

Title 14

INDEPENDENT AGENCIES

Subtitle 01 – Prescription Drug Affordability Board

Chapter 01 – General Provisions

.05 Public Comment Procedures.

A. Public Oral Comments for a Board Meeting.

- (1) A member of the public may register to provide oral comments at a Board meeting by:
 - (a) Submitting a written notice that:
 - (i) Contains the individual's name and email address or phone number;
 - (ii) Identifies whether the individual is affiliated with or commenting on behalf of an organization, agency, employer, or other entity; and
 - (iii) Identifies the agenda item the individual wishes to address; and
 - (b) Submitting the written notice to the Board at least 2 work days before the scheduled meeting.
- (2) Oral comments shall be made to the Board in open session.

B. Public Written Comment Procedures.

- (1) General Procedures.
 - (a) Unless expressly exempted, these provisions apply to all written public comments.
 - (b) Except as provided in §B(5) of this regulation, a member of the public may submit written comments to the Board by email, courier, or postal service.
 - (c) An individual submitting comments on behalf of an organization, agency, employer, or other entity shall:
 - (i) Submit the comments on the letterhead of the organization, agency, employer, or other entity; or
 - (ii) Disclose in writing the organization, agency, employer, or other entity with which the individual is affiliated;
 - (d) Written comments received by the date prescribed by regulation or set by the Board will be:
 - (i) Shared with the Board;
 - (ii) Where applicable, made part of the record on the issue or matter before the Board where applicable; and
 - (iii) Posted on the Board's website.
 - (e) Board staff shall redact sociological information prior to posting the written comments on the Board website.
- (2) Public Written Comments for a Board Meeting.
 - (a) A member of the public may submit written comments concerning any agenda item of the Board or any decision pending before the Board in accordance with the procedures in §B(1) and (5) of this regulation.
 - (b) Written comments received more than 2 work days before the scheduled Board meeting will be shared with the Board prior to the Board meeting.
 - (c) Written comments received less than 2 work days before the scheduled Board meeting will be shared with the Board and posted on the Board's website after the scheduled meeting.
 - (d) Written comments received less than 2 work days before the scheduled Board meeting may be considered at the next Board meeting if the issue, matter, or decision is still pending.
- (3) Public Written Comments Authorized by Regulation. If a regulation expressly provides for public written comment, a member of the public may submit written comments to the Board within the time period prescribed by regulation in accordance with the procedures in §B(1) and (5) of this regulation.

(4) Public Written Comments Requested by the Board.

(a) If the Board requests public comment by posting notice of the request and a due date on its website, a member of the public may submit written comments to the Board within the time period prescribed by the notice in accordance with the procedures in §B(1) and

(5) of this regulation.

(b) *The notice shall provide a period of at least 15 days for the submission of comments.*

(5) Public Written Comments Containing Confidential, Trade-Secret, and Proprietary Information.

(a) A member of the public that wishes to submit written comments or attachments to written comments that contain confidential, trade-secret, and proprietary information shall:

(i) Redact the specific information the person considers to be confidential, trade-secret, or proprietary from the written comments and attachments;

(ii) Submit a form certifying that the redacted information is not otherwise publicly available and has been handled and maintained to preserve its confidential, trade-secret, or proprietary nature;

(iii) Submit the redacted comments and attachments to the Board by email, courier, or postal service; and

(iv) Submit the unredacted comments and attachments to the Board in paper form using a tracked common carrier, courier, or postal service, or electronically using secure file transfer.

(b) The Board and Board staff shall use, protect, and manage written comments and attachments containing confidential, trade-secret, and proprietary information in compliance with Regulation .04 of this chapter and Health-General Article, §§21-2C-03 and 21-2C-10, Annotated Code of Maryland.