

Maryland Register

Issue Date: October 22, 2021

Volume 48 • Issue 22 • Pages 929—968

IN THIS ISSUE

Judiciary
Regulations
Errata
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 4, 2021, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of October 4, 2021.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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

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

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

Illustrations by Carolyn Anderson, Dept. of General Services

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

Contents

931

Closing Dates for the Maryland Register

| | |
|---|-----|
| Schedule of Closing Dates and Issue Dates for the Maryland Register | 932 |
|---|-----|

COMAR Research Aids

| | |
|----------------------------------|-----|
| Table of Pending Proposals | 933 |
|----------------------------------|-----|

Index of COMAR Titles Affected in This Issue

| COMAR Title Number and Name | Page |
|--|----------|
| 02 Office of the Attorney General | 940 |
| 08 Department of Natural Resources | 937, 943 |
| 10 Maryland Department of Health | 938, 945 |
| 13A State Board of Education | 951 |
| 26 Department of the Environment | 953 |
| 27 Critical Area Commission for the Chesapeake and Atlantic Coastal Bays | 954 |
| 30 Maryland Institute for Emergency Medical Services Systems (MIEMSS) | 938 |
| 31 Maryland Insurance Administration | 959 |

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.

The Judiciary

| | |
|---|-----|
| COURT OF APPEALS OF MARYLAND DISCIPLINARY PROCEEDINGS | 936 |
|---|-----|

Final Action on Regulations

| | |
|--|-----|
| 08 DEPARTMENT OF NATURAL RESOURCES | |
| BOATING — SPEED LIMITS AND OPERATION OF VESSELS | |
| Magothy River | 937 |
| South River | 937 |
| Whitehall Bay | 937 |
| Deep Creek Lake | 937 |
| 10 MARYLAND DEPARTMENT OF HEALTH | |
| MEDICAL CARE PROGRAMS | |
| Dental Services | 938 |
| 30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS) | |
| GENERAL | |
| Documents Incorporated by Reference | 938 |
| DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS | |
| Comprehensive Stroke Center Standards | 938 |
| Designated Thrombectomy-Capable Primary Stroke Center Standards | 939 |

Proposed Action on Regulations

| | |
|---|-----|
| 02 OFFICE OF THE ATTORNEY GENERAL | |
| DIVISION OF SECURITIES | |
| Investment Adviser Regulations | 940 |
| 08 DEPARTMENT OF NATURAL RESOURCES | |
| OFFICE OF THE SECRETARY | 943 |
| Advisory Committees | 943 |

| | |
|--|-----|
| BOATING | |
| Maryland Boat Act Advisory Committee | 943 |

| | |
|----------------------------------|-----|
| FISHERIES SERVICE | |
| Fishing in Nontidal Waters | 944 |

10 MARYLAND DEPARTMENT OF HEALTH

| | |
|---|-----|
| MEDICAL CARE PROGRAMS | |
| Adult Residential Substance Use Disorder Services | 945 |
| Home Visiting Services | 946 |

| | |
|---|-----|
| BOARD OF NURSING | |
| Practice of Clinical Nurse Specialist | 948 |

| | |
|---|-----|
| BOARD OF PHYSICAL THERAPY EXAMINERS | |
| General Regulations | 949 |
| Standards of Practice | 949 |
| Foreign-Educated Licensure Requirements | 949 |

13A STATE BOARD OF EDUCATION

| | |
|--|-----|
| SUPPORTING PROGRAMS | |
| Interscholastic Athletics in the State | 951 |

| | |
|--|-----|
| SCHOOL PERSONNEL | |
| Child Sexual Abuse and Sexual Misconduct History | 952 |

26 DEPARTMENT OF THE ENVIRONMENT

| | |
|----------------------------|-----|
| RADIATION MANAGEMENT | |
| Radiation Protection | 953 |

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

| | |
|--|-----|
| CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT | |
| General Provisions | 954 |
| Water-Dependent Facilities and Activities | 954 |
| Habitat Protection Areas in the Critical Area | 954 |
| Directives for Updating Critical Area Maps | 954 |
| Nonwater-Dependent Projects | 954 |

| | |
|---|-----|
| DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROGRAMS | |
| General Provisions | 954 |
| State Agency Actions Resulting in Development on State-Owned Lands | 954 |

| | |
|--|-----|
| PROJECT APPLICATIONS | |
| Notification of Project Applications | 954 |

31 MARYLAND INSURANCE ADMINISTRATION

| | |
|--|-----|
| HEALTH INSURANCE — GENERAL | |
| Mental Health Benefits and Substance Use Disorder Benefits — Reports on Nonquantitative Treatment Limitations and Data | 959 |

Errata

| | |
|-------------------------|-----|
| COMAR 21.10.05.05 | 963 |
|-------------------------|-----|

Special Documents

| | |
|---|-----|
| DEPARTMENT OF THE ENVIRONMENT | |
| SUSQUEHANNA RIVER BASIN COMMISSION | |
| Public Hearing | 964 |
| WATER AND SCIENCE ADMINISTRATION | |
| Water Quality Certification 21-WQC-0329 | 965 |

General Notices

| | |
|---|-----|
| DEPARTMENT OF AGING | |
| Public Meeting | 966 |
| STATE COLLECTION AGENCY LICENSING BOARD | |
| Public Meeting | 966 |

Contents

COMPTROLLER OF THE TREASURY
 Notice of Interest Rate on Refunds and Moneys Owed to the State 966

COMMISSION ON CRIMINAL SENTENCING POLICY
 Public Meeting 966

BOARD OF DIETETIC PRACTICE
 Public Meeting 966

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL
 Public Meeting 966

EMERGENCY MEDICAL SERVICES BOARD
 Public Meeting 966

MARYLAND DEPARTMENT OF HEALTH
 Public Meeting 966
 Receipt of Application 966

MARYLAND COMMISSION ON INDIAN AFFAIRS
 Petition for Recognition 967

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION
 Public Meeting 967

MARYLAND HEALTH CARE COMMISSION
 Receipt of Letter of Intent — Substance Abuse 967

RACING COMMISSION
 Public Meeting 967

MARYLAND DEPARTMENT OF TRANSPORTATION/
 OFFICE OF MINORITY BUSINESS ENTERPRISE
 Public Meeting 967

MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION
 Public Meeting 967

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS
 Public Meeting 968
 Public Meeting 968

BOARD OF WELL DRILLERS
 Public Meeting 968

COMAR Online

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

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

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES THROUGH JULY 2022

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

* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE PAGE COUNT REFLECTS THIS FORMATTING.

** Note closing date changes.
 *** Note issue date changes.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

09.12.01.01D(2)(c)(iii)
 Title | 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 pertaining to proposed regulations are listed, followed by "(err)". Regulations referencing a document incorporated by reference are followed by "(ibr)". None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

01 EXECUTIVE DEPARTMENT

**01.02.11.01—,03,,05—,07,,09—,16,,18,,19,
.22** • 48:20 Md. R. 852 (9-24-21)

02 OFFICE OF THE ATTORNEY GENERAL

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

03 COMPTROLLER OF THE TREASURY

03.02.04.01 • 48:1 Md. R. 13 (1-4-21)
03.12.01.01—,06 • 48:21 Md. R. 896 (10-8-21)

07 DEPARTMENT OF HUMAN SERVICES

07.01.13.07 • 48:18 Md. R. 696 (8-27-21)
07.02.11.08 • 48:17 Md. R. 670 (8-13-21)

08 DEPARTMENT OF NATURAL RESOURCES

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

09 MARYLAND DEPARTMENT OF LABOR

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

10 MARYLAND DEPARTMENT OF HEALTH

Subtitles 01—08 (1st volume)

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

Subtitle 09 (2nd volume)

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

Subtitles 10—22 (3rd volume)

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

Subtitles 23—36 (4th volume)

10.25.05.01—,14 • 48:20 Md. R. 856 (9-24-21)
10.26.02.02—,05,,08 • 48:18 Md. R. 700 (8-27-21)
10.26.06.01—,03 • 48:18 Md. R. 700 (8-27-21)
10.27.27.01,,04 • 48:22 Md. R. 948 (10-22-21)
10.28.12.01,,03—,07 • 48:18 Md. R. 703 (8-27-21)
10.32.12.01—,07 • 48:19 Md. R. 811 (9-10-21)

Subtitles 37—52 (5th volume)

10.37.10.03,,07-1 • 48:19 Md. R. 813 (9-10-21)
10.38.01.01,,02,,04 • 48:22 Md. R. 949 (10-22-21)
10.38.03.02 • 48:22 Md. R. 949 (10-22-21)
10.38.06.03 • 48:22 Md. R. 949 (10-22-21)

Subtitles 53—68 (6th volume)

- 10.57.02.01 • 48:19 Md. R. 814 (9-10-21)
- 10.57.03.01 • 48:19 Md. R. 814 (9-10-21)
- 10.62.01.01 • 48:12 Md. R. 476 (6-4-21)
- 10.62.03.01 • 48:12 Md. R. 476 (6-4-21)
- 10.62.04.04,.05 • 48:12 Md. R. 476 (6-4-21)
- 10.62.08.02,.05,.10 • 48:12 Md. R. 476 (6-4-21)
- 10.62.10.02 • 48:12 Md. R. 476 (6-4-21)
- 10.62.15.08 • 48:12 Md. R. 476 (6-4-21)
- 10.62.16.06 • 48:12 Md. R. 476 (6-4-21)
- 10.62.18.01,.04—.10 • 48:12 Md. R. 476 (6-4-21)
- 10.62.19.02,.04,.09 • 48:12 Md. R. 476 (6-4-21)
- 10.62.21.02 • 48:12 Md. R. 476 (6-4-21)
- 10.62.22.02,.03,.06,.07 • 48:12 Md. R. 476 (6-4-21)
- 10.62.25.02,.05,.10 • 48:12 Md. R. 476 (6-4-21)
- 10.62.27.02,.08—.10 • 48:12 Md. R. 476 (6-4-21)
- 10.62.28.02,.03 • 48:12 Md. R. 476 (6-4-21)
- 10.62.30.04,.08,.09 • 48:12 Md. R. 476 (6-4-21)
- 10.62.35.01 • 48:12 Md. R. 476 (6-4-21)
- 10.62.36.01 • 48:12 Md. R. 476 (6-4-21)
- 10.64.02.01—.03 • 47:23 Md. R. 1002 (11-6-20)
- 10.67.08.02 • 48:18 Md. R. 705 (8-27-21)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

- 11.02.09.01—.03 • 48:11 Md. R. 429 (5-21-21)

Subtitles 11—23 (MVA)

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

13A STATE BOARD OF EDUCATION

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

13B MARYLAND HIGHER EDUCATION COMMISSION

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

14 INDEPENDENT AGENCIES

- 14.07.01.01—.18 • 48:18 Md. R. 709 (8-27-21)
- 14.07.02.01—.08 • 48:18 Md. R. 709 (8-27-21)
- 14.07.03.01—.06 • 48:18 Md. R. 709 (8-27-21)
- 14.22.02.01,.02 • 48:19 Md. R. 815 (9-10-21)
- 14.35.07.02 • 48:19 Md. R. 822 (9-10-21)
- 14.35.10.01 • 48:19 Md. R. 822 (9-10-21)
- 14.35.11.01,.02,.09,.12 • 48:19 Md. R. 822 (9-10-21)
- 14.35.19.01—07 • 48:19 Md. R. 822 (9-10-21)

22 STATE RETIREMENT AND PENSION SYSTEM

- 22.03.05.01—.05 • 48:19 Md. R. 825 (9-10-21)
- 22.04.01.01—.04 • 48:19 Md. R. 826 (9-10-21)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 08—12 (Part 2)

- 26.11.20.02 • 48:20 Md. R. 865 (9-24-21)

- 26.12.01.01 • 48:22 Md. R. 953 (10-22-21) (ibr)

Subtitles 13 — 18 (Part 3)

- 26.13.01.02,.03,.03-1,.04,.05 • 48:14 Md. R. 547 (7-2-21)
- 26.13.02.01,.02,.04,.04-3,.04-4,.05,.06,.10,.15,.17,.19-1—.19-8,.23 • 48:14 Md. R. 547 (7-2-21)
- 26.13.03.01,.04,.06,.07—.07-5 • 48:14 Md. R. 547 (7-2-21)
- 26.13.04.01,.02 • 48:14 Md. R. 547 (7-2-21)
- 26.13.05..01,.02,.02-2,.05,.11—.14 • 48:14 Md. R. 547 (7-2-21)
- 26.13.06.01,.02,.19—.22,.25 • 48:14 Md. R. 547 (7-2-21)
- 26.13.07.02-4,.02-5,.02-8,.13-2 • 48:14 Md. R. 547 (7-2-21)
- 26.13.09.01—.03 • 48:14 Md. R. 547 (7-2-21)
- 26.13.10.03,.04,.18,.21—.24 • 48:14 Md. R. 547 (7-2-21)
- 26.14.03.01—.07 • 48:21 Md. R. 905 (10-8-21)

27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

- 27.01.01.01 • 48:22 Md. R. 954 (10-22-21)
- 27.01.03.01,.01-1,.02—.10 • 48:22 Md. R. 954 (10-22-21)
- 27.01.09.01,.01-2 • 48:22 Md. R. 954 (10-22-21)
- 27.01.11.04 • 48:22 Md. R. 954 (10-22-21)
- 27.01.13.01 • 48:22 Md. R. 954 (10-22-21)
- 27.02.01.01 • 48:22 Md. R. 954 (10-22-21)
- 27.02.05.04—.04-3,.09,.12 • 48:22 Md. R. 954 (10-22-21)
- 27.03.01.01 • 48:22 Md. R. 954 (10-22-21)

28 OFFICE OF ADMINISTRATIVE HEARINGS

- 28.03.01.01 • 48:21 Md. R. 908 (10-8-21)
- 28.05.01.01—08 • 48:21 Md. R. 908 (10-8-21)

29 DEPARTMENT OF STATE POLICE

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

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

- 30.09.04.08 • 48:19 Md. R. 829 (9-10-21)

31 MARYLAND INSURANCE ADMINISTRATION

- 31.01.02.06,.07,.10 • 48:19 Md. R. 830 (9-10-21)
- 31.03.13.02,.04 • 48:11 Md. R. 432 (5-21-21)
- 31.05.08.24,.28 • 48:8 Md. R. 322 (4-9-21)
- 31.08.03.04—.06,.10 • 48:18 Md. R. 716 (8-27-21)
- 31.10.51.01—.08 • 48:22 Md. R. 959 (10-22-21)

33 STATE BOARD OF ELECTIONS

- 33.01.01.01 • 48:20 Md. R. 867 (9-24-21)
- 33.05.01.02 • 48:17 Md. R. 673 (8-13-21)
- 33.05.04.02 • 48:20 Md. R. 867 (9-24-21)
- 33.11.01.01 • 48:17 Md. R. 673 (8-13-21)
- 33.11.02.01 • 48:20 Md. R. 867 (9-24-21)
- 33.11.02.03 • 48:17 Md. R. 674 (8-13-21)
- 33.11.02.05 • 48:17 Md. R. 673 (8-13-21)
- 33.11.03.06 • 48:17 Md. R. 674 (8-13-21)
- 33.11.03.08 • 48:20 Md. R. 867 (9-24-21)
- 33.11.05.07 • 48:17 Md. R. 674 (8-13-21)
- 33.17.04.03,.06 • 48:17 Md. R. 674 (8-13-21)
- 33.17.05.01 • 48:20 Md. R. 867 (9-24-21)

34 DEPARTMENT OF PLANNING

34.04.07.02 • 48:21 Md. R. 912 (10-8-21)

34.04.09.02—,04,.08 • 48:21 Md. R. 912 (10-8-21)

**36 MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY**

36.01.01.01,.05 • 48:18 Md. R. 718 (8-27-21)

36.01.02.04—,06 • 48:18 Md. R. 718 (8-27-21)

36.10.01.01—,02 • 48:18 Md. R. 718 (8-27-21)

36.10.02.01—,14 • 48:18 Md. R. 718 (8-27-21)

36.10.03.01—,06 • 48:18 Md. R. 718 (8-27-21)

36.10.04.01—,11 • 48:18 Md. R. 718 (8-27-21)

36.10.05.01—,05 • 48:18 Md. R. 718 (8-27-21)

36.10.06.01—,11 • 48:18 Md. R. 718 (8-27-21)

36.10.07.01—,06 • 48:18 Md. R. 718 (8-27-21)

36.10.08.01—,11 • 48:18 Md. R. 718 (8-27-21)

36.10.09.01—,03 • 48:18 Md. R. 718 (8-27-21)

36.10.10.01—,03 • 48:18 Md. R. 718 (8-27-21)

36.10.11.01—,09 • 48:18 Md. R. 718 (8-27-21)

36.10.12.01—,04 • 48:18 Md. R. 718 (8-27-21)

36.10.13.01—,44 • 48:18 Md. R. 718 (8-27-21)

36.10.14.01—,07 • 48:18 Md. R. 718 (8-27-21)

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

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

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

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

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated August 16, 2021, **RUTH MARGUERITE MARIE SCHAUB** (CPF# 0012130258), P.O. Box 5933, Lutherville, Maryland 21094, has been indefinitely suspended by consent, effective October 1, 2021, from the further practice of law in this State and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated October 5, 2021, **GEORGE ZACHARIAS PETROS** (CPF# 7612290013), P.O. Box 1341, Millersville, Maryland 21108, has been replaced upon the register of attorneys in the Court of Appeals by an Order of the Court dated October 5, 2021. Notice of this action is certified in accordance with (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of this Court dated September 7, 2021, **ERICK RENARD TYRONE** (CPF# 1204050009), 9701 Apollo Drive, Suite 100, Largo, Maryland 20774, has been indefinitely suspended by consent, effective October 7, 2021, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[21-22-22]

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 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.13 Magothy River

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

Notice of Final Action

[21-112-F]

On October 12, 2021, the Secretary of Natural Resources adopted amendments to Regulation **.04** under **COMAR 08.18.13 Magothy River**. This action, which was proposed for adoption in 48:18 Md. R. 697 (August 27, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.25 South River

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

Notice of Final Action

[21-111-F]

On October 12, 2021, the Secretary of Natural Resources adopted amendments to Regulation **.02** under **COMAR 08.18.25 South River**. This action, which was proposed for adoption in 48:18 Md. R. 697 (August 27, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.29 Whitehall Bay

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

Notice of Final Action

[21-110-F]

On October 12, 2021, the Secretary of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.18.29 Whitehall Bay**. This action, which was proposed for adoption in 48:18 Md. R. 698 (August 27, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.33 Deep Creek Lake

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

Notice of Final Action

[21-109-F]

On October 12, 2021, the Secretary of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.18.33 Deep Creek Lake**. This action, which was proposed for adoption in 48:18 Md. R. 698—699 (August 27, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.05 Dental Services

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

Notice of Final Action [21-090-F-I]

On September 9, 2021, the Secretary of Health adopted amendments to Regulations .01 and .03—.07 under **COMAR 10.09.05 Dental Services**. This action, which was proposed for adoption in 48:15 Md. R. 603—605 (July 16, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

DENNIS R. SCHRADER
Secretary of Health

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

Subtitle 01 GENERAL

30.01.02 Documents Incorporated by Reference

Authority: Education Article, §13-516, Annotated Code of Maryland

Notice of Final Action [21-120-F-I]

On October 12, 2021, the State Emergency Medical Services Board adopted amendments to Regulation .01 under **COMAR 30.01.02 Documents Incorporated by Reference**. This action, which was proposed for adoption in 48:18 Md. R. 710 (August 27, 2021), has been adopted as proposed.

Effective Date: November 1, 2021.

THEODORE R. DELBRIDGE, M.D.
Executive Director

Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS

30.08.17 Comprehensive Stroke Center Standards

Authority: Education Article, §13-509, Annotated Code of Maryland

Notice of Final Action [21-115-F]

On October 12, 2021, the State Emergency Medical Services Board adopted the repeal of Regulations .01, .03—.05, .07, .10, .12, .13, and .17—.19, amendments to and the recodification of existing Regulations .02, .06, .08, .09, .11, and .14—.16 to be Regulations .01, .05, .07, .09, .10, and .12—.14, respectively, and new Regulations .02—.04, .06, .11, and .15—.18 under **COMAR 30.08.17 Comprehensive Stroke Center Standards**. This action, which was proposed for adoption in 48:18 Md. R. 710—714 (August 27, 2021), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 1, 2022.

Attorney General's Certification

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

Regulation .11: The revisions delete language not consistent with the current standard of practice for nurse practitioners as delineated by the Maryland Board of Nursing and also include codification changes to reflect the nonsubstantive deletions. The agency's changes to the original proposal do not change the position of any group affected by the regulation, decrease any benefits, or increase administrative burdens.

.11 Qualifications of Stroke Center Director and Clinicians.

A.—C. (proposed text unchanged)

D. *Nurse Practitioners. Nurse Practitioners who care for stroke patients shall:*

(1) *Hold a current license with the Maryland State Board of Nursing to practice as a registered nurse [[and a nurse practitioner]]:*

[[(2) *Have an agreement with the Maryland State Board of Nursing which states that the nurse practitioner has a scope of practice that includes patients with acute neurological disease;*]]

[[(3)]] (2)—[[(4)]] (3) (proposed text unchanged)

E. (proposed text unchanged)

THEODORE R. DELBRIDGE, M.D.
Executive Director

**Subtitle 08 DESIGNATION OF
TRAUMA AND SPECIALTY
REFERRAL CENTERS**

***30.08.19 Designated Thrombectomy-Capable
Primary Stroke Center Standards***

Authority: Education Article, §13-509, Annotated Code of Maryland

Notice of Final Action

[21-114-F]

On October 12, 2021, the State Emergency Medical Services Board adopted new Regulations **.01—.15** under a new chapter, **COMAR 30.08.19 Designated Thrombectomy-Capable Primary Stroke Center Standards**. This action, which was proposed for adoption in 48:18 Md. R. 714—716 (August 27, 2021), has been adopted as proposed.

Effective Date: January 1, 2022.

THEODORE R. DELBRIDGE, M.D.
Executive Director

Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 02

OFFICE OF THE ATTORNEY GENERAL

Subtitle 02 DIVISION OF SECURITIES

02.02.05 Investment Adviser Regulations

Authority: Corporations and Associations Article, §§11-101, 11-203, and 11-302, Annotated Code of Maryland

Notice of Proposed Action

[21-161-P]

The Securities Commissioner proposes to amend existing Regulations .01, .11, and .14 under **COMAR 02.02.05 Investment Adviser Regulations**.

Statement of Purpose

The purpose of this action is to amend existing Regulation .14 to require that registered investment adviser representatives annually complete 12 credits of continuing education, including 3 credits of ethics, to maintain their investment adviser representative registrations with the State. Investment adviser representatives are required to ensure that their continuing education credits are reported to the Securities Commissioner. The amendment sets forth the consequences of failing to complete or report to the Securities Division an investment adviser representative's continuing education. The amendment further sets out potential exemptions/substitutions/equivalents from the continuing education requirements for investment adviser representatives that receive continuing education credits in their capacities as broker-dealer agents of Financial Industry Regulatory Authority (FINRA) members or through an accepted continuing education course of a credentialing organization of a recognized credential held by the investment adviser representative.

Regulation .14 also is being amended to require that persons successfully pass the investment examination rather than successfully pass the investment examination with a score of 70 or greater, and to

eliminate a designation that exempts an individual from having to take and successfully pass the investment adviser examination, because the designation no longer exists.

This action also amends Regulation .11 to remove the exemption from investment adviser representative registration for persons associated with investment advisers that are sole proprietorships or sole proprietorship equivalents.

Finally, this action amends Regulation .01 to correct an incorrect cross-reference in the definition section.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed amendment to Regulation .01 is not expected to have an economic impact. The proposed amendments to Regulations .11 and .14 are expected to have an economic impact. The amendment to Regulation .11 will eliminate the exemption from investment adviser representative registration for persons associated with investment advisers that are sole proprietorships or sole proprietorship equivalents. Those persons will be required to register as investment adviser representatives and annually pay the \$50 registration fee. The amendment to Regulation .14 mandates that registered investment adviser representatives annually complete 12 credits of continuing education offered by authorized providers. It is expected that investment adviser representatives will be required to absorb the costs of the continuing education courses, which cost will be paid directly to authorized providers. However, the exemptions provided for in the proposed regulation should minimize those costs. The vast majority of investment adviser representatives also are registered as broker-dealer agents of FINRA members and may be able to satisfy some of the continuing education requirements with courses taken through FINRA's continuing education program. Also, an investment adviser representative that holds a credential that qualifies for an exemption from the examination requirement may be able to satisfy some of the IAR's continuing education requirements with approved courses taken through the investment adviser representative's credentialing organization's continuing education program.

| II. Types of Economic Impact. | Revenue (R+/R-) | Magnitude |
|--|-------------------------|-----------------------|
| | Expenditure (E+/E-) | |
| A. On issuing agency: | NONE | |
| B. On other State agencies: | NONE | |
| C. On local governments: | NONE | |
| | Benefit (+) Cost (-) | Magnitude |
| D. On regulated industries or trade groups: | | |
| (1) Costs of the continuing education courses (-) | | Indeterminable |
| (2) Costs for reporting continuing education credits (-) | | \$3 per credit |
| (3) Elimination of registration exemption (-) | | \$50 per registration |
| E. On other industries or trade groups: | | |
| (1) Providers of continuing education courses (+) | | Indeterminable |
| (2) Prometric, LLC (+) | | Indeterminable |
| (3) NASAA (+) | | Indeterminable |
| F. Direct and indirect effects on public: | | |
| Increased competence (+) | | Indeterminable |

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

D(1). Investment adviser representatives will be required to pay for the continuing education courses. Costs will vary for each investment adviser representative but costs may run as high as hundreds of dollars annually. Much of these costs are already incurred in connection with other continuing education requirements.

(2). Investment adviser representatives also will be required to pay \$3 per credit for reporting their continuing education credits.

(3). Individuals providing advice on behalf of sole proprietors or sole proprietor equivalents will have to register as investment adviser representatives and pay the annual \$50 registration fee.

E(1). Authorized providers of continuing education courses will receive fees for making continuing education courses available to investment adviser representatives.

(2). As the company engaged by NASAA to approve providers and courses, Prometric, LLC will receive fees for providing this service.

(3). NASAA will receive fees as part of managing the continuing education program, which will be offset by free course offerings available to registrants.

F. Requiring investment adviser representatives to take continuing education courses should lead to increased competency of investment adviser representatives. The increased competency should result in improved services to clients.

Economic Impact on Small Businesses

The proposed action may have a meaningful economic impact on a small portion of investment advisers registered in Maryland that are small businesses. An analysis of this economic impact follows.

Many investment advisers registered with the State of Maryland are small business operations. The amendment to Regulation .14 mandates that registered investment adviser representatives annually complete 12 continuing education credits offered by authorized providers. Investment adviser representatives will be required to pay the costs of the continuing education courses charged by authorized providers. Those costs, however, will be minimized for a large majority of IARs that also are registered as broker-dealer agents through FINRA members or hold certain credentials. IARs that also are registered as agents of FINRA members or hold a credential that qualifies for an exemption from the examination requirement may be able to satisfy some of their continuing education requirements with courses that they already are required to take through FINRA’s continuing education program or the IAR’s credentialing organization’s continuing education program, respectively, thus reducing the costs associated with taking continuing education courses required by this regulation. The amendment to Regulation .11 will eliminate the exemption from investment adviser representative registration for persons associated with investment advisers that are sole proprietorships or sole proprietorship equivalents. Those persons will be required to register as investment adviser representatives and annually pay the \$50 registration fee.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Melanie Senter Lubin, Securities Commissioner, Securities Division, Office of the Attorney General, 200 Saint Paul Place, 25th Floor, Baltimore, MD 21202-2020, or call 410-576-6360 (TTY 800-735-2258), or email to securities@oag.state.md.us, or fax to 410-576-6532. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

.01 Definitions.

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

(1) "Compensation" means a form of payment or consideration, whether direct or indirect or in the form of cash or other benefits, that is paid or conveyed to or for the benefit of the investment adviser in connection with the rendering of the investment advisory services described in the Maryland Securities Act, Corporations and Associations Article, [§11-302(f)] §11-101(i), Annotated Code of Maryland.

- (2) — (10) (text unchanged)
- C. (text unchanged)

.11 Applications for Investment Advisers and Notice Filings for Federal Covered Businesses.

- A. Application Form for Investment Adviser Registration.

(1) — (3) (text unchanged)

(4) Investment Adviser Representative Registration. [Except for an investment adviser that is a sole proprietorship or the substantial equivalent, each] *Each* investment adviser registered or required to be registered in this State shall register at least one investment adviser representative with the Commissioner.

- (5) (text unchanged)
- B. (text unchanged)

.14 Examination Requirements for Investment Advisers and Investment Adviser Representatives.

A. Definitions. As used in this regulation, the following terms have the meanings indicated:

(1) *“Approved IAR continuing education credit” means the materials, written, oral, or otherwise, that have been approved by NASAA or its designee and that make up the educational program provided to an investment adviser (IAR) representative under this regulation.*

(2) *“Authorized provider” means a person that NASAA or its designee has authorized to provide continuing education content required by this regulation.*

(3) *“Credit” means a unit that has been designated by NASAA or its designee as at least 50 minutes of educational instruction.*

(4) *“Home state” means the state in which the investment adviser representative has its principal office and place of business.*

(5) *“IAR ethics and professional responsibility content” means approved IAR continuing education content that addresses an investment adviser representative’s ethical and regulatory obligations.*

(6) *“IAR products and practice content” means approved IAR continuing education content that addresses an investment adviser representative’s continuing skills and knowledge regarding financial products, investment features, and practices in the investment advisory industry.*

(7) *“NASAA” means the North American Securities Administrators Association or a committee designated by its Board of Directors.*

(8) *“Reporting period” means one 12-month period as determined by NASAA. An investment adviser representative’s initial reporting period with this State commences the first day of the first full reporting period after the individual is registered or required to be registered with this State.*

[A.] B. General [Provisions] Examination Requirements.

(1) An investment adviser or investment adviser representative registered or required to be registered in this State shall:

(a) [Pass with a score of 70 or better] *Successfully pass the examination or examinations designated by the Commissioner;*

(b) Qualify for an exemption from the examination requirement under [§C] §D or [D] E of this regulation; or

(c) Receive a waiver of the examination requirement under [§F] §G of this regulation.

(2) (text unchanged)

[B.] C. (text unchanged)

[C.] D. The provisions of [§B] §C of this regulation do not apply to a designated principal or an applicant for initial registration as an investment adviser representative, if the individual has earned a credential designated by the Commissioner including, but not limited to, the following, and at the time of application is in good standing with the organization that issued the credential:

(1) (text unchanged)

(2) Membership in the Registry of Financial Planning Practitioners of the International Association for Financial Planning, membership in which is awarded by the International Association for Financial Planning;

[(3)] (2) — [(6)] (5) (text unchanged)

[D.] §E. Grandfathering Provisions.

(1) The provisions of [§B] §C of this regulation do not apply to a designated principal or an applicant for initial registration as an investment adviser representative, if the:

(a) — (b) (text unchanged)

(2) Notwithstanding [§D] §E(1) of this regulation, the Commissioner may require additional examinations for an individual found to have violated any state or federal law.

[E.] §F. Two-Year Requirement.

(1) An individual who has not been registered in any jurisdiction for a period of 2 years shall be required to comply with the provisions of [§B] §C of this regulation.

(2) Notwithstanding §F(1) of this regulation, the Commissioner, by order or otherwise, may modify the 2-year requirement of this subsection.

[F.] G. (text unchanged)

H. Continuing Education Requirements.

(1) An investment adviser representative registered in this State shall complete the following continuing education requirements each reporting period:

(a) 6 credits of IAR regulatory and ethics content approved by NASAA and offered by an authorized provider, with at least 3 credits covering the topic of ethics; and

(b) 6 credits of IAR products and practice content approved by NASAA and offered by an authorized provider.

(2) An investment adviser representative who is registered as an agent of a FINRA member broker-dealer and is in compliance with FINRA’s continuing education requirements is considered to be in compliance with the provisions of §H(1)(b) of this regulation for each applicable reporting period if, as determined by NASAA:

(a) FINRA’s continuing education content focuses on compliance, regulatory, ethical, and sales practices standards;

(b) FINRA’s continuing education content is derived from state and federal investment advisory statutes, rules and regulations, securities industry rules and regulations, and accepted standards and practices in the financial services industry; and

(c) FINRA’s continuing education content requires that its participants demonstrate proficiency in the subject matter of the educational materials.

(3) **Credentialing Organization Continuing Education Compliance.** Credits of continuing education completed by an investment adviser representative who was awarded and currently holds a credential that qualifies for an examination waiver under §D of this regulation shall satisfy the requirements of §H(1) of this regulation provided:

(a) The investment adviser representative completes the credits of continuing education as a condition of maintaining the credential for the relevant reporting period;

(b) The credits of continuing education completed during the relevant reporting period by the investment adviser representative are mandatory to maintain the credential; and

(c) The continuing education content provided by the credentialing organization during the relevant reporting period is approved IAR continuing education content.

(4) **Continuing Education Reporting.** An investment adviser representative registered in this State shall be responsible for ensuring that the authorized provider reports the investment adviser representative’s completion of the applicable IAR continuing education requirements.

(5) **No Carry-Forward.** An investment adviser representative who completes credits of continuing education in excess of the amount required for a reporting period may not carry forward excess credits to a subsequent reporting period.

(6) Failure to Complete or Report Continuing Education.

(a) An investment adviser representative who fails to comply with §H(1) or (4) of this regulation by the end of a reporting period shall be considered “CE inactive”.

(b) The registration of an investment adviser representative who is “CE inactive”, but otherwise qualifies for renewal, shall be renewed in this State at the end of the calendar year in which the investment adviser representative becomes “CE inactive”.

(c) An investment adviser representative shall remain “CE inactive” until the investment adviser representative completes and

reports all required IAR continuing education credits for all reporting periods as required by this regulation.

(d) An investment adviser representative who is “CE inactive” at the close of the next calendar year is not eligible for investment adviser representative registration or renewal of an investment adviser representative registration.

(7) The Commissioner may, in the Commissioner’s discretion, waive any requirements of this regulation.

(8) Home State. An investment adviser representative registered or required to be registered in this State who is registered as an investment adviser representative in the individual’s home state is considered to be in compliance with §H of this regulation provided:

(a) The investment adviser representative’s home state has continuing education requirements that are at least as stringent as §H of this regulation; and

(b) The investment adviser representative is in compliance with the home state’s investment adviser representative continuing education requirements.

(9) Unregistered Periods. An individual applying for investment adviser representative registration who was previously registered as an investment adviser representative in this State must complete IAR continuing education for all reporting periods that occurred during the period the individual was not registered in this State as an investment adviser representative unless the individual takes and passes the examination required under §C of this regulation or receives an examination waiver under §G of this regulation.

MELANIE SENTER LUBIN
Securities Commissioner

Title 08

DEPARTMENT OF NATURAL RESOURCES

Notice of Proposed Action [21-155-P]

The Secretary of Natural Resources proposes to:

- (1) Adopt new Regulation .02 under **COMAR 08.01.01 Advisory Committees**; and
- (2) Repeal Regulation .01 under **COMAR 08.04.02 Maryland Boat Act Advisory Committee**.

Statement of Purpose

The purpose of this action is to update the regulations for the Maryland Boat Act Advisory Committee. The Maryland Boat Act Advisory Committee is one of several advisory bodies for the Department. A recent review of regulations discovered that the regulations for this committee have not been updated since 1991. The proposed action relocates the regulation to the appropriate chapter in COMAR, corrects references to statute, removes duplicative wording, and makes the requirements consistent with other departmental advisory bodies.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Maryland Boat Act Advisory Committee Regulations, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8417, or email to boatingregspubcomment.dnr@maryland.gov. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

Subtitle 01 OFFICE OF THE SECRETARY

08.01.01 Advisory Committees

Authority: Natural Resources Article, §§1-102, 1-105, [and] 4-204, and 8-704, Annotated Code of Maryland

.02 Maryland Boat Act Advisory Committee.

A. The Maryland Boat Act Advisory Committee has the duty of advising the Secretary of Natural Resources on all matters referred to the Committee by the Director of the Boating Service.

B. Members may not receive compensation, but shall be reimbursed for necessary expenses incident to their attendance of the meetings of the Committee according to the provisions of the standard travel regulations of the State and within budgetary limitations.

C. Terms of Membership.

(1) The term of a member is 3 years.

(2) Except as stated in §C(3) of this regulation, a term shall begin on January 1 of the year of appointment.

(3) An individual who has been appointed to replace a member who resigned or has been removed from the committee prior to the end of the term:

(a) Shall serve for the remainder of the original term; and

(b) May be reappointed in accordance with this regulation.

(4) Members are eligible for reappointment.

(5) Members serve in accordance with Natural Resources Article, §1-102(c), Annotated Code of Maryland.

D. The Maryland Boat Act Advisory Committee shall elect annually, at the first meeting after January 1, a chair, who shall be eligible for reelection in any subsequent year.

E. Meetings shall be held at the call of the chair or the Director of the Boating Service, or, within budgetary limitations, upon petition of a majority of the members, stating the purpose of the meeting. Not less than two meetings shall be held in each fiscal year.

F. The Secretary may release an appointee at any time.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §4-602, Annotated Code of Maryland

Notice of Proposed Action

[21-158-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under COMAR 08.02.11 Fishing in Nontidal Waters.

Statement of Purpose

The purpose of this action is to amend Regulation .03 under COMAR 08.02.11 Fishing in Nontidal Waters.

This action replaces the special regulations on certain impoundments with Statewide regulations by eliminating the black bass catch and return regulations for Wheatley Lake, removing the designation of “Trophy Largemouth Bass and Smallmouth Bass Fishing Area” from four areas, and eliminating the Limited Harvest regulation entirely. The action also renames the areas currently designated as “Trophy Largemouth Bass and Smallmouth Bass Fishing Areas” to “Largemouth and Smallmouth Bass Slot Length Limit Fishing Areas.”

The Department originally created special regulations for certain impoundments such as catch-and-return-only and slot limits in an effort to meet specific management objectives. These current special regulations have not met the intended management objectives for black bass (largemouth and smallmouth bass) and have created unnecessary complexity. Reverting to Statewide regulations in these areas will simplify regulations, make the rules more easily understood by the angling public, and better assist in meeting our management goals.

The “Limited Harvest” restrictions contributed to regulation complexity without achieving management objectives for largemouth bass. The daily harvest of ten total fish species is unnecessary because Statewide rules will provide protection.

The designation “Trophy Largemouth Bass and Smallmouth Bass Fishing Area” was generally applied to waters characterized by an abundance of 8- to 12-inch bass, not to areas with very large bass. The designation increased angler confusion and set unrealistic expectations for the fishing experience. Changing the designation to “Slot Length Limit Fishing Areas” is a housekeeping action that will better describe an area.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nontidal/Removal of Special Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or complete comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#removal>. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

.03 Special Fisheries Management Areas.

A. [Trophy] Largemouth Bass and Smallmouth Bass *Slot Length Limit* Fishing Areas.

(1) (text unchanged)

(2) The areas subject to this provision are:

(a)—(b) (text unchanged)

[(c) All ponds located within the Patuxent Naval Air Test Center, St. Mary's County;

(d) Centennial Lake, Howard County;]

[(e)] (c) Johnson Pond, Wicomico County; and

[(f) Blair Valley Lake, Washington County;

(g) All ponds located within the Chesapeake Ranch Club Estates, Calvert County;]

[(h)] (d) (text unchanged)

B. (text unchanged)

C. Catch-and-Return Bass Areas.

(1) (text unchanged)

(2) The areas subject to the provisions of this section are the:

(a)—(b) (text unchanged)

(c) Patapsco River from Interstate 70 downstream to Maryland Route 144 (Frederick Road); and

[(d) Wheatley Lake (Gilbert Run Reservoir); and]

[(e)] (d) (text unchanged)

[D. Limited Harvest Fishing Areas.

(1) The following special requirements are in effect in these areas:

(a) A person may possess not more than 10 fish, only one of which can be a largemouth bass, while fishing in these areas;

(b) If these areas are also on the put-and-take trout fishing list, up to five fish of the ten-fish limit may be trout species other than brook trout; and

(c) A person may possess one largemouth bass per day not to exceed 15 inches (15 inch maximum size) while fishing in these areas. There is no minimum size for bass in these areas.

(2) The areas subject to these provisions are:

(a) Hutchins Pond, Calvert County;

(b) Roberts Field Pond, Carroll County;

(c) Rising Sun Pond, Cecil County;

(d) Hughesville Pond, Charles County;

(e) All ponds located within the Merkle Wildlife Management Area, Prince George's County;

(f) Allens Pond, Prince George's County;

(g) Bowie Town Center Pond, Prince George's County;

(h) Lake Artemesia, Prince George's County;

(i) Milltown Landing Pond, Prince George's County;

(j) Greenbelt Lake, Prince George's County;

(k) Pemberton Pond, Wicomico County;

(l) Robert's Mill Pond, Carroll County;

(m) Farm Museum Pond, Carroll County;

(n) Westminster Community Pond, Carroll County;

(o) Cosca Lake, Prince George's County;

(p) Tucker Pond, Prince George's County;

(q) Myrtle Grove Pond, Charles County;

(r) South Germantown Park Pond in South Germantown Park off Schaeffer Road; and

(s) Governor's Bridge Natural Areas Pond, Prince George's County.]

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.06 Adult Residential Substance Use Disorder Services

Authority: Health-General Article, §§2-104(b), 7.5-204(c), 7.5-205(d), and 15-105(b), Annotated Code of Maryland

Notice of Proposed Action

[21-165-P]

The Secretary of Health proposes to amend Regulations .02, .03, and .09 under COMAR 10.09.06 Adult Residential Substance Use Disorder Services.

Statement of Purpose

The purpose of this action is to update the definitions listed in the regulations and amend the required licensing body. Additionally, it effectuates the 3.5 percent rate increase for adult residential substance use disorder providers provided in the Fiscal Year (FY) 2022 budget and preserves the rates in effect for the first half of FY 2021.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Fiscal Year (FY) 2022 budget includes a 3.5 percent rate increase for adult residential substance use disorder services. The total impact for FY 2022 is \$1,761,249.

| II. Types of Economic Impact. | Revenue (R+/R-) Expenditure (E+/E-) | Magnitude |
|---|--|-------------|
| A. On issuing agency: | (E+) | \$1,761,248 |
| B. On other State agencies: | NONE | |
| C. On local governments: | NONE | |
| | Benefit (+) Cost (-) | Magnitude |
| D. On regulated industries or trade groups: | (+) | \$1,761,248 |
| E. On other industries or trade groups: | NONE | |
| F. Direct and indirect effects on public: | NONE | |

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

A. and D. This amount assumes:

(1) Estimated impacts are based on FY 2020 program expenditures. Adult residential substance use disorder services utilization will remain consistent.

(2) In accordance with the Governor’s directive, Medicaid implemented the rate increase 6 months early on January 1, 2021. As such, FY 2021 expenditures reflect a mid-year increase.

(3) In FY 2022, the total impact of the rate increase on Medicaid expenditures for adult residential substance use disorder services will be equal to the difference between projected FY 2022 expenditures (\$104,165,273) and FY 2021 estimated expenditures (\$102,404,025).

(4) This amount is subject to 80 percent blended federal match (\$1,408,998.40 federal funds, \$352,249.60 general funds).

D. See A above.

Economic Impact on Small Businesses

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

Small businesses that will be impacted by this proposal include adult residential substance use disorder services providers who are enrolled with Maryland Medicaid and provide services to Medicaid enrolled participants. Adult residential substance use disorder services providers will receive Medicaid reimbursement rates that are increased by 4 percent for all services billed through W codes listed on the community-based substance use disorder fee schedule and listed in COMAR 10.09.06.09.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call (410) 767-6499 (TTY 800-735-225), or email to mdh.regs@maryland.gov, or fax to (410) 767-6483. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(21) (text unchanged)

[(22)] “Office of Health Care Quality” means the office within the Department responsible for licensing and inspection of programs for the Behavioral Health Administration.]

[(23)] (22)—[(28)] (27) (text unchanged)

[(29)] (28) “Substance use disorder services” means the services for which a participant’s diagnosis and treatment provider meet the criteria specified in COMAR [10.09.70] 10.67.08 and this chapter.

.03 Licensure Requirements.

To participate in the Program, a provider shall:

A.—B. (text unchanged)

C. Be licensed by the [Office of Health Care Quality] *Behavioral Health Administration (BHA)* for each level of care.

.09 Payment Procedures.

A.—B. (text unchanged)

C. [Effective] *For dates of service between July 1, [2019] 2020 and December 31, 2020*, rates for the services outlined in this chapter shall be as follows:

(1) For ASAM Level 3.1, the provider shall receive [\$85] \$91.50 per diem;

(2) For ASAM Level 3.3, the provider shall receive [\$196.07] \$203.91 per diem;

(3) For ASAM Level 3.5, the provider shall receive [\$196.07] \$203.91 per diem;

(4) For ASAM Level 3.7, the provider shall receive [\$301.86] \$313.93 per diem; and

(5) For ASAM Level 3.7-WM, the provider shall receive [\$367.08] \$381.76 per diem.

D. *Effective January 1, 2021, rates for the services outlined in this chapter shall be as follows:*

(1) *For ASAM Level 3.1, the provider shall receive \$94.70 per diem;*

(2) *For ASAM Level 3.3, the provider shall receive \$211.05 per diem;*

(3) *For ASAM Level 3.5, the provider shall receive \$211.05 per diem;*

(4) *For ASAM Level 3.7, the provider shall receive \$324.92 per diem; and*

(5) *For ASAM Level 3.7-WM, the provider shall receive \$395.12 per diem.*

[D.] E. *Administrative Days.* The Department shall pay at the daily rate based on the patient's ASAM level of care when:

(1) The participant's required level of care has changed, and the following conditions are met:

(a)—(b) (text unchanged)

(c) The provider has submitted documentation to the Department or its designee that it has complied with the requirements of [§D(1)(a)—(b)] §E(1)(a)—(b) of this regulation for the entire period of the administrative stay claimed for reimbursement; and

(d) (text unchanged)

(2) (text unchanged)

DENNIS R. SCHRADER
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.78 Home Visiting Services

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

Notice of Proposed Action

[21-163-P]

The Secretary of Health proposes to adopt new Regulations .01—.09 under a new chapter, **COMAR 10.09.78 Home Visiting Services**.

Statement of Purpose

The purpose of this action is to establish coverage, requirements, and reimbursement procedures for entities who enroll in Maryland Medicaid to provide home visiting services for pregnant and postpartum individuals as well as other members identified as participating in home visiting services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action establishes Medicaid coverage for home visiting services. The Program anticipates an economic impact of \$4,692,480 total funds in Fiscal Year (FY) 2022.

| | Revenue (R+/R-) | |
|---|-------------------------|-------------|
| II. Types of Economic Impact. | Expenditure (E+/E-) | Magnitude |
| A. On issuing agency: | (E+) | \$4,692,480 |
| B. On other State agencies: | NONE | |
| C. On local governments: | NONE | |
| | Benefit (+) Cost (-) | Magnitude |
| D. On regulated industries or trade groups: | (+) | 4,692,480 |
| E. On other industries or trade groups: | NONE | |
| F. Direct and indirect effects on public: | NONE | |

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

A. (1) The Program will begin reimbursing for home visiting services in the second half of FY 2022, on January 1, 2022.

(2) Current home visiting services capacity indicates 2,080 participants can access services each year. Using home visiting services capacity data from the most recent fiscal year, the Program estimates an 80 percent utilization rate or 1,664 Medicaid participants will access these services each year.

(3) Medicaid reimbursing home visiting at \$188 per home visit, for 1,664 participants. Assuming different levels of need per family, each quartile of participants will receive four visits per month, three visits per month, two visits per month, or one visit per month. Total estimated costs for service delivery equals \$4,692,480. This amount is subject to a 50 percent federal match for direct services (\$2,346,240 federal funds, \$2,346,240 general funds).

D. (1) The Program will begin reimbursing for home visiting services in the second half of FY 2022, on January 1, 2022.

(2) Current home visiting services capacity indicates 2,080 participants can access services each year. Using home visiting services capacity data from the most recent fiscal year, the Program estimates an 80 percent utilization rate or 1,664 Medicaid participants will access these services each year.

(3) Medicaid reimbursing home visiting at \$188 per home visit, for 1,664 participants. Assuming different levels of need per family, each quartile of participants will receive four visits per month, three visits per month, two visits per month, or one visit per month. Total estimated costs for service delivery equals \$4,692,480. This amount is subject to a 50 percent federal match for direct services (\$2,346,240 federal funds, \$2,346,240 general funds).

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-225), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

.01 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

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

(2) "Evidence-based home visiting model" means a voluntary early childhood strategy program that includes focused, individualized, and culturally competent services for expectant parents, young children, and their families designed to enhance parenting and promote the growth and development of young children.

(3) "Home" means the program participant's place of service in a community setting defined by the evidence-based home visiting models.

(4) "Home visiting program" means the organization or entity accredited by an evidence-based home visiting model to provide home visiting services under that model.

(5) "Home visiting services" means services provided during the prenatal and postpartum periods in the program participant's home by the home visiting program, including but not limited to:

- (a) Pregnancy education;
- (b) Child development education;
- (c) Diet and nutritional education;
- (d) Stress management;
- (e) Sexually transmitted diseases (STD) prevention education;
- (f) Tobacco use screening and cessation education;
- (g) Alcohol and other substance misuse screening and counseling;
- (h) Depression screening;
- (i) Postpartum depression education;
- (j) Domestic and intimate partner violence screening and education;
- (k) Breastfeeding support and education;
- (l) Guidance and education with regard to well woman visits to obtain recommended preventive services;
- (m) Maternal-infant safety assessment and education;
- (n) Counseling regarding postpartum recovery, family planning, and needs of a newborn;
- (o) Assistance for the family in establishing a primary source of care and a primary care provider;
- (p) Parenting skills, parent-child relationship building, and confidence building;
- (q) Child developmental screening at major developmental milestones from birth to two years old;
- (r) Facilitation of access to community or other resources that can improve birth-related outcomes such as:
 - (i) Transportation;
 - (ii) Housing;
 - (iii) Alcohol, tobacco, and drug cessation; and
 - (iv) WIC, SNAP, and intimate partner violence resources;
- (s) Monitoring for high blood pressure or other complications of pregnancy; and
- (t) Medical assessment of the postpartum mother and infant.

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

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

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

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

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

(7) "Postpartum period" means the period that begins immediately after childbirth up to a period of time following childbirth as defined by the evidence-based home visiting model.

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

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

(10) "Program participant" means one of the following individuals enrolled in the evidence-based home visiting model:

- (a) Birthing parent;
- (b) Infant;
- (c) Child up to the age permitted under the evidence-based home visiting model; or
- (d) Other individuals, as recognized under the evidence-based home visiting model.

(11) "Provider" means a qualified individual licensed or certified to deliver home visiting services as a part of an evidence-based home visiting model.

.02 Certification Requirements.

The home visiting program provider shall have an active accreditation status from one of the following evidence-based home visiting models:

- A. Healthy Families America (HFA); or
- B. Nurse Family Partnership (NFP).

.03 Conditions for Participation.

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

B. Specific requirements for participation in the home visiting program are that the provider shall provide proof of accreditation by one of the following evidence-based home visiting models:

- (1) Healthy Families America (HFA); or
- (2) Nurse Family Partnership (NFP).

.04 Covered Services.

The Program covers home visiting services rendered in the program participant's home when the services:

- A. Are rendered during the birthing parent's prenatal period and postpartum periods; and
- B. If not rendered in person, comply with the telehealth requirements established in COMAR 10.09.49 and any subregulatory guidance issued by the Department.

.05 Limitations.

The Program does not cover:

- A. Expenses including:
 - (1) Administrative overhead;
 - (2) Lactation consulting services; and
 - (3) Program start-up costs for evidence-based model accreditation, initial training, or consultation; or
- B. Services that are not medically necessary.

.06 Payment Procedures.

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

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

C. The provider shall charge the Program the provider's customary charge to the general public for similar services.

D. The Program will reimburse a provider for covered services:

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

(2) In accordance with §I of this regulation.

E. If the service is free to individuals not covered by Medicaid:

(1) The provider:

(a) May charge the Program; and

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

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

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

(1) Completion of forms and reports;

(2) Broken or missed appointments;

(3) Professional services rendered by mail; or

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

G. Payments for services rendered to a Program participant shall be made directly to a qualified provider.

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

I. Effective January 1, 2022, the Program shall reimburse a flat rate of \$188 per home visit.

.07 Recovery and Reimbursement.

Recovery and reimbursement regulations are set forth in COMAR 10.09.36.07.

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

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

.09 Appeal Procedures.

Providers filing appeals from administrative decisions made in connection with this chapter shall do so according to COMAR 10.09.36.09

DENNIS R. SCHRADER
Secretary of Health

Subtitle 27 BOARD OF NURSING

10.27.27 Practice of Clinical Nurse Specialist

Authority: Health Occupations Article, §§8-205(a)(1), (2), (4), and (5) and 8-302(b)(1)(iii) and (2)(ii), Annotated Code of Maryland

Notice of Proposed Action

[21-166-P]

The Secretary of Health proposes to amend Regulations **.01** and **.04** under **COMAR 10.27.27 Practice of Clinical Nurse Specialist**. This action was considered at a public meeting of the Board of Nursing held on May 26, 2021, notice of which was given by publication on the Board's website at <https://mbon.maryland.gov/Pages/meetings-index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide clarity to clinical nurse specialists (CNSs) on the acceptable standards of care for the

profession, and to additionally provide a list of responsibilities that a CNS has been trained to perform in the clinical setting.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) "Standard of care" means the practice of clinical nurse specialist in accordance with the core competencies and behaviors specified by the National Association of Clinical Nurse Specialists (NACNS), American Nurse Credentialing Center (ANCC), American Association of Critical Care Nurses (AACN), or other national certifying body recognized by the Board.

(8) "System" means the setting within which the clinical nurse specialist is practicing.

.04 Scope and Standards of Practice.

A. The unique role of the clinical nurse specialist is to:

(1) Integrate care across the continuum and through three spheres of impact:

(a) The patient;

(b) The nurse; and

(c) The system; and

(2) Ranges from:

(a) Wellness to illness; and

(b) Acute to chronic care.

B. The clinical nurse specialist provides direct care to patients with complex needs, acts as a consultant, conducts research, and provides education and guidance for staff nurses.

C. The practice of the clinical nurse specialist encompasses the continuous improvement of patient outcomes and nursing care.

D. The clinical nurse specialist shall adhere to standards of clinical practice, scope of practice, and the standards of professional performance in accordance with this chapter.

[A.] E. The scope of practice of the clinical nurse specialist includes, but is not limited to:

(1) Encompasses the continuous improvement of patient outcomes and nursing care;

(2) Shall be in accordance with the core competencies and behaviors specified by the National Association of Clinical Nurse Specialists or other national certifying body recognized by the Board;

(3) Includes creating therapeutic environments through mentoring and system changes; and

(4) Includes practicing with individual clients, families, groups, and populations of clients.

B. The practice of the clinical nurse specialist includes creating therapeutic environments through mentoring and system changes to:

- (1) Empower clinical nurse specialists to develop caring, evidence-based practices;
- (2) Facilitate ethical decision making;
- (3) Respond to diversity; and
- (4) Alleviate patient distress.]
- (1) *Practicing with individual clients, families, groups, and populations of clients;*
- (2) *Performing a comprehensive physical assessment of patients;*
- (3) *Establishing medical diagnosis for common short-term and chronic stable health problems;*
- (4) *Diagnosing, treating, and managing patients with acute and chronic illness or disease, or both;*
- (5) *Ordering, performing, and interpreting diagnostic tests;*
- (6) *Initiating, monitoring, and altering appropriate therapies or treatments;*
- (7) *Providing primary health care, including health promotion and disease prevention by assessing, educating, and providing referrals for the patient, family, and caregiver;*
- (8) *Providing emergency care;*
- (9) *Performing additional special procedures and treatments specific to the specialty scope of practice;*
- (10) *Prescribing durable medical equipment and advanced therapeutic interventions;*
- (11) *Referring patients to appropriate licensed physicians or other health care providers as needed;*
- (12) *Consulting or collaborating with a licensed physician or other health care provider as needed; and*
- (13) *Creating therapeutic environments through mentoring and system changes to:*
 - (a) *Develop caring, evidence-based practices;*
 - (b) *Facilitate ethical decision making;*
 - (c) *Respond to diversity; and*
 - (d) *Alleviate patient distress.*

DENNIS R. SCHRADER
Secretary of Health

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

Notice of Proposed Action

[21-164-P]

The Secretary of Health proposes to amend:

- (1) Regulations **.01**, **.02**, and **.04** under **COMAR 10.38.01 General Regulations;**
- (2) Regulation **.02** under **COMAR 10.38.03 Standards of Practice;** and
- (3) Regulation **.03** under **COMAR 10.38.06 Foreign-Educated Licensure Requirements.**

This action was considered by the Board of Physical Therapy Examiners at a public meeting held on July 20, 2021, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bphte/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish guidelines for temporary licensure of physical therapists and physical therapist assistants pursuant to Chs. 473 and 474, Acts of 2021.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-225), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

10.38.01 General Regulations

Authority: Health Occupations Article, §§1-101, 13-101, 13-206, 13-301—13-303, [13-305, 13-306, 13-307] *13-305—13-307*, 13-310, 13-311, 13-313, and 13-317, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) "Board" means the Board of Physical Therapy Examiners of Maryland [created] *established* by Health Occupations Article, §13-201, Annotated Code of Maryland.

(6) "Direct supervision" means [that] *supervision provided* by a licensed physical therapist *who* is [personally] *physically* present *within the treatment area* and immediately available [within the treatment area] to give aid, direction, and instruction when physical therapy or *limited physical therapy* procedures or activities are performed.

(7)—(8) (text unchanged)

(9) *Licensed Physical Therapist.*

(a) "Licensed physical therapist" means an individual licensed by the Board to practice physical therapy in Maryland[.]; *and*

(b) *"Licensed physical therapist" includes an individual holding a compact privilege to practice physical therapy in Maryland.*

(10) *Licensed Physical Therapist Assistant.*

(a) "Licensed physical therapist assistant" means an individual licensed by the Board to practice limited physical therapy in Maryland[.]; *and*

(b) *"Licensed physical therapist assistant" includes an individual holding a compact privilege to practice limited physical therapy in Maryland.*

(11) "Licensing examinations" means the written examinations approved by the Board consisting of the:

(a) (text unchanged)

(b) Maryland Physical Therapy [Law] *jurisprudence* examination.

(12)—(13) (text unchanged)

(14) "Passing score" means the result of two examinations:

(a) [When taken before March, 1996, within the 1.5 standard deviation, based on the national average of the national licensing examination or, when taken in March, 1996, and after that, the] *The* criterion-referenced score set by the Federation of State Boards of Physical Therapy; *and*

(b) 90 percent of the total on the Maryland Physical Therapy [Jurisprudence Examination] *jurisprudence examination.*

(15) (text unchanged)

[(16) "Post-graduation transcript of credits" means an official copy of an applicant's educational record, including the degree awarded and the date of graduation, sent directly from the educational institution to the Board.]

[(17)] (16)—[(19)] (18) (text unchanged)

[(20) "Supportive personnel" means aides and other unlicensed personnel who work under the direct supervision of a licensed physical therapist.]

(19) "Temporary license" means a license issued by the Board to an individual who has completed the approved curriculum requirements to practice, while under direct supervision, as a:

(a) Physical therapist; or

(b) Physical therapist assistant.

[(21)] (20)—[(23)] (22) (text unchanged)

.02 Requirements for Licensure.

The following are requirements for an applicant educated in an approved physical therapy or approved physical therapist assistant curriculum in any state:

A. Examination. The following shall be filed with the Board [at least 6 weeks before the examination] or the Board's agent:

(1)—(2) (text unchanged)

(3) [A post-graduation transcript of credits] *Proof of completion of:*

(a) A physical therapy or physical therapist assistant curriculum; and

(b) Any clinical training required under the curriculum.

B. Transfer of Examination Scores. The following shall be filed with the Board or the Board's agent:

(1)—(2) (text unchanged)

(3) [A post-graduation transcript of credits] *Proof of completion of:*

(a) A physical therapy or physical therapist assistant curriculum; and

(b) Any clinical training required under the curriculum;

(4)—(6) (text unchanged)

C. Waiver of Examination. The following shall be filed with the Board or the Board's agent:

(1)—(2) (text unchanged)

(3) [A post-graduation transcript of credits] *Proof of completion of:*

(a) A physical therapy or physical therapist assistant curriculum; and

(b) Any clinical training required under the curriculum;

(4)—(6) (text unchanged)

D. Additional Requirements. Applicants for licensure shall:

(1) Achieve a passing score on the licensing examinations; and

[(2) Attend an interview unless the Board waives this requirement; and]

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

.04 Issuance of Licenses.

A. Temporary License.

(1) The Board may issue a temporary license to an applicant who, except for passing an examination otherwise required under Health Occupations Article, Title 13, Annotated Code of Maryland, has met the appropriate education and experience requirements for a physical therapy license or a physical therapist assistant license set forth under Health Occupations Article, §13-302, Annotated Code of Maryland.

(2) The holder of a temporary license shall:

(a) Practice under direct supervision while the temporary license is in effect;

(b) Achieve a passing score on the Maryland Physical Therapy jurisprudence exam; and

(c) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13-302.1, Annotated Code of Maryland.

(3) A temporary license is valid until:

(a) 90 days after issuance;

(b) The Board issues a full license to practice physical therapy or limited physical therapy to the holder of the temporary license; or

(c) The Board revokes the temporary license.

B. Licensure Procedures.

[A.] (1) (text unchanged)

[B.] (2) Renewal of Physical Therapist or Physical Therapist Assistant License.

[(1)] (a)—[(3)] (c) (text unchanged)

[C.] (3) Method of Renewal Notification.

[(1)] (a) Except as otherwise provided in [§C(2)] §B(3)(b) of this regulation, the Board shall mail notices for renewal at least 1 month before the expiration date.

[(2)] (b) (text unchanged)

[(3)] (c) If a renewal notice sent by electronic mail under [§C(2)] §B(3)(b) of this regulation is returned to the Board as undeliverable, the Board shall send to the licensee a renewal notice by first-class mail to the last known address of the licensee.

[D.] (4) A duplicate license shall be issued for a lost, stolen, or destroyed license provided the licensee:

[(1)] (a)—[(3)] (c) (text unchanged)

10.38.03 Standards of Practice

Authority: Health Occupations Article, §§13-206, 13-309, and 13-310, Annotated Code of Maryland

.02 Standards of Practice.

A. Physical Therapists.

(1) (text unchanged)

(2) The physical therapist shall:

(a)—(g) (text unchanged)

(h) Provide direct supervision of students, [and] aides, and individuals practicing under a temporary license;

(i)—(l) (text unchanged)

(3) (text unchanged)

B. (text unchanged)

10.38.06 Foreign-Educated Licensure Requirements

Authority: Health Occupations Article, §§13-206, 13-207, 13-301—13-303, 13-305—13-307, and 13-311, Annotated Code of Maryland

.03 Issuance of Licenses.

A. Temporary License.

(1) The Board may issue a temporary license to an applicant who, except for passing an examination otherwise required under Health Occupations Article, Title 13, Annotated Code of Maryland, has met the appropriate education and experience requirements for a physical therapy license or a physical therapist assistant license set forth under Health Occupations Article, §13-302, Annotated Code of Maryland.

(2) The holder of a temporary license shall:

(a) Practice under direct supervision while the temporary license is in effect;

(b) Achieve a passing score on the Maryland Physical Therapy jurisprudence exam; and

(c) Submit to a State and national criminal history records check in accordance with Health Occupations Article, §13-302.1, Annotated Code of Maryland.

(3) A temporary license is valid until:

(a) 90 days after issuance;

(b) The Board issues a full license to practice physical therapy or limited physical therapy to the holder of the temporary license; or

(c) The Board revokes the temporary license.

B. Licensure Procedures.

[A.] (1) (text unchanged)

[B.] (2) Renewal of Physical Therapist License.

[(1)] (a)—[(3)] (c) (text unchanged)

[C.] (3) Method of Renewal Notification.

[(1)] (a) Except as otherwise provided in [§C(2)] §B(3)(b) of this regulation, the Board shall mail notices for renewal at least 1 month before the expiration date.

[(2)] (b) (text unchanged)

[(3)] (c) If a renewal notice sent by electronic mail under [§C(2)] §B(3)(b) of this regulation is returned to the Board as undeliverable, the Board shall send to the licensee a renewal notice by first-class mail to the last known address of the licensee.

[D.] (4) The Board may issue a duplicate license for a lost, stolen, or destroyed license provided the licensee:

[(1)] (a)—[(3)] (c) (text unchanged)

[E.] (5) (text unchanged)

DENNIS R. SCHRADER
Secretary of Health

Title 13A STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

13A.06.03 Interscholastic Athletics in the State

Authority: Education Article, §§2-205 and 2-303(k), Annotated Code of Maryland

Notice of Proposed Action

[21-159-P]

The Maryland State Board of Education proposes to amend Regulations .03 and .04 under **COMAR 13A.06.03 Interscholastic Athletics in the State**. This action was considered by the State Board of Education at their August 24, 2021, meeting.

Statement of Purpose

The purpose of this action is to address the number of all-star contests students are eligible to compete in and provide additional scheduling flexibility within the season limitations for wrestling.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to R. Andrew Warner, Executive Director, Maryland Public Secondary Schools Athletic Association, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0376 (TTY 410-333-6442), or email to robert.warner1@maryland.gov, or fax to 410-333-3111. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 7, 2021, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.03 Sports Season.

Member MPSSAA schools shall conduct all interscholastic athletic contests and practice sessions in accordance with the following:

A. (text unchanged)

B. Maximum Number of Contests Permitted During a Sports Season.

(1) All school athletic schedules shall be established before the first MPSSAA allowable play date of each sport's season according to the following instructions:

(a)—(p) (text unchanged)

(q) Wrestling:

(i)—(ii) (text unchanged)

(iii) Multi-team events may be used to make up postponed contests between teams originally scheduled;

(iv) Three contests may be scheduled one time during the season on a nontournament week;

[(iv)] (v)—[(v)] (vi) (text unchanged)

(2)—(3) (text unchanged)

.04 Operational Guidelines.

The regulations given below are established for all MPSSAA interscholastic sports:

A.—B. (text unchanged)

C. Limits of Participation.

(1)—(4) (text unchanged)

(5) Individual students may participate in [two] all-star games [per sport] and events, upon [the] completion of their eligibility in the sport in which this participation occurs.

(6)—(9) (text unchanged)

D.—H. (text unchanged)

MOHAMMED CHOUDHURY
State Superintendent of Schools

Subtitle 07 SCHOOL PERSONNEL

13A.07.14 Child Sexual Abuse and Sexual Misconduct History

Authority: Education Article, §§2-205(c) and 6-113.2, Annotated Code of Maryland

Notice of Proposed Action

[21-160-P]

The Maryland State Board of Education proposes to amend Regulations .02 and .03 under COMAR 13A.07.14 **Child Sexual Abuse and Sexual Misconduct History**. This action was considered by the State Board of Education at their August 24, 2021, meeting.

Statement of Purpose

The purpose of this action is to align the regulations with changes made to statute, Education Article, §6-113.2, Annotated Code of Maryland, during the 2021 legislative session.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Kelly Meadows, Assistant State Superintendent, Division of Educator Certification and Program Approval, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385 (TTY 410-333-6442), or email to kelly.meadows@maryland.gov, or fax to 410-333-8963. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on January 25, 2022, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Contracting agency” means an entity that contracts with a county board or nonpublic school to provide a service to a school or the students of a school.

[(2)] (3)—[(3)] (4) (text unchanged)

[(4)] (5) “Direct contact with minors” means the [possibility of] care, supervision, guidance, or control of [a minor] or routine interaction with a minor.

(6) “Emergent employee” means an employee hired by a county board or nonpublic school without completing the employment history review required under Regulation .03 of this chapter.

[(5)] (7) (text unchanged)

(8) “School” means a public or nonpublic school.

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

.03 General Provisions.

A. *Employer Requirements for Employment History Review.*

[A.] (1) A county board, nonpublic school, or contracting agency shall follow the requirements of Education Article, §6-113.2, Annotated Code of Maryland, to obtain information on an applicant’s child sexual abuse and sexual misconduct history from current and former employers [prior to] *before* hiring that individual for a position involving direct contact with minors.

[B.] (2) Current *employers, former school employers, and former employers where the applicant had direct contact with minors within the last 10 years* shall complete and return the employment history review form to a prospective employer within 20 days of receiving the employment history review form.

[C.] (3) (text unchanged)

B. *Applicant Requirements for Employment History Review.*

(1) *An applicant for a position involving direct contact with minors shall submit to a county board, nonpublic school, or contracting agency both the contact information and a signed written consent form authorizing the release of all records relating to child sexual abuse or sexual misconduct from the following employers:*

(a) *The current employer;*

(b) *All former school employers; and*

(c) *Former employers where the applicant had direct contact with minors within the last 10 years.*

(2) *An applicant for a position involving direct contact with minors shall also submit to a county board, nonpublic school, or contracting agency a written statement of whether the applicant:*

(a) *Has been the subject of a child sexual abuse or sexual misconduct investigation by any employer, arbitrator, county board, State licensing agency, law enforcement agency, or child protective services agency, unless the investigation resulted in a finding by:*

(i) *The employer that allegations that the applicant engaged in sexual misconduct lacked sufficient evidence according to the policies of the county board or nonpublic school;*

(ii) *An arbitrator or a county board to reject any disciplinary action in response to allegations that the applicant engaged in sexual misconduct;*

(iii) *A State licensing agency that allegations that the applicant engaged in sexual misconduct lacked sufficient evidence according to either State law or the policies of the county board or nonpublic school;*

(iv) *A law enforcement agency that allegations that the applicant engaged in child sexual abuse were unfounded; or*

(v) *A child protective services agency that allegations that the applicant engaged in child sexual abuse were ruled out; or*

(b) *While allegations of child sexual abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of child sexual abuse or sexual misconduct, has ever:*

(i) *Been disciplined, discharged, nonrenewed, asked to resign, or otherwise separated from any employment; or*

(ii) *Had a license, professional license, or certificate suspended, surrendered, or revoked.*

C. *Sharing Employment History Reviews.*

(1) *A county board or nonpublic school may:*

(a) *Share an employment history review with other county boards and nonpublic schools; and*

(b) *Use an employment history review completed by a current or former employer that is a county board or nonpublic school if the applicant swears or affirms that the completed employment history review includes all prior employment required to be reported and provides information about any subsequent employment.*

(2) A contracting agency may:

- (a) Share an employment history review with other contracting agencies; and
- (b) Use an employment history review completed by a current or former employer that is a contracting agency if the applicant swears or affirms that the completed employment history review includes all prior employment required to be reported and provides information about any subsequent employment.

D. Emergent Employees.

(1) Applicants may be hired by a county board or nonpublic school as emergent employees for a period not to exceed 60 days pending the employment history review if:

- (a) The applicant has provided all required information and supporting documentation;
- (b) An employer has no knowledge of information that would disqualify the applicant from employment;
- (c) The applicant swears or affirms that the applicant is not disqualified from employment; and
- (d) The applicant is not authorized to work alone with minors unless the applicant:
 - (i) Works in the immediate vicinity of a permanent employee; or
 - (ii) Is a school vehicle driver subject to audio and video monitoring and recording that is promptly reviewed by school administrators.

(2) The county board or nonpublic school may rescind the offer of employment or complete the hiring process at any time within 60 days of hiring the applicant as an emergent employee.

(3) A county board's decision to dismiss an applicant hired as an emergent employee for any reason other than child sexual abuse or sexual misconduct may be appealed within 60 days of hiring in accordance with:

- (a) Education Article, §4-205, Annotated Code of Maryland;
- (b) Education Article, §6-202, Annotated Code of Maryland;

or

(c) The collective bargaining agreement applicable to the emergent employee.

MOHAMMED CHOUDHURY
State Superintendent of Schools

Title 26
DEPARTMENT OF THE
ENVIRONMENT
Subtitle 12 RADIATION
MANAGEMENT

26.12.01 Radiation Protection

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

Notice of Proposed Action

[21-157-P-I]

The Secretary of Environment proposes to amend Regulation .01 under **COMAR 26.12.01 Radiation Protection**.

Statement of Purpose

The purpose of this action is to amend COMAR 26.12.01.01, Incorporation by Reference, to incorporate Supplement 31, to adopt the Nuclear Regulatory Commission (NRC) Regulations RATS 2018-1 and 2018-2 amendments including (a) Incorporate RATS

2018-1 — Medical Use of Byproduct Material — Medical Event Definitions, Training and Experience, and Clarifying Amendments 10 CFR Parts 30, 32, 35; and (b) make minor corrections consistent with RATS 2018-2.

Comparison to Federal Standards

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

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mary McCormick, Health Physicist Supervisor, Radiological Health Program, Air and Radiation Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 750, Baltimore, MD 21230, or call 410-537-3301, or email to mary.mccormick@maryland.gov, or fax to 410-537-3198. Comments will be accepted through November 23, 2021. A public hearing has not been scheduled. The proposed regulation may be viewed on the MDE Website at https://mde.maryland.gov/programs/Air/RadiologicalHealth/Documents/Radiation%20Web%20Page%20-%20Intro_regs_final_new.pdf or at official depository libraries throughout the State.

A listing of these depository libraries is available at <http://www.dsd.state.md.us/Depositories.html> or call 410-974-2486 or 800-633-9657.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Regulations for the Control of Ionizing Radiation (1994), Supplement 31, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 48:1 Md. R. 7 (January 4, 2021), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

All provisions of the "Regulations for the Control of Ionizing Radiation (1994)" as amended by Supplement 1 through Supplement [30] 31 are incorporated by reference.

BENJAMIN H. GRUMBLES
Secretary of the Environment

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

Notice of Proposed Action [21-156-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to:

(1) Amend Regulation .01 under **COMAR 27.01.01 General Provisions**;

(2) Repeal existing Regulations .01, .04—.06, .09, and .10, adopt new Regulations .01, .01-1, .04—.06, .09, and .10, and amend Regulations .02, .03, .07, and .08 under **COMAR 27.01.03 Water-Dependent Facilities and Activities**;

(3) Amend Regulations .01 and .01-2 under **COMAR 27.01.09 Habitat Protection Areas in the Critical Area**;

(4) Amend Regulation .04 under **COMAR 27.01.11 Directive for Updating Critical Area Maps**;

(5) Amend Regulation .01 under **COMAR 27.01.13 Nonwater-Dependent Projects**;

(6) Amend Regulation .01 under **COMAR 27.02.01 General Provisions**;

(7) Repeal existing Regulation .04, adopt new Regulations .04—.04-3, and amend Regulations .09 and .12 under **COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands**; and

(8) Amend Regulation .01 under **COMAR 27.03.01 Notification of Project Applications**.

This action was considered by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays at an open meeting held on August 4, 2021, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to modernize the drafting style, update certain provisions, and, where necessary, delete certain provisions. The amendments generally affect the water-dependent facility regulations where these regulations are located throughout COMAR Title 27. The proposal does not include any additional regulatory requirements of the affected regulated community.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Hoerger, Regulations Coordinator, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100, Annapolis, MD 21401, or call 410-260-3478, or email to lisa.hoerger@maryland.gov. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Critical Area Commission for the Chesapeake and Atlantic Coastal Bays during a public meeting to be held on August 6, 2021, at 1 p.m., at 100 Community Place, Crownsville, MD 21032.

Subtitle 01 CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT

27.01.01 General Provisions

Authority: Natural Resources Article, §§8-1806, 8-1808(c), 8-1808.4(a), 8-1808.5(a), and 8-1811, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (13) (text unchanged)

(14) ["Community piers" means boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition] "*Community pier*" has the meaning stated in *Natural Resources Article, §8-1808.5(a), Annotated Code of Maryland*.

(15) — (51-2) (text unchanged)

(52) "Port" means a facility or area established or designated by the State or a local [jurisdictions for purposes] *jurisdiction for the purpose* of water-borne commerce.

(53) — (67) (text unchanged)

(67-1) *Structure*.

(a) "*Structure*" means building or construction materials, or a combination of those materials, that are purposely assembled or joined together on or over land or water.

(b) "*Structure*" includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, and shelter for the purpose of marina access, navigation, working, eating, sleeping, or recreating.

(68) — (75) (text unchanged)

[(76) "Water-use industry" means an industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.]

(77) — (79) (text unchanged)

27.01.03 [Water Dependent] *Water-Dependent Facilities and Activities*

Authority: Natural Resources Article, §§8-1808(d) and 8-1808.3, Annotated Code of Maryland

.01 Definition.

A. In this chapter, the following term has the meaning indicated.

B. Term Defined — *Water-Dependent Facility or Activity*.

(1) "*Water-dependent facility or activity*" means a structure or activity that, by reason of its intrinsic nature or operation or because of its association with an industrial, maritime, recreational, educational, aquaculture, or fishery activity, is dependent on the water and requires location at or near the shoreline or in the buffer.

(2) "*Water-dependent facility or activity*" includes:

(a) A port;

(b) An intake or outfall structure;

(c) A marina, another boat-docking facility, or a structure or activity that is essential to the operation of the water-dependent facility, structure, or activity;

(d) A fuel pump or other fuel-dispensing equipment on a pier, a sanitary sewage pump or other wastewater removal equipment on a pier, and an office on a pier for managing marina operations, such as monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations;

(e) A public beach and any other public water-oriented recreation area; and

(f) Any other water-dependent facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.

.01-1. Applicability.

A. The provisions of this chapter are not applicable to:

(1) A private pier that:

(a) Is installed or maintained by a riparian landowner; and

(b) Is not part of a residential project that provides a community pier or other community boat-docking or storage facility under Regulation .07 of this chapter; or

(2) A nonwater-dependent project covered under COMAR 27.01.13.

B. The requirements of COMAR 27.01.02 apply to this chapter.

.02 [Policies] Policy.

In developing [their] and updating its Critical Area [programs, local jurisdictions] program, a local jurisdiction shall [follow these policies when addressing water-dependent facilities:

A. Limit development activities in the Buffer, specified in COMAR 27.01.09, to those that are water-dependent; and

B. Provide by] provide design and locational criteria to assure that [these activities will have] a water-dependent facility or activity has minimal individual and cumulative impact on water quality and fish, wildlife, and plant habitat in the Critical Area.

.03 General Criteria.

In developing [their] and updating its Critical Area [programs, local jurisdictions] shall follow these criteria when addressing water-dependent facilities] program, a local jurisdiction:

A. In accordance with Natural Resources Article, §8-1808.3, Annotated Code of Maryland, Regulation .11C 4) of this chapter, if applicable, and COMAR 27.01.09, shall limit development in the buffer to the minimum lot coverage necessary to accommodate each water-dependent facility or activity;

[A.] B. Except as otherwise provided in this chapter, [new or expanded development activities may be permitted in the Buffer in] may approve a water-dependent facility or activity in the buffer of an intensely developed [and] area or a limited development [areas provided that it can be shown] area if:

(1) [That they are] The facility or activity is water-dependent;

(2) [That the project] The facility or activity meets a recognized private right or public need;

(3) [That adverse effects] Adverse impacts on water quality and fish, [plant, and] wildlife, and plant habitat are first avoided or, if unavoidable, minimized; and

(4) [That, insofar] Insofar as possible, a nonwater-dependent [structures or operations] project associated with the water-dependent [projects or activities are] facility or activity is located outside the [Buffer; and] buffer;

[(5) That the facilities are consistent with an approved local plan as set forth below.]

[B.] C. Except as otherwise authorized in this [regulation, new or expanded development activities may not be permitted in those portions of the Buffer which occur in] chapter, may not approve a water-dependent facility or activity in the buffer of a resource conservation [areas] area;

D. May not approve the placement of dredged material in the buffer or a portion of the Critical Area that has been designated as a habitat protection area, except as necessary for:

(1) A beneficial use approved by the Board of Public Works or the Department of the Environment, such as:

(a) Backfill for a shoreline stabilization measure;

(b) Use in a nonstructural shoreline stabilization measure, including a living shoreline;

(c) Beach nourishment;

(d) Restoration of an island;

(e) The creation, restoration, or enhancement of a wetland, or a fish, wildlife, or plant habitat; or

(f) Any other approved beneficial use; or

(2) Placement in an area that was approved for the disposal of channel maintenance dredged material before June 11, 1988; and

E. Shall ensure:

(1) The avoidance, or, in the alternative, the minimization of impacts to fish, wildlife, or plant habitat; and

(2) Mitigation at a ratio of 1:1 based on the square footage of the area of the canopy coverage removed.

.04 General Requirements for the Location of Water-Dependent Facilities or Activities.

A. The provisions of this regulation are in addition to the provisions of Regulation .03 of this chapter.

B. In accordance with the provisions of this chapter and in conjunction with, as applicable, the Departments of Agriculture, the Environment, and Natural Resources, and any other appropriate federal or State agency, a local jurisdiction shall develop a plan for the approval of an area as suitable for the location of a new or expanded water-dependent facility or activity.

C. In developing the plan required under §B of this regulation, a local jurisdiction shall document how each of the following siting factors is accorded due consideration:

(1) The impact on the water body upon which the water-dependent facility or activity is proposed that would likely result from the approval of that location, including:

(a) Alteration of an existing water circulation pattern or salinity regime;

(b) Adequacy of area flushing characteristics;

(c) Necessity of, and proximity to, a dredging operation; and

(d) Interference with the natural transport of sand;

(2) Disturbance to:

(a) An oyster harvest area, as defined in COMAR 08.02.04.11;

(b) An area covered in a current aquaculture lease, as defined in Natural Resources Article, §4-11A-01, Annotated Code of Maryland;

(c) A harvest reserve area, as designated under Natural Resources Article, §4-1009.1, Annotated Code of Maryland;

(d) An oyster sanctuary, as established in COMAR 08.02.04.15A; and

(e) Any other shellfish located in a shellfish area regulated by the Department of Natural Resources;

(3) Avoidance of disturbance to water quality and aquatic or terrestrial habitat resulting from the method or manner of dredging; and

(4) Avoidance or, in the alternative, minimization of:

(a) Disturbance to:

(i) A wetland;

(ii) Submerged aquatic vegetation;

(iii) A habitat of threatened or endangered species or species in need of conservation;

(iv) In accordance with COMAR 26.08.02.04-1, a water body identified by the Department of the Environment as a Tier II, high quality water body and its watershed; and

(v) A nontidal wetland of special State concern, as set forth in COMAR 26.23.01.01 and .04 and COMAR 26.23.06.01; and

(b) Adverse impact on water quality that would likely result from the facility or activity, such as nonpoint source runoff, sewage discharge, or other pollution related to vessel maintenance.

.05 Industrial and Port-Related Water-Dependent Facilities and Activities.

A. The provisions of this regulation are in addition to the provisions of Regulations .03 and .04 of this chapter.

B. A local jurisdiction may approve the development of an industrial or port-related water-dependent facility or activity that is located in an intensely developed area that:

(1) Under the provisions of COMAR 27.01.09.01-8:

(a) Has been designated as a modified buffer area; or

(b) Has not been designated as a modified buffer area, if the facility or activity complies with local program requirements applicable to a nonconforming use in the local jurisdiction in which the facility or activity is located; or

(2) Is an approved use in accordance with the local Critical Area program.

.06 Commercial Marinas and Other Water-Dependent Commercial Maritime Facilities and Activities.

A. The provisions of this regulation are in addition to the provisions of Regulations .03 and .04 of this chapter.

B. A local jurisdiction shall require that the operation of each commercial marina and each related commercial maritime facility or activity complies with:

(1) The requirements of COMAR 26.08.04.09 and, as applicable, COMAR 26.24.04.03; and

(2) The stormwater, wastewater, noncontact cooling water discharge, and any other applicable requirements of the Department of the Environment.

C. A local jurisdiction may approve:

(1) The development of a commercial marina or a related commercial maritime facility or activity located in the buffer of an intensely developed area or a limited development area;

(2) The redevelopment or expansion of a commercial marina or other related commercial maritime facility or activity located in the buffer of a resource conservation area; or

(3) The development of a new commercial marina or other related commercial maritime facility or activity located in the buffer of a resource conservation area, if the marina or other related facility or activity is publicly owned and meets all the requirements under Regulation .08 of this chapter.

.07 Community Piers and Other [Related Noncommercial Boat Docking] Community Boat-Docking and Storage Facilities.

A. [New or expanded community piers and other noncommercial boat-docking and storage facilities may be authorized in the buffer subject to the requirements of Regulation .03A of this chapter and §B of this regulation, provided that:] *The provisions of this regulation are in addition to the provisions of Regulations .03 and .04 of this chapter.*

B. *Subject to the requirements under §C of this regulation, a local jurisdiction may approve the location of a new or expanded community pier or other community boat-docking or storage facility in the buffer if:*

(1) [These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;] *The owner or operator of the pier or facility:*

(a) *Does not offer food, fuel, or other goods and services for sale in the buffer or on the community pier; and*

(b) *As applicable, complies with the requirements of COMAR 26.24.04.03;*

(2) The [facilities are] *pier or facility is* community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;

(3) The [facilities are] *pier or facility is* associated with a residential [development] *project* approved by the local jurisdiction [for the Critical Area and consistent with all criteria and local regulations for the Critical Area] *as consistent with all State and local program requirements;*

(4) Disturbance to the [Buffer] *buffer is* the minimum necessary to provide a single point of access to the [facilities] *pier or facility;* and

(5) If [community piers are] *a community pier is* provided as part of [the new development] *a new residential project*, private piers [in the development are not authorized] *are prohibited in that residential project.*

[B.] C. The number of slips authorized at [the] *a pier or facility* shall be the lesser of [§B(1) or (2),] *§C(1) or (2)* of this regulation:

(1) One slip for each 50 feet of shoreline in [the subdivision] *a residential project* in the intense *development* and limited development areas, and one slip for each 300 feet of shoreline in [the subdivision] *a residential project* in the resource conservation area; or

(2) A density of slips to platted lots or dwellings within [the subdivision] *a residential project* in the Critical Area according to the following schedule:

(table unchanged)

.08 Public Beaches and Other Public Water-Oriented Recreation or Education Areas or Activities.

[A. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in intensely developed areas.]

[B.] A. [These facilities may be permitted within the Buffer in limited development areas and resource conservation areas provided that:] *The provisions of this regulation are in addition to the provisions of Regulations .03 and .04 of this chapter.*

B. A local jurisdiction may approve the location of:

(1) A public beach or other public water-oriented recreation or education area or activity in the buffer of:

(a) An intensely developed area; or

(b) A limited development area or a resource conservation area if:

[(1) (i) (text unchanged)

[(2) (ii) [Service] *Sanitary and service* facilities are, to the extent possible, located outside the [Buffer] *buffer;*

[(3) (iii) [Permeable surfaces are] A *permeable surface* is used to the extent practicable, if no degradation of ground water would likely result; and

[(4) (iv) Disturbance to natural vegetation is *first avoided or, if unavoidable, minimized; [and] or*

[(5) Areas for passive recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within resource conservation areas, if service facilities for these uses are located outside of the Buffer.]

(2) *A public passive outdoor recreation or education area, such as for hiking, hunting, trapping, or nature study, in the buffer of a limited development area or a resource conservation area if sanitary and service facilities to support these uses are located outside the buffer.*

.09 Research-Associated and Education-Associated Water-Dependent Facilities or Activities.

A. *The provisions of this regulation are in addition to the provisions of Regulations .03 and .04 of this chapter.*

B. *As applicable, if an associated nonwater-dependent project is located outside the buffer, a local jurisdiction may approve the location in the buffer of a research-associated water-dependent facility or activity or of an education-associated water-dependent facility or activity.*

.10 Aquaculture and Fishery Facilities and Activities; Water Quality Restoration.

A. *The provisions of this regulation are in addition to the provisions of Regulations .03 and .04 of this chapter.*

B. *A local jurisdiction may approve the location of the following facilities and activities in the buffer:*

(1) *A shore-based facility or activity necessary for a commercial aquaculture operation;*

(2) *A commercial water-dependent fishery facility or activity, including a structure for crab shedding, a fish off-loading dock, and a shellfish culture operation; and*

(3) *A facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.*

27.01.09 Habitat Protection Areas in the Critical Area

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

.01 Buffer.

A. (text unchanged)

B. Terms Defined.

(1) — (16) (text unchanged)

[(17) Structure.

(a) "Structure" means building or construction materials, or a combination of those materials, that are purposely assembled or joined together on or over land or water.

(b) "Structure" includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, or shelter for the purpose of marine access, navigation, working, eating, sleeping, or recreating.]

(18) — (20) (text unchanged)

C. — D. (text unchanged)

E. Buffer Standards.

(1) In conjunction with mitigation performed in accordance with an approved buffer management plan under Regulation .01-3 of this chapter, a local jurisdiction may authorize disturbance in the buffer for:

(a) A [new] development activity [or a redevelopment activity]:

(i) Associated with a water-dependent facility *or activity* under COMAR 27.01.03;

(ii) (text unchanged)

(iii) In accordance with §E(8) of this regulation; [or]

(iv) (text unchanged)

(v) *Associated with the placement of dredged material under COMAR 27.01.03.03D; or*

(b) (text unchanged)

(2) — (8) (text unchanged)

.01-2 Mitigation and Planting Standards.

A. — C. (text unchanged)

D. *Temporary Disturbance.* As applicable to a site, a local jurisdiction shall [calculate mitigation for temporary disturbance according to the ratios under §H of this regulation] *require that an area in the buffer that is temporarily disturbed by a development activity be restored to pre-disturbance conditions.*

E. — G. (text unchanged)

H. *Permanent Disturbance.* In accordance with the applicable activity, a local jurisdiction shall require the following ratios of mitigation *for each permanent disturbance:*

[existing table proposed for repeal]

| Activity | Mitigation Ratio |
|---|-----------------------|
| <i>Septic on a lot created before local program approval if located in existing grass or if clearing is not required</i> | <i>Not applicable</i> |
| <i>Septic system in a forest or developed woodland on a lot created before local program approval if clearing is required</i> | <i>1:1</i> |
| <i>Shore erosion control</i> | <i>1:1</i> |
| <i>Riparian water access</i> | <i>2:1</i> |
| <i>Development of a water-dependent facility or activity under COMAR 27.01.03</i> | <i>2:1</i> |
| <i>Variance</i> | <i>3:1</i> |
| <i>Violation</i> | <i>4:1</i> |

I. — S. (text unchanged)

27.01.11 Directives for Updating Critical Area Maps

Authority: Ch. 119, Acts of 2008, §§1—4

.04 Mapping Methodology for the Assessment of Physical Features.

A. — C. (text unchanged)

D. Except for a living shoreline or a mudflat, the Department and the Commission shall map the following land features as upland:

(1) (text unchanged)

(2) An upland area surrounded by a tidal wetland if the upland area:

(a) (text unchanged)

(b) Except for a duckblind or a water-dependent facility *or activity under COMAR 27.01.03*, is developed with a legally authorized improvement; and

(3) (text unchanged)

E. — H. (text unchanged)

27.01.13 Nonwater-Dependent Projects

Authority: Natural Resources Article, §§8-1808.4, Annotated Code of Maryland; Ch. 492, Acts of 2013, §§1-4

.01 Definition.

A. — B. (text unchanged)

C. "Nonwater-dependent project" does not include:

(1) (text unchanged)

(2) A sanitary sewage pump or other wastewater removal equipment on a pier; [or]

(3) An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing

docking services, and housing electrical or emergency equipment related to marina operations; or

(4) A water-dependent facility or activity covered under COMAR 27.01.03.

Subtitle 02 DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROGRAMS

27.02.01 General Provisions

Authority: Natural Resources Article, §§8-701, 8-1806, 8-1808.4(a), and 8-1814, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (40-2) (text unchanged)

(41) "Port" [means a facility or area established or designated by the State or local jurisdictions for purposes of water-borne commerce] has the meaning stated in COMAR 27.01.01.01.

(42) — (60) (text unchanged)

(61) "Vessel" has the meaning stated in Natural Resources Article, §8-701, Annotated Code of Maryland.

[(62) "Water-use industry" means an industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.]

(63) — (65) (text unchanged)

27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

Authority: Natural Resources Article, §§8-1806 and 8-1814, Annotated Code of Maryland

.04 Water-Dependent Facilities and Activities — Definition.

In this regulation and in Regulations .04-1 through .04-3 of this chapter, "water-dependent facility or activity" has the meaning stated in COMAR 27.01.03.01.

.04-1 Water-Dependent Facilities and Activities — General Criteria.

An agency proposing development on State-owned land or responsible for the administration of a water-dependent facility or activity located on State-owned land:

A. In accordance with Natural Resources Article, §8-1808.3, Annotated Code of Maryland, and COMAR 27.02.05.09, shall limit development in the buffer to the minimum lot coverage necessary to accommodate each water-dependent facility or activity;

B. Except as otherwise provided under Regulations .04 through .04-3 of this chapter, may develop a water-dependent facility or activity in the buffer if:

(1) The facility or activity is water-dependent;

(2) The facility or activity meets a recognized public need;

(3) Adverse impacts on water quality and fish, wildlife, and plant habitat are first avoided or, if unavoidable, minimized; and

(4) A nonwater-dependent project associated with the water-dependent facility or activity is located outside the buffer;

C. May not place, or approve the placement of, dredged material in the buffer or a portion of the Critical Area that has been designated as a habitat protection area, except as necessary for:

(1) A beneficial use approved by the Board of Public Works or the Department of the Environment, such as:

(a) Backfill for a shoreline stabilization measure;

(b) Use in a nonstructural shoreline stabilization measure, including a living shoreline;

(c) Beach nourishment;

(d) Restoration of an island;

(e) The creation, restoration, or enhancement of a wetland, or a fish, wildlife, or plant habitat; or

(f) Any other approved beneficial use; or

(2) Placement in an area that was approved for the disposal of channel maintenance dredged material before June 11, 1988; and

D. Shall ensure:

(1) The avoidance, or, in the alternative, the minimization of impacts to fish, wildlife, or plant habitat; and

(2) Mitigation at a ratio of 1:1 based on the square footage of the area of the canopy coverage removed.

.04-2 Water-Dependent Facilities and Activities — General Location Requirements.

A. The provisions of this regulation are in addition to the provisions of Regulation .04-1 of this chapter.

B. An agency proposing development on State-owned land or responsible for the administration of a water-dependent facility or activity located on State-owned land shall document how each of the following siting factors is accorded due consideration:

(1) The impact on the water body upon which the water-dependent facility or activity is proposed that would likely result from the approval of that location, including:

(a) Alteration of an existing water circulation pattern or salinity regime;

(b) Adequacy of area flushing characteristics;

(c) Necessity of, and proximity to, a dredging operation; and

(d) Interference with the natural transport of sand;

(2) Disturbance to:

(a) An oyster harvest area, as defined in COMAR 08.02.04.11;

(b) An area covered in a current aquaculture lease, as defined in Natural Resources Article, §4-11A-01, Annotated Code of Maryland;

(c) A harvest reserve area, as designated under Natural Resources Article, §4-1009.1, Annotated Code of Maryland;

(d) An oyster sanctuary, as established in COMAR 08.02.04.15A; and

(e) Any other shellfish located in a shellfish area regulated by the Department of Natural Resources;

(3) Avoidance of disturbance to water quality and aquatic or terrestrial habitat resulting from the method or manner of dredging; and

(4) Avoidance or, in the alternative, minimization of:

(a) Disturbance to:

(i) A wetland;

(ii) Submerged aquatic vegetation;

(iii) A habitat of threatened or endangered species or species in need of conservation;

(iv) In accordance with COMAR 26.08.02.04-1, a water body identified by the Department of the Environment as a Tier II, high quality water body and its watershed; and

(v) A nontidal wetland of special State concern, as set forth in COMAR 26.23.01.01 and .04, and COMAR 26.23.06.01; and

(b) Adverse impact on water quality that would likely result from the facility or activity, such as nonpoint source runoff, sewage discharge, or other pollution related to vessel maintenance.

.04-3 Water-Dependent Facilities and Activities — Site-Specific Criteria.

A. The provisions of this regulation are in addition to the provisions of Regulations .04-1 and .04-2 of this chapter.

B. An agency proposing development on State-owned land or responsible for the administration of a water-dependent facility or activity located on State-owned land:

(1) May locate a water-dependent industrial or port-related facility or activity in the buffer if:

(a) The facility or activity is in an intensely developed area; and

(b) The Commission has approved a modification of the buffer requirements under Regulation .09 of this chapter or has duly executed a memorandum of understanding to that effect;

(2) Shall require that the operation of each commercial marina and each related commercial maritime facility or activity complies with:

(a) The requirements of COMAR 26.08.04.09 and, as applicable, COMAR 26.24.04.03; and

(b) The stormwater, wastewater, noncontact cooling water discharge, and any other applicable requirements of the Department of the Environment;

(3) May develop a commercial marina or a related commercial maritime facility or activity in the buffer of a resource conservation area, upon full satisfaction of all the requirements under §B(4)(a) of this regulation;

(4) May locate:

(a) A public beach or other public water-oriented recreation or education area or activity, including a publicly owned fishing pier or a boat launching and docking facility or activity, in the buffer if:

(i) Adequate sanitary facilities exist;

(ii) Sanitary and service facilities are, to the extent possible, located outside the buffer;

(iii) A permeable surface is used to the extent practicable, if no degradation of ground water would likely result; and

(iv) Disturbance to natural vegetation is first avoided or, if unavoidable, minimized; or

(b) A public passive outdoor recreation or education area, such as hiking, hunting, trapping, or nature study, in the buffer of a limited development area or a resource conservation area if sanitary and service facilities to support these uses are located outside the buffer;

(5) As applicable, if an associated nonwater-dependent project is located outside the buffer, may locate in the buffer a research-associated water-dependent facility or activity or an education-associated water-dependent facility or activity; and

(6) May locate the following facilities and activities in the buffer:

(a) A shore-based facility or activity necessary for a commercial aquaculture operation;

(b) A commercial water-dependent fishery facility or activity, including a structure for crab shedding, a fish off-loading dock, and a shellfish culture operation; and

(c) A facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.

.09 Buffer.

A. (text unchanged)

B. Criteria. In planning or proposing development on State-owned lands, the agency proposing the development shall use the following criteria:

(1) (text unchanged)

(2) [New development] *Development* activities, including structures, roads, parking areas, and other lot coverage areas, mining and related facilities, and septic systems, are [prohibited] *not authorized* in the buffer, except for those necessarily associated with

water-dependent facilities [covered] or activities as defined in Regulation .04 of this chapter.

(3) — (8) (text unchanged)

.12 Plant and Wildlife Habitat.

A. (text unchanged)

B. Criteria. When planning or proposing development [or redevelopment] on State-owned lands within the Critical Area, the agency proposing the development shall use the following criteria for plant and wildlife habitat:

(1) (text unchanged)

(2) The agency shall develop protection measures for the plant and wildlife habitats identified above as follows:

(a) (text unchanged)

(b) Provide that new water-dependent facilities or activities, as defined in Regulation .04 of this chapter, are so located as to prevent disturbance to sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.

(c) — (f) (text unchanged)

Subtitle 03 PROJECT APPLICATIONS

27.03.01 Notification of Project Applications

Authority: Natural Resources Article, §§8-1806, 8-1808(c), and 8-1811, Annotated Code of Maryland

.01 Definitions.

A. [As used in] In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) — (12) (text unchanged)

(12-1) “Structure” has the meaning stated in COMAR 27.01.01.01.

(13) — (14) (text unchanged)

CHARLES C. DEEGAN
Chairman

Critical Area Commission for the Chesapeake
and Atlantic Coastal Bays

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

**Subtitle 10 HEALTH INSURANCE —
GENERAL**

**31.10.51 Mental Health Benefits and Substance
Use Disorder Benefits — Reports on
Nonquantitative Treatment Limitations and Data**

Authority: Insurance Article, §§2-109(a)(1) and 15-144, Annotated Code of Maryland

Notice of Proposed Action

[21-154-P]

The Insurance Commissioner proposes to adopt new Regulations .01 — .08 under a new chapter, **COMAR 31.10.51 Mental Health Benefits and Substance Use Disorder Benefits — Reports on Nonquantitative Treatment Limitations and Data.**

Statement of Purpose

The purpose of this action is to adopt new Regulations .01 — .08 under COMAR 31.10.51 Mental Health Benefits and Substance Use Disorder Benefits — Reports on Nonquantitative Treatment Limitations and Data. During the 2020 legislative session, S.B. 334 passed as Ch. 222, Acts of 2020, and H.B. 455 passed as Ch. 211, Acts of 2020. This bill implemented Insurance Article, §15-144, Annotated Code of Maryland. The purpose of this bill is to ensure uniform definitions and methodology for the reporting requirements established under that statute.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to insurance carriers may increase in order to meet the new requirements. Specifically, insurance carriers will be required to submit additional forms to the Maryland Insurance Administration; therefore, their administrative costs will likely increase. Additionally, to the extent insurance carriers need to modify their systems or procedures to create reports regarding the required information in the standard format required by the regulations, there may be additional costs. The increase is expected to be minimal.

II. Types of Economic Impact.

| | Revenue (R+/R-) | |
|---|-------------------------|-----------|
| | Expenditure (E+/E-) | Magnitude |
| A. On issuing agency: | NONE | |
| B. On other State agencies: | NONE | |
| C. On local governments: | NONE | |
| | Benefit (+) Cost (-) | Magnitude |
| D. On regulated industries or trade groups: | NONE | |
| Administrative costs | (-) | Minimal |
| E. On other industries or trade groups: | NONE | |
| F. Direct and indirect effects on public: | NONE | |

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

D. The cost to insurance carriers may increase in order to meet the new requirements. Specifically, insurance carriers will be required to submit additional forms to the Maryland Insurance Administration; therefore, their administrative costs will likely increase. Additionally, to the extent insurance carriers need to modify their systems or procedures to create reports regarding the required information in the standard format required by the regulations, there may be additional costs. The increase is expected to be minimal.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Director of Regulations, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700 Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through November 22, 2021. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to adopt regulations to implement Insurance Article, §15-144, Annotated Code of Maryland, to ensure uniform definitions and methodology for the reporting requirements established under this chapter.

.02 Scope.

This chapter applies to carriers that deliver or issue for delivery a health benefit plan in Maryland.

.03 Definitions.

- A. In this chapter, the following terms have the meaning indicated.
- B. Terms Defined.

(1) “Analysis report” means the report required by Insurance Article, §15-144(c), Annotated Code of Maryland.

(2) “As written” means the written policies, procedures, and related documents, including medical necessity criteria or guidelines, used in the development and description of a NQTL and the decision whether to apply a NQTL to a particular benefit by the carrier or any entity delegated by the carrier to manage mental health, substance use disorder, or medical/surgical benefits on behalf of the carrier.

(3) “Data report” means the report required by Insurance Article, §15-144(f), Annotated Code of Maryland.

(4) “Evidentiary standards” means the carrier’s defined level and type of evidence necessary to evaluate whether a given factor is established, present, or utilized, which results in the determination to apply or not apply a NQTL to which that factor relates.

(5) “Factor” means a circumstance, condition, fact, standard, criterion, influence, or any other consideration that contributes to the development, design, or implementation of a NQTL.

(6) “In operation” means as used in the implementation and application of NQTLs, including the administration of benefits.

(7) “Medical/surgical benefits” has the meaning stated in Insurance Article, §15-144(a)(4), Annotated Code of Maryland, and may be abbreviated as “med/surg benefits” or “M/S benefits”.

(8) “Medical Necessity” means medical necessity as determined by the definition, criteria, or guidelines used by the carrier or its private review agent to determine what is necessary, efficient, or appropriate for purposes of coverage of a service or benefit. Insurance Article, §15-802, Annotated Code of Maryland, requires use of the criteria published by the American Society of Addiction Medicine for the evaluation of the medical necessity, efficiency, or appropriateness of services to treat a substance use disorder.

(9) “Mental health benefits” has the meaning stated in Insurance Article, §15-144(a)(5), Annotated Code of Maryland.

(10) “MH/SUD” means mental health benefits and substance use disorder benefits as a combined category.

(11) “NQTL” means a nonquantitative treatment limitation as defined in Insurance Article, §15-144(a)(6), Annotated Code of Maryland.

(12) “Parity Act” has the meaning stated in Insurance Article, §15-144(a)(7), Annotated Code of Maryland.

(13) “Parity Act classification” has the meaning stated in Insurance Article, §15-144(a)(8), Annotated Code of Maryland.

(14) “Process” means a series of actions or steps taken during the development, design, or implementation/application of a NQTL.

(15) "Provider" means:

- (a) A physician;
- (b) Hospital;
- (c) Facility;
- (d) Practitioner; or
- (e) Other person who is licensed or otherwise authorized to provide healthcare services.

(16) "Source" means the data, analyses, recommendation, requirement, meeting, or other information upon which a factor is based or from which a factor is derived or arises.

(17) "Substance use disorder benefits" has the meaning stated in Insurance Article, §15-144(a)(9), Annotated Code of Maryland.

(18) "Summary form" means the form required by Insurance Article, §15-144(g)(5), Annotated Code of Maryland.

.04 Filing of Nonquantitative Treatment Limitation Comparative Analysis Report.

A. For the five health benefit plans with the highest enrollment for each product offered by the carrier in the individual, small, and large group markets, a carrier that delivers or issues for delivery a health benefit plan in the State shall file a comparative analysis for each nonquantitative treatment limitation specified in the form required by the Commissioner, to demonstrate the carrier's compliance with Insurance Article, §15-144(c) — (e), Annotated Code of Maryland. An analysis report shall be filed with the Commissioner using only the form developed by the Commissioner and posted on the Administration's website.

B. Carriers shall prepare the analysis report in coordination with any entity the carrier contracts with to provide, manage, or administer MH/SUD benefits.

C. Carriers shall follow the instructions posted on the Administration's website to complete the analysis report.

D. A complete analysis report shall include responses to each section of the standardized form, as described in the instructions posted on the Administration's website.

E. Each analysis report shall contain a statement, signed by a corporate officer, attesting to the accuracy of the information contained in the analysis report.

F. Failure to file a complete analysis report shall result in penalties described in Insurance Article, §15-144 (j), Annotated Code of Maryland.

G. Complete Analysis Report.

(1) The analysis required by Insurance Article, §15-144(d), Annotated Code of Maryland, shall have been performed for processes in place during the calendar year preceding the analysis report.

(2) A carrier shall analyze each NQTL separately for each classification and sub-classification, as applicable, of benefits.

(3) If the carrier delegates administration or management of mental health, substance use disorder, or medical/surgical benefits to another entity (for example, a private review agent specializing in mental health and substance use disorder benefits or a pharmacy benefits manager), the analyses shall be conducted with close and coordinated involvement of both the carrier and the entity delegated by the carrier to manage mental health, substance use disorder, or medical/surgical benefits on behalf of the carrier. The carrier is responsible for providing all required information for the analyses, regardless of any delegation arrangement with a subcontracted entity.

(4) The analysis reports shall include the following information to be considered complete:

(a) All of the information identified in Insurance Article, §15-144(e), Annotated Code of Maryland, in the manner and format

specified in the standard reporting form and associated instructions provided on the Administration's website;

(b) A response to each step listed in the reporting form, for each NQTL in each classification and sub-classification, as applicable. If a particular item in a step is not applicable (for example, if none of the factors used to determine that the NQTL will apply to a benefit was given more weight than another), an explanation shall be provided as to why the item is not applicable;

(c) A statement as to whether there is any variation in the application of a guideline or standard used by the carrier between MH/SUD and medical/surgical benefits, and, if so, a description of the factors and process used for establishing that variation. Specific definitions of factors, processes, or criteria used to establish or support any variation is required. Any practice guidelines that may be associated with the NQTL shall also be provided;

(d) If the application of the NQTL turns on specific decisions in the administration of the benefits, identification of the basis of the decisions, the decision maker or makers, the timing of the decisions, and the qualifications of the decision maker or makers, including expertise and specialty;

(e) If the analyses rely upon any experts, an assessment of each expert's qualifications, expertise and specialty, and a description of the extent to which the carrier relied upon each expert's evaluations in setting recommendations regarding both MH/SUD and medical/surgical benefits. Any variation in the use of experts (for example, specialty matching, licensure levels, etc.) for MH/SUD compared to M/S shall be defined and justified;

(f) A description of all exception processes available for each NQTL and when the exception may be applied;

(g) An explanation of how much discretion is allowed in applying the NQTL and whether such discretion is afforded comparably for processing MH/SUD benefit claims and medical/surgical benefits claims;

(h) Documentation of audits, reviews, and analyses to check sample claims or other administrative data to assess how each NQTL operates in practice, and whether written processes are correctly carried out, including the results of the audits and reviews performed on the NQTLs identified in Insurance Article, §15-144 (c)(2)(ii), Annotated Code of Maryland, to conduct the comparative analysis required under Insurance Article, §15-144 (d)(2), Annotated Code of Maryland, as written, and in operation;

(i) Citations to any documents, studies, testing, claims data, or reports that include factors, sources, evidentiary standards, or other evidence relied upon in developing the NQTL (for example, meeting minutes or reports showing how those considerations were applied), with copies of those items available on request; and

(j) A description of the consequences or penalties that apply when the NQTL requirement is not met.

.05 Filing of Data Report.

A. For the five health benefit plans with the highest enrollment for each product offered by the carrier in the individual, small, and large group markets, a carrier that delivers or issues for delivery a health benefit plan in the State shall submit a data report for the immediately preceding calendar year for mental health benefits, substance use disorder benefits, and medical/surgical benefits by Parity Act classification.

B. The data report shall be filed with the Commissioner using only the standardized form posted on the Administration's website.

C. Carriers shall follow the instructions posted on the Administration's website to complete the data report.

D. A complete data report shall include responses to each applicable section of the standardized form and follow the instructions posted to the Administration's website.

E. Each data report shall contain a statement, signed by a corporate officer, attesting to the accuracy of the information contained in the data report.

F. Failure to file a complete data report shall result in penalties under Insurance Article, §15-144 (j), Annotated Code of Maryland.

.06 Summary Form.

A. A carrier subject to Insurance Article, §15-144, Annotated Code of Maryland, shall prepare a summary form using only the template form posted on the Administration's website.

B. The summary form shall be made available to plan members and accessible to the public on the carrier's website no later than April 1, 2022 and April 1, 2024. The carrier shall make the summary form available to plan members in response to a written request within 30 days of the request.

C. Carriers shall follow the instructions for completing the summary form using the instructions posted on the Administration's website.

D. A complete summary form shall include responses to each applicable section of the standardized form, as described in the instructions posted on the Administration's website.

.07 Compliance Plan.

A. If, as a result of the review of the reports described in Regulations .02 and .03 of this chapter, the Commissioner finds that a carrier subject to Insurance Article, §15-144, Annotated Code of Maryland, failed to comply with provisions of the Parity Act, the Commissioner shall notify the carrier and require the carrier to submit a compliance plan pursuant to Insurance Article, §15-144(i), Annotated Code of Maryland, to correct the noncompliance. The notice shall be in writing, but may be transmitted electronically.

B. The carrier shall have 90 days to file a compliance plan following the date a notice of noncompliance is issued by the Commissioner.

C. The compliance plan shall include:

(1) An acknowledgement of the Commissioner's finding of noncompliance;

(2) A summary of action or actions taken by the carrier to correct the noncompliance prior to the notice from the Commissioner;

(3) A summary of future action or actions to correct the noncompliance and the time frame when the actions will be taken; and

(4) A summary of amounts owed to members or providers due to violations of the Parity Act, including:

(a) Any amounts owed to members and the payment date or dates;

(b) Draft correspondence to members;

(c) Any amounts owed to providers and the payment date or dates;

(d) Draft correspondence to providers; and

(e) Confirmation of amounts paid to members and providers.

.08. Effective Date.

This chapter is applicable to all reports filed after January 1, 2022.

KATHLEEN A. BIRrane
Insurance Commissioner

Errata

COMAR 21.10.05.05

At 48:21 Md. R. 884 (October 8, 2021), column 1, after line 1
from the bottom:

Insert: (b) (text unchanged)

[21-22-27]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 4, 2021. The Commission will hold this hearing telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a proposed policy, Fee Incentives for the Withdrawal and Consumptive Use of AMD Impacted Waters & Treated Wastewater (formerly the draft Use of Lesser Quality Waters Policy), as well as proposals to amend its Regulatory Program Fee Schedule and a proposed Letter of Understanding (LOU) regarding program coordination between the Susquehanna River Basin Commission and the Pennsylvania Department of Environmental Protection (DEP). Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 17, 2021, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is November 15, 2021.

DATES: The public hearing will convene on November 4, 2021, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for the submission of written comments is November 15, 2021.

ADDRESSES: This hearing will be held by telephone conference rather than at a physical location. Conference Call # 1-877-668-4493 (Toll-Free number) / Access code: 177 163 3585.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.net.

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

SUPPLEMENTARY INFORMATION: The Commission is proposing a policy for Fee Incentives for the Withdrawal and Consumptive Use of AMD Impacted Waters & Treated Wastewater (formerly the draft Use of Lesser Quality Waters Policy, which was revised based on prior public comment). This policy would replace the current Policy No. 2009-01. The Commission is also proposing changes to its Regulatory Program Fee Schedule, which it typically does on an annual basis. The Commission is also seeking public

comment on the LOU with the Pennsylvania DEP. The LOU would replace the current MOU with DEP signed in 1999. The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor and Facility: Artesian Water Company, Inc., New Garden Township, Chester County, Pa. Application for renewal of the transfer of water of up to 3.000 mgd (30-day average) from the Chester Water Authority (Docket No. 19961105).

Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Terry Township, Bradford County, Pa. Application for renewal and modification of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20170904).

Project Sponsor and Facility: Clearfield Municipal Authority, Pike Township, Clearfield County, Pa. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19910704) to allow for project improvements.

Project Sponsor and Facility: Deep Woods Lake LLC, Dennison Township, Luzerne County, Pa. Applications for groundwater withdrawal of up to 0.200 mgd (30-day average) from Well SW-5 and consumptive use of up to 0.467 mgd (peak day).

Project Sponsor and Facility: Municipal Authority of the Township of East Hempfield dba Hempfield Water Authority, East Hempfield Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.353 mgd from Well 6, 0.145 mgd from Well 7, 1.447 mgd from Well 8, and 1.800 mgd from Well 11, and Commission-initiated modification to Docket No. 20120906, which approves withdrawals from Wells 1, 2, 3, 4, and 5 and Spring S-1 (Docket Nos. 19870306, 19890503, 19930101, and 20120906).

Project Sponsor: Farmers Pride, Inc. **Project Facility:** Bell & Evans Plant 3, Bethel Township, Lebanon County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.108 mgd from Well PW-1, 0.139 mgd from Well PW-2, and 0.179 mgd from Well PW-4.

Project Sponsor: Glenn O. Hawbaker, Inc. **Project Facility:** Naginey Facility, Armagh Township, Mifflin County, Pa. Applications for groundwater withdrawal of up to 0.300 mgd (30-day average) from the Quarry Pit Pond and consumptive use of up to 0.310 mgd (peak day).

Project Sponsor: Hydro Recovery-Antrim LP. **Project Facility:** Antrim Treatment Plant (Antrim No. 1 Mine Discharge and Backswitch Mine Discharge), Duncan Township, Tioga County, Pa. Applications for renewal of surface water withdrawal of up to 1.872 mgd (peak day) and for consumptive use of up to 1.872 mgd (30-day average) (Docket No. 20090902).

Project Sponsor and Facility: Project Sponsor and Facility: Mifflin County Municipal Authority (formerly The Municipal Authority of the Borough of Lewistown), Armagh Township, Mifflin County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.770 mgd from McCoy Well 1, 1.152 mgd from McCoy Well 2, and 0.770 mgd from the Milroy Well.

Project Sponsor: Nature's Way Purewater Systems, Inc. **Project Facility:** USHydrations – Dupont Bottling Plant, Dupont Borough, Luzerne County, Pa. Modification to increase consumptive use (peak day) by an additional 0.100 mgd, for a total consumptive use of up to 0.449 mgd (Docket No. 20110618).

Project Sponsor and Facility: Shippensburg Borough Authority, Southampton Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal of up to 2.000 mgd (30-day average) from Well 3 (Docket No. 20070305).

Project Sponsor and Facility: Walker Township Water Association, Inc., Walker Township, Centre County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.432 mgd from Zion Well 2 and 0.320 mgd from Hecla Well Docket Nos. 19910302 and 19950906).

Project Scheduled for Action Involving a Diversion:

Project Sponsor and Facility: Chester Water Authority, New Garden Township, Chester County, Pa. Applications for renewal of consumptive use and for an out-of-basin diversion of up to 3.000 mgd (30-day average) (Docket No. 19961104).

Commission-Initiated Project Approval Modification:

Project Sponsor and Facility: Chester Water Authority, New Garden Township, Chester County, Pa. Applications for renewal of consumptive use and for an out-of-basin diversion of up to 3.000 mgd (30-day average) (Docket No. 19961104).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 15, 2021, to be considered.

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

DATED: October 7, 2021

JASON E. OYLER
General Counsel and Secretary to the Commission
[21-22-23]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 21-WQC-0329

Microsoft Corporation

1 Microsoft Way

Redmond, Washington 98052

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 21-WQC-0329.

Location: 8271 Dorsey Run Road, Annapolis Junction, MD 20701 in Anne Arundel County

The purpose of the project is to construct a Data Center and all associated infrastructure.

1. The project will permanently impact 16,192 square feet (0.37 acres) of forested nontidal wetlands, 10,689 square feet (0.25 acres) of emergent nontidal wetlands, 36,460 square feet (0.84 acres) of 25-foot nontidal wetland buffer, 2,459 linear feet (15,265 square feet) of intermittent stream and 162,631 square feet (62,936 cubic yards) of 100-year floodplain. Mitigation is required by this project and will be satisfied on-site with the relocation of the intermittent stream to the north of the site and creation of compensatory wetland mitigation with wetland creation and plantings associated with the new stream channel design and according to the approved Phase I Mitigation Plan. The project will affect Dorsey Run (Use I).

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

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

Contact: Cheryl Kerr at cheryl.kerr@maryland.gov or 410-537-3911.

[21-22-21]

General Notices

Notice of ADA Compliance

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

DEPARTMENT OF AGING

Subject: Public Meeting

Date and Time: November 10, 2021, 1 — 3 p.m.

Place: Virtual meeting, MD

Add'l. Info: Regularly scheduled meeting: Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

To join via video conference, please follow this link: meet.google.com/oev-gjht-isd

To join via phone, please dial +1 318-531-1076 (PIN: 957374392)

Contact: Alex Baldi (410) 767-1102

[21-22-05]

STATE COLLECTION AGENCY LICENSING BOARD

Subject: Public Meeting

Date and Time: November 9, 2021, 2 — 3 p.m.

Place: Via Google Meet — please see details below.

Add'l. Info: Thereafter, the public meetings will take place the second Tuesday of every month, accessed via the Google Meet.

Google Meet joining info:

meet.google.com/ahz-mgnk-jsu

Join by phone:

(US) +1 530-738-1353 PIN: 815 799 863#

Contact: Cindy McCauley (443) 202-0154

[21-22-14]

COMPTROLLER OF THE TREASURY

Subject: Notice of Interest Rate on Refunds and Moneys Owed to the State

Add'l. Info: Pursuant to Tax-General Article, §13-604, Annotated Code of Maryland, the Comptroller is required to set the annual interest rate on refunds and moneys owed to the State. For the 2022 calendar year, the annual interest rate on refunds and moneys owed to the State will be 9.5%.

Contact: Sharonne Bonardi (410) 260-7806

[21-22-16]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Meeting

Date and Time: November 10, 2021, 5:30 — 7 p.m.

Place: Virtual meeting — please see details below.

Add'l. Info: The meeting may be viewed on YouTube at:

<https://www.youtube.com/watch?v=IBJGntgFg2g>

Contact: David Soule (301) 403-4165

[21-22-12]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting

Date and Time: November 18, 2021, 10 a.m. — 12 p.m.

Place: Via Google Meet — please see the Board's website for details

Contact: Lenelle Cooper (410) 764-4733

[21-22-13]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting

Date and Time: November 4, 2021, 1 — 3 p.m.

Place: 653 W. Pratt St., Ste. 212, Baltimore, MD

Add'l. Info: The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month. Due to COVID, this meeting may be held virtually. Please call 410-706-5074 for access information.

Contact: Sheilé McAllister (410) 706-4449

[21-22-06]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting

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

Place: 653 W. Pratt St., Ste. 212, Baltimore, MD

Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month. Due to COVID, this meeting may be held virtually. Please call 410-706-5074 for

access information. Part of the meeting may include a closed session.

Contact: Sheilé McAllister (410) 706-4449

[21-22-07]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting

Date and Time: November 4, 2021, 9 a.m. — 1 p.m.

Place: Virtual meeting—please see details below.

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

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

<https://health.maryland.gov/mmcp/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>

Please submit questions to mdh.marylandpdquestions@maryland.gov.

Contact: Deborah Washington (410) 767-1455

[21-22-10]

MARYLAND DEPARTMENT OF HEALTH

Subject: Receipt of Application

Add'l. Info: Call for applications and nominations for physicians and pharmacists to serve on the Maryland Medicaid Drug Use Review (DUR) Board beginning January, 2022

The implementation of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), §1927g(3), requires that the Maryland Department of Health (MDH) establish a Medicaid DUR Board. The DUR Board is comprised of licensed and actively practicing physicians and pharmacists in Maryland and has been in operation since November 1992. The activities of the DUR Board include but are not limited to:

- Reviewing prospective and retrospective DUR criteria, prior authorization criteria and quantity or dosage form limitations developed by the Division of Clinical Pharmacy Services or by contracted vendors.

- The use of criteria and interventions, including assessing the operational effect of the criteria and interventions, in order to identify areas of prescribing and dispensing of specific drugs that may result in adverse participant outcomes.

- Evaluating participant drug utilization that may represent potential fraud and abuse and making disposition recommendations.

- Identifying educational needs and developing educational plans to improve prescribing or dispensing practices, and evaluating the effect of these educational interventions.

- Advising the Office of Pharmacy Services (OPS) in the area of enrollment of participants into the Corrective Managed Care (CMC) Program through the DUR Board's CMC Advisory Committee. This subcommittee of the DUR Board develops Corrective Managed Care enrollment recommendations by considering the Lock-In Criteria for participants (as defined by the CMC Advisory Committee Policy and Procedures).

The DUR Board meets quarterly for 3-4 hours in the Baltimore area. Meetings are normally scheduled on the first Thursday morning of the months of March, June, September, and December. Members are appointed by the Secretary of MDH and serve terms of 3 years from the date of their appointment with the option to serve an additional 3 year term.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in one or more of the following areas:

- (1) The clinically appropriate prescribing of outpatient drugs.

- (2) The clinically appropriate dispensing and monitoring of outpatient drugs.

- (3) Drug use review, evaluation, and intervention.

- (4) Medical quality assurance.

All interested applicants are required to submit a formal application through the MDH Office of Appointments and Executive Nominations application link at <https://mdhappointments.health.maryland.gov/BoardAppointments/>. Applications must be submitted no later than Sunday, October 31, 2021.

Any additional questions regarding applications may be addressed to Deborah Washington at the Office of Pharmacy

Services (deborah.washington@maryland.gov) or call 410-767-1455.

Contact: Deborah Washington (410) 767-1455

[21-22-11]

MARYLAND COMMISSION ON INDIAN AFFAIRS

Subject: Petition for Recognition

Add'l. Info: On, June 9, 2021, the Maryland Commission on Indian Affairs received a Petition of Recognition of Maryland Indian Status from the Notoweegea Nation, 38494 Maysville, Greendale Rd, Logan, OH 43138. The petition and any supporting documentation, if not prohibited from disclosure under the Maryland Public Information Act and the regulations for recognition of Maryland Indian status (COMAR 01.06.01 et seq.), may be inspected between 8:30 a.m. and 3:30 p.m., except Saturdays, Sundays, and State holidays, at the office of the Commission, 100 Community Place, Crownsville, MD 21032 (410-697-9260). Any person may submit factual or legal arguments, in support of or in opposition to the petition, by mail addressed to the Commission at its office, and post-marked within 60 days after the date of this notice.

Contact: E. Keith Colston (410) 697-9264, keith.colston@maryland.gov

[21-22-25]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting

Date and Time: November 18, 2021, 10 a.m. — 12 p.m.

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

Add'l. Info: The October commission meeting will be conducted in person and via a livestream link available on the day of the meeting on the website:

<https://www.mdgaming.com/commission-meeting-11-18-2021/>.

Be advised that masks are required to enter the building.

Contact: Kathy Lingo (410) 230-8790

[21-22-15]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Letter of Intent — Substance Abuse

Add'l. Info: Notice of Receipt of a Letter of Intent and Review for Track Two Alcoholism and Drug Abuse Intermediate Care Facility.

On September 26, 2021, the MHCC received a Letter of Intent from:

Pyramid Walden, LLC — Establish a Track Two Alcoholism and Drug Abuse Intermediate Care Facility offering Medically Monitored Inpatient treatment with 74 beds (50 beds licensed and designated for Level 3.7WM and Level 3.7; and 24 beds for Level 3.5) to be located at 3000 Lottsford Vista Road, Bowie, Prince George's County.

Pursuant to COMAR 10.24.01.08A(3) the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish a Track Two Alcoholism and Drug Abuse Treatment Facility in Southern Maryland (St. Mary's, Calvert, Charles, and Prince George's Counties). Additional Letters of Intent should be submitted to the MHCC, 4160 Patterson Ave., Baltimore, MD 21215, and are due by the close of business, November 22, 2021

Contact: Ruby Potter (410) 764-3276

[21-22-18]

RACING COMMISSION

Subject: Public Meeting

Date and Time: October 28, 2021, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

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

[21-22-17]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meeting

Dates and Times: October 27, 2021, 8:30 a.m. — 5 p.m.; Additional Dates: November 10 and 23, 2021

Place: 7201 Corporate Center Dr., Hanover, MD

Add'l. Info: Meetings are being held virtually until further notice. Please check the website for additional information:

<https://mdot.maryland.gov>

Contact: Sabrina Bass (410) 865-1240

[21-22-24]

MARYLAND COLLEGE COLLABORATION FOR STUDENT VETERANS COMMISSION

Subject: Public Meeting

Date and Time: November 2, 2021, 10 a.m. — 12 p.m.

Place: Virtual Meeting

Add'l. Info: Meeting link TBD. Please call for meeting link.

Contact: Denise Nooe (410) 260-3840

[21-22-19]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting

Date and Time: November 18, 2021, 10 a.m. — 12:30 p.m.

Place: Via Google Hangouts —please see details below.

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

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

Contact: Dee Settar (410) 537-4162

[21-22-02]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting

Date and Time: November 18, 2021, 10 a.m. — 12:30 p.m.

Place: Via Google Hangouts —please see details below.

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

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

Contact: Dee Settar (410) 537-4162

[21-22-03]

BOARD OF WELL DRILLERS

Subject: Public Meeting

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

Place: Via Google Hangouts

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

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

Contact: Duane M Johnson (410) 537-4466

[21-22-01]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____

Name _____

Company _____

Address _____

City _____ State _____ Zip _____

Tel. _____ Fax _____

Email: _____

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

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

Acct.# _____ **Exp.** _____

Signature _____ Tel: _____

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

SPECIAL COMAR PUBLICATIONS

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

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

COMAR SUBSCRIPTION SCHEDULES

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

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

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

COMAR IN PDF — ORDER FORM

| Titles | Agency Name | Price ¹ | Subscription ² | Quantity | Total |
|--|--|--------------------|---------------------------|---------------|-------|
| Complete set of COMAR in PDF format | | \$1,100 | \$550 | _____ | _____ |
| Title 01 | Executive Department | \$35 | \$24 | _____ | _____ |
| Title 02 | Office of the Attorney General | \$22 | \$13 | _____ | _____ |
| Title 03 | Comptroller of the Treasury | \$30 | \$20 | _____ | _____ |
| Title 04 | Department of General Services | \$16 | \$10 | _____ | _____ |
| Title 05 | Department of Housing and Community Development | \$78 | \$50 | _____ | _____ |
| Title 07 | Department of Human Services | \$80 | \$53 | _____ | _____ |
| Title 08 | Department of Natural Resources | \$78 | \$51 | _____ | _____ |
| Title 09 | Maryland Department of Labor | \$89 | \$60 | _____ | _____ |
| Title 10 | Maryland Department of Health (All parts) ** | \$300 | \$195 | _____ | _____ |
| Title 10 | Part 1 ** | \$45 | \$30 | _____ | _____ |
| Title 10 | Part 2 ** | \$75 | \$50 | _____ | _____ |
| Title 10 | Part 3 ** | \$75 | \$50 | _____ | _____ |
| Title 10 | Part 4 ** | \$75 | \$50 | _____ | _____ |
| Title 10 | Part 5 ** | \$45 | \$30 | _____ | _____ |
| Title 10 | Part 6 ** | \$45 | \$30 | _____ | _____ |
| Title 11 | Transportation (All parts) ** | \$106 | \$75 | _____ | _____ |
| Title 11 | Part 1 (Transportation) ** | \$42 | \$25 | _____ | _____ |
| Title 11 | Part 2 (MVA)** | \$74 | \$50 | _____ | _____ |
| Title 12 | Department of Public Safety and Correctional Services | \$67 | \$43 | _____ | _____ |
| Title 13A | Maryland State Department of Education | \$63 | \$42 | _____ | _____ |
| Title 13B | Maryland Higher Education Commission | \$25 | \$15 | _____ | _____ |
| Title 14 | Independent Agencies | \$80 | \$53 | _____ | _____ |
| Title 15 | Maryland Department of Agriculture | \$48 | \$30 | _____ | _____ |
| Title 16 | Department of Juvenile Services | \$23 | \$15 | _____ | _____ |
| Title 17 | Department of Budget and Management | \$28 | \$16 | _____ | _____ |
| Title 18 | Department of Assessments and Taxation | \$20 | \$12 | _____ | _____ |
| Title 19A | State Ethics Commission | \$24 | \$14 | _____ | _____ |
| Title 20 | Public Service Commission | \$49 | \$32 | _____ | _____ |
| Title 21 | State Procurement Regulations | \$48 | \$30 | _____ | _____ |
| Title 22 | State Retirement and Pension System | \$22 | \$13 | _____ | _____ |
| Title 23 | Board of Public Works | \$18 | \$11 | _____ | _____ |
| Title 24 | Department of Commerce | \$34 | \$20 | _____ | _____ |
| Title 25 | State Treasurer | \$16 | \$9 | _____ | _____ |
| Title 26 | Department of Environment (All parts) ** | \$189 | \$125 | _____ | _____ |
| Title 26 | Part 1 ** | \$54 | \$35 | _____ | _____ |
| Title 26 | Part 2 ** | \$83 | \$52 | _____ | _____ |
| Title 26 | Part 3 ** | \$57 | \$38 | _____ | _____ |
| Title 26 | Part 4 ** | \$37 | \$24 | _____ | _____ |
| Title 27 | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18 | \$10 | _____ | _____ |
| Title 28 | Office of Administrative Hearings | \$16 | \$9 | _____ | _____ |
| Title 29 | Maryland State Police | \$30 | \$18 | _____ | _____ |
| Title 30 | MD Institute for Emergency Medical Services Systems (MIEMSS) | \$25 | \$17 | _____ | _____ |
| Title 31 | Maryland Insurance Administration | \$68 | \$45 | _____ | _____ |
| Title 32 | Department of Aging | \$25 | \$15 | _____ | _____ |
| Title 33 | State Board of Elections | \$42 | \$25 | _____ | _____ |
| Title 34 | Department of Planning | \$31 | \$18 | _____ | _____ |
| Title 35 | Maryland Department of Veterans Affairs | \$16 | \$9 | _____ | _____ |
| Title 36 | Maryland State Lottery and Gaming Control Agency | \$48 | \$30 | _____ | _____ |
| | Binders (<u>not</u> included in PDF price) | \$15 | + S & H | _____ | _____ |
| | | | | Total: | _____ |

Prices are for single-user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

¹ Price is per copy of each Title.

² Annual Subscription - Receive updated COMAR Title(s) quarterly. ~ Subscription quantities MUST match Title quantities.

** See the following page for description of contents.

COMAR IN PRINT — ORDER FORM (8 ½ x 11 format)

| Titles | Agency Name | Price ¹ | Subscription ² | Quantity | Total |
|--|--|--------------------|---------------------------|----------|-------|
| Complete set of COMAR in Print (includes binders) | | \$1,475 | \$755 | _____ | _____ |
| Title 01 | Executive Department | \$47 | \$30 | _____ | _____ |
| Title 02 | Office of the Attorney General | \$31 | \$20 | _____ | _____ |
| Title 03 | Comptroller of the Treasury | \$41 | \$25 | _____ | _____ |
| Title 04 | Department of General Services | \$23 | \$12 | _____ | _____ |
| Title 05 | Department of Housing and Community Development | \$103 | \$70 | _____ | _____ |
| Title 07 | Department of Human Services | \$104 | \$70 | _____ | _____ |
| Title 08 | Department of Natural Resources | \$102 | \$70 | _____ | _____ |
| Title 09 | Maryland Department of Labor | \$116 | \$75 | _____ | _____ |
| Title 10 | Maryland Department of Health (All Parts)** | \$425 | \$250 | _____ | _____ |
| Title 10 | Part 1 ** | \$65 | \$40 | _____ | _____ |
| Title 10 | Part 2 ** | \$99 | \$70 | _____ | _____ |
| Title 10 | Part 3 ** | \$99 | \$70 | _____ | _____ |
| Title 10 | Part 4 ** | \$99 | \$70 | _____ | _____ |
| Title 10 | Part 5 ** | \$75 | \$50 | _____ | _____ |
| Title 10 | Part 6 ** | \$75 | \$50 | _____ | _____ |
| Title 11 | Transportation (All parts) ** | \$137 | \$85 | _____ | _____ |
| Title 11 | Part 1 (Transportation)** | \$55 | \$35 | _____ | _____ |
| Title 11 | Part 2 (MVA) ** | \$102 | \$70 | _____ | _____ |
| Title 12 | Department of Public Safety and Correctional Services | \$86 | \$55 | _____ | _____ |
| Title 13A | Maryland Department of Education | \$83 | \$60 | _____ | _____ |
| Title 13B | Maryland Higher Education Commission | \$34 | \$20 | _____ | _____ |
| Title 14 | Independent Agencies | \$103 | \$70 | _____ | _____ |
| Title 15 | Maryland Department of Agriculture | \$63 | \$40 | _____ | _____ |
| Title 16 | Department of Juvenile Services | \$32 | \$20 | _____ | _____ |
| Title 17 | Department of Budget and Management | \$38 | \$25 | _____ | _____ |
| Title 18 | Department of Assessments and Taxation | \$28 | \$18 | _____ | _____ |
| Title 19A | State Ethics Commission | \$33 | \$20 | _____ | _____ |
| Title 20 | Public Service Commission | \$64 | \$42 | _____ | _____ |
| Title 21 | State Procurement Regulations | \$65 | \$42 | _____ | _____ |
| Title 22 | State Retirement and Pension System | \$33 | \$18 | _____ | _____ |
| Title 23 | Board of Public Works | \$26 | \$15 | _____ | _____ |
| Title 24 | Department of Commerce | \$47 | \$25 | _____ | _____ |
| Title 25 | State Treasurer | \$23 | \$12 | _____ | _____ |
| Title 26 | Department of Environment (All parts) ** | \$241 | \$160 | _____ | _____ |
| Title 26 | Part 1 ** | \$72 | \$42 | _____ | _____ |
| Title 26 | Part 2 ** | \$109 | \$72 | _____ | _____ |
| Title 26 | Part 3 ** | \$76 | \$50 | _____ | _____ |
| Title 26 | Part 4 ** | \$51 | \$30 | _____ | _____ |
| Title 27 | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$26 | \$15 | _____ | _____ |
| Title 28 | Office of Administrative Hearings | \$23 | \$12 | _____ | _____ |
| Title 29 | Maryland State Police | \$40 | \$22 | _____ | _____ |
| Title 30 | MD Institute for Emergency Medical Services Systems (MIEMSS) | \$34 | \$20 | _____ | _____ |
| Title 31 | Maryland Insurance Administration | \$90 | \$62 | _____ | _____ |
| Title 32 | Department of Aging | \$34 | \$18 | _____ | _____ |
| Title 33 | State Board of Elections | \$57 | \$35 | _____ | _____ |
| Title 34 | Department of Planning | \$42 | \$25 | _____ | _____ |
| Title 35 | Department of Veterans Affairs | \$23 | \$12 | _____ | _____ |
| Title 36 | Maryland State Lottery and Gaming Control Agency | \$65 | \$43 | _____ | _____ |
| | Additional Binder | \$15 | + S & H | _____ | _____ |

Shipping/Handling : _____

¹ Price is per copy of each Title and includes binders

Order Total : _____

² Annual Subscription - Receive updated information semi-annually ~ Subscription quantities MUST match Title quantities.

** See the following page for description of contents

*Note: COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than three months old, call the COMAR Subscription Manager (410-260-3876) to confirm prices. **Fees are not refundable.***

| Shipping/Handling | |
|---|-----------------|
| <u>Publication Total</u> | <u>Shipping</u> |
| \$ 0-50 | \$20 |
| \$ 51-150 | \$30 |
| \$ 151-300 | \$35 |
| \$ 301-400 | \$50 |
| \$400 + please call Subscription Department. | |
| <i>State agencies using courier, may omit S&H</i> | |

Titles 10, 11, and 26 are available in Parts, listed below with Subtitles, and may be purchased separately.

Title 10 Maryland Department of Health

Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

Part 2

- 09 Medical Care Programs

Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine

Part 6

- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Profess.
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners

- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

Title 11 Department of Transportation

Part 1

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Maryland Transit Administration
- 07 Maryland Transportation Authority
- 08 State Rail Safety Oversight
- 09 Vacant
- 10 Vacant

Part 2

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

Title 26 Department of the Environment

Part 1

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

Part 2

- 08 Water Pollution
- 09 Maryland CO₂ Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
- 23 Nontidal Wetlands
- 24 Tidal Wetlands
- 25 Ballast Water Management
- 26 Community Right-to-Know Fund
- 27 Hazardous Material Security



Date: _____

Subscriber Id.# _____

Maryland Register

Archive Order Form

The Division of State Documents has created pdf files of all the Maryland Register issues since 1974. The issues from 1974—2003 are scanned images of the actual Register in pdf format and, as such, are not searchable, while the issues beginning with 2004 are *searchable text* in pdf format files.

❖ Single issues of the Maryland Register from 1974—present

_____ \$10 Per issue of the Register from 1974—present via emailed pdf file.
Please specify **Issue(s)**: _____

_____ \$15 Per issue of the Maryland Register from 1974—present via mailed hard-copy
Please specify **Issue(s)**: _____

❖ An archival library of all Maryland Register issues from 1974—2020:

_____ \$375 2 DVDs (1974 — 2019)

_____ \$50 One year of the Maryland Register from 1974—2003 (unsearchable):
Please specify **Year(s)**: _____

❖ _____ \$100 A single year of issues from 2004 forward will be available in January of the year following their publication. These will be searchable files, on CD.

Please specify year(s) between 2004 through 2020: _____

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland).

By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

❖ Please order by *faxing* the completed form to:

Fax: 410-280-5647

Business/Agency: _____

Name: _____

❖ By *mailing* it to:

Division of State Documents

State House

Annapolis, MD 21401

Billing Address: _____

City, State, Zip _____

Tel: _____ Fax: _____

❖ By *emailing* it to:

Recipient's Email: _____

dsubscriptions_sos@Maryland.gov

❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

**Money Order or Check #** \_\_\_\_\_ **Amount: \$** \_\_\_\_\_ **or**

**VISA, MasterCard, American Express, Discover ~ Amount: \$** \_\_\_\_\_

Card # \_\_\_\_\_ Card Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**MDH Pamphlets ORDER FORM**

**Date:** \_\_\_\_\_

**Subscriber ID#:** \_\_\_\_\_

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

| <b><u>Codification #</u></b> | <b><u>Pamphlet Title</u></b>                                                                                                     | <b><u>Price / #</u></b> |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| COMAR 10.05                  | Freestanding Ambulatory Care Facilities — July 2017 .....                                                                        | \$15 × _____            |
| COMAR 10.07.01               | Acute General Hospitals and Special Hospitals — April 2019.....                                                                  | \$15 × _____            |
| COMAR 10.07.02               | Nursing Homes — June 2019 .....                                                                                                  | \$22 × _____            |
| COMAR 10.07.03               | Health Care Staff Agencies — July 2017.....                                                                                      | \$12 × _____            |
| COMAR 10.07.05               | Residential Service Agencies — July 2017.....                                                                                    | \$15 × _____            |
| COMAR 10.07.06               | Hospital Patient Safety Program — Apr 2018 .....                                                                                 | \$10 × _____            |
| COMAR 10.07.07               | Nursing Referral Service Agencies — Mar 2017.....                                                                                | \$10 × _____            |
| COMAR 10.07.09               | Bill of Rights: Comp. Care Facil. & Extended Care Facilities — July 2017 .....                                                   | \$15 × _____            |
| COMAR 10.07.10               | Home Health Agencies — July 2017 .....                                                                                           | \$12 × _____            |
| COMAR 10.07.11               | Health Maintenance Organizations — April 2018 .....                                                                              | \$12 × _____            |
| COMAR 10.07.14               | Assisted Living Programs — July 2017 .....                                                                                       | \$18 × _____            |
| COMAR 10.07.21               | Hospice Care Programs — April 2018.....                                                                                          | \$12 × _____            |
| COMAR 10.10                  | Laboratory Regulations — Sept 2019 .....                                                                                         | \$24 × _____            |
| COMAR 10.12.04               | Day Care for the Elderly and Adults with a Medical Disability — July 2017 .....                                                  | \$15 × _____            |
| COMAR 10.15.03               | Food Service Facilities — Oct 2020.....                                                                                          | \$18 × _____            |
| COMAR 10.16                  | Youth Camps — Feb 2017 .....                                                                                                     | \$17 × _____            |
| COMAR 10.21                  | Mental Hygiene Regulations — Oct 2017 .....                                                                                      | \$32 × _____            |
| COMAR 10.22                  | Developmental Disabilities — May 2019 .....                                                                                      | \$22 × _____            |
| COMAR 10.47                  | Alcohol And Drug Abuse Administration — July 2017 .....                                                                          | \$18 × _____            |
| COMAR 10.51                  | Forensic Laboratories — March 2018 .....                                                                                         | \$20 × _____            |
| COMAR NPA                    | Nurse Practice Act — Feb 2021 .....                                                                                              |                         |
|                              | <input type="checkbox"/> 6x9 Bound Bk <input type="checkbox"/> 8.5x11 Loose leaf <input type="checkbox"/> Opt. Binder +\$15..... | \$38 × _____            |
| COMAR 10.62                  | Natalie M. Laprade Medical Cannabis Commission — April 2021 .....                                                                | \$22 × _____            |
| COMAR 10.63                  | Community-Based Behavioral Health Programs & Services — Sept 2019.....                                                           | \$17 × _____            |

**Fees are not refundable**

*Price of pamphlets includes shipping*

TOTAL: \$ \_\_\_\_\_

Payment Method \_\_\_\_\_ Check enclosed, made payable to: **“The Division of State Documents”**

Choose/Check one: \_\_\_\_\_ VISA / Master Card / American Express / Discover card payment:

Acct.# \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Tel: \_\_\_\_\_

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

**Note:** COMAR prices may change. Check the date on the lower right hand corner of this form. If the form is more than 3 months old, call the Subscription Manager at 410-260-3876 to confirm prices. **Last Updated 5/2021**



Date: \_\_\_\_\_

Subscriber Id.# \_\_\_\_\_

# Maryland Register

## Print and E-Version Order Form

The Maryland Register is a biweekly publication containing proposed, emergency, and final administrative regulations as well as other State government information. The Register serves as the temporary supplement to the Code of Maryland Regulations (COMAR). 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.

See separate [Order Form](#) for the Maryland Register Archive Issues from 1974 — 2020.

- ❖ \_\_\_\_\_ \$225 A single year of the Maryland Register in Print ~ 1<sup>st</sup> Class Mail Delivery.
- ❖ \_\_\_\_\_ \$ 15 1 Binder for half a year of Maryland Register issues in Print.
- ❖ \_\_\_\_\_ \$ 25 2 Binders for a full year of Maryland Register issues in Print.
- ❖ \_\_\_\_\_ \$190 A **single-user** annual e-Subscription, which provides a searchable pdf text file of each issue, emailed directly to one recipient's email address.
- ❖ \_\_\_\_\_ \$130 *Per additional user, per account subscription.* Call 410-260-3876 for details.

**Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.**

- ❖ Please order by *faxing* the completed form to: Business/Agency: \_\_\_\_\_  
 Fax: 410-280-5647 Name: \_\_\_\_\_
- ❖ By *mailing* it to: Billing Address: \_\_\_\_\_  
 Division of State Documents \_\_\_\_\_  
 State House City, State, Zip \_\_\_\_\_  
 Annapolis, MD 21401 Tel: \_\_\_\_\_ Fax: \_\_\_\_\_
- ❖ By *emailing* it to: Recipient's Email: \_\_\_\_\_  
[dsubscriptions\\_sos@Maryland.gov](mailto:dsubscriptions_sos@Maryland.gov)
- ❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

Money Order or Check # _____ Amount: \$ _____ or

VISA, MasterCard, American Express, Discover ~ Amount: \$ _____

Card # _____ Card Exp. Date: _____

Signature: _____ Phone: _____

Fees are not refundable.

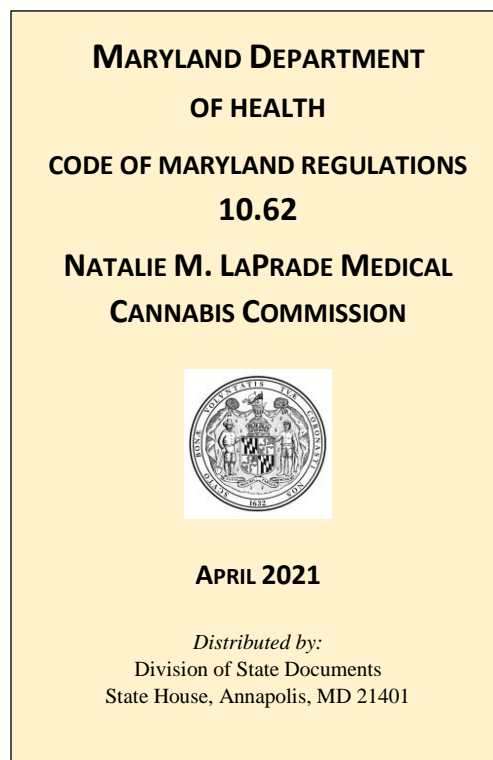
Last updated 1/2021

Natalie M. LaPrade Medical Cannabis Commission
Regulations ~ April 2021

It's here ...

the latest (Buff Cover) edition of COMAR 10.62,
The Natalie M. LaPrade Medical Cannabis Commission
regulations book is now available!

It contains the most current COMAR 10.62 regulations *now in effect*;
The newly adopted and amended regulations are effective April 2021.



PRICING and ORDER INFORMATION . . .

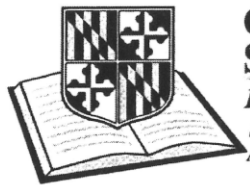
New, expanded regulations book, incl S&H \$22

For orders of *10 or more* books, pricing and S&H is discounted

Please *call* **410-260-3876** to place your order today and

Pay over the phone with a Credit or Debit Card, or

Complete the MDH Order Form and *fax* to 410-280-5647



**Office of the
Secretary of State**

Division of State Documents

*State House
Annapolis, MD 21401*

PUBLISHERS OF:

The Code of Maryland Regulations (COMAR)

The Maryland Register

For information, contact:

Telephone: 410.260.3876 or 800.633.9657

E-Mail address: dsubscriptions_sos@maryland.gov

Website: www.dsd.state.md.us