



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:** George H. Butler, Jr., AELR Committee Counsel  
Kathryn H. Selle, AELR Committee Counsel  
Nathan W. McCurdy, AELR Committee Counsel

**Date:** November 1, 2019

**Re:** **Synopses of Regulations received from 10/18/2019 through 10/31/2019**

---

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) 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.

/cr

cc: Jake Weissmann  
Alexandra M. Hughes

**Assessments and Taxation, Department of**

**Proposed Regulations**

**DLS Control No. 19-205**

**Department of Assessments and Taxation:**

**Ground Rents Redemption:**

**Redemption:** COMAR 18.15.01.02 and 06

According to the department, the purpose of this action is to require an affidavit from ground lease tenants proving good faith efforts to investigate and discover the identity of ground lease landlords when attempting to redeem a ground rent and to relieve a government or subdivision of a government of the burden of paying redemption amounts by certified check.

**Transportation, Department of**

**Proposed Regulations**

**DLS Control No. 19-201**

**Department of Transportation:**

**Motor Vehicle Administration – Administrative Procedures:**

**Access to Public Motor Vehicle Administration Records:**

COMAR 11.11.09.01, .02, .04, and .06

**Motor Vehicle Administration – Licensing of Businesses and Occupations:**

**Public Information:** COMAR 11.12.05.01 through .06

**Motor Vehicle Administration – Vehicle Equipment: Ignition Interlock Systems:**

COMAR 11.13.10.03

**Motor Vehicle Administration Vehicle Registration:**

**Electronic Transmission of Titling and Registration Information:**

COMAR 11.15.31.11, .12, .16, and .17

According to the department, the purpose of this action is to update obsolete and outdated authority and references.

**Maryland Center for School Safety**

**Proposed Regulation**

**DLS Control No. 19-195**

**Independent Agencies:**

**Maryland Center for School Safety:**

**Meetings:** COMAR 14.39.01.01 through .06

According to the agency, the purpose of this action is to set forth the procedures for attendance and participation in open meetings of the Subcabinet and Advisory Board of the Maryland Center for School Safety.

**Proposed Regulation**

**DLS Control No. 19-196**

**Independent Agencies:**

**Maryland Center for School Safety:**

**Critical, Life-Threatening Incidents:** COMAR 14.39.05.01 through .04

According to the agency, the purpose of this action is to define critical, life-threatening incident and the process for reporting as required by Education Article § 7-1510(g) Annotated Code of Maryland.

**Proposed Regulation**

**DLS Control No. 19-197**

**Independent Agencies:**

**Maryland Center for School Safety:**

**Certification and Training for School Security Employees and School Resource Officers:** COMAR 14.39.04.01 through .03

According to the agency, the purpose of this action is to define school security employees as set forth at Maryland Annotated Code, Education Article § 7-1501(k) and specify the mandatory training requirements for school resource officers and school security employees working in Maryland's public schools.

**Proposed Regulation**

**DLS Control No. 19-198**

**Independent Agencies:**

**Maryland Center for School Safety:**

**Correction or Amendment of Public Records:** COMAR 14.39.03.01 through .11

According to the agency, the purpose of this action is to set procedures under which a person in interest may request the correction or amendment of public records of the Maryland Center for School Safety.

**Proposed Regulations**

**DLS Control No. 19-199**

**Independent Agencies:**

**Maryland Center for School Safety:**

**Inspection of and Copying of Public Records:** COMAR 14.39.02.01 through .10

**Inspection of and Copying of Public Records:** COMAR 14.39.02.11 through .16

According to the agency, the purpose of this action is to set forth procedures for the disclosure, inspection, or copying of public records maintained by the Maryland Center for School Safety.

**Proposed Regulation**

**DLS Control No. 19-200**

**Independent Agencies:**

**Workers' Compensation Commission:**

**Individual Employer Self-Insurer:** COMAR 14.09.13.07

According to the commission, the purpose of this action is to authorize the commission, in the performance of its role regulating the self-insurance program, to require more complete documentation of insurance risks for applicants for self-insurance and periodically thereafter.

**Proposed Regulation**

**DLS Control No. 19-202**

**Independent Agencies:**

**Workers' Compensation Commission:**

**Guide of Medical and Surgical Fees:** COMAR 14.09.08.01

According to the commission, the purpose of this action is to update an outdated code reference.

**Proposed Regulation**

**DLS Control No. 19-203**

**Independent Agencies:**

**Workers' Compensation Commission:**

**Responsibilities of Insurers:** COMAR 14.09.12.02

According to the commission, the purpose of this action is to eliminate the requirement that notices of cancellation contain an employer's full, unredacted social security number where (1) the full, unredacted social security number is unnecessary to fulfill the purposes of the notice and (2) providing the full, unredacted social security number in a mailing needlessly exposes an employer's personal financial information to the potential for misuse.

**Proposed Regulation**

**DLS Control No. 19-204**

**Independent Agencies:**

**Workers' Compensation Commission:**

**Guide of Medical and Surgical Fees:** COMAR 14.09.08.02

According to the commission, the purpose of this action is to emphasize and to make accessible that portion of the "Official Maryland Workers' Compensation Medical Fee Guide" (1995) (already incorporated by reference through operation of 14.09.08.02A) which provides that

the rates for hospital services set by the Health Services Cost Review Commission prevail over any other rates for the same services set by the commission.

### **Maryland Department of Health**

#### **Emergency/Proposed Regulations**

**DLS Control No. 19-210**

**Maryland Department of Health:**

**Hospitals:**

**Acute General Hospitals and Special Hospitals: COMAR 10.07.01.06**

According to the department, the purpose of this emergency action is to revise COMAR 10.07.01.06 to allow limited flexibility in the licensure of off-campus hospital-operated services if those services are determined by the Health Services Cost Review Commission to be allowable under the hospital rate setting system.

This emergency action is being requested due to recent hospital closures and changes in the hospital health care delivery systems which have demonstrated the need for the department to have additional authority for oversight of some off-campus hospital sites under a hospital's license. This expansion in regulatory authority was enabled by SB1350 during the 2016 legislative session.

#### **Proposed Regulation**

**DLS Control No. 19-211**

**Maryland Department of Health:**

**Board of Chiropractic Examiners:**

**Dry Needling: COMAR 10.43.16.01 through .05**

According to the department, the purpose of this action is to establish:

- guidelines for the provision of dry needling as an intervention performed by chiropractors; and
- the minimum education and training requirements for chiropractors to perform dry needling.

#### **Proposed Regulations**

**DLS Control No. 19-212**

**Maryland Department of Health:**

**Food: Production, Processing, Transportation, Storage, and Distribution of Grade A Milk: COMAR 10.15.06.02, .03, and .16**

**Pilot Farmstead Cheese Program: COMAR 10.15.08.03**

According to the department, the purpose of this action is to:

- update the Grade “A” Pasteurized Milk Ordinance incorporated by reference in 10.15.06.03 and 10.15.08.03 to reflect the most recent version of this document from 2017;
- revise the requirements for toilet facilities on milk plants in 10.15.06.16 to be consistent with requirements under 10.15.09.18; and
- add a definition for “on-farm processor” to 10.15.06.02.

### **Labor, Maryland Department of**

#### **Proposed Regulations**

#### **DLS Control No. 19-207**

#### **Maryland Department of Labor:**

#### **Division of Labor and Industry:**

**Elevator, Escalator, and Chairlift Safety:** COMAR 09.12.81.01 and .02

**Safety Requirements for Personnel Hoists:** COMAR 09.12.83.01

According to the department, the purpose of this action is to adopt through incorporation by reference ASME A17.8/CSA B44.8 Standard for wind turbine tower elevators, which was previously a chapter of the incorporated by reference ANSI A17.1, Safety Code for Elevators and Escalators. This action also amends the incorporated by reference of ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts to include the updated versions 2008, 2011, and 2014. Finally, this action adopts through incorporation by reference the Elevator section of the National Electric Code, which is currently referenced through A17.1 and A18.1; this action merely adopts the relevant electric code related to elevators directly to avoid confusion.

#### **Proposed Regulations**

#### **DLS Control No. 19-208**

#### **Maryland Department of Labor:**

#### **Division of Labor and Industry:**

**Wage and Hour Law:** COMAR 09.12.41.19 and .20

According to the department, the purpose of this action is to adopt regulations to require restaurant employers who utilize a tip credit to provide employees with a written or electronic wage statement. This action is to address the requirements of Chs. 10 and 11 (HB 166 and SB 280) of 2019, which amended the Wage and Hour Law to require the Commissioner to adopt regulations requiring restaurant employers of certain tipped employees to receive a wage statement that shows the effective hourly rate of pay.

### **Insurance Administration, Maryland**

#### **Proposed Regulation**

**DLS Control No. 19-209**

**Maryland Insurance Administration:**

**Health Insurance – General:**

**Private Review Agents: COMAR 31.10.21.02-1**

According to the administration, the purpose of this action is to amend COMAR 31.10.21.2-1 to remove the Uniform Treatment Plan Form from regulation, and allow the Maryland Insurance Administration to update the Uniform Treatment Plan Form to require certain carriers, providers, and private review agents to use the most recent treatment criteria developed by the American Society of Addiction Medicine for addictive, substance-related, and co-occurring conditions for all medical necessity and utilization management determinations for substance use disorder benefits.

### **Education, State Board of**

#### **Proposed Regulation**

**DLS Control No. 19-206**

**State Board of Education:**

**School Personnel:**

**Programs for Professionally Certified Personnel: COMAR 13A.07.06.01 through .15**

According to the board, the purpose of this action is to increase accountability of educator preparation programs in accordance with the Maryland State Department of Education's comprehensive plan and the recommendations of the Commission on Innovation and Educational Excellence.

### **Retirement and Pension System, State**

#### **Proposed Regulation**

**DLS Control No. 19-194**

**State Retirement and Pension System:**

**General Regulations:**

**Member Services Unit – Telephone Recording or Monitoring: COMAR 22.01.13.02**

According to the State Retirement Agency, since COMAR 22.01.13.02 was originally adopted, new functionality has been added to the telephone system in the Member Services Unit for the State Retirement Agency. Specifically, callers who access the Automated Call Distribution System ("ACDS") have a new option for how their calls will be handled. This new option is called virtual hold callback.

Virtual hold callback provides the customer with the ability to control their experience when they call the Agency and a Retirement Benefits Specialist is not immediately available to take their call. If a customer does not wish to remain on the phone while holding for the next available Specialist, they may request that the ACDS automatically call them back.

The change to this regulation clarifies that that in addition to incoming calls to the ACDS, these callbacks from the ACDS are also being recorded and monitored.