



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 15, 2019

Re: **Synopses of Regulations received from 11/1/2019 through 11/14/2019**

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

Elections, State Board of

Proposed Regulations

DLS Control No. 19-231

Board of Elections:

Definitions; General Provisions:

Definitions: COMAR 33.01.01.01

Violations: Public Notice: COMAR 33.19.02.01

Processing New Registrants and Address Changes: COMAR 33.19.04.02

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

- bring the regulations into line with recent statutory enactments, specifically Chapter 755 of 2019, which added Election Law Article, §3-306, and Chapter 825 of 2017, which amended Election Law Article, §3-305;
- update the definition of a “pre-qualified voter” to include someone eligible to vote on election day;
- update the required information to be included on a pre-election mailing to pre-qualified voters;
- clarify the requirements for an election judge to issue a regular ballot when a registered voter attempts to change their address during early voting; and
- remove the requirement for an election judge to determine a voter’s proof of residency when a registered voter attempts to change their address during early voting.

Department of Human Services

Proposed Regulation

DLS Control No. 19-217

Department of Human Services:

Child Support Administration:

Voluntary Paternity Acknowledgement Program: COMAR 07.07.13.01 through .04

According to the department, the purpose of this action is to correct current regulations to provide that a child conceived by means of assisted reproduction is considered the legal child of both the individual who gave birth to the child and the party who did not give birth to the child, as required by the passage of HB0519.

Public Safety and Correctional Services, Department of

Proposed Regulation

DLS Control No. 19-220

Department of Public Safety and Correctional Services:

Police Training Commission:

Special Weapons and Tactical Response Operations:

COMAR 12.04.08.01 through .08

According to the department, the purpose of this action is to comply with the requirements set forth in Chapter 803 of 2017 by developing standards for training and deployment of SWAT teams and of law enforcement officers who are not members of a SWAT team who conduct no-knock warrant service in the State based on best practices in the State and nationwide. The new chapter proposes to define “Special Tactical Response” which means a team of police officers, with advanced tactical training, formed to provide planned strategic responses to resolve critical incidents that may exceed the capabilities of traditional law enforcement responders and investigative unit personnel. This broader definition includes Strategic Weapons and Tactics (SWAT) teams while also requiring training for other police officers that may serve no-knock warrants. The proposed chapter also establishes special tactical response purpose, procedures, minimum training standards for tactical team members; along with no-knock warrant service purpose, procedures, minimum training standards, and deployment.

Environment, Department of the

Proposed Regulations

DLS Control No. 19-227

Department of the Environment:

Air Quality:

Clean Air Interstate Rule: COMAR 26.11.28.01 and .02

According to the department, the purpose of this action is to propose new Regulations .01 - .02 under new Chapter COMAR 26.11.28 – “Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions”. This new chapter will incorporate by reference EPA’s Cross-State Air Pollution Rule (CSAPR) and CSAPR Update. This action will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan (SIP).

Transportation, Department of

Proposed Regulations

DLS Control No. 19-216

Department of Transportation:

State Highway Administration:

Permits for Oversize and Overweight Vehicles: COMAR 11.04.01.02 and .13

Heavy Weight Port Corridor Permit: COMAR 11.04.17.01 through .12

According to the department, the purpose of this proposed action is to create the Heavy Weight Port Corridor Permit program.

Maryland Department of Health

Proposed Regulation

DLS Control No. 19-213

Maryland Department of Health:

Medical Care Programs:

Specialty Mental Health Services: COMAR 10.09.59.04

According to the department, the purpose of this action is to bring regulations into compliance with recent legislation. In order to comply with HB 570 (2019), the department is removing the on-site requirement for (Outpatient Mental Health Center) OMHC medical directors. In accordance with SB 524 (2019), the department is providing that any health care service provided via telehealth by psychiatric nurse practitioners serving in an Assertive Community Treatment or mobile treatment program is equivalent to the same service when provided through an in-person consultation and extending the sunset date through which ACT or mobile treatment services may be delivered via telehealth to September 30, 2021.

Proposed Regulations

DLS Control No. 19-221

Maryland Department of Health:

Medical Care Programs:

1915(i) Intensive Behavioral Health Services for Children, Youth, and Families:

COMAR 10.09.89.03 and .09 through .12

According to the department, the purpose of this action is to implement a 3.5% rate increase in accordance with the Fiscal Year 2020 State budget, effective July 1, 2019. Additionally, this action increases the financial eligibility limit from 150% Federal Poverty Line (FPL) to 300% FPL, according to conditions set by CMS for the department's 1915(i) waiver renewal.

Labor, Maryland Department of

Proposed Regulations

DLS Control No. 19-218

Maryland Department of Labor:

Racing Commission:

Harness Racing: COMAR 09.10.02.25

Harness Racing: COMAR 09.10.02.53

According to the department, the purpose of this action is to amend COMAR 09.10.02.25 to permit horses with commonality of ownership be allowed to race as separate betting interests in special events at the harness tracks with the approval of the Judges. In addition, this action amends COMAR 09.10.02.53 to permit a stallion to be moved from its registered location during breeding season to another location in the State for the purposes of collecting semen, return the same day to its registered location and report the movement to the Standardbred Race Fund Administer.

Proposed Regulations

DLS Control No. 19-219

Maryland Department of Labor:

Racing Commission:

Thoroughbred Rules: COMAR 09.10.01.20 and .28

According to the department, the purpose of this action is to amend COMAR 09.10.01.20 to allow the identification of a thoroughbred horse by a digital microchip and amend COMAR 09.10.01.28 to require a licensed owner to order the transfer of a horses medical records if the horse is sold, transferred, or claimed within 7 days.

Proposed Regulation

DLS Control No. 19-222

Maryland Department of Labor:

Racing Commission:

Prohibited Acts: COMAR 09.10.03.01

According to the department, the purpose of this action is to define what documents are to be included in a horses medical record.

Proposed Regulations

DLS Control No. 19-223

Maryland Department of Labor:

Board of Cosmetologists:

Schools: COMAR 09.22.03.02 and .07

According to the department, the purpose of this action is to allow all service animals, not just “seeing eye dogs”, to be present in facilities licensed by the Board of Cosmetologists. The

existing regulation was in direct conflict with the Americans with Disabilities Act and was causing confusion within the industry.

Proposed Regulations
DLS Control No. 19-224
Maryland Department of Labor:
Board of Cosmetologists:
Beauty Salons: COMAR 09.22.02.03 and .07

According to the department, the purpose of this action is to allow all service animals, not just “seeing eye dogs”, to be present in facilities licensed by the Board of Cosmetologists. The existing regulation was in direct conflict with the Americans with Disabilities Act and was causing confusion within the industry.

Proposed Regulation
DLS Control No. 19-225
Maryland Department of Labor:
Board of Cosmetologists:
General Regulations: COMAR 09.22.01.15

According to the department, the purpose of this action is to allow all service animals, not just “seeing eye dogs”, to be present in facilities licensed by the Board of Cosmetologists. The existing regulation was in direct conflict with the Americans with Disabilities Act and was causing confusion within the industry.

Proposed Regulation
DLS Control No. 19-228
Maryland Department of Labor:
Real Estate Commission:
Residential Property Disclosure/Disclaimer Statement: COMAR 09.11.07.01

According to the department, the purpose of this action is to comply with the requirement in § 10-702 of the Real Property Article that the commission develop by regulation a standardized form that includes residential property condition disclosure and disclaimer statements that a vendor of single family residential real property must complete and deliver to each purchaser.

Insurance Administration, Maryland

Proposed Regulations
DLS Control No. 19-229
Maryland Insurance Administration:
Life Insurance and Annuities:
Charitable Gift Annuities: COMAR 31.09.07.02 and .03

According to the administration, the purpose of this action is to amend Regulations .02 and .03 under COMAR 31.09.07 (Charitable Gift Annuities). Specifically, the regulations will be amended regarding the annual requirement that charitable organizations provide evidence of sufficient reserves covering outstanding gift annuities by clarifying that supplemental reserve schedules to the audited financial statement can be verified by an independent certified public accountant or a qualified actuary.

Education, State Board of

Proposed Regulations

DLS Control No. 19-214

State Board of Education:

Certification:

General Provisions: COMAR 13A.12.01.01 through .06

Teachers: COMAR 13A.12.02.01 through .07

Specialists: COMAR 13A.12.03.01 through .05

Administrators and Supervisors: COMAR 13A.12.04.01 through .15

Suspensions and Revocations: COMAR 13A.12.05.01 through .15

Disciplinary Actions and Denials: COMAR 13A.12.06.01 through .08

Professional Standards and Teacher Education Board:

COMAR 13A.12.07.01 through .08

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

Proposed Regulation

DLS Control No. 19-215

State Board of Education:

Special Instructional Programs:

State-Aided Educational Institutions: COMAR 13A.05.13.01 through .06

According to the board, the purpose of this action is to establish requirements pertaining to the State-Aided Educational Institutions program.

Proposed Regulation

DLS Control No. 19-226

State Board of Education:

School Personnel:

State Board of Education Teacher Member Election:

COMAR 13A.07.13.01 through .07

According to the board, the purpose of this action is to establish the process for holding an election to select the teacher member of the State Board of Education.