

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/15/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/15/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

28 03 01 06

3. Name of Promulgating Authority

Office of Administrative Hearings

4. Name of Regulations Coordinator

Denise O Shaffer

Telephone Number

410-229-4174

Mailing Address

11101 Gilroy Road

City State Zip Code

Hunt Valley MD 21031

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denise.shaffer@maryland.gov

5. Name of Person to Call About this Document

Denise Oakes Shaffer

Telephone No.

410-229-4174

Email Address

denise.shaffer@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 4/1/15.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Michele J. McDonald, Assistant Attorney General, (telephone #410-576-6576) on 4/14/15. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Denise Oakes Shaffer

Title

Deputy Director of Operations

Telephone No.

410-229-4174

Date

4/14/15

Title 28
OFFICE OF ADMINISTRATIVE HEARINGS

Subtitle 03 FEES

28.03.01 Fees

Authority: Authority: Authority: State Government Article, §§9-1604(b)(1)(v) and (vi),
Annotated Code of Maryland

Notice of Proposed Action

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The Office of Administrative Hearings proposes to amend existing Regulations .06.

Statement of Purpose

The purpose of this action is to conform obsolete fee schedule with existing policy and fee schedule established by the Chief Administrative Law Judge.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Denise Shaffer, Deputy Director of Operations, Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, MD 21031, or call 410-229-4174, or email to denise.shaffer@maryland.gov, or fax to 410-229-4111. Comments will be accepted through May 29, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are necessary to implement this regulation.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations will have no economic impact because the Office of Administrative Hearings (OAH) is only proposing to conform an obsolete fee schedule with OAH's existing policy and fee schedule established by the Chief Administrative Law Judge.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations will have no economic impact because the Office of Administrative Hearings (OAH) is only proposing to conform an obsolete fee schedule with OAH's existing policy and fee schedule established by the Chief Administrative Law Judge.

G. Small Business Worksheet:

Attached Document:

28.03.01.06 (4/1/15)

.06 Waiver of Fees.

A. Eligibility Criteria.

(1) The Office shall waive the [\$15] filing fee and the \$5 subpoena fee for a party receiving assistance under the provisions of COMAR 07.03, 07.02.04.03A and B, 07.06.06, 07.06.09, 10.02.03, 10.09.24, 10.09.25, or 10.22.01, or under the provisions of Health-General Article, §§7-406, 7-503, 7-801(3), 7-802(d), or 10-708, Annotated Code of Maryland, if the party is receiving assistance at the time when the request for a fee waiver is filed.

(2) The Office shall waive the [\$15] filing fee and the \$5 subpoena fee for a proceeding in which a party is represented by counsel retained through Judicare, Maryland Volunteer

Legal Services, Inc., Maryland's Legal Aid Bureau, Inc., or any other legal services program which receives funding from the Maryland Legal Services Corporation.

B. Request for Fee Waivers.

(1) A party requesting a waiver of the filing fee shall submit the request in writing with the request for a hearing.

(2) A party requesting a waiver of the subpoena processing fee shall submit the request in writing with the request for the issuance of a subpoena.

C. Within 5 working days of the date of the receipt of a request for a waiver of fees, the Office shall send notice to the party:

(1) Explaining the criteria for receiving a waiver of the filing fee; and

(2) Requesting the party to provide, within 14 calendar days from the date of the Office's notice, evidence that the party meets the criteria specified in §A of this regulation.

D. If a party has received a waiver of the filing fee, the Office shall waive any subpoena processing fees.

E. The Office will schedule a hearing or issue a subpoena pursuant to the provisions of Regulation .06 of this chapter only upon receipt of verification that the party is receiving assistance under the programs listed in §A of this regulation.

F. The Office shall have the power to modify or waive any time periods established by this chapter.