

Maryland Register



Issue Date: July 28, 2023

Volume 50 • Issue 15 • Pages 669 — 712

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 10, 2023 5 p.m.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 July 10, 2023.

Gail S. Klakring
Acting 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
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- 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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PERSONS WITH DISABILITIES

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

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

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

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

Availability of Monthly List of Maryland Documents

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

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

CLOSING DATES AND ISSUE DATES THROUGH DECEMBER 2023[†]

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
2023			
August 11	July 24	July 31	August 2
August 25	August 7	August 14	August 16
September 8	August 21	August 28	August 30
September 22	September 1**	September 11	September 13
October 6	September 18	September 25	September 27
October 20	October 2	October 6**	October 11
November 3	October 16	October 23	October 25
November 17	October 30	November 6	November 8
December 1	November 13	November 20	November 22
December 15	November 27	December 4	December 6
December 29	December 11	December 18	December 20

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

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

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

** Note closing date changes.

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

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

09.12.01.01D(2)(c)(iii)

Title	Chapter	Section	Paragraph
Subtitle	Regulation	Subsection	Subparagraph

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

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

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

Table of Pending Proposals

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

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21.05.09.08 • 50:12 Md. R. 480 (6-16-23)
21.05.13.01,.03,.05 • 50:12 Md. R. 480 (6-16-23)
21.05.14.01—.06 • 50:12 Md. R. 480 (6-16-23)
21.05.15.01—.05 • 50:12 Md. R. 480 (6-16-23)
21.06.09.01 • 50:12 Md. R. 480 (6-16-23)
21.07.01.31 • 50:12 Md. R. 480 (6-16-23)
21.07.02.05-2 • 50:12 Md. R. 480 (6-16-23)
21.07.03.27 • 50:12 Md. R. 480 (6-16-23)
21.08.03.03 • 50:12 Md. R. 480 (6-16-23)
21.10.08.01,.02,.06 • 50:12 Md. R. 480 (6-16-23)
21.11.01.02,.06 • 50:12 Md. R. 480 (6-16-23)
21.11.03.03,.09,.17 • 50:12 Md. R. 480 (6-16-23)
21.11.03.10 • 50:13 Md. R. 539 (6-30-23)
21.11.05.01—.07 • 50:12 Md. R. 480 (6-16-23)
21.11.14.04 • 50:12 Md. R. 480 (6-16-23)
21.13.01.08,.14,.18 • 50:12 Md. R. 480 (6-16-23)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.04.01.01,.01-1,.20,.37 • 50:3 Md. R. 106 (2-10-23) (ibr)
26.04.12.01—.07 • 50:2 Md. R. 73 (1-27-23)

Subtitles 08—12 (Part 2)

26.11.17.01,.04 • 50:11 Md. R. 455 (6-2-23)
26.11.34.02 • 50:10 Md. R. 417 (5-19-23)

30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.09.12.04 • 50:13 Md. R. 541 (6-30-23)
30.09.14.04 • 50:13 Md. R. 541 (6-30-23)

31 MARYLAND INSURANCE ADMINISTRATION

31.04.22.02—.07 • 50:12 Md. R. 491 (6-16-23)
31.10.06.06 • 50:9 Md. R. 385 (5-5-23)

33 STATE BOARD OF ELECTIONS

33.01.01.01 • 50:15 Md. R. 703 (7-28-23)
33.02.03.01—.05 • 50:13 Md. R. 542 (6-30-23)
33.07.11.01,.02 • 50:15 Md. R. 703 (7-28-23)
33.12.02.01 • 50:13 Md. R. 542 (6-30-23)
33.13.10.05 • 50:12 Md. R. 492 (6-16-23)
33.13.13.06 • 50:12 Md. R. 492 (6-16-23)
33.13.21.01—.05 • 50:15 Md. R. 705 (7-28-23)

33.15.02.01 • 50:15 Md. R. 703 (7-28-23)
33.15.03.01,02 • 50:15 Md. R. 703 (7-28-23)
33.17.04.06 • 50:13 Md. R. 542 (6-30-23)
33.17.05.03 • 50:13 Md. R. 542 (6-30-23)
33.17.07.01 • 50:13 Md. R. 542 (6-30-23)
33.18.01.02 • 50:15 Md. R. 705 (7-28-23)
33.19.01.01 • 50:13 Md. R. 542 (6-30-23)
33.19.02.01 • 50:13 Md. R. 542 (6-30-23)

The Governor

EXECUTIVE ORDER 01.01.2023.10

(Rescinds Executive Order 01.01.2021.03)

Maryland 250 Commission

WHEREAS, The 250th anniversary of the founding of the United States of America will occur on July 4, 2026;

WHEREAS, It is in the interest of the State to develop, encourage, and execute an inclusive observance of the 250th anniversary of the founding of the nation that recognizes all Marylanders' struggle for life, liberty and the pursuit of happiness before, during and after the Revolution.

WHEREAS, Maryland made significant contributions to the Revolutionary War by supplying material, resources, ships and soldiers;

WHEREAS, This anniversary invites us to reflect on the ongoing evolution of American democracy, Maryland's integral role in that process, and the impact of Marylanders on the nation's past, present, and future;

WHEREAS, Stories of revolution exist in all periods of time and in all places and sectors of our State, demonstrating Marylanders' boundless capacity for innovation, growth and development;

WHEREAS, By celebrating our successes and reckoning with our setbacks, we will deepen public understanding of our complex history, strengthen public appreciation for service to our country, and inspire public engagement in civic life;

WHEREAS, Inclusive conversations about our shared past allow us to discuss who we are today and who we want to be in the future so that we may invigorate and sustain the United States of America for the benefit of future generations, ensuring that no one is left behind.

NOW, THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2021.03 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

I. There is a Maryland 250 Commission (the "Commission").

II. Membership.

A. The Commission shall consist of the following members:

1. The Lieutenant Governor;
2. The Secretary of Budget and Management, or the Secretary's designee;
3. The Secretary of Commerce, or the Secretary's designee;
4. The Secretary of General Services, or the Secretary's designee;
5. The Secretary of Natural Resources, or the Secretary's designee;
6. The Secretary of Planning, or the Secretary's designee;
7. The Secretary of Service and Civic Innovation, or the Secretary's designee;
8. The Secretary of State, or the Secretary's designee;
9. The Secretary of Veterans Affairs, or the Secretary's designee;
10. The State Superintendent of Schools, or the Superintendent's designee;
11. The State Archivist, or the Archivist's designee;
12. The State Historic Preservation Officer, or the Officer's designee;
13. The Executive Director of the Governor's Office of Community Initiatives, or the Executive Director's designee;
14. The Executive Director, Maryland State Arts Council, or the Executive Director's designee;
15. The Administrative Director of the Maryland Commission on Indian Affairs, or the Administrative Director's designee;
16. The Executive Director of the Maryland Commission on African American History and Culture, or the Executive Director's designee;
17. The Director of the Maryland Commission for Women, or the Director's designee; and
18. Up to five members of the general public appointed by the Governor.

B. The following are invited to be, and shall be upon acceptance, members of the Commission:

1. Two members appointed by the President of the Maryland Senate;
2. Two members appointed by the Speaker of the Maryland House of Delegates;
3. The Executive Director of the Maryland Association of Counties, or Executive Director's designee;

4. The Executive Director of the Maryland Municipal League, or Executive Director's designee; and
 5. Up to three members from the nonprofit community, selected from the Maryland Center for History and Culture, the Maryland Humanities Council, Preservation Maryland, or other similar organizations.
- C. The Governor shall appoint the Chair and the Vice Chair of the Commission.
 - D. Members serve at the pleasure of the Governor.
- III. The Maryland Department of Planning shall provide the Commission with resources and staff as feasible and necessary for administering and facilitating the work of the Commission.
 - IV. Members of the Commission may not receive any compensation for their services but may be reimbursed for their reasonable expenses incurred in the performance of duties in accordance with the State Standard Travel Regulations and as provided in the State budget.
 - V. The Commission shall:
 - A. Adopt administrative and financial procedures for the transaction of business, including, but not limited to, the establishment of advisory groups, committees, or working groups that address the themes of history, service, and civics.
 - B. Hold at a minimum semi-annual meetings,
 1. At times and places to be determined by the Chair;
 2. That are conducted in accordance with the Open Meetings Act; and
 3. That allow for remote meetings and electronic voting.
 - C. Coordinate, engage, and liaise with the U.S. Semiquincentennial Commission, and other local, county, and state commissions, and private and public partner organizations.
 - D. Serve as the State of Maryland's official representative for the Semiquincentennial, and all related activities, communications, and events.
 - E. Solicit, accept, use and dispose of donations, funds and gifts in conformance with the Public Ethics Law, to support the goals and purposes of the Commission.
 - F. Invite broad-based public input on the meaning, significance, and opportunities of this anniversary that will inform development of commemoration activities, programs, and events.
 - G. Acknowledge that the confiscation of Indigenous land and displacement of Indigenous people is central to the United States' origin story and recognize the persistence and contributions of these communities today.
 - H. Honor the legacy of both free and enslaved African Americans in the making of Maryland and the nation, whose untold stories of heroism and perseverance are critical to the understanding of our shared past and present.
 - I. Support the identification and enhancement of cultural assets that tell the story of who we are as Marylanders and promote place-based visitor experiences for residents and visitors alike.
 - J. Engage youth, new Americans, and lifelong learners in programs designed to encourage the search for meaning behind America and deepen engagement in civic life.
 - K. Celebrate service to country and community, and create opportunities that promote social responsibility, compassion and understanding that will unite and strengthen Maryland's diverse communities for the benefit of all.
 - VI. The Commission shall further:
 - A. Submit an Action Plan to the Governor and General Assembly by December 31, 2023, that outlines the Commission's goals, mission, and recommendations; and
 - B. Produce by December 31 of each year an annual report to the Governor and General Assembly that includes an update on the Action Plan, implementation benchmarks, related deadlines and schedules, and an accounting and enumeration of all contracts, donations, and gifts.
 - VII. The Commission shall terminate on December 31, 2027.
 - VIII. This Executive Order shall be implemented in a manner that is consistent with all applicable statutes and regulations. Nothing in this Executive Order shall operate to contravene any State or federal law or to affect the State's receipt of federal funding.
 - IX. If any provision of this Executive Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Executive Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are severable.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF MARYLAND, in the City of Annapolis, this 3rd day of July, 2023.

WES MOORE
Governor

ATTEST:

SUSAN LEE
Secretary of State

[23-15-13]

The Judiciary
SUPREME COURT OF MARYLAND
DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated July 6, 2023, **JASON ERIC FISHER** (CPF# 9712160237), as of July 6, 2023, Jason Eric Fisher’s name has been replaced on the register of attorneys permitted to practice law in the Supreme Court of Maryland. Notice of this action is given in accordance with Maryland Rule 19-761(b).

* * * * *

This is to certify that by an Opinion and Order of this Court dated July 7, 2023, **WILLIAM FRANCIS TREZEVANT**, as of July 7, 2023, William Francis Trezevant, an attorney not admitted to practice in the State of Maryland is indefinitely suspended from the practice of law in the State of Maryland. Notice of this action is given in accordance with Maryland Rule 19-741(g).

* * * * *

This is to certify that by an Opinion and Order of this Court dated July 10, 2023, **GEORGE L. FARMER**, as of July 10, 2023, George L. Farmer, an attorney not admitted to practice in the State of Maryland is indefinitely suspended from the practice of law in the State of Maryland. Notice of this action is given in accordance with Maryland Rule 19-741(g).

[25-15-11]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 07

DEPARTMENT OF HUMAN SERVICES

Subtitle 05 SOCIAL SERVICES ADMINISTRATION—PRIVATE CHILD PLACEMENT AGENCIES

07.05.01 License for Private Child Placement Agencies

Authority: Family Law Article, §§5-327(b) and 5-501—5-521, Annotated Code of Maryland
 Agency Note: Federal Regulatory Reference: 45 CFR §§228.13 and 228.42

Notice of Emergency Action

[23-128-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .14 under **COMAR 07.05.01 License for Private Child Placement Agencies**.

Emergency status began: July 1, 2023.

Emergency status expires: December 28, 2023.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

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

.14 Employee Qualifications.

A.—B. (text unchanged)

C. Qualifications of Specific Positions.

(1)—(3) (text unchanged)

[(4) A child placement worker shall:

- (a) Have a master’s degree from an accredited school of social work, and be State -licensed as a graduate social worker; or
- (b) Be State-licensed as a social work associate and supervised by a State-licensed graduate or certified social worker.]

(4) A child placement worker employed by an agency with a license to provide treatment foster care placements or private adoptions shall be:

- (a) A State-licensed master's level social worker and have received a master's degree from an accredited school of social work;
- (b) A State-licensed bachelor social worker supervised by a State-licensed master's level social worker; or
- (c) A State-licensed graduate professional counselor who is supervised by a Board of Professional Counselors and Therapists-approved supervisor or a State-licensed clinical professional counselor.

(5) A child placement worker employed by an agency with a license to provide private foster care placements or independent living program placements shall:

- (a) Have a bachelor's degree from an accredited college or university in an approved behavioral science, such as child development; sociology; psychology; counseling; nursing; criminology; juvenile justice; human growth and development; human services; mental health; or human resources management that includes at least 30 credit hours in human services or human development; and
- (b) Be supervised by a State-licensed master's level social worker.

VINCENT PACHECO
Government Affairs Administrator

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 64 BOARD OF NURSING — LICENSED DIRECT-ENTRY MIDWIVES

10.64.01 Practice of Licensed Direct-Entry Midwives

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

Notice of Emergency Action

[23-142-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .15 under COMAR 10.64.01 Practice of Licensed Direct-Entry Midwives.

Emergency status began: July 11, 2023.

Emergency status expires: January 7, 2024.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on page 698 of this issue, referenced as [23-142-P].

LAURA HERRERA SCOTT
Secretary of Health

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION—ADMINISTRATIVE PROCEDURES

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

Notice of Emergency Action

[23-155-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .04 under COMAR 11.11.05 Motor Vehicle Fees.

Emergency status began: July 11, 2023.

Emergency status expires: January 7, 2024.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposal is for the purpose of authorizing certain plug-in electric drive vehicles for which a permit has been obtained from the Motor Vehicle Administration to use high occupancy vehicle (HOV) lanes regardless of the number of passengers in the vehicles; and generally relating to the use of HOV lanes by plug-in electric drive vehicles.

Currently, MDOT MVA has a permit in place. This proposal would not have an impact on either the expenditures or the revenues for MDOT MVA. MDOT MVA plans on charging a \$5 fee for each sticker, and that would cover the cost of the production of the sticker and the mailing. Currently, there are approximately 60,000 registered vehicles eligible under Ch. 121 (H.B. 123), Acts of 2023, to receive HOV lanes stickers. The anticipation is that approximately 35,000 customers will request HOV stickers. Also, programming hours would be required but could be handled with existing resources.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On Issuing agency:		
Maryland Department of Transportation	(R+)	\$175,000
B. On other state agencies:		
	NONE	
C. On local governments:		
	NONE	
D. On regulated industries or trade groups:		
	NONE	
E. On other industries or trade groups:		
	NONE	
F. Direct and indirect effects on public:		
	NONE	

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

A. Ch. 121 (H.B. 123), Acts of 2023, requires MDOT MVA to charge a fee of up to \$20 for HOV lanes stickers. If MDOT MVA charges a \$5 fee to the customer per HOV sticker, the estimated income would be \$175,000. This would be 35,000 stickers at a \$5 cost for a total of \$175,000.

Economic Impact on Small Businesses

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

.04 Vehicle Registration Fees.

Service	Section	Fee
A.—L. (text unchanged)		
<i>M. High Occupancy Vehicle (HOV) sticker.</i>	25-108	5

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

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 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 28 BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

09.28.04 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §9-309, Annotated Code of Maryland

Notice of Final Action

[23-031-F]

On June 20, 2023, the Maryland Board of Examiners of Landscape Architects adopted amendments to Regulations **.01—, .06,** and **.08** under **COMAR 09.28.04 Continuing Professional Competency Requirements**. This action, which was proposed for adoption in 50:9 Md. R. 382—384 (May 5, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

CHRISTOPHER SCHEIN
Chair
Maryland Board of Examiners of Landscape Architects

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.10 Nursing Facility Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, 19-14B-01, and 19-310.1, Annotated Code of Maryland

Notice of Final Action

[23-009-F]

On June 16, 2023, the Secretary of Health adopted amendments to Regulations **.07** and **.08** under **COMAR 10.09.10 Nursing Facility Services**. This action, which was proposed for adoption in 50:6 Md. R. 221—222 (March 24, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.17 Physical Therapy Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-141.2, Annotated Code of Maryland

Notice of Final Action

[22-288-F]

On June 16, 2023, the Secretary of Health adopted amendments to Regulations **.03** and **.04** under **COMAR 10.09.17 Physical Therapy Services**. This action, which was proposed for adoption in 50:4 Md. R. 139 (February 24, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-141.2, Annotated Code of Maryland

Notice of Final Action

[22-342-F-I]

On June 16, 2023, the Secretary of Health adopted amendments to Regulations **.01**, **.01-1**, **.03—05**, **.07**, and **.08** under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services**. This action, which was proposed for adoption in 50:6 Md. R. 224—225 (March 24, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.29 Residential Treatment Center Services

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

Notice of Final Action

[22-335-F]

On June 16, 2023, the Secretary of Health adopted amendments to Regulation **.07** under **COMAR 10.09.29 Residential Treatment Center Services**. This action, which was proposed for adoption in 50:7 Md. R. 310—311 (April 7, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 32 BOARD OF PHYSICIANS

Notice of Final Action

[22-117-F]

On June 16, 2023, the Secretary of Health adopted amendments to:

- (1) Regulation .03 under **COMAR 10.32.01 General Licensure Regulations**; and
- (2) Regulation .03 under **COMAR 10.32.02 Hearings Before the Board of Physicians**.

This action, which was proposed for adoption in 49:16 Md. R. 768—769 (July 29, 2022), has been adopted as proposed.

Effective Date: August 7, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 32 BOARD OF PHYSICIANS

10.32.02 Hearings Before the Board of Physicians

Authority: Health Occupations Article, §§1-307, 1-402, *1-602—1-604*, 1-606, 14-205, 14-317, 14-404—14-409, 14-411, 14-505, 14-5A-03, 14-5A-13(d), 14-5A-16, 14-5A-17, 14-5A-17.1, 14-5A-19, 14-5B-03, 14-5B-12(d), 14-5B-13, 14-5B-14, 14-5B-14.1, 14-5B-16, 14-5C-03, *14-5C-14(h)*, 14-5C-16, 14-5C-17, 14-5C-19, *14-5D-12(g)*, 14-5D-13—14-5D-16, *14-5E-03, 14-5E-13(h), 14-5E-15, 14-5E-16, 14-5E-17, 14-5E-19, 14-5F-04, 14-5F-15(e), 14-5F-17, 14-5F-18, 14-5F-23, 14-5F-24*, 14-601, 14-606, *15-205(c)*, 15-307(f), 15-311, 15-312, 15-314, 15-315, 15-316 and 15-403; State Government Article, §§10-206, 10-216, and 10-226; Annotated Code of Maryland

Notice of Final Action

[22-118-F]

On June 16, 2023, the Secretary of Health adopted amendments to Regulation .10 under **COMAR 10.32.02 Hearings Before the Board of Physicians**. This action, which was proposed for adoption in 49:16 Md. R. 769—772 (July 29, 2022), has been adopted as proposed.

Effective Date: August 7, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION

12.04.01 General Regulations

Authority: Public Safety Article, §§3-207 and 3-208, Annotated Code of Maryland

Notice of Final Action

[23-072-F]

On July 12, 2023, the Police Training and Standards Commission adopted amendments to Regulations .09 and .14 under **COMAR 12.04.01 General Regulations**. This action, which was proposed for adoption in 50:10 Md. R. 409 (May 19, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

COL. ROLAND L. BUTLER, JR.
Acting Chair
Police Training and Standards Commission

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.01 2 + 2 Transfer Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-2501—18-2507, Annotated Code of Maryland

Notice of Final Action

[22-126-F]

On September 29, 2022, the Maryland Higher Education Commission adopted amendments to Regulation **.02** under **COMAR 13B.08.01 2+2 Transfer Scholarship Program**. This action, which was proposed for adoption in 49:16 Md. R. 772 (July 29, 2022), has been adopted as proposed.

Effective Date: August 7, 2023.

SANJAY RAI, PH.D.
Acting Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.13 Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-601, Annotated Code of Maryland

Notice of Final Action

[22-135-F]

On September 29, 2022, the Maryland Higher Education Commission adopted amendments to Regulation **.03** under **COMAR 13B.08.13 Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program**. This action, which was proposed for adoption in 49:17 Md. R. 802—803 (August 12, 2022), has been adopted as proposed.

Effective Date: August 7, 2023.

SANJAY RAI, PH.D.
Acting Secretary of Higher Education

Subtitle 08 FINANCIAL AID

13B.08.14 Workforce Shortage Student Assistance Grant Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-708, Annotated Code of Maryland

Notice of Final Action

[22-136-F]

On September 29, 2022, the Maryland Higher Education Commission adopted amendments to Regulations **.02**, **.06**, and **.07** under **COMAR 13B.08.14 Workforce Shortage Student Assistance Grant Program**. This action, which was proposed for adoption in 49:17 Md. R. 803—804 (August 12, 2022), has been adopted as proposed.

Effective Date: August 7, 2023.

SANJAY RAI, PH.D.
Acting Secretary of Higher Education

Title 15

MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

15.01.17 Hemp Farming Program

Authority: Agriculture Article, §14-307, Annotated Code of Maryland

Notice of Final Action

[23-073-F]

On July 19, 2023, the Maryland Department of Agriculture adopted amendments to Regulations **.02**, **.04**, **.08**, and **.10**, new Regulations **.11** and **.21**, amendments to and the recodification of existing Regulations **.11—15** to be Regulations **.12—16**, and the recodification of existing Regulations **.16—19** to be Regulations **.17—20** under **COMAR 15.01.07 Hemp Farming Program**. This action, which was proposed for adoption in 50:11 Md. R. 452—455 (June 2, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

STEVEN A. CONNELLY
Deputy Secretary of Agriculture

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 12 RADIATION MANAGEMENT

26.12.01 Radiation Protection

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

Notice of Final Action

[23-048-F-I]

On July 11, 2023, the Secretary of the Environment adopted amendments to Regulation .01 under **COMAR 26.12.01 Radiation Protection**. This action, which was proposed for adoption in 50:9 Md. R. 384—385 (May 5, 2023), has been adopted as proposed.

Effective Date: August 7, 2023.

SERENA McILWAIN
Secretary of the Environment

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.

Formulation of Regulations

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

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

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

Title 09 MARYLAND DEPARTMENT OF LABOR Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

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

Notice of Proposed Action

[23-140-P]

The Maryland Racing Commission proposes to amend Regulation .07 under **COMAR 09.10.01 Thoroughbred Rules**. This action was considered by the Maryland Racing Commission at public meeting held on June 6, 2023.

Statement of Purpose

The purpose of this amendment is to require an owner claiming a horse to provide 1.5 percent of the claiming price to the horse retirement program selected by the organization representing the horsemen.

Estimate of Economic Impact

I. Summary of Economic Impact. It is estimated that this amendment would generate approximately \$120,000.00 per year.

II. Types of Economic Impact.

Impacted Entity	Revenue	Magnitude
	(R+/R-)	
	Expenditure	
	(E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Horse owners	(-)	\$120,000 annually
E. On other industries or trade groups:		
Beyond The Wire	(+)	\$120,000 annually
F. Direct and indirect effects on public:	NONE	

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

D. Horse owners continue to claim.

E. Beyond The Wire will benefit from an additional funding source for the support of retired race horses.

Economic Impact on Small Businesses

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

It is estimated that this amendment would generate approximately \$120,000 per year. These funds will be generated from thoroughbred owners claiming a horse and being charged an additional 1.5 percent of the claiming price

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 Towsontown Blvd., Towson, MD 21286, or call 410-428-2391, or email to mike.hopkins@maryland.gov. Comments will be accepted through September 1, 2023. A public hearing has not been scheduled.

.07 Claiming.

A.—C. (text unchanged)

D. A valid claim shall:

(1)—(8) (text unchanged)

(9) Be supported by funds on deposit at the association in the name of the claimant in an amount sufficient to cover the cost of the claim [and], any taxes to which the claim may be subject, *and 1.5 percent of the claiming price, which shall be paid to the horse retirement program approved by the organization representing the majority of horsemen.*

E.—R. (text unchanged)

MICHAEL J. ALGEO
Chairman
RACING COMMISSION

Subtitle 10 RACING COMMISSION

09.10.01 Thoroughbred Rules

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

Notice of Proposed Action

[23-141-P]

The Maryland Racing Commission proposes to amend Regulation .17 under **COMAR 09.10.01 Thoroughbred Rules**. This action was considered by the Maryland Racing Commission during a public meeting held on June 6, 2023.

Statement of Purpose

The purpose of this amendment is to allow a trainer to enter up to three horses in a race.

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 Blvd., Towson, MD 21286, or call 410-428-2391, or email to mike.hopkins@maryland.gov. Comments will be accepted through September 1, 2023. A public hearing has not been scheduled.

.17 Entries, Declarations and Scratches.

A. — WW. (text unchanged)

XX. The following rules apply to purse races and overnight events, but do not apply to stake races or sweepstakes:

(1) A trainer may [not] enter [more than two] *up to three* horses in [a] *an overnight race if that race has a least six entries with separate owners and or trainers.* [A trainer may enter and start two horses of separate ownership. When making a double entry in the same ownership, the owner or trainer shall express a preference.] In no case may *more than* two horses start in the same ownership *and/or trainer* to the exclusion of a single entry.

(2)—(3) (text unchanged)

YY. (text unchanged)

MICHAEL J. ALGEO
Chairman
Racing Commission

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.30 Statewide Evaluation and Planning Services

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

Notice of Proposed Action

[23-133-P]

The Secretary of Health proposes to adopt new Regulation **.01**, amend and recodify existing Regulations **.01—08** and **.10** to be Regulations **.02—09** and **.11**, respectively, and recodify existing Regulation **.09** to be Regulation **.10** under **COMAR 10.09.30 Statewide Evaluation and Planning Services**.

Statement of Purpose

The purpose of this action is to clarify coverage for evaluation and planning services provided via telehealth to Medicaid participants by the Local Health Departments (LHD), or other contracted entities, in accordance with Ch. 71 (S.B. 3), Acts of 2021, Preserve Telehealth Access Act of 2021. The proposed action also aligns regulations with current practices associated with comprehensive evaluations by LHDs when performed to determine eligibility for services, inform individuals of available services, or as required for Geriatric Evaluation Services (GES) or Preadmission Screening and Resident Review (PASRR).

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.01 Purpose.

The purpose of this chapter is to codify policy regarding comprehensive evaluations performed for the purpose of determining eligibility for services or informing individuals of available services or as required for Geriatric Evaluation Services (GES) or Preadmission Screening and Resident Review (PASRR).

[.01] .02 Definitions.

A. (text unchanged)

B. Terms Defined.

[(1) “Case management” means a service which will assist recipients in gaining access to:

(a) The full range of Medical Assistance services for which the individual is qualified; and

(b) Other needed support services such as medical, social, housing, financial, adult day care, in-home aide, and counseling.

(2) “Case manager” means a licensed registered nurse or licensed social worker, as defined in Regulation .02 of this chapter, who is employed by the STEPS provider to provide STEPS case management services and who is selected as case manager by the participant.]

[(3)] (1) “Comprehensive evaluation” means the [determination] *assessment* performed by a nurse or social worker, or both, using the [uniform assessment form specified] *tools designated* by the Department, of a participant’s medical, social, and functional status by:

(a)—(c) (text unchanged)

[(4)] (2) (text unchanged)

[(5)] (3) “Financial eligibility screening” means the determination of whether an individual qualifies financially as a [STEPS] participant.

[(6)] “Medical Assistance Program” means a program of comprehensive medical and other health-related care for indigent and medically indigent persons.

(7) “Multidisciplinary assessment” means the review of the comprehensive evaluation and establishment of a recommended plan of care by the multidisciplinary team for the participant.

(8) “Multidisciplinary team” means the group composed of the nurse and social worker and, as appropriate, the participant or legally authorized representatives, or both, the participant’s physician and providers of health related services.]

(4) “*Geriatric Evaluation Services (GES)*” means the assessment that is required to admit an individual to a State facility or Veteran’s Administration hospital.

[(9)] (5) (text unchanged)

[(10)] “Participant” means:

(a) For the purposes of the STEPS comprehensive evaluation and multidisciplinary assessment, a recipient or an individual who would be able to establish financial eligibility under the Program within 6 months of admission to a nursing home and:

(i) Who is certified by the Department or its designee as requiring nursing home care under the Program pursuant to COMAR 10.09.10 or COMAR 10.09.11 or who, as determined by the STEPS provider based on the data collected in the comprehensive evaluation, requires services consistent with the Program’s description of the level of care and types of services rendered in comprehensive care facilities reimbursed under the Program, including participants who would require inpatient care if community based long term care services were not available; and

(ii) Whose disabilities and needs cannot be adequately met in an episodic ambulatory care setting but who requires continuing institutional or community based long-term care services;

(b) For the purposes of STEPS case management, a recipient who:

(i) Is recommended for STEPS case management in the plan of care developed as part of the STEPS multidisciplinary assessment, because case management is considered necessary to enable the individual to gain access to services;

(ii) Chooses to receive STEPS case management;

(iii) Is not receiving the same case management services under a U.S. Department of Health and Human Services §1915(b) or §1915(c) waiver;

(iv) Does not reside in a long-term care institution; and

(v) Is not a hospital inpatient;]

(6) “*Nurse practitioner*” means a person who is licensed as a nurse practitioner in the jurisdiction in which services are provided.

(7) “*Participant*” means a Medicaid recipient or an individual who would be able to establish financial eligibility under the Program within 6 months of admission to a nursing facility, whose needs may not be adequately met in an episodic ambulatory care setting, and who may require continuing institutional or community based long-term care services.

[(11)] (8) “Plan of care” means the written long term care plan composed of a comprehensive evaluation [and multidisciplinary assessment] of the participant’s health status including:

(a) (text unchanged)

(b) [Prognosis] *Psychosocial status*;

(c) (text unchanged)

(d) Type [and frequency] of services [required] *recommended*.

(9) “*Preadmission Screening and Resident Review (PASRR)*” means the screening or reviewing of all individuals with mental illness or intellectual disability who apply to or reside in Medicaid-certified nursing facilities.

[(12)] (10) “Program” [means the Maryland Medical Assistance Program] *has the same meaning as defined in COMAR 10.09.36.*

[(13)] (11) “Provider” means a local health department, or when necessary, a contracted agency:

[(a)] For the purposes of the STEPS comprehensive evaluation and multidisciplinary assessment, a health services agency:]

[(i)] (a) Providing the [STEPS] comprehensive evaluation [and multidisciplinary assessment] through an appropriate agreement with the Department and identified as a Program provider by the issuance of an individual account number;

[(ii)] (b) Employing [licensed registered] nurses and [licensed] social workers to provide the [STEPS] comprehensive evaluation [and multidisciplinary assessment services]; and

[(iii)] (c) Demonstrating experience in providing assessment and evaluation services and in developing plans of care [for aged and chronically ill clients; and].

[(b)] For the purposes of STEPS case management, a health services agency:

(i) Providing STEPS case management through an appropriate agreement with the Department and identified as a Program provider by the issuance of an individual account number;

(ii) Employing qualified licensed registered nurses and licensed social workers as case managers; and

(iii) Demonstrating experience in providing case management and in implementing plans of care for aged and chronically ill clients.]

[(14)] (12) (text unchanged)

[(15)] “Recipient” means a person who is certified for, and is receiving, Medical Assistance benefits.]

(13) “*Psychiatrist*” means a person who is licensed as a psychiatrist in the jurisdiction in which services are provided.

(14) “*Psychologist*” means a person who is licensed as a psychologist in the jurisdiction in which services are provided.

[(16)] (15) “Social worker” means a person who is [in compliance with the social work licensing requirements] *licensed as a social worker* in the jurisdiction in which services are provided.

[(17) “Statewide Evaluation and Planning Services (STEPS)” means long term care evaluation and planning services including:

- (a) A comprehensive evaluation;
- (b) Multidisciplinary assessment including the establishment of the plan of care; and
- (c) Case management.]

[.02] .03 Licensing Requirements.

A. Nurses performing STEPS shall be licensed pursuant to Health Occupations Article, §§7-101 and 7-301—7-315, Annotated Code of Maryland.

B. Social workers performing STEPS services shall be licensed pursuant to Health Occupations Article, §18-205, Annotated Code of Maryland.

C. Under this chapter, licensed registered nurses shall:

- (1) Have 2 years of community health nursing experience; or
- (2) Be directly supervised by a licensed registered nurse with 2 years of community health nursing experience.]

The following health professionals providing services under this regulation shall be licensed to practice in the jurisdiction in which services are rendered:

- (1) Nurses;
- (2) Nurse practitioners;
- (3) Psychiatrists;
- (4) Psychologists; and
- (5) Social workers.

[.03] .04 Conditions for Participation.

A. General requirements for participation in the Medical Assistance Program are that providers shall:

- (1) Ensure that employees performing STEPS meet the licensure requirements as provided in Regulation .02 of this chapter;
- (2) Apply for participation in the Program using the application form designated by the Department;
- (3) Be approved for participation by the Department;
- (4) Have a provider agreement in effect;
- (5) Verify the licenses and credentials of all professionals who are employed by, or who contract with, the provider of services;
- (6) Verify the eligibility of recipients;
- (7) Accept payment by the Program as payment in full for services rendered and make no additional charge to any person for STEPS specified under Regulation .04 of this chapter;
- (8) Provide services without discrimination on the basis of race, color, age, sex, national origin, marital status, physical or mental handicap;
- (9) Place no restrictions on a recipient’s right to select among available health care providers;
- (10) Maintain adequate records for a minimum of 5 years, and make them available, upon request, to the Department or its designee;
- (11) Not knowingly employ or contract with a person, partnership, or corporation which has been disqualified from the Program to provide or supply service to Medical Assistance recipients, unless prior written approval has been received from the Department; and
- (12) Agree that claims rejected for payment due to late billing may not be billed to the participant.]

[B.] Specific requirements for participation in the Program are that [STEPS] providers shall:

- (1) Meet the requirements of §A of this regulation;
- (2) Have a written plan for the implementation of STEPS;
- (3) Be available to participants at least 8 hours a day, 5 days a week and have established hours of daily operation, including after hours procedures for handling emergency cases;
- (4) Have existing policies and procedures concerning the completion of STEPS functions that the provider in the provider agreement has agreed to perform;
- (5) If approved as a provider of STEPS multidisciplinary assessments, develop procedures to expedite comprehensive evaluations when necessary, including the assurance that comprehensive evaluations for inpatients will be completed within 3 working days of an appropriate referral unless the client is not medically stable;
- (6) If approved as a provider of STEPS multidisciplinary assessments, convene the multidisciplinary team for the participant which:
 - (a) Assesses the appropriateness of institutional or community based long term care services for the participant,
 - (b) Determines the medical, psychological, social, and functional status of each participant, and
 - (c) Develops an individual plan of care reflecting both needed services and available services that are, or can be anticipated to be, rendered;]

A. Ensure that all individuals performing services under Regulation .05 of this chapter meet the licensure requirements as provided in Regulation .03 of this chapter;

B. Have existing policies and procedures concerning the completion of comprehensive evaluations, and expedition of those evaluations when necessary, that the provider has agreed to perform;

[(7)] *C. Develop, as appropriate, [interagency, intra-agency and other] agreements in order to facilitate access to [long term care] services and coordinate with local public agencies and other providers [of long term care];*

[(8)] *D. If approved as a provider of [STEPS multidisciplinary assessments] comprehensive evaluations, inform participants of the results of the [multidisciplinary assessment] comprehensive evaluation and of available [long term care] services; and*

[(9)] *If approved as a provider of STEPS case management, provide case management covered services to recipients meeting the qualifications of STEPS case management participants.]*

E. Ensure completion, at least every other year, of training on the tools designated by the Department for the purposes of the comprehensive evaluation, by all nurses and social workers providing services under this chapter.

[.04] .05 Covered Services.

A. The Program reimburses for completed [STEPS] comprehensive evaluations [and multidisciplinary assessments], which include *assessment by a nurse, social worker, or both*[:].

(1) Performance of a comprehensive evaluation by a nurse or social worker, or both, not more than 5 working days after the date of an appropriate referral, unless the client is not medically stable, except as specified in Regulation .03B(5) of this chapter; and

(2) Completion of the multidisciplinary assessment not more than 10 working days after the date of the comprehensive evaluation.]

B. *The comprehensive evaluation or designated form is to be completed within the following time frames:*

(1) *3 business days for all Geriatric Evaluation Services (GES) and Preadmission Screening and Resident Review (PASRR) for individuals transferring from a hospital to a nursing facility;*

(2) *5 business days for all other PASRR; and*

(3) *15 calendar days for all other purposes.*

C. *The comprehensive evaluation shall be completed in-person.*

[B.] D. The Department will reimburse for the services listed in §A of this regulation when they are:

(1) Rendered to [qualified] participants [for STEPS comprehensive evaluations and multidisciplinary assessments] *as defined in Regulation .02 of this chapter;*

(2) Completed within the time frame specified in [§A] §B of this regulation, unless [an] *the Department is notified, in writing, of circumstances that prevent completion within the specified time frame and a temporary, alternative schedule has been approved by the Department [or documented client related circumstances prevent completion within the specified time limits];*

(3) (text unchanged)

(4) Rendered by a provider approved to perform [STEPS] comprehensive evaluations [and multidisciplinary assessments].

[C. The Program reimburses for case management services which include:

(1) Discussing with the recipient the recommended plan of care from the STEPS multidisciplinary assessment and informing the recipient of the availability of the recommended services for which the recipient is potentially eligible.

(2) Arranging for the delivery of services by referring the recipient to qualified providers and negotiating with and securing service providers selected by the recipient.

(3) Following up promptly to insure that all services are in place and that the quantity and quality are sufficient to meet the recipient's need.

(4) Monitoring the recipient and the service provision on an ongoing basis. This activity includes regular telephone contact with the recipient, recipient's family or significant others, and service providers. The telephone contacts should occur as often as necessary but at least monthly. It also includes regularly scheduled home or in-person visits, at least quarterly.

(5) Providing assistance to service providers. This activity includes providing patient-specific information to service providers, with the participant's written consent, in order to help them provide appropriate care.

(6) Determining the participant's desire and continuing need for case management services, to enable the recipient to remain in the community. This determination is made not later than 60 days after management begins and at least every 6 months after the initial 60 days. As necessary, the plan of care is revised, with the participant's input. If the participant's condition changes significantly, arrangements shall be made for a STEPS reassessment.

D. In the 60-day period immediately following the STEPS multidisciplinary assessment, initial STEPS case management includes, as a unit of service, the initial encounter with the participant to establish a plan of care, as well as all other covered services necessary for implementation of the plan of care. After this initial 60-day period, ongoing care management activities include, as a unit of service, a monthly telephone contact with the participant and all other covered services necessary as part of the follow-up.

E. The Department will reimburse for the services listed in §C of this regulation when:

(1) Case management is recommended in the STEPS plan of care, as necessary to enable the individual to remain in the community, and the recipient chooses to receive these services;

(2) The STEPS case management provider and case manager are available to provide case management services not more than 3 working days after the receipt of the STEPS multidisciplinary assessment's plan of care recommendations and selection by the recipient as the provider and case manager;

(3) The services are rendered to qualified participants for STEPS case management;

(4) The services are adequately performed as reflected on the completed form specified by the Department and submitted to the Program as a condition for payment; and

(5) The services are rendered by a provider approved to perform STEPS case management.]

[.05] .06 Limitations.

A. [STEPS] *The comprehensive evaluation* is advisory in nature and is designed to assist individuals in identifying and using appropriate long term care services.

B. A restriction may not be placed on the qualified recipient's option to receive the [STEPS multidisciplinary assessment or case management services] *comprehensive evaluation*.

C. [STEPS] *The comprehensive evaluation* does not restrict or otherwise affect:

(1)—(3) (text unchanged)

[D. STEPS services may not be reimbursed if they are:

(1) Provided as an integral and inseparable part of another covered Program service, since payment for case management is already included in payment for that service; or

(2) Provided as part of an institution's discharge planning.

E. Reimbursement may not be made for STEPS case management if the participant is receiving the same type of case management services under another Program authority.]

[.06] .07 Payment Procedures.

A. Request for Payment.

(1)—(2) (text unchanged)

[(3) STEPS providers shall bill the Program the fee specified in §C of this regulation.]

B. (text unchanged)

C. [Payments. Payments shall be made:

(1) Only to a qualified STEPS provider as specified in these regulations;

(2) According to the following fee-for-service schedule for STEPS, effective July 1, 2011: Description Fee Per Unit of Service

(a) One completed STEPS comprehensive evaluation and multidisciplinary assessment \$370;

(b) One completed Medical Eligibility Review form (MDH 3871) for applicants to the Home and Community-Based Services Waiver for Older Adults under COMAR 10.09.54 and the Living at Home Program under COMAR 10.09.55 \$52;

(c) Initial STEPS case management (only one unit of service may be reimbursed during the initial 60 days following the beginning of STEPS case management)\$90;

(d) Other ongoing STEPS case management (only one unit of service may be reimbursed per month) \$15.]

Effective July 1, 2022, payments for comprehensive evaluations shall be made in accordance with the fee schedule below:

<i>When conducted for any purpose other than the Preadmission Screening and Resident Review (PASRR) using the Department's preferred tool</i>	<i>\$482.95</i>
<i>When conducted for the purpose of determining eligibility for any services that are not reimbursed by Medicaid or for the purpose of Geriatric Evaluation Services using the tool that is not preferred by the Department</i>	<i>\$370.00</i>
<i>When conducted for the purpose of PASRR and does not require a psychological or psychiatric review</i>	<i>\$370.00</i>
<i>When conducted for the purpose of PASRR and requires a psychological or psychiatric review</i>	<i>\$440.00</i>
<i>When conducted for the purpose of PASRR and requires a psychological and psychiatric review</i>	<i>\$510.00</i>
<i>When conducted for the purpose of PASRR and requires a psychological or psychiatric evaluation</i>	<i>\$570.00</i>
<i>When conducted for the purpose of PASRR and requires a psychological evaluation and a psychiatric review or a psychiatric evaluation and a psychological review</i>	<i>\$640.00</i>
<i>When conducted for the purpose of PASRR and requires both a psychological and psychiatric evaluation</i>	<i>\$770.00</i>

[.07] .08 Recovery and Reimbursement.

[A. If the recipient has insurance or if any other person is obligated either legally or contractually to pay for, or to reimburse the recipient for, any service covered by this chapter, the provider shall seek payment from that source first. If payment is made by both the Program and the insurance or other source, the provider shall report, within 15 days after the close of each month, on a form designated by the Department, the amount paid by the Program, and the insurance or the other source, whichever is less, and refund the total amount of the lesser of the two payments reported to the Program at that time.

B. If refund of a payment as specified in §A, of this regulation, is not made, the Department will have the right to reduce its current payment to the provider by the amount of the duplicate payment, overpayment, or third-party payment.]

*Recovery and reimbursement are as set forth in COMAR 10.09.36.07.***[.08] .09 Cause for Suspension or Removal and Imposition of Sanctions.**

[A. If the Department determines that a provider, any agent or employee of the provider, or any person with an ownership interest in the provider has failed to comply with the applicable federal or State laws or regulations, the Department may initiate one or more of the following actions against the responsible party:

(1) Suspension from the Program;

(2) Withholding of payment by the Program;

(3) Removal from the Program; and

(4) Disqualification from future participation in the Program, either as a provider or as a person providing services for which Program payment will be claimed.

B. If the Secretary of Health and Human Services suspends or removes a provider from participation in Medicare, the Department shall take similar action.

C. The Department shall give reasonable written notice to the provider of its intention to impose sanctions. The written notice shall state the effective date and specific reasons for the proposed action, and advise the provider of the right to appeal.

D. A provider who voluntarily withdraws from the Program or is removed or suspended from the Program according to this regulation shall notify recipients that he no longer honors Medical Assistance cards before he renders additional service.]

*Cause for suspension or removal and imposition of sanctions are as set forth in COMAR 10.09.36.08.***[.10] .11 Interpretive Regulation.**

[Except when the language of a specific regulation indicates an intent by the Department to provide reimbursement for covered services to Program recipients without regard to the availability of federal financial participation, State regulations shall be interpreted in conformity with applicable federal statutes and regulations.]

Interpretive regulatory requirements are as set forth in COMAR 10.09.36.10.

Subtitle 11 MATERNAL AND CHILD HEALTH**10.11.04 Lead Poisoning Screening Program**

Authority: Environment Article, §6-303; and Health-General Article, §18-106; Annotated Code of Maryland

Notice of Proposed Action

[23-121-P]

The Secretary of Health proposes to amend Regulations .02 and .04 under **COMAR 10.11.04 Lead Poisoning Screening Program**.

Statement of Purpose

The purpose of this action is to implement the Centers for Disease Control and Prevention's (CDC's) lowered reference level of 3.5 micrograms per deciliter for the clinical assessment of blood tests for lead poisoning of minor children. The proposal also updates the term "elevated blood lead level" to "blood lead reference value" to align regulations with CDC guidelines and removes outdated references to prior effective dates. Additionally, the proposal removes the definitions of and parts of regulations regarding "children at high risk" and "high-risk area." The term "high-risk area" was defined in the 2004 Targeting Plan for Areas at Risk for Childhood Lead Poisoning, but not in the 2015 Targeting Plan. The term "children at high risk," which applied only to children whose parents were seeking exemptions from lead testing due to bona fide religious beliefs, is no longer applicable based on the 2015 Targeting Plan.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 2120, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "At-risk area" means[, effective March 28, 2016,] any geographic area within the State that has been designated by the Department as at-risk for lead exposure]:

(a) For individuals born on January 1, 2015 or later] in the 2015 Targeting Plan for Areas at Risk for Childhood Lead Poisoning[: or

(b) For individuals born before January 1, 2015 in the 2004 Targeting Plan for Areas at Risk for Childhood Lead Poisoning].

(3) (text unchanged)

(3-1) "Blood lead reference value" means a blood lead level of 3.5 micrograms per deciliter.

(4)–(5) (text unchanged)

[(6) "Child at high-risk" means a child who resides, or has previously resided, in an area within the State that has been designated as high-risk for lead poisoning by the Department in the 2015 Targeting Plan.]

(7) (text unchanged)

[(8) "Elevated blood lead level" means:

(a) A blood lead level of 10 micrograms per deciliter or greater; or

(b) A blood lead level of 5 micrograms per deciliter or greater for a blood test performed after March 28, 2016.]

(9)–(10) (text unchanged)

[(11) "High-risk area" is an area within the State that has been designated by the Department as high-risk for lead poisoning according to the 2015 Targeting Plan.]

(12)–(13) (text unchanged)

[(14) "Local health officer" means the county health officer in each of the 23 counties of Maryland and the Commissioner of Health in Baltimore City, or their designated representative.]

(15)–(23) (text unchanged)

.04 Blood Tests for Lead Poisoning.

A. [Effective March 28, 2016, a] A primary care provider for a child who resides, or who is known to have previously resided, in an at-risk area shall administer a blood test for lead poisoning during the 12-month visit and again during the 24-month visit.

B. [Effective March 28, 2016, a] A primary care provider for a child who is 24 months old or older and younger than 6 years old who resides, or who is known to have previously resided, in an at-risk area as defined in the [2004] 2015 Targeting Plan for Areas at Risk for Childhood Lead Poisoning, shall administer a blood test for lead poisoning if the:

(1)–(3) (text unchanged)

C.—D. (text unchanged)

E. A primary care provider shall administer a blood test for lead poisoning, by venous methodology, if the results of a capillary blood test for lead poisoning indicate [an elevated blood lead level] *a blood lead level that exceeds the blood lead reference level.*

F.—G. (text unchanged)

H. Bona Fide Religious Beliefs — At Risk.

(1) If the parent or guardian of a child [who resides or has previously resided in an at-risk area that is not a high risk area] refuses to consent to a blood test for lead poisoning due to the parent or guardian's stated bona fide religious beliefs and practices, a primary care provider shall:

(a) Counsel the parent or guardian that the blood test for lead poisoning is required by law due to the fact that their child is at risk for having [an elevated blood lead level] *a blood lead level that exceeds the blood lead reference level; and*

(b) (text unchanged)

(2)—(3) (text unchanged)

I. Bona Fide Religious Beliefs — High Risk.

(1) If the parent or guardian of a child at high risk refuses to consent to a blood test for lead poisoning due to the parent or guardian's stated bona fide religious beliefs and practices, a primary care provider shall:

(a) Follow the procedures set forth in §H(1) and (2) of this regulation; and

(b) If a provider determines that a child is at a substantial risk of harm from lead exposure, the provider shall follow applicable law if the child's parent or guardian continues to refuse to have the child tested.

(2) If all the responses to the lead exposure risk questionnaire are negative, the provider shall complete the form issued by the Department indicating that the questionnaire was completed.]

J.—K. (text unchanged)

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 15 FOOD

10.15.03 Food Service Facilities

Authority: Article Health-General, §§18–102, 21-101, 21-102, 21-202, 21-211, 21-234, 21-301, 21-304, 21-308, 21-309.1, 21-309.2, 21-324.1, and 21-330.1, Annotated Code of Maryland

Notice of Proposed Action

[23-134-P]

The Secretary of Health proposes to amend Regulations .02 and .27 under **COMAR 10.15.03 Food Service Facilities.**

Statement of Purpose

The purpose of this action is to:

- (1) Align regulations with statutory changes to annual revenue limits for cottage food businesses; and
- (2) Clarify language related to cottage food businesses.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action raises the annual revenue limits for cottage food businesses from \$25,000 to \$50,000.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Cottage food businesses	(+)	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.)

D. Raising the annual revenue limit for cottage food businesses may benefit some cottage food businesses. The Department cannot determine how many cottage food businesses would be affected by this change.

Economic Impact on Small Businesses

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

The proposed action will raise the annual revenue limit for cottage food businesses from \$25,000 to \$50,000. This may have a beneficial impact for some cottage food businesses, which are 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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(14) (text unchanged)

(14-1) “Consumer” means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food service facility or food processing plant, and does not offer the food for resale.

(15)—(17) (text unchanged)

(17-1) “Cottage food business” means a business that:

(a) (text unchanged)

(b) Has annual revenues from the sale of cottage food products in an amount not exceeding [\$25,000] \$50,000.

(17-2)—(86) (text unchanged)

.27 Farmer’s Market, Bake Sales, and Cottage Food Business.

A. [The approving authority shall accept as being from an approved source] *A cottage food business may offer for sale the homemade foods specified in §B of this regulation when the foods are:*

(1)—(2) (text unchanged)

B. The [approving authority] *Department* shall allow the preparation and sale of the following foods in accordance with §A of this regulation:

(1)—(7) (text unchanged)

C. Cottage Food Business.

(1) The [approving authority] *Department* shall allow the owner of a cottage food business to sell only cottage food products processed and packaged in Maryland that are:

(a)—(c) (text unchanged)

(2)—(3) (text unchanged)

(4) Upon receipt of a complaint or outbreak of illness the [approving authority] *Department* may:

(a)—(c) (text unchanged)

(5)—(7) (text unchanged)

D. If the [approving authority] *Department* finds a person to be in violation of any provision of this regulation, the [approving authority] *Department*:

(1) (text unchanged)

(2) May determine that food produced in a private home kitchen by the person [is not from an approved source] *may not be offered for sale as a cottage food.*

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 26 BOARD OF ACUPUNCTURE

Notice of Proposed Action

[23-137-P]

The Secretary of Health proposes to:

(1) Amend Regulations .02— .05 under COMAR 10.26.02 General Regulations; and

(2) Adopt new Regulations .01— .03 under a new chapter, COMAR 10.26.06 Continuing Education.

This action was considered by the Board of Acupuncture at a public meeting held on July 12, 2022, notice of which was given by publication on the Board’s website at Maryland Department of Health Maryland Board of Acupuncture pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Update the definition of “practice acupuncture” as a result of Ch. 543, Acts of 2019;
- (2) Add language that an applicant shall have graduated from a master’s level program or its equivalent in acupuncture, as a result of Ch. 543, Acts of 2019;
- (3) Remove obsolete language and make clarifying changes; and
- (4) Delete the continuing education (CE) requirements under COMAR 10.26.02.05F and establish a new chapter for CE requirements.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

10.26.02 General Regulations

Authority: Agriculture Article, §§2-301(g) and 2-304; Health Occupations Article, §§1-211, 1A-205, 1A-301, *1A-302*, 1A-306, 1A-307, and 1A-316; Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Acupuncture” means a form of health care[,] based on [a theory] *East Asian medical theories* of energetic physiology[,] that [describes] *describe* the interrelationship of the body organs [or] *and* functions of a human or animal [with an associated point or combination of points].

(3)—(7) (text unchanged)

(8) “Practice acupuncture” means the use of [oriental] *East Asian* medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health including, *but not limited to*:

(a) Stimulation of [points of] a human or animal body by the insertion of [acupuncture] needles;

(b) (text unchanged)

(c) Manual, mechanical, thermal, or electrical therapies only when performed in accordance with the principles of [oriental acupuncture] *East Asian* medical theories.

(9)—(10) (text unchanged)

.03 Application for License.

A.—C. (text unchanged)

D. The applicant shall provide documentary evidence of having met one of the following standards for education, training, or demonstrated experience:

(1) Graduation from [a course of training of at least 1,800 hours in acupuncture, including 300 clinical hours,] *at least a master’s level program or its equivalent in acupuncture* that is:

(a) Approved by the Maryland Higher Education Commission[.];

(b) (text unchanged)

(c) Found by the Board to be equivalent to a course approved [by the ACAOM] *or accredited by the authority listed under §D(1)(a) or (b) of this regulation*; or

(2) (text unchanged)

E. An applicant shall demonstrate proof of proficiency in the written and oral communication of the English language by providing documentary evidence that *the applicant has*:

(1) [The applicant has completed] *Completed* at least 60 classroom credits from an English-speaking undergraduate school or English-speaking professional school; [or]

(2) [The applicant has achieved] *Achieved* a passing score on the TOEFL within the 2 years preceding license application[.]; *or*

(3) *Passed the NCCAOM written and practical examination components in English.*

[F. Proof of proficiency in the English language does not apply to an individual who was in possession of a valid Maryland acupuncture license by March 1, 1996, or had applied by that date and subsequently met all requirements for licensure.]

.04 Approval of Applicant for Licensure.

A.—D. (text unchanged)

[E. For each individual registered with the State Board of Physician Quality Assurance to perform acupuncture as of July 1, 1994, the Board shall consider the individual licensed until December 31, 1995.]

.05 Term, Renewal, Reinstatement, and Inactive Status.

A.—E. (text unchanged)

[F. Continuing Education.

- (1) A licensee applying for renewal shall complete 30 hours of relevant continuing education during the 2-year period preceding the expiration of the license which include the following:
- (a) At least 20 hours in formally organized programs which are relevant to the practice of acupuncture and Oriental medicine and are approved by the Board or sponsored by, but not limited to, the following organizations and their member organizations:
 - (i) American Academy of Medical Acupuncture;
 - (ii) American Association of Acupuncture and Oriental Medicine (AAAOM);
 - (iii) Council of Colleges of Acupuncture and Oriental Medicine (CCAOM);
 - (iv) Colleges and universities accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM);
 - (v) National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM);
 - (vi) Society for Acupuncture Research; or
 - (vii) The National Acupuncture Detoxification Association;
 - (b) Not more than 10 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation which are relevant to the practice of acupuncture and are sponsored by, but not limited to, organizations listed in §F(1)(a) of this regulation and the following organizations:
 - (i) World Health Organization (WHO);
 - (ii) National Institutes of Health (NIH);
 - (iii) American Medical Association (AMA);
 - (iv) American Nurses Association (ANA);
 - (v) American Psychiatric Association (APA);
 - (vi) Red Cross;
 - (vii) Local colleges; or
 - (viii) Local hospitals;
 - (c) Not more than 10 hours of training in approved programs which will assist a licensee to carry out the licensee's professional responsibilities, including, but not limited to:
 - (i) Management courses for a school administrator;
 - (ii) Foreign language training for translators of relevant texts;
 - (iii) Educational methodology for teachers of acupuncture;
 - (d) Not more than 10 hours teaching acupuncture and related Oriental medical therapies in an accredited school or in a program approved for acupuncture continuing education;
 - (e) Not more than 7 hours of pro bono work as outlined in §F(3) of this regulation; or
 - (f) Not more than 7 hours in published writing or articles in acupuncture and Oriental medicine that are:
 - (i) Peer-reviewed research or peer-reviewed clinically relevant articles in acupuncture and Oriental medicine; and
 - (ii) Limited to 4 hours per article.
- (2) Pro Bono Work.
- (a) Pro bono work shall earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of 7 credit hours per renewal cycle.
 - (b) Pro bono work shall be for the provision of acupuncture services provided through an organization offering humanitarian services such as, but not limited to:
 - (i) Domestic or international victims in an emergency situation or disaster area;
 - (ii) Low income or underserved areas or populations;
 - (iii) Special needs populations; or
 - (iv) United States military personnel.
 - (c) Upon completion of the pro bono work, the licensee shall obtain from the facility written documentation of completion of pro bono hours including:
 - (i) The name of the facility;
 - (ii) The address where the pro bono work was provided;
 - (iii) The type of work that was done;
 - (iv) The number of hours of actual work provided for which the licensee desires credit hours; and
 - (v) A statement guaranteeing that the work provided no financial benefit to licensee.
- (3) Licensees shall maintain the documentation of their continuing education credits for 4 years from the date of their acupuncture renewal.
- (4) If requested by the Board, a licensee shall provide proof of continuing education attendance by providing documentation of:
- (a) Name of the program;
 - (b) Date of the program;
 - (c) Number of continuing education hours earned; and
 - (d) Name of the sponsoring organization.]

10.26.06 Continuing Education

Authority: Health Occupations Article, §§1A-205 and 1A-306, Annotated Code of Maryland

.01 Scope.

This regulation governs all acupuncturists licensed to practice in the State of Maryland.

.02 Definitions.

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

B. Term Defined. "Board" means the State Board of Acupuncture.

.03 Licensure Renewal.

A. A licensee applying for renewal shall complete 30 hours of relevant continuing education during the 2-year period preceding the expiration of the license which include the following:

(1) At least 20 hours in formally organized programs approved by the Board which are relevant to the practice of acupuncture and East Asian medicine;

(2) Not more than 10 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation which are relevant to the practice of acupuncture and East Asian medicine;

(3) Not more than 10 hours of training in approved programs which will assist a licensee to carry out the licensee's professional responsibilities, including, but not limited to:

(a) Management courses for a school administrator;

(b) Foreign language training for translators of relevant texts; or

(c) Educational methodology for teachers of acupuncture;

(4) Not more than 10 hours teaching acupuncture and related East Asian medical therapies in an accredited school or in a program approved for acupuncture continuing education;

(5) Not more than 7 hours of pro bono work as outlined in §B of this regulation;

(6) Not more than 7 hours in published writing or articles in acupuncture and East Asian medicine that are:

(a) Peer-reviewed research or peer-reviewed clinically relevant articles in acupuncture and East Asian medicine; and

(b) Limited to 4 hours per article;

(7) Not more than 20 hours for passage of the NCCAOM exam within the 2-year period preceding the expiration of the license; or

(8) Not more than 10 hours serving on a professional board involving:

(a) Acupuncture; or

(b) East Asian medicine.

B. Pro Bono Work.

(1) Pro bono work shall:

(a) Earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of 7 credit hours per renewal cycle; and

(b) Be for the provision of acupuncture services provided through an organization offering humanitarian services such as, but not limited to:

(i) Domestic or international victims in an emergency situation or disaster area;

(ii) Low-income or underserved areas or populations;

(iii) Special needs populations; or

(iv) United States military personnel.

(2) Upon completion of the pro bono work, the licensee shall obtain from the facility written documentation of completion of pro bono hours, including:

(a) The name of the facility;

(b) The address where the pro bono work was provided;

(c) The type of work that was done;

(d) The number of hours of actual work provided for which the licensee desires credit hours; and

(e) A statement guaranteeing that the work provided no financial benefit to the licensee.

C. Licensees shall maintain the documentation of their continuing education credits for 4 years from the date of their acupuncture renewal.

D. If requested by the Board, a licensee shall provide proof of continuing education attendance by providing documentation of:

(1) Name of the program;

(2) Date of the program;

(3) Number of continuing education hours earned; and

(4) Name of the sponsoring organization.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

10.38.08 Continuing Education Requirements

Authority: Health Occupations Article, §§13-206 and 13-311, Annotated Code of Maryland

Notice of Proposed Action

[23-145-P]

The Secretary of Health proposes to amend Regulations .01—.08 under **COMAR 10.38.08 Continuing Education Requirements**. This action was considered by the Board of Physical Therapy Examiners at a public meeting held on July 20, 2021, notice of which was given by publication on the Board's website at Pages - Board of Physical Therapy Examiners (maryland.gov) pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Update and define certain terms;

(2) Clarify and identify opportunities for licensees to obtain continuing education (CE) hours;

- (3) Update CE renewal and reinstatement requirements; and
- (4) Make other revisions or technical corrections as needed.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.01 Scope.

This chapter governs:

- A.—B. (text unchanged)
- C. [Sponsors] *Providers* of continuing education [courses].

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “*APTA*” means the American Physical Therapy Association and its:

- (a) *Academies*;
- (b) *Sections*; and
- (c) *State chapters*.

[(1) “Continuing education unit (CEU)” means the basic unit of measurement for a licensee’s direct participation in continuing education consisting of 10 contact hours.]

(2) [Contact] *CE Hour*.

(a) “[Contact] *CE hour*” means a period of 60 minutes in which [actual learning takes place] *the licensee is engaged in a learning activity*.

(b) “[Contact] *CE hour*” does not include[:

- (i) A] *any* portion of [the program] *continuing education* devoted to registration, breaks, *social networking*, or meals[; or
- (ii) Fractions of an hour].

(3) “*Continuing education (CE)*” means *learning experiences that*:

- (a) *Include a licensee’s direct participation*; and
- (b) *Are designed to enhance the professional practice of physical therapy and limited physical therapy*.

(4) “*Provider*” means *an individual or group who designs and develops CE activities*.

.03 Continuing Education Requirements.

A. Continuing education is a requirement for renewal or reinstatement of licenses for physical therapists and physical therapist assistants, [and] *which* may be obtained by:

(1) Postgraduate studies *which include academic and professional studies that enhance competencies or instill new knowledge or skills, or both*;

(2) Attendance *at* or presentation [at] of seminars, conferences, *courses*, or workshops;

(3) Authoring, co-authoring, or editing of a book, book chapter, [refereed] *peer-reviewed journal* article, or abstract; [or]

(4) Home or *self-directed* study[, including internet courses.];

(5) *Research*;

(6) *Workplace and community service contributions, and leadership relevant to the development of personal and professional competence*; or

(7) *Supervision of physical therapists or physical therapist assistant students in a clinical rotation*.

B. [Professional] *Continuing education* eligible for [continuing education credit] *CE hours* shall [be]:

(1) [Relevant] *Be relevant* to the [clinical] *professional practice* of physical therapy; [and]

(2) [Directed] *Be directed* to a professional audience[.]; and

(3) *Promote continuous professional development*.

C. The Board shall have final approval of the relevancy of the [program to the practice of physical therapy] *continuing education*.

D. Continuing education [courses] shall have [course materials that include] clear and concise written statements of:

(1) [Intended learning] *Learning* outcomes; or

(2) [Behavioral] *Instructional* objectives[;and

(3) Performance objectives].

E. Continuing education [courses sponsored by the American Physical Therapy Association are] *offered by the following organizations is* automatically approved by the Board[.]:

(1) *APTA*; and

(2) *The Federation of State Boards of Physical Therapy (FSBPT)*.

F. *Continuing education approved by APTA is automatically accepted by the Board*.

.04 Continuing Education [Course] Approval.

A. To obtain approval of [a] continuing education [course], a [course sponsor] *provider* shall submit the following [materials] *information* to the Board 6 weeks before the [course] *activity commencement date*:

- (1) An application on a Board-approved application form, accompanied by any required fee *set forth in COMAR 10.38.07.02*;
- (2) A complete hour-by-hour agenda of the [course] *CE*;
- (3) A clear and concise written statement describing the [course's intended learning] *CE's*:
 - (a) *Learning outcomes*[, behavioral]; *or*
 - (b) *Instructional objectives*[, or performance objectives];
- (4) [A curriculum] *Curriculum vitae* for each instructor describing the instructor's competence in the [course] *CE* subject matter and skill in instructional methodologies; and
- (5) If an instructor is not licensed by the Board *or does not hold a Maryland compact privilege* and plans to perform physical therapy in conjunction with the [course] *CE*, an application for a restricted license obtained from the Board.

B. Public Representations.

- (1) If [a course] *the CE* is approved by the Board, the Board shall notify the [sponsor] *provider* of the approval, *including the number of approved CE hours*.
- (2) If a [sponsor] *provider* receives notification under §B(1) of this regulation, the [sponsor] *provider* may represent that [a course] *the CE* has been approved by the Board.
- (3) Approved [course] *CE* certificates and advertisements shall contain the following statement: "This [course] *continuing education* has been approved by the Maryland State Board of Physical Therapy Examiners for _____ [CEUs] *CE hours*."
- (4) A record of [course] *CE* attendees shall be retained by the [sponsor] *provider* for at least 4 years.
- (5) The [sponsor] *provider* shall submit to the Board for approval any *CE* changes [in an approved course], such as changes in [speaker, content, or length]:
 - (a) *Instructor*;
 - (b) *Agenda*;
 - (c) *Content*;
 - (d) *Learning outcomes*;
 - (e) *Instructional objectives*; *or*
 - (f) *Length*.

C. Term of Approval.

- (1) The Board shall approve [a continuing education course] *the CE* for a period of 4 years.
 - (2) At the expiration of the 4-year approval period, the [course sponsor] *provider*:
 - (a) [may] *May* resubmit the [course] *CE*; and
 - (b) [shall] *Shall* meet the approval requirements of §A of this regulation.
- D. *A licensee may submit a request for review of continuing education from the Board if the:*
- (1) *Continuing education is not already approved or disapproved by the Board; and*
 - (2) *Licensee submits a request to the Board at least 30 days prior to the commencement of the CE activity containing, but not exclusive to, information set forth in Regulation .08 of this chapter.*
- E. *The Board may request payment of a continuing education review as set forth in COMAR 10.38.07.02.*

.05 Renewal Requirements.

- A. A licensee shall [earn CEUs]:
- (1) *Earn CE hours* between April 1 and March 31 during the 2-year period before renewal; and
 - (2) [maintain the] *Maintain* records of the [course] *CE* subject matter, *certificates of completion*, hours, date, and [continuing education units] *CE hours* to present to the Board on request.
- B. [CEUs] *CE hours* completed after March 31 of the year of the renewal may not be accepted.
- C. (text unchanged)
- D. A physical therapist shall earn [3 CEUs equal to] 30 [contact] *CE* hours for the renewal period.
- E. A physical [therapy] *therapist* assistant shall earn [2 CEUs equal to] 20 [contact] *CE* hours for the renewal period.
- F. [CEUs] *CE hours* may not be carried over from one renewal period to the next.
- G. Failure to substantiate [CEUs] *CE hours* if requested by the Board shall result in denial of license renewal or [of] reinstatement of a license.
- H. If the licensee has met all the requirements for renewal, the Board may renew a license for the first renewal period following the issuance of the original license without requiring the physical therapist or physical therapist assistant to complete any [CEUs] *CE hours* if, at the time of renewal, the original license was issued 1 year or less before the renewal period.

.06 Auditing Compliance with Continuing Education Requirements.

- A.—B. (text unchanged)
- C. At the time of audit, the audited licensees shall submit[:
- (1) Continuing education certificates earned between April 1 and March 31 during the 2-year period before renewal; and
 - (2) A completed continuing education form] *documentation relating to compliance with CE requirements as set forth in this chapter*.
- D. The Board may request from the licensee [a brochure, agenda, or other material for courses that have not been previously approved by the Board] *evidence of achieving the CE hours*.

.07 Reinstatement Requirements.

- A. A physical therapist shall earn [3 CEUs] 30 *CE hours* in the 2-year period immediately preceding reinstatement.
- B. A physical [therapy] *therapist* assistant shall earn [2 CEUs] 20 *CE hours* in the 2-year period immediately preceding reinstatement.

.08 Continuing Education [Unit Requirements for Physical Therapy Clinical Practice] Professional Development Criteria.

[A. Continuing Education is a requirement for renewal or reinstatement of licenses for a physical therapy clinical practice.

B. Activities] *CE activities* meeting the criteria for continuing education requirements for *the* practice of physical therapy may [be classified as follows] *include*:

[(1)] *A. Postgraduate academic course work in physical therapy taken at an accredited college or university, which may earn [1 CEU per credit hour] 10 CE hours per course credit;*

[(2)] *B. Attendance at Board-approved or [American Physical Therapy Association sponsored] APTA-approved continuing education [courses or workshops], which may earn 1 [CEU] CE hour for every [10 contact hours] approved hour;*

[(3)] *C. Presentation of [a] continuing education [course or workshop], which may earn 2 [contact] CE hours for every hour of presentation with presentations of the same subject matter receiving [CEU credit] CE hours only once in a [2-year period] renewal period;*

[(4)] *D. Authoring, co-authoring, or editing of a book, book chapter, or [refereed] peer-reviewed journal article, which may earn [3 CEUs] 30 CE hours with proof accompanying the request for approval;*

[(5)] *E. Authoring an abstract, which may earn [1 CEU] 10 CE hours;*

[(6)] *F. Completion of an approved [self-study] self-directed study course, which may earn 1 [contact] CE hour per interactive hour;*

[(7)] *G. Completion of an approved [internet] home study course, which may earn 1 [contact] CE hour per interactive hour;*

[(8)] *H. Completion of continuing education relevant to [the administration of physical therapy practice may earn up to 1.5 CEUs] workplace and community service contributions, and leadership relevant to the development of personal and professional competence, which may earn 1 CE hour only once in a renewal period; [or]*

[(9)] *Postgraduate academic course work in administration of the practice of physical therapy may earn a maximum of 1.5 CEUs in each 2-year period.]*

[C. CEUs may not be carried over from one renewal period to the next.

D. Failure to substantiate CEUs if requested by the Board shall result in denial of license renewal or of reinstatement of a license.

E. If the licensee has met all the requirements for renewal, the Board may renew a license for the first renewal period following the issuance of the original license without requiring the physical therapist or the physical therapist assistant to complete any CEUs, if, at the time of renewal, the original license was issued 1-year or less before the renewal date.

F. To aid licensees in the selection of appropriate continuing education courses, the Board may review, without charge, a course brochure, outline, or agenda before the licensee attends the course, if the request is submitted at least 1 month before the course date.]

I. Supervision of physical therapists or physical therapist assistant students in a clinical rotation, which may earn 10 CE hours only once in a renewal period (1 CE hour equals 40 hours of supervision); or

J. Research, which may earn 10 CE hours.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.06 Continuing Education Requirements

Authority: Health Occupations Article, §§19-205 and 19-308, Annotated Code of Maryland

Notice of Proposed Action

[23-147-P]

The Secretary of Health proposes to amend Regulations .02, .03, and .05—.11 under **COMAR 10.42.06 Continuing Education Requirements**. This action was considered by the Board of Social Work Examiners at public meetings held on April 9, 2021 and October 8, 2021, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bswe/Pages/default.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Redefine Category I activities to include live, real-time interactive learning experiences;
- (2) Add a cultural competency CE requirement to Regulation .03 on anti-oppressive social work practice content focusing on race, culture, and equity;
- (3) Remove the section on Board-authorized provisional sponsors;
- (4) Reduce the amount of time required to retain records documenting completion of CEUs from 3 years to 2 years;
- (5) Add clarifying language; and
- (6) Correct cross-references.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - (2) “Authorized sponsor” means an individual, *agency*, or organization that is authorized to provide continuing education programs and to offer under its auspices programs as set forth in Regulation .05 of this chapter.
 - (3) (text unchanged)
 - (4) “Category I” means activities that are formally organized face-to-face, *or live, real time interactive* learning experiences provided by [Board-approved] *authorized sponsors as set forth in Regulation .04 of this chapter.*
 - (5) “Category II” means [activities that are independent, less structured] learning experiences *as set forth in Regulation .04 of this chapter.*
 - (6) “Committee” means the [Advisory Committee for] Continuing Education *Committee* appointed by the Board.
 - (7) “Continuing education” means completing approved programs designed to provide:
 - (a) Enhancement of *professional* social work practice, values, skills, and knowledge; and
 - (b) Enrichment of *professional* social work services and competence.
 - (8) (text unchanged)
 - (9) “Exception” means [an exception granted by the Board for any of] *a deviation or departure from* the continuing education requirements for circumstances set forth in Regulation [.06] .11 of this chapter *that is granted at the discretion of the Board.*
 - (10) “Extension” means a period of time, not to exceed 6 months for renewal [or 1 year for reactivation or reinstatement], that the Board authorizes to permit additional time for [the] *a social worker with an active license* to obtain the required continuing education units needed for renewal[, reactivation, or reinstatement] of a license as set forth in Regulation [.08] .10 of this chapter.
 - (11)—(12) (text unchanged)

.03 Continuing Education Requirements.

- A. The Board shall renew a license for an additional 2-year period if the social worker:
 - (1) Completes 40 (30 for Licensed Bachelor Social Workers) continuing education units within the renewal period, of which a minimum of:
 - (a) (text unchanged)
 - (b) 3 of the required Category I or Category II continuing education units shall have a content area focusing on ethics and professional conduct, including boundary issues, or pertaining to the standards of practice and laws governing the profession of social work in Maryland; [and]
 - (c) For registered and Board-approved supervisors, 3 of the required Category I or Category II continuing education units shall have a content area focusing on supervision as stipulated in COMAR [10.42.08.04A(2)(c)] *10.42.08.04B(3); and*
 - (d) *3 of the required Category I continuing education units shall have anti-oppressive social work practice content focusing on race, culture, or equity, and include one or more of the following topics:*
 - (i) *Cultural humility;*
 - (ii) *Social justice;*
 - (iii) *Racial equity;*
 - (iv) *Implicit bias; or*
 - (v) *Anti-racism practices;*
 - (2)—(3) (text unchanged)
- B. (text unchanged)

.05 Authorization of Sponsors and Approval of Continuing Education Programs.

- A. [Board-Authorized] *Authorized Sponsors.*
 - (1) [Board-authorized] *Authorized* sponsors shall offer continuing education programs that meet the objectives set forth in Regulations .01B and .04 of this chapter.
 - (2) The following are [Board-authorized] *authorized* sponsors:
 - (a)—(c) (text unchanged)
 - (3) *An authorized sponsor shall:*
 - (a) *Include the following in the program announcement, flyer, or brochure:*
 - (i) *The date, title, location, objectives, and content of the program;*
 - (ii) *The number of continuing education units that will be awarded by the sponsor on a certificate awarded to the social worker on completion of the program;*
 - (iii) *A statement that the named sponsor is authorized by the Board; and*
 - (iv) *A statement that the named sponsor maintains responsibility for the program;*
 - (b) *Ensure that a program certificate or letter of completion is provided on official letterhead and includes the following:*
 - (i) *The name of the social worker;*
 - (ii) *The date, title, and location of the program;*
 - (iii) *The number of continuing education units that are being awarded to the social worker on completion of the program only for actual time in attendance;*

(iv) An authorizing name, signature, and contact information for the person responsible for awarding the certificate or letter of completion;

(v) A statement that the named sponsor is authorized by the Board; and

(vi) A statement that the named sponsor maintains responsibility for the program; and

(c) Maintain documentation of continuing education activity for 4 years, which may include pretests and post-tests, but shall include:

(i) Registration and attendance records;

(ii) Stated purpose;

(iii) Content of presentation;

(iv) Time and length of activity; and

(v) Participant evaluations.

(4) The Board may audit authorized sponsors' continuing education programs and activities at any time.

[B. Board-Authorized Provisional Sponsors.

(1) Individuals and organizations not included in §A(2) of this regulation may become authorized sponsors of continuing education programs by:

(a) Submitting the required application on a form provided by the Board at least 45 days before conducting the sponsor's first program;

(b) Paying a fee as provided in COMAR 10.42.05.02; and

(c) Being approved by the Board.

(2) Board-authorized provisional sponsors will receive authorization upon approval and shall provide to the Board all program required documentation.]

[C.] B. (text unchanged)

[D.] C. The Board shall maintain a roster of [authorized] *Board-authorized* sponsors.

[E. Authorized Sponsor.

(1) An authorized sponsor shall:

(a) Include the following in the program announcement, flyer, or brochure:

(i) The date, title, location, objectives, and content of the program;

(ii) The number of continuing education units that will be awarded by the sponsor on a certificate awarded to the social worker on completion of the program;

(iii) A statement that the named sponsor is authorized by the Board; and

(iv) A statement that the named sponsor maintains responsibility for the program;

(b) Include the following on a program certificate or letter of completion:

(i) The name of the social worker;

(ii) The date, title, and location of the program;

(iii) The number of continuing education units that are being awarded to the social worker on completion of the program only for actual time in attendance;

(iv) An authorizing name, signature, and contact information for the person responsible for awarding the certificate or letter of completion;

(v) A statement that the named sponsor is authorized by the Board; and

(vi) A statement that the named sponsor maintains responsibility for the program; and

(c) Maintain documentation of continuing education activity for 4 years, which may include pretests and post-tests, but shall include:

(i) Registration and attendance records;

(ii) Stated purpose;

(iii) Content of presentation;

(iv) Time and length of activity; and

(v) Participant evaluations.

(2) The Board may audit authorized sponsors' continuing education programs and activities at any time.]

[F.] D. Suspension or Revocation of an Authorized Sponsor. Authorization as a sponsor may be suspended or revoked if the sponsor does not comply with the requirements of [§E] §A of this regulation or the criteria set forth in Regulation .04 of this chapter.

.06 Reporting, Documenting, and Auditing Compliance with Continuing Education Requirements.

A.—C. (text unchanged)

D. Documentation. [A social worker shall provide to the Board:]

(1) A social worker shall provide to the Board:

(a) An official transcript for continuing education units earned in a course taken for *academic* credit;

(b)—(f) (text unchanged)

(g) Topics, dates, times, [and] names of participants, *location, and continuing education units earned on official letterhead* in structured peer-case conferences and journal club activities.

(2) (text unchanged)

E. Record Retention for Active, Expired, or Inactive License.

(1) (text unchanged)

(2) Expired Licenses. [A social worker with] *An individual who has an expired, non-renewed license* shall:

(a) Retain records documenting completion of continuing education requirements for [each 2-year period that the license was expired, up to a maximum of 40 (30 for Licensed Bachelor Social Workers) continuing education units] *the 2 years immediately preceding the submission of an application for reinstatement*; and

(b) File with the Board documentation of completion of continuing education units at the time of reinstatement [or submit a written request for an extension of time in order to obtain the required credit hours].

(3) Inactive Licenses. [A social worker with] *An individual who has an inactive license shall:*

(a) Retain records documenting completion of continuing education requirements for the [3] 2 years immediately preceding *the submission of an application for reactivation*; and

(b) File with the Board documentation of completion of continuing education units at the time of reactivation [or submit a written request for an extension of time in order to obtain the required credit units].

F. Responsibility for Conducting the Audits.

(1) The Board staff *or the Board's designee* shall:

(a) Review and evaluate the documentation submitted for the purpose of the audits; [and]

(b) *Notify a social worker by electronic mail or first-class mail if continuing education requirements have not been met; and*

[(b)] (c) (text unchanged)

(2)—(3) (text unchanged)

[(4)] The Board may take disciplinary action under COMAR 10.42.04 against any social worker who fraudulently attests to or does not submit continuing education documentation.

(5) A licensee who fails to complete the continuing education requirements within the time frame specified under Regulation .03 of this chapter may be subject to informal or formal discipline for failure to meet the requirements.]

.07 Consequences of Failure to Comply with Continuing Education Requirements.

A. *The Board shall take disciplinary action under COMAR 10.42.04 against any social worker who fraudulently attests to or does not submit continuing education documentation.*

B. *A social worker who fails to complete the continuing education requirements within the time frame specified under Regulation .03 of this chapter may be subject to informal or formal discipline.*

C. *A social worker who fails to meet the continuing education requirements may not be issued a license renewal.*

D. The Board shall notify a social worker by *electronic mail and first-class mail* that the license has not been renewed if the following has occurred:

[A.] (1) The Board has not received the required certification of completion of continuing education requirements by October 31 of the renewal year [and an extension has not been requested];

[B.] (2) Continuing education requirements have not been met[, and an extension request has been denied by the Board]; or

[C. An extension was not submitted to the Board; or]

[D.] (3) (text unchanged)

E. *The Board shall close an application that is not approved after 1 year from date of receipt.*

.08 Reinstatement of Licenses.

[A social worker] *An individual whose license has not been renewed is entitled to reinstatement within 5 years [of the date the license expired, by] if the following is completed on or before October 31 of the 5th year after the date the license expired:*

A. *All required documentation is submitted and approved by the Board;*

[A.] B. [Paying the] *The reinstatement fee established by the Board is paid, as provided in COMAR 10.42.05.02; and*

[B.] C. [Demonstrating to the Board that the social worker] *The individual has met all continuing education requirements by obtaining 40 (30 for Licensed Bachelor Social Workers) continuing education units in the 2 years preceding the [social worker's] individual's application for reinstatement.*

.09 Reactivation of Licenses.

[A social worker] *An individual whose license [has not been renewed] was placed on inactive status is entitled to reactivation within 5 years [of the date the license expired, by] if the following is completed on or before October 31 of the 5th year after the date the license was placed on inactive status:*

A. *All required documentation is submitted and approved by the Board;*

[A.] B. [Paying the] *The reactivation fee established by the Board is paid, as provided in COMAR 10.42.05.02; and*

[B.] C. [Demonstrating to the Board that the social worker] *The individual has met all continuing education requirements by obtaining 40 (30 for Licensed Bachelor Social Workers) continuing education units in the 2 years preceding the [social worker's] individual's application for reactivation.*

.10 Extension of Time.

A. [A social worker shall] *An actively licensed social worker may file a request [for an extension of] to extend time and conditionally renew a license[, including the supporting documentation, with the Board]. The request shall [be]:*

(1) *Be in writing;*

(2) *Include supporting documentation; and*

(3) *Be filed before October 1 of the renewal year.*

B. (text unchanged)

C. The Board may grant an extension of time and conditionally renew [a] *an active social work license* for up to 6 months [or reactivate or reinstate a license with an extension not to exceed 1 year] if the Board determines that:

(1) (text unchanged)

(2) *The social worker attempted to meet the continuing education requirements.*

D. *Failure of a social worker with an active license to obtain the required continuing education units on or before the 6-month extension expires shall result in:*

(1) *The expiration of the license;*

[(1)] (2) (text unchanged)

[(2)] (3) *The Board placing the license on [inactive] non-renewed status.*

E. Continuing education hours earned after October 31 of the second year to fulfill the conditions of an extension may *only* be credited [only] to the preceding 2-year period.

F. The Board shall audit a social worker who has been granted an extension of time *under this regulation* for the completion of continuing education requirements.

.11 Exceptions from [Any of the] *Certain* Requirements.

A. Before attending a program, a social worker *with an active license* requesting an exception from [any of the] *certain* requirements of this chapter shall provide:

[A.] (1)—[C.] (3) (text unchanged)

[D.] B. The Board shall audit [a] *an actively licensed* social worker who has been granted an exception from the continuing education requirements.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 64 BOARD OF NURSING — LICENSED DIRECT-ENTRY MIDWIVES

10.64.01 Practice of Licensed Direct-Entry Midwives

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

Notice of Proposed Action

[23-142-P]

The Secretary of Health proposes to amend Regulation .15 under **COMAR 10.64.01 Practice of Licensed Direct-Entry Midwives**.

Statement of Purpose

The purpose of this action is to conform the education requirements for direct-entry midwives to the 2018 legislation that added completion of a North American Registry of Midwives (NARM) Midwifery Bridge Certificate Program as an acceptable means of meeting education requirements for licensure.

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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.15 Qualifications of Applicants for Initial Licensure.

A. (text unchanged)

B. Midwifery Education Program. The applicant shall:

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

(2) *Have completed the NARM Midwifery Bridge Certificate Program; or*

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

LAURA HERRERA SCOTT
Secretary of Health

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 12 MOTOR VEHICLE ADMINISTRATION—LICENSING OF BUSINESSES AND OCCUPATIONS

11.12.01 Dealers and Salesmen

Authority: Commercial Law Article, §14-1502; Transportation Article, §§12-104(b), 13-503, 13-610, 13-621, 15-102, 15-103, 15-105, 15-107, 15-108, 15-305.1, 15-307—15-309, 15-311.1, 15-312, 15-313, 15-406, 15-408, 15-409, and 15-411; Annotated Code of Maryland

Notice of Proposed Action

[23-106-P]

The Motor Vehicle Administration proposes to amend Regulation .14 under **COMAR 11.12.01 Dealers and Salesmen**.

Statement of Purpose

The purpose of this action is to update regulations to modernize business practices with regard to advertising for used vehicle dealers by allowing them to advertise vehicles that are in the possession of the manufacturer.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway, N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tshellfield@mdot.maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.14 Dealers' Advertising and Trade Practices.

A.—C. (text unchanged)

D. Bait Advertising and Selling Practices.

(1) A vehicle advertised at a specific price shall be in the possession of the advertiser [in the case of a used vehicle,] or be available [in the case of a new vehicle] *for shipment to the dealer from the manufacturer or distributor*. The vehicle shall be shown, demonstrated, and sold, or if a new vehicle, orders shall be taken for future delivery of the identical model, at the advertised price and terms. If the *advertised* vehicle is a used vehicle, and it has been sold, the advertiser shall substantiate, upon request, sales records of the [previously] advertised vehicle.

(2) *A dealer may not require a purchaser to pay a deposit or other charge on a used vehicle when the vehicle and vehicle title are not in the possession of the dealer.*

(3) *Notwithstanding any deposit or other charge, a purchaser may reject or decline to purchase the used vehicle upon physical inspection of the vehicle without penalty or charge.*

(4) *No used vehicle purchase agreement shall be considered final until the vehicle and vehicle title are in the possession of the dealer.*

[(2)] (5)—[(6)] (9) (text unchanged)

E.—L. (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 14 INDEPENDENT AGENCIES

Subtitle 01 PRESCRIPTION DRUG AFFORDABILITY BOARD

14.01.02 Prescription Drug Affordability Fund

Authority: Health-General Article, §§21-2C-03(f) and 21-2C-11, Annotated Code of Maryland

Notice of Proposed Action

[23-139-P]

The Maryland Prescription Drug Affordability Board proposes to amend Regulations .02 and .03 under **COMAR 14.01.02 Prescription Drug Affordability Fund**. This action was considered and approved by the Maryland Prescription Drug Affordability Board at a public meeting held on May 22, 2023, notice of which was provided by publication on the PDAB website at https://pdab.maryland.gov/2023_board_meeting.html, as required under General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to: (1) specify the available methods for paying the fee assessment; (2) identify documentation to substantiate a request for exemption from assessment; (3) rescind the waiver procedures; (4) codify a reconsideration procedure following the denial of a request for exemption; (5) codify a procedure for reviewing and updating the list of assessed entities; and (6) clarify that carriers that provide health benefit plans are subject to assessment.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action is projected to effect a decrease in annual revenue to the Prescription Drug Affordability Fund, a positive economic impact on insurance carriers that do not provide health benefit plans, and a minimal negative impact on entities that were granted waivers for the FY 23 assessment. Unless otherwise exempt, entities (pharmaceutical manufacturers, wholesale distributors, pharmacy benefit managers, and carriers) that were granted waivers from assessment in FY 23 will be subject to assessment.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure	

(E+/E-)

	Benefit (+)	Cost (-)	Magnitude
A. On issuing agency:			
Maryland Prescription Drug Affordability Board	(R-)		\$143,000
B. On other State agencies:			
	NONE		
C. On local governments:			
	NONE		
D. On regulated industries or trade groups:			
	NONE		
E. On other industries or trade groups:			
(1) Entities granted waivers	(-)		\$57,000
(2) Insurance carriers	(+)		\$200,000
F. Direct and indirect effects on public:			
	NONE		

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

A. An estimated 200 of the 399 assessed insurance carriers may be eligible for exemption from the \$1000 annual assessment, resulting in a decrease in revenue up to \$200,000. To date, 57 entities (pharmaceutical manufacturers, wholesale distributors, pharmacy benefit managers and carriers) have been granted waivers from the FY 23 assessment. Rescinding the waiver process is anticipated to increase revenue by \$57,000.

E(1). To date, 57 entities (pharmaceutical manufacturers, wholesale distributors, pharmacy benefit managers and carriers) have been granted waivers from the FY 23 assessment. Unless otherwise exempt, these entities will be subject to assessment.

E(2). An estimated 200 of the 399 assessed insurance carriers may be eligible for exemption from the \$1,000 annual assessment.

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 Christina Shaklee, Health Policy Analyst Advanced, Maryland Prescription Drug Affordability Board, 16900 Science Drive, Suite 112—114, Bowie, MD 20715, or call 410-703-7015, or email to pdab.regs@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.02 Fee Assessment, Exemption, [Waiver,] and Collection.

A. Annual Assessment.

(1) In each State fiscal year, the Board shall issue a fee assessment to each entity identified in Health-General Article, §21-2C-11, Annotated Code of Maryland, and Regulation .03 of this chapter and collect the assessment.

(2) *Unless the entity requests and is granted an exemption from the assessment, the entity shall pay the assessment by October 1.*

(3) *An entity may pay the assessment by ACH transfer, wire transfer, or check.*

B. Exemption from Assessment.

(1)—(2) (text unchanged)

(3) The entity bears the burden of demonstrating it qualifies for the claimed exemption and shall submit documentation in support of the exemption request [as required by the Board.], *as follows:*

(a) *The entity shall provide an executed certificate of business record (available on the Board’s website) authenticating any business record the entity submits in support of the request for exemption.*

(b) *For carriers, supporting documentation may include but is not limited to NAIC “Annual Statement” including the cover page (signature page/jurat), Maryland State page, and Schedule T, acknowledgment from Maryland Insurance Administration of merger/change in subsidiary status, and SEC 10-K (any applicable exhibits).*

(c) *For manufacturers, distributors, and PBMs, supporting documentation may include but is not limited to discharge in bankruptcy, documentation of merger/change in corporate structure/subsidiary status (for example, SEC 10-K and any applicable exhibits), acknowledgment from Board of Pharmacy of expiration of license/registration, expired license/registration, documentation that manufacturer/distributor provides only non-covered products (for example, provides gases only, product or inventory lists), and documentation that the entity does not do business in Maryland.*

(d) *If the entity is unable to provide any documentation supporting the claimed exemption, the entity shall provide an affidavit (form on Board’s website) from the chief operating officer, chief financial officer, or other authorized official attesting to the factual basis of the claimed exemption.*

(4) (text unchanged)

(5) The Board shall determine all requests for exemption promptly [and may require additional documentation or information from the entity requesting an exemption].

[C. Waiver of Assessment.

(1) An entity that is otherwise subject to assessment because it meets the definition of a qualifying entity under COMAR 14.01.01 and Health-General Article, §21-2C-11(b)(1), Annotated Code of Maryland, may request a waiver of the annual assessment by submitting a completed waiver form to the Board within 30 days of the Board transmitting the assessment.

(2) The waiver form shall be executed under oath and:

(a) Attest that the Prescription Drug Affordability Fund assessment exceeds 1 percent of the entity's Maryland revenue in a specified year; and

(b) Be accompanied by supporting documentation for the specified year.

(3) The entity's Maryland revenue is based on:

(a) The entity's most recent completed tax year; and

(b) The entity's total Maryland revenue.

(4) Recommended supporting documentation includes verifiable evidence of the entity's Maryland revenue for the entity's most recent completed tax year, including, but not limited to, the entity's Maryland income tax return and supporting schedules.

(5) The entity bears the burden of demonstrating it qualifies for the claimed waiver and shall submit additional documentation in support of the exemption request as required by the Board.

(6) While the waiver request is pending, payment of the assessment is deferred.

(7) The Board shall determine all requests for waiver promptly and may require additional documentation or information from the entity requesting a waiver.]

C. Reconsideration.

(1) *Within 15 days of the notice denying the exemption, an entity may file for reconsideration of the denial of a request for exemption by submitting:*

(a) *A request for reconsideration on the form provided; and*

(b) *Additional information or documentation in support of the claimed exemption.*

(2) *A request for reconsideration that does not include additional information or additional documentation will be denied.*

(3) *If the request for exemption is denied after reconsideration, the entity shall pay the assessment within 30 days of the issuance of the notice of denial.*

D. (text unchanged)

E. Maintenance of Assessment List.

(1) *The Board shall maintain a list of entities that are subject to assessment as identified in Health-General Article, §21-2C-11, Annotated Code of Maryland.*

(2) *Board staff shall:*

(a) *Review the list on an annual basis;*

(b) *Add additional entities when reported by or obtained from other agencies; and*

(c) *Remove entities when the entity:*

(i) *Is no longer a going concern; or*

(ii) *Has not been required to pay the assessment for 3 consecutive years.*

.03 Amount of Assessment.

A. Entities identified in Health-General Article, §21-2C-11, Annotated Code of Maryland, shall be subject to the following fee schedule:

(1)—(3) (text unchanged)

(4) Carriers *that provide health benefit plans*, as defined in Health-General Article, §19-132(e), Annotated Code of Maryland, shall pay an assessment of \$1,000.

B. (text unchanged)

ANDREW W. YORK
Executive Director

Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY

14.40.04 Certification and Training for School Security Employees and School Resource Officers

Authority: Education Article, §§7-151(k), 7-1503(g), and 7-1508, Annotated Code of Maryland

Notice of Proposed Action

[23-151-P]

The Maryland Center for School Safety proposes to amend Regulations **.01—.03** under **COMAR 14.40.04 Certification and Training for School Security Employees and School Resource Officers**.

Statement of Purpose

The purpose of this action is to publish amendments to existing regulations in accordance with Education Article, §7-1501(k), Annotated Code of Maryland.

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 Kate Bryan, Executive Director, Maryland Center for School Safety (MCSS), 7125 Ambassador Road, Windsor Mill, MD 21244, or call 410-281-2335, or email to admin.mcss@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“School safety coordinator” means an individual or individuals in a school system, regardless of job title, who serve as:*

(a) *The head of safety or security for the school system; or*

(b) *The liaison between the Center, local law enforcement, and the local school system as required under Education Article, §7-1508(a), Annotated Code of Maryland.*

[(3)] (4) School Security Employee.

(a) (text unchanged)

(b) School security employee includes [the following] individuals [who are employed by a local school system, either as salaried or contractual employees, to provide safety and security-related services at a public school]:

[(i) School safety coordinator;

(ii) School security director; and

(iii) Any individual designated by the administration within the individual’s job description who is required to provide safety and security-related services as a part of the individual’s regular job duties.]

(i) *Employed by a local school system, either as salaried or contractual employees, to provide safety or security-related services at a public school; or*

(ii) *Assigned to a public school, whose job description includes safety or security related services as part of the individual’s primary duties.*

(c) School security employee does not include:

(i) A school resource officer; [or]

(ii) Local law enforcement providing supplemental coverage to local school systems[.];

(iii) *An employee of the school system not assigned to work in an individual public school as part of their duties; or*

(iv) *A school administrator.*

.02 School Safety Coordinator Certification.

A. The Center shall certify a school safety coordinator upon completion of the following training:

(1) The [MCSS model] *Center’s curriculum for [school resource officers and school security employees as set forth in Education Article, §7-1508, Annotated Code of Maryland; and] school safety coordinators and any annual updates;*

(2) The National Incident Management System, Incident Command System, independent study courses 100, 200, 700, and 800[.]; *and*

(3) *Federal Emergency Management Agency (FEMA) independent study course, Multi-Hazard Emergency Planning for Schools.*

B. Supplemental Instruction

(1)—(3) (text unchanged)

[C.] (4) A school safety coordinator shall submit certificates of completion to the Center within 30 days of completion of the coursework.

.03 School Resource Officers and School Security Employees [Certification] Training.

A. A school resource officer [working in a Maryland public school] *or school security employee shall complete the Center’s [40-hour] model curriculum [or an approved local training by September 1, 2019], as required under Education Article, §7-1508, Annotated Code of Maryland.*

[B. A school security employee working in a Maryland public school shall complete the Center’s 40-hour model curriculum or an approved local training by September 1, 2019.

C. A school resource officer or school security employee working in a Maryland public school who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Center’s 16-hour comparative compliance curriculum prior to September 1, 2019.

D. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, shall have until the beginning of the next academic year to complete the required training set forth in this subsection.

E. A school resource officer or school security employee who is hired to work in a Maryland public school on or after September 1, 2019, or on or after September 1 annually thereafter, who provides documentation to the Center demonstrating that the individual received the 40-hour training course offered by the National Association of School Resource Officers on or after September 1, 2017, shall complete the Center’s 16-hour comparative compliance curriculum prior to the beginning of the next academic year to complete the required training set forth in this subsection.]

B. A school resource officer or school security employee assigned or hired after the start of the school year will register and complete the model curriculum prior to the next school year and may begin work in a school:

(1) *Following notification to the Center; and*

(2) *Following completion of the preliminary curriculum prescribed by the Center.*

C. *School resource officers and school security employees shall complete additional hours of training annually in content areas approved by the Center; including:*

(1) *Updated legislative and regulatory changes affecting the work of school resource officers and school security employees;*

- (2) Expanded training in existing content areas;
- (3) Any training identified or approved by the Center; or
- (4) Any other mandates under State, federal, or local law.

D. Each year, the local school superintendent shall certify to the Center's Executive Director that school security employees assigned to the jurisdiction's schools have completed the training required under this chapter.

KATE BRYAN
Executive Director

Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY

14.40.05 Critical, Life-Threatening Incidents

Authority: Education Article, §§7-1503(g) and 7-1510(g), Annotated Code of Maryland

Notice of Proposed Action

[23-152-P]

The Maryland Center for School Safety proposes to amend Regulations .03 and .04 under **COMAR 14.40.05 Critical, Life-Threatening Incidents**.

Statement of Purpose

The purpose of this action is to publish amendments to existing regulations in accordance with Education Article, §7-1510(g), Annotated Code of Maryland.

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 Kate Bryan, Executive Director, Maryland Center for School Safety (MCSS), 7125 Ambassador Road, Windsor Mill, MD 21244, or call 410-281-2335, or email to admin.mcss@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

.03 Definitions.

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

(1) Critical, life-threatening incident means an event [in which conduct occurred causing death or which resulted in serious bodily injury to one or more individuals, or which may be charged as a threat of mass violence under Criminal Law Article, §3-1001, Annotated Code of Maryland.] *which:*

(a) *Results in an individual being charged with a threat of mass violence directed at a school under Criminal Law Article, §3-1001, Annotated Code of Maryland;*

(b) *Meets the criteria for a threat of mass violence but does not result in criminal charges due to the age limitation under Courts and Judicial Proceedings Article, §3-8A-03(f), Annotated Code of Maryland; or*

(c) *Occurs on school grounds and:*

(i) *Results in death or serious bodily injury; or*

(ii) *Requires activation of a school's emergency plans and substantially disrupts the normal or orderly operation of a school.*

(2) School grounds means:

(a) The [physical plant] *premises* where the school is located and operated, including all buildings, physical structures, and real property owned or leased by the local school system for the operation of a school; [and]

(b) School transportation vehicles either owned by or contracted for by the local school system for the purposes of [pupil] *student transportation*[-]; *and*

(c) *Locations used for school sponsored activities or approved by the school or school system for attendance of students as part of a field trip*

(3) *"Serious bodily injury" means an injury inflicted on another individual that results in:*

(a) *A substantial risk of death;*

(b) *Extreme physical pain;*

(c) *Protracted and obvious disfigurement; or*

(d) *Protracted loss or impairment of the function of a bodily member, organ, or mental faculty in accordance with 18 U.S.C. §1365(h)*

(3).

.04 Notification.

A. A local school system experiencing a critical, life-threatening incident shall notify [MCSS] *the Center* of the incident as soon as practicable, but no later than 24 hours after the local school system [learns of the incident] *knew or should have known that this was a critical, life-threatening incident or received notice that the individual was charged under Criminal Law Article, §3-1001, Annotated Code of Maryland.*

B. The local school system or the Center will determine when an incident substantially disrupts the orderly operation of a school.

[B.] C. (text unchanged)

D. The after-action meeting participants shall include:

- (1) Center staff;*
- (2) School safety coordinator;*
- (3) Representatives from the school or school system involved in the response to or recovery from the incident; and*
- (4) Representatives from responding agencies.*

[C.] E. The local school system shall file the report required by Education Article, §7-1510(g)(2)(iii), Annotated Code of Maryland, [within 60 days of the completion of the after-action meeting set forth in §B of this regulation] *as soon as practicable following completion of the after-action meeting set forth in §C of this regulation, but no later than 100 days after the occurrence of the incident.*

F. The after-action report shall be submitted on a form developed by the Center and address:

- (1) The scope of the incident;*
- (2) The response to the incident;*
- (3) Lessons learned by the local school system from the incident response and recovery; and*
- (4) Any other information identified by the Center as necessary in order to adequately assess the incident.*

G. The Center shall file the report required under Education Article, §7-1510(g)(3), Annotated Code of Maryland:

- (1) Within 45 days of receiving the report from the local school system; or*
- (2) Within 45 days of the expiration of the filing deadline set forth at §E of this regulation.*

H. The Center shall develop guidelines for local school systems to complete reports required by this regulation.

KATE BRYAN
Executive Director

Title 33

STATE BOARD OF ELECTIONS

Notice of Proposed Action

[23-153-P]

The State Board of Elections proposes to:

- (1) Amend Regulation **.01** under **COMAR 33.01.01 Definitions**;
- (2) Adopt new Regulations **.01** and **.02** under a new chapter, **COMAR 33.07.11 Election Judges**;
- (3) Repeal existing Regulation **.01** and adopt new Regulation **.01** under **COMAR 33.15.02 New or Changed Precincts**; and
- (4) Repeal existing Regulations **.01** and **.02** and adopt new Regulations **.01** and **.02** under **COMAR 33.15.03 Polling Places**.

This action was considered by the State Board of Elections at its June 20, 2023, meeting, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Provide an interpretation of the definition of “historically disenfranchised communities;”
- (2) Define a returning election judge;
- (3) Define the compensation of election day election judges;
- (4) Clarify the scope of Subtitle 15, Chapter 2 to ensure it is consistent with Ch. 157, Acts of 2023; and
- (5) Define the process, form, and content for local boards to develop a polling place plan and process to change polling place locations.

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 Nikki Charlson, Deputy Administrator, State Board of Elections, 151 West Street, Suite 200, Annapolis, MD 21401, or call 410-269-2843, or email to DL_regcomments_SBE@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

33.01.01 Definitions

Authority: Election Law Article, §§1-101, 2-102(b)(4), 2-303(g), and 2-303.1(b)(3), Annotated Code of Maryland

.01 Definitions.

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

(1)—(17) (text unchanged)

(18) “Historically disenfranchised communities” has the meaning stated in Election Law Article, §1-101(aa-1), Annotated Code of Maryland, and may be identified by:

(a) Demographic and historical data brought to the attention of the State Board showing that a racial, ethnic, or socioeconomic group has been historically subject to voter suppression efforts; or

(b) A factual finding by a court of competent jurisdiction or legislative body with binding authority over the State Board that a racial, ethnic, or socioeconomic group has historically been subject to voter suppression efforts.

[(18)] (19)—[(41)] (42) (text unchanged)

Subtitle 07 ELECTION DAY ACTIVITIES

33.07.11 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 10-202, 10-203, and 10-205, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

(1) “Previously served” means an election judge who:

(a) Was previously appointed in accordance with Election Law Article, §10-203, Annotated Code of Maryland;

(b) Completed a term of office; and

(c) Served in the capacity of an election judge during the term of office in a Statewide primary, general, or special election.

(2) “Term of office” means the time from appointment to the office of election judge through the Tuesday that is 13 weeks before the next Statewide primary election.

.02 Compensation of Election Judges.

A. Minimum Compensation. For each election judge who has not previously served as an election judge, the compensation for each election day and each early voting day actually served shall be at least \$250 per day.

B. Entitlement to Additional Compensation. For each election judge who has previously served as an election judge, the compensation for each election day and each early voting day shall be at least \$100 more per day than the compensation provided to an election judge who has not previously served as an election judge.

C. Limitations on Additional Compensation. The following individuals are not entitled to additional compensation, unless previously approved by the election director:

(1) Elections judges serving in their first term of office;

(2) Elections judges serving a subsequent term of office, but who only acted as a backup election judge during their first term of office;

and

(3) Individuals who perform election related tasks but are not sworn in as an election judge and appointed as an election judge.

Subtitle 15 PRECINCTS, POLLING PLACES, AND FACILITIES

33.15.02 New or Changed Precincts

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 2-303(g), Annotated Code of Maryland

.01 Scope.

This chapter applies whenever a local board:

A. Creates a new precinct; or

B. Changes precinct boundaries.

33.15.03 Polling Places

Authority: Criminal Procedure Article, §11-722; Election Law Article, §§1-101, 2-102(b)(4), 2-202(b), 2-303.1, and [10-101(c)] 10-101, Annotated Code of Maryland

.01 Required Polling Place Plan.

A. Requirements for Polling Place Plan. A local board shall include in the polling place plan:

(1) Evidence that the plan complies with Election Law Article, §10-101(a)(2), Annotated Code of Maryland;

(2) An analysis of how to maximize voter participation in each precinct; and

(3) If the polling place plan proposes to reduce the number of separate buildings used as polling places below the total number of separate buildings used as polling places in the 2018 General Election:

(a) The address and a description of the location of each affected polling place;

(b) An analysis of available suitable buildings within the precinct boundary, including the availability of parking and a determination regarding building compliance with the federal Americans with Disabilities Act;

(c) Of the voters who cast ballots in each affected precinct in the three most recent Statewide elections:

(i) The percentage who voted in person on election day;

(ii) The percentage who voted by mail;

(iii) The number who registered to vote on election day; and

(iv) The number who voted at an early voting center;

(d) Proximity of the proposed polling place to a dense concentration of voters in the affected precinct;

(e) The change in the number of registered voters in the affected precinct from the last Statewide election;

(f) The public transportation options that voters in each affected precinct could use to access the polling place that would serve the precinct under the plan; and

(g) An analysis of the impact on the ability of historically disenfranchised communities to cast a ballot, including demographic information of the voters in the affected precinct.

B. Form for Polling Place Plan.

(1) The State Board shall:

(a) Prescribe a form for a local board to use to provide a proposed polling place plan; and

(b) Provide each local board with the form at least 1 year before a primary election.

(2) Contents of Form. The form shall include questions related to whether the proposed polling place plan meets the requirements in §A of this regulation.

(3) Form Submission. A local board shall submit the form at least 6 months before each Statewide primary election. Completion and submission of the form shall constitute fulfillment of a local board's duty to submit a polling place plan pursuant to Election Law Article, §2-303.1(a), Annotated Code of Maryland.

C. Additional Information. For each polling place plan, a local board shall submit with the form required in §B of this regulation:

(1) A Polling Place Selection Form;

(2) The State of Maryland's Accessibility Survey form for each polling place;

(3) Documentation of the local board's approval of the polling place plan;

(4) A polling place diagram;

(5) Photographs of the interior and exterior of each polling place; and

(6) If a plan proposes to reduce the total number of separate buildings used as polling places in the 2018 General Election, documentation to support the determination that all buildings that will no longer be used as polling places are no longer suitable to be used as polling places.

D. Approval of Polling Place Plan.

(1) The polling place plan shall be approved if:

(a) It complies with the requirements of §A of this regulation and Election Law Article, §10-101(a)(2), Annotated Code of Maryland;

and

(b) It will not negatively affect access to voting for historically disenfranchised communities.

(2) The polling place plan shall be rejected if it does not meet the requirements §A of this regulation and Election Law Article, §10-101(a)(2), Annotated Code of Maryland. The basis for rejection shall be set forth and provided to the local board.

(3) If the plan is rejected, the local board shall submit a revised polling place plan to the State Board within 15 days after the date on which the State Board rejected the previous plan.

.02 New or Changed Polling Place.

A. Board Action Required to Change the Location of a Polling Place. A local board may not vote to change the location of a polling place unless the local board first:

(1) Holds a meeting to discuss the proposed change; and

(2) Provides an opportunity for interested parties to testify on the proposed change at the meeting.

B. Notice of Proposed Changes.

(1) Each local board shall:

(a) Maintain a contact list of individuals and organizations who wish to be notified about local board meetings at which proposed changes to the locations of polling places will be discussed; and

(b) Enable individuals and organizations to register for the contact list.

(2) At least 14 days before the meeting required by §A of this regulation, the local board shall provide written notice of the meeting to:

(a) Each individual and organization on the contact list; and

(b) The following elected officials:

(i) County Executive or Mayor of Baltimore City, if applicable;

(ii) County Commissioner or County Council member elected by voters in the precinct or precincts with the current polling place and proposed polling place; and

(iii) Member of the General Assembly elected by voters in the precinct or precincts with the current polling place and proposed polling place.

C. Exception for Emergency Changes. The requirements of §§A and B of this regulation do not apply if a local board determines that an emergency exists that requires a change to the polling place location during the period beginning 21 days before election day through election day.

D. Notice Required to Voters.

(1) Whenever a local board changes the location of a polling place, the local board shall notify all voters who are affected by the change.

(2) Except as provided in §D(3)(b) of this regulation, the local board shall mail this notice to the affected voters before the next election.

(3) How and When — Emergencies.

(a) If an emergency prevents compliance with §B of this regulation, the local board shall:

(i) Take whatever steps it considers reasonable to notify affected voters of the change; and

(ii) Inform the State Administrator of the change and the steps being taken to notify voters.

(b) The notice required by this section:

(i) Shall include a prominent notice posted at the former polling place; and

(ii) May include television, radio, and newspaper announcements and advertisements and postings on the Internet.

Notice of Proposed Action

[23-156-P]

The State Board of Elections proposes to:

- (1) Adopt new Regulations **.01— .05** under a new chapter, **COMAR 33.13.21 Online Platforms**; and
- (2) Amend Regulation **.02** under **COMAR 33.18.01 Civil Penalties**.

This action was considered by the State Board of Elections at its June 20, 2023, meeting, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Define the scope of new COMAR 33.13.21 Online Platforms;
- (2) Define “ad network,” online platform,” and “political advertiser purchaser”;
- (3) Define the responsibilities of a political advertiser purchaser and online platform;
- (4) Define the penalties for violations of COMAR 33.13.21; and
- (5) Define the penalties for violations of Election Law Article, §§13-238 and 13-250, Annotated Code of Maryland.

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 Nikki Charlson, Deputy Administrator, State Board of Elections, 151 West St., Suite 200, Annapolis, MD 21401, or call 410-269-2843, or email to DL_regcomments_SBE@maryland.gov. Comments will be accepted through August 28, 2023. A public hearing has not been scheduled.

Subtitle 13 CAMPAIGN FINANCING**33.13.21 Online Platforms**

Authority: Election Law Article, §§1-101, 2-102(b)(4), and 13-405, Annotated Code of Maryland

.01 Scope.

This chapter does not apply to a press organization, or a website owned or controlled by a press organization.

.02 Definitions.

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

B. Terms Defined.

(1) “Ad network” means any entity whose business is to facilitate the placement of advertisements on behalf of a third party for a fee by buying or selling directly or indirectly advertisement space on third-party online platforms, websites, software applications, or social media sites seeking to host advertisements.

(2) “Online platform” means an online platform as defined in Election Law Article, §1-101(dd-1), Annotated Code of Maryland, and has \$10,000,000 or greater in gross revenue.

(3) “Political advertiser purchaser” means any of the following to the extent it seeks to make a qualifying paid digital communication on an online platform:

(a) A political committee;

(b) A candidate;

(c) A person required to register to file an independent expenditure report pursuant to Election Law Article, §13-306, Annotated Code of Maryland;

(d) A person required to register to file an election communication report pursuant to Election Law Article, §13-307, Annotated Code of Maryland;

(e) A participating organization;

(f) An out-of-State political committee required to file a campaign finance report;

(g) An agent as defined in COMAR 13.07.07.01;

(h) A foreign principal as defined in Election Law Article, §13-236.1, Annotated Code of Maryland; and

(i) An individual required to register with the Attorney General of the United States pursuant to 22 U.S.C. §§611 – 621, the Foreign Agent Registration Act of 1938.

.03 Political Advertiser Purchaser Responsibilities.

A. Notice. A political advertiser purchaser shall provide notice that it is disseminating a qualifying paid digital communication to the online platform on which it intends to disseminate that qualifying paid digital communication.

B. Required Information. A political advertiser purchaser shall provide to the online platform at the time of the initial point of purchase for the dissemination of a qualifying paid digital communication by the online platform the following information:

- (1) The name of the political advertiser purchaser and, if an agent, the name of the entity represented by the agent;*
- (2) A telephone number, mailing address, and email address of the political advertiser purchaser; and*
- (3) A copy of the qualifying paid digital communication.*

C. Notice to the State Board. If a political advertiser purchaser is not able to provide the notice required by §A of this regulation because the online platform is not equipped to receive such notice, then the political advertiser purchaser shall provide in writing within 48 hours to the State Board:

- (1) Notice that the online platform failed to provide a mechanism for disclosing to the online platform that the political advertiser purchaser is disseminating a qualifying paid digital communication; and*
- (2) All of the information required in §B of this regulation.*

.04 Online Platform Responsibilities.

A. Notice. An online platform shall provide a mechanism for a political advertiser purchaser to provide notice to the online platform that it is placing a qualifying paid digital communication for dissemination.

B. Database Requirements. If the online platform is the initial point of the purchase for the dissemination of a qualifying paid digital communication, the online platform shall make available for public inspection on a website owned or controlled by the online platform in a machine readable database within 48 hours after receiving the notice described in §A of this regulation the following information:

- (1) The date of the notice to disseminate the qualifying paid digital communication;*
- (2) The name of the political advertiser purchaser and, if the political advertiser purchaser is an agent, the political committee or person responsible for the placement of the qualifying paid digital communication;*
- (3) A telephone number, contact mailing address, and email address of the political advertiser purchaser and the political committee or person responsible for the placement of the qualifying paid digital communication; and*
- (4) The total amount paid by the political advertiser purchaser for the distribution or dissemination of the campaign material.*

C. Online Platforms — Not Insertion Order Point. If the online platform is not the initial point of purchase for the dissemination of a qualifying paid digital communication and receives the qualifying paid digital communication from an ad network, the online platform shall make available for public inspection on a website owned or controlled by the online platform in a machine readable database within 48 hours after receiving compensation for the placement of the qualifying paid digital communication the following information:

- (1) The date the qualifying paid digital communication was disseminated on its platform; and*
- (2) A link to the database on the website owned or controlled by the online platform that is the initial point of purchase for the dissemination of the qualifying paid digital communication containing the information set forth in §B of this regulation.*

D. Online Platform — Other Requirements. An online platform in §C of this regulation may provide only the link to the database on the website owned or controlled by the online platform that is the initial point of purchase for the dissemination of the qualifying paid digital communication on its website if:

- (1) The qualified paid digital communication identifies the website of the database of the online platform that is the initial point of purchase in the authority line of the qualified paid digital communication; and*
- (2) The online platform clearly discloses that the source of the qualified paid digital communication came from an ad network.*

E. Database Labeling. The database on the website shall be identified as “Political Advertisement Disclosures” on the website and be downloadable.

F. Safe Harbor. An online platform may rely on the information provided by the political advertiser purchaser and may not be held liable for failure to include a qualifying paid digital communication on its database if the political advertiser purchaser did not provide notice that the political advertiser purchaser intended to disseminate a qualifying paid digital communication.

.05 Penalties.

A. Civil Penalties — Political Advertiser Purchaser. A political advertiser purchaser that fails to notify the State Board in a timely manner according to the requirements of this chapter is subject to a civil penalty not exceeding \$5,000.

B. Civil Penalties — Online Platform. An online platform that violates this chapter is subject to a civil penalty not exceeding \$5,000.

Subtitle 18 VIOLATIONS

33.18.01 Civil Penalties

Authority: Election Law Article, §§2-102(b)(4), 13-235, 13-238, 13-239, 13-250, and 13-604.1, Annotated Code of Maryland

.02 Civil Penalties.

	1st Offense	2nd Offense	3rd and Subsequent Offenses
A.—J. (text unchanged)			
<i>K. Failure to make a monetary contribution or donation in United States currency in violation of Election Law Article, §13-238, Annotated Code of Maryland</i>	\$750	\$1000	\$1000
<i>L. Failure to make a monetary disbursement or expenditure in United States currency in violation of Election Law Article, §13-250, Annotated Code of Maryland</i>	\$750	\$1000	\$1000

Errata

COMAR 13A.12.07

At 50:14 Md. R. 633 (July 14, 2022), column 1, line 19 from the bottom:

For: (7) Regulations .01—08 under COMAR 13A.12.05

Read: (7) Regulations .01—08 under COMAR 13A.12.07

[23-15-12]

Special Documents

DEPARTMENT OF THE ENVIRONMENT

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on August 10, 2023. The Commission will hold this hearing in person and telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 14, 2023, which will be noticed separately. The public should note that this public hearing will be the only opportunity to offer oral comments to the Commission for the listed projects. The deadline for the submission of written comments is August 21, 2023.

DATES: The public hearing will convene on August 10, 2023, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for submitting written comments is Monday, August 21, 2023.

ADDRESSES: This public hearing will be conducted in person and virtually. You may attend in person at Susquehanna River Basin Commission, 4423 N. Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1-877-304-9269 and then enter the guest passcode 2619070 followed by #.

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

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

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

Project Sponsor and Facility: Bent Creek Country Club, Manheim Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawal of up to 0.464 mgd (30-day average) from Well 1 (600 Foot Well) and consumptive use of up to 0.464 mgd (peak day) (Docket No. 19920704).

Project Sponsor and Facility: BKV Operating, LLC (East Branch Wyalusing Creek), Jessup Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180902).

Project Sponsor: Borough of Middletown. Project Facility: Middletown Water System, Middletown Borough, Dauphin County, Pa. Application for renewal of groundwater withdrawal of up to 1.070 mgd (30-day average) from Well 6 (Docket No. 19970702).

Project Sponsor and Facility: Coterra Energy Inc. (Tunkhannock Creek), Nicholson Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20180903).

Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.460 mgd (30-day average) from Well 7 (Docket No. 20070907).

Project Sponsor and Facility: Eagle Lake Community Association, Covington Township, Lackawanna County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.233 mgd from Well 1, 0.315 mgd from Well 2, and 0.104 mgd from Well 3.

Project Sponsor and Facility: East Berlin Area Joint Authority, Hamilton Township, Adams County, Pa. Application for renewal of groundwater withdrawal of up to 0.130 mgd (30-day average) from Well 6 (Docket No. 20080950).

- Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.201 mgd (30-day average) from Well 14 (Docket No. 19981202).
- Project Sponsor and Facility: EQT ARO LLC (Pine Creek), McHenry Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20180901).
- Project Sponsor and Facility: Indian Hills Golf and Tennis Club, Shamokin Township, Northumberland County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 19980504).
- Project Sponsor and Facility: Inflection Energy (PA) LLC (Loyalsock Creek), Upper Fairfield Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.700 mgd (peak day) (Docket No. 20221214).
- Project Sponsor: Lucky Bear, LLC. Project Facility: Liberty Forge Golf Course (Yellow Breeches Creek), Lower and Upper Allen Townships, Cumberland County, Pa. Applications for renewal of surface water withdrawal of up to 0.432 mgd (peak day) and consumptive use of up to 0.375 mgd (peak day) (Docket No. 19980906).
- Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Modification to increase groundwater withdrawal (30-day average) from Well 3 by an additional 0.098 mgd, for a total groundwater withdrawal of up to 0.318 mgd, and increase the total system withdrawal limit (30-day average) from 0.492 mgd to 0.730 mgd from Wells 1, 3, and 4 (Docket No. 20210304).
- Project Sponsor and Facility: Nicholas Meat, LLC, Greene Township, Clinton County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.288 mgd from Well WS-1, 0.173 mgd from Well WS-3, and 0.144 mgd from Well WS-4.
- Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Terry Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20180909).
- Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wappasening Creek), Windham Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180910).
- Project Sponsor and Facility: Seneca Resources Company, LLC (Crooked Creek), Middlebury Township, Tioga County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).
- Project Sponsor: South Slope Development Corporation. Project Facility: Song Mountain Ski Resort, Town of Preble, Cortland County, N.Y. Applications for renewal of surface water withdrawal of up to 0.999 mgd (30-day average) from an unnamed tributary to Crooked Lake, consumptive use of up to 0.249 mgd (30-day average), and groundwater withdrawal of up to 0.960 mgd (30-day average) from Well MW-3 (Docket No. 20070901).
- Project Sponsor and Facility: S.T.L. Resources, LLC (Pine Creek), Pike Township, Potter County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).
- Project Sponsor: T & C Mobile Home & Construction Services, LLC. Project Facility: Glezen Mine, Town of Lisle, Broome County, N.Y. Application for consumptive use of up to 0.099 mgd (30-day average).
- Project Sponsor and Facility: Village of Hamilton, Town of Hamilton, Madison County, N.Y. Applications for renewal of groundwater withdrawals (30-day averages) of up to 1.730 mgd from Payne Brook Well 1 and 1.500 mgd from Payne Brook Well 2 (Docket Nos. 19871101 and 19970706).
- Project Sponsor and Facility: Village of Sidney, Town of Sidney, Delaware County, N.Y. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2-88.

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, before the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before Monday, August 21, 2023, to be considered.

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

DATED: July 6, 2023.

JASON E. OYLER
General Counsel and Secretary to the Commission

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: June 1-30, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (e) and (f) for the time period specified above.

Water Source Approval - Issued Under 18 CFR 806.22(e):

Niagara Bottling, LLC; Big Spring Facility; ABR-202306001; Boggs Township, Centre County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: June 14, 2023.

Water Source Approval - Issued Under 18 CFR 806.22(f):

BKV Operating, LLC; Pad ID: Plushanski Well Pad; ABR-201806001.R1; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: June 14, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Porter; ABR-201306001.R2; North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 14, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Shamrock; ABR-201306003.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 14, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Tinna; ABR-201306002.R2; Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 14, 2023.

Coterra Energy Inc.; Pad ID: GillinghamR P1; ABR-201305017.R2; Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 14, 2023.

Coterra Energy Inc.; Pad ID: HaynesW P1; ABR-201706001.R1; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 14, 2023.

Coterra Energy Inc.; Pad ID: WaldenbergerP P1; ABR-201206002.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 14, 2023.

Range Resources - Appalachia, LLC; Pad ID: Laurel Hill B Unit; ABR-201306004.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 14, 2023.

Seneca Resources Company, LLC; Pad ID: Wood 626; ABR-201106006.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 14, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Brewer; ABR-201306007.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2023.

Coterra Energy Inc.; Pad ID: ReynoldsR P1; ABR-201306008.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 21, 2023.

Repsol Oil & Gas USA, LLC; Pad ID: THORNE (07 080) G; ABR-201306005.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 21, 2023.

Repsol Oil & Gas USA, LLC; Pad ID: TRAVER (07 081) E; ABR-201306006.R2; Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 21, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: ODowd; ABR-201305006.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 22, 2023.

Coterra Energy Inc.; Pad ID: BishopB P1; ABR-201305013.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 22, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Spencer Drilling Pad; ABR-201306010.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2023.

Seneca Resources Company, LLC; Pad ID: Fuller 826; ABR-201606005.R1; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2023.

AUTHORITY: Public Law 91-575, 84 Stat. 1509 et seq., [18 CFR parts 806](#) and 808.

DATED: July 6, 2023

JASON E. OYLER
General Counsel and Secretary to the Commission

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: June 1-30, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects described below, pursuant to 18 CFR Part 806, Subpart E, for the time period specified above:

Borough of Freeland Municipal Authority – Public Water Supply System, GF Certificate No. GF-202306252, Freeland Borough, Luzerne County, Pa.; Wells 4, 6, and 10; Issue Date: June 14, 2023.

The Hershey Company – 19 East Chocolate Ave. Offices, GF Certificate No. GF-202306253, Derry Township, Dauphin County, Pa.; Wells 6, 8, and 12, and Quarry Pumps 16 and 17; Issue Date: June 14, 2023.

Knouse Foods Cooperative, Inc. – Biglerville Plant, GF Certificate No. GF-202306254, Butler Township and Biglerville Borough, Adams County, Pa.; combined withdrawal from Wells 2 and 3, combined withdrawal from Wells 4, 5, 6, 7, and 8, and consumptive use; Issue Date: June 14, 2023.

Hazleton City Authority – Delano-Park Place Division, GF Certificate No. GF-202306255, Mahanoy Township, Schuylkill County, Pa.; Park Place Well 2; Issue Date: June 15, 2023.

Village of Oxford – Public Water Supply System, GF Certificate No. GF-202306256, Town of Oxford, Chenango County, N.Y.; Wells 1 and 2; Issue Date: June 15, 2023.

AUTHORITY: Public Law 91-575, 84 Stat. 1509 *et seq.*, [18 CFR parts 806](#) and 808.

DATED: July 6, 2023.

JASON E. OYLER
General Counsel and Secretary to the Commission

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.

STATE COLLECTION AGENCY LICENSING BOARD (SCALB)

Subject: Public Meeting

Date and Time: August 8, 2023, 2 — 3 p.m. Thereafter the public meetings will take place the second Tuesday of every month, accessed via the Google Meet information given below.

Place: Via Google Meet

Add'l. Info: Google Meet joining info:

Video call link:

<https://meet.google.com/ahz-mgnk-jsu>

Or dial: (US) +1 530-738-1353

PIN: 815 799 863 #

More phone numbers:

<https://tel.meet/ahz-mgnk-jsu?pin=1097700804795>

If necessary, the Board will convene in a closed session to seek the advice of counsel or review confidential materials, pursuant to General Provisions Article, §3-305, Annotated Code of Maryland.

Contact: Ayanna Daugherty 410-230-6019

[23-15-09]

GOVERNOR'S GRANTS OFFICE/MARYLAND EFFICIENT GRANTS APPLICATION COUNCIL

Subject: Public Meeting

Date and Time: August 17, 2023, 10 — 11:30 a.m.; Additional Date: November 16, 2023

Place: Virtual Meeting

Add'l. Info: Joining information:

Meeting ID: meet.google.com/mbr-onvh-rvm

Join by phone:
 (US) +1 661-527-2852
 PIN: 924 736 746#

Contact: Shannon Dillard 410-697-9649

[23-15-01]

FIRE PREVENTION COMMISSION

Subject: Public Meeting

Date and Time: August 17, 2023, 10 a.m.

Place: Laurel Municipal Center, 8103 Sandy Spring Road, Council Chambers, Laurel, MD

Add'l. Info: Portions of the meeting may be held in closed session. Visitors must show ID and register at the reception desk.

Contact: Heidi Ritchie 877-890-0199

[23-15-05]

MARYLAND DEPARTMENT OF HEALTH

Subject Receipt of Application

Add'l. Info: The Maryland Department of Health (MDH) is currently accepting applications and nominations for physicians and pharmacists to serve on the Maryland Medicaid Drug Use Review (DUR) Board beginning January 2024.

The implementation of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), §1927g(3) requires that the MDH establish a Medicaid DUR Board. The DUR Board is comprised of licensed and actively practicing physicians and pharmacists in Maryland and has operated since November 1992. The activities of the DUR Board include but are not limited to the following:

- Reviewing prospective and retrospective DUR criteria, prior authorization criteria, and quantity or dosage form limitations developed by the Division of Clinical Pharmacy Services or contracted vendors.
- Evaluating the use of criteria and interventions, including assessing the operational effect of the criteria and interventions, to identify areas of prescribing and dispensing specific drugs that may result in adverse participant outcomes.
- Evaluating participant drug utilization that may represent potential fraud and abuse and make disposition recommendations.
 - Identifying educational needs, developing educational plans to improve prescribing or dispensing practices, and evaluating the effectiveness of these educational interventions.
- Advising the Office of

Pharmacy Services (OPS) in enrolling participants into the Corrective Managed Care (CMC) Program through the DUR Board's CMC Advisory Committee. This subcommittee of the DUR Board develops Corrective Managed Care enrollment recommendations by considering the Lock-In Criteria for participants (as defined by the CMC Advisory Committee Policy and Procedures).

The DUR Board meets quarterly for 3–4 hours in the Baltimore area. Meetings are typically scheduled on the first Thursday morning during the months of March, June, September, and December. Members are appointed by the Secretary of MDH and serve terms of 3 years from their appointment with the option to serve an additional 3-year term.

The membership of the Maryland DUR Board includes healthcare professionals who have recognized knowledge and expertise in one or more of the following areas:

- (1) The clinically appropriate prescribing of outpatient drugs.
- (2) The clinically appropriate dispensing and monitoring of outpatient drugs.
- (3) Drug use review, evaluation, and intervention.
- (4) Medical quality assurance.

All interested applicants are required to submit a formal application through the Maryland Department of Health's (MDH) Office of Appointments and Executive Nominations application link at <https://mdhappointments.health.maryland.gov/BoardAppointments>. Applications must be submitted by August 1st, 2023.

Any additional questions regarding applications may be addressed to Mangesh Joglekar and/or Lynn Frendak at the Office of Pharmacy Services: mangesh.joglekar@maryland.gov and lynn.frendak@maryland.gov.

Contact: Mangesh Joglekar 410-767-5878

[23-15-02]

MARYLAND HEALTH CARE COMMISSION

Subject: Exemption from Certificate of Need

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of the formal start of review of the following Exemption Request from Certificate of Need:

Hospice of the Chesapeake, Inc., Hospice of Charles County, Inc, and Calver Hospital Inc. — Docket No. 23-02-EX016 — Hospice of the Chesapeake intends to merge with Hospice of Charles and Calvert Hospice.

A copy of the complete Exemption Request is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Wynne Hawk, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215-2299.

Contact: Ruby Potter 410-764-3276

[23-15-04]

DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meeting

Date and Time: August 09, 2023, 8 a.m. — 5 p.m.; Additional Dates: August 23, September 6, and September 20, 2023.

Place: Virtual Meeting — Please see the website for details.

Add'l. Info: Meetings are being held virtually until further notice. Please check the website for additional information. <https://mdot.maryland.gov>.

Contact: Sabrina Bass 4108651240

[23-15-03]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: August 10, 2023, 12 — 3 p.m.

Place: Via Microsoft Teams Meeting

Add'l. Info: CORRECTED NOTICE:

A meeting of the Medical Fee Guide Committee will take place via Microsoft Teams:

Meeting ID: 237 226 839 728

Passcode: i2B9kH

Toll-free number: +1 443-961-6421

Conference ID: 944 185 219#

Contact: Janet Vanderpuije 410-864-5326

[23-15-10]