

Maryland Register

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 26, 2019, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of August 26, 2019.

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



Information About the Maryland Register and COMAR

MARYLAND REGISTER

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

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

The following information is also published regularly in the Register:

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

CITATION TO THE MARYLAND REGISTER

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

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

CODE OF MARYLAND REGULATIONS (COMAR)

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

CITATION TO COMAR REGULATIONS

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

DOCUMENTS INCORPORATED BY REFERENCE

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

HOW TO RESEARCH REGULATIONS

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

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

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

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

The Code of Maryland Regulations is available at www.dsd.state.md.us 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 2020

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2019			
September 27	September 9	September 16	September 18
October 11	September 23	September 30	October 2
October 25	October 7	October 11**	October 16
November 8	October 21	October 28	October 30
November 22	November 4	November 8**	November 13
December 6	November 18	November 25	November 27
December 20	December 2	December 9	December 11
2020			
January 3	December 16	December 23	December 24**
January 17	December 30	January 6	January 8
January 31	January 13	January 17**	January 22
February 14	January 27	February 3	February 5
February 28	February 10	February 14**	February 19
March 13	February 24	March 2	March 4
March 27	March 9	March 16	March 18
April 10	March 23	March 30	April 1
April 24	April 6	April 13	April 15
May 8	April 20	April 27	April 29
May 22	May 4	May 11	May 13
June 5	May 18	May 22**	May 27
June 19	June 1	June 8	June 10
July 6***	June 15	June 22	June 24
July 17	June 29	July 6	July 8
July 31	July 13	July 20	July 22

* 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.

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03 COMPTROLLER OF THE TREASURY

03.03.05.04 • 45:18 Md. R. 835 (8-31-18)

03.03.05.29 • 45:19 Md. R. 817 (9-13-18)

05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

05.02.01.01—,07 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.02.02.01—,12 • 46:1 Md. R. 16 (1-4-19)

05.02.03.01—,07 • 46:1 Md. R. 16 (1-4-19)

05.02.04.01—,18 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.02.06.01,,02 • 46:1 Md. R. 16 (1-4-19)

05.02.07.01—,09 • 46:1 Md. R. 16 (1-4-19) (ibr)

05.13.01.01—,19 • 46:15 Md. R. 657 (7-19-19)

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08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.01 • 46:18 Md. R. 776 (8-30-19) (ibr)

08.02.04.01,,08,,12 • 46:16 Md. R. 690 (8-2-19)

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08.19.02.02,,04,,05 • 46:18 Md. R. 779 (8-30-19)

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09 MARYLAND DEPARTMENT OF LABOR

09.12.01.28 • 46:15 Md. R. 663 (7-19-19)

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09.10.01.90 • 46:14 Md. R. 624 (7-5-19)

09.34.01.11,,13 • 45:21 Md. R. 982 (10-12-18)

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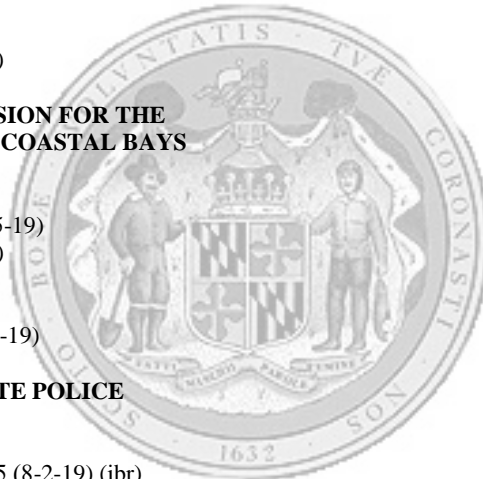
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The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of the Court of Appeals dated August 21, 2019, **STEVEN COCHARIO ANTHONY** (CPF # 8212010008), 22880 Whelan Lane, Boyds, Maryland 20841, has been suspended, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated August 21, 2019, **TIMOHTY LEE CREED** (CPF # 1512090001), 8508 Wagon Wheel Road, Alexandria, Virginia 22309, has resigned 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 19-735(e)).

[19-19-19]



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 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §§4-205.1, 4-602, and 4-11A-02, Annotated Code of Maryland

Notice of Final Action

[19-131-F]

On September 3, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.16** under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 46:15 Md. R. 662—663 (July 19, 2019), has been adopted as proposed.

Effective Date: September 23, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.02 Use of Wildlife Areas

Authority: Natural Resources Article, §§10-801 and 10-808, Annotated Code of Maryland

Notice of Final Action

[19-130-F]

On September 3, 2019, the Secretary of Natural Resources adopted amendments to Regulation **.02** under **COMAR 08.03.02 Use of Wildlife Areas**. This action, which was proposed for adoption in 46:15 Md. R. 663 (July 19, 2019), has been adopted as proposed.

Effective Date: September 23, 2019.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

09.03.06 Mortgage Lenders

Authority: Business Regulation Article, §2-105; Financial Institutions Article, §§2-105.1(b), 11-503, 11-503.1, 11-505(e)(3), 11-508(f), and 11-511.1; Real Property Article, §3-104.1(c); Annotated Code of Maryland

Notice of Final Action

[19-043-F]

On August 29, 2019, the Commissioner of Financial Regulation adopted amendments to Regulations **.02**, **.20**, and **.21**, new Regulations **.03** and **.23—25**, amendments to and the recodification of existing Regulations **.03—07**, **.09**, **.11**, **.15**, **.17**, **.18**, and **.23** to be Regulations **.04—08**, **.10**, **.12**, **.16**, **.18**, **.19**, and **.22**, respectively, and the recodification of existing Regulations **.08**, **.10**, **.12—14**, and **.16** to be Regulations **.09**, **.11**, **.13—15**, and **.17**, respectively, under **COMAR 09.03.06 Mortgage Lenders**. This action, which was proposed for adoption in 46:5 Md. R. 315—323 (March 1, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 4, 2019.

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:

As a general matter, these changes do not substantively affect the rights, duties, or obligations of licensees. The changes merely clarify intent, clarify process, and correct cross references.

Regulation .02B(6): In response to comments received, the cross reference is being corrected.

Regulation .02B(17): In response to comments received, the cross reference is being clarified.

Regulation .02B(24): In response to comments received, the term “loan modification” is being deleted because it does not appear in any other regulation.

Regulation .02B(25): .025(B)(26) In response to comments received, this change avoids confusion by withdrawing the term “Maryland loan”.

Regulation .02B(30)(a): In response to comments received, the definition of mortgage servicer is being simplified to clarify the intent that a mortgage servicer performs activities during repayment of a mortgage loan.

Regulation .02B(30)(e): This change is being made to clarify that the word person applies to an attorney representing a mortgagee or its successors and assigns or to a substitute trustee, and to delete the

word mortgage because a substitute trustee only applies to a deed of trust.

Regulation .05A(1), .05A(5)(c), .05B(1), .05B(1)(q)(ii), and .05B(2): The term “mortgage loan” is being substituted for “Maryland loan” because of the definition change in Regulation .02B(25).

Regulation .05A(5)(a), (b), and (c): During the 2019 legislative session, Md. Code Ann., Fin. Inst. §11-515(a)(2)(ii)(2) was amended to extend the time period from 36 months to 60 months within which the Commissioner must conduct an examination. Accordingly, the record retention requirement is changed to reflect the statutory amendment.

Regulation .05C(4)(c): In response to comments received that concerned a required manner of organization of records that has not been communicated to licensees, the language is being changed to provide the Commissioner with flexibility to adjust the manner of organization at the time of examination based on the size and complexity of the licensee.

Regulation .05D: In response to comments received that noted compliance with the “reasonably should know” standard would be impossible, this standard is deleted.

Regulation .07D: In response to comments received that noted inconsistency with current Maryland law, this section is deleted.

Regulation .08C(3): In response to comments received regarding clarity, the federal statutes are replaced with federal regulations.

Regulation .19C: In response to comments received regarding clarity, the cross reference is changed to the specific section.

Regulation .24C: In response to comments received that noted the very robust, new requirements for data protection, and that compliance processes could differ based on the size and complexity of licensees’ businesses, the requirement for the design of a licensee’s information security program to achieve certain objectives is changed to the requirement for the design to consider certain objectives.

Regulation .24H: In response to comments received that noted the requirement for an annual certification of periodic testing could be inconsistent with the timing of testing that will be based on the size and complexity of the licensee’s information technology system, the annual certification requirement is deleted.

Regulation .24I: The security risk assessment required under Regulation .24 is the foundation for testing and monitoring. Accordingly, requirements to retain records of the security risk assessment and periodic testing results and to provide a copy the security risk assessment and periodic testing to the Commissioner upon request are added.

.02 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1)—(5) (proposed text unchanged)

(6) “Breach of the security of a system” has the meaning stated in Commercial Law Article, [[§14-3501]] §14-3504, Annotated Code of Maryland.

(7)—(16) (proposed text unchanged)

(17) “Information security program” has the meaning stated in 16 CFR [[Part 3]] §314.2, as it may be amended from time to time.

(18)—(23) (proposed text unchanged)

[[(24) “Loan modification” means a change to a mortgage loan, excluding any change required due to a filing for bankruptcy, which alters the loan amount or one or more of the terms of repayment set forth in the document creating the debt.]]

[[(25)]] (24) (proposed text unchanged)

[[(26) “Maryland loan” as used in this regulation means a mortgage loan secured by real property or a dwelling located in the State.]]

[[(27)]] (25)—[[(29)]] (27) (proposed text unchanged)

[[(30)]] (28) “Mortgage servicer” includes a person that engages in one or more of the following actions for the benefit of other persons in connection with mortgage loans:

(a) Collects or receives [[one or more of the following types of]] payments directly from borrowers for distribution to the owner of the mortgage loan or another third party, including a master servicer[.];

(i) Principal;

(ii) Interest;

(iii) Tax;

(iv) Insurance; or

(v) Any other payment due under a loan agreement or security instrument[.];

(b)—(d) (proposed text unchanged)

(e) Conducts or supervises the foreclosure process, except if the person is an attorney representing a mortgagee or its successors and assigns, or is acting as a substitute trustee in a foreclosure action under a [[mortgage or]] deed of trust.

[[(31)]] (29)—[[(38)]] (36) (proposed text unchanged)

.05 Records.

A. Preservation of Records.

(1) A licensee shall preserve the records of a [[Maryland]] mortgage loan in one or more of the following ways:

(a)—(c) (proposed text unchanged)

(2)—(4) (proposed text unchanged)

(5) Time Period.

(a) A lender shall retain records for [[37]] 61 months after a loan is denied, repayment of the loan is made in full, or the loan is sold, whichever occurs first.

(b) A mortgage servicer shall retain records for [[37]] 61 months after final payment is made or the right to service the loan under either a servicing or subservicing agreement is terminated or transferred, whichever occurs first.

(c) If a licensee acts as a broker in a [[Maryland]] mortgage loan, records of the [[Maryland]] mortgage loan shall be retained for [[37]] 61 months after the [[Maryland]] mortgage loan is made or denied.

(6)—(7) (proposed text unchanged)

B. Content of Records.

(1) For each [[Maryland]] mortgage loan made or serviced by a licensee, a file shall be maintained which contains, at a minimum, the following:

(a)—(p) (proposed text unchanged)

(q) Optional insurance:

(i) (proposed text unchanged)

(ii) This paragraph does not apply to hazard insurance and flood insurance on the property securing the [[Maryland]] mortgage loan;

(r)—(u) (proposed text unchanged)

(2) Notwithstanding §B(1) of this regulation, a licensee acting as a broker in connection with a particular [[Maryland]] mortgage loan:

(a)—(f) (proposed text unchanged)

(3)—(4) (proposed text unchanged)

C. Provision of Records to the Commissioner.

(1) – (3) (proposed text unchanged)

(4) When delivered to the Commissioner, records shall be:

(a)—(b) (proposed text unchanged)

(c) Organized in [[the]] any manner [[specified]] requested by the Commissioner.

D. Loss of Records. A licensee shall immediately notify the Commissioner *[[when the licensee:*

(1) Knows]] of any actual or potential loss of records required to be kept by this regulation *[[; or*

(2) Reasonably should know of any actual or potential loss of records required to be kept by this regulation]].

.07 Financing Agreements.

A.—C. (proposed text unchanged)

[[D. A licensee that provides disclosures that comply with 12 CFR Parts 1024 and 1026, as they may be amended from time to time, shall be deemed compliant with the requirement to:

(1) Provide a financing agreement; and

(2) Provide a commitment.]]

.08 Agreements with the Borrower.

A.—B. (proposed text unchanged)

C. Undisclosed Fees.

(1)—(2) (proposed text unchanged)

(3) Compliance with *applicable disclosures under* *[[the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and corresponding regulations and applicable disclosures under the Truth in Lending Act (15 U.S.C. §1601 et seq.) and corresponding regulations]]* 12 CFR §§1026.37 and 1026.38 shall be deemed compliance with §C(1) and (2) of this regulation.

(4) (proposed text unchanged)

D. (proposed text unchanged)

.19 Ability to Repay.

A.—B. (proposed text unchanged)

C. *Compliance with applicable provisions in 12 CFR Part* *[[1026]]* 1026.43, *as it may be amended from time to time, may be substituted for the obligations required by, and shall be sufficient to meet the requirements of, §B of this regulation.*

.24 Data Protection.

A.—B. (proposed text unchanged)

C. *A licensee's information security program shall* *[[be designed to achieve]]* consider *the following objectives:*

(1)—(3) (proposed text unchanged)

D.—G. (proposed text unchanged)

H. Reporting Obligations.

[[(1) *A licensee shall obtain an annual certification as to the performance and results of the periodic testing required by §E(1) of this regulation and make the annual certification available at the request of the Commissioner.*

(2)]] A licensee shall provide notice of a breach of the security of a system to the Commissioner prior to giving the notice required by Commercial Law Article, §14-3504(b), Annotated Code of Maryland.

I. Record Retention.

A licensee shall provide copies of risk assessments under §D of this regulation and results of periodic testing under §E of this regulation to the Commissioner upon request.

ANTONIO P. SALAZAR
Commissioner of Financial Regulation

Title 11

DEPARTMENT OF

TRANSPORTATION

Notice of Final Action

[19-132-F]

On September 3, 2019, the Administrator of the Motor Vehicle Administration adopted amendments to:

(1) Regulations .02 and .04 under **COMAR 11.11.13 Ignition Interlock Program**; and

(2) Regulations .02—, .04, .08, .10, and .18 under **COMAR 11.13.10 Ignition Interlock Systems**.

This action, which was proposed for adoption in 46:15 Md. R. 664—665 (July 19, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 1, 2019.

Attorney General's Certification

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

COMAR 11.13.10.10A(4): For clarification purposes, change the word "customer" to "vehicle operator".

COMAR 11.13.10.10A(5): For clarification purposes, change the word "user's" to "operator's".

COMAR 11.13.10.18C: For clarification purposes, change the word " re-enrolling" to "reentry into the Ignition Interlock System Program if the Motor Vehicle Administration allows an individual to reenter the Program after a period of 30 days from the date of removal".

11.13.10 Ignition Interlock Systems

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

.10 User Orientation and Support.

A. The vehicle operator shall be provided:

(1) — (3) (proposed text unchanged)

(4) *Written notice about the requirement that the* *[[customer]]* vehicle operator *must remain in clear view of the camera at all times while a breath sample is being provided; and*

(5) Written and hands-on training on how to use the device after it is installed in the *[[user's]]* operator's vehicle. This shall include all persons who are authorized to use the vehicle that has had a device installed.

B. (proposed text unchanged)

.18 Exemption.

An ignition interlock device certified and installed before *October 1, 2019*, may continue to be used until the earliest of:

A. — B. (proposed text unchanged)

C. *The customer's* *[[re-enrolling]]* reentry into the Ignition Interlock System Program if the Motor Vehicle Administration allows an individual to reenter the Program after a period of 30 days from the date of removal *with a device that was installed prior to October 1, 2019.*

CHRISTINE NIZER
Administrator

Title 31
MARYLAND INSURANCE
ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS
AND OTHER INSURANCE
PROFESSIONALS

31.03.02 Insurance Producers—Continuing
Education Requirements

Authority: Insurance Article, §§2-109, 10-115, and 10-116, Annotated Code of Maryland

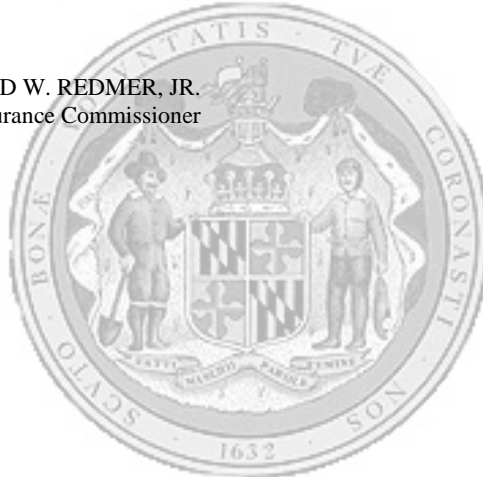
Notice of Final Action

[19-109-F]

On August 27, 2019, the Insurance Commissioner adopted amendments to Regulation .03 under **COMAR 31.03.02 Insurance Producers—Continuing Education Requirements**. This action, which was proposed for adoption in 46:12 Md. R. 567 (June 7, 2019), has been adopted as proposed.

Effective Date: January 1, 2020.

ALFRED W. REDMER, JR.
Insurance Commissioner



Proposed Action on Regulations

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

Symbol Key

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

Promulgation of Regulations

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

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

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

Title 03 COMPTROLLER OF THE TREASURY

Subtitle 03 MOTOR FUEL TAX

03.03.05 Motor Fuel Inspection

Authority: Business Regulation Article, §§10-202, 10-308, 10-309, and 10-323.1; Tax-General Article, §2-103; Annotated Code of Maryland

Notice of Proposed Action

[19-178-P]

The Comptroller of the Treasury proposes to amend Regulation .29 under **COMAR 03.03.05 Motor Fuel Inspection**.

Statement of Purpose

The purpose of this action is to update COMAR 03.03.05.29 to allow for special fuel additives to be introduced into these special fuels at retail locations or fueling sites. This action will have minimal cost impacts on retail service station or fueling site locations as the industry has anticipated and requested these updates. This action will enable all sellers of special fuel to introduce authorized additives to special fuels.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Comptroller's Office expects these regulatory changes to allow special fuel sellers to be more flexible in the special fuel options for their customers. This regulatory change is unlikely to have an adverse fiscal impact on the special fuel sellers. Further, this proposed regulatory change simply enables the special fuel additive to be introduced at the retail location or fueling site.

II. Types of Economic Impact.

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

D. On regulated industries or trade groups: (-)

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: (-) Minimal

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

A. The Comptroller's Field Enforcement Division currently regulates and inspects special fuel seller's fuel distribution terminals, bulk storage locations, and retail outlets. The increased availability of fuel additives helps to secure Maryland's transportation and heating needs.

B. The proposal is not expected to negatively affect State agencies. The Comptroller's Office does not expect any increased burden on its resources to allow for this regulatory change.

C. The proposal is not expected to negatively impact local governments. These special fuel additives are specifically tailored to address corrosion and protect fuel quality.

Revenue (R+/R-)

Expenditure (E+/E-)

Magnitude

Benefit (+)
Cost (-)

Magnitude

D. The industry impact is expected to be minimal as special fuel additives are federally regulated and accepted in the United States markets. Further, this special fuel additive regulation is expected to economically benefit the special fuel industry by reducing the need for premature storage tank replacement and equipment maintenance.

F. The benefits of allowing special fuel additives to prevent corrosion in special fuel tank and delivery systems may decrease the possibility of underground fuel leakage and environmental contamination.

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 Cole Dowden, Staff Attorney/Tax Consultant, Comptroller of Maryland, Field Enforcement Division, 80 Calvert St., Annapolis, MD 21404, or call 410-260-7494, or email to cdowden@comp.state.md.us, or fax to 410-974-5564. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

.29 Additives—Special Fuel

A. Under certain approved conditions *by the Comptroller*, additives may be added to special fuel, if they do not contain any dyes or coloring agents when used in [low sulfur] on-highway diesel fuel.

B. Additives that have been properly registered with and approved by the [Bureau] *Comptroller* may be added to special fuel by a bulk supplier licensed as a special fuel seller, provided the:

(1) — (2) (text unchanged)

(3) Additive is introduced by an automatic metering pump or injection system at the:

(a) Time of product receipt, into a bulk storage tank of the special fuel seller; [or]

(b) Loading rack of the special fuel seller at the time of filling a delivery truck[.]; *or*

(c) *Retail service station or fueling site in a manner approved by the Comptroller.*

PETER FRANCHOT
Comptroller

**Title 08
DEPARTMENT OF NATURAL
RESOURCES**

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §4-710, Annotated Code of Maryland

Notice of Proposed Action

[19-173-P]

The Secretary of Natural Resources proposes to amend Regulation **.02** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to allow the use of monofilament gill nets in the Chesapeake Bay and its tidal tributaries. This action is

based on the passage of Senate Bill 7 (Chapter 80 of the 2019 Laws of Maryland). Currently, gill nets in the Chesapeake Bay and its tidal tributaries are required to be made out of material other than monofilament (multi-strand or multifilament nylon are typical materials). Monofilament gill nets have been allowed in Maryland's portion of the Atlantic Ocean, coastal bays and their tributaries since the late 1970s, and are widely used in other jurisdictions, including Virginia and the Potomac River Fisheries Commission. Because other states and most researchers have moved to monofilament material for gill nets, multi-strand and multifilament nylon nets have seen decreased demand and have become increasingly difficult to obtain for use in the Chesapeake Bay.

In the Chesapeake Bay and its tidal tributaries, current rules for gill nets require that gill nets be attended drift nets, meaning that the fisherman using the net is near to the net, and that the net drifts with the current. Due to these attendance and drift requirements, the Department does not have conservation concerns with the introduction of monofilament material to the suite of options available to fishermen to use in this fishery. Monofilament gill nets will be allowed under the same restrictions currently in place for gill nets made of other materials such as multi-strand or multifilament fibers.

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 Gill Net Regulations, Regulatory Staff, Department of Natural Resources, 580 Taylor Avenue, Fishing and Boating Services E-4, Annapolis MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

.02 General Fishing Prohibitions.

A. (text unchanged)

B. A person may set and fish:

(1)—(2) (text unchanged)

(3) Gill nets as permitted in COMAR 08.02.15[.]; *or*

(4) *Gill nets made with monofilament, multifilament, or multi-strand materials.*

C.—P. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.37 Family Planning Program Eligibility

Authority: Health-General Article, §§2-104(b), 15-103(a), and 15-140, Annotated Code of Maryland

Notice of Proposed Action [19-171-P]

The Secretary of Health proposes to amend Regulations .02—.05, repeal existing Regulations .06 and .07, amend and recodify existing Regulations .08, .09, and .11 to be .06, .07, and .09, respectively, and recodify existing Regulations .10 and .12—.15 to be .08 and .10—.13, respectively, under **COMAR 10.09.37 Family Planning Program Eligibility**.

Statement of Purpose

The purpose of this action is to update eligibility rules for the Family Planning Program required by Health-General Article, §15-140, Annotated Code of Maryland in order to integrate the Program in Maryland Health Connection and as required by the Centers for Medicare and Medicaid Services as a condition for approving Maryland's Medicaid State Plan Amendment.

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 Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

[(7) "Countable income" means income that is considered in the determination of eligibility for the Family Planning Program.]

[(8)] (7)—[(9)] (8) (text unchanged)

[(10) "Disregard" means the amount of money specified by regulation that can be subtracted from countable income.

(11) Earned Income.

(a) "Earned Income" means payment received by an individual in cash or in-kind as a result of employment, including self-employment.

(b) "Earned Income" includes but is not limited to:

- (i) Wages;
- (ii) Salaries;
- (iii) Commissions;
- (iv) Tips; and
- (v) Profit from self-employment.

(12) "Excludable income" means income which is exempt from consideration as countable income.]

[(13)] (9)—[(14)] (10) (text unchanged)

[(15)] (11) "Household" means [sharing a common household] a *MAGI household unit as set forth in COMAR 10.09.24.06-1*.

[(16)] (12) "Income" [means any property or service received by a person in cash or in-kind which can be applied directly, or by sale or conversion, to meet basic needs for food, shelter, and medical expenses] *has the meaning stated in COMAR 10.09.24.02B*.

[(17)] "Income tax" means federal, State, or local taxes either paid or withheld from income of a self-employed person not to exceed the tax table amount for the number of known dependents.

(18) "In-kind income" means support or benefits in the form of food or shelter, or both, received by a person.]

[(19)] (13) (text unchanged)

(14) "*MAGI*" means *modified adjusted gross income, as calculated for purposes of determining eligibility under the Affordable Care Act*.

(15) "*MAGI coverage groups*" has the meaning stated in *COMAR 10.09.24.03A*.

[(20)] (16) (text unchanged)

[(21)] (17) "Participant" means an individual who is [certified as] *determined eligible for the Family Planning Program*.

[(22)] "Period under consideration" means the period of 6 months beginning on the first day of the month of the application date, for which income is projected in order to determine eligibility under this chapter.

(23) "Permanent sterilization" means a permanent form of birth control.]

[(24)] (18)—[(25)] (19) (text unchanged)

[(26)] "Spouse" means an individual who has been determined to be legally married to another individual under State law.

(27) "Unearned income" means all income which does not meet the definition of earned income.]

.03 Eligibility for Family Planning Program Coverage.

A. In order to be determined eligible for benefits under the Family Planning Program, an applicant:

(1) (text unchanged)

(2) May not:

(a) (text unchanged)

[(b) Have a permanent sterilization;]

[(c)] (b)—[(e)] (d) (text unchanged)

B. (text unchanged)

.04 Application.

[A. The Department shall:

(1) Determine initial and continuing eligibility;

(2) Give oral or written information about the eligibility requirements, coverage, scope and related services of the Family Planning Program, and an individual's rights and obligations under the Family Planning Program, to any individual requesting this information;

(3) Give an individual requesting Family Planning Program coverage the opportunity to apply; and

(4) Make the application available to the individual without delay.

B. A resident temporarily absent from the State but intending to return may apply for assistance to the Department or its designee. The individual shall demonstrate continued residency in the State and

shall meet all nonfinancial and financial requirements in order to be determined eligible.

C. An individual who wishes to apply for the Family Planning Program under this chapter shall submit a written, signed application form to the Department. An applicant shall be responsible for completing the application but may be assisted by another individual of the applicant's choice.

D. The date of the application will be the date on which a signed application is received by the Department.

E. An individual who applies for the Family Planning Program may voluntarily withdraw that application; however, the application form will remain the property of the Department.

F. Time Limitations.

(1) When an application is filed with the Department, a decision shall be made promptly but not later than 45 days from the date the application is received, unless an extension is granted in accordance with §G of this regulation.

(2) The time standards specified in §F(1) of this regulation covers the period from the application date to the date the Department's notice of decision is mailed to the applicant.

(3) The Department shall request in writing missing information needed to determine eligibility.

(4) When an applicant fails to complete the application form or to provide the required information needed to determine eligibility within the 45 day limit provided under §G(1) of this regulation, the applicant shall be determined ineligible.

G. Extension of Time Limitations.

(1) The Department may approve an extension of the time limitation specified in §E of this regulation if:

(a) The applicant or authorized representative is actively attempting to establish the applicant's or participant's eligibility but has been unable to provide the required information or verification through no fault of the applicant, participant, or authorized representative; or

(b) There is an administrative delay or other emergency beyond the Department's control.

(2) The Department shall document the reason for the extension in the applicant's or participant's case record.

(3) The Department shall deny or terminate eligibility under the Family Planning Program when the criteria for the extension of time limitation in §F(1) of this regulation cease to be met.

H. Required Information.

(1) The Department shall inform the applicant of the required information and verifications needed to determine eligibility in accordance with the requirements stated in COMAR 10.09.24.04I(3)(b), (c), and (e).

(2) The information needed by the Department is subject to independent verification.

I. The Department shall maintain a case record including documentation of the required elements of eligibility.

J. The Department shall restrict disclosures of information concerning applicants in accordance with the requirements stated in COMAR 10.09.24.04Q.

K. Eligibility may not be established until the applicant furnishes or applies for a social security number in accordance with the requirements stated in COMAR 10.09.24.04L.

L. A participant shall cooperate with the Department in completing a form designated by the Department to report pertinent information and in collecting available health insurance benefits and other third-party payments.] *For individuals not described in .03B of this chapter, application for Family Planning Program services will be conducted pursuant to the provisions of COMAR 10.09.24.04.*

.05 Consideration of [Family] Income.

[A. In determining an applicant's financial eligibility for the Family Planning Program for applicants 19 years old or older and for married applicants younger than 19 years old, the income of the following individuals shall be considered:

- (1) Applicant; and
- (2) Spouse, if living in the home;

B. In determining an applicant's financial eligibility for the Family Planning Program, income is not considered for:

- (1) An unmarried applicant younger than 19 years old; and
- (2) The applicant's children who are younger than 19 years old and living in the home.

C. Regularity of Income. When an applicant or spouse with countable income:

- (1) Has regular income, the amount to be considered is that which is available or can reasonably be expected to be available during the period under consideration; or
- (2) Is self-employed or has irregular or seasonal earnings, the amount to be considered is the expected annual income based on the prior year's gross income.

D. Household Size. In determining household size, the following individuals shall be considered:

- (1) The applicant;
- (2) The spouse, if living in the home; and
- (3) The applicant's children younger than 19 years old and living in the home.] *Determination of an applicant's income for purposes of the Family Planning Program shall be determined under the household provisions of COMAR 10.09.24.06-1 and the income provisions applicable to MAGI household units of COMAR 10.09.24.07.*

[.08] .06 Determining Financial Eligibility.

An applicant is financially eligible for the Family Planning Program if the applicant's [countable net family] *MAGI household* income as determined under [Regulations .05, .06, and .07 of this chapter] *COMAR 10.09.24.06-1 and .07* does not exceed 250 percent of the federal poverty level.

[.09] .07 Certification Periods.

A. (text unchanged)

B. A participant's eligibility under Regulation .03 of this chapter will end as of the:

- (1)—(2) (text unchanged)
- (3) [Date the Department receives notice of permanent sterilization of a participant] *Date the participant ceases to qualify under the requirements of Regulation .03A of this chapter;*
- (4)—(5) (text unchanged)

[.11] .09 Post-Eligibility Requirements.

[A. The Department shall inform the applicant of the applicant's legal rights and obligations and give the applicant written notification of the following:

- (1) For an eligible individual:
 - (a) A finding of eligibility;
 - (b) The beginning and ending dates for coverage; and
 - (c) The right to request a hearing; and
- (2) For an ineligible individual:
 - (a) A finding of ineligibility;
 - (b) The reason for the finding;
 - (c) The regulation supporting the finding; and
 - (d) The right to request a hearing.

B. Participant Responsibility.

(1) A participant shall notify the Department within 10 business days of changes affecting the participant's eligibility.

(2) A participant shall limit use of the Family Planning card to the individual whose name appears on the card.

(3) When written notice of cancellation is received, a participant shall discontinue use of the Family Planning card on the first day of ineligibility.

(4) Failure to comply with the provisions of §B(1)—(3) of this regulation may result in:

(a) Termination of assistance;

(b) Referral to the Department for fraud investigation, or for criminal or civil prosecution; or

(c) Termination of assistance and referral to the Department for fraud investigation, or for criminal or civil prosecution.

(5) A participant shall cooperate with the State’s Medical Assistance quality control review process, including verification of information pertinent to the determination of eligibility.

(6) If the participant refuses to cooperate, the participant’s coverage shall end subject to the regulation governing timely and adequate notice under COMAR 10.09.24.13.

C. **Unscheduled Redeterminations.**

(1) The Department shall promptly make an unscheduled redetermination when:

(a) The participant’s circumstance suggests future changes which may affect eligibility before the due date of a scheduled redetermination;

(b) Relevant facts or changes in circumstances are reported by the participant or an authorized representative; or

(c) Relevant facts or changes are brought to the attention of the Department from other responsible sources.

(2) The Department shall notify the participant that a redetermination shall establish continuing eligibility.

(3) The notice and reapplication packet shall be sent at least 10 days before the due date.

(4) The Department shall notify the participant of the required information and verifications needed to determine eligibility and the time standards in acting in the redetermination process.

(5) The criteria for continuing eligibility shall be met.

(6) Eligibility Decisions.

(a) Participants who are determined eligible for the remainder of the certification period shall be sent a notice in accordance with §A(1) of this regulation.

(b) Participants determined ineligible for the remainder of the certification period because of a change in circumstances or failure to establish eligibility following a change in circumstances, shall be sent a notice in accordance with §A(2) of this regulation.

(7) An individual may reapply after cancellation of current eligibility, at which time a new period under consideration shall be established.

D. **Scheduled Redeterminations.**

(1) The Department shall make a scheduled redetermination of a participant’s eligibility once every 12 months.

(2) The Department shall notify the participant that a redetermination shall establish continuing eligibility.

(3) The notice and application shall be sent at least 60 days before expiration of the current certification period.

(4) When the written, signed application is received by the Department, a new period under consideration shall be set.

(5) The new period shall be related to the date the application is received but may not include months in which the participant was entitled to coverage under the current certification period.

(6) A participant shall be treated the same as an applicant at the time of scheduled redetermination.

(7) The nonfinancial and financial criteria of eligibility shall be met.

(8) The Department shall make timely decisions in accordance with the provisions of Regulation .04E of this chapter.

(9) Eligibility Decisions.

(a) Applicants who are determined eligible for a new certification period shall be sent a notice in accordance with §A(1) of this regulation.

(b) Applicants determined ineligible for a new certification period shall be sent a notice in accordance with §A(2) of this regulation.] *Post-eligibility requirements for the Family Planning Program are set forth at COMAR 10.09.24.12.*

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.48 Targeted Case Management for People with Developmental Disabilities

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

Notice of Proposed Action

[19-176-P]

The Secretary of Health proposes to amend Regulation .08 under **COMAR 10.09.48 Targeted Case Management for People with Development Disabilities.**

Statement of Purpose

The purpose of this action is to implement a 3.5 percent rate increase for targeted case management providers in accordance with Health-General Article, §7-307(d), Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action includes a 3.5 percent rate increase for targeted case management providers. In FY 2020, the total impact of the increase for the agency and the regulated industry equals \$1,996,473.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$1,996,473
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$1,996,473
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 2019 utilization. Targeted case management service utilization will remain consistent.

(2) The 3.5 percent rate increase changes the rate per unit from \$19.26 to \$19.93.

(3) The total magnitude of the rate increase will equal the difference between the FY 2020 and FY 2019 rates per unit (\$0.67) multiplied by projected units of service (2,979,810).

(4) This amount reflects the impact of the rate increase on expenditures for Medicaid-eligible targeted case management services only. It does not include the impact on State-only costs for non-Medicaid coordination of community services. Therefore, this amount is subject to a 50 percent federal match (\$998,236.50 federal funds, \$998,236.50 general funds).

Economic Impact on Small Businesses

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

The proposed action has a meaningful economic impact on small businesses because it implements an increased reimbursement rate for targeted case management entities.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

.08 Payment Procedures.

A. (text unchanged)

B. Payment Rates.

(1)—(2) (text unchanged)

(3) For all other services, providers shall be reimbursed:

(a)—(f) (text unchanged)

(g) \$18.61 per unit of service from July 1, 2017 through June 30, 2018; [and]

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

(i) \$19.93 per unit of service thereafter.

C.—E. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.80 Community-Based Substance Use Disorder Services

Authority: Health-General Article, §§2-104(b), 7.5-204, 7.5-205(d), 7.5-402, 8-204(c)(1), 15-103(a)(1), and 15-105(b), Annotated Code of Maryland

Notice of Proposed Action

[19-175-P]

The Secretary of Health proposes to amend Regulation .08 under **COMAR 10.09.80 Community-Based Substance Use Disorder Services.**

Statement of Purpose

The purpose of this action is to implement a 3.5 percent rate increase for community-based substance use disorder services providers beginning July 1, 2019, as provided for in the Fiscal Year 2020 budget.

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) 2020 budget includes a 3.5 percent rate increase for community-based substance use disorder services. The total impact for FY 2020 is \$9,655,159.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$9,655,159
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$9,655,159
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 2018 utilization. Outpatient substance use disorder services utilization will remain consistent.

(2) In FY 2020, the total impact of the rate increase on Medicaid expenditures for community-based substance use disorder services will be equal to the difference between projected FY 2020 expenditures (\$285,516,866) and FY 2019 expenditures (275,861,706).

(3) Total estimated reimbursement for claims in FY 2020 is calculated using estimated FY 2019 expenditures for community-based substance use disorder services, plus a 3.5 percent rate increase.

(4) Total estimated reimbursement for claims in FY 2019 is calculated using FY 2018 expenditures for community-based substance use disorder services in FY 2018 (\$266,533,050), plus a 3.5 percent rate increase.

(5) This amount is subject to 61.49 percent blended federal match (\$5,936,958 federal funds, \$3,718,202 general funds).

Economic Impact on Small Businesses

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

Small businesses enrolled as Maryland Medicaid community-based substance use disorder providers will benefit from increased reimbursement.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

.08 Payment Procedures.

A.—C. (text unchanged)

D. Effective July 1, [2017] 2019, rates for the services outlined in this regulation shall be as follows:

(1) For services outlined in this regulation, as delivered through an OHCQ certified or licensed substance use disorder treatment provider:

(a) Comprehensive substance use disorder assessment — [\$147.74] \$158.26;

(b) Level 1 group substance use disorder counseling — [\$40.58] \$43.47 per session;

(c) Level 1 individual substance use disorder counseling — [\$20.81] \$22.29 per 15-minute increment with a maximum of six 15-minute increments per day;

(d) Level 2.1 Intensive Outpatient treatment — [\$130.05] \$139.31 per diem;

(e) Level 2.5 Partial Hospitalization half day session — [\$135.25] \$144.88 per diem;

(f) Level 2.5 Partial Hospitalization full day session — [\$218.48] \$234.04 per diem;

(g) Ambulatory Withdrawal Management — [\$72.83] \$78.02 per diem;

(h)—(i) (text unchanged)

(2) For services outlined in this regulation as delivered through an opioid treatment programs:

(a) Comprehensive substance use disorder assessment — [\$147.74] \$158.26;

(b) Level 1 group substance use disorder counseling — [\$39.78] \$43.47 per session;

(c) Level 1 individual substance use disorder counseling — [\$20.81] \$22.29 per 15-minute increment with a maximum of six 15-minute increments per day;

(d) Opioid Maintenance Therapy — [\$64.26] \$68.84 per participant per week;

(e) Medication Assisted Treatment Induction — [\$208.08] \$222.90 per participant per week;

(f) Buprenorphine Maintenance Therapy — [\$57.12] \$61.19 per participant per week; and

(g) (text unchanged)

E.—G. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Title 11
DEPARTMENT OF
TRANSPORTATION**

Subtitle 03 MARYLAND AVIATION

**11.03.01 Baltimore/Washington International
Thurgood Marshall Airport**

Authority: Transportation Article, §§5-204 and 5-208, Annotated Code of Maryland

Notice of Proposed Action

[19-174-P]

The Executive Director of the Maryland Department of Transportation Maryland Aviation Administration proposes to adopt new Regulation .13 under COMAR 11.03.01 Baltimore/Washington International Thurgood Marshall Airport. This action was considered by the Maryland Aviation Commission (MAC) in an open meeting held on January 30, 2019, notice of which was given pursuant to General Provisions Article, §3-302, Annotated Code of Maryland. The MAC approved the proposed regulation with no questions or concerns.

Statement of Purpose

The purpose of this action is to propose a new regulation to define “authorized employee” and establish public hours of operation at the terminal, pedestrian bridges, hourly garage, and on-Airport consolidated rental car facility at BWI Marshall Airport. If adopted, this regulation will provide guidance to the MDOT MAA and Maryland Transportation Authority Police (MDTAP) officers on how to address persons who are in the BWI Marshall Airport during overnight hours with no legitimate business purpose.

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 Raven S. Berry, Director, Office of Administrative Services, Maryland Aviation Administration, P.O. Box 8766, BWI Airport MD 21240, or call 410-859-7553, or email to rberry1@bwiairport.com. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

.13 Public Hours of Operation of the Terminal and Other Locations at the Airport.

A. *General Regulations.* The terminal at the Airport, the pedestrian bridges connecting the hourly garage at the Airport to the terminal, the hourly garage, and the on-Airport consolidated rental car facility are open to the public from 4:00 a.m. to 11:00 p.m. each day. No individual may enter or be present in the terminal, pedestrian bridges, hourly garage, or on-Airport consolidated rental car facility from 11 p.m. to 4 a.m. the next day except:

- (1) Airline passengers and on-Airport consolidated rental car facility customers;
- (2) Individuals meeting, accompanying, or assisting passengers on an arriving or departing flight;
- (3) Individuals whose employment requires their presence in the terminal, pedestrian bridges, hourly garage, or on-Airport consolidated rental car facility; and
- (4) Other individuals specifically authorized by the Executive Director to enter and be present in some or all of these locations.

B. *Violations.*

(1) For purposes of this section, “authorized employee” means an employee of the Administration designated by the Executive Director to ask a person to leave the terminal, pedestrian bridges, hourly garage, or on-Airport consolidated rental car facility when the surrounding circumstances suggest that the person has no apparent lawful business to pursue at the terminal, pedestrian bridges, hourly garage, or on-Airport consolidated rental car facility.

(2) If a person refuses or fails to leave the terminal, pedestrian bridges, hourly garage, or on-Airport consolidated rental car facility upon proper request to do so by an authorized employee, the Airport Police shall be notified and the person shall be treated as a trespasser in accordance with Criminal Law Article, §6-409, Annotated Code of Maryland.

RICKY D. SMITH, SR.
Executive Director
Maryland Aviation Administration

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 07 SCHOOL PERSONNEL

13A.07.12 Disqualification Criteria for Substitute Teachers

Authority: Education Article, §2-205, Annotated Code of Maryland

Notice of Proposed Action

[19-177-P]

The Maryland State Board of Education proposes to adopt new Regulation .01 under a new chapter, **COMAR 13A.07.12 Disqualification Criteria for Substitute Teachers**. This action was considered by the State Board of Education at their July 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to establish disqualification criteria for substitute teachers when a local school system has been informed that a substitute has been identified for possible involvement in child abuse or neglect, or failure to report suspected child abuse or neglect, or is found guilty of specific crimes.

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, M.S., Director, Certification, Division of Educator Certification and Program Approval, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0406 (TTY 410-333-6442), or email to kelly.meadows@maryland.gov, or fax to 410-333-8963. Comments will be accepted through October 15, 2019. 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 3, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.01 Disqualification Criteria for Substitute Teachers.

A. *Disqualification Causes.*

(1) A local school system shall disqualify a substitute teacher from employment in any local school system if the individual:

(a) Pleads guilty or nolo contendere with respect to, receives probation before judgment with respect to, or is convicted of a crime involving:

- (i) Contributing to the delinquency of a minor;
- (ii) Moral turpitude if the offense bears directly on the individual's fitness for employment in education;
- (iii) A controlled dangerous substance offense if the offense occurred on school property or during a school event or if the individual has been convicted and the clerk of the court has certified and reported the controlled dangerous substance conviction to the Department;

(iv) Child abuse or neglect as defined in Criminal Law Article, §§3-601—3-603, Annotated Code of Maryland, or a comparable crime in another state;

(v) A crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland, or a comparable crime in another state;

(vi) Sexual solicitation of a minor; or

(vii) Possession, distribution, receipt, or production of child pornography;

(b) Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-701, Annotated Code of Maryland;

(c) Is dismissed or resigns after notice of allegation of misconduct involving a student in any school system or any minor; or

(d) Is dismissed or resigns after notice of allegations of sexual child abuse.

(2) This regulation does not prevent a local school system from terminating, declining to hire, or declining to use the services of a substitute teacher based on any of the disqualifying causes or for any other lawful reason not listed as a disqualifying cause.

B. *Notice of Disqualification and Right to Appeal.*

(1) Prior to disqualifying a substitute teacher, a local school system shall send the individual notice of the proposed action, including the specific cause or causes for disqualification, and provide an opportunity to challenge the disqualification.

(2) A challenge to disqualification is limited to whether a substitute should be added to the Disqualified Substitute Teacher Database.

(3) An individual may appeal the disqualification in writing to the State Superintendent of Schools within 30 days of the final decision of the local school system. An individual shall remain on the disqualified list while an appeal to the State Superintendent of Schools is pending.

C. Disqualified Substitute Teacher Database.

(1) The Maryland State Department of Education shall maintain an electronic database of substitute teachers who have been disqualified by a local school system under §§A and B of this regulation.

(2) The local school system shall notify the Maryland State Department of Education of a substitute teacher's disqualification within 10 days of the final action.

(3) The notification to the Maryland State Department of Education shall be in the format prescribed by the Department.

(4) Within 10 days of receipt of notification, the Maryland State Department of Education shall enter the individual into an electronic database established under this regulation.

(5) Prior to employing an individual as a teacher, a local school system shall check whether the individual is listed in the Disqualified Substitute Teacher Database.

(6) The Maryland State Department of Education shall provide a list of those individuals in the Disqualified Substitute Teachers Database to each local school system on a monthly basis.

D. If a decision to disqualify an individual from being able to serve as a substitute is based on §A(1)(a) of this regulation and if the plea, probation before judgment, or conviction is overturned or expunged and there is no subsequent proceeding leading to a plea, probation before judgment, or conviction, the individual who has been disqualified may file a written request with the Maryland State Department of Education to be removed from the Disqualified Substitute Teacher Database.

E. If an individual who is disqualified from being able to serve as a substitute in Maryland based on §A of this regulation holds a valid Maryland Educator Certificate, the local superintendent of schools shall notify the State Superintendent of Schools in writing of charges against the certificate holder pursuant to COMAR 13A.12.05.02.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 33 STATE BOARD OF ELECTIONS

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

Notice of Proposed Action

[19-172-P]

The State Board of Elections proposes to amend:

- (1) Regulations .01 and .02 under **COMAR 33.19.01 Definitions; General Provisions;**
- (2) Regulation .01 under **COMAR 33.19.03 Election Judges;**
- and
- (3) Regulations .01 and .02 under **COMAR 33.19.04 Processing New Registrants and Address Changes.**

This action was considered by the State Board of Elections at its July 25, 2019, meeting, notice of which was given in accordance with the General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Bring the regulations into alignment with recent statutory enactments, specifically Ch. 755, Acts of 2019, which added Election Law Article, §3-306, Annotated Code of Maryland;
- (2) Clarify for which elections same day registration and same day address changes are eligible;
- (3) Update the required information to be included on a pre-election mailing to pre-qualified voters;
- (4) Clarify the number of election judges and their responsibilities related to same day registration and same day address change; and
- (5) Clarify the circumstances under which an election judge would give a regular ballot or a provisional ballot for same day registration and same day address change.

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 Tracey Hartman, Director of Special Projects, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401, or call 410-269-2931, or email to tracey.hartman@maryland.gov, or fax to 410-974-2019. Comments will be accepted through October 15, 2019. A public hearing has not been scheduled.

33.19.01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and] 3-305(e), and 3-306(a), (d), and (e), Annotated Code of Maryland

.01 Applicability to Elections.

A. Same day registration [and address changes are] is available during early voting *and election day* for the following regularly scheduled elections:

(1)—(2) (text unchanged)

B. *Same day address change is available during early voting for the following regularly scheduled elections:*

- (1) *Presidential primary and general elections; and*
- (2) *Gubernatorial primary and general elections.*

[B.] C. (text unchanged)

.02 Prohibited Changes.

Same day party affiliation changes are not permitted during early voting *or on election day*.

33.19.03 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and] 3-305(e), and 3-306(a), Annotated Code of Maryland

.01 In General.

A. Number of Election Judges—*Early Voting*. [A] *For each early voting center, a local board shall designate:*

(1)—(2) (text unchanged)

(3) Except as provided in [§C] §D of this regulation, one election judge who greets voters as they arrive and directs them to the appropriate check-in line.

B. *Number of Election Judges—Election Day.*

(1) *For each polling place, a local board shall designate:*

(a) *One election judge who will be primarily responsible for same day registration; and*

(b) *One election judge who will serve as a back-up to the primary election judge.*

(2) *A local board may assign the same day registration duties to an election judge already assigned to that precinct or appoint an election judge whose sole duties are to facilitate the same day registration process.*

[B.] C.—[C.] D. (text unchanged)

33.19.04 Processing New Registrants and Address Changes

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [and] 3-305(e), and 3-306(a), Annotated Code of Maryland

.01 Same Day Registration.

A. Issuance of Regular Ballot—*Early Voting*. An election judge at an early voting center shall issue an individual a regular ballot if the individual:

(1)—(2) (text unchanged)

B. Issuance of Provisional Ballot—*Early Voting*. An election judge at an early voting center shall issue an individual a provisional ballot if the individual:

(1) (text unchanged)

(2) [Cannot] *Is a pre-qualified voter but cannot provide proof of residency in the county where the individual is attempting to register and vote.*

C. *Issuance of Regular Ballot—Election Day. An election judge at a polling place shall issue an individual a regular ballot if the individual:*

(1) *Is a pre-qualified voter; and*

(2) *Provides proof of residency in the precinct where the polling place is located.*

D. *Issuance of Provisional Ballot—Election Day. An election judge at a polling place shall issue an individual a provisional ballot if the individual:*

(1) *Is not a pre-qualified voter; or*

(2) *Is a pre-qualified voter but cannot provide proof of residency in the precinct where the individual is attempting to register and vote.*

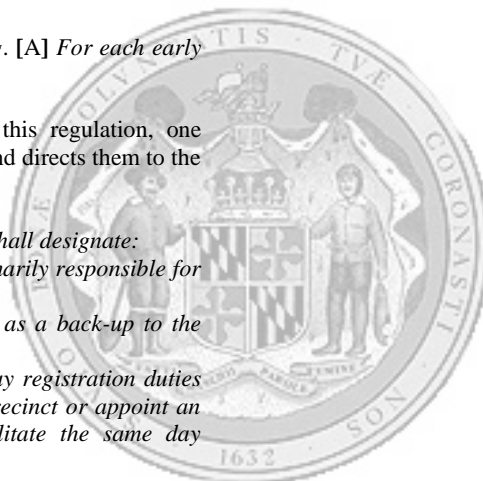
.02 Same Day Address Changes.

A. [An] Issuance of Regular Ballot. *During early voting, an election judge shall issue a voter a regular ballot if the voter provides proof of residency in the county where the voter is attempting to vote.*

B. [An] Issuance of Provisional Ballot. *During early voting, an election judge shall issue a voter a provisional ballot if the voter cannot provide proof of residency in the county where the voter is attempting to register and vote.*

C. *Address changes are not permitted on election day.*

LINDA H. LAMONE
State Administrator of Elections



Special Documents

DEPARTMENT OF THE ENVIRONMENT LAND AND MATERIALS ADMINISTRATION

Tentative Determination to Re-Issue Permit General Discharge Permit for Animal Feeding Operations

The Maryland Department of the Environment (MDE) has made a tentative determination to renew, with modifications, the General Discharge Permit for Animal Feeding Operations, NPDES # MDG01, State Discharge Permit #14AF (AFO Permit).

The permit is necessary to protect water quality and to comply with federal requirements under Code of Federal Regulations 40 CFR Parts 122, 123, 124, 125, and 412, as well as State requirements under Code of Maryland Regulations (COMAR) 26.08.04.09N. All large and medium animal feeding operations (AFOs) that discharge or propose to discharge to surface or ground water, or both, as defined in COMAR 26.08.03.09A must be covered under the AFO Permit. Other AFOs may be required to be covered under the AFO Permit at the discretion of MDE and the United States Environmental Protection Agency (EPA).

Currently Registered AFOs: All AFOs currently registered under the AFO Permit must reapply for coverage under the renewal permit by submitting a request for continuing coverage to MDE, in writing, at least sixty (60) calendar days prior to the expiration of the current permit (by October 1, 2019). This request must be submitted on a Notice of Continued Operation (NOCO) form. Once the NOCO has been filed, the expired AFO Permit (14AFA) will continue in force and effect until coverage under the new general permit is issued and any deadline for opportunity to register under the renewal permit is reached or the general permit is revoked or withdrawn. All registered AFOs that have submitted a NOCO by October 1, 2019 will be administratively extended under the current AFO Permit (14AF, MDG01) until MDE registers them under the new AFO Permit (19AF, MDG01). Registrations of those AFOs that have not submitted a timely NOCO will be allowed to expire on November 30, 2019 without being administratively extended.

Within sixty (60) calendar days after the renewal and reissuance of the AFO Permit with new effective and expiration dates, the current registrant is required to either submit to MDE a written notice if the operation will no longer need the general permit or a new Notice of Intent (NOI) form. This is the deadline for submittal of an NOI by a currently registered AFO and is necessary to continue permit coverage. Also, recent legislation requires CAFOs to submit a NOI fee based on the size of the AFO. Applications will not be processed without the fee.

CAFOs/MAFOs Not Currently Registered: All existing AFOs required by the regulations to be covered by the AFO Permit that are not covered by the current AFO Permit must submit a NOI and any fee required by the new AFO Permit immediately, but no later than sixty (60) calendar days prior to the expiration of the current AFO Permit. All new AFOs that anticipate being in operation during the effective dates of the renewed AFO Permit, must submit their NOI, required plans, and fee at least one-hundred-sixty (160) calendar days prior to commencing operations.

The proposed modifications to the current AFO Permit are listed below and the draft AFO Permit is at least as stringent as the existing AFO Permit. Most of the changes are to eliminate requirements that are no longer applicable in the third round of the permit, such as many of the deadlines. Also, some editorial changes were made to provide consistency and reflect current standards (throughout). Other than these, specific changes include:

Part I

- a. Removed Certification of Conformance due to regulation change in 2018; and
- b. Added clarification of the conditions under which existing and new source CAFOs can discharge [B.2 and B.3].

Part II

- a. Added EPA's new source dates to CAFO definition [F];
- b. Removed definition of Certification of Conformance due to regulation change in 2018; and
- c. Added EPA definition of "land application area".

Part III

- a. Added that a change in ownership or operator terminates the registration unless it is a transfer [A.1];
- b. Clarified that NOI requirements must include, at minimum, the information specified in the federal requirements in 40 CFR §§ 122.21 and 122.28 [A.4]; and
- c. Clarified that permit coverage is not issued until after the public participation process up to the end of the administrative process [C.3].

Part IV

- a. Added that in addition to NRCS practices, the Department, in consultation with NRCS and MDA, would consider practices designed and certified by a professional engineer [A.1.b.i and v];
- b. Converted land application logbook and no-land logbook sections into two tables to be clearer. Clarified that land permittees must implement the requirements in Table 3, and no-land permittees must implement the requirements in Table 4 [A.5 and A.6];
- c. Clarified that "other circumstances" warranting alternative mortality management would be allowed at the Department's discretion [B.2];
- d. Added that if outdoor air quality is a resource concern on poultry operations, NRCS practices should be used to address the concern [D.2];
- e. Added best management practices for organic poultry operations, defined a "poultry pasture" and included a requirement for the poultry pasture to be vegetated during the normal growing season and for required plans to account for manure deposited on the poultry pasture. Also, prohibited any discharge of manure, litter, or process wastewater from the poultry pasture to waters of the State [D.3]; and
- f. Consolidated new source performance standards and added reference to "New Source Performance Design Criteria for Poultry Operations" [E.3].

Part V

Clarified that the purpose of any monitoring at AFOs should be to determine the effects of the operation of the AFO on water quality above background/legacy levels [A.1].

Part VII

- a. Clarified/streamlined closure requirements, removing the letter of recommendation from the Soil Conservation Service or MDA [M.6];
- b. Clarified continuation requirements to allow administrative extension of coverage under this permit [N];
- c. Clarified permit renewal requirements [O]; and
- d. Revised and clarified transfer requirements to allow a transfer to proceed with the existing CNMP, but require a new CNMP within 90 days [P].

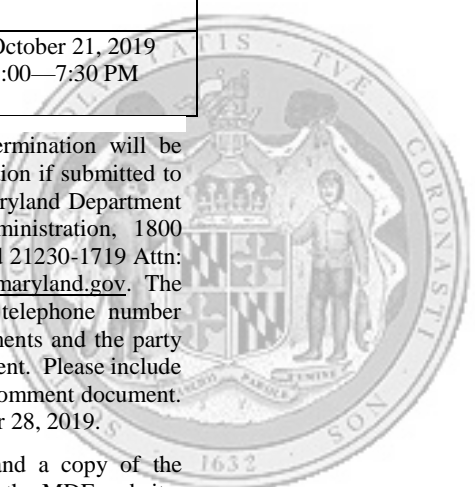
NOTE: Two public hearings on the tentative determination are scheduled:

Location	Address	Time
Thurmont Regional Library, Community Room	76 East Moser Road, Thurmont, Maryland 21788	October 15, 2019 6:00—7:30 PM
Wicomico Civic Center	500 Glen Avenue, Salisbury, Maryland 21804	October 21, 2019 6:00—7:30 PM

Written comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to MDE, to the attention of Mr. John Sullivan at Maryland Department of the Environment, Land and Materials Administration, 1800 Washington Blvd., Suite 610, Baltimore, Maryland 21230-1719 Attn: Mr. John Sullivan, or by email at john.sullivan1@maryland.gov. The submittal must include the name, address and telephone number (home and work) of the person making the comments and the party whom the person making the comment may represent. Please include the AFO Permit number (19AF; MDG01) on the comment document. Comments must be submitted no later than October 28, 2019.

The fact sheet for the tentative determination and a copy of the renewal AFO Permit for AFOs may be viewed on the MDE website, www.mde.maryland.gov. Persons may also review the supporting documentation by contacting Mr. Gary Kelman at 410-537-3314 or gary.kelman@maryland.gov to make an appointment or by written request to Mr. Kelman at the above address. Copies of documents may be obtained at a cost of \$0.36 per page.

[19-19-22]



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: October 4, 2019, 1 p.m. — 3 p.m.
Place: Office of Health Care Quality, 7120 Samuel Morse Dr., Potomac Rm., 2nd Fl., Columbia, MD
Add'l. Info: General Meeting of Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities
Contact: Clarissa Hibler (410) 767-1110 [19-19-11]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 2, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: Legislative Review, Revenue Estimates and the Review of Capital Programs
Contact: Christian Lund (410) 260-7920 [19-19-05]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 10, 2019, 1 — 3 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: Review of Tax-Supported Debt and the Size and Condition of Debt of Higher Education Institutions
Contact: Christian Lund (410) 260-7920 [19-19-06]

CAPITAL DEBT AFFORDABILITY COMMITTEE

Subject: Public Meeting
Date and Time: October 17, 2019, 9:30—11:30 a.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm. #114—116, Annapolis, MD
Add'l. Info: Recommendation of General Obligation Bond Authorizations
Contact: Christian Lund (410) 260-7920 [19-19-07]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: October 3, 2019, 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.
Contact: Leandrea Gilliam (410) 706-4449 [19-19-13]

DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION ADMINISTRATION

Subject: Public Hearing on Air Quality Plans
Date and Time: September 24, 2019, 10 — 11 a.m.
Place: 1800 Washington Blvd., First Fl. Conf. Rm., Baltimore, MD 21230
Add'l. Info: The Maryland Department of the Environment (MDE) gives notice of a public hearing concerning the Implementation, Maintenance, and Enforcement of the 0.070 ppm 8-hour Ozone National Ambient Air Quality Standard State Implementation Plan - §110(a)(2)(D) MD 70 ppb Ozone Transport SIP.

This SIP revision supplements MDE's previous submittal, further addressing the CAA §110(a)(2)(D)(i)(I) (i.e., good neighbor) requirements to demonstrate that emissions from sources in Maryland do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the 2015 ozone NAAQS. MDE's analysis of recent modeling, ozone monitoring data, and emission trends demonstrates that Maryland meets and exceeds its good neighbor requirements for the 2015 ozone NAAQS.

The public hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410 (a) and 40 CFR 51.102).

After consideration of comments received, the plan will be finalized and submitted to the United States Environmental Protection Agency (EPA) for approval.

The proposed plan document has been made available on the Maryland Department of the Environment's website at <http://mde.maryland.gov/programs/Air/AirQualityPlanning/Pages/index.aspx>.

Note: the public library systems in the region can be used for Internet access to view the document.

Copies of the document can be viewed at the offices of the Maryland Department of the Environment, Air and Radiation Administration, 1800 Washington Boulevard, Suite 730, Baltimore, MD. For more information, contact Alexandra Brun at (410) 537-3252.

Comments may be sent to Alexandra Brun, Maryland Department of the Environment, Air and Radiation Administration, 1800 Washington Boulevard, Suite 730, Baltimore, MD, 21230 or emailed to alexandra.brun@maryland.gov. Comments must be received by 5:00 p.m. on September 24, 2019 or be submitted at the hearing.

Persons in need of special accommodations should contact the Department's Office of Fair Practices at (410) 537-3964 at least five (5) business days in advance of the hearing. TTY users should contact the Department through the Maryland Relay Service at 1-(800) 735-2258.

Contact: Alexandra Brun (410) 537-3252 [19-19-14]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing
Date and Time: November 7, 2019, 9 a.m. — 1 p.m.

Place: Best Western Plus Hotel and Conference Center, 5625 O'Donnell St., Baltimore, MD 21224

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

Submit questions to: mdh.marylandpdlquestions@maryland.gov
Contact: Shawn Singh (410) 767-6896 [19-19-09]

GENERAL NOTICES

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HISTORIC ST. MARY'S CITY COMMISSION

Subject: Public Meeting
Date and Time: September 21, 2019, 10:30 a.m. — 12 p.m.
Place: St. Mary's College of Maryland, 47600 Mill Field Dr., Campus Center Rm., 205, St. Mary's City, MD
Contact: Porzia Purves (240) 895-4960 [19-19-12]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: September 26, 2019, 10 a.m. — 12 p.m.
Place: Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD
Contact: Kathy Lingo (410) 230-8790 [19-19-03]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: September 19, 2019, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3570 [19-19-20]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2019 Commercial Shark Catch Limits — Effective 8/26/19

Add'l. Info: The Secretary of the Department of Natural Resources, pursuant to the COMAR 08.02.22.04B, in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Coastal Sharks, announces a new catch limit for large coastal sharks. Effective 12:01 a.m. August 26, 2019, the catch limit is forty-five (45) large coastal sharks per vessel per trip. Large coastal sharks includes all of the sharks in the aggregated large coastal and hammerhead management groups defined in COMAR 08.02.22.03A(6) and (7). The species in the two management groups include: Silky; Tiger; Blacktip; Spinner; Bull; Lemon; Nurse; Scalloped hammerhead; Great hammerhead; and Smooth hammerhead.

The National Marine Fisheries Service anticipates in-season trip limit modifications based on harvest. If modifications are made, the Atlantic States Marine Fisheries Commission will follow

with modifications for state waters. A new public notice will be issued if modifications are made.

Jeannie Haddaway-Riccio
Secretary of Natural Resources.
Contact: Tamara O'Connell (410) 507-0779 [19-19-15]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Recreational and Commercial Oyster Season — Effective 8/28/19

Add'l. Info: The Secretary of the Department of Natural Resources, pursuant to COMAR 08.02.04.11G, announces that the recreational and commercial seasons for catching oysters remain closed effective 9:00 a.m. August 28, 2019. The 2019-2020 recreational and commercial oyster seasons and other parameters for the oyster fishery will be established in a future public notice.

This action affects recreational and commercial oyster harvesters. The reason this action is necessary is that regulations effective on August 26, 2019 require the recreational and commercial oyster seasons and other parameters to be established by public notice.

For any questions or comments please contact the Fishing and Boating Services Shellfish Division at 410-260-8254.

Jeannie Haddaway-Riccio
Secretary of Natural Resources.
Contact: Tamara O'Connell (410) 507-0779 [19-19-16]

BOARD OF REVENUE ESTIMATES

Subject: Public Hearing
Date and Time: September 19, 2019, 3:30 — 4:30 p.m.

Place: Comptroller of Maryland, Annapolis, MD
Add'l. Info: Meeting will be held in the Assembly Room of the Louis L. Goldstein Treasury Building.
Contact: Kynara Fogan (410) 260-7450 [19-19-17]

MARYLAND DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meetings
Dates and Times: September 18, 2019, 8:30 a.m. — 5:00 p.m.
October 2, 2019 8:30 a.m. — 5:00 p.m.
October 16, 2019 8:30 a.m. — 5:00 p.m.
October 30, 2019 8:30 a.m. — 5:00 p.m.
November 13, 2019 8:30 a.m. — 5:00 p.m.
November 27, 2019 8:30 a.m. — 5:00 p.m.

December 4, 2019 8:30 a.m. — 5:00 p.m.
December 18, 2019 8:30 a.m. — 5:00 p.m.
Place: Maryland Department of Transportation, 7201 Corporate Center Dr., Hanover, MD
Contact: Sabrina Bass (410) 865-1240 [19-19-08]

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION

Subject: Public Meeting
Date and Time: October 22, 2019, 10:30 a.m. — 1 p.m.
Place: American Legion Post 91, 601 Radiance Dr., Cambridge, MD
Contact: Denise Nooe (410) 260-3840 [19-19-10]

BOARD OF WELL DRILLERS

Subject: Public Meeting
Date and Time: September 25, 2019, 9 a.m. — 1 p.m.
Place: 1800 Washington Blvd., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Elaine Nolen (410) 537-4466 [19-19-01]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: October 10, 2019, 9:30 — 11 a.m.
Place: 10 E. Baltimore St. Baltimore, MD
Add'l. Info: Portions of this meeting may be held in a closed session.
Contact: Amy S. Lackington (410) 864-5300 [19-19-04]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: October 10, 2019, 1 — 3 p.m.
Place: 10 E. Baltimore St., 3rd Fl., Baltimore, MD
Add'l. Info: Medical Fee Guide Committee meeting. Questions should be directed to supportservices@wcc.state.md.us
Contact: Janet Vanderpuije (410) 864-5326 [19-19-18]

**GOVERNOR'S WORKFORCE
DEVELOPMENT BOARD**

Subject: Public Meeting

Date and Time: September 18, 2019, 3:30
— 5:30 p.m.

Place: 7201 Corporate Center Dr.,
Hanover, MD

Add'l. Info: Governor's Workforce
Development Board Quarterly Meeting

Contact: Darla Henson (410) 767-2408
[19-19-02]



COMAR ORDER INFORMATION SHEET

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 Email: _____

_____ Check enclosed, made payable to "Division of State Documents"

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 State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

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**SPECIAL COMAR PUBLICATIONS**

| Publication / Handbook                                                                                | Print Price | S & H | Quantity | Total |
|-------------------------------------------------------------------------------------------------------|-------------|-------|----------|-------|
| Control of Ionizing Radiation (through supplement 29)                                                 | \$163       | \$22  | _____    | _____ |
| Control of Ionizing Radiation Supplement 28 ONLY                                                      | \$18        | \$0   | _____    | _____ |
| Control of Ionizing Radiation Supplement 29 ONLY                                                      | \$12        | \$0   | _____    | _____ |
| Forest Conservation Law (2019)                                                                        | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997                                    | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (green cover)                                           | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                                                                | \$48        | \$12  | _____    | _____ |
|                                                                                                       |             |       | Total    | _____ |
| <b>If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.</b> |             |       |          |       |

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

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

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

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| <b>Title 07</b>                            | Department of Human Services                                     | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Department of Natural Resources                                  | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Maryland Department of Labor                                     | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Maryland Department of Health (All parts) **                     | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
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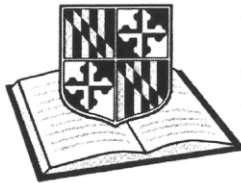
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