherwise, a physician, including a doctor of osteopathy, who is licensed by the Board to practice medicine.

(9) “*MDE*” means the Maryland Department of the Environment.

[(6)] (10)—[(7)] (11) (text unchanged)

(12) “*Perform fluoroscopy*” means the energizing of a fluoroscopic x-ray system by an individual authorized in accordance with MDE regulations.

(13) “*Readily retrievable*” means maintained in a method by which a hospital can retrieve and produce the record for the Board upon request.

(14) “*Registered cardiovascular invasive specialist (RCIS)*” means an individual who is credentialed by Cardiovascular Credentialing International or another credentialing body approved by the Board to assist in cardiac catheterization procedures under the direct, in-person supervision of a licensed physician.

[(8)] (15)—[(9)] (16) (text unchanged)

[(10)] (17) “Trained” means possessing the knowledge, skills, and abilities, as determined by the *licensed* physician, to perform delegated acts.

.03 Standards for the [Delegating] Licensed Physician Delegating to an Assistant.

A. A *licensed* physician who delegates shall:

- (1) (text unchanged)
- (2) Delegate only those technical acts that are customary to the practice of the [supervising] *licensed* physician;
- (3)—(5) (text unchanged)

B. The responsibility for the delegated act cannot be transferred from the delegating physician to another *licensed* physician without:

- (1)—(2) (text unchanged)

.04 Scope of Delegation to an Assistant.

A. A *licensed* physician may not delegate to an assistant technical acts which are exclusively limited to any individual required to be licensed, certified, registered, or otherwise recognized pursuant to any provision of the Health Occupations Article and the Education Article, Annotated Code of Maryland.

B. A *licensed* physician may delegate technical acts consistent with national standards in the medical community and the approved policies and procedures of the sites for the delivery of health services in the following categories:

- (1) (text unchanged)
- (2) Nonsurgical technical acts while the assistant is under the *licensed* physician’s direct supervision or on-site supervision if the assistant performs the act in accordance with procedures of the site.

C. At sites included in Health-General Article, §§19-114 and 19-3B-01(b), Annotated Code of Maryland, or any unit of those sites, a *licensed* physician may delegate technical acts in compliance with State regulations and the policies, procedures, and supervisory structures of those sites.

D. At sites not included in Health-General Article, §§19-114 and 19-3B-01(b), Annotated Code of Maryland, when providing the following specified levels of supervision, a *licensed* physician may delegate to an assistant technical acts which include but are not limited to:

- (1) Without on-site supervision:
 - (a)—(d) (text unchanged)
 - (e) Laboratory tests that the *licensed* physician is satisfied the assistant is qualified to perform under State and CLIA regulations;
 - (f)—(g) (text unchanged)
 - (h) Providing sample packets of medication, selected by a *licensed* physician who is physically present at the time of selection, to patients as directed by the delegating physician and in conformance with Health Occupations Article, §12-102(a), (d), and (f), Annotated Code of Maryland;
 - (i)—(j) (text unchanged)
- (2)—(3) (text unchanged)

E. A *licensed* physician who possesses a dispensing permit may delegate the dispensing functions in accordance with the requirements of COMAR 10.32.23.

F. A *licensed* physician may not delegate to an assistant acts which include but are not limited to:

- (1)—(3) (text unchanged)
- (4) Giving medical advice without the consult of a *licensed* physician; and
- (5) (text unchanged)

.05 Prohibited Conduct and Penalties.

A. An assistant *or* RCIS acting beyond the scope of this chapter may be:

- (1)—(2) (text unchanged)

B. A delegating physician, through either act or omission, facilitation, or otherwise enabling or forcing an assistant *or* RCIS to practice beyond the scope of this chapter, may be subject to discipline for grounds within Health Occupations Article, §14-404(a), Annotated Code of Maryland, including, but not limited to, practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine.

C. A delegating physician may not [require an assistant to perform a delegated act.]:

- (1) Require an assistant *or* RCIS to perform a delegated act; *or*
- (2) Permit an assistant *or* RCIS to delegate any act to another individual.

D. A hospital that fails to comply with the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter may be assessed a civil penalty of up to \$5,000 for each instance.

.06 RCIS Assistance in the Delegating Physician’s Performance of Fluoroscopy.

A. Scope of Regulation.

(1) This regulation governs:

(a) A *licensed* physician’s delegation of technical acts to an RCIS assisting in the physician’s performance of fluoroscopy provided the delegation is in accordance with the entirety of this chapter; and

(b) The responsibilities of the hospital in which the cardiac catheterization laboratory is located to verify and document the qualifications of an RCIS and to ensure that all requirements of Health Occupations Article, §14-306, Annotated Code of Maryland and this regulation are met for each procedure.

(2) This regulation does not limit a *licensed* physician from delegating technical acts to an RCIS who is not assisting in the physician’s performance of fluoroscopy provided the delegation is in accordance with Regulations .01—.05 of this chapter.

B. An RCIS assisting in a delegating physician’s performance of fluoroscopy shall:

(1) Possess an active RCIS certification issued by Cardiovascular Credentialing International or another credentialing body approved by the Board;

(2) Complete 40 hours of:

(a) Accredited didactic education in fluoroscopic radiation physics and fluoroscopic patient safety; and

(b) Clinical fluoroscopic training supervised by a radiologist, radiographer, or radiologist assistant who is physically present in the room with the RCIS to instruct the clinical fluoroscopic training;

(3) In the hospital, wear an identification badge displaying in readily visible type:

(a) The name of the RCIS; and

(b) A designation by the hospital of verification of the RCIS’ credentials and completion of requirements to assist in a physician’s performance of fluoroscopy; and

(4) Comply with any additional requirements as established by:

(a) MDE;

(b) The Joint Commission; and

(c) Federal and State laws and regulations.

C. Responsibilities.

(1) The hospital shall:

(a) Verify that the RCIS has met the requirements in §B of this regulation before permitting an RCIS to assist in a delegating physician’s performance of fluoroscopy;

(b) Issue to the RCIS an identification badge in accordance with §B(3) of this regulation;

(c) Keep on-site all documentation of the RCIS’ certification and the additional training required under this regulation;

(d) Permit the Board, at any reasonable hour, to inspect the hospital's documentation of the RCIS' certification and training to ensure compliance with this regulation;

(e) Regarding radiation machines and fluoroscopy services, comply with any additional requirements as established by:

(i) MDE;

(ii) The Joint Commission; and

(iii) Federal and State laws and regulations; and

(f) Verify that the acts delegated to the RCIS are in accordance with the scope of this chapter.

(2) The delegating physician shall:

(a) Exercise direct supervision of the RCIS when the RCIS is assisting the delegating physician in the delegating physician's performance of fluoroscopy;

(b) Delegate only technical acts involved in the physician's performance of fluoroscopy in accordance with Regulation .03 of this chapter; and

(c) Verbally direct each technical act performed by the RCIS.

(3) The RCIS:

(a) May not perform fluoroscopy;

(b) Shall perform technical acts to assist the delegating physician in the delegating physician's performance of fluoroscopy only upon verbal direction from the delegating physician;

(c) May not delegate any act to another individual; and

(d) May not engage in prohibited conduct as set out in Regulation .05 of this chapter.

.07 Enforcement.

A. The Board shall conduct any necessary investigation regarding the failure to comply with the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland, and this chapter.

B. Any matter regarding a hospital's failure to comply with the requirements of Health Occupations Article, §14-306, Annotated Code of Maryland, and Regulation .06 of this chapter shall be adjudicated in accordance with COMAR 10.32.02.

DENNIS R. SCHRADER
Secretary of Health

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-201, 19-207, 19-211, and 19-219, Annotated Code of Maryland

Notice of Proposed Action

[21-127-P]

The Health Services Cost Review Commission proposes to amend Regulations .03 and .07-1 under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action was considered and approved for promulgation by the Commission at an open meeting held on July 14, 2021, notice of which was given through publication on the Commission's website under General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend COMAR 10.37.10.03A(2) in order to extend the period of time for which a hospital that has obtained permanent rates through the issuance of a Commission rate order following a regular (i.e., full) rate application is eligible to file a

regular rate application with the Commission from 90 days to 365 days.

In addition, the purpose of this action is also to amend COMAR 10.37.10.07-1 in order to clarify that:

(1) A hospital may not bill a separate hospital facility fee when a health care provider who provided telehealth services is authorized to bill independently for the professional services rendered; and

(2) The delivery of telehealth services where the health care provider is physically located at the hospital constitutes outpatient services provided at the hospital and, therefore, subject to the Commission's rate setting jurisdiction.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

The proposed amendment to 10.37.10.07-1, Outpatient Services—At the Hospital Determination, adds language related to telehealth services rendered by healthcare providers and to the ability of hospitals to bill for a technical component associated with those services. Unlike the federal regulation addressing telehealth, which is found at 42 CFR 410.78, the proposed regulation does not allow the hospital to bill a facility fee where the physician provider who rendered the telehealth services from the hospital is authorized to bill separately for his or her professional services.

(2) Benefit to the public health, safety or welfare, or the environment:

Not allowing a hospital to bill a facility fee in instances where a physician provider who rendered the telehealth service from the hospital is authorized to bill for his or her professional services benefits patients, by preventing their receipt of two bills, one from the physician provider and one from the hospital.

(3) Analysis of additional burden or cost on the regulated person:

There is no impact on regulated hospitals since under the global revenue system in place, a hospital receives its full approved revenue.

(4) Justification for the need for more restrictive standards:

The justification for the more restrictive State regulation stems from Maryland's authority as the only state vested with hospital rate-setting authority under state law and under terms of an agreement with the federal government. This agreement includes, among other things, the requirement that Medicare, unlike in all other states, will pay for hospital services rendered on the basis of Commission-approved rates. Restricting a hospital's ability to bill a facility fee in instances where a physician provider who rendered the telehealth service from the hospital is authorized to bill for his or her professional services, is a direct exercise of Maryland's rate-setting authority and protects patients from receiving two bills for the single provision of telehealth services.

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 Dennis Phelps, Associate Director, Audit and Compliance, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, or

call 410-764-2605 (TTY 888-287-3229), or email to dennis.phelps@maryland.gov, or fax to 410-358-6217. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

.03 Regular Rate Applications.

A. A hospital may file a regular (i.e., full) rate application with the Commission at any time if:

(1) (text unchanged)

(2) The subject hospital has not obtained rates through the issuance of a Commission rate order *following a regular rate application* within the previous [90] 365 days.

B.—C. (text unchanged)

.07-1 Outpatient Services—At the Hospital Determination.

[A. Definition. In this regulation, “at the hospital” means a service provided in a building on the campus of a hospital in which hospital services are provided.]

A. Definitions.

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

(2) *Terms Defined.*

(a) *“At the hospital” means a service provided in a building on the campus of a hospital in which hospital services are provided.*

(b) *“Health care provider” means an individual who is licensed, certified, or otherwise authorized by law to provide health care services under Health Occupations Article, Annotated Code of Maryland.*

(c) *“Telehealth services” means the delivery of health care services provided through the use of interactive audio, video, or other telecommunications or electronic technology by a health care provider at a hospital to a patient at a location other than at the hospital, which enables the patient to interact with the health care provider at the time the health care services are provided.*

B.—J. (text unchanged)

K. *A hospital may not bill a separate hospital facility fee when a health care provider who provided telehealth services is authorized to bill independently for the professional services rendered.*

L. *The delivery of telehealth services as described in §A(2) of this regulation constitutes outpatient services provided at the hospital.*

ADAM KANE
Chair

**Subtitle 57 BOARD FOR
CERTIFICATION OF RESIDENTIAL
CHILD CARE PROGRAM
PROFESSIONALS**

Notice of Proposed Action

[21-125-P]

The Secretary of Health proposes to amend:

(1) Regulation **.01** under **COMAR 10.57.02 Certification—Residential Child Care Program Administrators**; and

(2) Regulation **.01** under **COMAR 10.57.03 Certification—Residential Child and Youth Care Practitioners**.

This action was considered by the Board for Certification of Residential Child Care Program Professionals at a public meeting on October 9, 2020, notice of which was given by publication on the Board’s website at <https://health.maryland.gov/crcp/Pages/Index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to have individuals applying to become certified or recertified by the Board of Residential Child Care Program Professionals, which include RCCPAs (Residential Child Care Program Administrators) and RCYCPs (Residential Child and Youth Care Practitioners), be responsible for the payment of any costs required to obtain additional administrative documents associated with the certification and renewal process.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason 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 October 12, 2021. A public hearing has not been scheduled.

10.57.02 Certification — Residential Child Care Program Administrators

Authority: Health Occupations Article, §§20-205, 20-301, 20-302, 20-303, 20-305—20-307, 20-310, 20-311, and 20-404, Annotated Code of Maryland

.01 Application Procedures.

A.—D. (text unchanged)

E. *An applicant shall be responsible for the payment of any costs required to obtain supporting documentation for an application.*

[E.] F. (text unchanged)

10.57.03 Certification — Residential Child and Youth Care Practitioners

Authority: Health Occupations Article, §§20-205, 20-301, 20-302.1, 20-303, 20-305, 20-307, 20-310, and 20-311, Annotated Code of Maryland

.01 Application Procedures.

A.—C. (text unchanged)

D. *An applicant shall be responsible for the payment of any costs required to obtain supporting documentation for an application.*

[D.] E. (text unchanged)

DENNIS R. SCHRADER
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

13A.06.01 Programs for Food and Nutrition

Authority: Education Article, §§5-214, 7-601—7-605, and 7-701—7-704, Annotated Code of Maryland; Federal Statutory Reference: 42 U.S.C. §§1751—1762a, 1765, 1766, 1766a, 1769a, 1772, 1773, 1776, 1779, 1788; Federal Regulatory Reference: 7 CFR 210, 215, 220, 225—227, 235, 240, 245, 250

Notice of Proposed Action

[21-138-P]

The Maryland State Board of Education proposes to amend Regulations .02 and .03 under COMAR 13A.06.01 Programs for Food and Nutrition. This action was considered by the State Board of Education at their June 22, 2021 meeting.

Statement of Purpose

The purpose of this action is to include the option of a review of the record with the right to file written information for appeals in the National School Lunch and School Breakfast Programs. Currently, regulations only allow local school systems to request a hearing.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Leona Fitzgerald, Administrative Specialist, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 443-615-6808, or email to leona.fitzgerald@maryland.gov, or fax to 410-333-2635. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on October 26, 2021, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Appellant” means a local educational agency, institution, or responsible principal or individual.

[(2)] (3)—[(7)] (8) (text unchanged)

.03 Program Hearing Procedures.

A.—E. (text unchanged)

F. Delegation to the Office of Administrative Hearings.

(1)—(5) (text unchanged)

(6) Exception — Summer Food Service Program — Appeal of Department Action.

(a) If a hearing is requested:

(i)—(vi) (text unchanged)

(vii) A representative of the Department shall be allowed to attend the hearing to respond to the appellant’s testimony and written information and to answer questions from the [review official] administrative law judge.

(b) (text unchanged)

(7) (text unchanged)

(8) Exception — National School Lunch and School Breakfast Programs — Appeal of Department Action. An institution or local education agency may refute the action specified in the notice in person and by written documentation to the administrative law judge. The action may be refuted as follows:

(a) Written documentation shall be filed with the administrative law judge not later than 30 calendar days after the appellant received the notice;

(b) An administrative hearing shall be held as described in §F(1)—(5) of this regulation by the administrative law judge in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review; and

(c) Failure of the appellant’s local educational agency’s representative to appear at a scheduled hearing shall constitute the appellant’s local educational agency’s waiver of the right to a personal appearance before the administrative law judge unless the review official agrees to reschedule the hearing.

G.—I. (text unchanged)

MOHAMMED CHOUDHURY
State Superintendent of Schools

Title 14 INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

Notice of Proposed Action

[21-129-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories.

Statement of Purpose

The purpose of this action is to indicate modifications to the offense headings and the table of seriousness categories (guidelines offense table) in Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect new and amended offenses from the 2021 Legislative Session, the classification of several previously unclassified offenses, the addition of several offenses with a maximum penalty of 1 year or less, and minor edits to the table.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

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Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd., Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

.01 List of Offense Headings.

A—C (text unchanged)

D

Deceased Human Body, Crimes Involving

Destructive Devices
 Disturbing the Peace, Disorderly Conduct, and Related Crimes
 E (text unchanged)
 F
 False Advertising and Related Crimes
 False Statements, Other
Forensic Genealogy, Crimes Involving
 Fraud, Financial Crimes Against Vulnerable Adults
 Fraud, Miscellaneous
 Fraud, Telecommunication Service Providers
 G (text unchanged)
 H
 Handguns — In General
 Harboring, Escape, and Contraband
 Hate Crimes
Home Improvement, Crimes Involving
Human Relations, Crimes Involving
 Human Trafficking
 I—W (text unchanged)

.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—12-2 (text unchanged)									
12-3	<i>Animals, Crimes Against Willfully and maliciously interfere with the use of a service animal</i>	1-1076	CR, §10-626(c)(2)	Misd.	1Y		Property	VII	\$1,000
12-4	<i>Animals, Crimes Against Willfully and maliciously kill or injure a service animal</i>	1-1074	CR, §10-626(c)(1)	Misd.	2Y		Property	VI	\$2,500
13—26 (text unchanged)									
26-1	<i>Assault and Other Bodily Woundings</i> <i>Criminally negligent life-threatening injury by motor vehicle or vessel</i>	1-1094	CR, §3-212.1(e)	Misd.	1Y		Person	VII	\$5,000
27—30-4 (text unchanged)									
30-5	<i>Assault and Other Bodily Woundings</i> <i>Intentional violation by a police officer of use of force standards resulting in serious physical injury or death to a person</i>	1-1095	PS, §3-524(i)(2)	Misd.	10Y		Person	IV	
31—66 (text unchanged)									
66-1	<i>CDS and Paraphernalia</i> <i>Paraphernalia—deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, previous conviction for deliver drug paraphernalia to minor by adult who is 3 or more years older</i>		CR, §5-619(d)(3)	Misd.	2Y		Drug	VII	\$2,000
67—84-6 (text unchanged)									

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	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
84-7	Commercial Fraud, Other <i>Other violation of any provision of Protection of Homeowners in Foreclosure Act, Real Property Article, Title 7, Subtitle 3</i>		<i>RP, §7-321 (penalty)</i>	<i>Misd.</i>	<i>3Y</i>		<i>Property</i>	<i>VI</i>	<i>\$10,000</i>
[84-7] 84-8—[84-25] 84-26 (text unchanged)									
85—119-5 (text unchanged)									
119-6	Deceased Human Body, Crimes Involving <i>Bury or dispose of body in unauthorized place</i>	<i>1-0932</i>	<i>HG, §5-514</i>	<i>Misd.</i>	<i>1Y</i>		<i>Person</i>	<i>VII</i>	<i>\$5,000</i>
120—154 (text unchanged)									
154-1	Forensic Genealogy, Crimes Involving <i>Willfully fail to destroy genetic genealogy information, forensic genetic genealogical (FGG) profiles, or DNA samples that are required to be destroyed in accordance with CP, §17-102(h)</i>	<i>1-1078</i>	<i>CP, §17-102(j)(2)</i>	<i>Misd.</i>	<i>1Y</i>		<i>Property</i>	<i>VII</i>	<i>\$1,000</i>
154-2	Forensic Genealogy, Crimes Involving <i>Disclose genetic genealogy data, forensic genetic genealogical (FGG) profiles, or DNA samples not authorized by a court order in the course of a forensic genetic genealogical DNA analysis and search (FGGS), or in the course of any criminal proceeding that arises from an FGGS</i>	<i>1-1077</i>	<i>CP, §17-102(i)(2)</i>	<i>Misd.</i>	<i>5Y</i>		<i>Property</i>	<i>V</i>	<i>\$5,000</i>
[154-1] 154-3—[154-4] 154-6 (text unchanged)									
155—160-3 (text unchanged)									
160-4	Fraud, Miscellaneous <i>Violation of Maryland Food, Drug, and Cosmetic Act, 1st offense</i>	<i>1-0537 1-0538 1-0539 1-0540 2-0959 2-0960 2-0961 2-0962 2-0963 2-0964 2-0965 2-0966 2-0967 2-0968</i>	<i>HG, §21-1215(b)(1) (penalty)</i>	<i>Misd.</i>	<i>1Y</i>		<i>Property</i>	<i>VII</i>	<i>\$10,000</i>
161 [Vacant]	Fraud, Miscellaneous <i>Violation of Maryland Food, Drug, and Cosmetic Act, subsequent</i>		<i>HG, §21-1215(b)(2) (penalty)</i>	<i>Misd.</i>	<i>3Y</i>		<i>Property</i>	<i>VI</i>	<i>\$25,000</i>
162 (text unchanged)									

PROPOSED ACTION ON REGULATIONS

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	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
162-1 <i>Vacant</i>	[Fraud, Miscellaneous] Act as contractor without a license, 1 st offense]	[1-1597] [1-1598]	[BR, §8-601]	[Misd.]	[6M]		[Property]	[VII]	[\$1,000]
163 <i>Vacant</i>	[Fraud, Miscellaneous] Act as contractor without a license, subsequent]	[2-0256] [2-0257] [2-0275]	[BR, §8-601]	[Misd.]	[2Y]		[Property]	[VII]	[\$5,000]
163-1—203 (text unchanged)									
204	Hate Crimes Crimes against, or threatening to commit crimes against, persons, groups, or property motivated either in whole or substantial part by race, color, religious beliefs, sexual orientation, gender, <i>gender identity</i> , disability, national origin, or homelessness—resulting in death		CR, §10-304(2)(ii) CR, §10-306(b)(2) (penalty)	Felony	20Y		Person	III	\$20,000
205	Hate Crimes Crimes against, or threatening to commit crimes against, persons, groups, or property motivated either in whole or substantial part by race, color, religious beliefs, sexual orientation, gender, <i>gender identity</i> , disability, national origin, or homelessness—involving separate felony		CR, §10-304(2)(i) CR, §10-306(b)(1) (penalty)	Felony	10Y		Person	IV	\$10,000
205-1—205-2 (text unchanged)									
205-3	Hate Crimes Crimes against, or threatening to commit crimes against, persons, groups, or property motivated either in whole or substantial part by race, color, religious beliefs, sexual orientation, gender, <i>gender identity</i> , disability, national origin, or homelessness	1-0437	CR, §10-304(l) CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
205-4—205-5 (text unchanged)									
205-6	Home Improvement, Crimes Involving Act as contractor or sell a home improvement without a license, 1 st offense	1-1597 1-1598	BR, §8-601	Misd.	6M		Property	VII	\$1,000
205-7	Home Improvement, Crimes Involving Act as contractor or sell a home improvement without a license, subsequent	2-0256 2-0257 2-0275	BR, §8-601	Misd.	2Y		Property	VII	\$5,000
205-8	Home Improvement, Crimes Involving Abandon or fail to perform contract	2-0258 2-0259	BR, §8-605 BR, §8-623 (penalty)	Misd.	6M		Property	VII	\$1,000

PROPOSED ACTION ON REGULATIONS

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
205-9	Human Relations, Crimes Involving <i>Injury, intimidation, or interference with protected housing activities because of a person's race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, or source of income</i>		SG, §20-1103(c)(1)	Misd.	1Y		Person	VII	\$1,000
205-10	Human Relations, Crimes Involving <i>Injury, intimidation, or interference with protected housing activities because of a person's race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, or source of income—resulting in bodily injury</i>		SG, §20-1103(c)(2)	Misd.	10Y		Person	IV	\$10,000
205-11	Human Relations, Crimes Involving <i>Injury, intimidation, or interference with protected housing activities because of a person's race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, or source of income—resulting in death</i>		SG, §20-1103(c)(3)	Misd.	LIFE		Person	II	
[205-6] 205-12—[205-7] 205-13 (text unchanged)									
206—258 (text unchanged)									
258-1	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, [subsequent] subsequent offense within 3 years of prior conviction		TR, §16-303(k)(1)(ii)	Misd.	2Y		Property	VI	\$1,000
259—330-1 (text unchanged)									
331	Public Health and Safety, Crimes Against [Endangering others] Hazardous substances—unlawfully transport, treat, store, etc., a controlled hazardous substance, knowing the violation endangers others	2-0015	EN, §7-265(d)	Felony	15Y		Person	II	\$250,000
332—333-1 (text unchanged)									

PROPOSED ACTION ON REGULATIONS

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
334	Public Health and Safety, Crimes Against Hazardous [Substance] substances —failure to meet requirement for generators; failure to meet standards for hauler certificate or driver certificate; violations of restrictions on transporting controlled hazardous substances	1-0618	EN, §7-265(b) [(penalty)]	Misd.	3Y		Person	VII	\$50,000
334-1	Public Health and Safety, Crimes Against <i>Install, alter, or extend water supply systems, sewerage systems, or refuse disposal systems without a permit, etc., 1st offense</i>	1-0726	EN, §9-204 EN, §9-343(a)(1)(i) (penalty)	Misd.	1Y		Property	VII	\$25,000
335	Public Health and Safety, Crimes Against [Pollutants—dispersing] <i>Water pollution—discharge pollutant into State waters, 1st offense</i>	1-5516	EN, §9-322 EN, §9-343(a)(1)(i) (penalty)	Misd.	1Y		Property	VII	\$25,000
336	Public Health and Safety, Crimes Against [Pollutants—dispersing] <i>Water pollution—discharge pollutant into State waters, subsequent</i>		EN, §9-322 EN, §9-343(a)(1)(ii) (penalty)	Misd.	2Y		Property	VII	\$50,000
337	Public Health and Safety, Crimes Against [Pollutants—dispersing into State waters, falsification] <i>Water pollution—false statements in required documents</i>	1-0895	EN, §9-343(b) [(penalty)]	Misd.	2Y		Property	VII	\$50,000
338—357 (text unchanged)									
358	Sexual Crimes Sexual [contact] <i>conduct by correctional employee with inmate[, person confined in juvenile facility, person ordered to obtain services, or person in custody of law enforcement officer]</i>	[1-1149] [1-1462] 2-1130 [2-1132]	CR, §3-314(b)	Misd.	3Y		Person	V	\$3,000
359 [Vacant]	Sexual Crimes <i>Sexual conduct with juvenile detainee</i>	2-1132	CR, §3-314(c)	Misd.	3Y		Person	V	\$3,000
359-1	Sexual Crimes <i>Sexual conduct by court-ordered services provider with person ordered to obtain services</i>	1-1149	CR, §3-314(d)	Misd.	3Y		Person	V	\$3,000

PROPOSED ACTION ON REGULATIONS

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
359-2	Sexual Crimes <i>Sexual conduct by law enforcement officer with victim, witness, or suspect in an open investigation; with person requesting assistance from or responding to law enforcement officer; or with person in custody of law enforcement officer</i>	1-1462	CR, §3-314(e)	Misd.	3Y		Person	V	\$3,000
360—375 (text unchanged)									
376	Telecommunications and Electronics, Crimes Involving Unauthorized computer access for sabotage of State government, public utilities, [or] other energy infrastructure, <i>health care facilities, or public schools</i> , less than [\$50,000] \$10,000	1-0638	CR, §7-302(d)(3)(ii)	Misd.	5Y		Property	V	\$25,000
376-1	Telecommunications and Electronics, Crimes Involving Unauthorized computer access for sabotage of State government, public utilities, [or] other energy infrastructure, <i>health care facilities, or public schools</i> , [\$50,000] \$10,000 or greater	[1-0639] 1-1085	CR, §7-302(d)(3)(i)	Felony	10Y		Property	IV	[\$25,000] \$100,000
376-2	Telecommunications and Electronics, Crimes Involving <i>Knowingly possess ransomware with the intent to use the ransomware for the purpose of introduction into the computer, computer network, or computer system of another person without the authorization of the other person</i>	1-1086	CR, §7-302(d)(4)	Misd.	2Y		Property	V	\$5,000
377—399 (text unchanged)									
399-1	Weapons Crimes—In General <i>Sell, rent, or transfer a rifle or shotgun by a person who is not a licensee; failure of licensee to comply with State and federal laws that apply to the sale, rental, or transfer of a rifle or shotgun; etc.</i>	1-0991	PS, §5-204.1(f)(1)	Misd.	6M		Person	VII	\$10,000
399-2	Weapons Crimes—In General <i>Provide false information while conducting a transaction for the sale, rental, or transfer of a rifle or shotgun</i>	1-0992	PS, §5-204.1(f)(2)	Misd.	3Y		Person	VI	\$5,000
400—400-1 (text unchanged)									

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
400-2	<i>Weapons Crimes—In General</i> <i>Sell, rent, transfer, or loan a rifle or shotgun to restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)</i>	1-0993	PS, §5-207	Misd.	5Y		Person	VI	\$10,000
401—421 (text unchanged)									

Footnotes (text unchanged)
General Rules: (text unchanged)

DAVID SOULE
Executive Director

Subtitle 35 MARYLAND HEALTH BENEFIT EXCHANGE

Notice of Proposed Action [21-128-P]

The Maryland Health Benefit Exchange proposes to:

(1) Amend Regulation .02 under COMAR 14.35.07 **Eligibility Standards for Enrollment in a Qualified Health Plan, Eligibility Standards for APTC and CSR, and Eligibility Standards for Enrollment in a Catastrophic Qualified Health Plan in the Individual Exchange**;

(2) Amend Regulation .01 under COMAR 14.35.10 **Appeals from Determinations Regarding Producer Authorization or Individual Exchange Navigator Certification**;

(3) Amend Regulations .01, .02, .09, and .12 under COMAR 14.35.11 **Fair Hearings of Individual Exchange Eligibility Determinations**; and

(4) Adopt new Regulations .01—.07 under a new chapter, COMAR 14.35.19 **State-Based Young Adult Health Insurance Subsidies Program**.

Statement of Purpose

The purpose of this action is to set forth the structure, implementation, and eligibility standards for the Young Adult Health Insurance Subsidies Program, as required under Insurance Article, §31-117, Annotated Code of Maryland, as well as alter existing regulations to accommodate the Young Adult Health Insurance Subsidies Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Becca Lane, Health Policy Analyst, Maryland Health Benefit Exchange, 750 E. Pratt Street, Baltimore, MD 21202, or call 410-547-7371, or email to becca.lane@maryland.gov, or fax to 410-547-7373. Comments will

be accepted through October 12, 2021. A public hearing has not been scheduled.

14.35.07 Eligibility Standards for Enrollment in a Qualified Health Plan, Eligibility Standards for APTC and CSR, and Eligibility Standards for Enrollment in a Catastrophic Qualified Health Plan in the Individual Exchange

Authority: Insurance Article, §31-106(c)(1)(iv), Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(11) (text unchanged)

(12) “Insurance affordability program” means a program that is one of the following:

(a)—(b) (text unchanged)

(c) A program that makes available to qualified individuals coverage in a QHP through the Individual Exchange with APTC credit under §1.36B(2)(c) of the Internal Revenue Code; [and]

(d) A program that makes available coverage in a QHP through the Individual Exchange with CSR under §1402 of the ACA[.]; and

(e) *The State-Based Young Adult Health Insurance Subsidies Program established under Insurance Article, §31-122, Annotated Code of Maryland.*

(13)—(16) (text unchanged)

14.35.10 Appeals from Determinations Regarding Producer Authorization or Individual Exchange Navigator Certification

Authority: Insurance Article, §§31-106(c)(1)(iv), 31-112, and 31-113; State Government Article, Title 10, Subtitle 2; Annotated Code of Maryland

.01 Scope.

A.—B. (text unchanged)

C. Determinations entitled to contested case appeals. This chapter applies only to the appeal of an Exchange determination regarding:

(1)—(8) (text unchanged)

(9) Renewal of captive producer authorization; [or]

(10) Denial of Individual Exchange initial navigator certification[.]; and

(11) *The amount of State-based subsidy paid by the Exchange to carriers pursuant to COMAR 14.35.19.*

14.35.11 Fair Hearings of Individual Exchange Eligibility Determinations

Authority: Insurance Article, §§31-106(c)(1)(iv) and 31-108(b)(1), (10), and (17), Annotated Code of Maryland

.01 Scope.

This chapter applies to eligibility determinations and redeterminations for enrollment in qualified health plans, advance payments of the premium tax credit, [and] cost-sharing reductions, *and State-based subsidies* offered through the Individual Exchange, as well as for MAGI-based eligibility determinations and redeterminations for the Maryland State Medicaid program and the Maryland Children’s Health Insurance Program.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(9) (text unchanged)

(10) “Insurance affordability program” means a program that is one of the following:

(a)—(c) (text unchanged)

(d) A program that makes available to eligible individuals coverage in a qualified health plan through the Maryland Health Benefit Exchange with advance payments of the premium tax credit established under §36B of the Internal Revenue Code; [or]

(e) A program that makes available to eligible individuals coverage in a qualified health plan through the Maryland Health Benefit Exchange with cost-sharing reductions established under §1402 of the Affordable Care Act[.]; *or*

(f) *The State-Based Young Adult Health Insurance Subsidies Program established under Insurance Article, §31-122, Annotated Code of Maryland.*

(11)—(15) (text unchanged)

.09 Findings, Timing of Decision, and Effect of Decision.

A.—B. (text unchanged)

C. Appeal Rights.

(1) (text unchanged)

(2) An administrative law judge’s decision:

(a) (text unchanged)

(b) Related to eligibility for enrollment in a qualified health plan, advance payments of the premium tax credit, [or] cost-sharing reductions, *or State-based subsidies* shall be implemented in accordance with 45 CFR §155.545(c)(1).

(3) (text unchanged)

D. (text unchanged)

.12 Eligibility for Enrollment in a Qualified Health Plan, for Advance Payments of Premium Tax Credit, [and] for Cost-Sharing Reductions, and for the State-Based Young Adult Health Insurance Subsidies Program Pending Appeal.

A. (text unchanged)

B. Eligibility for Advance Payments of the Premium Tax Credit, [and/or] Cost-Sharing Reduction, *and/or the State-Based Young Adult Health Insurance Subsidies Program.*

(1) Except where the applicant does not appeal an initial determination of eligibility within 90 days of such determination, an applicant who, upon initial determination, has been determined to be eligible to enroll in a qualified health plan may enroll in a qualified health plan within 90 days of the determination of eligibility for a

qualified health plan notwithstanding ineligibility for or the amount of Advance Payments of the Premium Tax Credit [or], Cost-Sharing Reduction, *or State-based subsidy* for which the applicant was determined to be eligible.

(2) Pending the outcome of the appeal, the applicant under §B(1) of this regulation will receive only the amount of the advance payments of the premium tax credit [and/or], cost-sharing reduction, *and/or State-based subsidy* if any, for which applicant was determined to be eligible upon initial determination.

(3) (text unchanged)

14.35.19 State-Based Young Adult Health Insurance Subsidies Program

Authority: Insurance Article, §31-106(c)(1)(iv) Annotated Code of Maryland

.01 Scope.

This chapter sets forth the structure, implementation, and eligibility standards for the State-Based Young Adult Health Insurance Subsidies Program, as required under Insurance Article, §31-117 Annotated Code of Maryland.

.02 Definitions.

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

B. *Terms Defined.*

(1) “Enrollee” means a qualified individual who is enrolled in a qualified health plan through the Individual Exchange.

(2) “Essential health benefit” has the meaning set forth in Insurance Article, §31-116(a), Annotated Code of Maryland, and 42 U.S.C. §18022(b).

(3) “Federal poverty level (FPL)” means the most recently published federal poverty level guidelines, updated periodically in the Federal Register by the Secretary of HHS as set forth in 42 U.S.C. §9902(2), as of the first day of the open enrollment period for QHPs offered through the Individual Exchange for a calendar year.

(4) “Program” means the State-Based Young Adult Health Insurance Subsidies Program.

.03 Eligibility Requirements for Subsidies Through the Program.

A. *An enrollee is eligible to receive subsidies from the Program during a month if:*

(1) *The enrollee is a member of a tax filer’s tax household and the tax filer has met the eligibility requirements for APTC in accordance with the requirements in COMAR 14.35.07.08A—C, E, and G;*

(2) *The enrollee is a member of a tax filer’s tax household and the tax filer attests to a household income, as defined in 26 CFR §1.36B-1(e), greater than or equal to 138 percent but not more than 400 percent of the FPL for the benefit year for which coverage is requested;*

(3) *The enrollee is at least 18 years old; and*

(4) *The enrollee is under the age of 35 years.*

B. *Eligibility under this regulation is contingent upon verification of the enrollee’s attestation that the enrollee meets the criteria in §A of this regulation.*

C. *The enrollee’s age as of the effective date of coverage shall be used in determining the enrollee’s eligibility to receive subsidies from the Program.*

D. *In calendar years 2022 and 2023:*

(1) *The Board may limit the availability of subsidies, regardless of eligibility, if the costs of the program are projected to exceed the budgeted allowance for that calendar year;*

(2) *The limit described in §D(1) of this regulation may take the form of:*

(a) *A limit on the number of enrollees eligible for the subsidy;*

(b) *A limit on increases in subsidies during a plan year for enrollees after enrollment; or*

(c) *Any other limit or combination of limits as the Board deems appropriate;*

(4) *Any limit on the availability of subsidies for enrollees in the program shall be applied uniformly to all enrollees after the effective date of the Board's decision; and*

(5) *The Exchange shall monitor the data outlined in Regulation .05 of this chapter to determine, in consultation with the Maryland Insurance Administration, the recommended limits to the Program.*

E. Effective Dates for Changes in Subsidy Eligibility.

(1) *Except as otherwise specified under this regulation, changes in eligibility for subsidies determined by the Individual Exchange are effective the first day of the month following the date on which the determination is made.*

(2) *When an applicant is determined newly eligible for Medicaid or MCHP, the applicant shall be ineligible for subsidies beginning the first of the month after the enrollee is determined newly eligible for Medicaid or MCHP.*

(3) *When an applicant is eligible for a special enrollment period under COMAR 14.35.07.12—19, the applicant or enrollee shall be in accordance with the applicable effective date specified for each special enrollment period under COMAR 14.35.07.12—19.*

(4) *When an enrollee's enrollment is terminated by the enrollee as set forth in 45 CFR §155.430(b)(1) or terminated by the Exchange under 45 CFR §155.430(b)(2)(i)—(vii) the applicant or enrollee shall be in accordance with the applicable effective date of the termination set forth in 45 CFR §155.430(d).*

.04 Calculation of Subsidies Under the Program.

A. *The subsidy may not exceed the enrollee's premium amount.*

B. *The subsidy shall be calculated for eligible enrollees in a tax household and applied to the premium for each eligible enrollee.*

C. *The subsidy shall be applied to the premium balance remaining after application of the Advance Premium Tax Credit.*

D. *The subsidy shall be calculated based on, and applied only to, the portion of premium allocated to essential health benefits.*

E. *For each benefit year after 2022, the Board shall set the payment parameters for the Program before December 31 of the calendar year preceding the applicable plan year.*

.05 Exchange Data Collection, Reporting, and Maintenance.

A. *The Exchange shall track data on the Program including:*

(1) *On a monthly basis, or more frequently as required to appropriately monitor enrollment and spending under the program, the average number of young adults receiving subsidies under the Program;*

(2) *On a monthly basis, or more frequently as required to appropriately monitor enrollment and spending under the program, the average subsidy amount received by young adults under the Program; and*

(3) *The impact the Program has on rates in the individual insurance market.*

B. *Information tracked in §A of this regulation shall be posted monthly on the website of the Individual Exchange and included in the Annual Report required under Insurance Article, §31–119(d), Annotated Code of Maryland.*

C. *The Individual Exchange shall maintain documents and records relating to the Program, whether paper, electronic, or in other media, for each benefit year for at least 10 years.*

D. *The Individual Exchange shall ensure that the collection of personally identifiable information is limited to information reasonably necessary for use in the calculation of subsidies. Any use and disclosure of personally identifiable information shall be limited to those purposes for which the personally identifiable information was collected, including for purposes of data validation.*

E. *The Individual Exchange shall maintain standards that provide administrative, physical, and technical safeguards for the personally identifiable information consistent with applicable State and federal standards.*

.06 Disbursement of Subsidies.

A. *The Individual Exchange shall transmit subsidies directly to the carrier with whom the recipient is enrolled, to be applied to the recipient's premium.*

B. *A carrier that receives notice from the Individual Exchange that an individual enrolled in the carrier's QHP is eligible for subsidies shall:*

(1) *Reduce the portion of the premium charged to or for the individual for the applicable month or months by the amount of the subsidy;*

(2) *Notify the Exchange of the reduction in the portion of the premium charged to the individual in accordance with 45 CFR §156.265(g); and*

(3) *Include with each billing statement, as applicable, to or for the individual the amount of the subsidy for the applicable month or months, and the remaining premium owed.*

C. Refunds.

(1) *If a carrier discovers that it did not reduce the portion of the premium charged to or for an enrollee for the applicable month or months by the amount of the subsidy in accordance with §B(1) of this regulation, the carrier shall notify the enrollee of the improper reduction within 45 calendar days of the carrier's discovery of the improper reduction and refund any excess premium paid by or for the enrollee.*

(2) *Unless a refund is requested by or for the enrollee, the carrier shall, within 45 calendar days of discovery of the error, apply the excess premium paid by or for the enrollee to the enrollee's portion of the premium or refund the amount directly.*

(3) *If any excess premium remains after application of premium as described in §C(2) of this regulation:*

(a) *The carrier shall apply the excess premium to the enrollee's portion of the premium for each subsequent month for the remainder of the period of enrollment or benefit year until the excess is fully applied or refund the remaining amount directly; and*

(b) *At the end of the period of enrollment or benefit year, the carrier shall refund any excess premium within 45 calendar days of the end of the period of enrollment or benefit year, whichever comes first.*

(4) *If a refund is requested by or for the enrollee, the refund shall be provided within 45 calendar days of the date of the request.*

D. *A carrier may not refuse to commence coverage under a policy or terminate coverage on account of any delay in payment of a subsidy on behalf of an enrollee if the carrier has been notified by the Exchange that the carrier will receive such advance payment.*

E. *Carriers shall participate in the payment and reconciliation process established by the Individual Exchange to ensure that appropriate payments are received by the carriers and that excess payments are returned by the carriers to the Individual Exchange.*

.07 Document Retention and Audits.

A. *Carriers shall maintain documents and records, whether paper, electronic, or in other media, sufficient to substantiate the disbursement of subsidies made pursuant to Regulations .03 and .06 of this chapter for a period of at least 10 years and shall make those documents and records available upon request by the Board or its*

designee to any such entity for purposes of verification, investigation, audit, or other review of subsidy disbursement.

B. The Individual Exchange or its designee may audit a carrier offering subsidies through the program to assess its compliance with the requirements of this chapter. The carrier shall ensure that its relevant contractors, subcontractors, or agents cooperate with any audit under this section. If an audit results in a finding of material weakness or significant deficiency with respect to compliance with any requirement of these regulations, the carrier shall complete all of the following:

(1) Within 30 calendar days of the issuance of the final audit report, provide a written corrective action plan to the Individual Exchange for approval;

(2) Implement the corrective action plan; and

(3) Provide to the Individual Exchange written documentation of the corrective actions once taken.

MICHELE S. EBERLE
Executive Director

Title 22

STATE RETIREMENT AND PENSION SYSTEM

Subtitle 03 BOARD OF TRUSTEES

22.03.05 Subpoenas

Authority: State Personnel and Pensions Article, §21-111, Annotated Code of Maryland

Notice of Proposed Action

[21-130-P]

The Board of Trustees for the State Retirement and Pension System proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 22.03.05 Subpoenas**. This action was considered at the June 15, 2021, Board of Trustees meeting for the State Retirement and Pension System.

Statement of Purpose

The purpose of this action is to implement the Board of Trustees' statutory power to issue administrative subpoenas, as well as a proposed administrative subpoena form.

The Board has power to issue administrative subpoenas pursuant to State Personnel and Pensions Article, §21-111(a)(1)(ii), Annotated Code of Maryland. That law authorizes the Board, as it "considers necessary to properly administer and enforce" the pension laws, to "issue a summons, subpoena, or other process, for the attendance of witnesses and the production of documents" before the Board. It is reasonable to interpret that language as authorizing subpoenas not only for quasi-judicial administrative hearings, but also for other matters subject to the Board's review and decision, including administrative investigations.

The proposed regulations seek to implement the Board's statutory subpoena power in a balanced fashion, with lawfully broad scope but within appropriate administrative constraints:

COMAR 22.03.05.01A authorizes the Board to issue subpoenas to compel witness attendance, document production, or both, while COMAR 22.03.05.01B allows the exercise of that power only by the Board itself or the Executive Director as its delegee.

COMAR 22.03.05.02 creates two routes for issuing a subpoena. The first and more common route, under 22.03.05.02A, is for the Executive Director to sign off on a subpoena and issue it after review

by the Office of the Attorney General, and with notice to the Board. The second route, under 22.03.05.02B, would apply only in the rare event that the Board chose to hold a full evidentiary hearing of an administrative appeal before the Board itself under 22.03.04.08, rather than by summary decision or by referral to the Office of Administrative Hearings.

COMAR 22.03.05.03 specifies a subpoena's required contents.

COMAR 22.03.05.04 specifies appropriate means for serving a subpoena. Within Maryland, service is permissible by any method authorized by Maryland Rule 2-510(d). Service outside of Maryland is permissible by any method authorized in the receiving jurisdiction. Importantly, to support the enforceability of the subpoena, if contested, the Agency, on behalf of the Board, must retain proof of service of the subpoena.

COMAR 22.03.05.05 allows for requests to the appropriate circuit court for modification, quashing, or enforcement of a subpoena.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne E. Gawthrop, Esq., Director of Legislative Affairs, State Retirement Agency, 120 East Baltimore Street, 16th Floor, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on November 16, 2021, at 1 p.m., via live stream from the Agency's website.

.01 Subpoena Power.

A. The Board of Trustees may issue a subpoena as the Board of Trustees considers necessary to:

(1) Properly administer and enforce State Personnel and Pensions Article, Division II, Annotated Code of Maryland, and COMAR Title 22; and

(2) Compel any person served with the subpoena to:

(a) Attend and testify as a witness at a hearing before the Board of Trustees;

(b) Produce documents and tangible items; or

(c) Both attend and testify as a witness at a hearing before the Board of Trustees and produce documents and tangible items.

B. Except as provided in Regulation .02B(2) of this chapter, the Board of Trustees exercises its subpoena power by and through the Executive Director of the Retirement Agency as the Board of Trustees' delegee.

.02 Issuance of Subpoena.

A. Subpoenas Issued by the Executive Director.

(1) Except as provided in §B of this regulation, and in accordance with Regulation .01A of this chapter, the Executive Director may issue a subpoena on behalf of the Board of Trustees, without prior review and approval by the Board of Trustees.

(2) The Office of the Attorney General shall review and approve the subpoena for legal sufficiency before the Executive Director may sign and issue the subpoena.

(3) The Executive Director shall notify the Board of Trustees of the issuance of a subpoena pursuant to this section.

B. Subpoenas for Evidentiary Hearings Issued by the Board of Trustees Under COMAR 22.03.04.08.

(1) On request of a party to an evidentiary hearing before the Board of Trustees under COMAR 22.03.04.08, or upon its own motion, the Board of Trustees may issue a subpoena requiring the attendance and testimony of witnesses and the production at the hearing of one or more tangible items in the possession or under the control of a witness.

(2) A subpoena may be issued to a party under this section at the sole discretion of the Board of Trustees, and shall be signed by the Board Chair.

(3) A party requesting a subpoena shall make the request in writing, filed with the Board Secretary, and served on all other parties.

(4) Except in the case of exigent circumstances adequately documented for the Board of Trustees, a party requesting a subpoena shall file the request at least 30 days before the date of an administrative hearing in order to allow the Board of Trustees to consider the request at its next regularly scheduled meeting.

.03 Subpoena Contents.

A. A subpoena shall:

(1) Identify by descriptive title the investigation, administrative or enforcement matter, or contested case for which it is issued;

(2) Identify the name and full address of the intended recipient of the subpoena;

(3) Identify the name, full address, and telephone number of the requestor of the subpoena;

(4) If the subpoena requires attendance at an evidentiary hearing before the Board of Trustees, specify the date, time, and place of the hearing;

(5) If the subpoena requires production of documents or tangible items:

(a) Describe with reasonable specificity the documents and tangible items to be produced; and

(b) Specify the date, time, and place for the required production;

(6) State the issuance date of the subpoena; and

(7) Contain the signature of:

(a) The Executive Director of the Retirement Agency, for subpoenas issued under Regulation .02A of this chapter; or

(b) The Board Chair, for subpoenas issued under Regulation .02B of this chapter.

B. If the subpoena compels the production of financial information, or information derived from financial records, the subpoena shall certify that the requestor has taken all necessary steps to comply with the requirements of Financial Institutions Article, §1-304, Annotated Code of Maryland.

C. If the subpoena compels the production of medical records, the subpoena shall certify that the requestor has taken all necessary steps to comply with the requirements of Health-General Article, §4-306, Annotated Code of Maryland.

.04 Service of Subpoena.

A. A signed and issued subpoena may be served within the State of Maryland by any method authorized by Maryland Rule 2-510(d).

B. A signed and issued subpoena may be served outside the State of Maryland by any method authorized by the law of the jurisdiction where the subpoena is served.

C. The party serving the subpoena shall retain proof of service of the subpoena.

.05 Modification, Quashing, or Enforcement of Subpoena.

A. A person properly served with a subpoena under this regulation may request modification or quashing of the subpoena or other relief by petition to the appropriate circuit court.

B. If a person properly served with a subpoena under this regulation does not appear or produce documents or tangible items as the subpoena requires, the requestor of the subpoena may apply to the appropriate circuit court for enforcement of the subpoena.

MARTIN M. NOVEN
Executive Director
State Retirement Agency

Subtitle 04 MEMBERSHIP

22.04.01 Reporting and Member Contribution Requirements of Participating Employers

Authority: State Personnel and Pensions Article, §§21-110 and 21-314, Annotated Code of Maryland

Notice of Proposed Action

[21-133-P]

The Board of Trustees for the State Retirement and Pension System proposes to amend and recodify existing Regulation .01 to be Regulation .02 and adopt new Regulations .01, .03, and .04 under COMAR 22.04.01 Reporting and Member Contribution Requirements of Participating Employers. This action was considered at the June 15, 2021, Board of Trustees meeting for the State Retirement and Pension System.

Statement of Purpose

The purpose of this action is to implement a 2019 statutory change to allow the State Retirement Agency to receive member contributions through the System's new online employer portal. Specifically, the Agency will be able to accept member contributions and payroll data simultaneously through a secure online employer portal, eliminating discrepancies and administrative burdens that occur through the existing paper-based process.

New Regulation .01 is being added to provide key definitions used to identify the parties involved; the type of electronic banking payment options available to participating employers; and the definition of the supporting employer payroll data that the participating employer is required to provide.

Regulation .02A is being amended to be consistent with the 2019 legislation (Ch. 203, Acts of 2019), to clarify that the required payroll data for each member must be certified by the participating employer as each payroll is paid, rather than following the end of each pay period.

Regulation .02C is being amended to clarify that information provided by participating employers shall be provided in the manner and format that the State Retirement Agency can accept for processing.

Regulation.02D is being added to inform participating employers that they will be liable for statutory penalties and interest if the information required under this regulation is not submitted as each payroll is paid, and in the manner and format required by the State Retirement Agency.

New Regulation .03 is being added to detail the re-engineered process for electronic payment of member contributions via ACH Debit.

New Regulation .04 provides a process and requirements by which participating employers can request an ACH Debit waiver from the requirement to pay contributions via ACH Debit from the Executive Director or the Executive Director's designee. Employers receiving a

waiver pursuant to this regulation will be required to timely submit payroll data and pay member contributions via ACH credit.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne E. Gawthrop, Esq., Director, Legislative Affairs, State Retirement Agency, 120 E. Baltimore Street, 16th Floor, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on November 16, 2021, at 1 p.m., via live stream from the Agency’s website.

.01 Definitions.

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

B. Terms Defined.

(1) “ACH Credit” means a transaction through the Automated Clearing House Network originated by a participating employer to transmit payment of member contributions to an account at a financial institution designated by the Retirement Agency.

(2) “ACH Debit” means a transaction through the Automated Clearing House Network originated by the Retirement Agency to remove member contributions from a financial institution designated by a participating employer for payment into an account at a financial institution designated by the Retirement Agency.

(3) “Local employer” means a county board of education or the Baltimore City Board of School Commissioners.

(4) “Participating employer” has the meaning set forth in COMAR 22.01.01.01B(11).

(5) Participating Governmental Unit.

(a) “Participating governmental unit” means a governmental unit that participates in a State system under State Personnel and Pensions Article, Title 31, Annotated Code of Maryland.

(b) “Participating governmental unit” includes a governmental unit that has withdrawn from participation in a State system in accordance with State Personnel and Pensions Article, Title 31, Subtitle 3, Annotated Code of Maryland, but has employees that continue to participate in a State system.

(6) “Supporting payroll data” means the information required to be provided by a participating employer for each member of a State system as each payroll is paid in accordance with Regulation .02 of this chapter.

[.01] .02 Payroll Reporting Requirements of Participating Employers.

A. Subject to §§B and C of this regulation, [at the end of each pay period] as each payroll is paid, each participating employer shall certify to the Retirement Agency for each member of the State

system the following information:

(1)—(10) (text unchanged)

B. (text unchanged)

C. The participating employer shall provide the information required under this regulation in a manner and format acceptable to the Retirement Agency.

D. A participating employer that does not submit the information required under this regulation as each payroll is paid, and the in the manner and format required by the Retirement Agency, is liable for penalties and interest in accordance with State Personnel and Pensions Article, §21-314(d), Annotated Code of Maryland.

.03 Electronic Payment of Member Contributions.

A. This regulation applies only to a participating employer that:

(1) Is a local employer;

(2) Is a participating governmental unit; or

(3) Does not pay its employees through the Central Payroll Bureau of the Office of the State Comptroller.

B. Except for a participating employer that has been granted a waiver in accordance with Regulation .04 of this chapter, each participating employer shall designate an authorized account at a financial institution for the purpose of making payment of all required member contributions via ACH Debit.

C. Except as provided in §D of this regulation, as each payroll is paid and upon final submission of the supporting payroll data in the manner and format required by the Retirement Agency, the participating employer shall pay the amounts provided in Regulation .02A(10) of this chapter via an ACH Debit.

D. Payment via ACH Credit.

(1) This section applies only to a participating employer that has been granted a waiver in accordance with Regulation .04 of this chapter.

(2) As each payroll is paid, and immediately following final submission of the supporting payroll data in the manner and format required by the Retirement Agency, the participating employer shall pay the amounts provided in Regulation .02A(10) of this chapter via an ACH Credit.

E. A participating employer that does not pay the member contributions required by this regulation as each payroll is paid and in the manner prescribed by the Retirement Agency is liable for penalties and interest in accordance with State Personnel and Pensions Article, §21-314(d), Annotated Code of Maryland.

.04 Requests for Waiver of the ACH Debit Requirement.

A. A participating employer that is subject to Regulation .03 of this chapter may request a waiver from the requirement to pay contributions via ACH Debit.

B. A request for a waiver shall be made in writing to the Executive Director or the Executive Director’s designee and shall detail the reasons why the participating employer is unable to comply with the ACH Debit requirement.

C. Upon receipt of a request for a waiver, the Executive Director or the Executive Director’s designee may request, and the participating employer shall provide, any additional information or documentation that the Executive Director or the designee considers appropriate to substantiate the participating employer’s request.

D. The Executive Director or the Executive Director’s designee may grant the participating employer’s request for a waiver on a temporary or indefinite basis if the participating employer demonstrates to the satisfaction of the Executive Director or the designee that the participating employer is unable to comply with the ACH Debit requirement.

E. If the Executive Director or the Executive Director’s designee grants a participating employer’s request for a waiver on a temporary basis, the Executive Director or the designee shall specify

the time period for the waiver. Any granted waiver shall be effective on the date granted, and no retroactive waivers will be granted.

F. If the Executive Director or the Executive Director's designee grants a participating employer's request for a waiver on an indefinite basis, the Retirement Agency may require the participating employer to periodically submit documentation demonstrating the continued necessity of the waiver. If the Executive Director or the designee determines that a waiver is no longer needed, the Executive Director or the designee may rescind the waiver.

G. If the Executive Director or the Executive Director's designee grants a participating employer's request for a waiver and the participating employer fails to make timely member contribution payments in accordance with Regulation .03 of this chapter, or fails to submit the information required under Regulation .02 of this chapter as each payroll is paid, and in the manner and format required by the Retirement Agency, the Executive Director or the designee may rescind the waiver.

H. The denial of a request for a waiver from the ACH Debit requirement is not a contested case under State Government Article, §10-202, Annotated Code of Maryland, for which a hearing is required under COMAR 22.03.04.

MARTIN M. NOVEN
Executive Director
State Retirement Agency

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 01 OFFICE OF THE SECRETARY

29.01.02 Public Information Requests

Authority: General Provisions Article, §§4-330 and 4-351; Public Safety Article, §2-205; Annotated Code of Maryland

Notice of Proposed Action [21-135-P]

The Secretary of State Police proposes to amend Regulation .02 under **COMAR 29.01.02 Public Information Requests**.

Statement of Purpose

The purpose of this action is to add "date of birth" to the list of sociological information. The changes will additionally update COMAR to reflect General Provisions Article, Title 4, Annotated Code of Maryland, which renames sociological data to "sociological information".

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Brandon Gosnell, First Sergeant, Maryland State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4375, or email to brandon.gosnell@maryland.gov, or fax to 410-653-4473. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Act" means [State Government Article, §§10-611—10-630] *General Provisions Article, Title 4*, Annotated Code of Maryland.

(2)—(6) (text unchanged)

(7) Public Records.

(a)—(b) (text unchanged).

(c) "Public records" does not mean sociological [data] information, as defined in this regulation.

(8) (text unchanged)

(9) "Sociological [data] information" means any of the following information, which may not be disclosed by a custodian in response to a request to inspect or copy public records of the Department, concerning a person about whom a record is maintained by the Department of the State Police:

(a) (text unchanged)

(b) Date of birth;

[(b)] (c)—[(h)] (i) (text unchanged)

(10) (text unchanged)

(11) Written Documents.

(a) (text unchanged)

(b) "Written documents" does not mean sociological [data] information, as defined in this regulation.

WOODROW W. JONES III
Secretary of State Police

Subtitle 03 WEAPONS REGULATIONS

29.03.03 Handgun Roster Board

Authority: Public Safety Article, §5-403; State Government Article, §10-206; Annotated Code of Maryland

Notice of Proposed Action [21-136-P]

The Secretary of State Police proposes to amend Regulation .11 under **COMAR 29.03.03 Handgun Roster Board**.

Statement of Purpose

The purpose of this action is to remove the requirement of a handgun model number from needing to be included on the petition. Additionally, this amendment adds an email and facsimile as contact options for submission.

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 Brandon Gosnell, First Sergeant, Maryland State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4375, or email to brandon.gosnell@maryland.gov, or fax to 410-653-4473. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

.11 Petition Form and Content.

- A. (text unchanged)
- B. Form. A petition to the Board shall be in the form provided by the Board. The petition shall be sent to the *Handgun Roster Board Administrator* by email, facsimile, or certified or registered mail, return receipt requested, or delivered by hand.

- C. Content.
 - (1) The petition shall include the following information:
 - (a)—(c) (text unchanged)
 - [(d) Model number:]
 - [(e)] (d)—[(j)] (i) (text unchanged)
 - (2)—(3) (text unchanged)

WOODROW W. JONES III
Secretary of State Police

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

Subtitle 09 COMMERCIAL
AMBULANCE SERVICES

30.09.04 Eligibility, Application, and License Renewal

Authority: Education Article, §§13-508 and 13-515, Annotated Code of Maryland

Notice of Proposed Action

[21-131-P]

The Maryland Emergency Medical Services Board proposes to amend Regulation .08 under **COMAR 30.08.04 Eligibility, Application, and License Renewal**. This action was considered by the Maryland Emergency Medical Services Board at an open meeting held on July 13, 2021.

Statement of Purpose

The purpose of this action is to allow commercial ambulance services to use non-EMS personnel who meet certain other criteria as drivers for low-acuity interfacility transports of patients in order to increase the availability of fully staffed commercial ambulances.

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 amendment will allow commercial ambulance services to use non-EMS drivers for low-acuity interfacility transports in order to increase the availability of commercial ambulances and decrease wait times for patients.

II. Types of Economic Impact.

	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:			
Use of non-EMS drivers	(+)		Unknown
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:			
Increased availability of commercial ambulances	(+)		Unknown

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

D. The ability to use a non-EMS driver for certain transports is intended to increase the availability of ambulances for interfacility transports.

F. The increased availability of commercial ambulances for interfacility transports should reduce wait time for patients and facilities.

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 Scott Legore, Director, SOCALR, MIEMSS, 653 West Pratt St, Baltimore, MD 21214, or call 410.706.8511, or email to slegore@miemss.org. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

.08 Waivers.

- A. (text unchanged)
- B. *Waiver of Personnel Requirements.*

(1) SOCALR may waive any personnel requirements under COMAR 30.09.07, except the requirement for a licensed or certified driver for a BLS ambulance, for any commercial ambulance service [based outside of Maryland] which is licensed by Maryland or applying for a license, which demonstrates to the satisfaction of SOCALR that the personnel offered by the commercial ambulance service is equivalent to or superior to the personnel required by this subtitle.

(2) SOCALR may waive the personnel requirements under COMAR 30.09.07 for a licensed or certified driver for a BLS ambulance, for any commercial ambulance service which is licensed by Maryland or applying for a license. The initial waiver shall be for 1 year, subject to renewal.

(3) A commercial ambulance service seeking a waiver of the requirement for a licensed or certified driver for a BLS ambulance under COMAR 30.09.07 shall meet the following requirements:

(a) Submit to SOCALR with the application and on a monthly basis:

(i) The current number of unit hours staffed over a consecutive 7-day period during the most recent 30 days; and

(ii) The name and address of each non-EMS individual designated by the commercial service to drive a BLS ambulance;

(b) Ensure that each non-EMS individual designated to drive a BLS ambulance possesses a current and valid For-Hire Driver's license issued by the Public Service Commission prior to use of a non-EMS driver on a BLS ambulance;

(c) Provide to SOCALR a photocopy of a current and valid For-Hire Driver's license issued by the Public Service Commission for each non-EMS individual designated to drive a BLS ambulance prior to use of a non-EMS drive on a BLS ambulance;

(d) Ensure that each non-EMS individual designated to drive a BLS ambulance obtains an ePINS number prior to use of a non-EMS drive on a BLS ambulance;

(e) Provide the following training to each non-EMS individual it designates to drive a BLS ambulance prior to use of a non-EMS driver on a BLS ambulance:

(i) COMAR 30.09.02.02 — Patient Rights;

(ii) COMAR 30.09.07.03 — Operational Requirements;

(iii) Bloodborne Pathogens (29 CFR 1910.1030 to include Personal Protective Equipment and Body Substance Isolation precautions);

(iv) Lifting, moving, or positioning patients, to include stretcher and stair chair operations;

(v) CPR certification training, including the use of an AED; and

(vi) Driver's training program to include safe road operations, ambulance backing, and city driving; and

(f) Provide SOCALAR with a copy of the training programs required for the non-EMS driver prior to use of a non-EMS driver on a BLS ambulance.

C.—E. (text unchanged)

F. A waiver may be summarily suspended if SOCALR finds the party to whom the waiver has been granted has:

(1)—(5) (text unchanged)

(6) Failed to reapply for a waiver; [or]

(7) Violated any applicable federal, State, or local statute or regulation[.]; or

(8) Failed to comply with the terms of the waiver.

G. Failure to comply with the terms of a waiver granted under this regulation may be grounds for further action under COMAR 30.09.09.02.

THEODORE R. DELBRIDGE, M.D.
Executive Director

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 01 GENERAL PROVISIONS

31.01.02 Emergency Powers

Authority: Health-General Article, §19-706; Insurance Article, §2-115;
Annotated Code of Maryland

Notice of Proposed Action

[21-132-P]

The Insurance Commissioner proposes to amend Regulations .06 and .07 and adopt new Regulation .10 under COMAR 31.01.02 Emergency Powers.

Statement of Purpose

The purpose of this action is to amend Regulations .06 and .07 and adopt new Regulation .10 under COMAR 31.01.02 Emergency Powers. The changes to Regulation .06 add the words “or investigational” to the end of the section to allow the Commissioner to require a health carrier to make a claims payment for treatment for a specified illness that the health carrier has denied as experimental.

Additionally, as the COVID-19 pandemic continues, the Maryland Insurance Administration has found it necessary to update regulations during the state of emergency to allow the suspension of on-site reviews for several types of insurance professionals, including title insurance producers, managing general agents, and reinsurers.

Furthermore, as additional issues have been developing regarding the delay of mail being received and sent, the Maryland Insurance Administration is allowing for the extension of certain deadlines during the continuing state of emergency to rectify some of these delays. This includes requiring insurers to implement a grace period of 60 days for the receipt of premium payments, extending the deadlines for requests for hearings from consumers, premium increase protests from consumers, other complaints from consumers, and exceptions to the Office of Administrative Hearing decision from consumers. In addition, we may extend the deadline for insurance companies to respond to Insurance Article, §27-1001, Annotated Code of Maryland, complaints. Finally, the changes would allow the Commissioner to extend deadlines for the Maryland Insurance Administration staff as necessary due to mail delays and the continuing effects of the ongoing pandemic.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Director of Regulations, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through October 12, 2021. A public hearing has not been scheduled.

.06 Life and Health.

A.—E. (text unchanged)

F. The Commissioner may require a health carrier to make a claims payment for treatment for a specified illness that the health carrier has denied as experimental *or investigational*.

G.—N. (text unchanged)

.07 Property and Casualty.

A. The bulletin issued by the Commissioner under Regulation .05 of this chapter may require insurers authorized in the State [to] *who* write property and casualty insurance, the Maryland Automobile Insurance Fund, and the Joint Insurance Association to:

(1)—(2) (text unchanged)

(3) Provide any or all of the data listed in §C of this regulation in a manner required by the Commissioner in the bulletin; [and]

(4) *Implement a grace period of up to 60 days for the receipt of premium payments from customers prior to cancellation of policies;*

(5) *Suspend the obligation of title insurers to conduct on-site reviews of each of its title insurance producers appointed as principal agents within the calendar year pursuant to COMAR 31.04.22.04, provided that the process and procedures for conducting virtual audits are submitted to, and deemed adequate by, the Commissioner;*

(6) *Suspend the requirements under Insurance Article, § 8-210, Annotated Code of Maryland, for an insurer to conduct an on-site review of the underwriting and claims processing operations of its managing general agent;*

(7) *Suspend the requirement under Insurance Article, § 8-520, Annotated Code of Maryland, for a reinsurer to conduct on-site review of the underwriting and claims processing operations of the reinsurance manager; and*

[(4)] (8) (text unchanged)

B.—G. (text unchanged)

.10 Deadlines.

A. The bulletin issued by the Commissioner under Regulation .05 of this chapter may extend the statutorily imposed deadline for submissions to the Administration by up to 30 days. These submissions may include:

(1) *Requests for hearings;*

(2) *Premium increase protests;*

(3) *Other complaints;*

(4) *Exceptions to Office of Administration Hearing opinions; or*

(5) *Responses to Insurance Article, §27-1001, Annotated Code of Maryland, complaints.*

B. The Commissioner may extend statutory deadlines imposed on the Administration as deemed necessary by the Commissioner during the state of emergency provided the Governor has agreed to extend such statutory requirements and provided the Commissioner affords notice of the extension consistent with this chapter.

KATHLEEN A. BIRRANE
Insurance Commissioner

Errata

COMAR 36.10.02

At 48:18 Md. R. 726 (August 27, 2021), column 1, line 22 from the bottom:

For: *Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1-07, 9-1A-08,*

Read: *Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-07, 9-1A-08,*

Special Documents

MARYLAND DEPARTMENT OF THE ENVIRONMENT

NOTICE OF INTENT TO SUBMIT WATER QUALITY ANALYSES OF ZINC IN THE MIDDLE HARBOR AND CURTIS BAY/CREEK PORTIONS OF PATAPSCO RIVER MESOHALINE CHESAPEAKE BAY TIDAL SEGMENT IN BALTIMORE CITY, BALTIMORE COUNTY AND ANNE ARUNDEL COUNTY, MD

Section 303(d) of the federal Clean Water Act (CWA) directs States to identify and list waters, known as water quality limited segments (WQLSs), in which current required controls of a specified substance are inadequate to achieve water quality standards. For each WQLS, the State is required to establish a Total Maximum Daily Load (TMDL) of the specified substance(s) that the waterbody can receive without violating water quality standards, demonstrate that another program or action will achieve water quality standards, or demonstrate via the development of a Water Quality Analysis (WQA) that water quality standards for the specified substance(s) are currently being achieved. The Maryland Department of the Environment (MDE) hereby gives notice of the public availability of a draft WQA document for Zinc (Zn) for portions of the Patapsco River Mesohaline Chesapeake Bay Tidal Segment (PATMH).

The Maryland Department of the Environment (MDE) has identified the PATMH Chesapeake Bay Tidal Segment (Integrated Report Assessment Unit ID: PATMH) on the State's 2018 Integrated Report as impaired by multiple pollutants including zinc in sediment for the Curtis Bay/Creek and Middle Harbor portions of the PATMH. For more details about the listings, please see the WQA report being made available for public comment.

An analysis of recent sediment quality data from Middle Harbor and Curtis Bay/Creek used the sediment quality triad approach, incorporating an evaluation of sediment chemistry, sediment toxicity, and benthic community health data to demonstrate that aquatic life in sediments is not adversely impacted by Zn. The analysis presented in the report supports the conclusion that a TMDL for Zn is not necessary to achieve water quality standards in Middle Harbor or Curtis Bay/Creek. Although the tidal waters of Middle Harbor and Curtis Bay/Creek do not display signs of a Zn impairment in sediment, the State reserves the right to require future controls if evidence suggests that Zn from the watershed is contributing to downstream water quality problems.

Barring the receipt of contradictory data, this report will be used to support a revision of the 2022 Integrated Report impairment listings for Zn in sediment for Middle Harbor and Curtis Bay/Creek from Category 5 ("waterbody is impaired, does not attain the water quality standard, and a TMDL is required") to Category 2 ("waterbodies meeting some [in this case Zn related] water quality standards, but with insufficient data to assess all impairment") when MDE proposes revision of the Integrated Report.

OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT

A 30-day public comment period for the draft document will take place from **September 10, 2021 to October 12, 2021**. Copies of the draft document have been placed in Baltimore City Enoch Pratt Free Library - Light Street Branch, 1251 Light St., Baltimore, MD 21230 (410-396-1096), in the Baltimore County Public Library – Towson Branch, 320 York Road, Towson, Maryland 21204 (410-887-6166) and in the Anne Arundel County Public Library – Glen Burnie Branch, 1010 Eastway, Glen Burnie, MD 21060. (410) 222-6270. The draft document is also available on the Internet at web site <http://www.mde.maryland.gov/TMDL> under Drafts for Public Comment or by contacting Ms. Melissa Chatham by email at Melissa.Chatham@maryland.gov, or by telephone at 443-908-0338 (outside the Baltimore area, dial 1-800-633-6101 x3937). Anyone wishing to review the draft documents and supporting information or needing technical information may contact Ms. Chatham during normal business hours.

Written comments concerning the draft document may be submitted to the Department **on or before October 12, 2021** and should be sent to Ms. Chatham at the above address or emailed to melissa.chatham@maryland.gov. All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for review.

[21-19-25]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on September 17, 2021, from Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the Federal Register on July 19, 2021, concerning its public hearing on August 12, 2021, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, September 17, 2021, at 9 a.m.

ADDRESSES: The meeting will be conducted digitally/telephonically from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110.

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

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) adoption of proposed rulemaking and three related policies; (2) current expense budget for FY2023; (3) member jurisdictions allocation for

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2023; (4) ratification of contracts/grants; (5) emergency certificate extension; and (6) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the COVID-19 orders, the meeting will be conducted digitally/telephonically and there will be no physical public attendance. The public is invited to attend the Commission’s business meeting. You can access the Business Meeting through a computer (Audio and Video) by following the link: <https://srbc.webex.com/srbc/j.php?MTID=m9e8859e3b62c7e3e7d22d751744c4e3b> then enter meeting number 177 753 8259 and password Sept17CommMtg. You may also participant telephonically by dialing 1-877-668-4493 and entering the meeting number 177 753 8259 followed by the # sign.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before September 15, 2021. Comments will not be accepted at the business meeting noticed herein.

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

DATED: August 16, 2021

JASON E. OYLER
General Counsel and Secretary to the Commission
[21-19-20]

**SUSQUEHANNA RIVER BASIN
COMMISSION**

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: July 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 GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR Part 806, Subpart E:
Benton Municipal Water & Sewer Authority – Public Water Supply System, GF Certificate No. GF-202107175, Benton Township, Columbia County, Pa.; Artesian Well No. 1; Issue Date: July 22, 2021.

The Procter & Gamble Paper Products Company – Mehoopany Plant, GF Certificate No. GF-202107176, Washington Township, Wyoming County, Pa.; Susquehanna River and Well 4; Issue Date: July 22, 2021.

TTGC, Inc. – Tree Top Golf Course, GF Certificate No. GF-202107177, Mount Joy Township, Lancaster County, Pa.; Hole 13 Well, Hole 15 Well, Hole 17 Well, and Hole 5 Pond; Issue Date: July 22, 2021.

Jersey Shore Steel Company – Jersey Shore Steel, GF Certificate No. GF-202107178, Pine Creek Township, Clinton County, Pa.; the Well and consumptive use; Issue Date: July 27, 2021.

West St. Clair Township-Pleasantville Borough Municipal Authority – Public Water Supply System, GF Certificate No. GF-202107179, West St. Clair Township and Pleasantville Borough, Bedford County, Pa.; Well 001; Issue Date: July 27, 2021.

DATED: August 17, 2021

JASON E. OYLER
General Counsel and Secretary to the Commission
[21-19-19]

General Notices

Notice of ADA Compliance

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

CHESAPEAKE BAY TRUST

Subject: Public Meeting
Date and Time: September 17, 2021, 10 a.m. — 12 p.m.
Place: Zoom meeting
Add'l. Info: Please call Sarah Higgins for Zoom Link at 410-974-2941 x113.
Contact: Sarah Higgins (410) 974-2941
 [21-19-14]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting
Date and Time: September 17, 2021, 10 a.m. — 12 p.m.
Place: Virtual meeting — please see details below.
Add'l. Info: This is a virtual meeting of the Standing Advisory Committee on Opioid Associated Disease Prevention and Outreach Programs (Syringe Services Programs).
 Attend virtually: meet.google.com/ces-nhzs-fcr

Attend by phone: +1 971-813-5065
 PIN: 929 880 429#

Contact: Allison Thompson (443) 801-5747
 [21-19-22]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting
Date and Time: November 4, 2021, 9 a.m. — 1 p.m.
Place: Virtual meeting—please see details below.

Add'l. Info: Due to the State of Emergency as a result of the 2019 Novel Coronavirus (COVID-19) Pandemic, please be advised that the November 4, 2021, P & T (Pharmacy and Therapeutics) Committee public meeting will be conducted virtually by way of a webinar.

As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and procedure to register to attend the virtual meeting will be posted on the Maryland Pharmacy Program website at:

<https://health.maryland.gov/mmcp/pap/pages/public-meeting-announcement-and-procedures-for-public-testimony.aspx>

Please submit questions to mdh.marylandpdlquestions@maryland.gov.
Contact: Deborah Washington (410) 767-1455

[21-19-16]

HISTORIC ST. MARY'S CITY COMMISSION

Subject: Public Meeting
Date and Time: September 18, 2021, 10:30 — 11:30 a.m.
Place: Via Google Meet — please see details below.
Add'l. Info: HSMC Commission Board Meeting
 Google Meet joining info:
 Video call link:
<https://meet.google.com/xpy-zuoa-yvc>
 Or dial: (US) +1 617-675-4444
 PIN: 692 388 648 2036#
 More phone numbers:
<https://tel.meet/xpy-zuoa-yvc?pin=6923886482036>
Contact: Porzia Purves (240) 895-4960
 [21-19-24]

DEPARTMENT OF INFORMATION TECHNOLOGY

Subject: Public Meeting
Date and Time: September 15, 2021, 1 — 3 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm. B, Crownsville, MD
Add'l. Info: This is a hybrid meeting, to attend virtually use this link:
https://www.youtube.com/watch?v=XzZ7p_xjww​
Contact: Cindy Cole (410) 697-9639
 [21-19-09]

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD

Subject: Public Hearing
Date and Time: September 16, 2021, 9:30 a.m. — 12 p.m.
Place: Please see specific meeting information below.
Add'l. Info: There are a total of four regional Heat Stress Informational Hearings.
 In accordance with Labor and Employment Article, Title 5, Subtitle 12, Annotated Code of Maryland, Ch. 308 (H.B. 722), Acts of 2020, Heat Stress Standards, the Commissioner Labor and Industry (Commissioner) is responsible for developing and adopting regulations to

protect employees from heat-related stress in the workplace.

Per Labor and Employment Article, §5-1201, Annotated Code of Maryland, the Maryland Occupational Safety and Health Administration (MOSH) will host four regional informational sessions to gain input and feedback from stakeholders. These meetings are open to the public.

Verbal Statements: Participants who wish to provide a verbal statement are required to register at least 24 hours in advance of the desired session using the link below. A confirmation, along with allotted speaking time will be emailed to each participant.

Registration for Heat Stress Informational Hearings. Additional questions can be directed to Tiffany Jones at TiffanyR.Jones@maryland.gov or 410-767-2182.

Details and the locations of the four public information sessions are listed below:

Easton

Tuesday, September 14, 2021 between 1 p.m.—3 p.m.
 Easton Library
 100 W. Dover Street
 Easton, MD 21601

Laurel

Thursday September 16, 2021 between 9:30 a.m.—noon
 Deerfield Run Community Center
 13000 Laurel-Bowie Road
 Laurel, MD 20708

Hagerstown

Monday, September 20, 2021 between 1 p.m.—3 p.m.
 Hagerstown Library
 Alice Virginia and David Fletcher Library Main Library
 Room 309
 100 S. Potomac Street
 Hagerstown, MD 21740

*Hunt Valley

Wednesday, September 22, 2021 between 1 p.m.—3 p.m.
 MOSH Headquarters|
 10946 Golden West Drive,
 Hunt Valley, Maryland 21030
 *NOTE: This is both an in-person and virtual meeting.

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For information on participating virtually, please visit the Agency's website.

Contact: Tiffany R. Jones (410) 767-2180

[21-19-15]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: September 23, 2021, 10 a.m. — 12 p.m.

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

Add'l. Info: We will be returning to in-person meetings with the September Commission meeting. There will also be a livestream link available the day of the meeting on our website, <https://www.mdgaming.com/commission-meeting-8-26-2021/>. Be advised that masks are required to enter the building.

Contact: Kathy Lingo (410) 230-8790

[21-19-23]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: September 23, 2021, 1 — 4 p.m.

Place: Via teleconference — please see registration information below.

Add'l. Info: All public meetings will be held via teleconference until further notice. Please visit mhcc.maryland.gov for meeting registration information.

Contact: Valerie Wooding (410) 764-3570

[21-19-07]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting

Date and Time: September 17, 2021, 9 a.m. — 12 p.m.

Place: Via Google Hangouts — please see details below.

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

Contact: Lauren Murray (410) 402-8556

[21-19-05]

RACING COMMISSION

Subject: Public Meeting

Date and Time: September 23, 2021, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[21-19-08]

BOARD OF REVENUE ESTIMATES

Subject: Public Meeting

Date and Time: September 30, 2021, 2 — 3 p.m.

Place: Virtual meeting — please see details below.

Add'l. Info: The Board of Revenue Estimates will hold a September Board Meeting on the 30th of September at 2pm. The meeting will be held virtually and streamed live on the Comptroller of Maryland's official Facebook page for all to view.

Contact: Kynara Fogan (410) 260-7450

[21-19-21]

STATE TREASURER'S OFFICE

Subject: Public Meeting

Date and Time: October 4, 2021, 2 — 4 p.m.

Place: 80 Calvert St., Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD

Add'l. Info: Legislative Review, Revenue Estimates and Review of Capital Programs

Contact: Christian Lund (410) 260-7920

[21-19-10]

STATE TREASURER'S OFFICE

Subject: Public Meeting

Date and Time: October 14, 2021, 1 — 3 p.m.

Place: 80 Calvert St., Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD

Add'l. Info: Review of Tax-Supported Debt and the Size and Condition of Debt of Higher Education Institutions

Contact: Christian Lund (410) 260-7920

[21-19-11]

STATE TREASURER'S OFFICE

Subject: Public Meeting

Date and Time: October 18, 2021, 1 — 3 p.m.

Place: 80 Calvert St., Louis L. Goldstein Treasury Bldg., Assembly Rm., Annapolis, MD

Add'l. Info: Recommendation of General Obligation Bond Authorizations

Contact: Christian Lund (410) 260-7920

[21-19-12]

MARYLAND DEPARTMENT OF TRANSPORTATION/MARYLAND BOARD OF AIRPORT ZONING APPEALS

Subject: Public Hearing

Date and Time: September 27, 2021, 10 a.m.

Place: Virtual hearing — please see details below.

Add'l. Info: The Maryland Department of Transportation (MDOT) Board of Airport Zoning Appeals (BAZA) will hold a hearing teleconference on Monday, September 27, 2021. The hearing will begin at 10 a.m. The public call-in number is +1 443-409-5228; Conference ID: 942 214 264#.

The Board will meet regarding the following case:

Docket Number 421

The MDOT BAZA heard Case #421 on Monday, December 14, 2020. The variance request filed by the Petitioner, Elite Engineering, Inc. was granted subject to the Petitioner agreeing that a post-construction noise level reduction test be performed by an acoustical consultant to ensure that the construction achieves the required decibel reduction. In accordance with the Memorandum and Order, the Petitioner has provided and the MDOT MAA accepted the findings of the post-construction acoustical test; therefore, the BAZA will meet via teleconference to discuss and approve the test results on Monday, September 27, 2021 at 10 a.m.

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

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

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

[21-19-27]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting

Date and Time: September 16, 2021, 10 a.m. — 12:30 p.m.

Place: Via Google Hangouts

Add'l. Info: A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:

https://mde.maryland.gov/programs/permits/environmentalboards/pages/bww_meetings.aspx

Contact: Dee Settar (410) 537-4162

[21-19-04]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: September 22, 2021, 9 a.m. — 12 p.m.

Place: Via Google Hangouts

Add'l. Info: A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:

https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx

Contact: Duane M Johnson (410) 537-4466

[21-19-01]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: October 27, 2021, 9 a.m. — 12 p.m.

Place: Via Google Hangouts

Add'l. Info: A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:

https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx

Contact: Duane M Johnson (410) 537-4466

[21-19-02]

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| Forest Conservation Law (2019)                                     | \$15        | \$8   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997 | \$20        | \$10  | _____    | _____ |
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| <b>Title 09</b>                            | Maryland Department of Labor                                     | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$300              | \$195                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
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| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
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| <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                      | _____         | _____ |
| <b>Title 35</b>                            | Maryland Department of Veterans Affairs                          | \$16               | \$9                       | _____         | _____ |
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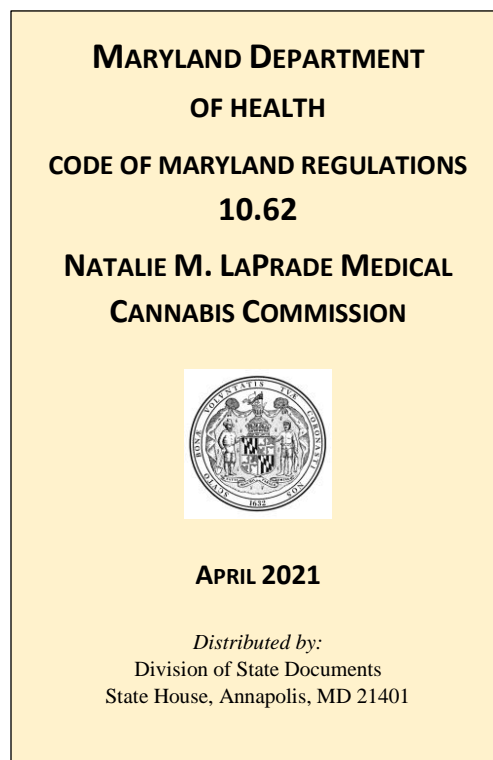
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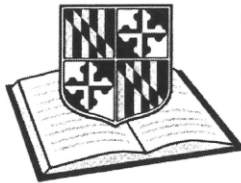
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