

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/11/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/19/2020

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

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5. Name of Person to Call About this Document

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 05/01/2020.

Repeal of Existing Regulations

Authority: State Government Article, §§9-1604 and 10-206, Annotated Code of Maryland

Notice of Proposed Action

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The Office of Administrative Hearings (OAH) proposes to amend Regulation .06 under COMAR 28.03.01 Fee Assessment and Payment; Waivers.

Statement of Purpose

The purpose of this action is to add a simple, cost-effective method of demonstrating indigence to obtain a waiver of the Office of Administrative Hearings' fees to request a hearing and/or a subpoena. The amendment clarifies that, consistent with current practice, the OAH will accept documentation that an individual is receiving public assistance under the identified programs as sufficient evidence of indigence to qualify for a waiver.

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 Oakes Shaffer, Director, Quality Assurance, 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 410-229-4244. Comments will be accepted through July 20, 2020. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2021

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 required to implement this regulation.

E. If these regulations have no economic impact under Part A, indicate reason briefly: This regulation has no fiscal impact. The proposed amendment clarifies that individuals who currently receive assistance under certain means-based public assistance programs can obtain an OAH indigence waiver by documenting that they qualify for those programs. The change is expected to reduce the time and effort necessary for some individuals to request waivers and for OAH staff to process them.

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

There is no impact on small businesses.

G. Small Business Worksheet:

1a. The OAH, and members of the public who appear before or otherwise interact with the OAH, are the intended beneficiaries. The beneficiaries are not primarily households or businesses.

1b. Households will not be affected by the proposed action.

1c. Businesses will not be affected by the proposed action.

2a. None.

2b. None.

3. There is no initial or long-term economic impact.

4. (1) There is no anticipated effect on the cost of providing goods and services. (2) There is no anticipated effect on the work force; (3) There is no anticipated effect on the cost of housing; (4) There is no anticipated effect on efficiency in production and marketing; (5) There is no anticipated capital investment, taxation, competition, and economic development; and (6) There is no anticipated effect on consumer choice.

Attached Document:

Title 28 OFFICE OF ADMINISTRATIVE HEARINGS

Subtitle 03 FEES

Chapter 01 Fee Assessment and Payment; Waivers

Authority: State Government Article, §§9-1604, 10-206, and 10-215, Annotated Code of Maryland

.06 Waiver of Fees.

A. (text unchanged)

B. Requests for Fee Waivers Based on Indigence.

(1) Indigent persons may apply for a fee waiver by including with their request for a hearing or request for a subpoena:

(a) Documentation that they are receiving public assistance listed in Regulation .01B of this chapter; or

- (b) [a]An appropriate affidavit *of indigence* [and] *with* supporting documentation [with their:
 - (a) Request for a hearing; or
 - (b) Request for a subpoena].
- (2)—(4) (text unchanged)
- C. (text unchanged)