



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: February 26, 2016

Re: **Synopses of Regulations received from 2/12/2016 through 2/25/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/catz

cc: Victoria Gruber
Alexandra Hughes

Elections, State Board of

Proposed Regulation

DLS Control No. 16-014

Board of Elections:

Administration of Public Financing Act:

Eligibility Requirements and Procedures: COMAR 33.14.02.04

According to the board, the purpose of this action is to clarify the deadlines for submission of the notice of intent to seek public financing and the seed money certification in the general election.

Proposed Regulations

DLS Control No. 16-015

Board of Elections:

Disclosure by Persons doing Public Business:

Definitions: COMAR 33.20.01.01

Statement of Contributions Requirements: COMAR 33.20.02.02, .03

Affidavit of Limited Applicable Contribution: COMAR 33.20.04.02

Contributions: COMAR 33.20.06.01, .02

Waivers: COMAR 33.20.07.02

Penalties: COMAR 33.20.08.01

Retention: COMAR 33.20.09.01

According to the board, the purpose of this action is to establish an automatic waiver for initial reports if the person has filed the required information in prior reports; establishes deadlines for filing a registration and an initial report and codifies the documents that must be retained by the person doing public business. Finally, the proposed regulations codify past practices and prior advice rendered by State Ethics Commission and the Office of the Attorney General regarding the determination of attributed contributions. Additionally, the proposed regulations provide specific practical applications on actions by officers, directors and partners that may constitute suggesting a contribution or donation to a political committee.

The following changes to Subtitle 20 reflect the legislative changes and past practices:

- changes the terms on the Statement of Contribution to include applicable contributions, independent expenditure entities and the exemptions (.02);
- requires the names of governmental entities that the person has contract with as a required content for the Affidavit of Limited Applicable Contributions (.04);
- clarifies and codifies the determination of attributed contributions (.06);
- establishes notice requirements and codifies past practices regarding notice to officers of subsidiaries (.06);

- establishes automatic waiver for initial statement of contributions (.07); and
- details the documents that must be retained by the person doing public business (.09).

Proposed Regulations

DLS Control No. 16-016

Board of Elections:

Disclosure by Persons Employing A Lobbyist:

Statement of Contributions: COMAR 33.21.01.01, .02, .03

Penalties: COMAR 33.21.02.01

Electronic Signature Requirements: COMAR 33.21.03.01, .02

According to the board, the purpose of this action is to establish the deadline to a person to register with the State Board in order to file a Statement of Contributions. Furthermore, the proposed regulations codifies the required contents of the statement of contributions, when a final report is due, and the penalties for late filings. Finally, the proposed regulations require an electronic signature on all submissions.

Agriculture, Department of

Proposed Regulation

DLS Control No. 16-022

Department of Agriculture:

Maryland Agricultural Land Preservation Foundation:

Renewable Energy Generation Facilities Approval for a Farm Subject to an Agricultural Land Preservation Easement: COMAR 15.15.14.01-.13

According to the department, the purpose of this action is to explain the Maryland Agricultural Land Preservation Foundation's requirements for approving renewable energy generation facilities on farms subject to an agricultural land preservation easement.

Proposed Regulation

DLS Control No. 16-023

Department of Agriculture:

Office of the Secretary:

Procedural Regulations: COMAR 15.01.01.03

According to the department, the purpose of this action is to establish an administrative review process by the Secretary of Agriculture, available to an aggrieved person in a contested case.

Proposed Regulation

DLS Control No. 16-024

Department of Agriculture:

Board of Review:

Board of Review Procedure: COMAR 15.02.01.01-08

According to the department, the purpose of this action is to repeal regulations of the Board of Review of the Department of Agriculture made obsolete by Chapter 171, Laws of Maryland 2013, repealing the Board of Review.

Health and Mental Hygiene, Department of

Proposed Regulations

DLS Control No. 16-018

Department of Health and Mental Hygiene:

Maryland Health Care Commission:

Health Information Exchanges: Privacy and Security of Protected Health Informations: COMAR 10.25.18.01, .02, .03, .05, .06, .07, .08, .09, .10 and .11

According to the department, the purpose of this action is to amend the regulations that govern the operation of Health Information Exchanges (HIEs) in Maryland. HIEs provide the capability for appropriately authorized and authenticated health care providers to securely exchange electronic protected health information (PHI). HIEs can help improve health care quality, prevent medical errors, and reduce health care costs by delivering essential information to the health care provider at the time and place of care. These amendments are designed to enhance the privacy and security of PHI that is obtained or released through an HIE for secondary use. The amendments also include additional enhancements that, among other things, allow for emergency access by authorized health care providers to PHI through an HIE under certain circumstances. These regulations are aimed at maintaining the privacy and security of electronic health information exchanged through HIEs operating in Maryland.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 16-017

Maryland Insurance Administration:

Long-Term Care:

Long-Term Care Partnership: COMAR 31.14.03.05

According to the administration, the purpose of this action is to reduce the minimum inflation protection benefit that is required to be purchased by an applicant who is younger than 61 years of age in order for the policy to meet the requirements of a long-term care partnership policy. Under these amended regulations, an individual who is younger than 61 years of age is

required to purchase an inflation protection of at least 1% compounded annually, reduced from the prior requirement of at least 3% compounded annually. This will reduce the premium for a long-term care partnership policy for individuals under the age of 61 and will permit more individuals to purchase a long-term care partnership policy.

Proposed Regulation

DLS Control No. 16-019

Maryland Insurance Administration:

Assets, Liabilities, Reserves, and Investments of Insurers:

Investments of Life Insurers and Property and Casualty Insurers in High Yield/High Risk: COMAR 31.05.06.02

According to the administration, the purpose of this action is to make a technical change consistent with the Maryland Insurance Administration's Evaluation Report for COMAR 31.05.06. Specifically, this amendment corrects a statutory cross-reference in Regulation .02B(5).

Proposed Regulations

DLS Control No. 16-020

Maryland Insurance Administration:

Insurers:

Examination of Insurers: COMAR 31.04.01.01, .03

Conflict of Interests: COMAR 31.04.06.00, .01

Filing of Forms for Approval: COMAR 31.04.17.00, .03

Filing of Forms Under File and Use Method: COMAR 31.04.19.02, .05

Title Insurers: COMAR 31.04.22.04

According to the administration, the purpose of this action is to adopt amendments to COMAR 31.04 Insurers consistent with the Regulatory Review and Evaluation Report for this chapter as follows (1) Technical amendments to Regulations .01 and .03 under COMAR 31.04.01 Examination of Insurers are being proposed to change the term "accepted reinsurer" to "accredited reinsurer," and to change the term "accepted fronting reinsurer" to "fronting reinsurer," consistent with statute. Additionally, an inaccurate cross reference is being corrected; (2) Technical amendments to the enabling authority under COMAR 31.04.06 Conflict of Interests are being proposed, and technical amendments to Regulation .01 under this chapter are being made to make the language consistent with the National Association of Insurance Commissioners' current Annual Statement; (3) Technical amendments to the enabling authority under COMAR 31.04.17 Filing of Forms for Approval are being proposed, and a new Section O is being added under Regulation .03 of this chapter to formally require annuities contracts and certificates that are subject to Maryland's nonforfeiture laws to file a mathematical outline, consistent with current regulatory practices; (4) Technical amendments are being proposed to Regulations .02 and .05 under 31.04.19 Filing of Forms Under File and Use Method to correct an inaccurate cross-reference, and to change the term "stop-loss insurance" to "medical stop-loss insurance," consistent with cross-references used in this definition. "Individual health benefit plans" are also being added to the list of health insurance applications that may not be filed under the file and use method in Regulation .05B of this chapter;

and (5) Technical amendments are being proposed to Regulation .04 under COMAR 31.04.22.04 Title Insurers to correct inaccurate cross-references.

Education, State Board of

Proposed Regulations

DLS Control No. 16-021

State Board of Education:

Home Instruction:

General Regulations: COMAR 13A.10.01.01, .03 and .05

According to the board, the purpose of this action is to provide flexibility in instructor and location of instruction for home schooled students. This is a reproposal of substantively different text as printed in the Md. Register, Volume 42, Issue 23, November 13, 2015.