

Maryland Register

Issue Date: September 30, 2016

Volume 43 • Issue 20 • Pages 1097—1154

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See important correction
on page 1111 of this
issue.



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 12, 2016, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of September 12, 2016.

Brian Morris
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; **Brian Morris**, Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, 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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PERSONS WITH DISABILITIES

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CLOSING DATES AND ISSUE DATES through JANUARY 20, 2017

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
October 14	September 26	October 5	October 3
October 28**	October 7	October 19	October 17
November 14***	October 24	November 2	October 31
November 28***	November 4	November 16	November 14
December 9**	November 18	November 30	November 28
December 23	December 5	December 14	December 12
January 6**	December 19	December 28	December 23
January 20**	December 30	January 11	January 9

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.

* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

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

** Note closing date changes

*** Note issue date and closing date changes

The regular closing date for Proposals and Emergencies is Monday.

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.

REGULATIONS CODIFICATION SYSTEM

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

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

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

<p>02 OFFICE OF THE ATTORNEY GENERAL</p> <p>02.06.03.01—,10 • 42:13 Md. R. 798 (6-26-15)</p> <p>03 COMPTROLLER OF THE TREASURY</p> <p>03.11.01.01—,14 • 43:17 Md. R. 960 (8-19-16)</p> <p>07 DEPARTMENT OF HUMAN RESOURCES</p> <p>07.02.12.01—,09 • 43:2 Md. R. 132 (1-22-16) 07.02.14.01—,14 • 43:2 Md. R. 143 (1-22-16) 07.02.15.01—,11 • 43:17 Md. R. 964 (8-19-16) 07.02.17.03,04,06—,08 • 43:17 Md. R. 968 (8-19-16) 07.02.18.02,04,06—,14 • 43:17 Md. R. 969 (8-19-16) 07.02.19.01—,08,10,12—,14,16 • 43:17 Md. R. 971 (8-19-16)</p> <p>08 DEPARTMENT OF NATURAL RESOURCES</p> <p>08.02.01.13 • 43:16 Md. R. 903 (8-5-16) 08.02.23.03,04 • 43:18 Md. R. 1020 (9-2-16) 08.03.01.01 • 43:16 Md. R. 904 (8-5-16) 08.03.04.05,06 • 43:19 Md. R. 1074 (9-16-16) 08.03.05.02 • 43:19 Md. R. 1074 (9-16-16) 08.03.06.05 • 43:19 Md. R. 1074 (9-16-16) 08.04.16.01—,03 • 43:2 Md. R. 162 (1-22-16) 08.18.10.02 • 43:17 Md. R. 973 (8-19-16)</p> <p>09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION</p> <p>09.10.01.25 • 43:13 Md. R. 720 (6-24-16) 09.10.02.19 • 43:13 Md. R. 720 (6-24-16) 09.10.03.01 • 43:20 Md. R. 1113 (9-30-16) 09.10.03.01-1 • 43:12 Md. R. 681 (6-10-16)</p>	<p>09.10.05.05 • 43:20 Md. R. 1114 (9-30-16) 09.11.09.02 • 43:13 Md. R. 721 (6-24-16) 09.12.26.04,10,11 • 43:17 Md. R. 974 (8-19-16) 09.12.31 • 43:2 Md. R. 176 (1-22-16) 09.20.01.01—,05 • 43:16 Md. R. 904 (8-5-16) (ibr) 09.21.04.03 • 43:13 Md. R. 723 (6-24-16) 09.22.01.13 • 43:13 Md. R. 724 (6-24-16) 09.38.01.01 • 43:18 Md. R. 1022 (9-2-16)</p> <p>10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE</p> <p>Subtitles 01—08 (1st volume)</p> <p>10.05.02.01,06 • 43:19 Md. R. 1075 (9-16-16) 10.07.16.23 • 43:20 Md. R. 1114 (9-30-16)</p> <p>Subtitle 09 (2nd volume)</p> <p>10.09.08.10 • 43:17 Md. R. 975 (8-19-16) 10.09.10.07-1,07-2,10-1,11-2,11-7,11-8,15-1,25 • 43:18 Md. R. 1023 (9-2-16) 10.09.28.01—,10 • 43:16 Md. R. 911 (8-5-16) 10.09.33.09 • 43:17 Md. R. 977 (8-19-16) 10.09.49.01—,12 • 43:17 Md. R. 975 (8-19-16) 10.09.53.07 • 43:17 Md. R. 979 (8-19-16) 10.09.56.14,15 • 43:9 Md. R. 532 (4-29-16) (err) 10.09.65.02,03,23 • 43:18 Md. R. 1025 (9-2-16) 10.09.66.01 • 43:18 Md. R. 1025 (9-2-16) 10.09.67.15 • 43:18 Md. R. 1025 (9-2-16) 10.09.80.08 • 43:17 Md. R. 977 (8-19-16) 10.09.89.10—,14 • 43:17 Md. R. 977 (8-19-16)</p> <p>Subtitles 10 — 22 (3rd Volume)</p> <p>10.21.01.02,04,08,09 • 43:19 Md. R. 1076 (9-16-16) 10.21.25.03-2,05—,13 • 43:19 Md. R. 1077 (9-16-16) 10.22.14.03,05—,11 • 42:21 Md. R. 1317 (10-16-15)</p>
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- 13A.05.08.01—.06 • 43:19 Md. R. 1086 (9-16-16)
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- 13A.07.11.01—.05 • 43:10 Md. R. 595 (5-13-16) (ibr)
- 13A.08.01.02-3 • 43:18 Md. R. 1036 (9-2-16)
- 13A.12.03.02 • 43:14 Md. R. 788 (7-8-16)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.05.01.11 • 43:16 Md. R. 927 (8-5-16)
- 13B.06.01.02,.02-1,.04—.08 • 43:16 Md. R. 927 (8-5-16)
- 13B.07.04.01—.04 • 43:18 Md. R. 1038 (9-2-16)
- 13B.07.05.01,.02 • 43:18 Md. R. 1038 (9-2-16)
- 13B.08.02.01—.12 • 42:17 Md. R. 1141 (8-21-15)
- 13B.08.03.01—.12 • 42:17 Md. R. 1144 (8-21-15)
- 13B.08.04.01—.13 • 42:20 Md. R. 1276 (10-2-15)
- 13B.08.05.01—.11 • 42:17 Md. R. 1146 (8-21-15)
- 13B.08.07.01—.09 • 42:20 Md. R. 1278 (10-2-15)
- 13B.08.09.01—.11 • 42:22 Md. R. 1398 (10-30-15)
- 13B.08.13.01—.10 • 43:8 Md. R. 506 (4-15-16)
- 13B.08.14.01—.15 • 43:6 Md. R. 421 (3-18-16)
- 13B.08.15.01—.16 • 43:9 Md. R. 546 (4-29-16)

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- 14.06.03.05,.06 • 42:26 Md. R. 1638 (12-28-15)
- 14.22.01.01,.02,.10 • 43:17 Md. R. 981 (8-19-16)
- 14.22.02.01,.02 • 43:17 Md. R. 981 (8-19-16)
- 14.35.01.01,.02 • 43:18 Md. R. 1039 (9-2-16)
- 14.35.07 • 43:19 Md. R. 1092 (9-16-16) (err)
- 14.35.07.01—.21 • 43:18 Md. R. 1039 (9-2-16)
- 14.36.04.01,.03—.08 • 43:4 Md. R. 342 (2-19-16)

15 DEPARTMENT OF AGRICULTURE

- 15.05.01.02 • 43:19 Md. R. 1088 (9-16-16)

19A STATE ETHICS COMMISSION

- 19A.01.01.02,.04 • 43:20 Md. R. 1140 (9-30-16)
- 19A.01.02.02,.04 • 43:20 Md. R. 1140 (9-30-16)
- 19A.01.03.02,.04 • 43:20 Md. R. 1140 (9-30-16)
- 19A.04. Appendices A and B • 43:20 Md. R. 1140 (9-30-16)
- 19A.04.01.03 • 43:20 Md. R. 1140 (9-30-16)
- 19A.04.02.04,.05 • 43:20 Md. R. 1140 (9-30-16)
- 19A.04.03.01 • 43:20 Md. R. 1140 (9-30-16)
- 19A.05. Appendices A and B • 43:20 Md. R. 1140 (9-30-16)
- 19A.05.02.04,.06 • 43:20 Md. R. 1140 (9-30-16)
- 19A.06.01.03 • 43:20 Md. R. 1140 (9-30-16)
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- 19A.06.03.05,.07 • 43:20 Md. R. 1140 (9-30-16)
- 19A.07.01.04,.06—.08 • 43:20 Md. R. 1140 (9-30-16)

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22 STATE RETIREMENT AND PENSION SYSTEM

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22.06.01.02.,.04.,.05 • 43:2 Md. R. 215 (1-22-16)
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22.06.07.01—.10 • 43:2 Md. R. 215 (1-22-16)

36.08.02.01 • 43:17 Md. R. 997 (8-19-16)
36.08.03.01—.06 • 43:17 Md. R. 997 (8-19-16)
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26.04.02.07 • 43:19 Md. R. 1089 (9-16-16)

Subtitles 08—12 (Part 2)

26.12.01.01 • 43:18 Md. R. 1051 (9-2-16) (ibr)

29 DEPARTMENT OF STATE POLICE

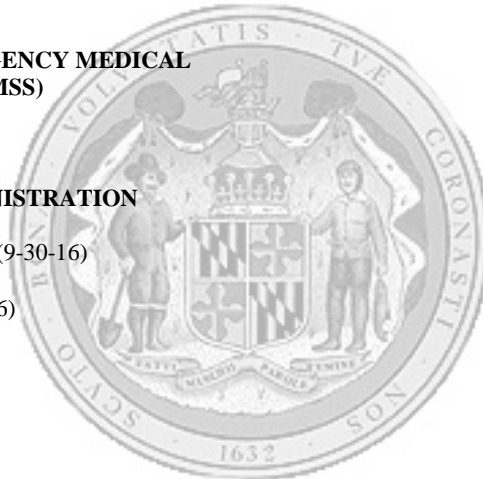
29.01.02.01.,.02.,.11.,.16 • 43:10 Md. R. 609 (5-13-16)
29.05.02.01—.08 • 43:12 Md. R. 693 (6-10-16)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.01.02.01 • 43:16 Md. R. 930 (8-5-16) (ibr)

31 MARYLAND INSURANCE ADMINISTRATION

31.08.11.01.,.02.,.04.,.05.,.07 • 43:20 Md. R. 1145 (9-30-16)
31.08.12.06 • 43:18 Md. R. 1052 (9-2-16)
31.08.13.03.,.04.,.06 • 43:20 Md. R. 1146 (9-30-16)
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31.09.07.03 • 43:17 Md. R. 993 (8-19-16)
31.09.07.04 • 43:20 Md. R. 1147 (9-30-16)
31.13.01.04.,.21 • 43:17 Md. R. 993 (8-19-16)
31.13.02.02—.04 • 43:17 Md. R. 993 (8-19-16)
31.13.03.04.,.16 • 43:17 Md. R. 993 (8-19-16)
31.15 • 43:2 Md. R. 128 (1-22-16) (err)
31.15.04.01—.07 • 43:1 Md. R. 76 (1-8-16)
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43:14 Md. R. 789 (7-8-16)



33 STATE BOARD OF ELECTIONS

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33.16.01.01 • 43:4 Md. R. 346 (2-19-16)
33.16.02.05 • 43:4 Md. R. 346 (2-19-16)
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33.16.05.03.,.04 • 43:4 Md. R. 346 (2-19-16)
33.16.06.01 • 43:4 Md. R. 346 (2-19-16)

36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

36.06.01.01—.03 • 43:17 Md. R. 995 (8-19-16)
36.06.02.01.,.02 • 43:17 Md. R. 995 (8-19-16)
36.06.03.01 • 43:17 Md. R. 995 (8-19-16)
36.08.01.01.,.02 • 43:17 Md. R. 997 (8-19-16)

The Governor

EXECUTIVE ORDER 01.01.2016.12

Council on Cancer Control (Amends Executive Order 01.01.2002.25)

WHEREAS, The Council on Cancer Control was established in 1991 to lead a comprehensive statewide effort to prevent and control cancer among Marylanders;

WHEREAS, The Executive Order was last amended in 2002 to expand the Council membership and broadly represent interests and concerns from across the State;

WHEREAS, The initiatives of the Council have not only resulted in improved public education about risk reduction, but also in greater coordination among public and private agencies in targeting prevention and treatment services; and,

WHEREAS, To renew and strengthen the State's long term commitment to cancer control, the duties of the Council should be updated and reaffirmed to ensure that input from the provider community and the public sector is timely and relevant.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING AMENDMENTS TO EXECUTIVE ORDER 01.01.2002.25:

A. The Council. There is a State Council on Cancer Control.

B. Membership and Procedures.

(1) The Council shall consist of up to 25 voting members including:

(a) Eight Representatives of State agencies and institutions who are:

(i) The Secretary of **THE DEPARTMENT OF** Health and Mental Hygiene, or a designee;

(ii) The Secretary of **THE DEPARTMENT OF** the Environment, or a designee;

(iii) The President of the University of Maryland, Baltimore, or a designee;

(iv) The Chief Executive Officer of Johns Hopkins Medicine, or a designee;

(v) The Director of the Marlene & Stewart Greenebaum **COMPREHENSIVE** Cancer Center, University of Maryland Medical System, or a designee;

(vi) The Director of the Sidney Kimmel Comprehensive Cancer Center of the Johns Hopkins Health System, or a designee;

(vii) A local health officer designated by the Secretary of **THE DEPARTMENT OF** Health and Mental Hygiene;

(viii) A representative of the Maryland Chapter of the American Cancer Society, designated by the Society; and

(b) Up to 15 members appointed by the Governor to represent the general public, the business community and health and scientific disciplines, cancer survivors and others concerned with cancer prevention and control. To the extent possible, members appointed from the general public should reflect the population and geographic diversity of the State.

(c) Two representatives of the Maryland General Assembly including:

(i) One member of the Senate of Maryland, appointed by the President of the Senate; and

(ii) One member of the House of Delegates, appointed by the Speaker of the House.

(2) The Council may invite experts to participate in its research and development activities, who shall be non-voting member of the Council.

(3) The Governor shall select the chairperson of the Council.

(4) The Governor may remove any member of the Council for [any cause adversely affecting the member's ability or willingness] **FAILURE** to perform his or her duties.

(5) Members appointed by the Governor pursuant to (B)(1)(b) of this Executive Order may serve up to 2 consecutive 3-year terms. In case of a vacancy in a position [which is] appointed by the Governor, [successor shall be appointed] **THE GOVERNOR SHALL APPOINT A SUCCESSOR** for the remainder of the unexpired term. All other members of the Council shall serve for so long as they hold the office, designation or appointment stipulated under the provisions of (B)(1)(a) or (B)(1)(c) of this Executive Order.

(6) A majority of the Council shall constitute a quorum for the transaction of any business. The Council may adopt any other procedures necessary to ensure the orderly transaction of business.

(7) The members of the Council may not receive any compensation for their services. The public members may be reimbursed for their reasonable expenses incurred in the performance of duties, in accordance with the standard travel regulations, and as provided in the State budget.

(8) The Department of Health and Mental Hygiene shall provide the Council with necessary staff and resources.

C. Scope of the Council.

(1) The Council [shall] **MAY**:

(a) Educate and advise government officials, public and private organizations and the general public on [comprehensive State] **EXISTING AND POSSIBLE** policies, [and] programs **AND INNOVATIONS TO** [aimed at] [reducing] **REDUCE** and [controlling] **CONTROL** cancer incidence and mortality among Marylanders, **AS DESCRIBED IN THE MARYLAND COMPREHENSIVE CANCER CONTROL PLAN**;

(b) In cooperation with Federal, State, **AND** local **GOVERNMENTS**, [and] private [agencies] **ORGANIZATIONS AND ACADEMIA**, promote and coordinate unified programs that identify and address the cancer [fighting] **CARE** needs of Marylanders, such as public and private partnerships, to improve access to prevention, screening and treatment services;

(c) Review existing and [planned] **PROPOSED** cancer programs in the public and private sectors to assure proper allocation of State resources;

(d) Promote and [guide] **OFFER GUIDANCE** on the use of the Maryland Cancer Registry as a tool for research, planning, evaluation and targeting of cancer control programs;

(e) Further the development of the Maryland Cancer Registry through the Cancer Registry Advisory Committee; and

(f) Recommend to the Governor a Chairperson for the Cancer Registry Advisory Committee from the Council's health and scientific discipline representatives.

THE GOVERNOR

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(2) Reports. The Council shall submit an annual report of its activities to the Governor, which includes recommendations for future efforts based on the Council's work. The Annual Report shall be submitted by January 31 of each year.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 15th Day of September, 2016.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[16-20-24]



The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of the Court of Appeals dated August 24, 2016, **RHONDA ILENE FRAMM**, 10451 Mill Run Circle, Suite 1050, Owings Mills, Maryland 21117, has been disbarred, effective immediately, from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by a Per Curiam Order of the Court of Appeals dated September 6, 2016, **STEVEN LEE SHOCKETT**, 328 South Highland Street, Baltimore, Maryland 21224, has been disbarred, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated September 8, 2016, **STEPHEN JOHN SAUNDERS**, 1031 22nd Street South, Arlington, Virginia 22202, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by a Per Curiam Order of the Court of Appeals dated September 9, 2016, **SHAKAIRA SIMONE MOLLOCK**, 502 Hampton Lane, Towson, Maryland 21286, has been disbarred, effective immediately, from the further practice of law in this State, and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

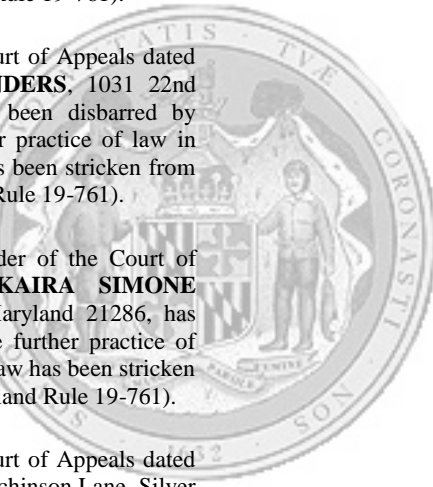
* * * * *

This is to certify that by an Order of the Court of Appeals dated September 16, 2016, **WOO-JIN KIM**, 1612 Hutchinson Lane, Silver Spring, Maryland 20906, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

* * * * *

This is to certify that by an Order of the Court of Appeals dated September 16, 2016, **REID DONALAN HENDERSON**, 819 Aspen Street, NW, Washington, DC 20012, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[16-20-25]



Regulatory Review and Evaluation

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

TITLE 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

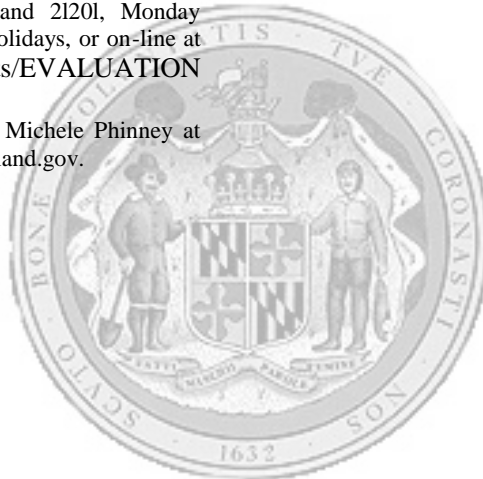
Notice of Availability of Evaluation Reports

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Reports concerning COMAR 10.26—10.30 and 10.39 are available for public inspection and comment for a period of 60 days following the date of this notice.

These reports may be reviewed at the Office of Regulations Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, Maryland 21201, Monday through Friday, 7 a.m. to 4 p.m., except State holidays, or on-line at <http://dhmh.maryland.gov/regs/Documents/EVALUATION-REPORTS-10.26-10.30-10.39.pdf>

Information may be obtained by contacting Michele Phinney at (410) 767-6499 or by email at dhmh.regs@maryland.gov.

[16-20-16]



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

08.02.03 Crabs

Authority: Natural Resources Article, §4-803, Annotated Code of Maryland

Notice of Final Action

[16-198-F]

On September 20, 2016, the Secretary of Natural Resources adopted amendments to Regulation **.15** under **COMAR 08.02.03 Crabs**. This action, which was proposed for adoption in 43:16 Md. R. 903—904 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.01 General

Authority: Natural Resources Article, §§10-405 and 10-407, Annotated Code of Maryland

Notice of Final Action

[16-202-F]

On September 20, 2016, the Secretary of Natural Resources adopted amendments to Regulation **.01** under **COMAR 08.03.01 General**. This action, which was proposed for adoption in 43:16 Md. R. 904 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

MARK J. BELTON
Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 24 BOARD OF PUBLIC ACCOUNTANCY

09.24.01 General Regulations

Authority: Business Occupations and Professions Article, §§2-102, 2-207, 2-209, 2-304—2-307, 2-309, 2-311, 2-313, and 2-416, Annotated Code of Maryland

Notice of Final Action

[16-146-F]

On September 13, 2016, the Board of Public Accountancy adopted amendments to Regulation **.09** under **COMAR 09.24.01 General Regulations**. This action, which was proposed for adoption in 43:13 Md. R. 724—725 (June 24, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

ARTHUR E. FLACH
Chair
Maryland Board of Public Accountancy

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Final Action

[16-204-F]

On September 20, 2016, the Secretary of Health and Mental Hygiene adopted amendments to:

- (1) Regulation **.06** under **COMAR 10.09.02 Physicians' Services**;
- (2) Regulation **.06** under **COMAR 10.09.03 Pharmacy Services**;
- (3) Regulation **.06** under **COMAR 10.09.06 Hospital Services**; and
- (4) Regulation **.05** under **COMAR 10.09.09 Medical Laboratories**.

This action, which was proposed for adoption in 43:16 Md. R. 910 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.07 Medical Day Care Services

Authority: Health-General Article, §§2-104(b), 15-105, and 15-111, Annotated Code of Maryland

Notice of Final Action
[16-190-F]

On September 20, 2016, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .08 under COMAR 10.09.07 Medical Day Care Services. This action, which was proposed for adoption in 43:16 Md. R. 910—911 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

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

Notice of Final Action
[16-200-F]

On September 20, 2016, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01, .04, and .06 under COMAR 10.09.59 Specialty Mental Health Services. This action, which was proposed for adoption in 43:16 Md. R. 916 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

10.32.04 Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrist's Assistant

Authority: Health Occupations Article, §§14-205, 14-302, and 14-306, Annotated Code of Maryland

Notice of Final Action
[16-192-F]

On September 20, 2016, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01 and .05 under COMAR 10.32.04 Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrist's Assistant. This action, which was proposed for adoption in 43:16 Md. R. 918 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION —

ADMINISTRATIVE PROCEDURES

11.11.12 Commercial Driver's License Disqualification and Cancellation

Authority: Transportation Article, §§12-104(b), 16-208.1, 16-808, 16-812, and 16-820, Annotated Code of Maryland; 49 CFR §§383.51, 383.52, 384.208, and 384.210

Notice of Final Action
[16-184-F]

On September 20, 2016, the Administrator of the Motor Vehicle Administration adopted amendments to Regulation .02 and new Regulation .09 under COMAR 11.11.12 Commercial Driver's License Disqualification and Cancellation. This action, which was proposed for adoption in 43:16 Md. R. 923 — 924 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

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

Subtitle 03 EMS OPERATIONAL PROGRAMS

30.03.06 Base Stations

Authority: Education Article, §§13-509, 13-510, and 13-516, Annotated Code of Maryland

Notice of Final Action
[16-182-F]

On September 13, 2016, the Maryland Emergency Medical Services Board adopted amendments to Regulations .01—.03, new Regulations .04, .08, and .09, amendments to and the recodification of existing Regulations .04 and .05 to be Regulations .05 and .06, the repeal of existing Regulations .06—.08, and the recodification of existing Regulation .09 to be Regulation .07 under COMAR 30.03.06 Base Stations. This action, which was proposed for adoption in 43:15 Md. R. 870—873 (July 22, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

KEVIN G. SEAMAN
Executive Director

Title 34 DEPARTMENT OF PLANNING

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.02 Maryland Historical Trust Historic Preservation Loan Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-327, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Final Action

[16-194-F]

On September 20, 2016, the Maryland Department of Planning adopted amendments to Regulation .08 under **COMAR 34.04.02 Maryland Historical Trust Historic Preservation Loan Program**. This action, which was proposed for adoption in 43:16 Md. R. 932—933 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

WENDI W. PETERS
Secretary of Planning

IMPORTANT CORRECTION COMAR 36.05.01.02

The amendments to COMAR 36.05.01.02 in the Notice of Final Action docketed as [16-179-F] in 43:19 Md. R. 1073 (September 16, 2016), were previously withdrawn in 43:16 Md. R. 932 (August 5, 2016). Therefore, the amendments have not been adopted as stated in the Notice of Final Action.

- (6) The repeal in their entirety of existing Regulations .01—.21 under **COMAR 36.05.06 Poker Rules**;
- (7) The repeal in their entirety of existing Regulations .01—.06 under **COMAR 36.05.07 Roulette Rules**;
- (8) The repeal in their entirety of existing Regulations .01—.03 under **COMAR 36.05.08 Big Six Wheel Rules**;
- (9) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.09 Four Card Poker Rules**;
- (10) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.10 Midi Baccarat Rules**;
- (11) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.11 Mississippi Stud Rules**;
- (12) The repeal in their entirety of existing Regulations .01—.14 under **COMAR 36.05.12 Pai Gow Poker Rules**;
- (13) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.13 Texas Hold 'Em Rules**;
- (14) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.14 Three Card Poker Rules**;
- (15) The repeal in their entirety of existing Regulations .01—.10 under **COMAR 36.05.15 Pai Gow Tiles Rules**;
- (16) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.16 Ultimate Texas Hold 'Em Rules**;
- (17) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.17 Mini Baccarat Rules**;
- (18) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.18 Let It Ride Poker Rules**; and
- (19) The repeal in their entirety of existing Regulations .01—.13 under **COMAR 36.05.19 Double Draw Poker Game**.

This action, which was proposed for adoption in 43:16 Md. R. 933—938 (August 5, 2016), has been adopted as proposed.

Effective Date: October 10, 2016.

GORDON MEDENICA
Director

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subtitle 05 TABLE GAMES

Notice of Final Action

[16-186-F]

On September 19, 2016, the Maryland State Lottery and Gaming Control Agency adopted:

- (1) Amendments to Regulations .02 under **COMAR 36.05.01 General**;
- (2) Amendments to Regulations .13, .16, and .20 and new Regulations .22 and .23 under **COMAR 36.05.02 Table Game Equipment**;
- (3) Amendments to Regulations .19 — .22 and new Regulations .26 — .31 under **COMAR 36.05.03 Table Games Procedures**;
- (4) The repeal in their entirety of existing Regulations .01—.14 under **COMAR 36.05.04 Blackjack Rules**;
- (5) The repeal in their entirety of existing Regulations .01—.12 under **COMAR 36.05.05 Craps Rules**;

Withdrawal of Regulations

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.21 Employee Injury and Illness Records and Reports

Authority: Labor and Employment Article, §§2-106(b)(4), 5-312, and 5-702—
5-704, Annotated Code of Maryland

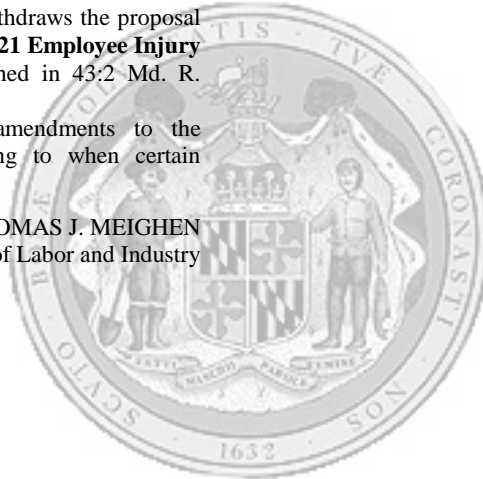
Notice of Withdrawal

[16-052-W]

The Commissioner of Labor and Industry withdraws the proposal amending Regulation .02 under **COMAR 09.12.21 Employee Injury and Illness Records and Reports**, as published in 43:2 Md. R. 175—176 (January 22, 2106).

The Commissioner expects to propose amendments to the regulations with a substantive change relating to when certain amputations must be reported.

THOMAS J. MEIGHEN
Commissioner of Labor and Industry



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 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

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

Notice of Proposed Action

[16-254-P]

The Maryland Racing Commission proposes to amend Regulation .01 under **COMAR 09.10.03. Prohibited Acts**. This action was considered by the Maryland Racing Commission at a public meeting held on July 12, 2016, notice of which was published in the Maryland Register on June 24, 2016.

Statement of Purpose

The purpose of this action is to add a secondary threshold of ketoprofen, which, if detected above the permitted threshold would constitute a violation if it is found in combination with one of two other nonsteroidal anti-inflammatory medications.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, MD 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) Drug.

(a) (text unchanged)

(b) "Drug" includes [the] *any* combination of phenylbutazone,[and] flunixin, *or ketoprofen* if:

(i) Phenylbutazone is quantitated at more than 0.3 micrograms per milliliter of blood plasma or serum; [and]

(ii) Flunixin is quantitated at more than 3.0 nanograms per milliliter of blood plasma or serum; *and*

(iii) *Ketoprofen is quantitated at more than 1.0 nanogram per milliliter of blood plasma or serum.*

(2) — (3) (text unchanged)

J. MICHAEL HOPKINS
Executive Director

Subtitle 10 RACING COMMISSION

09.10.05 Satellite Simulcast Betting

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

Notice of Proposed Action

[16-255-P]

The Maryland Racing Commission proposes to amend Regulation .05 under **COMAR 09.10.05 Satellite Simulcast Betting**. This action was considered by the Maryland Racing Commission during a public meeting held on July 12, 2016.

Statement of Purpose

The purpose of this action is to expand the requirements for the notice of a public hearing when the Maryland Racing Commission is considering an application for a satellite simulcast betting permit.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, MD 212896, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.05 Procedures for Considering an Application.

Before considering the issuance of a permit, the Commission shall:

A. Advertise the date, time, and location of a public hearing on the application in a local publication at least [15] 30 days before the hearing being conducted;

B. [Inform] *Provide written notice to the executive and legislative branches of the county and local governments for the jurisdiction within which the proposed satellite simulcast betting facility is to be located of the date, time, and location of the public meeting;*

C. *Post the notice of the public hearing on the Commission website at least 30 days before the public hearing;*

D. *Require the applicant, at least 30 days before the public hearing, to post a sign in a conspicuous location at the facility for which the application for the permit was submitted stating that an application is pending for use of the facility for satellite simulcast betting and specifying the date, time, and location of the public hearing;*

E. *Request from the applicant a list of community associations that were notified of the public hearing;*

[C.] F. — [D.] G. (text unchanged)

J. MICHAEL HOPKINS
Executive Director

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 07 HOSPITALS

10.07.16 Limited Private Inpatient Facilities

Authority: Health-General Article, §10-502, Annotated Code of Maryland

Notice of Proposed Action

[16-258-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulation .23 under **COMAR 10.07.16 Limited Private Inpatient Facilities**.

Statement of Purpose

The purpose of this action is to add a provision for limited private inpatient facilities to request a licensure standards waiver in regards to the physical environment requirements listed in COMAR 10.07.16.12.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.23 Licensure Standards Waiver.

A. *The Department may grant a limited private inpatient facility a waiver from the licensure requirements under Regulation .12 of this chapter with, or without, conditions.*

B. *Application for Licensure Standards Waiver.*

(1) *A facility shall submit a request for a waiver on a form developed by the Department.*

(2) *The requestor shall provide in writing the:*

(a) *Regulation from which a waiver is sought;*

(b) *Reason the facility is unable to comply with the regulation;*

(c) *Reason that compliance with the regulation will impose a substantial hardship; and*

(d) *Reason that a waiver will not adversely affect residents.*

C. *Evaluation of Application for Licensure Standards Waiver. In evaluating a waiver request, the Department shall review the statements in the application, and may:*

(1) *Inspect the limited private inpatient facility;*

(2) *Confer with the limited private inpatient facility director; or*

(3) *Discuss the request with the residents or their representatives to determine whether the residents or their representatives believe a waiver is in the residents' best interest.*

D. Grant or Denial of Licensure Standards Waiver.

(1) *The Department may grant a waiver request if the Department determines that:*

(a) *Compliance with the regulation from which the waiver is sought cannot be accomplished without substantial hardship; and*

(b) *A waiver will not adversely affect residents.*

(2) *If the Department determines that the conditions of §D(1) of this regulation are not met, the Department shall deny the request for a waiver. The denial of a waiver may not be appealed.*

E. Written Decision.

(1) *The Department shall issue and mail to the applicant a written decision on a waiver request submitted under §B of this regulation within 45 days from receipt of the request and all appropriate supporting information.*

(2) *If the Department grants the waiver, the written decision shall include:*

(a) *The waiver's duration; and*

(b) *Any conditions imposed by the Department.*

F. If the limited private inpatient facility violates any condition of the waiver, or if it appears to the Secretary that the health or safety of residents residing in the limited private inpatient facility will be adversely affected by the continuation of the waiver, a waiver may be revoked. The revocation of a waiver may not be appealed.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, §§19-207, 19-219, and 19-222, Annotated Code of Maryland

Notice of Proposed Action
[16-248-P]

The Health Services Cost Review Commission proposes to amend Regulation .03 under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on August 10, 2016, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland. If adopted, the proposed amendments will become effective on or about December 19, 2016.

Statement of Purpose

The purpose of this action is to extend a moratorium on the filing of regular rate applications given the progression of the all-payer model.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Filing of full rate applications has become the exception as hospitals are able to avail themselves of other administrative remedies for seeking rate relief.

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

A. On issuing agency: NONE

B. On other State agencies: NONE

C. On local governments: NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	(+)	Minimal
F. Direct and indirect effects on public:	(+)	Minimal

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

D. This assumption is based on the belief that although hospitals will not be able to file full rate applications during the moratorium, they have other administrative remedies and opportunities available for obtaining rate relief during the moratorium.

E. This assumption is based on the belief that third party payers will not be paying higher rates associated with a full rate application during the moratorium. However, the filing of full rate applications has become the exception as hospitals are able to avail themselves of other administrative remedies for seeking rate relief.

F. This assumption is based on the belief that the public will not be paying higher rates associated with a full rate application during the moratorium. However, the filing of full rate applications has become the exception as hospitals are able to avail themselves of other administrative remedies for seeking rate relief.

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 Diana Kemp, Regulation Coordinator, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to diana.kemp@maryland.gov, or fax to 410-358-6217. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.03 Regular Rate Applications.

A. A hospital may not file a regular rate application with the Commission until rate efficiency measures are adopted by the Commission which are consistent with the all-payer model contract approved by the Centers for Medicare & Medicaid Services (CMS). During this interim period of time, a hospital may seek a rate adjustment under any other administrative remedy available to it under existing Commission, law, regulation, or policy. The rate efficiency measures shall be adopted by the Commission no later than [July 1, 2016] *October 31, 2017*. [In no event shall the moratorium continue in effect beyond September 30, 2016.] Once the moratorium is lifted, a hospital may file a regular rate application with the Commission at any time if:

- (1) — (2) (text unchanged)
- B. — D. (text unchanged)

NELSON SABATINI
Chairman

Health Services Cost Review Commission

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

10.40.02 Licensing and Continuing Education Requirements

Authority: Health Occupations Article, §§16-205(a), 16-301, 16-302(h), 16-302.1, 16-303(a), 16-307, 16-308, and 16-311(28), Annotated Code of Maryland

Notice of Proposed Action

[16-257-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under COMAR 10.40.02 Licensing and Continuing Education Requirements. This action was considered at a public meeting on July 14, 2016, notice of which was given by publication on the Board's website at <http://dhmh.maryland.gov/mbpme/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require applicants for initial licensure to submit to a criminal history records check as part of the application process as required by Health Occupations Article, §16-302.1, Annotated Code of Maryland. In addition, this proposal will prohibit the Board from issuing an initial license until the criminal history records check information has been received.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Applicants for initial licensure would be required to submit to a criminal history records check, which costs \$32 — \$52, depending on where the check is performed. The fee for the check goes to CJIS, within the Department of Public Safety and Correctional Services, not to the Board.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	(R+)	Indeterminable
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminable
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.)

B. and D. The Board cannot estimate how many people will apply for initial licensure or exactly how much they will pay for the check, as the cost varies depending on where the check is performed.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.03 Initial Licensing and License Renewal.

A. Initial Licensing.

(1) To qualify for licensure, an applicant shall:

(a) Meet all of the requirements as identified in Health Occupations Article, §§16-302—16-305, Annotated Code of Maryland, including submit to a State and national criminal history records check in accordance with Health Occupations Article, §16-302.1, Annotated Code of Maryland; and

(b) (text unchanged)

(2) (text unchanged)

(3) *The Board may not issue a license if the criminal history record information required under Health Occupations Article, §16-302.1, Annotated Code of Maryland, has not been received.*

B.—D. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Notice of Proposed Action

[16-250-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend subtitle name under **COMAR 10.43 Board of Chiropractic Examiners**;
- (2) Amend chapter name under **COMAR 10.43.01 General Regulations**;
- (3) Amend chapter name and Regulations **.01—.03** under **COMAR 10.43.03 Advertising**;
- (4) Amend Regulation **.01** under **COMAR 10.43.04 Licensure by Credentials for Chiropractors**;
- (5) Amend Regulations **.02** and **.03** under **COMAR 10.43.05 Chiropractic Externship Program**;
- (6) Amend chapter name and recodify existing Regulations **.04—.05** to be Regulations **.03—.04** under **COMAR 10.43.06 Fees**;
- (7) Amend Regulations **.01** and **.09** under **COMAR 10.43.07 Chiropractic Assistants**;
- (8) Amend chapter name under **COMAR 10.43.08 Licensure and Registration Examination—Special Needs Applicants**;
- (9) Recodify existing **COMAR 10.43.10** to be **COMAR 10.43.09**, amend chapter name, and amend Regulation **.02** under **COMAR 10.43.09 Monetary Penalties**;
- (10) Recodify existing **COMAR 10.43.11** to be **COMAR 10.43.10**, amend chapter name, and amend Regulation **.02** under **COMAR 10.43.10 Continuing Education Requirements**;
- (11) Recodify existing **COMAR 10.43.11** to be **COMAR 10.43.12**, amend chapter name, and amend Regulation **.02** under **COMAR 10.43.11 Licensure Examination**;
- (12) Recodify existing **COMAR 10.43.13** to be **COMAR 10.43.12** and amend chapter name under **COMAR 10.43.12 Procedures for Clinical Demonstrations in Public Places**;
- (13) Recodify existing **COMAR 10.43.14** to be **COMAR 10.43.13** and amend chapter name under **COMAR 10.43.13 Code of Ethics**;
- (14) Recodify existing **COMAR 10.43.15** to be **COMAR 10.43.14**, amend chapter name, and amend Regulation **.02** under **COMAR 10.43.14 Record Keeping**;
- (15) Recodify existing **COMAR 10.43.16** to be **COMAR 10.43.15**, amend chapter name, and amend Regulation **.02** under **COMAR 10.43.15 Sanctioning Guidelines**;
- (16) Adopt a new Subtitle **65** under **COMAR 10.65 Board of Massage Therapy Examiners**;
- (17) Recodify existing **COMAR 10.43.17** to be **COMAR 10.65.01**, amend chapter name, adopt new Regulations **.01** and **.02**, recodify existing Regulations **.01**, **.05**, and **.07** to be Regulations **.03**, **.07**, and **.09**, amend and recodify existing Regulations **.02—.04**, **.06** and **.08—.10** to be Regulations **.04—.06**, **.08**, and **.10—.12**, and recodify existing Regulations **.11** and **.12** to be Regulations **.13** and **.14** under a new chapter, **COMAR 10.65.01 General Regulations**;
- (18) Adopt new Regulations **.01—.09** under a new chapter, **COMAR 10.65.02 Rules of Procedure for Board Hearings**;
- (19) Recodify existing **COMAR 10.43.18** to be **COMAR 10.65.03**, amend chapter name, and amend Regulations **.03** and **.09** under a new chapter, **COMAR 10.65.03 Code of Ethics**;
- (20) Recodify existing **COMAR 10.43.19** to be **COMAR 10.65.04**, amend chapter name, and amend Regulations **.01—.03** and **.06** under a new chapter, **COMAR 10.65.04 Advertising**;
- (21) Recodify existing **COMAR 10.43.20** to be **COMAR 10.65.05** and amend chapter name under a new chapter, **COMAR 10.65.05 Continuing Education Requirements**;
- (22) Recodify existing **COMAR 10.43.21** to be **COMAR 10.65.06** and amend chapter name under a new chapter, **COMAR 10.65.06 Record Keeping**;

(23) Adopt new Regulations **.01** and **.03—.04** and recodify existing Regulation **.03** under **COMAR 10.43.06** to be Regulation **.02** under a new chapter, **COMAR 10.65.07 Fees**;

(24) Adopt new Regulations **.01** and **.02** under a new chapter, **COMAR 10.65.08 Licensure and Registration Examination—Special Needs Applicants**; and

(25) Adopt new Regulations **.01—.06** under a new chapter, **COMAR 10.65.09 Sanctioning Guidelines**.

This action was considered at a public meeting on July 14, 2016, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/chiropractic/Pages/index.aspx>, pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Separate the Chiropractic Examiners regulations and the Massage Therapy Examiners regulations into two separate subtitles of COMAR as required by H.B. 1420, Ch. 739, Acts of 2016;

(2) Require that massage therapy applicants attend a massage therapy school that is approved by MHEC or a comparable authority in the state or country in which the applicant’s school is located, and accredited by a certain accrediting body; and

(3) Delete references to approval of chiropractic trade names as required by H.B. 208, Ch. 229, Acts of 2015.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

Subtitle 43 BOARD OF CHIROPRACTIC [AND MASSAGE THERAPY] EXAMINERS

10.43.01 [Chiropractic —] General Regulations

Authority: Health Occupations Article, Title 3, Annotated Code of Maryland

10.43.03 [Chiropractic —] Advertising

Authority: Health Occupations Article, §3–401, Annotated Code of Maryland

.01 Scope.

A chiropractor may advertise [his] *chiropractic* services subject to the provisions of this chapter.

.02 Qualifications.

A.—B. (text unchanged)

[C. The licensee shall petition the Board for approval of a trade name.]

03. Prohibitions.

An advertisement may not contain statements that:

- A.—I. (text unchanged)
- [J. Utilize an unauthorized trade name.]

10.43.04 Licensure by Credentials for Chiropractors

Authority: Health Occupations Article, §§3–302.1 and 3–305, Annotated Code of Maryland

.01 Preface and Scope.

A. Preface. The Board of Chiropractic [and Massage Therapy] Examiners has established guidelines for licensure by credentials. This method of licensure is a special privilege granted by present statute, and is secured for those candidates who possess the necessary credentials required to practice chiropractic in the State. The requirements for licensure are stringent in order to insure the public is adequately protected and that licensure may be granted only to those who qualify by virtue of clinical competency and professional expertise.

- B. (text unchanged)

10.43.05 Chiropractic Externship Program

Authority: Health Occupations Article, §§3–205 and 3–301, Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “Approved program” means a program that has been approved by the Board of Chiropractic [and Massage Therapy] Examiners and the Council on Chiropractic Education or its successor.
 - (3) “Board” means the Maryland Board of Chiropractic [and Massage Therapy] Examiners.
 - (4) “Chiropractic extern program” means a 2-semester clinical program:
 - (a) (text unchanged)
 - (b) That operates in a facility where chiropractic services have been approved by the Board of Chiropractic [and Massage Therapy] Examiners.
 - (5)—(9) (text unchanged)

.03 Eligibility.

A. An extern applicant is eligible for approval in the chiropractic extern program if the applicant is currently enrolled in an approved program that is recognized by the Board of Chiropractic [and Massage Therapy] Examiners as requiring adequate clinical training and as maintaining an acceptable course of chiropractic instruction.

- B. (text unchanged)

10.43.06 [Chiropractic and Massage Therapy] Fees

Authority: Health Occupations Article, §§3–205[, 3–206, 3–5A–02, and 3–5A–03] and 3–206, Annotated Code of Maryland

10.43.07 Chiropractic Assistants

Authority: Health Occupations Article, §§3–205, 3–302.1, 3–404, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “Board” means the Board of Chiropractic [and Massage Therapy] Examiners.
 - (3)—(5) (text unchanged)

.09 Activities That May Be Performed by Chiropractic Applicants and Assistants Under Direct Supervision of a Supervising Chiropractor.

A chiropractic applicant or assistant may perform the following activities only under the direct supervision of a supervising chiropractor who is in the treatment area:

- A.—O. (text unchanged)
- P. Therapeutic massage, if licensed under Health Occupations Article, [§3-5A-01] *Title 6*, Annotated Code of Maryland; and
- Q. (text unchanged)

10.43.08 [Chiropractic and Massage Therapy —] Licensure and Registration Examination — Special Needs Applicants

Authority: Health Occupations Article, §§3–205 and 3–304, Annotated Code of Maryland

[10.43.10] 10.43.09 [Chiropractic —] Monetary Penalties

Authority: Health Occupations Article, §3–314, Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) “Board” means the State Board of Chiropractic [and Massage Therapy] Examiners.
 - (2)—(4) (text unchanged)

[10.43.11] 10.43.10 [Chiropractic —] Continuing Education Requirements

Authority: Health Occupations Article, §§3–308 and 3–313, Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) “Board” means the Maryland Board of Chiropractic [and Massage Therapy] Examiners.
 - (2)—(4) (text unchanged)

[10.43.12] 10.43.11 [Chiropractic —] Licensure Examination

Authority: Health Occupations Article, §§3–202, 3–205, and 3–301 – 3–304, Annotated Code of Maryland

.02 Definitions.

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

(2) “Board” means the State Board of Chiropractic [and Massage Therapy] Examiners.

(3)—(5) (text unchanged)

[10.43.13] 10.43.12 [Chiropractic —] Procedures for Clinical Demonstrations in Public Places

Authority: Health Occupations Article, §3-205, Annotated Code of Maryland

[10.43.14] 10.43.13 [Chiropractic –] Code of Ethics

Authority: Health Occupations Article, §§1-212, 3-205, and 3-313, Annotated Code of Maryland

[10.43.15] 10.43.14 [Chiropractic —] Record Keeping

Authority: Health Occupations Article, §3-205, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Board” means the Maryland Board of Chiropractic [and Massage Therapy] Examiners.

(2)—(5) (text unchanged)

[10.43.16] 10.43.15 Sanctioning Guidelines

Authority: Health Occupations Article, §§1-606, 3-313, 3-315, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Board” means the Maryland State Board of Chiropractic [and Massage Therapy] Examiners.

(2) “Conditions” means requirements in a public or nonpublic order that a licensee is required to satisfy which include but are not limited to:

(a)—(n) (text unchanged)

(o) The provision of pro bono chiropractic [and massage therapy] to the poor, elderly, or disabled;

(p)—(q) (text unchanged)

(3) (text unchanged)

Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS

[10.43.17] 10.65.01 [Massage Therapy —] General Regulations

Authority: Health Occupations Article, §§[3-205, 3-302.1, 3-5A-01, 3-5A-02, 3-5A-04, 3-5A-05, 3-5A-06, 3-5A-07, 3-5A-09, and 3-5A-12] 6-101, 6-102, 6-201—6-206, 6-301—6-306, 6-504, Annotated Code of Maryland

.01 Rules of Order.

All proceedings of the Board in regular session shall be governed by Robert’s Rules of Order.

.02 Board Officers, Members, and Staff.

A. The Board shall, as the appointing authority, direct the operation of the staff through the executive director.

B. Board members may not have monetary, pecuniary, or other interest in the affairs of any:

(1) Staff member; or

(2) Organization engaged in business with the Board, including:

(a) Businesses;

(b) Enterprises; or

(c) Other for-profit organizations.

C. A Board member or Board staff may not serve for compensation as an instructor in a continuing education course or program under Board cognizance over which that Board member or staff member serves in an approval capacity.

[.02].04 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Board” means the State Board of [Chiropractic and] Massage Therapy Examiners.

(2) “Health care setting” has the meaning stated in Health Occupations Article, [§3-5A-01(c)] §6-101(c), Annotated Code of Maryland.

(3)—(4) (text unchanged)

(5) “[Maryland] State Board of Massage Therapy Examiners Jurisprudence Examination” means the test developed by the Board to assess an applicant’s knowledge of the statute and regulations governing massage therapy in the State.

(6)—(8) (text unchanged)

[(9)] “Practice non-therapeutic massage” means to engage professionally and for compensation in massage therapy in a setting that is not a health care facility.]

[(10)] (9)—[(11)] (10) (text unchanged)

[.03].05 Licensure or Registration Required; Exceptions.

An individual shall be licensed by the Board in order to practice massage therapy, and shall be registered by the Board in order to practice massage therapy in a setting that is not a health care setting, except for the following:

A. (text unchanged)

B. An individual who:

(1) (text unchanged)

(2) Is seeking to practice in Maryland exclusively with a visiting organization for not more than 7 consecutive days and not to exceed 30 days per calendar year; and

(3) (text unchanged)

C.—F. (text unchanged)

[.04].06 Application for Licensure or Registration.

A. An applicant for a license to practice massage therapy shall:

(1) (text unchanged)

(2) Pay the application fee as specified in COMAR [10.43.06] 10.65.07;

(3) Submit two recent 2 inch by 2 inch passport type photographs on a solid white background of the applicant;

(4) (text unchanged)

(5) Pass the [Maryland] State Board of Massage Therapy Examiners Jurisprudence Examination, which is administered by the Board, with a score of at least 75 percent;

(6)—(10) (text unchanged)

B. (text unchanged)

C. To be a registered massage practitioner, an applicant shall:

(1) (text unchanged)

(2) Pay the application fee as specified in COMAR [10.43.06] 10.65.07; and

(3) Submit two recent 2 inch by 2 inch passport type photographs on a solid white background of the applicant;

(4) (text unchanged)

(5) Pass the [Maryland] State Board of Massage Therapy Examiners Jurisprudence Examination, which is administered by the Board, with a score of at least 75 percent;

(6) (text unchanged)
 (7) *Have copies of official transcripts sent directly to the Board from the schools from which the applicant graduated that document completion of at least 600 classroom hours in a massage therapy education program that is:*

(a) *Approved by the:*
 (i) *Maryland Higher Education Commission (MHEC); or*
 (ii) *Higher education commission, or comparable authority, of the state or country in which the applicant's school is located; and*

(b) *Either:*
 (i) *Accredited by the Commission on Massage Therapy Accreditation (COMTA); or*

(ii) *Approved or accredited by an accrediting agency recognized by the United States Department of Education, with the instructors teaching massage related curriculum who are licensed or registered in the instructors' state of residence;*

(8) *Provide documentation of having satisfactorily completed the requirements listed in §D of this regulation.*

(9) *Provide documentation of current certification in basic CPR; and*

(10) *Have verification of status sent directly to the Board by the issuing state, if certified, licensed, or registered to practice massage therapy in another state.*

[7] *Submit] D. To comply with §C(8) of this regulation, an applicant for a registration to practice massage therapy shall provide documentation of completion of at least 600 hours of education in a Board-approved program for the study of massage therapy that includes the following areas of content:*

(a)—(d) (text unchanged)

(8) *Provide documentation of current certification in basic CPR; have verification of status sent directly to the Board by the issuing state, if certified, licensed, or registered to practice massage therapy in another state; and*

(9) *Have verification of status sent directly to the Board by the issuing state, if certified, licensed, or registered to practice massage therapy in another state.]*

[D.] *E. The Board may not issue a license or registration if the criminal history record information required under Health Occupations Article, [§3-302.1] §6-303(b), Annotated Code of Maryland, has not been received.*

[.06] .08 Licensure.

A.—B. (text unchanged)

C. *The Board may not issue a license or registration if the criminal history records information required under Health Occupations Article, [§3-302.1] §6-303(b), Annotated Code of Maryland, has not been received.*

D. (text unchanged)

[.08] .10 Renewals.

A. *The Board shall send each license and registration holder a renewal notice that states the:*

(1)—(2) (text unchanged)

(3) *Amount of the renewal fee as specified in COMAR [10.43.06] 10.65.07.*

B.—C. (text unchanged)

[.09] .11 Reinstatement.

A. *The Board shall reinstate an individual whose license or registration has expired if the individual meets the renewal requirements of this chapter and pays the:*

(1) *Late fee in addition to the renewal fee as specified in COMAR [10.43.06] 10.65.07, if the request is received by the Board within 30 days of the expiration date of the license or registration; or*

(2) *Late and reinstatement fees in addition to the renewal fee as specified in COMAR [10.43.06] 10.65.07, if the request is received by the Board more than 30 days after the expiration date of the license or registration.*

B.—C. (text unchanged)

[.10] .12 Inactive Status.

A. *The Board shall place a license or registration holder on inactive status if the license or registration holder submits to the Board the:*

(1) (text unchanged)

(2) *Biennial fee for inactive status as specified in COMAR [10.43.06] 10.65.07.*

B. *The license or registration holder on inactive status may reactivate the license or registration at any time if the license or registration holder pays the reactivation fee as specified in COMAR [10.43.06] 10.65.07.*

[.11] .13 Duplicate Licenses and Registrations.

The Board shall issue a duplicate license or registration to the license or registration holder if:

A. *The license or registration holder has a change of name, loses or damages the original, practices in multiple locations; and*

(1)—(2) (text unchanged)

(3) *Pays the fee as specified in COMAR [10.43.06] 10.65.07; and*

(4) (text unchanged)

B.—C. (text unchanged)

[.12] .14 Penalties.

If a license or registration holder fails to notify the Board of a change of name or address within the time required in Regulations .06B and .07B of this chapter, subject to the hearing provisions of Health Occupations Article, [§3-315] §6-309, Annotated Code of Maryland, the Board may impose an administrative penalty of \$100.

10.65.02 Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §§6-206, 6-309, 6-310; State Government Article, §10-206; Annotated Code of Maryland

.01 Scope.

This chapter applies to all contested case hearings before the Board of Massage Therapy Examiners or before the Office of Administrative Hearings. It does not apply to conferences or other informal investigations or proceedings.

.02 Notice of Hearing.

A. *Written notice of a hearing shall be sent by the Board to all interested parties at least 30 days before the hearing. The notice shall state the date, time, and place of the hearing. It shall also state the issues or charges involved in the proceeding, provided, however, that if by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable.*

B. *Service upon a party shall be by delivery of the charging document and a copy of the complaint to the party in person. Instead of personal service, the Board may serve the charging document and a copy of the complaint by registered or certified mail, restricted delivery, return receipt requested.*

.03 Representation of Parties.

Every party appearing at formal hearings has the right to appear in proper person, or by or with counsel.

.04 Pre-hearing Procedures.

A. *Pre-hearing Conferences.* The Board may set a pre-hearing conference as it deems appropriate.

B. *Oaths and Subpoenas.* The Board may administer oaths and compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the State as in civil cases in the circuit court of the county or of Baltimore City, by subpoena issued over the signature of the President or Secretary and the seal of the Board. Upon a request by a party and statement under oath that the testimony or evidence is necessary to their defense, the Board shall issue a subpoena on their behalf.

C. All motions filed by a party with the Board or the Office of Administrative Hearings, as appropriate, shall be accompanied by a memorandum of points and authorities and shall be filed at least 15 days before the hearing. A copy shall be served on the opposing party. Any response shall be filed with the Board or the Office of Administrative Hearings, as appropriate, at least 7 days before the hearing and a copy shall be served on the opposing party.

D. *Discovery on Request.* By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce, within 15 days, the following:

- (1) A list of witnesses to be called;
- (2) Copies of documents intended to be produced at the hearing; or
- (3) Both §A(1) and (2) of this regulation.

E. *Mandatory Discovery.*

(1) Each party shall provide to the other party not later than 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier:

- (a) The name and curriculum vitae of any expert witness who will testify at the hearing; and
- (b) A detailed written report summarizing the expert's testimony, which includes the opinion offered and the factual basis and reasons underlying the opinion.

(2) If the Board or the Office of Administrative Hearings, as appropriate, finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of this section, the Board or the Office of Administrative Hearings, as appropriate, shall exclude from the hearing the testimony and any report of the expert.

(3) The Board or the Office of Administrative Hearings, as appropriate, shall consider and decide arguments regarding the sufficiency of the report:

- (a) At the prehearing conference, if scheduled; or
- (b) Immediately before the scheduled hearing.

(4) If an expert adopts a sufficiently specific charging document as the expert's report, that adoption satisfies the requirements set forth in this section.

F. Parties are not entitled to discovery of items other than as listed in §§D and E of this regulation.

G. Both parties have a continuing duty to supplement their disclosures of witnesses and documents.

H. Absent unforeseen circumstances which would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list:

- (1) After the prehearing conference, if scheduled; or
- (2) Later than 15 days before the hearing, if no prehearing conference is scheduled.

I. The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

J. *Construction.*

(1) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, this regulation shall, whenever possible, be construed as supplementing and in harmony with COMAR 28.02.01.

(2) In the event of a conflict between this regulation and COMAR 28.02.01, this regulation applies.

.05 Conduct of the Hearing.

A. *Duties of Presiding Officer.*

(1) The Board shall conduct hearings before a quorum of the Board.

(2) For purposes of a hearing under this chapter, four Board members present and entitled to vote shall constitute a quorum.

(3) Board action shall be by majority vote of all the members then serving.

(4) The President, or the President's designee, shall be the presiding officer, and shall have complete charge of the hearing, permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time.

(5) The presiding officer may set reasonable time limits in arguments and presentation of evidence.

(6) The presiding officer shall be responsible for decorum in hearings and can suspend the proceedings as necessary to maintain decorum.

B. *Legal Advisor and Counsel for the Board.*

(1) The presiding officer may request the Office of the Attorney General to participate in any hearing to present the case on behalf of the Board, and, upon such a request, this counsel has all the rights with regard to the:

- (a) Submission of evidence, examination and cross-examination of witnesses;
- (b) Presentation of summation and argument; and
- (c) Filing of objections, exceptions, and motions as counsel for any party.

(2) The presiding officer may also request a representative of the Office of the Attorney General to act as legal advisor to the Board as to questions of evidence and law.

C. *Order of Procedure.* The State shall present its case first. Then the respondent shall present his case. After this the State may present rebuttal.

D. *Examination of Witnesses and Introduction of Evidence.*

(1) The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §§10-208 and 10-209, Annotated Code of Maryland.

(2) Every party has the right on every genuine issue to:

- (a) Call witnesses and present evidence;
- (b) Cross-examine every witness called by the agency, or other party;
- (c) Submit rebuttal evidence, present summation and argument; and

(d) File objections, exceptions, and motions, except that when a party is represented by counsel, all the submissions of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by this counsel.

(3) The presiding officer, or the presiding officer's designee, may examine:

- (a) A witness called by a party; and
- (b) An individual in attendance at the hearing.

(4) A member of the Board may examine a witness called by a party.

(5) *The Board may submit evidence from an investigative file to other administrative and criminal investigative offices to assist in the investigation and prosecution of a case.*

.06 Records and Transcripts.

A. *The Board shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding.*

B. *A stenographic record of the proceedings shall be made at the expense of the Board. This record need not be transcribed, however, unless requested by a party, or by the Board. The cost of any typewritten transcripts of any proceeding, or part of it, shall be paid by the party requesting the transcript.*

.07 Decision and Order.

A. *Every decision and order rendered by the Board shall be in writing and shall be accompanied by findings of fact and conclusions of law.*

B. *A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or attorney of record.*

.08 Rehearings.

A. *Any party aggrieved by the decision and order rendered may apply for rehearing within 10 days after service on him of the decision and order. Action on an application shall lie in the discretion of the Board.*

B. *Unless otherwise ordered, neither the rehearing nor the application for it shall stay the enforcement of the order, or excuse the person affected by it for failure to comply with its terms.*

C. *The Board may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may by new order abrogate, change, or modify its original order.*

.09 Appeal.

Any person whose license has been revoked or suspended by the Board, or any person placed on probation or reprimand under the regulations in this chapter, may appeal the Board's decision as provided by law.

[10.43.18] 10.65.03 [Massage Therapy —] Code of Ethics

Authority: Health Occupations Article, §§1-212, [3-5A-01, 3-5A-02, and 3-5A-09] 6-102, 6-206, 6-308, Annotated Code of Maryland

.03 Standards of Practice.

A.—B. (text unchanged)

C. A license holder or registration holder shall:

(1)—(5) (text unchanged)

(6) Practice massage therapy only as defined in the scope of practice set out in Health Occupations Article, [§3-5A-01] §6-101, Annotated Code of Maryland;

(7) Cooperate with a lawful investigation conducted by the Board of [Chiropractic and] Massage Therapy Examiners, including:

(a)—(d) (text unchanged)

(8) Report to the Board of [Chiropractic and] Massage Therapy Examiners, or other appropriate authority, conduct in the practice of massage therapy that indicates a violation of:

(a) (text unchanged)

(b) Health Occupations Article, Title [3, Subtitle 5A] 6, Annotated Code of Maryland; or

(c) (text unchanged)

(9) (text unchanged)

D. (text unchanged)

.09 Penalties.

If a license holder or registration holder violates a regulation in this chapter, the Board may take action pursuant to Health Occupations Article, [§3-5A-09] §6-308, Annotated Code of Maryland. The Board may also impose a penalty not exceeding \$5,000.

[10.43.19] 10.65.04 [Massage Therapy —] Advertising

Authority: Health Occupations Article, §§[3-5A-01, 3-5A-02, 3-5A-07, and 3-5A-09] 6-101, 6-102, 6-206, 6-401, Annotated Code of Maryland

.01 Scope.

This chapter governs advertising by individuals licensed as massage therapists or registered as massage practitioners by the Board of [Chiropractic and] Massage Therapy Examiners in Maryland.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Board" means the Board of [Chiropractic and] Massage Therapy Examiners.

(3)—(4) (text unchanged)

.03 Advertising.

A.—B. (text unchanged)

C. An advertisement shall state at a minimum the:

(1) [Authorized trade name] *License holder's or registration holder's practice or business name;*

(2) [Practitioner's] *License holder's or registration holder's name;*

(3) [Practitioner's] *License holder's or registration holder's status as a [licensee] license holder or [registrant] registration holder; and*

(4) *Practice or business address and telephone number.*

[D. Trade Name.

(1) An advertisement may only use the trade name authorized by the Board.

(2) Trade names used in advertising:

(a) Shall be pre-approved by the Board in writing;

(b) Shall be used on all advertising including:

(i) Signs;

(ii) Billing statements;

(iii) Business cards;

(iv) Stationery;

(v) Receipts; and

(vi) Correspondence; and

(c) May not be used in any false or misleading advertisements.

(3) Only one trade name may be issued to a license or registration holder per geographic practice location.

(4) A trade name shall be distinct in order to clearly identify the practitioner.]

[E.] D.—[H.] G. (text unchanged)

.06 Penalties for Violation.

A violation of this chapter may result in disciplinary action against the license holder or the registration holder under Health Occupations Article, Title [3] 6, Annotated Code of Maryland.

[10.43.20] 10.65.05 [Massage Therapy —] Continuing Education Requirements

Authority: Health Occupations Article, §6–206, Annotated Code of Maryland

[10.43.21] 10.65.06 [Massage Therapy —] Record Keeping

Authority: Health Occupations Article, §[§3-205 and 3-5A-02.] 6–206, Annotated Code of Maryland

10.65.07 Fees

Authority: Health Occupations Article, §§6–206 and 6–207, Annotated Code of Maryland

.01 Scope.

This chapter governs those who are licensed and registered or who are applying for licensure or registration by the Board.

.03 Refunds.

A. Fees are nonrefundable with the exception of the examination fee.

B. The examination fee may be refunded at the discretion of the Board if the applicant’s written request is received by registered mail at least 14 days before the examination.

.04 Assessment for Health Care Professionals.

The applicant shall pay at the time of license renewal a fee for health care professionals, assessed by the Maryland Health Care Commission (MHCC), as specified in COMAR 10.25.02.

10.65.08 Licensure and Registration Examination — Special Needs Applicants

Authority: Health Occupations Article, §§6–206 and 6–302, Annotated Code of Maryland

.01 Scope.

This chapter establishes the procedures to be followed by examination applicants who have special needs because of a handicap or religious convictions.

.02 Eligibility Requirements.

A. An applicant with a disability may request modifications in examination materials or procedures by making a written request to the Board that includes:

- (1) The applicant’s name;
- (2) The date of the examination to be modified;
- (3) A letter from the appropriate medical professional that:

- (a) Confirms the disability; and

- (b) Provides information describing the accommodations required; and

- (4) A letter from the applicant’s education program, indicating what modifications, if any, were granted by the program.

B. The applicant shall send the request for modification and supporting documentation to the Board by the application deadline.

C. The Board reserves the right to review each special needs application and evaluate each on its individual merit.

D. The applicant may be required to bear the cost of special arrangements or procedures to accommodate the applicant’s special needs.

10.65.09 Sanctioning Guidelines

Authority: Health Occupations Article, §§1-606, 6-308, 6-309, Annotated Code of Maryland

.01 Scope.

A. This chapter shall be used by the Board and the Maryland Office of Administrative Hearings as a framework for imposing discipline.

B. The Board and the Maryland Office of Administrative Hearings shall take into consideration a range of activity within certain types of conduct rather than assigning particular sanctions to each specific violation.

C. The Board shall complete a worksheet for each complaint considered by the Board that is not initially closed.

D. The Board is aware that there may be conduct by a license holder or registration holder that does not fall squarely within a particular guideline contained in Regulation .06 of this chapter. In that event the Board will so indicate on the worksheet and use its best judgment to determine the appropriate sanction.

E. The Board and the Maryland Office of Administrative Hearings shall make determinations that maximize the protection of the public’s health while maintaining the rights of license holders and registration holders.

.02 Definitions.

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

B. Terms Defined.

(1) “Board” means the Maryland State Board of Massage Therapy Examiners.

(2) “Conditions” means requirements in a public or nonpublic order that a license holder or registration holder is required to satisfy which include but are not limited to:

- (a) Treatment and counseling for an emotional or physical illness;

- (b) Submission to drug and alcohol testing;

- (c) Abstinence from specified drugs;

- (d) Abstinence from alcohol;

- (e) Remedial training;

- (f) Inspection;

- (g) Monitoring;

- (h) Evaluation;

- (i) Supervision;

- (j) Testing of clinical skills;

- (k) Submission of written reports;

- (l) A demonstration of knowledge or competency;

- (m) Limitation of practice;

- (n) Limitation on the administration of specified drugs to patients;

- (o) The provision of pro bono massage therapy to the poor, elderly, or disabled;

- (p) Obedience of Maryland Massage Therapy Act, federal, State, and local laws; and

- (q) The payment of a civil penalty.

(3) “Conduct” means behavior or action or a failure to behave or act that results in a violation of the Maryland Massage Therapy Act or the regulations adopted by the Board.

.03 Application.

A. This chapter shall be used by the Board as a guide for sanctioning license holders and registration holders in formal and informal actions and proceedings.

B. Except as provided in Regulation .05 of this chapter, the Board shall impose a sanction not less severe than the minimum listed in

Regulation .06 of this chapter, nor more severe than the maximum listed in Regulation .06 of this chapter.

C. When conduct results in multiple violations of the Maryland Massage Therapy Act and the regulations adopted by the Board, the Board shall consider sanctions that are greater than those imposed for a single violation.

D. This chapter does not apply to disciplinary matters reviewed by the Board that are initially closed.

E. Unless otherwise indicated, the period of a suspension may be stayed in whole or in part.

F. A respondent placed on suspension or probation shall have conditions attached to the suspension or probation which focus on the conduct and steps needed to assure public protection.

G. Consent orders shall:

- (1) Include an acknowledgement of the violation or violations; and
- (2) Indicate that the respondent accepts personal responsibility for the respondent's behavior.

H. If the conduct is not described in Regulation .06 of this chapter, the Board shall use its judgment to determine appropriate sanctions and shall so state in the sanctions worksheet.

I. A departure from the sanctioning guidelines alone may not be grounds for any hearing or appeal of any Board action before the Board or the Maryland Office of Administrative Hearings.

J. The sanctioning guidelines are not applicable to:

- (1) Individuals seeking an initial license; or
- (2) The summary suspension of a license under State Government Article, §10-226, Annotated Code of Maryland.

K. Notwithstanding the sanctioning guidelines, a respondent may surrender a license.

.04 Worksheet.

A. The Board shall complete a sanctions worksheet after considering each disciplinary matter.

B. The sanctions worksheet shall, at a minimum:

- (1) Briefly summarize the conduct that constituted the violation or violations meriting action;
- (2) Identify the severity of the conduct;
- (3) Describe other factors that the Board considered in determining the recommended sanctions imposed including but not limited to:
 - (a) Aggravating factors as outlined in Regulation .05 of this chapter;
 - (b) Mitigating factors as outlined in Regulation .05 of this chapter; and
 - (c) Prior disciplinary history; and
 - (4) Identify the recommended sanctions.

C. The Board's summary of the conduct that constituted the violation or violations need not:

- (1) Be exhaustive; or
- (2) Include every violation meriting action by the Board.

D. The existence of one or more aggravating or mitigating factors contained in Regulation .05 of this chapter does not impose on the Board any requirement to make findings of fact or to articulate its reasoning for not exercising its discretion to impose a sanction outside the range of sanctions.

E. A copy of the sanctions worksheet may be obtained by the respondent or the respondent's legal representative.

.05 Aggravating and Mitigating Factors.

A. Sanctions in a particular case may fall outside the range of the sanctioning guidelines established by the Board.

B. If the sanctions imposed by the Board fall outside the range of the sanctioning guidelines the Board shall state its reasons on its worksheet.

C. Depending on the facts and circumstances of each case, and to the extent that the facts and circumstances apply, the Board may consider the following aggravating and mitigating factors in determining whether the sanction in a particular case should fall outside the range of the sanctioning guidelines:

(1) Aggravating Factors:

- (a) Previous criminal or administrative discipline history;
- (b) Whether the offense was committed deliberately or with gross negligence or recklessness;
- (c) Whether the offense has the potential for, or caused, serious patient harm;
- (d) Whether the offense was part of a pattern of detrimental conduct;
- (e) Whether the respondent pursued the respondent's financial gain over the patient's welfare;
- (f) Whether the patient was especially vulnerable;
- (g) Whether the respondent attempted to hide error or misconduct from patients or others;
- (h) Whether the respondent:
 - (i) Concealed, falsified, or destroyed evidence; or
 - (ii) Presented false testimony or evidence;
- (i) Whether the respondent willfully and without legal justification failed to cooperate with a lawful investigation conducted by the Board; and
- (j) Whether previous attempts to rehabilitate the respondent were unsuccessful; and

(2) Mitigating Factors:

- (a) Absence of a prior disciplinary record;
- (b) The passage of time since any prior offenses;
- (c) Whether the respondent self-reported to the Board;
- (d) Cooperation with the Board's investigation;
- (e) Full disclosure to the Board;
- (f) Implementation of remedial measures to correct or mitigate harm arising from the misconduct;
- (g) Timely good-faith efforts to make restitution or to rectify consequences of misconduct;
- (h) Evidence of rehabilitation or rehabilitative potential;
- (i) Absence of premeditation to commit the offense;
- (j) Absence of potential harm to the public;
- (k) Absence of adverse impact;
- (l) Whether the offense was an isolated incident and not likely to recur;
- (m) How and when the respondent has been involved in community service and the value of the community service to the community; and
- (n) Voluntary admissions of misconduct.

.06 Disciplinary Guidelines.

The following guidelines shall be used by the Board as a guide for sanctioning license holder or registration holder in formal and informal actions and proceedings:

A. Abuse — Physical and Emotional.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) Unnecessary or disruptive behavior which may include verbal comments, directed to a patient, resulting in minimal harm or a risk of harm	Reprimand	Suspension for up to 5 years, and probation for up to 5 years, and conditions	Reprimand to suspension and probation for up to 5 years
	(2) Physical abuse resulting in significant physical or emotional injury	Suspension for 3 years, without stay for at least 30 days and probation for 3 years, and conditions	Revocation	Suspension for 3 years, without stay for at least 30 days, and probation for 3 years to revocation

B. Criminal Convictions or Plea of Nolo Contendere.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) Convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude	Suspension for 1 year and probation for 1 year, and conditions	Revocation	Suspension for 1 year and probation for 1 year, to revocation
	(2) Convicted of or pleads guilty or nolo contendere to a sexual offense	Suspension for 5 years, without stay for at least 60 days, and probation for 5 years, and conditions	Revocation	Suspension for 5 years, without stay for at least 60 days, and probation for 5 years, to revocation

C. Disciplined by Another Licensing or Disciplinary Authority.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) Conduct resulting in no physical or psychological harm	Reprimand	Reprimand and probation for up to 3 years, and conditions	Reprimand to reprimand and probation for up to 3 years
	(2) Conduct resulting in financial injury	Reprimand	Revocation	Reprimand to Revocation
	(3) Conduct resulting in physical or psychological harm or a risk of physical or psychological harm	Suspension for 3 years, without stay for at least 10 days, and probation for 3 years, and conditions	Revocation	Suspension for 3 years, at least 10 days without stay, and probation for 3 years to revocation
	(4) Misrepresentation or fraud	Suspension for 2 years, without stay for at least 5 days, and probation for 2 years, and conditions	Revocation	Suspension for 2 years, without stay for at least 5 days, and probation for 2 years to revocation
	(5) Conduct not provided for in §C(1)–(4) of this regulation	Reprimand	Revocation	Reprimand to Revocation

D. Diversion of Controlled Substances or Prescription Drugs.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) Diversion without harm to self or others	Reprimand and conditions, and probation for 1 year	Suspension for up to 5 years, and probation for up to 5 years, and conditions	Reprimand and probation for 1 year to suspension for up to 5 years and probation for up to 5 years
	(2) Diversion creating risk of harm	Suspension for 3 years and probation for 3 years, and conditions	Suspension for up to 5 years and probation for up to 5 years, and conditions	Suspension for 3 years and probation for 3 years to suspension for up to 5 years and probation for up to 5 years

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				<i>to 5 years</i>
	<i>(3) Diversion with harm</i>	<i>Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, and conditions</i>	<i>Revocation</i>	<i>Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, to revocation</i>

E. Failure to Renew a License When the License Holder or Registration Holder Has Continued to Practice.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	<i>(1) Failure to renew a license and practicing for up to 1 year</i>	<i>Reprimand</i>	<i>Revocation</i>	<i>Reprimand to suspension for 2 years, and probation for to 2 years</i>
	<i>(2) Failure to renew a license and practicing for 1 year or longer</i>	<i>Suspension for 2 years, and probation for 2 years, and conditions</i>	<i>Revocation</i>	<i>Suspension for 2 years, and probation for 2 years, to revocation</i>

F. Noncompliance with Board Orders.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	<i>(1) Failure to comply with a Board order</i>	<i>Suspension for 3 years, without stay for at least 10 days, and probation for 3 years, and conditions</i>	<i>Revocation</i>	<i>Suspension for 3 years, without stay for at least 10 days, probation for 3 years, to revocation</i>
	<i>(2) Failure to comply with a Board order with additional unprofessional conduct</i>	<i>Suspension for 3 years, without stay for at least 30 days, and probation for 3 years, and conditions</i>	<i>Revocation</i>	<i>Suspension for 3 years, without stay for at least 30 days, and probation for 3 years, to revocation</i>
	<i>(3) Failure to comply with a Board order with serious physical injury or death of a patient, or the risk of significant physical injury or death</i>	<i>Suspension for 5 years, without stay for at least 1 year, and probation for 5 years, and conditions</i>	<i>Revocation</i>	<i>Suspension for 5 years, without stay for at least 1 year, and probation for 5 years, to revocation</i>

G. Incompetent Practice Or Misconduct.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	<i>(1) Practice below acceptable standards with a low risk of patient harm</i>	<i>Reprimand and conditions</i>	<i>Suspension for 1 year, and probation for 1 year, and conditions</i>	<i>Reprimand to suspension for 1 year, and probation for 1 year</i>
	<i>(2) Practice below acceptable standards with patient harm or risk of patient harm</i>	<i>Suspension for 3 years, without stay for at least 30 days, and probation, and conditions</i>	<i>Revocation</i>	<i>Suspension for 3 years, without stay for at least 30 days, and probation, to revocation</i>
	<i>(3) Practice below acceptable standards with serious physical injury or death of a patient, or a risk of significant physical injury or death</i>	<i>Suspension for 3 years, without stay for at least 90 days, and probation for 3 years, and conditions</i>	<i>Revocation</i>	<i>Suspension for 3 years, without stay for at least 90 days, and probation for 3 years, to revocation</i>

H. Sexual Misconduct.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	<i>(1) Unsolicited conduct of a sexual nature excluding physical contact that serves no diagnostic or treatment purpose</i>	<i>Reprimand and conditions</i>	<i>Revocation</i>	<i>Reprimand to suspension for 1 year, and probation for 1 year</i>
	<i>(2) A personal relationship that violates professional ethics</i>	<i>Suspension for 1 year, and probation for 1 year, and conditions</i>	<i>Suspension for up to 5 years, probation for up to 5 years, and conditions</i>	<i>Suspension for 1 year, and probation for 1 year, to suspension for up to 5 years, and probation for up to 5</i>

				years
	(3) Physical contact of a sexual nature that does not include force, intimidation, the use of drugs, or alcohol, and that serves no diagnostic or treatment purpose	Suspension for 2 years, without stay for at least 90 days, and probation for 2 years, and conditions	Revocation	Suspension for 2 years, without stay for at least 90 days, and probation for 2 years, to suspension for up to 7 years, without stay for at least 90 days, and probation for up to 7 years
	(4) Sexual conduct involving, but not limited to, force intimidation, the use of drugs, or alcohol, or multiple victims	Suspension for 5 years, without stay for at least 1 year, and probation for 5 years, and conditions	Revocation	Suspension for 5 years, without stay for at least 1 year, and probation for 5 years to revocation

I. Substance Abuse.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) Misuse of drugs or alcohol without harm to others	Suspension for 2 years and probation for 2 years, and conditions	Suspension for up to 5 years, and probation for up to 5 years, and conditions	Suspension for 2 years and probation for 2 years, to suspension for up to 5 years and probation for up to 5 years
	(2) Misuse of drugs or alcohol with patient harm or a risk of patient harm	Suspension for 5 years, without stay for at least 90 days, probation for 5 years, and conditions	Revocation	Suspension for 5 years, without stay for at least 90 days, and probation for 5 years to revocation

J. Unauthorized Practice.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) License holder or registration holder knowingly allows an unauthorized individual to practice outside their scope of practice without patient harm or minimal patient harm	Reprimand and conditions	Suspension for 2 years, and probation for 2 years, and, conditions	Reprimand to suspension for 2 years, and probation for 2 years
	(2) License holder or registration holder knowingly allows an unauthorized individual to practice outside their scope of practice with greater than minimal patient harm	Suspension for 5 years, without stay for at least 30 days, and probation for 5 years, and conditions	Revocation	Suspension for 5 years, without stay for at least 30 days, and probation for 5 years to revocation
	(3) An unauthorized individual practices outside their scope of practice without patient harm or minimal patient harm	Reprimand	Suspension for 2 years, and probation for 2 years, and, conditions	Reprimand to suspension for 2 years, and probation for 2 years
	(4) An unauthorized individual practices outside their scope of practice with greater than minimal patient harm	Suspension for 5 years, without stay for at least 30 days, and probation, and conditions	Revocation	Suspension for 5 years, without stay for at least 30 days, and probation, to revocation

K. Unethical Conduct.

Severity	Tier/Conduct	Sanction Range		Duration
		Minimum	Maximum	
Least to Greatest	(1) Unethical Conduct resulting in no physical or psychological harm	Reprimand and conditions	Suspension for up to 2 years, and probation for up to 2 years, and conditions	Reprimand to suspension for up to 2 years, and probation for up to 2 years
	(2) Unethical conduct resulting in financial injury	Suspension for 3 years, and probation for 3 years, and conditions	Revocation	Suspension for 3 years, and probation for 3 years, to revocation
	(3) Unethical conduct resulting in physical or psychological harm or a risk of physical or	Suspension for 3 years, and probation for 3 years,	Revocation	Suspension for 3 years, and probation for 3 years,

psychological harm	and conditions		to revocation
(4) Unethically, and without legal justification, fails to cooperate with a lawful investigation conducted by the Board	Suspension for 5 years, without stay for at least 30 days, and probation, for 5 years, and conditions	Revocation	Suspension for 5 years, without stay for at least 30 days, and probation for 5 years, to revocation
(5) Unethical conduct resulting from misrepresentation or fraud	Suspension for 5 years, and probation for 5 years, and conditions	Revocation	Suspension for 5 years, and probation for 5 years, to revocation
(6) Threatens, forces, intimidates, or influences a person to change or withhold evidence before the Board or the Office of Administrative Hearings.	Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, and conditions	Revocation	Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, to revocation
(7) Unethical Conduct resulting from any violation not provided for in §K(1)—(6) of this regulation	Reprimand	Revocation	Reprimand to revocation

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

**Subtitle 64 BOARD OF NURSING —
LICENSED DIRECT-ENTRY
MIDWIVES**

**10.64.01 Practice of Licensed Direct-Entry
Midwives**

Authority: Health Occupations Article, §§8-205 and Title 8, Subtitle 6C,
Annotated Code of Maryland; Ch. 383, Acts of 2015

Notice of Proposed Action
[16-249-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.19 under a new chapter, **COMAR 10.64.01 Practice of Licensed Direct-Entry Midwives** under a new subtitle, **Subtitle 64 Board of Nursing — Licensed Direct-Entry Midwives**. This action was considered by the Board at its regular monthly meeting held on May 25, 2016, notice of which was placed on the Board’s website on April 1 and May 1, 2016, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide all new regulations for licensing direct-entry midwives including, but not limited to, requirements for licensure, scope of practice for mothers and newborns, limits on scope of practice, rules for transfer of care, discipline, required plan of care for each direct-entry midwife, renewal and continuing education requirements, regulation of the Direct-Entry Midwife Advisory Committee, and reporting requirements.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Board has and will continue to incur expenses for licensing the direct-entry midwives. The income from initial licensure and renewal is expected to cover the cost to the Board.

II. Types of Economic Impact.

- A. On issuing agency:
- B. On other State agencies:
- C. On local governments:

Revenue (R+/R-)	Magnitude
Expenditure (E+/E-)	

(R+)	\$27,000
NONE	
NONE	

Benefit (+) Cost (-)	Magnitude
(-)	\$27,000
NONE	
(+)	Indeterminable

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

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

A. and D. It is assumed the approximately 30 midwives will apply for initial licensure. (30 licensees × \$900 initial licensure fee = \$27,000) The start-up cost to the Board of Nursing equals or might slightly exceed that amount.

F. There is a benefit to women in Maryland seeking to have a safe home birth. The licensed direct-entry midwives will be providing home birth services. There is no way to estimate how many home births will be attended by them or the savings for the mothers.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) "Accompany the patient to the hospital" means, in the case of a transfer of care to a hospital, the direct-entry midwife:

(a) If possible, will ride in the ambulance with the patient;

or

(b) Travel by other means to the hospital.

(2) "ACME" means the Accreditation Commission for Midwifery Education or a successor organization that is:

(a) An accrediting agency for nurse-midwifery and direct-entry midwifery education programs; and

(b) Approved by the United States Department of Education.

(3) "AIMM" means the Association of Independent Midwives of Maryland or a successor organization that is a professional organization representing independent midwives in the State.

(4) "Board" means the State Board of Nursing.

(5) "Committee" means the Direct-Entry Midwifery Advisory Committee established under Health Occupations Article, §8-6C-11, Annotated Code of Maryland.

(6) "Electronic device" means, but is not limited to, any of the following:

(a) Telephone;

(b) Telephone answering device;

(c) Facsimile machine, photocopier, and scanner for copying; and

(d) Computer.

(7) "Health care practitioner" means an individual certified or licensed under Health Occupations Article, Annotated Code of Maryland as a:

(a) Nurse-midwife;

(b) Nurse practitioner; or

(c) Physician.

(8) "Health care provider" means a health care practitioner or a hospital and the agents or employees of a health care practitioner or a hospital.

(9) "Hospital" has the meaning stated in Health-General Article, §19-301, Annotated Code of Maryland.

(10) Licensed Direct-Entry Midwife.

(a) "Licensed direct-entry midwife" means an individual who has been granted a license under Health Occupations Article, Title 8, Annotated Code of Maryland, to practice direct-entry midwifery.

(b) "Licensed direct-entry midwife" does not include a licensed registered nurse certified as a nurse-midwife under Health Occupations Article, Title 8, Annotated Code of Maryland.

(11) "Low-risk pregnancy" means a pregnancy, labor, and delivery and postpartum, newborn, and interconceptional care that does not include a condition that requires a mandatory transfer under Regulation .03 of this chapter.

(12) "MEAC" means the Midwifery Education and Accreditation Council or a successor organization that is a national accreditation agency for midwifery education approved by the United States Department of Education.

(13) "NARM" means the North American Registry of Midwives or a successor organization approved by the Board that is an international certification agency that establishes and administers certification for the certified professional midwife credential.

(14) "Patient" means:

(a) A woman for whom a licensed direct-entry midwife performs services; and

(b) A woman's newborn for the purpose of perinatal or postpartum care.

(15) "Postpartum period" means the first 6 weeks after delivery.

(16) "Practice direct-entry midwifery" means:

(a) Providing maternity care that is consistent with a midwife's training, education, and experience;

(b) Identifying and referring patients who require medical care to an appropriate health care provider; and

(c) Includes the activities described in Regulation .02 of this chapter.

.02 Scope of Practice.

The practice of direct-entry midwifery includes:

A. Providing the necessary supervision, care, and advice to a patient during a low-risk pregnancy, labor, delivery, and postpartum period;

B. Newborn care authorized under Health Occupations Article, §8-6C-02, Annotated Code of Maryland, provided in a manner that is:

(1) Consistent with national direct-entry midwifery standards; and

(2) Based on the acquisition of clinical skills necessary for the care of pregnant women and newborns, including antepartum, intrapartum, and postpartum care;

C. Obtaining informed consent to provide services to the patient;

D. Discussing:

(1) Any general risk factors associated with the services to be provided;

(2) Any specific risk factors pertaining to the health and circumstances of the individual patient;

(3) Conditions that preclude care by a licensed direct-entry midwife; and

(4) The conditions under which consultation, transfer of care, or transport of the patient must be implemented;

E. Obtaining a health history of the patient, including a travel history, and performing a physical examination;

F. Developing a written plan of care specific to the patient, to ensure continuity of care throughout the antepartum, intrapartum, and postpartum periods that includes:

(1) A plan for the management of any specific risk factors pertaining to the individual health and circumstances of the individual patient; and

(2) A plan to be followed in the event of an emergency, including a plan for transportation;

G. Evaluating the results of patient care;

H. Consulting and collaborating with a health care practitioner regarding the care of a patient, and referring and transferring care to a health care provider, as required;

I. Referral of all patients, within 72 hours after delivery, to a pediatric health care practitioner for care of the newborn;

J. As approved by the Board, in accordance with Regulation .08 of this chapter:

(1) Obtaining and administering medications; and

(2) Obtaining and using equipment and devices;

K. Obtaining appropriate screening and testing, including laboratory tests, urinalysis, and ultrasound;

L. Providing prenatal care during the antepartum period, with consultation or referral as required;

M. Providing care during the intrapartum period, including:

(1) Monitoring and evaluating the condition of the patient and fetus;

(2) At the onset of active labor notifying the pediatric health care practitioner, by any electronic device, that delivery is imminent;

(3) Performing emergency procedures, including:

(a) Administering approved medications;

(b) Administering intravenous fluids for stabilization;

(c) Performing an emergency episiotomy; and

(d) Providing care while on the way to a hospital under circumstances in which emergency medical services have not been activated;

(4) Activating emergency medical services for an emergency; and

(5) Delivering in an out-of-hospital setting;

N. Participating in peer review as required under Regulation .16 of this chapter;

O. Providing care during the postpartum period, including:

(1) Suturing of first and second degree perineal or labial lacerations or suturing of an episiotomy with the administration of a local anesthetic; and

(2) Making further contact with the patient within 48 hours, within 2 weeks, and at 6 weeks after the delivery to assess for:

(a) Hemorrhage;

(b) Preeclampsia;

(c) Thrombo-embolism;

(d) Infection; and

(e) Emotional well-being;

P. Providing routine care for the newborn for up to 72 hours after delivery, exclusive of administering immunizations, including:

(1) Immediate care at birth, including:

(a) Resuscitating as needed;

(b) Performing a newborn examination; and

(c) Administering intramuscular vitamin K and eye ointment for prevention of ophthalmia neonatorum;

(2) Assessing newborn feeding and hydration;

(3) Performing metabolic screening and reporting on the screening in accordance with COMAR 10.52.12;

(4) Performing critical congenital heart disease screening and reporting on the screening in accordance with COMAR 10.52.12;

(5) If unable to perform the screening required under §P(3) or (4) of this regulation, referring the newborn to a pediatric health care practitioner to perform the screening within 24 to 48 hours after delivery;

(6) Administering any other required newborn test, medication, or treatment required by the Department if authorized by the formulary in Regulation .07 of this chapter; and

(7) Referring the infant to an audiologist for a hearing screening in accordance with COMAR 10.52.12;

Q. Within 24 hours after delivery, notifying a pediatric health care practitioner, by any electronic device, of the delivery;

R. Within 72 hours after delivery:

(1) Referring the newborn to a pediatric health care practitioner; and

(2) Transferring health records to the pediatric health care practitioner, including documentation of the performance of the screenings required under this regulation;

S. Providing the following care of the newborn beyond the first 72 hours after delivery:

(1) Weight checks and general observation of the newborn's activity, with abnormal findings communicated to the newborn's pediatric health care practitioner;

(2) Assessment of newborn feeding and hydration; and

(3) Breastfeeding support and counseling; and

T. Providing limited services to the patient after the postpartum period, including:

(1) Breastfeeding support and counseling; and

(2) Counseling and referral for all family planning methods.

.03 Scope of Practice — Prohibitions.

A. The practice of direct-entry midwifery does not include:

(1) Pharmacological induction or augmentation of labor or artificial rupture of membranes before the onset of labor;

(2) Surgical delivery or any surgery except an emergency episiotomy;

(3) Use of forceps or vacuum extractor;

(4) Except for the administration of a local anesthetic, administration of an anesthetic;

(5) Administration of any kind of narcotic analgesic; or

(6) Administration of any prescription medication not authorized in accordance with Regulation .07 of this chapter.

B. A licensed direct-entry midwife may not assume care or continue to take responsibility for a patient's pregnancy and birth care if a finding of any of the disorders or situations listed under §C of this regulation is found to be present:

(1) At the initial interview;

(2) During an examination of the patient;

(3) While obtaining a patient history or at subsequent prenatal visits;

(4) As a result of a laboratory or other test; or

(5) After consultation with another health care practitioner.

C. If any of the following disorders or situations exist, the licensed direct-entry midwife shall arrange for the orderly transfer of care to a health care practitioner:

(1) Diabetes mellitus, including uncontrolled gestational diabetes;

(2) Hyperthyroidism treated with medication;

(3) Uncontrolled hypothyroidism;

(4) Epilepsy with seizures or antiepileptic drug use during the previous 12 months;

(5) Coagulation disorders;

(6) Chronic pulmonary disease;

(7) Heart disease in which there are arrhythmias or murmurs except when, after evaluation, it is the opinion of a physician licensed under Health Occupations Article, Title 14, Annotated Code of Maryland, or a licensed nurse certified as a nurse-midwife or a nurse practitioner under Health Occupations Article, Title 8, Annotated Code of Maryland, that midwifery care may proceed;

(8) Hypertension, including pregnancy-induced hypertension (PIH);

(9) Renal disease;

(10) Except as otherwise provided in Health Occupations Article, §8-6C-04(a)(11), Annotated Code of Maryland, Rh sensitization with positive antibody titer;

(11) Previous uterine surgery, including a cesarean section or myomectomy;

(12) Indications that the fetus has died in utero;

(13) Premature labor (gestation less than 37 weeks);

(14) Multiple gestation;

(15) Noncephalic presentation at or after 38 weeks;

(16) Placenta previa or abruption;

(17) Preeclampsia;

(18) Severe anemia, defined as hemoglobin less than 10 g/dL;

(19) Uncommon diseases and disorders, including:

(a) Addison's disease;

(b) Cushing's disease;

(c) Systemic lupus erythematosus;

(d) Antiphospholipid syndrome;

- (e) Scleroderma;
- (f) Rheumatoid arthritis;
- (g) Periarthritis nodosa;
- (h) Marfan's syndrome; and
- (i) Other systemic and rare diseases and disorders, as determined by the Department;
- (20) AIDS/HIV;
- (21) Hepatitis A through G and non-A through G;
- (22) Acute toxoplasmosis infection, if the patient is symptomatic;
- (23) Acute Rubella infection during pregnancy;
- (24) Acute cytomegalovirus infection, if the patient is symptomatic;
- (25) Acute Parvovirus infection, if the patient is symptomatic;
- (26) Alcohol abuse, substance abuse, or prescription abuse during pregnancy;
- (27) Continued daily tobacco use into the second trimester;
- (28) Thrombosis;
- (29) Inflammatory bowel disease that is not in remission;
- (30) Primary herpes simplex virus, genital infection during pregnancy, or any active genital lesions at the time of delivery;
- (31) Significant fetal congenital anomaly;
- (32) Ectopic pregnancy;
- (33) Prepregnancy body mass index (BMI) of less than 18.5 or 35 or more; or
- (34) Post term maturity (gestational age 42 0/7 weeks and beyond).

.04 Required Consultation.

A. A licensed direct-entry midwife shall consult with a health care practitioner and document:

- (1) The consultation;
- (2) The recommendations of the consultation; and
- (3) The discussion of the consultation with the client if any of the following conditions are present during prenatal care:
 - (a) Significant mental disease, including depression, bipolar disorder, schizophrenia, and other conditions that impair the ability of the patient to participate effectively in the patient's care or that require the use of psychotropic drugs to control the condition;
 - (b) Second or third trimester bleeding;
 - (c) Intermittent use of alcohol into the second trimester;
 - (d) Asthma;
 - (e) Diet-controlled gestational diabetes;
 - (f) History of genetic problems, intrauterine death after 20 weeks' gestation, or stillbirth;
 - (g) Abnormal Pap smear;
 - (h) Possible ectopic pregnancy;
 - (i) Tuberculosis;
 - (j) Controlled hypothyroidism, being treated with thyroid replacement and euthyroid, and with thyroid test numbers in the normal range;
 - (k) Rh sensitization with positive antibody titer;
 - (l) Breech presentation between 35 and 38 weeks;
 - (m) Transverse lie or other abnormal presentation between 35 and 38 weeks;
 - (n) Premature rupture of membranes at 37 weeks or less;
 - (o) Small for gestational age or large for gestational age fetus;
 - (p) Polyhydramnios or oligohydramnios;
 - (q) Previous LEEP procedure or cone biopsy;
 - (r) Previous obstetrical problems, including uterine abnormalities, placental abruption, placenta accreta, obstetric hemorrhage, incompetent cervix, or preterm delivery for any reason;
 - (s) Post-term maturity (41 0/7 to 6/7 weeks gestational age);
 - (t) Inflammatory bowel disease, in remission; or

(u) Primary herpes simplex virus, infection or any active infection at time of delivery.

B. Any changes in the plan of care following a consultation in accordance with §A of this regulation shall be documented in the patient's plan of care.

.05 Required Transfer of Care.

A. Except for §B of this regulation, a licensed direct-entry midwife shall arrange immediate emergency transfer to a hospital if:

- (1) The patient requests transfer; or
- (2) The patient or newborn is determined to have any of the following conditions during labor, delivery, or the immediate postpartum period:
 - (a) Unforeseen noncephalic presentation;
 - (b) Unforeseen multiple gestation;
 - (c) Nonreassuring fetal heart rate or pattern, including:
 - (i) Tachycardia
 - (ii) Bradycardia;
 - (iii) Significant change in baseline; or
 - (iv) Persistent late or severe variable decelerations;
 - (d) Prolapsed cord;
 - (e) Unresolved maternal hemorrhage;
 - (f) Retained placenta;
 - (g) Signs of fetal or maternal infection;
 - (h) Patient with a third or fourth degree laceration or a laceration beyond the licensed direct-entry midwife's ability to repair;
 - (i) Apgar of less than seven at 5 minutes;
 - (j) Obvious congenital anomalies;
 - (k) Need for chest compressions during neonatal resuscitation;
 - (l) Newborn with persistent central cyanosis;
 - (m) Newborn with persistent grunting and retractions;
 - (n) Newborn with abnormal vital signs;
 - (o) Gross or thick meconium staining, when discovered; or
 - (p) Newborn with excessive dehydration due to inability to feed.

B. If transfer is not possible because of imminent delivery, the licensed direct-entry midwife shall consult with a health care provider for guidance on further management of the patient and to determine when transfer may be safely arranged, if required.

C. A licensed direct-entry midwife shall immediately transfer the care of a patient to a health care provider for the treatment of any significant postpartum morbidity, including:

- (1) Uncontrolled postpartum hemorrhage;
- (2) Preeclampsia;
- (3) Thrombo-embolism;
- (4) An infection; or
- (5) A postpartum mental health disorder.

D. A licensed direct-entry midwife who is required to transfer care of a patient under this regulation may continue other aspects of postpartum care in consultation with the treating health care practitioner.

.06 Assistant for Home Birth.

At the time of delivery, a licensed direct-entry midwife shall be assisted by a second individual who has:

A. Completed the American Academy of Pediatrics/American Heart Association Neonatal Resuscitation Program (NRP) within the previous 2 years; and

B. The skills and equipment necessary to perform a full resuscitation of the newborn in accordance with the principles of NRP.

.07 Licensed Direct-Entry Midwifery Formulary, Equipment, and Medical Devices.

A. As approved by the Board, in accordance with Health Occupations Article §8-6C-02(b)(8), Annotated Code of Maryland, a licensed direct-entry midwife may:

- (1) Obtain and administer medications; and
- (2) Obtain and use equipment and devices for the practice of midwifery.

B. The following medications are approved by the Board:

- (1) Vitamin K1 (phyloquinone, phytonadione);
- (2) Rho D immune globulin;
- (3) Oxytocin (Pitocin);
- (4) Methylergonovine (Methergine);
- (5) Misoprostol (Cytotec);
- (6) Erythromycin ophthalmic ointment USP (0.5%);
- (7) Oxygen;
- (8) Local anesthetics (lidocaine HCl, cetacaine, novacaine (procaine));

(9) Epinephrine;

(10) Penicillin;

(11) Cefazolin;

(12) Sterile H2O Papules; and

(13) Intravenous Fluids including Lactated Ringer's and normal saline.

C. The following devices are approved by the Board:

(1) Fetal heart rate dopplers;

(2) Syringes;

(3) Needles;

(4) Phlebotomy equipment;

(5) Suture and suturing equipment or supplies;

(6) Urinary catheters;

(7) Intravenous equipment;

(8) Amnihooks;

(9) Airway suction devices;

(10) Electronic fetal monitoring equipment;

(11) Toco monitoring equipment;

(12) Neonatal and adult resuscitation equipment;

(13) Glucose monitoring equipment;

(14) Centrifuge;

(15) Hemoglobin/hematocrit monitoring equipment;

(16) Pulse oximeters, adult and neonatal;

(17) Birth supplies including medical grade birthing tubs and birthing stools;

(18) Blood pressure equipment;

(19) Urinalysis supplies;

(20) Stethoscopes, adult and neonatal;

(21) Sterile surgical instruments;

(22) Speculums;

(23) Eldon Cards;

(24) Nitrazine paper, amniswabs and other amniotic fluid detection equipment;

(25) Thermometers;

(26) Laboratory specimen collection equipment;

(27) Sterilization supplies and equipment;

(28) Equipment and devices for critical congenital heart screening;

(29) Equipment and devices for hearing screening;

(30) Supplies to collect newborn metabolic screening;

(31) Other equipment and devices as approved by the Board;

(32) Breast pumps;

(33) Compression stockings and belts;

(34) Maternity belts; and

(35) Diaphragms and cervical caps.

.08 License Required and Exceptions.

A. An individual shall be licensed by the Board before the individual may practice direct-entry midwifery in the State.

B. This regulation does not apply to:

(1) An individual who assists at a birth in an emergency;

(2) An individual who is licensed as a health care practitioner whose scope of practice allows the individual to practice direct-entry midwifery; or

(3) A student who is practicing direct-entry midwifery while engaged in a Board-approved clinical midwife educational experience under the supervision of a licensed direct-entry midwife.

.09 Patient's Refusal to Transfer Care.

A. If a patient chooses to give birth at home in a situation prohibited by this chapter or in which a licensed direct-entry midwife recommends transfer, the licensed direct-entry midwife shall:

(1) Transfer care of the patient to a health care practitioner; and

(2) Complete the standard form developed under Regulation .10 of this chapter and:

(a) Submit the completed form to the accepting health care practitioner; and

(b) Cease to take responsibility for the patient's pregnancy care within 1 week after the transfer.

B. If birth is imminent and the patient refuses to be transferred after the licensed direct-entry midwife determines that a transfer is necessary, the licensed direct-entry midwife shall:

(1) Call 9-1-1 and remain with the patient until emergency services personnel arrive; and

(2) Transfer care and give a verbal report of the care provided to the emergency medical services providers.

.10 Plan of Care.

A. A licensed direct-entry midwife shall develop a general written plan for:

(1) Emergency transfer of a patient, a newborn, or both;

(2) Transport of a newborn to a newborn nursery or neonatal intensive care nursery; and

(3) Transport of a patient to an appropriate hospital with a labor and delivery unit.

B. The Committee shall review and recommend approval to the Board of the plan required under §A of this regulation.

C. The plan required under §A of this regulation shall be provided to any hospital identified in the plan approved by the Committee.

D. In addition to the general written plan required under §A of this regulation, a licensed direct-entry midwife shall prepare a plan that is specific to each patient and share the plan with the patient.

E. The plan required under §D of this regulation shall:

(1) Include procedures and processes to be undertaken in the event of an emergency for the mother, the newborn, or both;

(2) Identify the hospital nearest to the address of the planned home birth that has a labor and delivery unit;

(3) Include a care plan for the newborn; and

(4) Identify the pediatric health care practitioner who will be notified after delivery in accordance with Regulation .02 of this chapter to receive the transfer of care of the newborn.

F. Each direct-entry midwife shall use the standard form approved by the Board for all cases in which a transfer occurs during prenatal care, labor, or postpartum.

G. After a decision to transport a patient has been made, the licensed direct-entry midwife shall:

(1) Call the receiving health care provider;

(2) Inform the health care provider of the incoming patient;

(3) Accompany the patient to the hospital; and

(4) On arrival at the hospital, provide to the staff of the hospital;

(a) The standard form developed under §D of this regulation;

(b) The complete medical records of the patient and newborn; and

(c) A verbal summary of the care provided to the patient and newborn by the licensed direct-entry midwife.

.11 Informed Consent Agreements.

A. Before initiating care, a licensed direct-entry midwife shall obtain a signed copy of the Board-approved standardized informed consent agreement.

B. The agreement developed under §A of this regulation shall include acknowledgment by the patient of receipt, at a minimum, of the following:

(1) The licensed direct-entry midwife's training and experience;

(2) Instructions for obtaining a copy of the regulations under this chapter;

(3) Instructions for obtaining a copy of the NARM certification requirements;

(4) Instructions for filing a complaint with the Board;

(5) Notice of whether the licensed direct-entry midwife has professional liability insurance coverage;

(6) A description of the procedures, benefits, and risks of home births, including those conditions that may arise during delivery; and

(7) Any other information that the Board requires.

.12 Required Reports.

A. Annually, beginning October 1, 2016, a licensed direct-entry midwife shall submit a report to the Committee, in a form specified by the Board, of the following information regarding cases in which the licensed direct-entry midwife assisted during the previous fiscal year ending June 30, when the intended place of birth was an out-of-hospital setting:

(1) The total number of patients served as primary caregiver at the onset of care;

(2) The number, by county, of live births attended as primary caregiver;

(3) The number, by county, of cases of fetal demise, infant deaths, and maternal deaths attended as primary caregiver at the discovery of the demise or death;

(4) The number of women whose primary care was transferred to another health care practitioner during the antepartum period and the reason for the transfer;

(5) The number, reason for, and outcome of each nonemergency hospital transfer during the intrapartum or postpartum period;

(6) The number, reason for, and outcome of each urgent or emergency transport of an expectant mother in the antepartum period;

(7) The number, reason for, and outcome of each urgent or emergency transport of an infant or mother during the intrapartum or immediate postpartum period;

(8) The number of planned out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting;

(9) A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate; and

(10) Any other information required by the Board in this chapter.

B. The Board shall send a written notice of noncompliance to a licensee who fails to meet the reporting requirements under §A of this regulation.

C. A licensed direct-entry midwife who fails to comply with the reporting requirements under this regulation may not be allowed to renew their license until the information required under §A of this regulation is reported.

D. The Committee shall maintain the confidentiality of any report submitted under §A of this regulation.

E. In addition to the report required under this regulation, a licensed direct-entry midwife shall be subject to the same State reporting requirements as other health care practitioners who provide care to individuals in accordance with Health-General Article and Health Occupations Article, Annotated Code of Maryland, and COMAR.

F. A licensed direct-entry midwife attending an out-of-hospital delivery shall:

(1) For any live birth, complete and submit a birth certificate in accordance with Health-General Article, §4-208, Annotated Code of Maryland; and

(2) For any death, make all medical records available and communicate relevant circumstances of the death to the individual responsible for completing the certificate of death under Health-General Article, §§4-212 and 4-213, Annotated Code of Maryland.

.13 Direct-Entry Midwifery Advisory Committee.

A. There is a Direct-Entry Midwifery Advisory Committee within the Board.

B. Committee Appointments.

(1) The Committee shall consist of seven members appointed by the Board, in accordance with the following.

(a) Three shall be licensed direct-entry midwives;

(b) Two shall be licensed registered nurses certified as nurse-midwives;

(c) One shall be a representative of the Maryland Hospital Association; and

(d) One shall be a consumer member who meets the requirements stated in Health Occupations Article, §8-6C-11, Annotated Code of Maryland.

(2) AIMM List.

(a) The Board shall appoint the licensed direct-entry midwife members of the Committee from a list of qualified individuals submitted to the Board by AIMM.

(b) The Board may request an additional list of qualified individuals from AIMM if the initial list is determined to be inadequate.

C. General Requirement for Committee Membership. A member of the Committee shall be a:

(1) Citizen of the United States; and

(2) Resident of the State.

D. Additional Requirements for a Licensed Direct-Entry Midwife Member. A licensed direct-entry midwife member of the Committee:

(1) Shall meet the licensure requirements of Regulation .15 of this chapter; and

(2) May not be a licensed registered nurse who is certified as a nurse-midwife.

E. Additional Requirements for the Consumer Member.

(1) The consumer member shall be a member of the general public.

(2) The consumer member may not be or ever have been;

(a) A licensed direct-entry midwife;

(b) A licensed registered nurse certified as a midwife;

(c) A health care practitioner who is directly involved with pregnancy or labor; or

(d) In training to be a:

(i) Licensed direct-entry midwife;

(ii) Licensed registered nurse certified as a midwife; or

(iii) Health care practitioner who is directly involved with pregnancy or labor.

(3) The consumer member may not have a household member who is:

(a) A licensed direct-entry midwife;

(b) A licensed registered nurse who is certified as a nurse-midwife;

(c) A health care practitioner who is directly involved with pregnancy or labor; or

(d) In training to be a:

(i) Licensed direct-entry midwife;

(ii) Licensed nurse who is certified as a nurse-midwife;

or

(iii) Health care practitioner who is directly involved with pregnancy or labor.

(4) The consumer member may not:

(a) Participate or ever have participated in a commercial or professional field related to the practice of direct-entry midwifery;

(b) Have a household member who participates in a commercial or professional field related to the practice of direct-entry midwifery; or

(c) Have, or have had within 2 years before appointment, a substantial financial interest in a person who is regulated by the Board.

F. Committee Chair. The Committee shall elect a Chair from among its members to a 2-year term.

G. Terms.

(1) The term of a Committee member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Committee on October 1, 2015.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive full terms.

(6) To the extent practicable, the Board shall fill any vacancy on the Committee within 60 days of the date of the vacancy.

H. Committee Meetings.

(1) A majority of the full authorized membership of the Committee is a quorum.

(2) In addition to any other meeting requirements of Health Occupations Article, §8-6C-11, Annotated Code of Maryland, the Committee shall meet:

(a) At the request of the Executive Director of the Board; and

(b) As necessary to conduct Board or Committee business.

I. Member Compensation. In accordance with Health Occupations Article, §8-6C-11, Annotated Code of Maryland, each member of the Committee is entitled to:

(1) Compensation, at a rate determined by the Board, for each day, or part of a day, on which the member is engaged in the duties of the Committee; and

(2) Reimbursement for expenses under the Standard State Travel Regulations.

J. Removal of a Committee Member. The Board may remove a member:

(1) For incompetence or misconduct; or

(2) Who is absent from two successive Committee meetings without adequate reason.

.14 Committee Duties.

A. The Committee shall:

(1) Review applications for licensure as a licensed direct-entry midwife and make recommendations to the Board regarding applicants;

(2) Maintain a list of all licensed direct-entry midwives;

(3) Make recommendations to the Board regarding continuing education requirements for licensed direct-entry midwives;

(4) Review advertising by licensed direct-entry midwives and by institutions that offer a direct-entry midwife program and make recommendations to the Board, as necessary;

(5) Advise the Board on matters relating to the practice of direct-entry midwifery;

(6) Collect the reports required to be submitted by each licensed direct-entry midwife under Regulation .12 of this chapter;

(7) Make recommendations to the Board regarding regulations relating to the practice of direct-entry midwifery that are necessary to carry out the provisions of this chapter;

(8) At the request of the Board, investigate complaints against licensed direct-entry midwives; and

(9) Keep a record of the Committee's proceedings.

B. Annually, beginning November 1, 2016, the Committee shall submit to the Board a report, without any personal identifying information, that includes, but is not limited to:

(1) A summary of the information included in reports submitted to the Committee by licensed direct-entry midwives under Regulation .12 of this chapter; and

(2) Any other information identified by the Board.

C. Annually, beginning December 1, 2016, the Board shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with State Government Article, §2-1246, Annotated Code of Maryland, a report to include the following:

(1) The report submitted to the Board under §C of this regulation;

(2) Any Committee recommendations regarding the continuation and improvement of the licensure of licensed direct-entry midwives in the State;

(3) Any recommendations regarding expanding the scope of practice of licensed direct-entry midwives; and

(4) Any recommendations, including recommendations for legislation, regarding the scope of practice of licensed direct-entry midwives to include vaginal birth after cesarean delivery.

.15 Qualifications of Applicants for Initial Licensure.

A. An applicant shall:

(1) Be of good moral character;

(2) Be a high school graduate or have completed equivalent education;

(3) Be 21 years old or older;

(4) Hold a current cardiopulmonary resuscitation (CPR) certification issued by the American Red Cross or the American Heart Association;

(5) Have completed in the past 2 years the American Academy of Pediatrics or American Heart Association Neonatal Resuscitation Program (NRP);

(6) Hold a current valid Certified Professional Midwife credential granted by NARM; and

(7) Have completed a midwifery education program as describe in §B of this regulation.

B. Midwifery Education Program. The applicant shall:

(1) Have completed a midwifery education program that is accredited by MEAC or ACME; or

(2) If the applicant was certified by NARM as a certified professional midwife on or before January 15, 2017, through a non-

MEAC accredited program, but otherwise qualifies for licensure, provide:

- (a) Verification of completion of NARM-approved clinical requirements; and
- (b) Evidence of completion, in the past 2 years, of an additional 50 hours of continuing education units approved by the Board and accredited by MEAC, the American College of Nurse Midwives, or the Accrediting Council for Continuing Medical Education, which included:
 - (i) 14 hours of obstetric emergency skills training such as a Birth Emergency Skills Training (BEST) or an Advanced Life Saving in Obstetrics (ALSO) course; and
 - (ii) 36 hours of pharmacology, lab interpretation of pregnancy, antepartum complications, intrapartum complications, postpartum complications, and neonatal care courses.

.16 Applications for Licenses and Issuance of Licenses.

A. To apply for a license to practice direct-entry midwifery an applicant shall submit:

- (1) To a criminal history records check (CHRC) in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland;
- (2) A completed application to the Board on the form that the Board requires; and
- (3) Written, verified evidence that the requirement submissions to a CHRC in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland, is being met;
- (4) Any documentation requested from the applicant by the Board including, but not limited to:
 - (a) An official certified or true test court documents; and
 - (b) A signed and dated explanation, written by the applicant, regarding the facts and circumstances, outcome, and current status of any criminal history record information received by the Board:
 - (i) Under §A(1) of this regulation;
 - (ii) In an answer to a question on the Board's application form;
 - (iii) Any other source; and
 - (iv) Any additional documentation requested by the Board if the documentation received from the applicant under §A(4) of this regulation is incomplete or insufficient; and
- (5) The initial application fee specified in Regulation .18 of this chapter.

B. If an application is not complete when initially submitted to the Board by the applicant, the applicant shall have no longer than 12 months from the date the application is received by the Board to:

- (1) Complete the application; and
- (2) Provide all information and documentation required in §A of this regulation.

C. If an applicant fails to provide to the Board a complete application and any additional documentation requested by the Board under §A of this regulation within 12 months from the date the application is received by the Board, the application shall be void and the Board will no longer consider the applicant for licensure.

D. To pursue licensure after an application has become void under §C of this regulation, the applicant shall:

- (1) Submit a new application on the form required by the Board;
- (2) Meet all of the requirements for licensure established in this chapter; and
- (3) Pay the required fees under Regulation .18 of this chapter.

E. A license may not be issued until the Board has:

- (1) Received and reviewed the CHRC; and
- (2) Has approved the application.

.17 Term and Renewal of License and Reinstatement of License.

A. A license issued under this regulation authorizes the licensee to practice direct-entry midwifery while the license is active.

B. A license:

- (1) Expires on October 28 of every odd-numbered year;
- (2) Is valid for 2 years, except for an initial license issued before the next renewal date;
- (3) Issued for less than the full 2-year period shall be renewed at the next annual renewal date; and
- (4) May be renewed for an additional term if the applicant:
 - (a) Meets the renewal requirements under §B(4)(c) of this regulation;
 - (b) Pays to the Board a renewal fee specified in Regulation 18 of this chapter; and
 - (c) Submits to the Board:
 - (i) A renewal application on the form that the Board requires; and
 - (ii) Satisfactory evidence of compliance with any continuing education or other competency requirements for license renewal.

C. In addition to all other qualifications and requirements established by the Board for license renewal, the renewal applicant shall submit proof of completion of:

- (1) 20 accredited and Board-approved continuing education units to be completed in the 2 years preceding the renewal date;
- (2) 4 hours of peer review in the 2 years before the renewal date in accordance with NARM standards for official peer review; and
- (3) Submission of the annual reports required under Regulation .12 of this chapter.

D. The Board shall renew the license of each licensee who meets the requirements of this regulation.

E. A renewal applicant shall be placed on inactive status if the licensee:

- (1) Fails to provide satisfactory evidence of compliance with any continuing education requirements under this regulation for license renewal; or
- (2) Fails to submit the annual report required under Regulation .12 of this chapter.

F. If the renewal applicant fails to submit the required documents within 1 year of the renewal date, the status of the license shall be changed to nonrenewed.

G. The Board shall place a licensee on inactive status at the request of the licensee if the licensee submits to the Board:

- (1) A completed application for inactive status on the form required by the Board; and
- (2) The fee for inactive status specified in Regulation .18 of this chapter.

H. The Board shall reactivate the license of a licensee who has requested inactive status if the licensee:

- (1) Complies with any continuing education and data reporting requirements established by the Board for this purpose;
- (2) Pays to the Board a reactivation fee specified in Regulation .18 of this chapter; and
- (3) Is otherwise entitled to be licensed in accordance with this regulation.

I. The Board shall reinstate the license of an individual who has failed to renew the license for any reason if the individual:

- (1) Is otherwise entitled to be licensed in accordance with this regulation;
- (2) Complies with any continuing education and data reporting requirements established by the Board for this purpose;
- (3) Submits a completed application for reinstatement to the Board;
- (4) Pays to the Board the fee for reinstatement;

(5) Completes a criminal history record check in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland, for a license that has expired or lapsed for more than 1 year; and

(6) Applies to the Board for reinstatement of the license within 5 years after the license expires.

J. The Board may not reinstate the license of a licensed direct-entry midwife who fails to apply for reinstatement of the license within 5 years after the license expires. The individual may become licensed by meeting the current requirements for obtaining a new license as set forth in:

(1) Health Occupations Article, §§8-6C-13—8-6C-16, Annotated Code of Maryland; and

(2) This chapter.

K. A licensee shall submit to an additional criminal history records check every 12 years. The Board may not renew a license if the criminal history record information required by this section has not been received.

.18 Fees.

A. The fees listed in this regulation are not refundable.

B. An initial license shall only be valid until the next renewal period.

C. The fees are as follows:

- (1) Initial application fee — \$900;
- (2) Biennial renewal — \$800;
- (3) Reactivation fee — \$800;
- (4) Reinstatement Fee — \$900; and
- (5) Inactive Status Fee — \$100.

.19 Prohibited Acts.

A. Unless authorized to practice direct-entry midwifery, an individual may not represent to the public by title, description of service, method, procedure, or otherwise, that the individual is authorized to practice direct-entry midwifery in the State.

B. A licensee may not advertise in a manner that is unreasonable, misleading, or fraudulent.

C. Unless authorized to practice direct-entry midwifery, an individual may not use the abbreviation “LDEM” or use the designation “licensed direct-entry midwife”.

D. Unless authorized to practice direct-entry midwifery or certified as a registered nurse midwife under Health Occupations Article, Title 8, Annotated Code of Maryland, an individual may not use the designation “midwife”.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 14 COMMISSION ON CORRECTIONAL STANDARDS

Notice of Proposed Action

[16-252-P]

The Secretary of Public Safety and Correctional Services proposes to amend:

- (1) Regulations .02, .03, .06, and .09 under **COMAR 12.14.03 Minimum Standards for Adult Detention Centers**;
- (2) Regulations .01, .02, .05, and .08 under **COMAR 12.14.04 Minimum Standards for Adult Correctional Institutions**; and
- (3) Regulations .01, .02, .05, and .08 under **COMAR 12.14.05 Minimum Standards for Adult Community Correctional Facilities**.

Statement of Purpose

The purpose of this action is to add new text to clarify existing standards, to change requirements for conducting searches; and to add provisions for a zero-tolerance policy for sexual harassment and record keeping related to compliance with Correctional Training Commission requirements for background checks and training.

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 Howard Ray, Executive Director, Commission on Correctional Standards, Department of Public Safety and Correctional Services, 300 East Joppa Road Towson, MD 21286, or call 410-339-5000, or fax to 410-339-6306. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

12.14.03 Minimum Standards for Adult Detention Centers

Authority: Correctional Services Article, Title 8, Subtitle 1, Annotated Code of Maryland

.02 Standards — Security and Inmate Control.

The managing official of a correctional facility is responsible for the following:

- A. — D. (text unchanged)

E. A written policy and procedure governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, *organic agents*, restraining devices, communication apparatus, riot equipment, and other security-related equipment which includes provisions for:

- (1) — (2) (text unchanged)
- (3) Monthly inspection and inventory to determine condition, [and] accountability, *and operational status*;
- (4) — (6) (text unchanged)

F. — I (text unchanged)

J. A written policy and procedure governing the search of the facility, vehicles, inmates, visitors, and staff which includes provisions for:

- (1) (text unchanged)
- (2) A semiannual recorded search of inmate living and *program and activity areas*;
- (3) — (12) (text unchanged)

K. — Q. (text unchanged)

.03 Standards—Inmate Safety.

The managing official of a correctional facility is responsible for the following:

A. — B. (text unchanged)

C. Written disaster plans for fires, chemical spills, civil defense, natural disasters, power outage, and other circumstances which include provisions for:

- (1) — (3) (text unchanged)
- (4) The placement and housing of inmates within the facility and at alternate sites when the facility or portions of it are rendered uninhabitable; [and]
- (5) (text unchanged)
- (6) *A written evacuation plan that conforms to federal, State, and local fire safety codes; and*
- (7) *An annual review that includes:*
 - (a) *Building interior diagram or floor plan;*
 - (b) *Marked exits;*
 - (c) *Directional symbols; and*
 - (d) *Locations of posted evacuation diagrams;*

D. — S. (text unchanged)

.06 Standards—Inmate Rights.

The managing official of a correctional facility is responsible for the following:

A. (text unchanged)

B. A written policy which establishes inmate protection from physical and mental abuse and harassment by personnel[.] *that includes a zero tolerance for sexual abuse and sexual harassment providing for:*

- (1) *Facility response;*
- (2) *Access to medical health care; and*
- (3) *Access to mental health counseling and support;*

C. — O. (text unchanged)

.09 Standards—Administrative Record Keeping.

The managing official of a correctional facility is responsible for the following:

A. — D. (text unchanged)

E. A written policy and procedure requiring a complete case record for each inmate, [and] which includes provisions for:

- (1) — (4) (text unchanged)
- (5) Transfer of pertinent records to other correctional facilities[.];

F. Having a written policy and procedures for ensuring compliance with Correctional Training Commission employee background checks; and

G. Having a written policy and procedures for ensuring compliance with Correctional Training Commission training requirements.

12.14.04 Minimum Standards for Adult Correctional Institutions

Authority: Correctional Services Article, Title 8, Subtitle 1, Annotated Code of Maryland

.01 Standards—Security and Inmate Control.

A. (text unchanged)

B. The managing official shall have a written policy and procedure:

- (1) (text unchanged)
- (2) Governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, *organic agents*, restraining devices, communication apparatus, riot equipment, and other security-related equipment, which includes provisions for:

- (a) — (b) (text unchanged)
- (c) [Quarterly] *Monthly* inspection and inventory to determine condition, [and] accountability, *and operational status*,
- (d) — (f) (text unchanged)

(3) — (4) (text unchanged)

(5) Governing the search of the facility, vendors, vehicles, inmates, visitors, and staff, which includes provisions for:

- (a) (text unchanged)
- (b) A [once-a-year] *semiannual* recorded search of inmate living and *program and activity areas*,
- (c) — (l) (text unchanged)
- (6) — (11) (text unchanged)

C. — E. (text unchanged)

.02 Standards—Inmate Safety.

A. (text unchanged)

B. The managing official shall have written disaster plans for fires, chemical spills, civil defense, natural disasters, power outages, and other [such] circumstances, which include provisions for:

- (1) — (3) (text unchanged)
- (4) The placement and housing of inmates within the facility and at alternate sites when the facility or portions of it are rendered uninhabitable; [and]

(5) Quarterly fire drills during each shift which include inmates, unless their inclusion compromises security[.];

(6) *A written evacuation plan that conforms to federal, State, and local fire safety codes; and*

- (7) *An annual review that includes:*
 - (a) *Building interior diagram or floor plan;*
 - (b) *Marked exits;*
 - (c) *Directional symbols; and*
 - (d) *Locations of posted evacuation diagrams.*

C. — E. (text unchanged)

.05 Standards—Inmate Rights.

A. The managing official shall have a written policy which:

- (1) (text unchanged)
- (2) Establishes inmate protection from physical and mental abuse, and harassment[.] *by personnel that includes a zero tolerance for sexual abuse and sexual harassment providing for:*

- (a) *Facility response;*
- (b) *Access to medical health care; and*
- (c) *Access to mental health counseling and support;*
- (3) — (4) (text unchanged)

B. (text unchanged)

.08 Standards—Administrative Record Keeping.

The managing official shall have a written policy and procedure:

A. — D. (text unchanged)

E. Requiring a complete case record for each inmate, which includes provisions for:

(1) — (3) (text unchanged)

(4) Establishment of a records retention schedule with documentation of disposition[.]; and

(5) Transfer of pertinent records to other correctional facilities[.];

F. To ensure compliance with Correctional Training Commission employee background checks; and

G. To ensure compliance with Correctional Training Commission training requirements.

12.14.05 Minimum Standards for Adult Community Correctional Facilities

Authority: Correctional Services Article, Title 8, Subtitle 1, Annotated Code of Maryland

.01 Standards—Security and Inmate Control.

A. — B. (text unchanged)

C. The managing official shall have a written policy and procedure:

(1) (text unchanged)

(2) Governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, *organic agents*, restraining devices, communication apparatus, riot equipment, and other security-related equipment, which includes provisions for:

(a) — (b) (text unchanged)

(c) [Quarterly] *Monthly* inspection and inventory to determine condition, [and] accountability, *and operational status*;

(d) — (f) (text unchanged)

(3) — (4) (text unchanged)

(5) Governing the search of the facility, vendors, vehicles, inmates, visitors, and staff, which includes provisions for:

(a) (text unchanged)

(b) A [once-a-year] *semiannual* search of inmate living and program and activity areas[.];

(c) — (l) (text unchanged)

(6) — (10) (text unchanged)

D. (text unchanged)

.02 Standards—Inmate Safety.

A. (text unchanged)

B. The managing official shall have written disaster plans for fires, chemical spills, civil defense, natural disasters, power outages, and other circumstances, which include provisions for:

(1) — (3) (text unchanged)

(4) The placement and housing of inmates within the facility and at alternate sites when the facility or portions of it are rendered uninhabitable; [and]

(5) Quarterly fire drills during each shift which include inmates, unless their inclusion compromises security[.];

(6) *A written evacuation plan that conforms to federal, State, and local fire safety codes; and*

(7) *An annual review that includes:*

(a) *Building interior diagram or floor plan;*

(b) *Marked exits;*

(c) *Directional symbols; and*

(d) *Locations of posted evacuation diagrams.*

C. — D. (text unchanged)

.05 Standards—Inmate Rights.

A. The managing official shall have a written policy which:

(1) (text unchanged)

(2) Establishes inmate protection from physical and mental abuse, and harassment[; and] *by personnel that includes a zero tolerance for sexual abuse and sexual harassment providing for:*

(a) *Facility response;*

(b) *Access to medical health care; and*

(c) *Access to mental health counseling and support; and*

(3) (text unchanged)

B. — C. (text unchanged)

.08 Standards—Administrative Record Keeping.

The managing official shall have a written policy and procedure:

A. — D. (text unchanged)

E. Requiring a complete case record for each inmate, which includes provisions for:

(1) — (3) (text unchanged)

(4) Establishment of a records retention schedule with documentation of disposition[.]; and

(5) Transfer of pertinent records to other correctional facilities[.];

F. To ensure compliance with Correctional Training Commission employee background checks; and

G. To ensure compliance with Correctional Training Commission training requirements.

STEPHEN T. MOYER

Secretary of Public Safety and Correctional Services

**Title 13A
STATE BOARD OF
EDUCATION**

**Subtitle 05 SPECIAL INSTRUCTIONAL
PROGRAMS**

**13A.05.01 Provision of a Free Appropriate
Public Education**

Authority: Education Article, §§2-205, 7-305, 8-301—8-307, 8-3A-01—8-3A-08, and 8-401—8-416; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; State Government Article §9-1607.1; Annotated Code of Maryland

Federal Statutory Reference: 20 U.S.C. §§[637 and] 1411—1416; Federal Regulatory References: 34 CFR 300, 301, and 99

Notice of Proposed Action

[15-259-P]

The Maryland State Board of Education proposes to amend Regulations .03 and .05—.08 under **COMAR 13A.05.01 Provision of a Free Appropriate Public Education**. This action was considered by the State Board of Education at their meeting on July 26, 2016.

Statement of Purpose

The purpose of this action is to provide updates to: (1) terminology; (2) statutory or regulatory citations; and (3) cross-references to the regulations that govern Maryland Infants and Toddlers Programs.

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 an impact on individuals with disabilities as follows:

The proposed action ensures consistency with the education regulations that govern services for children birth through four (COMAR 13A.13) and for children three through twenty-one (COMAR 13A.05.01 and 13A.05.02). The previously adopted COMAR regulations (13A.13) allow for families of eligible children to continue to receive services through the Maryland Infants and Toddlers Program until the beginning of the school year following the child's fourth birthday. The proposed regulations reference and ensure consistency with those regulations and update current terminology.

Opportunity for Public Comment

Comments may be sent to Carmen A. Brown, LCSW-C, Branch Chief, Interagency Collaboration, Division of Special Education/Early Intervention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7197 (TTY 410-333-6442), or email to carmen.brown1@maryland.gov, or fax to 410-333-1571. Comments will be accepted through October 31, 2016. 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 5, 2016, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(72) (text unchanged)

(73) Specific Learning Disability (SLD).

(a) —(b) (text unchanged)

(c) "SLD" does not include students who have learning problems which are primarily the result of visual, hearing, or motor impairments, intellectual disability, emotional [disturbance] disability, or environmental, cultural, or economic disadvantage.

(74)—(76) (text unchanged)

(77) "Student with a developmental delay" means a student within the age range of 3 years old through 7 years old assessed and evaluated in accordance with Regulations .05 and .06 of this chapter as having:

(a) (text unchanged)

(b) Atypical development or behavior as defined in COMAR [13A.13.01.02B(21)(b)] 13A.13.01.03B(12)(b); or

(c) A diagnosed physical or mental condition as defined in COMAR [13A.13.01.02B(21)(c)] 13A.13.01.03B(12)(c).

(78)—(85) (text unchanged)

.05 Assessment.

A.—C. (text unchanged)

D. Report of Assessments.

(1) A report of assessment procedures administered to a student in each area of suspected disability, as determined in accordance with Regulation .04 of this chapter, shall be available to the parents, consistent with Education Article, §8-405, Annotated Code of Maryland, and to the IEP team at the time of the evaluation.

(2)—(3) (text unchanged)

.06 Evaluation, Reevaluation, and Eligibility.

A. (text unchanged)

B. A public agency shall convene an IEP team meeting to determine if a child in transition from a local infants and toddlers program has a disability or developmental delay that requires the provision of special education and related services, *in accordance with COMAR 13A.13.01.09B(10)*.

C.—E. (text unchanged)

.07 Individualized Education Program (IEP) Team.

A. IEP Team Members.

(1)—(7) (text unchanged)

(8) For the initial IEP team meeting of a child who was previously served by a local infants and toddlers program, the IEP team shall, at the request of the child's parent, invite the local infants and toddlers program service coordinator or other representatives of the local infants and toddlers program to assist with the smooth transition of services, *in accordance with COMAR 13A.13.01.09F*.

B.—D. (text unchanged)

.08 Individualized Education Program (IEP) Team Responsibilities.

A. IEP Development.

(1) (text unchanged)

(2) Transition from a Local Infants and Toddlers Program.

(a) If a child transitioning from a local infants and toddlers program is determined to be a student with a disability or developmental delay in accordance with Regulation .06B of this chapter, the public agency shall:

(i) Ensure that an IEP team meets [to develop an IEP for the student] *in a timely manner to determine a child's eligibility for special education and related services before the child's third birthday;*

(ii) Invite the [student's] *child's* local infants and toddlers service coordinator or other representatives of the local infants and toddlers program to assist with a smooth transition of services, consistent with Regulation .07A(8) of this chapter; and

(iii) Ensure that the student's IEP is in effect on the student's third birthday in accordance with Regulation .09 of this chapter *if a child's family chooses to receive preschool special education services.*

(b) (text unchanged)

(3)—(11) (text unchanged)

B. (text unchanged)

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

Title 19A

STATE ETHICS

COMMISSION

Notice of Proposed Action

[16-246-P]

The Maryland State Ethics Commission proposes to:

- (1) Amend Regulations **.02** and **.04** under **COMAR 19A.01.01 General Provisions**;
- (2) Amend Regulations **.02** and **.05** under **COMAR 19A.01.02 Advisory Opinions**;
- (3) Amend Regulations **.02**, **.09**, and **.10** under **COMAR 19A.01.03 Enforcement Procedures**;
- (4) Amend Regulation **.03** under **COMAR 19A.04.01 General Provisions**;
- (5) Amend Regulations **.04** and **.05** under **COMAR 19A.04.02 Review Criteria**;
- (6) Amend Regulation **.01** under **COMAR 19A.04.03 Review Procedures**;
- (7) Amend **Appendix A** and **Appendix B** under **COMAR 19A.04 Local Government Ethics Law**;
- (8) Amend Regulations **.04** and **.06** under **COMAR 19A.05.02 Review Criteria**;
- (9) Amend **Appendix A** and **Appendix B** under **COMAR 19A.05 Board of Education Ethics Regulations**;
- (10) Amend Regulation **.03** under **COMAR 19A.06.01 General Provisions**;
- (11) Amend Regulation **.04** and repeal Regulation **.05** under **COMAR 19A.06.02 Criteria for Certification**;
- (12) Amend Regulation **.05** and repeal Regulation **.07** under **COMAR 19A.06.03 Procedural Requirements**; and
- (13) Amend Regulations **.04** and **.06—08** under **COMAR 19A.07.01 General**.

Statement of Purpose

The purpose of this action is to comport State Ethics Commission regulations to General Provisions Article, Title 5, Annotated Code of Maryland, by updating provisions related to filing of motions, blind trusts, and office/copying hours, and correcting reference errors.

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 Michael W. Lord, Executive Director, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401, or call 410-260-7770, or email to michael.lord@maryland.gov, or fax to 410-260-7746. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Ethics Commission during a public meeting to be held on December 15, 2016, at the Commission's office.

Subtitle 01 PROCEDURES

19A.01.01 General Provisions

Authority: General Provisions Article, §5-206, Annotated Code of Maryland

.02 Definitions.

In this title, the following terms have the meanings indicated:

A. — J. (text unchanged)

K. "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of [Article 33, §26-1 et seq.] *Election Law Article*, Annotated Code of Maryland, or any other provisions of State law regulating the conduct of elections or the receipt of political campaign contributions.

L. (text unchanged).

M. "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of General Provision Article, Title 5, Subtitle 6, "interest" applies to interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

(1) — (2) (text unchanged)

(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; [or]

(4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under [sections 401 and 501 of] the Internal Revenue Code [of 1954.] or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or

(5) A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

N. — Z. (text unchanged)

.04 Information Provisions.

A. (text unchanged)

B. The records of the Commission shall be maintained at the Commission's offices. [Records available for public inspection and copying shall be available during] *The Commission's* normal business hours are[,] Monday through Friday (except State holidays), 8:00 a.m. to 4:30 p.m., and hours for public inspection and copying of records are 9:00 a.m. to 3:00 p.m. on normal business days.

C. Commission records pertaining to advisory opinion requests and informal advice considered in accordance with COMAR 19A.01.02 may not be disclosed, to the extent that they include facts, discussion, or other material that would reveal the identity of the person who is the subject of the opinion, and the subject of the opinion has not waived the right to protection of [his] the subject's identity. Advisory opinion request and informal advice records shall be treated as set forth in General Provisions Article, Subtitle 3, Annotated Code of Maryland, and considered by the Commission to be nondisclosable under this section until the right to protection of [his] the subject's identity is expressly waived by the subject.

D. All Commission records pertaining to a complaint considered in accordance with COMAR 19A.01.03 shall[, following the filing of a complaint and unless and until the matter is referred for prosecution or a finding of a violation is made,] be treated confidentially and not

disclosed to any person except as set forth in General Provisions Article, §5-407, Annotated Code of Maryland, and COMAR 19A.01.03.02[A]B. Investigatory records pertaining to preliminary inquiries initiated by the Commission pursuant to COMAR 19A.01.03.03[B] *are privileged and* shall also be treated confidentially.

E. (text unchanged)

F. Except to confirm or deny the existence of a document or to disclose the name and limited identifying information, Commission staff will not disclose over the telephone any information contained in financial disclosure [and lobbying disclosure] statements filed pursuant to General Provisions Article, Title 5, [Subtitles] *Subtitle 6* [and 7], Annotated Code of Maryland.

G. Copying Fees.

(1) — (2) (text unchanged)

(3) *Before copying a record, the custodian shall estimate the cost of reproduction and either obtain the agreement of the applicant to pay the cost or demand prepayment of any estimated fee before reproducing the record.*

19A.01.02 Advisory Opinions

Authority: General Provisions Article, Title 5, Subtitle 3, Annotated Code of Maryland

.02 Who May Request.

A. Any official or employee or other person identified in Regulation .01 may request an advisory opinion concerning application to [him] *the requester* of the provisions of the Public Ethics Law, or, as to members of the General Assembly, General Provisions Article, Title 5, Subtitle 6, Annotated Code of Maryland. The Commission shall accept and process these advisory opinion requests in accordance with the procedures set forth in this chapter.

B. Advisory opinions may be requested by an official or employee of the State as to matters covered by the Public Ethics Law concerning another official or employee under [his] *the requester's* supervision. These requests shall be accepted and processed by the Commission in accordance with this chapter.

C. (text unchanged)

.05 Review Procedures.

A. (text unchanged)

B. Informal Advice.

(1) (text unchanged)

(2) If the person who receives an informal response pursuant to §B(1) of this regulation believes that facts or law peculiar to the request are contrary to the existing opinion, then further formal *or informal* review by the Commission may be requested.

(3) — (4) (text unchanged)

(5) The Commission may also provide informal advice when there is no prior staff advice *or*, when, based on the facts of the particular situation, formal advice is not required.

(6) (text unchanged)

(7) Materials and documents relating to informal [opinions] *advice* shall be treated as advisory opinion materials for purposes of the information provisions set forth in COMAR 19A.01.01.04.

C. — E. (text unchanged)

19A.01.03 Enforcement Procedures

Authority: General Provisions Article, Title 5, Subtitle 4, Annotated Code of Maryland

.02 General Provisions.

A. (text unchanged)

B. Confidentiality.

(1) — (3) (text unchanged)

(4) Confidentiality after Hearing.

(a) The confidentiality requirements apply, as set forth in §B(4)(b) — (c) of this regulation, to written reports setting forth findings of fact and conclusions of law required after a hearing by General Provisions Article, [§15-405] §5-405, Annotated Code of Maryland, and Regulation .11 of this chapter.

(b) (text unchanged)

(c) When there is a finding of violation as to any allegation of the complaint, the written report *of the Commission*, including findings and conclusions of any nonviolations, shall be a public record.

C. — G. (text unchanged)

.09 Prehearing Process.

A. (text unchanged)

B. Prehearing Conferences.

(1) (text unchanged)

(2) Notice shall be provided to the staff counsel and respondent of the date, time, and place of a prehearing conference called pursuant to [§A] §B(1) of this regulation, as set forth in Regulation .02F of this chapter.

(3) — (7) (text unchanged)

C. Motions.

(1) — (2) (text unchanged)

(3) A response to a motion shall be filed with the Commission [at least 5] *within 10* working days after receiving the initial motion.

(4) — (5) (text unchanged)

D. (text unchanged)

.10 Conduct of Hearing.

A. — F. (text unchanged)

G. Hearing Record.

(1) (text unchanged)

(2) An official record of the hearing shall be developed, including the following:

(a) — (g) (text unchanged)

(h) The decision of the Commission issued pursuant to Regulation [.07] .11 of this chapter; and

(i) (text unchanged)

Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

19A.04.01 General Provisions

Authority: General Provisions Article, §5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

.03 Enactment of Local Laws.

A. Except as provided in COMAR [19A.04.04] 19A.04.03 of this subtitle, each county and municipality shall enact a local ethics law that includes:

(1) (text unchanged)

(2) Conflicts of interest and financial disclosure provisions *for individuals other than elected local officials that are* similar to the provisions of the Public Ethics Law; and

(3) (text unchanged)

B. (text unchanged)

19A.04.02 Review Criteria

Authority: General Provisions Article, §§5-206 and 5-209 and Title 5, Subtitle 8, Annotated Code of Maryland

.04 Conflicts of Interest.

A. Similarity to Public Ethics Law.

(1) Unless the Commission grants the county or municipality a modification or exemption as provided in COMAR 19A.04.03.03 in accordance with General Provisions Article, §§5-209 and 5-808, Annotated Code of Maryland, to be equivalent to the requirements of and similar to the Public Ethics Law, the local ethics law shall address conflicts of interest restrictions as described in this regulation.

(2) (text unchanged)

B. — H. (text unchanged)

[I. Procurement.

(1) The local law shall include, for elected local officials, the procurement restrictions included in State Government Article, §15-508, Annotated Code of Maryland.

(2) The local law may prohibit an individual or a person that employs an individual who assists a local government unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals from:

(a) Submitting a bid or proposal for that procurement; or

(b) Assisting or representing another person, directly or indirectly, who is submitting a bid or proposal for that procurement.]

.05 Financial Disclosure.

A. Unless the Commission grants a county or municipality a modification or exemption as provided in COMAR 19A.04.03.03 in accordance with General Provisions Article, §§5-209 and 5-809, Annotated Code of Maryland, the local law shall include financial disclosure requirements as described in this regulation.

B. — E. (text unchanged)

19A.04.03 Review Procedures

Authority: General Provisions Article, §§5-206 and 5-209, and Title 5, Subtitle 8, Annotated Code of Maryland

.01 Certification and Submission to the Commission.

A. On or before October 1 of each year, the local ethics commission or other appropriate entity of a county or municipality shall certify to the Commission on the form provided by the Commission that the county or municipality is in compliance with COMAR [19a.04.01.03] 19A.04.01.03 and General Provisions Article, §5-807, Annotated Code of Maryland.

B. (text unchanged)

Appendix A — Model Ethics Law A

Authority: General Provisions Article, §§5-205, 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

Section 3. Definitions.

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

(a) — (i) (text unchanged)

(j) (1) — (2) (text unchanged)

(3) “Interest” does not include:

(i) — (iii) (text unchanged)

(iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; [or]

(v) A college savings plan under the Internal Revenue Code[.]; or

(vi) A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s governmental unit.

(k) — (o) (text unchanged)

Section 4. Administration.

(a) — (l) (text unchanged)

(m) The Commission may:

(1) Assess a late fee of [\$2] \$5 per day up to a maximum of [\$250] \$500 for a failure to timely file a financial disclosure statement required under §6 or 7 of this chapter; and

(2) Assess a late fee of \$10 per day up to a maximum of [\$250] \$1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §8 of this chapter.

Section 5. Prohibited conduct and interests.

(a) — (g) (text unchanged)

[(h) Participation in procurement.

(1) An individual or a person that employs an individual who assists a *County, City, or Town* agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.]

Section 6. Financial disclosure — elected officials, officials, and employees.

(a) This section applies to all elected officials, all candidates to be elected officials, and the following [county]*County, City, or Town* employees:

List by Job Title

(b) — (i) (text unchanged)

Section 7. — Section 10. (text unchanged)

Appendix B — Model Ethics Law B

Authority: General Provisions Article, §§5-205, 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. — Section 3. (text unchanged)

Section 4. Conflicts of interest.

(a) — (i) (text unchanged)

[(j) Participation in procurement.

(1) An individual or a person that employs an individual who assists a *County, City, or Town* agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole

source procurements, and written comments solicited by the procuring agency.]

Section 5. — Section 8. (text unchanged)

Section 9. Enforcement.

(a) The Commission may:

(1) Assess a late fee of [\$2] \$5 per day up to a maximum of [\$250] \$500 for a failure to timely file a financial disclosure statement required under §5 or 6 of this chapter;

(2) Assess a late fee of \$10 per day up to a maximum of [\$250] \$1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this chapter; and

(3) (text unchanged)

(b) — (g) (text unchanged)

**Subtitle 05 BOARD OF EDUCATION
ETHICS REGULATIONS**

19A.05.02 Review Criteria

Authority: General Provisions Article, §§5-815—5-820, Annotated Code of Maryland

.04 Conflicts of Interest.

A. — H. (text unchanged)

[I. Procurement.

(1) The regulations shall include, for members of the school board, the procurement restrictions included in State Government Article, §15-508, Annotated Code of Maryland.

(2) The regulations may prohibit an individual or a person that employs an individual who assists a school system unit in the drafting of specifications, an invitation for bid, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals from:

(a) Submitting a bid or proposal for that procurement; or

(b) Assisting or representing another person, directly or indirectly, who is submitting a bid or proposal for that procurement.]

.06 Lobbying.

A. Lobbying Registration.

(1) To be substantially similar to the Public Ethics Law, the regulations shall require, at a minimum, that a person register as a lobbyist with the entity responsible for implementing the regulations on the form provided by *the* entity if the person provides members of the school board, school officials, or school employees with food, entertainment, or other gifts exceeding an amount specified in the regulations during a period specified in the regulations in connection with efforts to influence official school board or school system actions.

(2) The regulations shall require that a lobbyist registration [shall]:

(a) Identify the lobbyist, the subject matters on which the lobbyist will lobby, and any other person for whom the lobbyist lobbies; and

(b) Cover a defined period of time, as specified in the regulations.

B. — D. (text unchanged)

Appendix A — Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205, 5-206, and 5-815—5-820, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

Section 3. Definitions.

In these regulations, the following terms have the meanings indicated.

(a) — (h) (text unchanged)

(i) (1) — (2) (text unchanged)

(3) “Interest” does not include:

(i) — (iii) (text unchanged)

(iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; [or]

(v) A college savings plan under the Internal Revenue Code[.]; or

(vi) *A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s governmental unit.*

(j) — (q) (text unchanged)

Section 4. (text unchanged)

Section 5. Prohibited conduct and interests.

(a) — (g) (text unchanged)

[(h) Procurement.

(1) An individual or person that employs an individual who assists the school system or Board in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.]

Section 6. — Section 8. (text unchanged)

Appendix B — Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205, 5-206, and 5-815—5-820, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

Section 3. Conflicts of interest.

(a) — (h) (text unchanged)

[(i) Procurement.

(1) An individual or person that employs an individual who assists a school system or Board of Education in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.]

Section 4. — Section 8 (text unchanged)

Subtitle 06 BLIND TRUSTS

19A.06.01 General Provisions

Authority: General Provisions Article, §§5-206, 5-501, 5-502, and 5-608, Annotated Code of Maryland

.03 Effect of Blind Trust Certification [or Exception].

A. An interest is not viewed as held by an official or employee for purposes of General Provisions Article, Title 5, Annotated Code of Maryland, if:

(1) The] *the* interest of the official or employee is included in a certified blind trust as set forth in this subtitle]; or

(2) The interest is held in a trust determined by the Commission to be an excepted blind trust pursuant to COMAR 19A.06.02.05].

B. (text unchanged)

19A.06.02 Criteria for Certification [and Exception]

Authority: General Provisions Article, §§5-206, 5-501, 5-502, and 5-608, Annotated Code of Maryland

.04 Features of the Trust.

A. — G. (text unchanged)

H. The trust instrument shall provide for termination of the trust at the earliest of the following:

[(1) On April 30, 1991, for trusts established before that date, if legislation has not been enacted regarding disclosure of trust assets;]

[(2)] (1) — [(5)] (4) (text unchanged)

19A.06.03 Procedural Requirements

Authority: General Provisions Article, §§5-206, 5-501, 5-502, and 5-608, Annotated Code of Maryland

.05 Termination.

A. Within 60 days of termination of a trust for any reason as set forth in COMAR [19A.06.02.04G] 19A.06.02.04H the official or employee shall file a public financial disclosure statement in accordance with the provisions of General Provisions Article, §5-607, Annotated Code of Maryland, disclosing the assets of the trust as of the date of termination.

B. (text unchanged)

Subtitle 07 LOBBYING

19A.07.01 General

Authority: General Provisions Article, §5-206 and Title 5, Subtitle 7, Annotated Code of Maryland

.04 Registration with Commission.

A. — C. (text unchanged)

D. A regulated lobbyist shall register with the Ethics Commission:

(1) (text unchanged)

(2) On or before November 1 of each year if *on that date* the lobbyist has not yet [registered] *submitted a new registration* and the lobbyist [will be] *is engaged in lobbying activity* [during] *which will continue in* the upcoming lobbying reporting period.

E. — F. (text unchanged)

.06 Lobbyist Disclosure — Boards and Commissions.

A. At the time [of appointment, each] *a* regulated lobbyist [who serves] *is appointed to serve* on a board or commission subject to the jurisdiction of the Ethics Commission, or at the time a board or commission member becomes subject to the lobbying regulations, the regulated lobbyist shall file a report:

(1) — (5) (text unchanged)

B. — D. (text unchanged)

.07 Reports.

A. (text unchanged)

B. Each lobbying activity report required by this section shall include:

(1) A complete, current statement of the information required under Regulation [.03B] .04B of this chapter;

(2) (text unchanged)

C. — F. (text unchanged)

.08 Meals or Beverages — Executive Branch Activity.

A. — E. (text unchanged)

F. If a regulated lobbyist reports gifts of meals or beverages in accordance with this regulation, the regulated lobbyist need not count or report them under Regulation [.07C] .07E of this chapter.

MICHAEL W. LORD
Executive Director

Title 22 STATE RETIREMENT AND PENSION SYSTEM

Subtitle 03 BOARD OF TRUSTEES

22.03.05 Investment Division — Brokerage Commissions

Authority: State Personnel and Pensions Article, §§21-110 and 21-122(d), Annotated Code of Maryland

Notice of Proposed Action

[16-247-P]

The Board of Trustees for the State Retirement and Pension System proposes to repeal Regulations .01 — .03 under COMAR 22.03.05 Investment Division — Brokerage Commissions. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on May 19, 2016, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to repeal regulations regarding brokerage commissions generated by the State Retirement Agency and external managers of the State Retirement and Pension System. In place of the regulations, the Board of Trustees has adopted written policies and procedures for the procurement of these services in accordance with State Finance and Procurement Article, §12-401, Annotated Code of Maryland, which policies are set forth in the Investment Policy Manual of the Board of Trustees, available on the website for the Maryland State Retirement and Pension System.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Anne E. Gawthrop, Director, Legislative Affairs, Maryland State Retirement Agency, 120 East Baltimore Street, Baltimore, Maryland 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through November 14, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Trustees for the State Retirement and Pension System during a public meeting to be held on November 17, 2016, at 9:30 a.m., at 120 East Baltimore Street, 16th Floor, Baltimore, Maryland 21202.

R DEAN KENDERDINE
Executive Director

Title 31
MARYLAND INSURANCE
ADMINISTRATION
Subtitle 08 PROPERTY AND
CASUALTY INSURANCE

31.08.11 Liability of Insurer — Failure to Act in Good Faith

Authority: Courts and Judicial Proceedings Article, §3-1701; Insurance Article, §§2-109(a)(1) and 27-1001; Annotated Code of Maryland

Notice of Proposed Action

[16-256-P]

The Insurance Commissioner proposes to amend Regulations **.01, .02, .04, .05, and .07** under **COMAR 31.08.11 Liability of Insurer — Failure to Act in Good Faith**.

Statement of Purpose

The purpose of this action is to amend COMAR 31.08.11.01 and .02 to update the Maryland Insurance Administration’s review of carriers’ failure to act in good faith in the handling of an individual disability claim based on the passage of H.B. 990 of 2016; amend COMAR 31.08.11.04, .05, and .07 to update the address of the Maryland Insurance Administration for the filing of the claims and the insurer’s response; and amend COMAR 31.08.11.04 to fix a typographical error in the word “identified”.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Unknown amount at this time, but will increase the number of bad faith claims that are submitted to the Maryland Insurance Administration, which will increase the work load.

II. Types of Economic Impact.

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

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

A. Assuming the number of bad faith claims submitted to the Maryland Insurance Administration increases, this will lead to more employee time being used to handle these types of claims.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Assistant Director of Regulatory Affairs, Maryland Insurance Administration, 200 Saint Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insurancereview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.01 Purpose.

A. The purpose of this chapter is to:

(1) Establish the procedures for filing and processing civil complaints against property and casualty insurers *and insurers that offer disability insurance* that are required to be filed with the Administration pursuant to Insurance Article, §27-1001, Annotated Code of Maryland; and

(2) Require property and casualty insurers *and insurers that offer disability insurance* that are the subject of a civil action described in Courts and Judicial Proceedings Article, §3-1701(d), Annotated Code of Maryland, to report to the Administration certain information that the Administration is required to submit to the General Assembly pursuant to Insurance Article, §27-1001(h), Annotated Code of Maryland.

B. (text unchanged)

.02 Applicability and Scope.

A. This chapter is applicable to all insurers that issue, sell, or deliver a policy of property and casualty insurance *and insurers that offer individual disability insurance* that includes first-party coverage in this State.

B. (text unchanged)

.04 Filing the Complaint.

A. Plaintiff Filing a Complaint.

(1) A plaintiff filing a complaint that is required to be filed with the Administration in accordance with Insurance Article, §27-1001, Annotated Code of Maryland, shall submit the complaint to the Administration in accordance with the following procedures:

(a) The complaint shall include the information and be accompanied by the documents [identified] *identified* in Insurance Article, §27-1001(d)(2), Annotated Code of Maryland;

(b) — (c) (text unchanged)

(2) (text unchanged)

B. The 27-1001 filing and civil cover sheet shall be filed by sending them by:

(1) First class mail addressed to the *Hearing and Appeals* Clerk, Maryland Insurance Administration, [Post Office Box 388] 200 St. Paul Place, Suite 2700, Baltimore, Maryland [21203] 21202;

(2) A commercial overnight delivery service addressed to the *Hearing and Appeals* Clerk at the Administration's official street address; or

(3) Hand delivery addressed to the *Hearing and Appeals* Clerk between the hours of 8 a.m. and 4 p.m. at the official street address of the Administration.

C. (text unchanged)

.05 Defendant Insurer's Responsive Filing.

A. — E. (text unchanged)

F. The defendant insurer's responsive filing and the index and documents required under §§C and D of this regulation shall be filed with the Administration by:

(1) First class mail addressed to the *Hearing and Appeals* Clerk, Maryland Insurance Administration, [Post Office Box 388] 200 St. Paul Place, Suite 2700, Baltimore, Maryland 2120[3]2;

(2) A commercial overnight delivery service addressed to the *Hearing and Appeals* Clerk at the Administration's official street address; or

(3) Hand delivery addressed to the *Hearing and Appeals* Clerk between the hours of 8 a.m. and 4 p.m. at the official street address of the Administration.

G. — H. (text unchanged)

.07 Duties of Defendant Insurers.

A. — C. (text unchanged)

D. Notice of Disposition.

(1) (text unchanged)

(2) The notice of disposition shall be on the form determined by the Administration and published by bulletin and shall be sent to the *Hearing and Appeals* Clerk at the Administration within 30 days of the disposition.

(3) (text unchanged)

E. Notice of Pending Complaint.

(1) (text unchanged)

(2) The notice of the pending complaint shall be on the form determined by the Administration and published by bulletin and shall be sent to the *Hearing and Appeals* Clerk at the Administration within 30 days of service of process.

(3) (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 08 PROPERTY AND CASUALTY INSURANCE

31.08.13 Application of a Percentage Deductible in the Case of a Hurricane [or Other Storm]

Authority: Insurance Article, §§2-109, [and] 19-209, and 19-209.1, Annotated Code of Maryland

Notice of Proposed Action

[16-253-P]

The Insurance Commissioner proposes to amend Regulations .03 and .04 and repeal Regulation .06 under COMAR 31.08.13 **Application of a Percentage Deductible in the Case of a Hurricane.**

Statement of Purpose

The purpose of this action is to amend the enabling authority under COMAR 31.08.13 to include Insurance Article, §19-209.1, Annotated Code of Maryland, as it is necessary authority for these changes; amend COMAR 31.08.13.03 to remove the definition of "other storm" as H.B. 557, Ch. 491, Acts of 2016, removed the phrase in the statute; amend COMAR 31.08.13.04 with a technical change to match the language from H.B. 557; repeal COMAR 31.08.13.06 to remove the annual statement requirement to be consistent with H.B. 557, which incorporates the annual statement requirements into the statute.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Assistant Director of Regulatory Affairs, Maryland Insurance Administration, 200 Saint Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2007, or email to lisa.larson@maryland.gov, or fax to 410-468-2020. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (5) (text unchanged)

[(6) "Other storm" includes:

(a) A hail storm;

(b) A snow storm;

(c) A thunderstorm;

(d) A tornado; and

(e) A wind storm.]

[(7)] (6) — [(10)] (9) (text unchanged)

.04 Application of a Percentage Deductible.

A. An insurer may apply a percentage deductible to a claim for a covered loss under a homeowner's insurance policy if the covered loss was sustained while a hurricane warning was in effect, or within 24 hours following termination of the last hurricane warning issued, for any part of the State [in which the residential property is located] *regardless of where the insured's home is located in the State.*

B. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

**Subtitle 09 LIFE INSURANCE AND
ANNUITIES**

31.09.07 Charitable Gift Annuities

Authority: Insurance Article, §§2-109 and 16-114, Annotated Code of Maryland

Notice of Proposed Action
[16-251-P]

The Insurance Commissioner proposes to amend Regulation .04 under **COMAR 31.09.07 Charitable Gift Annuities**.

Statement of Purpose

The purpose of this action is to amend COMAR 31.09.07.04 with a technical change to remove the phrase “to endowment funds” as endowment funds do not relate to segregated reserves in this context. Additionally, an inaccurate cross-reference in Regulation .04B is being corrected.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Assistant Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through October 31, 2016. A public hearing has not been scheduled.

.04 Investment Requirements.

A. (text unchanged)

B. The segregated reserve assets shall be invested in the same manner and subject to the same standards as are applicable [to endowment funds] under [the] Estates and Trust Article, [§15-406] §15-402, Annotated Code of Maryland.

C. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner



Special Documents

MARYLAND HEALTH CARE COMMISSION

SCHEDULE FOR CERTIFICATE OF ONGOING PERFORMANCE REVIEWS

The Maryland Health Care Commission provides the following schedule for the review of applications for Certificates of Ongoing Performance by hospitals for their cardiac surgery and percutaneous coronary intervention (PCI) services programs, if they are subject to ongoing performance review in accordance with COMAR 10.24.17. This schedule replaces, in its entirety, the schedules published on April 15, 2016 and August 19, 2016.

Applications must be submitted no later than the published due date and will only be received and reviewed in accordance with this published schedule. All applications, including the required number of copies, must be received at the offices of the Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m. on the scheduled date of submission. For further information about the review schedules or procedures, contact Eileen Fleck, Chief, Acute Care Policy and Planning, at eileen.fleck@maryland.gov or 410-764-3287.

Cardiac Surgery Services

Planning Region and Hospitals	Application Submission Date
<u>Washington Metropolitan Region, Lower Eastern Shore Region, and Western Region</u> Peninsula Regional Washington Adventist Prince George's Western Maryland Regional Suburban	January 27, 2017
<u>Baltimore Upper Shore Region</u> MedStar Union Memorial University of Maryland (UM) Sinai of Baltimore UM St. Joseph The Johns Hopkins	May 19, 2017

Percutaneous Coronary Intervention Services

Hospitals	Application Submission Date
Anne Arundel MedStar Franklin Square Carroll St. Agnes Howard County General UM Baltimore Washington Johns Hopkins Bayview UM Upper Chesapeake	September 8, 2017
MedStar Union Memorial University of Maryland Peninsula Regional UM St. Joseph Sinai of Baltimore Western Maryland The Johns Hopkins	December 8, 2017
Frederick Memorial Prince George's Holy Cross/Silver Spring Shady Grove Adventist MedStar Southern Maryland Suburban Meritus Washington Adventist	March 9, 2018

Note: Due to the concentration of PCI programs in the Baltimore Upper Shore Health Planning Region, the submission of applications has been distributed over two review cycles, with the first cycle covering Baltimore Upper Shore hospitals that currently provide PCI services only and the second cycle covering Baltimore Upper Shore hospitals with both cardiac surgery and PCI services.

[16-20-26]

OFFICE OF THE SECRETARY OF STATE

INTERNATIONAL AND INTERSTATE AGREEMENTS

Memorandum of Cooperation on Economic and Trade Relations Between the State of Maryland in the United States of America and the Government of Japan

This Memorandum of Cooperation (hereinafter referred to as “MOC”) is made by the State of Maryland in the United States of America and the Government of Japan (hereinafter collectively referred to as “Both Sides” and individually as “Each or Either Side”).

Both Sides share the objective of deepening their already strong economic and trade relations. Both Sides, taking into account the strengths and advantages of each Side, intend to further support and coordinate efforts in mutually beneficial fields, such as High-Speed Rail (“HSR”), Liquefied Natural Gas (“LNG”), life science cooperation, direct investment, export promotion, and academic cooperation.

Item 1 Areas of Cooperation

Both Sides share the intention to cooperate on the following areas, according to the principles of equality and mutual benefit:

• High-Speed Rail

HSR, including Superconducting Magnetic Levitation (“SCMAGLEV”) and other passenger rail services, through an exchange of information and best practices on safety, planning, operations reliability, environmental friendliness, and technology in areas such as tunneling and station area development, as well as the social and economic effects of HSR, SCMAGLEV, and other passenger rail services.

• Liquefied Natural Gas

LNG, including the Dominion Cove Point LNG Project in Lusby, Maryland, through appropriate cooperation and information sharing, which should bring substantial economic benefits including new investments, jobs, and tax revenues to Maryland while also strengthening Japan's energy security by providing Japan with stable and competitive LNG for more than 20 years. Both Sides will cooperate as appropriate to support such a productive long term relationship.

• Life Science Cooperation

Life science cooperation, based on various ongoing cooperative projects among institutions in Maryland and in Japan. Taking into account these robust connections as a basis for teamwork, both Sides will, where appropriate, encourage and support institutions for their collaborative potential through the development of symposiums, workshops, and other relevant cooperative events.

• Trade and Investment

Trade and investment, including the promotion of business interactions between Maryland and Japan through mutual exchange of appropriate business and market information, as well as other cooperative activities. These activities will be carried out by the State, represented by the Maryland Department of Commerce (“Commerce”) and the Japan External Trade Organization (“JETRO”) with its representative based in Annapolis, Maryland.

• Academic Cooperation

Academic cooperation, in support and encouragement of appropriate institutional collaboration between high schools, universities, and research institutions in Maryland and Japan through the enhancement of exchange programs, with a particular focus on the exchange of students and scientists in emerging areas such as cybersecurity, big data, energy technology, and quantum computing, among others.

Item 2 Forms of Cooperation

Forms of cooperation may include the following, as well as any other forms decided by both Sides:

- Specific projects, including technology and infrastructure demonstration projects;
- Sharing appropriate information and experiences regarding policies and programs, as well as policy design and capacity building support;
- Exchanges and temporary assignments of personnel from one Side to the other;
- Promotion of cooperative research, development, and deployment projects in fields such as the life sciences and other technology between research institutes and universities in both Sides;
- Joint organization of symposia, seminars, workshops, exhibitions, and training;
- Participation in other commitments and/or initiatives, including multilateral consortiums;
- Innovation hubs;
- Promotion of participation and support from municipalities, research institutes, universities, and non-governmental organizations, as well as other organizations; and
- Any other mutually acceptable forms of cooperation that contribute to the goals of this MOC.

Item 3 Implementation

Both Sides will, on a regular basis, inform and consult with one another on matters of common interest that represent opportunities for mutual benefit consistent with this MOC.

To oversee and implement this MOC, the State of Maryland designates the Maryland Department of Commerce (“Commerce”), the Maryland Department of Transportation (“MDOT”), and the Office of the Secretary of State (“SOS”); and the Government of Japan designates the Ministry of Foreign Affairs (“MOFA”), the Cabinet Secretariat, Office of Healthcare Policy, the Ministry of Education, Culture, Sports, Science and Technology (“MEXT”), the Ministry of Health, Labor and Welfare (“MHLW”), the Ministry of Economy, Trade and Industry (“METI”), the Ministry of Land, Infrastructure, Transport, and Tourism (“MLIT”), the Japan External Trade Organization (“JETRO”), and the Embassy of Japan in the United States.

SPECIAL DOCUMENTS

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These organizations will coordinate the implementation of this MOC, as appropriate, with other commitments between entities in Maryland and Japan.

Item 4 Duration, Termination, Modification

This MOC is not legally binding and does not create any legal or equitable rights or obligations on either Side.

The cooperation under this MOC will continue two years from the date of its signature by both Sides and may be modified and/or its duration extended as decided by both Sides in a signed writing.

Either Side may terminate the cooperation under this MOC after 45 days written notice to the other Side.

This MOC is signed in Annapolis on the 24th day of August, 2016 in the English and Japanese languages, both texts having equal values.

Lawrence J. Hogan, Jr.

Governor

State of Maryland

Kenichiro Sasae

Ambassador Extraordinary and Plenipotentiary of Japan to the United States of America

[16-20-22]



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.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: October 27, 2016, 2 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Boardroom, Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [16-20-12]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Reduction of Bond Authorization Announcement

Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that if within 2 years after the date of an authorization of State debt, no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item, #4 BONDS dated September 7, 2016, we submit for publication the following cancellation of bond authorizations in accordance with the above-referenced articles:

Coppin Heights Urban Revitalization Project: Ch. 463, Acts of 2014; \$100,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of homes in the Coppin Heights Urban Revitalization Project, located in Baltimore City.

Winchester Street Potter's House: Ch. 463, Acts of 2014; \$75,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Winchester Street Potter's House.

Rita R. Church Foundation and Teach Educate Assist Mentor Office: Ch. 463, Acts of 2014; \$42,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the

Rita R. Church Foundation and Teach Educate Assist Mentor Office.
 SS Philip and James Church Hall Renovation and Repair: Ch. 463, Acts of 2014; \$30,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the SS Philip and James Church Hall.

Everyman Theatre: Ch. 463, Acts of 2014; \$25,000; authorized the funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of The Everyman Theatre.

Re Rentuma
 Fiscal Specialist
 Administration and Finance
Contact: Re Rentuma (410) 260-7909
 [16-20-15]

MARYLAND CYBERSECURITY COUNCIL

Subject: Public Meeting
Date and Time: October 18, 2016, 10 a.m. — 12 p.m.
Place: UMUC Inn and Conf. Center, 3501 University Blvd. East, Chesapeake Ballroom, Salon C, Adelphi, MD
Add'l. Info: For more information go to <http://www.umuc.edu/visitors/president/maryland-cybersecurity-council.cfm>
Contact: Greg von Lehmen (301) 832-7488

[16-20-27]

GOVERNOR'S EMERGENCY MANAGEMENT ADVISORY COUNCIL (GEMAC)

Subject: Public Meeting
Date and Time: October 26, 2016, 12 — 3 p.m.
Place: Savage Volunteer Fire Dept., 8521 Corridor Rd., Savage, MD
Add'l. Info: Notices for future GEMAC meetings will be posted at: <http://mema.maryland.gov/community/Pages/GEMAC.aspx>
Contact: Lydia Simonaire (410) 517-3613
 [16-20-20]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: October 20, 2016, 9:30 a.m.
Place: Taylor Avenue Fire Station, 620 Taylor Ave., Upper Classroom, Annapolis, MD
Add'l. Info: Portions of the meeting may be held in closed session.
Contact: Heidi Ritchie (877) 890-0199
 [16-20-17]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: October 13, 2016, 4 — 6 p.m.
Place: 201 W. Preston St., Conf. Rm. L1, Baltimore, MD
Contact: Bailey Vernon (410) 767-8827
 [16-20-19]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Public Hearing
Date and Time: November 3, 2016, 9 a.m. — 12 p.m.
Place: UMBC Research and Technology Park—South Campus, 1450 S. Rolling Rd., Halethorpe, MD
Add'l. Info: Meeting of the Maryland Medicaid Pharmacy Program's Pharmacy and Therapeutics Committee (Preferred Drug List). As soon as available, classes of drugs to be reviewed will be posted on the Maryland Pharmacy Program website at <https://mmcp.dhmh.maryland.gov/pap/SitePages/Public%20Meeting%20Announcement%20and%20Procedures%20for%20Public%20Testimony.aspx>.
Contact: Shawn Singh (410) 767-6896
 [16-20-10]

HISTORIC ST. MARY'S CITY COMMISSION

Subject: Public Meeting
Date and Time: October 15, 2016, 3 — 4:30 p.m.
Place: The Inn at Brome Howard, St. Mary's City, MD
Contact: Porzia Purves (240) 895-4960
 [16-20-13]

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STATEWIDE INDEPENDENT LIVING COUNCIL

Subject: Public Meeting
Date and Time: October 27, 2016, 12 — 2:30 p.m.
Place: Baltimore Washington Corridor Chamber, 312 Marshall Ave., Ste. 104, Executive Boardroom, Laurel, MD
Add'l. Info: marylandsile@gmail.com
Contact: Denise Thomas (240) 599-7966
[16-20-03]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: October 20, 2016, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[16-20-06]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: November 17, 2016, 1 — 4 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[16-20-07]

MARYLAND UNDERGROUND FACILITIES DAMAGE PREVENTION AUTHORITY

Subject: Public Meeting
Date and Time: October 5, 2016, 9 a.m. — 12 p.m.
Place: 7223 Parkway Dr., Ste. 103, Hanover, MD
Contact: Susan Ann Mary Stroud (410) 782-2103
[16-20-04]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Kent and Charles County Public Shellfish Fishery Area Closures
Add'l. Info: The Secretary of the Department of Natural Resources, pursuant to the Code of Maryland Regulations (COMAR) 08.02.04.11E, announces that sections of Public Shellfish Fishery Areas (PSFA) 9, 136 and 138 will be closed to all shellfish harvest effective October 1, 2016. The closures were requested by the Kent and Charles County oyster committees to protect seed planted by the counties until the sites are suitable for reopening. The

closed areas are described below and will be marked by buoys. PSFAs are described in "Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (June 2012)", which is incorporated by reference in COMAR 08.02.04.17.

For any questions or comments contact Frank Marengi, Shellfish Division, at 410-260-8302.

Swan Point (PSFA 9 (NOB 2-9): Upper Chesapeake Bay)

The section of PSFA 9 being closed is: All of the waters of the Chesapeake Bay enclosed by a line beginning at a point defined by Lat. 39°7.690' N, Long. 76°18.868' W; then running 5° True to a point defined by Lat. 39°8.482' N, Long. 76°18.772' W; then running 111° True to a point defined by Lat. 39°8.258' N, Long. 76°18.038' W; then running 111° True to a point defined by Lat. 39°8.114' N, Long. 76°17.546' W; then running 170° True to a point defined by Lat. 39°7.603' N, Long. 76°17.432' W; then running 272° True to a point defined by Lat. 39°7.623' N, Long. 76°18.167' W; then running 277° True to the point of beginning.

Windmill Point (PSFA 136 (NOB 20-3): Wicomico River (West))

The section of PSFA 136 being closed is: All of the waters of the Wicomico River enclosed by a line beginning at a point defined by Lat. 38°18.801' N, Long. 76°50.937' W, then running 356° True to a point defined by Lat. 38°19.096' N, Long. 76°50.961' W, then running 77° True to a point defined by Lat. 38°19.146' N, Long. 76°50.684' W, then running 166° True to a point defined by Lat. 38°18.842' N, Long. 76°50.590' W, then running 261° True to the point of beginning.

Stoddard (PSFA 138 (NOB 20-5): Wicomico River (West))

The section of PSFA 138 being closed is: All of the waters of the Wicomico River enclosed by a line beginning at a point defined by Lat. 38°21.448' N, Long. 76°50.843' W, then running 270° True to a point defined by Lat. 38°21.448' N, Long. 76°51.222' W, then running 0° True to a point defined by Lat. 38°21.719' N, Long. 76°51.221' W, then running 90° True to a point defined by Lat. 38°21.718' N, Long. 76°50.843' W, then running 180° True to the point of beginning.

Mark Belton
Secretary of Natural Resources
Contact: Tamara O'Connell (410) 260-8271

[16-20-23]

RACING COMMISSION

Subject: Public Meeting
Date and Time: October 18, 2016, 12 — 1 p.m.
Place: Ocean Downs, Berlin, MD
Contact: J. Michael Hopkins (410) 296-9682

[16-20-11]

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

Subject: Public Meeting
Date and Time: October 11, 2016, 10:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Patti Schott (410) 230-6165

[16-20-08]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting
Date and Time: October 14, 2016, 10:15 a.m. — 3 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 110, Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Stanley Weinstein (410) 764-4722

[16-20-01]

BOARD OF SOCIAL WORK EXAMINERS

Subject: Public Meeting
Date and Time: October 14, 2016, 10 a.m. — 3 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 110, Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Stanley Weinstein (410) 764-4722

[16-20-09]

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION

Subject: Public Meeting
Date and Time: October 18, 2016, 10:30 a.m. — 1 p.m.; Inclement Weather Date: October 25, 2016
Place: 1100 Crain Hwy., Newburg, MD
Contact: Denise Nooe (410) 260-3840

[16-20-14]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting

Date and Time: November 17, 2016, 10
a.m. — 4 p.m.

Place: Howard Co. Board of Utilities,
Columbia, MD

Add'l. Info: A portion of this meeting may
be held in closed session

Contact: Pat Kratochvil (410) 537-3167
[16-20-02]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting

Date and Time: October 27, 2016, 9:30 —
11:30 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting may
be held in closed session.

Contact: Amy S. Lackington (410) 864-
5300
[16-20-05]



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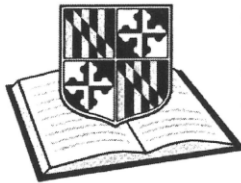
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