Article - State Government

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§10–203.

(a) This subtitle does not apply to:

(1) the Legislative Branch of the State government or an agency of the Legislative Branch;

(2) the Judicial Branch of the State government or an agency of the Judicial Branch;

(3) the following agencies of the Executive Branch of the State government:

(i) the Governor;

(ii) the Department of Assessments and Taxation;

(iii) the Insurance Administration except as specifically provided in the Insurance Article;

(iv) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(v) the Public Service Commission;

(vi) the Maryland Tax Court;

(vii) the State Workers' Compensation Commission;

(viii) the Maryland Automobile Insurance Fund; or

(ix) the Patuxent Institution Board of Review, when acting on a parole request;

(4) an officer or unit not part of a principal department of State government that:

(i) is created by or pursuant to the Maryland Constitution or general or local law;

(ii) operates in only 1 county; and

(iii) is subject to the control of a local government or is funded wholly or partly from local funds;

(5) unemployment insurance claim determinations, tax determinations,

and appeals in the Department of Labor, Licensing, and Regulation except as specifically provided in Subtitle 5A of Title 8 of the Labor and Employment Article; or

(6) any other entity otherwise expressly exempted by statute.

(b) This subtitle does apply to:

(1) the property tax assessment appeals boards; and

(2) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the office of the Chief Medical Examiner.

(c) A public hearing required or provided for by statute or regulation before an agency takes a particular action is not an agency hearing under § 10–202(d) of this subtitle unless the statute or regulation:

(1) expressly requires that the public hearing be held in accordance with this subtitle; or

(2) expressly requires that any judicial review of the agency determination following the public hearing be conducted in accordance with this subtitle.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, this subtitle does apply to a contested case that arises from a State program administered by the Montgomery County Department of Health and Human Services in the same manner as the subtitle applies to a county health department or local department of social services.

(2) For purposes of this subtitle, the Office of the Attorney General, after consultation with the County Attorney for Montgomery County, shall determine if the Montgomery County Department of Health and Human Services administers a State program.

(3) This subsection is not intended to extend or limit the authority of the Montgomery County Department of Health and Human Services to administer State programs in the manner of a county health department or local department of social services.

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