

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 16, 2024, 5 p.m.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 September 16, 2024.

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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Wes Moore, Governor; **Susan C. Lee**, Secretary of State; **Gail S. Klakring**, Administrator; **Tracey A. Johnstone**, Editor, Maryland Register; **Tarshia N. Neal**, Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES THROUGH December 2025[†]

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2024			
October 18	September 30	October 7	October 9
November 1	October 11**	October 21	October 23
November 15	October 28	November 4	November 6
December 2***	November 8**	November 18	November 20
December 13	November 25	December 2	December 4
December 27	December 9	December 16	December 18
2025			
January 10	December 23	December 30	December 31**
January 24	January 6	January 13	January 15
February 7	January 17**	January 27	January 29
February 21	February 3	February 10	February 12
March 7	February 14**	February 24	February 26
March 21	March 3	March 10	March 12
April 4	March 17	March 24	March 26
April 18	March 31	April 7	April 9
May 2	April 14	April 21	April 23
May 16	April 28	May 5	May 7
May 30	May 12	May 19	May 21
June 13	May 23**	June 2	June 4
June 27	June 9	June 16	June 18
July 11	June 23	June 30	July 2
July 25	July 7	July 14	July 16
August 8	July 21	July 28	July 30
August 22	August 4	August 11	August 13
September 5	August 18	August 25	August 27
September 19	August 29**	September 8	September 10
October 3	September 15	September 22	September 24
October 17	September 29	October 6	October 8
October 31	October 10**	October 20	October 22
November 14	October 27	November 3	November 5
December 1***	November 10	November 17	November 19
December 12	November 24	December 1	December 3
December 26	December 8	December 15	December 17

[†] Please note that this table is provided for planning purposes and that the Division of State Documents (DSD) cannot guarantee submissions will be published in an agency’s desired issue. Although DSD strives to publish according to the schedule above, there may be times when workload pressures prevent adherence to it.

* Also note that proposal deadlines are for submissions to DSD for publication in the Maryland Register and do not take into account the 15-day AELR review period. The due date for documents containing 8 to 18 pages is 48 hours before the date listed; the 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 due to holidays.

*** Note issue date changes due to holidays.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

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 and corrections pertaining to proposed regulations are listed, followed by “(err)” or “(corr),” respectively. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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07.02.09.01—,13 • 51:19 Md. R. 855 (9-20-24)
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08 DEPARTMENT OF NATURAL RESOURCES

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09.13.07.02,,04 51:19 Md. R. 870 (9-20-24)
09.19.08.02 51:19 Md. R. 871 (9-20-24)
09.33.02.01—,09 • 50:25 Md. R. 1100 (12-15-23)
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09.36.08.02 • 50:25 Md. R. 1101 (12-15-23)

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10.07.14.01—,65 • 51:6 Md. R. 272 (3-22-24)

Subtitle 09 (2nd volume)

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10.09.21.02—,06 • 51:2 Md. R. 82 (1-26-24)
10.09.24.02,,07,,12 • 51:2 Md. R. 79 (1-26-24)
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10.37.01.03 • 51:17 Md. R. 779 (8-23-24)
10.44.01.01—,39 • 50:20 Md. R. 911 (10-6-23)
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25 OFFICE OF THE STATE TREASURER

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Subtitles 08—12 (Part 2)

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33.05.02.02 • 51:16 Md. R. 762 (8-9-24)
33.17.06.05 • 51:16 Md. R. 762 (8-9-24)

The Governor

NOTE: Executive Order 01.01.2024.32 was incorrectly printed as Executive Order 01.01.2024.31 in 51:19 Md. R. 851—852 (September 20, 2024). Both Executive Order 01.01.2024.31 and Executive Order 01.01.2024.32 have been printed below under the correct numbers.

EXECUTIVE ORDER 01.01.2024.31

Strengthening the State of Maryland’s Resilience Strategy

WHEREAS, The State of Maryland must maintain a comprehensive resilience strategy so that State government functions are preserved in all hazardous events;

WHEREAS, The Federal Emergency Management Agency defines resilience as the capacity of individuals, communities, businesses, and governments to adapt to changing conditions and to prepare for, withstand, and rapidly recover from disruptions to everyday life such as hazard events;

WHEREAS, Adaptation to climate change in particular requires extraordinary and unprecedented efforts across multiple critical infrastructure sectors – whose physical and virtual assets, systems, and networks are considered vital – to mitigate against hazardous impacts to our communities;

WHEREAS, Maryland is committed to ensuring that State investment prioritizes environmental justice and those most at risk for hazardous impacts;

WHEREAS, The Maryland Department of Emergency Management is responsible for coordinating the resilience efforts of State agencies, including the prevention of, preparation for, mitigation of the effects of, response to, and recovery from the consequences of all threats and hazards facing Maryland;

WHEREAS, The Office of Resilience within the Maryland Department of Emergency Management is the state coordinating office for resilience strategy and initiatives within State Government;

WHEREAS, The Executive Branch is committed to fully integrating resilience programs into day-to-day operations to ensure a coordinated, collaborative effort to mitigate, prepare for, respond to, and recover from all conditions;

NOW, THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Maryland Chief Resilience Officer and Office of Resilience. The Chief Resilience Officer (“CRO”) and the Office of Resilience (“the Office”) within the Department of Emergency Management (“the Department”) provide strategic direction and coordinate resilience efforts within State government.

(1) Responsibilities. The responsibilities of the Office include:

- a. The responsibilities outlined in Maryland Code, Public Safety Article §§ 14-1201 through 1204;
- b. Through the Department Secretary, providing advice and recommendations to the Executive branch and State agencies regarding the statewide resilience strategy;

c. Maintaining a list of Agency Resilience Liaisons within State government;

d. Serving as the central coordinating Office for resilience-related funding opportunities, investments, risk analysis, and plans; and

e. Maintaining a list of all resilience, climate change, hazard mitigation, or related commissions, councils, work groups, task forces, study groups, or other advisory bodies, and their missions, responsibilities, and authorities within the Executive Branch.

(2) Executive Branch Support. To be successful, the CRO and Office requires the support and cooperation of each State agency and department.

a. Each principal Executive Branch department, the Maryland Energy Administration, and the Maryland Insurance Administration shall:

i. Designate an Agency Resilience Liaison consistent with section B of this Order and provide the point of contact to the Department of Emergency Management.

ii. Provide support and advice to the Office of Resilience in developing risk-based communication for communities and residents of Maryland.

iii. Provide subject matter expertise and share data on natural hazard and climate change risks and predicted impacts to Maryland.

iv. Provide guidance to assess development patterns in sea level rise hazard zones and other climate-related risk areas.

v. Support the Office in the development and implementation of the Maryland 2-, 5-, and 10-year resilience plans, including but not limited to the following areas:

a) Developing risk-based and evidence-based strategies to mitigate natural hazard risk to housing, the environment, critical infrastructure including transportation, Maryland’s workforce, Maryland’s business owners including small, women- and minority-owned businesses, local governments including school systems, and our communities including those most vulnerable to natural hazards and those that have historically borne the brunt of natural hazards including the impacts of flooding, extreme heat, and winter storm impacts.

b) Reviewing current building code adoption across the state, evaluate the impact that building code adoption has on community resilience, jobs, property values, and tax revenues, and assess what investments may support the increased adoption of updated building codes that are responsive to climate-related risks.

c) Developing plans for resilience investments that reflect environmental justice considerations and mitigate natural hazard impacts to historically underserved communities

d) Advising on updating and implementing building codes to reflect evidence-based mitigation strategies for natural hazard risks

e) Providing subject matter expertise and guidance on resilience policy, best practices, data and evidence-based strategies which will make Maryland a more resilient State

vi. Support the Office in conducting outreach and providing technical assistance to local jurisdictions interested in developing local resilience plans by, including but not limited to:

a) Aiding municipalities in securing design grants to increase neighborhood resilience;

b) Providing guidance to assess development patterns in sea level rise hazard zones and other climate-related risk areas;

c) Developing dynamic scoring models and evaluation tools to assist with planning and capture of future impacts on different community support functions;

d) Developing consumer-focused campaigns to educate the public on the importance of resilience building to homeowners, renters, and businesses and to instruct on what consumers should consider when evaluating properties, insurance, investments, and other related topics.

vii. Provide an annual update listing all resilience, climate change, hazard mitigation, or related commissions, councils, work groups, task forces, study groups, and their missions, responsibilities, and authorities within each agency.

B. Agency Resilience Liaisons

(1) Each principal Executive Branch department, the Maryland Energy Administration, and the Maryland Insurance Administration shall designate an Agency Resilience Liaison that will:

a. Serve as the primary point of contact for resilience-related efforts for the Department or Agency;

b. Receive and promptly address inquiries, requests, or concerns related to resilience;

c. Provide regular updates to the Office regarding activities within the Department or Agency that address Maryland’s resilience; and

d. Cooperate with and collaborate with the CRO and Office to provide subject matter expertise and Departmental/Agency perspective on resilience-related matters.

(2) The University of Maryland Center for Environmental Science, Harry R. Hughes Center for Agro-Ecology, and the Maryland Environmental Service shall cooperate, consult, and otherwise assist the CRO and ARLs.

(3) The CRO shall ensure collaboration, information sharing, and strategic guidance for the ARL program.

(4) The CRO and ARLs shall meet at least biannually to provide the CRO with advice and recommendations about State resilience policies and practices related to resilience by:

a. Evaluating current resilience strategies and investments across State government;

b. Developing comprehensive statewide, all-hazards resilience goals and implementation strategies

c. Evaluating existing commissions, councils, work groups, task forces, study groups, and their missions, responsibilities, and authorities within each agency, identifying redundancies, and making recommendations to streamline state resilience policy efforts.

d. Recommending a coordinated plan for investment of resilience-related funding which prioritizes investment for underserved and highest-risk communities for all hazards facing the State.

(5) The CRO shall determine the meeting agenda.

C. The Department shall be responsible for the implementation of this executive order.

D. Nothing in this Executive Order shall be construed to impair or otherwise affect the authority granted by law to an Executive Department or Agency.

E. This Executive Order shall be implemented in a manner that is consistent with all applicable statutes and regulations. Nothing in this Executive Order shall operate to contravene any State or federal law or to affect the State’s receipt of federal funding.

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

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 4th Day of September, 2024.

WES MOORE
Governor

ATTEST:

SUSAN C. LEE
Secretary of State

[24-20-15]

EXECUTIVE ORDER 01.01.2024.32

**Renewal of Executive Order 01.01.2024.09
(Declaration of a State of Emergency)**

WHEREAS, I, Wes Moore, Governor of the State of Maryland, issued Executive Order 01.01.2024.09 declaring a State of Emergency due to the significant infrastructure damage to the Francis Scott Key Bridge in Baltimore on March 26, 2024;

WHEREAS, The declaration of the State of Emergency was renewed on August 16, 2024, by Executive Order 01.01.2024.28;

WHEREAS, Because of the on-going impact of this incident, emergency conditions continue to exist Statewide;

NOW, THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND CODE, HEREBY DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST IN THE STATE OF MARYLAND, THAT THE MARCH 26, 2024 DECLARATION IS RENEWED, AND FURTHER PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The Maryland Department of Emergency Management is hereby directed to continue to coordinate the State preparedness and response to impacts of this incident.

B. All other appropriate State authorities are hereby authorized to activate their emergency preparedness plans and engage, deploy, use, and coordinate available resources in furtherance of those plans.

C. The Maryland National Guard remains on regular duty.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in Annapolis, this 13th Day of September, 2024.

WES MOORE
Governor

ATTEST:

SUSAN C. LEE
Secretary of State

[24-20-16]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

Title 02 OFFICE OF THE ATTORNEY GENERAL

Subtitle 01 CONSUMER PROTECTION DIVISION

Notice of Opportunity for Public Comment

Pursuant to its work plan, the Consumer Protection Division, Office of the Attorney General, will evaluate the need to retain, amend, or repeal any obsolete or duplicative provisions based on whether the regulations are:

- Still necessary for the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal and other State regulations;
- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete or otherwise appropriate for amendment or repeal.

The Consumer Protection Division would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. The comments may address concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes.

Comments should be directed to Steven M. Sakamoto-Wengel, Consumer Protection Counsel for Regulation, Legislation and Policy, and transmitted by mail to: Consumer Protection Division, 200 St. Paul Place, 16th Fl, Baltimore, MD 21202. Or by e-mail to stevesw@oag.state.md.us. Please put "Regulatory Review" in the subject line. Comments should be received by November 1, 2024. In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§ 10-130 through 10-139, Annotated Code of Maryland, the Consumer Protection Division is currently reviewing and evaluating the following chapters of COMAR:

Title 02 - OFFICE OF THE ATTORNEY GENERAL Subtitle 01 - CONSUMER PROTECTION DIVISION

Chapters:

- 01 Unit Pricing
- 02 Rules of Practice and Procedure—Cease and Desist Order Hearings
- 03 Petitions for Adoption of Regulations
- 05 Refund Policy of Retailers

- 06 Arbitration Procedure
- 07 Invention Development Services
- 08 Disclosure Statements for Sale of Kosher Food
- 09 Deposits on New Homes—Escrow Account, Surety Bond and Letter of Credit Requirements
- 10 Disclosure Statements For Sale of Halal Food

A public hearing on Chapters .01 (Unit Pricing); .05 (Refund Policy of Retailers); .07 (Invention Development Services); and .09 (Deposits on New Homes) will be held on Microsoft Teams on Friday, November 15, 2024 at 10 a.m. Please indicate your interest in participating in the public hearing when you submit your written comments.

[24-20-17]

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 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 22 TENANT'S EXCLUSIVE NEGOTIATION PERIOD AND RIGHT OF FIRST REFUSAL

05.22.01 Procedure

Authority: Housing and Community Development Article, §5-104 and Real Property Article, §8-119, Annotated Code of Maryland

Notice of Final Action

[24-089-F]

On September 24, 2024, the Secretary of Housing and Community Development adopted new Regulations **.01—.07** under a new chapter, **COMAR 05.22.01 Procedure**, under a new subtitle, **Subtitle 22 Tenant's Exclusive Negotiation Period and Right of First Refusal**. This action, which was proposed for adoption in 51:16 Md. R. 746—748 (August 9, 2024), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 14, 2024.

Attorney General's Certification

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

The changes could have been reasonably anticipated by interested parties, do not substantially change the intended benefits, rights, or responsibilities of the regulation, and do not increase the burdens of the regulations as proposed. The specific changes are as follows:

In Appendix A, Proposed Terms of Sale to Be Completed by the Property Owner, the term "Contract Ratification Date" has been deleted and changed to "Proposed Settlement Date". This change is consistent with the text of Appendix A, and the contract ratification date will have to occur before the settlement date which is the material date.

NOTE: The revised Appendix A appears at the end of the Final Action on Regulations section of this issue.

JACOB DAY
Secretary Housing and Community Development

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

Notice of Final Action

[24-077-F]

On September 24, 2024, the Secretary of Natural Resources adopted amendments to Regulations **.01** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 51:16 Md. R. 748—749 (August 9, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

JOSH KURTZ
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals

Authority: Natural Resources Article, §§10-205, 10-405, 10-410, and 10-415, Annotated Code of Maryland

Notice of Final Action

[24-078-F]

On September 24, 2024, the Secretary of Natural Resources adopted the repeal of existing Regulations **.03—.05**, **.07** and **.08** and new Regulations **.03—.05**, **.07**, and **.08** under **COMAR 08.03.03 Open Seasons, Bag Limits for Game Birds and Game Animals**. This action, which was proposed for adoption in 51:16 Md. R. 749—757 (August 9, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

JOSH KURTZ
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.07 Waterfowl

Authority: §§10-601 and 10-604—10-606, Annotated Code of Maryland

Notice of Final Action

[24-076-F]

On September 24, 2024, the Secretary of Natural Resources adopted amendments to Regulations .04 and .07 under **COMAR 08.03.07 Waterfowl**. This action, which was proposed for adoption in 51:16 Md. R. 757—759 (August 9, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

JOSH KURTZ
Secretary of Natural Resources

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 18 HUMAN

IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Notice of Final Action

[23-330-F]

On September 19, 2024, the Secretary of Health adopted amendments to:

- (1) Regulations .01—.03 under **COMAR 10.18.05 Maryland AIDS Drug Assistance Program: Eligibility**; and
- (2) Regulations .05, .08, and .10 under **COMAR 10.18.06 Maryland AIDS Drug Assistance Program: Pharmacy Services**.

This action, which was proposed for adoption in 51:3 Md. R. 166—167 (February 9, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

10.19.03 Controlled Dangerous Substances

Authority: Criminal Law Article, Title 5; Health-General Article, §21-220; Annotated Code of Maryland

Notice of Final Action

[23-335-F]

On September 19, 2024, the Secretary of Health adopted the repeal of existing Regulations .01—.13 and new Regulations .01—.20 under **COMAR 10.19.03 Controlled Dangerous Substances**. This action, which was proposed for adoption in 51:4 Md. R. 211—218 (February 23, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 34 BOARD OF PHARMACY

10.34.42 Pharmacist Prescribing of a Nicotine Replacement Therapy Medication

Authority: Health Occupations Article, §§12-205 and 12-514, Annotated Code of Maryland

Notice of Final Action

[23-320-F]

On September 19, 2024, the Secretary of Health adopted new Regulations .01—.03 under a new chapter, **COMAR 10.34.42 Pharmacist Prescribing of a Nicotine Replacement Therapy Medication**. This action, which was proposed for adoption in 51:2 Md. R. 84—85 (January 26, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

LAURA HERRERA SCOTT
Secretary of Health

Title 14

INDEPENDENT AGENCIES

Subtitle 36 MARYLAND LONGITUDINAL DATA SYSTEM CENTER

Notice of Final Action

[24-061-F]

On September 13, 2024, the Maryland Longitudinal Data System Governing Board adopted:

- (1) Amendments to Regulations .01—.03, .09, .11, and .13—.16 under **COMAR 14.36.01 Inspection and Copying of Public Records**;
- (2) Amendments to Regulations .02 and .05—.11 under **COMAR 14.36.02 Corrections of Public Record**;
- (3) Amendments to Regulations .01—.03 under **COMAR 14.36.03 Meetings**;
- (4) Amendments to Regulations .02, .03, .06 and .07 under **COMAR 14.36.04 Data Requests**;
- (5) Amendments to Regulations .01—.05 and new Regulation .06 under **COMAR 14.36.05 Data Collection**; and
- (6) Amendments to Regulations .01 and .03 under **COMAR 14.36.06 Center Staff**.

This action, which was proposed for adoption in 51:13 Md. R. 650—654 (June 28, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

ROSS GOLDSTEIN
Executive Director

Title 25
OFFICE OF THE STATE
TREASURER

Subtitle 04 Maryland 529 Program

25.04.01 Maryland Prepaid College Trust Claim
Procedures

Authority: Education Article, §18-1917, Annotated Code of Maryland

Notice of Final Action

[24-080-F]

On September 24, 2024, the Office of the State Treasurer adopted new Regulations **.01—.10** under a new chapter, **COMAR 25.04.01 Maryland Prepaid College Trust Claim Procedures**, under a new subtitle, **Subtitle 04 Maryland 529 Program**. This action, which was proposed for adoption in 51:16 Md. R. 760—762 (August 9, 2024), has been adopted as proposed.

Effective Date: October 14, 2024.

JONATHAN MARTIN
Chief Deputy Treasurer

APPENDIX A

NOTICE OF INTENT TO SELL **AND TENANT'S EXCLUSIVE NEGOTIATION PERIOD**

This Notice is required by Maryland law (Real Property Article, §8-119(c), Annotated Code of Maryland).

The owner of your rental property intends to sell the property. Under Maryland law, you have a limited period of time to negotiate the exclusive right to negotiate with the owner to purchase the unit before the unit is placed on the market or sold to a third party. **THIS NOTICE IS A SOLICITATION OF AN OFFER TO PURCHASE THE UNIT. IT IS NOT INTENDED AND MAY NOT BE CONSTRUED AS A BINDING CONTRACT OF SALE.** This notice contains important information about your rights, the exclusive negotiation period, and relevant deadlines. If you wish to make an offer to purchase the property, you may contract with a licensed real estate agent to create and negotiate an offer on your behalf. If you and the property owner agree on terms of sale, either you or the seller will need to prepare a formal contract of sale to be executed by all parties. If you have any questions about your exclusive negotiation period or entering into a contract of sale, you should contact an attorney.

- Within thirty (30) days of the date indicated on the Certificate of Mailing attached to this Notice, you may deliver to the owner a written offer to purchase the property.
- If you either reply and decline to make an offer, or you fail to respond to this Notice within thirty (30) days, your exclusive negotiation period is terminated. The owner may sell the property to a third party.
- The material terms proposed by the property owner in this Notice must be commercially reasonable and made in good faith and adherence to generally accepted residential real estate practices. This includes the purchase price, settlement date, seller credit to buyer (if any), escrow deposit, inspection terms, radon/lead testing, down payment and financing. It may not include restrictions on financing methods or right of inspection.
- If you make a timely offer that contains the same or more favorable terms than proposed by the property owner in this Notice, the property owner is required by law to accept your offer.
- If your offer contains material terms less favorable to the property owner than those proposed in this Notice, the owner must deliver a counteroffer within five (5) days of receiving your offer. The owner must provide an explanation of how your offer deviates from the terms proposed in this Notice.
- After receiving a counteroffer from the owner, you have five (5) days to either accept or reject the counteroffer. If you reject the counteroffer or fail to respond to the counteroffer

within five (5) days, your exclusive negotiation period is terminated and the owner may sell the property to a third party.

- During the exclusive negotiation period, if the property owner receives an offer from a third party for an amount at least 10% lower than the lowest price proposed to you in this Notice or any counteroffer, the owner must notify you and give you the opportunity to match the offer.
- If more than one tenant of the property delivers a timely offer to purchase the property, the owner may select the more favorable offer without liability to any other tenant.
- Additional information about the tenants' exclusive negotiation period, right of first refusal, and multilingual versions of these forms are available online at the Maryland Department of Housing and Community Developments' Office of Tenant and Landlord Affairs website at <https://dhcd.maryland.gov>
- If you wish to obtain free financial counseling, information about down payment assistance or financing options through the Maryland Mortgage Program, or homebuyer education, please contact the Maryland Department of Housing and Community Development's Office of Tenant and Landlord Affairs at (855) 511-3423 or visit online at dhcd.maryland.gov/landlord-tenant-rights.

PROPERTY INFORMATION

(To be completed by property owner)

Property Address: _____

County (or Baltimore City): _____

Property Tax ID#: _____

Tenant/Lessee Name: _____

Date Tenant/Lessee moved in (MM/DD/YYYY): ____/____/____

Rent under current lease: \$_____ per (week / month / year)

Number of individual dwelling units in the property: _____

Number of individual dwelling units occupied as of the date of this notice: _____

NOTICE TO PROPERTY OWNER: A copy of this notice is required to be transmitted to the Office of Tenant and Landlord Affairs, either electronically or by first-class U.S. Mail, upon delivery to the tenant.

CERTIFICATE OF MAILING

(To be completed by property owner)

I HEREBY CERTIFY that on this ____ day of _____, 20__, I sent a copy of this Notice via first-class U.S. Mail, postage prepaid, or by a delivery service providing delivery tracking and confirmation, to:

Tenant Name: _____

Mailing Address: _____

Owner Name

Signature

Date

TENANT OFFER TO PURCHASE

INSTRUCTIONS: Check one of the two boxes below indicating whether you wish to submit an offer to purchase the property. If you check the first box, leave the rest of the form blank, initial where indicated at the bottom of this page and sign where indicated on the second page, and return the form to the property owner. If you check the second box, fill in the rest of the form with the terms of your offer to purchase, including the proposed purchase price, settlement date, and any other material terms. Initial, sign and return to the property owner within thirty (30) days of the date on the Certificate of Mailing on the attached Notice of Intent to Sell.

I/we do not wish to submit an offer to purchase the property.

I/we offer to purchase the property on the terms described below.

IMPORTANT: The information you provide below, if delivered to the property owner before the end of the exclusive negotiation period explained in the attached Notice of Intent To Sell, constitutes a binding offer to purchase, the terms of which, if accepted by the property owner, will be incorporated into a binding contract of sale. **The section below should be filled out only if you intend to purchase the property.** You should consult an attorney before delivering this offer to purchase to the property owner if you have any questions about your legal obligations related to such an offer and/or contract.

Proposed Purchase Price: \$ _____

Proposed Settlement Date: _____

Proposed Inspection Terms: _____

Down Payment: \$ _____ or _____ % of purchase price

Financing: _____

Tenant/Buyer initials

Tenant/Buyer initials

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, 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 11

DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION— ADMINISTRATIVE PROCEDURES

11.11.13 Ignition Interlock Program

Authority: Transportation Article, §§12-104(b), 16-205.1, 16-404.1, and 21-902.2, Annotated Code of Maryland

Notice of Proposed Action

[24-113-P]

The Administrator of Motor Vehicle Administration proposes to amend Regulation .03 under **COMAR 11.11.13 Ignition Interlock Program**.

Statement of Purpose

The purpose of this action is to clarify the requirement of the date by which an individual is given credit for installation of an ignition interlock pursuant to Ch. 715 (H.B. 105), Acts of 2024.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.maryland.gov. Comments will be accepted through November 4, 2024. A public hearing has not been scheduled.

.03 Requirements for Enrollment in the Program.

A. To enroll as a participant in the Program, an individual shall:

(1)—(6) (text unchanged)

(7) Obtain a *Maryland* driver's license with an interlock-restriction.

B. An individual [may not become a participant and] will not receive credit for participation in the Program unless:

(1) [all] *All* the requirements set forth in §A of this regulation have been complied with; *and*

(2) *The individual obtains a restricted driver's license before the earlier of 30 days from installation of the ignition interlock or their first ignition interlock monthly calibration.*

C. *An individual may only receive credit towards participation while they hold a valid driving privilege.*

[C.] D.—[H.] I. (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 13A STATE BOARD OF EDUCATION

Subtitle 07 SCHOOL PERSONNEL

13A.07.06 Programs for Professionally Certified Personnel

Authority: Education Article, §§2-205, 6-120, 6-121, 6-704, and 11-208, Annotated Code of Maryland

Notice of Proposed Action

[24-108-P]

The Maryland State Board of Education proposes to amend Regulations .02 and .08 under **COMAR 13A.07.06 Programs for Professionally Licensed Personnel**. This action was considered by the State Board of Education at their June 25, 2024, meeting.

Statement of Purpose

The purpose of this action is to align regulations with statute, which was changed during the 2023 and 2024 legislative sessions.

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 Kelly Meadows, Assistant State Superintendent, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0386, or email to kelly.meadows@maryland.gov. Comments will be accepted through November 4, 2024. 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 yet to be scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Alternative teacher preparation program” means a sequence of courses established by a county board, *an institution of higher education, or a nonprofit organization* and approved by the State Superintendent that leads to a participant receiving a [resident teacher certificate] *Resident Teacher License* issued by the Department and includes teaching assignments with supervision and mentoring by a qualified teacher.

(4)—(21) (text unchanged)

(22) “Partner school” means a local school system, nonpublic school, [or] nonpublic special education school, *or eligible prekindergarten provider* that has a written partnership agreement with an institution of higher education or alternative teacher preparation program to provide a teacher training practicum for participants enrolled in a teacher preparation program at the institution of higher education or alternative teacher preparation program.

(23)—(26) (text unchanged)

.08 State Program Approval Requirements.

A.—B. (text unchanged)

C. Standards and Competencies.

(1) A provider shall ensure that its teacher preparation programs provide the following for all candidates:

(a)—(c) (text unchanged)

(d) Instruction in teaching in high poverty, culturally diverse, and linguistically diverse schools under Regulation .15 of this chapter; [and]

(e) Instruction in research-based literacy instruction aligned to the science of reading for the grade level the individual will be teaching[.]; *and*

(f) *Training in the skills and techniques for teaching effectively in a virtual learning environment, including the use of online curricula.*

(2)—(5) (text unchanged)

D. Clinical Experiences.

(1)—(4) (text unchanged)

(5) Minimum Required Practicum.

(a) (text unchanged)

(b) [Exception.] *Exceptions.*

(i) *If an alternative teacher preparation program operating in Maryland on or before July 1, 2021, provides effective and diverse teachers in schools and local school systems, as approved by the State Superintendent, and has high rates of teacher vacancies, teacher turnover, and new teachers relative to other public schools in Maryland, a provider shall ensure that this program has a required practicum of a minimum of 100 days.*

(ii) *Candidates in an alternative teacher preparation program for early childhood education may satisfy criteria established by the Department that evaluate the knowledge and skills from prior learning relating to early childhood education in place of a practicum.*

(6)—(10) (text unchanged)

E. Exit Requirements.

(1) A provider shall establish exit requirements for programs that:

(a) (text unchanged)

(b) Demonstrate successful completion of the clinical experience outlined in [Regulation .08D of this chapter] §D of this regulation; and

(c) Beginning on July 1, 2025, obtain a qualifying score on a nationally recognized and nationally scored portfolio-based assessment of teaching ability, as established by the State Superintendent of Schools and as approved by the State Board of Education, in teaching areas only.]

(c) *Enable teacher candidates to, beginning July 1, 2025, complete:*

(i) *A nationally recognized and nationally scored portfolio-based assessment of teaching ability approved by the State Board of Education; or*

(ii) *A rigorous local school system teacher induction program that meets the requirements listed in §E(3) of this regulation.*

(2) (text unchanged)

(3) *A local school system induction program under §E(1)(c)(ii) of this regulation shall:*

(a) *Be developed by the local school system, either independently or collaboratively with other local school systems;*

(b) *Be approved by the Department;*

(c) *Last the lesser of 3 years or the amount of time a teacher holds a conditional license; and*

(d) *Include a locally developed portfolio component that is aligned with the Interstate Teacher Assessment and Support Consortium Standards.*

F. Credit Requirements.

(1)—(2) (text unchanged)

(3) A locally developed portfolio established under §E(3) of this regulation may be used to meet a portion of the coursework requirements of the program.

CAREY M. WRIGHT, Ed.D.
State Superintendent of Schools

Subtitle 07 SCHOOL PERSONNEL

13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards

Authority: Education Article, [§6-112] §§6-1001, 6-1012 and 6-1013, Annotated Code of Maryland

Notice of Proposed Action
[24-112-P]

The State Board of Education proposes to amend Regulations .01— .06 and repeal Regulations .07 and .08 under **COMAR 13A.07.08 Incentive Program for Certification by the National Board for Professional Teaching Standards**. This action was considered by the State Board of Education at their June 25, 2024, meeting.

Statement of Purpose

The purpose of this action is to align regulations with statute as part of the Blueprint for Maryland’s Future.

Estimate of Economic Impact

I. Summary of Economic Impact. The change in statute in 2020 requires the State and local school systems to fund the candidacy of a teacher’s National Board Certification. This grant program, which was optional for local school systems prior to 2020, now requires participation. Additionally, the revised law allows funding (if available) for one retake of each of the components of the assessment process for each candidate. Given that there are approximately 60,000 teachers employed in local school systems and approximately 3500 currently hold an NBC, the State and locals would need to fund the cost of up to 56,500 teachers. The Blueprint for Maryland’s Future establishes significant pay raises for teachers who achieve NBC, so there is a substantial incentive to pursue certification. The cost of funding an NBC candidacy (\$1900) for 56,500 is \$107,350,000 (\$71,566,666 for the State and \$35,783,333 for locals). Once the 60,000 Maryland teachers are National Board Certified, to fund the maintenance (i.e., renewal) of the NBC, the State and locals will need to pay the renewal costs under this grant (\$495 per teacher every 5 years). This would be a recurring cost as long as the grant is in place.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency: Maryland State Department of Education	(E+)	\$35,783,333
B. On other State agencies:	NONE	
C. On local governments:	NONE	
D. On regulated industries or trade groups:	NONE	

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. If the remaining 56,500 teachers who do not currently hold an NBC participate in a candidacy, it would cost the State 2/3 of the cost at \$35,783,333. The recurring cost once all teachers are certified would cost the State approximately \$19,800,000 every 5 years.

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 Melissa Chandler, National Board Coordinator, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-5654, or email to melissa.chandler@maryland.gov. Comments will be accepted through November 4, 2024. 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 yet to be scheduled.

.01 Scope.

This chapter establishes the criteria for the selection of public school [candidates] *teachers and non-classroom teachers* who are eligible to receive financial aid, subject to annual appropriation by the Maryland General Assembly, to pursue initial certification or [renewal] *maintenance of certification* by the National Board for Professional Teaching Standards.

.02 Definitions.

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

(1) “Completion of the National Board [Assessment] *certification process*” means the candidate submits the requisite number of scoreable [entries] *components*, as defined by National Board for Professional Teaching Standards (NBPTS), for initial certification or [renewal] *maintenance of certification* within [one assessment cycle] *the time frame allowed by the NBPTS*.

(2) (text unchanged)

(3) “National Board certification fee” means the [assessment] *component fee* charged by the NBPTS.

(4) “National Board certification process for initial certification” means the process [which involves compiling a portfolio and completing assessment center activities] *designed to collect standards-based evidence of accomplished practice that requires the candidate to complete four components, including an assessment and portfolio-based activities*.

(5) “National Board [certification process for renewal] *maintenance of certification*” means the process that requires the *National Board certified* candidate [for renewal] to complete [one portfolio entry] *two components* that [contains] *contain* evidence of connections between the candidate’s continued professional growth and student learning to *extend their certification*.

(6) (text unchanged)

(7) “*Non-classroom teacher*” means a position in a school for which, if the individual earns National Board Certification, the individual is eligible to join the career ladder, including:

- (a) *Administrators;*
- (b) *Assistant principals;*

- (c) *Instructional specialists; and*
- (d) *Principals.*

[(7)] (8) (text unchanged)

(9) *“Teacher” means a licensed public school employee who is primarily responsible and accountable for teaching the students in the class and, unless otherwise provided, does not include:*

- (a) *Curriculum specialists;*
- (b) *Instructional aides;*
- (c) *Attendance personnel;*
- (d) *Psychologists;*
- (e) *Social workers;*
- (f) *Clerical personnel;*
- (g) *An individual with a Resident Teacher Certificate; or*
- (h) *An individual with a certification for career professionals.*

.03 Eligibility Criteria.

A. [In order to] *To be eligible to receive financial aid to pursue initial NBPTS certification, a candidate shall:*

(1) Have completed 3 years of successful teaching [on a Maryland professional certificate at one or more early childhood, elementary, middle, or secondary public schools] *as defined by the NBPTS;*

- (2) Hold a valid Maryland professional [certificate] *license;*
- (3) (text unchanged)

(4) *Have access to a class of students of the age and in the content area of the National Board certificate being pursued;*

[(4)] (5) (text unchanged)

[(5)] (6) [Demonstrate teaching practice in designated fields as identified by the NBPTS] *If completing a World Language certificate, provide a qualifying score on the American Council on the Teaching of Foreign Languages (ACTFL) speaking and writing proficiency assessments, as determined by the NBPTS.*

B. [In order to] *To be eligible to receive financial aid to pursue [renewal] maintenance of certification of the NBPTS certificate, a candidate shall:*

- (1) Hold a valid Maryland professional [certificate] *license; and*
- (2) (text unchanged)

C. [In order] *Except as provided in §D of this regulation, to be eligible to receive financial aid to pursue [one] a retake of a component, a candidate shall:*

- (1) Hold a valid Maryland professional [certificate] *license; and*
- (2) [Pursue the NBPTS certificate within the next assessment cycle immediately following the cycle in which the candidate does not achieve National Board certification] *Comply with deadlines as specified by the Department and the NBPTS.*

D. [A local school system may establish additional criteria for eligibility] *A candidate may only receive payment for one retake of each component on the National Board for Professional Teaching Standards.*

.04 Selection Procedures.

A. Each participating local school system shall:

(1) [Establish a diverse selection committee representative of the educational community to include, but not be limited to, classroom teachers, National Board certified teachers, school administrators, and local teacher association members who are classroom teachers;

(1) Establish and publicize] *Publicize the written criteria[, including the criteria] identified in Regulation .03 of this chapter for the selection of candidates; and*

[(3)] (2) Forward names of [initial] candidates for the financial incentive program to the Department in accordance with the timelines established by the Department, with the following information:

- (a) (text unchanged)
- (b) [Candidate] *NBPTS candidate code;*
- (c) *Race, ethnicity, and gender;*
- (d) *Contact information;*

- (e) *Subject assignment or assignments;*
- (f) *School assignment or assignments;*
- (g) *Local education agency identification number;*

[(c)] (h) Signed[, notarized] memorandum of understanding that specifies the candidate's financial responsibility if the candidate does not complete the [assessment] process; *and*

[(d)] (i) Confirmation of verification of eligibility as identified in Regulation .03 of this chapter[; and].

[(e)] Verification that the selection procedures specified in this regulation were followed; and

(4) Forward names of renewal and retake candidates for the financial incentive program to the Department in accordance with the timelines established by the Department, with the information required under Regulation .04A(3)(a)—(c) of this chapter.

B. The State Board of Education shall select initial, renewal, and retake candidates for National Board certification and promptly notify the respective school system and candidates in writing.]

[C.] B. (text unchanged)

.05 Continuing Professional Development Credits.

A. A candidate who receives a National Board certificate shall earn six *continuing professional development* credits toward the renewal of the Maryland professional certificate.

B. A candidate who completes the National Board certification process, but who does not receive a National Board certificate, shall earn three *continuing professional development* credits toward the renewal of the Maryland professional certificate.

.06 Costs.

A. Costs for the fee charged by *the* NBPTS shall be shared in the following manner:

(1) The State Board of Education shall pay 2/3 of the National Board certification fee, and the local school system shall pay 1/3 of the National Board certification fee for an initial or [renewal] *maintenance of certification* candidate; and

(2) Subject to the annual appropriation by the Maryland General Assembly, the State Board of Education [may] *shall* pay 2/3 of the National Board certification fee, and the local school system [may] *shall* pay 1/3 of the National Board certification fee, for a candidate to pursue one retake [for] *of each component of the* National Board certification process.

B. Reimbursement.

(1) A candidate who does not complete *all four components of the initial* National Board certification process *within the first 3 years of their candidacy* shall reimburse the State Board of Education the full amount of the aid, and the State Board of Education shall reimburse the local school system its share.

(2) (text unchanged)

CAREY M. WRIGHT, Ed.D.
State Superintendent of Schools

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

13B.02.03 Academic Programs—Degree-Granting Institutions

Authority: Education Article, Title 11, Annotated Code of Maryland

Notice of Proposed Action

[24-127-P]

The Maryland Higher Education Commission proposes to amend Regulations .02, .03, .06, and .20 under COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions. This action was considered at an open meeting of the Commission held on August 28, 2024.

Statement of Purpose

The purpose of this action is to make changes to the standard that triggers the academic program review process for a substantial modification to an existing program in accordance with Ch. 963, Acts of 2024. These regulatory amendments:

- (1) Increase the threshold for changes to an existing program's coursework from 33 percent to 50 percent;
- (2) Except from review any changes required by accreditors, licensing boards, or other state or national entity that governs academic program elements required to enter into a particular field or industry;
- (3) Eliminate the requirement to submit the same information required in a new program proposal as a proposal for a substantial change and existing language regarding the criteria for off-campus programs;
- (4) Amend or remove text that is outdated or confusing; and
- (5) Make other changes to align the regulations with the requirements of Ch. 963, Acts of 2024.

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 Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Fl., Baltimore, MD 21201, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through November 4, 2024. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(23) (text unchanged)
 - (24) “Program proposal” means a [submission] *proposal* for a new program or a *proposal* for a substantial modification of an existing program submitted for review in the form and manner required by the Secretary.

(25) “Regional higher education center” or “RHEC” has the meaning stated in Education Article, §10-101, Annotated Code of Maryland.

(26)—(28) (text unchanged)

[(29) “Substantial modification” means a major change in an existing program or area of concentration.]

[(30)] (29) (text unchanged)

.03 Statutory Authority of the Commission Regarding Academic Program Review, Approval, and Recommendation.

A.—D. (text unchanged)

E. An institution shall submit a program proposal for a substantial modification to:

(1) Change more than [33] 50 percent of an existing program’s course work, *unless all of the proposed changes are required by an accreditor, licensing board, or other state or national entity that governs academic program elements required to enter into a particular field or industry;*

(2) Offer an existing program as an off-campus program *or at a regional higher education center; or*

(3) Establish a new area of concentration within an existing program [(for example, an institution offers a program in psychology and wishes to add a new area of concentration in employee assistance training, or an institution offers a program in mental health and wishes to offer a new area of concentration in addiction counseling); or].

[(4) Establish a new program title within an approved program (for example, an institution offers a program in human resources and wishes to offer a program in human resources management).]

F. Program Review Process.

(1) (text unchanged)

(2) If the Commission disapproves or does not recommend a proposal, the Commission shall provide to the institution's governing board a *detailed* written explanation of the reasons for the disapproval or non-recommendation *under this chapter*.

(3) (text unchanged)

G. Implementation of Programs.

(1) A public institution may not implement a *new* program *or a substantial modification to an existing program* without the prior approval of the Commission.

(2) Implementation of Program by Independent Institution.

(a) If an independent institution has implemented a new program or a substantial modification to an existing program contrary to the non-recommendation of the Commission that was based on a finding of unreasonable *or unnecessary* duplication, the Commission may recommend that the General Assembly reduce the institution's appropriation by the amount of aid associated with the full-time equivalent enrollment in that program.

(b)—(c) (text unchanged)

(3)—(4) (text unchanged)

H.—I. (text unchanged)

.06 Criteria for [Program] Review of a Proposal for a New Program.

A program proposal *for a new program* shall address the following areas:

A.—P. (text unchanged)

.20 Off-Campus Programs.

[A. Waiver of On-Campus Requirement.

(1) An off-campus program may be approved only if there is already an existing on-campus program unless a waiver of the on-campus requirement is approved by the Secretary pursuant to this section.

(2) The Secretary shall grant a waiver if the Secretary finds that the program:

(a) Meets the requirements of a new program under Education Article, §11-206, Annotated Code of Maryland, and the requirements of this chapter; and

(b) Will be offered at a regional higher education center.

(3) A program that receives a waiver under this section may not be approved at any location other than a regional higher education center unless it also is offered on-campus at the institution's principal location.

B. A program proposal for an off-campus program shall be submitted by the institution to the Commission and contain the following information regarding need and demand for extending the program and the impact the program may have on similar programs that may exist in the region:

(1) The title of the program and the degree or certificate to be awarded;

(2) The resource requirements for the program and the source of funds to support the program for the first 2 years of program implementation;

(3) The need and demand for the program in terms of:

(a) Specific local, State, and national needs for graduates;

(b) Job opportunities that are available to those who complete the program; and

(c) Evidence of market demand through supporting data, including results of surveys that have recently been conducted;

(4) A description of the following, if a similar program is offered within the same geographical region of the State:

(a) Similarities or differences in the degree to be awarded;

(b) Area of specialization; and

(c) Specific academic content of the program;

(5) A description of the method of instructional delivery, including distance education, on-site faculty, and the mix of full-time and part-time instructors; and

(6) A brief description of the academic oversight, quality control, and student services to be provided.

C. An institution offering an off-campus program shall provide for adequate and appropriate library resources within reasonable distance of the instructional site or through institution-sponsored electronic collections and databases.

D. Faculty.

(1) Students shall be taught by qualified faculty with appropriate experience.

(2) At least 1/3 of the classes offered in an off-campus program shall be taught by full-time faculty of the parent institution.

E. An off-campus program shall:

(1) Be complete and coherent;

(2) Provide for either real-time interaction or delayed interaction between faculty and students and among students;

(3) Provide appropriate oversight of the program offered by qualified faculty from the parent institution; and

(4) Provide enrolled students with reasonable and adequate access to the range of academic and support services appropriate to support their learning, including academic advising, counseling, library and other learning resources, and financial aid.

F. An institution has responsibility for:

(1) Evaluating the program's educational effectiveness, student learning outcomes, student retention, and student and faculty satisfaction; and

(2) Providing to faculty with professional development activities, appropriate training, and other support.]

A. A proposal for a substantial modification shall be submitted to offer an existing on-campus program at an off-campus location, including a regional higher education center.

B. Except as set forth in §C of this regulation, an institution may not submit a program proposal for a new program to be offered as an off-campus program.

C. An institution may submit a program proposal for a new program to be offered at a regional higher education center.

SANJAY RAI, Ph.D.
Secretary of Higher Education

Title 14

INDEPENDENT AGENCIES

Subtitle 35 MARYLAND HEALTH BENEFIT EXCHANGE

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

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

Notice of Proposed Action

[24-125-P]

The Maryland Health Benefit Exchange proposes to amend Regulation .12 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**. This action was considered at the August 19, 2024, meeting of the MHBE Board of Trustees.

Statement of Purpose

The purpose of this action is to align the special enrollment period for loss of Medicaid with the length of the Medicaid reconsideration period by increasing the length of the special enrollment period from 90 to 120 days.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Becca Lane, Senior Health Policy Analyst, Maryland Health Benefit Exchange, 750 E Pratt St., 6th Floor, Baltimore, MD 21202, or call 410-547-7371, or email to becca.lane@maryland.gov. Comments will be accepted through November 4, 2024. A public hearing has not been scheduled.

.12 Special Enrollment Periods — Loss of Minimum Essential Coverage or Termination of Other Specified Coverage Through the Individual Exchange.

A.—D. (text unchanged)

E. To be eligible for a special enrollment period under this regulation, a qualified individual, an enrollee, a qualified individual's dependent, or an enrollee's dependent shall:

(1) (text unchanged)

(2) Select a QHP:

(a) Up to 60 days before or within [90] 120 days after the loss of minimum essential coverage through the Maryland State Medicaid Program or the Maryland Children’s Health Insurance Program (CHIP), including the Maryland Children’s Health Program (MCHP) Premium, on August 1, 2024, and beyond; or

(b) (text unchanged)

(3) (text unchanged)

F.—H. (text unchanged)

MICHELE EBERLE
Executive Director

**Subtitle 39 INTERAGENCY
COMMISSION ON SCHOOL
CONSTRUCTION**

**14.39.02 Administration of the Public School
Construction Program**

Authority: Education Article, §§4-126, 5-112, and 5-303; State Finance and Procurement Article §5-7B-07; Annotated Code of Maryland

Notice of Proposed Action

[24-117-P]

The Interagency Commission on School Construction proposes to amend Regulation .05 under **COMAR 14.39.02 Administration of the Public School Construction Program**.

Statement of Purpose

The purpose of this action is to clarify when cooperative use space (CUS) is excluded from the State-Rated Capacity calculation.

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 Victoria Howard, Policy Analyst, Interagency Commission on School Construction, 351 W. Camden St., Suite 701, Baltimore, MD 21201, or call 410-767-0600, or email to victoria.howard@maryland.gov. Comments will be accepted through November 4, 2024. A public hearing has not been scheduled.

.05 State-Rated Capacity.

A.—E. (text unchanged)

F. Cooperative use space dedicated in a written agreement to *use by a non-LEA entity* [noneducational purposes is] *may not be included in the State-rated capacity unless that space is used for LEA educational purposes during the LEA’s standard school operating hours.*

ALEX DONAHUE
Executive Director

**Title 21
STATE PROCUREMENT
REGULATIONS**

**Subtitle 10 ADMINISTRATIVE AND
CIVIL REMEDIES**

Notice of Proposed Action

[24-120-P]

The Maryland State Board of Contract Appeals proposes to amend:
(1) Regulation .02 and .06 under **COMAR 21.10.05 Maryland State Board of Contract Appeals — General**.

(2) Regulation .12 under **COMAR 21.10.06 Maryland State Board of Contract Appeals — Procedures for Appealing Contract Disputes**.

Statement of Purpose

The purpose of this action is to efficiently and expeditiously improve the appeals process.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Dosch, Deputy Clerk, Maryland State Board of Contract Appeals, 6 St. Paul Street, Suite 601, Baltimore, MD 21202, or call 410-767-8227, or email to Michael.Dosch@maryland.gov. Comments will be accepted through November 4, 2024. A public hearing has not been scheduled.

**21.10.05 Maryland State Board of Contract
Appeals—General**

Authority: State Finance and Procurement Article, §§12-101 and 15-201—15-223, Annotated Code of Maryland

.02 General Procedures.

A.—G. (text unchanged)

H. Stay. Upon motion or on its own initiative, the Appeals Board may stay any appeal as it deems appropriate.

.06 Motions.

A.—B. (text unchanged)

C. Motion to Dismiss.

(1) Upon motion, the Appeals Board may issue an Order dismissing an initial pleading [if it appears to the Board that the Board, for whatever reason, cannot grant the relief requested.] *for failure to state a claim upon which relief can be granted.* A motion regarding the jurisdiction of the Appeals Board shall be filed promptly. A hearing on the motion shall be conducted at the request of either party, unless the Appeals Board determines that its decision on the motion will be deferred pending a hearing on both the merits of the appeal and the motion. The Appeals Board shall have the right at any time to raise the issue of its jurisdiction to proceed with a particular appeal and shall issue an appropriate order affording the parties an opportunity to be heard on the issue of the Appeals Board’s jurisdiction.

(2) *If, on a motion to dismiss for failure of the initial pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the Appeals Board, the motion shall be treated as one for summary decision and disposed of as provided in §D of this regulation, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by §D of this regulation.*

D. Motion for Summary Decision.

(1) A party may move for summary decision at any time on any appropriate issue in the appeal[.], *as follows:*

(a) *A motion for summary decision, or any opposition thereto, shall be supported by affidavit.*

(b) *An affidavit supporting or opposing a motion for summary decision shall be made under penalties of perjury and upon personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit.*

(2) (text unchanged)

E.—F. (text unchanged)

21.10.06 Maryland State Board of Contract Appeals — Procedures for Appealing Contract Disputes

Authority: State Finance and Procurement Article, §§12-101 and 15-201—15-223, Annotated Code of Maryland

.12 Optional “Small Claims [(Expedited)]” and “Accelerated]” Procedures

A. (text unchanged)

B. Election to Use “Small Claims[(Expedited)]” and “Accelerated]” Procedures.

(1) In [appeals] *an appeal* where the amount in dispute is [\$50,000] *\$100,000* or less, the appellant may elect to have the appeal processed under a “Small Claims [(Expedited)]” procedure requiring decision of the appeal, when possible, within [120] *150* days after the Appeals Board receives written notice of the appellant’s election to use this procedure. The details of this procedure appear in §C of this regulation. [An appellant may elect the “Accelerated” procedure rather than the “Small Claims (Expedited)” procedure.]

(2) In appeals where the amount in dispute is \$100,000 or less, the appellant may elect to have the appeal processed under an “Accelerated” procedure requiring decision of the appeal, when possible, within 180 days after the Appeals Board receives written notice of the appellant’s election to use this procedure. The details of this procedure appear in §D of this regulation.]

[(3)] (2) The appellant’s election of [either] the “Small Claims[(Expedited)]” procedure [or the “Accelerated” procedure] must be made by written notice within [60] *10* days after receipt of the notice of docketing unless this period is extended by the Appeals Board for good cause. The election may not be withdrawn except with permission of the Appeals Board and for good cause.

[(4)] (3) In deciding whether the “Small Claims [(Expedited)]” procedure [or the “Accelerated” procedure] is applicable to a given appeal, the Appeals Board shall determine the amount in dispute.

C. “Small Claims [Expedited]” Procedure.

(1) Promptly upon receipt of an appellant’s election of the “Small Claims [(Expedited)]” procedure, the assigned Appeals Board member shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties:

(a)—(b) (text unchanged)

(c) Determine whether [the appellant] *either party* wants a hearing[.] and, if so, fix a time and place for a hearing;

(d)—(e) (text unchanged)

(2) Pleadings, discovery, and other prehearing activity will be allowed only as consistent with the requirement to conduct the hearing on the date scheduled[.] or, if no hearing is scheduled, to close the record on a date that will allow a decision within the [120-day] *150-day* limit. The Appeals Board may impose shortened time periods for actions prescribed or allowed under these regulations as necessary to enable the Appeals Board to decide the appeal within the [120-day] *150-day* limit, and may reserve 30 days for the preparation of the decision.

(3) Written decisions by the Appeals Board in appeals processed under the “Small Claims [(Expedited)]” procedure will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Appeals Board by a single member. If there has been a hearing, the Appeals Board member presiding at the hearing may, at the conclusion of the hearing and after hearing such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. If an oral decision is rendered, the Appeals Board shall subsequently furnish to the parties a typed copy of the oral decision for the record and to establish the starting date for the period for filing a motion for reconsideration.

(4)—(5) (text unchanged)

[D. The “Accelerated” Procedure.

(1) Promptly upon receipt of an appellant’s election of the “Accelerated” procedure, the assigned Appeals Board member shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties:

(a) Identify and simplify the issues;

(b) Establish a simplified procedure appropriate to the particular appeal involved;

(c) Determine whether either party wants a hearing and if either does, fix a time and place for a hearing;

(d) Require the procurement officer, through the Office of the Attorney General, to furnish all correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which the agency final action was issued; and

(e) Establish an accelerated schedule for resolution of the appeal.

(2) Pleadings, discovery, and other prehearing activity will be allowed only as consistent with the requirement to conduct the hearing on the date scheduled, or if no hearing is scheduled, to close the record on a date that will allow a decision within the 180-day limit. The Appeals Board may impose shortened time periods for any actions prescribed or allowed under these regulations as necessary to enable the Appeals Board to decide the appeal within the 180-day limit, and may reserve 30 days for the preparation of the decision.

(3) Written decisions by the Appeals Board in appeals processed under the “Accelerated” procedure normally will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Appeals Board by a single member with the concurrence of the Chairman or other designated Appeals Board member, or by a majority among these two and an additional designated Appeals Board member in case of disagreement. Alternatively, in appeals where the amount in dispute is \$100,000 or less as to which the “Accelerated” procedure has been elected and in which there has been a hearing, a single Appeals Board member presiding at the hearing with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as

deemed appropriate, may render on the record oral summary findings of fact, conclusions, and a decision of the appeal. If an oral decision is rendered, the Appeals Board shall subsequently furnish to the parties a typed copy of the oral decision for the record and to establish the starting date for the period for filing a motion for reconsideration.

(4) Proposed decisions, as provided for under Regulation .26 of this chapter, may not be issued for appeals decided under the “Accelerated” procedure.]

MICHAEL DOSCH
Deputy Clerk

Special Documents

DEPARTMENT OF NATURAL RESOURCES

COASTAL ZONE MANAGEMENT PROGRAM

Subject: Public Notice of Proposed Change to the Maryland Coastal Zone Management Program

Program Change #: MD-2024-1

Additional Information: Update of Coastal Enforceable Policies

The State of Maryland is a participant in the national coastal zone management program established pursuant to the federal Coastal Zone Management Act (CZMA). The Maryland Coastal Zone Management Program (CZMP), composed of a network of agencies and authorities that manage land and water uses in the coastal zone, received federal approval in 1978. The CZMA authorizes states with approved CZMPs to review federal actions within or outside the coastal zone that affect uses and resources in the coastal zone, including activities undertaken by federal agencies, federal licenses and permits, and federal financial assistance to state and local government entities for consistency with the policies of their federally approved coastal zone management programs.

As the underlying state statutes and regulations for coastal zone management programs change, states may submit those changes to the National Oceanic and Atmospheric Administration (NOAA) for concurrence that the state program and policies meet federal approval standards.

In 2011, the state developed and NOAA approved a list of the policies used in the CZMA federal consistency review process. The policies are based on specified statutory and regulatory authorities. Since 2011, amendments have been made to some of those statutes and regulations. In instances where the amendments affect language relevant to a policy or a legal reference, the state has revised the policy or its reference to reflect the amendment.

All of these changes fall within existing state authority and do not substantially change permissible uses in the coastal zone. No new policies have been added to the Maryland CZMP.

Program Change Materials

A copy of this program change and this public notice are available on the NOAA Coastal Zone Management Act Program Change website under File Number **MD-2024-1** at <https://coast.noaa.gov/czmprogramchange/#/public/home>.

A copy of this public notice is also available at the Maryland Coastal Zone Management Program federal consistency/coastal policies website at <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/CZM.aspx>.

Comments

Any comments on whether or not the action constitutes a program change to the State's approved Coastal Zone Management Programs should be submitted directly to NOAA's Office of Coastal Management via the NOAA Coastal Zone Management Act Program Change website under File Number MD-2020-1 at <https://coast.noaa.gov/czmprogramchange/#/public/home>.

Comments will be accepted by OCM for three weeks (21 days) following the publication of this notice on October 25, 2024. If you have any questions regarding this notice, please contact Laura Canton, Coastal Policy Coordinator, Maryland Department of Natural Resources, at (443) 223-3095 or federalconsistency.review@maryland.gov.

Contact

Laura Canton
Center for Marine and Coastal Stewardship
Maryland Department of Natural Resources
580 Taylor Avenue, E-2
Annapolis, MD 21401
federalconsistency.review@maryland.gov
443-223-3095

[24-20-18]

FISHING AND BOATING SERVICES

**Public Notice of Closure of Chester River to Oyster Harvest —
Effective 10/1/2024**

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces that the portion of the Chester River described below is closed to all oyster harvest.

CLOSED AREA

The area that is closed is all of the waters of the Chester River east of a line defined by a point on the shore of Long Point defined by Lat. 38°58.798' N, Long. 76°13.825' W; then running 8° True to Panhandle Point on the west side of Eastern Neck Island defined by Lat. 39°0.936' N, Long. 76°13.444' W; and north of a line defined by a point on shore defined by Lat. 38°58.798' N, and Long. 76°13.826' W; then running 271° True to a point defined by Lat. 38°58.808' N, and Long. 76°14.642' W, including all creeks and coves.

PURPOSE OF THIS CLOSURE

This closure is necessary due to the results of the 2024 oyster stock assessment which showed continued low oyster abundance.

WHOM THIS NOTICE AFFECTS

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

EFFECTIVE DATE

This notice is effective at 12:01 a.m. October 1, 2024. The described area is closed until further notice. A new notice will be issued when the area or any previously planted portion of the area is opened to harvest.

AUTHORITY

Code of Maryland Regulations 08.02.04.11G

FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8302

JOSH KURTZ

Secretary of Natural Resources

[24-20-11]

FISHING AND BOATING SERVICES

Public Notice of Closure of Evans Oyster Bar (Somerset County) to Oyster Harvest — Effective 10/1/2024

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces that Evans oyster bar (Somerset County) described below is closed to all oyster harvest.

AREA CLOSED

All of the Somerset County waters of Wicomico River enclosed by a line beginning at a point defined by Lat. 38°12.347' N, Long. 75°54.217' W; then running 315° True to Red Nun "2" defined by Lat. 38°12.713' N, Long. 75°54.688' W; then running 79° True to Red Nun "4" defined by Lat. 38°12.824' N, Long. 75°53.949' W; then running 94° True to Green Can "5" at approx. Lat. 38°12.799' N, Long. 75°53.096' W; then running 227° True to a point defined by Lat. 38°12.401' N, Long. 75°53.608' W; then running 264° True to the point of beginning.

PURPOSE OF THIS CLOSURE

This closure is necessary to protect spat-on-shell planted by the Somerset County Oyster Committee on this site until the site is suitable for reopening. This closure was requested by the Somerset County Oyster Committee.

WHOM THIS NOTICE AFFECTS

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

EFFECTIVE DATE

The closure is effective at 12:01 a.m. October 1, 2024. The described area is closed until further notice. A new notice will be issued when the area or any previously planted portion of the area is opened to harvest.

AUTHORITY

Code of Maryland Regulations 08.02.04.11G

FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8302

JOSH KURTZ

Secretary of Natural Resources

[24-20-12]

FISHING AND BOATING SERVICES

Public Notice of Closure of Portion of Wicomico River (Charles County) — Effective 10/1/2024

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces that a portion of the Charles County side of the Wicomico River is closed to all oyster harvest until further notice. This notice supersedes all notices effective prior to October 1, 2024.

AREA CLOSED

All of the waters of Wicomico River (Charles County) enclosed by a line beginning at a point on shore defined by Lat. 38°16.702' N, Long. 76°50.287' W; then running 69° True to a point defined by Lat. 38°16.927' N, Long. 76°49.547' W; then running 330° True to the green "7W" defined by Lat. 38°17.855' N, Long. 76°50.217' W; then running 340° True to the green "9W" defined by Lat. 38°19.023' N, Long. 76°50.747' W; then running 344° True to the green "11W" defined by Lat. 38°19.406' N, Long. 76°50.885' W; then running 321° True to the green "13W" defined by Lat. 38°19.833' N, Long. 76°51.328' W; then running 323° True to the red "14W" defined by Lat. 38°19.975' N, Long. 76°51.466' W; then running 20° True to the red "16W" defined by Lat. 38°20.810' N, Long. 76°51.082' W; then running 22° True to the green "17W" defined by Lat. 38°21.605' N, Long. 76°50.684' W; then running 299° True to the green "19W" defined by Lat. 38°21.907' N, Long. 76°51.380' W; then running 280° True to a point on shore defined by Lat. 38°21.942' N, Long. 76°51.642' W; then following the shoreline, including all creeks and coves, back to the point of the beginning.

PURPOSE OF THIS CLOSURE

This closure is necessary due to concerns about spat-on-shell plantings, small-sized oysters and slow growth of the oysters in the specified area. By delaying the opening of this area, smaller oysters will be given additional time to reach market size. This closure was requested by the Charles County Oyster Committee.

WHOM THIS NOTICE AFFECTS

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

EFFECTIVE DATE

This notice is effective at 12:01 a.m. October 1, 2024. The area is closed until further notice. A new notice will be issued if the area or portion of the area is opened to harvest.

AUTHORITY

Code of Maryland Regulations 08.02.04.11G

FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8302

JOSH KURTZ

Secretary of Natural Resources

[24-20-09]

FISHING AND BOATING SERVICES

Public Notice of Commercial Striped Bass Common Pool Hook and Line Fishery Modifications — Effective 10/8/2024

WHAT THIS NOTICE DOES

The Secretary of the Maryland Department of Natural Resources announces modifications to the commercial striped bass common pool hook and line fishery. Effective 12:01 a.m. Tuesday, October 8, 2024:

- The season is open October 8, 2024, through October 9, 2024.
- The catch limit is 200 lbs/permittee/week and 400 lbs/vessel/day.
- The catch times remain one hour before sunrise through one hour before sunset.

SPECIAL DOCUMENTS

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WHY THIS IS NECESSARY

This action is necessary to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Striped Bass.

WHOM THIS NOTICE AFFECTS

This applies to all individuals who are permitted to participate in the commercial striped bass common pool hook and line fishery in the Chesapeake Bay.

AUTHORITY

Code of Maryland Regulations 08.02.15.12

FOR FURTHER INFORMATION CONTACT:

Fishing and Boating Services at 410-260-8293

JOSH KURTZ

Secretary of Natural Resources

[24-20-13]

General Notices

Notice of ADA Compliance

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

DEPARTMENT OF THE ENVIRONMENT

Subject: Public Meeting
Date and Time: October 23, 2024, 9 a.m.
Place: Via Google Hangouts, Meet, and in person at 1800 Washington Boulevard, Baltimore MD 21230.
Add'l. Info: A portion of this meeting will be held in closed session.
Contact: Amanda Redmiles 410-537-4466
 [24-20-01]

OFFICE OF FINANCIAL REGULATION/ADVISORY BOARD FOR THE MARYLAND COMMUNITY INVESTMENT VENTURE FUND

Subject: Public Meeting
Date and Time: October 25, 2024, 10 a.m. — 12 p.m.
Place: Office of Financial Regulation, Maryland Dept. of Labor, 100 S. Charles St., Baltimore, MD 21201; Google Meet Information for participation via web conference will be posted to the Office of Financial Regulation's website.
Add'l. Info: This is the first meeting of the Advisory Board for the Maryland Community Investment Venture Fund assembled to assist the Office of Financial Regulation pursuant to Financial Institutions Article, §2-118.1, Annotated Code of Maryland.
 If necessary, the Advisory Board will convene in a closed session to seek the advice of counsel or review confidential materials, pursuant to General Provisions Article, §3-305, Annotated Code of Maryland.
Contact: Stephen J. Clampett 443-915-2383
 [24-20-19]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearings
Date and Time: October 10, 2024, 1 — 2 p.m.; October 24, 2024, 1 — 3 p.m.
Place: Please see details below.
Add'l. Info: §1115 WAIVER AMENDMENT

The Maryland Department of Health (the Department) is proposing an amendment to its §1115 demonstration waiver known as HealthChoice, which the Centers for

Medicare and Medicaid Services have authorized through December 31, 2026.

The Department is submitting this §1115 demonstration waiver amendment to update existing payment methodologies and request additional participant spaces for the Assistance in Community Integration Services pilot to support Statewide expansion. Additionally, the Department seeks approval to cover fertility preservation procedures for individuals with iatrogenic infertility, including those who received gender-affirming services, as required by House Bill 283 Maryland Medical Assistance Program — Gender-Affirming Treatment (Trans Health Equity Act) — (Ch. 253, Acts of 2023). Finally, the Department is seeking authority to include the non-Modified Adjusted Gross Income adult population to the proposed Express Lane Eligibility waiver that would authorize Maryland to renew Medicaid coverage for members of an eligible adult Supplemental Nutrition Assistance Program household up to age 65 that are already enrolled in Medicaid.

The State's 30-day public comment period will open on October 7, 2024, and run through November 6, 2024. Electronic copies of the draft waiver amendment application will be available on that date and may be downloaded from <https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>. Hard copies of the application may be obtained by calling 410-935-3938.

Interested parties may send written comments concerning the waiver amendment to Alyssa Brown, Office of Innovation, Research and Development, Office of Health Care Financing, Maryland Department of Health, 201 West Preston Street, Room 223, Baltimore, MD 21201, or via email to mdh.healthchoicerenewal@maryland.gov. The Department will accept comments from October 7, 2024, until November 6, 2024.

The following public hearings will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders. Both hearings will be held on a hybrid basis; information for both in-person and remote participation is below.

Public Hearing #1
 Thursday, October 10, 2024
 1 — 2 p.m.
 Rockville Memorial Library
 21 Maryland Ave
 Rockville, MD 20850

To participate in the public hearing remotely, please visit <https://attendee.gotowebinar.com/register/4139728790215225440>.

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Public Hearing #2
 Thursday, October 24, 2024
 1 — 3 p.m.
 Maryland Department of Health
 201 West Preston Street
 Lobby Level — Room L1
 Baltimore, MD 21201

October MMAC Meeting
 GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit <https://attendee.gotowebinar.com/register/3613407961570427992>.

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Contact: Alyssa Brown 410-767-9795
 [24-20-14]

MARYLAND DEPARTMENT OF HEALTH

Subject: Receipt of Application
Add'l. Info: The Maryland Department of Health (MDH) is currently accepting applications and nominations for pharmacists to serve on the Maryland Medicaid Drug Use Review (DUR) Board beginning January 2025. The DUR Board is comprised of up to 12 licensed and actively practicing physicians and pharmacists in Maryland. Members are appointed by the Secretary of MDH and serve one term of 3 years from the date of their appointment with the option to serve an additional 3-year term.

GENERAL NOTICES

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All interested applicants are required to submit a formal application through the Maryland Department of Health's Office of Appointments and Executive Nominations application link for DUR Board DUR Application. The deadline to submit applications is October 11, 2024.

Thank you for your consideration of this request.

Contact: Mangesh Joglekar, mangesh.joglekar@maryland.gov; Lynn Friendak, lynn.friendak@maryland.gov; and Nisha Purohit, nisha.purohit1@maryland.gov
[24-20-06]

MARYLAND DEPARTMENT OF HEALTH/PHARMACY AND THERAPEUTICS (P&T) COMMITTEE

Subject: Public Meeting
Date and Time: November 7, 2024, 9 a.m. — 1 p.m.
Place: Virtual meeting — please see details below.

Add'l. Info: As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and procedure to register to attend the virtual meeting will be posted on the Maryland Pharmacy Program website at: <https://health.maryland.gov/mmcp/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>.

Submit questions to:
mdh.marylandpdquestions@maryland.gov.
Contact: Deborah Washington 410-767-1455

[24-20-04]

MARYLAND DEPARTMENT OF HEALTH/TELEPHARMACY WORKGROUP

Subject: Public Meeting
Date and Time: October 9, 2024, 10 a.m. — 12 p.m.
Place: Via Google Meet — please see details below.

Add'l. Info: Google Meet joining info:
Video call link:
<https://meet.google.com/nuz-mepe-hzz>
Or call: (US) +1 315-754-3354
PIN: 339 146 105#

Contact: Jody Sheely 443-683-1511
[24-20-05]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: October 24, 2024, 10 a.m. — 1 p.m.

Place: Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Add'l. Info: The meeting will be in person and via livestream available on the website the day of the meeting at <https://www.mdgaming.com/commission-meeting-10-24-2024/>.

Contact: Kathy Lingo 410-230-8790
[24-20-08]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: October 17, 2024, 1 — 4 p.m.

Place: 4160 Patterson Ave., Baltimore, MD
Add'l. Info: Meeting will be hybrid. Please register to attend virtually at <https://mhcc.maryland.gov>.

Contact: Valerie Wooding 410-764-3570
[24-20-03]

MARYLAND HEALTH CARE COMMISSION

Subject: Notice of Receipt of Proposed Project Change

Add'l. Info: On September 16, 2024, the Maryland Health Care Commission (MHCC) received a notice and a request for approval of project changes under COMAR 10.24.01.17B from Chesapeake Eye Surgery Center (CESC), LLC Docket No. 22-02-2461.

CESC is requesting a nunc pro tunc project change to increase the approved capital cost associated with the CON project based on the costs which have already been incurred. CESC is requesting to increase the capital costs associated with the project by \$230,924.10, bringing the total capital cost to \$1,175,358.23.

Please refer to the Docket No. listed above in any correspondence on this request. A copy of the Request for Project Change is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Jeanne Marie Gawel, Acting Chief, Certificate of Need, MHCC, 4160 Patterson Ave., Baltimore, MD 21215.

Contact: Deanna Dunn 410-764-3460
[24-20-10]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: October 18, 2024, 9:30 a.m. — 12 p.m.

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

Contact: Lauren Murray 410-402-8556
[24-20-02]

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| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays |          | \$20               | + | \$10                      |       |
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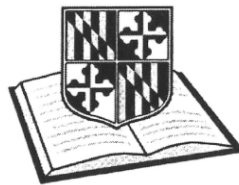
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