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# Maryland Register

Issue Date: November 19, 2021

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Volume 48 • Issue 24 • Pages 1013—1070

## IN THIS ISSUE

Governor  
Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 1, 2021, 5 p.m.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 November 1, 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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**COMAR Online**

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

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

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

**Availability of Monthly List of  
Maryland Documents**

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

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

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## CLOSING DATES AND ISSUE DATES THROUGH JULY 2022

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2021</b>			
December 3	November 15	November 22	November 24
December 17	November 29	December 6	December 8
<b>2022</b>			
January 3***	December 13	December 20	December 22
January 14	December 27	January 3	January 5
January 28	January 10	January 14**	January 19
February 11	January 24	January 31	February 2
February 25	February 7	February 14	February 16
March 11	February 18**	February 28	March 2
March 25	March 7	March 14	March 16
April 8	March 21	March 28	March 30
April 22	April 4	April 11	April 13
May 6	April 18	April 25	April 27
May 20	May 2	May 9	May 11
June 3	May 16	May 23	May 25
June 17	May 27 **	June 6	June 8
July 1	June 13	June 17**	June 22
July 15	June 27	July 1**	July 6
July 29	July 11	July 18	July 20

\* 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](http://www.dsd.state.md.us).

### Table of Pending Proposals

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

#### 02 OFFICE OF THE ATTORNEY GENERAL

02.02.05.01,.11,.14 • 48:22 Md. R. 940 (10-22-21)  
 02.06.01.03,.06—,09,.11,.13—,17 • 48:21 Md. R. 893 (10-8-21)  
 02.06.02.02,.11 • 48:21 Md. R. 893 (10-8-21)

#### 03 COMPTROLLER OF THE TREASURY

03.12.01.01—,06 • 48:21 Md. R. 896 (10-8-21)

#### 04 DEPARTMENT OF GENERAL SERVICES

04.01.06.01—,08 • 48:24 Md. R. 1026 (11-19-21)

#### 08 DEPARTMENT OF NATURAL RESOURCES

08.01.01.02 • 48:22 Md. R. 943 (10-22-21)  
 08.02.11.03 • 48:22 Md. R. 944 (10-22-21)  
 08.04.02.01 • 48:22 Md. R. 943 (10-22-21)  
 08.04.03.10 • 48:23 Md. R. 984 (11-5-21)  
 08.18.14.05 • 48:20 Md. R. 855 (9-24-21)

#### 09 MARYLAND DEPARTMENT OF LABOR

09.09.01.01—,04 • 48:17 Md. R. 671 (8-13-21)  
 09.09.02.01—,03 • 48:17 Md. R. 671 (8-13-21)  
 09.09.03.02 • 48:17 Md. R. 671 (8-13-21)  
 09.10.03.01-1 • 48:23 Md. R. 985 (11-5-21)  
 09.10.03.08 • 48:7 Md. R. 261 (3-26-21)  
 09.19.03.01 • 48:21 Md. R. 897 (10-8-21)

#### 10 MARYLAND DEPARTMENT OF HEALTH

##### Subtitles 01—08 (1st volume)

10 • 48:4 Md. R. 190 (2-12-21) (err)  
 10.01.18.02—,10 • 48:21 Md. R. 898 (10-8-21)

##### Subtitle 09 (2nd volume)

10.09.06.02,.03,.09 • 48:22 Md. R. 945 (10-22-21)  
 10.09.23.01-1,.05 • 48:19 Md. R. 804 (9-10-21) (ibr)  
 10.09.39.01—,11 • 48:24 Md. R. 1028 (11-19-21)  
 10.09.48.01—,08 • 48:19 Md. R. 805 (9-10-21)  
 10.09.50.07 • 48:17 Md. R. 672 (8-13-21)  
 10.09.51.05 • 48:19 Md. R. 810 (9-10-21)  
 10.09.78.01—,09 • 48:22 Md. R. 946 (10-22-21)  
 10.09.80.01,.03,.05,.06,.08 • 48:23 Md. R. 985 (11-5-21)  
 10.09.92.08 • 48:3 Md. R. 104 (1-29-21)  
 48:4 Md. R. 190 (2-12-21) (err)

##### Subtitles 10—22 (3rd volume)

10.15.03.27 • 48:18 Md. R. 699 (8-27-21)

##### Subtitles 23—36 (4th volume)

10.25.05.01—,14 • 48:20 Md. R. 856 (9-24-21)  
 10.27.27.01,.04 • 48:22 Md. R. 948 (10-22-21)  
 10.29.03.01—,08 • 48:24 Md. R. 1030 (11-19-21)  
 10.29.06.02,.03 • 48:23 Md. R. 987 (11-5-21)  
 10.29.09.11 • 48:23 Md. R. 987 (11-5-21)  
 10.29.12.03,.05 • 48:23 Md. R. 987 (11-5-21)  
 10.32.12.01—,07 • 48:19 Md. R. 811 (9-10-21)

##### Subtitles 37—52 (5th volume)

10.37.10.03,.07-1 • 48:19 Md. R. 813 (9-10-21)  
 10.38.01.01,.02,.04 • 48:22 Md. R. 949 (10-22-21)  
 10.38.02.01 • 48:24 Md. R. 1034 (11-19-21)  
 10.38.03.02 • 48:22 Md. R. 949 (10-22-21)  
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 10.43.07.01,.03,.08,.10,.11 • 48:23 Md. R. 988 (11-5-21)  
 10.43.16.03—,05 • 48:23 Md. R. 988 (11-5-21)  
 10.46.02.01 • 48:23 Md. R. 990 (11-5-21)

**Subtitles 53—68 (6th volume)**

- 10.57.02.01 • 48:19 Md. R. 814 (9-10-21)
- 10.57.03.01 • 48:19 Md. R. 814 (9-10-21)
- 10.58.08.01—10 • 48:24 Md. R. 1035 (11-19-21)
- 10.58.15.01—08 • 48:24 Md. R. 1035 (11-19-21)
- 10.58.17.01—10 • 48:24 Md. R. 1042 (11-19-21)
- 10.67.06.21 • 48:24 Md. R. 1028 (11-19-21)
- 10.67.08.02 • 48:18 Md. R. 705 (8-27-21)

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 11—23 (MVA)**

- 11.13.12.01—09 • 48:18 Md. R. 706 (8-27-21) (ibr)

**13A STATE BOARD OF EDUCATION**

- 13A.06.01.02,,03 • 48:19 Md. R. 815 (9-10-21)
- 13A.06.03.03,,04 • 48:22 Md. R. 951 (10-22-21)
- 13A.06.07.01,,03,,07—21 • 48:24 Md. R. 1049 (11-19-21)
- 13A.07.14.02,,03 • 48:22 Md. R. 952 (10-22-21)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

- 13B.01.01.19,,26 • 48:21 Md. R. 904 (10-8-21)

**14 INDEPENDENT AGENCIES**

- 14.22.02.02 • 48:23 Md. R. 991 (11-5-21)

**18 DEPARTMENT OF ASSESSMENTS AND TAXATION**

- 18.02.03.05 • 48:24 Md. R. 1052 (11-19-21)
- 18.02.05.06 • 48:24 Md. R. 1052 (11-19-21)
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**19A STATE ETHICS COMMISSION**

- 19A.01.01.02,,04 • 48:24 Md. R. 1054 (11-19-21)
- 19A.03.01.01,,04 • 48:24 Md. R. 1054 (11-19-21)
- 19A.03.03.01 • 48:24 Md. R. 1054 (11-19-21)
- 19A.04.01.02 • 48:24 Md. R. 1054 (11-19-21)
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- 19A.04.Appendix A • 48:24 Md. R. 1054 (11-19-21)
- 19A.04.Appendix B • 48:24 Md. R. 1054 (11-19-21)
- 19A.05.01.02 • 48:24 Md. R. 1054 (11-19-21)
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- 19A.05.Appendix A • 48:24 Md. R. 1054 (11-19-21)
- 19A.05.Appendix B • 48:24 Md. R. 1054 (11-19-21)

**20 PUBLIC SERVICE COMMISSION**

- 20.90.02.16 • 48:24 Md. R. 1060 (11-19-21)
- 20.95.01.11 • 48:24 Md. R. 1061 (11-19-21)

**22 STATE RETIREMENT AND PENSION SYSTEM**

- 22.01.11.01—07 • 48:23 Md. R. 992 (11-5-21)
- 22.03.05.01—05 • 48:19 Md. R. 825 (9-10-21)
- 22.04.01.01—04 • 48:19 Md. R. 826 (9-10-21)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 08—12 (Part 2)**

- 26.11.20.02 • 48:20 Md. R. 865 (9-24-21)
- 26.12.01.01 • 48:22 Md. R. 953 (10-22-21) (ibr)

**Subtitles 13 — 18 (Part 3)**

- 26.13.01.02,,03,,03-1,,04,,05 • 48:14 Md. R. 547 (7-2-21)
- 26.13.02.01,,02,,04,,04-3,,04-4,,05,,06,,10,,15,,17,,19-1—19-8,,23 • 48:14 Md. R. 547 (7-2-21)
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- 26.13.09.01—03 • 48:14 Md. R. 547 (7-2-21)
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- 26.14.03.01—07 • 48:21 Md. R. 905 (10-8-21)

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

- 27.01.01.01 • 48:22 Md. R. 954 (10-22-21)
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- 27.01.09.01,,01-2 • 48:22 Md. R. 954 (10-22-21)
- 27.01.11.04 • 48:22 Md. R. 954 (10-22-21)
- 27.01.13.01 • 48:22 Md. R. 954 (10-22-21)
- 27.02.01.01 • 48:22 Md. R. 954 (10-22-21)
- 27.02.05.04—04-3,,09,,12 • 48:22 Md. R. 954 (10-22-21)
- 27.03.01.01 • 48:22 Md. R. 954 (10-22-21)

**28 OFFICE OF ADMINISTRATIVE HEARINGS**

- 28.02.01.16 • 48:24 Md. R. 1061 (11-19-21)
- 28.03.01.01 • 48:21 Md. R. 908 (10-8-21)
- 28.05.01.01—08 • 48:21 Md. R. 908 (10-8-21)

**29 DEPARTMENT OF STATE POLICE**

- 29.01.02.02 • 48:19 Md. R. 828 (9-10-21)
- 29.03.03.11 • 48:19 Md. R. 828 (9-10-21)

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

- 30.08.09.01—05,,07,,08 • 48:23 Md. R. 995 (11-5-21)
- 30.08.10.01—11,,13 • 48:23 Md. R. 997 (11-5-21)
- 30.09.04.08 • 48:19 Md. R. 829 (9-10-21)

**31 MARYLAND INSURANCE ADMINISTRATION**

- 31.03.13.02,,04 • 48:11 Md. R. 432 (5-21-21)
- 31.05.08.24,,28 • 48:8 Md. R. 322 (4-9-21)
- 31.10.46.02,,03 • 48:24 Md. R. 1062 (11-19-21)
- 31.10.47.02,,03 • 48:24 Md. R. 1062 (11-19-21)
- 31.10.48.02—05 • 48:24 Md. R. 1062 (11-19-21)
- 31.10.51.01—08 • 48:22 Md. R. 959 (10-22-21)

PENDING PROPOSALS

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**33 STATE BOARD OF ELECTIONS**

33.01.01.01 • 48:20 Md. R. 867 (9-24-21)  
33.05.01.02 • 48:17 Md. R. 673 (8-13-21)  
33.05.04.02 • 48:20 Md. R. 867 (9-24-21)  
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33.17.04.03,.06 • 48:17 Md. R. 674 (8-13-21)  
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**34 DEPARTMENT OF PLANNING**

34.04.07.02 • 48:21 Md. R. 912 (10-8-21)  
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**35 DEPARTMENT OF VETERANS AFFAIRS**

35.06.01.02,.07 • 48:23 Md. R. 1000 (11-5-21)

**36 MARYLAND STATE LOTTERY AND GAMING  
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36.01.01.01,.05 • 48:18 Md. R. 718 (8-27-21)  
36.01.02.04—.06 • 48:18 Md. R. 718 (8-27-21)  
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36.10.04.01—.11 • 48:18 Md. R. 718 (8-27-21)  
36.10.05.01—.05 • 48:18 Md. R. 718 (8-27-21)  
36.10.06.01—.11 • 48:18 Md. R. 718 (8-27-21)  
36.10.07.01—.06 • 48:18 Md. R. 718 (8-27-21)  
36.10.08.01—.11 • 48:18 Md. R. 718 (8-27-21)  
36.10.09.01—.03 • 48:18 Md. R. 718 (8-27-21)  
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36.10.11.01—.09 • 48:18 Md. R. 718 (8-27-21)  
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)  
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 Governor

## PROCLAMATION

### Declaration of State of Emergency

WHEREAS, Maryland is suffering the impacts of severe weather that started on October 29, 2021, and there is a reasonable possibility of impending cascading effects;

WHEREAS, There is a developing threat and reasonable apprehension across Maryland of storm, flood, high water, wind-driven water, and other similar disasters that the Maryland Department of Emergency Management, in consultation with weather experts, risk analysts, and local emergency managers, has advised may require State assistance to supplement local efforts in order to save lives and protect public health and safety;

WHEREAS, Because of these disasters, and the reasonable apprehension of immediate danger to public safety, there is an emergency in all jurisdictions and areas of Maryland;

WHEREAS, In consideration of the damaging impacts of previous similar weather events, preparations must be made for all potential consequences and contingencies;

WHEREAS, It may be appropriate to implement the emergency powers of the Governor;

WHEREAS, To facilitate emergency response and restoration activities, there may be a need to waive certain regulations, activate certain emergency contracts, and deploy resources provided Maryland law;

WHEREAS, The resources of the Maryland National Guard may be needed; and

WHEREAS, A declaration of an emergency that implements the emergency powers of the Governor is a prerequisite for potential federal emergency and disaster assistance;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLES 13 AND 14 OF THE PUBLIC SAFETY ARTICLE OF THE CODE OF MARYLAND, HEREBY DECLARE AND PROCLAIM A STATE OF EMERGENCY AND ORDER THE FOLLOWING, EFFECTIVE IMMEDIATELY:

A. A state of emergency exists in all Maryland counties and the City of Baltimore.

B. The Maryland National Guard is called into State service, action, and active duty.

C. The Maryland Department of Emergency Management and all other appropriate State authorities are authorized to activate their emergency preparedness plans and to gauge, deploy, use, and coordinate available resources in support of local jurisdictions and the citizens of Maryland.

D. Executive Branch units are authorized during the state of emergency to, as necessary to protect the public health, welfare, or safety, and to facilitate the safe, rapid, and orderly delivery of resources and critical public safety services, take appropriate administrative or other actions including, but not limited to, those that:

1. Direct and compel evacuations;
2. Set evacuation routes and the modes of transportation to be used;

3. Direct the movement of individuals and the occupancy of premises;

4. Provide for temporary housing; and

5. Authorize the clearance and removal of debris and wreckage.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 29th day of October, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-24-23]

## PROCLAMATION

### Convening the General Assembly of Maryland in Extraordinary Session at Annapolis, Maryland, on Monday, December 6, 2021

WHEREAS, Every decade, Maryland and other states must, based on data from the United States Census Bureau, create districts from which representatives to the United States House of Representatives are to be elected;

WHEREAS, The Maryland Citizen Redistricting Commission — which is independent from legislative influence, conducted open and transparent proceedings with integrity and fairness, enabled public input and participation, and exercised impartial judgment — has prepared a plan for Maryland's congressional districts;

WHEREAS, The Commission has submitted its final plans and maps for congressional districts for introduction to the General Assembly; and

WHEREAS, A majority of the members elected to the Senate and a majority of the members elected to the House of Delegates have joined in a petition requesting that I convene the General Assembly in extraordinary session;

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, PURSUANT TO THE POWERS VESTED IN ME BY ARTICLE III, SECTION 14, OF THE CONSTITUTION OF MARYLAND, DO HEREBY PROCLAIM AND CONVENE AN EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY OF MARYLAND TO COMMENCE AT 10 A.M. ON MONDAY, DECEMBER 6, 2021, IN THE STATE CAPITOL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF ESTABLISHING THE STATE'S CONGRESSIONAL DISTRICTS.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 5th day of November, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-24-24]

## PROCLAMATION

### Termination of State of Emergency

WHEREAS, A state of emergency was declared on October 29, 2021, in the City of Baltimore and Anne Arundel, Baltimore, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Queen Anne's, Prince George's, Somerset, St. Mary's, Talbot, Wicomico, and Worcester counties to implement the emergency powers of the Governor and protect the lives and property of Maryland citizens; and

WHEREAS, The threat and danger has passed, and the emergency has been dealt with to the extent that the emergency conditions and state of emergency no longer exist;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLES 13 AND 14 OF THE PUBLIC SAFETY ARTICLE OF THE CODE OF MARYLAND, HEREBY PROCLAIM THAT THE STATE OF EMERGENCY THAT EXISTED IN THE CITY OF BALTIMORE AND ANNE ARUNDEL, BALTIMORE, CALVERT, CAROLINE, CECIL, CHARLES, DORCHESTER, HARFORD, KENT, QUEEN ANNE'S, PRINCE GEORGE'S, SOMERSET, ST. MARY'S, TALBOT, WICOMICO, AND WORCESTER COUNTIES IS TERMINATED.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 8th day of November, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-24-25]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated October 25, 2021, **TERRANCE JAMES SHANAHAN** (CPF# 0212190154), 54 North Allwood Drive, Hanover, Pennsylvania 17331, suspended for (60) sixty days by consent, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761(b)).

\* \* \* \* \*

This is to certify that by an Order of this Court dated October 28, 2021, **SYLVIA LORRAINE ADAMS** (CPF# 9806230005), P.O. Box 2325, Bowie, Maryland 20718, has been indefinitely suspended by consent, effective immediately, from the further practice of law in the State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761(b)).

\* \* \* \* \*

This is to certify that by an Order of this Court dated August 30, 2021, **CALISTRATOS SPIROS STAFILATOS** (CPF# 0212190197), 200 E. Lexington Street, Suite 300, Baltimore, Maryland 21214, has been indefinitely suspended by consent, effective November 1, 2021, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Order of this Court dated September 24, 2021, **JONATHAN FREDERICK SEAMON LOVE** (CPF# 0102280001), 3304 Juniper Way, Falls Church, Virginia 22044, has been replaced upon the register of attorneys, effective November 2, 2021, by an Order of the Court on September 24, 2021. Notice of this action is certified in accordance with Maryland Rule 19-761.

[21-24-18]

# 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 09

# MARYLAND DEPARTMENT OF LABOR

## Subtitle 10 RACING COMMISSION

### 09.10.03 Prohibited Acts

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

#### Notice of Emergency Action

[21-180-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation **.01-1** under **COMAR 09.10.03 Prohibited Acts**.

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

**Emergency status expires: April 30, 2022.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 48:23 Md. R. 985 (November 5, 2021), referenced as [21-180-P].

EMMET DAVITT  
Chairman  
Maryland Racing Commission

# 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

#### 01.02.11 Maryland Safe at Home Address Confidentiality Program

Authority: Real Property Article, §§3-114—3-120; State Government Article, §§7-301—7-313; Annotated Code of Maryland

#### Notice of Final Action

[21-140-F]

On November 9, 2021, the Secretary of State adopted amendments to Regulations **.01—, .03, .05—, .07, .09—, .16, .18, .19,** and **.22** under **COMAR 01.02.11 Maryland Safe at Home Address Confidentiality Program**. This action, which was proposed for adoption in 48:20 Md. R. 852—855 (September 24, 2021), has been adopted as proposed.

**Effective Date: November 29, 2021.**

JOHN C. WOBENSMITH  
Secretary of State

## Title 14

### INDEPENDENT AGENCIES

#### Subtitle 35 MARYLAND HEALTH BENEFIT EXCHANGE

#### Notice of Final Action

[21-128-F]

On October 27, 2021, the Maryland Health Benefit Exchange adopted:

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

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

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

This action, which was proposed for adoption in 48:19 Md. R. 822—825 (September 10, 2021), has been adopted as proposed.

**Effective Date: November 29, 2021.**

MICHELE S. EBERLE  
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 Final Action

[21-132-F]

On October 29, 2021, the Insurance Commissioner adopted amendments to Regulations **.06** and **.07**, and new Regulation **.10** under **COMAR 31.01.12 Emergency Powers**. This action, which was proposed for adoption in 48:19 Md. R. 830—831 (September 10, 2021), has been adopted as proposed.

**Effective Date: November 29, 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 04 DEPARTMENT OF GENERAL SERVICES

### Subtitle 01 OFFICE OF THE SECRETARY

#### *04.01.06 Assistive Listening Device in Assembly Areas*

*Authority: State Government Article, §10-611—10-630; State Finance and Procurement Article § 4-410, Annotated Code of Maryland*

#### Notice of Proposed Action

[21-184-P]

The Secretary of General Services proposes to adopt new Regulations **.01—.08** under a new chapter, **COMAR 04.01.06 Assistive Listening Device in Assembly Areas**. This action was considered on August 17, 2021.

#### Statement of Purpose

The purpose of this action is to set forth the structure, installation, and implementation for Assistive Listening Device in Assembly Areas.

#### 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

**I. Summary of Economic Impact.** The regulations will have a minimal economic impact. Revenues will not be affected while construction or renovation of a state funded public assembly area will realize a minimal increase in construction project costs and contract proposals. Small business may realize a positive impact if they are capable of installing the necessary equipment during construction or renovation of a public assembly area.

#### II. Types of Economic Impact.

- A. On issuing agency: NONE
- B. On other State agencies: NONE
- C. On local governments: NONE

Revenue  
(R+/R-)

Expenditure  
(E+/E-)

Magnitude

Benefit (+)  
Cost (-)

Magnitude

- D. On regulated industries or trade groups:

Regulated industries or trade groups (+) Minimal

- E. On other industries or trade groups: NONE

- F. Direct and indirect effects on public: NONE

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

D. Additional opportunities for businesses that are capable of providing the installation of assistive listening systems in assembly areas.

#### Economic Impact on Small Businesses

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

#### Impact on Individuals with Disabilities

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

The adoption of these regulation will positively benefit individuals with hearing disabilities. An induction loop is a permanently installed system that includes a wire loop that surrounds a room or area within a room. The loop sends an electromagnetic

signal that can be picked up by anyone inside the loop that has a hearing aid or cochlear implant with a telecoil. Those without a telecoil can pick up the signal by using a portable receiver.

**Opportunity for Public Comment**

Comments may be sent to Ellen Robertson, Legislative Liaison, Department of General Services, 29 St. Johns Street, Annapolis, MD 21401, or call 410-260-2908, or email to ellen.robertson@maryland.gov, or fax to 410-974-2361. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.01 Purpose.**

These regulations describe and provide a process for recipients of State funds to install an assistive listening system in an assembly area during construction or renovation of the assembly area.

**.02 Definitions.**

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

B. Terms Defined.

(1) "Advisory Board" means the Hearing Accessibility Advisory Board.

(2) "Assembly area" has the meaning stated in State Finance and Procurement Article, §4-410(a)(2), Annotated Code of Maryland.

(3) "Assistive listening system" has the meaning stated in State Finance and Procurement Article, §4-410(a)(3), Annotated Code of Maryland.

(4) "Construction or renovation" has the meaning stated in State Finance and Procurement Article, §4-410(a)(4), Annotated Code of Maryland.

(5) "Department" means the Department of General Services.

(6) "Hearing induction loop" has the meaning stated in State Finance and Procurement Article, §4-410(a)(5), Annotated Code of Maryland.

(7) "Recipient of State funds" has the meaning stated in State Finance and Procurement Article, §4-410(a)(6), Annotated Code of Maryland.

**.03 Hearing Accessibility Advisory Board.**

The Advisory Board shall be appointed by the Secretary of the Department and consist of individuals who have expertise in assistive listening systems and consumers who use assistive listening systems.

**.04 Installation and Waiver Requests.**

A. A recipient of State funds shall install an assistive listening system in an assembly area during the construction or renovation of the assembly area if:

(1) The assembly area uses or requires the use of a public address system; and

(2) A State contract has been executed to enable the construction or renovation of the assembly area, in which funding received from the State will finance such construction or renovation, in part or in whole.

B. A recipient of State funds may request a waiver from the requirements of §A of this regulation if:

(1) The installation of an assistive listening system is deemed not technologically feasible; or

(2) There is a dispute regarding whether the requirements of §A of this regulation apply to a construction or renovation project.

C. The waiver request shall be in writing and include, at a minimum:

(1) The name, address, and contact information of the requestor;

(2) A description of the construction or renovation project;

(3) A detailed explanation as to why an assistive listening system is not technologically feasible, including an affirmation from

the requestor that there is no reasonable substitute technology readily available that would serve a similar purpose; and

(4) In the event there is a dispute regarding whether §A of this regulation applies to the construction or renovation project, a detailed description as to why the assistive listening device requirement is not applicable to the project.

D. Requests for waivers shall be submitted to the Advisory Board by the contractor prior to, or during the design phase of the project.

**.05 Monitoring and Compliance.**

A. The Advisory Board shall periodically monitor activities of the recipients of State funds to ensure compliance with the requirements for installing an Assistive listening system.

B. If the Advisory Board makes a preliminary determination of noncompliance or receives a complaint that a recipient of State funds is not in compliance with the requirements as outlined in this chapter, the Advisory Board shall perform an investigation by:

(1) Authorizing the procurement agency and/or any appointee directed by the Advisory Board to:

(a) Inspect the records of the recipient of State funds related to the installation of the Assistive listening system;

(b) Inspect the jobsite;

(c) Collect and review the project records; and

(d) Interview any employees, contractors, subcontractors, and workers related to the installation; and

(2) Determining whether the recipient of State funds is in compliance with the requirements to install an assistive listening system and notifying them in writing of its findings.

C. If found to not be compliant, a notice shall be provided to the recipient of State funds that includes what corrective actions are required to come into compliance and a date certain for when the recipients of State funds should present the Advisory Board with their plan for achieving compliance.

D. If a procurement agency or Advisory Board determines that noncompliance with the contract provisions exists and that the recipient of State funds refuses or fails to take the corrective action as outlined in §C of this regulation and required by the procurement agency or the Advisory Board, then the following actions may occur:

(1) Termination of the contract; or

(2) Referral to the Office of the Attorney General for appropriate action.

**.06 Signage.**

A. Each covered assembly area must provide signs at each entry to the assembly area to inform patrons that assistive listening systems are available. Assembly areas that have ticket offices or ticket windows shall also display the required signs at the ticket window.

B. Assistive listening systems signs shall comply with applicable federal regulations and shall include the International Symbol of Access for Hearing Loss.

**.07 Maintenance and Training.**

Training on the operation and maintenance of an assistive listening system shall be provided by the recipient of State funds as part of the project.

A. The training may be provided as a part of the services of the company contracted to install the assistive listening system or as a separate service contract.

B. Companies contracted to install the assistive listening system, train users, or both, shall do so in a manner consistent with applicable federal laws and regulations.

**.08 Facility Requirements.**

Any facility that provides an assistive listening system must make receivers available to those individuals that can use the technology but do not have a personal hearing device or do not have a hearing

device with a telecoil or built-in receiver. The number of receivers required in each assembly area is determined by the facility's size and shall be consistent with applicable federal laws and regulations.

ELLINGTON E. CHURCHILL, JR.  
Secretary of General Services

# Title 10 MARYLAND DEPARTMENT OF HEALTH

## Notice of Proposed Action [21-181-P]

The Secretary of Health proposes to:

- (1) Adopt new Regulations **.01 — .11** under a new chapter, **COMAR 10.09.39 Doula Services**; and
- (2) Amend Regulation **.21** under **COMAR 10.67.06 Maryland Medicaid Managed Care Program: Benefits**.

### Statement of Purpose

The purpose of this action is to:

- (1) Establish coverage, requirements, and reimbursement procedures for doulas who enroll in Maryland Medicaid to provide services for pregnant and postpartum individuals; and
- (2) Add doula and home visiting services to the list of MCO-covered pregnancy-related benefits.

### 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 establishes Medicaid coverage for doula services. The Program anticipates an economic impact of \$699,658 total funds in Fiscal Year (FY) 2022.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
--------------------------------------	--------------------	------------------------	-----------

- |                             |      |  |         |
|-----------------------------|------|--|---------|
| A. On issuing agency:       | (E+) |  | 699,658 |
| B. On other State agencies: | NONE |  |         |
| C. On local governments:    | NONE |  |         |

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	699,658
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

A. and D. The Program will begin reimbursing for doula services in the second half of FY 2022, on January 1, 2022.

There are approximately 25,000 Medicaid deliveries per year. Based on an average national doula services uptake rate of 6 percent, the Program estimates 1,500 Medicaid participants will access these services each year.

Medicaid reimbursing prenatal and postpartum doula services up to four prenatal visits (\$66.48 per visit), labor and delivery (\$350), and up to 4 postpartum visits (\$78.48 per visit) for a total of \$930 per participant. Total estimated cost for service delivery equals \$697,500. This amount is subject to a 50 percent federal match for direct services (\$348,750 federal funds and \$348,750 general funds).

Administrative costs involved with maintaining provider files for Medicaid-enrolled doulas will equal \$2,158. This amount represents a cost of \$6.85 per provider per month and 70 certified doulas in the Program's provider network. This amount is subject to a 75 percent federal match (\$1,618 federal funds and \$540 general funds).

### 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 establishes a fee schedule for a new covered benefit implemented on January 1, 2022. To the extent that doula providers qualify for Medicaid reimbursement and qualify as small businesses, they will benefit from the establishment of reimbursement rates for doula services.

### 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, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.39 Doula Services

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

#### **.01 Definitions.**

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

*B. Terms Defined.*

*(1) "Birthing parent" means the participant giving birth, who is receiving doula services throughout their pregnancy, including the prenatal, labor, and postpartum periods.*

*(2) "Certified doula" means a trained nonmedical professional who provides continuous physical, emotional, and informational support to the birthing parent throughout the prenatal and postpartum periods and who has received a certification as approved by the Program to perform doula services.*

*(3) "Department" means the Maryland Department of Health, the single State agency designated to administer the Maryland Medical Assistance Program under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq.*

*(4) "Doula services" means continuous physical, emotional, and informational support to the birthing parent throughout the prenatal and postpartum periods, provided by a certified doula, including:*

*(a) Childbirth education;*



(b) Emotional and physical support provided at perinatal visits and during labor and delivery, which may include:

(i) Prenatal counseling;

(ii) Providing person-centered care that honors cultural and family traditions; and

(iii) Advocating on behalf of the birthing parent during appointment visits, hospitalization, and delivery;

(c) Provision of evidence-based information on general health practices pertaining to pregnancy, childbirth, postpartum care, newborn health, and family dynamics;

(d) Provision of emotional support, physical comfort measures, and information to the birthing parent to enable the birthing parent to make informed decisions pertaining to childbirth and postpartum care;

(e) Provision of support for the whole birth team, including a birthing parent's partner and family members;

(f) Provision of evidence-based information on infant feeding;

(g) Provision of general breastfeeding guidance and resources;

(h) Provision of infant soothing and coping skills for the new parents; and

(i) Facilitation of access to resources that can improve birth-related outcomes, including ongoing home visiting services, transportation, housing, alcohol, tobacco and drug cessation, WIC, SNAP, and intimate partner violence resources.

(5) "Home" means the birthing parent's place of residence in a community setting.

(6) "Labor and delivery" means the period during which the fetus, membranes, umbilical cord, and placenta are expelled from the uterus through vaginal birth or through the surgical delivery by a cesarean section.

(7) "Medically necessary" means that the service or benefit is:

(a) Directly related to diagnostic, preventive, curative, palliative, rehabilitative, or ameliorative treatment of an illness, injury, disability, or health condition;

(b) Consistent with current accepted standards of good medical practice;

(c) The most cost-efficient service that can be provided without sacrificing effectiveness or access to care; and

(d) Not primarily for the convenience of the consumer, family, or provider.

(8) "Postpartum period" means the period that begins immediately after childbirth up to 180 days following childbirth.

(9) "Prenatal period" means the developmental period between conception and birth.

(10) "Program" means the Maryland Medical Assistance Program.

(11) "Provider" means an individual doula or an association, partnership, or incorporated or unincorporated group of doulas certified to provide doula services that, through an appropriate agreement with the Department, has been identified as a Program provider by the issuance of an individual account number.

**.02 Certification Requirements.**

A provider shall be certified by one of the following organizations, and present proof of all specified certifications for each organization:

A. Doula Trainings International: Birth Doula and Postpartum Doula Certifications;

B. The Childbirth and Postpartum Professional Association (CAPPA): Certified Labor Doula, Certified Postpartum Doula, and Certified Community Lactation Educator Certifications;

C. The International Black Doula Institute (IBDI): Pregnancy & Childbirth Doula Certification, Postpartum & Newborn Certification, and Lactation/Breastfeeding Certificate of Completion;

D. Ancient Song Doula Services: Full Spectrum Labor & Postpartum Certification;

E. Mamatoto Village: Community Birth Worker Certification;

F. Doulas of North America (DONA): Birth Doula and Postpartum Doula Certifications;

G. International Childbirth Education Association (ICEA): Birth Doula, and Postpartum Doula Certifications;

H. Childbirth International (CBI): Birth Doula, and Postpartum Doula Certifications; or

I. MaternityWise: Labor Doula, and Postpartum Doula Certifications.

**.03 Conditions for Participation.**

A. General requirements for participation in the Program are that a provider shall meet all conditions for participation as set forth in COMAR 10.09.36.03.

B. Specific requirements for participation in the Program as a certified doula provider require that the provider:

(1) Maintain up-to-date certification through a doula certification program as specified in Regulation .02 of this chapter; and

(2) Shall have adequate liability insurance.

**.04 Covered Services.**

A. Effective January 1, 2022, the Program covers doula services as defined in Regulation .01 of this chapter when the services:

(1) Are medically necessary;

(2) Are rendered during a birthing parent's prenatal period, labor and delivery, and postpartum period; and

(3) If rendered via telehealth, comply with the requirements established in COMAR 10.09.49 and any other subregulatory guidance.

B. The Program shall cover up to:

(1) Eight prenatal or postpartum visits; and

(2) One labor and delivery service.

**.05 Limitations.**

Doula services covered under this chapter are subject to the following limitations:

A. One of the following providers shall be present while doula services are provided during labor and delivery:

(1) An obstetrician-gynecologist;

(2) A family medicine practitioner; or

(3) A certified nurse midwife.

B. Doula services furnished during labor and delivery may not be rendered via telehealth.

C. Payment for doula services shall be limited to direct services provided. Expenses may not be reimbursed for items related to:

(a) Travel;

(b) Administrative overhead; or

(c) Ongoing certification, training, or consultation.

D. Multiple visits are not allowed in the same day except in the following instances:

(a) A prenatal visit occurs earlier in the day, and a labor and delivery visit later in the day; or

(b) A labor and delivery visit occurs earlier in the day, and a postpartum doula later in the day.

**.06 Payment Procedures.**

A. The provider shall submit the request for payment in the format designated by the Program.

*B. The Program reserves the right to return to the provider, before payment, all invoices not properly signed, completed, and accompanied by properly completed forms required by the Program.*

*C. The provider shall charge the Program the provider's customary charge to the general public. If the service is free to individuals not covered by Medicaid:*

*(1) The provider:*

*(a) May charge the Program; and*

*(b) Shall be reimbursed in accordance with §H of this regulation; and*

*(2) The provider's reimbursement is not limited to the provider's customary charge.*

*D. The Program will pay for covered services, the lesser of:*

*(1) The provider's customary charge to the general public unless the service is free to individuals not covered by Medicaid; or*

*(2) The Program's fee schedule.*

*E. The provider may not bill the Program or the participant for:*

*(1) Completion of forms and reports;*

*(2) Broken or missed appointments;*

*(3) Professional services rendered by mail;*

*(4) Professional services rendered via telehealth when services are indicated as an exclusion; or*

*(5) Providing a copy of a participant's medical record when requested by another provider on behalf of the participant.*

*F. Payments for services rendered to a birthing parent shall be made directly to a qualified provider.*

*G. Billing time limitations for claims submitted pursuant to this chapter are set forth in COMAR 10.09.36.06.*

*H. Reimbursement.*

*(1) Unless otherwise specified, payments shall be made in 15-minute units of service.*

*(2) Effective January 1, 2022, rates for the services outlined in this chapter shall be as follows:*

*(a) For prenatal care services, \$16.62 per 15-minute unit of service, up to 4 units of service per visit;*

*(b) For labor and delivery attendance, a flat rate of \$350; and*

*(c) For postpartum care services, \$19.62 per 15-minute units of service, up to 4 units of service per visit.*

**.07 Recovery and Reimbursement.**

*Recovery and reimbursement regulations are set forth in COMAR 10.09.36.07.*

**.08 Cause for Suspension or Removal and Imposition of Sanctions.**

*Cause for suspension or removal and imposition of sanctions are set forth in COMAR 10.09.36.08.*

**.09 Appeal Procedures.**

*Providers filing appeals from administrative decisions made in connection with these regulations shall do so according to COMAR 10.09.36.09.*

**.10 Interpretive Regulation.**

*Interpretive regulatory requirements shall be as set forth in COMAR 10.09.36.10.*

**.11 Implementation Date.**

*This chapter shall be implemented on January 1, 2022.*

**Subtitle 67 MARYLAND HEALTHCHOICE PROGRAM**

**10.67.06 Maryland Medicaid Managed Care Program: Benefits**

Authority: Health-General Article, Title 15, Subtitle 1, Annotated Code of Maryland

**.21 Benefits — Pregnancy-Related Services.**

A. An MCO shall provide to its pregnant and postpartum enrollees medically necessary pregnancy-related services, including:

(1)—(2) (text unchanged)

(3) Enriched maternity services, including:

(a)—(e) (text unchanged)

(f) Appropriate levels of inpatient care, including emergency transfer of pregnant women and newborns to tertiary care centers; [and]

(g) Smoking cessation education and treatment[.];

(h) Doula services; and

(i) Home visiting services.

B.—D. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

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

**10.29.03 Inspection of Funeral Establishments [and Funeral Service Businesses]**

Authority: Health Occupations Article, §§7-101, 7-205, and 7-310, Annotated Code of Maryland

**Notice of Proposed Action**

[21-162-P]

The Secretary of Health proposes to amend Regulations **.01—,03**, adopt new Regulation **.04**, repeal existing Regulations **.06** and **.07**, and amend and recodify existing Regulations **.04**, **.05**, and **.08** to be Regulations **.05**, **.06**, and **.07**, respectively, under **COMAR 10.29.03 Inspection of Funeral Establishments**. This action was considered by the Board of Morticians and Funeral Directors at public meetings held on January 8, 2020 and May 12, 2021, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bom/Pages/home.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to:

(1) Update and clarify best practices to align with industry standards within the profession;

(2) Provide regulatory requirements and guidelines for restricted funeral establishments;

(3) Remove obsolete language; and

(4) Repeal all provisions referring to inspections of funeral service businesses because these businesses no longer exist in Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to 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 December 20, 2021. A public hearing has not been scheduled.

**.01 Scope.**

The purpose and intent of this chapter is to prescribe minimum standards for new *and existing* funeral establishments, renovations of existing funeral establishments, *restricted funeral establishments*, and change of ownership of funeral establishments where the practice of mortuary science or funeral direction is conducted.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“Funeral director” means an individual who is licensed by the Board to practice all aspects of mortuary science, except for embalming.*

[(3)] (4) *“Funeral establishment” means any building, structure, or premises licensed by the Board, with facilities for:*

(a) *Embalming or holding [a dead] of human [body] remains for disposition;*

(b) *Viewing of the [body] human remains; and*

(c) (text unchanged)

[(4)] *“Funeral service business” means a business owned or co-owned by a licensed mortician or funeral director involving the practice of mortuary science or funeral direction by a licensed mortician or funeral director.]*

(5) *“Funeral establishment sponsor” means any licensed funeral establishment providing for the operation of a Board-approved restricted funeral establishment.*

[(5)] (6) *“Holding room” means a room which is:*

(a) *Used [exclusively] for the holding of [dead] human [bodies] remains if arterial embalming is not a function of the funeral [home] establishment; and*

(b) *Distinct from the viewing room, chapel, or any other part of a funeral [home] establishment.*

[(6)] (7) *“Inspection” means a survey of a funeral establishment by an [investigator] inspector designated by the Board to ensure compliance with this chapter.*

(8) *“Mortician” means an individual who is licensed by the Board to practice mortuary science.*

[(6-1)] (9) (text unchanged)

[(7)] (10) *Practice Funeral Direction.*

(a) *“Practice funeral direction” means to:*

(i) *[To operate] Operate a funeral establishment; [and]*

(ii) *For compensation, prepare human remains for disposition; and*

[(ii)] (iii) *[To] For compensation, arrange for or make final disposition of [a dead] human [body] remains [for compensation].*

(b) *“Practice funeral direction” does not include[, for compensation]:*

(i) *[Disinfecting] For compensation, disinfecting or preserving [a dead] human [body] remains or [a dead human body's] any of its parts by arterial or cavity injection or any other type of preservation; or*

[(ii)] *Otherwise preparing a dead human body for disposition.]*

(ii) *The business of operating a crematory.*

[(8)] (11) *[“Practice mortuary science” means:] Practice Mortuary Science.*

(a) *[To operate a funeral establishment;] “Practice mortuary science” means:*

(i) *The practice of funeral direction; and*

[(b)] *For compensation, to prepare a dead human body for disposition, including disinfecting]*

(ii) *Disinfecting or preserving [a dead] human [body] remains or [a dead human body's] any of its parts by arterial or cavity injection; and*

(c) *For compensation, to arrange for or make final disposition of a dead human body].*

(b) *“Practice mortuary science” does not include:*

(i) *The pickup, removal, or transportation of human remains, if the unlicensed individual is acting under the direction of a licensed mortician or funeral director; or*

(ii) *The business of operating a crematory.*

[(9)] (12) (text unchanged)

[(10)] (13) *“Preparation room” means an area with a minimum of 120 square feet which is used exclusively [to prepare dead human bodies for final disposition if arterial or cavity injection is a function of the funeral home establishment, and] for the practice of mortuary science, which is separate and distinct from the viewing room, chapel, or any other part of a funeral establishment.*

(14) *“Restricted funeral establishment” means a licensed business authorized by the Board under Health Occupations Article, §7-310(a)(2), Annotated Code of Maryland, to practice mortuary science or funeral direction services by a licensed mortician or funeral director with a designated sponsoring funeral establishment.*

[(11)] (15) *“Supervising funeral director” means a funeral director who is responsible to the Board for compliance with [the Maryland Morticians Act] Health Occupations Article, Title 7, Annotated Code of Maryland, for all operations of a funeral establishment including, but not limited to, the administration of [pre-need] preneed accounts.*

[(12)] (16) *“Supervising mortician” means a mortician who is responsible to the Board for compliance with [the Maryland Morticians Act] Health Occupations Article, Title 7, Annotated Code of Maryland, for all operations of a funeral establishment including, but not limited to, the administration of preneed accounts.*

[(13)] (17) *“Viewing room” means an area in which [a dead] human [body is] remains are placed on display and which is a separate and distinct area from the preparation and holding room.*

**.03 [License Required for] Funeral Establishment Requirements.**

A. *The Board shall license a funeral establishment before the funeral establishment may be used for the practice of mortuary science or funeral direction.*

B. *The Board shall issue a funeral establishment license to a funeral establishment that has:*

(1) *[Has complied] Complied with all applicable federal, State, and local laws;*

(2) *[Has submitted] Submitted an application to the Board on the required form at least 60 days before the opening of the business;*

(3) *[Has paid] Paid the application fee and, when applicable, the family security trust fund fee; and*

(4) [Operates] *Operated* in accordance with Health Occupations Article, Title 7, Annotated Code of Maryland.

C.—D. (text unchanged)

E. Upon a sale or change in ownership of the funeral establishment, the new owner shall [request]:

(1) *Notify the Board within 14 days; and*

(2) *Request a new license [which shall be submitted] by submitting an application to the Board in writing with supporting documentation reflecting the sale or change of ownership.*

F. The Board shall issue a new *funeral* establishment license reflecting the sale or change in ownership if:

(1) The [Board approves the submitted] *applicant submits the required documentation to the Board; and*

(2) An inspection of the *funeral* establishment results in a finding that the *funeral* establishment is in compliance with all applicable *federal, State, and local* laws.

G. A license, and the licenses of individual licensees employed at the *funeral* establishment, shall be displayed prominently at the premises.

H. The funeral establishment:

(1) Shall employ and designate, on a form provided by the Board, a supervising mortician or supervising funeral director, licensed in accordance with State laws, who shall be [continuously responsible] *in compliance with Health Occupations Article, Title 7, Annotated Code of Maryland;*

(2) Shall prominently display on a sign, not smaller than [5] 8 and 1/2 inches by 11 inches, *immediately* located either [immediately] outside or [immediately] inside the main entrance, in letters not less than [1-inch] *one-half inch* high, the [following information] *names of:*

(a) [The names of each] *Each* licensee who holds at least a 10 percent ownership interest in the partnership, professional association, or sole proprietorship which operates the funeral establishment;

(b) [The names of any] *Any* individual, [corporations] *corporation*, or other business [entities] *entity*, which either directly or indirectly [hold] *holds* an ownership interest of 10 percent or more in the corporation or business entity that operates the funeral establishment; and

(c) [The names of all] *All* restricted *funeral* establishments operating from that funeral [home.] *establishment;*

(3)—(4) (text unchanged)

(5) Shall notify the Board, on a form provided by the Board, of [a] any change of supervising mortician or supervising funeral director within 10 days [of any change];

(6) (text unchanged)

(7) Shall [either:

(a) Ensure] *ensure* that medical waste is picked up by a licensed medical waste disposer not less [often] than every 60 days from the date generated; or

(b) Develop a written plan to submit for approval by the Board that outlines specific procedures for disposal of medical waste not later than 60 days from the date generated, in accordance with methods] *as outlined in COMAR 10.06.06.*

**.04 Restricted Funeral Establishment Requirements.**

A. *The Board shall license a restricted funeral establishment before the restricted funeral establishment may be used for the practice of mortuary science or funeral direction.*

B. *The Board shall issue a restricted funeral establishment license to a restricted funeral establishment that has:*

(1) *Complied with:*

(a) *All applicable federal, State, and local laws;*

(b) *Advertising requirements set forth in COMAR 10.29.12;*

*and*

(c) *Regulation .05 of this chapter;*

(2) *For each restricted funeral establishment:*

(a) *Submitted an application to the Board on the required form which includes a full description of services;*

(b) *Paid the application fee and, when applicable, the family security trust fund fee; and*

(c) *Completed and passed an inspection as outlined in Regulation .05 of this chapter;*

(3) *After July 1, 2001, submitted to the Board copies of the documents listed in Regulation .05D of this chapter;*

(4) *Beginning January 1, 2002, submitted during the bi-annual inspection to the Board, copies of the documents listed in Regulation .05D of this chapter created during the preceding year; and*

(5) *Operated in accordance with Health Occupations Article, Title 7, Annotated Code of Maryland.*

C. *The restricted funeral establishment shall:*

(1) *Submit a notarized lease agreement with the sponsoring funeral establishment, including an application stating scope of operations for approval to the Board;*

(2) *Employ and designate, on a form provided by the Board, a supervising mortician or supervising funeral director, licensed in accordance with State laws, who shall be in compliance with Health Occupations Article, Title 7, Annotated Code of Maryland; and*

(3) *Submit documentation of any termination or change in the status of the lease agreement, within 10 days of the termination or change in status.*

D. *Subject to the hearing provisions of Health Occupations Article, §7-319, Annotated Code of Maryland, the Board may:*

(1) *Deny a license to an applicant for a restricted funeral establishment license;*

(2) *Reprimand the holder of a restricted funeral establishment license;*

(3) *Place the holder of a restricted funeral establishment license on probation;*

(4) *Suspend or revoke a restricted funeral establishment license if, with the knowledge or at the direction of the restricted funeral establishment:*

(a) *An unlicensed individual practices mortuary science or funeral direction for or within the restricted funeral establishment; or*

(b) *An employee of the restricted funeral establishment fails to comply with:*

(i) *Health-General Article, §5-513(b) and (d), Annotated Code of Maryland; and*

(ii) *Health Occupations Article, §7-405, Annotated Code of Maryland.*

E. *The funeral establishment sponsor shall remain in good standing with the Board to continue as a sponsor for any restricted funeral establishment.*

F. *For a funeral establishment sponsor that experiences the death of single owner and sole licensee as set forth in Health Occupations Article, §7-308.3, Annotated Code of Maryland, the restricted funeral establishment:*

(1) *Shall submit to the Board a new notarized lease agreement within 30 days, if the restricted funeral establishment intends to continue operating from that sponsoring funeral establishment;*

(2) *Shall be subject to hearing provisions set forth under Health Occupations Article, §7-319, Annotated Code of Maryland, for failure to comply with §F(1) of this regulation, which may result in:*

(a) *A reprimand for the holder of the restricted establishment license;*

(b) *Probation for the holder of the restricted establishment license; or*

(c) *The suspension or revocation of the restricted establishment license; and*

(3) *May voluntarily surrender the restricted funeral establishment license to avoid the hearing procedures provided the conditions are met as set forth under Health Occupations Article, §7-318, Annotated Code of Maryland.*

G. *If a funeral establishment sponsor closes its operations to the public, any restricted establishment license with a lease agreement with this designated funeral establishment sponsor:*

(1) *Shall become invalid upon closure of the sponsoring funeral establishment subject to the hearing provisions set forth under Health Occupations Article, §7-319, Annotated Code of Maryland; or*

(2) *May voluntarily surrender the restricted funeral establishment license to avoid the hearing procedures, provided the conditions are met as set forth under Health Occupations Article, §7-318, Annotated Code of Maryland.*

H. *For each location operated by the restricted funeral establishment, a separate license shall be obtained and displayed prior to commencing the practice of mortuary science or funeral direction.*

I. *As set forth under Health Occupations Article, §7-504, preneed services and merchandise may be offered by a restricted funeral establishment.*

**[.04].05 Inspection by the Board [of Morticians].**

A. *A licensed funeral establishment and a restricted funeral establishment shall be open at all reasonable times for inspection by the Board. Inspection results shall be written on forms approved by the Board.*

B. *Each funeral establishment and restricted funeral establishment shall be inspected:*

(1)—(2) (text unchanged)

(3) *Upon the sale or change of ownership of the funeral establishment.*

C. (text unchanged)

D. *The following forms shall be available for inspection, with a copy given to the inspector for the inspector's records:*

(1)—(3) (text unchanged)

(4) *A price list of outer burial containers, as charged to the public;*

(5) (text unchanged)

(6) *A preneed contract form along with a bank statement form, for verification of an escrow or trust account, and, if provided, an insurance statement;*

(7) (text unchanged)

(8) *An authorization to release the body to the funeral establishment or the restricted funeral establishment.*

E. *Standards for Inspection of [Licensed] Funeral Establishments and Restricted Funeral Establishments.*

(1) *Preparation Room. If arterial or cavity injection will take place at [the] a funeral establishment or a restricted funeral establishment, the funeral establishment or the restricted funeral establishment shall maintain on the premises a preparation room which shall be adequately equipped and maintained in a sanitary manner for the preservation and care of [dead] human [bodies] remains. The minimal requirements [are] shall be as follows:*

(a)—(f) (text unchanged)

(g) *If a refrigeration unit is on the premises, [the refrigeration unit] it shall be clean, sanitary, and in good working condition.*

(2) *Holding Room. If arterial or cavity injection will not take place at [the] a funeral establishment or a restricted funeral establishment, the funeral establishment or the restricted funeral establishment shall maintain on the premises a holding room which shall be adequately equipped for the holding of [dead] human [bodies] remains which shall be kept in a clean and sanitary manner [and used exclusively for the holding and storage of dead human*

*bodies]. The minimal requirements for the holding room shall be as follows:*

(a)—(f) (text unchanged)

(3) (text unchanged)

(4) *Water Supply.*

(a) *Each funeral establishment and restricted funeral establishment shall have hot and cold running water.*

(b) (text unchanged)

(c) *Floor drainage is [not] required in the [holding] preparation room of a funeral establishment where [emblaming does not take] embalming takes place, except for an establishment that existed on or before November 26, 2001 that has not had after that date:*

(i) *The preparation room renovated; or*

(ii) *A change of ownership.*

(5)—(6) (text unchanged)

(7) *Removal Vehicle. The removal vehicle shall be suitable for the transportation of [dead] human remains [with remains] obscured from public view and maintained in a sanitary manner.*

(8) *Funeral Service Establishment and Restricted Funeral Establishment Premises.*

(a) *The remaining areas of the funeral establishment and the restricted funeral establishment shall be in good repair, [and] clean, and safe.*

(b) *If [the] a funeral establishment or a restricted funeral establishment has a memorial gathering area, it shall be [in]:*

(i) *In good repair [and clean];*

(ii) *[if that area is built or renovated, or the establishment is acquired that memorial room shall be at] Clean; and*

(iii) *At least 300 square feet in area.*

(c) *If a funeral establishment [has a casket display room] or a restricted funeral establishment displays any form of casket selection, the prices shall also be [displayed on the casket or caskets] shown.*

(d) *The inspection shall assess the general cleanliness of the funeral establishment and the restricted funeral establishment and whether there are properly functioning, sanitary restrooms.*

(e) *The business telephone shall be in working order at [the] a funeral establishment and a restricted funeral establishment.*

(f) *A sign or lettering on the windows or building indicating the name of the funeral establishment and the restricted funeral establishment shall be conspicuously displayed, and the name on the sign shall be the same name on the funeral establishment license and the restricted funeral establishment license.*

(g) *If one or more businesses, in addition to a funeral establishment, are [under one roof] operating on the same premises, a separate sign shall indicate the entrance and exit of the funeral establishment and the restricted funeral establishment.*

F. *After the inspection is completed, an exit interview shall be conducted to apprise the owner or supervising mortician of the findings of the inspection. A copy of the inspection report shall be left with the owner or supervising mortician who shall verify receipt of the inspection report.*

**[.05].06 Establishment Inspection Report and Deficiencies.**

A. (text unchanged)

B. *The Board shall notify the funeral establishment and the restricted funeral establishment in writing of the results of the inspection.*

C. *If [a] the funeral establishment licensee and the restricted funeral establishment licensee [passes an] pass the inspection, the [licensee] licensees shall prominently display on the premises a statement issued by the Board that the funeral establishment and the restricted funeral establishment [has] have successfully passed [an] the inspection.*

D. If the Board finds a deficiency, the Board shall send to the owner *and the restricted funeral establishment* within 2 weeks of the inspection notification of the deficiency or failure to pass the inspection.

E. Correction of Deficiency.

(1) Except as provided in this section, an owner *and the restricted funeral establishment* shall correct a deficiency within 30 days after receipt of notification.

(2) The Board may require immediate correction of a deficiency if the Board considers the correction necessary [in] *to the interest of public health.*

(3) The owner *or the restricted funeral establishment* may request an extension of time for correction of a deficiency.

(4) (text unchanged)

(5) Upon completion of correction of all deficiencies, the owner *or the restricted funeral establishment* shall notify the Board.

(6) Upon notification, the Board or its designee shall [reinspect] *re-inspect* the *funeral establishment or the restricted funeral establishment* and the Board shall notify the owner *or the restricted funeral establishment* in writing of the results of the [reinspection] *re-inspection* within 1 week.

(7) If [reinspection] *re-inspection* reveals additional deficiencies not cited in the first *inspection* report, the owner *or the restricted funeral establishment* shall correct those deficiencies in the time period specified [by the inspection agency] unless an extension of time is requested by the owner *or the restricted funeral establishment* and approved by the Board [for correction of the additional deficiencies].

**[.08].07 Penalties.**

A. Failure to allow an inspection of the *funeral establishment* [or funeral service business shall] *or the restricted funeral establishment* may result in [an immediate suspension of an] *disciplinary action against a funeral establishment license* [or in the case of a funeral service business, the licensee's license,] *or a restricted funeral establishment license*, subject to [a subsequent opportunity for a] *the hearing requirements as set forth* under Health Occupations Article, §7-319, Annotated Code of Maryland.

B. Failure to comply with a notice to correct deficiencies or violations within the 30-day period, or any reasonable extension granted by the Board [in] *under* Regulation [.05E or .07C] *.06E* of this chapter, [shall] *may* result in [an immediate suspension of an] *disciplinary action against a funeral establishment license* [or in the case of a funeral service business, the licensee's license,] or the denial of a renewal of [an] *a funeral establishment license*, subject to [a subsequent opportunity for a] *the hearing requirements as set forth* under Health Occupations Article, §7-319, Annotated Code of Maryland.

C. Disciplinary action may not be taken against a supervising mortician or funeral director for the acts or omissions of another *individual* unless the supervising mortician or funeral director knew or should have known of a violation of [the Maryland Morticians Act]:

(1) *Health-General Article, Title 5, Annotated Code of Maryland; or*

(2) *Health Occupations Article, Title 7, Annotated Code of Maryland.*

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**10.38.02 Code of Ethics**

Authority: *Health-General Article, §2-1004; Health Occupations Article, §§1-212, 13-206, and 13-316[.]; Annotated Code of Maryland*

**Notice of Proposed Action**

[21-182-P]

The Secretary of Health proposes to amend Regulation **.01** under **COMAR 10.38.02 Code of Ethics**. This action was considered by the Board of Physical Therapy Examiners at a public meeting held on October 20, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bphte/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 update the code of ethics nondiscriminatory requirements pursuant to Ch. 428, Acts of 2020.

**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](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.01 Code of Ethics.**

A. The physical therapist and physical therapist assistant shall provide care[.] regardless of [race, creed, color, age, sex, or national origin of the patient.] *the patient's*:

- (1) *Race;*
- (2) *Religion;*
- (3) *Color;*
- (4) *Age;*
- (5) *National origin;*
- (6) *Marital status;*
- (7) *Sexual orientation;*
- (8) *Gender identity; or*
- (9) *Disability.*

B.—L. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS**

**Notice of Proposed Action**

[21-169-P]

The Secretary of Health proposes to:

(1) Amend Regulations .01, .02, and .06, repeal existing Regulations .03—.05, and adopt new Regulations .03—.05 and .07—.10 under **COMAR 10.58.08 Marriage and Family Therapists — Requirements for Certification and Licensure**; and

(2) Repeal in their entirety Regulations .01—.08 under **COMAR 10.58.15 Supervision Requirements for Licensed Clinical Marriage and Family Therapists and Licensed Graduate Marriage and Family Therapists**.

This action was considered by the Board of Professional Counselors and Therapists at a public meeting held on August 21, 2020, notice of which was given by publication on the Board’s website at <https://health.maryland.gov/bopc/Pages/index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to:

(1) Reorganize, update, and add clarifying requirements for licensure;

(2) Delete or amend obsolete information to more accurately reflect statutory requirements;

(3) Clarify certain procedures for the administrative processing of applications; and

(4) Repeal the existing chapter COMAR 10.58.15 Supervision Requirements for Licensed Clinical Marriage and Family Therapists and Licensed Graduate Marriage and Family Therapists, and integrate it into one chapter, COMAR 10.58.08 Marriage and Family Therapists — Requirements for Licensure.

**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](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**10.58.08 Marriage and Family Therapists — Requirements for Certification and Licensure**

Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-303, 17-306, 17-308, 17-309, 17-507, and 17-509, Annotated Code of Maryland

**.01 Scope.**

This chapter [applies to marriage and family therapists in Maryland.]:

A. Establishes the requirements for an individual to practice clinical marriage and family therapy;

B. Establishes standards of supervision and the responsibilities of supervisors and supervisees in the practice of clinical marriage and family therapy;

C. Applies to licensees who:

(1) Practice clinical marriage and family therapy; or

(2) Provide supervision for licensed graduate marriage and family therapists; and

D. Applies to licensed graduate marriage and family therapists who are in the process of obtaining the supervised clinical experience required by Health Occupations Article, §17-303, Annotated Code of Maryland.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) “Accredited educational institution” means a Board-approved college or university that is accredited [through one of the following] by a national or regional accrediting [bodies] body recognized by the Council on Post-Secondary Accreditation or through one of the following bodies recognized by the U.S. Department of Education:

(a)—(f) (text unchanged)

(2) “Appraisal” means:

(a) Selecting, administering, scoring, and interpreting instruments designed to assess an individual’s aptitudes, attitudes, abilities, achievements, interests, and personal characteristics; and

(b) Using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.

[(2)] (3) “[Approved] Board-approved marriage and family therapy supervisor” means:

(a) An American Association for Marriage and Family Therapy approved [supervisor;] and Board-approved:

(i) Supervisor;

(ii) Supervisor in training; or

(iii) Supervisor candidate;

[(b) An American Association for Marriage and Family Therapy approved Supervisor in Training or Supervisor Candidate;]

[(c)] (b) A licensed clinical marriage and family therapist[; or] who:

(i) Meets the requirements for licensure under this chapter; and

(ii) Has been approved by the Board;

[(d) Another health care provider licensed under Health Occupations Article, Annotated Code of Maryland, who:

(i) Documents 5 or more years of clinical experience working with couples and families;

(ii) Documents completion of a graduate level course in marriage and family therapy supervision; and

(iii) Has been approved by the Board.]

(c) A licensed clinical professional counselor, licensed clinical marriage and family therapist, licensed clinical professional art therapist, or licensed clinical alcohol and drug counselor who meets the requirements for licensure under Health Occupations Article, Title 17, Annotated Code of Maryland, and has been approved by the Board; or

(d) An individual who is authorized by law to practice a health occupation which includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups, and has been approved by the Board.

(4) “Client contact hour” means at least 45 minutes of direct session time with a client present.

(5) “Clinical supervision hour” means at least 45 minutes of direct supervision time with the supervisee present.

(6) "Direct clinical marriage and family therapy services" means the provision of face-to-face clinical marriage and family therapy services to clients and their significant others that includes, but is not limited, to the following:

- (a) Individual counseling;
- (b) Group counseling;
- (c) Family counseling;
- (d) Couples counseling;
- (e) Evaluation;
- (f) Intake or assessment;
- (g) Diagnosis;
- (h) Treatment planning with a client; and
- (i) Crisis management or intervention.

(7) Face-to-Face.

(a) "Face-to-face" means in the physical presence of an individual or using video conferencing which allows individuals to hear and see each other in synchronous points of time.

(b) "Face-to-face" does not include:

- (i) Telephone communication; or
- (ii) Internet communication that does not involve synchronous video conferencing, such as instant messaging services and social networking sites.

(8) "Indirect clinical marriage and family therapy services" means all case management and professional development activities related to the provision of clinical marriage and family therapy services to a client that include, but are not limited to, the following:

- (a) Referral;
- (b) Intake or assessment by telephone or other means when the client is not face-to-face;
- (c) Receiving individual and group supervision at site or at the university;
- (d) Consultation with other professionals;
- (e) Treatment planning with other professionals;
- (f) Case staffing;
- (g) Staff meetings;
- (h) Related trainings and seminars;
- (i) Record keeping;
- (j) Report writing;
- (k) Case notes;
- (l) Providing clinical training;
- (m) Telephone triage;
- (n) Case management;
- (o) Program development; and
- (p) Other clinical marriage and family therapy administrative duties as required by the setting in which the clinical hours are accrued.

(9) "Licensed clinical marriage and family therapist" means an individual approved by the Board to practice clinical marriage and family therapy.

[(3)] (10) "Licensed graduate marriage and family therapist" means an individual approved by the Board to practice graduate marriage and family therapy under the supervision of [an approved] a Board-approved marriage and family therapy supervisor while fulfilling the supervised clinical experience for licensure under Health Occupations Article, §§17-303 and 17-309, Annotated Code of Maryland, and Regulation .04B of this chapter.

(11) "Licensed mental health care provider" means a:

- (a) Licensed clinical marriage and family therapist; or
- (b) Licensed clinical professional counselor, licensed clinical alcohol and drug counselor, licensed clinical professional art therapist, licensed certified social worker-clinical, psychiatrist, psychologist, or psychiatric nurse practitioner who is authorized by law to practice a health occupation that includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

[(4)] (12) (text unchanged)

[(5)] (13) "Practice clinical marriage and family therapy [by a licensee]" means [to]:

(a) To engage professionally and for compensation in marriage and family therapy and appraisal activities by providing services involving the application of therapy principles and methods in the diagnosis, crisis management, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups, including couples and families[.]; and

(b) The use of instruments that require specialized psychological training for administration and interpretation as described in Health Occupations Article, §17-310, Annotated Code of Maryland.

(14) "Practice graduate marriage and family therapy" means to practice marriage and family therapy:

(a) Under the supervision of a Board-approved marriage and family therapy supervisor; and

(b) While fulfilling the requirements for supervised experience under:

(i) Health Occupations Article, §17-303, Annotated Code of Maryland; and

(ii) Regulation .04 of this chapter.

(15) "Psychotherapy" means providing clinical services that involve:

(a) The professional application of psychotherapy and counseling theories and methods, including, but not limited to, psychodynamic, cognitive, behavioral, humanistic, systems theories, or trauma informed care to assist the client in:

- (i) Improving functioning;
- (ii) Obtaining symptom relief;
- (iii) Preventing psychosocial dysfunction;
- (iv) Changing personality; or
- (v) Maintaining improved functioning; and

(b) Situations in which the principal discourse involves, but is not limited to:

- (i) Diagnosis of psychopathology based on standard diagnostic criteria;
- (ii) Psychotherapeutic treatment of mental disorders, emotional disorders, and adjustment reactions utilizing clinically appropriate treatment modalities;
- (iii) Childhood trauma and abuse;
- (iv) Identifying and changing self-defeating patterns of behaving, thinking, feeling, believing, or interacting with others in systems;

(v) Developmental issues;

(vi) Personality development; or

(vii) Problems related to disorders of thinking, emotional suffering, addictions, behavior, or interpersonal dysfunctions.

(16) "Related field" means a profession using counseling whose academic requirements include degree programs from an accredited college or university that has curricula in areas such as expressive therapy, gerontology, human services, marriage and family therapy, mental health, pastoral counseling, psychology, psychotherapy, social work, and other areas approved by the Board.

(17) "Relative" means an individual connected to another by:

- (a) Blood;
- (b) Marriage;
- (c) Guardianship; or
- (d) Domestic partnership.

(18) "Scope of competence" means that area within which the individual is proficient to practice, based on education, training, supervised experience, and professional credentials.



[(6)] (19) "Substantially equivalent" means:

(a) A degree in a program of studies determined by the Board to have:

(i) Substantial marriage and family therapy emphasis in the subject matter; and

(ii) The extent of training required for the specified level of licensure; and

(b) [the] The applicant meets the relevant qualifications stated in Health Occupations Article, §17-303, Annotated Code of Maryland.

[(7)] (20) "Supervised clinical experience in marriage and family therapy" means the provision of marriage and family therapy services conducted under the supervision of [an approved] a Board-approved marriage and family therapy supervisor.

(21) "Supervisee" means a licensed graduate marriage and family therapist obtaining the supervised experience required by Health Occupations Article, §17-303, Annotated Code of Maryland.

(22) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, guides, monitors, instructs, and evaluates the supervisee's clinical marriage and family therapy practice while promoting development of the supervisee's knowledge, skills, and abilities to provide clinical marriage and family therapy services in an ethical and competent manner and includes an acceptance of direct responsibility for the client services rendered by the supervisee.

(23) Supervision Training.

(a) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by licensed clinical marriage and family therapists in a variety of settings.

(b) "Supervision training" includes training obtained through:

(i) Graduate-level course work;

(ii) Continuing education units (CEUs); or

(iii) Other training hours approved by the Board.

[(8)] (24) "Under the supervision of [an approved] a Board-approved marriage and family therapy supervisor" means engaging in an ongoing process of receiving direction from [an approved] a Board-approved supervisor that includes:

(a) (text unchanged)

(b) Providing documented and direct consultation, guidance, and instruction with respect to clinical skill and [competencies] competency.

(25) "Written contract for supervision" means an agreement between the supervisee and Board-approved supervisor that is initiated before beginning supervision and that details the scope of supervision and includes at a minimum the following:

(a) Name and credentials of the supervisor and the supervisee;

(b) Primary purpose, goals, and objectives of the supervision process;

(c) Details of provisions, including frequency, format, and case or chart review;

(d) Methods of documentation;

(e) Duties and responsibilities of the supervisor and the supervisee;

(f) Procedural considerations in the case of the supervisor's absence; and

(g) Information regarding the supervisor's scope of competence.

**.03 Application Process for Licensure.**

A. In order to obtain a license, an applicant shall:

(1) Complete and return the Board-approved application;

(2) Submit an official transcript from an accredited educational institution awarding the highest degree attained in clinical marriage and family therapy or a related field;

(3) Pay all applicable fees set forth in COMAR 10.58.02;

(4) Submit to a criminal history background check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland;

(5) Be of good moral character; and

(6) Be at least 18 years old.

B. Applications shall be acted upon as follows:

(1) Within 30 days after receipt of an application, the Board shall determine whether the application is complete;

(2) If the Board determines that the application is not complete, the Board shall send a notice of deficiency to the applicant;

(3) Upon receipt of the notice, the applicant shall correct the deficiency within 90 days, or other period specified in the notice;

(4) If the applicant fails to correct the deficiency within the required period, the application may lapse and the applicant shall be required to:

(a) Submit a new application; and

(b) Pay the nonrefundable fee set forth in COMAR 10.58.02;

(5) If the Board determines that an applicant is eligible to take the required examinations, the Board shall send a notice of approval to the applicant;

(6) Upon receipt of the approval notice, the applicant shall have 1 year from the date of the notice to take the examinations; and

(7) If the applicant fails to take the examinations within 1 year from the date of the approval notice, the requirements set forth under §B(4) of this regulation shall apply.

**.04 Licensed Graduate Marriage and Family Therapists.**

A. To qualify for licensure as a graduate marriage and family therapist, an applicant shall have:

(1) One of the following from an accredited educational institution approved by the Board:

(a) For an applicant holding a master's degree in marriage and family therapy, or a substantially equivalent program, completed a minimum of 60 semester credit hours or 90 graduate quarter credit hours; or

(b) For an applicant holding a doctoral degree in marriage and family therapy, or a substantially equivalent program, completed a minimum of 90 graduate semester credit hours or 135 graduate quarter credit hours;

(2) Completed a minimum of 45 graduate semester credit hours or 68 graduate quarter credit hours as required by Regulation .05B of this chapter;

(3) Of the graduate credit hours required by §A(1) and (2) of this regulation, completed a minimum of 45 credit hours in each of the following areas:

(a) A supervised clinical internship or practicum that includes at least 60 hours completed under the supervision of a Board-approved supervisor and 300 hours of direct client contact with couples, families, and individuals, at least 100 hours of which are relational therapy;

(b) Normal and abnormal personality development which includes individual development across the life span and the family life cycle;

(c) Psychopathology with emphasis on standard diagnostic manuals, as well as family systems models;

(d) Diagnosis and treatment of mental and emotional disorders in family systems;

(e) A comprehensive survey of the extant major models of family therapy;

(f) At least two courses which focus on a minimum of three marriage and family therapy models;

(g) A comprehensive survey of the extant, major models of couples therapy;

(h) An intensive study of at least three different models of couples therapy;

(i) One course covering gender and ethnicity as they relate to marriage and family theory and practice, or two separate courses with one focusing on gender issues and the other one on ethnicity as they relate to marriage and family therapy;

(j) Sexual issues in marriage and family therapy, including:

(i) Sexual normality;

(ii) Sexual dysfunction;

(iii) Sexual orientation; and

(iv) Sexual identity; and

(k) Ethical, legal, and professional issues in marriage and family therapy;

(4) Met all of the requirements set forth under Regulation .03 of this chapter;

(5) Achieved a passing score on:

(a) A national certification exam approved by the Board; and

(b) An examination of:

(i) Health Occupations Article, Title 17, Annotated Code of Maryland; and

(ii) This subtitle; and

(6) Complied with:

(a) Health Occupations Article, Title 17, Annotated Code of Maryland; and

(b) The code of ethics as set forth in COMAR 10.58.03.

B. An applicant who fails an examination for licensure:

(1) May retake the exam if:

(a) It is within the time frame set by the applicable testing authority; or

(b) A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or

(2) Shall be required to:

(a) Submit a new application; and

(b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

C. The Board shall act upon applications as set forth under Regulation .03B of this chapter.

D. A licensed graduate marriage and family therapist shall practice clinical marriage and family therapy under the supervision of a Board-approved marriage and family therapy supervisor.

E. A licensed graduate marriage and family therapist may not:

(1) Practice independent of supervision; or

(2) Provide supervision.

F. Expiration and Extension.

(1) The graduate marriage and family therapist license expires 2 years after the date issued.

(2) If a licensed graduate marriage and family therapist is unable to accumulate the required clinical hours for licensure as a clinical marriage and family therapist within 2 years, the licensed graduate marriage and family therapist may apply on a Board-approved form for a 2-year extension before the current license expires, up to a maximum of 6 years, except as provided in §F(4) of this regulation.

(3) For a licensed graduate marriage and family therapist who has been granted a 2-year extension, CEUs are not required for the first 2-year extension. Subsequent extensions approved by the Board shall be subject to the continuing education requirements in COMAR 10.58.05.

(4) If a licensed graduate marriage and family therapist notifies the Board in writing, the Board may grant, in certain circumstances, a license extension beyond the 6-year maximum as set forth in §F(2) of this regulation.

G. Reinstatement.

(1) Within 5 calendar years after the license renewal date, the Board may reinstate the license of a licensed graduate marriage and family therapist otherwise entitled to reinstatement under Health Occupations Article, §17-505(b), Annotated Code of Maryland, whose license was not renewed for any reason, if the licensee:

(a) Completes within that 5-year period the minimum of 20 CEUs required for each year; and

(b) Pays the reinstatement fee set by the Board in COMAR 10.58.02.

(2) CEUs which are acquired in order to reinstate under COMAR 10.58.05.05 and .06 may be credited only once and may not be credited for any future renewals.

(3) For any licensed graduate marriage and family therapist whose license has expired more than 5 calendar years before the request for reinstatement, a new application for licensure shall be completed and the current licensure requirements shall be met.

(4) An individual who fails to reinstate licensure is not authorized to and may not practice graduate marriage and family therapy.

**.05 Licensed Clinical Marriage and Family Therapists.**

A. To qualify for licensure as a clinical marriage and family therapist, an applicant shall have:

(1) A graduate marriage and family therapist license or other credential approved by the Board;

(2) Completed the course work requirements set forth under Regulation .04B of this chapter;

(3) Completed a minimum of 2 years and 2,000 hours of clinical experience in marriage and family therapy, of which:

(a) A minimum of the 1,000 hours shall be direct clinical therapy services;

(b) A maximum of 1,000 hours may consist of indirect clinical therapy services;

(c) A minimum of 2,000 hours of supervised clinical experience as a licensed graduate marriage and family therapist shall be completed after the awarding of the master's degree under a Board-approved supervisor;

(d) At least 80 percent of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under the supervision of a Board-approved marriage and family therapy supervisor who is a licensed clinical marriage and family therapist; and

(e) No more than 20 percent of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under the supervision of a Board-approved marriage and family therapy supervisor, as defined in Regulation .02B of this chapter, who is one of the following, provided the supervisor can document a minimum of 5 years' experience delivering marriage and family therapy services:

(i) A licensed clinical alcohol and drug counselor;

(ii) A licensed clinical professional counselor;

(iii) A licensed clinical professional art therapist; or

(iv) Another licensed mental health care provider as defined under Regulation .02B of this chapter and approved by the Board; and

(f) 100 hours of face-to-face clinical supervision hours shall be completed within 2 years of the awarding of the master's degree, including:

(i) A minimum of 50 hours shall be individual face-to-face clinical supervision; and

(ii) A maximum of 50 hours may be face-to-face group clinical supervision;

- (4) Achieved a passing score on:
  - (a) A national certification exam approved by the Board; and
  - (b) An examination of:
    - (i) Health Occupations Article, Title 17, Annotated Code of Maryland; and
    - (ii) This subtitle;
- (5) Met all of the requirements set forth under Regulation .03 of this chapter; and
- (6) Complied with:
  - (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
  - (b) The code of ethics as set forth in COMAR 10.58.03.
- B. An applicant who fails an examination for licensure:
  - (1) May retake the exam if:
    - (a) It is within the time frame set by the applicable testing authority; or
    - (b) A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or
  - (2) Shall be required to:
    - (a) Submit a new application; and
    - (b) Pay the nonrefundable fee set forth in COMAR 10.58.02.
- C. The Board shall act upon applications as set forth under Regulation .03B of this chapter.
- D. The Board may include hours of clinical supervised experience obtained in another jurisdiction toward the total 2,000 required hours of supervised experience required for the licensed clinical marriage and family therapist, if the clinical experience hours:
  - (1) Were obtained in accordance with the rules and regulations of that jurisdiction; and
  - (2) Included the course work requirements set forth under Regulation .06D of this chapter.
- E. Renewal.
  - (1) To renew a clinical marriage and family therapist license, the applicant shall:
    - (a) Submit a completed Board-approved application;
    - (b) Pay the required application fee set forth in COMAR 10.58.02; and
    - (c) Attest to completion of continuing education activities as specified in COMAR 10.58.05.05 and .06.
  - (2) A licensed clinical marriage and family therapist shall comply with the renewal requirements as provided in Health Occupations Article, §17-504, Annotated Code of Maryland.
  - (3) An individual who fails to renew licensure:
    - (a) Is not authorized to and may not practice clinical marriage and family therapy; and
    - (b) May be subject to sanctions pursuant to Health Occupations Article, §§17-513 and 17-604, Annotated Code of Maryland.
- F. Reinstatement.
  - (1) Within 5 calendar years after the license renewal date, the Board may reinstate the license of a licensed clinical marriage and family therapist otherwise entitled to reinstatement under Health Occupations Article, §17-505(b), Annotated Code of Maryland, whose license was not renewed for any reason, if the licensee:
    - (a) Completes within that 5-year period the minimum of 20 CEUs required for each year; and
    - (b) Pays the reinstatement fee set by the Board in COMAR 10.58.02.
  - (2) CEUs which are acquired in order to reinstate under COMAR 10.58.05.05 and .06 may be credited only once and may not be credited for any future renewals.

- (3) For any licensed clinical marriage and family therapist whose license has expired more than 5 calendar years before the request for reinstatement, a new application for licensure shall be completed and the current licensure requirements shall be met.
- (4) An individual who fails to reinstate licensure is not authorized to and may not practice clinical marriage and family therapy.
- G. Inactive Status.
  - (1) In accordance with Health Occupations Article, §17-505, Annotated Code of Maryland, a request to transfer a license to inactive status shall be granted upon receipt of the:
    - (a) Completed Board-approved application; and
    - (b) Payment of the required, nonrefundable, annual fee set forth in COMAR 10.58.02.
  - (2) An individual may apply for inactive status only if the individual's license is still active at the time application for inactive status is made.
  - (3) An individual on inactive status is not authorized to and may not practice clinical marriage and family therapy.
  - (4) Within 5 calendar years after being placed on inactive status, an individual seeking to be reinstated to active status shall be required, as a condition of reinstatement, to submit proof of having completed 20 CEUs for each year of inactive status, at least 40 of which shall have been obtained within the 2-year period immediately preceding the application for reinstatement.
  - (5) If an individual on inactive status seeks to be reinstated beyond the required 5-year period and conditions set forth under §G(4) of this regulation, the individual shall be required to:
    - (a) Submit a new application; and
    - (b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

**.06 Licensure Eligibility: Out-of-State Applicants.**

- A. An applicant licensed as a clinical marriage and family therapist or its equivalent, as established by the Board, in another state, territory, or jurisdiction is eligible for licensure if the applicant:
  - (1) Provides [on a form which the Board supplies]:
    - (a) [An] A completed Board-approved application;
    - (b) An official transcript from the educational institution which awarded the master's or doctoral degree;
    - (c) A copy of a current license from each state, territory, or jurisdiction in which the applicant has been licensed, registered, or otherwise authorized to practice clinical marriage and family therapy;
    - (d) Documentation, satisfactory to the Board, that the applicant is currently licensed in good standing to practice clinical marriage and family therapy in another state, territory, or jurisdiction; and
  - [(b)] (e) Verification that the applicant has:
    - (i) [Has no] No history of disciplinary action, past or pending, in a state, territory, or jurisdiction in which the applicant holds a license to practice clinical marriage and family therapy; and
    - (ii) [Has not] Not committed any act or omission that would be grounds for discipline or denial of licensure under Health Occupations Article, §17-509, Annotated Code of Maryland;
- (2) Provides the following verifications directly to the Board from the appropriate authority:
  - (a) A copy of a current license from each state, territory, or jurisdiction in which the applicant has been licensed, registered, or otherwise authorized to practice marriage and family therapy; and
  - (b) Documentation, satisfactory to the Board, that the applicant is currently licensed in good standing to practice marriage and family therapy in another state, territory, or jurisdiction.]
- [(3)] (2) (text unchanged)

[(4)] (3) [Achieves] *Has achieved* a passing score on:

(a) An examination [testing the applicant's knowledge of Maryland law and regulations governing marriage and family therapy; and] of:

(i) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(ii) *This subtitle; and*

(b) [The Examination in Marital and Family Therapy developed by the Association of Marital and Family Therapy Regulatory Boards] *A national certification exam approved by the Board;*

[(5) Provides official transcripts confirming completion of a:

(a) Doctoral or master's degree in a marriage and family therapy field from an accredited educational institution as approved by the Board, as specified in Regulation .03 of this chapter; or

(b) Program of studies judged by the Board to be substantially equivalent in subject matter and extent of training; and

(6) Provides verification, on a form that the Board requires, from employers, supervisors, or colleagues that the applicant has practiced clinical marriage and family therapy for the length of time specified as follows:

(a) For an applicant with a doctoral degree, documentation, satisfactory to the Board, of not less than 2 years practicing as a clinical marriage and family therapist and a minimum of 2,000 hours of clinical marriage and family therapy experience;

(b) For an applicant with a master's degree and a minimum of 60 graduate semester credit hours or 90 graduate quarter credit hours, documentation, satisfactory to the Board, of not less than 2 years, and a minimum of 2,000 hours, of supervised clinical experience in marriage and family therapy, completed after the award of the master's degree; or

(c) For an applicant with a master's degree consisting of less than 60 graduate semester credit hours or 90 graduate quarter credit hours, documentation, satisfactory to the Board, of not less than 2 years' experience practicing clinical marriage and family therapy and a minimum of 2,000 hours of clinical marriage and family therapy experience.]

(4) *Submits to a criminal history background check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland;*

(5) *Meets the educational requirements for licensure in this State as a clinical marriage and family therapist:*

(a) *As established in Regulation .05 of this chapter; or*

(b) *By providing documentation of the substitute educational and experience requirements outlined in §§B—E of this regulation;*

(6) *Is of good moral character; and*

(7) *Complies with:*

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(b) *The code of ethics as set forth in COMAR 10.58.03.*

**B. Waiver of Examination.** *The Board may waive any examination requirements for an applicant who satisfies the Board that the applicant:*

(1) *Obtained licensure in a state or country that grants a similar endorsement to licensees of this State;*

(2) *Became licensed in another state or country after passing an examination approved by the Board; and*

(3) *Meets the qualifications otherwise required by Health Occupations Article, Title 17, Annotated Code of Maryland, and this chapter.*

**C. Equivalent Educational Requirements.** *The applicant shall provide documentation or transcripts confirming completion of a master's or doctoral degree in a marriage and family therapy field from an accredited educational institution.*

**[B.] D. Waiver of Course Requirements.** *The Board [shall] may waive [the] one or more course requirements specified in Regulation [.03] .05 of this chapter, except for documentation showing completion of a minimum of 3 graduate semester credit hours or 5 graduate quarter credit hours covering each of the following primary topics or content areas:*

(1) *Diagnosis and [treatment of mental and emotional disorders] psychopathology;*

(2)—(4) *(text unchanged)*

**E. Equivalent Experience Requirements.** *The Board may waive the clinical experience requirements specified in Regulation .04 of this chapter as follows:*

(1) *The applicant shall provide documentation, satisfactory to the Board, of one of the following for an applicant with:*

(a) *A master's or doctoral degree in a marriage and family therapy field from an accredited educational institution as approved by the Board, as specified in Regulation .05 of this chapter; or*

(b) *Program of studies judged by the Board to be substantially equivalent in subject matter and extent of training; and*

(2) *The applicant shall provide verification on a Board-approved form, from employers, supervisors, or colleagues that the applicant has practiced clinical marriage and family therapy for the length of time specified as follows:*

(a) *A master's or doctoral degree consisting of:*

(i) *A minimum of 60 graduate credit hours or 90 graduate quarter credit hours; and*

(ii) *Not less than 2 years, with a minimum of 2,000 hours, of supervised clinical experience in marriage and family therapy, completed after the award of the master's degree; or*

(b) *A master's or doctoral degree consisting of:*

(i) *Less than 60 graduate credit hours or 90 graduate quarter credit hours; and*

(ii) *Not less than 2 years' experience practicing as a licensed clinical marriage and family therapist, with a minimum of 2,000 hours of clinical marriage and family therapy experience.*

**.07 Standards for Supervision.**

**A.** *Except as otherwise specified in this chapter, this chapter does not apply to personnel or management practices associated with contractual relationships or employment.*

**B.** *A supervisor shall:*

(1) *Supervise only in those areas within the supervisor's competence, as determined by:*

(a) *Education;*

(b) *Training; and*

(c) *Experience;*

(2) *Provide supervision appropriate to the particular level of licensure being applied for or maintained;*

(3) *Provide supervision in the general content areas established in Health Occupations Article, §17-303, Annotated Code of Maryland; and*

(4) *Ensure that a supervisee has read and is knowledgeable about:*

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*

(b) *This subtitle, with special emphasis on the code of ethics under COMAR 10.58.03.*

**C.** *In addition to the requirements of §B of this regulation, the supervisor shall specifically instruct and provide guidance relating to the supervisee's scope of practice of clinical marriage and family therapy under Health Occupations Article, §17-101, Annotated Code of Maryland.*

D. The supervisor shall also instruct and provide guidance to supervisees in:

(1) Appropriate billing practices if applicable to the practice site, including:

- (a) Financial record keeping and disclosure; and
- (b) Establishment and disclosure to clients of:
  - (i) Fees for services;
  - (ii) Payment arrangements;
  - (iii) Payment plans;
  - (iv) Financial services; and
  - (v) Terms and conditions of service;

(2) Providing services involving the application of therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals, families, couples, or groups, as stated in Health Occupations Article, §17-308, Annotated Code of Maryland; and

(3) Appropriate maintenance and destruction of clinical and financial records.

E. The following individuals may not provide clinical supervision for a licensed graduate marriage and family therapy supervisee:

- (1) A relative;
- (2) A licensed graduate marriage and family therapist, licensed graduate alcohol and drug counselor, a certified alcohol and drug counselor, licensed graduate professional counselor, licensed graduate professional art therapist, or any other graduate-level health care provider licensed under Health Occupations Article, Annotated Code of Maryland; or
- (3) An individual with whom there could be a conflict of interest, including, but not limited to, an employee supervising their own employer or a student supervising their own teacher.

**.08 Supervisor Qualifications.**

A. Licensure. An individual providing supervision shall be:

- (1) Licensed by the Board as a clinical:
  - (a) Marriage and family therapist;
  - (b) Professional counselor;
  - (c) Alcohol and drug counselor; or
  - (d) Professional art therapist; or

(2) A licensed mental health care provider as defined in Regulation .02B of this chapter and approved by the Board.

B. Education, Training, or Supervision Experience.

(1) A Board-approved supervisor, or any licensed mental health care provider as defined in Regulation .02B of this chapter who is approved by the Board and has completed 3 years of documented experience in clinical marriage and family therapy shall complete at least one of the following education and training experiences:

- (a) 2 years of documented experience providing clinical supervision for marriage and family therapists working with families from a systemic perspective and conceptualizing family cases using a recognized family theoretical model;
- (b) At least 3 graduate semester credit hours or 5 quarter credit hours of academic course work in clinical supervision;
- (c) A graduate-level course in marriage and family therapy supervision;
- (d) The American Association for Marriage and Family Therapy Approved Supervisor designation; or
- (e) The American Association for Marriage and Family Therapy Supervisor in Training or Supervisor Candidate designation.

(2) In addition to the requirements of §B(1) of this regulation, a supervisor shall complete at least 6 semester credit hours or 10 quarter credit hours of graduate-level academic training in Theories of Couples and Family Therapy.

(3) Supervision training required by this section may be obtained in a graduate course as listed in §B(1) of this regulation and may include, but not be limited to:

- (a) The role and responsibilities of the supervisor;
- (b) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective, including:
  - (i) The maintenance of appropriate boundaries; and
  - (ii) Making clinically appropriate diagnoses;
- (c) The role of the supervisor as gatekeeper to the profession;
- (d) Methods for building effective and appropriate relationships with clients;
- (e) Models for group supervision; and
- (f) Models and modalities for practice intervention.

C. Pre-Supervision Responsibilities of a Supervisor. In addition to meeting the requirements of this regulation, before beginning supervision, the Board-approved supervisor shall:

- (1) File the completed Board-approved supervisor application form;
- (2) Provide the supervisee with a copy of the Board's licensed clinical marriage and family therapy approved supervisor letter; and
- (3) Have an active license that is without restrictions or conditions due to disciplinary action for the 2 years preceding an application for licensed clinical marriage and family therapy Board-approved supervisor status.

D. A supervisor may be an:

- (1) Agency-designated supervisor; or
- (2) Independent supervisor in private practice.

**.09 Supervisor Responsibilities.**

A supervisor shall:

- A. Agree to and sign a written contract for supervision before initiating supervision;
- B. Ensure that the supervisee is practicing within the scope of the supervisee's license;
- C. Determine the skill level at which the supervisee may practice;
- D. Focus on primary data from the supervisee's practice;
- E. Maintain documentation, for at least 7 years, of supervisory sessions, including:
  - (1) Dates;
  - (2) Duration; and
  - (3) Focus of the supervisory sessions;
- F. Ensure that a supervisee has read and is knowledgeable about:
  - (1) Health Occupations Article, Title 17, Annotated Code of Maryland; and
  - (2) This subtitle with special emphasis on the code of ethics under COMAR 10.58.03;

G. Within a reasonable period of time before termination of supervision, provide the supervisee and employer with a written notice of termination to avoid or minimize any harmful effect on the supervisee's clients or patients;

H. Be responsible for the clinical marriage and family therapy practices of supervisees;

I. Provide:

- (1) For emergency supervision and direction to a supervisee by a Board-approved supervisor;
- (2) A written evaluation of progress to the supervisee on a regular basis or as needed; and
- (3) A copy of the documentation required by §E of this regulation on request by the:
  - (a) Supervisee; or
  - (b) Board or its authorized agent; and

J. Comply with a Board audit of a Board-approved supervisor's compliance with regard to the supervisory requirements and responsibilities.

**.10 Supervisee Responsibilities.**

A. A supervisee shall:

(1) Verify that the supervisee's supervisor has been approved by the Board;

(2) Agree to and sign a written contract for supervision before initiating supervision;

(3) Attend and participate in supervision as agreed to in the supervision contract;

(4) Prepare for supervision using case materials related to the supervisee's clinical marriage and family therapy practice;

(5) Maintain documentation of supervisory sessions for at least 7 years, to be available for verification to the Board or its authorized agent, including:

(a) Dates;

(b) Duration; and

(c) Focus of the supervision; and

(6) Follow all terms of the written contract for supervision.

B. A supervisee may not engage in the practice of clinical marriage and family therapy independent of supervision.

C. A supervisee shall provide the client with a copy of a professional disclosure statement as required under Health Occupations Article, §17-507, Annotated Code of Maryland, that:

(1) Clearly states the marriage and family therapy services are provided under clinical supervision; and

(2) Provides the name of the supervisor with address and contact information.

D. A supervisee shall obtain a signed informed consent for treatment form from the client which indicates that the client:

(1) Is aware that marriage and family therapy services are being provided under clinical supervision; and

(2) Consents to the recording of therapy sessions and the sharing of client information and, acknowledges that all these materials may be shared with:

(a) The Board-approved supervisor of record; or

(b) The instructor supervising an education-related practicum.

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 58 BOARD OF  
PROFESSIONAL COUNSELORS AND  
THERAPISTS**

**10.58.17 Art Therapists**

Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-304.1, 17-304.2, 17-307, 17-307.1, 17-309, 17-501.1, 17-502—17-505, 17-507, and 17-509, Annotated Code of Maryland

**Notice of Proposed Action**

[21-168-P]

The Secretary of Health proposes to amend Regulations .01, .02, and .04, adopt new Regulation .03, and amend and recodify existing Regulations .03 and .05—.09 to be Regulations .05 and .06—.10, respectively, under **COMAR 10.58.17 Art Therapists**.

This action was considered by the Board of Professional Counselors and Therapists at a public meeting on May 15, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bopc/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to:

(1) Update the definition for an art therapy supervisor and add other definitions to remain consistent with other chapters;

(2) Add a new regulation for the application process;

(3) Update and clarify qualifications for licensed graduate professional art therapists (LGPAT) and licensed clinical professional art therapists (LCPAT);

(4) Update requirements for inactive status and reinstatement;

(5) For out-of-State applicants, add requirements for waiver of examination, equivalent education, waiver of courses, and equivalent experience;

(6) Add clarifying language to supervisor and supervisee regulations; and

(7) Remove obsolete dates under the Supervisor Qualifications regulation.

**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](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.01 Scope.**

[A.] This chapter:

[(1)] A. Establishes the requirements for an individual to practice *clinical* professional art therapy;

[(2)] B. (text unchanged)

[(3)] C. Applies to licensees who:

[(a)] (1) Practice clinical professional art therapy; [and]

or

[(b)] (2) Provide supervision for licensed graduate professional art therapists; and

[(4)] D. Applies to licensed graduate professional art therapists who are in the process of obtaining the supervised clinical experience required by Health Occupations Article, §17-304.1, Annotated Code of Maryland[; and

(5) Does not apply to personnel or management practices associated with contractual relationships or employment.]

[B. On or after December 31, 2018, an approved art therapy supervisor shall follow the requirements set forth in Regulations .06—.08 of this chapter.]

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Accredited educational institution" means a *Board-approved* college or university [that is] *accredited* by a national or regional accrediting body recognized by the Council on Post-

*Secondary Accreditation or through one of the following bodies recognized by the U.S. Department of Education:*

- [(a) Accredited through a recognized body endorsed by the U.S. Department of Education; and
- (b) Approved by the Board.]
- (a) *The Middle States Association of Colleges and Schools — the Commission on Higher Education;*
- (b) *The New England Association of Schools and Colleges;*
- (c) *The North Central Association of Schools and Colleges;*
- (d) *The Northwest Association of Schools and of Colleges and Universities;*
- (e) *The Southern Association of Colleges and Schools; or*
- (f) *The Western Association of Colleges and Schools.*

[(2) “Applicant” means an individual applying for licensure as a clinical or graduate professional art therapist.]

(2) “Appraisal” means:

- (a) *Selecting, administering, scoring, and interpreting instruments designed to assess an individual’s aptitudes, attitudes, abilities, achievements, interests, and personal characteristics; and*
- (b) *Using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.*

(3) “[Approved] Board-approved art therapy supervisor” means:

- (a)—(b) (text unchanged)
- (c) A licensed clinical professional art therapist; [or
- (d) Another mental health care provider approved by the Board and licensed under the Health Occupations Article, Title 17, Annotated Code of Maryland.]
- (d) *A licensed clinical professional counselor, licensed clinical marriage and family therapist, licensed clinical professional art therapist, or licensed clinical alcohol and drug counselor who meets the requirements for licensure under Health Occupations Article, Title 17, Annotated Code of Maryland, and has been approved by the Board; or*
- (e) *An individual who is authorized by law to practice a health occupation which includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups, and has been approved by the Board.*

[(4) “Equivalent” means a degree in a program of studies determined by the Board to have:

- (a) Substantial art therapy emphasis in the subject matter; and
- (b) The extent of training required for the specified level of licensure.]

(4) “Client contact hour” means at least 45 minutes of direct session time with a client present.

(5) “Clinical supervision hour” means at least 45 minutes of direct supervision time with the supervisee present.

(6) “Direct clinical art therapy services” means the provision of face-to-face clinical professional art therapy services to clients and their significant others that includes, but is not limited to the following:

- (a) *Individual counseling;*
- (b) *Group counseling;*
- (c) *Family counseling;*
- (d) *Couples counseling;*
- (e) *Evaluation;*
- (f) *Intake or assessment;*
- (g) *Diagnosis;*
- (h) *Treatment planning with a client; and*
- (i) *Crisis management or intervention.*

[(5)] (7) Face-to-Face.

(a) “Face-to-face” means in the physical presence of [the individuals involved in the supervisory relationship during either individual or group supervision or] *an individual or* using video conferencing which allows individuals to hear and see each other in [actual] *synchronous* points of time.

(b) “Face-to-face” does not include:

- (i) Telephone [supervision] *communication*; or
- (ii) Internet communication that does not involve [actual or real time] *synchronous* video conferencing, such as instant messaging services[, emails, texting,] and social networking sites.

[(6) “Group supervision” means the provision of face-to-face supervision to more than one individual at a time.]

(8) “Indirect clinical counseling services” means all case management and professional development activities related to the provision of clinical professional art therapy services to a client that include, but are not limited to, the following:

- (a) *Referral;*
- (b) *Intake or assessment by telephone or other means when the client is not face-to-face;*
- (c) *Receiving individual and group supervision at site or at the university;*
- (d) *Consultation with other professionals;*
- (e) *Treatment planning with other professionals;*
- (f) *Case staffing;*
- (g) *Staff meetings;*
- (h) *Related trainings and seminars;*
- (i) *Record keeping;*
- (j) *Report writing;*
- (k) *Case notes;*
- (l) *Providing clinical training;*
- (m) *Telephone triage;*
- (n) *Case management;*
- (o) *Program development; and*
- (p) *Other clinical professional art therapy administrative duties as required by the setting in which the clinical hours are accrued.*

(9) “Licensed clinical professional art therapist” means an individual approved by the Board to practice clinical professional art therapy.

[(7)] (10) “Licensed graduate professional art therapist” means an individual approved by the Board to practice graduate professional art therapy under the supervision of [an approved] *a Board-approved* supervisor while fulfilling the supervised clinical experience for licensure under:

(a)—(b) (text unchanged)

[(8) “Licensed mental health care provider” means:

- (a) A licensed clinical professional art therapist;
- (b) Another mental health care provider approved by the Board and licensed under Health Occupations Article, Title 17, Annotated Code of Maryland; or
- (c) A licensed mental health care provider from a state, territory, or jurisdiction that authorizes the application of equivalent art therapy principles and methods as set forth in Health Occupations Article, §17-308, Annotated Code of Maryland.

(9) “Practice” means to engage professionally and for compensation in art therapy and appraisal activities by providing services for individuals, couples, families and groups involving:

- (a) The application of therapy principles; and
- (b) Methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions.]

(11) “Practice clinical professional art therapy” means:

(a) *To engage professionally and for compensation in clinical professional art therapy and appraisal activities by providing*

services involving the application of clinical professional art therapy principles and methods in the diagnosis, crisis management, prevention, treatment, and amelioration of psychological problems, and emotional or mental conditions of individuals or groups; and

(b) The use of instruments that require specialized psychological training for administration and interpretation as described in Health Occupations Article, §17-310, Annotated Code of Maryland.

(12) "Practice graduate professional art therapy" means to practice clinical professional art therapy:

(a) Under the supervision of a Board-approved art therapy supervisor; and

(b) While fulfilling the requirements for supervised experience under:

(i) Health Occupations Article, §17-304, Annotated Code of Maryland; and

(ii) Regulation .04 of this chapter.

(13) "Psychotherapy" means providing clinical services that involve:

(a) The professional application of psychotherapy and counseling theories and methods, including, but not limited to, psychodynamic, cognitive, behavioral, humanistic, systems theories, or trauma informed care to assist the client in:

- (i) Improving functioning;
- (ii) Obtaining symptom relief;
- (iii) Preventing psychosocial dysfunction;
- (iv) Changing personality; or
- (v) Maintaining improved functioning; and

(b) Situations in which the principal discourse involves, but is not limited to:

(i) Diagnosis of psychopathology based on standard diagnostic criteria;

(ii) Psychotherapeutic treatment of mental disorders, emotional disorders, and adjustment reactions utilizing clinically appropriate treatment modalities;

(iii) Childhood trauma and abuse;

(iv) Identifying and changing self-defeating patterns of behaving, thinking, feeling, believing, or interacting with others in systems;

(v) Developmental issues;

(vi) Personality development; or

(vii) Problems related to disorders of thinking, emotional suffering, addictions, behavior, or interpersonal dysfunctions.

(14) "Related field" means a profession using counseling whose academic requirements include degree programs from an accredited college or university that has curricula in areas such as expressive therapy, gerontology, human services, marriage and family therapy, mental health, pastoral counseling, psychology, psychotherapy, social work, and other areas approved by the Board.

[(10)] (15) "Relative" means an individual connected to another by:

- [(a)] Spouse, or domestic partner;
- (b) Parent, stepparent or legal guardian;
- (c) Sibling or stepsibling;
- (d) Child, stepchild, foster child, or ward;
- (e) Mother-in-law or father-in-law;
- (f) Son-in-law or daughter-in-law;
- (g) Grandparent or grandchild;
- (h) Aunt or uncle; or
- (i) Cousin.]
- (a) Blood;
- (b) Marriage;
- (c) Guardianship; or
- (d) Domestic partnership.

[(11)] (16) "Supervised clinical experience in professional art therapy" means therapy services conducted under the supervision of [an approved] a Board-approved art therapy supervisor [that includes:

(a) Monitoring the performance of a supervisee; and  
(b) Providing, with respect to clinical skill and competencies:

- (i) Documented and direct consultation;
- (ii) Guidance; and
- (iii) Instruction].

(17) "Supervisee" means a licensed graduate professional art therapist obtaining the supervised experience required by Health Occupations Article, §17-304, Annotated Code of Maryland.

(18) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, guides, monitors, instructs, and evaluates the supervisee's clinical professional art therapy practice while promoting development of the supervisee's knowledge, skills, and abilities to provide clinical professional art therapy services in an ethical and competent manner and includes an acceptance of direct responsibility for the client services rendered by the supervisee.

[(12)] "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by:

- (a) Licensed clinical professional art therapists; or
- (b) Licensed mental health providers.]

(19) Supervision Training.

(a) "Supervision training" means a course or program designed to provide information regarding the clinical supervision process utilized by licensed clinical professional art therapists in a variety of settings.

(b) "Supervision training" includes training obtained through:

- (i) Graduate-level course work;
- (ii) Continuing education units (CEUs); or
- (iii) Other training hours approved by the Board.

(20) "Under the supervision of a Board-approved art therapy supervisor" means engaging in an ongoing process of receiving direction from a Board-approved art therapy supervisor that includes:

(a) Monitoring the performance of a supervisee; and  
(b) Documented and direct consultation, guidance, and instruction with respect to clinical skill and competency.

(21) "Written contract for supervision" means a Board-approved agreement between the supervisee and Board-approved supervisor that is initiated before beginning supervision and that details the scope of supervision and includes at a minimum the following:

- (a) Name and credentials of the supervisor and the supervisee;
- (b) Primary purpose, goals, and objectives of the supervision process;
- (c) Details of provisions, including frequency, format, and case or chart review;
- (d) Methods of documentation;
- (e) Duties and responsibilities of the supervisor and the supervisee;
- (f) Procedural considerations in the case of the supervisor's absence; and
- (g) Information regarding the supervisor's scope of competence.

**.03 Application Process for Licensure.**

A. In order to obtain a license, an applicant shall:

- (1) Complete and return the Board-approved application;



(2) *Submit an official transcript from an accredited educational institution awarding the highest degree attained in a clinical art therapy or related field;*

(3) *Pay all applicable fees set forth in COMAR 10.58.02;*

(4) *Submit to a criminal history background check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland;*

(5) *Be of good moral character; and*

(6) *Be at least 18 years old.*

*B. Applications shall be acted upon as follows:*

(1) *Within 30 days after receipt of an application, the Board shall determine whether the application is complete;*

(2) *If the Board determines that the application is not complete, the Board shall send a notice of deficiency to the applicant;*

(3) *Upon receipt of the notice, the applicant shall correct the deficiency within 90 days, or other period specified in the notice;*

(4) *If the applicant fails to correct the deficiency within the required period, the application may lapse and the applicant shall be required to:*

(a) *Submit a new application; and*

(b) *Pay the nonrefundable fee set forth in COMAR 10.58.02;*

(5) *If the Board determines that an applicant is eligible to take the required examinations, the Board shall send a notice of approval to the applicant;*

(6) *Upon receipt of the approval notice, the applicant shall have 1 year from the date of the notice to take the examinations; and*

(7) *If the applicant fails to take the examinations within 1 year from the date of the approval notice, the requirements set forth under §B(4) of this regulation shall apply.*

**.04 Licensed Graduate Professional Art [Therapist] Therapists.**

A. To qualify for licensure as a graduate professional art therapist, an applicant shall have:

(1) (text unchanged)

(2) Completed [the graduate coursework required as set forth in Regulation .03A(2) of this chapter;] *a minimum of 3 graduate semester credit hours in each of the following course content areas:*

(a) *Human growth and personality development;*

(b) *Social and cultural foundations of counseling;*

(c) *Theories of art therapy;*

(d) *Art therapy techniques;*

(e) *Group dynamics, processing, and counseling;*

(f) *Lifestyle and career development;*

(g) *Appraisal;*

(h) *Research and evaluation;*

(i) *Professional, legal, and ethical responsibilities;*

(j) *Marriage and family therapy;*

(k) *Supervised field experience that includes:*

(i) *A supervised clinical internship, externship, field experience, or practicum placement; and*

(ii) *Direct client contact in art therapy with a minimum of 125 hours of direct clinical art therapy services;*

(l) *Alcohol and drug counseling;*

(m) *Psychopathology; and*

(n) *Diagnosis and treatment of mental and emotional disorders;*

(3) (text unchanged)

[(4) Submitted a completed Board-approved application;

(5) Provided an official transcript from the educational institution which awarded the master's or doctoral degree;

(6) Paid all applicable fees set forth in COMAR 10.58.02;

(7) Submitted to a criminal background check;

(8) Good moral character; and]

(4) *Met all of the requirements set forth under Regulation .03 of this chapter; and*

[(9)] (5) (text unchanged)

B. An applicant who fails an examination for licensure [may retake the exam.]:

(1) *May retake the exam if:*

(a) *It is within the time frame set by the applicable testing authority; or*

(b) *A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or*

(2) *Shall be required to submit a new application and pay the nonrefundable fee set forth in COMAR 10.58.02.*

[C. Composition of Supervised Clinical Experience.

(1) A licensed graduate professional art therapist shall complete at least half of the requisite supervised clinical experience in professional art therapy hours under the supervision of a licensed clinical professional art therapist who has been approved by the Board to provide art therapy supervision.

(2) A licensed graduate professional art therapist may complete the remainder of the supervised clinical experience in professional art therapy hours under the supervision of an approved art therapy supervisor as defined in Regulation .02 of this chapter.

D. The Board shall act upon applications within a 6-month period as follows:

(1) Within 90 days after receipt of an application, the Board shall determine whether the application is complete;

(2) If the Board determines that the application is not complete, the Board or the Board's designee shall send a notice of deficiency to the applicant;

(3) Upon receipt of a notice, the applicant shall correct the deficiency within 90 days, or other period specified in the notice; and

(4) If the applicant fails to correct the deficiency within the required period, the application shall lapse and the applicant shall be required to:

(a) Submit a new application; and

(b) Pay the required non-refundable fee set forth in COMAR 10.58.02.]

C. *The Board shall act upon applications as set forth under Regulation .03B of this chapter.*

D. *A licensed graduate professional art therapist shall practice clinical professional art therapy under the supervision of a Board-approved supervisor.*

E. *A licensed graduate professional art therapist may not:*

(1) *Practice independent of supervision; or*

(2) *Provide supervision.*

[E.] F. Expiration[, Renewal,] and Extension.

(1) (text unchanged)

(2) If a licensed graduate professional art therapist is unable to accumulate the required clinical hours of supervision for licensure as a clinical professional art therapist within 2 years, the graduate professional art therapist may apply on a Board-approved form for a 2-year extension before the license expires, up to a maximum of 6 years, except as provided in §F(4) of this regulation.

(3) [A] For a licensed graduate professional art therapist who has [applied for and received an extension as set forth in §D(2) of this regulation, shall comply with the renewal requirements as provided in Health Occupations Article, §17-504, Annotated Code of Maryland] *been granted a 2-year extension, CEUs are not required for the first 2-year extension. Subsequent extensions approved by the Board shall be subject to the continuing education requirements in COMAR 10.58.05.*

(4) [If a] A licensed graduate professional art therapist [notifies the Board in writing, the Board may consider a license] *shall submit a written request for an extension beyond the 6-year maximum [set forth in §D(2) of this regulation], which the Board may grant in certain circumstances.*

*G. Reinstatement.*

(1) *Within 5 calendar years after the license renewal date, the Board may reinstate the license of a licensed graduate professional art therapist otherwise entitled to reinstatement under Health Occupations Article, §17-505(b), Annotated Code of Maryland, whose license was not renewed for any reason, if the licensee:*

(a) *Completes within that 5-year period the minimum of 20 CEUs required for each year; and*

(b) *Pays the reinstatement fee set by the Board in COMAR 10.58.02.*

(2) *CEUs which are acquired in order to reinstate under COMAR 10.58.05.05 and.06 may be credited only once and may not be credited for any future renewals.*

(3) *For any licensed graduate professional art therapist whose license has expired more than 5 calendar years before the request for reinstatement, a new application for licensure shall be completed and the current licensure requirements shall be met.*

(4) *An individual who fails to reinstate licensure is not authorized to and may not practice graduate professional art therapy.*

**[.03] .05 Licensed Clinical Professional Art [Therapist] Therapists.**

A. To qualify for licensure as a clinical professional art therapist, an applicant shall have:

(1) Completed one of the following from an accredited educational institution:

(a) A master's degree in an art therapy program approved by the Board with:

- (i) A minimum of 60 graduate semester credit hours; or
- (ii) 90 graduate quarter credit hours;

(b) A doctoral degree in an art therapy program approved by the Board with:

- (i) A minimum of 90 graduate semester credit hours; or
- (ii) 135 graduate quarter credit hours; or

(c) A graduate level degree which:

- (i) Includes the coursework listed in §A(2) of this regulation; and
- (ii) Is approved by the Board;

(2) Completed a minimum of 3 graduate semester credit hours in each of the following course content areas:

- (a) Human growth and personality development;
- (b) Social and cultural foundations of counseling;
- (c) Theories of art therapy;
- (d) Art therapy techniques;
- (e) Group dynamics, processing, and counseling;
- (f) Lifestyle and career development;
- (g) Appraisal;
- (h) Research and evaluation;
- (i) Professional, legal, and ethical responsibilities;
- (j) Marriage and family therapy;
- (k) Supervised field experience that includes:

(i) A supervised clinical internship, externship, field experience, or practicum placement; and

(ii) Direct client contact in art therapy with a minimum of 125 hours of face-to-face client therapy;

- (l) Alcohol and drug counseling;
- (m) Psychopathology; and
- (n) Diagnosis and treatment of mental and emotional disorders;

(3) For a master's level applicant, completed supervised clinical experience in professional art therapy obtained under the

supervision of an approved art therapy supervisor of not less than 3 years with a minimum of 3,000 hours, of which:

(a) 1,500 hours shall be face-to-face client contact hours, including 100 face-to-face clinical supervision hours obtained after the awarding of a master's degree, of which:

(i) At least 50 hours shall be face-to-face individual clinical supervision; and

(ii) 50 hours may be face-to-face group clinical supervision;

(b) A maximum of 1 year and 1,000 hours of clinical experience may be acquired before the awarding of the master's degree; and

(c) Not less than 2 years and 2,000 hours shall be acquired after the master's degree has been awarded;

(4) For a doctoral level applicant, completed supervised clinical experience in professional art therapy obtained under the supervision of an approved art therapy supervisor of not less than 2 years with a minimum of 2,000 hours, of which:

(a) 1,000 hours shall be face-to-face client contact hours, including 50 face-to-face clinical supervision hours obtained after the awarding of a doctoral degree, of which:

(i) At least 25 hours shall be face-to-face individual clinical supervision; and

(ii) 25 hours may be face-to-face group clinical supervision;

(b) A maximum of 1 year and 1,000 hours of clinical experience may be acquired before the awarding of the doctoral degree; and

(c) Not less than 1 year and 1,000 hours shall be acquired after the doctoral degree has been awarded;]

(1) *A graduate professional art therapy license or other credential approved by the Board;*

(2) *For an applicant holding a master's degree, completed a minimum of 3 years and 3,000 hours of experience in clinical professional art therapy, of which:*

(a) *A minimum of the 1,500 hours shall be direct clinical art therapy services;*

(b) *A maximum of 1,500 hours may consist of indirect clinical art therapy services;*

(c) *A minimum of 2,000 hours of supervised clinical experience as a licensed graduate professional art therapist shall be completed after the awarding of the master's degree under a Board-approved supervisor;*

(d) *A maximum of 1,000 hours of supervised clinical experience may be acquired as supervised field experience as defined under Regulation .04A(2)(k) of this chapter;*

(e) *At least half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under the supervision of a Board-approved art therapy supervisor who is a licensed clinical professional art therapist;*

(f) *No more than half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under a Board-approved art therapy supervisor as defined in Regulation .02B(3) of this chapter; and*

(g) *100 hours of face-to-face clinical supervision hours shall be completed within 2 years of the awarding of the master's degree, including a:*

(i) *Minimum of 50 hours shall be individual face-to-face clinical supervision; and*

(ii) *Maximum of 50 hours may be face-to-face group clinical supervision;*

(3) For an applicant holding a doctoral degree, completed a minimum of 2,000 hours of experience in clinical professional art therapy, of which:

(a) A minimum of 1,000 hours shall be face-to-face direct clinical art therapy services and a maximum of 1,000 hours may consist of indirect clinical art therapy services;

(b) 1,000 hours shall be acquired after the doctoral degree has been awarded; and

(c) A maximum of 1,000 hours of clinical experience may be acquired before the awarding of the doctoral degree;

(d) At least half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under the supervision of a Board-approved art therapy supervisor who is a licensed clinical professional art therapist;

(e) No more than half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under a Board-approved art therapy supervisor as defined in Regulation .02B(3) of this chapter; and

(f) 50 hours of face-to-face clinical supervision hours shall be completed within 1 year of the awarding of the doctoral degree, including:

(i) 25 hours shall be individual face-to-face clinical supervision; and

(ii) A maximum of 25 hours may be face-to-face group clinical supervision;

(4) Completed the required course work set forth under Regulation .04A(2) of this chapter;

(5) (text unchanged)

[(6) Submitted a completed Board-approved application;

(7) Provided an official transcript from the educational institution which awarded the master's or doctoral degree;

(8) Paid all applicable fees set forth in COMAR 10.58.02;

(9) Submitted to a criminal background check;

(10) Good moral character; and]

(6) Met all of the requirements set forth under Regulation .03 of this chapter; and

[(11)] (7) (text unchanged)

B. An applicant who fails an examination for licensure [may retake the exam.]:

(1) May retake the exam if:

(a) It is within the time frame set by the applicable testing authority; or

(b) A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or

(2) Shall be required to:

(a) Submit a new application; and

(b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

C. The Board shall act upon applications as set forth under Regulation .03B of this chapter [within a 6-month period as follows:

(1) Within 90 days after receipt of an application, the Board shall determine whether the application is complete;

(2) If the Board determines that the application is not complete, the Board or the Board's designee shall send a notice of deficiency to the applicant;

(3) Upon receipt of a notice, the applicant shall correct the deficiency within 90 days, or another period specified in the notice; and

(4) If the applicant fails to correct the deficiency within the required period, the application shall lapse and the applicant shall be required to:

(a) Submit a new application; and

(b) Pay the required non-refundable fee set forth in COMAR 10.58.02].

D. The Board may include hours of clinical supervised experience obtained in another jurisdiction toward the total 3,000 required

hours of supervised experience required for the licensed clinical professional art therapist, if the clinical experience hours:

(1) Were obtained in accordance with the rules and regulations of that jurisdiction; and

(2) Included the course work requirements set forth under Regulation .06D of this chapter.

[D.] E. (text unchanged)

[E.] F. Reinstatement.

(1) Within 5 calendar years after the [certificate] license renewal date, the Board may reinstate the license of a licensed clinical professional art therapist otherwise entitled to reinstatement under Health Occupations Article, §17-505(b), Annotated Code of Maryland, whose license was not renewed for any reason, if the licensee:

(a)—(b) (text unchanged)

(2)—(4) (text unchanged)

[F.] G. Inactive Status.

(1)—(3) (text unchanged)

(4) [An] Within 5 calendar years after being placed on inactive status, an individual [on inactive status] seeking to be reinstated to active status shall be required, as a condition of reinstatement, to submit proof of having completed 20 CEU's for each year of inactive status, at least 40 of which shall have been obtained within the 2-year period immediately preceding the application for reinstatement.

(5) If an individual on inactive status seeks to be reinstated beyond the required 5-year period and conditions set forth under §G(4) of this regulation, the individual shall be required to:

(a) Submit a new application; and

(b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

**[.05].06 Licensure Eligibility: Out-of-State Applicants.**

A. An applicant licensed as a *clinical professional art therapist* or its equivalent, as established by the Board, in another state, territory, or jurisdiction is eligible for licensure if the applicant:

[A.] (1) Provides:

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

[(2) Verification that the applicant has:]

(b) An official transcript from the educational institution which awarded the master's or doctoral degree;

[(a)] (c) A copy of a current license from each state, territory, or jurisdiction in which the applicant has been licensed, registered, or otherwise authorized to practice *clinical professional art therapy*;

[(b)] (d) Documentation, satisfactory to the Board, that the applicant is currently licensed in good standing to practice art therapy in another state, territory, or jurisdiction; and

(e) Verification that the applicant has:

[(c)] (i)—[(d)] (ii) (text unchanged)

[(3) An official transcript from the educational institution which awarded the master's or doctoral degree;

(4) Verification from employers, supervisors, or colleagues after the awarding of the graduate degree, that the applicant has practiced clinical professional art therapy for:

(a) Not less than 2 years; and

(b) A minimum of 2,000 hours; and

(5) For an applicant with a master's degree consisting of less than 60 graduate semester credit hours:

(a) Documentation, satisfactory to the Board, of not less than 2 years and minimum of 2,000 hours after the awarding of the graduate degree; and

(b) Documentation showing completion of a minimum of 3 graduate semester credit hours covering each of the following primary topics or content areas:

(i) Diagnosis and treatment of mental and emotional disorders;

- (ii) Appraisal;
- (iii) Professional, legal, and ethical responsibilities; and
- (iv) Current certification from a national accrediting body

approved by the Board;]

[B.] (2) (text unchanged)

[C.] (3) [Achieves] *Has achieved* a passing score on:

- (a)—(b) (text unchanged)

[D.] (4) Submits to a criminal *history* background check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland;

(5) *Meets the educational requirements for licensure in this State as a clinical professional art therapist:*

- (a) *As established in Regulation .05 of this chapter; or*
- (b) *By providing documentation of the substitute educational and experience requirements outlined in §§B—E of this regulation;*

and experience requirements outlined in §§B—E of this regulation;

[E.] (6) (text unchanged)

[F.] (7) Complies with:

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

*B. Waiver of Examination. The Board may waive any examination requirements for an applicant who satisfies the Board that the applicant:*

(1) *Obtained licensure in a state or country that grants a similar endorsement to licensees of this State;*

(2) *Became licensed in another state or country after passing an examination approved by the Board; and*

(3) *Meets the qualifications otherwise required by Health Occupations Article, Title 17, Annotated Code of Maryland, and this chapter.*

*C. Equivalent Educational Requirements. The applicant shall provide documentation or transcripts confirming completion of a master's or doctoral degree in a professional art therapy field from an accredited educational institution.*

*D. Waiver of Course Requirements. The Board may waive one or more course requirements specified in Regulation .04 of this chapter, except for documentation showing completion of a minimum of 3 graduate semester credit hours or the equivalent graduate quarter hours covering each of the following primary topics or content areas:*

- (1) *Diagnosis and psychopathology;*
- (2) *Psychotherapy and treatment of mental and emotional disorders, as described in Regulation .02B(13) of this chapter; and*
- (3) *Professional, legal, and ethical responsibilities.*

*E. Equivalent Experience Requirements. The Board may waive the clinical experience requirements specified in Regulation .04 of this chapter as follows:*

(1) *The applicant shall provide documentation, satisfactory to the Board, for one of the following of an applicant with a:*

- (a) *Master's degree consisting of:*
  - (i) *A minimum of 60 graduate credit hours; and*
  - (ii) *Not less than 3 years, with a minimum of 3,000 hours, of supervised clinical experience in clinical professional art therapy, 2 years of which shall be completed after the award of the master's degree;*
- (b) *Master's degree consisting of:*
  - (i) *Less than 60 graduate credit hours; and*
  - (ii) *Not less than 3 years' experience practicing as a licensed clinical professional art therapist, with a minimum of 3,000 hours of clinical professional art therapy experience; or*
- (c) *Doctoral degree consisting of:*
  - (i) *Not less than 2 years practicing as a clinical professional art therapist; or*
  - (ii) *A minimum of 2,000 hours of clinical professional art therapy experience; and*

(2) *The applicant shall provide verification, on a Board-approved form, from employers, supervisors, or colleagues that the*

*applicant has practiced clinical professional art therapy for the length of time stated in §E(1) of this regulation.*

**[.06] .07 Standards for Supervision.**

*A. Except as otherwise specified in this chapter, this chapter does not apply to personnel or management practices associated with contractual relationships or employment.*

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

[B.] *C.* In addition to the requirements of [§A] §B of this regulation, the supervisor shall specifically instruct and provide guidance:

- (1)—(2) (text unchanged)

[C.] *D.* The following individuals may not provide clinical supervision for a licensed graduate professional art therapy supervisee:

- (1) *A relative; or*
- [(2)] *A licensed graduate professional art therapist;*
- [(3)] *A licensed graduate alcohol and drug counselor;*
- [(4)] *A licensed graduate professional counselor;*
- [(5)] *A licensed graduate marriage and family therapist;*
- [(6)] *A certified alcohol and drug counselor;]*

[(7)] (2) *An individual with whom there could be a conflict of interest, including, but not limited to:*

- (a) (text unchanged)
- (b) *A student supervising their own teacher[; or*

(8) *Any other graduate level health care provider licensed under Health Occupations Article, Title 17, Annotated Code of Maryland.]*

**[.07] .08 Supervisor Qualifications.**

*A.* (text unchanged)

*B. Supervision Experience, Education and Training.*

[(1)] *A supervisor or any mental health care provider, licensed by the Board under Health Occupations Article, Title 17, Annotated Code of Maryland, who is approved by the Board and has completed 3 years of documented experience in clinical counseling or psychotherapy, shall complete by December 31, 2019:*

- (a) *2 years of documented experience providing art therapy supervision;*
- (b) *At least 3 graduate semester credit hours or 5 quarter credit hours of academic coursework in art therapy supervision;*
- (c) *At least 3 graduate semester credit hours or 5 quarter credit hours of academic coursework in counseling supervision; or*
- (d) *A Board-approved continuing education program that includes a minimum of 18 continuing education units (CEUs) with a trainer or trainer in:*
  - (i) *Counseling;*
  - (ii) *Art therapy; or*
  - (iii) *Psychotherapy supervision.*

(2) *A licensed individual who applied for and was granted Board-approved supervisor status before December 31, 2019 based on 2 years of documented experience providing art therapy supervision, may continue to provide art therapy supervision after that date.]*

[(3)] (1) [After December 31, 2019, an] *An applicant for Board-approved supervisor status shall have:*

- (a) *3 years documented experience in clinical professional art therapy as approved by the Board; and*
- (b) (text unchanged)

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

*C. Pre-Supervision Responsibilities of a Supervisor. In addition to meeting the requirements of this regulation, the supervisor shall:*

- (1)—(2) (text unchanged)
- (3) *Have an active license that is without restrictions or conditions due to disciplinary action for the 2 years preceding an*

application for [licensed clinical professional art therapy-approved] Board-approved art therapy supervisor status.

D. A supervisor may be an:

- (1) Agency-designated supervisor; or
- (2) Independent supervisor in private practice.

**[.08].09 Supervisor Responsibilities.**

A supervisor shall:

- A. Agree to and sign a [Board-approved] written contract for supervision before initiating supervision;
- B.—H. (text unchanged)
- I. Provide:
  - (1) For emergency supervision and direction to a supervisee by a Board-approved art therapy supervisor;
  - (2)—(3) (text unchanged)
- J. (text unchanged)

**[.09].10 Supervisee Responsibilities.**

A. A supervisee shall:

- (1) (text unchanged)
- (2) Agree to and sign a [Board-approved] written contract for supervision before initiating supervision;
- (3) (text unchanged)
- (4) Prepare for supervision using case materials related to the supervisee’s clinical professional art therapy practice; [and]
- (5) Maintain documentation of supervisory sessions for at least 7 years, to be available for verification to the Board or its authorized agent, including:
  - (a)—(b) (text unchanged)
  - (c) Focus of the supervision[.]; and
  - (6) Follow all terms of the written contract for supervision.
- B.—D. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 06 SUPPORTING PROGRAMS

### 13A.06.07 Student Transportation

Authority: Education Article, §§2-205, 5-205, and 8-410, Annotated Code of Maryland

**Notice of Proposed Action**

[21-189-P]

The Maryland State Board of Education proposes to amend Regulations .01, .03, .07, and .08, adopt new Regulation .09, recodify existing Regulations .09 and .12— .21 to be Regulations .10 and .13— .22, and amend and recodify existing Regulations .10 and .11 to be Regulations .11 and .12 under **COMAR 13A.06.07 Student Transportation**.

This action was considered by the State Board of Education at their August 24, 2021 meeting.

**Statement of Purpose**

The purpose of this action is to allow local boards of education to provide transportation for certain groups of students in vehicles that are not Type I or Type II school vehicles as defined under Transportation Article, §§11-173 and 11-174, Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed regulations will have an economic impact on local school systems. School systems will now be purchasing non-school bus vehicles to transport students. This may cause a reduction in school buses being purchased. Additionally, safety equipment must be purchased in order to bring the vehicles in line with the regulation. Backup alarms, which typically cost \$150, will be required on all vehicles.

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:	(E+)		Minimal
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)		Minimal
E. On other industries or trade groups:	(+)		Minimal
F. Direct and indirect effects on public:	(+)		Minimal

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

C. Concerning the suggested change in COMAR 13A.06.07.12, there should be little economic impact as safety equipment, decals, and back up alarms may cost the counties around \$200 per vehicle. If school systems wish to expand their fleet with new non-school vehicles, cost could range between \$20,000 and \$40,000 per vehicle. The required training for alternative school vehicle drivers should have no economic impact as they are required to be employees or under contract with a local school system.

D. Taxi companies may see a decrease in service with local school systems regarding transportation of students with special needs, dealing with homelessness, or foster care. School bus dealers may see a slight decrease in school bus sales while they might also see a slight increase in multifunction school activity bus sales.

E. Local companies that contract transportation services with local school system may see an increase in revenue as local school systems can now contract their service for the transportation of students.

F. Students that have not been able to be serviced by school buses or have had excessive ride times may now be serviced according to their needs.

**Economic Impact on Small Businesses**

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

The proposed regulation may have a meaningful impact to small business as contractors and vendors will now be able to use their non-school vehicles and drivers to transport students to and from school. School systems may rely less on taxi companies and instead contract services with a transportation company.

**Impact on Individuals with Disabilities**

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

Students with disabilities may benefit from shorter ride times and more accommodations for their disabilities by utilizing smaller vehicles.

**Opportunity for Public Comment**

Comments may be sent to Gabriel D. Rose, Director of Pupil Transportation/Emergency Management, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0209 (TTY 410-333-6442), or email to gabriel.rose1@maryland.gov, or fax to 410-333-2232. Comments will be accepted through December 20, 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 January 25, 2022, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Alternative school vehicle” means a vehicle that is used to transport pupils from home to school or school to home as well as to and from school related activities that is neither a Type I nor a Type II school vehicle as stated in Transportation Article, §11-154, Annotated Code of Maryland.

(4) “Alternative school vehicle driver” means a driver who is seeking or has been exclusively certified at the local level to operate an alternative school vehicle.

[(3)] (5)—[(14)] (16) (text unchanged)

(17) Multifunction School Activity Bus (MFSAB).

(a) “Multifunction School Activity Bus (MFSAB)” means an alternative school vehicle that meets school bus construction standards.

(b) “Multifunction School Activity Bus (MFSAB)” does not include a bus:

(i) Used to transport students to and from home or school bus stops;

(ii) That has traffic control equipment; or

(iii) That is painted school bus yellow.

[(15)] (18)—[(33)] (36) (text unchanged)

(37) “Taxicab” has the meaning stated in COMAR 20.90.02.04

[(34)] (38)—[(37)] (41) (text unchanged)

**.03 Program.**

A. This chapter applies to the local school systems and a public residential education program under Education Article, §8-701, Annotated Code of Maryland, that provide transportation services for public school students, students with disabilities for whom transportation is provided under Education Article, §8-410, Annotated Code of Maryland, in a public school, a school maintained by a State agency, and a nonpublic school.

B.—D. (text unchanged)

**.07 School Vehicle Driver and Trainee Disqualifying Conditions and Termination.**

A.—E. (text unchanged)

F. Disqualified Driver Database.

(1)—(3) (text unchanged)

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of active school vehicle drivers. The list shall be in an electronic format prescribed by the Department.

[(4)] (5) [Upon] Within the first 4 business days after receipt of the current list of active school vehicle drivers, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active school vehicle driver or trainee is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise their next appropriate action.

**.08 School Vehicle Attendant Qualifications and Disqualifications.**

A.—C. (text unchanged)

D. Disqualified Attendant Database.

(1)—(3) (text unchanged)

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of attendants. The list shall be in an electronic format prescribed by the Department.

[(4)] (5) [Upon] Within the first 4 business days after receipt of the current list of active attendants, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an attendant is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise their next appropriate action.

**.09 Alternative School Vehicle Driver Qualifications and Disqualifications.**

A. An alternative school vehicle driver shall:

(1) Meet all licensing requirements of the Motor Vehicle Administration for a Class A or Class M vehicle respectively;

(2) Have not more than two current points on the individual's driving record and a satisfactory past driving record as determined by the local supervisor of transportation;

(3) Be 21 years old or older;

(4) Be in good health, mature, able to discharge the duties of the position, and able to command the respect of others;

(5) Receive a negative controlled substance test result; and

(6) As permitted, be included in the MVA Licensing Monitoring System.

B. Alternative School Vehicle Driver Training.

(1) Alternative school vehicle drivers shall have 4 hours of preservice classroom instruction and 1 hour of behind the wheel instruction.

(2) Alternative school vehicle drivers shall complete 2 hours of in-service training annually that shall include topics contained in the National Safety Council's Defensive Driving Course.

C. Disqualifications for Criminal Conduct.

(1) An individual may not serve as an alternative school vehicle driver if the individual has been convicted of a criminal charge or if a criminal charge is pending for a crime involving:

(a) Child abuse or neglect;

(b) Contributing to the delinquency of a minor;

(c) Moral turpitude, if the offense bears directly on the individual's fitness to assist minors;

(d) A crime of violence as set forth in Criminal Law Article, §14-101, Annotated Code of Maryland; or

(e) Any conduct that may endanger the safety of students being transported.

(2) An individual who pled guilty or nolo contendere with respect to, is placed on probation before judgment with respect to, or is convicted of a crime under §C(1) of this regulation, is permanently disqualified from serving as an alternative school vehicle driver.

(3) An individual who pled guilty or *nolo contendere* with respect to, is placed on probation before judgment with respect to, or is convicted of a controlled substance offense as defined in federal or State law is disqualified from serving as an alternative school vehicle driver for a period of 10 years from the date of the action.

(4) An individual may not serve as an alternative school vehicle driver if the supervisor of transportation has evidence of criminal history, including second degree assault, which in the opinion of the supervisor makes the individual unfit for employment. Evidence of second degree assault is not deemed to be an automatic reason for disqualification.

D. *Disqualification for Unsafe Actions.* Misfeasance, incompetence, insubordination, or any act or omission that adversely affects transportation or safety may be grounds for disqualification and termination of the alternative school vehicle driver by the supervisor of transportation.

E. *Disqualification for Driving Record.* If an alternative school vehicle driver has three or more current points, they shall be disqualified and the driver may not operate an alternative school vehicle.

F. *Disqualified Alternative School Vehicle Driver Database.*

(1) The Department's Office of Pupil Transportation shall maintain a confidential computer database of alternative school vehicle drivers who have been disqualified by a local school system under §§C, D, and E of this regulation or for any other reason.

(2) The supervisor of transportation shall notify the Department's Office of Pupil Transportation of an alternative school vehicle driver disqualification within 30 days of the alternative school vehicle driver receipt of notification of the disqualification.

(3) The notification shall be in the format prescribed by the Department.

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of active school vehicle drivers. The list shall be in an electronic format prescribed by the Department.

(5) Within the first 4 business days after receipt of the current list of active alternative school vehicle drivers, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active alternative school vehicle driver is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise of their next appropriate action.

**[.10] .11 Alcohol and Controlled Substances Use and Testing.**

A.—B. (text unchanged)

C. *Reporting Disqualified Drivers.*

(1)—(3) (text unchanged)

(4) On the first business day of each month, the supervisor of transportation shall submit to the Department's Office of Pupil Transportation a current list of active school vehicle drivers. The list shall be in an electronic format prescribed by the Department.

(5) [Upon receipt of all local school system current lists of active school vehicle drivers] Within the first 4 business days of the start of the month, the Department's Office of Pupil Transportation shall match that list with the Department's confidential computer database established under this regulation and immediately notify the supervisor of transportation if an active school vehicle driver or trainee is listed on the Department's computer database. The supervisor of transportation shall respond in writing to the Department verifying receipt of notification and advise their next appropriate action.

**[.11] .12 General Standards.**

A.—B. (text unchanged)

C. Vehicles other than Type I or Type II school vehicles and MFSAB vehicles may be used to transport students to and from school if:

[(1) Special approval in writing has been given by the State Superintendent of Schools, consistent with the requirements of Transportation Article, §11-154(b)(2), Annotated Code of Maryland;]

[(2)] (1)—[(4)] (3) (text unchanged)

(4) A local board of education determines that it is necessary to own, operate, or contract the use of an alternative school vehicle for student transportation.

D. *Alternative School Vehicles.*

(1) Local boards of education that use alternative school vehicles shall:

(a) Develop written policies and procedures to utilize their alternative school vehicles;

(b) Require that the use of alternative school vehicles not expressly permitted by Education Article, §7–801(c), Annotated Code of Maryland and this chapter must be approved in writing by the local school board of education and must specify the length of time that the approved use of the vehicles will remain in effect;

(c) Carryout the requirements of Transportation Article, §11-154(b)(2), Annotated Code of Maryland;

(d) Require that three-point safety belts and other age-appropriate safety belts and equipment be worn by all passengers and students while in motion;

(e) Require that the designated areas for loading and unloading follow COMAR 11.19.06.05B; and

(f) Have insurance coverage be the same as for other school system-owned Class A and Class M vehicles.

E. *Alternative School Vehicle Standards.*

(1) Unless the vehicle is a MFSAB, the vehicle shall:

(a) Have a Gross Vehicle Weight rating of less than 10,000 lbs. and

(b) Have a seating capacity of no more than ten passengers not including the driver.

(2) Alternative school vehicles and MFSABs shall have the name of the school district, contractor's name, or other contact information lettered on each side of the body of the vehicle in letters of not less than 2 inches in height and not more than 4 inches in height. Decals are permitted.

(3) Alternative school vehicles and MFSABs may have the words "School Students" in black lettering at least 6 inches in height on a background of National School Bus Yellow located on both sides of the vehicle. Decals or magnetic signs are permitted. Lettering shall conform to Series B of Standard Alphabets for Highway Signs.

(4) Alternative school vehicles and MFSABs shall have an audible back up warning alarm, installed behind the rear axle, that meets the standard under COMAR 11.19.02.24

(5) Alternative school vehicles and MFSABs shall have a first aid kit, fluid clean up kit, and a fire extinguisher located in the storage area, all of which meets the standards under COMAR 11.19.02.25. The vehicle shall have a seat belt cutter that is accessible to the driver.

(6) Video cameras may be installed in alternative school vehicles and MFSABs in line with COMAR 11.19.02.39.

F. *Alternative School Vehicle Inspections.*

(1) Alternative school vehicles and MFSABs shall undergo two inspections each school year in line with COMAR 11.14.02.01—.26. The two inspections shall be conducted more than 120 calendar days apart.

(2) Inspections shall be conducted by the local school system and records of each inspection shall be maintained in the transportation office of the local school system.

(3) Pre/post-trip inspections may be conducted and retained at the local level.

[D.] G.—[J.] M. (text unchanged)

MOHAMMED CHOUDHURY  
State Superintendent of Schools

**Title 18**  
**DEPARTMENT OF**  
**ASSESSMENTS AND**  
**TAXATION**

**Subtitle 02 REAL PROPERTY**  
**ASSESSMENTS**

**18.02.03 Agricultural Use Assessments**

Authority: Tax-Property Article, §§2-201, 2-202, and 8-209, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-187-P]

The Director of Assessments and Taxation proposes to amend Regulation .05 under **COMAR 18.02.03 Agricultural Use Assessments**.

**Statement of Purpose**

The purpose of this action is to set forth the Department's current administrative practice in more detail when determining whether parcels of land less than 20 acres qualify for an agricultural use assessment by cross-referencing existing regulations.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jonathan Glaser, Director of Public Affairs, State Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-5754, or email to jonathan.glaser@maryland.gov, or fax to 410-333-5873. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.05 Parcels of Less Than 20 Acres — Use Test vs. Income Test.**

A.—C. (text unchanged)

*D. The ratio requirements under Regulation .04 of this chapter are used to establish the associated lands.*

*E. Only Class 3 land under Regulation .08 of this chapter will be used in developing ratio requirements.*

MICHAEL L. HIGGS, JR.  
Director of Assessments and Taxation

**Subtitle 02 REAL PROPERTY**  
**ASSESSMENTS**

**18.02.05 Country Clubs**

Authority: Tax-Property Article, §§2-201, 2-202, 8-213, 8-218, and 8-219, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-188-P]

The Director of Assessments and Taxation proposes to amend Regulation .06 under **COMAR 02.05.06 Country Clubs**.

**Statement of Purpose**

The purpose of this action is to comply with recently enacted amendments regarding how land subject to a golf or country club agreement is to be valued under Tax-Property Article, §8-213, Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jonathan Glaser, Director of Public Affairs, State Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-5754, or email to jonathan.glaser@maryland.gov, or fax to 410-333-5873. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.06 Valuation — Use Value.**

A. Land values shall be based upon [COMAR 18.02.10.01] *Tax-Property Article, §8-213, Annotated Code of Maryland.*

B.—D. (text unchanged)

MICHAEL L. HIGGS, JR.  
Director of Assessments and Taxation

**Subtitle 05 AGRICULTURAL LAND**  
**TRANSFER TAX**

**18.05.01 Administration**

Authority: Tax-Property Article, §§2-201, 2-202, and 13-307, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-186-P]

The Director of Assessments and Taxation proposes to amend Regulation .04 under **COMAR 18.05.01 Administration**.

**Statement of Purpose**

The purpose of this action is to allow the Department of Assessments and Taxation to substitute an electronic notation, in lieu of a hard stamp, of any agricultural land transfer tax that is due on an instrument of writing to be recorded in the land records of the various counties.



**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 Jonathan Glaser, Director of Public Affairs, State Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-5754, or email to jonathan.glaser@maryland.gov, or fax to 410-333-5873. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.04 Transfer Procedure.**

A. The supervisor shall calculate the tax and surcharge, and the body of the written instrument conveying title shall be stamped *or electronically noted* with the local tax collecting authority's verification of the amount of tax and surcharge, if any, due. The local tax collecting authority shall collect the tax and surcharge before the supervisor processes the instrument.

B. (text unchanged)

MICHAEL L. HIGGS, JR.  
Director of Assessments and Taxation

**Subtitle 15 GROUND RENTS**

**18.15.01 Redemption**

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

**Notice of Proposed Action**

[21-185-P]

The Director of the Department of Assessments and Taxation proposes to amend Regulation .02, adopt new Regulation .03, amend and recodify existing Regulation .03 to be Regulation .04, and recodify existing Regulations .04—.06 to be Regulations .05—.07 under **COMAR 18.15.01 Redemption**.

**Statement of Purpose**

The purpose of this action is to reduce and modify the amount of information a tenant must file with the Department to redeem a ground rent, codify the manner in which a ground rent redemption amount is calculated under certain circumstances, and remove several requirements associated with a natural person ground rent holder appearing in person to claim ground rent in favor of filing a notarized affidavit.

**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 action will make it easier for a ground rent holder with disabilities to claim ground rent paid to the Department because they will not have to present to the Department in person.

**Opportunity for Public Comment**

Comments may be sent to Jonathan Glaser, Director of Public Affairs, State Department of Assessments and Taxation, 301 W. Preston Street, 8th Floor, Baltimore, MD 21201, or call 410-767-5754, or email to jonathan.glaser@maryland.gov, or fax to 410-333-5873. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

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

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

A. A copy of:

- (1) (text unchanged)
- (2) Any [other] publicly recorded documents establishing the[.] existence of the lease;
  - [(a) Existence of the lease;
  - (b) Date of the lease;
  - (c) Amount of the ground rent; and
  - (d) Identity of the last known landlord;]

B. A copy of the publicly recorded deed, deed of assignment, or other document of transfer by which the current tenant received an interest in the property;

C. An application form prescribed by the Department which includes, but is not limited to, the:

- (1)—(2) (text unchanged)
- (3) Property account number in the Department's records for the subject property; *and*
- [(4) Date of the last payment to the landlord if occurring within less than 3 years before the current date; and]
- [(5)] (4) (text unchanged)

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

[E.] D. If the tenant has [a last known address of the landlord] *received a bill for ground rent or other communication from the ground lease holder regarding the ground rent during the 3 years immediately before the filing of the documentation required by this regulation:*

- (1) (text unchanged)
- (2) Proof of mailing from the United States Postal Service of the notice to the landlord by certified mail; *and*

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

- (1) An affidavit that the Department's prescribed notice has been posted in a conspicuous place on the property for 30 days; and
- (2) An affidavit setting forth the tenant's good faith efforts to investigate and discover the last known address of the landlord; and]

[G.] E. (text unchanged)

**.03 Calculation of Redemption Amount.**

A. The Department shall:

- (1) Calculate the ground rent redemption amount as if no ground lease payments have been made by or on behalf of the tenant to the ground lease holder during the 3 years immediately before the filing of the documentation required by Regulation .02 of this chapter; and

(2) Reduce the ground rent redemption amount if the tenant provides proof that ground lease payments have been made by or on behalf of the tenant to the ground lease holder during the 3 years immediately before the filing of the documentation required by Regulation .02 of this chapter.

B. If a tenant is unable to document when the ground lease was originally executed or created, the Department shall calculate the redemption amount using the formula set forth in Real Property Article, §8-804(b)(2)(i)3, Annotated Code of Maryland.

**[.03] .04 Documentation of Claimant's Interest.**

To file a claim under Real Property Article, §8-804, Annotated Code of Maryland, a claimant shall:

A. (text unchanged)

B. If the claimant is the landlord and a natural person, [appear in person with photo identification in the form of:

(1) A valid state driver's license;

(2) A United States passport;

(3) A state issued identification card; or

(4) Another form of proof acceptable to the Department;] submit a notarized affidavit acknowledged under oath to the Department verifying their identity;

C.—F. (text unchanged)

MICHAEL L. HIGGS, JR.  
Director of Assessments and Taxation

# Title 19A STATE ETHICS COMMISSION

## Notice of Proposed Action

[21-190-P]

The Maryland State Ethics Commission proposes to amend:

(1) Regulations .02 and .04 under **COMAR 19A.01.01 General Provisions;**

(2) Regulations .01 and .04 under **COMAR 19A.03.01 Disclosure Required by Members of Boards and Commissions;**

(3) Regulation .01 under **COMAR 19A.03.03 Disclosure by Public Officials, State Officials, and Candidates to Be State Officials;**

(4) Regulation .02 under **COMAR 19A.04.01 General Provisions;**

(5) Regulation .04 under **COMAR 19A.04.02 Review Criteria;**

(6) Appendix A under **COMAR 19A.04 Appendix A—Model Ethics Law A;**

(7) Appendix B under **COMAR 19A.04 Appendix B—Model Ethics Law B;**

(8) Regulation .02 under **COMAR 19A.05.01 General Provisions;**

(9) Regulation .04 under **COMAR 19A.05.02 Review Criteria;**

(10) Appendix A under **COMAR 19A.05 Appendix A—Model Board of Education Ethics Regulations;** and

(11) Appendix B under **COMAR 19A.05 Appendix B—Model Board of Education Ethics Regulations.**

This action was considered by the State Ethics Commission during a public meeting held on October 12, 2021 at the Commission's office.

### Statement of Purpose

The purpose of this action is to update State Ethics Commission regulations to conform to the provisions of the General Provisions Article, Title 5.

### 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 Jennifer Allgair, Executive Director, Maryland State Ethics Commission, 580 Taylor Avenue, 1st Floor, Annapolis, MD 21401, or call 410-260-7770, or email to jennifer.allgair@maryland.gov, or fax to 410-260-7746. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

### Open Meeting

Final action on the proposal will be considered by Maryland State Ethics Commission during a public meeting to be held on January 6, 2022, at 45 Calvert Street, 3<sup>rd</sup> Floor, Annapolis, MD 21401.

## Subtitle 01 PROCEDURES

### 19A.01.01 General Provisions

Authority: General Provisions Article, §§5-206 and 5-606, Annotated Code of Maryland

#### .02 Definitions.

In this title, the following terms have the meanings indicated:

A.—W. (text unchanged)

X. “*Quasi-governmental entity*” means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

[X] Y.— [Y-1] Z-1. (text unchanged)

[Y] Z. (text unchanged)

[Z.] Z-2. (text unchanged)

#### .04 Information Provisions.

A.—B. (text unchanged)

C. Commission records pertaining to advisory opinion requests and informal advice considered in accordance with COMAR 19A.01.02 may not be disclosed, to the extent that they include facts, discussion, or other material that would reveal the identity of the person who is the subject of the opinion, and the subject of the opinion has not waived the right to protection of the subject's identity. Advisory opinion request and informal advice records shall be treated as set forth in General Provisions Article, Subtitle 3, Annotated Code of Maryland, and considered by the Commission to be nondisclosable under this section until the right to protection of the subject's identity is expressly waived by the subject.].

D.—F. (text unchanged)

G. *The Commission will not provide public access to information related to consideration received that is reported under General Provisions Article, §5-607(j), Annotated Code of Maryland.*

[G] H. — [I] J. (text unchanged)

## Subtitle 03 FINANCIAL DISCLOSURE

### 19A.03.01 Disclosure Required by Members of Boards and Commissions

Authority: General Provisions Article, §§5-206 and 5-208 and Title 5, Subtitle 6, Annotated Code of Maryland

#### .01 Application.

- A. (text unchanged)
- B. This chapter does not apply to:
  - (1) (text unchanged)
  - (2) A member of the Maryland-National Capital Park and Planning Commission, the Washington Suburban Sanitary Commission, the Washington Suburban Transit Commission, the Workers' Compensation Commission, [the Injured Workers' Insurance Fund,] the Parole Commission, [or] the Public Service Commission[.], *the Maryland Lottery and Gaming Control Commission, or the Maryland Automobile Insurance Fund.*

(2) A member of the Maryland-National Capital Park and Planning Commission, the Washington Suburban Sanitary Commission, the Washington Suburban Transit Commission, the Workers' Compensation Commission, [the Injured Workers' Insurance Fund,] the Parole Commission, [or] the Public Service Commission[.], *the Maryland Lottery and Gaming Control Commission, or the Maryland Automobile Insurance Fund.*

#### .04 Financial Disclosure Requirements.

- A. (text unchanged)
- B. Contents of Financial Disclosure Statements.
  - (1) (text unchanged)
  - (2) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*

(2) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*

[(2)] (3)— [(4)] (5) (text unchanged)

[(5)] (6) Gifts.

(a) Except as provided in [§B(5)(b)] §B(6)(b) of this regulation, an individual shall disclose the information specified in General Provisions Article, §5-607(e), Annotated Code of Maryland, for a gift in excess of \$50 in value and for any series of gifts totaling over \$100 in value in the reporting period from any person doing business with, regulated by, [or] registered as a lobbyist before the individual's board or commission[.], *or is an association, or an entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.*

(b) (text unchanged)

[(6)] (7)— [(9)] (10) (text unchanged)

(11) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*

(a) *An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:*

- (i) *The University of Maryland Medical System;*
- (ii) *A governmental entity of the State or a local government in the State; or*
- (iii) *A quasi-governmental entity of the State or local government in the State.*

(b) *For each financial or contractual relationship reported, the schedule shall include:*

- (i) *A description of the relationship;*
- (ii) *The subject matter of the relationship; and*
- (iii) *The consideration.*

[(10)] (12) (text unchanged)

- C. (text unchanged)

### 19A.03.03 Disclosure by Public Officials, State Officials, and Candidates to Be State Officials

Authority: General Provisions Article, §§5-101, 5-206, 5-601, and 5-602, Annotated Code of Maryland

#### .01 Applicability.

- A. (text unchanged)
- B. Scope.

(1) (text unchanged)

(2) This chapter applies to:

[(a) A member of the Board of Directors of the Maryland Environmental Service;]

[(b)] (a) (text unchanged)

[(c) A member of the Board of Directors of the Injured Workers' Insurance Fund;]

[(d)] (b)— [(g)] (e) (text unchanged)

[(h)] (f) A member of the Workers' Compensation Commission; [and]

(g) *A member of the Maryland Lottery and Gaming Control Commission;*

(h) *A member of the Maryland Automobile Insurance Fund;*

and

(i) (text unchanged)

## Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

### 19A.04.01 General Provisions

Authority: General Provisions Article, §5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

#### .02 Definitions.

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

(1) (text unchanged)

[(1-1)] (2)— [(4)] (6) (text unchanged)

[(1-2)] (3) (text unchanged)

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

[(3)] (5) (text unchanged)

(7) *"Quasi-governmental entity" means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.*

[(5)] (8) (text unchanged)

### 19A.04.02 Review Criteria

Authority: General Provisions Article, §§5-206 and 5-209 and Title 5, Subtitle 8, Annotated Code of Maryland

#### .04 Conflicts of Interest.

A.—F. (text unchanged)

G. Confidential Information.

(1) (text unchanged)

(2) *The local law shall prohibit nonelected local officials and local employees or former nonelected local officials and local employees from using or disclosing, except in the discharge of an official duty, nonpublic information obtained in the course of official local duties for personal economic benefit or the economic benefit of another.*

H. (text unchanged)

(I) *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

## Appendix A—Model Ethics Law A

Authority: General Provisions Article, §§5-205 and 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

### CHAPTER \_\_\_\_\_ — ETHICS PROVISIONS

**Section 1.—Section 2.** (text unchanged)

**Section 3. Definitions.**

- (a)—(o) (text unchanged)
- (p) “*Quasi-governmental entity*” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.
- [(p)] (q) (text unchanged)

**Section 4.** (text unchanged)

**Section 5. Prohibited conduct and interests.**

- (a)—(e) (text unchanged)
- (f) Solicitation and acceptance of gifts.
  - (1)—(2) (text unchanged)
  - (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:
    - (i)—(ii) (text unchanged)
    - (iii) Is engaged in an activity regulated or controlled by the official’s or employee’s governmental unit; [or]
    - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee[.]; or
    - (v) *Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*
  - (4) (text unchanged)
  - (g) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the [official’s or employee’s] individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
  - (h) *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

**Section 6. Financial disclosure—elected officials, officials, and employees.**

- (a)—(d) (text unchanged)
- (e) Public record.
  - (1)—(5) (text unchanged)
  - (6) *The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:*
    - (i) *The University of Maryland Medical System;*
    - (ii) *A governmental entity of the State or a local government in the State; or*
    - (iii) *A quasi-governmental entity of the State or local government in the State.*
  - (f) (text unchanged)
  - (g) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*
  - [(g)] (h) Contents of statement.
    - (1)—(3) (text unchanged)

- (4) Gifts.
  - (i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the \*County, City, or Town\* [., or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

- (ii) (text unchanged)
- (5)—(8) (text unchanged)
- (9) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*

(a) *An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:*

- (i) *The University of Maryland Medical System;*
- (ii) *A governmental entity of the State or a local government in the State; or*
- (iii) *A quasi-governmental entity of the State or local government in the State.*

(b) *For each financial or contractual relationship reported, the schedule shall include:*

- (i) *A description of the relationship;*
- (ii) *The subject matter of the relationship; and*
- (iii) *The consideration.*

[(9)] (10) (text unchanged)

[(h)] (i) For the purposes of [§6(g)(1), (2), and (3)] §6(h)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

- (1) (text unchanged)
- (2) An interest held, at any time during the applicable period, by:
  - (i) A business entity in which the individual held a [30%] (10)% or greater interest [at any time during the reporting period.];
  - (ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;
  - (iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and
  - (iv) A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.
- (3) (text unchanged)
- [(i)] (j) (text unchanged)

**Section 7. —Section 10.** (text unchanged)

## Appendix B—Model Ethics Law B

Authority: General Provisions Article, §§5-205 and 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

### CHAPTER \_\_\_\_\_ — ETHICS PROVISIONS

**Section 1.** (text unchanged)

**Section 2. Applicability and Definitions.**

- (a)—(d) (text unchanged)
- (e) “*Quasi-governmental entity*” means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.
- [(e)] (f) (text unchanged)

**Section 3.** (text unchanged)

**Section 4. Conflicts of interest.**

- (a)—(g) (text unchanged)
- (h) Solicitation and acceptance of gifts.
  - (1)—(2) (text unchanged)
  - (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
    - (i)—(ii) (text unchanged)
    - (iii) Is engaged in an activity regulated or controlled by the official’s or employee’s governmental unit; [or]
    - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee[.]; or
    - (v) *Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*
  - (4)—(5) (text unchanged)
  - (i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee *or former official or employee* may not disclose or use confidential information, that the official or employee acquired by reason of the [official’s or employee’s] *individual’s public position or former public position* and that is not available to the public, for the economic benefit of the official or employee or that of another person.
    - (j) *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

**Section 5. Financial disclosure—local elected officials and candidates to be local elected officials.**

- (a)—(b) (text unchanged)
- (c) Public record.
  - (1)—(5) (text unchanged)
  - (6) *The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:*
    - (i) *The University of Maryland Medical System;*
    - (ii) *A governmental entity of the State or a local government in the State; or*
    - (iii) *A quasi-governmental entity of the State or local government in the State.*
  - (d) (text unchanged)
  - (e) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*
    - [(e)] (f) Contents of statement.
      - (1)—(3) (text unchanged)
      - (4) Gifts.
        - (i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the \*County, City, or Town\*, *or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*
          - (ii) (text unchanged)
        - (5)—(8) (text unchanged)
      - (9) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*
        - (a) *An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:*
          - (i) *The University of Maryland Medical System;*
          - (ii) *A governmental entity of the State or a local government in the State; or*

- (iii) *A quasi-governmental entity of the State or local government in the State.*
- (b) *For each financial or contractual relationship reported, the schedule shall include:*
  - (i) *A description of the relationship;*
  - (ii) *The subject matter of the relationship; and*
  - (iii) *The consideration.*
- [(9)] (10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
  - [(f)] (g) For the purposes of [§5(e)(1), (2), and (3)] §5(f)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:
    - (1) (text unchanged)
    - (2) An interest held, *at any time during the applicable period,* by:
      - (a) [a] A business entity in which the individual held a [30] (10)% or greater interest [at any time during the reporting period.];
      - (b) *A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;*
      - (c) *A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and*
      - (d) *A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.*
    - (3) (text unchanged).
    - [(g)] (h) (text unchanged)

**Section 6. Financial disclosure—employees and appointed officials.**

- (a)—(d) (text unchanged)
- (e) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*
- (f) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*
  - (1) *An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:*
    - (a) *The University of Maryland Medical System;*
    - (b) *A governmental entity of the State or a local government in the State; or*
    - (c) *A quasi-governmental entity of the State or local government in the State.*
  - (2) *For each financial or contractual relationship reported, the schedule shall include:*
    - (a) *A description of the relationship;*
    - (b) *The subject matter of the relationship; and*
    - (c) *The consideration.*
  - [(e)] (g) (text unchanged)

**Section 7. —Section 9.** (text unchanged)

**Subtitle 05 BOARD OF EDUCATION ETHICS REGULATIONS**

**19A.05.01 General Provisions**

Authority: General Provisions Article, §5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

**.02 Definitions.**

- A. (text unchanged)
- B. Defined Terms.
  - (1)—(3) (text unchanged)
  - [(3-1)] (4) (text unchanged)

[(3-2)] (5) (text unchanged)

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

[(4-1)] (7) (text unchanged)

(8) *“Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.*

[(5)] (9)— [(8)] (12) (text unchanged)

### 19.05.02 Review Criteria

Authority: General Provisions Article, §§5-205 and 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

#### .04 Conflicts of Interest.

A.—F. (text unchanged)

G. Confidential Information.

(1) (text unchanged)

(2) The regulations shall prohibit school officials and school employees *and former school officials and school employees* from using or disclosing, except in the discharge of an official duty, nonpublic information obtained in the course of official school duties for personal economic benefit or the economic benefit of another.

H. (text unchanged)

(I) *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

## Appendix A—Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205 and 5-206 and Title 5, Subtitle 8, Annotated Code of Maryland

### CHAPTER \_\_\_\_ — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

#### Section 3. Definitions.

In these regulations, the following terms have the meanings indicated.

(a)—(p) (text unchanged)

(q) *“Quasi-governmental entity” means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.*

[(q)] (r)— [(r)] (s) (text unchanged)

Section 4. (text unchanged)

#### Section 5. Prohibited conduct and interests.

(a)—(e) (text unchanged)

(f) Gifts.

(1)—(2) (text unchanged)

(3) An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:

(i)—(ii) (text unchanged)

(iii) Is a lobbyist with respect to matters within the jurisdiction of the official; [or]

(iv) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official[.]; *or*

(v) *Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.*

(4) (text unchanged)

(g) Disclosure of confidential information. Other than in the discharge of official duties, an official *or former official* may not disclose or use confidential information that the official acquired by reason of the [official’s] *individual’s* public position *or former public position* and that is not available to the public for the economic benefit of the official or the economic benefit of another person.

(h) *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

#### Section 6. Financial disclosure.

(a)—(d) (text unchanged)

(e) Public Record.

(1)—(5) (text unchanged)

(6) *The Board or office designated by the Board shall not provide public access to information related to consideration received from:*

(i) *The University of Maryland Medical System;*

(ii) *A governmental entity of the State or a local government in the State; or*

(iii) *A quasi-governmental entity of the State or local government in the State.*

(f) (text unchanged)

(g) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*

[(g)] (h) Contents of statement.

(1)—(3) (text unchanged)

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board *or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*

(ii) (text unchanged)

(5)—(8) (text unchanged)

(9) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*

(a) *An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:*

(i) *The University of Maryland Medical System;*

(ii) *A governmental entity of the State or a local government in the State; or*

(iii) *A quasi-governmental entity of the State or local government in the State.*

(b) *For each financial or contractual relationship reported, the schedule shall include:*

(i) *A description of the relationship;*

(ii) *The subject matter of the relationship; and*

(iii) *The consideration.*

[(9)] (10) (text unchanged)

[(h)] (i) For the purposes of [§6(g)(1), (20< and (3)] §6(h)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

(1) (text unchanged)

(2) An interest held, *at any time during the applicable period,* by a:

(i) [business] *Business* entity in which the individual held a [30%] (10)% or greater interest [at any time during the reporting period.];

(ii) *Business* entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

- (iii) *Business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and*
- (iv) *Business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.*

(3) (text unchanged)  
 [(i)] (j) (text unchanged)

**Section 7.—Section 8.** (text unchanged)

## Appendix B—Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205 and 5-206 and Title 5, Subtitle 8, Annotated Code of Maryland

### CHAPTER \_\_\_\_—ETHICS PROVISIONS

#### Section 1. Applicability and definitions.

- (a) (text unchanged)
  - (b) In this chapter, the following terms have the meanings indicated.
    - (1)—(4) (text unchanged)
    - (5) *“Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.*
- [(5)] (6) (text unchanged)

#### Section 2.

 (text unchanged)

#### Section 3. Conflicts of interest.

- (a)—(f) (text unchanged)
- (g) Gifts.
  - (1)—(2) (text unchanged)
  - (3) An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
    - (i)—(ii) (text unchanged)
    - (iii) Is a regulated lobbyist with respect to matters within the jurisdiction of the official; [or]
    - (iv) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official[.]; or
    - (v) *Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.*
  - (4) (text unchanged)
  - (h) Disclosure of confidential information. Other than in the discharge of his official duties, an official *or former official* may not disclose or use confidential information that the official acquired by reason of the [official’s] *individual’s* public position *or former public position* and that is not available to the public for the economic benefit of the official or the economic benefit of another person.
    - (i) *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

#### Section 4. Financial disclosure—members of the Board of Education and candidates to be members of the Board of Education.

- (a)—(d) (text unchanged)
- [(d)] (e) Public record.
- (1)—(5) (text unchanged)

(6) *The Board or office designated by the Board shall not provide public access to information related to consideration received from:*

- (i) *The University of Maryland Medical System;*
- (ii) *A governmental entity of the State or a local government in the State; or*
- (iii) *A quasi-governmental entity of the State or local government in the State.*

[(e)] (f) (text unchanged)  
 [(f)] (g) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*

[(e)] (h) Contents of Statement  
 (1)—(3) (text unchanged)  
 (4) Gifts. (i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board of Education [.] *or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*

- (ii) (text unchanged)
- (5)—(8) (text unchanged)
- (9) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*

(a) *An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:*

- (i) *The University of Maryland Medical System;*
- (ii) *A governmental entity of the State or a local government in the State; or*
- (iii) *A quasi-governmental entity of the State or local government in the State.*

(b) *For each financial or contractual relationship reported, the schedule shall include:*

- (i) *A description of the relationship;*
- (ii) *The subject matter of the relationship; and*
- (iii) *The consideration.*

[(9)] (10) (text unchanged)  
 [(g)] (i) For the purposes of [§6(g)(1), (2), and (3)] §4(g)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

- (1) (text unchanged)
- (2) An interest held, *at any time during the applicable period,* by:

- (i) A business entity in which the individual held a [30%] (10)% or greater interest [at any time during the reporting period.];
- (ii) *A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest; (iii) a business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and*
- (iv) *A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.*

(3) (text unchanged)

[(h)] (j) (text unchanged)

#### Section 5. Financial disclosure—Employees and appointed officials.

- (a)—(d) (text unchanged)
- (e) *An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.*
- (f) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*

(1) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

- (a) The University of Maryland Medical System;
- (b) A governmental entity of the State or a local government in the State; or

(c) A quasi-governmental entity of the State or local government in the State.

(2) For each financial or contractual relationship reported, the schedule shall include:

- (a) A description of the relationship;
- (b) The subject matter of the relationship; and
- (c) The consideration.

[(e)](g) (text unchanged)

**Section 6. —Section 8.** (text unchanged)

WILLIAM J. COLQUHOUN  
General Counsel

## Title 20 PUBLIC SERVICE COMMISSION

### Subtitle 90 TAXICABS

#### 20.90.02 Taxicabs — Control and Operation

Authority: Public Utilities Article, §§2-113, 2-121, 4-503, 5-101, 6-202—6-207, 10-101—10-107, 10-109, 10-110, 10-202—10-210, 10-301, 13-101, 13-201, and 13-202, Annotated Code of Maryland

##### Notice of Proposed Action

[21-191-P]

The Maryland Public Service Commission proposes to amend Regulation .16 under **COMAR 20.90.02 Taxicabs — Control and Operation**. This action was considered by the Maryland Public Service Commission at a scheduled rule-making (RM 74) meeting held on September 7, 2021, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

##### Statement of Purpose

The purpose of this action is to govern vehicle inspection standards on all taxicabs currently permitted by the Commission, in addition to taxicabs added in the future subject to open vehicle safety recalls. Unrepaired recalled vehicles are a direct contributor to crashes that kill and injure innocent victims. The National Highway Traffic Safety Administration (NHTSA) considers every recall to be a serious safety threat.

Under the current regulations, potentially thousands of Maryland residents and visitors are unknowingly and unnecessarily exposed to deadly risks every day. The safety recall standards are an efficient and effective way to reduce the risk of taxicabs operating while subject to vehicle safety recalls, while also minimizing the disruption to the transportation industry in Maryland. These revisions to COMAR protect Maryland's residents and visitors from the potentially deadly dangers of recalled motor vehicles by reducing the number of unrepaired vehicles subject to vehicle safety recalls from operating on Maryland roads and provides confidence to Maryland consumers expecting safety from commercially licensed, State-inspected, taxi-for-hire vehicles.

##### 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 Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

#### **.16 Taxicabs and Equipment.**

##### A. Identification of Taxicab.

(1) Every company, partnership, association, or individual operating one or more taxicabs under permits issued by the Public Service Commission [shall] *may* have the full name of the owner of each taxicab for which a permit has been issued, permanently painted on one door on each side of the taxicab in letters at least 2-1/2 inches high. The word "Taxicab", "Taxi", or "Cab" shall also appear conspicuously on the vehicle. Every company, partnership, association, or individual operating five or more taxicabs under permits issued by the Public Service Commission may adopt and employ a distinctive color scheme or insignia which shall be approved by and registered with the Public Service Commission. An owner of a taxicab may not paint the vehicle or vehicles to so closely resemble the distinctive color scheme or insignia of other taxicabs as to mislead the public as to the identity of the owner.

(2)—(5) (text unchanged)

##### B.—H. (text unchanged)

##### I. Safety Recalls and Self-Certification.

(1) *After July 1, 2022, an owner, upon application for a taxicab permit and annually thereafter, shall self-certify the vehicle is not subject to any open safety recalls issued by a vehicle manufacturer and posted online by the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. §30118.*

(2) *Upon self-certification, the owner may not operate or permit the operation of a taxicab for hire with any open vehicle safety recalls as of the date of self-certification, except if, due to the unavailability of parts to comply with the manufacturer's safety recall, the owner cannot comply with the recall.*

(3) *Any recall that qualifies for this exemption shall be remedied as soon as practicable, after parts become available, and not to exceed 90 days from the availability of the parts.*

(4) *Self certification for vehicle safety recall compliance, in a form approved by the Commission, is the responsibility of the owner.*

[I.] J.—[J.] K. (text unchanged)

[K.] L. Wheelchair Accessible Vehicle.

(1) (text unchanged)

(2) For the purpose of [§K(1)] §L(1) of this regulation, normal operation includes full throttle acceleration and maximum braking and cornering.

(3) (text unchanged)

(4) Where more than one wheelchair securement device is used to secure a wheelchair in an accessible vehicle, [§K(3)(b)] §L(3)(b) of this regulation applies to the combination of devices used and not to each single device.



(5)—(18) (text unchanged)

ANDREW S. JOHNSTON  
Executive Secretary

**Subtitle 95 TRANSPORTATION**

**20.95.01 General**

Authority: Public Utilities Article, §§2-113, 2-121, 4-503, 5-101, 5-106, 9-101—9-103, 9-201—9-205, 9-207, 10-101—10-104, 10-104.1, 10-105, 10-106, 10-108, 10-401—10-407, 13-101, 13-201, and 13-202; State Government Article, §7-207(a); Annotated Code of Maryland

**Notice of Proposed Action**  
[21-192-P]

The Maryland Public Service Commission proposes to amend Regulation .11 under **COMAR 20.95.01 General**. This action was considered by the Maryland Public Service Commission at a scheduled rule-making (RM 74) meeting held on September 7, 2021, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to govern vehicle inspection standards for passenger-for-hire vehicles currently permitted by the Commission, in addition to vehicles added in the future subject to open vehicle safety recalls. Unrepaired recalled vehicles are a direct contributor to crashes that kill and injure innocent victims. The National Highway Traffic Safety Administration (NHTSA) considers every recall to be a serious safety threat.

Under the current regulations, potentially thousands of Maryland residents and visitors are unknowingly and unnecessarily exposed to deadly risks every day. The safety recall standards are an efficient and effective way to reduce the risk of passenger-for-hire vehicles operating while subject to vehicle safety recalls, while also minimizing the disruption to the transportation industry in Maryland. These revisions to COMAR protect Maryland’s residents and visitors from the potentially deadly dangers of recalled motor vehicles by reducing the number of unrepaired vehicles subject to vehicle safety recalls from operating on Maryland roads and provides confidence to Maryland consumers expecting safety from commercially licensed, State-inspected, passenger-for-hire vehicles.

**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 Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.11 Required Equipment, and Minimum Safety Standards.**

A. A motor vehicle, including a leased or reserved motor vehicle, used by a carrier or Transportation Network Operator shall:

(1)—(5) (text unchanged)

(6) After July 1, 2018, not exceed more than 12 model years of age, unless the vehicle has an existing Commission permit, and proof of semi-annual safety inspections, conforming to the requirements of §B(2) of this regulation is submitted to the Commission, or the vehicle is [an] a historic motor vehicle as defined in Transportation Article, §13-936, Annotated Code of Maryland, or the vehicle exceeds 10,000 pounds Gross Vehicle Weight Rating.

*B. After July 1, 2022, an owner, Transportation Network Operator, or Transportation Network Company, upon application for a vehicle permit and annually thereafter, shall self-certify the vehicle is not subject to any open safety recalls issued by a vehicle manufacturer and posted online by the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. §30118.*

*C. Upon self-certification, the owner, Transportation Network Operator, or Transportation Network Company may not operate or permit the operation of a motor vehicle for hire with any open vehicle safety recalls as of the date of self-certification, except if, due to the unavailability of parts to comply with the manufacturer’s safety recall, the owner or Transportation Network Operator cannot comply with the recall.*

*D. Any recall that qualifies for this exemption shall be remedied as soon as practicable, after parts become available, and not to exceed 90 days from the availability of the parts.*

*E. Self certification for vehicle safety recall compliance, in a form approved by the Commission, is the responsibility of the owner, Transportation Network Operator, or Transportation Network Company.*

[B.] F. (text unchanged)

ANDREW S. JOHNSTON  
Executive Secretary

**Title 28  
OFFICE OF  
ADMINISTRATIVE  
HEARINGS**

**Subtitle 02 RULES OF PROCEDURE**

**28.02.01 Rules of Procedure**

Authority: State Government Article, §§9-1604, 9-1607, 10-205, 10-206, 10-210, 10-211, 10-212.1, 10-216, 10-217, and 10-220, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-183-P]

The Office of Administrative Hearings proposes to amend Regulation .16 under **COMAR 28.02.01 Rules of Procedure**.

**Statement of Purpose**

The purpose of this action is to amend the existing regulation on requests for postponements made before the Office of Administrative Hearings to include a requirement that documentation of the reasons for the postponement must be submitted when the request is made.

**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 Latonya B. Dargan, Executive Administrative Law Judge, Deputy Director of Quality Assurance, Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, MD 21031, or call 410-229-4172, or email to latonya.dargan@maryland.gov, or fax to 410-229-4244. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**.16 Postponements.**

A.—C. (text unchanged)

D. *Documentation of the reasons for the postponement shall be required from the party making the request.*

[D.] E.—[E.] F. (text unchanged)

CHUNG K. PAK  
Chief Administrative Law Judge

**Title 31  
MARYLAND INSURANCE  
ADMINISTRATION**

**Subtitle 10 HEALTH INSURANCE —  
GENERAL**

**Notice of Proposed Action**

[21-193-P]

The Insurance Commissioner proposes to amend:

(1) Regulations .02 and .03 under **COMAR 31.10.46 Pharmacy Benefits Managers—Maximum Allowable Cost;**

(2) Regulations .02 and .03 under **COMAR 31.10.47 Cost Pricing and Reimbursement Other than MAC;** and

(3) Regulations .02—.05 under **COMAR 31.10.48 Pharmacy Benefits Managers—Informational Filing of Contracts and Amendments.**

**Statement of Purpose**

The purpose of this action is to revise existing regulations to conform to recent changes to Insurance Article, Title 15, Subtitle 16, Annotated Code of Maryland, which were enacted during the 2020 and 2021 legislative sessions. Specifically, H.B. 601, enacted as Chapter 358, Acts of 2021, amended the definition of "purchaser" and added a new definition of "carrier", which altered the scope of this subtitle. The bill also amended Insurance Article, §§15-1628, Annotated Code of Maryland, to change the PBM contract filing requirement to an informational filing. H.B. 1307, enacted as Chapter 455, Acts of 2020, amended Insurance Article, §15-1628, Annotated Code of Maryland, to prohibit certain fees for credentialing a pharmacy to participate in a PBM's network. The bill also amended Insurance Article, §15-1628.3 to prohibit certain reimbursement practices of PBMs. Previously, PBMs were only required to provide a certain notice to pharmacies before engaging in these reimbursement practices. The action also corrects some outdated cross-references.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** There will be a decrease in administrative costs to both PBMs and the MIA based on the change in the PBM contract filing requirements to reflect an informational filing instead of a file and review process.

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

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

A. There should be a slight decrease in administrative costs for the MIA as the PBM contract filing requirements will require an informational filing rather than a file and review process.

D. There should be a slight decrease in administrative costs for the MIA as the PBM contract filing requirements will require an informational filing rather than a file and review process.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to 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 insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through December 20, 2021. A public hearing has not been scheduled.

**31.10.46 Pharmacy Benefits Managers—  
Maximum Allowable Cost**

Authority: Insurance Article, §§15-1601, 15-1604, 15-1605, 15-1607, 15-1609, 15-1628, 15-1628.1, and 15-1642, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Carrier” [means:

(a) An insurer;

(b) A nonprofit health service plan; or

(c) A health maintenance organization.] *has the meaning stated in Insurance Article §15-1601, Annotated Code of Maryland.*

(4) (text unchanged)

(5) “Contracted pharmacy” has the meaning stated in Insurance Article, [§15-1628.1,] §15-1601, Annotated Code of Maryland.

[(6)] (6) “Fee or performance-based reimbursement related to an adjudicated claim or incentive program” means any downward adjustment of an adjudicated claim and includes, but is not limited to, using the application of the following:

(a) Refill rates of generic, brand name, or preferred drugs;

(b) Comparison of dispensing rates of a pharmacy or pharmacist to another pharmacy or pharmacist; or

(c) Combined aggregate overall percentage discounts applied to all adjudicated claims.]

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

[(12)] (11) “Participating pharmacy contract” means a contract filed with the Commissioner that is:

(a) (text unchanged)

[(b)] (b) Filed at least 30 days before the contract or an amendment to the contract is to become effective;]

[(c)] (b)—[(e)] (d) (text unchanged)

[(13)] (12)—[(21)] (20) (text unchanged)

**.03 Disclosures to a Contracted Pharmacy.**

A.—B. (text unchanged)

[C. Except as provided in §§D and E of this regulation, a contracted pharmacy may not be charged a fee or held responsible by a purchaser or PBM for:

(1) A fee or performance-based reimbursement related to an adjudicated claim; or

(2) An incentive program.

D. A PBM, whether its contract is directly with a pharmacy or indirectly with a pharmacy through a PSAO or group purchasing organization, shall disclose any fee or performance-based reimbursement that relates to the adjudication of a claim or incentive program by stating:

(1) The specific dollar amount of a fee or alternative reimbursement; or

(2) The specific percentage of the potential adjustment relating to reimbursement of a claim.

E. The disclosure described in §D shall be:

(1) Provided during claims processing; or

(2) Described in detail on the initial remittance advice.]

[F.] C. (text unchanged)

**31.10.47 Cost Pricing and Reimbursement Other than MAC**

Authority: Insurance Article, §§15-1601, 15-1604, 15-1605, 15-1607, 15-1609, 15-1628, 15-1628.2, 15-1630, and 15-1642, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Carrier” [means:

(a) An insurer;

(b) A nonprofit health service plan; or

(c) A health maintenance organization.] *has the meaning stated in Insurance Article, §15-1601, Annotated Code of Maryland.*

(4)—(6) (text unchanged)

(7) “Contracted pharmacy” has the meaning stated in Insurance Article, [§15-1628.1,] §15-1601, Annotated Code of Maryland.

(8) (text unchanged)

[(9)] (9) “Fee or performance-based reimbursement related to an adjudicated claim or incentive program” means any downward adjustment of an adjudicated claim and includes, but is not limited to, using the application of the following:

(a) Refill rates of generic, brand name, or preferred drugs;

(b) Comparison of dispensing rates of a pharmacy or pharmacist to another pharmacy or pharmacist; or

(c) Combined aggregate overall percentage discounts applied to all adjudicated claims.]

[(10)] (9) “Participating pharmacy contract” means a contract filed with the Commissioner that is:

(a) (text unchanged)

[(b)] (b) Filed at least 30 days before the contract or an amendment to the contract is to become effective;]

[(c)] (b)—[(e)] (d) (text unchanged)

[(11)] (10)—[(20)] (19) (text unchanged)

**.03 Disclosures to a Contracted Pharmacy.**

A. (text unchanged)

[B. Except as provided in §§C and D of this regulation, a contracted pharmacy may not be charged a fee or held responsible by a purchaser or PBM for:

(1) A fee or performance-based reimbursement related to an adjudicated claim; or

(2) An incentive program.

C. A PBM, whether its contract is directly with a pharmacy or indirectly with a pharmacy through a PSAO or group purchasing organization, shall disclose any fee or performance-based reimbursement that relates to the adjudication of a claim or incentive program by stating:

(1) The specific dollar amount of a fee or alternative reimbursement; or

(2) The specific percentage of the potential adjustment relating to reimbursement of a claim.

D. The disclosure described in §C shall be:

(1) Provided during claims processing; or

(2) Described in detail on the initial remittance advice.]

[E.] B. (text unchanged)

**31.10.48 Pharmacy Benefits Managers — Informational Filing of Contracts and Amendments**

Authority: Insurance Article, §§2-109, 12-203(d)(2), 15-1628, and 15-1642, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

[(3)] (3) “Filing entity” means a pharmacy benefits manager or PBM, pharmacy services administration organization or PSAO, or group purchasing organization or GPO required to file a contract or amendment to a contract under this chapter.]

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

[(5)] (4) “Participating pharmacy contract” has the meaning stated in Insurance Article, [§15-1601(h)(1),] §15-1601, Annotated Code of Maryland.

[(6)] (5) (text unchanged)

**.03 Submission Requirements.**

A. Pursuant to the requirements of Insurance Article, §15-1628(b), Annotated Code of Maryland, a [filing entity] *PBM* shall submit to the Commissioner *as an informational filing* [all] *each* participating pharmacy [contracts] *contract form* and *each* [amendments] *amendment to a* [contracts.] *contract form at least 30 days before the contract form or amendment to the contract form is to become effective.*

B. *The Commissioner is not required to review the informational filing to evaluate whether a contract form or amendment to a contract form is in violation of Maryland law at the time the informational filing is made.*

[B.] C. Unless it is disapproved by the Commissioner, a [filing entity] *PBM* may [not] use a *contract form* or amendment to a *contract form* [unless:] *after*

[(1) It] *it* has been filed with the Commissioner and 30 days have passed since the filing was acknowledged by the Commissioner in writing as having been received [; or

(2) Subject to the filing corrections under §C of this regulation, a filing entity receives written notice that the contract or amendment to a contract may be used in Maryland and at least 30 days have passed since the initial filing was acknowledged by the Commissioner in writing as having been received.

C. A filing entity that receives written notice from the Commissioner that its contract or amendment to a contract contains defects and is disapproved may resubmit the filing indicating the corrections made].

D. [Except under the circumstances in §C of this regulation, a filing entity] *A PBM* may not file a *contract form* or amendment *form* that has been previously disapproved by the Commissioner.

E. (text unchanged)

F. The filing shall include a cover letter which includes the following:

(1) A list of the [contracts] *contract forms* and [amendments] *amendment forms* included in the submission; and

(2) A brief description of the purpose of each *contract form* and amendment *form* included in the submission.

G. (text unchanged)

H. A filing made under this chapter shall include a signed certification from a responsible officer of the [filing entity] *PBM* that, to the best of the officer's knowledge and belief, the [contracts] *contract forms* and [amendments] *amendment forms* comply with applicable statutes and regulations.

I. A *PBM* may not file a *contract form* or amendment *form* before the *PBM* has successfully registered as a *PBM* with the Commissioner.

**.04 Noncompliant Contract Terms.**

A. A [filing entity] *PBM* may have a *contract form* or amendment to a *contract form* disapproved *at any time after the contract form or amendment to a contract form has been submitted as part of an informational filing* if the *contract form* or amendment *form* contains or uses any language that:

(1)—(5) (text unchanged)

[(6) Other than a provider fee allowed under Insurance Article, §15-112, Annotated Code of Maryland, requires a pharmacy or pharmacist to pay a licensing fee or other fee to participate in the provider panel;]

[(7)] (6)—[(8)] (7) (text unchanged)

B. (text unchanged)

**.05 Use of Noncompliant Contract or Amendment.**

A. If a *PBM* uses a *contract form* or amendment *form* which becomes effective and the *contract form* or amendment *form* is subsequently found by the Commissioner to be noncompliant, the Commissioner may:

(1)—(2) (text unchanged)

B.—C. (text unchanged)

KATHLEEN A. BIRrane  
Insurance Commissioner

# Special Documents

## MARYLAND HEALTH CARE COMMISSION SCHEDULES FOR CERTIFICATE OF NEED REVIEW

The Maryland Health Care Commission provides the following updated schedule to interested members of the public and sponsors of health care facility and service projects subject to Certificate of Need (“CON”) review and approval.

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

This Certificate of Need review schedule is an addendum to the Schedule for Certificate of Need Review published in the *Maryland Register*, Volume 48, Issue 15, pages 617-619 (July 16, 2021). All other schedules published on July 16, 2021 remain in effect. This review schedule is not a solicitation by the Commission for Certificate of Need applications, and does not indicate, in and of itself, that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

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

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

For further information about review schedules or procedures, call Wynnee Hawk, Chief, Certificate of Need, at (410) 764-5982.

### Home Health Agency Projects

The Commission hereby publishes the following schedule for Certificate of Need review of proposed projects to establish new home health agencies or expand existing home health agencies into jurisdictions which the agency has not previously been authorized to serve. Persons interested in submitting Certificate of Need applications for home health agency projects should refer to the *State Health Plan for Facilities and Services: Home Health Agency Services, COMAR 10.24.16*, effective April 11, 2016. CON application acceptance rules including types of applicants which may apply as well as performance-related qualifications may be found in COMAR 10.24.16.06. Interested persons may consult the Maryland Health Care Commission’s website to learn more about eligibility qualification for CON applicants at:

[https://mhcc.maryland.gov/mhcc/pages/hcfs/hcfs\\_homehealth/documents/2022\\_HHA\\_Guidelines.pdf](https://mhcc.maryland.gov/mhcc/pages/hcfs/hcfs_homehealth/documents/2022_HHA_Guidelines.pdf)

The Commission will use the following regional configuration of jurisdictions, as well as the single jurisdiction, for the Home Health Agency Project Reviews scheduled for 2022:

<b><u>Lower Eastern Shore:</u></b> Dorchester, Somerset, Wicomico, and Worcester	<b><u>Single Jurisdiction:</u></b> Carroll County
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### Schedule Home Health Agency Projects

Jurisdiction/Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Carroll County	February 4, 2022	February 16, 2022	April 8, 2022
Lower Eastern Shore (Dorchester, Somerset, Worcester and Wicomico Counties)	February 11, 2022	February 23, 2022	April 15, 2022

[21-24-17]

## DEPARTMENT OF THE ENVIRONMENT WATER AND SCIENCE ADMINISTRATION

### Final Determination to Issue Stormwater Permit to Anne Arundel County, Maryland

The Maryland Department of the Environment (Department) has reached a final determination to reissue a National Pollutant

Discharge Elimination System (NPDES) stormwater permit to Anne Arundel County, Maryland. This permit covers stormwater discharges into, through, or from the storm drain system owned or operated by Anne Arundel County. Permit requirements include implementing comprehensive stormwater management programs for addressing runoff from new and redevelopment projects, restoring urban areas where there is currently little or no stormwater management, and working toward meeting stormwater wasteload allocations for local water resources and Chesapeake Bay. Also included in the permit are conditions that require the County to possess the necessary legal authority to control stormwater discharges, map its storm drain system, monitor urban runoff, and

eliminate illicit discharges to the storm drain system. The Department has met with various stakeholders over the past several years regarding this permit, held a public hearing to accept testimony on November 17, 2020, through an online webinar, and accepted public comments through January 21, 2021. It is the Department's final determination that this permit complies with the United States Environmental Protection Agency's NPDES regulations to control stormwater pollutant discharges from Anne Arundel County's storm drain system to the maximum extent practicable. The Department's final determination is subject to judicial review at the request of any person that meets the threshold standing requirements under federal law and participated in the public participation process through the submission of written or oral comments. The final determination may be found on the Department's website at [mde.maryland.gov](http://mde.maryland.gov) or by contacting Mr. Raymond Bahr, Maryland Department of the Environment, 1800 Washington Blvd., Suite 440, Baltimore, Maryland 21230-1708, or call (410) 537-3543. Requests for judicial review in accordance with §1-601 and §1-605 of the Environment Article need to be made on or before December 5, 2021.

[21-23-28]

## WATER AND SCIENCE ADMINISTRATION

### Final Determination to Issue Stormwater Permit to Baltimore City, Maryland

The Maryland Department of the Environment (Department) has reached a final determination to reissue a National Pollutant Discharge Elimination System (NPDES) stormwater permit to Baltimore City, Maryland. This permit covers stormwater discharges into, through, or from the storm drain system owned or operated by Baltimore City. Permit requirements include implementing comprehensive stormwater management programs for addressing runoff from new and redevelopment projects, restoring urban areas where there is currently little or no stormwater management, and working toward meeting stormwater wasteload allocations for local water resources and Chesapeake Bay. Also included in the permit are conditions that require the City to possess the necessary legal authority to control stormwater discharges, map its storm drain system, monitor urban runoff, and eliminate illicit discharges to the storm drain system. The Department has met with various stakeholders over the past several years regarding this permit, held a public hearing to accept testimony on November 20, 2020, through an online webinar, and accepted public comments through January 21, 2021. It is the Department's final determination that this permit complies with the United States Environmental Protection Agency's NPDES regulations to control stormwater pollutant discharges from Baltimore City's storm drain system to the maximum extent practicable. The Department's final determination is subject to judicial review at the request of any person that meets the threshold standing requirements under federal law and participated in the public participation process through the submission of written or oral comments. The final determination may be found on the Department's website at [mde.maryland.gov](http://mde.maryland.gov) or by contacting Mr. Raymond Bahr, Maryland Department of the Environment, 1800 Washington Blvd., Suite 440, Baltimore, Maryland 21230-1708, or call (410) 537-3543. Requests for judicial review in accordance with §1-601 and §1-605 of the Environment Article need to be made on or before December 5, 2021.

[21-23-29]

## WATER AND SCIENCE ADMINISTRATION

### Final Determination to Issue Stormwater Permit to Baltimore County, Maryland

The Maryland Department of the Environment (Department) has reached a final determination to reissue a National Pollutant Discharge Elimination System (NPDES) stormwater permit to Baltimore County, Maryland. This permit covers stormwater discharges into, through, or from the storm drain system owned or operated by Baltimore County. Permit requirements include implementing comprehensive stormwater management programs for addressing runoff from new and redevelopment projects, restoring urban areas where there is currently little or no stormwater management, and working toward meeting stormwater wasteload allocations for local water resources and Chesapeake Bay. Also included in the permit are conditions that require the County to possess the necessary legal authority to control stormwater discharges, map its storm drain system, monitor urban runoff, and eliminate illicit discharges to the storm drain system. The Department has met with various stakeholders over the past several years regarding this permit, held a public hearing to accept testimony on November 19, 2020, through an online webinar, and accepted public comments through January 21, 2021. It is the Department's final determination that this permit complies with the United States Environmental Protection Agency's NPDES regulations to control stormwater pollutant discharges from Baltimore County's storm drain system to the maximum extent practicable. The Department's final determination is subject to judicial review at the request of any person that meets the threshold standing requirements under federal law and participated in the public participation process through the submission of written or oral comments. The final determination may be found on the Department's website at [mde.maryland.gov](http://mde.maryland.gov) or by contacting Mr. Raymond Bahr, Maryland Department of the Environment, 1800 Washington Blvd., Suite 440, Baltimore, Maryland 21230-1708, or call (410) 537-3543. Requests for judicial review in accordance with §1-601 and §1-605 of the Environment Article need to be made on or before December 5, 2021.

[21-23-30]

## WATER AND SCIENCE ADMINISTRATION

### Final Determination to Issue Stormwater Permit to Montgomery County, Maryland

The Maryland Department of the Environment (Department) has reached a final determination to reissue a National Pollutant Discharge Elimination System (NPDES) stormwater permit to Montgomery County, Maryland. This permit covers stormwater discharges into, through, or from the storm drain system owned or operated by Montgomery County. Permit requirements include implementing comprehensive stormwater management programs for addressing runoff from new and redevelopment projects, restoring urban areas where there is currently little or no stormwater management, and working toward meeting stormwater wasteload allocations for local water resources and Chesapeake Bay. Also included in the permit are conditions that require the County to possess the necessary legal authority to control stormwater discharges, map its storm drain system, monitor urban runoff, and eliminate illicit discharges to the storm drain system. The Department has met with various stakeholders over the past several years regarding this permit, held a public hearing to accept testimony on

November 16, 2020, through an online webinar, and accepted public comments through January 21, 2021. It is the Department's final determination that this permit complies with the United States Environmental Protection Agency's NPDES regulations to control stormwater pollutant discharges from Montgomery County's storm drain system to the maximum extent practicable. The Department's final determination is subject to judicial review at the request of any person that meets the threshold standing requirements under federal law and participated in the public participation process through the submission of written or oral comments. The final determination may be found on the Department's website at [mde.maryland.gov](http://mde.maryland.gov) or by contacting Mr. Raymond Bahr, Maryland Department of the Environment, 1800 Washington Blvd., Suite 440, Baltimore, Maryland 21230-1708, or call (410) 537-3543. Requests for judicial review in accordance with §1-601 and §1-605 of the Environment Article need to be made on or before December 5, 2021.

[21-23-31]

## WATER AND SCIENCE ADMINISTRATION

### Tentative Determination to Issue Stormwater Permit to Prince George's County, Maryland NO. 20-DP-3314, NPDES NO. MD0068284

The Maryland Department of the Environment, Water and Science Administration (The Department) has reached a tentative determination to issue a National Pollutant Discharge Elimination System permit to Prince George's County for Discharges from Large Municipal Separate Storm Sewer Systems (Discharge Permit No. 20-DP-3314, NPDES No. MD0068284). The Department has drafted a permit designed to comply with the United States Environmental Protection Agency's (EPA) regulations and to control stormwater pollutant discharges from the County's storm drain system. The permit is issued for five years.

Under the conditions of the permit, Prince George's County is required to possess the legal authority to control storm drain system pollutants, maintain its storm sewer system, monitor stormwater discharges, and develop and implement comprehensive management programs. The permit also sets new requirements for impervious area treatment, property management and maintenance, and options for comprehensive water quality monitoring. The County is also required to develop and implement plans to address waste load allocations established under EPA approved total maximum daily loads. Penalties for failure to comply with the terms of the permit are provided.

For more information on stormwater management in Maryland or to view this permit, go to [mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm\\_gen\\_permit.aspx](http://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx) or contact Mr. Raymond Bahr at 410-537-3543 or 1-800-633-6101 or at [Raymond.Bahr@Maryland.gov](mailto:Raymond.Bahr@Maryland.gov). Copies of the document may be procured at a cost of 36¢ per page.

The Department will hold a public hearing concerning this tentative determination from 1:00 PM to 2:30 PM on December 15, 2021 at the Prince George's County Department of the Environment's 1<sup>st</sup> Floor Conference Room located at 1801 McCormick Drive, Largo, MD 20774. If you would like to speak at this hearing, we ask that you please email Mr. Raymond Bahr and he will add you to the list. Any hearing-impaired person may request an interpreter at the hearing by contacting the Office of Fair Practices at 410-537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.

Written comments should be directed to Mr. Raymond Bahr, Maryland Department of the Environment, Water and Science Administration, Stormwater, Dam Safety, and Flood Management Program, 1800 Washington Blvd., STE 440, Baltimore, Maryland 21230-1708. Written comments concerning this tentative determination will be accepted through February 4, 2022. This comment period already incorporates the additional 60 day extension period provided in Environment Article §1-606(d)(2)(ii).

[21-23-33]

## WATER AND SCIENCE ADMINISTRATION

### Water Quality Certification 21-WQC-0324

*Josh and Kristy Kaptur*  
5829 Loreley Beach Rd  
White Marsh, MD 21162

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 21-WQC-0324

**Location:** 5829 Loreley Beach Rd., White Marsh, MD 21162

The purpose of the project is to provide for deeper water for navigation.

#### Description of Authorized Work:

- Hydraulically maintenance dredge a 4,375-square foot area to a depth of 3 feet at mean low water and to deposit approximately 486.11 cubic yards of material at the Bird River DMP site, and to provide for periodic maintenance dredging for six years;
- Install one boat lift with associated piles, and three jet ski lifts, all extending a maximum of 130 feet channelward of the mean high water line.

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

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

**Contact:** Matt Wallach at [matthew.wallach@maryland.gov](mailto:matthew.wallach@maryland.gov) or at 410-537-3527

[21-24-22]

## WATER AND SCIENCE ADMINISTRATION

### Water Quality Certification 21-WQC-0325

*Jason Kispert  
11232 Bird River Grove Rd  
White Marsh, MD 21162*

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 21-WQC-0325

**Location:** 11232 Bird River Grove Rd., White Marsh, MD 21162

The purpose of the project is to provide for deeper water for navigation.

#### **Description of Authorized Work:**

- Hydraulically dredge a new 808-square foot area to a depth of 3 feet at mean low water and to deposit approximately 35 cubic yards of material at the Bird River DMP site, and to provide for periodic maintenance dredging for six years;
- Construct a 10-foot long by 6-foot wide pier extension; remove an existing 10-foot by 10-foot platform and relocate it adjacent to the 10-foot long by 6-foot wide pier extension; install a 12-foot by 10-foot boat lift with associated piles, all extending 60 feet channelward of the mean high water line.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

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

**Contact:** Matt Wallach at [matthew.wallach@maryland.gov](mailto:matthew.wallach@maryland.gov) or at 410-537-3527

[21-24-19]



# 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.

### COMMISSION ON CRIMINAL SENTENCING POLICY

**Subject:** Public Hearing

**Date and Time:** December 7, 2021, 5 — 6:30 p.m.

**Place:** Via videoconference — please see details below.

**Add'l. Info:** The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has approved tentatively, pending public input, certain amendments to the cell ranges of the existing Sentencing Matrix for Drug Offenses and the Sentencing Matrix for Property Offenses. The Commission invites public comment on the proposed revisions, which are available at: [https://msccsp.org/Files/News/Proposed\\_Guidelines\\_Revisions\\_2021.pdf](https://msccsp.org/Files/News/Proposed_Guidelines_Revisions_2021.pdf).

Members of the public are invited to provide comments on the proposed revisions to the sentencing matrices for drug and property offenses or to address the MSCCSP regarding any other issue related to criminal sentencing policy during the public hearing. To accommodate all who wish to participate in the meeting, the MSCCSP requests that each speaker limits his or her comments to five minutes. The MSCCSP Chair will enforce this limit. All who are interested in speaking are asked to register at <https://umd.zoom.us/meeting/register/tJEvc-GorzkuGdwDV11oQb8IA4aEvE6ZcwLs> and submit written testimony by December 6, 2021.

This registration link is also available from the MSCCSP website at <https://msccsp.org/about/meetings/>.

Instructions for participation in the videoconference will be provided upon registration approval.

Please send written testimony to David Soulé, Executive Director of the Commission, at [dsoule@umd.edu](mailto:dsoule@umd.edu).

Registration is necessary only for those who wish to speak at the public hearing. Those who wish to simply observe the public comments hearing and/or business meeting may view the livestream on YouTube at <https://www.youtube.com/watch?v=HJFolGWsKjk> at the designated meeting start time.

**Contact:** David Soulé (301) 403-4165

[21-24-21]

### EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

**Subject:** Public Meeting

**Date and Time:** December 2, 2021, 1 — 3 p.m.

**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD

**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month. Due to COVID, this meeting may be held virtually. Please call 410-706-5074 for access information.

**Contact:** Sheilé McAllister (410) 706-4449  
[21-24-04]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting

**Date and Time:** December 14, 2021, 9 a.m. — 12 p.m.

**Place:** 653 W. Pratt St., Ste. 212, Baltimore, MD

**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month. Due to COVID, this meeting may be held virtually. Please call 410-706-5074 for access information. Part of the meeting may include a closed session.

**Contact:** Sheilé McAllister (410) 706-4449  
[21-24-05]

### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 16, 2021, 9:30 a.m.

**Place:** Maryland State Police Headquarters, 1201 Reisterstown Rd., Bldg. C, 1st Fl. Classroom, Pikesville, MD

**Add'l. Info:** Portions of the meeting may be held in closed session. If public schools in Baltimore County are CLOSED due to inclement weather, the meeting and any appeals will be rescheduled. COVID protocols will be in place. Check the Commission's website for any notices regarding changes at <https://mdsp.maryland.gov/Organization/Pages/StateFirePreventionCommission.aspx>

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

[21-24-16]

### MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 16, 2021, 10 a.m. — 12 p.m.

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

**Add'l. Info:** This meeting will be held in-person and via video livestream. The link will be available on the website the day of the meeting at <https://www.mdgaming.com/commission-meeting-12-16-2021/>.

Please be advised that anyone entering the building is required to wear a mask.

**Contact:** Kathy Lingo (410) 230-8790  
[21-24-08]

### STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

**Subject:** Public Meeting

**Date and Time:** December 9, 2021, 10 a.m. — 12 p.m.

**Place:** via video conference with Google Meet at [meet.google.com/vaz-ucbx-fco](https://meet.google.com/vaz-ucbx-fco), MD

**Add'l. Info:** The public is welcome to attend the meeting via videoconference.

**Contact:** Paul Ballard (410) 767-6918  
[21-24-06]

### BOARD OF REVENUE ESTIMATES

**Subject:** Public Meeting

**Date and Time:** December 14, 2021, 2 — 3 p.m.

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

**Add'l. Info:** This meeting will be streamed live on the Comptroller's Facebook page.

**Contact:** Kynara Fogan (410) 260-7450  
[21-24-15]

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

**Subject:** Public Meeting

**Dates and Times:** December 8, 2021, 8:30 a.m. — 5 p.m.; Additional Date: December 15, 2021

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

## GENERAL NOTICES

1070

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

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

[21-24-07]

### BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

**Subject:** Public Meeting

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

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

**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](https://mde.maryland.gov/programs/permits/environmentalboards/pages/bww_meetings.aspx)

**Contact:** Dee Settar (410) 537-4162

[21-24-02]

### BOARD OF WELL DRILLERS

**Subject:** Public Meeting

**Date and Time:** December 15, 2021, 9 a.m. — 12 p.m.

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

**Add'l. Info:** A portion of this meeting may be held in 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](https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx)

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

[21-24-01]

### WORKERS' COMPENSATION COMMISSION

**Subject:** Public Meeting

**Date and Time:** December 9, 2021, 9:30 — 11:30 a.m.

**Place:** 10 E. Baltimore St., 3rd Fl., Baltimore, MD

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

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

[21-24-03]

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- 01 Procedures
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- 03 Health Statistics
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- 05 Freestanding Ambulatory Care Facilities
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- 08 Health Facilities Grants

**Part 2**

- 09 Medical Care Programs

**Part 3**

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

**Part 4**

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

**Part 5**

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine

**Part 6**

- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Profess.
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners

- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

**Title 11 Department of Transportation**

**Part 1**

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

**Part 2**

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

**Title 26 Department of the Environment**

**Part 1**

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
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**Part 2**

- 08 Water Pollution
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**Part 3**

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
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- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
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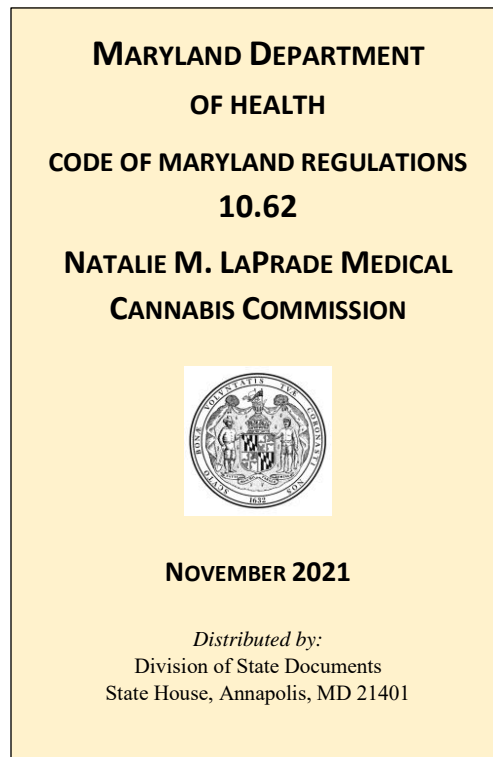


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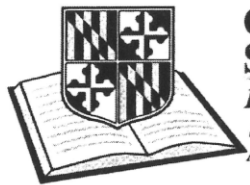
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